

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

**WP(C) PIL no. 4/2020
EMG-CM No.04/2020 &
EMG-CM No.06/2020**
(Through Video Conferencing
from Srinagar Wing)

Azra Ismail

.....Petitioner(s)

Through:- Mr. Faisal Qadri, Advocate
(on Video Conference from High Court at
Srinagar.

Mr. Naveed Bukhtiyar, Advocate
(on Voice call from his residence at Garkote,
Uri)

Mr. Ateeb Kanth, Advocate
(On Voice call from his residence at
Srinagar)

Mr. Shuja-ul-haq, Advocate
(On Video Conference from High Court at
Srinagar)

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. B. A. Dar, Sr. AAG
(on Voice Call from his residence at
Srinagar).

Mr. T. M. Shamshi, ASGI
(On Video Conferencing from his residence
at Srinagar)

**WP(C) PIL no. 5/2020
EMG-CM nos. 5, 6, 9-11, 13
15, 22, 26, 27,32,39 & 40/2020**
(Through Video Conferencing
in Jammu)

Court on its Own Motion

Ms. Monika Kohli, Amicus (on Video
Conference from her office at Jammu)

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. Amit Gupta, AAG (on Video Conference from his residence at Jammu) for Govt. of UT of Jammu & Kashmir

Mr. Vishal Sharma, ASGI (on Video Conference from his residence at Jammu) for Union of India.

Mr. S. S. Nanda, Sr. AAG
(On video Conferencing from his residence at Jammu) for JMC.

Mr. Ravinder Gupta, Advocate
(On Video Conferencing from Office of BNSL)
for BSNL.

Mr. Sanjeev Tyagi, Nodal Officer, BSNL
(On Video Conferencing from Office of BNSL)

Mr. Shahzad Azim, Registrar IT (on Video Conferencing from Jammu Wing of High Court)

HON'BLE THE CHIEF JUSTICE

(on Video Conference from High Court at Jammu)

Coram:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

(on Video Conference from High Court at Jammu)

ORDER
03.06.2020

01. Mr. Faisal Qadri who appears for the petitioner in WP(C) PIL no.4/2020 submits that he has not received any of the status reports. A similar grievance is made by Mr. B. A. Dar, Sr. AAG that he has not been furnished any of the reports by the counsels.

02. In this background, we request Mr. Monika Kohli, to kindly e-mail copies of the complete paper book to Mr. Faisal Qadri, learned Amicus as well as Mr. B. A. Dar, Sr. AAG.

III. Ensuring provision of care to dependants/families of healthcare personnel/government personnel/officials engaged in COVID-19 management

03. A status report dated 1st June 2020 has been filed by Mr. Amit Gupta, AAG on behalf of Social Welfare Department. It is heartening to note that extensive steps which have been taken by the Social Welfare Department to facilitate the dependents/families of healthcare personnel/government personnel/officials engaged in COVID-19 management. This report informs us inter alia as follows:

“4. As the Hon’ble Court is already apprised on 26.04.2020 about 5773 numbers of dependents/family members of COVID 19 warriors were contacted, out of which 127 reported grievances and redressals were carried out at the district level. Subsequently additional 8217 calls were made in different districts to dependents/family members, out of which 204 reported grievances of various categories such as need of; medicine, ration, movement passes, personal protection kits (PPK), and transportation. The nodal officers at the district level in coordination with the line departments have been providing all kind of necessary help to redress the grievances made by the dependents/family member of COVID 19 warriors.

S.No.	Nature of Grievance	Number
1.	Ration	26
2.	Medicine	53
3.	Sanitizers	41
4.	Personal Protection Kits	43
5.	Transportation	7
6.	Movement Passes	34
	Total	204

5. *It is also pertinent to inform the Hon’ble court that this is an ongoing process and each day the connection to the relative or the family member of the Covid 19 Warriors is being established and their grievances are being addressed.”*

04. We record our appreciation for the sensitive response of the Department of Social Welfare to the important matter of ensuring care to the dependents/families of healthcare personnel/government personnel/officials who are devoted to COVID-19 management issues.

05. Let a copy of this order be sent to the Secretary, Department of Social Welfare and the Mission Director, ICPS as well.

06. Let the status report on this issue be brought on record by both the Union Territories of Jammu and Kashmir as well as Ladakh before the next date of hearing.

