



National Campaign Against Torture

[A platform for action of the NGOs committed to stamp out torture in India]

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INDIA'S COVID-19 LOCKDOWN:

Unprovoked Police Beating, Unwarranted Deaths & Uninterrupted Repression

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1. EXECUTIVE SUMMARY

At 8 pm on 24 March 2020, Prime Minister Narendra Modi announced a nationwide lockdown for 21 days effective from 00 hrs of 25 March to combat spread of the COVID-19 pandemic in India. Since then, the lockdown was extended for the fourth time till 31 May and thereafter, lockdown restrictions are gradually been eased. This report examines human rights violations by the State during the lockdown from 25 March to 31 May 2020.

In the best case scenario, locking down 1.35 billion populations for 21 days is bound to create myriad problems. Since the lockdown was announced at 8 pm, when India had effectively shut most of the shops in the country, to be effective after four hours into the mid night, people hardly got any time to prepare themselves and these myriad problems are bound to turn into massive humanitarian crisis. Neither the Central government of India nor the State governments were ready to deal with the real life problems of the populations, which included 453.6 million¹ migrant workers as per 2011 census, not to mention about 71.35 million people living in "extreme poverty"² i.e. hand to mouth as per

estimates of the World Bank in 2018. Absence of food, shelter and opportunity to work because of the lockdown created enormous suffering. The Supreme Court in its order dated 9 June 2020 noted, "*The society as a whole was moved by miseries and difficulties of migrant labourers*".³ The said statement can still be described as understatement of facts.

In the 68 days of nationwide lockdown from 25 March to 31 May, the over zealous police across the country unleashed violence on people while enforcing the lockdown, some of which were widely reported on social media and news media. The victims included not only common people but also doctors and other frontline workers, journalists, migrant workers heading homes, women and children, sick, elderly, etc. Besides, thousands of people were arrested for lockdown violation across the country. In West Bengal and Maharashtra alone, 59,445 persons were arrested for alleged lockdown violation from 25 March 2020 to 6 May 2020.

The National Campaign against Torture (NCAT) examined 117 cases of reports/videos of police brutality as reported in the media, in which at least 260 persons were subjected to arbitrary beating,

¹. India on the move: What data from Census 2011 show on migrations, The Indian Express, 26 July 2020, <https://indianexpress.com/article/explained/india-on-the-move-what-data-from-census-2011-show-on-migrations-5852540/>

². World Bank reports drop in number of people living in extreme poverty in India, but worldwide figures give cause for concern, First Post, 27 June 2018, [https://www.firstpost.com/india/world-](https://www.firstpost.com/india/world-bank-reports-drop-in-number-of-people-living-in-extreme-poverty-in-india-but-worldwide-figures-give-cause-for-concern-4607641.html)

[bank-reports-drop-in-number-of-people-living-in-extreme-poverty-in-india-but-worldwide-figures-give-cause-for-concern-4607641.html](https://www.firstpost.com/india/world-bank-reports-drop-in-number-of-people-living-in-extreme-poverty-in-india-but-worldwide-figures-give-cause-for-concern-4607641.html)

³. SUO MOTU WRIT PETITION (CIVIL) No(s).6/2020 IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS



torture and ill-treatment, arrest and detention across the country. The number of victims of police brutality could be much higher as not all cases including those beaten in groups were included in this report, while many cases were not reported in the media.

There were reports of death of at least 17 persons due to alleged beating by police. Uttar Pradesh and Maharashtra reported the highest number of deaths with three persons each; followed by Andhra Pradesh, Madhya Pradesh and Tamil Nadu (2 deaths each); Gujarat, Punjab, West Bengal, Delhi and Jharkhand (1 death each).

The Government of India which declared national lockdown failed to ensure the right to life and liberty, the right to freedom of movement to return home with safety and dignity as guaranteed under Article 14 relating to the right to equality, Article 19(1) relating to freedom of movement and Article 21 relating to the right to life of the Constitution of India and Section 12 of the Disaster Management Act, 2005⁴ during 24 March to 31 May 2020. At least 231 migrant workers had died while try to

4. 12. Guidelines for minimum standards of relief.—The National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include,— (i) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation; (ii) the special provisions to be made for widows and orphans; 9 (iii) ex gratia assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood; (iv) such other relief as may be necessary.

return home to escape the situation arising out of the lockdown.

At least 150 migrant workers were killed in road accidents, forest fire, due to exhaustion or illness or negligence in relief camps etc in various states while trying to return home, mostly on foot in the absence of transport. Uttar Pradesh reported the highest death of migrant workers with 66, followed by Maharashtra (23 deaths), Telangana (19 deaths), Bihar and Madhya Pradesh (9 deaths each), Haryana and Chhattisgarh (5 deaths each), Tamil Nadu (4 deaths), Odisha and Jammu & Kashmir (3 deaths each), Gujarat, Uttarakhand, Andhra Pradesh and Jharkhand (1 death each).

About 81 migrant workers died on board the Shramik trains between May 9 and May 27 due to extreme heat, hunger and dehydration while returning home on these trains.⁵

Rather, discriminatory approach marked the policy of the State. On 16 May 2020, Prime Minister Narendra Modi announced “*an ex-gratia of Rs 2 lakh each for the next of kin of those who lost their lives and Rs 50,000 each for the injured due to the unfortunate accident in Auraiya, Uttar Pradesh from the Prime Minister’s National Relief Fund*” but those who died in similar accidents were not given any relief.

5. Railway Protection Force reports 80 deaths on Shramik trains, The Hindustan Times, 30 May 2020, <https://www.hindustantimes.com/india-news/railway-protection-force-reports-80-deaths-on-shramik-trains/story-psl3EenY4B0uUYMRvkChL.html>



Medical professionals and other frontline workers faced two pronged attacks. They faced repression of the State for demanding PPEs and other safety equipments and exposing the shortcomings of the government interventions. At least three doctors were detained, one of them suspended, for exposing the lack of protective equipment for doctors treating COVID-19 patients and show cause notice was issued to another doctor. While at least eight doctors and five health workers were subjected to beating by police including in custody. On the other hand, medical workers and other frontline staff faced ill-treatment, violence and social stigmatisation for the alleged fear of spreading COVID-19.⁶

Various State governments took the COVID-19 crisis as cover to clamp down and arrest the journalists who acted as messengers by risking their lives to convey the news of various alleged mismanagement, deficiencies, corruption, hunger of the migrant workers/impoverished citizens, lack of adequate PPE for doctors at hospitals, etc. A total of 53 journalists faced arrest, registration of FIRs, summons or show causes notices, physical assaults, alleged destruction of properties in retaliation and illegal confinement for reportage during the national lockdown. The highest number of attacks in the media persons was reported from Uttar Pradesh (10 journalists),

⁶. Those in white coats like gods: PM Modi appeals India to respect medical staff during coronavirus crisis, India Today, 25 March 2020, <https://www.indiatoday.in/india/story/those-in-white-coats-like-gods-pm-modi-appeals-india-to-respect-medical-staff-during-coronavirus-crisis-1659636-2020-03-25>

followed by Jammu & Kashmir (6 journalists), Himachal Pradesh (5), four each in Tamil Nadu, West Bengal, Odisha, Maharashtra, two each in Punjab, Delhi, Madhya Pradesh & Kerala and one each in Andaman & Nicobar Islands, Assam, Bihar, Chhattisgarh, Gujarat, Karnataka, Nagaland and Telangana.

During the lockdown, there was no let up on repression of the human rights activists, opposition political leaders and critics of the Government. In Delhi, the police continued to clamp down, especially on the students leaders from Jamia Millia Islamia University and Jawaharlal Nehru University, who had exercised their democratic rights to protest against the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC) and related violent incidents that took place Delhi prior to the lockdown. Those arrested included 27-year-old pregnant Safoora Zargar, a research scholar from Jamia Millia Islamia under the Unlawful Activities Prevention Act (UAPA) for her alleged role in an anti-CAA protest,⁷ and two activists of Pinjra Tod (Break the Cage) group identified as Devangana Kalita and Natasha Narwal, students of the

⁷. Pregnant Jamia student in jail for three weeks, family says believe in judiciary, The Indian Express, 8 May 2020, <https://indianexpress.com/article/india/pregnant-jamia-student-in-jail-for-3-weeks-family-says-believe-in-judiciary-6395952/>; also see, Delhi violence: Jamia student arrested in connection with CAA protests at Jaffrabad in February, Scroll.in, 12 April 2020, <https://scroll.in/latest/958965/delhi-violence-jamia-student-arrested-in-connection-with-cao-protests-at-jaffrabad-in-february>



Jawaharlal Nehru University⁸ who were arrested under the UAPA after the Courts granted bail for the alleged offences under the Indian Penal Code⁹ and it becomes obvious that the UAPA was slapped with the sole aim to deny bail.

In such a pandemic where gross violations of human rights took place, the role of the judiciary was critical. The Supreme Court raised hope after registering letter of Ms Mahua Moitra, Member of Parliament dated 31.03.2020 highlighting the plight of migrant workers and seeking interventions to prevent people perishing from starvation and hundreds of thousands of people facing the risk of contracting and spreading the COVID-19 virus.¹⁰ However, the Supreme Court dismissed the petition on April 13

without giving any reason¹¹ and thereafter, it has been a slippery slope.

The Supreme Court finally issued *suo motu* notice on 26 May i.e. after 63 days of the lockdown when as per the submission of the Solicitor General before the Supreme Court 9.1 million migrant workers, 5 million in Shramik trains and about 4.1 million by road transport, had returned home from 01.05.2020 to 27.05.2020. Prior to this period, hundreds of thousands of migrant workers had returned home between 25 March and 30 April 2020.¹² All these people were effectively denied the protection of the Supreme Court which issued directions only on 28.06.2020.

A number of High Courts, being constitutional Courts, took cognizance of violations of fundamental rights of migrant workers. Without the High Court intervening, it would have caused far more damages to lives and liberties of the people, mostly the poor and the downtrodden.

⁸. Delhi Police Arrest Two Young Women Activists from Pinjra Tod for Anti-CAA Protest, The Wire, 24 May 2020, <https://thewire.in/rights/pinjra-tod-arrest-delhi-police-jafrabad>

⁹. "Pinjra Tod" activists arrested in another case, sent to police custody, Outlook, 24 May 2020, <https://www.outlookindia.com/newscroll/all-states-except-andhra-bengal-to-resume-flights-on-monday/1844959?scroll>; also see, Pinjra Tod : Delhi Court Extends Police Custody, Livelaw, 27 May 2020, <https://www.livelaw.in/news-updates/pinjra-tod-delhi-court-extends-police-custody-of-activists-by-two-more-days-157368>

¹⁰. See letter of Mahua Moitra at https://twitter.com/MahuaMoitra/status/1245397521809080320?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1245397521809080320&ref_url=https%3A%2F%2Fthewire.in%2Ffla-w%2Fisc-issues-notice-in-suo-motu-case-on-migrant-workers-conditions

¹¹. See order in Mahua Moitra v. Union of India Writ Petition (Civil) No.470/2020

<https://indiankanoon.org/doc/102977254/>

¹². See order dated 28.06.2020 in SUO MOTU WRIT PETITION (CIVIL) No(s).6/2020 IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS

2. ARREST, TORTURE AND DEATHS AT THE HANDS OF POLICE

The National Campaign Against Torture (NCAT) monitored the incidents of police brutality during the nationwide COVID-19 lockdown from 25 March 2020 to 31 May 2020. There were several reports/videos of police brutality but the NCAT examined 117 cases of reports/videos of police brutality. In these 117 case studies, the NCAT found that at least 17 persons died due to alleged beating by police and at least 260 persons, which included doctors and other frontline workers, migrant workers, journalists, lawyers, elderly, physically-challenged, women, including pregnant, and children were subjected to arbitrary beating, torture and ill-treatment, arrest and detention across the country. The number of victims of police brutality could be much higher as not all cases including those beaten in groups were included in this report, while many cases were not reported.

Besides, thousands of people were arrested for lockdown violation across the country. On 5 May 2020, West Bengal Police stated that a total of 40,723 persons were arrested and 3,614 vehicles were seized for lockdown violation in the State from 25 March to 5 May 2020.¹³ In Maharashtra, 18,722 persons were arrested for lockdown violation as on 6 May 2020.¹⁴ There are reasons to believe that many of the arrested persons were subjected to beating.

¹³. 40,000 Arrested Since March 25 For Lockdown Violation In Bengal: Police, NDTV, 6 May 2020, <https://www.ndtv.com/india-news/coronavirus-lockdown-40-000-arrested-since-march-25-for-lockdown-violation-in-bengal-police-2223968>

¹⁴. Over 18,000 Arrested In Maharashtra For Lockdown Violation: Anil Deshmukh, NDTV, 7 May 2020, <https://www.ndtv.com/india-news/coronavirus-news-over-18-000-arrested-in-maharashtra-for-lockdown-violation-says-anil-deshmukh-2224550>

2.1 Deaths due to alleged police beating

At least 17 persons died due to alleged beating by police across the country. Of these, three deceased persons committed suicide unable to bear the torture and humiliation. Two died while trying to flee out of fear of the police. In the remaining 12 deaths, there were allegations of police brutality. The highest number of death was reported from Uttar Pradesh and Maharashtra (3 each), followed by Andhra Pradesh, Madhya Pradesh and Tamil Nadu (2 each), West Bengal, Delhi, Jharkhand, Gujarat and Punjab (1 each).

