

CJ / BVNJ:

W.P. No.6435/2020 and
connected matters

13.04.2020

ORDER

On 12th April, 2020, an application has been filed by *Know Your Rights Association* in the main petition, being W.P. No.6425 of 2020. We direct the Registry to register it as an interlocutory application and place it on 16th April, 2020.

2. By filing the said application, the attention of the Court is invited to the action taken by Kalaburagi District Administration by issuing an order dated 30th March, 2020 which suggests that organizations which are distributing food to beggars, needy and the homeless, are committing direct violation of the prohibitory order under Section 144 of the Criminal Procedure Code, 1973. Therefore, a prayer is made for modification of the order dated 30th March, 2020 by permitting individuals, voluntary organizations, NGOs, etc. to continue with the work of supplying the food to the underprivileged and poorer sections of the society. The learned Additional Advocate General who is present here, seeks time to respond.

3. *Prima facie*, we are of the opinion that voluntary organizations cannot be prevented from distributing food to the weaker sections of the society so long as they are following the norms of social distancing and taking other precautionary measures. The State Government will consider of issuing necessary directions to the Deputy Commissioner of Kalaburagi District.

4. At this stage, it is pointed out by one of the learned counsel that such action is not confined only to Kalaburagi District, but similar action appears to have been taken by the District Administration at Dharwad as well.

5. Right from our first order, we have been suggesting to the State Government that the activities of NGOs working in the field need to be co-ordinated. The State Government must respond on this by 16th April, 2020. If the State Government is unable to provide a portal where all the NGOs can upload their information, the State must consider of convening meetings at the district level, municipal level, etc. via Video Conferencing for co-ordinating the activities of NGOs. It will be appropriate that

at such meetings, the Chairpersons and Secretaries of the District Legal Service Authorities (DLSAs) are invited to attend.

6. It is pointed out by the learned counsel appearing for Karnataka State Legal Services Authority (for short, "KSLSA") that para-legal volunteers (PLVs) associated with the DLSAs are being issued passes by the Secretaries of the concerned DSLAs. However, the police are not permitting the PLVs to move on the basis of such passes. In fact, there is a report submitted by the Member Secretary of DSLA, Bengaluru Urban, which records that PLVs are carrying out various activities as stated in the said letter. It is stated that at many places in the city of Bengaluru, the police authorities are showing ignorance about the existence of DSLAs. In fact, there are instances where PLVs were abused in filthy language.

7. The reports placed on record show that the State Legal Services Authority and DLSAs are playing a pro-active role throughout the State. Therefore, we direct that on a requisition made by the Chairpersons of the DLSAs to the concerned State officials, requisite number of passes shall be **issued forthwith**

to enable the PLVs to perform the duties which are entrusted to them. The Director General of Police may also consider of issuing necessary guidelines to the police authorities to allow the PLVs to do their work on production of the certificates/passes issued by the DSLAs. The State Government may supply passes by keeping the name of the holder of the pass blank, which shall be filled in by the Secretary of the DSLA with a clear understanding that the passes will be non-transferable and will be returned by the concerned PLVs to the Secretaries of the concerned DSLAs at the end of the day.

8. Smt.V.Manjula, Additional Chief Secretary, Department of Food and Civil Supplies, Government of Karnataka, was present today to enable the Court to consider the issue of food security. The learned Additional Advocate General states that the State Government will place on record its precise policy of providing food kits to migrants, homeless persons, sex workers, etc. who are having shelter and who are not entitled to the benefit of any of the public distribution schemes. Let the policy

be placed on record before the next date of hearing on 16th April, 2020.

9. We have perused the second report submitted by the *Bruhat Bengaluru Mahanagara Palike* (BBMP). We could not go through all the annexures as the same were forwarded today. Our attention is invited to the Circular dated 11th April, 2020 issued by the Government of Karnataka on the subject of opening of shelter homes for migrants, homeless persons, destitutes and those who have been stranded on the streets due to COVID-19 lockdown. It contains several directions to BBMP. A perusal of the second report filed by BBMP will show that the same is not at all satisfactory. Compliance of the directions contained in the Circular dated 11th April, 2020 is not reported in the second report. Considering the fact that nearly 1/3rd of positive cases of COVID-19 reported in the State are from Bengaluru Urban District, compliance by BBMP with the directions issued by the State Government is of utmost importance. We, therefore, suggested to the learned counsel appearing for BBMP to hold a video conference meeting during

the course of the day tomorrow with the members of the Bar who are appearing today through video conference hearing.

10. We are informed that in the last week when a similar meeting was convened at the instance of the Secretary of the Home Department, it yielded positive results. The learned counsel appearing for BBMP has agreed in principle to hold such a meeting. BBMP will file further compliance report by 15th April, 2020 which will deal with the issues raised today during the course of hearing as well as the compliance of the directions issued on 9th April, 2020. BBMP will also set out the compliance with the directions in the Circular dated 11th April, 2020.

