

(2020) 04 KAR CK 0072

In the Karnataka High Court

Case No : Writ Petition No. 6722 Of 2020 (GM-RES-PIL)

A - Focus (Advocates - Focus)

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 30-04-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 04 KAR CK 0072

Hon'ble Judges : Abhay S. Oka, CJ; S. Vishwajith Shetty, J

Bench : Division Bench

Advocate : G S Kannur, Vikram P Huilgol, M N Kumar

Final Decision : Disposed Of

Judgement

Abhay S. Oka, CJ

1. Heard the learned Senior Counsel appearing for the petitioner, the learned AGA appearing for the State Government and the learned ASG who is present for hearing via Video Conferencing.

2. This petition in the nature of a public interest litigation is filed by an Organization which is formed by members of the Bar. The first prayer in this petition under Article 226 of the Constitution of India is to call for status reports of funding, personnel, research title, duration of funding, research

achieved, papers published from the Research Institutes which are being supported by the first to eighth respondents which are the State Government,

Union of India and various Departments of both the Governments. The second prayer is to direct the first, sixth and ninth respondents to consider the

representations/Letter Petitions dated 9th April 2020 and 13th April 2020 and to establish, maintain and monitor additional Laboratories at the cost of

both the Central Government and the State Government out of their respective contingency funds. A direction is sought to commence serious research

in COVID-19 and allied diseases in the additional Laboratories which may be established. The third prayer is to issue a writ of mandamus to the

second to fifth, seventh and eighth respondents to forthwith make a provision in the proposed Research Laboratories for unique, innovative and new

parallel system for independent research in human virus and other diseases. The next prayer is to direct the Government to frame a scheme or

protocol to engage services of interested persons qualified with Doctorate/Post graduation degrees held in the respective fields relating to the cells and

cell biology, biotechnology etc. The further prayer is to direct the State Government to frame a scheme or protocol even to engage the services of

retired professors, scientists and interested experts in the field of research to overview and review the research work being done from time to time.

The further prayer is to direct the Government to cause conduct of research on the basis of modern scientific method followed in the Allopathic

system of medicine, drugs being propagated by non-allopathic systems of medicine like Ayurvedic, Unani, Homeopathy systems of medicine and

confirm their truthfulness and rule out the false claims. The next prayer is to seek a writ of mandamus to the Government to form Audit/Review

Committee of scientists or reputed persons to overview and review the progress made by the existing scientists in the existing approved Laboratories,

the funds so far utilized by them, the papers published by them, the data collected but not yet analyzed etc.,

3. There is a prayer for interim relief to constitute a Committee of experts at State Level under the supervision and headed by a Sitting Judge or a

retired Judge of this Court and consisting of chosen eminent scientists and experts from ISRO, DRDO, Director, Disease Control Institute, Bengaluru

etc. There are several other prayers in the nature of interim relief in the aid of final relief.

4. The learned Senior Counsel appearing for the petitioner submitted that the anxiety of the petitioner which is an Organization of the members of the

Bar is to ensure that there are large number of Laboratories set up in the State for testing people and to ensure that extensive research is conducted.

5. We have considered the submissions. Firstly, we must record here that most of the issues raised in the petition are in the realm of policy. Secondly,

considering the fact that large number of persons are being tested positive for COVID-19 in the nation, both the State Government and the Central

Government are facing a very difficult task. It is obvious that both the Governments are conscious of the fact apart from the measures which are

being presently taken to prevent the spread of COVID-19, it is necessary to continue the research activities for finding out long term solutions. We

cannot assume that the State Government or the Central Government are not taking any steps to rope in the services of even the retired personnel

who are experts in the field. If such experts volunteer to help the Government in the measures taken as well as in the research activities, we are sure

that both the Governments will accede to the requests made by the retired persons who are experts in the field.

6. The order of Court constituting a Committee headed by a Sitting Judge or a retired Judge of this Court to monitor the activities as suggested by the

petitioner will be counter productive as it will interfere with the steps which are being regularly taken by both the State Government and the Central

Government to deal with the issue of COVID-19.

7. The representations/petitions filed by the petitioner are before the State Government and the Central Government and we are sure that if the

representations contain suggestions which deserve acceptance, both the Governments are bound to do it.

8. As regards setting up of large number of Laboratories to test the people suspected with infection of COVID-19, the issue is being dealt with in the

main writ petition (W.P.No.6435/2020) which is being regularly heard by this Court.

9. Subject to what is observed above, we are unable to grant any prayer which is made in this petition and accordingly, the petition is disposed of.