

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) NO. 42 of 2020
With
CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2020
In R/WRIT PETITION (PIL) NO. 42 of 2020
With
CIVIL APPLICATION (FOR DIRECTION) NO. 3 of 2020
In R/WRIT PETITION (PIL) NO. 42 of 2020
With
R/WRIT PETITION (PIL) NO. 47 of 2020
With
R/WRIT PETITION (PIL) NO. 48 of 2020
With
R/WRIT PETITION (PIL) NO. 49 of 2020
With
R/WRIT PETITION (PIL) NO. 50 of 2020
With
R/WRIT PETITION (PIL) NO. 51 of 2020
With
R/WRIT PETITION (PIL) NO. 52 of 2020
With
R/WRIT PETITION (PIL) NO. 53 of 2020
With
R/WRIT PETITION (PIL) NO. 54 of 2020

SUOMOTU

Versus

STATE OF GUJARAT & 2 other(s)

Appearance:

SUOMOTU(25) for the Applicant(s) No. 1

Shri Anshin Desai, learned Senior Advocate assisted by Shri K.R.Koshti, learned advocate, Shri Pratik Kumar Rupala, Shri Kartikey Kanojiya, Shri N.K.Majmudar, Shri H.B.Yusufzai, Shri Sikander Saiyed, Shri T.K. Patel, Shri Dhruvik Patel, Shri Brijesh Trivedi, Shri Navil Khan, Shri Hardik Brahmhatt and Shri S.S.Acharya, learned counsels for the petitioners

Shri Kamal Trivedi, learned Advocate General assisted by Ms. Manisha Lavkumar Shah, learned Government Pleader and Shri Mitesh Amin, learned Public Prosecutor appearing for State authorities and Shri Devang Vyas, learned Assistant Solicitor General for the Union of India

CORAM: **HONOURABLE THE CHIEF JUSTICE MR. VIKRAM NATH**
and
HONOURABLE MR. JUSTICE ASHUTOSH J. SHASTRI

Date: 03/04/2020

ORAL ORDER

(PER: HONOURABLE THE CHIEF JUSTICE MR. VIKRAM NATH)

1. In the present times of acute crisis because of which the entire country is facing a lock-down of 21 days beginning from 25th March 2020, it is the time for the people of India, self help groups, non-governmental organisations and social activists to do hand-holding with the government, and not to come up before the Court by filing multiple public interest litigations raising similar claims for which both the Central Government and the State Governments are already conscious and are taking appropriate decisions to meet with the crisis starting from the industrialists, banking sector, insurance, the upper class, the middle class, the lower class and the under-privileged, including daily wage labourers working in the government and private sectors as also the migratory labourers. However, as these matters are being taken up through video conferencing, we are not dealing with them on merits individually, but collectively without commenting on each of the petitions.

2. In our perception the Central Government and the State Governments including State of Gujarat, in furtherance of their commitment to attend to the welfare of the people of India to provide sustenance to one and all are taking extra-ordinary

measures, both in terms of policy decisions needed at this critical time as also spending huge amounts from the public exchequer. Dozens of restrictions and relaxations have been announced to accommodate one and all whose survival may be at stake.

3. It is also worth mentioning that in a state of lock-down and social distancing, the Government employees of various departments falling under essential services like police, medical and health, food and civil supplies, labour and employment, finance, etc., are working day and night to deal with crisis risking their life, any public interest litigation which is found to be motivated or sponsored or for personal gains for popularity or any vested interest, or frivolous would be dealt with at the appropriate stage firmly. With this in the background we have proceeded to hear the matters accordingly.

4. We have heard Shri Kamal Trivedi, learned Advocate General along with Ms. Manisha Lavkumar Shah, learned Government Pleader and Shri Mitesh Amin, learned Public Prosecutor appearing for State authorities, Shri Devang Vyas, learned Assistant Solicitor General for the Union of India, Shri Anshin Desai, learned Senior Advocate assisted by Shri K.R.Koshti, learned advocate, Shri Pratik Kumar Rupala, Shri Kartikey Kanojiya, Shri N.K.Majmudar, Shri H.B.Yusufzai, Shri Sikander Saiyed, Shri T.K. Patel, Shri Dhruvik Patel, Shri Brijesh Trivedi, Shri Nabil Khan, Shri Hardik Brahmhatt and Shri S.S.Acharya, learned counsels for the petitioners.

