

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR.JUSTICE M.R. ANITHA

FRIDAY, THE 8TH DAY OF MAY, 2020 / 18TH VAISAKHA, 1942

WP(C) NO. 9456 OF 2020

PETITIONER/S:

- 1 IBRAHIM ELETTIL,
AGED 62 YEARS, S/O.ABDURAHMAN,
PRESIDENT, DUBAI KMCC, CHOLAYIL, KIZHAKKOTH,
ELETTIL - KOZHIKODE, KERALA.
- 2 AFI UDINOOR PAKRUMADE CHERIYA,
AGED 44 YEARS, S/O.AHAMMED HAJI,
MANAGING DIRECTOR OF M/S SMART TRAVEL LLC,
PADNE HOUSE, THAYINERI, PAYYANNUR P.O.,
KANNUR DISTRICT, KERALA.

BY ADVS.
Sri. Haris Beeran
Smt.Nuriya O.A.

RESPONDENT/S:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK,
NEW DELHI - 110 001.
- 2 MINISTRY OF CIVIL AVIATION,
REPRESENTED BY ITS SECRETARY,
RAJIV GANDHI BHAVAN, BLOCK B,
NEW SAFDARJUNG AIRPORT AREA,
SATYASADAN, NEW DELHI - 110 003.
- 3 STATE OF KERALA,

**W.P.(C) Nos.9456, 9460, 9462, 9497
& 9538 of 2020**

: 2:

**REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
KERALA, PIN - 695 001.**

**SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON
08.05.2020 ALONG WITH WPC NOS. 9460, 9462, 9497 & 9538 OF
2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR.JUSTICE M.R. ANITHA

FRIDAY, THE 8TH DAY OF MAY, 2020 / 18TH VAISAKHA, 1942

WP(C) NO.9460 OF 2020

PETITIONER/S:

A.E. ABDUL KALAM,
AGED 49, ADVOCATE, S/O A.A. EBRAHIM
AYYAMBRATH HOUSE, PALLILAMKARA,
HMT COLONY P.O, KALAMASSERY - 683 503.

BY ADVS.
Sri. M.K. Aboobacker
Sri. D.M. Nowfal

RESPONDENT/S:

1 THE UNION OF INDIA
REP. BY SECRETARY, MINISTRY OF EXTERNAL AFFAIRS,
CENTRAL SECRETARIAT, NEW DELHI - 110001.

2 THE STATE OF KERALA
REP. BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695001.

SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON
088.05.2020 ALONG WITH WPC NO. 9456/2020 & CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR.JUSTICE M.R. ANITHA

FRIDAY, THE 8TH DAY OF MAY, 2020 / 18TH VAISAKHA, 1942

WP(C) NO. 9462 OF 2020

PETITIONER/S:

- 1 P.P. SUNEER,
AGED 51, S/O P.P. ABOO BACKER,
MATAYAPPARAMBIL HOUSE, CHANGARAMKULAM P.O.,
MALAPPURAM DISTRICT.
- 2 MEETHALA KARUVALODI BABU,
AGED 64, S/O KUNHIKRISHNAN ADIYODI,
P.O. BOX NO. 2314, ABUDHABI, UAE,
PERMANENT ADDRESS: REVEIRA GARDEN,
CHORODE EAST P.O., VATAKARA,
KOZHIKODE DISTRICT, PIN - 673016.

BY Adv.Thulasi K. Raj

RESPONDENT/S:

- 1 UNION OF INDIA,
REPRESENTED BY SECRETARY TO THE MINISTRY OF
EXTERNAL AFFAIRS, SOUTH BLOCK, RAISINA HILLS,
NEW DELHI - 110011.
- 2 SECRETARY TO THE MINISTRY OF HEALTH AND
FAMILY WELFARE, GOVERNMENT OF INDIA,
NEAR UDYOG BHAWAN, METRO STATION,
MAULANA AZAD RD, NEW DELHI - 110011.
- 3 SECRETARY TO THE MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, NORTH BLOCK,

NEW DELHI - 110001, INDIA.

- 4 STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE DEPARTMENT
OF NON-RESIDENT KERALITES' AFFAIRS SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
- 5 NORKA-ROOTS,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
NORKA CENTER, NORKA ROOTS, NEAR GOVERNMENT GUEST
HOUSE THYCAUD, THIRUVANANTHAPURAM - 695 014.

SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON
08.05.2020 ALONG WITH WPC NO.9456/2020 & CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR.JUSTICE M.R. ANITHA

FRIDAY, THE 8TH DAY OF MAY, 2020 / 18TH VAISAKHA, 1942

WP(C) NO. 9497 OF 2020

PETITIONER/S:

K.S. HAMZA,
AGED 54 YEARS, S/O. SYED ALAVI,
KARUPPAN VEETIL, THOZHIPADAM P.O., CHELAKARA,
VADAKKENCHARRY, THRISSUR DISTRICT, PIN-679 531.

BY Adv.Sri S.Krishnamoorthy

RESPONDENT/S:

- 1 THE STATE OF KERALA,
REP.BY THECHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE SECRETARY,
MINISTRY OF HEALTH & FAMILY WELFARE,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 UNION OF INDIA,
REP.BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI - 110 001.
- 4 MINISTRY OF EXTERNAL AFFAIRS,
REP. BY ITS SECRETARY, SOUTH BLOCK,
NEHRU BHAVAN, NEW DELHI - 110 001.
- 5 MINISTRY OF CIVIL AVIATION,

REP.BY ITS SECRETARY, RAJIV GANDHI BHAWAN,
BLOCK B, SAFDARJUNG AIRPORT AREA, SATYA SADA,
NEW DELHI - 110 003.

6 NATIONAL DISASTER MANAGEMENT AUTHORITY,
REP.BY ITS MEMBER SECRETARY, NDMA BHAVAN,
A1 SAFDURNJ ENCLAVE, NEW DELHI - 110 029.

SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON
08.05.2020 ALONG WITH WPC NO. 9456/2020 & CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR.JUSTICE M.R. ANITHA

FRIDAY, THE 8TH DAY OF MAY, 2020/18TH VAISAKHA, 1942

WP(C) No. 9538 OF 2020

PETITIONER/S:

ADV. DEAN KURIAKOSE,
AGED 37 YEARS, S/O A.M. KURIAKOSE,
ANANICKEL (H), PAINGOTTUR. P.O,
KULAPPURAM, KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT,
PIN-686671.

BY ADVS.
Sri Renjith B.Marar
Smt.Lakshmi N.Kaimal
Sri.U.Jayakrishnan
Smt. Surabhi Santosh

RESPONDENT/S:

- 1 UNION OF INDIA,
REPRESENTED BY SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK, NEW DELHI - 110 001.
- 2 MINISTRY OF CIVIL AVIATION,
REPRESENTED BY SECRETARY,
RAJIV GANDHI BHAWAN, BLOCK B,
NEW SAFDARJUNG AIRPORT AREA, SATYA SADAN,
NEW DELHI - 110 003.
- 3 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA - 695 001.

**W.P.(C) Nos.9456, 9460, 9462, 9497
& 9538 of 2020**

: 9:

**SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON
08.05.2020 ALONG WITH WPC NO. 9456/2020 & CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SHAJI P. CHALY & M.R. ANITHA, JJ.

=====

W.P.(C) Nos.9456, 9460, 9462, 9497 & 9538 of 2020

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Dated this the 8th day of May, 2020

ORDER

SHAJI P. CHALY, J

The captioned writ petitions are all Public Interest Litigations filed by persons belonging to various social strata with the basic intention of securing directions to repatriate the Indian citizens stranded in various foreign countries, especially the Gulf countries, consequent to the lock down declared by the Government of India and the State of Kerala due to spread of Pandemic, Covid-19 that has engulfed the whole world.

2. When the spread of the pandemic started multiplying uncontrollably, the Central as well as the State Government started issuing advisories and directives under the provisions of the Epidemic Diseases Act, 1897, the Disaster Management Act, 2005 and the Kerala Epidemic Diseases Ordinance, 2020. One of such

advisories issued by the Government of India was the closure of Airports in India from the operation of the commercial Airlines, both international and Domestic. It was accordingly that the Indian expatriates became stranded in various foreign countries. It is also contended in the writ petitions that the Indians abroad, especially in the Gulf countries are facing with serious difficulties due to the medical and other reasons and unless and until their welfare and well being are taken care of by the Government of India through its Embassy and other missions, it will cause serious prejudice to the expatriates. However, the Government of India, Ministry of Home Affairs, has issued a notification dated 05.05.2020 exercising the powers conferred under Section 10(2) (1) of the Disaster Management Act, 2005 for movement of Indian Nationals stranded outside the country. Accordingly, the Standard Operating Protocol (SOP) for movement of Indian Nationals stranded outside the country is issued. It reads thus:

