

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 28TH DAY OF MAY 2021 / 7TH JYAISHTA, 1943

WP(C) NO. 1079 OF 2021

PETITIONER:

AKBAR M. K., AGED 48 YEARS
S/O. LATE P. CHERIYAKOYA, MALMIKKAKKADA HOUSE,
KALPENI ISLAND, UNION TERRITORY OF LAKSHADWEEP-682 557.

BY ADVS. SRI. AJIT G. ANJARLEKAR
SRI. GOVIND PADMANAABHAN
SRI. G. P. SHINOD

RESPONDENTS:

- 1 UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY THE ADMINISTRATOR, KAVARATTI ISLAND,
UNION TERRITORY OF LAKSHADWEEP 682 555.
- 2 THE ADMINISTRATOR,
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI ISLAND, UNION TERRITORY OF
LAKSHADWEEP-682 555.
- 3 THE COLLECTOR AND CHAIRMAN,
DISASTER MANAGEMENT AUTHORITY (DDDMA),
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI ISLAND, UNION TERRITORY OF
LAKSHADWEEP-682 555.
- 4 LAKSHADWEEP DISTRICT PANCHAYAT
REPRESENTED BY ITS PRESIDENT CUM CHIEF CONSELLOR,
UNION TERRITORY OF LAKSHADWEEP, KAVARATTI ISLAND,
UNION TERRITORY OF LAKSHADWEEP-682 555.
- 5 THE DIRECTOR OF HEALTH SERVICES,
DIRECTORATE OF MEDICAL AND HEALTH SERVICES,
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI ISLAND, UNION TERRITORY OF
LAKSHADWEEP-682 555.
- 6 THE DIRECTOR, PORT, SHIPPING AND AVIATION,
DEPARTMENT OF PORT, SHIPPING AND AVIATION,
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI ISLAND,
UNION TERRITORY OF LAKSHADWEEP-682 555.

7 THE ASSISTANT DIRECTOR (DISASTER MANAGEMENT),
DISASTER MANAGEMENT AUTHORITY,
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI ISLAND,
UNION TERRITORY OF LAKSHADWEEP-682 555.

BY ADV SHRI MANU S., SCGC, ADMINISTRATION OF THE UNION
TERRITORY OF LAKSHADWEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT**S. Manikumar, CJ**

Instant Public Interest Litigation is filed praying to issue a writ of *certiorari* or any other appropriate writ, order, or direction, to call for the records leading to Exhibit-P4 Standard Operating Procedure dated 22.12.2020 issued by the Collector and Chairman, Disaster Management Authority (DDDM), Administration of Union Territory of Lakshadweep, respondent No.3; Exhibit-P5 circular dated 26.12.2020, issued by the Assistant Director (Disaster Management), Disaster Management Authority, Administration of Union Territory of Lakshadweep, respondent No.7; and Exhibit-P6 communication dated 28.12.2020 issued by the 7th respondent, and quash the same.

2. Facts leading to the filing of the writ petition are as under:

Petitioner claiming to be a member of the Scheduled Tribe of Lakshadweep and a social worker, is aggrieved by order passed by the 3rd respondent, whereby, persons from the mainland are permitted to enter and move around freely in Lakshadweep, without undergoing a mandatory quarantine, either in Kochi or Lakshadweep. He submitted that Union Territory of Lakshadweep is the only place in India where not even a single case of COVID-19 has been reported. The restriction on travel imposed during lockdown was lifted and persons who wanted to visit

Lakshadweep have to undergo 14 days mandatory home quarantine after their arrival in islands, post COVID-19 negative test at Kochi, along with 14 days of mandatory quarantine, in Kochi. By Exhibit P1, the Standard Operating Procedure was modified and the mandatory home quarantine in islands was reduced to 7 days with effect from 01.10.2020. By Exhibit P2, the SOP was again modified to the effect that persons desirous of visiting Lakshadweep have to undergo 10 days mandatory institutional quarantine at Kochi, instead of 14 days, which was earlier stipulated, and after 7 days, the person was allowed to undergo COVID-19 test. If the result was found to be negative, the person was allowed to move to Lakshadweep on completion of ten days of institutional quarantine period. However, the mandatory home quarantine of 7 days in Lakshadweep, earlier stipulated, was retained.

3. Petitioner has further stated that the erstwhile Lakshadweep Administrator has taken a judicious decision to impose mandatory quarantine on persons who were desirous of visiting Lakshadweep, being aware of the backwardness and the dearth of medical facilities in Lakshadweep. Such measures yielded results, which is demonstrable from the fact that even a single case of COVID-19 was reported in Lakshadweep. Thereafter, a new Administrator assumed office and thereupon, the Administration modified the SOP, by way of Exhibit P4

Standard Operating Procedure dated 22.12.2020, and lifted the mandatory quarantine in Kochi and Lakshadweep stipulated earlier and instead, permitted all the persons, who were desirous of visiting Lakshadweep, to carry a negative test report of RTPCR, obtained 48 hours before their travel to Lakshadweep.

4. Petitioner has further stated that the 7th respondent, in pursuance of Exhibit P4, issued a circular dated 26.12.2020, wherein it is stipulated that any person who wishes to travel to the islands, after obtaining a ship ticket, can travel to Lakshadweep, after obtaining a negative test report of RTPCR.

5. Petitioner has further stated that Lakshadweep is one of the most backward areas, with inadequate medical facilities compared to any part of India. According to the petitioner, there are only 2 ventilators available in Lakshadweep and the availability of oxygen cylinders are bare minimum. In the unfortunate event of a COVID-I9 death, there are no burial grounds available in Lakshadweep, in accordance with the COVID-I9 burial protocol. Moreover, since Lakshadweep is thickly populated and has a high water table, the chances of infection in case of a burial is high. There are no facilities available in Lakshadweep for the disposal of medical waste, in the event of widespread use of PPE kits and other attendant medical equipment.

6. Petitioner has further stated that though the population of Lakshadweep is around 70000, there is not even a single full-fledged ICU available in Lakshadweep apart from the lack of a blood bank . Except for primary treatment, all other patients who develop major complications are evacuated to Kochi by helicopter. Even for normal evacuation of patients, helicopters are not readily available for one reason or the other and in the event of frequent evacuation of COVID-19 patients by helicopter, frequent sanitation may not be possible and there is a limit for evacuating patients by helicopter.

7. Petitioner has further stated that the elected bodies in Lakshadweep comprise of 10 Village (Dweep) Panchayats and the Lakshadweep District Panchayat. Having regard to the imminent danger in reopening Lakshadweep to persons coming from the mainland, without a mandatory quarantine and the veritable concerns raised by the general public, the aforesaid elected representatives, in union, submitted Exhibits P7 to P7(n) resolutions and representations before various authorities seeking for modification of the new SOP, which takes away the stipulation of the mandatory quarantine before entering Lakshadweep. Petitioner has contended that the persons, who are proceeding to Lakshadweep, after undergoing a test of RTPCR, are roaming freely around Kochi and Calicut, for purposes including but not restricted to purchase of essential

commodities, vegetables, and are interacting with the general public. Therefore, there is a high chance of contracting the disease, after undergoing the aforesaid test.

8. Petitioner has further stated that Exhibit P4 SOP does not take into account the chances of a person travelling to Lakshadweep being infected during the intervening period after the test has been undergone. The lifting of mandatory quarantine period, both in the mainland and the islands, without taking into consideration the limited medical facilities in Lakshadweep has caused grave apprehension among the general public and consequently, demonstrations and *dharnas*, as evident from Exhibits-P8 and P9 photographs have been carried out by general public all over the Union Territory, in order to rescind Exhibit-P4 SOP dated 22.12.2020.

9. However, rather than holding deliberations with the elected representatives and other stakeholders, the Lakshadweep Administration has taken coercive action against such protesters and around 35 persons, including 8 women and elected representatives, have been languishing in the jail for the past 2 weeks. The Administration has charged serious offences against peaceful protesters to ensure that they are remanded and to prevent persons who are having dissenting opinions from airing or voicing their genuine concerns. According to the petitioner, the action on the part of the respondents in issuing Exhibit P4, without any consultation

with the elected representatives and stakeholders, and without any regard to the genuine concerns of the public has visited the petitioner and thousands of similarly situated people, with adverse civil consequences and the same is violative of Article 21 of the Constitution of India. Hence, the writ petition.

10. On the above pleadings, petitioner has raised the following grounds:

A. In pursuance of the powers conferred on the 2nd respondent, the Administrator of Lakshadweep Administration, under Section 44 of the Lakshadweep Panchayats Regulation, 1994, read with Section 46 of the said Regulation, the provisions contained in Constitution (73rd Amendment), and the Executive Orders issued by the Administrator, the schemes and programmes being implemented by the Departments of Agriculture, Animal husbandry, Education, Fisheries, Health and Sanitation along with all the plan schemes and non-plan conference were transferred to the District Panchayat and the Village (Dweep) Panchayats. Further, the Administrator, in exercise of powers conferred under Sections 39, 40 and 41 of the Lakshadweep Panchayats Regulation, 1994, transferred the entire establishments of Agriculture, Animal Husbandry, Fisheries, Education and Medical to the District Panchayat of Lakshadweep. A true copy of the notification dated 07/03/2012 issued by the Secretary (Panchayats) vide F.No.2/1/2012-DOP (Exhibit P10). Exhibit P10 is an exercise, in conformity with Section 44 of the Lakshadweep Panchayats Regulation, 1994, read along with Section 46 of the said Regulation and the provisions contained in

Constitution (73rd Amendment). The matters enumerated under 11th schedule of Article 243G has been included in the 4th schedule under sub section (2) of Section 44 read with Section 46 of the Lakshadweep Panchayats Regulation, 2012, as a verbatim copy. The matters enumerated under the aforesaid schedules, which were under the control of Lakshadweep Administration, were transferred to the District Panchayat and the Village (Dweep) Panchayat and the said exercise is in pursuance of the letter and spirit and the mandate contained in the 73rd Amendment of the Constitution and Section 44 read with Section 46 of the Lakshadweep Panchayats Regulation. Therefore, the respondents ought not to have issued orders transgressing into the powers vested upon the Lakshadweep District Panchayat, pertaining to health and sanitation or in the alternative, ought to have consulted the Lakshadweep District Panchayat before issuing any orders pertaining to health and sanitation of Lakshadweep.

B. The powers vested under the Disaster Management Act operate in a different sphere and the same cannot transgress into the powers pertaining to health and sanitation vested upon the District Panchayat of Lakshadweep, conferred under the Constitution of India and the Lakshadweep Panchayats Regulation. Therefore, the respondents ought to have considered the genuine concerns raised by the general public and the elected representatives and ought to have allayed their apprehensions.

C. The respondents ought to have considered that Lakshadweep is one of the most backward areas, with inadequate medical facilities compared to any part of India; that there are only 2

ventilators available in Lakshadweep and the availability of oxygen cylinders are bare minimum; that in the unfortunate event of a COVID-19 death, there are no burial grounds available in Lakshadweep in accordance with the COVID-19 burial protocol; that since Lakshadweep is thickly populated and having a high water table, the chances of infection in case of a burial is high; that there are no facilities available in Lakshadweep for the disposal of medical waste in the event of a widespread use of PPE kits and other attending medical equipment; that for the entire population of around 70,000 in Lakshadweep, there was not even a single full-fledged ICU available in Lakshadweep and there is not even a blood bank that is existing in Lakshadweep; that except for primary treatment, all other patients who develop major complications are evacuated to Kochi by helicopter; that even for normal evacuation of patients, helicopters are not readily available for one reason or the other and in the event of the evacuation of a COVID-19 patient by helicopter, frequent sanitation is not possible.

D. A new variant of SARS-CoV 2 virus [Variant Under Investigation (VIJI)-20212/011 was reported by the Government of United Kingdom (UK) to the World Health Organization (WHO). This variant is estimated by European Center for Disease Control (ECDC) to be more transmissible and affecting the younger population. This variant is defined by a set of 17 changes or mutations. One of the most significant is an N501Y mutation in the spike protein that the virus uses to bind to the human ACE2 receptor. Changes in this part of the spike protein may result in the virus becoming more infectious and spreading more easily between people. Therefore, the *ex abundanti cautela* that was in existence earlier by way of quarantine ought to be re-imposed.

E. A policy matter by the Government which infringes upon the fundamental right of a citizen is liable to be quashed and therefore, as a necessary corollary, the relevant part of Exhibit P4 SOP is liable to be quashed.

11. Learned Senior Central Government Standing Counsel for Lakshadweep Administration, has filed a detailed statement on behalf of the respondents in support of the proceedings impugned in the writ petition, controverting the allegations of the writ petitioner.

12. It is contended that the petitioner has no case that the SOP is contrary to any provisions of the relevant laws and the decision to revise the SOP is purely a matter of policy taken with due regard to all the relevant considerations and it is well within the authority of the Administration under the relevant provisions. It is further contended that the said revised SOP is not illegal, improper or arbitrary, and therefore, no interference is warranted. The Public Interest Litigation is an abuse of process of the Court.

