

**IN THE HIGH COURT OF KARNATAKA AT  
BANGALORE**

**(Original Jurisdiction)**

W.P. NO. 6435/2019 (PIL)

**BETWEEN :**

MOHAMED ARIF JAMEEL,  
And another

**... PETITIONER**

**AND**

UNION OF INDIA,  
And others

**... RESPONDENTS**

**M E M O**

**Filed on behalf of Karnataka State Legal Services  
Authority**

The undersigned begs to submit the following steps taken by Karnataka State Legal Services Authority in respect of the victims of Covid-19 pandemic, inspection of Covid Hospitals, and General observations regarding.

**I. STEPS TAKEN BY KSLSA**

(1) As per Sec. 12(e) of Legal Services Authorities Act, 1987 the Victims of disasters are also eligible for Free Legal Services.

The disasters may be man-made or natural, but in both cases the disaster victims are subjected to face the grim situation of loss of life, becoming homeless, mental agony and damage behind the coping capacity of the person. NALSA has formulated several schemes for the upliftment and benefit of marginalized sections of society. In respect of victims of disaster, NALSA (Legal Services to disaster victims through Legal Services Authorities) Scheme, 2010 has been formulated.

(2) COVID-19 pandemic is also a disaster which has struck the universe. It was essential for KSLSA to cater to the grim situation of the victims of COVID-19 disaster. As per the resolution of the meeting dated: 28.07.2020 chaired by Hon'ble Sri. Justice Aravind Kumar, Judge High Court of Karnataka and Executive Chairman, KSLSA it was resolved to constitute a "State Level Monitoring Committee" headed by Hon'ble Sri. Justice A. N. Venugopala Gowda, Former Judge, High Court of Karnataka for conducting inspection, collecting information from the District/Taluka's, hearing grievances from the public and to prepare an action plan to be taken up by KSLSA for effective implementation of the Schemes during COVID-19 period. Sri. V. P. Baliger, Former IAS Officer and Sri. S. T. Ramesh, Former IPS

Officer were added as members of the committee. Since, Hon'ble Sri. Justice K. N. Keshavanarayana, Former Judge, High Court of Karnataka is designated to guide KSLSA in the implementation of NALSA (Legal Services to disaster victims through Legal Services Authorities) Scheme, 2010, his lordship is also included as an additional member of the committee. During the first wave of COVID-19 pandemic period the committee convened several meetings and suggested various steps for preventing the spread of infection. Some of the valuable steps taken and recommendations made by the committee are listed below:-

- The Legal Services Authorities in the District and Taluk Level were directed to conduct continuous COVID-19 awareness programme and every judicial Officer was required to chose one or two areas to create awareness atleast twice in a week, when the court is not functional.
- The District Legal Services Authorities and Taluk Legal Services Committees were directed to visit rehabilitation centers (Kalaji Kendra) in flood effected areas and distribute free masks and sanitizers by creating awareness about COVID-19. They are also directed to monitor the distribution of relief materials provided by the District Administration to such centers.
- The District Legal Services Authorities and Taluk Legal Services Committees were directed to ensure that the

benefit of all the Government Schemes reaches the real victims under Disaster Management Act.

- The State Government was requested to hold press briefing atleast twice in a week by the Department of Health and Family Welfare, so that general public are kept aware regarding the COVID-19 issues.
- The Government of Karnataka was requested to issue circular requesting print/electronic media/TV channels to publish news and/or telecast COVID-19 awareness programme and Government Schemes at different time slots on daily basis.
- The State Government was requested to take steps for free distribution of face masks to public.
- The State Government was requested to create task force at all institutions, Government or Private, even at village level on the model of task forces in Resident Welfare Association.
- The State Government was requested not only to provide relief package under COVID-19 to the affected citizens, but also to connect them with the existing governmental Schemes to provide proper relief. (The copy of Resolution dated 22.10.2020 is enclosed herewith as **Annexure-A**)