**Annexure to Ministry of Home Affairs' (MHA) Order No.40-3/2020-DM-I (A)
dated 5th May, 2020**

A. Standard Operating Protocol (SOP) for movement of Indian Nationals stranded outside the country

In order to contain the spread of COVID-19 pandemic, international travel of passengers has been prohibited under MHA's Orders related to lockdown measures. As per information available, many Indian Nationals who had travelled to different countries before the lockdown, on various purposes such as employment, studies/ internships, tourism, business, etc., are stranded abroad. Due to their prolonged stay abroad, they are facing distress and are desirous of returning to India urgently. Apart from the above cases, there are other Indian Nationals who need to visit India in medical emergencies or death of a family member.

2. In order to facilitate the movement of such Indian Nationals, the following SoP is hereby laid down:

- i. Such persons will register themselves with the Indian Missions in the country where they are stranded, along with necessary details as prescribed by MEA.
- ii. They will travel to India by non scheduled commercial flights to be arranged by Ministry of Civil Aviation (MOCA); and, naval ships to be arranged by Department of Military Affairs (DMA). Only those crew and staff, who are tested COVID-19 negative, will be allowed to operate these flights/ ships.
- iii. Priority will be given to compelling cases in distress, including migrant workers/ labourers who have been laid off, short term visa holders faced with expiry of visas, persons with medical emergency/ pregnant women/ elderly, those required to return to India due to death of family member, and students.
- iv. The cost of travel, as specified by MoCA/ DMA will be borne by such travellers.
- v. Based on the registrations received, MEA will prepare flight/ ship wise database of all such travellers, including details such as name, age, gender, mobile phone number, place of residence, place of final destination; and information on RT-PCR test taken and its result. This data base will be shared by MEA with the respective State/ UT in advance.
- vi. MEA will designate State/ UT wise nodal officers, who will co-ordinate with the nodal officers designated for this purpose by the respective States/ UTs.
- vii. MEA will display with at least two days notice, the schedule (day, place and time of arrival) of the incoming flight/ ship, on their online digital platform.



- viii.** Before boarding, all travellers shall give an undertaking that they would undergo mandatory institutional quarantine for a minimum period of 14 days on arrival in India, at their own cost.
- ix.** All travellers will also be required to give an undertaking that they are making the journey at their own risk.
- x.** At the time of boarding the flight/ ship, MEA will facilitate thermal screening as per health protocol. Only asymptomatic travellers would be allowed to board the flight/ ship.
- xi.** Passengers arriving through the land borders will also have to undergo the same protocol as above, and only those who are asymptomatic will be enabled to cross the border into India.
- xii.** Self-declaration form (with health and personal details) in duplicate will be filled in advance by all passengers coming from any point of entry, i.e., land, sea or airports, and a copy of the same will be given to Health and Immigration officials present at the airport/ seaport/ landport.
- xiii.** While on board the flight/ ship, the health protocol of MoCA/ DMA will be strictly followed. This would include wearing of masks, environmental hygiene, respiratory hygiene, hand hygiene etc. to be observed by airline/ ship staff, crew and all passengers.
- xiv.** On arrival, thermal screening, as per health protocol, would be carried out in respect of all the passengers by the Health officials present at the airport/ seaport/ landport.
- xv.** All passengers shall be asked to download *ArogyaSetu* app on their mobile devices.
- xvi.** The passengers found to be symptomatic during screening shall be immediately taken to medical facility as per health protocol.
- xvii.** The remaining passengers shall be taken to suitable institutional quarantine facilities, to be arranged by the respective State/ UT Governments. These facilities may be as far as possible, in the district headquarters, of the district to which the arriving passengers belongs.
- xviii.** These passengers shall be kept under institutional quarantine for a minimum period of 14 days.
- xix.** If they test negative after 14 days, they will be allowed to go home and will undertake self-monitoring of their health for 14 more days as per protocol. The remaining persons will be shifted to the medical facility by the State/ UT Government.



