**Extracts from the HC order of 24.4.20 in the PIL WP 6435/2020**

1. **We have perused the submissions of the State Government dated 20th April, 2020 concerning the compliance made by Bruhat Bengaluru Mahanagara Palike (for short ‘BBMP’). After having perused the submissions, we are of the view that the compliance with directions in Clause-1 of the circular dated 11th April, 2020 issued by the Additional Chief Secretary, Bengaluru Urban Development Department is not yet reported.

2. In sub-paragraph (v) of Paragraph 10 of the written submissions, it is mentioned that till 20th April, 2020, total 411 persons having no shelter have been identified and relocated to the hostels for migrants. Sub-paragraph (v) will have to be read with Sub-paragraph (iii). It means that as of today, only 411 persons who are shelterless have been accommodated in the migrants’ hostels.

3. The earlier orders of this Court repeatedly refer to the issue of identification of the migrants who are in the streets, beggars, homeless persons and other vulnerable sections of the society who are in the city without any shelter. Clause-1 of the circular dated 11th April, 2020 contains a direction to BBMP to identify such persons. What is stated in Sub-paragraph (vi) of Paragraph 10 is little disturbing. In the first sentence it is stated that BBMP has identified a far greater number than just 411 persons in the city who appear to be in the streets without shelter and that majority of them have refused to relocate themselves to the centres and hostels. Surprisingly, the number of such persons who have been identified in addition to 411 has not been mentioned. What is observed in the first sentence of Sub-paragraph (vi) of paragraph 10 means that there is a far greater number than 411 of those who are shelterless and who are in streets and that they will be allowed to remain on the streets.

4. Our attention is invited to the directions issued by the Commissioner of BBMP on 16th April, 2020 (Annexure-2 to the written submissions). The first direction is that the Zonal Joint Commissioners shall immediately with the help of marshals and KSTDC buses identify the migrants, homeless and other poor people who are on the roads in the city without shelter and food. The direction is that these people shall be respectfully picked up and taken to the nearest hostels which have been declared as relief centres and they shall be provided with proper accommodation, food and health facilities at the centres. It is further directed that the action shall continue till all the above category of people are identified in the city and lodged in the shelter homes. The last direction is that the action taken in this regard shall be reported daily through to the Chief Marshal of BBMP.

5. The earlier order records the stand taken by BBMP that only 40 marshals have been deployed across the 198 wards. Not a single report submitted by the Chief Marshal is placed on record. The Zonal Joint Commissioners who are made responsible for identification of such persons have also not submitted a report. This becomes very significant as in Sub-paragraph (vi) of paragraph 10, it is accepted that there are large number of people in the streets without shelter. We direct the State Government to ensure that BBMP places on record through the State Government all the reports submitted by the Chief Marshal of BBMP and reports of all the Zonal Joint Commissioners. We also direct the Zonal Joint Commissioners to submit reports about the steps taken to identify the homeless persons. The reports shall be submitted on record through the office of the Government Advocate by tomorrow (25th April, 2020) evening. While submitting the reports, the Zonal Joint Commissioners will elaborate on the statement contained in the first sentence of Sub-paragraph (vi) of Paragraph 10 that large number of homeless people have refused to come to the shelters provided to them. They will state how many such persons have been identified who refused to move to the shelters.

6. Sub-paragraph (vii) of Paragraph 10 records that the identification of the persons who are without shelter is being made by making public announcements by use of BBMP vehicles and garbage collection vehicles. BBMP has deployed buses to pick up homeless people and relocate them to the relief centres. The first issue is of identifying and locating the homeless people and only thereafter, the question of deploying the buses to pick up such persons will arise. In the first three compliance submissions filed by BBMP and the fourth compliance filed by the State Government, there are no statements made as regards systematic efforts made to find out the homeless people and number of homeless people so far identified.

7. While we say so, the State Government must clarify the stand whether in the present situation, the homeless people can be allowed to stay on streets. The reason is that if persons continue to stay on streets, there will be a violation of norms including the norms of social distancing. BBMP and the State Government must also disclose whether any effort is made to ascertain whether any of the persons staying on street are having the symptom of infection of corona virus.

8. In the submissions filed on behalf of BBMP, the State Government has pointed out that 1,34,562 migrants, construction labourers and others staying in shelters within the limits of BBMP have been located as on 19th April 2020. The figures are mentioned in Annexure-8. The learned Additional Advocate General states that now the figure has gone up to 1,41,000. Obviously, 1,41,000 migrants/construction workers must be staying in huts provided to them on the sites of work. The State Government must come out with the stand regarding the steps taken to prevent spreading corona virus amongst the workers and their families who are staying in the huts. The response of BBMP and the State Government on this aspect shall be filed by 27th April 2020. As stated earlier, the reports of the Zonal Joint Commissioners shall be placed on record by tomorrow (25th April 2020) evening.

9. The Secretary of the State Legal Services Authority has submitted a booklet provided by the Commissioner of Police, Bengaluru containing the data of the migrant labourers in Bengaluru city. All the details of the shelters of these migrant workers with material particulars have been set out. As this data is made available by the Police, we are sure that the officers of BBMP will use the said data.

10. At this stage, we must refer to the e-mail sent by one Kathyayini Chamaraj addressed to the Registrar (Judicial) to which the Karnataka Municipal Corporations (Ward Committee) Rules, 2016 have been annexed. Sub-rule (8) of Rule 6 thereof provides for the establishment of Disaster Management Cells at ward level by the Chairperson of Ward Committees. BBMP through the State Government must also state whether such Disaster Management Cells at ward levels have been established. Presence of such Disaster Management Cells will be helpful to deal with the present situation created by the spread of corona virus.

11. At this stage, our attention is invited to the minutes of the meeting held on 17th April, 2020 which was attended by several Principal Secretaries of various Departments, the Commissioner of BBMP and the Joint Commissioner of BBMP (SWM), Bengaluru. Clause 1.2 sets out a mechanism to identify the migrants and vulnerable sections of society in each of the BBMP zones. We are sure that the Zonal Joint Commissioners who are made responsible in this behalf under the order dated 16th April, 2020 of the Commissioner of BBMP will take a note of what is provided in Clause 1.2.

12. Apart from the City of Bengaluru, there are other major cities in the State. We are sure that the State Government will issue requisite directions to all the urban local authorities in the State to take steps for identification of various categories of migrants having shelter and migrants as well as homeless people stranded on the streets.

13. The learned Secretary of the Karnataka State Legal Services Authority (KSLSA) has pointed out a communication received by him by e-mail from the Secretary of Jharkhand Legal Services Authority stating that in 14 different areas within the BBMP limits, there are migrants from Jharkhand. The Secretary, KSLSA to seek particulars from the Secretary of Jharkhand Legal Services Authority such as telephone numbers of some of the migrants so that they can be traced.

14. As far as the issue of migrants is concerned, the State will also ascertain whether the data received by the Regional Commissioner in the Karnataka Bhavan, New Delhi, from various States regarding migrant workers is being looked into for tracing migrant workers from other States who are in the State of Karnataka.**