13. That apart, it is contended that Lakshadweep Administration has been diligently taking all the required measures to keep the people of the islands safe from the very beginning of the outbreak of COVID-19 in the country. The Administration issued "The Lakshadweep Epidemic Disease, COVID-19 Regulations, 2020, and an order dated 22.03.2020, suspending sail of all the passenger ships and high speed crafts sailing to and from

the islands and mainland. The movement from the mainland to the islands, as well as from the islands to the mainland were thus totally suspended from 22.03.2020 onwards and prohibitory order under Section 144 of the Code of Criminal Procedure was also issued on 22.03.2020. Thereafter, detailed orders were issued for managing the situation on 25.03.2020 under the provisions of the Disaster Management Act, 2005.

14. It was further contended that during the lockdown period imposed by the Ministry of Home Affairs, no movement other than for the supply of essential commodities and medical emergencies were permitted by the Administration. Later, the Government of India modified the SOP initially issued and started the process of graded reopening and progressive resumption of activities. In the instructions issued on 29.06.2020, the Ministry of Home Affairs insisted that there shall not be any restrictions in interstate and intrastate movements of people and goods. In a phased manner, the restrictions were relaxed by the Central Government, as well as the State Governments. The relaxations were indispensable for resumption of economic and other essential activities.

15. It is further stated that no other State or Union Territory had been following such a stringent quarantine protocol after the commencement of graded reopening process. The Lakshadweep Administration had been providing free institutional quarantine at

Ernakulam for 383 (approximate) numbers at a time, totally free of cost. Apart from that the Lakshadweep Administration is bearing the cost of RTPCR test also, which was insisted before travelling to the islands. The Administration has made all preparations for managing the situation and to provide sufficient health care in case the people of the islands get affected by COVID-19. The Department of Medical and Health Services have already deployed doctors in all the islands to provide COVID cases and sufficient numbers of doctors are available in the island. In addition to that, 25 doctors in the Ayush sector are also available under the Administration and the Government of India has permitted Ayush doctors also to treat the COVID-19 patients with mild symptoms and also to administer medicines for enhancing the immunity. The preparations made by the Department of Medical and Health Services, as well as other departments were detailed in the said statement.

16. It is further stated that after issuance of Exhibit-P4 SOP, a joint meeting of Lakshadweep Disaster Management Authority and the heads of all the departments was held on 23.12.2020 at Kavaratti, wherein a detailed plan for implementation of revised SOP was deliberated and formulated. The District Panchayat President attended the meeting and agreed with the said plan. Instructions have been given to all the concerned departments regarding the actions to be taken by each

department. For proper coordination and monitoring of COVID related activities, two civil service officers, who are medical graduates, have been assigned for five islands each. In order to ensure enforcement of COVID protocol, the police personnel of Lakshadweep have been conferred with powers under Regulation 17 of the Lakshadweep Epidemic Diseases, COVID-19 Regulations, 2020 for imposing fines and to collect penalty from any person violating the regulations and this was done by notification dated 27.12.2020. Thus, the Administration has taken all the practical steps to control the spread of COVID-19 infections in the island, after revision of the SOP.

17. Finally, it is stated that the apprehension of the petitioner expressed in the writ petition are exaggerated and unrealistic. The petitioner has not made any efforts to know the steps already taken by the Administration and the facilities made available for COVID management. Through the writ petition, he was trying to impose his personal perceptions upon the Administration, thus seeking intervention in a policy matter, which is well within the requirements of law. Therefore, it is submitted that there is no merit in the contentions of the petitioner and prayed for dismissal of the writ petition.

18. Heard the learned counsel for the respective parties and perused the material available on record.

19. Exhibit-P1 SOP modification for domestic returnees, foreign returnees and COVID-19 positive persons, dated 01.10.2020 issued by the 3rd respondent, the Collector and Chairman, Disaster Management Authority, Lakshadweep Administration, respondent No.3, reads thus:

"F. No. E/21/7/2020-Co.(Vol.I)

Dated: 01.10.2020

**SOP MODIFICATION FOR DOMESTIC RETURNEES,
FOREIGN RETURNEES AND COVID-19 POSITIVE
PERSONS**

Lakshadweep Administration had issued SOP for movement of people from mainland to Lakshadweep and vice versa vide F. No E/21/7/2020-CoL dated 18.05.2020 followed by Addendum dated 09.07.2020 and 20.07.2020 for management of COVID-19 Pandemics.

In view of more people getting tested positive for COVID-19 and increased spread of corona in India including Kerala, the following SOP is issued in modification of SOPs dated 18.05.2020, 09.07.2020 and in supersession of SOP dated. 20.07.2020, with a view to keep the islands corona free.

The paras B (x) & (xi) of the SOP dated 18.05.2020 are replaced with the following:

"X. All the persons who wish to return to Lakshadweep from Kerala or any other States/UTs/Countries had to undergo 14 days mandatory home quarantine after their arrival in islands, post COVID-19 negative test at Kochi. Now the 14 days home quarantine in Islands has been reduced to 7 days along with household members immediately on arrival at Lakshadweep"

The following clauses are added as Para B (xiii) of SOP dated 18.05.2020.

In case if a person is tested COVID-19 Positive at Kochi, the following procedure shall be followed.

1. The person tested COVID-19 Positive has to be shifted immediately to COVID-19 treatment Centers in Kerala, in

consultation with the District Nodal Officer (COVID-19), if he/she is having symptoms.

2. The COVID-19 Positive asymptomatic persons, shall be immediately shifted to Dedicated COVID-19 Isolation Facility at Kochi notified by Lakshadweep Administration.

3. As soon as a COVID-19 Positive asymptomatic persons develop symptoms, he/she should be immediately shifted to COVID19 treatment Centers in Kerala, in consultation with the District Nodal Officer (COVID-19).

4. COVID-19 Positive asymptomatic persons notified isolation facility, should be retested for ten days for confirmation of RT-PCR and if found negative, they shall be allowed to travel to Lakshadweep. In case, the RT-PCR result is positive, the person shall continue in isolation for 7 more days, and shall be re-tested for COVID-19 RT-PCR at the end of 7 days. The person shall continue to stay in the Designated COVID-19 Isolation Facility until he/she tests Negative COVID-19 RT-PCR.

5. The primary contact of COVID-19 positive persons, shall be isolated in the same institutional quarantine centre and shall be tested after days, and if found negative, they shall be allowed travel Lakshadweep.

6. The primary contacts, the persons to be shifted to isolation centre & persons to be admitted in Kerala Medical facilities shall be decided by a committee of the following officers;

- | | | |
|--|---|----------|
| a. Administrative Officer, Kochi | - | Chairman |
| b. Medical Officer In-charge | - | Member |
| c. Officer in charge Police (Special Branch) | - | Member |

7. Once person is tested positive, the quarantine facility will be disinfected by Medical Department as per the guidelines of Ministry of Health and Family Welfare, Govt of India.

8. The Administrative Officer, Kochi shall segregate persons returning to Lakshadweep as (1) People who have gone from Lakshadweep to Kerala including patients and escorts (2) Foreign Returnees and (3) Other while providing quarantine facilities.

9. The Medical Officer In Charge posted at Kochi shall be responsible for management of all COVID 19 Positive persons

and he must ensure that all the prescribed procedure are complied with.

Other conditions in the above SOPs shall remain same.

Vijendra Singh Rawat IAS
Collector & Chairman

To
All concerned”

20. Exhibit-P2 Standard Operating Protocol modification for Domestic Returnees and Foreign Returnees dated 04.11.2020 issued by the 3rd respondent reads thus:

“F. No. E/21/7/2020-CoL(PART)

Dated: 04.11.2020

**SOP MODIFICATION FOR DOMESTIC RETURNEES AND
FOREIGN RETURNEES**

The Lakshadweep Administration had issued an SOP for the movement of people from mainland and vice versa, vide F. No. E/21/7/2020-CoL dated 18.05.2020, 09.07.2020 and 01.10.2020 respectively for the of COVID-19 Pandemic and Lakshadweep as COVID-19 free. Considering the prevailing situation arising out of COVID-19 pandemic in country especially the neighborhood of Lakshadweep and also keeping in view of re-opening or more activities in country, the following modification is made according to the right reserved in SOP, vide para B(xii) dated 18.05.2020.

As per the SOP dated 01.10.2020, all the persons who wish to return to Lakshadweep from Kerala or any other States/UTs/ Countries has to undergo 14 days mandatory institutional quarantine at Kochi. Now, it has been decided to reduce the mandatory institutional quarantine Kochi to 10 days instead of 14 days and after 7 days of quarantine, the person may be allowed to undergo COVID-19 test and if the result is found to be negative, the person shall allowed to move to Lakshadweep on the completion of 10 days institutional quarantine period. All the other conditions as mandated by the prevailing SOP shall remain in place.

This will come into effect from the date of notification of this modified SOP.

S. Asker Ali, IAS
Collector and Chairman, DDMA

To

The Administrative Officer, Lakshadweep Office, Kochi
for necessary action.”

21. Exhibit-P3 is the circular dated 23.11.2020 issued by the 3rd respondent and the same reads thus:

“F. No.E/21/12/2020-CoL.

Dated: 23.11.2020

CIRCULAR

In view of the prevailing situation arising out of CVOID-19 Pandemic and the re-opening of more activities in the country, the Lakshadweep Disaster Management Authority has developed an online portal for facilitating the COVID-19 Quarantine Management with the support of NIC. All the persons who desire to travel to Lakshadweep from mainland have to get mandatorily registered in the online portal www.lghms.utl.gov.in/lgms for availing quarantine facility at Kochi. The link can be accessed from www.lakshadweep.gov.in site also.

This is issued with the approval of the Competent Authority.

S. Asker Ali, IAS
Collector and Chairman, DDMA

To

All Concerned.”

22. Exhibit-P4 is the Standard Operating Procedure dated 22.12.2020 issued by the 3rd respondent and the same reads thus:

“F.No-E/21/7/2020-CoL

Dated : 22.12.2020

Standard Operating Procedure

The Lakshadweep Administration has achieved tremendous success in prevention of COVID 19 Pandemic in the islands through strict lockdown, quarantine, testing and surveillance measures for the entire period. Owing to the efforts taken by the Administration, the Islands have successfully sustained COVID 19 free status ever since the lockdown.

The Administration now intends to open up more economic and livelihood activities for the local population by relaxing the prevailing SOP and permit the movement of men and material into its territory, for which, it is of utmost importance that a revised Standard Operating Procedures for surveillance, containment and caution are put in place with strict enforcement so that the islands can sustain a COVID 19 free status in the future as well.

With a view to consolidate the substantial gains that have been achieved against the spread of COVID-19, the Administration aims to maintain caution and strictly follow the prescribed containment strategy, focused on surveillance, containment and strict observance of the guidelines. The essence behind graded re-opening and progressive resumption of activities is to move ahead, exercising due care. Every citizen must adopt COVID-19 appropriate behavior, so as to ensure that the resumption of activities is successful and gains made in the management of the pandemic are not negated.

The following guidelines are issued to be effective from 28th December 2020.

(A) COVID Appropriate Behavior:

1. Strict enforcement of wearing of face masks, hand hygiene and social distancing must be ensured. The District/Local Administration shall ensure all necessary measures are taken to promote COVID-19 appropriate behavior.
2. Wearing of face masks is an essential preventive measure, in order to enforce this core requirement any person found without wearing a mask in public/workplaces shall be levied a fine of Rs.100/- at the first instance and Rs.200/- at second instance of violation.

3. Observance of social distancing in crowded places, especially in markets, weekly bazaars and public transport, is also critical for containing the spread of the infection. SOPs in this regard issued by the MOHFW shall be followed strictly_.
4. The UT directives for COVID-19 Management, as specified in Annexure I shall be strictly followed throughout the territory.

(B) Surveillance and Containment:

The Local and District Administration shall ensure strict enforcement of all SOPs and Covid Appropriate Behavior to sustain the COVID 19 free status in the UT. However, in all untoward incidence of any COVID case detected, the following surveillance and containment measures shall be undertaken:

1. Effective demarcation of Containment Zones, in vulnerable and high incidence areas, is key to breaking the chain of transmission and controlling the spread of the virus. Containment Zones shall be carefully demarcated by the district authorities, at the micro level, taking into consideration the guidelines prescribed by the Ministry of Health and Family Welfare (MoHFW) in this regard. The list of Containment Zones will be notified on the websites by the District Collector and by the Department of Health and Family Welfare. This list shall also be shared with MoHFW.
2. Within the demarcated Containment Zones, containment measures. as prescribed by MoHFW, shall be scrupulously followed, as under:
 - (i) Only essential activities shall be allowed in the Containment Zones.
 - (ii) There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services.
 - (iii) In the Islands, the District and Local Administration shall ensure complete and intensive house-to-house surveillance by surveillance teams formed for the purpose.
 - (iv) Testing shall be carried out as per the prescribed protocol by the local Health dept.

