

IN THE HIGH COURT OF KARNATAKA AT BENGALURU**Writ Petition No. / 2020 (SUO MOTU PIL)****Between :**

High Court of Karnataka,
Represented by Registrar General,
Bengaluru – 560 001.

And :

- 1) The State of Karnataka,
Represented by Chief Secretary,
Vidhana Soudha,
Bengaluru – 560 001.
- 2) Union of India,
Represented by its Secretary,
Ministry of Law & Justice,
Department of Justice,
Jaisalmer Road, No.26, Mansingh Road,
New Delhi – 110 011.
- 3) Bruhat Bengaluru Mahanagara Palike,
Represented by the Commissioner,
N.R.Square,
Bengaluru – 560 002.

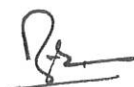
**MEMORANDUM OF WRIT PETITION UNDER ARTICLE
226 AND 227 OF THE CONSTITUTION OF INDIA**

1) The address of the parties for the purpose of
issue of notice, etc., by this Hon'ble Court is as stated in
the cause title above.



2) A Member of the Bar, Smt. Anu Chengappa, Advocate has addressed a Letter dated 04.07.2020, through e-mail, to the Hon'ble the Chief Justice, High Court of Karnataka, Bengaluru requesting for suo motu action regarding non-availability of timely medical help and treatment of COVID-19 patients as also for Non-covid patents in Bengaluru. It is stated in her letter that there is an immense spike in COVID 19 cases in Bengaluru since 28th of June 2020, which was expected and predicted more than two months beforehand and the Government of Karnataka has been repeatedly assuring citizens that it is well prepared and equipped to handle the spike with sufficient infrastructure and equipment available to handle the situation. However, now that in view of the spike, ground realities are very different.

3) It is further stated in her letter that Covid patients are not being admitted to hospitals though beds are available. Non-Covid patients are being denied treatment for fear of possibility of contracting covid. That,



since the past 4 days it has become a common grouse for patients to wait for long hours in the hope of being admitted to a hospital, desperately running from one hospital to another in the hope that some hospital will be kind enough to admit the patient. It is further stated that the family members are reduced to begging and beseeching the Doctors and staff at hospitals despite which irrelevant technicalities and procedures are being quoted to reject covid patients and that a couple of patients have died on the doorsteps of hospitals.

4) It is further stated in her letter dated 04.07.2020 that the 3rd respondent – BBMP is adding to the woes of the patients and their family members with its insensitive handling of the situation. The staff of BBMP arrive at the home of the patient with blaring sirens and make it a point to create such a rucus in shifting and fumigating and cordoning that the affected patients and their families are ostracized by the entire neighbourhood. In fact, it is their experience that rather than covid, it is the handling of the



situation that is more traumatic, leaving indelible fear and agony all around. To avoid such ignominy if the patients offer to arrive on their own at the designated hospital to get themselves admitted, the BBMP refused to allow them to do so.

5) It is further stated in her letter dated 04.07.2020 that Covid patients are now reduced to resorting to seeking hospital beds through the high influence and good offices of powers that be and also shelling out exorbitant amounts to merely get a hospital bed. It is alleged that though the 1st respondent – State Government has issued guidelines for home quarantine, there are instances where the 3rd respondent - BBMP unit just lands at the doorsteps and dumps the patient into the ambulance without bothering to find out whether institutional quarantine is actually required. It is further stated that, it has now reached a situation where those who do not require institutional quarantine are dumped in hospitals whereas those who actually require institutional care are left to die either at



the doorstep of hospitals or in ambulances, waiting for a bed and that now, covid warriors themselves are unable to get treatment. That, for all the reasons, the intervention of this Hon'ble Court she had sought to issue necessary directions to the respondents in the interest of general public. A copy of the Letter dated 04.07.2020, through e-mail, by Smt. P.Anu Chenguppa addressed to the Hon'ble the Chief Justice is produced herewith and marked as ANNEXURE – 'A'. Further, she has enclosed certain series of Newspaper cutting along with the letter, the same are marked as ANNEXURE 'A-1 series'.

