

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ PETITION (C.) NO. _____ / 2020

(Writ Petition under Article 32 of The Constitution Of India)

In Re:

Live Petitioner
Versus **Law.in**
ABOUT LAW

Union of India through Secretary,
Ministry of Social Justice & Empowerment Respondent
Room no. 202, 2nd floor C-wing,
Shastri Bhawan, New Delhi- 110001

And

Department of Food & Public Distribution,
Krishi Bhawan, Rafi Marg,
Connaught Place, New Delhi.

To,

Hon'ble the Chief Justice of India

and His Companion Justices of

The Supreme Court of India;

The humble petition of the Petitioner above–named

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is filing this Writ Petition in public interest under Article 32 read with Article 14, 15 & 21 of the Constitution of India.
2. That, the Petitioner is constrained to file this Writ Petition before the Hon'ble Supreme Court of India as relief(s) have been claimed to Central Government due to epidemic of COVID 19 and nationwide lock-down for which this Hon'ble Court only has the jurisdiction.
3. That, the Petitioner is constrained to file the above Writ Petition before this Hon'ble Court as it has no other efficacious remedy.
- 4.
5. The Petitioner has no personal gain, private motive or oblique reason in filing the present writ petition.



6. The Petitioner states that no civil, criminal or revenue litigation involving the Petitioner or which has or could have a legal nexus with the issue involve in the present writ petition.
7. That, the Petitioner is citizen of India and filing the present writ petition for the common cause and the benefits of the society at large. The Petitioner has been taking up public causes through various petitions before the Courts and before authorities by way of applications under Right to Information Act, 2002.
8. There is violation of Articles 14, 15 & 21 of the Constitution of India.
9. That the Petitioner states that he has not approached any of the court (s) earlier for the relief sought in this petition.
10. That the Petitioner has not filed any similar petition previously before this Hon'ble Court or before any High Court except sending the same petition as a letter petition to this Hon'ble Court on its' email id "mention.sc@sci.nic.in".
11. The injuries caused to society when some of the States / Union Territories have been denying food grains and other benefits scheme to the migrant laborers / employees / citizens of another States/ UTs due to absence of scheme of One Nation One Ration Card and their fundamental rights are infringed.
12. The petitioner seeks indulgence of this Hon'ble Court to protect and safeguard right of migrant laborers /beneficiaries / citizens of other States/ UT/ tourists to get their entitlement of subsidized food-grains and benefits of government scheme etc introduced during the

epidemic of Corona and nationwide lockdown in the State / UTs even if they are not in their respective home State / Union Territory by way of a mandamus to the concerned Authorities/ Department/ Governments to temporarily adopt One Nation One Umbrella Policy during the epidemic of corona due to absence of scheme of One Nation One Ration Card.

13. The petitioner/ applicant also seeks indulgence of this Hon'ble Court to ensure the food, temporary shelter and medical aid to the said migrants laborers/ employees / citizens who are locked in their rented premises or in transit / Roads/ National Highways & to ensure that the poor do not go hungry irrespective of local identity cards or without having any identity cards.
14. There are huge numbers of migrant laborers / employees/ businessman/ daily wagers/ tourists / citizens of other States/ UTs etc who couldn't reach at their residence in their respective State / Union Territory and have been facing hunger due to nationwide lockdown. The said laborers/ employees are locked/ remained in another States / Union Territories and not getting any benefits of government scheme including subsidized grains, food, shelter and medical facilities (Except Corona Treatment). The maximum States and Union Territories have been giving preferences to its' respective citizens and voters and denying benefits of subsidized grains / foods / shelter/ Medical facilities to said migrants laborers / employees/ tourists / citizens of other states/ UTs due to absence of local identity proof i.e. Ration card / residential proof / voter card etc even during

the unprecedented nationwide lockdown due to epidemic of COVID 19.

15. The scheme of “One Nation One Ration Card (ONORC)” announced by Central Government which was about to start in the month of June, 2020. Due to lack of scheme of One Nation One Ration Card and another policy / circular / notification by Central Government to protect the rights of laborers / employees/ small businessman / daily wagers / tourists etc, in regard to protect the lives and health of above-said section. The said section of the society has not been getting benefits of schemes of Central Government and State Governments including subsidized food grains, shelter and medical facilities (Except Corona Treatment).
16. Article 21 of the Indian Constitution recognizes every individual's right to life and liberty, which also includes the right to life, life with dignity and health as held by the Hon'ble Supreme Court in various cases. The Supreme Court has also held that the maintenance and improvement of public health have to rank high amongst the State's obligations, as these are indispensable to the very existence of the community.
17. Under the constitutionally guaranteed right to life, the Indian Government as well as State Governments have to adopt the scheme of 'One Nation One Umbrella' without any discrimination and to save human lives without knowing the nationality / identity or name of the State/ UT.

