

**BEFORE THE HON'BLE HIGH COURT OF KARNATAKA AT BANGALORE**

**W.P. NO. 6345/2020**

**C/W.**

**W.P. NO. 6671/2020**

**I. A. NO. \_\_/2020**

**IN THE MATTER OF:**

Suo Moto

**AND**

State of Karnataka and Ors.

...RESPONDENTS

**AND**

Ondede and Anr.

...IMPLEADING APPLICANTS

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**Place:** Bangalore

**Date:** 01.04.2020

**Counsel for the Impleading Applicants**

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1. Ondede

A Registered Charitable Trust

Having its Office at: Mahabodhi Arogya Seva Kendra,

Siddapura Main Road, Jayanagar 1st Block,

Opp Lalbaugh, Bangalore – 560 011.

Represented by its Trustee Dr. Akkai Padmashali

2. Centre for Study of Social Exclusion and Inclusive Policy

(CSSEIP)

National Law School of India University,

Gnana Bharathi Main Rd,

Opp National Assessment and

Accreditation Council, Teachers Colony,

Nagarabhaavi, Bangalore- 560072.

Represented by its Co-ordinators

Dr. Pradeep Ramavath and

Dr. Chandrashekar R.V

...IMPLEADING APPLICANTS

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**APPLICATION SEEKING IMPLEADMENT AND DIRECTIONS UNDER SECTION  
151 OF THE CODE OF CIVIL PROCEDURE, 1908 READ WITH THE HIGH  
COURT OF KARNATAKA RULES, 1959**

*Impleading Applicants most respectfully submit that:*

1. In the present situation of the COVID-19 health crisis and the lockdown announced by the Central Government, there is a serious impact on the most vulnerable groups in Karnataka in getting access to food, basic essentials and other requirements. In this regard, two organisations working very closely with marginalised groups and communities seek to intervene in the present *suo moto* proceedings before this Hon'ble Court. The organisations seeking intervention are **Ondede**, a registered public charitable trust working for the rights of transgender persons and represented by its Authorized Representative, Dr. Akkai Padmashali, and the **Centre for Study of Social Exclusion an Inclusive Policy, a Research Centre at the National Law School of India University, Bangalore ("NLSIU")**, which closely works with the most marginalised communities among SCs & STs on governance and policy issues in Karnataka State and represented by its Co-ordinators Dr. Pradeep Ramavath J and Dr. Chandrashekar R.V. It is submitted that both these organisations have been working closely with marginalized communities at the ground level and seek to submit suggestions for specific directions to be passed by this Hon'ble Court for relief of most vulnerable and most severely affected by this lockdown, to enable them to have their basic needs met. In the present situation, the representatives of both organisations are unable to sign vakalats or affidavits to submit this Application before this Hon'ble Court and undertake to do so when the lockdown is lifted. In the alternative, counsel for the Impleading Applicant seeks the leave of this Hon'ble Court to submit a memorandum of facts in lieu of a verifying affidavit, to bring these facts and recommendations on record for consideration by this Hon'ble Court.
2. The decision of COVID-19 related lockdown by the State Government is welcomed by all sections of the society. This is definitely will help in preventing the community level spread of the disease. However, there are important concerns, apprehensions raised by the members of the most vulnerable and marginalized community members across Karnataka, which are very important to be addressed on a priority basis.

3. **ONDEDE**: It is submitted that Ondede is working extensively with the transgender community in Bangalore and other parts of Karnataka. During this lockdown period the marginalized transgender community in Karnataka is facing great difficulty to meet its basic needs. With a large section of the community dependent on beggary and sex work for sustenance, the situation has resulted in no earnings for most of them, as general public are away from streets and shops are closed. Members of the transgender community are unable to pay rents for their accommodation, as they have no earnings and are thus being threatened with eviction. Many have taken private loans and unable to repay the interest to the money lenders. Many persons from the trans community are taking hormone therapy and during this period they do not have the means to purchase their medications due to which they are facing ill-health. The most vulnerable are those who are elderly, with diabetes, HIV and other health conditions where they need medication and they are unable to afford them due to the lockdown and complete loss of earnings. Presently Ondede is providing food and rations to some of the transgender persons and their families by raising donations and providing the rations door-to-door. There is no support of any kind provided by the Respondent State Government to the transgender community.

