

SYNOPSIS AND LIST OF DATES

That the instant writ petition in public interest is being filed under Article 32 of the Constitution of India in the wake of the COVID-19 pandemic, for the enforcement of fundamental rights of the migrant workers as enshrined under Article 14, 19 and 21 of the Constitution of India. On 14.04.2020, the Hon'ble Prime Minister of India made an announcement that the period of national lockdown has been extended till 03.05.2020. In view of this, the migrant workers who are amongst the worst affected category of people due to the ongoing- lockdown must be allowed to go back to their homes after being tested for COVID-19. Those who test negative for COVID-19 must not be forcefully kept in shelters or away from their homes and families against their wishes. That the respondents should allow for their safe travel to their hometowns and villages and provide necessary transportation for the same.

It is submitted that there is a large number of migrant workers who wish to go back to their native villages to live with their families, and the same was evident from the sudden rush in the wake of the initial 21-days national lockdown announced on 24.03.2020 that led to uncontrollable chaos at various bus-terminals and which also lead to tragic deaths of many such migrant workers who were left with no option but to travel hundreds of kilometers to their native places by foot. It is submitted that recently there have been media reports which show that migrant workers are protesting on streets in some places due to non-payment of their wages and demanding to return to their native villages. It is further submitted that there have been various media reports which show that the migrant workers are being harassed by the local residents and even beaten

C

in some cases. Although the national lockdown has been necessitated because of the unprecedented pandemic of COVID-19 and its imposition is much needed, it is submitted by the Petitioners herein that the fundamental right of the migrant workers enshrined under Article 19(1)(d) [right to move freely throughout the territory of India] and Article 19(1)(e) of the Constitution of India [right to reside and settle in any part of the territory of India] cannot be suspended for an indefinite period forcing these migrant workers to stay away from their families and living in unpredictable and arduous conditions, as the same is an unreasonable restriction beyond what is envisaged under Article 19(5) of the Constitution of India. Further, as this extension of lockdown is casting an unreasonable and heavier burden on the migrant workers who are stranded in cities of their migration as compared to those who are living with their own families at their own residences, the same is also violative of Article 14 of the Constitution of India. Further, Article 21 of the Constitution of India also envisages the right to live with dignity and the same is being denied to these migrant workers. In view of the said facts and circumstances, it is submitted by the Petitioners herein that, now, when the second period of nationwide lockdown has been announced for a period of 15.04.2020 to 03.05.2020, the state authorities must arrange for the safe travel of those migrant workers who wish to go back to their native villages and hometowns in other states. For this purpose, necessary transport services may be provided by the state governments in abundance so that the purpose of 'social distancing' is not defeated. Further, necessary arrangements for testing of COVID-19 can be made for all those migrant workers who wish to travel to their native places, either in the state of their departure or in the state of their arrival.

D

DATES	EVENTS
November 2019	National Disaster Management Plan, 2019 notified, with due emphasis on the mitigation and rehabilitation measures when a disaster strikes.
07.01.2020	China announced outbreak of COVID-19.
11.03.2020	World Health Organisation (hereinafter referred to as WHO) declared COVID-19 as a 'Pandemic'.
19.03.2020	Prime Minister's address to the nation calling for ' <i>Junta curfew</i> '.
22.03.2020	Centre suspended mass transportation services and ' <i>Junta curfew</i> ' was observed across the country.
24.03.2020	The Ministry of Home Affairs of the Government of India directed a nationwide 21-day lockdown. The said order came into force on 25.03.2020 for a period of 21 days, till 14.04.2020. By Clause 15 of Guidelines annexed to the order, all movement of people was prohibited and many non-essential factories/workplaces/ public & Private establishments employing contract/casual workers were shut. Further, the source of livelihood of many self-employed daily wagers was prohibited (including migrant workers). The Order and Guidelines were issued under Sections 6 and 10 of the Disaster Management Act, 2005.
25.03.2020 to 28.03.2020	Visuals of inter-state/ intra-state migrants thronging to bus terminals of various cities so as to go back to their native villages and hometowns as they have