MAYANG LAMBAM CHANU NANDINI
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IN THE HIGH COURT OF MANIPUR AT IMPHAL

PIL No. 15 of 2020

1. Shri R.K. Joysana Singh, aged about 66 years S/o (Late) R.K. Sanatomba Singh of Moirangkhom Sougaijam Leirak, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

2. Achom Rainbow Meitei, aged about 23 years, S/o Achom Tejkumar Meitei of Wagkhei Yonglan Leirak,P.O. & P.S. Porompat, Imphal East District, Manipur – 795001.

... *Petitioners*

-Versus-

1. The State of Manipur represented by the Chief Secretary, Government of Manipur office at Secretariat, South Block, Babupara, PO & PS Imphal, Imphal West District, Manipur – 795001.

2. The Director General of Police, Manipur, PHQ, Babupara, PO & PS Imphal West District, Manipur – 795001.

3. The Deputy Commissioner, Imphal East, P.O. & P.S. Porompat, Imphal East District, Manipur – 795001.

4. The Deputy Commissioner, Imphal West, PO & PS Lamphel, Imphal West District, Manipr.

5. The Deputy Commissioner, Bishnupur, PO & PS Bishnupur, Bishnupur District, Manipur.

6. The Deputy Commissioner, Thoubal, PO & PS Thoubal, Thoubal District, Manipur.

7. The Superintendent of Police, Imphal East, PO & PS Porompat, Imphal East District, Manipur – 795001.

8. The Superintendent of Police, Bishnupur, PO & PS Bishnupur, Bishnupur District, Manipur.

9. The Superintendent of Police, Thoubal, PO & PS Thoubal, Thoubal District, Manipur.

10. The State Executive Committee of the State Disaster Management Authority represented by the Chairperson, State Executive Committee office at Secretariat South Block, PO & PS Imphal, Imphal West District, Manipur – 795001.

... Respondents

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner	:	Mr. Juno Rahman, Advocate
For the respondents	:	Mr. N. Kumarjit, Advocate General
Date of hearing & order	:	20.08.2020

O R D E R

[A.B., J.]

[1] Heard Mr. Juno Rahman, learned counsel appearing for the petitioners and Mr. N. Kumarjit, learned Advocate General appearing for the respondents.

[2] In the present PIL, the petitioners have alleged that during the lockdown imposed by the Government to control the pandemic of Covid-19 in the State of Manipur, the Police personnel are harassing the innocent citizens by imposing undue fine without limit or imposing unreasonable fine in the name of violating the Lockdown Rules/Norms. It has also been alleged that the police personnel exercise their powers by threatening and harassing the people, who are alleged to be violators of the Lockdown Rules by extorting money from these people, for their personal gain in a highly improper, arbitrary and misuse of power without following procedures established by law.

[3] It has been submitted that in the newspaper clippings and also as notified by the Police Department, huge amount of money have been collected from the lockdown violators as fine amounting to lakhs of rupees. However, it is not ascertained as to how such huge amount of money

collected from the citizens have been utilised thereby creating a doubt in the mind of people of this State. The petitioners also raised allegations that the Police personnel who are posted at Imphal East, Imphal West, Thoubal and Bishnupur Districts misused their power. They imposed fine without following procedures established by law thereby, harassing the general public. It has also been alleged that the Police personnel arbitrarily and excessively exercised their power by threatening the innocent citizens and imposing fine on the pretext of enforcing the lockdown in a highly illegal and arbitrary exercise of power without following the procedure laid down in the relevant laws.