Case 1: Death of Lal Swami, West Bengal

On 25 March 2020, Lal Swami (32 years) died after he was allegedly beaten by the police while out to buy milk during the nationwide coronavirus lockdown in Banipur locality in Howrah district, West Bengal. The deceased's wife alleged that her husband was among the crowd that the police baton-charged. Injured Lal Swami was taken to a local hospital where doctors pronounced his death.¹⁵

Case 2: Death of Niresh Shinde, Maharashtra

On 27 March 2020, Naresh Shinde (50 years), an ambulance driver, died after he was allegedly hit hard on the back with a *lathi* by a policeman on duty at Talegaon phata on the Mumbai-Pune highway in Maharashtra. The deceased's son Nilesh Shinde alleged that his father died due to

¹⁵. Covid-19 lockdown: Man out to buy milk in West Bengal beaten up by police, dies, claims family, The Scroll. 26 March 2020, <https://scroll.in/latest/957298/covid-19-lockdown-man-out-to-buy-milk-in-west-bengal-beaten-up-by-police-dies-claims-family>



the police beating. An inquiry was ordered into the allegations.¹⁶

Case 3: Death of Raju Velu Devendra, Maharashtra

On 30 March 2020, Raju Velu Devendra (22 years) died due to alleged police beating at Nehru Nagar locality of Vile Parle (East), Mumbai in Maharashtra. The deceased brother identified as Shankar alleged that Raju was beaten to death by police after he was found outdoors during the lockdown. However, the police denied the allegation.¹⁷

Case 4: Death of Roshan Lal, Uttar Pradesh

On 31 March 2020, Roshan Lal (22 years), a Dalit migrant worker, committed suicide after he was allegedly beaten by a police constable identified as Anoop Kumar Singh at a quarantine centre in Lakhimpur Kheri district, Uttar Pradesh. Roshan Lal recorded two audio clips, in which he alleged that he was brutally beaten up by a constable in public for defying the quarantine guidelines, which prompted him to end his life. The deceased, who was working as an

electrician in Haryana, had returned to his village on 29 March and was kept in a local school under quarantine by officials.¹⁸

Case 5: Death of Srinivas, Andhra Pradesh

On 1 April 2020, Srinivas, a resident of Kaikaluru in Krishna district of Andhra Pradesh committed suicide allegedly unable to bear the torture in police custody in Guntur district. The deceased who was working in Tirupati was coming to his home when he was arrested for defying the coronavirus lockdown. He was allegedly tortured in detention. Srinivas made a video stating that the police were responsible for his suicide.¹⁹

Case 6: Death of Tibu Meda, Madhya Pradesh

On 3 April 2020, a tribal identified as Tibu Meda (65 years) of Holimal village in Khargone district, Madhya Pradesh, was allegedly beaten to death by police in Dhar district. The deceased had gone with his son-in-law Sanjay Meda to Gujari village in Dhar district as the shop in his village had run out of supplies. The family members alleged that Tibu Meda was beaten to death

¹⁶. Covid-19: Probe ordered into ambulance driver's death after assault by policeman, Hindustan Times, 28 March 2020, <https://www.hindustantimes.com/cities/covid-19-probe-ordered-into-ambulance-driver-s-death-after-assault-by-policeman/story-45pj0d8MHMh4uudCnribWP.html>

¹⁷. Mumbai lockdown: Kin blame cops of beating 22-year-old to death, police deny, The New Indian Express, 30 March 2020, <https://www.newindianexpress.com/nation/2020/mar/30/mumbai-lockdown-kin-blame-cops-of-beating-22-year-old-to-death-police-deny-2123528.html>

¹⁸. Youth who returned from Gurgaon 'beaten up' by cop, hangs self; probe on, The Indian Express, 2 April 2020, <https://indianexpress.com/article/cities/lucknow/youth-who-returned-from-gurgaon-beaten-up-by-cop-hangs-self-probe-on/>

¹⁹. AP youth commits suicide accusing police for thrashing him during lockdown, The Deccan Chronicle, 3 April 2020, <https://www.deccanchronicle.com/nation/crime/030420/ap-youth-commit-suicide-accusing-police-for-thrashing-him-during-lockd.html>



by the police. According to Sanjay Meda, the police came in about five vehicles and started beating them with batons without provocation. However, the district administration claimed that the elderly man died of a heart attack on seeing the police and there were no bruises on the body.²⁰

Case 7: Death of Vicky Mahto, Jharkhand

On 6 April 2020, Vicky Mahto (26 years) jumped to death into a pond due to fear of police who were enforcing the lockdown in Jamshedpur district, Jharkhand. The deceased had gone out to buy groceries when he had stopped for a chat with his friend Asif Hussain near the pond. When they saw the police team, Asif fled and when the police allegedly tried to catch Vicky, he jumped into the pond and died.²¹

Case 8: Death of A. Abdul Rahim, Tamil Nadu

On 6 April 2020, A. Abdul Rahim @ Kuttai Maraikayar (75 years) died after alleged police beating at Karuppayurani in Madurai district, Tamil Nadu. According to the family members, Abdul Rahim was beaten

up by police when he was talking to his son-in-law, Shahjahan, in front of their meat shop. He fell unconscious and later died. However, police refuted the claim of the family members saying that Abdul Rahim collapsed while he was talking to the police.²²

Case 9: Death of Neduvarambath Suresh, Tamil Nadu

On 7 April 2020, Neduvarambath Suresh (42 years), an auto rickshaw driver, died under suspicious circumstances after he was allegedly chased by police at Kattachira near Tirur in Malapluram district in Tamil Nadu. Suresh was found dead in a paddy field. The police also allegedly attempted to destroy evidence.²³

Case 10: Death of Bhupinder Singh, Punjab

On 16 April 2020, Bhupinder Singh (45 years) committed suicide after he was beaten by police while returning home after purchasing milk for the family in Patiala in Punjab. Family members alleged that the deceased took the extreme step unable to bear the beating and humiliation at the

²⁰. Coronavirus lockdown | Adivasi man dies after police thrash villagers outside shop in Madhya Pradesh, The Hindu, 5 April 2020, <https://www.thehindu.com/news/national/coronavirus-lockdown-adivasi-man-dies-after-police-thrash-villagers-outside-shop-in-madhya-pradesh/article31258493.ece>

²¹. Fear of cops claims life amid lockdown in Jamshedpur, The Telegraph, 8 April 2020, https://www.telegraphindia.com/states/jharkhand/coronavirus-lockdown-fear-of-cops-claims-life-amid-lockdown-in-jamshedpur/cid/1762924?ref=jharkhand_jharkhand-and-page

²². 75-year-old 'assaulted' for flouting curfew, dies, The New Indian Express, 7 April 2020, <https://www.newindianexpress.com/states/tamil-nadu/2020/apr/07/75-year-old-assaulted-for-flouting-curfew-dies-2126699.html>

²³. Man who attempted to flee from police found dead in Tirur, The Times of India, 8 April 2020, <https://timesofindia.indiatimes.com/city/kozhikode/man-who-attempted-to-flee-from-police-found-dead-in-tirur/articleshowprint/75052307.cms>



hands of the police. However, the police refuted the allegation.²⁴

Case 11: Death of Sagir Jamil Khan, Maharashtra

On 18 April 2020, Sagir Jamil Khan, a labourer, died after returning home in Dongri area in Mumbai, Maharashtra after he was allegedly beaten by police for violating the lockdown. He was allegedly beaten by police on the head, hand and back. However, the police denied the allegations and said the labourer died due to a heart ailment.²⁵

Case 12: Death of Rizwan Ahmed, Uttar Pradesh

On 18 April 2020, Rizwan Ahmed (22 years), a daily wager, died three days after he was allegedly beaten by police when he had stepped out to buy food in Ambedkar Nagar district, Uttar Pradesh. Family members alleged that he succumbed to the injuries sustained in police beating.

²⁴. Punjab: 45-year-old man commits suicide; family accuses police of torturing for stepping out during lockdown, The Times Now, 17 April 2020, <https://www.timesnownews.com/mirror-now/crime/article/punjab-45-year-old-man-commits-suicide-family-accuses-police-of-torturing-for-stepping-out-during-lockdown/579531>

²⁵. Mumbai labourer dies after alleged thrashing by Police for violating lockdown rules, cops deny claim, The New Indian Express, 19 April 2020, <https://www.newindianexpress.com/cities/mumbai/2020/apr/19/mumbai-labourer-dies-after-alleged-thrashing-by-police-for-violating-lockdown-rules-cops-deny-claim-2132373.html>

However, the police termed the allegation false and baseless.²⁶

Case 13: Death of Mohammed Ghose, Andhra Pradesh

On 20 April 2020, Mohammed Ghose (28 years) died allegedly after being beaten up by police for coming out for non emergency work during lockdown in Sattenapalli town in Guntur district of Andhra Pradesh. However, police denied that he was beaten up and claimed the deceased was suffering from chronic heart ailment.²⁷

Case 14: Death of Banshi Kushwaha, Madhya Pradesh

On 17 April 2020, Banshi Kushwaha (50 years), a farmer, succumbed to his injuries three days after he was allegedly beaten by policemen attached to the Gaura Bazar police station in Jabalpur district, Madhya Pradesh. The deceased's family alleged that the police intercepted him when he was returning home after feeding his cattle at Tilhari village and beaten him for violating the lockdown. Six police officials identified as Assistant Sub-Inspector Alok Singh, Head Constable Mukesh Patariya and Constables Rakesh Singh, Guddu Singh,

²⁶. U.P. police say youth didn't die of beating, The Hindu, 19 April 2020, <https://www.thehindu.com/news/national/other-states/up-police-say-youth-didnt-die-of-beating/article31383037.ece>

²⁷. COVID-19 lockdown: Tension in Andhra Pradesh's Sattenapalli after man dies from 'police beating', The New Indian Express, 20 April 2020, <https://www.newindianexpress.com/states/andhra-pradesh/2020/apr/20/covid-19-lockdown-tension-in-andhra-pradesh-sattenapalli-after-man-dies-from-police-beating-2132741.html>



Brijesh and Ashutosh were suspended for allegedly assaulting the farmer.²⁸

Case 15: Death of Luv Kush, Uttar Pradesh

On 22 April 2020, Luv Kush (20 years), a vegetable vendor, died two days after he was allegedly beaten by a police officer in Aligarh district, Uttar Pradesh. The local residents alleged that Luv Kush died due to police beating and staged a protest with the dead body at Jalalpur police outpost. They claimed that the deceased was beaten with a stick as he was late in clearing his vegetable stall.²⁹

Case 16: Death of 13-year-old boy, Delhi

On 6 May 2020, a 13-year-old boy died at Prashant Vihar in Rohini, Delhi after he was allegedly beaten with a stick by a policeman. The local residents alleged that the deceased boy was waiting outside a shop to photocopy an Aadhaar card to obtain ration when he was hit with the stick, resulting in his death. The police denied the allegation.³⁰

²⁸. Farmer beaten by police for violating curbs dies in MP, The Hindustan Times, 21 April 2020, <https://www.hindustantimes.com/india-news/farmer-beaten-by-police-for-violating-curbs-dies-in-mp/story-OmKgIWTjEJznd6FRtD6rLK.html>

²⁹. Aligarh: Vegetable vendor dies after 'assault' by cop, The Indian Express, 23 April 2020, <https://indianexpress.com/article/india/coronavirus-lockdown-aligarh-vegetable-vendor-dies-after-assault-by-cop-6374754/>

³⁰. 13-year-old boy dies in Delhi's Rohini, locals say he was beaten by cop, The Hindustan Times, 8 May 2020, <https://www.hindustantimes.com/delhi-news/delhi-cops-blamed-for-13-year-old-boy->

Case 17: Death of Satyaban Swain, Gujarat

On 14 May 2020, Satyaban Swain, a migrant worker from Odisha, was allegedly beaten to death by police in Surat of Gujarat. The deceased migrant worker had gone out to book tickets to return home when police personnel beat him up. He was rushed to hospital but doctors declared him brought dead.³¹

2.2 Torture, arrest and detention

At least 260 persons including doctors and other frontline workers, migrant workers, journalists, elderly, physically-challenged, women, including pregnant, and children were subjected to torture and other forms of ill-treatment, arrest and detention by police and paramilitary forces while enforcing the nationwide lockdown from 25 March to 31 May 2020. The number of victims of police brutality could be much higher as not all cases including those beaten in groups were included in this report, while many cases were not reported in the media.

The 100 emblematic cases documented are stated below:

Case 1: Beating of woman health worker Priyanka Rathod and her father, Maharashtra

On 25 March 2020, Priyanka Rathod (30 years), a health worker of the National

[s-death-in-rohini-police-refute-claim/story-gTpMgHzlaMziSlr7GyjbCO.html](https://www.hindustantimes.com/maharashtra-news/priyanka-rathod-and-her-father-beaten-by-police-in-maharashtra/story-gTpMgHzlaMziSlr7GyjbCO.html)

³¹. Police Allegedly Thrash Odia Migrant Worker To Death In Surat, Kalinga TV, 15 May 2020, <https://kalingatv.com/nation/police-allegedly-thrash-odia-migrant-worker-to-death-in-surat/>



Urban Health Mission and her father were beaten by a woman police officer identified as Prabha Pundge while enforcing the lockdown in Hingoli district, Maharashtra. The health worker sustained a head injury, requiring five stitches. She was returning home with her father on a motorcycle after completing her duty when the incident took place.³²

Case 2: Beating of Keshav, Maharashtra

On 25 March 2020, Keshav (39 years) was abused and beaten with a stick while he was on his way to a veterinarian in Mumbai, Maharashtra on a bike with a sick dog in his arms. The police did not listen to his plea that he was taking the sick pet dog to veterinarian, which is one of the essential services.³³

Case 3: Beating of Sukhdev Singh, Punjab

On 25 March 2020, Sukhdev Singh was beaten by police when he went outside with his 8-month-old pregnant wife, Renu Bala, to get medicines for her in Amritsar,

Punjab. Sukhdev suffered an injury in his nose and was admitted to hospital. Action was initiated against the accused policemen.³⁴

Case 4: Beating of TV journalist Uttkarsh Chaturvedi, Maharashtra

On 25 March 2020, Uttkarsh Chaturvedi, Deputy News Editor with *ET Now*, a leading business news channel, alleged that he was beaten up by policemen while reporting on the lockdown in Thane district, Maharashtra. The victim claimed he was beaten with sticks despite showing his press card. The incident came to light after he brought the ordeal to the notice of police and State chief minister through social media.³⁵

Case 5: Brutal beating of dialysis patient Nishal, Kerala

On 25 March 2020, 28-year-old Nishal, a dialysis patient was allegedly beaten by police in Kannur district, Kerala. He was on his way back home from the dialysis unit on a two-wheeler when he was stopped by police and allegedly beaten even before he could explain why he was on the road. When he complained about the incident at

³². Woman cop canes health worker and her dad in Maharashtra, The Times of India, 27 March 2020,

<https://timesofindia.indiatimes.com/city/aurangabad/woman-cop-can-es-health-worker-and-her-dad-in-maharashtra/articleshowprint/74840071.cms>

³³. Harassed and Beaten, Animal Lovers Desperately Try to Ensure Pets and Strays Survive the Lockdown, News18, 28 March 2020, <https://www.news18.com/news/buzz/harassed-beaten-animal-lovers-desperately-try-to-ensure-pets-and-strays-survive-the-lockdown-2553611.html>

³⁴. Cops do it again: Fireman on way to job 'beaten up' by ASI, The Tribune, 27 March 2020, <https://www.tribuneindia.com/news/cops-do-it-again-fireman-on-way-to-job-beaten-up-by-asi-61731>

³⁵. TV journalist beaten up by cops during reporting on lockdown, The Daily Pioneer, 26 March 2020, <https://www.dailypioneer.com/2020/india/tv-journalist-beaten-up-by-cops-during-reporting-on-lockdown.html>



Thalassery police station, the police asked him why he did not take a taxi to go home. Calling the attention of the State chief minister, the victim wrote in social media “...the police action on people who go out for meeting urgent requirements without any enquiry must be rectified. I have a kidney disease, and I was beaten by Thalassery police brutally on my way back from dialysis. You must take action after examining my documents. Do not deter, but stay with us.”³⁶

