

Lawyers stand for the rights of Migrant Workers

“Life is precious in itself. But life is worth living because of the freedoms which enable each individual to live life as it should be lived. The best decisions on how life should be lived are entrusted to the individual. They are continuously shaped by the social milieu in which individuals exist. The duty of the state is to safeguard the ability to take decisions-the autonomy of the individual-and not to dictate those decisions. 'Life' within the meaning of Article 21 is not confined to the integrity of the physical body. The right comprehends one's being in its fullest sense. That which facilitates the fulfilment of life is as much within the protection of the guarantee of life.:

- Justice K Puttaswamy v Union of India (2017) 10 SCC 1

We, the undersigned Advocates, unequivocally condemn the action of the Karnataka government cancelling all special trains for migrant workers subsequent to a meeting with certain representatives of builders We believe that such an act is absolutely horrific and amounts to bonded labour as prohibited under Article 23 of the Constitution.

Since the imposition of the lockdown, migrant workers in Karnataka have faced situations of extreme crisis. Trapped between the non-payment of wages and the prohibition of travel, including the closure of all public transportation, these workers have been forced to beg for food. The massive failure of the State to initiate a comprehensive plan to ensure the food, livelihood and financial security of these workers has resulted in thousands of them being trapped in a vicious debt cycle. These workers, who have played an indispensable role in the development of the State, are deprived of dignity and forced to survive in pathetic conditions.

After more than one month of bare subsistence during the period of lockdown, the Central Government finally took a decision on 29.04.2020 vide Order bearing No. 40-3/2020-DM-I(A) that inter-state migrant workers would be permitted to travel. Thereafter, the lakhs of migrant workers in Karnataka approached authorities seeking that arrangements be made for them to go to their home states. Despite widespread disorder in the mechanisms put into place by the State government, a few trains successfully departed from Bengaluru city. Instead of rectifying the mechanisms, in an highly improper and condemnable act the Nodal Officer, Migrants, has issued letter dated 05.05.2020 bearing No. RD 184 PRS 2020 to the General Manager, South Western Railways stating that train services will not be required from 06.05.2020.

The Apex Court has clearly settled the position of law in *People's Union for Democratic Rights vs Union of India [1982 AIR 1473]* and *Sanjit Roy vs State of Rajasthan [1983 AIR 328]* that compulsion to work, whether physical or economic, would amount to forced labour prohibited under Article 23. The compulsion on workers to remain where they are and either starve or work is a total negation of human identity of workers to mere labour. This is slavery.

Not only bonded labour, but there is also the added element of unreasonable and disproportionate restrictions on the fundamental rights of these workers to move freely throughout the territory of India; to reside and settle in any part of the territory of India; and to practice any profession, or to carry on any occupation, trade or business, in terms of 19(1)(d),(e), and (g) of the Constitution of India. Cumulatively, this decision of the state government amounts to a direct assault on the fundamental right to a dignified life of all persons under Article 21 of the Constitution.

The State, instead of enforcing the Constitutional mandates under Articles 19(1)(d)(e) and (g), Article 21 and Article 23, has chosen to ignore the autonomy of citizens at the mandate of the builders lobby, and has abdicated its responsibility in the protection of citizens.

We demand that the Government immediately provide free, safe, and dignified transportation to all inter-state migrant workers who desire to return to their home States.

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