

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

WP(C) PIL no. 4/2020
(Through Video Conferencing
from Srinagar Wing)

Azra Ismail

.....Petitioner(s)

Through:- Mr. Faisal Qadri, Advocate
(on Video Conferencing from his residence
in Srinagar)

Mr. Ateeb Kanth, Advocate
(on Video Conferencing from his residence
in Srinagar)

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. B. A. Dar, Sr. AAG
(on Voice Call from his residence at
Srinagar).

Mr. T. M. Shamshi, ASGI
(On Video Conferencing from his residence
at Srinagar)

Mr. Moumin Bhat, Advocate
(On Video Conferencing from his residence
in Srinagar)
for Srinagar Municipal Corporation.

WP(C) PIL no. 5/2020
EMG-CM nos. 5, 6, 8-13, 15,
22, 26, 27 & 31/2020
(Through Video Conferencing
in Jammu)

Court on its Own Motion

Ms. Monika Kohli, Amicus (on Video
Conference from her office at Jammu)

Mr. Rohit Kapoor, Advocate (in
EMG-CM No.31/2020)

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. Amit Gupta, AAG (on Video
Conference from his residence at Jammu)
for Govt. of UT of Jammu & Kashmir

Mr. Vishal Sharma, ASGI (on Video
Conference from his residence at Jammu)
for Union of India.

Mr. Ravinder Gupta, Advocate (on
Video Conference from his residence at
Jammu)
for BSNL.

Mr. Abhay Kumar, SIO NIC, J&K

Mr. Shahzad Azim, Registrar IT (on Video
Conferencing from Jammu Wing of High
Court)

Mr. M. K. Sharma, Member Secretary
JKSLSA (on Video Conferencing from
Jammu Wing of High Court)

HON'BLE THE CHIEF JUSTICE

(on Video Conference from High Court at Jammu)

Coram:

HON'BLE MR. JUSTICE RAJNESH OSWAL

(on Video Conference from High Court at Jammu)

ORDER

12.05.2020

**III. Ensuring provision of care to dependants/families of
healthcare personnel/government personnel/officials engaged
in COVID-19 management**

1. A status report dated 10th May 2020 has been filed by Mr. Amit Gupta, AAG on behalf of the Mission Director, ICPS, Social Welfare Department, Jammu.

2. The report submitted by Ms. Shabnam Shah Kamli, Mission Director, ICPS does not give any information regarding the above issue. This report is rejected.

Let a proper report on the issue under consideration be placed before us before the next date of hearing.

IV. Removal of Lockdown - desirable public response - provision of information

3. Time is sought by Mr. T. M. Shamshi, learned ASGI to file status report on this issue on behalf of the Union Territory of Ladakh.

4. A status report dated 11th May 2020 has been filed by Mr. M. K. Sharma, Member Secretary, JKSLSA.

This does not also comply with the previous directions.

5. A status report dated 8th May 2020 has been filed by Mr. Amit Gupta, AAG on behalf of Mr. Atal Dulloo, Financial Commissioner and Health & Medical Education Department.

This report still does not deal with the issue on which the authorities were required to apply their mind. The report only details the steps already taken. It appears that the issue of what would be the desirable public response post removal of the lockdown has not been examined.

6. This court is deeply concerned about the manner in which the public could be required to conduct itself after reduction of the restrictions post-lockdown and it is absolutely imperative that the public is educated about the same as well in advance.

7. Institutions and establishments including, commercial and industrial establishments, need to know as to the manner they would be permitted to work after the reduction/removal of the lockdown restrictions. It would appear that the authorities have not even begun to apply their minds to these issues.

The report purporting to be on the issue of the “*Removal of lockdown – desirable public response – provision of information*” is rejected.

8. We had directed the Director Information to place before us the strategy with regard to dissemination of the information on this issue. No report is forthcoming from the Director Information.

9. We, therefore, direct the Secretary, Health and Medical Education Department; Secretary, Social Welfare Department; Director Information and the Member Secretary of the Jammu and Kashmir State Legal Services Authority to have a meeting within one week from today and formalize an action plan on the above issue, which shall be placed before us positively before the next date of hearing.

Copy of this order shall be sent to all the four of the above officers.

VII Addressing issues of Safety, Care, Health and Violence against Healthcare Professionals and Clinical Establishments-Need for a legislative framework

10. It is submitted by Mr. Vishal Sharma, learned ASGI that he has received a letter dated 12th May 2020 from Shri Ashok Kumar Paul, Under Secretary to the Government of India, Ministry of Home Affairs, which he could not place on record. He prays for short adjournment to do so.

Let the same be placed on record.

11. A report dated 11th May 2020 has been filed by Dr. Nissar-ul-Hassan, President Doctors' Association Kashmir. It is submitted by Mr. Ateeb Kanth, Advocate that he would be appearing for the Doctors' Association, Kashmir. Mr. Kanth submits that he would be filing written submissions as well.

12. Let the above report and submissions be exchanged with Ms. Monika Kohli, learned Amicus Curiae; Mr. Vishal Sharma, learned ASGI as well as Mr. B. A. Dar, Sr. AAG.

13. It is submitted by Ms. Monika Kohli, learned Amicus Curiae that despite repeated communications to the Indian Medical Association and the Jammu Doctor's Association, no comments have been received.

