

SYNOPSIS & LIST OF EVENTS

That the petitioner is filing the present writ petition in public interest in order to bring to the notice of this Hon'ble court a very serious problem of accidents & deaths of migrants in different parts of the country due to nationwide lockdown. The news of accidental deaths, death & injuries of men, women and children due to walking on the roads have been reported in newspapers and electronic media corroborates the present problem of accidents of migrants.

The petitioner seeks indulgence of this Hon'ble Court to protect and safeguard the human and fundamental rights of migrant workers by directing the respondent to pay compensation to all the injured / sufferer and deceased migrant workers during the nationwide lock down. The petitioner also seeks direction to respondent to ensure proper medical facilities for injured migrant workers and other migrant workers who are on the way or reached their destination after walking a huge distance with great difficulties.

The nationwide lock-down has drawn an attention to the plight of millions of poor Indians who migrate from villages to cities in search of livelihood and the nation lockdown has left them starving and far away from their places, with no jobs, food, shelter & money.

The problem of migrant workers is not entirely unique to India, but this sudden lock-down without prior arrangements and facilities, make them more sufferer by denying protection of their human rights as well as fundamental rights. There was no proper arrangement & facilities for these migrant labors prior to announcement of nation lock-down and these migrant labor are forced to live where they were or towards their native place.

The millions of migrants began fleeing the cities within hours of announcement of nation lockdown by the respondent / Central government. The main highways filled with men, women and children, carrying their belongings.

There is discrimination with these interstate migrant workers while introducing a massive mission titled as Vande Bharat by respondent / Central Government to bring back those

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got stuck up in other countries due to the global Covid-19 situation by excluding the interstate migrants workers.

The discrimination is also done with migrants workers by the respondent by adopting pick and chose policy to pay compensations on the deaths of migrant workers. The respondent has paid compensation on the death of few migrant workers when it was highlighted by Press etc.

The petitioner found in his research with limited sources / internet / news papers / broadcasting electronic channels that a huge numbers of migrant workers are injured and died in road accidents or due to hectic walking and movement toward their home town. The exact data may be confirmed by respondent by filing status report in this regard.

The Economic and social planning is mentioned as item 20 of List III—Concurrent List of the constitution of India which says that social planning body can provide leadership and facilitation in bringing together key people around a specific problem or issue.

The Social security and social insurance is mentioned as item 23 of List III- Concurrent List of the Constitution of India which covers the nine principal branches of social security, namely medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' benefits

The United Nations Convention constitutes a comprehensive international treaty regarding the protection of migrant workers' rights. It emphasizes the connection between migration and human rights. The Convention aims at protecting migrant workers and members of their families; its existence sets a moral standard, and serves as a guide and stimulus for the promotion of migrant rights in each country.

India is also one of the signatory to the Universal Declaration of Human Rights and the human rights are rights inherent to all human beings, irrespective of their nationality, gender, ethnicity, colour, religion, language, or any other grounds.

The preamble and relevant Articles of said Universal Declaration of Human Rights are reproduced as under

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

The said Articles are also incorporated in Protection of Human Rights Act 1993. According to Section 2(1) (d) of Protection of Human Rights Act 1993, means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International Covenants and enforceable by Courts of India.

The United Nations Convention on the Rights of the Child is a human rights treaty setting out the civil, political, economic, social, health and cultural rights of children. The Convention on the Rights of the Child is the main international instrument for the protection of children's rights, including from all forms of abuse, violence, neglect and exploitation.

There is no social security is provided to migrants women labors in order to prevent harassment, starvation and any kind of discrimination to migrants women labors as per the international convention on the safety and security of women .

The citizens / migrants have been suffering for food and shelter which is more than epidemic of corona

Article 21 of the Indian Constitution recognizes every individual's right to life and liberty, which also include the right to livelihood, life with dignity and right to health as held by the Hon'ble Supreme Court in various cases. The Supreme Court has also held that the maintenance and improvement of public

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health have to rank high amongst the State's obligations, as these are indispensable to the very existence of the community.

On March 31, when a PIL came up seeking measures to help the migrant workers, it is brought before this Hon'ble Court that there were no migrant workers on the roads anymore as governments had ensured that they were being housed and fed. Believing on the submission of Central Government, the court accepted the submission. It is highlighted by the Press and effected the reputation of this Hon'ble Court.

