

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT  
ERANAKULAM

W.P (C) TMP- 61 of 2020

IBRAHIM ELETTIL & ANR. : PETITIONER

VS.

UNION OF INDIA & ORS. : RESPONDENTS

**STATEMENT FILED BY ASSISTANT SOLICITOR GENERAL OF  
INDIA ON BEHALF OF 1<sup>st</sup> RESPONDENT**

P.VIJAYAKUMAR

ASSISTANT SOLICITOR GENERAL OF INDIA

HIGH COURT OF KERALA

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Dated this the 16<sup>th</sup> day of April, 2020



P.Vijayakumar

Assistant Solicitor General of India

Counsel for the Respondents 1 and 2.

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**Ibrahim Eletttil & Anr. : Petitioner**

**Vs.**

**Union of India & Ors. : Respondents**

**STATEMENT FILED BY ASSISTANT SOLICITOR GENERAL OF  
INDIA ON BEHALF OF 1<sup>st</sup> RESPONDENT**

1. This statement is filed on the basis of the instructions received from Yogeshwar Sangwan, Joint Secretary(OIA-I), Ministry of External Affairs, Government of India.
2. It is most respectfully submitted that since the outbreak of COVID-19 in different parts of the world, the Government of India has been proactively taking steps to ensure safety, welfare and well being of the Indian nationals abroad as well as its people in India.
3. In the above context it is respectfully submitted that similar writ petitions filed by Shri.M.K.Raghavan.M.P and



Pravasi Legal Cell seeking evacuation of Indian from gulf countries came up for consideration before the Hon'ble Supreme Court of India, whereafter taking note of the various steps taken by the Central Government, the Apex Court declined to give any interim direction sought by the petitioners. As can be seen from hereunder other similar writ petitions also came up before different High Courts, where also the courts have declined to interfere in the matter. Hence it is most respectfully submitted that it may not be proper for this Hon'ble Court to interfere in the matter especially when the Hon'ble Supreme Court is seized of identical matters.

**Present situation in UAE-**

4. The petitioners in their Petition have specifically referred to Indians with expired tourist and transit visas stranded in UAE. In this regard, it is submitted that, the UAE government has clarified that all people whose visas expired after 01<sup>st</sup> March will have their visas extended without any penalty till 31<sup>st</sup> May or till the resumption of international flights, whichever is earlier.
5. It is submitted that UAE (as of 10 April) has 3360 cases out of which 418 have fully recovered, while 16 have



died. Further, the local government has conducted over 550,000 tests, among the highest in the world, and is creating new facilities for hospitals and quarantine facilities to cater any surge in the number of positive cases.

6. There are approximately 34 lakh Indians living and working in the UAE, of which many have been in UAE from quite some time and several others on visit visas. Currently, this will include people who had gone to look for jobs and some who were visiting family.

**II. Efforts by the Government of India for the safety of Indian citizens:**

7. Since the outbreak of COVID-19 in different parts of the world, the Govt of India has been proactively taking steps to ensure safety, welfare and well being of the Indian nationals abroad as well as its people in India.
8. On the domestic front, a high level Group of Ministers (GoM) has been formed to continuously monitor and review the evolving situation and provide policy direction for taking appropriate steps and actions for prevention and management of COVID-19. The Prime Minister of India himself is monitoring the situation



constantly and has addressed the nation thrice during the last month. The Prime Minister of India himself took stock of the situation regarding well being of the Indian community abroad through video-conferencing with all Indian Ambassadors/High Commissioners on 30.03.2020. The Government of India is conscious of its responsibility and committed to the safety and well-being of the Indians who are abroad and has been issuing advisories from time to time for the people who are abroad.

9. A COVID-19 Cell has been formed in the Ministry of External Affairs and to ensure greater access and precision of information, sub-groups dealing with different regions of the world have also been created. Missions /Posts abroad have been advised to setup dedicated helpline numbers and publicize them extensively to assist stranded Indians. Ministry of External Affairs has already established a functional helpline for coordination on COVID-19, which has been functioning 24x7 at South Block. The telephone numbers of the Control Room are 1800118797 (toll free), +91-11-23012113, +91-11-23014104 and +91-11-23017905, Fax number - +91-11-23018158 and email [:covid19@mea.gov.in](mailto:covid19@mea.gov.in). Further, officers posted at the



Headquarters have been identified who are available to provide assistance for the respective geographical areas/countries of the world as mentioned. A true copy of the list of the officers of the Ministry of External Affairs Covid-19 Control Centre is produced herewith and marked as Annexure R1(a).

