

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

WRIT PETITION NO.

/2020 (GM-RES-PIL)

Between:

Mallikarjuna.A.

... Petitioner

And:

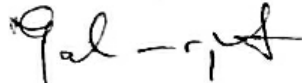
Government of India & others

... Respondents

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Place: Bangalore
Date: 14.04.2020



(Mallikarjuna A.)
Party in Person.

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

WRIT PETITION NO. /2020 (GM-RES-PIL)

Between:

Mallikarjuna.A.

... Petitioner

And:

Government of India & others

... Respondents

SYNOPSIS

Sl. No.	Date	Events
1	29.03.2020	Order on not letting out the Migrant Labourers
2	09.04.2020	The representation from the petitioner to the State on releasing and dropping the migrant laborers to their home towns
3	12.04.2020	The letter from respondent 1 to all state heads on all other essential matters but not considering the state of living of migrant labourers.
4	07.04.2020	The article in the Vijaya Karnataka daily news paper, speaking on the death of a women due to long travel without consuming any food for 3 consecutive days.
5	13.04.2020	The article in the Vijaya Karnataka daily news paper, speaking on the movement of migrant women pregnant laborer on roads, walking and held by the administrators.

The Petitioner is the resident of Chelur Village of Gubbi Taluk, Tumkur District and the Petitioner is the agriculturist. Apart from his regular work of agriculture, the Petitioner is in the field of social work and raising his voice against the illegal activities. In this petition, the Petitioner is highlighting the issue of discrimination, unconstitutionality and unscientific way of keeping the migrant laborers from not letting them reach their home towns even though they are not COVID-19 symptomatic nor tested positive and also almost completed the needed quarantine period.

Place: Bangalore
Date: 14.04.2020


(Mallikarjuna A)
Party in Person

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

(Original Jurisdiction)

WRIT PETITION NO. /2020 (GM-RES-PIL)

Between:

... Petitioner

And:

- 1) Government of India,
Ministry of Home Affairs,
Disaster Management Division,
'C' Wind, 3rd Floor, NDCC II,
Jaisingh Road,
New Delhi-110 001,
Represented by its Secretary.
- 2) State of Karnataka,
Vidhana Soudna,
Dr. Ambedkar Road,
Bengaluru-560 001
Represented by its Chief Secretary.
- 3) Department of Revenue,
(Disaster Management),
Revenue Department,
M.S. Building,
Dr. Ambedkar Road,
Bengaluru-560 001.
Represented by its Secretary.
- 4) District Disaster Management Authorities in Karnataka.
Represented by its respective Chairman's

... Respondents

MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 & 227
OF THE CONSTITUTION OF INDIA

The Petitioner above named begs to submit as follows:

1) The Petitioner is the resident of Chelur Village of Gubbi Taluk, Tumkur District and the Petitioner is the agriculturist. Apart from his regular work of agriculture, the Petitioner is in the field of social work and raising his voice against the illegal activities in and around the state. In this petition, the Petitioner highlighting the unconstitutionality in the policy of not letting the migrant laborers to their native places, during the time of lock down due to COVID-19. The Petitioner is filing this Petition in the interest of the public, specially for the migrant laborers, those who could not raise their voice as they are mostly uneducated and have very less exposure to their constitutional rights. The Petitioner is not having any private interest in this petition and seeks the permission of this Hon'ble Court to file this Petition under Public Litigation.

BRIEF FACTS OF THE CASE

- 2) The Respondent no.1, in their order dated 29.03.2020 directs all the State Governments, invoking their powers under section 10(2)(l) of the Disaster Management Act of 2005, to provide temporary shelters, food and basic needs to the migrant laborers and if such migrant laborers have moved out to reach their home towns, they shall be quarantined for 14 days as per standard health protocol. The same order is herewith produced and marked as **Annexure-A**.
- 3) The same order was considered by the respondents no. 2,3 and 4 and saw that no such class was affected and also quarantined

the one who have moved out to reach their native places, in different parts of the state.

4) The Petitioner now, seeing the mental pain and agony of such laborers, writes to the State on releasing them who ever in quarantine and have no symptoms of COVID-19 and such released persons shall be dropped till their door steps with due respect. The same representation of the petitioner is herewith marked and produced as **Annexure-B.**

5) The respondent no.1 on 12.04.2020, writes to all State heads in consideration with other essential commodities and transportation, but there was no concern shown towards these migrant laborers, in reaching them to their home towns. The same letter is herewith produced as **Annexure-C**

6) The News paper cuttings of people walking hundreds of kilometers and even deaths on or because of such travel are been reported, which are herewith produced as **Annexure- D1 and D2.**

7) The Petitioner aggrieved by the inaction of the Respondents, having no other alternative and efficacious remedy, approaching this Hon'ble Court, under Article 226 & 227 of the Constitution of India, for the immediate direction to the Respondents to see that each and every migrant laborer in the state, be guided and dropped to their respective home towns.