On the other hand various High Courts came forward to protect the fundamental rights of migrant workers. The Madras High Court issued an order in a habeas corpus petition asking the government to produce 400 Tamil workers stuck in Maharashtra, a bench of Justices N Kirubakaran and R Hemalatha said:

“One cannot control his/her tears after seeing the pathetic condition of migrant labourers shown in the media for the past one month. It is nothing but a human tragedy.

It is very unfortunate that those persons were neglected by all the authorities. The heart breaking stories are reported in the print as well as visual media that millions of workers were compelled to start walking to their native States with their little children carrying all their belongings over their head, surviving on the food provided by good Samaritans, as no steps were taken by the Governments to help those migrant workers.

..it is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the States should have extended their human services to those migrant labourers.”

The Andhra Pradesh High Court cited disturbing news reports to order the state government to take specific measures under seven different heads, including medical, transportation and food.

The court began the order thus:

“This court notices that the labour who have left their ancestral homes and villages and moved to the cities for better livelihood to ensure that all of us live in comfort are on the roads today.

If at this stage this court does not react and pass these orders, this court would be failing in its role as a protector and alleviator of suffering.”

The Karnataka High Court on May 12, 2020 directed the governments to decide on paying the transportation cost of workers going back to their villages and towns. It reminded the governments of the huge contribution the workers have made to the country’s development, insisting that the executive should come forward to help them at a time when they have lost their livelihoods.

The Gujarat High Court took suo moto notice of the various news reports about the sufferings of migrant workers, daily wage earners and the poor people during the lockdown. A division bench comprising Justices Mr. J B Pardiwala and Mr. Justice **Ilesh** Jashvantraï **Vora** observed as under-

“It appears that people at large are hungry. People are without any food or shelter. It seems that it is the outcome of complete lockdown. Whatever little help the poor people used to receive from the NGOs, other charitable institutions and volunteers, have come to a grinding halt. It has been reported that more than two hundred people living on the footpaths near the Ellisbridge have not had a morsel of food for the past four day. It is reported that the volunteers used to bring them food, but since the complete lockdown even that has stopped”,

The court further observed that

“The situation seems to be going out of control. Although the State Government is doing its best to combat the situation, yet we find that something is wrong

somewhere. It appears that there is no proper coordination amongst various departments of the State Government of the State Government. What is most essential as of now is a more humane approach or touch",

The print and electronic media have shown that the migrant workers are still on the road without food and medical facility. The death and injuries of migrant workers on the road accidents are also reported in various national newspapers. The police lathi-charged in Andhra Pradesh, U. P., Haryana, Gujrat and various other places in county. The tired & starved migrant labourers who all the way walked up to their home state seeking security and food are getting lathi charge by the police.

Some of important dates and events are enumerated below:

21.03.2020 It was ordered a public curfew on 22 March, followed by enforcement of a series of regulations in the country's COVID-19 affected regions.

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- 24.03.2020 On 24 March, the Government of India under Prime Minister Sh. Narendra Modi ordered a nationwide lockdown for 21 days, limiting movement of the entire 1.3 billion population of India as a preventive measure against the 2020 coronavirus pandemic in India.
- 25.03.2020 10 workers working in Kerala were returning to their home in Tamil Nadu due to the lockdown. These workers chose the path of the forest in Theni, Tamil Nadu to go home. The workers chose to go home via forest but there was a fire in the forest due to which 4 people died.
- 26.03.2020 63-year-old woman died in Kerala as she was not allowed to enter the border of Karnataka, due to which she died on the way.
- 50-year-old kidney patient from Thalapadi in Dakshina Kannada district in Karnataka, died on the way as his ambulance was blocked by the Karnataka Police.

8-year-old died in Bihar due to hunger as his father's wage work was closed due to the lockdown, due to which no food was made at his house after March 24.

27.03.2020 A migrant worker was going back to his home on foot from Surat to Rajasthan, was hit by a bike due to which he died on the spot.

08 people including 2 children died in a road accident in Hyderabad who were going back to their homes in Karnataka. They were traveling in an open truck. The truck was hit by a lorry coming from behind.

62-year-old man died in Surat, Gujarat as he was unable to find any means to go home from hospital so he decided to walk.