5. In continuation of orders dated 27.3.2020 and 1.4.2020, the present matters are listed today.

6. Shri Devang Vyas, learned Assistant Solicitor General appearing for the Union of India had on 1.4.2020 placed a short note, which we had incorporated in our order of 1.4.2020. Further, today Shri Vyas has placed before us an Office Memorandum dated April 02, 2020 issued by the Government of India, Ministry of Home Affairs (Foreigners Division), which is in continuation of the previous Office Memorandum No.25022/25/2020-F.1 dated 31.3.2020. The above Office Memorandum records that as per the information received from the Bureau of Immigration vide their communication dated 1.4.2020, 960 foreigners of different nationalities identified on the basis of their travel documents were found to be involved in the Tablighi Jamaat on the strength of their Tourist Visa. It further mentions that participation in this Tablighi Jamaat by these foreign nationals entering India on Tourist Visa was in violation of the provisions of the Visa Manual 2019 as also amenable to action under Sections 13 and 14 of The Foreigners Act, 1946. In view of the violation, decision has been taken to cancel Visas of these 960 nationals immediately and all would be blacklisted under Category "A" as per the blacklisting guidelines and accordingly, action would be taken for deporting them. The contents of the Office Memorandum are reproduced below:

"No.25022/25/2020-F.1
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralya
(Foreigners Division)

Major Dhyan Chand National Stadium

New Delhi, Dated : April 02, 2020

Office Memorandum

**Sub: Action against Foreign Nationals who
participated in Tabligh Activities on Tourist Visa.**

Please refer to the Office Memorandum No.25022/25/2020-F.1 dated 31/03/2020 (copy enclosed) on the subject cited above.

2. The Bureau of Immigration (BOI) vide their letter No.25/Imm-I/2020(1)-102 dated 1st April, 2020 has intimated that 960 foreigners of different nationalities as identified on the basis of their travel documents have been found to be involved in Tabligh Jamaat activities on the strength of their Tourist Visa. Their Tabligh activities have endangered many lives in the ongoing COVID-19 public health emergency. They have violated the provisions of Para 1.25 read with Para 19.8 of the Visa Manual, 2019. They are also liable under the provisions of Section 13 and 14 of The Foreigners Act, 1946.

3. The matter has been considered by the MHA. It has been decided to cancel visas of all these 960 foreign nationals immediately. They shall also be blacklisted under category "A" as per the blacklisting guidelines circulated vide MHA OM No.25018/1/2018-F.CC dated 13th November, 2018 (copy enclosed).

4. Further action to deport them may be taken after carefully following the protocols issued by the Ministry of Health & Family Welfare.

5. Besides this, all other foreigners who have indulged in Tabligh activity on tourist visa and who have left India shall also be blacklisted immediately.

6. An action taken report in the matter may be immediately submitted to MHA.

Encls: As above

Sd/-

(Pratap Singh Rawat)
Under Secretary to the Government of India

To

Sh. Rajeev Ranjan Verma, Additional Director, Bureau of Immigration, R.K.Puram, New Delhi.

Copy to:

i) Secretary (Health), MoH&FW, Nirman Bhawan, New Delhi for information.

ii) Commissioner, Delhi Police, for information and further necessary action.”

7. Shri Vyas has further submitted that further detailed status reports on the identification of all the Indian and foreign nationals is in progress and as soon as the complete information is received, the same would be shared with the respective States for further follow up action.

8. Shri Vyas also submitted that the Union of India is taking all possible steps for identification, location and then tracking of all such persons and is a serious concern for the Union of India. He also stated that penal action under different laws of the country would be put in force against all the offenders. He further submitted that apart from the above aspect relating to the crisis created by Tablighi Jamaat, Union of India is taking all necessary steps not only for prevention and containment of any further spread of the Pandemic COVID-19 but the Union of India is also taking appropriate decisions and strictly implementing them across the board in all sectors and departments.

9. Shri Vyas further stated that large number of matters are

pending before the Supreme Court and due cognizance has been taken by the Supreme Court and the Union is to respond in those matters.

10. We may record here that the steps taken by the Union of India in all respects is commendable. However, with regard to the violation of the Visa Manual, 2019 and The Foreigners Act, 1946, Union of India woke up although late but then now it is in full gear and concerted effort is being made to identify such violators, find their location and track them down. We may only add that the Central Government may strictly ensure the compliance of the provisions of the Visa Manual, 2019 and The Foreigners Act, 1946 relating to entry of foreign nationals based on their respective visas and anyone found violating the same should be dealt with a firm hand.

11. Shri Kamal Trivedi, learned Advocate General, referring to the order dated 1.4.2020 with regard to the directions to the State, submitted a report dealing with both the aspects of the matter i.e. relating to identification and care and protection of the participants of Tablighi Jamaat who have travelled to Gujarat as also the doubt of gatherings still taking place at religious places. The detailed facts are mentioned in the report submitted by the learned Public Prosecutor dated 2.4.2020.

