

IN THE HIGH COURT OF KARNATAKA AT BANGALORE**WP No. 6435 of 2020 & connected matters**

BETWEEN:

Mohammed Arif Jameel

..PETITIONER

A N D:

Union of India & Ors

..RESPONDENTS**CONSOLIDATED WRITTEN SUBMISSIONS FILED BY STATE
OF KARNATAKA**

1. The State of Karnataka is filing this detailed status report with a view to appraise this Hon'ble Court of the measures initiated by the State Government to contain the spread of the Covid-19 pandemic and to mitigate the impact of the lockdown imposed in pursuance of the order dated 24.03.2020 issued by the Ministry of Home Affairs, Government of India ("GOI").
2. The World Health Organization ("WHO") has declared COVID-19, which has affected 207 countries/territories, including India, till date as Public Health Emergency of International Concern ("PHEIC"). WHO has characterized COVID-19 as a Pandemic on 11th March 2020.
3. The Karnataka State Government is working along with the Union of India in a systematic manner to tide over this unprecedented crisis. It is submitted that the current scenario, other than being unprecedented, is also a dynamic situation, where new challenges arise every day, and the Government is working round the clock

to ensure that the spread of the virus is controlled and the sick are treated, while also catering to the basic needs of every section of society who are affected by the lockdown. It is further submitted that in this constantly changing scenario, the State is prioritizing its resources and efforts in the most efficient manner, and given the dynamic nature of the situation, the State is and will continue to adapt constantly to meet the challenges. It is further submitted that the State would continue to report to this Hon'ble Court as directed from time to time regarding the measures taken by it to address the various issues arising from the pandemic and the lockdown.

4. In this context, the State wishes to submit that the continuous and repeated applications being filed by the Applicants seeking various reliefs does actually limit in many ways the functioning of the Government in this time of crisis. The Government wishes to ensure that the rights of all parties, especially the marginalised sections of Society is duly protected. Unprecedented situation as it is, it is equally necessary that the State should have the freedom to determine the manner in which care is provided to all sections of Society. The State has an obligation to all sections and has to ensure that the protective umbrella extends to all. The State cannot be made subject, at this point in time, to a continuous review by citizens through applications filed before this Court.
5. The applications range from migrant workers, to pourakarmikas, to anganwadi workers, to protection of farms and farm workers, to stray animals, to opening of wine shops. It appears that the Petitioners/ Applicants are seeking to unnecessarily intervene in the functioning of the State by involving the process of this Hon'ble Court. The applications proceed as if the State is ignoring all these

sections of population and it is only the Petitioners / Applicants who are coming forward to protect their rights. Such is not the case as can be seen from the pro-active steps being continuously taken by all sections of the Government. Officers are working tirelessly to remedy every difficulty that arises. Without prejudice to the State's preliminary objection that the applications at this point in time should not be entertained and the State should be allowed to decide the best course of ensuring protection of its citizens, the present submissions are being made to demonstrate to this Court that every protective measure and mechanism is being adopted in the larger interests of the community.

Medical Measures.

6. The GOI has issued multiple advisories to the State with respect to screening of international passengers, quarantine protocols to be followed, tracing of primary and secondary contacts of Covid-19 positive cases, treatment of positive cases, etc. The State has been diligently complying with these advisories in order to reduce the impact of the deadly virus.
7. The State has also strengthened surveillance and community preventive measures to contain mass spread of this disease. Screening/testing of international travellers is continued. It is submitted that, till date, 1,28,315 passengers have been screened in Karnataka at various airports and sea ports, and 1,06,592 passengers have completed their fourteen-day observation periods.
8. The status as on 4/4/2020 is as follows:

| | | |
|--|-------|------------|
| Bulletin issued on 4nd April 2020 (5PM) | | |
| Total Number of International Passengers under Observation | | |
| Home Quarantine | | 1752 |
| Reporting Period | | 25092 |
| | | |
| Primary | | 1232 |
| Secondary | | 4571 |
| Total under Observation | | |
| Total Number of Contacts under observation | | 32647 |
| | Today | Cumulative |
| Persons in Isolation at Health Facilities | 94 | 440 |
| Total Number of samples collected for testing | 400 | 5061 |
| Total samples reported as negative | 304 | 4566 |
| Total samples positive for COVID-19 | 16 | 144 |

9. The positive cases, which have been registered in identified hospitals, as well as those persons suspected of being infected, or those in mass quarantine centres or in-home quarantine are not being released for a minimum period of 14 days, or until repeated tests yield negative results, or until appropriate medical advice is received by the doctors treating such persons.

10. In Karnataka State, as on 04.04.2020 at 5:00 p.m., totally 144 COVID-19 positive cases have been reported, out of which four persons have died and 11 persons have recovered and have been discharged from hospitals. Out of the total 144 cases detected and confirmed in Karnataka State, 8 cases pertain to

transit passengers of Kerala, who have landed in airports within the State and are being treated in Karnataka.