VII. Addressing issues of Safety, Care, Health and Violence against Healthcare Professionals and Clinical Establishments-Need for a legislative framework

07. A Status report dated 27th May 2020 has been filed by the Financial Commissioner, Health and Medical Education Department which is taken on record.

08. We have also received a reply filed by Dr. Nissar-ul-Hassan purportedly to be on behalf of Doctors Association of Kashmir.

09. Mr. Shuja-ul-haq, Advocate submits that he is appearing for the Doctors' Association of Kashmir and stands authorized by Dr. Suhail Naik, the duly elected president of the Association and vehemently disputes the claim made by Dr. Nissar-ul-Hassan that he is the president.

It is not necessary for us to go into this controversy.

10. However, the issue under consideration is an issue of public importance. Therefore, we permit Mr. Ateeb Kanth, Advocate to assist this

court on this issue. It is made clear that permission to Mr. Kanth to make submissions is not a recognition of Dr. Nissar-ul-Hassan as a president of Doctors' Association of Kashmir.

11. The views of the Doctors Association of Kashmir through its President, Dr. Suhail Naik, which have been filed by Mr. Shuja-ul-haq, are taken on record.

12. Inasmuch as these suggestions have been received only yesterday, we have no occasion to go through the same.

13. Given the fact that the Government of India is vitally concerned with the issue under consideration, let all reports on this issue also be made available to Mr. Vishal Sharma, learned ASGI by Ms. Monika Kohli, learned Amicus Curiae.

14. Mr. Vishal Sharma, learned ASGI prays for a short adjournment for ensuring compliance with the last order and to file the information which he was directed to do so.

15. The same shall be positively filed before us before the next date of hearing.

16. Time is sought by Mr. T. M. Shamshi, ASGI to file a report on this issue.

17. Let the same be filed before the next date of hearing.

List on 10th June 2020 at 11.30 A.M.

VIII. Issue of impact of pollen from poplar trees

18. A short adjournment is sought by Mr. Amit Gupta, AAG to file a report in terms of our previous orders in this issue.

19. The same shall be positively filed before this Court before the next date of hearing.

XVII. e-Connectivity of Courts

20. An important issue with regard to the burning of the converter and router installed in the JMIC, Chenani, Udhampur was brought to our notice on 20th May 2020. On that date, Mr. Ravinder Gupta, Id advocate had submitted that this equipment got burnt as the AC main supply was extended directly instead of through UPS by the 'Court authorities'. We had consequently directed Mr. Shahzad Azim, Registrar (IT) to submit a report.

21. Pursuant to our directions, a report dated 2nd June 2020 has been received from Mr. Shahzad Azim, Registrar (IT). Enclosed thereto is a report dated 1st June 2020 from Ms. Amandeep Kour, Munsiff , JMIC stating as follows:

“With reference to your letter no. 684/CPC/J dated 27-05-2020 it is submitted that due to power surge, convertor and router got burnt. As far as direct extension of main AC supply is concerned, the undersigned has been informed that power was routed directly and not through UPS. As per the information received from office, Convertor and router were installed by the personnel/technicians from BSNL. Despite availability of 2 KVA UPS in the court, BSNL officials routed the main AC supply directly. Besides, officials from company visited the court for inspection and repairs many times, but they did not route the main AC supply through UPS. There is no technical expert in the court and devices were made functional by the BSNL officials. Court officials were not having information regarding the utility of UPS in stabilizing voltage. The court officials have not changed any wiring, circuit, or any connection. They were using the system installed and made available by the technicians from BSNL company. Loss/damage has not been caused due to willful misconduct or negligence of court staff.”

(Emphasis by us)

22. The above position is confirmed by Mr. Shahzad Azim, Registrar (IT).

23. We have no manner of doubt that installation of the above equipment which would include the converter and router stands undertaken by the BSNL and its officials. None of the court officers would have a capacity or the technical knowledge to do so. It would appear that the fault is attempted to be unreasonably fastened on court authorities without application of mind.

24. Be that as it may, the availability of e-connectivity to the courts is an issue of ensuring access to justice to the citizens. This is a fundamental right and cannot be impeded in any manner.

25. In the current times of the COVID-19 pandemic and the resultant restrictions, no court can discharge essential judicial functions if there is non-availability of e-connectivity.