3. Likewise, taking into account the facts of the situation prevailing now within the State, the State Government has requested the Government of India to take appropriate action for expatriation of the Indians stranded abroad. This Court, as per interim order dated 24.04.2020, directed the State Government to place on record all details regarding the facilities that have been arranged for the repatriation of the expatriates and citizens of India, and in particular those who intend to come back to Kerala along with the details regarding the number of doctors, nurses, paramedical staffs and other infrastructural and logistical requirements. Accordingly, the State Government has filed a detailed statement before this Court dated 07.05.2020 narrating the factual circumstances prevailing in the State, on account of Covid-19 and the steps taken for developing and providing infrastructure facilities to accommodate the expatriates flown to the State of Kerala consequent to the SOP issued by the Central

Government. From the statement, it is quite clear and evident that adequate steps are taken by the State Government to accommodate the expatriates, repatriated in accordance with the SOP issued by the Government of India. It is also stated that as per the Government initiatives, Department of non-resident Keralites Affairs, Kerala has started the registration of the expatriates, who wished to return to the State and presently stranded in foreign countries due to the spread of Covid -19. NORKA registration is also being done through the web site and the total number of non-resident Keralites registered as on 06.05.2020 is 4,52,039 . It is further submitted that the State Government has issued detailed guidelines and procedures for making the arrangements in each District strictly in line with Covid -19 containment measures to receive the expatriates. It is also evident from the documents produced along with the statement that in compliance with the directions issued by the Government, the District Administration

has made all necessary preparations to receive the expatriates, keeping in line with the precautionary and containment norms issued by the Government. Nodal Officers have also been appointed in the Districts to monitor and coordinate all activities related to the return of expatriates and to oversee the arrangements made to meet the quarantine requirements for the returnees. As the facilities in the Government Health Care Institutions are insufficient to accommodate the expatriates, who are advised to undergo institutional quarantine for a specific period, broad arrangements have been made to identify the private buildings, such as hotels, hospitals and lodges having rooms with attached bathroom facilities. Directions are also issued to the KSEB and Kerala Water Authority to ensure uninterrupted power and water supply. Kerala State Road Transport Corporation has been entrusted with the transportation of expatriates after medical check up from the Airports to Covid Care Centres. Arrangements have

also been made to supply food to the inmates through Kudumbasree units. District Police Authorities are entrusted with the task to ensure the security of all these Covid Care Centres. Reports forwarded by the District Collectors of some of the Districts are produced along with the statement as Annexure R2(a) series. It is further stated that reports from other Districts are awaited. A copy of the report forwarded by the District Medical Officer, Pathanamthitta is produced and marked as Annexure R2(b). It is also pointed out that the Health Department has identified the required number of Institutional Quarantine Centres and Isolation Centres all over the State with adequate infrastructural facilities and a report of the Health Department is produced as Annexure R2(c). It is also significantly pointed out that based on the Standard Operating Procedure issued by the Government of India dated 05.05.2020, the State Government has preferred and issued a Standard Operating Procedure on a war footing. The Government of

Kerala has identified 1.16 lakh rooms having toilets and other facilities for quarantining the expatriates. In addition to that, about 9000 rooms in hotels and resorts have been identified for the purpose of housing those NRIs who wished to stay in those places at their own cost. So also, it is stated that the Kerala Medical Services Corporation Ltd., has in its possession about 4000 RT-PCR test kits to conduct about 40000/- tests and a detailed report forwarded by the Principal Secretary, Department of Industries and NORKA dated 07.05.2020 is produced as Annexure R2(d). The Kerala State Disaster Management Authority, with the help of the Tourism Department and Public Works Department, has prepared a list of infrastructure facilities that could be used for temporary accommodation of the expatriates. So much so, it is stated that an amount of Rs 13.45 crores have been provided from the state disaster response fund till 1st April 2020, and other details are also furnished. Therefore, according to the State Government, the

State Government has taken adequate steps and measures to ensure that the expatriates are treated properly by providing due medical as well as other facilities .

