

SUO MOTU PIL**Date: 10.07.2024****ORAL ORDER**

(Per: Hon'ble the Chief Justice
Mr. Justice N.V. Anjaria)

'Letters to the Editor' are the pulse of the society. Considered as barometer, reflected therein are the true affairs in the society, perceived by intimate eyes of a common man. The views expressed by common citizen by writing a letter to the Editor always matter. The truth and importance thereof have to be underscored.

2. Amidst the disturbing reports coming from all quarters about the spread of deadly disease 'Dengue', the deaths resulting because of Dengue in the City of Bengaluru, parts of State of Karnataka and in particular rural areas of the State, the below referred letter to the Editor by a citizen named Vijaykumar H.K. of Raichur published in the news-daily 'Deccan Herald' dated 9th July 2024, touched the conscience of the court.

3. The Letter to the Editor for its contents, reads as under,

“The Karnataka government must declare a medical emergency in response to a dengue outbreak that has already claimed many lives. Immediate action is imperative, including the establishment of a task force led by experts to address escalating cases across districts. Comprehensive mosquito control strategies and awareness campaigns, particularly targeting schools and colleges, are needed to curb the spread of the diseases. The sluggish response from the health department has worsened the crisis, and hospitals are beginning to feel overwhelmed by severe cases. A transparent data collection system is essential, along with urging residents to collaborate with health workers to eliminate mosquito breeding sites and prevent stagnant water. Overall, there is a pressing need for decisive government action to effectively contain the outbreak and address the challenges posed by dengue in Karnataka.”

4. Copy of the aforesaid Letter to the Editor is attached to this order.
5. The publication of the said Letter to the Editor preceded several news items revealing the gravity of the situation

posed by the disease called Dengue. The 'Deccan Herald' dated 7th July 2024 reported about that Eleven year old Boy collapsed at Temple, was put on ventilator, who later unfortunately died. The death was suspected to be Dengue. The news-daily 'Times of India' dated 9th July 2024 reported 'Tech Hub Mahadevapura Drives Dengue Surge, Logs 27% of the Cases'. On the same page on the same daily, the news item indicated 'BBMP (Bruhat Bengaluru Mahanagara Palike) Admits to Gaps in Monitoring Cases'.

5.1 In yet another news item in the same newspaper on the same date, it was reported that Karnataka add 197 new Dengue cases with one death occurring in Mysuru. Since January 2024, there has been 7326 cases and seven deaths. The onset of monsoon is likely worsen the situation and the number of cases are feared to escalate. The news-daily 'The Hindu' dated 9th July 2024 carried the news item 'Despite BBMP Claims, Water Stagnation Seen in Many Spots'. All these reports only stand to fortify the view expressed by the citizen in the above Letter to the Editor.

5.1.1 All the aforesaid news-clippings are attached herewith and treated as attendant facts.

6. Relying on the aforementioned and quoted Letter to the Editor dated 9th July 2024 and in the context of what is expressed by the writer-citizen therein, this Court hereby invokes its jurisdiction under Article 226 of the Constitution. In exercise of *suo motu* powers, the Court hereby directs to treat the above Letter to the Editor as public interest petition.

7. Right to health is a necessary concomitant right flowing from Article 21 of the Constitution. There also springs therefrom right to live in healthy environment. A citizen is entitled to claim his fundamental right, right to be free from dangers and perilous effects of any disease or pandemic on the way to spread in the society. There is a right to be treated with expert medicinal facilities and effective infrastructure, especially during the times while negotiating the threats from the disease.

8. Amongst several judgments, including in **Union of India v. Moolchand Kharaiti Ram Trust [(2018) 8 SCC**

321), the Supreme Court recognized the right to health to be the part of fundamental right of Article 21 of the Constitution of India, by referring to its own judgments, observing thus,

“65. The State has to ensure the basic necessities like food, nutrition, medical assistance, hygiene, etc. and contribute to the improvement of health. Right to life includes right to health as observed in *State of Punjab v. Mohinder Singh Chawla* [(1997) 2 SCC 83]. Right to life and personal liberty under Article 21 of the Constitution also includes right of parties to be treated with dignity as observed by this Court in *Balram Prasad v. Kunal Saha* [(2014) 1 SCC 384]. Right to health i.e., right to life in a clean, hygienic and safe environment is a right under Article 21 of the Constitution as observed in *Occupational Health & Safety Assn. v. Union of India* [(2014) 3 SCC 547]. The concept of emergency medical aid has been discussed by this Court in *Parmanand Katara v. Union of India* [(1989) 4 SCC 286].”

9. In light of above, urgent notice shall go in the *suo motu* petition to the following authorities,

1. State of Karnataka,
(Notice to be served through the
Chief Secretary)
Vidhana Soudha,
Bengaluru

2. State of Karnataka,
(Notice to be served through the
Secretary),
Department of Health and Family Welfare,
Vidhana Soudha,
Bengaluru.
3. Bruhat Bengaluru Mahanagara Palike,
(Notice to be served through the
Commissioner),
Corporation Circle,
N.R. Square,
Bengaluru.
10. The notice shall be returnable on 23rd July 2024.
11. On the returnable date, the respondents are directed to
furnish to the Court and apprise the Court of the following
details, in addition to the details, which the Court may require
in the course of hearing,
 - (a) The preventive and remedial measures taken to check
the spread of Dengue in the City of Bengaluru, in other
Districts of the State, including the rural areas.
 - (b) The steps taken to provide the medical facilities in the
City of Bengaluru, in other Districts of the State,
including the rural areas.
 - (c) Details of availability of infrastructure.

- (d) Steps and programmes undertaken for creating public awareness.
- (e) Steps taken to control the mosquito breeding.

The Registrar General is directed to take out the necessary procedural steps pursuant to this order.

When dictation of this order in open court was over, learned Advocate General Mr. K. Shashi Kiran Shetty appears online and submitted that the State would appropriately respond to this public interest petition.

The Registrar General is directed to ensure that the notice goes today itself to the authorities without waiting for formal filing of the petition. This order shall be treated as petition.

Learned Government Advocate Mr. S.S. Mahendra appears and accepts notice on behalf of the State authorities.

Learned advocate Mr. B.L. Sanjeev appears and accepts notice on behalf of the Bruhat Bengaluru Mahanagara Palike (BBMP).

The respondents shall file their replies and shall be ready with their responses on the next date.

**Sd/-
(N.V. ANJARIA)
CHIEF JUSTICE**

**Sd/-
(K.V. ARAVIND)
JUDGE**

AHB