

CJ / BVNJ:
28.04.2020

ORDER

On our request which is recorded in the last order, Dr.Naveen Kumar who represents *National Institute of Mental Health and Neuro Sciences* (for short, "NIMHANS") as also the Deputy Director of Mental Health, NIMHANS, appeared before us via Video Conferencing.

2. Helplines have been set up by NIMHANS which work through Interactive Voice Response System (IVRS). Dr.Naveen Kumar pointed out that about 300 workers are doing counseling through IVRS lines to four categories of people in twenty-one States. The first category is of adolescents, the second is of normal adults, the third is of elderly people and the fourth category is of women affected by domestic violence. He also pointed out that the facility of extensive counseling is being provided to a large number of migrants. In fact, he pointed out that in the State of Karnataka, counseling has been given to

21,000 migrant workers. He states that counseling is extended to those who are quarantined in institutions as well as to those who are in isolation. He states that yesterday, a team of NIMHANS along with a team of BBMP, visited 26 camps in the State and counseling was done to about 900 migrants.

3. It is pointed out that so far, consultation has been provided to about 52,000 people. He states that articles are being regularly published by NIMHANS in *Praja Vani* Kannada newspaper on various issues and very shortly, articles will also be published on the issue of withdrawal symptoms faced by some persons. He states that news bulletins are being published on the website of NIMHANS recording the steps taken by NIMHANS. We must record our appreciation by the service rendered by NIMHANS.

4. Mr.Clifton, the learned counsel appearing for People's Union for Civil Liberties (PUCL) has agreed to place on record the details of the services extended by

NIMHANS. He has a suggestion about extending the services to citizens who are residents of Containment Zones.

5. It will be appropriate if the State Government gives adequate publicity to the various facilities extended by NIMHANS so that a large number of citizens can take benefit of that.

6. We have gone through the written submissions dated 28th April, 2020 filed by the State Government on behalf of the Bruhat Bengaluru Mahanagara Palike (for short 'BBMP'). We have also perused the report submitted by the Chief Marshal.

7. Apart from the several orders passed by this Court, there are two orders operating in the field issued by the State Government and the Commissioner of BBMP. The first order is in the form of a circular dated 11th April, 2020 passed by the Additional Chief Secretary of the Urban Development Department directing the BBMP to

identify migrants in shelters, and migrants and other homeless people on the streets who are without shelter and food. The second order is passed by the Commissioner of BBMP himself on 16th April, 2020 in which there is a direction issued to the Zonal Joint Commissioners to identify the migrants, homeless and other poor people who are on the roads in the City without shelter and food. The Zonal Joint Commissioners were directed to take the help of Marshals.

8. We have perused the reports of the Chief Marshal starting from 17th April, 2020. Firstly, in none of the submissions filed either by BBMP or by the State Government, it is disclosed that any organized and systematic efforts were made after 11th April, 2020 to find out the migrants and other homeless people on the streets. The reports of the Chief Marshal Officer right from 17th April, 2020 to 24th April, 2020 indicate that perhaps the Chief Marshal Officer and in turn, the Marshals, who are 40 in number are not aware of what exactly they are

expected to do. In none of the reports it is stated that any systematic effort is made to take a tour of 198 Wards in the City and to identify the people on the streets who need shelter and food. It is stated that from 10th April, 2020 till 26th April, 2020, 473 people on the streets were identified who have been taken to the Government hostels and 141 persons on the streets which include 106 men, 24 women and 11 children, have refused to move to the Government hostels. In fact, by our order dated 24th April, 2020 we had directed that the Chief Marshal Officer and also the Zonal Joint Commissioners shall submit reports about the steps taken to identify the homeless persons. In fact, the Zonal Joint Commissioners were directed to elaborate on the statement in the 1st sentence of sub-paragraph (vi) of paragraph 10 of the submissions of the State Government dated 20th April, 2020. None of the Zonal Joint Commissioners have filed reports notwithstanding the order dated 24th April, 2020. Even in the submissions made by the State Government, there is no response to

the directions contained in paragraph 7 of the order dated 24th April, 2020.

9. The Zonal Joint Commissioners must comply with the order dated 24th April, 2020 and the BBMP through the State Government shall place on record whether any systematic efforts were made to implement the directions contained in Clause (1) of the directions issued on 11th April, 2020 by the Additional Chief Secretary of the Urban Development Department.

10. We are constrained to observe that notwithstanding the orders passed by this Court from time to time, BBMP has not come forward to report compliance with the directions contained in Clause (1) of the order dated 11th April, 2020 passed by the Additional Chief Secretary of the Urban Development Department. The State Government must take a serious note of this aspect, especially in the light of the fact that the largest number of positive cases have been reported in Bengaluru Urban District. In fact, on the last date, we had requested the

learned Additional Solicitor General of India to invite attention of the Central Government to these failures as far as the City of Bengaluru is concerned. We direct the Zonal Joint Commissioners to file elaborate reports by 4th May, 2020.

11. The Zonal Joint Commissioners will have to state whether the Marshals were made aware of what they are expected to do in the light of the circular dated 11th April, 2020 and the order 16th April, 2020. The State must clarify whether people who are staying on the streets can continue to stay on the streets in the present condition. When we invited the attention of the learned Additional Advocate General to what is stated in paragraph 5 of the written submissions dated 28th April, 2020 filed by the State Government on behalf of the BBMP, he stated that the homeless persons who are on the streets or on footpaths have covered by sheets the places on which they are squatting and that is why in paragraph 5, there is a reference to temporary accommodation.