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March 28 A laborer resident of Sikandararau Uttar Pradesh died as he was hit by an unknown vehicle near Aligarh while coming from Noida.

04 migrant workers returning from Maharashtra to their homes in Gujarat were crushed by a vehicle coming at a high speed. All four were killed, while three were seriously injured. The road accident occurred near Parole village on the Mumbai-Ahmedabad highway.

A 39-year-old man, who worked as home delivery boy for a private restaurant in the national capital and was father of three, died in Agra after walking for about 200 kms while on way to Morena district of Madhya Pradesh.

March 29 A cancer patient died on the way while he was going back to his home in Siddharth Nagar from Delhi.

26-year-old man, walking on foot from Rampur in Uttar Pradesh to Sonapat in Haryana, was hit by a bus near Moradabad. He died on the spot.

Five persons died while 10 others were injured after a mini-truck allegedly rammed two auto-rickshaws and hit several migrant daily wagers, near the toll plaza on Kundli-Manesar-Palwal (KMP) Expressway near Panchgaon Flyover. All of them were waiting at toll plaza to commute to their respective places.

31.03.2020 A man died when he was hit by a car on highway while he was going back to his home in Tikamgarh from Delhi.

Three labors who belonged to Amethi, Uttar Pradesh were found buried under soil in a 15-foot-deep pit dug up for construction of a power sub-station at Sakatpur in Gurugram.

01.04.2020 A 23-year-old man who had trekked 500 kilometres from Nagpur on his way home to Namakkal in Tamil Nadu, collapsed and died while resting at a shelter home in Secunderabad.

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14.04,2020 On 14 April, Prime Minister Sh. Narendra Modi extended the nationwide lockdown till 3 May.

30 migrants including an infant died whereas 5 were injured while returning to Rajasthan from Assam as the truck in which they were travelling met with an accident.

21.04.2020 Man died while returning to Uttar Pradesh from Maharashtra on bicycle due to dehydration and heat-stroke.

Two labourers who were heading towards their home on foot due to the coronavirus lockdown were killed after being run over by a freight train in Chhattisgarh's Koriya district.

23.04.2020 A migrant worker died in Jorhat district of Assam on Wednesday while walking from his workplace in Nagaland to his home in Golaghat district.

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- 24.04.2020 A migrant worker from MP's Sidhi walked nearly 60km, without food or water after which he collapsed in a jungle in Maharashtra and died.
- 28.04.2020 A man died after collapsing while he was walking towards his home with his wife.
- A 26-year-old man decided to walk home from Bengaluru. However, within a day he fell sick and collapsed after which he was rushed to a local hospital where he passed away.
- 29.04.2020 A man Insaf Ali walked 1,500 km from Mumbai to Shravasti district in Uttar Pradesh, managed to dodge police and checks for 14 days died when he reached his hometown where he was quarantined.
- 30.04.2020 3 migrants including 2 women died on the way while walking towards their home when they were hit by a tanker near Aligarh while 1 girl was injured. They were going to Etah from Delhi.

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A migrant died near Patna on railway bridge while crossing, he lost his balance and fell through the metal sheets while 2 persons were run over by train.

01.05.2020 Four persons, a man and his wife from Jharkhand, and the driver and helper of the truck on which they had hitched a ride, were killed when it crashed into another heavy vehicle coming from the opposite side on a highway.

one person was killed and 40 others were injured, when a bus ferrying Odia migrant worker from Gujarat met with an accident in Odisha's Ganjam district.

04.05.2020 Seven persons, including six migrant labourers, who were stranded in Uttar Pradesh and were returning to their native place in MP, were killed when a truck collided with the auto in which they were travelling in Mathura while 2 were injured.

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A 40-year-old man died while he was travelling to Bilaspur from Maharashtra on foot.

