

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WP No. 6435 of 2020 & connected matters

BETWEEN:

Mohammed Arif Jameel

..PETITIONER

A N D:

Union of India & Ors

..RESPONDENTS

WRITTEN SUBMISSIONS FILED BY STATE OF KARNATAKA
ON APRIL 16, 2020

Farmers' Issues.

1. In its consolidated written submissions filed on 07.04.2020 and 09.04.2020, the State had made detailed submissions regarding steps taken by the Government to ensure a constant flow of agricultural/horticultural commodities and essential items to the public. For the sake of brevity, the same are not reproduced, and may be considered along with these submissions.

Monitoring of supply chain:

2. As regards the monitoring of supply chains of fruits, vegetables, and other farm produce, it is further submitted that the Government vide order No: AGRI-ACT/71/2020, dated: 02.04.2020, has constituted a Committee to monitor supply Chain Management of Food items and Agri-inputs during Lockdown period to fight COVID 19 pandemic. A copy of the order dated 02.04.2020 is marked as **Annexure R-31**. It is submitted that these teams have been monitoring and collecting information on a day to day basis

pertaining to quantum of fruits and vegetables harvested, local consumption, sales details within the district and neighbouring districts and outside the state, details of excess, and deficit of various fruits and vegetables.

3. In addition to the above-mentioned submissions, the State submits the following on the issues faced by farmers and the measures adopted by the State to address the said issues.

- i) **Floriculture**. In this regard, the Government has taken note of the problems faced by floriculturists and directed the horticulture department to assess the losses related to flower production, harvesting, and other related issues of the sector, and a suitable decision as regards compensating them will be taken after the assessment is completed.
- ii) **KRS Water Release**. In this regard, it is submitted that as per CWDT (Cauvery Water Dispute Tribunal) Award, irrigation season ends on 31st January and there is a provision to release water for sugarcane standing crop to an extent of 40,000 acres in Vishweshwaraiah Canal under the command of Mandya district from KRS Dam. Accordingly, water is being released through the Vishweshwaraiah Canal on “On & Off system” (15 days On & 15 Days Off) during the month of Feb, March, April, and May 2020. It is further submitted that areas other than 40,000 acres of Sugarcane in VC command under KRS are not entitled to get water for irrigation.
- iii) **Unseasonal Rains**. It is submitted that the Government is conscious of the damage caused to agricultural activities due

to unseasonal and sudden rains on 07.04.2020 in Koppal District. Since 08.04.2020, a survey of the extent of damage caused was undertaken, and on 12.04.2020, the Deputy Commissioner, Koppal, has submitted a report on crop damage/loss to the Principal Secretary to Government, Revenue Department, and the farmers affected by these unseasonal rains will be provided adequate compensation as per the rules/norms in force.

- iv) **Closed APMC at Tiptur.** It is stated that APMC, Tiptur, is the biggest Coconut (copra) market in the state. Most of the Copra which arrives at this market is exported to other states. The district administration, keeping in mind the expected crowding in the market, has taken a conscious decision to keep the market closed as the produce is non-perishable and can be stored for a longer time. In short, to avoid overcrowding for purchase of a commodity that is not perishable, the APMC at Tiptur has consciously been kept closed.
- v) **Cash for Farmers.** In this regard, it is submitted that commencing from 2019-20, under the PM-KISAN scheme, farmer families have been given Rs. 2000 thrice a year by the Government of India and Rs. 4000 has been given in two instalments by the State Government. A total of 45,38,024 farmer families have received Rs 889.11 crores from the State Government and 50,10,591 farmer families have received Rs 2759.39 crores (depending on date of enrolment the amounts received varies from Rs.2000 to Rs. 6000 per farmer family) from the Government of India in the previous financial year. Besides this, 30,00,000 farmer families are shortly going to get

Rs 600 crores from the State Government and 48,44,488 farmer families must have received or are shortly going to receive Rs 968.89 crores from the Government of India as an advance instalment. In addition, the State Government has stocked more than the required quantity of seeds, fertilizers, and insecticides/pesticides in those districts which are going for sowing operations in April 2020. Thus, the State is taking adequate care to ensure that no farmer is under any financial distress for agricultural operations scheduled up to the end of this month, and advance preparations for the coming month of May is underway.

