

**BEFORE THE HON'BLE HIGH COURT OF KARNATAKA
AT BENGALURU**

W.P. No 6435/ 2020 (PIL) and clubbed matters

Between:

Mohammed Arif Jameel and Anr.

... Petitioner

And:

Union of India and Ors.

... Respondents

MEMO FOR URGENT HEARING

It is respectfully submitted as follows:

1. The All India Central Council of Trade Unions has filed application in regard to the transportation of inter-state migrant workers to their Home States, and intra-state migrant workers to their home districts. On 05.05.2020, this Hon'ble Court was pleased to pass orders, inert alia, as follows:

"31. The State Government must place on record in what manner they will facilitate the traveling of migrant workers outside the State and also a policy decision taken by the State Government as regards the cost of traveling. The State Government must also ensure that this process must be conducted smoothly by ensuring that the migrant workers who wish to move outside get proper assistance in terms of the procedure for Registration. The State Government must ensure that the entire process is smoothly conducted so that the migrant workers do not commit breach of the rules of social distancing. The State Government must also place on record whether the process of screening of the migrant workers who wish to travel outside the State is being undertaken.

...

37. Interlocutory Application has been filed by the learned counsel for All India Central Council of Trade Unions (AICCTU) raising the issue of

facilitating the return of migrant workers to their respective homes. The State Government will respond to the Interlocutory Application, which will be considered on the next date, which is 12th May, 2020."

2. It was reported late last night that the State Government has decided to cancel all trains that were to transport migrant workers to their home town hours after it held a meeting with the representatives of Confederation of Real Estate Developers Associations of India (CREDAI). The said article relies upon a communication dated 05.05.2020 issued by the State Nodal Officer, Migrants to the General Manager, South Western Railways stating that train services are not required from today (06.05.2020). The newsreport appearing in "The Quint" at 10.35 p.m. last night and the communication dated 05.05.2020 are placed as **Annexure – 1** and **Annexure – 2** respectively.
3. It is submitted that the stand of the State Government is in violation of the fundamental rights of the workers protected under Article 19(1)(d) and Article 14 of the Constitution.
4. It is submitted that stranded migrant workers across the State have expressed their desire to return home. The Deccan Herald report dated 05.05.2020 titled "*With restrictions eased, lakhs of migrants clamour to leave city*" reports that nearly all of the 2.08 lakh surveyed migrant workers seek to leave the city. The article appearing in Deccan Herald dated 05.05.2020 is placed as **Annexure – 3**.
5. It is submitted that over 5,000 workers had started walking from various places towards freedom park, some of them walking for over 50 kms. Bangalore Mirror report dated 05.05.2020 titled "*Even after 40 plus days of hard lockdown, it looks like Karnataka government has no plan B*" reported that 5000 migrant workers sought to return to their home state. Workers are reported as having walked from Jigani to City railway station, and then to Freedom Park. Then they were taken in busses to Bangalore International Exhibition Centre. Frustrated by the lack of clarity, and being transported like cargo, the workers decided to protest. The article appearing in Bangalore Mirror dated 05.05.2020 is placed as **Annexure – 4**. Further, the Deccan Herald Report dated 05.05.2020 titled "Coronavirus lockdown: Cops injured as

migrants turn violent in Bengaluru” quotes police as saying that “*Thousands of them initially had come to Chikkabanavara Railway Station where transport facilities were made to reach Rajasthan. Later, hoping to get transport, many moved to Krantiveera Sangolli Rayanna railway station. However, when a few people claiming to be volunteers asked them to go to BIEC, saying transport arrangements will be made from there, workers walked all the way to BIEC.*”

It is reported that tired labourers lost their cool when there was no one to listen to their plight at the BIEC; worse, there was hardly anything to eat or drink. The article appearing in Deccan Herald dated 05.05.2020 is placed as

Annexure – 5.

6. It is submitted that the Hindu dated 06.05.2020 has reported that those workers who were taken to the Bangalore International Exhibition Centre with the promise of being sent back to their home state were all sent back to their homes in Bangalore. It is reported that these persons had all registered on the online portal. The article appearing in the Hindu dated 06.05.2020 is placed as **Annexure – 6.**
7. It is submitted that Deccan Herald report dated 05.05.2020 titled ‘Labourers seeking pay ‘stone’ patrol cars, ‘assault’ cops’ reports that on 02.05.2020, labourers from various states in a labour camp on Bellary road who had not been paid for one and a half months, had not been provided with essential items and had not been provided transport home were fighting with their supervisors. The report stated that police asked the supervisors to pay the labourers but were told not to interfere in an “internal matter”. The article appearing in Deccan Herald dated 05.05.2020 is placed as **Annexure - 7.**
8. It is submitted that on 05.05.2020 members of the All India Central Council of Trade Unions visited the Bangalore International Exhibition Centre and spoke to several of the workers. The workers expressed that they wished to return to their home states and some had walked over 50 kms to arrive here. They said that they had no homes to return to in Bengaluru since they had not been able to pay their rent and they had not received any wages since 24th March, 2020. They also said that throughout this entire period, they were not

provided food or ration properly and lived in extremely vulnerable conditions. They repeatedly said that they wanted to return to their home states.

9. In view of the above, and the grave consequences that this has on the migrant workers desirous to return to their home States, it is humbly prayed that this Hon'ble Court may be pleased to order that this Application be taken up tomorrow (07.05.2020) in the interests of justice and equity.

Place: Bangalore

Date: 06.05.2020

Advocate for Applicant