

H.C. ARORA

ADVOCATE

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PUNJAB & HARYANA HIGH COURT

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Dated: 18.5.2020

To,

Chief Secretary, Government of Punjab,

Punjab Civil Secretariat, Chandigarh.

Subject:- Demand Notice for strict implementation of guideline No.7 of the MHA Guidelines – regarding protection of vulnerable persons (from Corona virus) before filing PIL.

Through E-mail

Sir,

You are well aware, that in the previous guidelines also, and now in the latest guidelines issued on 17.5.2020, there is a provision to the following effect for protection of vulnerable persons (from Corona virus):-

“7. Protection of vulnerable persons

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for essential and health purposes.”

However, it is a matter of shock and disbelief that the authorities in Punjab (District Magistrates) are directing all the employees, including the lady employees to attend their offices/schools, and while issuing such directions, they are not sparing the vulnerable persons, namely, (i) the pregnant ladies as well as the persons with co-morbidities, and also ladies with children of less than 10 years of age). Thus, the provisions contained in guideline No.7, issued by the MHA are being violated with impunity, thereby exposing the aforesaid vulnerable section of employees (both female and male) to the risk of corona virus.

You may kindly appreciate that once the children below the age of 10 years are under direction (from MHA) to stay at home, such children require the attendance/attention of at least one parent, and that being so, the female employees having a child below the age of 10 years, deserve to be directed to stay at home, instead of joining the office for official duties.

I am enclosing herewith a copy of a letter dated 14.5.2020 addressed by the Deputy Commission Gurdaspur to District Education Officer at Gurdaspur which envisages the school teachers to attend duties, without exempting the vulnerable persons mentioned in guideline No.7, issued by the MHA.

I am also enclosing herewith a letter dated 14.5.2020 issued by District Education Officer (Secondary Education) Patiala, to Principals/Headmasters of the Schools to come present in the schools for distribution of books amongst the Government Schools, as well as Government Aided Schools. No exception has been made for vulnerable persons as mentioned in the guideline No.7 of the MHA guidelines.

It hardly needs be mentioned that guidelines have been issued by the Ministry of Home Affairs, Government of India, based upon the directions issued by National Disaster Management Authority (NDMA) in exercise of powers under Section 6 (2) (i) of the Disaster Management Act, 2005. The aforesaid guidelines/such directions are strictly binding on all the State Governments/Union Territories in India

I would therefore, call upon you to immediately issue directions to all the District Magistrates, as well as the Administrator Secretaries of all the Departments of Punjab Government to issue further directions to all Heads of the Departments/offices, for exempting the pregnant ladies and employees (female as well as male) having children below the age of 10 years or those suffering from blood pressure/diabetes/heart problem/cancer etc, from attending duties during the period the aforesaid guidelines issued by the MHA remain in force.

Needless to state that if I do not receive a positive response from you, within a period of two or three days, in that event, I shall be left with no other alternative except to file a Public Interest Litigation (PIL) in the Hon'ble High Court of Punjab and Haryana at Chandigarh for seeking the redressal of my aforesaid legitimate grievances, in public interest.

Meanwhile, please acknowledge receipt.

Yours sincerely,

(H.C. ARORA)

ADVOCATE

&

SOCIAL ACTIVIST