

WP NO. 6435/2020

**Connected Cases: WP NO. 8475/2021, WP NO. 8715/2021,
WP NO. 8720/2021, WP NO. 8773/2021, WP NO. 8868/2021,
WP NO. 8969/2021, WP NO. 9140/2021, WP NO. 8671/2020,
WP NO. 8619/2020, WP NO. 8622/2020, WP NO. 8668/2020,
WP NO. 9214/2020, WP NO. 15309/2020,
WP NO. 10586/2020, WP NO. 13395/2020**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[MOHAMMED ARIF JAMEEL AND ANOTHER VS. UNION OF INDIA
AND OTHERS]

CJ & AKJ:

10.06.2021

(through video conferencing)

ORDER

BLACK FUNGUS - MUCORMYCOSIS

Firstly, we deal with the issue of cases of Mucormycosis. The State Government has placed on record written submissions of today's date giving the details of district-wise break up of number of cases of the said disease. The figures show that as on 9th June 2021, there were 2,282 total cases in the State out of which, 1,947 were under treatment. It is recorded that as many as 157 patients have died. The State Government has stated that the Government of India allocated total 22,050 Amphotericin injections for the State of Karnataka out of which, a stock of 19,950 has already been received.

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There are two Charts appended about allocation of the said injection. On a query made by us, the learned Additional Advocate General states that approximately, 30 such injections are required to be administered to the infected patients spread over six to eight weeks. There is a memo filed by the Government of India of today's date in which, details are given about the efforts made by the Government of India to secure maximum number of vials.

2. Indian Council of Medical Research (ICMR) has issued guidelines for Screening, Diagnosis and Management of Mucormycosis. It is pointed out by the learned *Amicus Curiae* that even the State Government has come out with the guidelines on 20th May 2021. The learned Additional Advocate General also pointed out that latest guidelines have been issued by the State Government on 9th June 2021. The State Government will have to ensure that firstly, the updated guidelines are available to all the hospitals across the State and secondly, adequate number of beds are available in the entire State for admitting those who are suffering from Mucormycosis. In the guidelines issued by ICMR, even preventive measures have been set out. However, after looking at the guidelines

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issued by the State Government, we will issue appropriate directions.

3. The State Government must ensure that the demand of injections is regularly made to the Government of India as per the requirement of the same. The Government of India shall ensure that allocation is made of the requisite quantity of drugs to the State of Karnataka. The State Government shall place on record the data regarding the number of beds available in the entire State for treating the patients of the said disease. If the guidelines issued by the State Government do not contain the do's and don'ts as provided by ICMR, necessary steps shall be taken to include the same in the guidelines issued by it. On or before the next date, the State Government will place on record the latest data of the cases of Mucormycosis and compliance regarding the direction to circulate the guidelines to all the hospitals in the State.

4. The learned Additional Advocate General has produced on record the recommendations made by the Clinical Expert Committee on 5th June 2021 and SOP for dealing with all aspects of COVID-19 associated Mucormycosis. By the order dated 9th June 2021, the State Government has directed to circulate the copies of the said SOP.

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VACCINATION

5. As regards vaccination of the family members of healthcare workers and frontline workers, guidelines have been issued on 8th June 2021 providing for facility of vaccination to the immediate family members of healthcare workers and frontline workers.

6. As regards vaccination to the persons with disability, this Court, by the order dated 3rd June 2021, had directed the Government of India to consider of incorporating certificates of disability as Item No.(viii) in Clause (2) of the *Standard Operating Procedure of COVID-19 Vaccination of Persons Without the Prescribed Identity Cards Through CoWIN*. Our attention is invited to a document at Annexure-R.5 annexed to the written submissions of the State Government dated 10th June 2021 which clarifies that Unique Disability Identification Card is now acceptable as a photo ID for COVID-19 vaccination. However, there is no decision taken of incorporating the Certificate of Disability in the Standard Operating Procedure (SOP). Therefore, the Government of India will have to take a decision in terms of the direction issued in paragraph 7 of the order dated 3rd June 2021 at the earliest. It is not shown to us that Unique Disability

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Identification Card is issued under the Rights of Persons with Disabilities Rules, 2017 to all those who are holding Disability Certificates. Therefore, the Government of India shall take immediate decision in terms of the directions contained in paragraph 7 of the order dated 3rd June 2021.