4. A statement is also filed by the Assistant Solicitor General of India for and on behalf of the Union of India, wherein it is stated that the standard operating protocols for movement of Indian nationals stranded outside the country are issued taking into account the request made by various State Governments and taking into account favourable situations prevailing in the States. That apart, it is submitted that the category of persons proposed to be expatriated includes migrant workers/labourers who have been laid off, short term visa holders faced with expiry of Visas, persons with medical emergency/Pregnant Women/elderly, citizens required to return to India due to death of family member and students. The Ministry of Civil Aviation has arranged non- scheduled commercial flights and the Department of Military Affairs has arranged naval

ships to facilitate the movement of Indian Nationals to India. It is further submitted that Embassies/Consulates of the Republic of India notified the above decision in their websites and wide publicity has been given to the above decision abroad. The citizens stranded abroad can register to purchase tickets through the application in prescribed format notified by the Indian Embassies. The list of travelers are being prepared by the Embassy in accordance with the priority mentioned in Annexure R1(c) SOP dated 05.05.2020. Flights/Ships have been arranged by the Ministry of Civil Aviation/ Department of Military Affair and the schedule and the list of passengers are being notified to expatriates and to the concerned State Government in advance. That apart, it is stated that the passengers from UAE will undergo prior rapid antibody testing before their departure and passengers tested Covid negative are only permitted to travel and the expatriates, who are repatriated are to strictly abide by the SOP issued by the Government of India and

all the passengers shall undergo institutional quarantine for 14 days. It is also pointed out that the State Government shall arrange sufficient facilities for institutional quarantine and after 14 days, all the expatriates will be tested for Covid and those tested negative will be allowed to go home and they will undertake self-monitoring of their health for 14 more days as per protocol. That apart, any passenger tested positive for Covid will be shifted to the medical facility provided by the State Governments. The Government of India has also appointed Nodal officers for each State/ Union Territory to coordinate with the Nodal officers appointed by the Central Government/Union territories. It is also stated that all asymptomatic passengers are permitted to travel and they are also duty bound to follow the health protocols issued by the Ministry of Civil Aviation and Department of Military affairs. Other safety measures issued by the Government of India in the protocol are also stated in the statement.

5. We have heard the learned counsel for the petitioners, learned Additional Advocate General, Sri. Renjith Thampan appeared for the State and Sri. Suvin R. Menon appeared for the Union of India, and perused the pleadings and documents on record.

6. From the narration of facts made above on the basis of the statement filed by the State as well as the Government of India and the SOP extracted above, it is clear that an action plan is prepared by the Government of India to repatriate the expatriates stranded in foreign countries consequent to the closure of the Indian Airports employing non-scheduled aircrafts and the ships belonging to the Indian Navy. The SOP issued by the Government of India would also make it clear that strict guidelines are issued by the Government of India with respect to the protocol to be followed by the expatriates and the respective State Governments. Learned Additional Advocate General submitted that the State Government is

insisting for compulsory 7 days quarantine for all expatriates, except pregnant women, children aged below 10 years and senior citizens aged above 75 years. Apparently, there is a difference of opinion by and between the protocol issued by the Government of India as well as the State Government. However, the learned Additional Advocate General submitted that appropriate requisition is made before the Government of India to alter the protocol so as to suit the protocol issued by the State Government with respect to the quarantine as is specified above. Learned Additional Advocate General also submitted that after 7 days' quarantine, all will be tested and if they are found to be negative, they are permitted to go home and undergo self quarantine for a further period of 7 days.

7. On the other hand, Sri. Suvin R. Menon submitted that the Central Government has issued the SOP on the basis of Section 10(2)(1) of the Disaster Management Act, which is binding on the State Governments. However, the requisition made by the State

Government to have parity with the SOP issued by the State Government is pending consideration before the Government of India.

8. Leaned counsel for the petitioners, on the other hand, submitted that the Indians stranded abroad and are unable to be expatriated for the time being are facing various difficulties and therefore, the Government of India may be directed to ensure that any urgent requirement of citizens abroad, especially the gulf countries, are attended to by the Embassy, Missions Of Government of India and the Nodal Officers appointed to co-ordinate Covid-19 situations.

9. Yet another contention advanced by one of the learned counsel is that a medical team shall be sent to the Gulf countries to ensure adequate medical attention. So also, it is pointed out that the Government of India may also take steps to ensure that those who are unable to meet the flight charges may be expatriated free

of costs.

10. So also it is submitted that , at present the Government of India has derived a plan for expatriation of the Indian citizens abroad from 07.05.2020 to 13.05.2020 only and therefore Government of India may be directed to make further plans for repatriation of the registered expatriates and submit a statement before this Court.