26. In view thereof, the BSNL is directed to forthwith install the converter and router in the court of Munsiff, JMIC Chenani, Udhampur.

27. An action taken report shall be filed before us before the next date of hearing.

28. A report on the status of providing e-connectivity to courts stated to have been filed by Mr. Ravinder Gupta, advocate on behalf of BSNL which has not been received by us.

Let the same be sent afresh.

29. It is submitted by Mr. Ravinder Gupta, that in the report it is informed that with regard to four court sites, there is some LAN IP conflict with regard to which communications have been addressed to NIC at Delhi.

30. Let copies of these communications be made available to Mr. Shahzad Azim, Registrar (IT) as well so that the Registrar (IT) can take up the matter with the concerned authorities.

31. Mr. Shahzad Azim, Registrar (IT) shall file a response thereto before the next date of hearing.

32. With regard to ten (10) sites for which VSAT facilities are needed, the BSNL is reported to have addressed a letter to the Department of Justice as back as on 20th November 2019 and a response is awaited from the Department of Justice.

33. It appears that urgent attention is needed in the matter by the Department of Justice given the fact that the matter is stated to be pending since 20th November 2019.

We are assured by Mr. Vishal Sharma, ASGI that the matter will receive the urgent attention as is required and shall be immediately addressed.

Let Mr. Ravinder Gupta, Advocate give a copy of the aforesaid letter dated 20th November 2019 to Mr. Vishal Sharma, ASGI within one day.

34. Let the Secretary, Department of Justice, Government of India examine this issue on an urgent basis and ensure that the needful is done before the next date of hearing.

35. An action taken report shall be filed before us before the next date of hearing.

36. In case any clarification is needed, let the Department of Justice inform Mr. Sanjeev Tyagi, Nodal Officer of BSNL (M:9412000047) of the same.

37. It shall be the responsibility of Mr. Vishal Sharma, ASGI to ensure that the relevant portion of the last order dated 20th May 2020 and this order is brought to the notice of the Secretary, Department of Justice.

38. A report in this regard shall be positively filed before the next date of hearing.

EMG-CM No.9/2020 in WP(C)PIL No.5/2020 (at page-29; filed by Mr. R.D. Singh Bandral, Advocate, regarding plight of cattle and stray animals)

39. Cognizance of this issue was taken by us on 12th May 2020 and the Jammu and Srinagar Municipal Corporations were directed to file their action taken reports with regard to measures taken to mitigate the difficulties being faced stray cattle and animals. We had also made an observation with regard to ensuring maintenance of veterinary services for animals. The respondents were directed to examine the need for ensuring availability of these services during the lockdown and notifying the period of their availability in the Union Territories. The respondents were also directed to examine the need for permitting private veterinary clinics from continuing to operate during the lockdown and the schedule thereof.

40. Pursuant thereto, a status report dated 15th May 2020 was filed promptly by Srinagar Municipal Corporation by Mr. M Momin Khan, Senior Standing Counsel placing before this court the following steps which had been taken by the Corporation:

“1. That it is submitted that the application under response has been filed in relation to the providing of care to stray dogs and cattle which have been affected by the lockdown imposed to contain the spread of Covid 19 disease.

2. That in regard to the broadly recognized issues in the said application, the respondent Corporation submits as under:

TO TAKE CARE OF STRAY CATTLE IN ALL DISTRICTS, BY TAKING THEM TO GAUSHALLAS AND PROVIDE THEM DUE CARE WHICH MAY INVOLVE FEEDING THEM PERIODIC VETERINARY

3. That the respondent Corporation runs one Cattle Pond where stray cattle found on the roads/lanes and by-lanes of the city are immediately lifted by the animal handlers and transported in specially designed vehicles with fixed hydraulic ramp to Municipal Cattle Pond situated at Tengpora. There is adequate strength of staff at Cattle Pond who work round the clock in different shifts thereby extending adequate care to life stock with respect to feeding, management and veterinary care as and when required. The functioning of cattle pond is closely monitored by Municipal Veterinary Officer of the respondent Corporation. The animals are retained at cattle pond Tengpora till claimed by the owners and are released to owner only on remitting of fine, cattle pond charges and feedings charges and if they are not claimed by anybody then they are subjected to auction by publishing an auction notice in daily newspapers. It is submitted that during the period of lockdown injured and abandoned horses were found which were immediately lifted and shifted to cattle pond Tengpora and were provided with required veterinary treatment and care.

