

Presented on: 30.03.2020

Subject: PUBLIC INTEREST LITIGATION: GUIDELINES FOR FIELD OFFICERS
DURING LOCKDOWN AND OPENING OF STATE BORDERS FOR TRANSPORT OF
ESSENTIALS AND PATIENTS

IN THE HIGH COURT OF KERALA

W.P. (C) No.

of 2020

The Kerala High Court Advocates' Association ::

Petitioner

Versus

The State of Kerala and ors

::

Respondents

MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Court Fee to be paid Rs.100/-

Manu Govind (M-769)

Counsel for the Petitioner

M/s. Jayasankar & Manu
Advocates & Associates

IN THE HIGH COURT OF KERALA

W.P. (C) No. _____ of 2020

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Dated this the 29th day of March, 2020

Counsel for the Petitioner

IN THE HIGH COURT OF KERALA

W.P. (C) No. _____ of 2020

The Kerala High Court Advocates' Association :: Petitioner

Versus

The State of Kerala and ors :: Respondents

SYNOPSIS

The writ petition is moved based on the widespread reports that while commendable efforts are being taken by the State Government to ensure that the lockdown announced to face the spread of COVID-19 is effectively carried out, some officials, especially police officers, are overstepping their powers in the absence of proper guidelines having force of law. This results in illegal and unconstitutional actions against people including physical assault in violation of fundamental rights of people of the State.

There are reports of impending scarcity of essentials which may result in unavailability of essentials or artificial hike in prices of essentials. This will result in gross violation of fundamental rights of the people of the State.

The Borders of the State to Karnataka are closed resulting in denial of medical facilities to the people in northern districts of Kerala, resulting in two deaths. Report shows that the efforts by the State Government of Kerala is not finding favour with the State Government of Karnataka. Interference of the Union Government is called for in such circumstances.

These matters demand emergent consideration of this Honourable Court under its extraordinary jurisdiction under the Constitution to ensure protection of Fundamental Rights of the people of the State of Kerala.

CHRONOLOGY OF EVENTS

Sl No	Date	Event
1.	22.3.2020	The State Border of Kerala and Karnataka are totally locked down by the Officials of the State of Karnataka. This is done as a bid to prevent the spread of COVID 19.
2.	23.3.2020	Lockdown of Seven districts in Kerala Announced to prevent COVID 19 spread.
3.	24.3.2020	The entire country is placed under lockdown to prevent COVID 19 spread.

4.		The closure of the State Border is resulting in prevention of transport of essential goods and also prevention of movement of people for getting medical care. The lockdown being implemented without proper guidelines is resulting in some police officials exercising power in illegal manner resulting in violation of rights of people.
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Dated this the 29th day of March, 2020

Counsel for the Petitioner

IN THE HIGH COURT OF KERALA

W.P.(c).No.

of 2020

PETITIONER

The Kerala High Court Advocates' Association,
represented by its Secretary,
1st Floor, High Court of Kerala Building,
Ernakulam -682 031

Versus**RESPONDENTS:**

1. The State of Kerala, represented by the Chief Secretary to Government of Kerala, Secretariat, Thiruvananthapuram 695 001
2. The Secretary to Government of Kerala, Department of Home, Secretariat, Thiruvananthapuram 695 001.
3. The Secretary to Government of Kerala, Department of Health, Secretariat, Thiruvananthapuram 695 001
4. The Director General of Police and State Police Chief, Police Head Quarters, Thiruvananthapuram 695001
5. The Union of India, represented by Secretary to Government of India, Department of States, Ministry of Home Affairs, New Delhi 110001.
6. The State of Karnataka, represented by the Chief Secretary, Secretariat, Vikasa Saudha, Bangalore 560001.
7. The State of Tamil Nadu, represented by the Chief Secretary, Secretariat, Chennai 600009.
8. The Union Territory of Puducherry, represented by its Lieutenant Governor, Puducherry 605013.
9. The National Disaster Management Authority, NDMA Bhawan, A-1, Safdarjung Enclave, New Delhi - 110029 represented by its Member Secretary
10. The Kerala State Disaster Management Authority, represented by its convenor, Observatory Hills, Vikas Bhavan P.O, Thiruvananthapuram – 695033

**MEMORANDUM OF WRIT PETITION FILED UNDER ARTICLE
226 OF THE CONSTITUTION OF INDIA**

- I. All the notices and processes to the Petitioner may be served on its counsel, Manu Govind of M/s. Jayasankar & Manu, First Floor, Prince Towers, Kombara Jn., Kochi-18 or at manugovind@keralalawfirm.com
- II. All the notices and processes on the respondents may be served on the above address or on its counsel in the cause.

III. STATEMENT OF FACTS

1. Petitioner is the Association of Advocates practising in the High Court of Kerala.

This writ petition is being filed in Public Interest to redress the grievance of people in Kerala arising from certain aspects of the lockdown announced in view of spread of COVID 19.

2. He is approaching this Hon'ble Court seeking to compel the 4th Respondent to consider the representation made to the 4th Respondent in the wake of the Coronavirus Disease (COVID-19), pandemic for facilitating delivery of its products through online platforms.

3. Due to the spread of COVID 19, the 1st respondent State Government announced lock down of seven districts including Kasargod on 23.3.2020. The very next day, the 5th respondent directed total lock down of the country. It is submitted that the petitioner does not contest the validity or legality of the above steps by the respective Governments.