- (v) Listing of contacts shall be carried out in respect of all persons found positive, along with their tracking, identification, quarantine and follow up of contacts for 14 days (80% of contacts to be traced in 72 hours).
 - (vi) Quick isolation of COVID-19 patients shall be ensured in treatment facilities/ home (subject to fulfilling the home isolation guidelines).
 - (vii) Clinical interventions. as prescribed, shall be administered.
 - (viii) Surveillance for ILI/ SARI cases shall be carried out in health facilities or outreach mobile units or through fever clinics in buffer zones.
 - (ix) Awareness shall be created in communities on COVID-19 appropriate behavior.
- (C). It shall be the responsibility of the District, Police and Local authorities to ensure that the prescribed containment measures are strictly followed. The District Administration shall ensure accountability of the officers concerned in this regard.
- (D) AR activities have been permitted outside Containment Zones, except for the following, which have been permitted with certain restrictions:
- (I) International air travel of passengers, as permitted by MHA.
 - (ii) Social / Academic / Sports /Entertainment / Cultural / Religious / Political functions and other congregations including marriage related gatherings and funeral/last rites related gatherings are permitted with a maximum limit of 200 persons outside containment zones, subject to the following conditions:
 - (a) In closed spaces. a maximum of 50% of the Hall capacity will be allowed, with a ceiling of 200 persons. Wearing of face masks, maintaining social distancing, provision for thermal scanning and use of hand wash or sanitizer will be mandatory.
 - (b) In open spaces, such gatherings are allowed keeping the size of the ground/space in view, however, subject to a maximum of 200 persons only and with strict observance of social distancing, mandatory wearing of

face masks, provisions for thermal scanning and hand wash or sanitizer.

- (iii) All shops selling Paan/Gutkha and tobacco products are prohibited.
- (iv) Schools/ Higher Education Institutions/ Coaching /Training Institutions shall follow all COVID-19 precautionary measures. SOPs to be issued shall be followed scrupulously.

SOPs that have been prescribed for various activities by the UT Administration from time to time shall be strictly enforced by the District/Local Administration.

(E) Movement of Persons and Vessels/Vehicles carrying Goods into the Islands:

The movement of persons and goods from/to the Islands shall be as per the SOPs issued by the Administration;

1. All persons who wish to come to Lakshadweep shall carry a negative test report of RT-PCR obtained 48 hours before the travel and submit the same to the District Administration through an online portal (as to be provided by DDMA) for approval. This also applies to the crews of Mechanized Sailing Vessels (Manjus) & Fish Collection Boats that are visiting the islands.
2. Only in case of medical emergencies, the travelers shall submit the test reports within 24 hours to the District Administration for travel to the Islands.
3. After reaching the islands, they should follow Covid appropriate behavior and other precautionary measures as prescribed by the Health Dept. from time to time.
4. In case anyone develops COVID-19 related symptoms in the islands, mandatory TrueNAT testing must be carried out by the local health department. Periodic random testing of vulnerable and super spreaders categories shall also to be carried out from time to time by the health department.
5. The individuals shall be responsible to ensure the genuinity of the reports to be submitted to the administration. Any violation in this regard shall attract

action as per legal provisions of Epidemic Diseases Act, 1897 and guidelines issued under the Act, against the individuals violating the same.

6. All the vehicles/vessels carrying commodities & passengers into the islands shall be thoroughly disinfected as per the disinfection protocol as issued by the Health Dept., UTLA.

(F) Protection of vulnerable persons

Persons above 65 years of age persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.

(G) Use of Aarogya Setu

1. Aarogya Setu enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
2. With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that Aarogya Setu is installed by all employees having compatible mobile phones.
3. The individuals may be advised to install the Aarogya Setu application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision & medical attention to those individuals who are at risk.

(H) Strict enforcement of the guidelines

1. These guidelines issued under the Disaster Management Act, 2005 shall not be diluted in any manner.
2. For the enforcement of social distancing, as far as possible, the provisions of Section 144 of the Criminal Procedure Code (CrPC) of 1973 may be used.

(I) Penal provisions

Any person violating these measures is liable to be proceeded against as per the provisions of Section 51 to 60 of

the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II.**

Sd/-
Collector & Chairman DDMA”

23. Exhibit-P5 is the circular dated 26.12.2020 issued by the 7th respondent, the Assistant Director (Disaster Management), Disaster Management Authority, Lakshadweep, and the same is reproduced hereunder:

“F. No.E/21/7/2020-Col.

Dated. 26.12.2020

CIRCULAR

To facilitate the movement persons from mainland to various islands of Lakshadweep as per the revised SOP (Standard COVID protocol), anyone who wishes to travel to the islands shall undergo the following procedure:

- i. At first each one must obtain ship ticket through online booking or Over the Counter process.
- ii. After confirmation of ship tickets, one must go for RT-PCR testing from an ICMR approved lab or from the facility as provided by the UTLA at Kochi.
- iii. With negative COVID test report, one can report for boarding the ships and at the entry gate, the RT-PCR negative test report will be checked by the surveillance team that is in place and it will be monitored by AO Kochi.
- iv. Without RT-PCR negative test report from the ICMR approved lab, no one will be allowed to board the ships.

This will come into force with effect from 28th December, 2020 and all are directed to follow COVID appropriate behaviour as specified in the SOP.

This is issued with the approval of the Chairman, DDMA, Lakshadweep.

Sd/-

(Rafeek T.K.)

(Assistant Director (Disaster Management))

24. Exhibit-P6 is the communication issued by the Port Officer, Kozhikode to the Port Conservator, Mangalore, requesting to issue port clearance to MSVs bound for Lakshadweep and same is extracted hereunder:

“To

1. The **Port Officer**
Office of the Port Officer,
Kozhikode, Beypore-673015.
2. The **Port Conservator**
Old Mangalore Port
Bandhar Mangalore-575001.

Subject: Lakshadweep – Implementation of revised SOP for movement of men and materials to Lakshadweep - Regarding

Sir,

The Lakshadweep Administration has achieved success in preventing the spread of COVID-19 in this island territory through strict lockdown, quarantine, testing and surveillance measures, for the entire period since the outbreak of the pandemic and as such the territory has remained as a green zone. The Administration of Lakshadweep would like to appreciate the support extended by your good organisation in this regard.

Now the administration intends to open up more economic and livelihood activities in the islands and accordingly the DDMA, Lakshadweep has issued a revised SOP effective from 28th December, 2020, which would be applicable to crew of

MSVs (Manjus) as well. A copy of the SOP dated 22.12.2020 is enclosed.

The entry of MSVs to Lakshadweep shall be subject to compliance of revised SOP issued by DDMA Lakshadweep.

Therefore, it is required that issuing Port clearance to MSVs bound for Lakshadweep, it may please be ensured that the MSVs and their crew are following the SOP strictly. The SOP may please be widely circulated and it may be communicated to the MSV Masters as well as other related people that the entry to UT of Lakshadweep would be denied to the MSVs not following the SOP issued by the Administration/DDMA, UT of Lakshadweep.

Yours faithfully,

Sachin Sharma, IPS,
Director **Port Shipping and Aviation**

25. Exhibit-P7 is the letter dated 24.12.2020 issued by the President-cum-Chief Counsellor of Lakshadweep District Panchayat to the Collector & Chairman of DDMA, respondent No.3 and the same is extracted hereunder:

“F. No.15/03/2018-PCC (DP)

Dated: 24/12/2020

To

The Colector & Chairman DDMA
UT of Lakshadweep
Kavaratti.

Sub:- Open up the entry to Lakshadweep without following quarantine and Covid-19 Protocol-Regarding.

Sir,

With due respect, I submit that the Lakshadweep Administration has taken all possible steps to contain the entry

of Covid-19 to Lakshadweep up to this movement and as such the entire Lakshadweep was very happy with the Administration.

It is unfortunate that the Administration has relaxed the quarantine period at Mainland and all people who wish to come to Lakshadweep shall carry a negative test report of RT-PCR obtained 48 hours before the travel. This may not be a good approach to contain the spread of Covid-19 in these tiny islands which do not have much health care facility. So it would be better after the RT-PCR test the person has to be in quarantine at least for 5 days in Mainland and 3 days in Lakshadweep. Considering our geographical isolation from the mainland, the entry to the Lakshadweep from the Containment zone has to be restricted in a better way and the administration should have a good mechanism to resist the pandemic Covid-19.

Therefore, it is requested to kindly revise the SoP issued vide F. No. E/21/7/2020-Col dated 22/12/2020 and restore the earlier SoP system with minimizing the quarantine period at Mainland and Lakshadweep.

Yours faithfully,
(B. HASSAN)

PRESIDENT CUM CHIEF COUNSELLOR"

26. Exhibits-P7(a) to P7(c) are letters dated 26.12.2020 sent by the President-cum-Chief Counsellor of Lakshadweep District Panchayat to the Administration of Union Territory of Lakshadweep. One of such letters is extracted hereunder:

"F.No.15 /03/2018 —PCC(DP)

Dated: 26/12/2020

To

Shri Praful K Patelji
Hon'ble Administrator
U.T of Lakshadweep

Sub: Relaxation of COVID guideline and SOP for movement of men and materials - Opening up more activities with relax of SOP- Regarding.

Ref: F. No. E/21/7/2020-Col. dated 22/12/2020 of the
Chairman District Disaster Management Authority
Lakshadweep

Sir,

With profound respect, I request your personal bestowal to the fact that the Lakshadweep Administration has taken all the possible steps to contain the entry of Covid-19 to Lakshadweep up to this movement and as such the entire Lakshadweep is very happy with Administration. We enjoy the remarkable achievement of the only COVID free territory in India. 1. on behalf of, the entire population of Lakshadweep would like to express our gratitude to the Government of India in general and Ministry of Home Affairs in particular for guiding us in achieving this land mark success.

It is very unfortunate to submit that the Administration has revised the SOP on 22/12/2020 (Copy enclosed for ready reference) lifting all precautionary restriction which was in place such as 10 days mandatory quarantine at Kochi - our entry point. As per the revised SOP. anyone with COVID 19 negative RT-PCR test result can travel to Lakshadweep without any quarantine. In this regard I would like to request your attention to the following factual concerns of the people of Lakshadweep.

1. The medical facility at Lakshadweep is not up to the expected level to tackle even a mild COVID +ve case
2. There are no specialized medical professionals such as Pulmonologist, Cardiologist etc. in Lakshadweep to provide COVID care.
3. Even though. Govt. of India has provided some ventilators, we don't have qualified hands to provide ventilator support to needy patients.
4. Even though the medical 'facility is insufficient to take risk. there is no mean to evacuate a critical COVID +ve case to Mainland for specialised treatment. To my understanding, the Port Department under UTLA has not put in place any mechanism to address this issue.
5. As we remain COVID free the life in Lakshadweep is normal and our educational institutions are functioning properly as on date. We fear that even a single case of COVID at an island will put it under containment zone disturbing

normal peaceful' life of the Islanders.

The Lakshadweep Administration has taken measures till now to keep the islands COVID free taking into consideration of the above limitations. We the people of Lakshadweep is in dark and confused on what motivation Administration has blindfoldedly, without any consultation with people representatives or stake holders, relaxed all restrictions without addressing above limitations. The mood of the people is very insecure and we have no clue how to protect ourselves. Even if Administration want to open up more economic activity they can do it with specific SOP as done in the case of operation of fish collection boats from Mainland to Islands and *vice versa*.

Under the above circumstance, we are left with no option but to approach your esteemed self for an early intervention and suitable direction may please be issued to UTL Administration to withdraw or kept in abeyance the SOP issued on 22/12/2020 with a larger interest of safe guarding the life of the people. We, the people of Union Territory of Lakshadweep shall ever remain grateful to you sir for your judicious intervention which will protect us from the Pandemic.

Yours faithfully,

Sd/-

(B. HASSAN)

PRESIDENT CUM CHIEF COUNSELLOR"

27. Exhibit-P7(d) is the press release dated 26.12.2020 issued by the President-cum-Chief Counsellor of Lakshadweep District Panchayat, wherein it was stated that the Lakshadweep Administration has taken all the possible steps to contain the spreading of COVID-19 to Lakshadweep up to this movement and as such the entire Lakshadweep was very happy with the Administration. It is further stated that it has enjoyed the remarkable achievement of the only COVID free territory in India and the entire population of Lakshadweep would like to express the gratitude to

the Government of India in general and Ministry of Home affairs in particular for guiding the administration in achieving the landmark success. Hence, the President-cum Chief Counsellor has approached the Hon'ble Prime Minister of India and the Hon'ble Administrator UT of Lakshadweep for immediate withdrawal of the revised SOP.

28. Exhibit-P7(e) is the resolution dated 23.12.2020 passed by the Village (Dweep) Panchayat, Agathi, wherein it was stated thus:

“The Village (Dweep) Panchayat, Agatti has convened a meeting on 23.12.2020 and the latest order issued on the Sop vide Order F.No.E/21/7/2020-Col dated 22.12.2020 was discussed in detail.

The Panchayat agreed the fact that economic activities will have to be carried along with the precaution on prevention of Covid-19. However, it is to be noted that the UT of Lakshadweep is probably the only place all over the world which has remained a Covid free area so far. This is because of the effective steps initiated and continued by the Administration. The strained SoP for quarantine at mainland and the islands is the most effective means which helped us to remain covid free.