11. Contact Tracing

- i) With respect to COVID-19 positive cases in the State, as on 04.04.2020 at 5:00 p.m., 1232 primary contacts are (only 31 are symptomatic & 1201 are asymptomatic) tracked and quarantined and 7687 Secondary Contacts (only 08 are symptomatic and 7679 are asymptomatic) have been tracked and quarantined.
- ii) Surveillance/contact tracing teams have been constituted to trace primary and secondary contacts of covid-19 positive cases.

12. Mental Health Counselling

Counselling of 21,842 persons suffering from various kinds of mental illnesses, such as depression, has been completed as on 3rd April, 2020.

13. Hospital Preparedness.

- i) Tele medicine facility Appeal:
 - a) An appeal to doctors has been issued by Hon'ble Chief Minister to volunteer and help fight the crisis; and

- b) Private doctors can give a missed call to 080-47192219 or sign up online to volunteer for COVID 19 tele-medicine facility.
- ii) Guidelines/Circulars have been issued for establishing Fever Clinics and movement protocol for suspected cases of COVID-19. The first contact point for suspected COVID-19 patients in the State shall be “Fever Clinics” only. All suspected cases detected in Fever clinics (till a diagnosis is made) will be kept in a designated facility called a Quarantine center till such time they are tested negative. The quarantine center will have a team of one doctor, two nurses, and one helper per shift. At Private Lab-cum-fever clinics, a patient will have to pay the cost fixed by Indian Council of Medical Research.
- iii) Augmenting manpower: In view of the shortage of doctors and paramedical staff in 18 districts, 45 posts (Doctors-specialists-10, Nurses-20, Lab assistants-5, Group D-10 for each District Hospital) in each of the districts have been created, and a Government order (HWF 1 CR 2020 dated 30th March 2020) has been issued permitting the District Administration to appoint them on contract basis.
- iv) A circular has been issued on 30.03.2020 authorizing the special officers (COVID-19) appointed in BBMP area to appoint medical officers against all the existing vacancies in Urban PHCs through the procedure of walk-in interview and on first come-first served basis.

- v) The Deputy Commissioners of each of the districts have been advised to prepare the required infrastructure for Fever clinics, Quarantine centers, supervised isolation centers, and COVID Hospitals. They have also been instructed to utilize the manpower and resources of Medical colleges in the district, along with services of preventive and social medicine faculty for community based activities.

- vi) The Deputy Commissioners have also been advised to rope in the Private Hospital infrastructure if the need so arises.

- vii) Necessary infrastructure facility has been provided in ten District Laboratories (8 Government and 2 Private) in the State to diagnose COVID-19.

- viii) In the State, 537 hospitals have been identified as “Isolation Hospitals”, out of which 332 are Private hospitals and 206 are Government hospitals. 2658 isolation beds have been reserved for COVID- 19 treatment, out of which 1114 are in Government hospitals and 1544 are in Private hospitals. These also include 862 isolation beds reserved in Bengaluru city. For COVID-19 treatment in the State, ICU beds with 740 ventilators arrangements have been reserved- 234 of which are in Government hospitals and 506 are in Private hospitals. This also includes 299 ICU beds in Bengaluru city.

- ix) As per the directions of the Ministry of Health & Family Welfare, GOI, Karnataka has notified nine dedicated hospitals for treatment facility for COVID-19. In tertiary care hospitals, separate blocks have been identified with separate entry and exit, segregating them from rest of hospital blocks to ensure there is no mixing of COVID and Non-COVID cases.
- x) Private hospitals and Private clinics are allowed to continue to function and attend to priority cases and defer all elective cases.
- xi) All PHCs are available and functional. They continue to provide primary immunization services to new born babies and children.
- xii) N-95 masks, Triple layer masks, PPE kits, and Sanitizer bottles required for treatment and care of COVID-19 disease have been supplied to Public Health facilities based on their requirements. In the Karnataka Drug Logistic and Warehousing Society (KDLWS), 2,39,483 N-95 masks, 6,94,414 Triple layer masks, 53,040 PPE kits, and sufficient quantity of Sanitizer bottles have been kept in stock. Work orders have been placed by the KDLWS for the purchase of 324 ventilators, 18.33 lakh N-95 masks, 54 lakh Triple layer masks, 10.05 lakh PPE kits, and 25,000 hand Sanitizer bottles.

14. Manufacturing of sanitizers. As on 31.03.2020, total of 65 sanitizer manufacturers (36 pharma companies and 29 distilleries) have been provided license for manufacture of sanitizers. Everyday around 50,200 litres of sanitizer are being manufactured. The projected requirement as per contingency plan is around 25,000 litres per day.