8) The Petitioner has not filed any other Writ Petition or initiated any other proceedings before any other authorities and now intends to invoke the Writ Jurisdiction of this Hon'ble Court for the proper direction to the Respondents, on the following among other grounds.

GROUNDS

9) The petitioner submits that, the State and the Centre have seen that the persons or the kids in the hostels, schools and colleges have been evacuated and sent to their respective home towns, then its total discrimination on the part of these migrant laborers who are been locked under compulsion by not providing any transport facilities to them. It is against to Article 21 of the Constitution and section 61 of the Disaster Management Act of 2005.

10) Apart from the grounds under law of the land, there is no science in locking them down, even though they are asymptomatic of COVID-19 or negatively tested for the same. They have all cleared the actual quarantine period of 14 days also. Hence there is no scientific hurdle in sending them to their home towns, unless they have symptoms of COVID-19 or tested positive for the same.

11) The so migrant laborers in different parts of the state, who are from different states or even from other parts of our state, have their own responsibilities and natural emotions towards their kith and kens whom they have left for so many days before and in this time of pandemic situation, they are very much eager to reach out to their respective places and relations. The State nor the Centre, hope cannot do take the risk or efficiency of dealing with such laborers kith and kens necessities and emotions.

12) As of date and time, none, neither the State nor the Centre can predict the time of closure of lock down as we are seeing the number infections rising day by day and there is no perfect science to predict or narrate something on the future of this pandemic. In such an uncertain situation, it is impossible for a sentimentally attached

human to be away from their responsibilities of looking after and being together with their family.

13) Seeing the disparity on this community of migrant laborers, its quite evident that the capitalists under whom such persons are working are also influencing the State and the Centre in not sending them back to their natives as it will bring their businesses to a stand still and may need a lot time to recover even after opening of lock down if they are sent home. When no science is playing in holding them up, then its definitely such nexus playing a role to keep them discriminated from the main stream and there is no difference between such laborers and any bonded laborer.

14) To keep up the constitutional rights and liberties of a deprived class and as under in section 71 of the Disaster Management Act of 2005, this court is the place to be prayed in for constitutional/legal remedies under Article 226 and 227 of our Constitution.

Grounds for Interim Prayer

15) The citizens in the villages or even in some urban areas also, see the persons coming travelling from other place with suspicion as they believe that such persons carry the COVID-19 virus with them and keep them mentally distanced and leading to another discrimination.

PRAYER

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to:

- i) Issue a Writ of Mandamus directing the respondents, to screen all the migrant laborers, both interstate and intra

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state for COVID-19, who ever are willing to go back to their home towns and see that all negative tested cases be dropped to their home towns using the State or Central transporting facility without charging anything, without any further delay.

- ii) And if any tested positive be taken care at the State establishments and all such cases be dropped to their home towns soon after they recover.

INTERIM PRAYER

Pending disposal of the above Writ Petition, the petitioner most respectfully prays that this Hon'ble Court may be pleased to, direct the respondents not to allow any such migrant laborers out from the quarantined places or even from their dwelling places, unless they are screened for COVID-19 and certified for the same.

Law.in
ALL ABOUT LAW

Place: Bangalore

(Mallikarjuna A)

Date : 14.04.2020

(Party in Person)

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AFFIDAVIT

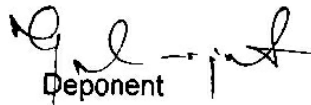
I, Mallikarjuna.A., S/o. Alegowda, Aged 38 Years, N.S. Road, Chelur Village, Gubbi Taluk, Tumkur District-572 117, to-day at Bengaluru, do hereby solemnly affirm and state on oath as follows:-

1. That, I am the Petitioner in the above noted case and being conversant with the facts of the case, I am swearing to this Affidavit.
2. The Statements made in Paragraphs 1 to 15 of the Writ Petition accompanying this Affidavit are true to the best of my knowledge, belief and information.
3. I That Annexure-A to D are the true copies of the originals.

VERIFICATION

I verify and declare that this is my name and signature and the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

Identified by me


Deponent

Advocate

No. of Corrections:

Place: Bangalore

Date : 14.04.2020