

**IN THE HIGH COURT OF KARNATAKA
AT BENGALURU
(Original Jurisdiction)**

Writ Petition (PIL) No. /2020 (GM-RES)

Between

Dr. KB Vijayakumar

**Petitioner
(Party in Person)**

And

**1. The Chief Secretary
State of Karnataka**

Room No.320, III Floor
Vidhana Soudha
Dr. BR Ambedkar Veedhi
Bangalore 560 001

Respondent No.1

Contact: 080-22252442
Email: cs@karnataka.gov.in

2. The Chairman

Karnataka State Pollution Control Board
"Parisara Bhavana"
4th & 5th Floor
No.49, Church Street
Bangalore 560 001

Respondent No.2

Contact: 080-25589111-4
Email: chairman@kspcb.gov.in

3. The Principal Secretary

**Government of Karnataka
Health and Family Welfare Services**
Room No.105, I Floor
Vikas Soudha
Dr. BR Ambedkar Veedhi
Bangalore 560 001

Respondent No.3

Contact: 080-22255324
Email: prs-healthsecretariat@karnataka.gov.in

**Petitioner: Party-in-Person
Dr. KB Vijayakumar**

B.Sc., B.Com., A.M.Ex.A.,(London),
C.A.I.I.B., LL.B., M.B.A., Ph.D.,(USA),
ADVOCATE
(KAR/2016/2017)

4. The Commissioner
Bruhat Bangalore Mahanagara Palike
Head Office, Hudson Circle
Bangalore 560 002

Respondent No.4

Contact: 080-22237455
Email: comm@bbmp.gov.in

Memorandum of Writ Petition (PIL)
Under Article 226 and 227 of the
Constitution of India
(In the matter of inappropriate disposal
of Personal Protection Equipment (PPE)
by various Medical and Para Medical workers)

The Cause

1. The Petitioner humbly and most respectfully submits and states that the Petition in Public Interest seeks to bring to the attention of this Honourable Court the inappropriate manner in which the used Personal Protection Equipment(PPEs) are disposed off in the absence of any Standard Operating Procedures either by the Government of India or the Government of Karnataka. Such unhealthy disposal of PPEs increase the risk of infection and impacts negatively on the provisions of Article 21 – Right to Life on the citizens.

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The Petitioner

The Petitioner most humbly submits that:

2. The Petitioner is a citizen of India.

3. The Petitioner was a Banker for 24 years and Professor for MBA, abroad and in India, for 7 years and a Corporate Trainer of international repute for 10 years and is a RTI Activist since his return to India in 2012 and an Advocate since 2017.

4. The Petitioner is 66 years of age and has submitted a true copy of the Identification Card issued by the Karnataka State Bar Council in proof of the age, address and ID. **(Annexure-B-Page 24)**.

5. That the Petitioner is an Advocate practicing in the High Court, City Civil Court, ACMM Court and also the Family Courts.

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Declaration by the Petitioner

The Petitioner most humbly submits that:

6. The Petition falls under the jurisdiction of this Hon'ble Court.
7. The Petitioner seeks the permission of this Hon'ble Court to file the Writ Petition as a Public Interest Litigation.
8. The Petitioner seeks the permission of this Hon'ble Court to appear as Party-in-person.
9. The Petitioner does not have any personal interest whatsoever in the subject matter of the case.
10. There is no alternative remedy on this issue.
11. The Petitioner has not filed a similar Petition either in this Court or elsewhere either now or earlier.

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Court Fees

12. That a Court Fee of Rs.100- has been paid.

Description of Annexures

13. **Annexure – A : (Page Nos. 22-23)**

A true copy of a news report – “Coronavirus: PPE kits, medical equipment disposed of unscientifically in Mysuru” by Ranjith Kandya, DHNS, Mysuru, JUL 22 2020, published by Deccan Herald.

14. **Annexure - B: (Page No. 24)**

A true copy of the ID issued by the Karnataka State Bar Council, Bangalore as proof of age and identification of Petitioner.

15. **Annexure-C: (Page Nos. 25-26)**

Certificate under Section 65(B) of The Evidence Act in the Form of an Affidavit for usage of documents from Internet, emails, scanned images and others.

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The Issue

16. The Petitioner humbly and most respectfully submits and states that the incidence of Corona Virus in Karnataka from March 2020 has been increasing day by day and the spurt in the numbers causes anxiety, anguish, apprehension and fear both in the Government and among the people of Karnataka.