14. Ms. Monika Kohli has also placed before us a comparative examination of the enactments on violence against doctors in 18 States and Union Territories and also written submissions. The same are taken on record.

Let the above be also sent to the other counsels appearing on this issue.

15. List for consideration on the next date.

VIII. Issue of impact of pollen from poplar trees

16. It is submitted by Mr. Amit Gupta, learned AAG that the Committee which was constituted in terms of our order dated 10th April 2020 has submitted its report which is being considered by the authorities.

17. Let the decision be taken in terms of our order dated 10th April 2020 and placed before us before the next date of hearing.

XVII. e-Connectivity of Courts

18. A status report dated 9th May 2020 has been filed by Mr. Ravinder Gupta, learned Advocate appearing on behalf of the BSNL. The copy thereof has not been received by Mr. Shahzad Azim, Registrar (IT).

Let a copy of the same be furnished to Mr. Shahzad Azim, Registrar (IT).

19. A response shall be filed to the two reports filed by the BSNL before the next date of hearing.

XVIII. Welfare of stranded migrant/contract labour, visitors

20. A status report dated 29th April 2020 has been filed by Shri Pandurang Kondbarao Pole, Divisional Commissioner, Kashmir. In the status report, the district wise distribution of 35504 migrant labourers in Kashmir has been given. Shri Pandurang Kondbarao Pole, Divisional Commissioner, Kashmir has informed this court that these migrant labourers have been provided shelter in camps/locations and are being provided all facilities of food, drinking water, accommodation, etc.

21. In addition, helplines have been notified for the assistance of the inter-state migrant labourers stranded in different parts of the Union Territory of Jammu and Kashmir. All calls received are being addressed immediately.

22. In view of the report submitted by the Divisional Commissioner, Kashmir, it would appear that the Government of Union Territory of Jammu and Kashmir is sensitive to the welfare and needs of stranded

migrants/contract labourers/visitors etc. They shall continue to render all assistance to these persons and take all necessary steps as may be required.

This issue does not need to detain us, which is hereby closed.

EMG-CM No.8/2020 (at page-27, filed by Mr. Virender Dev, Adv.)

23. A status report dated 11th May 2020 has been filed under signatures of Under Secretary to the Agriculture Production Department giving the several steps taken by the Department to support the farmers.

24. It is pointed out by Ms. Monika Kohli, learned Amicus Curiae that the Department has even gone to the extent of creating Whatsapp Groups with Sub Division Office and above at Provincial And District levels, to facilitate farmers and mitigation of difficulties being faced by them. The contact details of Agriculture Officers and other officers who have been assigned duties of facilitating the farmers have been given.

25. It would appear that all necessary steps stand taken and no further orders are called for in this application which is closed.

EMG-CM No.9/2020 (at page-29; filed by Mr. R.D. Singh Bandral, Advocate, regarding plight of cattle and stray animals)

26. It is submitted by Mr. Monika Kohli, learned Amicus Curiae that she has received a copy of the reply filed by Mr. S. S. Nanda, Sr. AAG on behalf of the Jammu Municipal Corporation. This reply has not been filed before us. Copy has also not been served upon the learned counsel for the applicant.

27. The Jammu Municipal Corporation shall ensure that copies are served both upon the learned counsels for the applicant and upon us.

28. Time is sought by Mr. Moumin Bhat, learned Advocate on behalf of the Srinagar Municipal Corporation to file his reply.

29. The Jammu Municipal Corporation and the Srinagar Municipal Corporation shall in their replies place action taken report with regard to the stray cattle and animals as detailed in the application.

30. Another important aspect of the matter is with regard to maintenance of Veterinary services for animals. The respondents shall also examine the need for ensuring availability of Veterinary services during the lockdown and notifying the period of the availability of such facilities. If deemed appropriate, orders need to be passed about permitting private veterinary clinics from continuing to operate during the lockdown period.

31. Let the reply and action taken report be filed before us before the next date of hearing.

EMG-CM No.12/2020 (at page-48, regarding Municipal Corporations, filed by Mr. Nitin Bakshi, Advocate)

32. Time is sought by Mr. Moumin Bhat, learned Advocate to file a reply.

33. Both the Jammu Municipal Corporation and the Srinagar Municipal Corporation shall ensure that the status and action taken report on the issues flagged by the applicants and by us in our order dated 16th April 2020 (para -57 onwards) be filed before the next date of hearing.

EMG-CM No.22/2020 (at Page-60)

34. Let copy of this application be served upon the Secretary, Food, Civil Supplies and Consumer Affairs Department who shall ensure that reply is filed before the next date of hearing.

EMG-CM No.31/2020 (at Page-67, filed by Mr. Rohit Kapoor, Advocate)

35. Issue notice. Mr. Amit Gupta, AAG accepts notice vice Mr. H. A. Siddiqui, Sr. AAG on behalf of Government Medical College, Jammu

36. Let copy of this application be also provided to Mr. H. A. Siddiqui, Sr. AAG as well as Ms. Monika Kohli, learned Amicus Curiae.

37. Let reply be filed before the next date of hearing.

List the matter on 20th May 2020.

(RAJNESH OSWAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
12.05.2020
Raj Kumar