

**IN THE SUPREME COURT OF INDIA**

CIVIL ORIGINAL JURISDICTION

(PUBLIC INTEREST LITIGATION PETITION)

CIVIL WRIT PETITION No.                      OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

**BETWEEN:**

1. Pravasi Legal Cell



Versus

1. Union of India

Through its Secretary,

Ministry of External

Affairs,

South Block, Raisina Hill,

New Delhi- 110011

.....Respondent No. 1

2. Ministry of Home Affairs

Through its Secretary

Ministry of Home Affairs,

North Block, Raisina Hill,

New Delhi- 110011

.....Respondent No. 2

3. Ministry of Health and

Family Welfare

Through its Secretary

'A' Wing, Nirman Bhawan,

New Delhi- 110011

.....Respondent No. 3

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF  
INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF  
MANDAMUS TO DIRECT THE RESPONDENTS TO MAKE  
APPROPRIATE ARRANGEMENT TO RESCUE AND BRING THE  
INDIAN MIGRANTS STRANDED IN GULF COUNTRIES WHO  
ARE LIVING IN VULNERABLE CONDITION IN LABOUR  
ACCOMMODATIONS AND TO TAKE OTHER APPROPRIATE  
MEASURE TO ENSURE THE SAFETY AND WELL BEING OF  
THE MIGRANT WORKERS IN GULF COUNTRIES.

To

The Hon'ble Chief Justice of India

And his Companion Justices of the

Hon'ble Supreme Court of India.

The humble Petition of the  
Petitioners, above named

**MOST RESPECTFULLY SHOWETH:**

1. This Petition in the nature of Public Interest Litigation under Article 32 of the Constitution is being filed by the Petitioners herein seeking a the following directions from this Hon'ble to the Respondents:

- i. To make appropriate arrangement to rescue and bring the Indian migrants stranded in Gulf countries who are living in vulnerable condition in labour accommodations.
- ii. To take appropriate measure to ensure that the migrant workers experiencing symptoms have access to timely testing and medical facilities as absence of same would result in high risk of

transmission owing to the cramped conditions in which they reside

- iii. To take appropriate steps to ensure adequate food, medicines, quarantine and emergency service facilities
- iv. To make appropriate arrangement for free medical consultation and counselling of the migrant labourers through online/ videoconferencing facility with the doctors in India.
- v. To come out with appropriate scheme to ensure financial support for the families of the migrant labourers rendered jobless due to COVID19.

2. The Petitioner is a society registered under the Societies Registration Act, 1860, providing legal services to poor and destitute migrants, which has been approached by a large no. of families of migrant workers in Gulf Countries highlighting their plight in the present

situation. So on behalf of such migrant workers suffering in the Gulf countries, it has approached this Court seeking a relief to such Indians suffering in the Gulf countries. A true copy of the Registration Certificate of the Petitioner Society dt. 19.12.2018 is marked as **ANNEXURE P-1** and annexed herewith at Page Nos. **27**

a) The nature of injury caused or likely to be caused to the public is that the poor migrant workers in Gulf countries are let with no proper remedy and their situation is so worsening day by day. They are very much citizens of India and the Respondents are under constitutional obligation to protect their interest in this extraordinary time which has threatened the very existence of the human race.

b) That the Petitioner has not filed any other Petition on the same subject

matter or seeking similar reliefs either in this Hon'ble Court any High Courts except this present Petition.

- c) That the Petitioner has no personal interest or motive in filing the instant petition but only seeks the intervention of this Hon'ble Court in order to ensure that the poor migrant workers suffering in the Gulf Countries are properly attended to in this extraordinary time.
- d) That the Petitioner is not been involved in any other civil or criminal or revenue litigation which could have any legal nexus with the issues involved in the present writ petition in public interest.
- e) That the Petitioner herein has not moved the concerned government authority for reliefs sought herein, as such, there is no result thereof.

f) To come out with appropriate scheme to ensure financial support for the families of the migrant labours rendered jobless due to COVID19.

3. The Respondent No. 1 is the Union of India, represented by the Ministry of External Affairs, which is the appropriate ministry responsible for the conduct of foreign relations of India.
4. The Respondent No. 2 is the Ministry of Home Affairs, Union of India which is the appropriate Ministry responsible for the for the maintenance of internal security and domestic policy.
5. The Respondent No. 3 is the Ministry of Health and Family Welfare, which is the appropriate ministry charged with health policy in India.