4. The 1st respondent through its officials did a commendable job ensuring effective lock down despite lack of cooperation from certain uninformed individuals. At the same time, the reports show that certain officials of the Police overstepped their brief and took to harassing and punishing citizens whom they felt are violating the lockdown instructions without justification. In some instances, it appears, the Police officials on the field physically attacked the individuals who were outside their home during lockdown. Taking into consideration the instances and media reports up to 27.03.2020, and perturbed by the safety of the citizen, a learned judge of this Honourable Court [wrote](#) to the Director General of Police on 27.03.2020 thus:

"... there are clips being circulated in social media of police officers beating up persons who deliberately violate the lockdown. Don't know if any of them are from Kerala. But, I must request you to direct all officers not to do so at any cost, unless it is absolutely essential to use force and even then, only to the extent necessary"

5. However, on 28.03.2020, a Superintendent of Police Kannur is seen to have resorted to imposing penalty on citizens found outside their home by Public Shaming and forced squatting; thereby displaying arrogance of power. A true copy

of the news reports in this regard is produced herewith and is marked as [EXHIBIT P1](#), [EXHIBIT P1A](#) [EXHIBIT P1B](#) A one minute video of the imposition of penalty on citizens by Public Shaming by forced squatting by Police is available [online](#)¹. It is understood that the Police Officer seen in the video is Yathish Chandra G H is an IPS officer of 2011 batch, Kerala Cadre. He currently serves as the Commissioner of Police at Kannur. In another instance a patient who went to get treatment was beaten up by the police.

6. It is submitted that the 1st respondent has promulgated Kerala Epidemic Diseases 2020 for facing the situation like the one at hand. As per the Act Temporary Regulations or orders can be issued by the State Government when it is satisfied that there is or there is a threat of outbreak of an epidemic disease. Violation of the Regulation or Order is an offence punishable with imprisonment for two years or fine. It is treated as a Cognizable, Bailable Offence. A true copy of the ordinance is produced herewith and is marked as [EXHIBIT P2](#).
7. It is submitted that prior to promulgation of the Exhibit P2 ordinance, the State Government had under its powers under Epidemic Diseases Act, 1897 (Central Act) promulgated Kerala Epidemic Diseases COVID 19 Regulations, 2020, a true copy of which is produced herewith and marked as [EXHIBIT P2A](#).
8. In Exhibit P2A, no specific regulations are made as to how power of field officers are to be regulated. It appears that the officials on the field are, in the absence of specific guidelines/regulations, trying to implement the lockdown in their own way. While most of the officials are resorting to strictly legal methods, some of them have taken this as an opportunity to exercise unbridled power over the life and liberty of ordinary citizens.
9. It is necessary that the Government urgently interfere, laying down specific guidelines/regulation setting out procedural safeguards and legal perimeters for the officials to act. Otherwise, the very conferment of power would be unconstitutional and in violation of the fundamental rights of the people. It is submitted that till such

¹[Public Shaming Of Lockdown Violators : Kerala DGP Seeks Explanation From Police Commissioner](#)
(LiveLaw.com)

guidelines are formulated by the Government general guidelines are to be issued by this Honourable court to protect citizens from vagaries of excess of power.

10. Kerala is a consumer state and most of the essential commodities come to the markets of the State from other places in India. The lockdown has seriously affected the inflow of essential commodities to the State. It is apprehended that this would result in scarcity of essential commodities including food and medicine. As a necessary corollary, one should guard against hoarding and artificial hiking of the price of essential commodities. It is submitted that necessary directions in this regard are warranted to protect equality, life, and liberty of the people of the State.
11. The above circumstances are further precipitated by the fact that the border of the State with Karnataka is closed at at least 20 places by the 6th respondent. True copy of press reports relating to closure of State Border is produced herewith and is marked as [EXHIBIT P3](#)
12. It can be seen that the closing of the borders not only affect the movement of essential commodities but also fetter movement of people for emergency medical treatment. The Kasargod district, especially the northern areas of the same, depend heavily on medical facilities in Karnataka State. This is because the Hospitals in Karnataka are more proximate Geographically. It is also due to the fact that the Hospitals towards the South of Kasargod are already crossed their capacity especially due to the rampant COVID 19 spread in that District. Thus closing of the State Border gives rise to a humane issue which unfortunately the 6th respondent and its officials fail to appreciate. The negotiation between the State Governments of Kerala and Karnataka has not borne any fruit. It appears that the 1st respondent has already addressed the 5th respondent on this issue. A true copy of the press report is produced herewith and is marked as [EXHIBIT P4](#).
13. It is also reported that two individuals lost their lives, while in the Ambulance, because they could not obtain emergent medical attention they required, due to closure of the State border with Karnataka. A copy of the paper report is produced herewith and is marked as [EXHIBIT P5](#). It is also reported that a lady in labour was

turned away at the border and she delivered a baby in the ambulance while on the way to another Hospital. A copy of the paper report is produced herewith and is marked as **EXHIBIT P6**.

14. The petitioner, as a responsible organisation of advocates practising before this Hon'ble Court seeks to place the above material before this Honourable Court and seek interference in order to protect the fundamental rights of the people of the State at large, on the following among other

GROUND

- A. Total lack of guidelines to the Field Officials in exercising power in an unprecedented situation arising from a total lockdown has resulted in some officials exercising power in excess of what is contemplated by law. This has resulted in serious violation of rights of the citizens. The cases as disclosed from the reports show that the Police themselves have become the investigators, prosecutors, judges and executioners. This is most abhorrent in a Constitutional Democracy. There cannot be nude powers conferred on any official whatever be the circumstances. It is submitted that the reports of police high-handedness show total violation of principles of natural justice, and violation of fundamental rights of life and liberty of people, resulting in violation of Art. 21 of the Constitution of India.
- B. Public Shaming by forced squatting is an act which violated the right to life and personal liberty, under Article 21, of the citizen. Right to life under Article 21 also includes the right to be treated with dignity.
- C. Imposing penalty on citizens by Public Shaming, by forced squatting, or beating, is an act undertaken by the Police even without a semblance of power to do so. In India, the Police do not have power to impose any sort of punishment on the citizen. In such circumstances, the act of the Police Commissioner and the like are instances of Torture² and abuse of Power.