12. Paragraphs 3 to 7 of the said report refer to the steps taken by the State regarding the participants of the Tablighi Jamaat

entering Gujarat. Paragraphs 3 to 7 of the said report are reproduced below:

"3. In view of the above, the DG&IGP Gujarat immediately directed all field units and special units like Anti-Terror Squad, Crime Branch Ahmedabad City and Special Operations Groups (S.O.G.) of the districts and cities to identify the members of the Tablighi Jamaats, prepare detailed reports of these Jamaats, their travel routes, identify people who have come in contact with them and also with the help of district medical teams to conduct medical screening of these persons and to quarantine them. The investigation into these mobile numbers has been undertaken by identifying the persons associated with the mobile numbers, the reason of their visit to Delhi, whether they were associated with Tablighi Jamaat at Nizamuddin Markaz, their present location and medical condition, etc. was entrusted to all police units of the state. Verification of these numbers is done by S.O.G. Of the concerned districts. SOG personnel are interviewing users of these mobile numbers regarding purpose of visit of general area of Hazrat Nizamuddin. Health authorities are being informed in cases where visit to the Tablighi Jamaat congregation at Hazrat Nizamuddin Markaz is confirmed.

4. The aforesaid inquiry was very much in progress when this Hon'ble Court passed an order dated 01.04.2020. It was under these circumstances that in the evening of 01.04.2020, the DG&IGP of Gujarat declared about the presence of 72 Tablighi Jamaat members in the State, with specific reference of 27 such persons placed at Malik Ahmed Masjid, Topiwala-ni-Pol, Dariyapur, Ahmedabad, alongwith various other details.

5. The detailed analysis of the technical and human intelligence so far collected by Gujarat Police, presently points to the presence of total 84 Tablighi Jamaat members to have attended the Markaz from 1st March to 22nd / 23rd March. The district wise break up is 38 in Ahmedabad, 12 from Mehsana, 20 from Bhavnagar, 8 from Surat, 2 from Navsari, and 4 Tablighi Jamaat workers from Botad. It was ascertained that these Tablighi Jamaat workers had stayed in the Nazamuddin Markaz during the general period of the Tablighi Jamaat congregation and that they might had come in contact with persons who have subsequently been tested positive

for COVID-19.

6. As aforesaid, as of now, 84 persons have been identified to have visited for Hazrat Nizamuddin Markaz from Gujarat in the period from 1 st March to 22nd / 23rd March, 2020. Out of these 84, only one has been found to be suffering from the symptoms of COVID-19, and the person had already died. No other Tablighi Jamaat member, who had visited the Markaz in the said period, has been found with symptoms of COVID-19. However, with the help of officials from Health Department, these 83 persons are quarantined and none of them have so far shown the symptoms of COVID-19, but all the necessary precautionary steps including the test of COVID-19 will be carried out depending upon the exigencies.

7. As per information provided by Central Government, and the inquiries conducted by Gujarat Police, no foreigner, who have attended the Markaz in Hazrat Nizamuddin in the said period, is present in Gujarat. Further, out of 1350 persons referred to above, 1282 persons have been so far traced and the process is on for locating the remaining 68 persons. Whereas, out of the 84 persons identified to have attended the Tablighi Jamaat congregation in the relevant period, 11 persons have been identified based on technical intelligence and the rest of the 73 persons have been traced on the basis of information gathered from other sources. Future developments in this front will be placed by way of further report before this Hon'ble Court."

13. Shri Kamal Trivedi, learned Advocate General further referring to the other issue mentioned in the order dated 1.4.2020 relating to religious gatherings has drawn our attention to the details as contained in the report. The action taken as recorded in paragraphs 10 to 15 of the report are reproduced below:

"10. In the meanwhile, considering the urgent need to take stringent action to contain the spread of COVID-19, the Government of India on the recommendations of National Disaster Management Authority (NDMA) in

exercise of the powers under the section 6(2)(I) of the Disaster Management Act, 2005, had issued Order No.: 1-29/2020-PP, dated: 24.03.2020, and directed the Ministries / Departments of Government of India and the State / Union Territory Governments and State / Union Territories Authorities to take lockdown measures for a period of 21 days from 25.03.2020 to prevent the spread of COVID-19 in the country. It is pertinent to note that in the order it is specifically mentioned in the Sl.No. 10 "All Social / Political / Sports / Entertainment/Academic / Cultural / Religious functions / gatherings shall be barred"

11. Based on the aforesaid direction of Ministry of Home Affairs, Government of India; the Government of Gujarat issued a separate notification dated 25.03.2020 for complete lockdown of all the activities in the state barring supply of essential goods and services for 21 days starting from 25.03.2020. Since then, the State is under lockdown with Police serving as frontline agency in implementing it.

12. Apropos the above, the office of Director General & Inspector General of Police has instructed Police Officials to check regularly all those places including religious places and ensure that no such gatherings take place, by having dialogue with the local leaders and influential persons during this lockdown period to check the spread of COVID-19. Senior Police Officials have been asked to visit all those places to physically check to see that no such gatherings happen during this period and daily review is being done at highest level for effective implementation of the lockdown.