4. That the respondent Corporation, as stated hereinabove, runs one cattle pond at Tengpora where all veterinary services are ensured and the same been operational during the period of lock down. However, with respect to veterinary hospitals and clinics, the same pertain to Animal Husbandry Department. It is pertinent to mention that in this regard directions were issued by the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India vide no. D.O. no. K-130-139150/18/2020-LH dated 26-03-2020 and by Director, Animal Husbandry Department, Kashmir vide letter no. DAHK/Tech/Cov 19-1/20467-97 dated 27-03-2020, wherein directions were issued to all the districts to keep all the veterinary services viz. Hospitals/dispensaries operational with sufficient stock of medicines / ambulances and attendance of distress calls on priority during the period of lockdown. Documents evidencing the said facts are appended hereto as **Annexure 1-Coll.**

TO DEAL WITH THE PROBLEM OF STRAY DOGS IN ALL DISTRICTS WHICH MAY INVOLVE FEEDING THEM, VACCINATING THEM AND IF POSSIBLE TO TAKE THEM AWAY FROM HUMAN HABITATION

5. That the respondent Corporation has been actively working of feeding of stray dogs on daily basis across the city and emaciated or debilitated one are immediately shifted to Dog Kennels at Tengpora for required care and feeding. Simultaneously, the respondent Corporation has been appealing to people through various platforms to feed the stray dogs. Photocopy of one such notice is appended hereto as **Annexure II**. It is submitted that the steps taken by the respondent Corporation has yielded encouraging results and as on date on mortality on account of starvation has been reported during the period of lockdown during the city. The respondent Corporation has involved various animal care-takers, animal lovers and NGO(s) who have been actively working with the respondent Corporation. They have also donated about 100 kg of dog food for feeding of stray dogs across the city. Besides some injured and sick stray dogs have also been lifted and provided required treatment at Central Veterinary Hospital, Gawkadal, Srinagar and a few are under care at Tengpora dog kennels as well. Photographs evidencing the aforesaid facts are appended hereto as **Annexure III-Coll.**

6. That shifting of stray dogs away from one locality to another is not recommended since dogs are territorial animals and return back to their territories or are driven back by the native population and resort to extreme aggression during the process.”

41. A status report dated 1st June 2020 has been filed by Mr. S. S. Nanda, Sr. AAG on behalf of Jammu Municipal Corporation informing this court as follows:

1. That the Jammu Municipal Corporation is taking all necessary steps with regard to Prevention of Cruelty to Animals. Since the imposition of lockdown conditions in the Country amid COVID-19 pandemic, Jammu Municipal Corporation has started very measures like feeding, watering and providing shelter to the abandoned animals and providing round the clock treatment to sick & injured animals at Municipal Animal Care Centre, Roop Nagar and JMC Cattle Pound Dogra Hall, Jammu.
2. That in order to prevent any sort of Cruelty to Animals, JMC is also working in close coordination with Animal Welfare Board members, Social activists and Volunteers to have daily reporting regarding any accidental cases, sick & injured animals, abandoned animals and cruelty towards work animals.
3. That during the lockdown conditions, Jammu Municipal Corporation continued various initiatives for feeding the stray animals to ensure that no stray is left unfed. In order to save the

speechless creators from starvation and to avoid any health issues in our surroundings, daily two vehicles are plying on different roads of Jammu City having food and fodder for feeding the strays. In this regard, JMC has also appealed to the general public regarding feeding & watering of stray animals aid lockdown conditions through print media publishing in local dailies.

4. That for feeding the stray cattles, green fodder sourced from R.S.Pura and vegetable wastes from Sabzi Mandi are regularly being fed. For feeding of stray dogs, daily extra food is prepared at Municipal Animal Care Centre, Roop Nagar with arrangement of other food items like bread and biscuits. Daily Health Surveillance is also being carried out in Municipal limits under the guidance of Municipal Veterinary Officer, JMC, Dr. Sushil Kumar Sharma to ensure that all strays remain healthy sol as to avoid any concomitant spread of other zoonotic diseases.