7. At this stage, we may make a reference to the provisions of the Karnataka State Rights of Persons with Disabilities Rules, 2019 which have been framed in exercise of the powers under Section 101 of the Rights of Persons with Disabilities Act, 2016. The Rules in Chapter VII makes elaborate provision for grant of Certificates of Disability. Rule 16 provides that a person to whom a disability certificate is issued under the Rules shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under the schemes of the Government and of non-Governmental organisations funded by the Government. Therefore, it is all the more necessary for the Government of India to issue a direction for treating the Certificate of Disability as a document of identity for the purpose of vaccination.

8. Now, we come to the issue of vaccination to the persons with disability. As regards vaccination to persons with disability in the State, there is apparent inconsistency in the

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data provided by the State in Annexures-R.6 and R.7 of the written submissions of the State Government. Moreover, the said data is inconsistent with the figures given in paragraph 7 of the written submissions. We, therefore, direct the State Government to come out with the correct figures. Moreover, going by Annexure-R.7, total 8,62,028 persons are holding Disability Certificates in the entire State. The percentage of vaccination is only 35.57. Moreover, there are persons with benchmark disabilities and other serious disabilities for whom it is impossible to reach vaccination centres. The State Government will have to make facilities available for such persons to get vaccines. The State Government may take the assistance of various NGOs for this purpose. The State Government shall place on record the measures taken in that behalf on or before the next date.

9. As regards the vaccination in the slum areas, the State Government has given the details of steps taken in paragraph 3 of the written submissions. If any data is available about the total number of persons vaccinated in slum areas, the same shall be placed on record on or before the next date.

10. As regards vaccination drive in the slum areas in the city of Bengaluru, the Bruhat Bengaluru Mahanagara Palike

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(BBMP) has given the details in Document No.1 appended to the memo dated 9th June 2021 which shows that 10,91,692 persons in the localities of the slums have been vaccinated so far. Document No.2 shows the details of the special drives for vaccination conducted by BBMP for frontline workers and priority groups. The learned counsel appearing for BBMP states that the drive for vaccination conducted in the slum areas and for the frontline workers and priority groups is a continuing process.

11. As regards the issue of the availability of general beds, HDU beds, ICU beds and ICU with Ventilator beds within the limits of BBMP is concerned, Document No.3 has been produced by the learned counsel appearing for BBMP along with a memo dated 9th June 2021. Document No.4 gives the data of admissions and discharge of COVID-19 patients in general beds, HDU beds, ICU beds and ICU with Ventilator beds. On a conjoint reading of Document Nos.3 and 4, as of today, we see that there is no crisis as far as the availability of different kinds of beds is concerned.

12. By the order dated 12th May 2021, we had directed the State Government to place on record a vision document containing the steps to be taken by the State Government to

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achieve state of preparedness to deal with the possible third wave of COVID-19. In one of the earlier written submissions, the State Government has stated that a committee of experts has been constituted. It will be appropriate if BBMP does not dismantle any of the existing facilities such as Covid Care Centres (CCCs) and Triage Centres till recommendations are submitted by the committee of experts and the State Government takes an appropriate decision on the recommendations. We may record here that after the first wave of COVID-19, some of the CCCs were dismantled and all over again, BBMP had to create CCCs which took some time.

13. We have perused the affidavit of Sri S.R.Uma Shankar, IAS, Principal Secretary, Primary and Secondary, (Department of Education), the Government of Karnataka. As regards Mid-Day meal assistance to the students during summer vacation, the State Government has submitted a proposal for sanction to the Project Approval Board of the Ministry of Education, Mid-Day Meal Division. The affidavit records that a meeting of the Project Approval Board will be held on 18th June 2021. It will be appropriate if the Project Approval Board immediately considers the proposal of the Government of Karnataka as Mid-Day Meal benefit has not

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been extended to the students during summer vacation and unless the said proposal is approved, the same cannot be extended.

14. We have heard the petitioner appearing in person in W.P.No.8773/2021 and the learned Advocate General on the issue of Chamarajanagar incident. Hearing on this issue will continue on 17th June 2021 at 3.30 p.m. The issue of food security shall also be gone into on the next date.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**