vi) **Logistics.**

- a. It is most humbly submitted that a State Level Farmers' helpline is already functional in the Agriculture department, which is manned by the officials of the Agriculture and Horticulture department.
- b. The Horticulture Department has started 132 control rooms/helplines for this purpose, which has hitherto received 14,196 numbers of calls from 30 districts, of which 12,892 farmers have been guided to market their horticultural produce. About 302 Vehicles of HOPCOMS, 114 vehicles of FPOs, and about 193 vehicles of NGOs and other organizations have been operating to supply fruits and vegetables to consumers across the state. About 6643 M.T. of fruits and vegetables have been marketed through HOPCOMS and FPOs during the period 23.03.2020 to 12.04.2020. Moreover, about 408 meetings have been

conducted by the District Administrations, involving officers of APMC, Wholesale Traders, Retailers, Dealers, and Officers of Horticulture, Agriculture and Marketing Departments.

- c. Furthermore, the Government of Karnataka has setup a State Level Supply Chain Monitoring Task Force for daily monitoring of essential commodities related to food grains, pulses, edible oil, fruits and vegetables, sugar and milks, confectionaries, and processing and packaging facilities. It is stated that the task force is headed by the Secretary to Government, Departments of Agriculture, Horticulture and Sericulture, assisted by the Commissioner of Watershed Development Department, as co-ordinator along with supporting team of officers and staff. It is submitted that this cell is working tirelessly to resolve any issues related to procurement, transportation, and distribution of produce, until the retail level. The cell also attends to issues related to transport of commodities of vehicles and workers.
- d. It is further submitted that control rooms have been setup in the department of Agriculture Marketing, Agriculture, Horticulture, Animal Husbandry, Fisheries, Sugar, KMF, KOF, and KAPPEC to coordinate with various district units to monitor the movement of essential commodities and resolve any issues. The nodal officers for each of the major commodities from each of the departments have been appointed for providing information to the State Supply Chain Management Cell (SSCMC).

- e. Furthermore, the agriculture department has issued necessary instructions for facilitating of agricultural operations, that is, regarding harvesting availability of farm machineries, seeds, and fertilizers. These operations are being facilitated by the “Agri War Room” set up in the Agriculture Department, which is monitoring all the issues connected to movement of farmers, workers, dealers, and distribution of various Agri-inputs.
- f. The department of Agriculture and Horticulture is issuing green passes to all persons connected to procurement and transportation of agri-inputs across the state. All the Raita Sampark Kendras in the State have been opened and agri-inputs and extension services are being provided. The Custom Hiring Centres are also opened and providing necessary farm machinery services to the needy farmers.
- g. Control rooms have been setup at the district level, wherein officers of departments of horticulture and agriculture have been receiving calls from farmers, regarding their problems and attending to them. Furthermore, District Administrations, Local Urban Bodies, and the Department of Horticulture and Agriculture have jointly made arrangements for distribution and sale of vegetables and fruits in the respective corporation cities, district headquarters, and towns. In addition, officers of the Revenue Department, Police, Local Bodies, and Horticulture and Agriculture Department have been regularly monitoring the supply chain management. Vehicles and other necessary logistic arrangements have been made for smooth procurement and

sale of fruits and vegetables in all the wards of the cities and towns. In fact, in some districts, farmers themselves have been directly selling their produce to consumers with the logistic assistance of District Administrations.

- h. It is further submitted that officers at the district, taluk, and hobli level have drawn up a list of fruits and vegetables purchasers from within the district, neighbouring districts, and other states as well. The officers of the department of Agriculture and horticulture have been coordinating between the producers and these purchasers regularly.
- i. The department is facilitating easy transport of farm produce from field to market and from market to consumer place, and also supplying farm produce inter district and outside the district. The District Administration has authorized Agriculture Department Officers to issue Green Passes for facilitating transportation of fruits and vegetables from within the district to neighbouring districts and states.
- j. In addition, the horticulture department has 99 Farmers Producers' Organizations, and are getting farm produce from farmers and selling them through their network.
- k. It is further submitted that wherever NGOs have volunteered, the State has taken their help in order to augment the efforts of the District Administrations, Urban Local Bodies, and traders to facilitate availability of market farm produce of farmers. The RWAs of apartments in big cities have also been

involved for facilitating sale of fruits and vegetables in their premises.