13. After the passing of the order dated 01.04.2020 by this Hon'ble Court, concrete steps have been taken to check and inspect various religious places one after another. To begin with, so far the following places have been inspected.

- (i) Bhadra-Kali Temple, Ahmedabad City*
- (ii) Shaktipeeth Ambaji, Dist. Banaskantha*
- (iii) Jyotirling Somnath Temple, Dist. Gir-Somnath*
- (iv) Swaminarayan Temple, Poicha, Rajpipla, Dist. Narmada*
- (v) CNI Church, Raykhad, Ahmedabad City*

- (vi) Saint Xavier's Church, Memnagar, Ahmedabad City*
- (vii) Methodist Church, Rajpipla, Dist. Narmada*
- (viii) Kantharia Dar-ul-Ulum Mosque, Dist. Bharuch*
- (ix) Hansot Dar-Ul-Ulum Mosque, Dist. Bharuch*
- (x) Madina Masjid, Dist. Bharuch*
- (xi) Maskati Masjid, Dist. Bharuch*
- (xii) Madina Masjid, Dist. Morbi*
- (xiii) Sarkhej Roja Mosque, Ahmedabad City*
- (xiv) Al-Fajal Mosque, Juhapura, Ahmedabad City*

14. The S.O.G. Officers and personnel were instructed to keep a watch during the time of Aarti / Namaaz / Prayer at the respective temples / mosques / churches. Also, they were instructed to interact with administration of the religious place and persons living in proximity to verify the facts.

15. The inquiry has revealed that Aarti / Namaaz / Prayer are being held at these religious places, but they are being conducted by the administration (Mostly only Pujaari / Muezzin / Father are present), and these prayers are not open for public. However, the officers and personnel of Special Operation Groups have been directed to keep watch on religious places of importance in their jurisdictions and report violations, if any, and take necessary action."

14. We now deal with the other petitions which have either come up as fresh matters today or otherwise listed today. Three new Public Interest Litigations have been placed before us today bearing Writ Petition (PIL) Nos.52, 53 and 54 of 2020. The other petitions namely, Writ Petition (PIL) Nos.42, 47 to 51 of 2020 were placed before us and considered in our order dated 27.3.2020.

15. Today draft amendment filed in Writ Petition (PIL) No.48 of 2020 has been taken on record and Civil Application No.03 of 2020 filed by Shri K.R.Koshti in Writ Petition (PIL) No.42 of 2020 is also

available on record.

16. We have examined all these petitions. In so far as the previous five petitions filed by different petitioners are concerned mentioned in the order dated 27.3.2020, the State of Gujarat has come up with its response by way of a collective/combined report submitted by Ms. Manisha Lavkumar Shah, learned Government Pleader. This report exhaustively contains the steps taken by different departments of State Government. It also draws a distinction between existing facilities/privileges extended under normal conditions and those which have now been extended by way of various additions in the wake of Pandemic of COVID-19 (Corona Virus). This report also takes care of a number of issues now being raised by the three new petitions, one draft application and one Civil Application placed before us today. We deem it appropriate to incorporate the said report as it is rather than dealing with it separately. The highlighted portions are the additions extended during the crises period. The said report is reproduced below:

"Grant of Additional benefits in response to the pandemic Covid-19"

*The present 'Conjoined Report' is being submitted in the captioned proceedings, on behalf of all the concerned Departments of the State Government in furtherance of the 'Action Taken Report' dated 27.03.2020 submitted on last occasion on behalf of the **Food, Civil Supplies and Consumer Affair Department**, Gandhinagar, in respect of certain important actions recently taken in the State in the wake of the spread of COVID-*

CONJOINED RESPONSE OF THE STATE

In the event of any of the members of the police and security force, succumbing to death whilst performing their duties, combating the pandemic COVID-19, their respective families would be given an ex-gratia amount of Rs.25 lakhs from The Chief Minister's Relief Fund. The Govt. of India Under the Pradhan Mantri Garib Kalyan Package has notified an issuance cover of Rs. 50 lacs for all health workers fighting Covid-19 in Government Hospitals and Health Care Centers.