15. Monitoring.

i) A COVID-19 war room has been set up. From this, the quarantine beds, allocation of patients, and resources availability are made known on a real-time basis. Infected people are being identified Zone-wise and suspected COVID-19 cases are being mapped to the nearest hospital.

ii) Covid-19 dashboard could be accessed from <https://karunadu.karnataka.gov.in/hfw/pages/home.aspx>

16. Helplines and Awareness Programmes.

i) Department of Health & Family Welfare has launched “Jagruti Karnataka”, a YouTube channel to raise awareness among Health Care Workers, especially at the grass root level and Gram Panchayath level about COVID-19 in order to ensure that the correct protocol is adhered to in treatment. Videos are available in both Kannada and English.

- ii) COVID-19 (Toll free call centre) health helpline 104 has been set up with 210 lines reserved.
- iii) Separate Help Line launched to track Tablighi Jamaat Congregation people. Any person who has attended Tablighi Jamaat Congregation at Nizamuddin Markaz Masjid in New Delhi could contact 080-29711171 Arogya Sahayavani.
- iv) For any type of COVID-19 related doubts, 104 Arogya Sahayavani helpline or the new number 9745697456 could be contacted.

Implementation of lockdown.

17. Social distancing has been identified as one of the most effective methods to stem the spread of Covid-19. The State has implemented the twenty-one-day lockdown in true letter and spirit, as per the Ministry of Home Affairs Order No.40-3/2020-DM-1(A) dated:24.03.2020 and guidelines issued on 24.03.2020, as amended by the subsequent addenda to the said guidelines issued on 25.03.2020, 27.03.2020, 02.03.2020, and 03.03.2020.
18. Closure of all Religious Places of Worship. Clause 9 of the Ministry of Home Affairs Order No. 40-3/2020-DM-1 (A) dated 24-03-2020 states that “All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.” It is pertinent to point out here that the Government of Karnataka has proactively directed the closure of Muzrai temples for public vide circular No RDM/11/CR/286/2019-20, dated 20.03.2020. A copy of the Circular dated 20.03.2020 is filed

herewith and marked as **Annexure R-1**. A Circular dated 23.03.2020 has also been issued by the Government, Minority Welfare and Wakf Department, stating that no public shall be permitted to offer namaz in mosques. A copy of the Circular dated 23.03.2020 is filed herewith and marked as **Annexure R-2**. Furthermore, an order dated 31.03.2020 has been issued by the Karnataka State Board of Auqaf, which stipulates that no public shall be allowed to offer namaz in mosques, and five time congregational prayers including Jumma namaz stand suspended up to 14.04.2020. A copy of the order dated 31.03.2020 is filed herewith and marked as **Annexure R-3**.

Steps for the welfare of the vulnerable sections.

19. Conscious of the fact that the lockdown for a period of 21 days and cessation of a number of economic activities would affect the livelihoods and welfare of daily wagers, migrant workers, persons in the unorganized sector, and other vulnerable sections of the society, the State has initiated several measures to safeguard their interests, in addition to the mechanisms already in place. The safety net mechanisms already in place for the vulnerable sections of the society in Karnataka, and certain new measures initiated in response to the present circumstances are detailed below in the following paragraphs:

- i) Advance release of social security pension amounts: The State Government has decided to release an amount of Rs.1214 crore to facilitate advance payment of two months of social security pensions to 62.28 lakh beneficiaries, including those belonging to the transgender community. Payment has

been made through DBT to 40.18 lakh beneficiaries, and disbursement through eMO (door delivery) through post offices to 22.10 lakh beneficiaries is in progress.

- ii) Cash benefit to construction workers: On 24.03.2020, the State took a decision to release an amount of Rs.1000/- to the bank account of the construction workers registered with the Building and Other Construction Workers Welfare Board. So far, Rs, 1000 has been credited in the bank accounts of 1,55,583 construction workers.
- iii) Pradhan Mantri Garib Kalyan Yojana: The efforts of the State Government in this regard will also be supplemented by the relief package announced under the Pradhan Mantri Garib Kalyan Yojana to mitigate the adverse impacts of the lockdown on the vulnerable sections of the society. The following are the components of the package:
- Insurance scheme for health workers fighting Covid-19 in Government Hospitals and Health Care Centres;
 - PM Garib Kalyan Anna Yojana;
 - Payment of first instalment of Rs. 2000 under PM KISAN Yojana due in 2020-21 to be frontloaded and paid in the month of April 2020;
 - Payment of ex-gratia amount of Rs. 500 per month for the next three months to PMJDY women account holders;
 - Gas cylinder free of cost to be provided for the next three months to beneficiaries of Pradhana Mantri Ujjwala Yojana.

- Help to low wage earners in organized sectors: Government to pay 24 percent of the monthly wages into their provident fund accounts for next three months for wage-earners below Rs. 15,000 per month in businesses having less than 100 workers.
- Support for senior citizens, widows and Divyang: Government will give them Rs 1,000 to tide over difficulties during next three months.
- MNREGA wages to be increased by Rs. 20 with effect from 1st April, 2020.
- Limit of collateral free lending to self-help groups to increase from Rs. 10 lakhs to Rs. 20 lakhs;
- Employees' Provident Fund Regulations to be amended to include pandemic as a reason to allow non-refundable advance of 75 percent of the amount or three months of the wages, whichever is lower, from their accounts.
- Building and Other Constructions Workers fund to be utilized to provide assistance and support to these workers to protect them against economic disruptions.
- Funds available under District Mineral Fund (DMF) for supplementing and augmenting facilities of medical testing, screening, and other requirements in connection with preventing the spread of COVID-19 pandemic as well as treating the patients affected with this pandemic.