10. Nodal officers have been identified and designated at each Mission/Post to provide assistance to Indian nationals abroad and 24x7 helpline numbers and emails have also been made functional for this purpose. These helpline numbers and email ids are being widely publicized through social networking sites, official government website etc. so that the Indians abroad can get information regarding the same. Further, wherever there are a large number of Indian students studying in that country, our Missions are in constant touch with their Universities/educational institutions for rendering assistance to those students.

11. Wherever possible, the Ambassadors are interacting with the Indian community through virtual platforms for their engagement in this time of crisis and to provide them assistance. Indian community/nationals are being mobilized by our High Commissions/Embassies/Posts to help fellow Indians in

A handwritten signature in black ink, appearing to be 'S. K. Jaiswal', is written over a horizontal line.

distress in that country. Wherever possible, Missions are also providing food, accommodation etc. to the stranded Indian students. Mission is also informing/guiding about the restrictions being imposed, advisories being issued by the local Governments of those countries.

**V. Regarding evacuation of Indians citizens from abroad :**

12.It is most respectfully submitted that in view of the evolving spread of the coronavirus, the measures taken by Government of India to prevent the spread of COVID 19 have progressively increased since late January 2020, culminating in the total lock-down announced by the Prime Minister of India on 23 March 2020 for 21 days, which has been further extended till 03.05.2020 on 14.04.2020.

13.Government of India had issued the initial travel advisory on 17 January 2020 advising travellers to China to follow public health measures at all times. As the situation evolved, the Government issued an advisory on 25 January 2020 advising avoidance of all non-essential travel to China. As the situation further unfolded, visa restrictions were placed for nationals coming from Italy,





Iran, South Korea, Japan and China. With further spurt in the cases, the Government of India had to take drastic measures to curtail the spread of infections. Accordingly, from 13 March 2020, all existing visas (except diplomatic, official, UN/International Organization, employment and project visa) were suspended till 15<sup>th</sup> April 2020. Visa free travel granted to OCI card holders were kept in abeyance till 15<sup>th</sup> April 2020.

14. From 15 March 2020, all types of passenger movements through designated Immigration Land Check posts (some exceptions have been made) located at Indo-Bangladesh Border, Indo-Nepal Border, Indo-Bhutan border and Indo-Myanmar border have also been suspended.

15. Travel of passengers from member countries of European Union, European Free Trade Association, Turkey, Afghanistan, Philippines, Malaysia and United Kingdom was prohibited with effect from 18 March 2020 till 31 March 2020. Finally, on 19 March 2020, India decided to suspend all scheduled international commercial passenger flights effective from 0001 hrs GMT on 22 March 2020 till 0001 hrs GMT 29 March 2020, which stands extended.



16. The Prime Minister of India announced a total lockdown for 21 days on 23 March 2020 which has now been extended till 03.05.2020 on 14.04.2020. This includes stoppage of intra-city movements except only in case of essential services.

17. The successive restrictions including temporary suspension of international and domestic flights were put in place as majority of countries across the world now have reported cases of COVID-19. Some of these countries have reported a very large number of cases including deaths, putting passengers from these countries particularly at higher risk of infection. Travel back of such passengers to different regions of India poses a grave risk.

18. It may be noted that most governments in the world are also taking appropriate stringent measures to contain the further spread of the COVID virus in their countries. These include complete lock-downs, selective lock-downs, travel restrictions etc. In many cases, even domestic movement of people including Indian nationals may not be possible so as to reach airports from different locations within a particular country.

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19. India has a very large number of Indian community abroad (13 million) including NRIs and Indian students abroad. It is true that the Government of India initially undertook some evacuation operations of Indian nationals as also nationals of other countries from China, Japan, Iran and Italy when the situation related to CORONA virus in India was not so grim. Many of the persons evacuated from these countries were then brought and subjected to quarantine in India. However, given the present situation of the corona virus outbreak in India and the available limited resources, it is not feasible to selectively evacuate Indian citizens from abroad when a large number of them from a number of countries want to return back due to various reasons. Moreover, it is to be noted that all inward evacuations of Indians were undertaken before complete lockdown in India was introduced.