The Panchayat also agreed that the Lakshadweep Administration is bearing and incurring a huge amount towards the institutional quarantine continuation of which is economically not viable. Nonetheless the UT Administration and the people in general must understand the lack of medical facilities and the constraints that we have in meeting a pandemic. Therefore, the Panchayat is of the view and unanimously resolved to the Administration that the quarantine at Mainland is essential and must be continued. If the Administration is facing huge financial liabilities, the institutional quarantine may be limited only to the Medical evacuees and students who inevitably have to appear for the examination.

Considering the sensitivity of the matter and the importance of retaining the Covid-19 free status we request the Administration in general and the department of disaster management re-visit the entire SoP and review the order immediately and the issue fresh order mandating quarantine at mainland and Island invariably.”

29. Exhibits-P7(f) is the minutes dated 26.12.2020 of the combined meeting of the elected representatives (DDP & VD), Androth, in which, the resolution taken is extracted hereunder:

“Resolutions taken:

The Village (Dweep) Panchayat, Andrott has convened a meeting on 26.12.2020 and the latest Order issued on the SOP vide Order F.No. E/217/2020Col Dated 22.12.2020 was discussed in detail. The Panchayat agrees the fact that the economic activities will have to be carried along with the precaution on prevention of COVID free area so far. This is because of the effective steps initiated and continued by the Administration. The stringent SOP for quarantine at mainland and the islands is the most effective means which helped us to remain COVID free. The Panchayat also agrees the Lakshadweep Administration is bearing and incurring a huge amount towards the institutional quarantine continuation of which is economically not viable. Nonetheless, the UT administration and the people in general must understand the lack of medical facilities and the constraints that we have in meeting a pandemic. Therefore, the Panchayat is of the view and unanimously resolve to the Administration that the quarantine at mainland is essential and must be continued. If the Administration is facing huge financial liabilities, the institutional quarantine may be limited only to the medical equities and students who inevitably have to appear for the examinations. Considering the sensitivity of the matter and the importance of retaining the COVID 19 free status, we request the Administration in General and the Department of Disaster Management to revisit the entire new SOP and review the order immediately and issue fresh Orders mandating quarantine at mainland and islands in variably.

Chairperson”

30. Exhibit-P7(g) is the letter issued by the Chairperson of the Village Panchayat, Bitra dated 04.01.2021, to the Hon'ble Administrator of Union Territory of Lakshadweep stating that considering the gravity of the issue, the entire people of Bitra Island expressed their strong protest in the unfortunate arrest of Community leaders and request to immediate release from police custody. Exhibit-P7(h) is the resolution passed by the Village (Dweep) Panchayat, Chetland Island dated 24.12.2020, wherein it was unanimously resolved to request the Administrator to consider for maintaining minimum quarantine at mainland and in the islands for the safety of a Green zone Lakshadweep. Exhibit-P7(i) is a letter dated 27.12.2020 sent to the Collector and Chairman DDMA, Kavaratti by the Village Dweep Panchayat requesting to revise the SoP by adding both 7 days quarantine at mainland and at the islands. In Exhibit-P7(i) letter, a suggestion was made to allow *Manjus* with strict restrictions and also to hire extra cargo barges to provide sufficient materials to the island.

31. Exhibits-P7(j) to P7(n) are similar letters addressed to the Medical Director, UT of Lakshadweep, Kavaratti, the Sub Divisional Officer, UT of Lakshadweep, Kalpeni, the Hon'ble Administrator, UT of Lakshadweep, Kavaratti and the District Collector & Disaster Management Coordinator, UT of Lakshadweep, Kavaratti, by the Village Dweep Panchayath of various islands in Lakshadweep, requesting to extend the

existing SOP till they receive the vaccination for safety of green zone in Lakshadweep.

32. Exhibit-P10 is the Notification dated 7.3.2012 issued by the Secretary (Panchayats), Administration of the Union Territory of Lakshadweep, Kavaratti, vide F. No.2/21/2012-DOP and it read thus:

"F. No.2/1/2012-DOP
Administration of the
Union Territory of Lakshadweep
(Department of Panchayats)
Kavaratti
Dated 07.03.2012

Notification

Sub:- Department of Panchayats-U.T. Of Lakshadweep- Devolution of Functions, functionaries and Funds to the District Panchayat and Village (Dweep) Panchayats – orders issued.

1 Article 243G of the Constitution (73rd) Amendment Act, 1992 authorizes the state/U.T. Administration, bylaw, to endow the Panchayat with such powers and authorities as may be necessary to enable them to function as institutions of local self- governance and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level subject to such conditions as may be specifies there with respect to:

a) The preparation of plan for economic development and Social Justice.

b) The implementation of schemes for economic development and social Justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

2. The Lakshadweep Panchayats Regulation, 1994 (No. 4 of 1994) empowers the Administrator, U.T. of Lakshadweep to transfer schemes and programmes to District Panchayat and

Village (Dweep) Panchayats under any of the subjects incorporated in the IVth Schedule under Sub Section (2) of Section 44 read with Section 46 of the Regulation in a phased manner and subject to such rules notified under the said regulation and such other conditions as he may think fit to impose.

3. In addition to implementing its own schemes for economic development social justice, and other programs which are likely to promote the cultural well-being and education, the Administrator. Lakshadweep is also empowered to transfer schemes and programs under any of the subjects incorporated in the 4th schedule under sub section (1) of Section 44 16 the Panchayats from time to time, along with funds, if any and such personnel as may be necessary in such conditions as may be prescribed for its operation by the Panchayats.

4. The Administrator of Union Territory of Lakshadweep in exercise of the aforesaid powers has already transferred schemes and programmes along with employees to the District Panchayat and Village (Dweep) Panchayat as enumerated in the Executive Orders 4/2/97-DOP (1) dated 17.7.1998 and F.No.7/4/2000-DOP&RD (2) dated 9-4-2001 and F.No.2/8/2006-DOP&RD (1) dated 28th June, 2006 and F.No.2/14/2009-DOP (1) dated 29.12.2009.

5. The schemes and programmes transferred along with functionaries and funds ave bean reviewed by the Administration as to examine whether the devolved activities have been transferred to the Panchayats in the right spirit of the devolution and whether additional schemes and programmes are to be transferred to the Panchayats Based on this review, and in exercise of powers conferred on him under Section 44 of the Lakshadweep Panchayats Regulation, 1994, read along with Section 46 of the said Regulation and the provisions contained in Constitution (73rd amendment) Act and in continuation to the executive orders referred above in para A, the Administrator, Union Territory of Lakshadweep, is pleased to transfer the schemes and programs being implemented by the Departments of Agriculture animal Husbandry, Education Fisheries Health and Sanitation along with all the plan schemes and non plan components to the District Panchayat and Village (Dweep) Panchayats.

6. The entire Plan and Non Plan budget required for the above schemes transferred shall be given as Grant in aid to the District Panchayat and Village (Dweep) Panchayats from the Directorates of concerned Departments for which detailed instructions will be issued separately by Finance Department. The Village (Dweep) Panchayats and District Panchayat will function independently within their sphere of delegation but in coordination for effective implementation of the activities. All the grants released to the Panchayats shall be spent strictly according to the Lakshadweep Panchayats Regulation, 1994, Lakshadweep Panchayats (Finance & Accounts) Rules, 1997 and GFR of Central Government. The Departments concerned will be issuing specific details including schematic budget on which activities the funds released shall be spent by the Panchayats. The Panchayats are not permitted to make any diversion and the grant shall be used for the special purpose for which it has been earmarked and allotted in the budget.

7. Orders in respect of authorities of reporting and reviewing authorities of the ACRS of the staff also will be issued separately.

8. The Directorate buildings are transferred to the District Panchayat and all the unit buildings and other infrastructure in which different units of these departments are presently functioning are also transferred to the Village (Dweep) Panchayats. The Administrator, in exercise of powers conferred under Sections 39, 40 and 41 of Lakshadweep Panchayats Regulation, 1994 transfer the entire establishments of Agriculture, Animal Husbandry, Fisheries, Education and Medical except those listed in Annexure-I. The Directorates along with their staff of these five departments will function from separate buildings to be identified by Secretary (Panchayats). The Ownership of all such buildings transferred will continue to be with Lakshadweep Administration.

9. Accordingly the posts now transferred to the District Panchayat and Village (Dweep) Panchayats will be under the full control of the District Panchayat and Village (Dweep) Panchayats in all respects except promotion and disciplinary proceedings for major penalties. The District Panchayat will have the powers to impose minor penalty and transfer and posting of the staff from one island to another and within an

island. The employees transferred will continue to be govt. servants and their service conditions and disciplinary proceedings will be in accordance with CCS/CCA Rules. The vacant posts will be filled up by the respective Directorates as per the Recruitment Rules as and when it becomes vacant by way of superannuation, resignation, promotion or in any other manner.

10. All Centrally Sponsored schemes are also transferred to the District Panchayat with all the assets and staff including those engaged on contract basis in CSS and departmentally. The tenure of contract staffs can be extended only with the prior approval of the Directorates concerned based on performance. These schemes will be implemented by the District Panchayat in accordance with the guidelines of the Central Government and decisions on policy matters taken by the Administration of the Union Territory.

11. The procurement wings of the concerned departments at Kochi are transferred to the District Panchayat to facilitate the centralized procurement by the District Panchayat for distribution to all instances based on the intent from VDPs.

12.

(I): Agriculture - All Agriculture Demonstration units through which the programmes of Coconut Development, Organic Farming Livelihood Support Services, Horticulture Development, Integrated Pest Management, Maintenance of Gardens, Govt. House are implemented had hitherto been transferred to Village (Dweep) Panchayats in addition the schemes which are implemented by VDPs under Grant in Aid. However the procurement of all items, as mentioned in para 11 will rest with the District Panchayat, in addition to Insurance to climbers, Extension Services, Coastal Plantations, Organic Certification. Except for the staff mentioned in Annexure-I to be retained at the Directorate, all other staffs are transferred to the Panchayats The programs and Functionaries to be transferred to District Panchayat and Village (Dweep) Panchayats are outlined in Annexure-II:

(II): Animal Husbandry - All kinds of purchases of feed, fodder, vaccines medicines, equipments under Poultry development Programme. Goat development Programme, Cattle development Programme Veterinary Services, Extension Activities under Training & Technical Assistance Programme lie with the District Panchayat. The general

functioning & control, production and distribution of milk, eggs, hatchery units at island level lie with the Village (Dweep) Panchayats.

(III): Education - All schemes and programs of Primary, Secondary, Higher Secondary ie. From 1st to 12th Standard of Education Sector and Technical Education are transferred to District Panchayat. However, the pre-primary section continues to function under Village (Dweep) Panchayats. The Senior Administrative Officer, Department of Education is re-designated as Joint Director (Administration and placed under the District Panchayat. All the buildings and other infrastructure in which these schools function except pre-primary are transferred to the District Panchayat. The entire establishment of teaching and non-teaching staff of education sectors except those mentioned in Annexure-I are also transferred to District Panchayat. The conduct of Examination and sponsoring of candidates for higher studies will be the responsibility of the Directorate of Education.

(IV): Fisheries - At present many schemes are already transferred to Village(Dweep) Panchayats and District Panchayat under devolution of functions and functionaries. All such schemes continue to be dealt by the Panchayats at Island level and District level. In continuation to this the schemes and functionaries to be devolved at different level are detailed Annexure-II. The Fisherman Training Centre, Extension Fisheries Section, Kochi, Museum and Marine Aquarium shall stand transferred to District Panchayat. The senior most Assistant Director transferred to the District Panchayat will act as the District Fisheries Officer along with other staff. The Staff to be retained at the Directorate is detailed in Annexure II.

(V): Medical and Health Services- All schemes of Health and Sanitation including Hospitals, Primary Health Centres Dispensaries, Family Welfare and Public Health actress are transferred to the District Panchayat. Accordingly all the Hospitals. Community Health Centres and Primary Health Centres except Indira Gandhi Hospital, Kavaratti and Rajiv Gandhi Specialty Hospital, Agatti along with all plan schemes and non-plan components are transferred to the District Panchayat. The entire establishment of Medical Para Medical staff including the Chief Medical Officers except those listed in Annexure-I are transferred to the District Panchayat. The post of Public Health specialist is re-

designated as Joint Director (Health Services) and transferred to district Panchayat.

13. The Services Department of the UTL Administration shall issue a separate order transferring the ministerial and multi skilled employees/temporary status labourers to the District Panchayat, who will be placed at the disposal of District Panchayat for postings in various units of the departments and they will be posted and transferred by District Panchayat to various units/islands as per the transfer policy of UTL Administration. Once in 3 years, Services Department will replace Ministerial Staff/Multi Skilled Employees, at the disposal of District Panchayat for their postings/transfers.

14. The District Panchayat based on the demands from VDPs will propose the civil construction works for the devolved functions in consultation with the directorate concerned and the construction will be executed by the Public Works Department of other Government Agencies.

15. New contract posts or any other posts even casual labourers cannot be created without the prior approval of the Administrator by the District Panchayat or Village (Dweep) Panchayats.

16. The Administrator, U.T of Lakshadweep will be reviewing the transfer of the staff to the District Panchayat atleast once in 4 years.

