

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 28TH DAY OF JUNE 2021 / 7TH ASHADHA, 1943

WP(C) No.11316/2021 (S)

PETITIONER

SUO MOTU PROCEEDINGS INITIATED BY THE HIGH COURT
IN THE MATTER OF EXTENSION OF ORDERS OF STAY GRANTED BY
THE HIGH COURT IN WP(C)NO.9400/2020(S) AND CUSTODY ORDERS
IN RESPECT OF CHILDREN ISSUED BY THE FAMILY COURTS, WHICH
ARE DUE TO EXPIRE OR COMMENCE DURING THE PERIOD OF
LOCKDOWN/COVID RESTRICTIONS.

RESPONDENT/RESPONDENT IN WPC NO.9400/2020(S)

STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN- 695 001.

This Suo Motu writ petition again coming on for orders upon perusing the petition and this Court's order dated 14/06/2021 and upon hearing the arguments of SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL, SRI.THOMAS ABRAHAM, PRESIDENT HIGH COURT ADVOCATES' ASSOCIATION, SRI.GEORGE POONTHOTTAM (SENIOR ADVOCATE), ADVOCATE SRI.JAWAHAR JOSE AND ADVOCATE SRI.SANTHOSH MATHEW the court passed the following:

P.T.O.

**S. MANIKUMAR, C. J., C. T. RAVIKUMAR, J.
&
SHAJI P. CHALY, J.**

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W. P. (C) No. 11316 of 2021 (S)

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Dated this the 28th day of June, 2021

ORDER

S. Manikumar, C. J.

Considering the lock-down declared by the Government of Kerala and the periodical Government Orders, we extended the interim orders passed in suo motu writ petition No. 11316 of 2021 upto 29.06.2021. We directed the Registry to post the said writ petition on 28.06.2021. Thus it is listed today.

2. Placing reliance on G. O. (Rt) No. 479/2021/DMD dated 22.06.2021, and in particular to the variation in the criteria, namely Test Positivity Rate in certain areas, and the additional guidelines set up in the abovesaid Government Order, Mr. Gopalakrishna Kurup, learned Advocate General submitted that lock-down continues with variation in the criteria and the guidelines. For brevity, G. O. (Rt) No. 479/2021/DMD dated 22.06.2021 is extracted hereunder:- /

**GOVERNMENT OF KERALA****Abstract**

Disaster Management Department - Covid 19 - lockdown exemptions based on average Test Positivity Rates of LSGIs - additional guidelines -orders issued.

DISASTER MANAGEMENT (A) DEPARTMENT

G.O.(Rt)No.479/2021/DMD Dated,Thiruvananthapuram, 22/06/2021

Read:- GO(Rt)No.467/2021/DMD dated 15/06/2021.

ORDER

As a part of COVID-19 containment activities, the Local Self Government Institutions in the State were categorized based on the Test Positivity Rate (TPR) and certain relaxations on lockdown were extended to the areas where the Test Positivity Rate is less and special intensified stringent restrictions are being implemented in areas where TPR is high.

2) After assessing the current situation of the spread of COVID-19 pandemic in the State, the undersigned, in his capacity as Chairman of the State Executive Committee of State Disaster Management Authority, in exercise of the powers under Sec 20(3) of the Disaster Management Act-2005, hereby re-categorize the Local Self Government Institutions, on the basis of seven day average TPR for enforcement of the guidelines mentioned in the Government Order read above by the enforcing authorities.

CATEGORY	CRITERIA
A	Average TPR below 8 percent (Areas with low spread)
B	Average TPR between 8 and 16 percent (Areas with moderate spread)
C	Average TPR between 16 and 24 percent (Areas with high spread)
D	Average TPR above 24 percent (Areas with critical spread)

- i. The exemptions and restrictions already available to the respective categories will continue.
- ii. All Public offices, PSUs (including Chalachitra academy), companies, commissions, corporations, autonomous organizations, banks and financial institutions will function with up to 50% staff strength in category 'A' and 'B' and with up to 25% staff in category 'C'.
- iii. Banks and Financial Institutions can function on Tuesdays and Thursdays also

- for their office/account works. Public are not permitted on these days.
- iv. In 'A' and 'B' categories, public will be allowed in places of worship with up to 15 persons for minimum time adhering to strict Covid protocol norms.
 - v. Indoor shooting of Television serials will be permitted with minimum participation adhering to strict Covid protocol norms.
 - vi. Exams will be allowed to be conducted on all days including Saturdays and Sundays.
 - vii. Janasevana Kendras will be permitted to function wherever Akshaya Kendras, vide GO read above, are allowed to function.

(By order of the Governor)
Dr V P Joy
Chief Secretary

3. Placing on record the submission of the learned Advocate General that the lock-down continues with changes as set in the Government Order dated 22.06.2021, we are inclined to extend the interim orders up to 13.07.2021.

Registry is directed to post the suo motu writ petition No. 11316 of 2021 on 12.07.2021.

Sd/- S.MANIKUMAR, CHIEF JUSTICE
Sd/- C.T.RAVIKUMAR, JUDGE
Sd/- SHAJI P.CHALY, JUDGE

/true copy/

ASSISTANT REGISTRAR

29.6.21

Eb

29/6/21