² "Torture" has not been defined in Constitution or in other penal laws. 'Torture' of a human being by another human being is essentially an instrument to impose the will of the 'strong' over the 'weak' by suffering. [DK Basu v. State of West Bengal](#) 1997 (1) SCC 416 (<https://indiankanoon.org/doc/501198/>)

- D. "Article 21 provides "no person shall be deprived of his life or personal liberty except according to procedure established by law". Personal liberty, thus, is a sacred and cherished right under the Constitution. The expression "life or personal liberty" has been held to include the right to live with human dignity and thus it would also include within itself a guarantee against torture and assault by the State or its functionaries.³". Police has no power to punish people. They can, if situation warrant, arrest a person. For this also, the law laid down by the Supreme Court in D K Basu Case has to be followed scrupulously. As reflected from the reports, it is seen that some of the police officials are violating the same with some assumed impunity.
- E. The apex court in [Jaisinghani V. Union Of India And Ors](#)⁴ has already held that :*"...the absence of arbitrary power is the first essential of the rule of law upon which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should know where he is. If a decision is taken without any principle or without any rule it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the rule of law"*.
The situation, as of now is one which confers power on the officers to implement lockdown by hook or by crook. The present discretion conferred is granting arbitrary power on the executive in the absence of any guidance as to how the discretion/power should be exercised.
- F. It is submitted that the Government is duty bound to take all efforts to ensure that essential commodities like food, medicine etc. are ensured to be in hinderless supply. Effective measures to avoid hoarding and excess pricing is to be taken. Given the fact that Kerala is a consumer Economy dependent on the other states for most of its essential commodities, it is necessary to ensure that the traffic of goods, especially essential commodities is ensured without hindrance.
- G. It is submitted that the respondent no. 6 has now closed the borders it shares with Kerala State. This is most illegal, and against the fundamental right to freedom to travel anywhere in India for all citizens of India. True, it may be necessary to restrict travel given the circumstances of spread of an epidemic disease. But that does not empower the Karnataka Government to totally prevent entry of people from one

³ [DK Basu V. State of West Bengal](#) 1997 (1) SCC 416

⁴ 1967 AIR 1427

State to another. This cuts at the root of the Constitutional setup under which India is Governed. One State government cannot take such a hostile attitude towards inhabitants of another State. It is submitted that this unjustified closure of the borders has resulted in loss of life of two persons in Kerala already. A total closure of the State border is totally illegal and against the Constitutional mandates under Art. 14, 21, and 19 of the Constitution of India.

- H. The closure of State Borders also result in hindrance of transport of essential commodities to the State of Kerala. This also results in serious violation of fundamental rights of the citizens of India living all over Kerala. The right of a citizen to have medical treatment at the nearest hospital with facilities to cater to his need is to be read as a fundamental right under Art.21 of the Constitution. It is a necessary facet of the right to health. It is submitted that merely because the nearest hospital is beyond the State Border should not hinder the availability of efficient medical treatment for people. It is apprehended that such actions of closing the borders may be followed by the other states also and this will cause further violation of the rights of the people in the State of Kerala. It is necessary to give directions not to do such acts.
- I. It is submitted that the actions of respondent no. 6 and the apprehended actions of the respondents 7 and 8 affect the fundamental rights of the people residing within the territorial limits of the jurisdiction of this Honourable Court. Hence the cause of action arises within the territories where this Honourable Court exercises jurisdiction and hence the writ petition is maintainable.

PRAYERS

Having regards to the above mentioned grounds and also such other grounds that may be urged at the time of hearing, it is most humbly requested and prayed that this Hon'ble Court may be pleased to

- i. to issue a writ of mandamus directing the respondent no. 1 to formulate and implement proper guideline or regulations under the Kerala Epidemic Diseases Ordinance, 2020, to ensure that no illegal or unconstitutional measures are adopted by the officers in the field including Police Officers and that all Governmental Actions are kept within the purview of law.
- ii. to issue a writ in the nature of mandamus laying down the guidelines for the guidance of the officers in the field including Police Officers implementing the lockdown now promulgated by the Governments pending finalisation of the guidelines by the first respondent Government;

- iii. to issue a writ in the nature of mandamus directing the first respondent Government to take necessary steps to ensure the availability of essentials like food, medicine etc. to people at reasonable and fair price during the lockdown;
- iv. to issue a writ in the nature of mandamus directing the 5th respondent to ensure that the State Borders of Kerala to Karnataka, Mahe and Tamil Nadu are open for the purpose of transportation of essential commodities in to the State and for transportation of people in need of Medical Assistance; and
- v. pass any other direction, order or reliefs, as this Hon'ble Court may deem fit to be necessary in the interest of justice, equity and good conscience.