5. That general awareness is also being provided to dairy owners falling with in JMC limits to have proper housing, ventilation, management and treatment of diseased animals by them. Similar type of guidelines is also being issued to the owners of work animals to load them within prescribed limits of weight/carriage to avoid any stress with special focus on their feeding and watering while working.

6. That for rescuing of stray animals in distress, JMC is in possession of One Cattle Pound at Dogra Hall Jammu and is used for housing of stray cattles lifting from roads/streets and for rescuing of small animals (dogs), they are being housed at Municipal Animal Care Centre, Roop Nagar, where all needs regarding sanitation, feeding, watering and treatment is being taken care of.

7. It is further submitted that Jammu Municipal Corporation is providing round the clock treatment to sick & injured animals at Municipal Animal Care Centre, Roop Nagar. For this purpose two vehicles, one for large animals and another for small animals is being deployed by the JMC for the redressal of complaints on daily basis. During the lockdown conditions number of sick/injured animals (large and small) which have been lifted and provided treatment w.e.f. 01.04.2020 to 30.05.2020 are detailed as below:-

<i>S.No.</i>	<i>Work done</i>	<i>Total</i>
<i>1.</i>	<i>Special Surgery</i>	<i>07</i>
<i>2.</i>	<i>Stray Dogs rescued for treatment</i>	<i>170</i>
<i>3.</i>	<i>Large Animals (cattles & equines) rescued for treatment</i>	<i>47</i>
<i>4.</i>	<i>Rabid Animals Rescued</i>	<i>06</i>
<i>5.</i>	<i>Anti Rabic Vaccination done</i>	<i>170</i>
<i>6.</i>	<i>Stray Dogs Sterlized</i>	<i>Nil</i> <i>(due to COVID-19)</i>
<i>7.</i>	<i>Animals adopted</i>	<i>02 (Stray dogs)</i>

8. *That for curtailing the menace of stray cattles within JMC limits, JMC is going to construct a National Level Modern Cattle Pound/Goushalla at Seri Khurd, Nagrota. The work of fencing is going on.*
9. *That Regarding Goushalla falling within JMC limits, it is apprised that they are managed & taken care by J&K Gou Raksha Samiti (Regd. Body) and treatment part is looked upon by the Animal Husbandry Department, Jammu.”*

42. On behalf of Union Territory of Ladakh, Mr. T. M. Shamshi, ASGI has filed an action taken report dated 2nd June 2020 which is taken on record.

43. We are informed that the Deputy Commissioner/CEO, LAHDC, Leh Ladakh has informed as follows:

- “1.
- i. *A Society for Prevention of Cruelty on Animals (SPCA) has been established and registered accordingly and the committee has been constituted by Government with Deputy Commissioner as its chairperson which has been providing food to stray animals and cattle with the help of NGO Live TO Love.*
 - ii. *A 24 x 7 help line no.01982-252004 been set up at veterinary Hospital Skara and animal Birth control centre, Chagspa 27x7.*
 - iii. *Dr. StanzinRabgais, Diseases investigation officer of Animal Husbandry Department has selected as a supervisor of the Care centres who will keep close monitor of the said centre.*
 - iv. *Amid the lockdown, passes were issued to the NGOs/ Societies/ Individuals for feeding the stray animals and cattle.*
 - v. *In order to implement the guideline issued in letter and spirit a direction has been issued to all concerned.*
 - vi. *The registration of all the Pet shops and dog breeder is in process with Animal Husbandry Department, Leh”*

44. So far as Kargil is concerned, the following steps have been taken to ensure the welfare:

- “2. *The Additional Deputy Commissioner, Kargil has submitted a status report vide Letter No:- DC-K/LS-AH/2020*

Dated 28-5-2020 regarding the steps being taken to ensure the welfare of the stray animals and cattle stating that;

- i. They have established a 24/7 centre for the stray animals with the helpline no. 01985-232207 at district Veterinary Hospital Balti Bazar Kargil.*
- ii. Dr. Mohd Mussa, Disease Investigation Officer of Animal Husbandry Department Kargil is supervising and monitoring then care centre.*
- iii. Dr. Gulzar hussain, Livestock Development Officer, Kargil supervises, monitors and facilitates free ration to stray animals in the district.*
- iv. Land has been identified for shelters/sheds for feeding and caring of stray animals at many locations.*
- v. Directions to all the concerned have been issued for the implementation of guidelines.”*

