

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
Monday, the 12th day of July 2021 / 21st Ashadha, 1943
WP(C) NO. 11316 OF 2021(S)

SUO MOTU PROCEEDINGS INITIATED BY THE
HIGH COURT IN THE MATTER OF EXTENSION OF ORDERS OF STAY
GRANTED BY THE HIGH COURT IN WP(C)NO.9400/2020(S) AND
CUSTODY ORDERS IN RESPECT OF CHILDREN ISSUED BY THE FAMILY COURTS,
WHICH ARE DUE TO EXPIRE OR COMMENCE DURING THE PERIOD OF
LOCKDOWN/COVID RESTRICTIONS.

RESPONDENT/RESPONDENT IN WPC NO.9400/2020(S)

STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN 695 001.

This Suo Motu writ petition again coming on for orders upon perusing the petition, this Court's order dated 28/06/2021 and upon hearing the arguments of SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL, SRI.THOMAS ABRAHAM, PRESIDENT HIGH COURT ADVOCATES'ASSOCIATION, SRI.GEORGE POONTHOTTAM(SENIOR ADVOCATE), ADVOCATE SRI.JAWAHAR JOSE AND ADVOCATE SRI.SANTHOSH MATHEW, the court passed the following:

P.T.O.

S.MANIKUMAR, C.J., C.T.RAVIKUMAR, J. & SHAJI P. CHALY, J.

W.P.(C)No.11316 of 2021 (S)

Dated this the 12th day of July, 2021

ORDER

S.MANIKUMAR, C.J.

On this day, when the matter came up for hearing, inviting the attention of this court to the following Government Orders - G.O.(Rt)No.487/2021/DMD dated 29.6.2021 and G.O.(Rt)No.500/2021/DMD dated 6.7.2021 Mr.K.Gopalakrishna Kurup, learned Advocate General submitted that taking note of the average weekly test positivity rates, re-categorization of Local Self Government Institutions has been done and additional guidelines have been issued. For brevity, the abovesaid Government Orders are extracted below.

2. G.O.(Rt)No.500/2021/DMD dated 6.7.2021 reads as under:

GOVERNMENT OF KERALA

Abstract

Disaster Management Department - COVID 19 - Re-categorization of Local Self Government Institutions, on the basis of Average weekly Test Positivity Rates - additional guidelines from 8th July 2021- orders issued.

DISASTER MANAGEMENT (A) DEPARTMENT

G.O.(Rt)No.500/2021/DMD

★ Dated, Thiruvananthapuram, 06/07/2021

Read 1. GO(Rt)No.467/2021/DMD dated 15.06.2021

2. GO(Rt)No.469/2021/DMD dated 22.06.2021

3. GO(Rt)No.487/2021/DMD dated 29.06.2021

4. GO(Rt) No.459/2021/DMD dated 07.06.2021

5. GO(Rt) No.461/2021/DMD dated 10.06.2021

ORDER

As part of the COVID-19 containment activities, the LSGIs in the State were categorized based on the Test Positivity Rate (TPR) and certain relaxations on lockdown were extended to the areas where the Test Positivity Rate is less and special intensified stringent restrictions were implemented in areas where TPR is high.

2) After assessing the current situation of the spread of COVID-19 pandemic in the State, the undersigned, in his capacity as Chairman of the State Executive Committee of

W.P.(C)No.11316 of 2021

:: 2 ::

State Disaster Management Authority, in exercise of the powers under Sec 20(3) of the Disaster Management Act-2005, hereby re-categorize the Local Self Government Institutions, on the basis of 7-day average TPR, as given below from 00:00 hours of 8th July-2021, for implementation of restrictions by the enforcing authorities.

CATEGORY	CRITERIA
A	Average TPR below 5 percent (Areas with low spread)
B	Average TPR between 5 and 10 percent (Areas with moderate spread)
C	Average TPR between 10 and 15 percent (Areas with high spread)
D	Average TPR above 15 percent (Areas with critical spread)

Following additional guidelines are also issued for implementation.