Case 6: Beating of meat shop owner Parvez, Delhi

A video posted online on 25 March 2020 show police personnel beating a meat shop owner identified as Parvez with stick in Jamia Nagar, Delhi. The victim alleged that police forced him to shut the shop despite the Delhi government’s announcement that all essential services including shops that sell meat, fish, milk and other food items will remain open during the lockdown.³⁷

Case 7: Beating of at least nine persons and forcing them to squat, Karnataka

In a video shared by ANI on 25 March 2020, police personnel were seen beating

with sticks at least nine youths as punishment for violating lockdown in Kalaburagi city in Karnataka.³⁸

Case 8: Beating of an employee of a ration shop, Tamil Nadu

On 25 March 2020, an employee with a ration shop was beaten even as he showed his identity card in Chennai, Tamil Nadu.³⁹

Case 9: Four migrants workers forced to crawl, Uttar Pradesh

On 25 March 2020, ANI reported an incident of police brutality in Badaun district, Uttar Pradesh where police personnel forced four migrant workers who were walking towards their homes to crawl with their backpacks on as a punishment for violating lockdown. Confirming the incident, Ashok Kumar Tripathi, Senior Superintendent of Police, Badaun had apologized and said that an inquiry was initiated against the officials involved.⁴⁰

Case 10: Beating of Mohan Rastogi, Delhi

³⁶. Dialysis patient beaten by cops in Kerala during lockdown, writes to CM, The News Minute, 27 March 2020, <https://www.thenewsminute.com/article/surviving-social-distancing-how-you-can-stay-safe-and-yet-stay-connected-121047>

³⁷. Police Brutality: Citizens, Delivery Agents Harassed Amid Lockdown, The Quint, 26 March 2020, <https://www.thequint.com/news/india/police-harassing-citizens-delivery-agents-amid-covid-19-lockdown>

³⁸. The video is available at <https://thefederal.com/covid-19/amid-lockdown-police-beat-the-corona-out-of-violators/>

³⁹. Chennai cops harass, beat up residents stepping out to buy groceries amid COVID-19 lockdown, The New Indian Express, 26 March 2020, <https://www.newindianexpress.com/cities/chennai/2020/mar/26/chennai-cops-harass-beat-up-residents-stepping-out-to-buy-groceries-amid-covid-19-lockdown-2121908.html>

⁴⁰. This video is available at: <https://twitter.com/ANINewsUP/status/1243141336800415744>



On 25 March 2020, *The Telegraph* reported that Mohan Rastogi, a resident of North Delhi, was allegedly slapped by two police constables when he went out to buy essentials. The victim also alleged that the police abused and threatened to drag him to the police station when he confronted them.⁴¹

Case 11: Beating of Bilal Ahmed Wani, Jammu and Kashmir

On 25 March 2020, Bilal Ahmed Wani (30 years) was beaten with lathis by a group of police personnel at Rabban in Baramulla district, Jammu & Kashmir. Wani, an employee with the department of food, civil supplies and consumer affairs - which ensures distribution of essential commodities such as rice, wheat, etc under the public-distribution system, was on his way to his workplace on his scooty when about six police personnel intercepted him and started beating him with *lathis* despite showing his identity card.⁴²

Case 12: Driver Sonu Sah shot at by police, Bihar

On 25 March 2020, Sonu Sah, a driver of a pick-up van carrying potato was shot at by

three police personnel for refusing to pay bribe of Rs 5,000 to allow the vehicle to ply amidst the lockdown in Patna, Bihar. The victim sustained bullet injuries in his leg. The three accused police personnel were arrested on the next day.⁴³

Case 13: Beating of a differently-abled person, Tamil Nadu

On 26 March 2020, a differently-abled person who had come out to buy medicine was chased and beaten up by police in Coimbatore, Tamil Nadu.⁴⁴

Case 14: Beating of fireman Naresh Sharma, Punjab

On 26 March 2020, a fireman identified as Naresh Sharma who was going to his office was allegedly beaten up by Assistant Sub Inspector (ASI) identified as Tarsem Singh with stick at a checkpoint in Amritsar, Punjab. The victim was stopped and beaten despite showing his curfew pass. Naresh sustained injuries.⁴⁵

⁴¹. Cops beat up people out to buy, sell food, *The Telegraph*, 25 March 2020, <https://www.telegraphindia.com/india/cops-beat-up-people-out-to-buy-sell-food-amid-coronavirus-lockdown/cid/1758903>

⁴². Jammu and Kashmir police use batons and FIRs to enforce COVID-19 lockdown, hospitals struggle, *The Caravan*, 30 March 2020, <https://caravanmagazine.in/health/jammu-and-kashmir-police-use-batons-and-firs-to-enforce-covid-19-lockdown-hospitals-struggle>

⁴³. Truck driver shot at for refusing bribe, three constables arrested in Patna, *The Times of India*, 27 March 2020, <https://timesofindia.indiatimes.com/city/patna/truck-driver-shot-at-for-refusing-bribe-three-constables-arrested/articleshow/74835481.cms>

⁴⁴. High-handedness alleged against police in Coimbatore, *The Hindu*, 26 March 2020, <https://www.thehindu.com/news/cities/Coimbatore/high-handedness-alleged-against-police-in-coimbatore/article31176154.ece>

⁴⁵. Cops do it again: Fireman on way to job 'beaten up' by ASI, *The Tribune*, 27 March 2020, <https://www.tribuneindia.com/news/cops-do-it-again-fireman-on-way-to-job-beaten-up-by-asi-61731>



Case 15: Beating of Shaijan Joseph, Kerala

On 26 March 2020, Shaijan Joseph, a driver with Eben Telecom was beaten by police attached to Aroor police station in Allappuzha district, Kerala. The victim was hit with a rod below the knee despite showing all the documents, including his ID card, the self-declaration form and the request typed on the telecom firm's letterhead. Telecom was declared an essential service and exempted during the lockdown.⁴⁶

Case 16: Beating of two NGO workers, Telangana

On 26 March 2020, at least two social workers were beaten up by police in Hyderabad, Telangana. They were beaten while trying to help the disadvantage section of the society during the lockdown.⁴⁷

Case 17: At least 25 persons beaten, Assam

On 25 March 2020, a video was shared on social media showing the police beating

with stick at least 25 persons with sticks with some of them being forced to do sit-ups as punishment for violating the lockdown guidelines in Assam.⁴⁸

Case 18: Beating of at least 30 persons, Assam

On 26 March 2020, videos shared on social media showed at least 30 persons being beaten with sticks with some forced to do sit-ups by police in Assam while enforcing the lockdown.⁴⁹

Case 19: Beating of Nilesh Shinde, Maharashtra

On 27 March 2020, Nilesh Shinde was beaten by police while he was going with his father in an ambulance at Talegaon phata on the Mumbai-Pune highway in Maharashtra.⁵⁰

Case 20: Beating of three Adivasi women by a police officer, Assam

On 30 March 2020, a TV news channel in Assam aired a video showing Sub Inspector identified as Robin Kalita beating three

⁴⁶. Cops beat up Eben Telecom employee, The New Indian Express, 27 March 2020, <https://www.newindianexpress.com/cities/kochi/2020/mar/27/cops-beat-up-eben-telecom-employee-2122020.html>

⁴⁷. India in lockdown: NGO workers face police brutality while helping poor in Hyderabad, The New Indian Express, 27 March 2020, <https://www.newindianexpress.com/cities/hyderabad/2020/mar/27/india-in-lockdown-ngo-workers-face-police-brutality-while-helping-poor-in-hyderabad-2122126.html>

⁴⁸. The video is available at <https://twitter.com/NANDANPRATIM/status/1242818171469475840>

⁴⁹. The video is available at <https://twitter.com/NANDANPRATIM/status/1243562621363785728>

⁵⁰. Covid-19: Probe ordered into ambulance driver's death after assault by policeman, Hindustan Times, 28 March 2020, <https://www.hindustantimes.com/cities/covid-19-probe-ordered-into-ambulance-driver-s-death-after-assault-by-policeman/story-45pj0d8MHMh4uudCnribWP.html>



Adivasi women in Golaghat district. In the video, two women, seen carrying vegetables on a bicycle, were stopped, abused and beaten with a stick by the enraged officer for violating the lockdown guidelines. A little later, the officer assaulted another woman carrying firewood from a field.⁵¹

Case 21: Beating of ten persons, Jammu & Kashmir

On 26 March 2020, at least ten persons were allegedly beaten up by a group of five police personnel at Bharat Mata Chowk in Jammu. They were allegedly hit with *lathis* and forced to sit on the road. Thereafter, one police personnel walked around the men and directed them to repeat each sentence he said which included “*We’re enemies of the society*”, “*We’re enemies of the police*”, “*We’re enemies of the country*”, and “*We’re enemies of Modi sahib*”.⁵²

⁵¹. Lockdown brutality continues: Policeman assaults Adivasi women in Assam, NewsLaundry, 31 March 2020, <https://www.newsLaundry.com/2020/03/31/lockdown-brutality-continues-policeman-assaults-ativasi-women-in-assam>

⁵². Jammu and Kashmir police use batons and FIRs to enforce COVID-19 lockdown, hospitals struggle, The Caravan, 30 March 2020, <https://caravanmagazine.in/health/jammu-and-kashmir-police-use-batons-and-firs-to-enforce-covid-19-lockdown-hospitals-struggle>

Case 22: Arbitrary arrest and torture of Mohammad Yaseen Sheikh, Jammu and Kashmir

On 26 March 2020, Mohammad Yaseen Sheikh, Chairman of the Block Development Council in Vilgam area, Kupwara district was beaten and taken into custody while he was returning home from the local primary health centre in Vilgam in Jammu & Kashmir. He was dragged out of his car and then taken to the police station. The victim alleged that he was not given food in the police lock up and was not allowed to meet family members. He was released on bail two days later.⁵³

Case 23: Beating of at least 11 persons, Karnataka

In a video published by ANI on 26 March 2020, a policeman was seen beating at least 11 persons with a stick outside a Mosque in Belgaum, Karnataka. The people had gathered to offer prayers in violation of the lockdown.⁵⁴

Case 24: Beating of doctor, Tamil Nadu

In a video that surfaced on 26 March 2020, a police personnel was seen beating up a man on a two-wheeler scooter with a stick and asking him to go home. The person

⁵³. Jammu and Kashmir police use batons and FIRs to enforce COVID-19 lockdown, hospitals struggle, The Caravan, 30 March 2020, <https://caravanmagazine.in/health/jammu-and-kashmir-police-use-batons-and-firs-to-enforce-covid-19-lockdown-hospitals-struggle>

⁵⁴. The video is available at: <https://thefederal.com/covid-19/amid-lockdown-police-beat-the-corona-out-of-violators/>



wearing a mask then explained that he is a doctor going to do his duty at his hospital to help patients suffering from coronavirus and other ailments.⁵⁵

Case 25: Brutal beating of three persons including a woman, Andhra Pradesh

On 26 March 2020, a video surfaced in social media in which a police officer in Andhra Pradesh was seen beating two persons brutally with a stick. A woman was also beaten with the stick by the policeman. The police officer was suspended following criticism.⁵⁶

Case 26: Beating of Dr Aravind Ashok, Kerala

On 27 March 2020, Dr Aravind Ashok was beaten with a baton by the police enforcing the lockdown at Vidyanagar in Kasaragod district, Kerala. He had stepped out of his home to buy baby food for his one-year-old son before going for duty at Primary Health Centre in Badiadka where he was in charge of the isolation ward.⁵⁷

⁵⁵. Tamil Nadu doctor beaten up by policeman for going to work on coronavirus lockdown, India Glitz, 26 March 2020,

<https://www.indiaglitz.com/tamil-nadu-doctor-beaten-up-by-policeman-for-going-to-work-on-coronavirus-lockdown-tamil-news-256521>

⁵⁶. The video is available at <https://twitter.com/i/status/1243189254114570242s>

⁵⁷. Healthcare professionals too face police excesses, The Times of India, 27 March 2020, <https://timesofindia.indiatimes.com/city/kozhikode/healthcare-professionals-too-face-police-excesses/articleshowprint/74835289.cms>

Case 27: Beating of a person, Kerala

On 27 March 2020, a man was beaten up by the police while returning after dropping his doctor wife to her work at Sreekaryam police station in Thiruvananthapuram, Kerala. The man was in his car when he was allegedly stopped by a police officer and beaten up. The victim filed a complaint and an inquiry was initiated against the officer for misusing power and misbehaving in public.⁵⁸

Case 28: Beating of at least 10 persons, Punjab

On 27 March 2020, videos of Punjab Police personnel beating at least 10 persons during lockdown emerged in social media. In the videos, the victims were seen moving around to buy essential items like milk, rice and vegetables. Incidentally, the videos were shot by the police and circulated to shame the people flouting the curfew and to create fear. In one of the videos, two police personnel were seen beating two youth with stick and slippers.⁵⁹

⁵⁸. Man In Kerala Allegedly Beaten By Cop While Returning From Dropping Doctor Wife To Work, <https://www.indiatimes.com/trending/social-relevance/man-in-kerala-allegedly-beaten-by-cop-while-returning-from-dropping-doctor-wife-to-work-509439.html>

⁵⁹. Punjab cops' brutality, shaming Facebook videos raise hackles, The Times of India, 27 March 2020, <https://timesofindia.indiatimes.com/city/ludhiana/jalandhar-cops-brutality-shaming-facebook-videos-raise-hackles/articleshowprint/74838733.cms>



Case 29: Beating of electricity board employee, Andhra Pradesh

On 27 March 2020, a video showed an electricity board employee identified as G Madhava Raj claiming that he was beaten up by the police at Gollapudi in Vijayawada district, Andhra Pradesh while returning home after repairing a transformer. He threatened to boycott work if they are ill-treated.⁶⁰

Case 30: Radio jockey detained and harassed, Andhra Pradesh

On 27 March 2020, a radio jockey (RJ) working for All India Radio (AIR) was detained by III Town police in Visakhapatnam in Andhra Pradesh. He was on his way to work at around 5 pm, when a constable stopped his bike at Siripuram junction. According to the RJ, the cop seized his mobile phone and identity card and took him to the police station. The RJ was detained for over two hours and was not allowed to seek help. A senior employee with AIR alleged that despite being exempted under the Essential Services Maintenance Act (ESMA), the AIR employees were harassed by the police.⁶¹

⁶⁰. Police high-handedness to the fore in many areas, The Times of India, 27 March 2020, <https://timesofindia.indiatimes.com/city/vijayawada/police-high-handedness-to-the-fore-in-many-areas/articleshowprint/74836360.cms>

⁶¹. Police harassing us despite exemption: AIR, The Times of India, 31 March 2020, <https://timesofindia.indiatimes.com/city/visakhapatnam/police-harassing-us-despite-exemption-air/articleshowprint/74900963.cms>