17. These orders shall come into force from 1st April, 2012.

The issue with the approval of Administrator vide Dy. No.803 dated 07.03.2012.

(Dr. N. Vasantha Kumar)
Secretary (Panchayats)"

33. Guidelines for surveillance, containment and caution issued by the Ministry of Home Affairs dated 25.11.2020 read thus:

**“Guidelines for Surveillance, containment and Caution
[As per Ministry of Home Affairs (MH) Order No.40-3/2020-
DM-I(A) dated 25th November, 2020]**

The country is at a critical juncture in its fight against COVID-19. The number of active cases has declined steadily over the last two months, from over 10 lakhs, on September 18, 2020, to

less than 4.5 lakhs now. However, over the last few weeks, the number of new cases has been rising in some States and UTs. The confluence of certain factors, viz., the recent festival season and the onset of winter, and the laxity in observance of the COVID-19 guidelines issued by Ministry of Home Affairs (MHA) in certain parts of the country pose the risk of the situation becoming aggravated, thus putting a strain on the health infrastructure. In some States and UTs, the spike observed in the number of new cases has already led to re-imposition of restrictions such as Night Curfew, limitations on number of persons in gatherings, restricted timings of markets etc. In the above context, with a view to consolidating the substantial gains that have been achieved against the spread of COVID-19, and to fully overcome the pandemic, the need of the hour is to maintain caution and strictly follow' the prescribed containment strategy, focused on surveillance, containment and strict observance of the guidelines. Over the last few months, economic and other activities have been opened up in a phased manner, with the stipulation that the prescribed Standard Operating Procedures (SOPs) be scrupulously followed. The essence behind graded re-opening and progressive resumption of activities is to move ahead. However, there is a concomitant need to exercise due care. Every citizen must adopt COVID-19 appropriate behaviour, so as to ensure that the resumption of activities is successful and gains made in the management of the pandemic are not negated. The following guidelines are issued to be effective from 1st December 2020.

COVID appropriate behavior

1. State/ UT Governments shall take all necessary measures to promote COVID-19 appropriate behaviour. Strict enforcement of wearing of face masks, hand hygiene and social distancing must be ensured.
2. Wearing of face masks is an essential preventive measure. In order to enforce this core requirement, States and UTs may consider administrative actions, including imposition of appropriate fines, on persons not wearing face masks in public and work spaces.
3. Observance of social distancing in crowded places, especially in markets, weekly bazaars and public transport, is also critical for containing the spread of the infection. Ministry of Health and Family Welfare (MoHFW) will issue a SOP to regulate crowds in market places, which shall be strictly enforced by States and UTs.

4. SOPs for regulating travel in aircrafts, trains and metro rails are already in place, which shall be strictly enforced. States and UTs shall issue necessary guidelines for regulating travel in other modes of public transport, e.g., buses, boats etc., and ensure that these are strictly complied with.
5. The National Directives for COVID-19 Management, as specified in **Annexure I**, shall be strictly followed throughout the country.

Surveillance and Containment

6. Effective demarcation of Containment Zones, in vulnerable and high incidence areas, is key to breaking the chain of transmission and controlling the spread of the virus. Containment Zones shall be carefully demarcated by the district authorities, at the micro level, taking into consideration the guidelines prescribed by the Ministry of Health and Family Welfare (MoHFW) in this regard. The list of Containment Zones will be notified on the websites by the respective District Collectors and by the States/ UTs. This list will also be shared with MoHFW.
7. Within the demarcated Containment Zones, containment measures, as prescribed by MoHFW, shall be scrupulously followed, as under:
 - i. Only essential activities shall be allowed in the Containment Zones.
 - ii. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services.
 - iii. There shall be intensive house-to-house surveillance by surveillance teams formed for the purpose.
 - iv. Testing shall be carried out as per prescribed protocol.
 - v. Listing of contacts shall be carried out in respect of all persons found positive, along with their tracking, identification, quarantine and follow up of contacts for 14 days (80% of contacts to be traced in 72 hours).
 - vi. Quick isolation of COVID-19 patients shall be ensured in treatment facilities/ home (subject to fulfilling the home isolation guidelines).
 - vii. Clinical interventions, as prescribed, shall be administered.
 - viii. Surveillance for ILI/ SARI cases shall be carried out in health facilities or outreach mobile units or through fever clinics in buffer zones.
 - ix. Awareness shall be created in communities on COVID-19 appropriate behaviour.
8. **It shall be the responsibility of local district, police and municipal authorities to ensure that the prescribed Containment measures are**

strictly followed. State/ UT Governments shall ensure accountability of the officers concerned in this regard.

Strict adherence to the prescribed SOPs

9. All activities have been permitted outside Containment Zones, except for the following, which have been permitted with certain restrictions:
 - i. International air travel of passengers, as permitted by MHA.
 - ii. Cinema halls and theatres, with upto 50% capacity.
 - iii. Swimming pools, only for training of sports persons.
 - iv. Exhibition halls, only for business to business (B2B) purposes.
 - v. Social/ religious/ sports/ entertainment/ educational/ cultural/ religious gatherings, with upto a maximum of 50% of the hall capacity, with a ceiling of 200 persons in closed spaces; and keeping of the size of the ground/ space in view, in open spaces.

However, based on their assessment of the situation, State/ UT Governments may reduce the ceiling to 100 persons or less, in closed spaces.
10. SOPs have been prescribed for various activities. These include: movement by passenger trains; air travel; metro trains; schools; higher educational institutions; hotels and restaurants; shopping malls, multiplexes and entertainment parks; yoga centres and gymnasiums; assemblies and congregations, etc.
11. For ease of reference, the list of activity wise SOPs with their web-links is given at **Annexure II**.
12. The SOPs shall be strictly enforced by the authorities concerned, who shall be responsible for their strict observance.

Local restrictions

13. States and UTs, based on their assessment of the situation, may impose local restrictions, with a view to contain the spread of COVID-19 such as night curfew. However, State/ UT Governments shall not impose any local lockdown (State/ District/ sub-division/City level), outside the containment zones, without prior consultation with the Central Government.
14. States and UTs also need to enforce social distancing in offices. In cities, where the weekly Case Positivity Rate is in more than 10%, States and UTs concerned shall consider implementing staggered office timings and other suitable measures, with a view to reduce the number of employees attending office at the same time, thereby ensuring social distancing.
15. There shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under

Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.

Protection of vulnerable persons

16. Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.

Use of Aarogya Setu

17. Aarogya Setu enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
18. With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that Aarogya Setu is installed by all employees having compatible mobile phones.
19. Organizations and Business entities with 50 or more employees are encouraged to avail the Aarogya Setu OpenAPI Service (<https://openapi.aarogyasetu.gov.in>). OpenAPI feature will facilitate Organisations and employees to return to work in a COVID 19 risk free environment.
20. District authorities may advise individuals to install the Aarogya Setu application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.

Strict enforcement of the guidelines

21. State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
22. For the enforcement of social distancing, State/ UT Governments may, as far as possible, use the provisions of Section 144 of the Criminal Procedure Code (CrPC) of 1973.
23. All the District Magistrates shall strictly enforce the above measures.

Penal provisions

24. Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure III**.

Sd/-

Union Home Secretary
and, Chairman, National Executive Committee"

34. Minutes of the joint meeting of Lakshadweep Disaster Management Authority & Heads of Departments held on 23.12.2020 at the Secretariat Conference Hall, Kavaratti reads thus:

**"The Minutes of the Joint meeting of Lakshadweep District
Disaster Management Authority & Heads of Departments
held on 23.12.2020 at Secretariat Conference Hall,
Kavaratti.**

A joint meeting of Lakshadweep District Disaster Management Authority & Heads of Departments was held on 23.12.2020 at Secretariat Conference Hall, Kavaratti under the chairmanship of Shri S. AskerAli, IAS, District Collector & Chairman, DDMA. The meeting discussed the following agenda points:

1. Implementation of Swachh Lakshadweep Utsav-2020 from 25th December, 2020 to 3rd January, 2021.
2. COVID management in the wake of revised SOP issued on 22.12.2020.

The list of DDMA members and other stakeholders who attended the meeting is enclosed as Annexure-I.

At the outset, the chairman welcomed all the participants to the meeting and briefly explained the importance of such a meeting involving members of DDMA and all HODs of the administration. He also explained the salient features of the Swachh Lakshadweep Utsav-2020 which is scheduled from 25th December, 2020 to 3rd January, 2021 & COVID management in the wake of revised SOP issued by DDMA on 22.12.2020.

The Chairman appealed to all the participants to proactively participate in the cleanliness drive and take all necessary precautionary measures for implementation of revised SOP issued on 22.12.2020 for the movement of men and materials from mainland to islands which will come into force on 28.12.2020.

The Director (Health Services) has made a detailed presentation on the preparedness, availability of infrastructure, manpower, testing facilities, etc which are in place in the Union Territory. He also expressed certain challenges that requires immediate attention so as to implement the revised SOP in letter and spirit.

After detailed deliberations, the following decisions have been taken.

(i) The Lakshadweep Police has to remain vigilant to ensure peaceful law and order situation in the wake of notification of the revised SOP. Along with the Police, IRBn also has to intensify surveillance and monitoring activities by deploying more personnels at prominent places.

Action: SP, Lakshadweep Police & Commandant, IRBN

(ii) Dr/ Atul Pandey, DANICS & Dr. Shashipal Dabas, DANICS may be appointed as Coordinators to assist Director (Health Services) for the overall COVID management in the islands.

Action : DDMA

(iii) AO, Kochi has to constitute 2 Screening Committees one at Kochi and another at Calicut with representatives from Medical, Police, Port etc to strictly enforce the conditions of the SOP and monitor the movement of persons from mainland to islands. They must ensure the facility for thermal screening or Infra-Red screening at both the entry points.

Action: Administrative Office, Kochi

(iv) To facilitate the movement of men and material from Kochi to various islands of the Union territory as per the revised SOP, the Department of Port, Shipping and Aviation, UTLA shall finalize and release the ship schedule from 28th December, 2020 onwards in a staggered manner. The tickets may be released at least 4 (four) days before the commencement of scheduled departure from Kochi and the booking may be regulated through online as well as Over the counter method to avoid the crowd and ensure social distancing in the whole process.

Action: Director (Port, Shipping & Aviation) / MD, LDCL.

(v) The thermal/ IR screening of all the passengers is made mandatory and the department of Health Services has to deploy dedicated teams in Kochi and in all islands for strict compliance of the same. DHS has to identify & put in place required infrastructure and other facilities for isolation, testing, oxygen availability, designated manpower, ventilators, etc.

Action: Director (Health Services)

(vi) The Department of Port, Shipping & Aviation has to provide details of passengers travelling from mainland to islands to the Chairman, DDMA, Police. Director (Health

Services) and DCs/SDOs of the concerned island for monitoring and surveillance.

Action: Director (Port, Shipping & Aviation) / Director (Health) / SP / DCs & SDOs.

(vii) The Director (Health Service) has to put in place a mechanism for contact tracing of primary & secondary contacts of all COVID-19 positive cases. The authorised person shall be imparted with sufficient orientation and training to carry out the tracing work without any scope for confusion.

Action: Director (Health Services)

(viii). Observance of COVID appropriate behaviour by each and every one is made compulsory. Strict enforcement of wearing of face masks, hand hygiene and social distancing must be ensured. Any person found without wearing a mask in public/workplaces shall be levied a fine of Rs.100/- at the first instance and Rs.200/- at second instance of violation. The Police in close coordination with the surveillance teams of Health Department have to strictly enforce the same.

Action: SP, Lakshadweep Police / Director (Health Services)

(ix). To regulate and to monitor the social distancing norms during social gathering, all the persons/ parties organising social gathering have to report or intimate the same to the concerned DCs/ SDOs & SHOs at least two days before the event. Action : SP, Lakshadweep Police / DC s & SDOs in islands

(x). Fish Collection Boats and Mechanised Sailing Vessels can operate observing the SOP dated 22.12.2020 with effect from 28.12.2020. However, the MSVs can commence operation only from Beypore Port for time being. The Director (Fisheries). UTLA has to monitor the movement of fish collection boats.

Action : Director (P,S & A) / Director (Fisheries) / DCs & SDOs in islands

(xi) The Department of Health Services in consultation with Port dept. & DDMA have to prepare an SOP in case there is requirement for medical evacuation of COVID positive cases. Also DHS shall submit an SOP to DDMA to be

followed for management of COVID positive cases in the islands.

Action: Director (PS&A) / Director (Health Services)

(xii) Persons above 65 years of age. persons with co-morbidities, pregnant women and other vulnerable groups have to be advised to stay at home, except for essential and health purposes.

Action: Director (1P&K) / Director (Health Services)/ DCs & SDOs in islands

(xiii) Aarogya Setu enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community. The individuals may be advised to install the Aarogya Setu application on compatible mobile phones and regularly update their health status on the app.

Action: Director (IP&R) / Director (Health Services)/ Director (services)

(xiv) COVID testing at Kochi in the facility which is provided by the UTLA is free for natives of Lakshadweep. They can approach UTLA facility at Kochi for RT-PCR testing.