INTERIM RELIEF

For the reasons stated in the above Writ Petition and affidavit it is respectfully prayed that this Honourable Court may be pleased to

- 1. lay down guidelines for the exercise of power by officers on the field including Police Officials during the lockdown; and
- 2. direct the respondents 5 to 8 to immediately ensure that the State borders of Kerala are kept open for transport of essential commodities and people who are in need of medical care during the currency of Lockdown, presently in vogue

Dated this the 29th day of March, 2020

Petitioner

Counsel for the Petitioner

IN THE HIGH COURT OF KERALA

W.P. (C) No.

of 2020

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The State of Kerala and ors

::

Respondents

AFFIDAVIT

I, Ajithkumar T.K., S/o T K Velayudhan, aged 51 years, residing at Aarya, Divine Village, Kakkanad, representing the Kerala High Court Advocates Association, as its Secretary, do hereby solemnly affirm and state as follows:-

1. I am the Secretary of the petitioner Association, in the above Writ Petition. I am conversant with the facts of the case and I am competent to swear to this Affidavit.
2. The above writ petition has been prepared on my instructions and I have not suppressed any material facts from this Honorable Court.
3. I have no personal gain other than the one described in relation to the subject matter involved in this Writ Petition. The matter involved in the above case is one involving substantial and larger public interest as this affects the fundamental rights of people across Kerala. There is no authoritative pronouncement on the subject matter by this Honourable Court or the Honourable Supreme Court of India.
4. The copy of the Exhibits marked in the writ petition is the true copy of the original.
5. I have not filed any other writ petition for the same relief or for similar reliefs.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 29th day of March, 2020

Deponent

Solemnly affirmed and signed before me by the deponent, who is personally known to me, at my office at Ernakulam on this the 29th day of March, 2020

Manu Govind
Advocate

പരസ്യമായി ഏത്തമിടിക്കൽ: കണ്ണൂർ എസ്.പി.ക്കെതിരെ മനുഷ്യാവകാശ കമ്മീഷൻ സ്വമേധയാ കേസെടുത്തു

Saturday 28 March, 2020 | 10:20 PM

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READ **ENGLISH** VERSION



കണ്ണൂർ: ലോക്ക്‌ഡൗൺ നിർദ്ദേശം ലംഘിച്ചവരെ ഏത്തമിടിച്ച സംഭവത്തിൽ കണ്ണൂർ എസ്.പി യതീഷ് ചന്ദ്ര യ്ക്കെതിരെ സ്വമേധയാ കേസെടുത്ത് സംസ്ഥാന മനുഷ്യാവകാശ കമ്മീഷൻ. സംസ്ഥാന പൊലീസ് മേധാവി നേരിട്ട് സംഭവത്തിൽ അന്വേഷണം നടത്തണമെന്നും മനുഷ്യാവകാശ കമ്മീഷൻ വ്യക്തമാക്കി. സർക്കാർ നിർദ്ദേശങ്ങൾ പാലിക്കാൻ ബാധ്യതയുള്ള പൊലീസ് ഉദ്യോഗസ്ഥന് സ്വയം ശിക്ഷ നടപ്പിലാക്കാൻ അധികാരമില്ലെന്ന് ജുഡീഷ്യൽ അംഗമായ പി. മോഹനദാസ് ഉത്തരവിൽ ചൂണ്ടിക്കാട്ടി.

ഏത്തമിട്ടവർ എന്ത് തെറ്റാണ് ചെയ്തതെന്ന് സംസ്ഥാന പോലീസ് മേധാവി അന്വേഷിക്കണമെന്നും കമ്മീഷൻ ആവശ്യപ്പെട്ടു. മൂന്നാഴ്ചക്കുള്ളിൽ അന്വേഷണ റിപ്പോർട്ട് സമർപ്പിക്കണം. റിപ്പോർട്ട് ലഭിച്ച ശേഷം കേസ് കണ്ണൂരിൽ നടക്കുന്ന സിറ്റിംഗിൽ പരിഗണിക്കും. മാദ്ധ്യമങ്ങളിൽ വന്ന വാർത്തയുടെ അടിസ്ഥാനത്തിൽ സ്വമേധയാ രജിസ്റ്റർ ചെയ്ത കേസിലാണ് നടപടി.

കൊറോണ രോഗബാധയുടെ ബാധയുടെ പശ്ചാത്തലത്തിൽ പൊലീസ് ഉദ്യോഗസ്ഥരും ആരോഗ്യ പ്രവർത്തകരും നടത്തുന്ന മഹത്തായ സേവനം ഹൈക്കോടതി പോലും എടുത്തു പറഞ്ഞിട്ടുണ്ട്. ഒരു സാഹചര്യത്തിലും പോലീസ് നിയമം ലംഘിക്കരുതെന്ന് ഹൈക്കോടതി ചൂണ്ടിക്കാണിച്ചിട്ടുണ്ട്.

പൊലീസ് ശിക്ഷ നടപ്പാക്കുന്നതും ശിക്ഷ വിധിക്കുന്നതും പൊലീസ് ആക്ടിന്റെ ലംഘനമാണ്. വീട്ടിൽ സുരക്ഷിതരായിരിക്കണമെന്ന സർക്കാർ നിർദ്ദേശം കൃത്യമായി അനുസരിക്കണമെന്നും കമ്മീഷൻ അംഗം പി. മോഹനദാസ് ആവശ്യപ്പെട്ടു.

കേരളത്തിൽ കാണാത്ത തരത്തിലുള്ള നടപടിയാണ് യതീഷ് ചന്ദ്രയുടേതെന്നും കേരളത്തിൽ പൊതുവെ മികച്ച പ്രവർത്തനം കാഴ്ച വയ്ക്കുന്ന പൊലീസിന്റെ യശസ്സിനെയാണ് ഈ സംഭവം ബാധിക്കുകയെന്നും മുഖ്യമന്ത്രി പിണറായി വിജയനും ചൂണ്ടിക്കാട്ടിയിരുന്നു. തുടർന്ന് സംസ്ഥാന പൊലീസ് മേധാവി ലോക്നാഥ് ബെഹ്റ സംഭവത്തിൽ യതീഷ് ചന്ദ്രയോടു വിശദീകരണം തേടുകയും ചെയ്തിരുന്നു.