(3) Off late, the State of Karnataka has witnessed a steep rise in the COVID-19 cases. As such once again the "State Level Monitoring Committee" has felt it appropriate to work for the

betterment of victims of COVID-19 disaster. On 19.04.2021 virtual meeting of the committee was held and inputs were collected from the officials of Health and Family Welfare Services as well as State Disaster Management Authority. On 20.04.2021 at 6.30 pm and again on 22-04-2021 at 3.00 p.m. two other virtual meetings of the Committee was held by focusing how BBMP should augment the resources and by providing constructive suggestions. The copy of the meeting resolutions dated 19-04-2021, 20-04-2021 and 22-04-2021 are enclosed herewith as **Annexures-B to D.**

Some of the recommendations made by the Committee are enlisted below:

- Need for testing and vaccinating migrant groups at the earliest.
- The under trial prisoners in the Jail also must be tested and vaccinated.
- Media briefing atleast twice in a week should be undertaken by the concerned Departments either through its Ministers or through the responsible officials.
- The State Government to take sufficient steps to remove the panic created by the social media in the minds of people. In the media briefing, even the fake news must be properly rebutted.

- The efforts put in by the Government Authority in combating Covid-19, especially with regard to the availability of hospital beds, oxygen supply etc., being properly made known to the general public.
- Apart from issuing SOP/guidelines, efforts should be made to briefly publicize its gist through bullet-point etc., in English as well as vernacular language for easy understanding by general public.
- BBMP should raise citizen volunteers either from NGOs, Government Departments or private entities such as Residential Welfare Associations etc., in combating Covid-19 cases.
- Steps should be taken to provide social security to those classes of people who will be affected by the restrictions imposed.
- Steps should be taken to encourage conducting RT-PCR test by the Government Laboratories or private hospitals at Door steps of people on reasonable cost fixed by the Government to avoid congregation in the fever clinics for testing purpose.
- Government to take steps for creating make shift crematoriums and give proper instructions to the Hospitals to co-ordinate with Nodal officers of the Crematoriums. Even private burial and cremations of Covid infected persons should be allowed with intimation to the authorities.

- During the election counting process scheduled to be held on 2nd day of May, 2021 or any other date in the future, steps should be taken to strictly follow Covid-19 protocol in the counting place or during victory procession. If any persons are found slugging Covid-19 protocol, then concerned Deputy Commissioner, Assistant Commissioner or Superintendent of Police, Dy.S.P., as the case may be must be held responsible.

(4) On 26.04.2021, the Committee convened another meeting of all the Chairpersons and Member Secretaries of DLSAs. In that meeting the DLSAs are sensitized to approach the Covid situation. Apart from this, Karnataka State Legal Services Authority has been issuing regular directions to all DLSAs for creating awareness to fight COVID-19 as well as to support the Vaccination drive. The letter issued by KSLSA is enclosed as **Annexure-E**. Further as per the directions of Hon'ble Chairman of the State Level Monitoring Committee, all the DLSA's are directed to co-ordinate with Bar Associations and District Administration to help the victims of COVID-19 disaster and their family members. The letter issued by KSLSA is enclosed as **Annexure-F**. In pursuant to these letters, already DLSA's have taken concrete steps in creating awareness amongst public and helping the families of COVID patients. Even during the time of

lock-down support and assistance to District Administration will be provided by all DLSA's throughout the State of Karnataka.

## **II.VISITS TO COVID HOSPITALS**

- (1) As per the resolution dated 22-04-2021 it was decided that the members of the Committee should inspect few Hospitals so as to findout the problems faced by the victims of Covid-19 diaster at the ground level. By taking necessary precautions, randomly 3 hospitals of Bengaluru are inspected by the Hon'ble Chairman of the Committee.
- (2) Under the initiative of Hon'ble Sri Justice A.N. Venugopala Gowda, Chairman of 'State Level Monitoring Committee' on 24-04-2021 from 11.00 a.m. to 1.30 p.m. inspection of Covid Hospitals nearby Jayanagara area is undertaken. Hon'ble Chairman of the Committee along with Member Secretary and Public Relation Officer of Karnataka State Legal Services Authority visited 1) Appollo Specialty Hospital 2) Government General Hospital and 3) Sagar Hospital of Jayanagar area. All the said hospitals were undertaking Covid treatment and nodal officers were deputed in this regard by the Government.