[4] In the backdrop of such allegations, the petitioners have filed this present PIL praying for granting the following reliefs :

> (i) To admit the present Public Interest Litigation and issue Rule nisi calling upon the respondents to show cause as to why a Writ in the nature of Mandamus/Certiorari or any other appropriate Writ/Order/direction directing the respondents to implement/execute/follow the provisions of Disaster Management Act, 2005 and the Epidemic Disease Act 1897 while imposing the fine and other mode of punishment in its true letter and spirit immediately.
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> (ii) To issue an appropriate Writ/Order/direction thereby putting a proper check and balance to the rampant imposition of fines in the State of Manipur for violation of Lockdown directions so that the fundamental rights of the citizens are not violated in their attempts to collect the maximum amount of fines and also that the relevant provisions of the Disaster Management Act, 2005 and Epidemic Diseases Act, 1897 are not violated while enforcing the said laws.
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> (iii) To issue a writ/order/direction directing the respondents to give a proper account of the amounts collected in the form of fines being imposed upon the alleged violators of lockdown and for what purpose the said amount has been utilised.
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> (iv) To issue an appropriate Writ/order/direction directing the respondents to return the fines collected from the innocent citizens residing in the State of Manipur so collected by the Manipur Police personnel in the shadow of violation of Lockdown norms of Covid-19 as the huge amount collected by the Police Personnel are without any authority.
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> (v) To pass any other appropriate writ/order/direction as the Hon'ble Court may deem fit in the present facts and circumstances of the cases.
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> IN THE INTERIM, pending disposal of the present Public Interest Litigation, Your Lordship may be gracious enough to direct the respondents to put a proper check and balance to the rampant imposition of fines/collection of

fines in the State of Manipur by Police Personnel for violation of Lockdown directions so that the fundamental rights of the citizens are not violated in their attempts to collect the maximum amount of fines, improperly, arbitrarily, unreasonably and execute the relevant provisions of the Disaster Management Act, 2005 and the Epidemic Disease Act, 1897 are not violated.

[5] Mr. N. Kumarjit, learned Advocate General submitted that after the outbreak of Covid-19 pandemic, the State Government had taken up special measures to protect the people from the disease. In this regard, the Health Department, Government of Manipur framed a Regulation called "The Manipur Epidemic Disease, Covid-19 Regulation 2020" to prevent the outbreak of the said disease and from spread thereof. The said regulation was notified in the Manipur Gazette on 13th March, 2020. Some of the criteria, contained in the said Regulation are, inter alia, as under :

(i) Authorised persons for implementing the Regulation.
(ii) Screening Corner/Centre for suspected cases of Covid-19 in the State of Manipur.
(iii) Recording of travel history of the persons with confirmed or suspected cases of Covid – 19.
(iv) Regarding period to be kept in Quarantine Centre.
(v) Penalty provisions, etc.

[6] It has also been submitted that subsequent to the issuance of the aforesaid Regulation, the authorities under the State Government have also issued from time to time Lockdown Guidelines/SOP in combating the pandemic for the safety of the people who are residing in the State. Apart from that, the concerned District Magistrate has also issued orders under Section 144 Cr.P.C. prohibiting the people from going outside their residence for their safety.

[7] The learned Advocate General further submitted that Police Department is taking up various steps for strict enforcement/implementation of the Orders/Guidelines issued by the Government in combating this spread

of Covid-19 in the State of Manipur with the aim and object of saving valuable lives of the people of Manipur from the pandemic of Covid-19.

[8] The learned Advocate General also submitted that the lockdown violators were produced before the District Magistrate concerned for further course of action as per the relevant provisions of the Disaster Manager Act, 2005 and that no fine has been collected by the Police Personnel from any person who violated the curfew/lockdown guidelines. However, it has been submitted that there are instances of imposing and collection of fine or fees from the drivers / occupants of the vehicles who violates traffic rules under the Motor Vehicles Act as authorised by the Notification No. 12/1/2017-T(MV) dated 07.09.2019 issued by the Transport Department, Government of Manipur.