Case 31: Beating of three migrant workers, Arunachal Pradesh

On 27 March 2020, three Indian Reserve Battalion (IRBn) constables were suspended after a video clip emerged in social media showing them beating three migrant workers with a *lathi* for being outside during the ongoing nationwide lockdown. Two suspended constables were identified as Chera Tadup and Tako Tame. The incident took place at Bihari Basti near the Gumto railway station in Papum Pare district. State's Director General of Police RP Upadhyaya confirmed the incident and stated that action was initiated on the basis of the video clip.⁶²

Case 32: Brutal beating of Bhairon Lal Lohar, Gujarat

On 27 March 2020, *ABP Live* reported that a Thane-based furniture dealer identified as Bhairon Lal Lohar was brutally beaten up by Gujarat Police officers when he stepped out of his home to attend his mother's funeral. The victim received news of his mother's death on 25 March who passed away in a village in Rajasthan. Bhairon was the only son of his mother and therefore he had to attend the funeral. In order to facilitate his travel amidst the lockdown, he obtained the necessary permission from the local police to leave the city. However, when he reached Gujarat-Maharashtra border the police officials stopped him at the border and brutally beat him up despite

⁶². IRBn constables suspended over brutal action, Arunachal Times, 28 March 2020, <https://arunachaltimes.in/index.php/2020/03/28/irbn-constables-suspended-over-brutal-action/>



showing the necessary permission and other evidences.⁶³

Case 33: Beating of Mukkhera Ravi, Telangana

On the night of 28 March 2020, Mukkhera Ravi, a worker of the Singareni Collieries Company Limited (SCCL) was allegedly beaten up by the police while he was returning home from duty. He was stopped by the police at the Subhash Nagar check post while returning. Though Ravi told them that he is worker with the SCCL and showed the ID card the policemen did not relent. He was abused and beaten by the police, which left him with bruises on his buttocks and waist.⁶⁴

Case 34: Beating of two including stripping of a 25-year-old woman, West Bengal

On 28 March 2020, the personnel of Border Security Forces allegedly assaulted and stripped a 25-year-old woman at the Hatkhola village under Chapra police station of Nadia district of West Bengal. The incident took place when the security forces were trying to enforce the

nationwide lockdown. The villagers alleged that the security forces were taking advantage of the lockdown to torture the innocent villagers. The next day the villagers staged a protest in front of the BSF personnel but the BSF resorted to *lathi* charge and fired in air in which Miajan Sha (55 years) was injured.⁶⁵

Case 35: Beating of eight Dalits, Gujarat

On 28 March 2020, eight Dalit men were picked up from their homes at Vikaliya village in Botad district of Gujarat. They were taken to Dhhasa police station and falsely booked for violating the lockdown. They were allegedly tortured by police in custody. The victims were allegedly picked up after a boy from the locality allegedly violated the lockdown on 25 March. The boy was warned and also beaten. Two days later, a police team arrived and picked up the eight victims.⁶⁶

Case 36: Beating of a farmer, Andhra Pradesh

In a video shared on 28 March 2020, police allegedly beat a farmer for selling milk in Guntur district, Andhra Pradesh. He could

⁶³. Police Brutally Beats Man Who Stepped Out To Attend Mother's Funeral Amid Lockdown, <https://news.abplive.com/news/india/gujarat-police-officers-brutally-beat-man-for-going-out-to-attend-mothers-funeral-amid-lockdown-1183767>

⁶⁴. SCCL workers go on flash strike after police thrash worker in Bhupalpally, The Telangana Today, 30 March 2020, <https://telanganatoday.com/sccl-workers-go-on-flash-strike-after-police-thrash-worker-in-bhupalpally>

⁶⁵. Woman in Nadia district assaulted by BSF: CPI(ML), The Hindu, 30 March 2020, <https://www.thehindu.com/news/national/other-states/woman-in-nadia-district-assaulted-by-bsf-cpiml/article31201057.ece>

⁶⁶. Gujarat: Probe ordered into 'police brutality' on Dalits during lockdown, Indian Express, 30 March 2020, <https://indianexpress.com/article/india/gujarat-police-brutality-on-dalits-during-lockdown-6339140/>



be seen bleeding profusely and crying in pain.⁶⁷

Case 37: Police writes lockdown violation on migrant's forehead, Madhya Pradesh

On 29 March 2020, a video of a Madhya Pradesh police officer writing “*Maine lockdown ka ullanghan kiya hai, mujhse door rahna* (I have violated lockdown restrictions, keep away from me),” on the forehead of a labourer went viral on social media. The incident happened under the jurisdiction of Gaurihar Police Station in Chhatarpur district. Three labourers were returning from Uttar Pradesh when they were directed to the primary health centre by the police for medical examination. As they were waiting for a doctor, a senior inspector scolded them for violating the lockdown and wrote the inscription on one of the labourers' forehead. The officer has reportedly been issued a show-cause notice.⁶⁸

Case 38: Beating of four migrant workers, Arunachal Pradesh

On 29 March 2020, a video surfaced from Arunachal Pradesh reportedly shot at Kimin in Papum Pare district showing four people being assaulted by the State Police. The police beat up three males with a stick, even as they tried to flee from the police,

⁶⁷. The video is available at: <https://youtu.be/wpvLVcNzh-w>

⁶⁸. 'I violated lockdown orders': MP cop writes on migrant's forehead, Indian Express, 29 March 2020, <https://indianexpress.com/article/coronavirus/i-violated-lockdown-orders-stay-away-from-me-mp-police-writes-on-migrants-forehead-6337019/>

while a woman was made to sit holding her ears. They were reported to be migrant workers from Laluk in Assam.⁶⁹

Case 39: Beating of three tribal boys, Arunachal Pradesh

On 29 March 2020, a video surfaced from Lower Subansiri Headquarters Ziro, showing CRPF personnel making three boys do pushups. One boy was seen being beaten with a *lathi*. All three victims were tribals. Lower Subansiri Superintendent of Police Hemant Tiwari confirmed the incident and stated that the incident occurred on 27 March in Gandhi market, and that inquiry was ongoing. He also stated that CCTV footages of the incident were being studied and assured necessary action against the guilty CRPF personnel.⁷⁰

Case 40: Two persons beaten and forced to hop like frog, Goa

On 30 March 2020, a video that appears to have been recorded from a balcony in Panaji in Goa showed the personnel of the Central Reserve Police Force (CRPF) hitting two persons on the road with sticks and forced them to hop like frogs.⁷¹

⁶⁹. Two migrant workers assaulted by public in Ziro, Arunachal Times, 29 March 2020, <https://arunachaltimes.in/index.php/2020/03/30/more-videos-of-police-beatings-emerge/>

⁷⁰. Ibid

⁷¹. Caught on camera in Goa: CRPF officers hit people on the road with sticks, make them hop like frogs, Scroll, 30 March 2020, <https://scroll.in/video/957608/caught-on-camera-in-go-a-crpf-officers-hit-people-on-the-road-with-sticks-make-them-hop-like-frogs>



Case 41: Beating of Murali Krishna, Telangana

On 1 April 2020, Murali Krishna, a resident of Malkajgiri in Telangana, was beaten by a policeman identified as Ashok for riding a motorcycle with his son. The policeman reportedly asked them to pay a fine and assaulted Murali. The police recorded a video showing that it was Murali who had attacked them in the car. Then, Murali was taken to the police station, where five constables and the Sub-Inspector took turns to beat him. When Murali's wife Savithri reached the police station, a lady constable allegedly pushed her out of the station and the policemen snatched her phone. The video clip of a group of policemen beating up Murali went viral in social media.⁷²

Case 42: Beating of Shabbir Ahmed, Karnataka

On 27 March 2020, Shabbir Ahmed (39 years), an autorickshaw driver and resident of Shafi Masjid in Hassan district of Karnataka, was on the way to a hospital with his nine-year-old son on his two-wheeler. Two police constables identified as Ganesh and Jagadish attached to the Pension Mohalla station, stopped him and beat him up with their lathis for venturing out of his house. They allegedly did not allow him to explain where he was going and why. Video clippings of the incident widely circulated on social media, which

⁷². Man assaulted by Wanaparthy policemen in front of son, SP suspends constable, The Telangana Today, 2 April 2020, <https://telanganatoday.com/man-assaulted-by-wanaparthy-policemen-in-front-of-son-sp-suspends-constable>

show the policemen continuously hitting Ahmed with lathis on his head, back and legs. They did not spare him even after he ran into a nearby house to escape.⁷³

Case 43: Beating of Mohamad Mujib, Jharkhand

On 28 March 2020, Mohamad Mujib, a trader, was tortured and ill-treated at Hindpiri police station in Ranchi district of Jharkhand. The victim was also allegedly forced to drink urine. A video of the incident circulated in social media platform show the victim being badly beaten by the police despite him pleading for mercy. An inquiry was ordered and the Station House Officer identified as Sunil Kumar Tiwari of the police station was suspended.⁷⁴

Case 44: Beating of health worker Nabam @ Hina, Arunachal Pradesh

On 7 April 2020, Nabam @ Hina, an employee working under the National Vector Borne Disease Control Programme, was assaulted by IRBn personnel while he was returning home from office in Nirjuli in Papum Pare district of Arunachal Pradesh. The victim was assaulted despite

⁷³. Hassan police draw flak for beating up man taking son to health clinic, The Hindu, 30 March 2020,

<https://www.thehindu.com/news/national/karnataka/hassan-police-draw-flak-for-beating-up-man-taking-son-to-health-clinic/article31210101.ece>

⁷⁴. See Jagran, 31 March 2020 at <https://www.jagran.com/jharkhand/ranchi-police-station-officer-removed-from-his-post-in-brutally-beating-a-youth-ssp-order-to-inquiry-ranchi-jharkhand-20153312.html>



carrying valid documents, including a special identity card issued by the directorate, a special movement permit issued by the district magistrate, driving licence, and other documents.⁷⁵

Case 45: Beating of two doctors, Madhya Pradesh

On 8 April 2020, two junior resident doctors of AIIMS, Bhopal in Madhya Pradesh including a woman, were beaten with batons by two police personnel while they were returning home after performing emergency duties. The police also abused them stating that doctors like them are spreading the coronavirus and they are a disgrace to the country. The woman doctor received injuries on one foot, while the male doctor had suffered soft tissue swelling with contused abrasions on the arm.⁷⁶

Case 46: Beating of Mallappa Bommanagi, Karnataka

On 8 April 2020, Mallappa Bommanagi (45 years), a bus conductor, was allegedly beaten by police following an argument for stepping out during lockdown in Vijayapura district in Karnataka. Later, Mallappa Bommanagi died after drowning

⁷⁵. FIR lodged against IRBn personnel for assaulting health worker, The Arunachal Times, 10 April 2020, <https://arunachaltimes.in/index.php/2020/04/10/fir-lodged-against-irbn-personnel-for-assaulting-health-worker/>

⁷⁶. Bhopal police thrash two AIIMS doctors returning from duty, The Hindu, 10 April 2020, <https://www.thehindu.com/news/national/other-states/bhopal-police-thrash-two-aiims-doctors-returning-from-duty/article31303832.eces>

when he attempted to cross a river to avoid police personnel.⁷⁷

Case 47: Beating of a Dalit boy, Andhra Pradesh

On 9 April 2020, a 17-year-old Dalit boy was beaten by the police for allegedly defying lockdown at Vuyyuru in Krishna district, Andhra Pradesh. The victim could not endure the torture and fainted on the road. Fearing that the boy may die, the police shifted him to the government hospital at Vuyyuru.⁷⁸

Case 48: Beating of two men, Delhi

On 10 April 2020, two men on scooter were stopped and beaten with sticks by a police constable during lockdown in Shahdara, Delhi. Delhi Police suspended the constable after a video of the incident was widely shared on social media.⁷⁹

⁷⁷. Karnataka: Man takes river route to avoid cops, drowns, The Times of India, 10 April 2020, <https://timesofindia.indiatimes.com/city/hubballi/karnataka-man-takes-river-route-to-avoid-cops-drowns/articleshowprint/75074802.cms>

⁷⁸. Cops beat up Dalit teenager for 'defying' lockdown in AP's Krishna district, Newsmeter, 9 April 2020, <https://newsmeter.in/cops-beat-up-dalit-teenager-for-defying-lockdown-in-aps-krishna-district/>

⁷⁹. Delhi police send constable to district lines for beating two men during lockdown, Business Insider, 13 April 2020, <https://www.businessinsider.in/india/news/delhi-police-send-constable-to-district-lines-for-beating-two-men-during-lockdown/articleshow/75126128.cms>



Case 49: Beating of Rakesh Kumar Singh, Bihar

On 12 April 2020, Rakesh Kumar Singh, a senior BJP leader in Bihar, was allegedly beaten with sticks by police in Patna when he stepped out of his house to buy essential items. He sustained bruises on the left thigh and a fractured left thumb.⁸⁰

Case 50: Beating of 61-year-old Joy Krishna Roy, Tripura

On 13 April 2020, Joy Krishna Roy (61 years) was allegedly beaten up by the police personnel near Gangail road in Agartala under West Tripura district of Tripura when he was on the way to nearby market to buy medicine during the Covid-19 lockdown. The victim suffered serious injuries on his hand due to police beating. The victim alleged that the police came suddenly from behind and used filthy language and beat him brutally. He was taken to IGM Hospital from where he was referred to GB hospital for further treatment.⁸¹

Case 51: Beating of Khurshid Ahmed, Uttar Pradesh

On 29 March 2020, Khurshid Ahmed, a Haryana Roadways bus driver, was

⁸⁰. Lockdown: Bihar BJP media in-charge beaten by police, The Times of India, 12 April 2020, <https://timesofindia.indiatimes.com/city/patna/lockdown-bihar-bjp-media-in-charge-beaten-by-police/articleshowprint/75110885.cms>

⁸¹. See Tripura Infoway, 13 April 2020 at <http://www.tripurainfoway.com/news-details/TN/143106/lockdown-61-years-old-retired-govt-officer-beaten-severely-by-police-demands-medical-expenses-from-tripura-govt-sought-action-against-officials.html>

allegedly beaten by police while he was on his way to drop migrant workers home in Barabanki district, Uttar Pradesh for violating lockdown. He was pulled down from the bus and beaten with lathis, leaving him with severe injuries on his back and legs.⁸²

Case 52: Beating of Shahzeb, Maharashtra

On 9 April 2020, Shahzeb (23 years) was hit with a baton by a policeman in Aurangabad, Maharashtra. Shahzeb was on his way to a pharmacy on Anna Bhau Sathe crossroad near the district collectorate, when the policeman hit him, resulting in injuries near the eye. A video circulated in social media showed the traffic policeman hitting Shahzeb on the leg with his baton. Thereafter, Shahzeb snatched the baton and hit the policeman and was booked for assaulting the policeman.⁸³

Case 53: Beating of 36-year-old man, Maharashtra

On 9 April 2020, a 36-year-old man was beaten by three police personnel in Kandivli (West) in Mumbai, Maharashtra. The victim had gone out along with his