I. PUBLIC DISTRIBUTION SYSTEM

1. *The State Government has resolved to distribute a **"Food Basket" comprising of Wheat, Rice, Pulses, Sugar and Salt, free of cost, for the month of April 2020,** under the Public Distribution System, by way of Government Resolution dated 28.03.2020, passed by the Food, Civil Supplies and Consumer Affairs Department.*

2. *In furtherance of the aforesaid decision dated 28.03.2020 of the State Government in the matter of **free of cost distribution** of food grains for the month of **April, 2020**, all the District Collectorates have now been instructed to see that the said distribution takes place amongst various categories of card holders as per their entitlement as under:*

| | | | |
|---|--|---|--|
| 1 | AAY Families (i.e. Poorest of Poor) | 8.07 lakh card holders (36.44 lakh persons) | 25 kg wheat per family 10 kg rice per family 1.0 kg dal per family 1.0 kg sugar upto 3 members of a family (Above 3 members – 350 gms. per person) 1.0 kg salt per family |
|---|--|---|--|

| | | | |
|---|--|---|--|
| 2 | PHH Families (i.e. Priority House Hold) | 57.33 lakh card holders (284.80 lakh persons) | 3.5 kg wheat per person 1.5 kg rice per person 1.0 kg dal per family 1.0 kg sugar per family 1.0 kg salt per family |
| 3 | BPL Families covered under NFS Act, 2013 | 23.94 lakh card holders(128.62 lakh persons) | - do - |
| 4 | BPL Families not covered under NFS Act, 2013 | 3.40 lakh card holders(14.92 lakh persons) | - do - |
| 5 | APL-1 Families (Above Poverty Line) | 33.34 lakh card holders(155.98 lakh persons) | - do - |
| 6 | APL-2 Families | 4586 card holders(19,859 persons) | - do - |

3. Under the National Food Security Act, 2013, along with all Antyodaya Anna Yojana (AAY) Families and Priority House Hold (PHH) Families, which come to the tune of about 65.62 Lakh Ration Card Holders.

4. Apart from what is mentioned hereinabove, All Beggars, waste lifters, domestic servants (getting wage), sweepers, waste sweepers, gardeners, daily wagers, the persons who are destitute poor, labourers, and who do not have any ration cards or any other proof of identification, will be given the following under the "**Anna Brahm Scheme**". For this purpose, respective Collectorates have been instructed to prepare a list and to get the needful done. The expanded food basket over and above Wheat, now includes:-

- (a) Wheat - per person - 3.5 kgs
- (b) **Rice - per person - 1.5 kgs**
- (c) **Pulses - per person - 1 kg**
- (d) **Sugar - per person - 1 kg**
- (e) **Salt - per person - 1 kg**

II. ANGANWADI CENTRES

1. All Anganwadi centres have been suspended upto 14.04.2020. Under the National Food Security Act, 2013, ICDS beneficiaries were to be given food for minimum of 300 days.

2. In view of the present crisis two Target Groups are being taken care of in the following manner:

(a) Pregnant & lactating mothers, adolescent girls continue to receive Take Home Ration

(b) Children aged 3-6 years, are being served **Take Home Ration packets** at their doorsteps, as a replacement to Hot Cooked Meals

3. Responsibility of production and distribution has been entrusted to Gujarat Cooperative Milk Marketing Federation (GCMMF). In case Anganwadi Centres are closed down for further period, additional stock distribution has already been planned. Home Delivery is done by Anganwadi Workers, with an **Online Real Time Monitoring** has been set up by GCMMF. Anganwadi Workers have been given **smart/android phones** for real time data entry. Stock is allocated to these workers by system of generation of One Time Password. District wise Stock Distribution Planning Sheet is prepared.

4. Constant monitoring by State Management Centre, at Commissionerate, Women and Child Development.

III. MID-DAY MEAL SCHEMES

As per the advisory of the Government of India, the respective State Governments have been directed to work out the modalities for providing either a Hot Cooked Meal or Food Security Allowance, under the National Programme of Mid-Day Meal in Schools and therefore, for Mid-day Meal Scheme, **Government of Gujarat has resolved to make payments as well as give stipulated quantities of grains to the beneficiaries as follows:**

(a) Cooking costs being paid for children in Standards 1 to 5, **per day**, per child - Rs. 4.96/-

(b) Cooking costs being paid for children in Standards 6 to 8, **per day**, per child - Rs. 6.96/-

(c) *Volume of Grains for children in Standards 1 to 5, **per day**, per child, to be given as prescribed by GOI - 100 gm*

(d) *Volume of Grains for children in Standards 6 to 8, **per day**, per child, to be given as prescribed by GOI - 150 gm*

IV. MUNICIPAL CORPORATIONS

1. *Municipal Corporations (Ahmedabad, Rajkot, Surat, Vadodara, Bhavnagar and Junagadh) have roped in NGOs to provide packets of cooked meals to the homeless, beggars, and the persons who are living in a hand to mouth situation including daily wagers, construction workers, plumbers, carpenters, cobblers and other daily wagers who are doing odd jobs, hutment-dwellers, destitute persons, manual scavenging workers, street vendors, etc.*