- vii) **Roadside Eateries**. Regarding requirement of truckers for their food and water requirements on highways, the State Government has, immediately after lockdown was announced, issued an Order No. RD158 TNR 2020 Dated 25.03.2020 (included in Annexure R-31), allowing opening of roadside eateries. Furthermore, as per the revised guidelines issued by the Ministry of Home Affairs, UOI, dated 15.04.2020, shops for truck repairs and dhabas on Highways have been permitted. A copy of the MHA Guidelines dated 15.04.2020 is filed herewith and marked as **Annexure R-32**.
- viii) **HOPCOMS**. In this regard, it is submitted that action is taken by horticulture department to purchase farm produce through already established 22 number of district HOPCOMS and is being sold to the public through HOPCOMS outlets by hiring vehicles. The HOPCOMS, Bengaluru, currently has 220 outlets, and the farmer produce is being bought by the HOPCOMS directly and being sold through outlets to consumers, wherein the farmers are being paid a better price for their farm produce as compared to open markets. It is further submitted that 40 vehicles have been added by the HOPCOMS (with 20 more shortly to be added) to distribute farm produce directly to the consumers. Outside of Bangalore, HOPCOMS has 225 outlets and 262 mobile vending vans, which have been put into operation to sell fresh fruits and vegetables to consumers.

- ix) **Processing Units and Cold Storages.** It has been ensured that processing industries continue to remain operational after lockdown in order to procure and process fruit and vegetables. Karnataka has about 75 fruit and vegetable processing units, and they have been purchasing about 1950 M.T. of fruits and vegetables like Tomato, Cabbage, Water Melon, Musk Melon, Mango, Guava, Grapes, Papaya, and Tamarind for processing. It is further submitted that all cold storage facilities are operational, and farmers are intimated about the availability of cold storage facilities and have been advised/requested to store their storable produce, wherever deemed necessary.

Cr. Nos. 43, 44, and 45 of 2020 – Sanjaynagar Police Station.

4. It is submitted in this regard that, recognizing the seriousness of the matter, the DG & IG of Police, Karnataka, has issued an order on 06.04.2020 forthwith transferring the cases to the CID for further investigation. It is submitted that the CID is currently in the process of investigating the matter. A copy of the order transferring the investigation to the CID is filed herewith and marked as **Annexure R-33**.

Police Measures.

5. The Office of the DG & IG of Police has issued various Circulars from time to time to comply with the orders of this Hon'ble Court, and include measures to aid the functioning of NGOs, District

Legal Services Authorities, and implementation of measures for protection of animals, including stray and pet animals. The Circulars issued by the Office of the DG & IG are filed herewith and collectively marked as **Annexure R-34**.

Health Measures.

6. Safety of Medical Staff and Doctors.

- i) It is submitted that it has been the consistent policy of the State, while handling the current COVID-19 crisis, to give paramount importance to the safety and protection of doctors and paramedical staff. The Hon'ble Chief Minister has, in video conferences and meeting with officials, time and again stressed on the importance of the protection to be provided to the doctors and paramedical staff who are working day and night in the medical care of the patients. The Chief Secretary to Government, too, has issued instructions in video conferences with District Administration to give utmost importance to the welfare of the medical fraternity.
- ii) The Government of India, Ministry of Health and Family Welfare, has issued guidelines for rational use of PPEs, Masks, and other materials by health workers. A copy of the Guidelines is filed herewith and marked as **Annexure R-35**. As per the guidelines, PPEs are made available to doctors and other health workers, and the State is in a position to meet the requirement of PPEs satisfactorily. In order to ensure strict compliance, the said guidelines of the

Government of India have been re-issued to all the Deputy Commissioners of districts and District Health Officers.