Comprehensive plan for food security.

20. The State has taken many pro-active steps to ensure that the lockdown does not affect food security and nutritional status

of children, pregnant and nursing mothers, families below poverty line, migrant workers, and other vulnerable communities.

i) Anganwadi Centers - Ensuring provision of nutritious food to children, adolescent girls and pregnant and nursing mothers.

- a) The Home Secretary, GOI, vide his letter dated 02.04.2020 has clarified that the distribution of food items and nutrition support by Anganwadi workers once in 15 days at the door step of beneficiaries is permissible, as per the consolidated guidelines on the lockdown measures issued by GOI. Copy of the letter dated 02.04.2020 is filed herewith and marked as **Annexure R-4**. The State has not received any guidelines from GOI with respect to opening of anganwadi centres.
- b) Nutritious food is normally supplied to children among the age group of 6 months to 3 years, and adolescent girls in the form of take home rations, and served in anganwadi centres to children in the age group of 3-6 years and pregnant and nursing mothers. In view of the lockdown, the State has extended the facility of supply of take home rations to children in the age group of 3-6 years and pregnant and nursing mothers also. Nutritional food was supplied to the door step of the intended target group of children, adolescent girls, pregnant and nursing mothers till 31.03.2020, and

distribution of take home rations till 14.04.2020 to the doorstep of the beneficiaries is in progress.

- ii) Mid-day meal to school children. The State was particular about ensuring that due to closure of schools for Standard I to X within the State, school children are not deprived of their mid-day meals. The State Government is providing rice and toor dal as per the Mid-day meal scheme for the period of 21 days from 14.03.2020 to 09.04.2020, i.e., the last day of the academic year. The specified quantity of food grains is given to the parent of each child enrolled in school. The State Government is following the prescribed measures to ensure food safety before providing food grains and pulses to children.

- iii) Implementation of National Food Security Act.
 - a. The Public Distribution System in Karnataka caters to about 1.47 crore families in the State, which accounts for roughly 73 % of the population of the State (projected to 2019). Around 1.19 crore families are covered under the NFSA. Over and above this number, the State Government has identified around eight lakh families as additional coverage under State-NFSA. Around 4.32 crore persons are covered under Central and State NFSA.

 - b. In rural Karnataka, 93 lakh families comprising 3.09 crore members are covered by BPL ration cards. 9.07 lakh cards covering 30.8 lakh members belong to non-priority household category (APL) in rural areas. 35.15 lakh cards

covering 1.22 crore members are in BPL category in urban areas. 11.52 lakh cards covering about 43 lakh members are in non-priority category (APL).

- c. In Karnataka, all the households covered under central and State NFSA are provided food grains free of cost/subsidized rate as per the following entitlement:

Free of cost:

- Antyodaya Ann Yojana (AAY) card holders (poorest of the poor): 35 kg Rice per month; and
- Priority households (PHH): 5 kg of rice per member per month and 2 kg of wheat per family.

Subsidized rate:

Non-Priority households (NPHH): up to 10 kg of rice per month at a subsidized rate of Rs.15/- per kg.

- d. There is an extensive network of 19,873 fair price shops catering to the distribution of food grains in the state. The State has decided to distribute April and May months' allotment of food grains to ration card holders in the month of April itself, and distribution through public distribution system has already started. Though distribution of food grains is normally done from 11th of every month to the end of the month, considering the exigencies of situation, distribution has been started from first week of April itself.
- e. Moreover, under the Pradhana Mantri Garib Kalyan Ann Yojana, a component of the relief package announced by

the GOI on 26.03.2020, each member of a BPL card will get an extra 5 kg of rice per month for a period of three months and each household will also get 1 Kg of dal per month for three months, free of cost with effect from April. The free rations under this scheme for the month of April and May will be distributed through PDS from the first week of May.

- f. The State Government has also provided intra-state portability to its ration card holders, and ration card holders of Karnataka can avail their quota of food grains from any fair price depot in any part of the State. Every month, on an average 5 lakh families are availing this facility. Families with ration cards from other States can avail food grains as per NFSA norms from any fair price depot in the state under inter-state portability. Migrant workers, daily wage workers, etc. from other states having the ration card in their native state can use this facility to obtain their entitlement.