- a) **Inspection report of Apollo Specialty Hospital** – Upon the visit it is realised that 3 officials by name Mr. Ravindra E.E.,PWD, Mr. Ranganath, ACCT and Mr. Jashwanth, PSI were nominated as nodal officers. Unfortunately all the 3 were absent. Upon calling Mr. Ravindra, he informed that he is having fever and as such he has not attended work. Other two nodal officers did not respond. Duty Doctor by name Mr. Govindaiah Yathish informed Hon'ble Chairman that out of 90 beds, the hospital has allotted only 20 beds so far for covid treatment. It is informed that the hospital is facing acute shortage in oxygen supply. It is further informed that the nodal officers are not addressing hospitals problem in attending covid patients.
- b) **Inspection report of Jayanagara General Hospital** – This hospital is monitored by department of Health and Family Welfare Services. Nodal officer Dr. Sudha and Medical superintendent Dr. Ramakrishnappa informed that they have entered into MOU with 'Linde' Liquid oxygen supplier and every alternative day oxygen is supplied to this hospital. This hospital provides treatment to total 135 covid patients and 80 non-covid patients. Apart from acute

oxygen supply, it is informed that they are facing manpower problem as frequently their doctors and staff nurse turn covid positive.

- c) **Inspection report of Sagar Hospitals** – This hospital has two branches. One at Jayanagra and another at Kumaraswamy Layout. It is informed that 50% BBMP quota of beds of both branches are made available only at the Kumaraswamy Layout branch. Here again the nodal officer Sri Ravindra was absent. Upon interaction with Dr. Mahendra Kumar and Dr. Jayaprakash, it is informed that the supply of 'Remdesivir' medicine from the department of Drug Control is always short of requirement. It is informed that during first wave of COVID, this problem was not there. Regarding oxygen supply it is opined by them that suppliers are giving importance to home supply. Hence there is shortage at Kumaraswamy layout branch.

The photos of the visit are enclosed herewith as **Annexure-G**. On the visit, the hospital authorities were directed to submit their representation to the concerned department to ensure proper supply of oxygen, with a copy to KSLSA. The

email correspondence made in this regard is enclosed as **Annexure-H and I.**

### **III. GENERAL OBSERVATIONS AND RECOMMENDATIONS OF KSLSA:**

- i) **Displaying of real time Data :** The State Government may be directed to install “display boards” to display real time Data in all Hospitals and Government Websites, with regard to availability of beds, stock of medical oxygen, life saving drugs such as Remdisivir, cost of such drugs etc.
- ii) **Need for better coordination between stakeholders:**  
It is observed by the Committee that there is lack of coordination between the stakeholders departments viz., BBMP, Health and Family Welfare Services and Police Department in combating COVID-19 especially in Bengaluru. It is desirable that the concerned departments to form coordination Committees at different levels to properly face Covid situation in Bengaluru. There should be regular inspection of the ground situation by the higher officials of the said stakeholders departments.

- iii) **Issue of Nodal Officers:** Although nodal officer are appointed from government service, they are neither provided proper training nor they are made accountable. During the visits by KSLSA absence of nodal officers at the spot disclosed the grey area of handling COVID issue by BBMP. If this nodal officers are not ready to stay back and monitor hospitals, atleast there should be some citizen volunteer who can stay in the hospital and coordinate between nodal officer and the patients. It is the common complaint received from public that after a person is found COVID positive immediately SRF ID is created. But, the authorities are slow in issuing BU ID which is essential to obtain hospitalization. Infact without BU ID the hospitals are denying admission. Accountability of Nodal officer will ensure that critical patients get BU ID in time.
- iv) **Managing human resource :** In the present crisis situation, to solve the problem of shortage of Doctors, Para Medical Staff, it is appropriate to engage the services of retired doctors, fresh MBBS graduates by providing necessary incentives. The Government may increase the

service tenure of health staff who are likely to retire during the Covid period for atleast one year.