7. Availability of N-95 masks, triple layer masks, PPE kits, and sanitizers. It is submitted that it is primarily the responsibility of the Karnataka State Drug Logistics and Warehousing Society (KSDLWS) to procure N-95 masks, Triple layer masks, PPE kits, and other materials required for treatment and care of COVID-19 patients. The details of the work orders issued, supplied, and stock availability are provided below:

STOCK AVAILABILITY OF COVID-19-N-95 Masks, PPE, Triple layer Mask, Hand Sanitisers

Sl	Drug /Equipment	Cumulative Ordered Qty	Cumulative Supplied Qty	Supplied to Public Health Facilities	Stock on hand 13.04.2020	Remarks
1	N-95 Masks	18,33,040	5,46,721	3,29,600	2,17,121	3000 quantity expected by 16th April and remaining by end of April.
2	PPE Equipment	10,80,000	2,27,015	1,06,960	1,20,055	Expected to complete by end of April
3	Triple Layer Masks	49,00,000	42,00,000	20,50,000	21,50,000	Expected to complete by end of April
4	Hand Sanitiser 500 ml	55,000	55,000	33,000	22,000	Expected to complete by 20th April
5	Hand Sanitiser 5000 ml	75,000	75000	24000	51000	Supply completed
6	Hand Sanitiser 180 ml	30000	30000	18000	12000	Supply completed

8. Availability of PPE kits in private clinics. Currently, COVID 19 patients are being treated in notified public hospitals and in

certain private hospitals. As and when, any private clinic/hospital services will be notified for treating the COVID -19 patients, such facilities will be issued PPEs as per the guidelines of Government of India issued in this regard.

9. Steps taken to explore alternative methods of production of PPE kits, masks, gloves, etc.

- i) In this regard, it is submitted that a Senior IAS officer of the rank of Principal Secretary to Government has been appointed as nodal officer for procurement of PPEs, masks, etc., and he has already conducted meetings and co-ordinated with the industry to start production of PPEs, masks, etc. using alternate methods of production. The State believes that there are currently sufficient numbers of masks and gloves already available in the market and that the vast majority of the people are also using the same.
- ii) On the issue of availability of Personal Protection Equipment (PPE) kits, the State Government has taken action to explore all alternatives to make available PPE kits for usage to the health personnel. These efforts include enabling and augmenting domestic production of protective clothing. In this direction, it is submitted that the Government of India has taken the requirement of PPE Kits from all the States, and Karnataka has submitted its requirement of 5 lakh PPEs and, cumulatively, a demand for 1.6 crores of such kits has been received by the Government of India. At the Union Government

level, in the Ministry of Health and Ministry of Textiles, action has been taken to ensure 22 Garment manufacturers across the country to get certification from SITRA (South India Textile Research Association), which is an autonomous body under the Ministry of Textiles. These certified Garment units have been given the task of producing coveralls which is the main component of the PPE.

- iii) It is further submitted that a capacity of 1000 PPEs per day per unit is being created across 22 units which would make them capable to produce 22,000 PPE kits on daily basis across the country. The State Government has been working in a supportive role. It is submitted that companies like (1) M/s Shahi Exports; (2) M/s Arvind Mills, (3) Gokuldas Exports; (4) M/s Karle Exports; (5) M/s Amaryllis Health Care, (6) Gokuldas Images; (7) Texport Syndicate; (8) Texport Overseas; and (9) Raymonds in the State have been so identified by Union Government, and they have been given authorization to operate by the State Government, including passes for their personnel to travel to work and support in terms of ancillary industries.
- iv) It is also submitted that, initially, the entire production of these companies is allocated for central procurement through which quantities are being released to the States based on their requirements.

10. Supply of masks and gloves to DLSAs. In this regard, it is submitted that instructions have been issued to all the District Deputy Commissioners and the District Health Officers to immediately act upon the requests of the DLSA's, for masks and

gloves, etc. as and when received, as per the guidelines of the Government of India.

Steps regarding hoarding and similar malpractices.

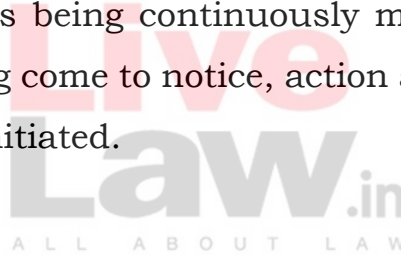
11. In terms of the notification dated 13.03.2020 and 21.03.2020 of the Government of India, the State Government has, on 23.03.2020, amended the Karnataka Essential Commodities Licensing Order, 1986, wherein masks and sanitizers have been included in Schedule II of the said Order. Furthermore, the State has also amended the Karnataka Essential Commodities (Maintenance of Accounts, Display of Prices and Stocks) Order, whereby the prices of the said commodities have been capped. Further, on 04.04.2020, another notification has been issued under the Karnataka Essential Commodities (Maintenance of Accounts, Display of Prices and stocks) Order, wherein the maximum retail prices of 3 ply surgical masks, containing a layer of melt blown non-woven fabric have been notified.

