

THE HIGH COURT OF MADHYA PRADESH
WP 13544-2020
(Ashish Pratap Singh Vs. State of M.P. & ors.)

Gwalior Dt. 09.10.2020

Shri Veer Singh Sisodiay & Shri Suresh Agarwal, learned counsel for the petitioner.

Shri Ankur Mody, learned Additional Advocate General for the respondent/State.

Shri Sanjay Dwivedi, Shri Raju Sharma and Shri V.D. Sharma, learned counsel as *Amicus Curiae*.

Learned counsel for the rival parties are heard through video conferencing.

Petitioner has filed IA 5562/20 for impleading Union of India and Election Commission of India as party, IA 5563/20, for taking certain documents on record, IA 6066/20 seeking interim relief and IA 6084/20 for direction to take penal action against political leaders and members of political parties and executive authorities who have allegedly failed to ensure following of Covid-19 protocol.

After due consideration IA 5562/20 and 5563/20 are allowed for reasons mentioned therein.

Petitioner is directed to file a fresh amended petition showing Union of India and Election Commission of India as party latest by Monday i.e. 12.09.2020.

Petitioner is also directed to supply an advance copy of the petition to the standing counsel of the Union of India Shri Vivek Khedkar and the standing counsel of Election Commission of India.

As regards IA 6066/20 and 6084/20, learned Additional Advocate General Shri Mody is directed to seek instructions and make his submissions.

Petitioner has pointed out in the said IA with the aid of certain photographs that on 4th, 5th and 6th of October, 2020, congregations of much more than 100 persons took place in Gwalior and Datia without following Covid-19 protocol where several political and State functionaries were present witnessing blatant violation of Covid-19 protocol and the order passed by this Court on 03.10.2020 in the present petition.

Amicus Curiae (Shri Sanjay Dwivedi, Shri Raju Sharma and Shri V.D. Sharma) did not dispute the aforesaid revelation made by the petitioner the said IA.

The ongoing process of by-election to various legislative assembly constituencies in and around the district of Gwalior is the primary cause of congregations and widespread breach of Covid-19 protocol (the restrictions and precautions laid down and published by Central Government, State Government and District Magistrates from time to time).

It is informed that in the recent decision taken on 05.10.2020 by the Central Government and on 08.10.2020 by the State Government the capping of maximum 100 persons in a congregation in non-containment zone has now been relaxed prescribing no maximum limit.

Since the cure to Covid-19 has not yet been invented and with no possibility of the said cure becoming available to the common man in the near future, it is of utmost importance that the precautions and restrictions laid down in Covid-19 protocol are strictly followed. Congregation of persons have potentiality of giving rise to the number of infected people by Covid-19. The world is opening up as no one can stay indoors for very long, but compliance of Covid-19 protocol becomes all the more necessary when one starts moving outdoors more often. The law enforcement agencies are required to ensure that the Covid-19 protocol is followed to the hilt and no one howsoever big, is allowed to go scotfree without being subjected to the rigours of penal provision on the occasion of breach of Covid-19 protocol.

Learned Additional Advocate General Shri Mody is directed to answer the following questions:-

- (i) Whether any FIR was lodged against any of the political and State functionaries on whose behalf and

behest and in whose presence the aforesaid congregations took place, and if not then why ?

(ii) Whether the direction contained in operative Para (E) of the order dated 03.10.2020 of this Court passed in the present petition was complied with or not ?

List on Monday i.e. 12th October, 2020.

**(Sheel Nagu)
Judge**

**(Rajeev Kumar Shrivastava)
Judge**

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