⁸². Haryana Roadways driver 'thrashed' by UP cops, union demands action, The Deccan Herald, 3 April 2020, <https://www.deccanherald.com/national/north-and-central/haryana-roadways-driver-thrashed-by-up-cops-union-demands-action-821084.html>

⁸³. Youth booked for assaulting traffic cop in Aurangabad, two others arrested, The Times of India, 10 April 2020, <https://timesofindia.indiatimes.com/city/aurangabad/youth-booked-for-assaulting-traffic-cop-2-others-arrested/articleshow/75073353.cms>



wife to get medicines in a car and was returning home when he was beaten with sticks.⁸⁴

Case 54: Beating of health worker Ravindra Kumar, Uttar Pradesh

On 10 April 2020, Ravindra Kumar (38 years), a health worker at MMG District Hospital, who was involved in carrying out door-to-door survey to identify Covid-19 patients, was allegedly beaten up by police outside his home in Pilkhuwa in Hapur district of Uttar Pradesh. Ravindra Kumar suffered a fracture in one hand and bruises on his knees.⁸⁵

Case 55: Custodial torture of journalist Mushtaq Ahmad Ganai, Jammu & Kashmir

On 11 April 2020, Mushtaq Ahmad Ganai (34 years), a journalist working for the *Kashmir Observer*, was arrested and detained for two days at Sumbal police station in Bandipore district of Jammu and Kashmir when he went there in his Alto car to report the possible violation of the lockdown. The police intercepted his car despite showing documents including his

press card. At the police station, the Station House Officer (SHO) Muneeb-ul-Islam slapped him several times and another policeman accompanying the SHO beat him with his lathi. The police filed an FIR and booked him under charges which included violating the lockdown rules and interfering in the professional work of the officials. The SHO also threatened to fix him. He was released only after securing bail from the court.⁸⁶

Case 56: Beating of pharmacist Harsh Rathod, Maharashtra

On 11 April 2020, Harsh Rathod (21 years), a pharmacist, was beaten with a lathi in Sector 8 of Charkop in Kandivili (West) in Mumbai, Maharashtra. The victim was on his way to get medicines from a godown for his shop when he was stopped by the police despite showing the pharmacy shop license.⁸⁷

Case 57: Beating of 62-year-old Basant Sethy, Odisha

On 11 April 2020, 62-year-old Basant Sethy was beaten with a stick by Constable Siba Prasad Nayak of Balikuda police station while he was going on foot to the

⁸⁴. Man goes out with wife to buy medicine, beaten up by cops, The Hindustan Times, 11 April 2020, <https://www.hindustantimes.com/mumbai-news/man-goes-out-with-wife-to-buy-medicine-beaten-up-by-cops/story-WcrCGqv4UGyeCyVytMkQOP.html>

⁸⁵. Noida: Health surveyor thrashed by cops, The Times of India, 11 April 2020, <https://timesofindia.indiatimes.com/city/noida/health-surveyor-thrashed-by-cops/articleshowprint/75089102.cms>

⁸⁶. Kashmir journalists continue to be harassed, summoned and intimidated, The Federal, 21 April 2020, <https://thefederal.com/states/north/jammu-and-kashmir/kashmir-journalists-continue-to-be-harassed-summoned-and-intimidated/>

⁸⁷. Man goes out with wife to buy medicine, beaten up by cops, The Hindustan Times, 11 April 2020, <https://www.hindustantimes.com/mumbai-news/man-goes-out-with-wife-to-buy-medicine-beaten-up-by-cops/story-WcrCGqv4UGyeCyVytMkQOP.html>



nearby medicine shop to buy medicines for his ailing bed-ridden wife for violation of lockdown in Jagatsingpur district, Odisha. The victim was also kicked in the face. The accused constable was suspended.⁸⁸

Case 58: Brutal beating of an employee of a cell phone company, Odisha

In the second week of April 2020, an employee of a cell phone company was brutally beaten up by Sub Inspector Dinesh Patta of Erasama police station at Erasama in Jagatsinghpur district, Odisha. On being stopped, the victim told the police officer that he was going to the cell phone tower for maintenance work. However, he could not produce the pass and was beaten with a stick. The accused police officer was suspended.⁸⁹

Case 59: Beating of Mitu Puan, Odisha

In the second week of April 2020, Mitu Puan, a vegetable vendor, sustained a fractured hand after being beaten with a pipe for delay in closing his shop during the lockdown in Jagatsingpur district, Odisha.⁹⁰

Case 60: Beating of R Nagaraju, Karnataka

On 11 April 2020, R Nagaraju, a supervisor with the water supply division, was hit with a stick by police while he was returning home after completing his duty near Deepa Nursing Home in Chikkamagaluru district, Karnataka. The police took away the key of

the vehicle despite showing the identity card and pass issued by the authorities. Following a call from a higher official, the police handed over the key but not before hitting him again with a lathi.⁹¹

Case 61: Beating of Ngangra Dade, Arunachal Pradesh

On 19 April 2020, Ngangram Dade was allegedly beaten by police when he was on the way to get distilled water for a scooter battery near Chandni hotel, Naharlagun in Papum Pare district of Arunachal Pradesh. He was taken to the police station and beaten before being released. The victim sustained bruises on his back.⁹²

Case 62: Beating of Jitin and his two sisters including a minor, Uttar Pradesh

On 20 April 2020, an inquiry was ordered into the alleged beating up of Jitin and his two sisters including a minor by police at Utrana village in Musajhag area in Badaun district, Uttar Pradesh for defying the lockdown. Jitin was unloading hay from a tractor-trolley when a constable arrived there and began hitting Jitin. When his family members intervened, the policeman left. However, he returned later with his colleagues, dragged Jitin out of his house and began beating him again. Jitin's two sisters, aged 18 and 14 years, were also

⁸⁸. Two Odisha cops suspended for lockdown brutality, The New Indian Express, 13 April 2020, <https://www.newindianexpress.com/states/odisha/2020/apr/13/two-odisha-cops-suspended-for-lockdown-brutality-2129394.html>

⁸⁹. Ibid

⁹⁰. Ibid

⁹¹. Civic workers allege assault by police, The Deccan Herald, 11 April 2020, <https://www.deccanherald.com/state/mangaluru/civic-workers-allege-assault-by-police-824258.html>

⁹². Arunachal: Man allegedly thrashed by Cops, SP assures Action, The Arunachal 24, 19 April 2020, <https://arunachal24.in/arunachal-man-allegedly-thrashed-by-cops-sp-assures-action/>



beaten up by the police when they came to the rescue of their brother. They all suffered injuries and had to be hospitalized.⁹³

Case 63: Beating of a boy and forcing to do sit-ups, Gujarat

On 20 April 2020, a video of a police officer of State Reserve Police (SRP) hitting a boy with a stick at Pandesara area in Surat city, Gujarat during *bandobust* duty during lockdown had gone viral on social media. The video showed the police officer identified as Lalji Pandor, Assistant Sub-Inspector forcing the boy to do sit-ups and later hitting him with a stick on the leg.⁹⁴

Case 64: Custodial torture of reporter Samrat Pradhan and his cousin, Karnataka

On 20 April 2020, Samrat Pradhan (25 years), a business correspondent of a magazine and his cousin Amit Kar (25 years), working in a hotel were allegedly tortured at Hennur police station in Bangalore, Karnataka. They had stepped out to buy medicines and groceries when

they were taken to the police station and allegedly tortured for over 15 hours.⁹⁵

Case 65: Beating of journalist Subrat Kumar Swain, Odisha

On 22 April 2020, Subrat Kumar Swain, correspondent with *Odia Daily Sambad* was allegedly beaten up by a police sub-inspector identified as Ashutosh Mohanty while he was taking his ailing child to a hospital in Keonjhar district, Odisha.⁹⁶

Case 66: Beating of a health worker's husband, Jharkhand

On 22 April 2020, husband of a health worker was allegedly beaten up by LB Rajak, Assistant Sub-Inspector at an institutional quarantine centre in Satbarwa in Palamu district, Jharkhand. The health worker alleged that incident occurred when she along with her husband went to the centre.⁹⁷

⁹³. UP: Probe ordered into alleged thrashing of farmer's son, 2 daughters by police, The Outlook, 20 April 2020, <https://www.outlookindia.com/newscroll/up-probe-ordered-into-alleged-thrashing-of-farmers-son-2-daughters-by-police/1808799>

⁹⁴. Surat: Video of boy being beaten goes viral, The Times of India, 21 April 2020, <https://timesofindia.indiatimes.com/city/surat/video-of-cop-thrashing-minor-with-stick-goes-viral/articleshowprint/75260317.cms>

⁹⁵. Two NE residents 'tortured' in police station for 15 hours, 22 April 2020, <https://bangaloremirror.indiatimes.com/bangalore/crime/two-ne-residents-tortured-in-police-station-for-15-hours/articleshowprint/75282066.cms?prtpage=1>

⁹⁶. Odisha journalist taking sick son to hospital assaulted by cop for flouting lockdown, The Hindustan Times, 23 April 2020, <https://www.hindustantimes.com/india-news/odisha-journalist-taking-sick-son-to-hospital-assaulted-by-cop-for-flouting-lockdown/story-85055zHwPDCdsbqWFtO1GK.html>

⁹⁷. Health worker, police fling charges at each other in Palamu, The Pioneer, 26 April 2020, <https://www.dailypioneer.com/2020/state->



Case 67: Beating of Mohd Khaleem, Telangana

On 25 April 2020, Mohd Khaleem was beaten by police when he went out to buy milk for his daughter at Mailardevpally in Hyderabad, Telangana. The victim alleged that he was beaten with a stick and fell down into a drain and hurt his leg. The police denied the allegation.⁹⁸

Case 68: Beating and dragging of a CRPF jawan, Karnataka

On 23 April 2020, Sachin Savant, a commando of 207 Bn COBRA of the CRPF was beaten and dragged to a police station barefoot in Belagavi district, Karnataka for allegedly violating lockdown norms. The incident took place when the victim was cleaning his motorcycle in front of his house. Sawant's family alleged that he was beaten with lathis and handcuffed by police. Photos of the victim being tied up in chains in the police station were widely circulated in social media.⁹⁹

[editions/health-worker--police-fling-charges-at-each-other-in-palamu.html](#)

⁹⁸. Man claims cops broke his leg for buying milk, The New Indian Express, 26 April 2020, <https://www.newindianexpress.com/cities/hyderabad/2020/apr/26/man-claims-cops-broke-his-leg-for-buying-milk-2135405.html>

⁹⁹. Cobra commando allegedly chained at Karnataka police station for not wearing mask, CRPF takes up matter, The Hindustan Times, 27 April 2020, <https://www.hindustantimes.com/india-news/cobra-commando-allegedly-chained-at-karnataka-police-station-for-not-wearing-mask-crpf-takes-up-matter/story-DjpgWuzEqkugHfEBXVJkI.html>

Case 69: Beating of two youth, Telangana

On 28 April 2020, Hyderabad Police Commissioner Anjani Kumar suspended two police personnel for beating up two men, causing them bleeding injuries in separate incidents during the ongoing lockdown in Hyderabad, Telangana. In the first incident, a policeman broke the head of a youth identified as Arbaz (19 years) with his stick when the latter was going to buy fruits for 'Iftar'. In the second incident, a policeman beat up a youth identified as Junaid (19 years), causing him bleeding injuries on his face.¹⁰⁰

Case 70: Beating of over 30 businessmen, Tripura

On 29 April 2020, more than 30 businessmen were injured in alleged indiscriminate lathi charge by police-TSR jawans in the Sabji market in Gol Bazar area in Agartala, Tripura during enforcement of lockdown. Five of the injured including a septuagenarian had to be admitted to hospital.¹⁰¹

¹⁰⁰. Two Hyderabad cops suspended for beating up youths in separate incidents, The News Minute, 29 April 2020, <https://www.thenewsminute.com/article/two-hyderabad-cops-suspended-beating-youths-separate-incidents-123540>

¹⁰¹. Police excesses in Gol Bazar 'Sabji market', thirty businessmen injured, The Tripurainfo.com, 29 April 2020, <https://tripurainfo.com/TripuraNews/Police-excesses-in-Gol-Bazar-Sabji-market-thirty-businessmen-injured6545.html>



Case 71: Beating of three stranded Kashmiris, Rajasthan

On 29 April 2020, at least three Kashmiris stranded in Jaipur, Rajasthan, were allegedly beaten up, harassed and called terrorists by the police when they were out to buy basic essentials. Two of the victims were identified as Altaf Dar and Bilal Ahmad.¹⁰²

Case 72: Beating of Mohammad Asgar Nawar, Telangana

On 19 April 2020, Mohammad Asgar Nawar was beaten by police when he had gone out to buy groceries in Hasan Nagar in Telangana. To avoid beating, he ran into a construction site and fell down from the top of the building, resulting in fracture in his both legs.¹⁰³

Case 73: Beating of a migrant auto driver, Telangana

A video shared by *India Today* on 22 April 2020 showed a migrant auto driver being beaten by police personnel when he was out to purchase gas for a cooking cylinder and milk for his children at Mir Chowk in

Hyderabad, Telangana. The police also seized his vehicle.¹⁰⁴

Case 74: Beating of Haji Pasha, Telangana

On 22 April 2020, Haji Pasha was beaten by police at Bholakpur, Telangana when he came out of his house at night. A video footage of the beating went viral on social media with three policemen seen badly hitting the man.¹⁰⁵

Case 75: Beating of Hafeez Hakeem, Telangana

On 22 April 2020, Hafeez Hakeem, the imam at Masjid-E-Qamar mosque at Nizamabad district, Telangana was allegedly assaulted by four policemen while returning after evening prayers.¹⁰⁶

¹⁰². "You are terrorists": Stranded Kashmiris in Jaipur beaten up by police, *The Kashmirwalla*, 30 April 2020, <https://thekashmirwalla.com/2020/04/stranded-kashmiris-out-in-jaipur-beaten-up-by-police/>

¹⁰³. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, *The News Minute*, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

¹⁰⁴. See <https://www.indiatoday.in/india/story/hyderabad-videos-capture-police-thrashing-autorickshaw-drivers-as-lockdown-gets-strict-1669899-2020-04-22>

¹⁰⁵. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, *The News Minute*, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

¹⁰⁶. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, *The News Minute*, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>



Case 76: Beating of Abdul Sattar, Telangana

On 20 April 2020, Abdul Sattar, a resident of Sriram Nagar, Yousufguda of Telangana was allegedly assaulted by local police when he had stepped out to buy rations.¹⁰⁷

Case 77: Beating of an auto-rickshaw driver, Telangana

On 22 April 2020, an auto-rickshaw driver, on his way to refill his LPG gas cylinder, was stopped at Etebar junction by traffic policemen and assaulted with lathis in Telangana. The auto-rickshaw driver damaged his own vehicle in protest against the police harassment. The video went viral on social media.¹⁰⁸