കണ്ണൂർ ജില്ലയിലെ അഴീക്കലിലാണ് ലോക്ക്‌ഡൗൺ നിർദ്ദേശങ്ങൾ ലംഘിച്ചവരെ യതീഷ് ചന്ദ്ര ഏത്തമിടുവിച്ചത്. ഇതാദ്യമായാണ് സംസ്ഥാനത്ത് ലോക്ക്‌ഡൗൺ നിർദ്ദേശങ്ങൾ ലംഘിച്ചതിന് പൊലീസ് പരസ്യശിക്ഷ നടപ്പാക്കുന്ന സംഭവം ഉണ്ടാകുന്നത്. യതീഷ് ചന്ദ്രയുടെ 'ശിക്ഷാ നടപടി'യുടെ വീഡിയോ ദൃശ്യങ്ങളും പുറത്തുവന്നിരുന്നു.

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1 of 229/03/20, 8:22 pm

Dialysis patient beaten by cops in Kerala during lockdown, writes to CM

Corona virus [LIVE](#)

The 28-year-old man from Thalassery was allegedly beaten by the police before he could show his permission letter from the police department.



NEWS CORONAVIRUS | FRIDAY, MARCH 27, 2020 - 07:35

Mrudula Bhavani [Follow @MrudulaBhavani](#)



On March 25, the first day of the all India lockdown in light of the COVID-19 pandemic, a dialysis patient in Kannur's Thalassery was lathi charged by the police, on his way back from the dialysis unit. 28-year-old Nishal was on a two-wheeler; he says he was beaten even before he could explain why he was on the road.

"I was returning from the dialysis unit, my two-wheeler was stopped by the police near Koduvalli. They asked me where I went. I said I was returning from the dialysis unit. They asked me to leave. Another policeman beat me on my hand. Before I could explain anything to him, I got beaten. I asked him not to beat me. Even before listening to me, he beat me again, on my back with his lathi. After that he asked where I went. I showed him the permission letter from the police station. I showed him the details of the dialysis center as well." Nishal said.

Nishal's kidney injury is a result of leptospirosis.

When he complained about this at the Thalassery police station, the police asked him why he didn't take a taxi to go. "Since the dialysis is expensive I do not have the financial capacity to get a taxi to go," Nishal said. He has been undergoing treatment for a year now, his kidney has been transplanted.

In his Facebook post, Nishal had written, "Honorable chief minister, majority of people in Kerala are cooperating with social distancing and lockdown. But the police action on people who go out for meeting urgent requirements without any enquiry must be rectified. I have a kidney disease, and I was beaten by Thalassery police brutally on my way back from dialysis. You must take action after examining my documents. Do not deter, but stay with us."



Nishal Kayyath
on Wednesday



ബഹുമാനപ്പെട്ട മുഖ്യമന്ത്രി, സോഷ്യൽഡിസ്നീസിംഗ് പാലിക്കാനും ലോക്ക്ഡൗൺ മായി സഹരിക്കുകയാണ് കേരളത്തിലെ ബഹുഭൂരിഭാഗം ജനങ്ങളും എന്നാൽ ചില വളരെ പ്രധാനപ്പെട്ട കാര്യങ്ങൾക്ക് വേണ്ടി പുറത്ത് പോകേണ്ടവരെ കാര്യം ചോദിച്ച് മനസ്സിലാക്കാതെ തല്ലുകയും ചീത്ത വിളിക്കുകയും ചെയ്യുന്ന പോലീസാരുടെ നടപടി തിരുത്തണം. തലശ്ശേരിയിലെ രണ്ട് കിഡ്നിയും തകരാറായ നിശാൽ എന്ന ഞാൻ ഇന്ന് ഡയലിസ് ചെയത് തിരിച്ച് വരുമ്പോൾ അതിക്രമമായി തലശ്ശേരി പോലീസ്

Yatish Chandra IPS punishes people out during lockdown with squats, Pinarayi rebukes

In two different videos that went viral on Saturday, the officer is seen making four men do squats in front of grocery shops.



CORONAVIRUS | **CORONAVIRUS** | SATURDAY, MARCH 28, 2020 - 19:11

TNM Staff [Follow @thenewsminute](#)



The Kannur Superintendent of Police, Yatish Chandra, who was seen on camera making three men do squats for coming out during lockdown, will face a probe by the state government.

In two different videos that went viral on Saturday, the officer is seen making four men do squats in front of what seem to be grocery shops. When a woman (who can be heard in one of the videos) objects, he is heard asking all of them, "The government has said you should not come out, the PM said, the CM said, local administration, local residents and newspapers also said the same. Still why do you all keep gathering here? You think the police have no other work?"

Another policeman can be heard telling the woman, "You also come and do squats, or leave".

Criticising the police officer, Chief Minister Pinarayi Vijayan said, "We saw a visual which doesn't suit the culture of Kerala. The visual of Kannur police chief punishing people. The reputation of the police force is ruined by such acts. Police work hard in tough situations, people welcome them for that, but such acts will ruin the force's reputation".

people being caned by the police, though they had only stepped out to buy essentials and this is allow government.

[Corona virus](#) **LIVE**

This is however not the first time that Yatish Chandra has landed in controversy. In August 2017 a child witness had told the Human Rights Commission, that Yatish Chandra, the then Deputy Commissioner of Police of Kochi City, had lathi charged those who had gathered at the High Court junction to protest against the opening of an LPG plant in Puthuvype. In 2018, the state BJP had written to the Centre asking for action against the officer for telling then Union Minister Pon Radhakrishnan that his convoy could not go to Sabarimala. This was at the height of tension surrounding the temple.