Action: Director (Health Services)/AO, Kochi

(xv) For the cleanliness drive, the chairman directed all the HODs to capture photographs of their premises before and after the cleaning and maintain records for reference. The file registers of the offices have to be properly and neatly maintained.

Action : All HODs

(xvi) The PWD should ensure that all construction sites are properly cleaned and construction waste has to be properly disposed off.

Action : SE, LPWD

(xvii) All encroachments in government land including that in the beach areas have to be removed on priority basis by following proper procedure.

Action: ADM/DCs/SDOs/Director (Fisheries)

(xviii) All the HODs must ensure the attendance of the staff

of their respective departments including that of contractual, casual and additional labourers for the Swachh Lakshadweep Utsav in all days from 25th December, 2020 to 3rd January, 2021.

Action : All HODs

The meeting ended with thanks to the chair.

Sd/-
(S. Askar Ali, IAS)
District Collector & Chairman, DDMA

F. No.E/21/7/2020-CoL

Dated: 24.12.2020”

35. Office order issued for appointment of Coordinators dated 24.12.2020 is extracted hereunder:

“F. No.E/21/7/2020-CoL

Dated:24.12.2020

OFFICE ORDER

Sub:- Implementation of revised SOP for movement of men & materials – Appointment of Coordinators – Orders issued.

Ref:- SOP F. No.E/21/7/2020-CoL dated 22.12.2020

I has been decided to appoint the following DANICS officers who are also qualified doctors as Coordinators to assist Director (Health Services), UTLA for 5 islands each for COVID management in the wake of revised SOP cited above which is going to be implemented with effect from 28th December, 2020.

Name	Designation	Islands allotted
1. Dr. Atul Pandey	CEO, Kavaratti Smart City Ltd.	Kavaratti, Agatti, Amini, Kadmat & Andrott
2. Dr. Shashipal Dabas	Additional District Magistrate	Minicoy, Kalpeni, Kiltan, Chelath & Bitra

They should monitor and ensure the strict compliance of the following aspects:

1. Enforcement of Covid appropriate behaviour in public places including health facilities.
2. Surveying and monitoring of vulnerable group and people having persons with comorbidities.
3. Enforcement of precautionary measures as per the standard COVID protocol in the islands.
4. Enforcement of containment Measures in case necessity.
5. Any other duties assigned by the competent authorities from time to time.

(S. Askar Ali, IAS)
District Collector & Chairman, DDMA

36. Notification for enforcement of imposition of fine under the Lakshadweep Epidemic Diseases, COVID-19 Regulations, 2020 dated 27.12.2020 is extracted hereunder:

"F. No.E/21/7/2020-Col(PART)

Dated: 27.12.2020

NOTIFICATION

Sub:- Enforcement of the imposition of fines under 'The Lakshadweep Epidemic Diseases, COVID-19 Regulations 2020' – Regarding.

Ref:- 1) Notification F. No.29-1/2020-DHS/IDP dated 22.03.2020
2) SOP of even number dated 22.12.2020.

Whereas the Lakshadweep Administration has promulgated 'The Lakshadweep Epidemic Diseases, COVID-19 Regulations 2020' vide reference 1st cited. As per section 17 of the said regulation, the Secretary (Health)/District Collector/District Magistrate or SDO's of islands are empowered to impose penalty on any person if found violating these regulations or any other order issued under these regulation.

And whereas. in exercise of the power conferred under Section 17 of the aforesaid regulation, I, Shri S.Asker Ali, IAS, District Collector / District Magistrate, UT of Lakshadweep do hereby authorise any police personnel from the rank of Constable and above to collect penalty/fine for violation of provision of the references cited.

(S. Asker Au, IAS)
District Collector, UTLA”

37. D. O. Letter dated 28.12.2020, issued by the Home Secretary Government of India, to the Administrator, is reproduced hereunder:

“D.O. No.40-3/2020-DM-I(A) 28th December,
2020

Dear Administrator,

Kindly refer to Ministry of Home Affairs' (MHA) Order of even number issued today by which guidelines for Surveillance, Containment and Caution, that were issued vide Order dated 25.11.2020, have been extended upto 31st January, 2021.

2. As you are aware, while the number of active cases are declining steadily for last 2-3 months, the overall situation appears optimistic. However, keeping in view the fresh surge in cases globally and emergence of new variant of virus in United Kingdom, there is a need for maintaining caution and strict surveillance.

3. Strict vigil is also needed to be maintained to prevent any fresh surge in cases in wake of upcoming New year celebrations and ongoing winter season which are favourable for the spread of the virus. In this regard, appropriate measures may be taken by the State / UT Governments.

4, Further, Government of India has started preparations for administration and roll-out of vaccine for COVID-19. The National Expert Group on Vaccine Administration for COVID-19 (NEGVAC) has recommended prioritization of this vaccine during the initial phases to Health Care Workers, Front Line Workers, Persons aged 50 years and above and those below 50 years of age with comorbidities. States/ UTs may instruct the concerned authorities for their active support to the Ministry of Health and Family Welfare (MoHFW) in identification, preparation of database, vaccine delivery, storage, security, shipment and vaccination of beneficiaries.

5. Attention is also drawn here that on 18th December, 2020, in a suo motu WP(C) No. 7, the Hon'ble Supreme Court has issued directions to State Governments, *inter alia*, for strict enforcement of guidelines/ SOPs issued by Union/ State Governments; strict compliance on COVID - Appropriate behaviour such as, wearing of masks, keeping social distancing etc.; stern action against those who are violating guidelines/ SOPs; regulation of gatherings etc. consider imposition of curfew on weekends/ night and to enforce complete lockdown in containment zones. A copy of the aforesaid Order is enclosed for taking necessary action.

6. I would like to re-emphasize that essence behind the graded re-opening and progressive resumption of activities is to move ahead. However, there is a concomitant need to exercise due care. States/UTs, based on their assessment of the situation, may impose local restrictions with a view to contain the spread of COVID-19, such as night curfew. However, there shall be no restriction', on inter-State and intra-State movement of persons and goods including those for cross land-border trade under

Treaties with neighbouring countries.

7. I would urge you to ensure compliance of the aforesaid guidelines and direct all authorities concerned for its strict implementation. Further, guidelines issued by MHA and consequent Orders issued by the respective State Governments/ UT Administration should be widely disseminated to the public and to the field functionaries for implementation.

With regards,

Yours sincerely,
Sd/-
(Ajay Bhalla)

Administrators of All Uts
(as per Standard List attached)”

38. Order issued by the Executive Magistrate, imposing restrictions in Kavaratti Island under Section 144 of the Code of Criminal Procedure dated 19.01.2020 is extracted hereunder:

“PROHIBITORY ORDER U/S 144 Cr.PC.1973

Whereas in the UT of Lakshadweep, 14 COVID positive cases have been confirmed by the Health Department, UTLA at Kavaratti on 18.01.2021, the epidemiological investigation is being carried out in each and every case and the contact tracing is going on as per the standard COVID protocol that is being implemented by the Lakshadweep Administration.

And whereas it is an established medical fact that COVID spreads within people through direct, indirect (through contaminated objects or surfaces), or close contact with infected people via mouth and nose secretions and therefore, social distancing and avoiding gathering of public is very essential to reduce the risk of transmission in the islands.

And whereas the undersigned is satisfied that there is a real and imminent threat of possible outbreak of COVID-19 in the UT of Lakshadweep and that there are sufficient grounds for proceeding under section 144 of Cr.PC in Kavaratti the present situation for averting the danger to human life, health and safety of the citizens. Whereas the circumstances of the situation do not admit serving of notice in due time upon all the persons residing in Union Territory of Lakshadweep, this order is passed ex-parte u/s 144 of Cr.PC.

Therefore. exercise of the powers vested in me u/s 144 (1) of the Code of Criminal Procedure 1973, I, S. Asker Ali IAS District Magistrate UT of Lakshadweep hereby direct that:

i. Any assembly of four or more persons shall stand prohibited in Kavaratti island and this order shall come into force with immediate effect and shall remain valid until further order.

Any person contravening this order shall be liable for punishment under section 188 and other relevant sections of IPC.

Given under my hand and seal on this 19th of January of 2021.

Sd/-
(S. Asker Ali, IAS)
District Magistrate
UT of Lakshadweep"

39. In W.P.(C) No.29184 of 2020, the petitioner therein has sought for staying the operation and enforcement of Exhibit-P9 revised Standard Operating Procedure (SOP) dated 22.12.2020 which substitute the earlier requirements of mandatory institutional and home quarantine of all persons travelling to Lakshadweep Island with the requirements of just negative test report of RT-PCR, obtained 48 hours before the travel issued

by the and to direct Collector and Chairman, District Disaster Management Authority, UT of Lakshadweep, respondent No.1 therein; to direct the respondents therein not to permit entry of persons to Lakshadweep without undergoing the mandatory institutional quarantine, COVID test and house quarantine as provided in Exhibit-P7, SOP modification for domestic return and foreign returns dated 04.11.2020; and to provide the facilities for the same as before, pending disposal of the writ petition.

40. In the above-said writ petition, a learned Single Judge, one among us, declined to grant the interim relief sought for viz., staying the operation of Exhibit-P9 SOP dated 22.12.2020, stated above. Later-on, after considering the rival contentions, W.P.(C) No.29184 of 2020 was disposed of by judgment dated 18.01.2021, as under:

“13. It is seen that Ext.P9, the revised SOP has come into force on 28.12.2020. In view of the arrangements in place as stated by the respondents, I find that Ext P9 does not warrant interference of this court under Article 226, as it is issued in implementation of the policy decision taken by the Lakshadweep Administration, in order to protect the interest of all concerned, which is very well within its authority. However, though the respondents has stated that all the facilities are available to take care of any situation, there shall be close monitoring for the same in tune with the decision taken on 23.12.2020 and also to ensure the availability of sufficient medical specialists as well as strict adherence to the guidelines issued by it.”

41. Before considering the pleadings, we deem it fit to extract the relevant statutory provisions.

42. The Lakshadweep Panchayats Regulation, 1994 is a regulation to provide for the establishment of Village (Dweep) Panchayats and District Panchayat in the Union Territory of Lakshadweep and for matters connected therewith. In exercise of the powers conferred by Article 240 of the Constitution, the President has promulgated the Lakshadweep Panchayats Regulations, 1994, and it extends to the whole of the Union Territory of Lakshadweep. Chapter V of the Lakshadweep Panchayats Regulations, 1994 deals with the powers, duties and functions of a Panchayat.

43. Matters within the jurisdiction of Village (Dweep) Panchayat comes under the Third Schedule of the Lakshadweep Panchayats Regulations, 1994, and it reads thus:

“THE THIRD SCHEDULE
(See section 44)
MATTERS WITHIN THE JURISDICTION OF VILLAGE
(DWEET) PANCHAYAT

I. Sanitation and Public Health:

- (1) Sanitation and conservancy.
- (2) Removal of rubbish and keeping the area of the island in clean condition.
- (3) Maternity and child welfare.
- (4) Family Planning.
- (5) Construction and maintenance of public latrines.

(6) Regulating, checking and abating of offensive or dangerous trade or practice.

II. Public Works.

(1) Lighting of Island.

(2) Establishment and maintenance of public utility places.

III. Planning and Development:

Preparation and implementation of plans for, the development of agriculture, animal husbandry, fisheries, Island Industries and Co-operatives and especially---

(1) distribution of improved seeds, manure and fertilizers;

(2) promoting the use of improved agriculture implements and making such implements easily available;

(3) improvement and genera care of livestock and promotion of poultry keeping;

(4) providing for organization, management an d development of cottage and small scale industries.

IV. Administration:

(1) Administration of Panchayat property.

(2) Numbering of premises.

(3) Preparation, maintenance and upkeep of panchayat records.

(4) Registration of births and deaths.

V. Social Welfare:

(1) Relief to the crippled and the destitute.

(2) Preventive and relief measures in times of natural calamity.

(3) Promotion of moral and social welfare activities and assisting voluntary organizations and agencies engaged in such activities."

44. Matters within the jurisdiction of District Panchayat comes under the Fourth Schedule and it reads thus:

FOURTH SCHEDULE
(See section 44)

MATTERS WITHIN THE JURISDICTION OF DISTRICT
PANCHAYAT

- (1) Agriculture including agricultural extension.
- (2) Land improvement, implementation of land reforms, land consolidation and soil conservation.
- (3) Minor irrigation, water management and watershed development.
- (4) Animal Husbandry, dairying and poultry.
- (5) Fisheries.
- (6) Social forestry and farm forestry.
- (7) Minor forest produce.
- (8) Small Scale Industries, including food processing industries.
- (9) Khadi, village and cottage industries.
- (10) Rural housing.
- (11) Drinking water.
- (12) Fuel and fodder.
- (13) Roads, culverts, bridges, ferries, waterways and other means of communication.
- (14) Rural electrification including distribution of electricity.
- (15) Non-conventional energy sources.
- (16) Poverty alleviation programme.
- (17) Education, including pre-primary and secondary schools.
- (18) Technical Training and vocational education.
- (19) Adult and non-formal education.
- (20) Libraries.
- (21) Cultural activities.
- (22) Markets and fairs.

