

E-Mail sent to Registrar-Judicial of Karnataka High Court on 20.4.2020 by CIVIC

Dear Sir,

We request you to treat the following as a matter of public interest and kindly bring the following issues to the kind notice of the Hon'ble Chief Justice in the matter of PIL WP 6435/2020 which is coming up for hearing on 21st April 2020.

We note that the Hon'ble High Court of Karnataka has been issuing detailed orders in the PIL WP 6435/2020 on the measures that need to be taken by BBMP to provide shelter, food and medicines etc. to migrant workers and the homeless in Bengaluru during the Corona pandemic and lock-down. It has asked the Additional Chief Secretary, Urban Development (ACS-UD) to issue several circulars, etc., to BBMP to enable it to perform its duties effectively. One important aspect being highlighted by the Hon'ble Court is BBMP's inability to identify the needy migrants and homeless in its jurisdiction and meet their needs during the corona pandemic and lock-down period

Since this is a matter of public interest, we wish to humbly bring to the kind attention of the Hon'ble Chief Justice that, as per Section 6(8) of the Ward Committee Rules (attached), it was BBMP's duty to have constituted the Disaster Management Cells under the Ward Committees in every ward as soon as the lock-down was announced. If only this had been done, BBMP would have been able to assign the responsibility of identifying the migrants and homeless in every ward to the Disaster Management Cells at ward level and provided credible data to the Court.

The National Disaster Management Act (NDMA) also puts the onus of delivering services in times of disaster on local bodies. The success of Kerala in controlling the epidemic and also in meeting the needs of the public/workers to food, shelter and medicines is being attributed by experts to its vibrant local bodies at grassroots level. It is unfortunate that the BBMP council did not meet to discuss its responsibilities under the NDMA as soon as the lock-down was announced. It met after 15 days. Yet the Ward Committee Rules regarding the setting up of Disaster Management Cells were not invoked by it. No mandatory responsibilities have been given to the councillors (and the ward committees), and the Disaster Management Cells under them, on their role in fighting the pandemic and serving the needy, though they are the persons elected by the community and are closest to them. My mail to the CS and BBMP Commissioner in this regard have elicited no response.

We sincerely hope and pray, that with this information, Hon'ble Chief Justice will ask ACS-UD to direct BBMP to set up these Disaster Management Cells in every ward immediately and enable elected corporators and ward committees to take leadership to identify the migrants and homeless in their wards, and provide the data to the Hon'ble High Court. The lack of this institutional mechanism at the ward level to take on this responsibility has resulted in BBMP not being able to provide credible data to the Court and the Court being unconvinced by its reports.

There are 198 councillors and 1980 ward committee members in Bengaluru. If the ward committees themselves are designated as the Disaster Management Cells, or these are set up under them, BBMP will gain huge manpower in relief efforts. They can supervise the setting up of shelters and kitchens for migrant workers and the homeless, ensure door-step delivery of food, rations and medicines, manage local markets, sanitisation of public spaces, and support thousands of health care and sanitation workers, etc. at the local level. Thus, the disruptions in the lives of citizens and workers in the informal sectors could be minimised.

The councillors and ward committee members know best where the slums and temporary sheds and make-shift colonies where migrant workers reside are. They know who is deprived in their ward and how they can be helped because they live there and have personal contacts. A Helpline can be set up at ward level under the Disaster Management Cell and residents can call and place their needs for food grains and medicines, which will be delivered at their door-step so that no one needs to go out. The Disaster Management Cell can arrange and supervise the delivery of vegetables and fruits in all the streets and by-lanes through push-carts and autos between fixed hours.

We hope and pray that the Hon'ble High Court will take suitable action on the above matters in the interest of justice and equity.

With best regards,

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