

W.P. No.6685 of 2020

CJ / BVNJ:
21st April, 2020

ORDER

We have heard the learned counsel for the petitioner, the learned Additional Government Advocate and the learned Additional Solicitor General of India for the Central Government. We have also heard Shri S.Basavaraj, the learned counsel who has made an application for intervention.

2. Considering the issues raised in this Writ Petition, the same shall be heard along with Writ Petition No.6435 of 2020. We direct the Registry to register interlocutory application of Shri.Basavaraj as I.A. in this Writ Petition.

3. As regards prayer (A) in Writ Petition, our attention is invited to the incident which occurred in the night on 19th April, 2020 at Padarayanapura in Bengaluru. It is reported in newspapers that the persons who were sought to be quarantined attacked the health workers

including the doctors as well as the Police. We direct the State Government to place on record the action taken against the wrong doers. What is more important is the issue of providing adequate police protection to the doctors, nurses, paramedical staff and Accredited Social Health Activists (ASHA) workers. The State Government must place on record a policy decision taken regarding providing adequate protection to the doctors, nurses, paramedical staff, ASHA workers, etc. It must be clarified whether the State has any policy to provide armed police constables for protection of all the health workers. The State will also have to place on record what steps it proposes to take to prevent such incidents. The reason is that the safety of the doctors, nurses, paramedical staff, ASHA workers, etc. is of paramount importance in the battle against Covid-19. The State must come out with the policy which applies across the State for protecting this class of citizens who are on the forefront in the battle against Covid-19. We direct the State Government to

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respond by 28th April, 2020 when this issue will be considered.

4. Our attention is invited to the order dated 07th April, 2020 and in particular the directions contained in paragraph No.21 thereof. Though the State has placed on record the steps taken to procure and manufacture the Personal Protection Equipment (PPE) kits and other equipments, there is no response of the State Government on the question whether PPE kits have reached the doctors and the nursing staff across the State and whether equipments like masks and hand-gloves are made available across the State to health care facilities, such as Primary Health Centers (PHCs) and other facilities at grass-roots level.

5. The learned counsel appearing for Karnataka State Legal Services Authority (KSLSA) pointed out that in Bengaluru Urban, Davanagere and at Gadag districts, masks are not being made available to many health workers at grass-roots level. The State Government has

also not responded on the question whether the PPE Kits can be made available at a cost to private hospitals and to private clinics. The learned counsel who has intervened has invited our attention to the order of the Apex Court dated 08th April, 2020, which is annexed to his application for intervention and in particular, Clause (1) of the said order. He has also invited our attention to the direction issued in Clause (4) of the said order. He also pointed out that on Government E-Marketplace (GEM) Portal provided by the Central Government, private doctors and private health workers cannot register themselves for procurement of PPE kits and other equipments. The learned Additional Solicitor General stated that he will take instruction on this aspect. The learned Additional Solicitor General of India stated that the Central Government has recently distributed 2,83,910 PPE Kits and about 20 lakhs N-95 Masks to various States. We direct the State Government to respond on the aforesaid aspects on or before 28th April, 2020.

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6. Even the learned Additional Solicitor General of India will also take instruction on the aspect of the Government E-Marketplace (GEM) Portal and state whether it can be thrown open to private health care workers to enable private health care workers to buy PPE Kits and other equipments.

7. At this stage, learned counsel Shri.Shridhar Prabhu in Writ Petition No.6685 of 2020 pointed out that salaries of paramedical workers and ASHA workers in the State have not been released. The State will also respond on this aspect before the next date. We expect the State to ensure that no^A nurses,^B paramedical staff or ASHA workers are deprived of their salaries.

Sd/-
(ABHAY S. OKA)
CHIEF JUSTICE

Sd/-
(B.V.NAGARATHNA)
JUDGE

RK/-