18. India is also a signatory to various international instruments that strengthen its commitment to ensuring the highest attainable standard of life & health for its people. Therefore, the Indian Government and State Governments have a duty to save the life of every human irrespective of nationality or place of birth/ residence etc. To protect the life and health of citizens, the Central Governments should temporarily adopt the scheme of One Nation One Umbrella which says protection of all human of country in all States / UTs.
19. Unfortunately, due to absence of scheme of 'One Nation One Rshan Card', this Writ Petition is being filed before this Hon'ble Court which needs urgent hearing during the present epidemic and nation lock down.
20. The petitioner seeks permission to exempt the attested / affirmed affidavit, hard / photocopies of paper books (3+1) of Writ Petition and deficit court fee (if any) in the prevailing circumstances as the matter is urgent and need urgent hearing. The petitioner is also agree for hearing of the present writ petition through video conferencing .

PRAYER

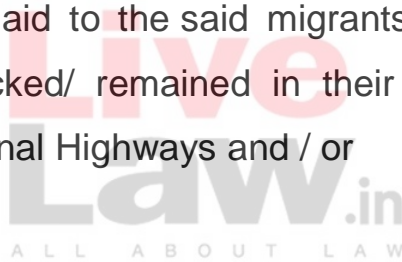
It is, therefore, most respectfully prayed that your lordships may be pleased to allow this Writ Petition and may further be pleased:-

- (i) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondents to protect and safeguard right of migrant laborers / beneficiaries to get their entitlement of

subsidized food-grains and benefit schemes in the respective State even if they are in other State / Union Territory etc during the epidemic of Corona and nationwide lockdown; and/or

(ii) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent to the concerned Authorities/ Department/ Governments to temporarily adopt the scheme 'One Nation One Umbrella' during the epidemic of corona due to absence of scheme of One Nation One Ration Card and/or

(iii) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent to ensure the food, temporary shelter and medical aid to the said migrants laborers/ employees / citizens who are locked/ remained in their rented premises or in transit / Roads/ National Highways and / or



(iv) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent to ensure that the poor do not go hungry irrespective of local identity cards or without having any identity cards : and / or

(v) to issue an appropriate Writ, order or direction in the nature of Mandamus directing the respondent to allows the beneficiary to access food grains that they are entitled to under the National Food

Security Act (NFSA), 2013, from any fair-price shop in the country and / or

(vi) to pass such other Writ (s), order (s) or direction(s) as is deemed fit and proper in the premises of the case, which is not specifically prayed for hereinabove.

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.

Drawn by

Reepak Kansal

Draft on: 15.04.20

Filed on: 16.04.20



Filed By:

Advocate of Petitioner/ AOR

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) No. _____/2020

IN THE MATTER OF:

Reepak Kansal

...Petitioner

Versus

Union of India

...Respondent.

AFFIDAVIT

- 1 I am Petitioner in the aforesaid matter and I am fully conversant with the facts and circumstances of the case.
- 2 The contents of synopsis and list of dates from pages B to F, Writ Petition from pages 1 to 10, and paper -book has total 24 pages have understood by me and I say that the facts mentioned therein are true to my personal knowledge and belief.
- 3 The Petitioner has no personal gain, private motive or oblique reason in filing the present Writ Petition.
- 4 The petitioner is unable to file attested / affirmed affidavit, hard / photocopies of paper books (3+1) of Writ Petition in the present circumstances and undertake to deposit deficit court fee (if any).

Deponent

Verification

Verified at Delhi on this 16th April, 2020 that the contents of the paragraphs in the above affidavit from para 1 to 4 are true and correct to my knowledge and belief. Nothing is false and nothing material has been concealed there from.

Deponent



APPENDIX

The Constitution Of India 1949

Article 14

Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

ARTICLE 15

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to

(a) access to shops, public restaurants, hotels and palaces of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public

(3) Nothing in this article shall prevent the State from making any special provision for women and children

(4) Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes

Art 21.

Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law