45. In addition, the Department of Sheep Husbandry and Fisheries, Ladakh has also taken the following steps regarding the welfare of stray animals and cattle:

“3. The Director Animal/Sheep Husbandry & Fisheries Department has submitted a status report vide No. DASH&F /UTL/Tech/295 Dated 27-05-2020 regarding the steps being taken to ensure the welfare of the stray animals and cattle stating that;

- i. The Department of Animal Husbandry UT Ladakh is regularly feeding stray animals from last week of March till today.*
- ii. The Department of Animal Husbandry in collaboration with SPCA are accordingly taking steps to ensure the welfare of stray animals and cattle.*
- iii. The Department also tied up with Indian Army units stationed at Leh through their Admn. Commandant Station HQ for the utilization of the dry and wet kitchen waste from their Mess being segregated and transported to various location for feeding of stray animals.*
- iv. More than 600 ltrs of such waste are collected daily and utilized for feeding of the stray animals.”*

46. So far as the Municipal Committee, Leh is concerned, it has also informed us as follows:

*“4. That vide letter No:- PMCL/98/2020 **President, Municipal Committee, Leh** regarding the measures taken by them to ensure the welfare of stray animals and cattle’s has states that;*

- i. *That there are about 3500 stray dogs and other animals like bulls, donkeys in Leh Town.*
- ii. *The municipal committee in collaboration with Department of Animal Husbandry and Live top rescue (local NGO) has started sterilization program since 2014.*
- iii. *A separate animal birth control clinic is dedicated for the same in Changspa and daily 10 to 15 are sterilized after caught and brought from different locations and the clinic also take care the Pre and post-operative. Once they get healed, they are again taken back to the same location.*
- iv. *The Animal Care and Management centre of Live to Rescue Organization has been setup at Nang village specially to care of sick, emasculated and weak dogs. At a moment they are maintaining about 250 stray dogs and 35 other sick injured and abandoned animals.*
- v. *The staffs and the cost of feeding will be done by the private individual or societies through donations and aid and the proper bank account has been maintained by the both of Organization which is audit annually.*
- vi. *The dedicated vets of the Animal Husbandry Department attend to the sterilization in rotation. All the sterilized dogs are given Anti Rabies Vaccine.*
- vii. *The Municipal committee has deputed two staff in order to catch dogs.*
- viii. *During the lockdown and closure of hotels and restaurants a SPCA is very active in feeding the stray dogs and to provide foods for the cattle.*
- ix. *A private shelter house is also maintaining stray animals and cattle at Taru and reportedly about 250 stray dogs and 70 cattle have been maintaining under this shelter.*
- x. *The government has allotted 15 kanals (1875 acre) of land at Bomb Guard to the Animal Husbandry for the construction of animal shelter.”*

47. It would appear that all authorities are sensitive and cognizant of their responsibilities and extensive measures are being undertaken to ensure the welfare of stray cattle and animals.

48. In view thereof, this application does not need to detain this court any further and is disposed of.

49. In case the applicant or any other parties in these proceedings deem additional steps being required to be taken, liberty is given to them to inform the authorities concerned or to move this court for appropriate directions.

50. One direction, however, is necessary. The concerned authorities do not appear to have addressed the issue of scheduling availability of veterinary facilities (including those in the private field) in the Union Territories. This aspect may also be examined and the steps taken in this regard be placed on record within one week from today.

51. This application is disposed of with the above directions.

EMG-CM No.22/2020 in WP(C)PIL No.5/2020(at Page-60, regarding wastage of food grains in District Doda)

52. An action taken report dated 1st June 2020 has been filed by the Director, Food Civil Supplies and Consumer Affairs Department, Jammu. We are informed that responsibilities for the deterioration of 63.10 qtls of stock Atta-OMSS foodgrains has been fixed on Shri Jagwant Singh (Then, TSO, Dalli) and Shri Akhter Hussain (Then, Storekeeper, Dalli-Now Retired). These officials have been directed to remit the recovery amount into the Government Treasury within two days as per Food Manual of 2016 failing which the amount shall be recovered from their salary/pensionary benefits.

53. The respondents shall ensure that action is taken in accordance with law. An action taken report shall be filed within two days from today.