20. While imposing the lockdown in India, the approach of the Government has been to contain as much as possible the further spread of coronavirus. This is a time of great challenges for the nation. All Indian citizens, both within India and abroad, have therefore been advised to stay where they are during the lockdown to minimize chances of contracting coronavirus.

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21. There are many Writ Petitions/PILs being filed across the country in various High Courts and the Hon'ble Supreme Court for seeking evacuation of Indians stranded abroad due to the travel restrictions imposed by the Government of India. In all such cases, the Hon'ble Courts have been informed that all possible assistance is being given by our missions/posts abroad to Indians stranded abroad including Indian students in those countries. The Hon'ble Courts have noted the steps and efforts being undertaken by the Government of India to assist Indian nationals abroad and have also acknowledged that due to the lockdown situations prevailing both in India as well as other countries; it may not be possible to repatriate Indian nationals at this stage.

Some of the cases are listed as follows-

Name of Case	Court	Brief facts of the case	Details of proceedings
Madhurima Mridul v/s Union of India &Anr.	Supreme Court	Writ Petition has been filed for evacuation of Indian students from UK to India and to provide them all possible assistance in UK.	Response of MEA with regard to the situation prevalent in UK and the steps undertaken by the mission in UK and the GoI to assist the Indians abroad was submitted.

			Listed on 13.04.2020 Adjourned by four weeks.
Pravasi Legal Cell v/s Union of India &Ors.	Supreme Court	Writ Petition has been filed for evacuation of Indian migrant labourers from Gulf countries and provide them with timely medical assistance, food, quarantine facilities etc.	Listed on 13.04.2020 Adjourned by four weeks.
Shehla Saira v. Union of India	Delhi High Court	Writ Petition has been filed for evacuation of Indian students who are studying in Kazakhstan and were left stranded in Almaty after the imposition of travel restrictions by GoI.	MEA informed about the efforts and steps being undertaken to assist the Indians abroad including designation of nodal officers at each mission/posts abroad. Keeping in view, the steps

			undertaken by MEA, the Hon'ble Court disposed of the case.
Gaurav Kumar Bansal v. UOI	Delhi High Court	Writ Petition has been filed for evacuation and providing assistance to Indian students stranded in Bangladesh, particularly studying in Medical colleges of Bangladesh.	Nodal officer from the mission had contacted each student and the students had informed that the college authorities were looking after their welfare. After examining the status report of MEA and acknowledging the steps undertaken by MEA to ensure the welfare of the students, the Court then disposed of the matter.
Ramesh Chander Goyal v. Union of India	Delhi High Court	Writ Petition has been filed to challenge the circular of DGCA imposing	MEA had taken all necessary steps and given all

		<p>travel restrictions on international flights to India by GoI and for evacuation of petitioner's son from Scotland.</p>	<p>necessary information for the assistance of the Petitioner's son. The nodal officer of the mission is providing all necessary help and assistance to the Indian students in Scotland under the guidance of HCI, London. The Court after acknowledging the efforts of MEA disposed of the case.</p>
<p>Azra Usmail v. UT of J&amp;K</p>	<p>Jammu and Kashmir High Court</p>	<p>Writ Petition has been filed to deal with different issues related to COVID-19 in the UT of J&amp;K. The Court while hearing the petition on 30.03.2020 had directed MEA to provide assistance to Indians in New York and to look into the aspect of evacuation of Indians from New York.</p>	<p>The Court was informed about the steps undertaken by MEA to provide assistance to Indians abroad including formation of COVID control</p>

			<p>centre at MEA, designation of nodal officers at each mission/post s and 24*7 helplines at each mission/post s. The Court acknowledged the efforts of MEA and therefore, passed no further directions to MEA.</p>
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22. It is submitted that the Supreme Court is seized of similar matters and considering the stand of the Government of India, the Hon'ble Supreme Court on 13.04.2020 adjourned the matter by four weeks.

23. In view of the fact that the Government is fully seized of the matter and proactively taking steps to ensure safety, welfare and well being of the Indian nationals, ensuring arrangement of essential supplies, this Hon'ble Court may be





pleased to dismiss the above Writ Petition.

