Vehicle as a Public Space

Why in news?

The Delhi government told the Delhi High Court that a personal vehicle on a public road cannot be said to be a private zone — rather, it is a public space.

What was the argument?

- The argument was given by the state to defend its decision of making it compulsory to wear masks when people are travelling in vehicles.
- This was a response given to a lawyer's plea who challenged the imposition of Rs 500 fine for not wearing a mask when he was travelling in his vehicle.
- The petitioner has sought compensation of Rs 10 lakh for the alleged mental harassment.

What is the guideline regarding the wearing of masks in Delhi?

- Due to the spread of Covid-19, the Delhi Disaster Management Authority (DDMA) ordered in a larger public interest that it is essential that a person must wear a mask in any public place.
- The order went on explicitly state that any person moving around in his personal and official vehicle must be wearing these masks compulsorily.
- Under the Delhi Epidemic Diseases (Management of COVID-19) Regulations, 2020, if the DDMA's directives or guidelines are violated, 'Authorized Persons' can impose,
    a. A fine of Rs 500 for the first violation, and
    b. A fine of Rs 1,000 for repeated violations.

Why has the petitioner sought Rs 10 lakh compensation?

- The lawyer was challaned by police for not wearing a mask in his car.
- He argued that his vehicle is a private zone, he was travelling alone and, said that the central government has not issued any such guidelines.
- Delhi government referred to the Supreme Court (SC) judgment in 'Satvinder Singh Vs. State of Bihar' to defend its directive on wearing masks in vehicles.

What is the Satvinder Singh case?

- The SC was hearing an appeal by four people from Jharkhand, who while travelling in a vehicle in 2016, when subjected to a breath analyser test, were found to have consumed alcohol.
- A case was registered against them under the Bihar Excise (Amendment) Act, 2016.
- This Act provides for penalty against whoever "consumes liquor in a public place or an unauthorized place".
- The four people were arrested and remained in custody for two days.
- They approached the Patna High Court with a plea to set aside the order passed by a Chief Judicial Magistrate taking cognizance of their case.
- After the HC dismissed the plea, they approached the Supreme Court.
- Their main argument before the SC was that the vehicle in which they were travelling could not be said to be a "public place" under the Bihar Excise (Amendment) Act, 2016.
- The Bihar government argued that the vehicle had been intercepted on a public road, and Section 53(a) of the Act was fully applicable.

What did SC say regarding definition of 'public space' in this case?

- It ruled that the Bihar Excise (Amendment) Act, 2016 defines a "public place" to mean any place to which the public has access, whether as a matter of right or not.
- It includes all places visited by the general public, and also includes any open space.
- The court noted that when private vehicle is passing through a public road it cannot be accepted that public have no access.
- It is true that public may not have access to private vehicle as matter of right but definitely public have opportunity to approach the private vehicle while it is on the public road.
- The court dismissed the argument that a vehicle is not covered by the definition of "public place" as given in the law amended in 2016 by Bihar.

Source: Indian Express

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