- g. Social distancing norms are being followed so that there is no congestion or crowding, and food grains are distributed in an orderly fashion in the ration shops. A majority of ration shops in Karnataka have about 600 ration cards per shop on an average. Door to door delivery may be considered in extreme cases where circumstances warrant the same, as per the assessment of the district administration.

iv) Relief to migrant workers and other vulnerable sections without ration cards. The State Government is taking all possible steps to mitigate the adverse impact of the lockdown on vulnerable sections such as stranded people, homeless, daily wage workers, labours/migrants labour, and others. The State Government, vide order no RD 158 TNR 2020, dated 30.03.2020 has constituted a committee comprising of senior IAS officers to monitor the relief measures being undertaken. The steps taken in this regard are as follows:

- The Government of India has authorized the use of SDRF funds for the purpose of providing food security, clothing, and shelter to the needy, which are being used through the district administration to provide the same in both rural and urban areas. Adequate funds are available at the disposal of the Deputy Commissioners of the districts.
- Relief camps/shelter homes have been established across the state to house stranded labourers, homeless, destitute persons, etc. Instructions have been given to Deputy Commissioners to make all necessary arrangements, such as providing food, clean drinking water, medical care, clothing, etc. in the relief camps/shelters.
- In addition, prepared food packets are also being distributed where needed. Distribution of ration food kits (about a lakh) is being taken up in BBMP and adjoining areas. Each kit would have rice, dal, oil, spices, etc. and would be sufficient for 21 days.

- The State Government has also issued an order on 02.04.2020 directing that half litre of milk shall be given per day to each family in notified or un-notified slums, construction worker camps, and relief camps set up by Government across the State. Accordingly, milk is being distributed.
- The Deputy Commissioners have also been instructed to share the details of the locations of the relief camps/shelter homes set up for accommodating the migrant workers etc. with the Secretaries of the respective District Legal Services Authorities, as per the direction of this Hon'ble Court.
- Gram panchayats have also been directed through a government circular dated 27.03.2020 to provide relief to stranded persons, migrant labour, destitute, and other needy persons in their jurisdiction, by providing shelter in community centres/choultries, etc. Instructions have also been issued to open community kitchens and ensuring provision of food utilizing their own resources and/or accessing SDRF funds from the district administration, or through mobilization of donations from the community and NGOs, wherever feasible. A copy of the Circular dated 27.03.2020 is filed herewith and marked as **Annexure R-5**.
- A call centre and helpline has been established in Bengaluru to receive calls from any needy person and direct the same to the concerned officers for distribution

of food in BBMP and other areas. The Deputy Commissioners of all districts have also established control rooms and have publicized helpline numbers which could be used to contact district administration and seek relief.

Ensuring the supply chain for essential items.

21. The following submissions relate to steps taken by the Government to ensure a constant flow of agricultural/horticultural commodities and essential items to the public.
 - i) In order to contain the spread of Covid-19 across the country and to facilitate effective implementation of measures for social distancing, the Ministry of Home Affairs, GOI, in compliance to the directions of the National Disaster Management Authority, had issued certain guidelines to the State Governments, vide its order dated 24.03.2020 and subsequent addenda. The guidelines allow the operation of notified essential services with a view to ensure access to water, electricity, food commodities, health care and medicines, etc. to citizens, while restricting movement of general public and the operation of certain non-essential activities.
 - ii) A sub-committee of the State Executive Committee of the Karnataka State Disaster Management Authority has also been constituted vide Order No. RD 158 TNR 2020 dated 25-03-2020 to ensure proper supply chain management and

adequate supply of essential commodities during the lockdown period.

- iii) The State Government also issued an order dated 26.03.2020 by which all farming operations, movement of farm machinery, and vehicles have been permitted. A copy of the order dated 26.03.2020 is filed herewith and marked as **Annexure R-6**. This was communicated to all district Deputy Commissioners to ensure implementation. The State has been proactive in issuing instructions on its own and disseminating the directions of the Government of India to ensure that all agricultural operations go on unhindered.
- iv) Government of Karnataka has setup a State Level Supply Chain Monitoring Task Force for daily monitoring of essential commodities related to food grains, pulses, edible oil, fruits and vegetables, sugar and milks, confectionaries, and processing and packaging facilities. The task force is coordinating with all stakeholders dealing with essential commodities, agriculture inputs, and agricultural machinery.
- v) The Deputy Commissioners of the districts have set up district level supply chain management cells to monitor production, distribution, and matters related to supply and availability of essential commodities and all agricultural inputs on a daily basis.
- vi) Control rooms have been set up in the departments of Agriculture marketing, Agriculture, Horticulture, Animal

Husbandry, Fisheries, Sugar, KMF, KOF and KAPPEC to coordinate with various district units to monitor the movement of essential commodities coming under their ambit. The Agri-War Room set up in the Agriculture Department is monitoring all the issues connected to movement of farmers, workers, dealers, and distribution of various Agri-inputs.