- 04.05.2020 The body of 40-year-old man who had cycled nearly 55 km from their quarters at the site of the power plant in Ankleshwar died on the highway.
- 05.05.2020 14 workers set out for home on foot hitched a ride on the roof of a truck. In less than three hours, the truck hit a bridge, leaving two dead and two others injured.
- 06.05.2020 A migrant labourer couple cycling home to Chhattisgarh with their two children was killed after an unidentified vehicle hit the bicycle the family was travelling while 2 children were injured.
- 08.05.2020 A group of 20 labourers walking from Jalna, Maharashtra, to Bhusawal so that they could board a "Shramik Special" train to reach their homes in Umariya and Shahdol districts of Madhya Pradesh. After walking 40 kilometres

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along a minor road, they reached the railway tracks at Badnapur at about 03:30 hours on 8 May 2020. Exhausted, they slept on and near the tracks, believing that no trains were running due to the lockdown. An empty goods train from Cherlapally in Hyderabad was heading towards Paniwada in Maharashtra. The fourteen sleeping on the tracks were killed instantly, while three nearby were injured, two of whom later died in hospital. Just four from the

group of twenty survived, three of whom were sleeping away from the tracks.

09.05.2020 Two migrants returning to Uttar Pradesh from Gujarat in two different Shramik Special trains died on way in separate incidents

A 40-year-old laborer was killed in a vehicle collision near a flyover in Kashimira, Bhayander. The laborer was on the Mumbai-Ahmedabad highway going towards Uttar Pradesh.

V

A laborer going from a village in Uttar Pradesh to Mumbai on a two-wheeler died in an accident on Saturday. The laborer died on the spot while his six-year-old daughter and a relative were seriously injured in an unknown vehicle collision near Balpur.

A migrant worker, trying to cycle over 1,000 kilometres from Delhi to his hometown East Champaran in Bihar, died on Saturday in Lucknow after being hit by a car. He is survived by his wife and three children.

At least five migrant labourers were killed and 13 others injured in Madhya Pradesh's Narsinghpur when a truck they were travelling in overturned in a village late night on Saturday. These migrant labourers, a group of around 20 of them, were travelling from Hyderabad and going to Jhansi in Madhya Pradesh and Etah in Uttar Pradesh, in a truck carrying mangoes.

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10.05.2020 A group of 11 laborers reached Saharanpur on foot from Gangotri to avoid starving, but one laborer could not bear the fatigue of traveling for about 300 km and the health deteriorated. He died on his way to Saharanpur for treatment. Fatigue caused by constant walking are being considered as the cause of his death.

After losing their jobs due to lockdown two youths on a bike from Delhi died in Basti Uttar Pradesh after they got hit by a truck on the way to their home.

11.05.2020 A 34-year-old migrant worker died on board a Pune-Prayagraj Shramik Special train.

Two labourers died and seven were injured at Kasarwal, Sahjanwa in Gorakhpur after a truck carrying them overturned. The migrants were travelling from Gorakhpur to Hyderabad.

2 laborers from Bihar were hit by a high-speed car in Haryana due to which one died on the spot while one is seriously injured. In a

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separate accident, a 25-year-old migrant laborer died on the spot after he was hit in Rae Bareli by a car while going to his village in Bihar by cycling with some people from Bulandshehar.

In another accident, a mother-daughter lost her life in a road accident in Fatehpur district of UP. Both of them were with a group of laborers coming from Maharashtra. These workers were going to Jaunpur in UP.

An 18-year-old old girl who had set off from Greater Noida on foot along with her family for her native place in Hardoi district died in a quarantine centre in Bulandshahr.

13.05.2020 Eight migrant workers were killed and nearly 55 injured when the truck they were travelling in collided with a bus in Guna, Madhya Pradesh.

In another incident, six migrant workers walking to their homes in Bihar from Punjab were killed

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and four seriously injured after being hit by a roadways bus on the Delhi- Saharanpur Highway.

Two labourers were killed and more than a dozen critically injured in a collision of a truck and bus which was going from Muzaffarpur to Katihar with migrant labourers.

- 14.05.2020 A migrant labor couple lost its 10-month-old baby when their bike hit a road divider on Hyderabad outskirts while the couple suffered serious injuries.
- 16.05.2020 Twenty-four migrants were killed while thirty-six were injured after the truck they were traveling in collided with another one in Uttar Pradesh's Auriya district. The migrants had started their journey from Rajasthan and were going to their villages in Bihar, Jharkhand and West Bengal. They had hitched a ride on a truck transporting food packets.