2. *In the Ahmedabad Municipal Corporation, the 7 Zonal Dy. Estate officers with their respective teams i.e. two teams in each ward (total - 48 wards), in cooperation with the local helping groups and foundations, restaurants, clubs, associations, religious institutions are distributing food packets as well as a bag containing fresh vegetables (**i.e. on a daily average, about 48,000 food packets and about 3,000 bags of vegetables**) are being provided to all the needy people referred to above, which is working under calling 24x7 helpline number 155303.*

3. *In the area of the Ahmedabad Municipal Corporation at one Govt place namely Civil Hospital Asarva and three Pvt lab namely Supratech, Unipath and Panginomics the Corona virus testing facility is available and from period of 01/02/2020 to 30/03/2020, total 394 samples are taken and from which, 352 found negative, 21 positive, 18 pending and 3 samples are rejected. Apart from this, till 31/03/2020, in available Quarantine facilities at 6 places namely Sports club (Navrangpura), Hotel Comfort Inn (Navrangpura), Hotel Regenta (Navrangpura), Hotel Tune (Chandkheda), Sports Campus (Nikol), Tapi Apartments (Nikol), about 217 persons are kept and many are home quarantined.*

4. *Massive disinfection operation of strategic areas using Fire Tankers in one of the alternative use of machineries meant for fire fighting, Ahmedabad Fire and*

Emergency Services has deployed 17 of its high pressure mist fire tankers and a positive pressure ventilator fan to cover large areas at a same time. The entire operation goes on for 7 hours at a single stretch and the places like ST/BRTS Bus stations, railway station etc. on the route are all included in the operation. Under the disinfection exercise of the mass transport infrastructure in the city, and all 7 Zones and 48 wards total 374 public toilets plus community toilets are being cleaned on daily basis. .

V. HOUSING & SHELTER

1. *For providing shelter for Urban homeless, the State has been rigorously implementing Deendayal Antyodaya Yojana – National Urban Livelihood Mission (DAY-NULM) of the Government of India. The scheme is implemented in all 8 Municipal Corporations and 30 'A' class and district head quarter Municipalities. (i.e. 38 cities)*

(a) *In the State, there are 91 Shelters having approx. capacity of 5500, which are operational in 38 Cities. As per SUH guidelines, a space of 50 square feet per person has been taken as the minimum space to be provided.*

(b) *The shelters are permanent, running throughout the year and open round the clock, with all basic facilities/amenities like well-ventilated rooms, water arrangements, adequate bathing & toilet facilities, standard lighting for shelter, first aid kit, common kitchen/cooking space, necessary utensils for cooking and serving, cooking gas connections etc. at the shelters for dignified living.*

(c) ***To monitor Shelter homes daily in all Municipal Corporations, Nodal Officers not below the rank of Assistant Municipal Commissioner have been appointed, who have been instructed to provide sufficient sanitizers and other equipment which are needed to prevent CORONA Virus infections. Also, they were informed to maintain cleanliness and hygiene daily.***

(d) ***Accordingly, all Municipal Corporations have provided Face masks and sufficient sanitizers to the Shelter Homes and tie up with various NGOs / Trusts to provide free food to the all inmates who are residing in the Shelter Homes.***

2. With respect to slum areas, within the Ahmedabad Municipal Corporation, it is pertinent to note that, every household in the slum area has an individual toilet facility and therefore, the question of formation of long queues does not arise.

3. The following facilities are provided in sufficient public toilets:

(a) Every toilet seat, urinal and bathrooms are kept clean.

(b) In each Public toilets, wash basin, water system, ventilation system for ventilation, lighting facilities are provided and Safe disposal of faecal sludge / septage is also maintained.

(c) Special facilities such as entrance / ramp / ladder of toilet block are kept especially for persons with disabilities.

(d) Care taker is also available for maintenance of public toilet.

(e) AMC has conducted massive drive in slum area to disinfect during the week.

VI. LABOUR & EMPLOYMENT

1. Shramik Annapurna Yojna has been discontinued temporarily in the wake of present crisis.

2. The office of Labour Commissioner, Gandhinagar has issued **Advisory dated 21.03.2020 "not to terminate the employees / workers from their job or to reduce their wages in the view of outbreak of COVID-19 pandemic". In this regards, it has been advised to all the employers of public / private establishments not to terminate their employees particularly casual or contractual labours from their job or reduce their wages and in case any worker takes leave, he/she should be deemed to be on duty without any deduction in wages till 15.04.2020.**

3. One more Advisory has been issued on 22.03.2020 for unorganised workers working as home-based workers or as self-employed workers or as wage workers etc., in the Municipal Corporation, Municipality and Urban Areas that they may not be terminated from their job or reduce their wages and the unorganised workers are deemed to be on duty without any deduction in wages till 31.03.2020. The said time line is extended upto 14.04.2020.

4. An Advisory has been issued by office of the Additional Chief Secretary, Labour and Employment directing all Collectors to issue appropriate orders under the National Disaster Management Act.