Case 78: Beating of Shaik Mahboob, Telangana

On 20 April 2020, Shaik Mahboob was beaten up by the police when he had gone out to buy milk in Nizamabad district, Telangana. The victim sustained a fractured finger.¹⁰⁹

¹⁰⁷. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, The News Minute, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

¹⁰⁸. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, The News Minute, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

¹⁰⁹. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, The

Case 79: Beating of Mohammad Azeemuddin, Telangana

On 20 April 2020, Mohammad Azeemuddin was assaulted by officers attached to the Pitlam police station in Kamareddy district, Telangana while he was returning home after buying medicines. Both his hands were fractured.¹¹⁰

Case 80: Beating of a man, Telangana

On 30 April 2020, a son taking his father for treatment to Erragadda Mental Hospital in Telangana was stopped and assaulted by police, while his mother who tried to prevent her son from being whisked away by the police was abused in vulgar language.¹¹¹

Case 81: 60-year-old mentally challenged woman molested, Haryana

On 29 April 2020, two police constables allegedly molested and misbehaved with a 60-year-old mentally challenged woman at a quarantine centre in Sector 31 in

News Minute, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

¹¹⁰. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, The News Minute, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

¹¹¹. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, The News Minute, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>



Gurugram, Haryana. The two accused were suspended.¹¹²

Case 82: Beating of mentally challenged Sunil Yadav, Uttar Pradesh

On 3 May 2020, a video emerged on social media showing a constable beating a mentally challenged man identified as Sunil Yadav with a stick for allegedly violating lockdown rules at Biba Mau village in Etawah district, Uttar Pradesh. The policeman was also seen pinning the man to the ground with one foot on his chest. Towards the end of the video, another policeman joined in beating the man.¹¹³

Case 83: Beating of at least four persons of a family including women, Rajasthan

On 5 May 2020, video clips surfaced on social media showing family making frantic appeals for justice against the highhandedness of policemen from the Kotwali police station of Nimbaheda in Chittorgarh district, Rajasthan. One of the videos showed the policemen beating a man for allegedly violating curfew. In another clip, his family members were

showing blue marks on their bodies reportedly after being beaten up by the policemen. The enraged policemen were even heard calling out loudly that if anyone steps out of their houses, their legs would be broken. Women in the household alleged that police showed no mercy on a woman who had delivered a baby just 20 days ago and even a 90-year-old woman was beaten up by them inside her home. All the victims suffered injuries due to police beating.¹¹⁴

Case 84: Beating of 30-year-old Imran, Delhi

On 6 May 2020, Imran (30 years) an AC mechanic, was allegedly beaten by police constable accusing him of hugging people at Sagarpur in Southwest Delhi. A video of Imran being beaten up by the constable with a lathi emerged on social media, following which the constable was suspended.¹¹⁵

Case 85: Beating of journalist Prasanjit Dutta, Nagaland

On 8 May 2020, *Nagaland Page* journalist Prasanjit Dutta was assaulted by a Government Railway Police (GRP) official while he was returning home from work

¹¹². 2 constables suspended for molesting mentally challenged woman at a quarantine facility, *The Hindustan Times*, 2 May 2020, <https://www.hindustantimes.com/gurugram/2-constables-suspended-for-molesting-mentally-challenged-woman-at-a-quarantine-facility/story-wN42mJDwClpqXxX50jYB4O.html>

¹¹³. Coronavirus: Viral video shows Indian cops mercilessly beating man in Uttar Pradesh, amid lockdown, *Gulf News*, 4 May 2020, <https://gulfnews.com/world/asia/india/coronavirus-viral-video-shows-indian-cops-mercilessly-beating-man-in-uttar-pradesh-amid-lockdown-1.1588596635181>

¹¹⁴. Chittor cops thrash family for flouting curfew, clips go viral, *The Times of India*, 6 May 2020, <https://timesofindia.indiatimes.com/city/udaipur/chittor-cops-thrash-family-for-flouting-curfew-clips-go-viral/articleshowprint/75564477.cms>

¹¹⁵. Accused of 'hugging people', man beaten up by policeman and locals, *The Indian Express*, 9 May 2020, <https://indianexpress.com/article/cities/delhi/accused-of-hugging-people-man-beaten-up-by-policeman-and-locals-6400944/>



near Dimapur Railway Station in Nagaland. According to Dutta, the GRP official asked if Dutta was a Muslim and when he said he was a Bengali, the official slapped him again and said Nagaland was not his state and if wanted to spread the virus, he (Dutta) should go to his own state. After the accused official apologized to Dutta, the Dimapur-based newspaper Nagaland Page withdrew its complaint against the official.¹¹⁶

Case 86: Beating of two persons, pregnant woman slapped, Gujarat

A video shared on 8 May 2020 showed a man being brutally beaten by police in Ahmedabad, Gujarat. The police were seen hitting the man lying on the ground repeatedly with sticks all over the body. A woman alleged that her son, who did not go out, was also mercilessly beaten by the police. While a pregnant woman alleged that she was slapped by the police personnel. Police denied the allegations.¹¹⁷

Case 87: Beating of a shopkeeper and minor injured after chased by police, Delhi

Videos shared by The Times of India on 9 May 2020 show a retailer of Azadpur

¹¹⁶. Nagaland newspaper withdraws FIR against police officer for assaulting journalist after apology, Scroll.in, 10 May 2020, <https://scroll.in/latest/961530/nagaland-newspaper-withdraws-fir-against-police-officer-for-assaulting-journalist-after-apology>

¹¹⁷. See <https://www.thequint.com/news/india/gujarat-police-alleged-atrocity-pregnant-woman-shahpur-violence-during-coronavirus-lockdown>

Mandi in Delhi allegedly beaten by police for conducting business when the wholesale market was open. The man was seen lying on the road, bleeding from his head. In another video, a 14-year-old can be seen in an ambulance after he hurt his head after falling on the ground while trying to flee from the police.¹¹⁸

Case 88: Beating of two migrant workers, Karnataka

A video published on 12 May 2020 showed two migrant workers kicked and slapped by a policeman in Bangalore, Karnataka. The migrant workers had gathered in Bangalore seeking arrangement to travel to Uttar Pradesh. The accused police officer identified as Raja Saheb was suspended after the video was widely circulated on social media.¹¹⁹

Case 89: Beating of 19-year-old Rahul, Telangana

On 15 May 2020, Rahul (19 years) was beaten by the police personnel at Sanath Nagar bus stop under Sanath Nagar police station in Hyderabad district of Telangana when he stepped out to buy medicine from a shop at Sanath Nagar area during the Covid-19 lockdown. The victim claimed that the police personnel attached to Sanath Nagar police station came and started

¹¹⁸. The video is available at <https://timesofindia.indiatimes.com/videos/city/delhi/lockdown-videos-of-alleged-excessive-force-by-delhi-police-go-viral/videoshow/75623356.cms>

¹¹⁹. See <https://scroll.in/video/961716/watch-bengaluru-policeman-kicks-and-punches-migrant-workers-is-suspended>



beating him without any reason. The victim sustained injuries on his legs due to police beating.¹²⁰

Case 90: Beating of two women, Uttar Pradesh

On 16 May 2020, two women identified as Gujhiya Devi (50 years) and Tanuja (32 years) were allegedly beaten by a police officer in Sector 19 Noida in Uttar Pradesh when they were standing in a queue to procure ration for allegedly flouting the norms of social distancing. The accused police officer was suspended.¹²¹

Case 91: Beating of 12-year-old boy, Uttar Pradesh

On 16 May 2020, a 12-year-old boy was allegedly beaten by police in Baradari area in Bareilly district, Uttar Pradesh while he was selling fruits on a cart. In a video footage, the boy could be seen crying uncontrollably and showing his swollen

hand, claiming that two policemen had beaten him with a stick.¹²²

Case 92: Beating of Dr. Sudhakar Rao, Andhra Pradesh

On 16 May 2020, a doctor identified as Dr. Sudhakar Rao was beaten with his hands tied in the back and dragged on the road by police in Visakhapatnam district, Andhra Pradesh. The doctor was suspended two months ago by the government after he spoke openly about shortage of N-95 masks for doctors.¹²³

Case 93: Beating of Fayaz Ahamad Ganie, Jammu & Kashmir

On 18 May 2020, Fayaz Ahamad Ganie, a forest protection officer, was beaten by police in Bandipora district, Jammu & Kashmir. The incident took place when the victim was on the way to his office when two policemen deployed to implement lockdown guidelines stopped him for stepping outside. He sustained injuries on his ear and bruises on legs and arms.¹²⁴

¹²⁰. Hyderabad youth claims he was beaten up for not wearing mask, The New Indian Express, 17 May 2020, <https://www.newindianexpress.com/cities/hyderabad/2020/may/17/hyderabad-youth-claims-he-was-beaten-up-for-not-wearing-mask-2144429.html>

¹²¹. COVID-19 lockdown: Cop suspended for beating women at ration shop in Noida, The New Indian Express, 16 May 2020, <https://www.newindianexpress.com/nation/2020/may/16/covid-19-lockdown-cop-suspended-for-beating-women-at-ration-shop-in-noida-2144240.html>

¹²². Police thrash boy for selling fruits, Akhilesh tweets video, The Times of India, 17 May 2020, <https://timesofindia.indiatimes.com/city/bareilly/police-thrash-boy-for-selling-fruits-akhilesh-tweets-video/articleshowprint/75781590.cms>

¹²³. Andhra Pradesh: Cops tie doctor's hands, drag on road, thrash brutally, The Times of India, 17 May 2020, <https://timesofindia.indiatimes.com/videos/city/hyderabad/andhra-pradesh-cops-tie-doctors-hands-drag-on-road-thrash-brutally/videoshow/75784403.cms>

¹²⁴. On Way To Office, Police Allegedly Beat Up Forest Official In Bandipora – 'Injured shifted to hospital for treatment', The Kashmir Age, 18 May 2020, <https://kashmirage.net/2020/05/18/on->



Case 94: Forcing two labourers to roll on road, Uttar Pradesh

On 19 May 2020, a police constable in Uttar Pradesh was suspended after a video emerged in social media, in which he was seen beating two labourers, who were going to their respective homes, and forcing them to roll on road in the scorching heat near a railway station in Hapur district.¹²⁵

Case 95: Brutal beating of migrant worker Ajay Mishra, Punjab

On 21 May 2020, Ajay Mishra, a migrant worker from Bihar was brutally beaten by police when he was waiting at a hand pump to take a bath in Jalandhar, Punjab. Following the beating, the victim sustained fractures in two of his fingers and other injuries.¹²⁶

Case 96: Beating of Dr. Shabir Ahmad Mir, Jammu & Kashmir

On 22 May 2020, Dr. Shabir Ahmad Mir (50 years) was allegedly beaten by the police personnel near Budshah Bridge in

[way-to-office-police-allegedly-beat-up-forest-official-in-bandipora/](#)

¹²⁵. Uttar Pradesh cop suspended for beating labourers, making them roll on road, The New Indian Express, 19 May 2020, <https://www.newindianexpress.com/nation/2020/may/19/uttar-pradesh-cop-suspended-for-beating-labourers-making-them-roll-on-road-2145341.html>

¹²⁶. Cops beat, injured me: Migrant worker, The Times of India, 25 May 2020, <https://timesofindia.indiatimes.com/city/chandigarh/cops-beat-injured-me-migrant-worker/articleshowprint/75955881.cms>

Srinagar, Jammu & Kashmir when he was going to duty in the G B Panth Hospital during the Covid-19 lockdown. The victim claimed that the police personnel attached to Miasuma police station stopped him near Budshah Bridge in Srinagar and dragged him out from his car and started beating him without any valid reasons before he could explain his identity. The victim received injuries in his fingers due to police beating.¹²⁷

Case 97: Beating and arrest of Dr. Syed Maqbool, Jammu & Kashmir

On 23 May 2020, Dr. Syed Maqbool (50 years) was allegedly beaten and detained at Zadibal police station in Srinagar, Jammu & Kashmir during the COVID-19 lockdown. The victim, a cardiologist, was posted at the Government Medical College Srinagar in J&K. Dr Maqbool alleged that a policeman stopped his car near Hawal Chowk in Srinagar and prevented him from going towards his hospital to attend some emergency cases despite showing his identity card and a copy of his duty roster. When he urged the policeman to let him talk to his senior, the policeman hit the doctor in his belly with a stick. Then, the Station House Officer of Zadibal Police Station identified as Javaid Ahmad detained him and/took him to the police station.¹²⁸

¹²⁷. Doctor alleges being thrashed by police in Srinagar, Kashmir Vision, 24 May 2020, <https://kashmirvision.in/2020/05/24/doctor-alleges-being-thrashed-by-police-in-srinagar-2/>

¹²⁸. J&K Doctor Detained, Alleges Assault. Police Say He "Manhandled" Cop, NDTV, 26 May 2020, <https://www.ndtv.com/india-news/jammu-and-kashmir-doctor-syed-maqbool-detained->



Case 98: Brutal beating of man, Madhya Pradesh

On 23 May 2020, a video clip of two policemen wearing masks brutally beating a man to unconsciousness at Pipla Naryanwar village under Lodhikheda police station in Chhindwara district of Madhya Pradesh had emerged on social media. The incident took place a few days earlier. The two policemen were identified as Head constable Krishna Dongre and constable Ashish.¹²⁹

Case 99: Beating of Tej Bahadur Yadav, Gujarat

On 23 May 2020, Tej Bahadur Yadav (27 years), a watchman, was beaten by constables Ranjitsinh Tur and Balvant Parmar attached to Khatodara police station at Sankalp Shopping Complex in Bhatar area under Surat district of Gujarat for allegedly violating the lockdown guidelines. The victim claimed that the police personnel allegedly approached him and started beating up him when he was on duty and sitting in the parking area of the complex. The police beat the victim with sticks even after he disclosed his identity.¹³⁰

[alleges-assault-police-say-he-manhandled-cop-2235028](https://thewire.in/rights/madhya-pradesh-video-police-beating-man)

¹²⁹. Madhya Pradesh: Video of Policemen Beating Man Goes Viral, 2 Constables Taken off Field Duty, The Wire, 24 May 2020, <https://thewire.in/rights/madhya-pradesh-video-police-beating-man>

¹³⁰. Surat cops in dock again, this time for thrashing watchman, The Times of India, 26 May 2020, <https://timesofindia.indiatimes.com/city/s>

Case 100: Beating of a 56-year-old retired army personnel and his son, Uttar Pradesh

On 24 May 2020, Harish Chand (56 years), retired army personnel, and his son were allegedly beaten by a police official in Agra, Uttar Pradesh. The police first allegedly beat up Chand's son with a stick when he had gone out to buy sugar from a shop. Thereafter, Chand was allegedly brutally beaten up by four policemen when he confronted them about his son's beating.¹³¹

[urat/surat-cops-in-dock-again-this-time-for-thrashing-watchman/articleshow/75981698.cms](https://www.timesnownews.com/mirror-now/crime/article/retired-army-man-brutally-beaten-up-by-cops-police-inaction-alleged/596516)

¹³¹. Retired Army man brutally beaten up by cops; police inaction alleged, The Mirror Now, 25 May 2020, <https://www.timesnownews.com/mirror-now/crime/article/retired-army-man-brutally-beaten-up-by-cops-police-inaction-alleged/596516>

3. DEATHS OF THE MIGRANT WORKERS WHILE RETURNING HOME

From 24 March 2020 to 31 May 2020, at least 231 migrants, mostly migrant workers, died while trying to return to their homes. This includes 150 persons who died in road accidents, forest fire, due to exhaustion or illness or negligence in relief camps and injuries to hundred others; and about 81 persons who died in Shramik trains as explained below.