11. It will be appropriate if the State Government comes out with a direction for convening meetings with NGOs working in the field at various levels so that their activities can be coordinated. The response of the State Government is expected on the next date. The State will also consider the submission made by the Additional Solicitor General of India on this aspect.

12. In the written submissions filed by the State of Karnataka, it is pointed out that reproduction of a part of the submissions of the State Government made in the order dated 9th April, 2020 was misinterpreted by the media. This Court had directed the State Government to come out with its response on the aspect of preparedness and while dealing with this direction, the State Government responded by pointing out what kind of infrastructure will be required for dealing with 10,000 COVID-19 patients. We clarify that what is stated in the written submissions which is recorded in paragraph 20 of the order dated 9th April, 2020 does not mean that according to the State Government, the number of COVID-19 positive cases will rise to 10,000 by the end of April, 2020.

13. We are dealing with various sensitive issues concerning COVID-19. We make it clear that while reporting our orders, the media and in particular, the electronic media has to be very careful. The media must ensure that no part of the stand taken by the State Government or no part of the orders passed by this Court should be misinterpreted or misquoted. The electronic media must note that if there is no accurate reporting of the

proceedings before the Court, the stand of the State Government and other agencies before the Court and the orders passed by this Court, it may create confusion amongst the citizens and may spread panic. The cause of confusion and panic can be misrepresentation of the orders of this Court by the media. The learned Additional Advocate General also pointed out that even reporting only a part of the proceedings may create such a confusion and panic among the common people. We hope and trust that the media will avoid all this.

14. The State Government has stated that on 10th April, 2020, a Circular has been issued by the Director General and Inspector General of Police for strict implementation of complete ban on religious congregations, as directed by this Court.

15. The State Government has agreed to supplement the submissions regarding food security by the next date and therefore, the submissions which are made in the written submissions dated 13th April, 2020 will be considered on 16th April, 2020. The issue of farmers will also be dealt with on 16th

April, 2020. As regards Rural Distress, the learned counsel representing PUCL has agreed to come out with comprehensive submissions with annexures by 17th April, 2020 so that the same can be dealt with by the Court on 21st April, 2020.

16. The learned counsel for KSLSA pointed out that masks and hand gloves are not available and therefore, the same cannot be provided to PLVs and the Secretaries of DLSAs who are making frequent visits to various places. The submission of the Secretary of KSLSA who is present at the time of today's hearing is that in some of the districts, masks are not available in the market and in some districts, though the same are available, the prices are exorbitant. Therefore, the DLSAs will submit a requisition to the District Health Officer concerned for providing adequate number of masks and hand gloves which can be used by PLVs and judicial officers during site visits. We hope and trust that the requisitions will be acted upon by the State Government at the earliest.

17. The learned counsel appearing for KSLSA pointed out that W.P. No.18628/2019 is pending which deals with the issue of animals. The said writ petition shall be listed along with the matters which are listed today, on the next date of hearing, that is, 16th April, 2020.

18. Another issue is raised by a Union of the *Poura Karmikas* by pointing out that 11 *Poura Karmikas* working in the city of Bengaluru have met with an accident. The learned counsel appearing for BBMP states that the Commissioner of BBMP has passed an order which will be placed on record on the next date. The order provides that BBMP will take care of all the medical expenses for the treatment to the said *Poura Karmikas* and their salary will remain unaffected. He stated that their absence during the period of medical treatment will be treated as leave period. He also states that a decision has been taken in principle to pay compensation to the injured *Poura Karmikas*, but the same may require some time as various procedural aspects will have to be taken care of.

19. In W.P. No.6435 of 2020 and other writ petitions which are on the cause list today, the appearance of the learned counsel, Shri M.N.Kumar, Central Government Counsel, be shown as appearing on behalf of the Central Government.

20. We have already informed the learned Additional Advocate General that there are petitions/applications received dealing with the release of prisoners from the prisons which will be listed on 16th April, 2020.

21. Considering the magnitude of the issues raised in the public interest litigations which are on the cause list, we find that a large number of applications and memos have been filed on record by the members of the Bar raising various issues. It is quite possible that we may have not dealt with all the issues raised in the applications/memos filed by the parties. We permit the members of the Bar to file short submissions addressed to the Registrar (Judicial) in the form of a Memo for setting out the issues which have been raised but have not been dealt with at the time of hearings held so far. This will

help the Court to take up the said issues either on 16th or 21st April, 2020.

22. List these petitions along with W.P. No.18628/2019 on **16th April, 2020 at 11.00 a.m.**

(Sd/-)
CHIEF JUSTICE

(Sd/-)
JUDGE

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