5. Several District Collectors have issued Notifications under Section 34 of the Disaster Management Act, directing employers of industries, shops and establishments to make payment of wages to their workers on the due date without any deduction, for the period their establishment are under closure.

6. Violation of Section 34 of the Disaster Management Act is punishable under Section 51 of the Act with imprisonment for a term which may extend to one year or with fine, or both. In case of violation of above measures, actions may also be initiated under Section 188 of the Indian Penal Code which is punishable with penalty of Rs.1,000/- or six months' imprisonment.

8. **It has been decided by the Government to give aid of Rs.1,000 to all ration card-holders including 6.32 lakh construction workers registered with Building and Construction Workers Board (BOCW) quantified at Rs.620 crore, through direct benefit transfer.**

9. District Administrations have arranged for **Shelters, Food, Medical Screening and intra state or interstate transportation facility to migrating labours towards their native and Officers of Labour Commissionerate have helped in providing shelter, food, medical screening of the Labourers.**

VII. HEALTH AND OTHER MISCELLANEOUS ASPECTS - GENERAL COMPLIANCE REPORT

1. Social Defence Directorate under the Social Justice & Empowerment Department is taking various steps to mitigate the hardships to vulnerable groups of society including children without support, old age people and physically challenged (Divyangjan) and beggars, as discussed hereunder:

(a) At present, 1170 children in need of care and protection are staying in 54 Child Care Institutes, 138

Homes for physically challenged (Divyangjan) are in operation where 727 such persons (total capacity of 2,500) are staying and 28 old age homes are running looking after 1157 old age people (total capacity of about 2,500). **Concerned officials are taking every care including providing medical support, ensuring that COVID-19 does not spread amongst these vulnerable persons. However, in case of need, further existing 84 such institutes (total-138), can be made operational with total optimum limit of 8,000 children.**

(b) Beggar homes run by the Government have been kept operationalised and 285 (male & female separately) are staying in 5 such facilities in the State (total capacity of 800). Full care including clothes, food, medicines along with caretakers are available there round the clock.

(e) **Further, to mitigate the pecuniary hardships to old age people & Divyangjan (physically challenged), one month advance pension (for the month of April 2020) to beneficiaries of both the groups (covered under 4 different schemes) has been credited to their Bank accounts through Direct Benefit Transfer (DBT). A total amount of Rs. 155.50 Cr. has been released to 9.25 Lakh old age pensioners and 51385 Divyangjan (physically challenged) pensioners of the State.**

2. To overcome COVID-19, a Purchase Committee to oversee procurement under chairmanship of Mr. Pankaj Joshi (ACS-FD) has been formed.

3. **To facilitate implementation of COVID related activities, four senior officers have been stationed at regional level.** Mr. Pankaj Kumar, ACS Revenue will look after Ahmedabad & Gandhinagar region. Similarly, Dr. Vinod Rao, PS Education (Vadodara), Mr. M.S. Patel, Commissioner Municipalities (Surat) and Mr. Rahul Gupta, Industries Commissioner (Rajkot & Bhavnagar) will look after respective zones.

4. All passengers arriving at airport were screened as per the national guidelines and have been put under home quarantine for 14 days. Additionally, all persons coming in contact with positive cases are being contact traced and put under home/government quarantine. **All home quarantined people are visited daily for 14 days by FHW/MPHW or other health care workers.**

5. *If anyone is found to be violating home quarantine, they are put under facility quarantine with the help of competent authority. **Total 257 quarantine facilities have been created with 15,284 beds available in these facilities.***

6. *House to house survey of entire state is being conducted through TeCHO+ app as per IDSP checklist. Any person found to have symptoms is put under quarantine. So far 6,36,72,075 people have been screened, out of that 1,05,166 persons have travel history observed and investigation is under progress for 273 persons whom signs of disease observed.*

7. *Four special COVID hospitals at Ahmedabad (1200 beds), Surat (500 beds), Vadodara (250 beds) and Rajkot (250 beds) are being operationalised.*

8. *Isolation facilities are being developed at every district- one in public sector and one in private sector, each of 50 bed capacity. Currently 4,618 isolation beds in public facilities and more than 1000 beds in private sector are available.*

9. *Total 1,061 ventilators are available in public sector and approximately 1,700 ventilators are available in private sector.*

10. *State government has notified reporting of any suspected case by any hospital (public, private, corporate, trust etc.) and all practitioners (private clinic doctors, AYUSH etc.) are also mandated to report such cases.*

11. *Six medical College Hospitals at Ahmedabad, Vadodara, Surat, Bhavnagar, Jamnagar and three private laboratory in Ahmedabad are certified for the COVID Lab testing.*

12. *Personal protective equipments and hand sanitizers are available in sufficient quantity. N-95 masks (9,75,000), PPE kits (3,58,000) and Triple layer masks (1,23,00,000) are being available.*