17. The data available on the website <https://www.mygov.in/corona-data/covid19-statewise-status/> as on 1st August 2020 at 7.00 pm is as below:

Confirmed cases	:	124115
Active cases	:	49788
Recovered cases	:	74327
Deceased cases	:	2314

18. The following are the PPEs that would require appropriate disposal. The details are for every 100 patients.

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- a) PPE Kits 50 per day
- b) N95 Masks 50 per day
- c) Triple Layered Surgical Masks 300 per day
- d) Surgical Masks 300 per day
- e) Nitrile Gloves 12 per day

19.

WHAT CONSTITUTES A PPE

The Union health ministry has named the following components, and specifications have been given by the Bureau of Indian Standards (BIS)

- Head cover** | Hair should fit inside head cover
- Goggles** | First layer of protection for eyes
- Face-shield** | To protect mucous membranes
- Mask** | To thwart droplets and aerosols
- Gloves** | Nitrile gloves preferred over latex as they resist chemicals
- Gown** | Could be with or without apron. Supposed to be impermeable to body fluids
- Shoe covers** | Should be made of impermeable fabric

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It will be seen that there are about 10 items that need to be disposed by every person involved in corona care.

20. It is not just in the hospitals where patients are admitted or checked, but PPEs are used by sanitary staff, ambulance drivers, assistants, people involved in disposal of dead bodies of corona infected patients, health workers checking people in bus stations, railway stations and airports, health personal in private hospitals and so on.
21. The number of PPE kits and various other sterile clothes, accessories that may have been used till date are huge in number. Their inappropriate disposal causes extreme risk to the citizens as the virus is told to be airborne as well.

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22. The World Health Organisation has also not stipulated any SOPs for disposal of PPE Kits and other accessories worn by staff in the hospitals and involved in Corona Care Clinics or elsewhere. Neither has the Ministry of Health and Family Welfare, Government of India issued any SOPs in this regard. So also the Government of Karnataka. Intensive search for information by the Petitioner did not yield any positive results in regard to SOPs for PPE Kits and other accessories.

23. In the absence of any SOPs being defined, the PPE Kits and other accessories are being inappropriately disposed off by the users in a manner they deem fit causing a serious risk for the public.

24. The State Government has enlarged the availability of beds for Corona care with a 10100 bed facility at Bangalore International

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Exhibition Centre on Tumkur Road and a further 20,000 beds are expected to be operational shortly which by itself with increase phenomenally the usage of PPE Kits and accessories and the immediate need for appropriate disposal of PPE Kits and accessories.

Grounds

25. The galloping number of covid infected across the State of Karnataka as indicated herein above and the increase in number of beds by adding another 30000 more across the State especially in Bangalore will increase the use of PPE Kits and accessories.

26. At present there are no SOPs either by the Government of India or the Government of Karnataka for the appropriate disposal of PPE Kits and accessories used by health care personnel in corona care.

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27. The inappropriate disposal of PPE kits and accessories increases the potential for further infection of people as the W.H.O. has announced that the virus has the potential to be airborne and thus infect people.
28. There is an urgent need for a Standard Operating Procedure for the appropriate disposal of PPE Kits and other accessories that have been used during the treatment of corona patients.

Prayer

WHEREFORE, the Petitioner, Party-in-person, most humbly and respectfully, prays that this Honourable Court may be pleased to issue a Writ of Mandamus or any other Order of Writ or Direction to the Chief Secretary, State of Karnataka, the Chairman, Karnataka State Pollution Control Board and the Principal Secretary, Ministry of Health and Family Welfare to:-

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- A. formulate a Standard Operating Procedure for the appropriate disposal of used PPE Kits and other accessories by health care personnel, sanitary workers in private and public hospitals, ambulance drivers and assistants, people involved in transport and disposal of dead bodies and those at the crematorium / burial grounds, ASHA workers and all involved in some form of Corona Care.
- B. Ensure issuance of a notification / circular of such Standard Operating Procedure and ensure that wide publicity is given to it in the media and otherwise so that the information reaches the lower rung personnel involved in corona care.

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C. Any other order this Hon'ble Court may deem fit in the interest of justice and equity.

Place: Bengaluru

Date: 04-08-2020

Address for Service

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