- vii) The State is regularly conducting meetings with various stakeholders, that is, transporters' associations/trade bodies of whole-sellers of food grains, pulses, edible oils, fruits and vegetables, milk unions as well as representatives of e-commerce companies, confectionaries and packaging industries, KFCCI, Seeds, and other inputs suppliers, and feedback has been obtained regarding supply of essential commodities and agriculture inputs, and issues are resolved on priority. Further, the issues related to hassle free intra-state and inter-state movement of essential commodities are being resolved on emergent basis.
- viii) The Department of Agriculture Marketing is taking all steps to ensure smooth procurement of farm produce. Out of 162 APMCs in the State, 161 are made operational during this lockdown period and all farm produce are received and sold in the APMCs daily.
- ix) The State Government has permitted hassle free movement of all goods vehicles, empty or loaded, irrespective of the distinction of essential or non-essential. The State Government has issued instructions to all the field level

officers to the effect that all goods vehicles, including those carrying Agriculture and Horticulture produce, as well as those going empty after unloading, movement of vehicles for transport of sowing and harvesting related machines like combined harvester and farm machineries, do not require a pass.

- x) There is no issue regarding movement of harvesters and other farm machineries, both intra-State and inter-State. There is also no problem in transportation, unloading and stocking, selling of seeds, fertilizers, pesticides, and insecticides. All district officers have been directed and authorized to issue passes to all shops selling seeds, fertilizers, and insecticides which are in operation. All the Raitha Samparka Kendras in the State are functioning and agri-inputs and extension services are also provided. The custom hiring centers (CHC) are also made operational and providing necessary farm machinery services to the needy farmers.

- xi) The quantity of agriculture seeds needed up to the end of April 2020 has been procured, and is in transit to the concerned districts. Similarly, the stock of fertilizers available in the districts is three times the demand up to the end of April 2020. The stock of plant protection chemicals available is more than sufficient when compared to the demand anticipated as per the type of infestation and requirement from the experience of previous years.

- xii) HOPCOMS, a cooperative society of farmers, is procuring fruits and vegetables from farmers and distributing through a

chain of around 480 outlets and more than 100 mobile Vans across the State. HOPCOMS has also been asked to work with extended time periods. HOPCOMS is also trying to tie up with resident welfare associations of Bengaluru to supply the surplus produce of farmers by procuring directly from them.

- xiii) Further, the supply and prices of essential items are being monitored, and where state intervention is needed, the same is being made to facilitate starting of various units manufacturing or dealing in essential goods, and facilitating the inter-state and intra-state movement of goods so that the flow of supplies of essential items is maintained.

Care of Animals.

22. The State has taken the following steps to ensure that animals and pets are taken care of during the period of lockdown.

- i) The State has issued detailed guidelines through circular dated 02.04.2020 to all the district SPCAs headed by the respective Deputy Commissioners to proactively involve NGOs in the districts and take all necessary measures to provide food, water, and healthcare to pets in the pet shops. A copy of the Circular is filed herewith and marked as **Annexure R-7.**
- ii) All district SPCAs have been asked to take appropriate action to contact the pet shop owners and ensure feeding of pets inside the shops with required food and water. Further, the Deputy Directors, Animal Husbandry cum Member

Secretary of district SPCAs, were directed to inspect and report the status of pet shops in their districts.

- iii) There are 260 pet shops in the state and all the shop owners have either kept the shops open and/or making due arrangements for food, water, and healthcare to the pets inside.
- iv) Passes are being issued to representatives of NGOs engaged in feeding of stray animals, making provision for suitable timings to feed the stray animals. In this regard, a letter has been addressed to the DG & IG of Police requesting for passes to be issued to pet shop owners in order to enable them to provide food, water, and health care to pets and animals. A copy of the letter dated 04.04.2020 is filed herewith and marked as **Annexure R-8**.

Health and safety of pourakarmikas.

23. The State is conscious of the fact that pourakarmikas play an exemplary role in ensuring that cities and towns are kept clean, particularly during this period of lockdown, in order to stem the spread of infection. Hence, the State has given utmost importance to the health and safety of the pourakarmikas.

- i) In accordance with Municipal Solid Waste (Management & Handling) Rules 2000, the Urban local bodies have been directed to provide to each pourakarmika, 2 sets of Uniforms, 1 set of Gumboots, 2 numbers of face mask, 4 set of hand gloves, aprons, and one set of rain coat.

- ii) In the aftermath of the outbreak of Corona virus, special instructions have been given to ULBs to ensure there is no shortfall in supply of safety equipment to Pourakarmikas and to ensure replacement of masks and gloves. Specific directions have been given to purchase safety equipment required during the emergency period from the Municipal funds, SCP/TSP funds or from SFC untied grants for Pourakarmikas, auto drivers, sanitary supervisors, and all health staff.
- iii) Further, ULBs have been directed to rigorously monitor that the safety devices are worn by Pourakarmikas, and instructions have been given to sanitize safety equipment before use.
- iv) The Urban Local bodies have been directed to compulsorily provide Pourakarmikas and Drivers in charge of those who have been quarantined with personal protective kits, comprising of three layered disposable masks, hand gloves, and protective gown. Furthermore, the used protective gear will be treated as hazardous bio-medical waste and would be disposed of daily.
- v) Standing Instructions are already in place to ULBs to carryout regular health check-ups to the Pourakarmikas once in 3 months by a health officer not less than a cadre of Assistant Surgeon, and also to conduct master health check-up once in a year. Hepatitis- B vaccination in three phases 0–1–6 months has been made mandatory to all the

Pourakarmikas and their dependent family members. All other standard supplementary drugs are provided during health checkups.