Dated this the 16<sup>th</sup> day of April, 2020



**P.Vijayakumar**

**Assistant Solicitor General of India**

**Counsel for the Respondents 1 and 2.**

**Annexure R1(a)****List of officers of COVID-19 Control Centre at MEA**

<b><u>Region</u></b>	<b><u>Name of the Officer</u></b>	<b><u>Tel.No.</u> <b><u>(Code for land line:</u> <b><u>+91-11)</u></b> <b><u>(Code for Mobile:</u> <b><u>+91)</u></b></b></b></b>
Latin America & Caribbean	1. Ms. Gloria Gangte, JS(LAC) 2. Mr. Anoop Bijily, IFS(OT) 3. Ms. Anchita Kethwas, IFS(OT)	49018385 M: 9895981153
Africa	1. Mr. R. Ravindra, JS(C&WA) 2. Ms. Aarsha N S, IFS(OT) 3. Mr. Ashokkumar R., IFS(OT)	49018431 M: 9751888687
Russia & Central Asia	1. Mr. Manish Prabhat, JS(ERS) 2. Mr. Digvijay Sanjay Patil, IFS(OT) 3. Ms. Rangashree T, IFS(OT)	23013410 M: 7291078057
Gulf	1. Dr. T.V.NagendraPrasad, JS(Gulf) 2. Ms. Jagpreet Kaur, IFS(OT) 3. Mr. MuhammedAbdul Jaleel, IFS(OT)	49018480 M: 9205066104
China	1. Mr. Naveen Srivastava, JS(EA) 2. Ms. Renjina Mary Varghese, IFS(OT) 3. Mr. Anil Kumar Jhajharia, IFS(OT)	23012038 M: 9736424773
Japan/Korea/Mongolia	1. Dr. Sahil Kumar, Under Secretary (EA) 2. Mr. Ashish CherianSamuel, IFS(OT) 3. Ms. AnvitiChaturvedi, IFS(OT)	23015025 M: 8447419492
Nepal/Bhutan	1. Mr. Amit A.Shukla, Director(North) 2. Ms. Namgay Choden, OT (SSFSI) 3. Mr. Vaibhav Sunil Gondane, IFS(OT)	23011710 M: 8805176550
South East Asia except Singapore, Philippines & Malaysia	1. Mr. ShashankVikram, Director (OIA-I) 2. Mr. Nikhil Kumar, IFS(OT) 3. Ms. PujyaPriyadarshni, IFS(OT)	24197935 M: 8920616090
Sri Lanka & Maldives	1. Mr. Amit Narang, JS(IOR) 2. Mr. Phurpa Tshering, OT (SSFSI) 3. Mr. Vikram Grewal, IFS(OT)	23012591 M: 9560415859
Bangladesh & Myanmar	1. Ms. Smita Pant, JS(BM) 2. Mr. ChittyreddySripal, IFS(OT) 3. Ms. Reeta Meena, IFS(OT)	49016744 M: 8639730094
Singapore & Philippines	1. Mr. Vishvas V.Sapkal, JS(South) 2. Mr. Dhananjay Singh Yadav, IFS(OT) 3. Mr. Dhruv Mittal, IFS(OT)	49015244 M: 9971873778
Europe except Italy & Spain	1. Mr. Sandeep Arya, JS(EW) 2. Ms. Kanishka Singh, IFS(OT) 3. Mr. NavenduShekhar, IFS(OT)	23014416 M: 9818957919
Iran & Afghanistan	1. Dr. M. Suresh Kumar, Director (PAI) 2. Mr. Mohammad Hashim, IFS(OT) 3. Ms. Smriti Mishra, IFS(OT)	49016685 M: 9520493377
Malaysia	1. Mr. S. Inbasekar, Director (South) 2. Ms. Soumya RanjanRout, IFS(OT) 3. Mr. Seviti Sai Murali, IFS(OT)	49015229 M: 8122242396
USA/Canada	1. Dr. Rakesh Pandey, DS (AMS) 2. Mr. Atheeth Sajeewan, IFS(OT) 3. Ms. Avantika Singh, IFS(OT)	23015447 M: 7907845720
Italy & Spain	1. Ms. Neetu Bhagotia, Director (EW) 2. Ms. UpasanaMohapatra, IFS(OT) 3. Mr. Shubham Yadav, IFS(OT)	23010710 M:8221089606