## **FACTS**



6. On 31.12.2019, China reported a cluster of cases of pneumonia in Wuhan, Hubei Province. A novel coronavirus was eventually identified.
7. On 01.02.2020-02.02.2020, Air India operated two special flights for the evacuation efforts which brought back 654 passengers that included 647 Indian citizens. On various dates, the Indian Government has arranged to bring back Indians stranded in various countries due to the lock down and travel ban in wake of the outbreak of the pandemic COVID19. However, till date the Government has not taken any step for rescuing Indian migrant workers stranded in the Gulf in deeply abusive conditions. A true copy of the Press Release dt. 09.03.2020 of the Press Information Bureau, Government of India is marked as **ANNEXURE P-2** and annexed herewith at Page No. **28**.

8. On 11.03.2020, the World Health Organization (WHO) considering the alarming levels of spread and severity, and by the alarming levels of inaction declared COVID-19.
9. That on 19.03.2020, Additional Travel Advisory for Novel Coronavirus Disease (COVID-19) was issued by the Government of India, whereby it was directed that no scheduled international commercial passenger aircraft shall take off from any foreign airport for any airport in India, after 0001 hrs GMT of March 22, 2020 (\*i.e. 0531 hrs Indian Standard Time (IST) of March 22, 2020) till 0001 hrs GMT of March 29, 2020.

It was also directed therein that no incoming scheduled international commercial passenger aircraft shall be allowed to disembark its passengers \*on Indian soil\* (Foreigner or Indian) after 2001 hrs GMT of March 22, 2020 (\*i.e. 0131hrs IST of March 23, 2020). A true copy of the Additional Travel Advisory for

Novel Coronavirus Disease (COVID-19) dt. 19.03.2020 issued by the Government of India is marked as **ANNEXURE P-3** at Page No. **29**.

10. On 24.03.2020, the National Disaster Management Authority (NDMA), in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, issued an Order dated 24.03.2020, directing the Ministries/ Departments of Government of India, and the State/Union Territory Governments and State/ Union Territory Authorities to take effective measures to prevent the spread of COVID-19 in the country.
11. On 26.03.2020, the Government of India extended the closure of Indian Airports for all scheduled international commercial passenger services till 1830 hrs. GMT of April 14, 2020. A true copy of the circular dt. 26.03.2020 issued by the Government of

India is marked as **ANNEXURE P-4** and annexed herewith at Page No. **30**.

12. It is humbly submitted that around 9 million Indians are at present employed in countries in the Gulf countries, a vast majority of who are involved in low-skilled labour, who are going through challenging times and are struggling to meet even their basic needs in dire jobless situation arising out of the COVID pandemic.
13. This trend is dangerous for Indian migrant workers, who in the wake of lockdown in several Gulf states have been quarantined in Labour accommodation camps which are notoriously overcrowded, and lack in adequate water and sanitation meaning that workers are inevitably less able to protect themselves from the virus. Workers' proximity to one another in cramped camps also does not allow for any type of social distancing. A typical Labour accommodation

in the Gulf Countries is home to hundreds of thousands of men, most of whom live in cramped dormitories, often packed eight or 10 to a room, making it extremely difficult to stop the transmission of the virus. Communal kitchens and toilets shared by scores of men are often unsanitary and caked in grime. A true copy of an article titled "*Indian Migrant Workers In Gulf Afraid Of Coronavirus Spread*" dt. 05.03.2020 in The Lede is marked as **ANNEXURE P-5** and annexed herewith at Page Nos. **31** to **34**. A true copy of an article titled "*Lockdown at labor camp in Qatar described as coronavirus prison*" dt. 20.03.2020 in Arab News is marked as **ANNEXURE P-6** and annexed herewith at Page Nos. **35** to **37**. A true copy of an article titled "*Covid-19 lockdown turns Qatar's largest migrant camp into 'virtual prison'*" dt. 20.03.2020 in The Guardian is marked as **ANNEXURE P-7** and annexed herewith at Page