- vi) First Aid box, sanitizers or soap solution are being made available in all the zonal and municipality offices. Municipal waste transport vehicles have also been provided with first aid kits.
- vii) All Urban Local Bodies are providing breakfast to Pourakarmikas from the year 2015-16 as per G.O vide No.UDD 92 TMS 2012 dated 13.02.2015. After the Covid-19 outbreak, all the ULBs continue to provide nutritious and hot breakfast in the morning at the Mustering Centres to Pourakarmikas and other Sanitary Workers. Drinking water and toilet facilities have been provided too.
- viii) Provision has also been made for availability of drinking water in all mustering points and also at the point where breakfast is served. Separate rooms have been earmarked in Urban Local Bodies for Pourakarmikas to use as changing rooms.
- ix) Instructions have been given to ULBs not to terminate any Pourakarmikas in the event of any personal difficulty, distress, or any mitigating circumstances vide circular No: DMA 35 SWM 2019-20 dated: 27.03.2020. A copy of the Circular dated 27.03.2020 is filed herewith and marked as **Annexure R-9**.

- x) Door to door collection timings have been revised during the lockdown period as 6.30 AM to 10.30 AM.
- xi) Guidelines have been issued vide No. DMA 35 SWM 30317 2019-20 dated: 30.03.2020 to all these ULBs regarding safe disposal of waste from quarantined households. A copy of the Circular dated 30.03.2020 is filed herewith and marked as **Annexure R-10**. Accordingly, for the quarantined households, ULBs have been directed to collect all waste in yellow coloured non-chlorinated plastic bags and such waste to be treated as bio-medical waste which is to be incinerated or to follow deep pit burial method as laid down in Bio-Medical Waste Management Rules, 2016. This waste has to be collected separately and transported separately in a pre-designated vehicle. Instructions have been given to wash these vehicles everyday with hypochlorite solution-01%.
- xii) The Pourakarmikas and every sanitary staff are subjected to thermal checking twice every day, before they leave for work and after they return from work. Also, the supervisory staff have been instructed to keep a watch for any signs of symptoms of covid-19 and ensure treatment.
- xiii) 129 ULBs have made necessary arrangements for transportation of Pourakarmikas, wherever there is a need for the same.
- xiv) Environmental Engineers, Senior Health Inspectors, Community Affairs Officers have been identified as Resource

persons in each ULB to sensitize pourakarmikas and other health staff on preventive measures, practicing social distancing, self-vigilance and protection, necessity of self-quarantine etc.

Institutional mechanisms established in view of Covid-19 epidemic and lockdown.

24. A Covid-19 task force has been established comprising of cabinet ministers to monitor all activities relating containment of Covid-19.
25. Sixteen Committees comprising of senior officers of the Government have been constituted to oversee various aspects, such as medical emergency management, disease surveillance, augmenting human resource and capacity building, coordinating with private sector, NGOs, public grievances, implementation of lockdown, etc.
26. The district in charge secretaries are visiting their assigned districts and are overseeing the measures being implemented by the districts with respect to compliance to quarantine protocols, contact tracing, testing, hospital preparedness, relief to migrant workers and other vulnerable sections etc.

Leveraging the Grama Panchayat network.

27. The Department of Rural Development and Panchayath Raj has issued detailed guidelines in the form of a circular dated 27.03.2020 (Annexure R-5), outlining the various activities to be

undertaken by the Gram Panchayaths across the State, both at the village level and the GP level by setting up Village Level Task Forces (VTP) and Gram Panchayath Level Task Forces (GPTF). The guidelines lay down in detail the various activities that need to be undertaken by the Gram Panchayaths as well as the villages in the context of the COVID-19 Pandemic towards maintenance of cleanliness, both personal as well as that of community, provision of food, shelter and essential supplies to the rural populace, and awareness activities. The Panchayath Task Forces are overseeing the distribution of food rations to the children of anganwadi and government schools and the ration card holders.

Coordination with NGOs.

28. A committee chaired by an Additional Chief Secretary-level officer and comprising of senior IAS officers has been set up to coordinate with NGOs, industry, and international organizations regarding response-related activities in view of the Covid-19 pandemic.
29. A Sub-committee has been set up for coordination with the NGOs on a daily basis and to operationalize the day-to-day COVID-related response and relief measures including issue of passes to NGOs.
30. The Chief Secretary to the Government had a Video-Conference with 49 NGO representatives to seek their cooperation and partnership in management and mitigation of the pandemic, especially with regards to the relief measures.