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- 16.05.2020 Five migrant workers, who were going to Uttar Pradesh from Maharashtra, were killed and nineteen others injured when a truck carrying them overturned in district Sagar, Madhya Pradesh.
- 18.05.2020 At least nine migrant workers were killed and dozens injured in separate road accidents in Uttar Pradesh and Maharashtra on Monday night. While 5 were killed in two incidents in Uttar Pradesh, five others lost their lives in Maharashtra's Yavatmal.
- 19.05.2020 Hence this writ petition is being filed.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
Writ PETITION (C.) NO. _____ / 2020

(Writ Petition under Article 32 of The Constitution Of India)

IN THE MATTER OF:

Reepak Kansal

Petitioner

Versus

- | | |
|--|-----------------------------------|
| 1. Union of India through Secretary,
Ministry of Social Justice &
Empowerment Room no. 202, 2nd
floor C-wing, Shastri Bhawan, New
Delhi- 110001. | Contesting
respondent

1 |
| 2. Union of India through Secretary,
Ministry of Women and Child
Development, Government of India
Shastri Bhawan, New Delhi. | Contesting
respondent

2 |

- | | | |
|----|---|-------------------------------|
| | | 2 |
| 3. | State of Haryana through Secretary,
Department of Law & Justice,
Haryana Civil Secretariat, Sector-1,
Chandigarh. | Contesting
Respondent
3 |
| 4. | State of Punjab through Secretary,
Department of Law & Justice,
Punjab Civil Secretariat, Chandigarh
– 160001. | Contesting
respondent
4 |
| 5. | State of Oddisha through Secretary,
Department of Law & Justice,
Government of Oddisha, General
Admn. Dept. Orrisa Secretariat,
Bhubaneshwar -751001. | Contesting
respondent
5 |
| 6. | Government of Gujarat through
Secretary, Department of Law &
Justice, Block No.1, 3rd floor, New
Sachivalaya Complex, Gandhinagar
-382010. | Contesting
respondent
6 |
| 7. | Government of Andhra Pradesh
through Secretary, Department of | Contesting
respondent |

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Law & Justice, Secretariat Building,		7
Hyderabad-500 001.		
8. Government of Arunachal Pradesh through Secretary, Department of Law & Justice, Secretariat Itanagar-791 111.	Contesting respondent	8
9. Government of Assam through Secretary, Department of Law & Justice, Block-C, 3rd Floor, Secretariat, Dispur, Guwahati-781006.	Contesting respondent	9
10. Government of Bihar through Secretary, Department of Law & Justice, Old Secretariat, Patna-800 015.	Contesting respondent	10
11. Government of Chhattisgarh through Secretary, Department of Law & Justice, D K S Bhavan, Room No.	Contesting respondent	11

207, Mantralay, Raipur-492 001.

- | | | |
|---|-----------------------|----|
| 12. Government of Goa through Secretary, Department of Law & Justice, Secretariat, Porvoriam, Goa-403001. | Contesting respondent | 12 |
| 13. Government of Himachal Pradesh through Secretary, Department of Law & Justice, Secretary, Department of Law & Justice, Secretariat, Shimla-171001. | Contesting respondent | 13 |
| 14. Government of Jammu & Kashmir, through Secretary, Department of Law & Justice, Secretary, Department of Law & Justice, Civil Secretariat, Shrinagar-190001. | Contesting respondent | 14 |
| 15. Government of Jharkhand through its' Secretary, Department of Law & Justice, Secretariat, Ranchi, 834001 (Jharkhand). | Contesting respondent | 15 |

- 5
16. Government of Karnataka through Secretary, Department of Law & Justice, Secretary, Department of Law & Justice, Vidhana Soudha, Bangalore-560001
Contesting respondent
16
 17. Government of Maharashtra through Secretary, Department of Law & Justice, Secretary, Department of Law & Justice, Room No.518, 5th Floor, Main Building Mantralaya, Mumbai-400032
Contesting respondent
17
 18. Government of Madhya Pradesh through Secretary, Department of Law & Justice, Vallabh Bhavan, Bhopal-462003
Contesting respondent
18
 19. Government of Manipur through Secretary, Department of Law & Justice, Room No.171 South Block, Secretariat, Imphal-795001.
Contesting respondent
19
 20. Government of Meghalaya through
Contesting