Nos. **38** to **41**. A true copy of an article titled "*India Cannot Forget its Migrant Workers Stranded in the Gulf*" dt. 01.04.2020 in The Wire is marked as **ANNEXURE P-8** and annexed herewith at Page Nos. **42** to **45**. A true copy of an article titled "*Covid-19: The situation for migrant workers is worsening*" dt. 06.04.2020 in International Observatory is marked as **ANNEXURE P-9** and annexed herewith at Page Nos. **46** to **49**. A true copy of an article titled "*COVID-19 Positive Migrants In UAE Get No Medical Help*" dt. 08.04.2020 in The Lede is marked as **ANNEXURE P-10** and annexed herewith at Page Nos. **50** to **55**. A true copy of an article titled "*COVID-19 Positive Indian In Dubai Denied Hospital Treatment*" dt. 09.04.2020 in The Lede is marked as **ANNEXURE P-11** and annexed herewith at Page Nos. **56** to **59**.

14. It is also pertinent to note that the Chief Minister of Kerala and other Members of

Parliament from Kerala have urged the Prime Minister and the External Affairs Minister to take appropriate measures urgently to ensure adequate food, medicines, quarantine and emergency service facilities are made available to the Indian diaspora in the Gulf countries. A true copy of the letter written by the Chief Minister of Kerala dt. 09.04.2020 is marked as **ANNEXURE P-12** and annexed herewith at Page No. **60**. A true copy of letters written by the Members of Parliament of Kerala dt. 08.04.2020 is marked as **ANNEXURE P-13 (Colly)** and annexed herewith at Page Nos. **61** to **63**.

15. The Petitioner has no other equally efficacious remedy except to approach this Hon'ble Court by way of present Writ Petition. All annexures annexed to the Writ Petition are true copies of their respective originals.

16. Thus being aggrieved, the Petitioners with leave of this Hon'ble Court are filing the

present writ petition under Article 32 of the Constitution of India on inter-alia the following grounds:

#### **GROUND**

- A. BECAUSE around 9 million Indians are at present employed in countries in the Gulf countries, a vast majority of who are involved in low-skilled labour, who are going through challenging times and are struggling to meet even their basic needs in dire jobless situation arising out of the COVID pandemic
- B. BECAUSE although the number and nationalities of infected migrant workers has not yet been declared, Qatar confirmed that a disproportionate majority of the people diagnosed with COVID-19 are migrant workers. It is also worrying fact that Qatar's largest labour camp for migrant workers has become a virtual prison and is in total lockdown after hundreds of construction workers became infected with Covid-19.



C. BECAUSE the life of Indian migrant workers are in danger, who in the wake of lockdown in several Gulf states have been quarantined in Labour accommodation camps which are notoriously overcrowded, and lack in adequate water and sanitation meaning that workers are inevitably less able to protect themselves from the virus. Workers' proximity to one another in cramped camps also does not allow for any type of social distancing. A typical Labour accommodation in the Gulf Countries is home to hundreds of thousands of men, most of whom live in cramped dormitories, often packed eight or 10 to a room, making it extremely difficult to stop the transmission of the virus. Communal kitchens and toilets shared by scores of men are often unsanitary and caked in grime.

D. BECAUSE the migrant workers in the Gulf countries are being denied treatment in the Hospitals even after testing positive for

COVID 19 and are told to stay back in their house or camps itself. This is because the number of patients who are getting infected is going up, there is a shortage of beds in government hospitals so first preference is given to their own citizens. It is also unaffordable for the migrant workers to go to a private hospital, due to the high cost of treatment. So the workers who are even tested positive, stay back in rooms to avoid a hospital bill.

E. BECAUSE the<sup>A</sup> flagrant<sup>U</sup> violation of migrant workers' rights in the Gulf states has been documented extensively. In most of the cases, the passports and other documents of the poor migrant workers are confiscated by the employers/sponsorers on arrival in the country due to which the migrant labours are rendered stateless in absence of the documents and left to suffer in this situation.

F. BECAUSE this Hon'ble Court in the case of *In Francis Coralie Mullin v Union Territory of Delhi (1981) 1SCC608* held as under:

"6. The fundamental Right to life which is the most precious human right and which forms the ark of all other rights must therefore be interpreted in a broad and expansive spirit so as to invest it with significance and validity which may endure for years to come and enhance the dignity of the individual and the worth of the human person...