12. It is further submitted that the State has taken action to enforce the provisions of the Legal Metrology Act, 2009, and the Legal Metrology (Package Commodities), Rules, 2011, during the lockdown period. Joint teams of the Food and Civil supplies, Legal Metrology, and Drugs Control Departments were constituted to conduct inspections and check malpractices regarding the sale of masks and sanitizers. 5086 inspections have been conducted so far and 351 cases of violations with respect to charging more than

MRP were found, and a compounding fine of Rs 12.92 lakhs has been imposed.

13. Furthermore, from 01.04.2020 till date, 15 cases have been booked under the provisions of the Essential Commodities Act. FIRs have been filed in 10 cases and food grains/goods worth Rs. 59.34 lakhs has been confiscated. Instructions have also been issued on 31.03.2020, and again on 10.04.2020 in pursuance of the letter dated 07.04.2020 issued by the MHA, Central Government, to intensify oversight, and inspections to check hoarding. Copies of the instructions are filed herewith and marked as **Annexure R-36** and **Annexure R-37**.

14. The situation is being continuously monitored, and where instances of hoarding come to notice, action as per prevalent laws will continue to be initiated.



Food Security.

15. On 13.04.2020, this Hon'ble Court directed that the State Government place on record its precise policy of providing food kits to migrants, sex workers, etc., who are having shelter and are not entitled to the benefit of any of the public distribution schemes.

16. For the purpose of providing food security to the vulnerable and needy population, who may not be covered by the Public Distribution system of the State, the State has classified the populace as follows:

- i) Migrants, homeless, destitute, etc., who have no shelter: The district administration has opened and will continue to open shelter camps for housing migrants needing shelter and food. Furthermore, Gram Panchayaths and municipal local bodies will also assist in providing shelter and food to such persons in their jurisdiction, either on their own or with the assistance of the district administration. Instructions have been issued by the concerned departments to this effect;
 - ii) Vulnerable and poor households, migrant workers, etc. with shelter will be provided dry ration or cooked food, as the case may be;
17. The identification of people needing food or shelter or both and provision of suitable relief will be done by the Revenue Department, with the support of the respective gram panchayats or the Urban local bodies in the districts. In BBMP jurisdiction, the responsibility of identifying such persons and providing relief, in accordance with the instructions issued in the letter dated 11.04.2020, of Additional Chief Secretary, UDD, lies with the BBMP.
18. Funds released by the Building and Construction workers board of the Labour department and the SDRF will be utilised for the above purposes, as per the applicable norms.
19. The Deputy Commissioners of the districts and BBMP for BBMP limits have been instructed to appoint a nodal officer to coordinate with NGOs and identify a lead NGO to coordinate with

other NGOs. Feedback and assistance of NGOs, as found appropriate, will be taken to ensure that relief in the form of food or shelter or both is provided to the vulnerable persons not covered by the Public Distribution System.

Co-ordination with NGOs.

20. A Circular has been issued on 14.04.2020 to all Deputy Commissioners conveying the observations made by this Hon'ble Court that organisations / NGOs / other persons who wish to help the needy by distributing food / rations should not be prevented from doing so, provided they are following the norms of social distancing and other precautionary measures as applicable. The Deputy Commissioners of all districts have also been instructed to coordinate the activities of NGOs and volunteers at district and municipal level by conducting meetings through video conference, with Chairpersons of the District Legal Services Authority being also invited to these meetings. Copies of the circulars are filed herewith and marked as **Annexure R-38** and **Annexure R-39**. A Copy of the letter from ACS, UDD to the Commissioner, BBMP is filed and marked as **Annexure R-40**.

21. It is further submitted that a portal, "Sankalpa" (<https://www.karnatakafightscorona.org/>) has been made functional to coordinate Covid-19 response-related activities with NGOs, private sector and others.

BANGALORE
DATED: 16.04.2020

Sd/-
(VIKRAM HUILGOL)
ADDL.GOV'T.ADVOCATE