11. We have evaluated the rival submissions made across the Bar. Apparently, there is a conflict between the SOP issued by the Central and the State Governments with regard to the quarantine to be undertaken by the expatriates arriving in the State of Kerala, however the requisition made made by the State is pending consideration before the Central Government to have parity with the SOP issued by the State Government.

12. In that view of the matter, we think that consideration of such disputed questions at this point of time would only be

detrimental to the steps taken by the Government of India as well as the State Government for repatriation of the Indians stranded abroad. Anyhow, it is submitted before this Court that already the aircrafts have brought forth several expatriates, which includes senior citizens, pregnant women and children and the State Government have taken steps to quarantine them in accordance with the SOP issued. Therefore, it is only appropriate that the writ petition is posted to 12.05.2020 for further statements of the Central as well as the State Governments with respect to the disparity in the matter of quarantine that is to be undertaken by the expatriates.

13. As we have pointed out earlier, the counsel appearing for the petitioners have expressed deficiency in providing medical attention to the expatriates. However, learned Central Government Counsel has submitted that if any deficiency is pointed out to the Nodal Officers, Indian Embassy or any mission of the Government of

India, it will be attended to immediately. It is also submitted that, if any difficulty is faced by any Indian citizens stranded abroad, especially the Gulf countries, and pointed out specifically, the Nodal Officers will be directed to take care of their transportation to the hospitals. It is also submitted that if and when any requisitions are made by any foreign countries for medical attention that will also be taken care of by the Government of India. The said submissions are recorded. In that context, It is submitted by Sri. Renjith B. Marar, counsel appearing in one of the writ petitions that, consequent to the grievance pointed out by the petitioner in his writ petition, Government of India has taken adequate measures to attend to the medical and other requirements of the people stranded in Saudi Arabia. Therefore, we do not think that any directions are required to be issued at this juncture. However, we observe that in case, any expatriate expresses difficulty to pay flight charges and if it is found to be genuine, the embassy and

missions of the Government of India may take steps in co-ordination with other non Government Organizations abroad for the transportation of such persons , If they have secured necessary registration with the appropriate authorities for their repatriation.

13. However, before parting with this order, we request the all concerned that the fundamental right conferred under article 19(1)(d) guarantees the citizens of India to move freely throughout the territory of India, which also means, the guarantee so extended includes the freedom to come back to India and move freely throughout the territory of India. Likewise Article 19(1)(e) guarantees the citizens to reside in any part of the territory of India. However it is significant to note that article 19(1)(g) guarantees the citizens freedom to practice any profession, or to carry on any occupation, trade or business irrespective of the territory of India . Therefore, even though the freedom of movement and residence is confined to the territory of India, the freedom of a citizen to

practice any profession or to carry on any occupation, trade or business has no fetters or barriers. This, in turn, would amplify that the framers of the constitution thought it fit to provide liberty to the citizens to cross the territory of India for venturing their fortunes and to seek a livelihood. But, by virtue of the powers conferred under clauses (5) and (6) of Article 19 of the constitution, the State is empowered to make laws imposing reasonable restrictions on the rights so conferred to the citizens, obviously to protect the public interest. Passport Act is one such law which regulates and controls the travel of Indian citizens abroad, through issuance of passport. Therefore, the freedom to travel outside the territory of India can be said to be reasonably restricted. But, at the same time, so far as the citizens are remaining as Indian citizens abroad, they are entitled to enjoy the fundamental rights guaranteed to them under the constitution and in accordance with the laws, which thus authoritatively means that

the citizens are entitled to return to India, travel through and settle, in any part of the territory of India. Thinking so, the freedom of movement to reach the territory of India cannot be curbed by the State ordinarily and normally. Similarly, Article 21 of the Constitution of India guarantees the citizens' personal liberty to travel abroad and return to India

14. However, we are conscious of the fact that all the commotions have occurred due to the emergent situations of the pandemic – Covid 19. But, now it is quite evident and clear that the Government of India has taken adequate steps to redress the grievances of the expatriates taking into account the prevailing circumstances, in the country , internationally and state specific. We are also hopeful and confident that all possible steps would be taken hereafter also to alleviate their grievances, and further that the Centre and the State would work in tandem to achieve the aim of repatriation and the consequential actions .

Therefore, post the writ petitions on 12.05.2020 for further instructions and statements regarding the future course of action.

SHAJI P. CHALY, JUDGE.

M.R. ANITHA, JUDGE.

Rv