31. A central state portal called Sankalpa is in the final stages of completion, and once it is operational, it will become the main channel of relief and response coordination.
32. A dedicated email address karfightscorona@karnataka.gov.in has been made operational.

BBMP Measures.

33. It is submitted that the BBMP has the highest regard for the safety of the pourakarmikas and, accordingly, it ensures that all safety equipments have been provided to all pourakarmikas, namely gloves, mask, shoes, and hand sanitizers.
34. It is further submitted that food packets have been provided to all Pourakarmikas, compactors, and auto tippers drivers, and helpers through the Indira Canteen network.
35. As submitted earlier, BBMP has taken utmost care regarding the health of pourakarmikas, and has, accordingly restricted their working hours to 4 hours, that is, between 6.30 AM to 10.30 AM.
36. A travel allowance of Rs. 100/- is also being provided on a daily basis to all pourkarmikas. Furthermore, providing transportation to the pourakarmikas through BMTC or private transport is under process, and would be provided based on specific requests from zones/ divisions.

37. As regards collection of waste from quarantined houses, guidelines have been issued by the Director of Municipal Administration, Government of Karnataka on 30.03.2020 (Annexure R-9). In accordance with the said guidelines, BBMP is in the process of taking steps to collect the waste from Quarantine centres by engaging external agencies, who are authorised by the Karnataka State Pollution Control Board for collection and scientific disposal of waste as per Bio-medical Waste rules, 2016.

Police Measures.

38. **Excessive Force and Movement of Vehicles.** It is submitted that the Director General & Inspector General of Police (DG & IG) has issued a Circular dated 04.04.2020, inter alia, directing police officers within the State not to use force and lathis unnecessarily and to exercise restraint while dealing with members of the public. The Circular also states that action would be taken against those officers who use excessive force without sufficient cause. The said Circular also addresses the issue of movement of vehicles and clarifies that persons ought to be permitted to commute for purchasing food and other essential commodities. A copy of the Circular dated 04.04.2020 is filed herewith and marked as **Annexure R-11**.

39. **Prisoner Release and Arrests.**

i) It is submitted that till date (updated up to 05.04.2020), 636 prisoners have been granted interim bail, as per the directions of the Hon'ble Supreme Court and the

discussions of the High-Powered Committee. It is further submitted that 613 of them have already left the respective prisons, in either police or prison vehicles.

- ii) It is further submitted that 1379 prisoners have been identified thus far to be released on parole, of which 14 prisoners have already been released on parole from the prisons. Out of 1379 prisoners so eligible for parole, there are as many as 175 prisoners who, though eligible for parole, are not willing to go on parole. The process is on for release of more prisoners on parole after securing their consent, and subject to getting all other clearances and surety for their release.
- iii) A Circular dated 03.04.2020 has been issued by the DG & IG directing officers to strictly follow the dictum of the Hon'ble Supreme Court in Arnesh Kumar, (2014) 8 SCC 273, in respect of arrest and detention of accused persons. A copy of the Circular dated 03.04.2020 is filed herewith and marked as **Annexure R-12**.

40. **Nizamuddin event.**

- i) It is submitted that upon receipt of information on 21.03.2020 regarding presence of individuals who attended the Nizamuddin Markaz in New Delhi during the 2nd and 3rd weeks of March, immediate and urgent steps were to address the threat to public health and security, including locating, isolating, and making arrangements for medical

examination of such individuals. The following relevant submissions are placed before this Hon'ble Court:

- ii) 50 foreign Tablighi Jamaat ("TJ") members, traced in Karnataka State were placed in institutional quarantine. These members included 24 persons of foreign origin in Bengaluru (10 from Indonesia, 11 from Kyrgyzstan, 1 from France, 1 from Kenya, and 1 from the UK), Bidar (8 from Kyrgyzstan), Belagavi (10 from Indonesia), and Tumkur (4 from South Africa, 3 from Gambia, and 1 from USA);
- iii) On subsequent inquiry, it was seen that several Indian TJ members, including some from the State of Karnataka, had attended the Nizamuddin Markaz in Delhi. Many of these individuals had returned to Karnataka on different dates and at different places;
- iv) The Superintendents of Police in the districts and Commissioners of Police have been issued instructions to trace the above-mentioned individuals by liaisoning with the local community;
- v) In this regard, some more information has been received through confidential channels leading to tracking of additional persons who attended the event in Nizamuddin. Each of the persons who have been traced have been subjected to medical screening and placed in quarantine in various parts of Karnataka based on medical advice; and

- vi) In addition, an advisory has been issued to all persons who attended the Nizamuddin event to contact a helpline number. The said advisory has been widely circulated to ensure that the message reaches all parts of the State.

BANGALORE
DATED: 07.04.2020

Sd/-
(VIKRAM HUILGOL)
ADDL.GOVT.ADVOCATE
A N D
ADVOCATE FOR RESPONDENTS