(23) Health and sanitation including hospital, primary health centres and dispensaries.

(24) Family welfare.

(25) Women and child development.

(26) Social welfare, including welfare of the handicapped and mentally retarded.

(27) Welfare of the weaker section, and in particular, of the women and the Scheduled Tribes.

(28) Public distribution system.

(29) Maintenance of community assets.”

45. Matters on which the President-cum-Chief Counsellors and/or Vice-President-cum-Counsellors may be consulted comes under the Fifth Schedule and it reads thus:

“1. Such matters of administration which the Administrator may specify, relating to the Union Territory, involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution.

2. The Five Plans and Annual Plan proposals for the development of the Union territory.

3. Proposals for undertaking legislation in the Union Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution.

4. Any other matter which the Administrator may refer to them for consideration and advice.”

46. That apart, Chapter II of Part IX of the Constitution of India deals with Administrative Relations – General. Article 256 of Chapter II states that the executive power of every State shall be so exercised as to ensure

compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

47. The duties and responsibilities of the competent authorities under the Disaster Management Act, 2005 vis-a-vis the Lakshadweep Panchayats Regulation, 1994, which at the risk of repetition, are extracted hereunder.

Disaster Management Act, 2005	Lakshadweep Panchayats Regulation, 1994
Section 2(q) defines “State Authority” to mean that the State Disaster Management Authority established under sub-section (1) of Section 14 and includes the Disaster Management Authority for the Union Territory constituted under that section. Section 18 deals with the Powers and functions of State Authority: (1) Subject to the provisions of this Act, a State Authority shall have the responsibility for laying down policies and plans for disaster management in the State. (2) Without prejudice to the generality of provisions contained in sub-section (1), the State Authority may- (a) lay down the State disaster management policy; (b) approve the State Plan in accordance with the guidelines laid down by the National Authority; (c) approve the disaster management plans prepared by the departments of the Government of the State;	Regulation 44 in Chapter V deals with Powers, Duties and Functions of a Panchayat. 44. (1) It shall be the duty of every Village (Dweep) Panchayat and of a District Panchayat so far as its funds allow to make reasonable provision within its jurisdiction, in regard to the matters specified in the Third Schedule in case of Village (Dweep) Panchayat and in regard to the matter specified in the Fourth Schedule in case of the district Panchayat. (2) The scheme programmes under any of the subject incorporated in Third Schedule or the Forth Schedule under sub-section (1) may be transferred, from time to time, along with funds, if any and such personnel as may be necessary to Panchayat by the Administrator on such conditions as may be prescribed. (3) The Panchayat may also make provision for carrying out within its jurisdiction any other work or measure which is likely to promote the health, safety, comfort or convenience, social,

(d) lay down guidelines to be followed by the departments of the Government of the State for the purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor; (e) coordinate the implementation of the State Plan; (f) recommend provision of funds for mitigation and preparedness measures; (g) review the development plans of the different departments of the State and ensure that prevention and mitigation measures are integrated therein; (h) review the measures being taken for mitigation, capacity building and preparedness by the departments of the Government of the State and issue such guidelines as may be necessary. (3) The Chairperson of the State Authority shall, in the case of emergency, have power to exercise all or any of the powers of the State Authority but the exercise of such powers shall be subject to ex post facto ratification of the State Authority.	economic or cultural well-being and education of the residents of the Islands. (4) The Administrator may, from time to time, consult the President-cum-Chief Counsellor or the Vice-President-cum-Counsellor or any matter relating to the administration of the Union Territory, as specified in the Fifth Schedule, and any views expressed by the President-cum-Chief Counsellor or the Vice-President-cum-Counsellor on such matters shall be recommendatory in nature. (5) The Administrator shall follow such procedure for consultation under subsection (4) as may be prescribed. 45. (1) A Panchayat may, in respect of roads, streets and other properties placed by the Administrator under section 50 under its directions, managements and control, do all things necessary for the maintenance and repair thereof and in particular, may--- (a) widen, open, enlarge or otherwise improve such road and plant and preserve trees on the sides of such road; (b) cut any hedge or branch of any tree projecting on any such public road or street. (2) The Panchayat shall also have the control on such roads and streets as may, from time to time, be notified by the Administrator for the purpose and may do all things necessary for the improvement, maintenance and repair thereof and in particular may lay out and make new roads. 46. The Administrator may entrust to the Panchayat the execution, maintenance or repair of any work (including implementation of schemes of economic development and social justice), subject to such conditions as he may think fit to
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	impose. The management of institution may also be placed at the disposal of the Panchayat by the Administrator: Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall also be placed at the disposal of the Panchayat by the Administrator. 47. Every contract or agreement entered into by a Panchayat shall be in writing shall be signed by the Chairperson or in his absence by the Vice-Chairperson and by the Executive Officer in case of a village (Dweep) Panchayat and by the President-cum-Chief Counsellor or in his absence by the Vice-President-cum-Counsellor and by the Chief Executive Officer in case of district Panchayat and sealed with the common seal of the concerned Panchayat.
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48. In the case on hand, the issues to be considered are whether,-

- (i) The authorities under the Disaster Management Act, 2005 have taken note of the periodical relaxation of the norms and orders have been issued periodically.
- (ii) On the facts and circumstances of this case, what the Administrator has considered, while implementing the orders passed under the Disaster Management Act, 2005.
- (iii) Whether the powers conferred on the Local Self Government Institutions, Panchayats, Municipalities, as the case may be, can overreach the mandate of the Disaster Management Act, 2005.
- (iv) Whether the Panchayat can contend that they have a right to contend that the duties/guidelines/advisories issued by the competent authority under the Disaster Management Act, 2005, which binds the State/Union Territory, is subservient to the rights under the local laws and it will prevail over the directions/mandate of the Disaster Management Act, 2005.

49. Now, let us consider the relevant provisions of the Disaster Management Act, 2005.

50. Disaster Management Act, 2005 is an Act to provide for the effective management of disasters and for matters connected therewith or incidental thereto. This Act extends to the whole of India. The Act has come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of the Act and for different States, and any reference to commencement in any provisions of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

51. Section 2(c) defines 'Central Government' to mean, the Ministry of Department of the Government of India having administrative control of disaster management.

52. Section 2(d) defines 'disaster' to mean, a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature of magnitude as to be beyond the coping capacity of the community of the affected area.

53. Section 2(e) of the Act defines 'disaster management' as under:

“(e) “disaster management” means a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for-

- (i) prevention of danger or threat of any disaster;
- (ii) mitigation or reduction of risk of any disaster or its severity or consequences;
- (iii) capacity-building;
- (iv) preparedness to deal with any disaster;
- (v) prompt response to any threatening disaster situation or disaster;
- (vi) assessing the severity or magnitude of effects of any disaster;”

54. Section 2(j) defines 'National Authority' to mean, the National Disaster Management Authority established under sub-section (1) of Section 3.

55. Chapter II of the Disaster Management Act, 2005 deals with the National Disaster Management Authority. Section 6 under Chapter II speaks about the powers and functions of the National Authority and it reads thus:

“6. Powers and functions of National Authority—

(1) Subject to the provisions of this Act, the National Authority shall have the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster.

(2) Without prejudice to generality of the provisions contained in sub-section (1), the National Authority may-

- (a) lay down policies on disaster management;

- (b) approve the National Plan;
- (c) approve plans prepared by the Ministries or Departments of the Government of India in accordance with the National Plan;
- (d) lay down guidelines to be followed by the State Authorities in drawing up the State Plan;
- (e) lay down guidelines to be followed by the different Ministries or Departments of the Government of India for the purpose of integrating the measures for prevention of disaster or the mitigation of its effects in their development plans and projects;
- (f) coordinate the enforcement and implementation of the policy and plan for disaster management;
- (g) recommend provision of funds for the purpose of mitigation;
- (h) provide such support to other countries affected by major disasters as may be determined by the Central Government;
- (i) take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary;
- (j) lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.

(3) The Chairperson of the National Authority shall, in the case of emergency, have power to exercise all or any of the powers of the National Authority but exercise of such powers shall be subject to *ex post facto* ratification by the National Authority.”

56. Chapter V of the Disaster Management Act, 2005 deals with the measures to be taken by the Government for disaster management. Section 35 under Chapter V speaks about the measures to be taken by the Central Government and it reads thus:

“35. Central Government to take measures.—

(1) Subject to the provisions of this Act, the Central Government shall take all such measures as it deems necessary or expedient for the purpose of disaster management.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the measures which the Central Government may take under that sub-section include measures with respect to all or any of the following matters, namely:—

- (a) coordination of actions of the Ministries or Departments of the Government of India, State Governments, National Authority, State Authorities, governmental and non-governmental organisations in relation to disaster management;
- (b) ensure the integration of measures for prevention of disasters and mitigation by Ministries or Departments of the Government of India into their development plans and projects;
- (c) ensure appropriate allocation of funds for prevention of disaster, mitigation, capacity-building and preparedness by the Ministries or Departments of the Government of India;
- (d) ensure that the Ministries or Departments of the Government of India take necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster;
- (e) cooperation and assistance to State Governments, as requested by them or otherwise deemed appropriate by it;
- (f) deployment of naval, military and air forces, other armed forces of the Union or any other civilian personnel as may be required for the purposes of this Act;
- (g) coordination with the United Nations agencies, international organisations and governments of foreign countries for the purposes of this Act;

- (h) establish institutions for research, training, and developmental programmes in the field of disaster management;
- (i) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.

(3) The Central Government may extend such support to other countries affected by major disaster as it may deem appropriate.”

57. Section 36 of the Disaster Management Act, 2005, provides the responsibilities of ministries or departments of Government of India and it reads thus:

“36. Responsibilities of Ministries or Departments of Government of India.— It shall be the responsibility of every Ministry or Department of the Government of India to—

- (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity building in accordance with the guidelines laid down by the National Authority;
- (b) integrate into its development plans and projects, the measures for prevention or mitigation of disasters in accordance with the guidelines laid down by the National Authority;
- (c) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the guidelines of the National Authority or the directions of the National Executive Committee in this behalf;
- (d) review the enactments administered by it, its policies, rules and regulations, with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;
- (e) allocate funds for measures for prevention of disaster, mitigation, capacity-building and preparedness;
- (f) provide assistance to the National Authority and State Governments for—

- (i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;
 - (ii) carrying out rescue and relief operations in the affected area;
 - (iii) assessing the damage from any disaster;
 - (iv) carrying out rehabilitation and reconstruction;
- (g) make available its resources to the National Executive Committee or a State Executive Committee for the purposes of responding promptly and effectively to any threatening disaster situation or disaster, including measures for—
- (i) providing emergency communication in a vulnerable or affected area;
 - (ii) transporting personnel and relief goods to and from the affected area;
 - (iii) providing evacuation, rescue, temporary shelter or other immediate relief;
 - (iv) setting up temporary bridges, jetties and landing places;
 - (v) providing, drinking water, essential provisions, healthcare, and services in an affected area;
- (h) take such other actions as it may consider necessary for disaster management.”

58. Section 37 under Chapter V of the Disaster Management Act, 2005 states about the disaster management plans of ministries or departments of Government of India and it reads thus:

“37. Disaster management plans of Ministries or Departments of Government of India.

(1) Every Ministry or Department of the Government of India shall-

- (a) prepare a disaster management plan specifying the following particulars, namely:—

- (i) the measures to be taken by it for prevention and mitigation of disasters in accordance with the National Plan;
- (ii) the specifications regarding integration of mitigation measures in its development plans in accordance with the guidelines of the National Authority and the National Executive Committee;
- (iii) its roles and responsibilities in relation to preparedness and capacity-building to deal with any threatening disaster situation or disaster;
- (iv) its roles and responsibilities in regard to promptly and effectively responding to any threatening disaster situation or disaster;
- (v) the present status of its preparedness to perform the roles and responsibilities specified in sub-clauses (iii) and (iv);
- (vi) the measures required to be taken in order to enable it to perform its responsibilities specified in sub-clauses (iii) and (iv);
- (b) review and update annually the plan referred to in clause (a);
- (c) forward a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the Central Government which Government shall forward a copy thereof to the National Authority for its approval.

(2) Every Ministry or Department of the Government of India shall—

- (a) make, while preparing disaster management plan under clause (a) of sub-section (1), provisions for financing the activities specified therein;
- (b) furnish a status report regarding the implementation of the plan referred to in clause (a) of sub-section (1) to the National Authority, as and when required by it.”

59. Section 38 of the Disaster Management Act, 2005 provides the

State Government to take measures and it reads thus:

“38. State Government to take measures.—

(1) Subject to the provisions of this Act, each State Government shall take all measures specified in the guidelines laid down by the National Authority and such further measures as it deems necessary or expedient, for the purpose of disaster management.