7. The right to life enshrined in Article 21 cannot be restricted to mere animal existence. It means something much more than just physical survival..... Every limb or faculty through which life is enjoyed is thus protected by Article 21 and a fortiori, this would include the faculties of thinking and feeling. Now deprivation which is inhibited by Article may be total or partially neither any limb or faculty can be totally destroyed nor

can it be partially damaged. Moreover it is every kind of deprivation that is hit by Article 21, whether such deprivation be permanent or temporary and, furthermore, deprivation is not an act which is complete once and for all: it is a continuing act and so long as it lasts, it must be in accordance with procedure established by law. Therefore any act which damages or injures or interferes with the use of any limb or faculty of a person either permanently or even temporarily, would be within the inhibition of Article 21.

8. ....We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing one-self in diverse forms, freely moving about and mixing and commingling with fellow human beings. Of course, the magnitude and content

*of the components of this right would depend upon the extent of the economic development of the country, but it must, in any view of the matter, include the right to the basic necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human-self. Every act which offends against or impairs human dignity would constitute deprivation protanto of this right to live and it would have to be in accordance with reasonable, fair and just procedure established by law which stands the test of other fundamental rights"*

G.BECAUSE the Migrant workers are very much citizens of India and the Respondents are under constitutional obligation to protect their interest in this extraordinary time which has threatened the very existence of the human race. In *M. Nagraj v. Union of India*, (2006) 8SCC212, a Constitution Bench of this Hon'ble Court affirmed the inalienability of

human dignity to all humans, its axiomatic importance to all human life, and the responsibilities of the State to facilitate it:

*"26. The rights, liberties and freedoms of the individual are not only to be protected against the State, they should be facilitated by it... It is the duty of the State not only to protect the human dignity but to facilitate it by taking positive steps in that direction. No exact definition of human dignity exists. It refers to the intrinsic value of every human being, which is to be respected. It cannot be taken away. It cannot give. It simply is. Every human being has dignity by virtue of his existence..."*

**PRAYER**

In view of the facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i) To make appropriate arrangement to rescue and bring the Indian migrants stranded in Gulf countries who are living in vulnerable condition in labour accommodations.
- ii) To take appropriate measure to ensure that the migrant workers experiencing symptoms have access to timely testing and medical facilities as absence of same would result in high risk of transmission owing to the cramped conditions in which they reside
- iii) To take appropriate steps to ensure adequate food, medicines, quarantine and emergency service facilities.
- iv) To make appropriate arrangement for free medical consultation and counselling of the migrant labourers through online/

videoconferencing facility with the doctors in India.

- v) To come out with appropriate scheme to ensure financial support for the families of the migrant labours rendered jobless due to COVID19.
- vi) Pass any other suitable order/s as this Hon'ble Court may deem fit and necessary in light of the facts and circumstances of the case and in the interest of justice.

**Live**  
**Law.in**  
ALL ABOUT LAW

Filed by:

(Jose Abraham)

Advocate for the Petitioners

Place: New Delhi

Dated: 10.04.2020



## IN THE SUPREME COURT OF INDIA

## CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF:

Pravasi Legal Cell

... Petitioner

Versus

Union of India &amp; Ors.

... Respondents

AFFIDAVIT

1. That I am the Secretary of the Petitioner No. 1 in the above said Writ Petition (Civil) and I am well and as such am fully conversant with the facts and circumstances of the case and hence competent to swear this affidavit.
2. That I have read the contents of the Synopsis and list of dates on Pages B to L of the Writ Petition as well as the contents of the PIL in paragraph 1 to 16 at Pages 1 to 26 and accompanying applications. I further state that the contents thereof are true and correct to my knowledge and belief.
3. That the petitioner has not filed any other or similar petition before this Hon'ble Court. There is no personal gain, private motive or oblige reason in filing the PIL.

4. That the annexures to the petition/application are true and correct copies of the respective originals.
5. That I have read the contents of this affidavit and I state that the contents thereof are true and correct to my knowledge.

[REDACTED]  
DEPONENT

VERIFICATION

Verified at Delhi on this 10<sup>TH</sup> day of April 2020 and state that the contents above stated are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

[REDACTED]  
DEPONENT