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	Secretary, Department of Law & Justice, Secretary, Department of Law & Justice, Main Secretariat Building, Shilong-793001.	respondent 20
21.	Government of Mizoram through Secretary, Department of Law & Justice, Civil Secretariat, Block –C, Aizwal -796001.	Contesting respondent 21
22.	Government of Nagaland through Secretary, Department of Law & Justice, Secretariat, Kohima-797001.	Contesting respondent 22
23.	Government of Pondicherry No. 1 through Secretary, Department of Law & Justice, Beach Road, Pondicherry.	Contesting respondent 23
24.	Government of Rajasthan through Secretary, Department of Law & Justice, Department of Law & Justice, Secretariat, Jaipur-302005.	Contesting respondent 24

25. Government of Sikkim through Secretary, Department of Law & Justice, Tashiling Secretariat, Gangtok -737101. Contesting respondent 25
26. Government of Tamil –Nadu through Secretary, Department of Law & Justice, Secretariat, Chennai-600009. Contesting respondent 26
27. Government of Tripura through Secretary, Department of Law & Justice, Civil Secretariat, Agaartala-799001. Contesting respondent 27
28. Government of Uttar Pradesh, through Secretary, Department of Law & Justice, Lal Bahadur Shastri Bhavan, UP Secretariat, Lucknow-226001. Contesting respondent 28

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29. Government of Uttarkhand through Secretary, Department of Law & Justice, Uttarakhand Secretariat, 4B Shubhash Road, Dehradun -248001	Contesting respondent 29
30. Government of West Bengal through Secretary, Department of Law & Justice, Writers' Building, Kolkata - 700001.	Contesting respondent 30
31. Government of Kerla through Secretary, Directorate of Health Services General Hospital Services, General Hospital Junction, Thiruvananthapuram, Kerala. Pin Code - 695035.	Contesting respondent 31
32. U. T. of Andaman & Nicobar through Secretary, Department of Law & Justice, Islands Secretariat, Port Blair, Andaman -744101.	Contesting respondent 32

33. U.T. of Chandigarh through Adviser to Administrator, Secretariat, Sector 9, Chandigarh -160001. Contesting respondent 33
34. U .T. of Dadra & Nagar Haveli through Administrator, Secretariat, Silvassa-396230. Contesting respondent 34
35. U. T. of Lakshadweep through Administrator, Secretariat, Kavaratti – 682555. Contesting respondent 35
36. U. T. of Daman & Diu through Administrator, Fort Area, Secretariat Moti Daman-396220. Contesting respondent 36

To,

Hon'ble the Chief Justice of India

and His Companion Justices of

The Supreme Court of India;

The humble petition of the Petitioner above-named

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is filing this Writ Petition in public interest under Article 32 read with Article 14, 15 & 21 of the Constitution of India.
2. That, the Petitioner is constrained to file this Writ Petition before the Hon'ble Supreme Court of India as relief(s) have been claimed to Central Government due to epidemic of COVID 19 and nationwide lock-down for which this Hon'ble Court only has the jurisdiction.
3. That, the Petitioner is constrained to file the above Writ Petition before this Hon'ble Court as it has no other efficacious remedy.
4. The Petitioner is an Advocate and member of the SCBA having.

The postal address of the petitioner is mentioned in the cause title.

5. The Petitioner has no personal gain, private motive or oblique reason in filing the present writ petition.
6. The Petitioner states that no civil, criminal or revenue litigation involving the Petitioner or which has or could have a legal nexus with the issue involve in the present writ petition.
7. That, the Petitioner is citizen of India and filing the present writ petition for the common cause and the benefits of the society at large.
8. There is violation of Articles 14, 15 & 21 of the Constitution of India.
9. That the Petitioner states that he has not approached any of the court (s) earlier for the relief sought in this petition.
10. That the Petitioner has not filed any similar petition previously before this Hon'ble Court or before any High Court.

11. That this petition is preferred without prejudice to each other inter alia on the following grounds :-

GROUND OF THE WRIT PETITION

- 11.1 Because there is violation of human rights as well as fundamental rights of migrant labors to restrict the movement of migrant labors and living them with hunger without prior arrangements and facilities by the central government as well as state governments.
- 11.2 Because, there is discrimination with these interstate migrant workers while introducing a massive mission titled as Vande Bharat by respondent / Central Government to bring back those got stuck in other countries due to the global Covid-19 situation by excluding the interstate migrants workers.