(A copy of the News report titled, “Transgender community in Bengaluru faces difficulties amid lockdown” dated 30<sup>th</sup> march 2020 published in the Deccan Herald is annexed herein and is marked as **ANNEXURE – A**)

(A copy of photos are annexed herein and are marked as **ANNEXURE – B collectively**)

4. **The Centre for Study of Social Exclusion and Inclusive Policy of National Law School of India University Bangalore (NLSIU)** closely works with the most marginalised communities among SCs & STs in the State of Karnataka. The groups that this Centre at NLSIU works closely with are slum residents, manual scavengers, SC/ST groups, nomadic tribes, forest dwellers etc. A brief overview of the different groups and their situation during the present lockdown is given below:

- (i) Slum Dwellers: All the slums in Bengaluru and across Karnataka have been worst affected by this lockdown. People living in slum clusters are struggling without basic needs and amenities. Despite the announcements made that ration would be available in PDS shops, none of them are open.
- (ii) Manual Scavengers: A group led by one Mr. Oblesh from *Tamate* working with manual scavengers have mobilised rations and other essential resources for the community members. They have arranged the groceries, transport vehicles, and other essential materials on a voluntary basis. However these NGO workers are unable to deliver the rations to manual scavengers due to the curfew and are unable to move in the city for delivery of the rations.
- (iii) Migrant labourers/ workers: Most of the migrant workers in the State are stranded on highways without food and water. Many of the migrant labourers are also stuck at different locations within Bangalore city need urgent help in getting rations, medicine, food and other essentials including water. In Bellary, the District Collector, one Mr. Nakul has set up help centres for the migrant and destitute persons in schools and colleges in Bellary District, which are easily accessible. A similar model can be set up in other districts of Karnataka so that homeless and destitute workers and persons can go there for shelter and also for food.
- (iv) Forest dwelling tribal groups: Tribal groups such Yerava, Jenukuruba etc., who have gone to work in coffee estates in Kodagu and Chikkamagaluru have been stuck without food and other essentials. There are increasing cases and deaths related to Kyasanur Forest Disease (KFD) in Malnad belt. COVID-19 has caused additional panic to these forest dwelling communities in Malnad region. Communities such as Hasalaru are impacted the most by this.
- (v) Nomadic Tribes: In Karnataka there are 72 Nomadic Tribes (“NT”) Denotified Nomadic Tribes (“DNT”) and Semi-Nomadic Communities (“SNT”)

listed under SC, ST and OBC categorization. They still do not have a specific location or habitation to settle down and are in constant mode of nomadism. They are living on the lands belonging to other people and they live on roadsides, temporary tents, shelters, on the forest tracts and other marginalized habitations. They struggle searching for their livelihood through their nomadic way of life, go from village to village, town to town in search of basic necessities and to get a meal for their family members. These communities have been living with their traditional nomadic occupations and livelihood practices, which include begging, street entertainment work, waste-picking, rag-picking, hunting and gathering, animal husbandry, bear-monkey-snake charming, nomadic repair works, selling of items on the street, making of brooms, baskets, tattoos, ropes etc., In this context, the pandemic of COVID-19 has brought huge burden to these communities as their livelihood is snatched by the lockdown, they are facing police violence, they have been completely deprived of food, water and basic amenities. There is little to no awareness and understanding of the pandemic COVID-19 among these NT, DNT and SNTs. Most of them are stuck on the border areas of State. Goa and Maharashtra governments are forcing the NTs and DNTs to not breach their borders and the State Government needs to have urgent dialogue with concerned authorities to ensure safety and security of these groups. Most of them may not also have ration cards or other identity cards and need basic provisions and amenities urgently.

(vi) **Unrecognised habitations:** Most persons in unrecognised habitations such as *Haadis, Hattis, Thandas, Majare Gramas, Doodis, Paalya* etc., have been cut off from all sorts of transportation and communication after this lockdown.

#### **5. Directions sought by Ondede for Relief to the Transgender Community:**

(i) The Respondent State Government be directed to provide free of cost rations, food and nutrition and provisions including vegetables and fruit to members of the transgender community from ration shops and also from other outlets.

- (ii) Free of cost medicines to HIV positive persons from the transgender community to be made available at government health centres.
- (iii) Free of cost medication including hormone therapy medicines, diabetes and other medications to be made available to transgender persons from government and public hospitals.
- (iv) Respondent State government to be directed to pay a monthly financial support and cash transfer of Rs. 5000/- per month for six months to transgender persons, to enable to them cover their rent, loans, look after their family members and other expenses. This can be provided from the PM Garib Kalyan Yojana and the State Government.
- (v) Government to provide free LPG cylinders, rations and waive electricity bill for 6 months to transgender persons. These measures are also assured for 3 months under the PM Garib Kalyan Yojana.