54. We close further proceedings in this application.

55. The respondents shall however place their compliance report before us before the next date of hearing.

List on 16th June 2020 for reporting compliance.

EMG-CM No. 39/2020 in WP(C)PIL No.5/2020 (regarding Labourers without food)

56. Further time is sought by Mr. Amit Gupta, AAG to file a report.

57. Let the same be filed before the next date of hearing.

EMG-CM No 40/2020 in WP(C)PIL No.5/2020 (filed by Mr. Sumit Nayyar, Advocate regarding lack of Personal Protective Equipments (PPE) to doctors in Government Hospitals)

58. A status report has been filed by Mr. Atal Dulloo, Financial Commissioner, Health and Medical Education Department placing before this Court the steps taken by the Department for ensuring supply of sufficient quantities of personal protective equipments (PPEs) including goggles, face-shield, mask, gloves, coverall/gowns (with or without aprons), head cover and shoe cover. The report details the stock position even as on 26th May 2020.

59. It would appear that this application is premised on some newspaper reports regarding difficulties in distribution of the PPEs.

60. The Department shall ensure availability of the kits to all the healthcare personnel.

No directions are called for from the court.

This application is disposed of.

EMG-CM No.41 /2020 in WP(C)PIL No.5/2020 (regarding condition of quarantine centers)

61. Further time is sought by Mr. Amit Gupta, AAG to file reply.
62. Let the same be filed before us before the next date of hearing.

EMG-CM No.4 /2020 in WP(C)PIL No.4/2020

63. There is no such application.

EMG-CM No.6/2020 in WP(C)PIL No.6/2020 (filed by Mr. Naveed Bukhtiyar from his residence Garkote, Uri)

64. The applicant has complained that basic needs of people who are living in far flung areas as Gurez, Tangdhar, Machail, Uri and are not only economically weak but are going through miserable time are not being met. It is stated that these people are in desperate need of basis requirements of survival. This is very critical issue and the official respondents are bound to ensure that the essentials are made available to every person living in the Union Territory.

65. We have doubts as to whether the directions which have been sought in this application can be given by us. However the prayer though couched differently is really in the nature of cry for help for basic necessities from far flung areas of Kashmir.

66. Issue notice.

67. Mr. B. A. Dar, Sr. AAG accepts notice on behalf of the respondents.

68. Let a copy of this application be served upon Mr. B. A. Dar, Sr. AAG by e-mail who shall file response thereto before the next date of hearing.

69. Let a copy of this application be made available to Mr. B. A. Dar, Sr. AAG as well as Mr. Amit Gupta, AAG. Copy be served on Mr. M. K. Sharma, Member Secretary, JKSLSA for ensuring the necessary intervention and assistance to the needy.

70. The matters be examined by the Department of Social Welfare and appropriate action be taken to assist the residents of the Union Territory in Kashmir living in far flung areas and action taken report be filed before us before the next date.

EMG-CM No.32/2020 in WP(C)PIL No.5/2020 (cruelty towards animals)

71. No response has been received.

72. Mr. Amit Gupta, AAG seeks time to file the response.

73. Let the same be positively filed before the next date of hearing.

EMG-WP(C)PIL Nos.4 & 5/2020

74. We have also received a Report dated 2nd June 2020 filed by Mr. T. M. Shamshi, ASGI, Srinagar placing before this court an action plan qua exit of COVID-19 Lockdown.

75. This issue was treated as Issue No. IV and was closed by this Court on 20th May 2020. The report is taken on record.

76. Let a copy thereof be provided to Mr. Amit Gupta, AAG who shall place it before the concerned authorities for examination as to whether similar measures are required to be taken in the Union Territory of Jammu and Kashmir as well.

77. We place on record our appreciation for the extreme, prompt and sensitive response by all authorities including all departments of the Union Territories of Jammu and Kashmir and Ladakh as well as Municipal Corporations.

78. List Issue Nos. VII and XVII along with EMG-CM No.6/2020 in WP(C)PIL No.4/2020 for consideration on 10th June 2020 and list Issue Nos.III and VIII along with EMG-CM Nos. 22, 32, 39, 40 and 41/2020 in WP(C)PIL No.5/2020 on 16th June 2020.

(RAJNESH OSWAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
03.06.2020
Raj kumar