- v) **Monitoring home quarantine patients :** It is observed that the lack of proper health monitoring of the patients who are quarantined at home is resulting in their health situation turning critical and it is putting further pressure on the need for hospital beds. Hence, Government should be directed to provide proper mechanism to monitor the Covid patients who are quarantined at home.
- vi) **Strict directions to the private oxygen suppliers and private hospitals :** It is learnt that the private hospitals are preferring patients from Non-Government Quota as they can charge unlimited fees. It is credible learnt that the private hospitals are hiding their actual bed strength. Further the private oxygen suppliers are preferring oxygen supply to home instead of hospitals, due to price factor. It is necessary to issue strict directions to the private oxygen suppliers and hospitals to co-operate with the Government agency in combating Covid-19 wave. It is claimed that in Bellary District of Karnataka 812 tonnes of Oxygen is

generated every day. It would be proper to direct the State Government to create a *green corridor* between Bellary and Bengaluru or such places where there is shortage of Oxygen supply, for emergent receipt of medical oxygen.

- vii) **Proper supply of life saving drugs :** The Government must ensure sufficient supply of 'Remdesivir' and other medicines required to treat Covid-19. During the second wave of Covid-19, the Department of Drug Controllers is vested with the responsibility of supplying the required medicines, to all the hospitals. In fact, the said system was not followed during the first wave and there was no issue with regard to lack of availability of medicines. Perhaps the department which is undertaking supply of 'Remdesivir' must ensure that some technology is used for equitable distribution of the medicines as per the actual requirement of the hospitals.
- viii) **Providing accurate information to public:** In spite of several request of the Committee the Government departments have failed to properly brief to media and keep the public in know-how of the Covid-19 situation. It is

observed that several fake news and government orders are being circulated in the social media leading to chaotic situation. It is desirable that some responsible officials from Government Department or the minister concerned, alone gives media briefing and clears confusions in the minds of public.

- ix) **Providing Social Security to poor sections of the Society:** The lockdown, curfew or any other restrictions would certainly have an adverse impact on the poorer sections of the society. Especially the daily wage earners, coolie workers, middle class people etc., Hence, it is necessary that Government provides food kits, economic packages and social security to such people.
- x) **Providing counselling to the patients and their families:** It is observed that the impact of covid-19 pandemic, on the minds of the patients as well as their families is very harsh. It is necessary to provide tele counseling to patients. Further the general public is also worried due to the present health situation of the country. It is desirable that some reputed counselors or doctors/psychiatrists must provide counseling through TV

interviews etc. This would certainly enhance the morale of general public.

- xi) **Strict action against violation of covid-19 protocol :** It is unfortunate that most of the political leaders were found violating Covid protocols during the recent election campaign. It is necessary that during the election counting process scheduled to be held on 2nd day of May, 2021 or any other date in future, steps should be taken to strictly follow Covid-19 protocol in the counting place or during victory procession atleast for a week or so. If any persons are found violating Covid-19 protocol, then the concerned Deputy Commissioner, Assistant Commissioner or Superintendent of Police, Dy.S.P., as the case may be must be held responsible.
- xii) Last but not the least, the unpreparedness on the part of the Government to face the present second wave of Covid is very much forthcoming. It is found that there is acute shortage of ICU beds in Bengaluru. People are dying majorly due to lack of infrastructural arrangements made by the Government authorities. The BBMP had built



temporary Covid Care Centres during the first wave of COVID. But, at this point of time, it is necessary to create temporary ICU units in the city. The third wave of Covid-19 cannot be ruled out. As such it is necessary for the Government to appropriately prepare for such disasters in future and formulate plans. On 23.04.2021, KSLSA had requested the State Disaster Management Authority to provide copy of "Disaster Management Plan" vide letter. The said copy of the letter is enclosed as **Annexure-J**. Only if the Government has framed adequate Disaster Management Plan, it can face the situation properly. It is humbly submitted that the State Disaster Management Authority may be directed to furnish the same, so that the "State Level Monitoring Committee" can put forward its further constructive suggestions.

Hence, it is humbly prayed this Hon'ble Court to receive this memo on record and pass suitable orders in the interest of justice and equity.

**BANGALORE**  
**DATED: 27.04.2021**

**Member Secretary,  
KSLSA, Bengaluru**