

From

Secretary (I/C)
Department of Disaster Management
Government of Uttarakhand
Sachivalay
Dehradun

To

1. Additional Chief Secretaries/ Secretaries, Government of Uttarakhand
2. DG, Police, Uttarakhand
3. Secretaries/ Secretaries (I/C), Government of Uttarakhand
4. Commissioner Kumaun and Garhwal
5. All District Magistrates, Uttarakhand

USDMA

Dehradun 19 Nov., 2020

Subject: Regarding exercise of power vested in DM Act, 2005 for Compliance of Judgment of Hon'ble Supreme Court released on dated 5/11/2020.

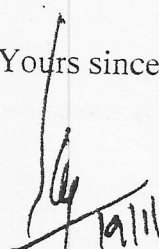
Sir,

Reference Order No. Z-21020/159/2020-PH, MoHFW, Public Health Division GoI, dated 12th November, 2020, regarding spraying of disinfectants using various modalities on individuals (**Letter enclosed**).

The Supreme Court through his verdict on dated 5/11/2020 directed that state government shall ensure that usages of disinfectants on human being involving spraying or fumigation or any other modalities shall not be done.

Therefore you are requested to ensure implementation of the verdict of Hon'ble Supreme Court by all concerned, violation of which will be treated as an offence under the DM Act, 2005 and action will be taken accordingly against defaulting individual (s)/ institution(s)/ authority (ies).

Yours sincerely


19/11/2020
(S.A. Mufugesan, IAS)

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No. Z-21020-159/2020-PH
Government of India
Ministry of Health & Family Welfare
Public Health Division

Nirman Bhawan, New Delhi
Dated: 12th November 2020

ORDER

Whereas, guidelines on disinfection of common public places including offices and advisory against spraying of disinfectant on human beings towards COVID-19 management in the country were issued by the Ministry of Health & Family Welfare;

2. Whereas, a Writ Petition (C) No. 560 of 2020 was filed in the Hon'ble Supreme Court of India seeking direction to forthwith ban on spraying of all kinds of disinfectants on human beings using any modality including disinfectant tunnels exposing human beings to ultraviolet rays for the purposes disinfecting them as a measure towards Covid-19 management;

3. Whereas, as per directions of Hon'ble Supreme Court in the above writ Petition, this Ministry vide O.M. No. Z-21020-159/2020-PH dated 23/09/2020, wrote to all the State/UT governments that spraying of individuals with disinfectants using various modalities is not recommended and direct to ensure that such practices are not implemented in the States/UTs;

4. Whereas, the Hon'ble Supreme Court in the Judgment dated 05.11.2020, has ordered the Ministry of Health & Family Welfare (i) to consider and issue necessary direction in exercise of powers vested in it under Disaster Management Act, 2005 regarding ban/ regulation on the use of disinfection tunnels involving spraying or fumigation of chemical/ organic disinfectants on human beings, or (ii) exposure of human beings to artificial ultraviolet rays;

5. Now, therefore, in pursuant to the aforementioned order of the Hon'ble Supreme Court in W.P.(C) No. 560 of 2020 and in exercise of powers delegated under Section 10(2) of the Disaster Management Act, 2005 vide Ministry of Home Affairs Order No. 40-2/2020-DM-1(A) dated 11.09.2020, the matter has been considered and it is hereby directed that the States and Union Territory Administration shall ensure that usage of disinfectants on human beings involving spraying or fumigation or any other modality shall not be done. The matter of usage of artificial ultraviolet rays is being deliberated & after due deliberations appropriate directions will be issued.

6. The Chief Secretary of the States/UTs should ensure compliance of this order by all concerned, violation of which will be treated as an offence under the Disaster Management Act read with the Indian Penal Code, and action taken accordingly against defaulting individuals/institutions/authorities.

(Signature)
Secretary (H&FW)

(Rajesh Bhushan)
Secretary (H&FW)

(Signature)
13.11.20
सचिव
उत्तराखण्ड शासन
देहरादून

AS/DM

Chief Secretary of all States/UTs

- copy to :-
- a. Solicitor General of India
- b. Registrar, Supreme Court

17/11/20