**6. Directions for Relief Sought for by CSSEIP, NLSIU:**

- (i) Direction to the Respondent State Government to open all the ration shops all over the State, on an immediate basis to work round the clock and utilise all the community centres in slums to distribute the food and essentials. Food and essentials should be distributed to people in the public ration shops without insisting on ration cards or other identity documents during the lockdown.
- (ii) The State Police should be directed to issue passes to persons from NGOs who are seeking to deliver rations and essential items to manual scavenger communities and other persons in need so that they can distribute the materials. (Contact coordinators- Mr. Oblesh- 9742586468, Dr. Chandrashekar R.V. 9482222184)
- (iii) Respondent State authorities to be directed to provide all petrol pumps along the highways with food pockets, medicines, dry ration and water for migrant workers.
- (iv) Migrant workers who are stuck in different locations in Bangalore should be provided food, water, essential items by the State Government. This

can be done through NGOs and other community groups working in migrant labour colonies. (Contact persons for the migrant labour colonies in Bangalore: Milan Kumar Das- Attibele, Yadavana Halli, Near St Antony Church-7004668138, Sanjay Das- 6363833236, Adiwalli, Jamuna Ravidas, Raja Rajeswari Road, Ring Road, Mysuru- 7717740200, Santhosh Kumar, Lakshmi Layout, GP Palms, Bommanahalli, 6201184452, RR Nagar- 81473395659, 9900309994, 990113464)

- (v) Respondent State Government should be directed to provide NT, DNT and SNTs with food and basic amenities at the earliest through members of NGOs who are in touch with the NT, DNT community members (Contact Persons: Dr. Mallikarjuna Manpade- 9916202298, President, Karnataka Youth Federation of Nomadic, Semi Nomadic and DNTs- Karnataka, Mr. Jagadish- 90363622221, Mr. Shankar- 9972432493
- (vi) Respondent State Government to make arrangements to reach to the forest dwelling communities through community volunteers and to provide essential food and supplies to them. (Contacts: Shylendra- 8310330609, Ashok shetty-9448724259, Dr. Chandrashekar- 9482222184)
- (vii) The Development Corporations for persons in unrecognised habitations such as *Thanda Development Corporation, Bhovi Development Corporations, Ambedkar Development Corporations, Babu Jagjivan Ram Corporation, Valmiki Nigama* etc., should be directed to contact these communities and provide food and basic essentials to persons in these habitations.
- (viii) All districts and taluka level APMCs, horticulture and agriculture farms including the Krishi Vignana Kendras and Farmer Training Centres which have basic amenities such as water, place to prepare food etc. should be opened up with the help of concerned officials to accommodate migrant workers as a temporary measure.
- (ix) Directions to have local school teachers and ASHA workers to provide food and essentials to vulnerable communities;



- (x) NGOs in Karnataka can be enlisted to assist the government during this emergency.

**PRAYER**

Wherefore in light of the above facts and circumstances, it is prayed that this Hon'ble Court be pleased to:

- A. Allow the present application and permit the Applicants to intervene in the present proceedings as intervenors and pass directions as sought in order to provide assistance to marginalized groups in the State;
- B. Pass any such further orders or directions that this Hon'ble Court deems fit in the interests of justice and equity.

**Place:** Bangalore

**Date:** 01.04.2020

**Counsel for the Impleading Applicants**

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**MEMORANDUM OF FACTS IN LIEU OF VERIFYING AFFIDAVIT**

I, Rohan Pankaj Kothari, S/o. Pankaj Kothari, aged 28, resident of 52, Palace Orchard Apartments, 9th Main, 6th "A" Cross, Sadashivnagar, Bangalore- 560080 to hereby state that

1. I am the Counsel for the Impleading Applicants in abovementioned Petition and I have been informed of the facts giving rise to this Application by the Impleading Applicants. Therefore I am hence competent to submit this memorandum of facts in lieu of a verifying affidavit.
2. I state that the paragraphs No. 1 to 6 are true to the best of my knowledge and belief.
3. I state that Annexures A and B annexed hereto are true copies of their originals.

**Place:** Bangalore

**Date:** 01.04.2020

**Counsel for the Impleading Applicants**