6) It is submitted that the Advocates Association, Bengaluru has addressed a Letter dated 25.06.2020 to the Hon'ble the Chief Justice, High Court of Karnataka, Bengaluru raising certain issues, in detail, regarding the excessive charges being levied for those who have tested positive for the Novel Corono Virus, especially when the patient is required to be admitted in ICU (intensive care unit). It is further stated that necessary Health Insurance



may be provided to the Advocate Fraternity and proper medical facilities to the Lawyers who are infected with Covid-19 virus. The letter dated 25.06.2020 by the Advocates' Association, Bengaluru addressed to the Hon'ble the Chief Justice is produced herewith and marked as ANNEXURE - ' B'. Further, they have enclosed Government Notification, Letter addressed to the Union of India to take action along with the letter, the same are marked as ANNEXURE 'B-1', 'B-2'....

7) It is submitted that pursuant to the letter dated 04.07.2020 of Smt. P. Anu Chengappa and the letter of Advocates' Association, Bengaluru dated 27.06.2020, the Division Bench of this Hon'ble High Court headed by Hon'ble the Chief Justice, by order dated 06.07.2020 directed the petitioner to file a Suo Motu Writ Petition in the nature of Public Interest Litigation. A copy of the Order dated 06.07.2020 is produced herewith and marked as ANNEXURE - ' C'.



GROUND

8) Due to fast spreading of Novel Corono Virus there is non-availability of timely medical help and treatment of COVID-19 patients as also for non-covid patents in Bengaluru, even though the State Government was expected and predicted more than two months beforehand and has been repeatedly assuring citizens that it is well prepared and equipped to handle the spike with sufficient infrastructure and equipment available to handle the situation, the ground realities are very different.

9) That, Covid patients are not being admitted to hospitals though beds are available. Non Covid patients are being denied treatment for fear of possibility of contracting covid. It has become a common grouse for patients to wait for long hours in the hope of being admitted to a hospital, desperately running from one hospital to another in the hope that some hospital will be kind enough to admit the patient. Further, the family members are reduced to begging and beseeching the



Doctors and staff at hospitals despite which irrelevant technicalities and procedures are being quoted to reject covid patients and that a couple of patients have died on the doorsteps of hospitals.

10) That, the staff of 3rd respondent-BBMP arrive at the home of the patient with blaring sirens creating rucus in shifting and fumigating and cordoning that the affected patients and their families are ostracized by the entire neighbourhood. It is their experience that rather than covid, it is the handling of the situation that is more traumatic, leaving indelible fear and agony all around.

11) That the Covid patients are now reduced to resorting to seeking hospital beds through the high influence and good offices of powers that be and also shelling out exorbitant amounts to merely get a hospital bed. There are instances where the 3rd respondent - BBMP unit just lands at the doorsteps and dumps the patient into the ambulance without bothering to find out whether institutional quarantine is actually required. Further, a



situation has arisen where those who do not require institutional quarantine are dumped in hospitals whereas those who actually require institutional care are left to die either at the doorstep of hospitals or in ambulances, waiting for a bed and that now, covid warriors themselves are unable to get treatment.

12) That, due to excessive charges being levied for those who have tested positive for the Novel Corona Virus, especially when the patient is required to be admitted in ICU (intensive care unit), necessary directions have to be issued to the respondents to ensure there is continuous monitoring of the rise in the Covid-19 patients and corresponding facilities such as isolation wards, hospital beds, doctors, necessary PPE Equipments, medical are made available to the general public.

PRAYER


WHEREFORE, it is prayed that this Hon'ble Court may be pleased to :



- a) Issue appropriate orders or directions to the respondents to ensure sufficient beds are available to the Covid-19 patients, provide immediate medical treatment to the Covid-19 patients at a reasonable and affordable price.
- b) Issue appropriate orders or directions to the respondents to provide necessary protection such as health insurance, etc. to the general public, particularly the Lawyer community, etc..
- c) Issue any other writ, order or directions, as deemed appropriate in the circumstances of the case and in the interest of justice and equity.

Bengaluru,

Date: 06.07.2020


(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL,
High Court of Karnataka,
Bengaluru.