[9] It has also been submitted on behalf of the respondents that in view of the increasing cases of the Covid-19 in the State of Manipur, the Home Department, Government of Manipur further framed a Regulation called “The Manipur Epidemic Diseases (Enforcement of Covid-19 Guidelines) Regulation, 2020” for regulating the implementation of the Guidelines and Regulations issued in connection with the Covid-19 pandemic. The said Regulation was notified in the Manipur Gazette on 25th July, 2020. Under the said Regulation, the authorised persons / authority, penalties and prosecution for regulating and implementing the Guidelines and Restrictions in connection with the Covid-19 pandemic are as under :

> “CHAPTER II
> AUTHORISED PERSONS/AUTHORITY
>
> **Authorised persons/authority :**
> (1) The following authorities are notified as the authorised persons/authority for the purpose of implementation of these regulations.
> (a) Deputy Commissioner/ District Magistrate.

(b) Superintendent of Police
(c) Additional Deputy Commissioner/Additional District Magistrate
(d) Additional Superintendent of Police
(e) Sub-Divisional Officer/sub-Divisional Magistrate
(f) Sub-divisional Police officer
(g) Inspector of Police
(h) Revenue Inspector
(i) Sub-Inspector of Police
(j) Assistant Sub-Inspector of Police

CHAPTER III
PENALTIES

Penalties :-

(1) Any person violating the guidelines and restrictions issued by the Manipur State Disaster Management Authority and the State Government in connection with Covid-19 pandemic shall be liable to be imposed the following penalties :

Sl. No.	Nature of offence	Penalty
(a)	Violation of Quarantine guidelines	Rs. 1,000 on each occasion
(b)	Failure of wear mask in public places	Rs. 200
(c)	Failure to maintain social distancing in public places	Rs. 200
(d)	Splitting in public places	Rs. 500
(e)	Consumption of paan (kwa), gutka and tobacco in public places	Rs. 200
(f)	Gathering in excess of authorised number of persons on ceremonies	Rs. 10,000
(g)	Any other violation of guidelines	Rs. 1,000

(2) The authorized persons/authorities shall maintain proper accounts of penalties collected and the accumulated penalty amount will be deposited through Treasury Challan to the Receipt Head of Account '0055-Police,00-,105-Receipt of State Head Quarter Police".

(3) The authorized persons/authorities shall issue a receipt in the form of T.R. – 5 to the penalized person in the acknowledgement of receipt of penalties.

CHAPER IV
PROSECUTION

5. Prosecution under 188 of IPC :-

(1) In case any person fails to pay the penalty on the spot, such persons shall be liable for prosecution under Section 188 of IPC and the authorized police officer shall take congnizance of the offence on his own receipt of any complaint from the authorised person/authority.

[10] The above Regulation dated 25.07.2020 clearly notifies the following :

(a) Authorised persons / authority for the purpose of implementation of the Guidelines / Restrictions in connection with the Covid – 19 pandemic include various personnel of Manipur Police;

(b) The nature of offence and penalty/fine to be imposed. The procedure for collecting the fine and for maintaining proper account of penalty collected and also the procedure for depositing the accumulated penalty amount;

(c) In case any person fails to pay the penalty on the spot, the procedure for taking cognizance of the offence for prosecution of offenders under Section 188 of IPC.

[11] In view of the various Regulations issued by the Government specially "The Manipur Epidemic Diseases (Enforcement of Covid-19 Guidelines) Regulations, 2020 dated 25.07.2020, we are of the considered view that the apprehension and anxiety raised by the petitioners in the present PIL have been adequately taken care of by the Government and we are of the view that there is no requirement of keeping this PIL pending. Accordingly, the present PIL is closed.

[12] We are, however, of the view that there is urgent requirement of creating Virtual Courts to be manned by Judicial Magistrates First Class (JMFC) to deal with petty traffic violation cases, illegal parking, etc. under the provisions of the Motor Vehicles Act and also to provide E-Challan Gateways so that the involvement of police officials in collection of traffic fines can be

avoided. We accordingly, direct the State respondents to create such Virtual Courts and provide E-Challan Gateways at the earliest.

A copy of this order be issued to the Registrar General, High Court of Manipur to take up appropriate action in the administrative side.

JUDGE **CHIEF JUSTICE**

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