- i. The exemptions and restrictions already applicable to the respective category areas will continue.
- ii. All Public offices, PSUs, companies, commissions, corporations, autonomous organizations will function with 100 % strength in Category "A" and "B" and with up to 50 % strength in Category "C" areas.
- iii. In 'A' and 'B' category areas, hotels and restaurants are allowed to function till 9:30 PM for take away and home delivery of food.
- iv. In "A" and "B" category areas, gyms and indoor sports are allowed to function in non-AC halls/spaces with adequate ventilation, restricting to a maximum of 20 persons at a time.
- v. In "A" and "B" category areas, accommodation units in Tourism Sector are allowed to function adhering to the Standard Operating Procedure (SOP) issued by the Department of Health, Government of India and the operational guidelines of the Department of Tourism, Government of India. The staff working in these places must have atleast one dose of vaccination. The guests must either have proof of atleast one dose Covid Vaccination or a RT-PCR negative certificate taken within 72 hours.
- vi. Saturday, 10.7.2021 will be a holiday to banks and other financial institutions under Negotiable Instruments Act,1881.
- vii. District Collectors shall take necessary steps to promote door delivery of essential items, in consultation with the trade associations, so as to reduce crowding in shops.
- viii. There will be complete lockdown on 10 th and 11 th July, 2021 (Saturday & Sunday) with the same guidelines as issued for 12th and 13th June,2021 vide Government Orders GO(Rt) No.459/2021/DMD dated 07.06.2021 and Go (Rt) No.461/2021/DMD dated 10.06.2021.

(By order of the Governor)

Dr V P Joy
Chief Secretary

To:

Additional Chief Secretary, Home & Vigilance Department
Additional Chief Secretary, Revenue & DM Department
Principal Secretary, Health & Family Welfare Department All Additional Chief Secretaries/
Principal Secretaries/ Secretaries
All Heads of Departments including State Police Chief
All District Collectors
All District Police Chiefs

W.P.(C)No.11316 of 2021

:: 3 ::

3. G.O.(Rt)No.487/2021/DMD dated 29.6.2021 reads as under:

GOVERNMENT OF KERALA

Abstract

Disaster Management Department – Covid 19 – Re-categorization of Local Self Government Institutions, on the basis of Average weekly Test Positivity Rates – Additional guidelines from 1st July 2021 – Orders issued.

DISASTER MANAGEMENT (A) DEPARTMENT

G.O.(Rt)No.487/2021/DMD

Dated, Thiruvananthapuram, 29/06/2021

Read:- 1. GO(Rt)No.467/2021/DMD dated 15.06.2021.

2. GO(Rt)No.469/2021/DMD dated 22.06.2021.

ORDER

As a part of COVID-19 containment activities, the LSGIs in the State were categorized based on the Test Positivity Rate (TPR) and certain relaxations on lock down were extended to the areas where the Test Positivity Rate is less and special intensified stringent restrictions are being implemented in areas where TPR is high.

2) After assessing the current situation of the spread of COVID-19 pandemic in the State, the undersigned, in his capacity as Chairman of the State Executive Committee of State Disaster Management Authority, in exercise of the powers under Sec 20(3) of the Disaster Management Act-2005, hereby re-categorize the Local Self Government Institutions, on the basis of average weekly TPR, and issue additional guidelines, as given below from 1st July-2021, for implementation by the enforcing authorities.

CATEGORY	CRITERIA
A	Average TPR below 6 percent (Areas with low spread)
B	Average TPR between 6 and 12 percent (Areas with moderate spread)
C	Average TPR between 12 and 18 percent (Areas with high spread)
D	Average TPR above 18 percent (Areas with critical spread)

- i. The exemptions and restrictions already available to the respective categories will continue.
- ii. Autorickshaws will be permitted in 'Category B' LSGIs also with driver+2 passengers.

3) District Collectors shall take necessary action to enhance the checking in Railway Stations and border check posts also to ensure that the visitors from other

W.P.(C)No.11316 of 2021

:: 4 ::

States possess the RTPCR negative certificates. Urgent steps shall also be taken to accurately collect the details of primary contacts of Covid patients and ensure their quarantine.

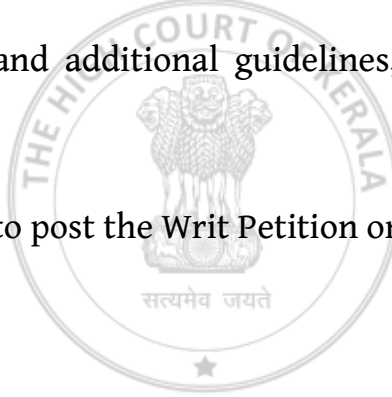
(By order of the Governor)
Dr V P Joy
Chief Secretary

To:

Additional Chief Secretary, Home & Vigilance Department
Additional Chief Secretary, Revenue & DM Department
Principal Secretary, Health & Family Welfare Department All Additional Chief Secretaries/
Principal Secretaries/ Secretaries
All Heads of Departments including State Police Chief
All District Collectors
All District Police Chiefs

4. As lock down continues subject to re-categorization of Local Self Government Institutions and additional guidelines, interim order is extended upto 26.7.2021.

Registry is directed to post the Writ Petition on 23.7.2021.



Sd/-
S.MANIKUMAR
CHIEF JUSTICE

Sd/-
C.T.RAVIKUMAR
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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