12. There is already a direction issued by this Court to the Additional Chief Secretary, Urban Development Department to look into the affairs of the BBMP. We expect the Additional Chief Secretary, Urban Development Department to file a detailed report of compliance of the directions issued by himself on 11th April, 2020 to BBMP. Even the said report shall be filed on record on or before 4th May, 2020.

13. We are informed across the Bar that Mysuru District has large number of Covid-19 positive cases. We direct the State Government to place on record the steps taken by the Municipal Corporation at Mysuru.

14. As regards the implementation of sub-rule (8) of Rule 6 of the Karnataka Municipal Corporations (Ward Committee) Rules, 2016, the written submissions filed on record note that on 26th April, 2020, the Disaster Management Cells in each of the Wards across all Zones in Bengaluru have been constituted. Now, the Additional

Chief Secretary of the Urban Development Department will ensure that the directions are issued to the Disaster Management Cells at Ward level to perform certain duties. He will also consider whether these Disaster Management Cells can be involved in locating homeless people on the streets.

15. It is pointed out across the Bar that those persons who are having shelter but do not have ration cards have not received ration kits in terms of the Policy of the State Government which is placed on record in the last written submissions. We request the Members of the Bar to communicate to the learned Additional Government Advocate specific areas or localities where food kits or ration kits have not been delivered. This will enable the Government or BBMP to take necessary action. If any information is available with the Member Secretary of the Karnataka State Legal Services Authority (KSLSA) through the Secretaries of the District Legal Services Authorities

(DLSAs), he shall provide necessary information to the learned Additional Government Advocate.

16. The learned Additional Advocate General states that on the issue of improving the functioning of the Hunger Helplines and on the issue of supply of gas cylinders, which is highlighted in the last order, the State Government will respond by 4th May, 2020. These issues will be considered on 5th May, 2020.

17. There is an application made by the learned Advocate for the BBMP Poura Karmika Sangha inviting the attention of the Court to the Circular dated 24th April, 2020 of the Department of Health and Family Welfare, the Government of Karnataka, containing the Standard Operating Procedures (SOPs) of containment activities. What kind of equipments should be provided to Poura Karmikas working in the Containment Zones have been set out in the SOPs which is narrated in paragraph 7 of the application. As it is the State Government which has specified the equipments which should be provided to

Poura Karmikas working in the containment zones, the State Government shall take immediate steps to supply the equipments mentioned in the SOPs forming part of the Circular dated 24th April, 2020 to Poura Karmikas working across the State in the Containment Zones.

18. A memo is filed by PUCL regarding the threat of eviction to workers in Tubrahalli village in Bengaluru. The memo itself sets out the steps taken by the police to protect the workers in that particular area. Our attention is invited to the Circular dated 11th April, 2020 issued by the Urban Development Department dealing with the said issue in the light of the Orders issued by the Ministry of Home Affairs on 29th March, 2020. The Circular dated 11th April, 2020 is applicable to the limits of the BBMP. The State Government and BBMP shall ensure that the directions in the Circular dated 11th April, 2020 are implemented and protection is given to the workers against the threat of eviction by the landlords as stated in the said Circular.

19. On the issue of rural distress, submissions have been filed by the learned counsel appearing for PUCL in which several issues have been raised and copies of the representations made by various bodies representing the farmers involved in agricultural, horticultural and floricultural operations have been filed on record. There are orders by the Government of India as well as the State Government permitting various operations by the farmers including transport of the produce and sale of the produce. From the submissions and from the documents produced, it appears there are several issues faced by the farmers.

20. The learned Additional Advocate General will take instructions whether any machinery has been set up by the State Government at the grass root level, taluk level and district level in order to address the grievances of the farmers when it comes to the implementation of the guidelines of the Central Government and State Government. The learned Additional Advocate General states that he will respond by 4th May, 2020.

21. The learned counsel appearing for PUCL submits that a forum has to be made available by the State Government so that the representatives of the farmers can agitate the issues which they are facing everyday. After considering the response of the State Government, appropriate directions will be issued by the Court on the next date of hearing, which is 5th May, 2020.

22. On the issue of grant of exemption to the farmers from the payment of toll, the learned Additional Solicitor General of India pointed out that the exemption was in existence till 28th April, 2020. In fact, an e-mail has been received from M/s.Singhania and Partners representing the National Highways Authority of India (NHAI) by the Registrar (Judicial) requesting that they may be permitted to appear at the time of hearing. We permit M/s.Singhania and Partners to appear at the time of hearing of this petition on the next date, that is, 5th May, 2020. The Registry will make available the *Login* and *Password*, etc. to M/s.Singhania and Partners to enable them to participate in the Video Conferencing hearing.

NHAI will have to tell the Court whether any concession can be made available to the farmers so far as the payment of toll is concerned. A copy of this order shall be forwarded by e-mail by the Registry to M/s.Singhania and Partners to enable them to respond.

23. We are informed that the Executive Chairman of KSLSA has addressed a letter to the Chief Secretary of the State Government on 24th April, 2020 requesting the Government to intervene for helping the farmers, especially in the context of payment of toll. The Secretary of KSLSA will forward a copy of the said letter to M/s.Singhania and Partners.

24. Let the matter be listed on 5th May, 2020 at 11.00 a.m. for video conference hearing.

(Sd/-)
CHIEF JUSTICE

(Sd/-)
JUDGE

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RK/-