13. For creating community awareness and social distancing, the following measures have been taken:

- (a) Religious leaders, senior doctors and famous singers giving message e.g. Kinjal Dave, Dr. Bharat Bhagat etc. have been roped in
- (b) Total **20** Videos and **7** Radio jingles have been created
- (c) **15** state +**27** district channels are playing messages
- (d) **330** hoardings have been put up across the state
- (e) More than **500** advertisements have been published in newspapers (half + quarter page)
- (f) Proactive social messaging through various social media platforms like twitter, face book, YouTube channel etc. is being done
- (g) More than **200** LCD and LED screens have been installed at railways stations
- (h) **400** acrylic sign boards are placed at Sachivalaya.

14. An Order for appointing region wise Nodal officers was issued on 20.03.2020, who will coordinate with the concerned District Collectors and Municipal Commissioners.

15. Considering the prevailing situation, General Administration Department (GAD) has issued order for making available the services of 8 IAS officers and 5 GAS officers to be helpful in this situation.

16. Home Department has issued an order on 17.03.2020 to appoint **Nodal officers at Quarantine Centres** for maintenance of law and order situation at such places and also for smooth functioning.

17. 24x7 Helpline for Coronavirus is made functional with Phone No.079-23250818 (Health), 079-2325190 (SEOC) and E-mail ID is ssoidsp@gmail.com. WhatsApp Helpline No. is +91 7433000104 while Health Helpline No.104 is also functional for this purpose.

18. Special Purchase Committee has been constituted as per the Notification dated 21.03.2020 issued by Health & Family Welfare Department for making available required medicines, equipment and human resources and to monitor the production, supply and availability of essential medicines, masks and hand sanitizers etc. in the State.

19. **The State Government has issued a Notification for reporting of any suspected case of corona virus from all the private hospitals and laboratories as well as corporate / NGO run hospitals and private practitioners to the Collector in district or Municipal Commissioner in Municipal Corporations immediately.**

20. A Notification has been issued on 23.03.2020 for the reporting and sample collection and active surveillance of patients having acute respiratory tract infection syndrome.

21. Education Department has issued a Notification on 24.03.2020 to all the schools for closure of schools as well as mass promotion of students.

22. General Administrative Department has issued a Notification on 25.03.2020 declaring holidays for the Government staff other than essential service related staff till 14.04.2020 in order to contain the spread of novel corona virus.

23. As per State Government Notification dated 25.03.2020, a complete lock down has been declared in the State till 14.04.2020, other than essential service related staff.

24. Teams of Doctors and paramedics comprising of both the State as well as that of AMC have been pressed into round the clock surveillance. These teams were provided with Hand sanitizers, Gloves, Face Masks, Infrared Thermometers and Disinfection Equipments and the necessary IEC materials. Apart from this, effective equipping the municipal medical facilities at all of 74 Urban Health Centres and 7 Community Health Centres located in various parts all across the city can be a very effective way of decentralized monitoring, therefore, all of these centres are equipped with the infrared thermometers for effective screening of all the patients and the visitors to these facilities. Triple layered masks (3 lacs), N-95 (11k) masks and personal protective equipments (22k) are already procured and put into use. Dedicated Ambulance Vans with regular disinfection protocol are also pressed into service for transportation of suspected and confirmed COVID 19 infected people.

25. *All the District Collectors in the State have been provided with funds ranging from 25 Lakhs to 2 Crs. for making available required requirements and human resources in the current situation of corona virus."*

17. Learned counsels appearing for the private parties have made their submissions based on the pleadings in their respective matters. Other counsels appearing have forwarded their concerns and submissions by email to the State Law Officers' email id.

18. Whatever issues raised today and are not covered by the compliance report submitted by the State Government, we grant two weeks time to the State Government to file its response.

19. Further, as some of the new issues raised relate to the Union of India also, two weeks time is granted to the Union of India to file its response.

20. We may also record as submitted by all the private counsels that the State of Gujarat is taking swift action covering the entire canvas in particular the under privileged of all sectors both urban and rural which is a major concern. We hope and trust that both the Central Government as also the State Government would continue with their endeavor in the same letter and spirit to deal in the present critical condition created by the Pandemic COVID-19 (Corona Virus) and the Tablighi Jamaat because of which, the entire nation is in a state of lock down for 21 days beginning 25th March, 2020 till 14th April, 2020.

21. Let this bunch of matters be again listed on 17th April, 2020

on top of the Board to be taken up as a first case.

22. Registry to send copy of this order to all concerned including print and digital media today itself by fax, email, WhatsApp or by special messenger.

(VIKRAMNATH,CJ)

(ASHUTOSHJ. SHASTRI,J)

RADHAKRISHNANK.V.