

IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION (PIL) No. _____ /2020

PETITIONERS: : Right to Food Campaign
Chhattisgarh & Ors.

VERSUS

RESPONDENTS: : State of Chhattisgarh & others

INDEX

S. No.	Particulars	Annexure	Pg. No.
1.	Application for Urgent Hearing & Interim Directions		
2.	Copy of order dated 25.3.2020 issued by the Department of Social Welfare	P-3	
3.	Copy of news reports	P-4 (Colly.)	
4.	Copy of order dated 21.3.2020 issued by the Department of Women & Child Welfare	P-5	

Place- Bilaspur

Date: 30.3.2020

(Rajni Soren)

Counsel for the Petitioners

IN THE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR

I.A. No. _____ /2020

IN

Writ Petition (PIL) No. _____ /2020

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RESPONDENTS : State of Chhattisgarh & Ors.

APPLICATION FOR URGENT HEARING AND ITERIM

DIRECTIONS

The Petitioners named above beg to submit as under:-

1. That, the above petition is pending consideration before the Hon'ble High Court.
2. That, the COVID 19 lockdown while a step in the right direction has led to huge socio economic consequences for a majority of the people. A lot of exigencies were not planned for and though a lot of measures have been taken by the respondents a few issues being raised herein need redressal.
3. That the COVID -19 pandemic has been declared as a National Disaster, however the respondents have till date no implemented Chapter III, Chapter IV, S.8 – 12 of the Chhattisgarh Food Security Act 2012 which deal with entitlement for special groups, nutritional support to emergency or disaster affected persons:

“8. The following special groups shall have the following entitlements, namely:—

(a) Destitute—All destitute persons shall be entitled to meals every day, free of charge, in accordance with a scheme and in the manner as may be prescribed in such scheme;

(b) Homeless— All homeless persons shall be entitled to meals everyday, free of charge, in accordance with a scheme and in the manner as may be prescribed in such scheme;

(c) Migrants— The State Government shall endeavour to enable the migrants and their household to claim their entitlements under this Act, at the place where they currently reside, in accordance with a scheme and in the manner as may be prescribed in such scheme;

(d) The entitlements under clauses (a), (b) and (c) shall be applicable only after it is so notified by the State Government:

Provided that persons or households in receipt of similar benefits from Central Government or State Government shall not be entitled to benefits under clauses (a), (b) and (c);

The State Government shall notify the entitlements under clauses (a), (b) and (c) within one year from the date of commencement of this Act.

9. The State Government shall, if it is of the opinion that an emergency or disaster exists, provide to all such affected households two meals every day, free of charge, for a period upto three months from the date of disaster in accordance with such scheme and in the manner as may be prescribed in that scheme.

10. The State Government shall prepare and notify guidelines for providing meals, free of charge, to persons, households, groups, or communities, if any, suffering from hunger or conditions akin to hunger.

11. All local bodies in the State shall be responsible for providing relief in case of hunger to such persons, households, groups, or communities, if any, suffering from hunger or conditions akin to hunger in the geographical area, so notified, under their jurisdiction in accordance with the guidelines notified under Section 10.

12. Subject to the provision of Section 14, all persons, households, groups or communities, identified under Section 11, shall be provided the following, namely :—

(a) meals, two times a day, free of charge, in accordance with a scheme and in the manner as may be prescribed in such scheme, for six months from the date of identification;

(b) any other relief considered necessary by the State Government.”

4. That the respondents have resorted to providing relief in an ad hoc manner with the support of non governmental organizations, and there are community based charity activities going on. It is submitted that relief to the poor and those affected by the disaster must be in accordance with the Chhattisgarh Food Security Act, 2012 to ensure guaranteed entitlements in accordance with law. Involvement of Non Government Organizations and community mobilization can take place around the government schemes. This is also important from the point of view of the pandemic containment measures. True copy of order dated 25.3.2020 issued by the Department of Social Welfare is filed herewith **as Annexure P-3**.
5. That it is seen that in the city of Bilaspur, Raipur, stranded migrant labourers, daily wage labourers, homeless, rickshaw pullers, street vendors, other informal sector workers have become dependent on charity because of loss of livelihood, purchasing capacity, instead of a systematic food relief programme.
6. That lockdown has affected the access to healthcare in other chronic diseases like hypertension, diabetes, cancer, kidney disease, TB etc. The suspension of public transport has made it difficult especially for patients in rural areas to access the health care system. The existing fleet of 108 and 102 ambulances is very limited and is used for Covid 19 patients, delivery and accident cases. Alternative arrangements should be made by the respondents for patients suffering from other illnesses and diseases. It has also been reported that certain OPD services and

laboratory tests have been suspended. True copy of news reports are filed herewith as **Annexure P-4 (Colly.)**

7. That the Departement of Women & Child Welfare has directed that children aged 3-6 will be given ready to eat ration in place of cooked food at Anganwadi Centres. It is found that the order remains unimplemented in mostly urban areas. True copy of order dated 21.3.2020 issued by the Deparment of Women & Child Welfare is filed herewith as **Annexure P-5.**
8. That there has been reports regarding confusion about the lockdown, disruption of essential services and high handedness by the police. It appears that the DGP has issued a statement holding the senior officials responsible accountable in case the police is found responsible for misconduct. It is submitted that a proper holistic protocol be put in place.

PRAYER

It is, therefore, prayed that the Hon'ble Court may kindly be pleased:

- (i) To allow this application and hear this matter urgently in the interest of justice;
- (ii) Issue a writ of mandamus directing the respondents to implement Chapter III and IV of the Chhattisgarh Food Security Act. 2012;
- (iii) Issue a writ of mandamus directing the respondents to make alternative arrangements through especially assigned vehicles for travel for all patients affected by non pandemic covid 19 diseases and publicise the arrangement through community health workers (Mitaniins) and government health centres and other

means;

- (iv) Issue a writ of mandamus directing the respondents not to suspend non covid 19 health services and laboratory testing services;
- (v) Issue a writ of mandamus directing the respondents to ensure the implementation of order dated 21.3.2020 issued by the Department of Women & Child Welfare;
- (vi) Issue a writ of mandamus directing the respondents to make stay and travel arrangements for all stranded persons especially migrant workers within the state of Chhattisgarh and for residents of Chhattisgarh stranded outside the state;
- (vii) Issue a writ of mandamus directing the respondents to put in place a protocol for management of curfew without disruption of essential services.
- (viii) Pass any other order the Hon'ble Court may deem fit in the interest of Justice.

Bilaspur

(Rajni Soren)

Dated: 30.3.2020

Counsel for the Petitioners