- 11.3 Because the discrimination is also done with migrants workers by the respondent by adopting pick and chose policy to pay compensations on the deaths of migrant workers. The respondent has paid compensation on the death of few migrant workers when it was highlighted by Press etc.
- 11.4 The Economic and social planning is mentioned as item 20 of List III—Concurrent List of the constitution of India which says that social planning body can provide leadership and facilitation in bringing together key people around a specific problem or issue.
- 11.5 Because the Economic and social planning is mentioned as item 20 of List III—Concurrent List of the constitution of India which says that social planning body can provide leadership and facilitation in bringing together key people around a specific problem or issue.

- 11.6 Because the Social security and social insurance is mentioned as item 23 of List III- Concurrent List of the Constitution of India which covers the nine principal branches of social security, namely medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' benefits
- 11.7 Because the Social security and social insurance is mentioned as item 23 of List III- Concurrent List of the Constitution of India which covers the nine principal branches of social security, namely medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' benefits.
- 11.8 Because there is no social security is provided to migrants women labors in order to prevent harassment, starvation and any kind of discrimination to migrants women labors as per

the international convention on the safety and security of women .

- 11.9 Because the United Nations Convention on the Rights of the Child is a human rights treaty setting out the civil, political, economic, social, health and cultural rights of children. The Convention on the Rights of the Child is the main international instrument for the protection of children's rights, including from all forms of abuse, violence, neglect and exploitation.
- 11.10 Because the respondent no. 1 did not produce the true facts before this Hon'ble Court in regard to plight of migrant workers.
- 11.11 Because migrant labors are part of our country and they also fall in the ambit of our Constitution of India which guaranteed to protect the fundamental rights of every citizen i.e. right to live & livelihood and right to live with dignity.

- 11.12 Because the Respondents have been forcing the migrant workers including men, women and children and left them on footpaths or roads or under flyovers without any prior arrangement or adequate policy and therefore, violated the human rights as well as fundamental rights.
- 11.13 Because, the problems and sufferings of these migrant labors are less than any epidemic.
- 11.14 Because, the lack of coordination among Central Government as well as State Governments are responsible for deaths and sufferings of migrant labor including deaths and injuries.
- 11.15 Because these migrant workers are entitled for compensations for sufferings, pain, harassment, casualties, discrimination due to lack of proper & prior arrangements.
- 11.16 Because, the government authorities failed to provide safe travel / necessary transportation & protection to migrants labors due to which many

of them have lost their lives and got injuries in road accidents or otherwise.

- 11.17 The injuries caused to society as the migrant workers are real sufferer of nation lockdown which is announced without prior arrangement and facilities for them. The migrants labor are dying on road due to starvation & accidents etc and true facts related to grievances and sufferings of migrants labors are not produced before this Hon'ble Court.
- 11.18 Article 21 of the Indian Constitution recognizes every individual's right to life and liberty, which also includes the right to life. life with dignity and health as held by the Hon'ble Supreme Court in various cases. The Supreme Court has also held that the maintenance and improvement of public health have to rank high amongst the State's obligations, as these are indispensable to the very existence of the community.

- 11.19 Because the tired & starved migrant labourers who all the way walked up to their home town seeking security and food, are victims of atrocities / lathi charge by the police / security agencies.
12. The petitioner seeks permission to exempt the attested / affirmed affidavit, hard / photocopies of paper books (3+1) of Writ Petition and deficit court fee (if any) in the prevailing circumstances as the matter is urgent and need urgent hearing. The petitioner is also agree for hearing of the present writ petition through video conferencing .

PRAYER

It is, therefore, most respectfully prayed that your lordships may be pleased to allow this Writ Petition and may further be pleased:-

- (i) to issue an appropriate Writ, Order or Direction in the nature of Mandamus directing the respondents to pay compensation to the family of all deceased, injured & migrant workers; and/or

(ii) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent to the concerned Authorities/ Department/ Governments and direct the respondents to build up a coordination and ensure health facilities to injured migrants worker at their respective place and/or

(iii) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent to save the migrants labors from atrocities of police / security agencies and / or

(iv) to pass such other Writ (s), order (s) or direction(s) as is deemed fit and proper in the premises of the case, which is not specifically prayed for hereinabove.

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.

Drawn by:

Reepak Kansal

Draft on: 18.05.2020

Filed on: 19.05.2020