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കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 9
Vol. IX

തിരുവനന്തപുരം,
വെള്ളി
Thiruvananthapuram,
Friday

2020 മാർച്ച് 27
27th March 2020
1195 മീനം 14
14th Meenam 1195
1942 ചൈത്രം 7
7th Chaithra 1942

നമ്പർ
No. 998

GOVERNMENT OF KERALA
Law (Legislation-H) Department
NOTIFICATION

No. 6650/Leg.H1/2020/Law.

27th March ,2020
Dated, Thiruvananthapuram,14th Meenam,1195
7th Chaithra, 1942.

The following Ordinance promulgated by the Governor of Kerala on the 26th day of March, 2020 is hereby published for general information.

By order of the Governor,

ARAVINTHA BABU. P. K.,
Law Secretary.



ORDINANCE No. 18 OF 2020

THE KERALA EPIDEMIC DISEASES ORDINANCE, 2020

Promulgated by the Governor of Kerala in the Seventy-first Year of the Republic of India.

AN

ORDINANCE

to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to unify and consolidate the laws relating to the regulation and prevention of epidemic diseases and for matters connected therewith or incidental thereto;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called “the Kerala Epidemic Diseases Ordinance, 2020”.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance unless the context otherwise requires,—

(a) “Epidemic Disease” means any disease declared as epidemic disease by notification published in the official gazette, by the Government;

(b) “Government” means the Government of Kerala;



(c) “prescribed” means prescribed by rules or regulations made under this Ordinance;

(d) “regulation” means the regulations made under this Ordinance;

(e) “State” means the State of Kerala.

3. *Power of Government to notify epidemic disease.*—Government may by notification in the official gazette notify any disease as epidemic disease, for the purposes of this Ordinance, either through out the State or in such part or parts thereof as may be specified in the notification.

4. *Power to take special measures and specify Regulations as to epidemic disease.*—(1) When at any time the Government is satisfied that the State or any part thereof is visited by or threatened with an outbreak of any epidemic disease, the Government may take such measures, as it deems necessary for the purpose, by notification in the official gazette specify such temporary regulations or orders to be observed by the public or by any person or class of persons so as to prevent the outbreak of such disease or the spread thereof and require or empower District Collectors to exercise such powers and duties as may be specified in the said regulations or orders.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Government may take measures and specify regulations,—

(a) to prohibit any usage or act which the Government considers sufficient to spread or transmit epidemic diseases from person to person in any gathering, celebration, worship or other such activities within the State;

(b) to inspect the persons arriving in the State by air, rail, road, sea or any other means or in quarantine or in isolation, as the case may be, in hospital, temporary accommodation, home or otherwise of persons suspected of being infected with any such disease by the officers authorized in the regulation or orders;

(c) to seal State borders for such period as may be deemed necessary;

(d) to impose restrictions on the operation of public and private transport;



(e) to prescribe social distancing norms;

(f) to restrict or prohibit congregation of persons in public places and religious institutions;

(g) to regulate or restrict the functioning of offices, Government and private, and educational institutions in the State;

(h) to impose prohibition or restrictions on the functioning of shops and commercial establishments, factories, workshops and godowns;

(i) to restrict duration of services in essential or emergency services such as banks, media, health care, food supply, electricity, water, fuel, etc.;

(j) such other measures as may be necessary for the regulation and prevention of epidemic diseases as decided by the Government.

5. *Penalty.*—Any person/institution/company who is bound by regulations or order contravenes or disobey any such regulation or order made under this Ordinance or obstruct any officer empowered under this Ordinance shall on conviction be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

6. *Abetment of offences.*—Whoever, abets any offence under this Ordinance and if the act abetted is committed in consequence of the abetment, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

7. *Offence under this Ordinance to be cognizable and bailable.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) all offences under this Ordinance shall be cognizable and bailable.

8. *Ordinance not in derogation of any other law.*—The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of any other law for the time being in force.



9. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done by or under this Ordinance.

10. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order published in the Gazette, make provisions not inconsistent with the provisions of this Ordinance which appear to it to be necessary or expedient, for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance.

11. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules either prospectively or retrospectively for the purpose of carrying into effect the provisions of this Ordinance.

(2) Every rules and regulations made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or the session immediately following; if the Legislative Assembly makes any modification in the rule or regulations or decides that the rule and/or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

12. *Repeal and saving.*—(1) The Cochin Epidemic Disease Act, 1072 (1 of 1072 M.E.) and the Travancore Epidemic Disease Act, 1073 (2 of 1073 M.E.) are hereby repealed.

(2) From the date of commencement of this Ordinance, the provisions of Epidemic Diseases Act, 1897 (Act 3 of 1897) shall have no application to the territories comprised in Malabar area as defined in the State Re-organisation Act, 1956 (Central Act 37 of 1956).



(3) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Cochin Epidemic Disease Act, 1072 (1 of 1072 M.E.), the Travancore Epidemic Disease Act, 1073 (2 of 1073 M.E.) and the Epidemic Diseases Act, 1897 (Act 3 of 1897) shall be deemed to have been done under this Ordinance.

ARIF MOHAMMED KHAN,
GOVERNOR.





കേരള ഗസറ്റ്

KERALA GAZETTE

അസാധാരണം

EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

PUBLISHED BY AUTHORITY

വാല്യം 9
Vol. IX

തിരുവനന്തപുരം,
ശനി

Thiruvananthapuram,
Saturday

2020 മാർച്ച് 21
21st March 2020

1195 മീനം 8
8th Meenam 1195

1942 ചൈത്രം 1
1st Chaithra 1942

നമ്പർ
No.