(2) The measures which the State Government may take under sub-section (1) include measures with respect to all or any of the following matters, namely:—

- (a) coordination of actions of different departments of the Government of the State, the State Authority, District Authorities, local authority and other non-governmental organisations;
- (b) cooperation and assistance in the disaster management to the National Authority and National Executive Committee, the State Authority and the State Executive Committee, and the District Authorities;
- (c) cooperation with, and assistance to, the Ministries or Departments of the Government of India in disaster management, as requested by them or otherwise deemed appropriate by it;
- (d) allocation of funds for measures for prevention of disaster, mitigation, capacity-building and preparedness by the departments of the Government of the State in accordance with the provisions of the State Plan and the District Plans;
- (e) ensure that the integration of measures for prevention of disaster or mitigation by the departments of the Government of the State in their development plans and projects;
- (f) integrate in the State development plan, measures to reduce or mitigate the vulnerability of different parts of the State to different disasters;
- (g) ensure the preparation of disaster management plans by different departments of the State in accordance with the guidelines laid down by the National Authority and the State Authority;

- (h) establishment of adequate warning systems up to the level of vulnerable communities;
- (i) ensure that different departments of the Government of the State and the District Authorities take appropriate preparedness measures;
- (j) ensure that in a threatening disaster situation or disaster, the resources of different departments of the Government of the State are made available to the National Executive Committee or the State Executive Committee or the District Authorities, as the case may be, for the purposes of effective response, rescue and relief in any threatening disaster situation or disaster;
- (k) provide rehabilitation and reconstruction assistance to the victims of any disaster; and
- (l) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of provisions of this Act.”

60. Section 39 of the Act provides the responsibilities of departments of the State Authority and it reads thus:

“39. Responsibilities of departments of the State Government.—

It shall be the responsibility of every department of the Government of a State to—

- (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority and the State Authority;
- (b) integrate into its development plans and projects, the measures for prevention of disaster and mitigation;
- (c) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness;
- (d) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee;

(e) review the enactments administered by it, its policies, rules and regulations with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;

(f) provide assistance, as required, by the National Executive Committee, the State Executive Committee and District Authorities, for—

- (i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;
- (ii) assessing the damage from any disaster;
- (iii) carrying out rehabilitation and reconstruction;

(g) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its authorities at the district level;

(h) make available its resources to the National Executive Committee or the State Executive Committee or the District Authorities for the purposes of responding promptly and effectively to any disaster in the State, including measures for—

- (i) providing emergency communication with a vulnerable or affected area;
- (ii) transporting personnel and relief goods to and from the affected area;
- (iii) providing evacuation, rescue, temporary shelter or other immediate relief;
- (iv) carrying out evacuation of persons or live-stock from an area of any threatening disaster situation or disaster;
- (v) setting up temporary bridges, jetties and landing places;
- (vi) providing drinking water, essential provisions, healthcare and services in an affected area; (i) such other actions as may be necessary for disaster management.”

61. Chapter VI of the Act, 2005 deals with local authorities. Section 41 under Chapter VI speaks about functions of the local authority and it reads thus:

“41. Functions of the local authority.— (1) Subject to the directions of the District Authority, a local authority shall—

- (a) ensure that its officers and employees are trained for disaster management;
- (b) ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;
- (c) ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters and mitigation by the National Authority, State Authority and the District Authority;
- (d) carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan.

(2) The local authority may take such other measures as may be necessary for the disaster management.”

62. Chapter XI of the Act, 2005 deals with miscellaneous. Section 62 under Chapter XI speaks about the power to issue direction by the Central Government and it reads thus:

“62. Power to issue direction by Central Government.—

Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Central Government to issue direction in writing to the Ministries or Departments of the Government of India, or the National Executive Committee or the State Government, State Authority, State Executive Committee, statutory bodies or any of its officers or employees, as the case may be, to facilitate or assist in the disaster management and such Ministry or Department or Government or Authority,

Executive Committee, statutory body, officer or employee shall be bound to comply with such direction.”

63. Section 71 of the Disaster Management Act, 2005 speaks about the bar of jurisdiction of court and it reads thus:

“71. Bar of jurisdiction of court.—No court (except the Supreme Court or a High Court) shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Central Government, National Authority, State Government, State Authority or District Authority in pursuance of any power conferred by, or in relation to its functions, by this Act.”

64. Section 76 of the Disaster Management Act, 2005 speaks about the power to make regulations and it reads thus:

“76. Power to make regulations.— (1) The National Institute of Disaster Management, with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) powers and functions to be exercised and discharged by the governing body;
- (b) procedure to be followed by the governing body in exercise of the powers and discharge of its functions;
- (c) any other matter for which under this Act provision may be made by the regulations.”

65. We have evaluated the rival submissions addressed at the bar, bearing in mind the Standard Operating Procedures issued by the Lakshadweep Administration from time-to-time, the provisions of other statutes and the provisions of the Disaster Management Act, 2005. We have extracted the notifications issued by the Lakshadweep Administration and the provisions of the Act, 2005, in order to have a wholesome understanding of the provisions and the power conferred on the authority, to tackle any emergent situations. As is well-known, the provisions of Disaster Management Act, 2005 were brought into effect consequent to the outbreak of COVID-19 Pandemic. Therefore, we have no doubt in our mind that by virtue of the powers conferred on the Central Government under the Act 2005, the other local laws may not have much bearing when the provisions of such laws come in conflict with the provisions of Act 2005, especially in view of the constitutional provision discussed above.

66. Even though initially, a National Lockdown was declared by the Government of India during March, 2020, during the course of time, taking into account the developments taken place, the Standard Operating Procedures issued for effective implementation of the lockdown restrictions were relaxed.

67. It is true, there was an initial SOP issued by the Lakshadweep Administration, in order to prevent the outbreak of COVID-19 Pandemic in

the islands of Lakshadweep. However, the spread of pandemic was reduced and the Administration thought it fit to relax the entry into Lakshadweep Islands from the mainland with sufficient precautionary measures. It was accordingly, the notification prescribing the SOP impugned in the writ petition was issued. Reading of the notification/ circulars issued by the Administration and the statement filed before this Court makes it clear that the Administration has taken effective precautionary measures for permitting people from the mainland to the islands of Lakshadweep. Reading of the notification and circulars further make it clear that sufficient precautionary measures are taken, in order to meet with any emergent and adverse situations. It is also clear from the notification that in order to rule out the possibility of any person infected with Corona-virus entering the Islands, RT-PCR test is being ensured, which according to the Administration, is a full-proof test, in order to identify as to whether any person is affected with the disease.

68. Apart from the above, reading of the provisions of Act, 2005 make it clear that the authorities are vested with sufficient powers to evaluate the situation from time-to-time and then issue notifications, in order to tide over the situation, and also to relax the lockdown restrictions/conditions and make the life a normal one to the citizens of the country. Taking into account the subsidence of COVID-19 Pandemic

alone, a new SOP was issued, thereby providing entry to mainlanders, however subject to reasonable restrictions.

69. Since the statutory authorities are controlled and guided by the provisions of Act, 2005, and when notifications are issued prescribing the SOPs, it can only be legally presumed that the authorities have taken into account the situations prevailing in the mainland, as well as the islands of Lakshadweep, and unless and until the petitioner was able to establish before this Court that the SOPs, issued by the Lakshadweep Administration from time-to-time are illegal, arbitrary and so perverse, this Court would not be in a position to step-in and issue directions unmindful of the conditions contained in the SOP. The petitioner has not produced any document before this Court, to establish that the action of the Lakshadweep Administration, issuing fresh Standard Operating Procedures is in any manner illegal or arbitrary or overlooking the provisions of law in vogue, enabling this Court to interfere with the notifications issued. We are also of the view that the SOP is issued considering the advises rendered by the experts in the various fields and such aspects cannot be given a go-bye, by a writ court normally and ordinarily, which is a well accepted proposition in law.

70. Anyhow, it is clear from the notifications issued time and again that Lakshadweep Administration was clearly taking stock of the situations

appropriately and issued the notifications. If the situations become adverse to the normal and regular life of the residents of Lakshadweep islands, the Administration is vested with ample powers to modify the Standard Operating Procedures issued from time-to-time to suit the convenience of the citizens, and appropriately. Viewed so, the imputations made in the writ petition have no basis. Matters being so, we are of the view that the petitioner has not made out any case justifying interference exercising the powers of judicial review under Article 226 of the Constitution of India.

Resultantly, this writ petition fails and accordingly, it is dismissed.

Sd/-
S. Manikumar
Chief Justice

Sd/-
Shaji P. Chaly
Judge

krj

APPENDIX**PETITIONER'S EXHIBITS:**

- EXHIBIT P1 COPY OF THE SOP MODIFICATION DATED 01.10.2020 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P2 COPY OF THE SOP MODIFICATION DATED 04.11.2020 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P3 COPY OF THE CIRCULAR DATED 23.11.2020 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P4 COPY OF THE STANDARD OPERATING PROCEDURE DATED 22.12.2020 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P5 COPY OF THE CIRCULAR DATED 26.12.2020 ISSUED BY THE 7TH RESPONDENT.
- EXHIBIT P6 COPY OF THE COMMUNICATION DATED 28.2.2020 ISSUED BY THE 7TH RESPONDENT.
- EXHIBIT P7 COPY OF THE LETTER DATED 24.12.2020 ISSUED BY THE PRESIDENT CUM CHIEF COUNSELLOR OF LAKSHADWEEP DISTRICT PANCHAYAT TO THE 3RD RESPONDENT.
- EXHIBIT P7(A) COPY OF THE LETTER DATED 26.12.2020 ISSUED BY THE PRESIDENT CUM CHIEF COUNSELLOR OF LAKSHADWEEP DISTRICT PANCHAYAT TO THE 2ND RESPONDENT.
- EXHIBIT P7(B) COPY OF THE LETTER DATED 26.12.2020 ISSUED BY THE PRESIDENT CUM CHIEF COUNSELLOR OF LAKSHADWEEP DISTRICT PANCHAYAT TO THE HOME SECRETARY, MINISTRY OF HOME AFFAIRS.
- EXHIBIT P7(C) COPY OF THE LETTER DATED 26.12.2020 ISSUED BY THE PRESIDENT CUM CHIEF COUNSELLOR OF LAKSHADWEEP DISTRICT PANCHAYAT TO THE ADMINISTRATOR OF THE UNION TERRITORY OF LAKSHADWEEP.
- EXHIBIT P7(D) COPY OF THE PRESS RELEASE DATED 26.12.2020 ISSUED BY THE PRESIDENT CUM CHIEF COUNSELLOR OF LAKSHADWEEP DISTRICT PANCHAYAT.
- EXHIBIT P7(E) COPY OF THE RESOLUTION DATED 23.12.2020 PASSED BY VILLAGE (DWEED) PANCHAYAT, AGATHI.
- EXHIBIT P7(F) COPY OF THE MINUTES DATED 26.12.2020 OF THE COMBINED MEETING OF THE ELECTED REPRESENTATIVES (DP AND VDP), ANDROTH.

- EXHIBIT P7(G) COPY OF THE LETTER DATED 04.01.2021 ISSUED BY THE CHAIRPERSON OF VILLAGE (DWEET) PANCHAYAT, BITRA.
- EXHIBIT P7(H) COPY OF THE RESOLUTION PASSED BY THE VILLAGE (DWEET) PANCHAYAT, CHETLAT ISLAND.
- EXHIBIT P7(I) COPY OF THE LETTER DATED 27.12.2020 ISSUED BY THE MEMBERS OF THE VILLAGE (DWEET) PANCHAYAT, KADMAT.
- EXHIBIT P7(J) COPY OF THE LETTER DATED 24.12.2020 ISSUED BY THE CHAIRPERSON OF VILLAGE (DWEET) PANCHAYAT, KADMAT TO THE MEDICAL DIRECTOR, UNION TERRITORY OF LAKSHADWEEP.
- EXHIBIT P7(K) COPY OF THE LETTER DATED 31.12.2020 ISSUED BY THE REPRESENTATIVES OF DIFFERENT POLITICAL PARTIES AND MEMBERS OF VILLAGE (DWEET) PANCHAYAT, KALPENI TO THE SUB DIVISIONAL OFFICER, KALPENI.
- EXHIBIT P7(L) COPY OF THE LETTER DATED 23.12.2020 ISSUED BY THE CHAIRPERSON, VILLAGE (DWEET) PANCHAYAT, KAVARATTI TO THE 2ND RESPONDENT.
- EXHIBIT P7(M) COPY OF THE LETTER DATED 01.01.2021 ISSUED BY THE CHAIRPERSON OF VILLAGE (DWEET) PANCHAYAT, KILTAN TO THE 2ND AND 3RD RESPONDENTS.
- EXHIBIT P7(N) COPY OF THE LETTER DATED 26.12.2020 ISSUED BY THE CHAIRPERSON OF VILLAGE (DWEET) PANCHAYAT, MINICOY TO THE 3RD RESPONDENT.
- EXHIBIT P8 COLOUR PHOTOGRAPHS OF THE DHARNA CARRIED OUT BY SCHOOL STUDENTS IN LAKSHADWEEP.
- EXHIBIT P9 COLOUR PHOTOGRAPH OF THE DHARNA CARRIED OUT BY THE GENERAL PUBLIC NEAR THE COLLECTORATE, KAVARATTI.
- EXHIBIT P10 COPY OF THE NOTIFICATION DATED 07.03.2012 ISSUED BY THE SECRETARY (PANCHAYATS) VIDE F. NO. 2/1/2012-DOP.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO C.J.