

ORDER

(UNDER SECTION 144 OF CRIMINAL PROCEDURE CODE-1973)

WHEREAS based on the declaration issued by World Health Organization on 11/03/2020 characterizing the outbreak of COVID-19 a global pandemic and the subsequent notifications issued by Government of India and Government of Maharashtra, under the Epidemic Diseases Act, 1897, and the Disaster Management Act, 2005, it is apprehended that there is **likelihood of spread of the COVID-19 virus through gatherings of persons in public or private areas** and that there is grave danger to human life, health or safety due to the same. The undersigned in the capacity of Executive Magistrate is fully satisfied that there are sufficient reasons / grounds for passing prohibitory orders under section 144 of criminal Procedure Code (CrPC) -1973 to ensure that there is no danger to human life, health or safety.

2. WHEREAS Mumbai City continues to be threatened with the spread of COVID-19, it is considered expedient to issue **prohibitory order for restricting any presence or movement of one or more persons in public places or gathering of any sort anywhere, including religious places** to prevent further spread of the COVID-19 virus in the areas under the control of Commissioner of Police, Greater Mumbai.

3. WHEREAS, Muharram is going to be observed by members of the Muslim community in Mumbai city on 30/08/2020 and in pursuance of **Government of Maharashtra Order No. RLP-0820/ Circular No. 127/SB 1B dated:19/08/2020** regarding observance of Muharram keeping the spread of COVID-19 in consideration and the order of Hon'ble High Court, Mumbai, in **Writ Petition (ST) No. 350 of 2020 filed by All India Idara-Tahafuz-E-Hussainiyat vs State of Maharashtra & Others dated:28/08/2020**, pertaining to observance of Muharram rituals in the State of Maharashtra this year, In a representative capacity for and on behalf of the entire Shia community residing in the State, there will be only one Taziya, in Mumbai City, in the entire State and that appropriate orders shall be issued under s. 144 of the Code of Criminal Procedure by the Mumbai Police to impose necessary restrictions over the gathering of people at appropriate places.

4. THEREFORE I, **Shahaji Umap, Dy. Commissioner of Police (Operations)**, Greater Mumbai and Executive Magistrate, vide powers conferred upon me u./sec 144 of the Criminal Procedure Code 1973 (Act II of 1974) r/w the Commissioner of Police Greater Mumbai's Order dated 23/12/1959 u/s 10 sub section (2) of the Maharashtra Police Act 1951 (Mah. Act XXII of 1951), with a view to prevent danger to human life, health of safety and in accordance with the instructions of the Hon'ble High Court of Bombay, do hereby, promulgate an order under section 144 Cr.PC, in the areas under the control of Commissioner of Police, Greater Mumbai, **prohibiting any presence or movement of five or more persons in public places or gathering of any sort anywhere, including religious places subject to the conditions given below:**

- i. In a Representative capacity for and on behalf of the entire Shia community residing in the State, there will be only one Taziya, which will be carried from Zainabia (Bhendi Bazar) Mumbai to Byculla, Mazgaon, Shia Cemetery, situated at Mumbai, in the entire State. No other Taziya other than the one mentioned hereinabove, will be carried anywhere in the city.
- ii. The aforesaid one Taziya will be carried / transported from Zainabia (Bhendi Bazar) Mumbai to Byculla Mazgaon, Shia Cemetery, situated at Mumbai, via J.J. Hospital, Prince Ali Khan Hospital, Sales Tax office circle in a truck i.e. transport vehicle large enough to accommodate it. There will not be any procession as such, for carrying the said one Taziya, in the aforesaid manner.
- iii. In no case whatsoever, any congregation of people at any point from the beginning till the end of the said journey of aforesaid one Taziya will be allowed.
- iv. The aforesaid one Taziya will be carried along strictly aforesaid one route.
- v. The aforesaid one Taziya will be carried along the aforesaid route on Sunday 30th August, 2020 from 4.30 p.m. to 5.30 p.m.
- vi. Not more than five persons will carry the aforesaid one Taziya on truck, as aforesaid along with one Videographer. However, after taking the aforesaid one Taziya down near the graveyard, it will be carried on foot, for a distance of more than hundred meters. The names, age and addresses of these five persons will be submitted with the office of the Commissioner of Police, Mumbai by 5.00 p.m. on 29th August, 2020.
- vii. The Petitioner and all its members will strictly abide by the rest of the guidelines issued by the Home Department, State of Maharashtra, regarding Muhurrum- 2020, dated 19th August, 2020, a copy of which is annexed to the above Writ Peition as Exhibit - 'A'.

5. This order shall come into force, in the areas under the control of Commissioner of Police, Greater Mumbai, with effect **from 00.01 hours on 30/08/2020 and ending at 24.00 hours on 30/08/2020 unless** withdrawn earlier.

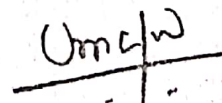
6. Any person contravening this order shall be punishable under section 188 of the Indian Penal Code.

7. As the notice cannot be served individually on all concerned, the order is hereby passed **ex-parte**. It shall be published for the information of public, through press, or by affixing copies on the Notice Boards of the police stations, Divisional ACsP, Zonal DCsP.

Given under my hand and seal this on 29<sup>th</sup> day of the August, 2020 at Mumbai.

Office of the  
Commissioner of Police,  
Greater Mumbai.



  
(Shahaji Umap)  
Dy. Commissioner of Police Operations)  
and Executive Magistrate.  
Greater Mumbai.