984

GOVERNMENT OF KERALA

Health and Family Welfare (F) Department

NOTIFICATION

G.O. (Ms.) No. 54/2020/H&FWD.

*Dated, Thiruvananthapuram, 21st March, 2020
8th Meenam, 1195.*

S. R. O. No. 243/2020

In exercise of the powers conferred by sections 2, 3 & 4 of the Epidemic Diseases Act, 1897 (Central Act 3 of 1897), the Government of Kerala issue the following regulations regarding COVID-19 for the strict compliance, for the containment management and control of COVID-19 as part of endeavor to eliminate COVID-19 from the State, namely:—



REGULATIONS

1. These regulations may be called the Kerala Epidemic Diseases, COVID-19 Regulations, 2020.
2. It shall come into force at once and shall prevail for a period of one year until otherwise notified.
3. In this regulations,—
 - (a) 'Epidemic Disease' means the COVID-19 (Corona Virus Disease, 2019).
 - (b) Authorised persons means,—
 - (i) Director of Health services, Director Medical Education, Additional Director (PH) at State Level;
 - (ii) The District Collector, District Medical Officer, District Surveillance Officer at the District Level;
 - (iii) Medical Officer in charge of the Block PHC at the sub district level and such other persons may be authorised by the Government of Kerala, from time to time.
4. All hospitals (Government/Private) shall have separate screening corners for identifying COVID-19 suspected cases.
5. All hospitals (Government/Private) including Nursing Homes, Private Clinics, Registered Medical Practitioners including AYUSH shall notify such persons who within their knowledge are having travel history to COVID-19 affected countries and/or having symptoms as per the extant guidelines to the concerned district surveillance unit. In addition, the history of coming in contact with a suspected or confirmed case of COVID-19 shall be recorded.
6. During the screening if any COVID-19 suspected cases has been found, the latest guidelines published in the Directorate of Health Services website need to be followed.
7. All persons coming from COVID-19 affected countries (as per the updated list in the NCDC/WHO website) or having contact with any COVID-19 positive case shall inform the State/District COVID-19 Control Cell or the DISHA helpline number-1056 or 0471-2552056 and abide by the instructions given.



8. To avoid the spread of any rumours regarding COVID-19, only the authenticated information issued/permitted by the Health Department of Kerala to be used as IEC (Information, Education, Communication). In any case any person/institutions/organization is found violating the above said will be treated as a punishable offence under this regulations.9. Only the laboratories/hospitals designated by Government of India are authorized to take or test samples for COVID-19 in the State of Kerala. All samples will be taken and transported as per the guidelines given by Government of Kerala.

10. Competent persons of this regulation are authorized under this act to admit a person and isolate at Home or Hospital or Quarantine at home if required in case he/she has visited to a COVID-19 affected area or contact with positive COVID-19 case.

11. If the suspected case of COVID-19 or persons with recent history of travel to COVID affected Countries or with history of contact with COVID-19 case refuses Admission/Isolation/Quarantine the authorized officers as per paragraph 3 of this regulation will have powers to forcefully admit and isolate or quarantine as per the extant guidelines of Government of Kerala.

12. The district administration has the right to implement the following containment measures but not limited to this in order to prevent the spread of the epidemic disease in the concerned district:

- (i) Lockdown the affected area.
- (ii) Prohibiting entry and exit of population from the affected areas.
- (iii) Closures of schools, offices, shops, malls and any other areas of mass gatherings.
- (iv) Restrictions of movement of persons within the affected area.
- (v) Banning of all public gatherings (Meetings, Marriage functions etc.)
- (vi) Initiating Active and Passive case surveillance of COVID-19 cases.
- (vii) Designating any Government or private buildings as containment unit for isolation of the cases.
- (viii) The district administration of the concerned area has the authority to deploy the government staff for the containment activities.



(ix) Any other measures as directed by Health Department of Kerala.

13. No suit or legal proceedings shall lie against any persons for anything done or intended to be done in good faith under this act unless proved otherwise. Any person/institution/organization found violating any provision of these regulations shall be deemed to have committed an offence punishable under section 188 of Indian Penal Code (45 of 1860).

By order of the Governor,

RAJAN NAMDEV KHOBRADE,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport.)

Section 2, 3 & 4 of the Epidemic Diseases Act, 1897 (Central Act 3 of 1897) empowers State Government to announce special temporary measures to be observed by the public or by any person or class of persons to prevent the outbreak of any disease or spread thereof. In the light of recent spread of COVID-19 (Corona Virus Disease, 2019) the Government have decided to issue certain regulations, for the same.

The notification is intended to achieve the above object.





[Home](#) / [State](#) / Roads leading to Kerala blocked in Dakshina Kannada

Roads leading to Kerala blocked in Dakshina Kannada



DHNS, Mangaluru/Bengaluru, MAR 26 2020, 23:31 IST | UPDATED: MAR 27 2020, 00:57 IST



Roads in Dakshina Kannada connecting Kerala in Manjanady, Balepuni and Naringana villages were closed for vehicular movement. DH Photo

Chief Minister R S Vedyuranna on Thursday has asked officials to monitor the border with Kasaragod in Kerala which has reported a large number



Yediyurappa, who held a videoconferencing with deputy commissioners on steps taken to control the spread of Covid-19 and for the implementation of lockdown, asked them to take measures to see that people remain at home.

[Follow latest updates on the COVID-19 pandemic here](#)

Officials in Dakshina Kannada deployed excavators to dump soil on roads leading to Kerala to prevent vehicular movement between the two states.

Roads in Dakshina Kannada connecting Kerala in Manjanady, Balepuni and Naringana villages were closed for vehicular movement.

Kasaragod district in north Kerala continues to be far ahead of other districts in Kerala with respect to Covid-19 infection with 47 active cases. However, the district heaved a sigh of relief on Thursday as many persons in the high-risk category tested negative.

Meanwhile, a 51-year old Covid-19 infected person at Palakkad district in Kerala triggered a scare forcing over 300 to go into isolation as he allegedly ignored the directive to remain on isolation after returning from abroad.

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Coronavirus

COVID-19

Coronavirus lockdown

Karnataka

Printed from
THE TIMES OF INDIA

CM writes to PM seeking passage for trucks stuck at Karnataka border

TNN | Mar 29, 2020, 02.43 PM IST



THIRUVANANTHAPURAM: Chief minister Pinarayi Vijayan has sought the intervention of Prime Minister Narendra Modi to reopen the Thalassery-Coorg state highway, through which essential goods are transported to the state from Karnataka. The route has been blocked by Karnataka government as part of national lockdown.

In his letter, Vijayan said the route is a lifeline for the flow of essential commodities to the state. "If it is blocked, vehicles carrying essential commodities will have to travel a much longer route to reach our state. Given the situation of national lockdown, it will add much more hardship to the people," he said.

The highway connects Mysuru and Bengaluru to Thalassery and Kannur via Virajpet in Coorg, through which goods, including fruits and vegetables, reach northern districts of Kannur, Kozhikode and Kasaragod.

As many positive cases of Covid-19 are being reported from Kannur and Kasaragod, Karnataka government had blocked the highway by heaping mud excavated from the road itself at Makkuttam. After Karnataka blocked the road, several trucks carrying vegetables and fruits were stuck on the other side of the state border. Later, some of them took a longer route through Gundalpet and Wayanad.

Shashi Tharoor MP also requested Union minister for chemicals and fertilisers D V Sadananda Gowda to intervene in the matter.

Though the political leadership has taken up the issue with the Karnataka authorities, their stand is that there are alternative routes, said Sunny Joseph, MLA. Kannur MP K Sudhakaran also intervened in the issue and talked to the chief secretary and state police chief of Karnataka.

MANGALURU

Woman from Dakshina Kannada dies as ambulance denied entry at Kerala border



SPECIAL CORRESPONDENT

MANGALURU, MARCH 29, 2020 11:34 IST

UPDATED: MARCH 29, 2020 11:40 IST

Dakshina Kannada district administration has sealed the Karnataka-Kerala borders to prevent the spread of COVID-19 cases.

The closure of Karnataka-Kerala State border at 21 places has now taken a controversial turn after an ambulance from Kerala was denied entry into Mangaluru resulting in the death of an ailing woman, later in a hospital in Kasaragod (Kerala) on Saturday.

The ambulance was not allowed to enter Mangaluru at Talapady check post, about 17 km away from Mangaluru city, on Kasaragod-Mangaluru national highway No. 66 on Saturday evening.

It was shifting a 70-year-old woman from Kunjathur in Kerala to a hospital in Mangaluru as she needed medical help urgently.

Kunjathur in Kerala is closer to Mangaluru in Karnataka than Kasaragod.

The woman, Pathumi, a native of B C Road had been to her grand daughter's house in a village near Kunjathur in Kerala, the ambulance driver Aslam Kunjathur told *The Hindu* on Sunday.

"I reached Talapady check post at 6 p.m. where I was denied entry. Then I went to Kedambady to enter Karnataka where the natives blocked the movement. I dropped the woman back to her granddaughter's house around 7.30 p.m." he said.

Sources said that the woman was later taken to a hospital in Kasaragod where she died.

Dakshina Kannada district administration has sealed the Karnataka-Kerala borders to prevent the spread of COVID-19 cases. In many places soil has been dumped across the road to prevent the movement of vehicles.

The movement of trucks and lorries carrying essential commodities between Karala and Karnataka are allowed only through Talapady check post on NH 66.

Muneer Katipalla, Karnataka State president, Democratic Youth Federation of India (DYFI), has taken objection for closing the borders by dumping soil and preventing the movement of ambulances.

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<https://www.thehindu.com/news/cities/Mangalore/woman-from-dakshina-kannada-dies-as-ambulance-denied-entry-at-kerala-border/article31197219.ece>

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Border gates closed, Bihar woman delivers baby in ambulance in Kerala's Kasaragod



PTI, Kasargod, MAR 28 2020, 14:45 IST | UPDATED: MAR 28 2020, 14:45 IST



Representative image: iStock Photo

A pregnant Bihari migrant woman in labour gave birth in an ambulance after the Karnataka police allegedly refused to allow the ambulance carrying her to cross the border road to Mangaluru to reach her hospital. The border road was shut due to the lockdown.

The woman used to consult a doctor in Mangaluru across the border. As Karnataka police stopped the vehicle at the border in Talapady, saying no vehicle, including ambulances from Kerala, could be permitted to their state, the drivers decided to take the woman was taken to the general hospital here, but she went into labour and delivered a baby girl in the vehicle Both the mother and baby are doing fine, authorities said.

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Hailing from Patna in Bihar, 25-year-old Gowri Devi and her husband were working in a local plywood factory in this north Kerala district, from where the maximum number of coronavirus cases have been reported so far in the state.

Those living in the border towns and villages of Kasaragod are dependent on the hospitals in Mangaluru as it is nearer, local people said.

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The ambulance drivers- Aslam and Musthafa- said they stopped the vehicle by the wayside, making it safe for the woman

The baby girl and the mother were soon shifted to the government general hospital here and both of them are safe and healthy, they said. Local people complained that not only pregnant women, but even patients requiring daily dialysis and emergency cardiac and cancer treatment were being sent back by Karnataka.

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