3.1 Death of 150 migrants travelling in buses and other modes of transport

At least 150 migrant workers were killed in road accidents, forest fire, due to exhaustion or illness or negligence in relief camps etc in various states while trying to return home to escape from situation arising out of the lockdown imposed by the Government of India. Uttar Pradesh reported the highest death of migrant workers with 66, followed by Maharashtra (23 deaths), Telangana (19 deaths), Bihar and Madhya Pradesh (9 deaths each), Haryana and Chhattisgarh (5 deaths each), Tamil Nadu (4 deaths), Odisha and Jammu & Kashmir (3 deaths each), and Gujarat, Uttarakhand, Andhra Pradesh and Jharkhand (1 death each).

The details of the cases-state wise are given below.

Uttar Pradesh

The highest number of deaths of migrant workers was reported in Uttar Pradesh with 66 deaths as given below:

- On 28 March 2020, Ranveer Singh, (39 years), employed by a restaurant in Delhi as a home delivery worker, died in Agra, Uttar Pradesh while on his way to the Morena district of

Madhya Pradesh on foot. He reportedly died of exhaustion.¹³²

- On 28 March 2020, a migrant worker identified as Nitin Kumar (26 years) was killed in the Pakwarha area of Moradabad, Uttar Pradesh while walking from Sonipat, Haryana to his village in Rampur, Uttar Pradesh. Nitin Kumar, a shoe factory employee, had decided to walk home after the lockdown was announced and was hit by a private bus on the road.¹³³
- On 22 April 2020, two migrant workers from Bihar identified as Mukesh Yadav (45 years) and Tulsiram (35 years) were killed and one injured in a road accident on Agra-Lucknow expressway in Firozabad district, Uttar Pradesh. They were travelling on a motorbike.¹³⁴
- On 30 April 2020, three labourers belonging to a same family died in a road accident while they were on their way to Delhi on foot in the Madarak region of Aligarh, Uttar Pradesh.¹³⁵

¹³². Coronavirus: With 17 migrant workers dead, lockdown and not Covid-19 claims 20 lives, The Telegraph, 30 March 2020, <https://www.telegraphindia.com/india/coronavirus-with-17-migrant-workers-dead-lockdown-and-not-covid-19-claims-20-lives/cid/1760595>

¹³³. Ibid

¹³⁴. Two migrant workers from Bihar killed in road accident, The Times of India, 22 April 2020, <https://timesofindia.indiatimes.com/city/agra/two-migrant-workers-from-bihar-killed-in-road-accident/articleshowprint/75303663.cms>

¹³⁵. Workers reach Aligarh on foot from Delhi, three killed in road accident, The Amar Ujala, 30



- On 9 May 2020, a migrant worker identified as Sagheer Ansari (26 years) died while he was on way to home in Bihar from Delhi in a cycle in Lucknow, Uttar Pradesh. He decided to leave for home after he was rendered jobless.¹³⁶
- On 12 May 2020, a woman identified as Sanju Yadav (33 years) and her six-year-old daughter, travelling thousands of kilometers to their village were killed in a road accident in Fatehpur, Uttar Pradesh. They were returning from Maharashtra.¹³⁷
- On 12 May 2020, Shiv Kumar Das, a 25-year-old migrant worker cycling home to Bihar was killed in Rae Bareilly, Uttar Pradesh after he was hit by a car.¹³⁸
- On 12 May 2020, Mohan (40 years), a migrant labourer was killed in Chitrakoot, Uttar Pradesh while returning from Chhattisgarh in a bicycle, which was hit by a truck.¹³⁹
- On 13 May 2020, two migrant labourers identified as Rohit (25 years) and Hiranman (50 years) and a two-year-old girl Sumaiyya were killed in road accident near Lalpur police post on Kanpur-Jhansi highway in Uttar Pradesh. They were returning home in Uttar Pradesh from Gujarat.¹⁴⁰
- In the intervening night of 13 and 14 May 2020, six migrant workers, who were walking to their homes in Bihar from Punjab, were killed and five others seriously injured when a speeding bus ran over them on the Delhi-Saharanpur highway in

April 2020,
<https://translate.google.com/translate?hl=en&sl=hi&u=https://www.amarujala.com/uttar-pradesh/aligarh/three-migrant-workers-returning-from-delhi-died-in-a-road-accident-in-aligarh&prev=search>

¹³⁶. Coronavirus lockdown | Car runs over migrant worker on his way home to Bihar by bicycle, The Hindu, 10 May 2020, <https://www.thehindu.com/news/national/coronavirus-lockdown-migrant-cycling-back-to-bihar-dies-after-being-hit-by-car-in-lucknow/article31550623.ece>

¹³⁷. 4 Migrants, Headed Home, Killed In Accidents. Mother-Daughter Among Them, The NDTV, 13 May 2020, <https://www.ndtv.com/india-news/coronavirus-lockdown-migrant-worker-from-bihar-killed-after-being-hit-by-speeding-car-in-ambala-haryana-another-injured-2227202>

¹³⁸. Ibid

¹³⁹. Three migrant workers, infant girl returning home during lockdown killed in two road accidents in Uttar Pradesh, 46 others injured, The Firstpost, 13 May 2020, <https://www.firstpost.com/india/three-migrant-workers-infant-girl-returning-home-during-lockdown-killed-in-two-road-accidents-in-uttar-pradesh-46-others-injured-8363861.html>

¹⁴⁰. Three migrant workers, infant girl returning home during lockdown killed in two road accidents in Uttar Pradesh, 46 others injured, The Firstpost, 13 May 2020



Muzaffarnagar district, Uttar Pradesh.¹⁴¹

- On 13 May 2020, three migrant workers travelling from Gujarat to Uttar Pradesh were killed in a road accident in Barabanki district, Uttar Pradesh while four others suffered serious injuries.¹⁴²
- On 13 May 2020, a migrant worker who was travelling from Maharashtra died after a truck he was travelling in lost control and overturned in Bahraich district, Uttar Pradesh. Thirty-two migrant workers also suffered serious injuries in the accident.¹⁴³
- On 13 May 2020, two migrant workers were killed in Jalaun district, Uttar Pradesh.¹⁴⁴
- On 16 May 2020, 27 migrant workers were killed and many were injured after a truck rammed into a DCM lorry they were travelling in Auraiya district in Uttar Pradesh. The migrant workers were on their way to their native places in

different states including Jharkhand, Bihar and West Bengal.¹⁴⁵

- On 19 May 2020, three women migrant labourers were killed when a truck carrying labourers overturned on the Jhansi-Mirzapur highway in Mahoba district of Uttar Pradesh, while 17 others were injured.¹⁴⁶
- On 19 May 2020, three workers travelling in a car were killed when their vehicle rammed a stationary mini-truck in Azamgarh district, Uttar Pradesh.¹⁴⁷
- On 22 May 2020, two migrant workers identified as Nizamuddin and Intezar returning to their village in Bijnor district from Surat, Gujarat were killed and at least a dozen others injured when a pick-up vehicle met with an accident in the Ahmedgarh area of Bulandshahr, Uttar Pradesh.¹⁴⁸
- On 22 May 2020, three migrant workers from Bihar were killed while another was seriously injured when their vehicle was hit by a truck

¹⁴¹. Six Migrant Workers Walking on Highway Killed by Bus in UP's Muzaffarnagar, The Wire, 14 May 2020, <https://thewire.in/rights/migrant-workers-killed-lockdown-bus-up-muzaffarnagar>

¹⁴². 6 Migrant Workers Killed In 3 Separate Accidents In UP, The NDTV, 14 May 2020, <https://www.ndtv.com/india-news/coronavirus-india-lockdown-6-migrant-workers-killed-in-3-separate-accidents-in-up-2229091>

¹⁴³. Ibid

¹⁴⁴. Ibid

¹⁴⁵. UP crash toll goes up with one death, The Telegraph, 20 May 2020, <https://www.telegraphindia.com/states/west-bengal/coronavirus-lockdown-up-crash-toll-goes-up-with-one-death/cid/1774452>

¹⁴⁶. Ibid

¹⁴⁷. Ibid

¹⁴⁸. Two migrant workers killed in road accident near Bulandshahr, 22 May 2020, <https://www.thehindu.com/news/national/other-states/two-migrant-workers-killed-in-road-accident-near-bulandshahr/article31649783.ece>



near Basahi village under the Lalganj police station in Mirzapur district, Uttar Pradesh. Those killed were identified as Raju Singh (26 years), Saurav Kumar (23 years) and Amit Singh (26 years).¹⁴⁹

- On 28 May 2020, a 45-year-old migrant worker identified as Peer Ali who returned from Delhi died after reaching his village in Chitrakoot in Uttar Pradesh. The deceased worked as a security guard in Delhi and had hired a vehicle to return to his village along with his son. He fell unconscious as soon as he got down from the vehicle and died.¹⁵⁰

Maharashtra

There were reports of 23 deaths of migrant workers in Maharashtra as given below:

- On 28 March 2020, four migrant workers identified as Ramesh Bhatt (55 years), Nikhil Pandey (32 years), Naresh Kalusuva (18 years) and Lauram Bhagora (18 years), all from Baswada in Rajasthan, were killed

¹⁴⁹. 3 migrant workers from Bihar's Gopalganj killed, 1 seriously hurt in road accident in UP's Mirzapur, The 22 May 2020, <https://www.newindianexpress.com/nation/2020/may/22/3-migrant-workers-from-bihars-gopalganj-killed-1-seriously-hurt-in-road-accident-in-ups-mirzapur-2146686.html>

¹⁵⁰. Migrant worker dies after return from Delhi in UP's Chitrakoot, Outlook, 29 May 2020, <https://www.outlookindia.com/newscroll/migrant-worker-dies-after-return-from-delhi-in-ups-chitrakoot/1849674>

after they were run over by a truck at Virar on the Mumbai-Gujarat highway. The migrant workers were walking home due to non-availability of any other means of transportation due to the lockdown.¹⁵¹

- On 8 May 2020, 16 migrant labourers died after they were run over by a good train after they had dozed off on a railway track at Satana village near Aurangabad after walking nearly 36 km from Jalna, Maharashtra where they used to work in a steel plant. They were on their way back to home in Madhya Pradesh by foot.¹⁵²
- On 19 May 2020, three migrant labourers and a bus driver were killed and 22 others injured after their vehicle hit a stationary truck in Yavatmal district, Maharashtra.¹⁵³

Telangana

Telangana reported deaths of 19 migrant workers and several injuries as given below:

- On 27 March 2020, eight persons, including an 18-month-old boy, who were part of a group of migrant

¹⁵¹. Ibid

¹⁵². Maharashtra: 16 die as train runs over tired migrants sleeping on tracks, The Times of India, 9 May 2020, <https://timesofindia.indiatimes.com/india/16-die-as-train-runs-over-tired-migrants-sleeping-on-tracks/articleshowprint/75636960.cms>

¹⁵³. Ibid



labourers returning home in Raichur district of Karnataka, died in a road accident on the outskirts of Hyderabad in Telangana. About 31 migrant workers employed by a construction firm in Suryapet district of Telangana were traveling in a Bolero Max open truck when their vehicle was hit by a truck loaded with mangoes from the rear.¹⁵⁴

- On 18 April 2020, Jamlo Madkami, a 12-year-old girl died after walking about 100 km for over three days through dense forest to reach her village in Bijapur district of Chhattisgarh from Perur in Mulgu district of Telangana. She along with other migrant workers decided to travel on foot to their home state following the lockdown.¹⁵⁵
- On 12 May 2020, a 32-year old migrant labourer died and 20 others were injured after the overloaded vehicle they were travelling met with an accident in Kamareddy

district of Telangana. They were on their way home to Jharkhand.¹⁵⁶

- On 22 May 2020, nine migrant workers, including six of the same family, were found dead in an abandoned well on the outskirts of Warangal town in Telangana. The Police claimed that they were killed by a fellow migrant worker. The deceased were identified as Md Maqsood (55 years), his wife Nisha (48 years), sons Shahabad Alam (21 years) and Sohail Alam (18 years), daughter Bushra (20 years) and her three years old son Shoaib (all from the same family from West Bengal), Sriram (21 years) and Shyam (22 years) from Bihar, besides Shakil (30 years) from Tripura.¹⁵⁷

Bihar

At least nine migrant workers were killed in Bihar as given below:

- On 19 May 2020, nine migrant workers were killed when the truck, which was carrying iron poles, skidded off the road and fell into a

¹⁵⁴. Hyderabad: Eight migrants returning home killed in road accident, The Indian Express, 28 March 2020, <https://indianexpress.com/article/cities/hyderabad/india-lockdown-hyderabad-migrant-labourers-accident-6335807/>

¹⁵⁵. 12-yr-old migrant worker dies after walking 100km, The Hindustan Times, 20 April 2020, <https://www.hindustantimes.com/india-news/12-yr-old-migrant-worker-dies-after-walking-100km/story-8LHJHm2F61mDJZxGd4SGP.html>

¹⁵⁶. One migrant worker dies, 20 injured in road accident in Telangana, 12 May 2020, <https://in.news.yahoo.com/one-migrant-worker-dies-20-150752907.html>

¹⁵⁷. 9 migrants found dead in Telangana's Warangal killed by fellow worker: Cops, The Hindustan Times, 25 May 2020, <https://www.hindustantimes.com/india-news/9-migrants-found-dead-in-telangana-s-warangal-killed-by-fellow-worker-cops/story-KFy5NDVxVc5TkQN8W4yEpl.html>



ditch after the collision on NH-31 in Baghalpur district, Bihar.¹⁵⁸

Madhya Pradesh

Madhya Pradesh reported deaths of at least nine persons as given below:

- On 28 March 2020, a labourer identified as Shanu Kushwaha (35 years) died in Datia district of Madhya Pradesh after he was left untreated by a doctor who was a part of an ambulance service. According to an eye witness, Kushwaha was left on the Bhaguvapura bus stand as his health continued to deteriorate and called the ambulance. However, though the doctor came, he did not take Kushwaha to the hospital, after which Kushwaha died on the spot.¹⁵⁹
- On 30 April 2020, three migrant labourers identified as Vikram Singh, his wife Bhooli and Badrilal Banjara were crushed to death by a truck while they were asleep in Ujjain district, Madhya Pradesh. The deceased who had arrived from Rajasthan had decided to take rest

due to fatigue when the truck driver lost control and crushed them.¹⁶⁰

- On 9 May 2020, five migrant labourers were killed and 13 others injured when a truck in which they were travelling overturned in Narsinghpur district, Madhya Pradesh.¹⁶¹

Haryana

At least five migrant workers were killed in Haryana as given below:

- On 29 March 2020, four persons of a migrant family, including women and two children, died after they were hit by a vehicle in Gurgaon, Haryana.¹⁶²
- On 13 May 2020, a migrant worker from Bihar was killed and another injured after being hit by a speeding car on a road in Ambala Cantt in Haryana.¹⁶³

¹⁵⁸. 22 migrant workers killed in road accidents across 5 states, The Hindustan Times, 20 May 2020, <https://www.hindustantimes.com/india-news/22-migrant-workers-killed-in-road-accidents-across-5-states/story-LtPzB20mKFUtXdke8El6bK.html>

¹⁵⁹. Hunger, accidents and apathy killed migrants walking back home amid the Covid-19 lockdown, 2 April 2020, <https://sabrangindia.in/article/hunger-accidents-and-apaty-killed-migrants-walking-back-home-amid-covid-19-lockdown>

¹⁶⁰. Three Migrant Labourers Crushed To Death Barely 1 Km From, 30 April 2020, <https://thelogicalindian.com/latest-news/migrant-workers-die-accident-20848>

¹⁶¹. Six Migrant Workers Walking on Highway Killed by Bus in UP's Muzaffarnagar, The Wire, 14 May 2020, <https://thewire.in/rights/migrant-workers-killed-lockdown-bus-up-muzaffarnagar>

¹⁶². Coronavirus: With 17 migrant workers dead, lockdown and not Covid-19 claims 20 lives, The Telegraph, 30 March 2020

¹⁶³. 4 Migrants, Headed Home, Killed In Accidents. Mother-Daughter Among Them, The NDTV, 13 May 2020



Chhattisgarh

At least five migrant workers were killed in Chhattisgarh as given below:

- On 21 May 2020, three migrant labourers were killed when a bus carrying them collided with a truck at Nanghat near Bilaspur district in Chhattisgarh. They were travelling from Pune to Jharkhand.¹⁶⁴
- On 24 May 2020, two migrant workers on their way to their home states died in Mahasamund district in Chhattisgarh. The deceased were from West Bengal and Odisha respectively. They died after their health deteriorated.¹⁶⁵

Tamil Nadu

Four migrant labourers were killed in Tamil Nadu as given below:

- On 24 March 2020 night, four people – including a one-year-old baby– died in a forest fire in Theni district in Tamil Nadu while they

¹⁶⁴. Three migrants die in road accident in Chhattisgarh, The New Indian Express, 22 May 2020,

<https://www.newindianexpress.com/nation/2020/may/22/three-migrants-die-in-road-accident-in-chhattisgarh-2146487.html>

¹⁶⁵. Two migrant workers die in Chhattisgarh's Mahsamund while heading home, The Hindustan Times, 25 May 2020,

<https://www.hindustantimes.com/india-news/two-migrant-workers-die-in-chhattisgarh-s-mahsamund-while-heading-home/story-9DfMyukd9Xby1K8uXl8Mql.html>

were taking the forest path home from the estate they worked at, due to the lack of motorised transport.¹⁶⁶

Odisha

Odisha reported death of at least three migrant workers and several injuries as given below:

- On 5 May 2020, one person died and 10 others were injured when a bus carrying around 40 migrant workers collided with a fruit-laden truck in Khurda district, Odisha. The migrant workers were on their way to home state from Hyderabad, Telangana.¹⁶⁷
- On 19 May 2020, two migrant workers were killed and over 20 were injured in four separate road accidents in Odisha.¹⁶⁸

¹⁶⁶. Coronavirus: With 17 migrant workers dead, lockdown and not Covid-19 claims 20 lives, The Telegraph, 30 March 2020,

<https://www.telegraphindia.com/india/coronavirus-with-17-migrant-workers-dead-lockdown-and-not-covid-19-claims-20-lives/cid/1760595>

¹⁶⁷. One dead after bus carrying migrant workers hits truck in Odisha's Khurda, The Hindustan Times, 5 May 2020,

<https://www.hindustantimes.com/india-news/one-dead-after-bus-carrying-migrant-workers-hits-truck-in-odisha-s-khurda/story-gpSmw4x0ixRpXyh82e1VhO.html>

¹⁶⁸. 2 migrants workers killed, over 20 injured in road accidents in Odisha, The Hindustan Times, 20 May 2020,

<https://www.hindustantimes.com/india-news/2-migrants-workers-killed-over-20-injured-in-road-accidents-in-odisha/story-eb28JLqIorC4QI70rTq5FO.html>



Jammu & Kashmir

Jammu & Kashmir reported death of at least three migrant workers as given below:

- On 31 March 2020, three migrant workers identified as Zubair Ahmed (18 years), Riyaz Ahmed (19 years) and Ghulam Mohi-ud-Din (30 years) lost their lives after they took a dangerous detour to reach their homes in Banihal post after being denied passage through the Jawahar Tunnel in Jammu & Kashmir.¹⁶⁹

Gujarat

At least one migrant worker was killed in Gujarat as given below:

- On 30 March 2020, a migrant worker died while he was returning home to Jaipur, Rajasthan from Ahmedabad, Gujarat. He started vomiting blood when he reached Udaipur.¹⁷⁰

Uttarakhand

At least one migrant worker was killed in Uttarakhand as given below:

- On 16 April 2020, Netrapal (42 years), a migrant worker from Uttar Pradesh, died at a relief camp in Roorkee, Uttarakhand. His family

alleged that he had stopped eating as he was given barely boiled rice, which he was unable to eat.¹⁷¹

Andhra Pradesh

Andhra Pradesh reported at least death of one migrant worker as given below:

- On 29 April 2020, Hari Prasad (26 years) a migrant worker, who had walked more than 100 km from Bangalore, Karnataka to reach his village, Mittapalle in Chittoor district in Andhra Pradesh died due to exhaustion.¹⁷²

Jharkhand

Jharkhand reported death of at least one migrant worker as given below:

- On 19 May 2020, one migrant worker was killed in road accident in Jharkhand.¹⁷³

¹⁶⁹. Ibid

¹⁷⁰. Hunger, accidents and apathy killed migrants walking back home amid the Covid-19 lockdown, 2 April 2020, <https://sabrangindia.in/article/hunger-accidents-and-apaty-killed-migrants-walking-back-home-amid-covid-19-lockdown>

¹⁷¹. Migrant Worker Dies In Roorkee Relief Camp; Family Alleges He Was Starving, The Outlook 19 April 2020, <https://www.outlookindia.com/website/story/india-news-migrant-worker-dies-in-roorkee-relief-camp-family-alleges-he-was-starving/351071>

¹⁷². Death after walk home, The Telegraph, 2 May 2020, <https://www.telegraphindia.com/india/coronavirus-lockdown-death-after-walk-home/cid/1769671>

¹⁷³. 22 migrant workers killed in road accidents across 5 states, The Hindustan Times, 20 May 2020, <https://www.hindustantimes.com/india-news/22-migrant-workers-killed-in-road->



3.2 Death of 81 migrants in Shramik Trains

The Hindustan Times reported 80 deaths on board the *Shramik* Special trains between May 9 and May 27¹⁷⁴ while the death of another person in Shramik train was reported after 27th May. Extreme heat, hunger and dehydration added to the woes of the migrant workers returning home on these trains.

Some of the emblematic cases of deaths in the Shramik trains reported in the media are provided below:

On 12 May 2020, a 63-year-old cancer patient identified as Indu Devi died in the train on the way from Mumbai to Bihar.¹⁷⁵

On the mid night of 22 May 2020, Naichinalyu Disang (23 years), a resident of Nagaland, who boarded the train from Gurugram in Haryana died in the train.¹⁷⁶

[accidents-across-5-states/story-LtPzB20mKFUtXdke8El6bK.html](https://www.hindustantimes.com/india-news/3-onboard-shramik-special-trains-dead-sample-of-one-taken-for-covid-19-testing/story-n8dNjROHBTBcVuOPOH9ZpM.html)

^{174.} Railway Protection Force reports 80 deaths on Shramik trains, *The Hindustan Times*, 30 May 2020, <https://www.hindustantimes.com/india-news/railway-protection-force-reports-80-deaths-on-shramik-trains/story-pslI3EenY4B0uUYMRvkChL.html>

^{175.} Ailing passengers among 81 dead on Shramik Specials, *The Times of India*, 31 May 2020, http://timesofindia.indiatimes.com/articleshow/76114685.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

^{176.} Naga girl dies on train en-route to Nagaland from Haryana, *Eastmojo*, 23 May 2020, <https://www.eastmojo.com/nagaland/2020/05/23/naga-girl-dies-on-train-en-route-to-nagaland-from-haryana>

On 24 May 2020, Rajendra Prasad (50 years), a resident of Unnao, died in the Lucknow-bound special train from Andhra Pradesh, and Munni Devi (80 years), a resident of Siwan district in Bihar, died onboard the special train going from Surat to Siwan.¹⁷⁷

On 25 May 2020, a four-year-old boy identified as Mohammed Irshaad travelling in a Shramik train, died reportedly because of heat and hunger during the 39-hour journey from Delhi to Muzaffarpur. The boy's father Pintu Alam had reportedly stated that his son asked for food and there was nothing that they could offer him.¹⁷⁸

On 26 May 2020, a 58-year-old migrant identified as Bhushan Singh of Saran district in Bihar was found dead in the Surat-Hajipur train in Ballia in Uttar Pradesh.¹⁷⁹

On 26 May 2020, Ram Awadh Chauhan (45 years) and another unidentified man

^{177.} 3 onboard Shramik Special trains dead, sample of one taken for Covid-19 testing, *Hindustan Times*, 24 May 2020, <https://www.hindustantimes.com/india-news/3-onboard-shramik-special-trains-dead-sample-of-one-taken-for-covid-19-testing/story-n8dNjROHBTBcVuOPOH9ZpM.html>

^{178.} On way home, nine dead in Shramik Specials in 48 hours, *Indian Express*, 28 May 2020, <https://indianexpress.com/article/india/coronavirus-india-lockdown-on-way-home-nine-dead-in-shramik-specials-in-48-hrs-6430401/>

^{179.} Migrant crisis: Nine deaths reported on board Shramik Special trains since Monday, *Business Today*, 28 May 2020, <https://www.businesstoday.in/current/economy-politics/migrant-crisis-nine-deaths-reported-on-board-shramik-special-trains-since-monday/story/405166.html>



were found dead on board the Jhansi-Goraphpur Shramik trains were found dead.¹⁸⁰

On 26 May 2020, a 19-year-old from Jharkhand identified as Ashok Gope died on a Shramik train at Hatia station in Ranchi. He worked as a waiter in Goa.¹⁸¹

On 27 May 2002, Shobran Kumar (28 years), a resident of Janakpur, Nepal died at the district hospital at Balia in Uttar Pradesh. He was travelling in a special train from Madgaon to Darbangha when he fell sick during the journey and was admitted to the district hospital.¹⁸²

On 27 May 2020, another passenger, Uresh Khatun from Katihar, died in her sleep while travelling in a Surat-Purnia train and her body was deboarded at Mansi, Bihar.¹⁸³

¹⁸⁰. UP: Three migrant workers found dead on Shramik trains, The Outlook, 27 May 2020, <https://www.outlookindia.com/newscroll/up-three-migrant-workers-found-dead-on-shramik-trains/1847992>

¹⁸¹. Avreena Khaton to Vinod Kumar: The 16 migrants on trains who'll never make it home, The New Indian Express, 29 May 2020, <https://www.newindianexpress.com/nation/2020/may/29/avreena-khaton-to-vinod-kumar-the-16-migrants-on-trains-wholl-never-make-it-home-2149385.html>

¹⁸². UP: Three migrant workers found dead on Shramik trains, The Outlook, 27 May 2020, <https://www.outlookindia.com/newscroll/up-three-migrant-workers-found-dead-on-shramik-trains/1847992>

¹⁸³. At Least 10 Migrants On Board Shramik Special Trains Died Since Monday, Railways Says Most Of Them Were Patients, Dailyhunt, 28 May 2020, <https://m.dailyhunt.in/news/africa/english/the+>

On 27 May 2020, two migrants identified as Dashrath Prajapati (30 years), a resident of Jaunpur district and Ram Ratan (63 years), a resident of Azamgarh district of Uttar Pradesh were found dead when a Shramik train from Mumbai arrived in Varanasi. The train was running from Mumbai's Lokmanya Tilak terminus to the Manduadih village in the Varanasi district.¹⁸⁴

On 27 May 2020, a heartbreaking video clip surfaced online showing a toddler trying to wake up her dead mother on a platform in Bihar's Muzaffarpur station. The mother identified as Arvina Khaton (26 years) died on a train back home. Khaton, a resident of Katihar, Bihar had reportedly boarded the train from Ahmedabad on May 23 with her two sons aged three and one, and was accompanied by her brother-in-law Mohammad Wazir and sister.¹⁸⁵

On 29 May 2020, a migrant labourer was found dead inside the toilet of a Shramik Special train when it was being cleaned out by railway staff at Jhansi station in Uttar

[logical+indian-epaper-tlogin/at+least+10+migrants+on+board+shramik+special+trains+died+since+monday+railways+says+most+of+them+were+patients-newsid-n187509222](#)

¹⁸⁴. 2 migrants found dead on Shramik Train from Mumbai to Varanasi, India Today, 27 May 2020, <https://www.indiatoday.in/india/story/2-migrants-found-dead-on-shramik-train-from-mumbai-to-varanasi-1682607-2020-05-27>

¹⁸⁵. On way home, nine dead in Shramik Specials in 48 hours, The Indian Express, 28 May 2020, <https://indianexpress.com/article/india/coronavirus-india-lockdown-on-way-home-nine-dead-in-shramik-specials-in-48-hrs-6430401/>



Pradesh. The labourer had boarded the train for Gorakhpur about four days earlier.¹⁸⁶

3.3 Liability of the State for the death the 81 migrant workers

The vicarious liability of the State because of its failure to ensure the right to life and liberty, and the right to freedom of movement to return home with safety and dignity as guaranteed under respectively Article 21 and Article 19(1) of the Constitution of India and Section 12 of the Disaster Management Act, 2005 is absolutely clear. At least 150 migrant workers had died in road accidents, forest fire, due to exhaustion or illness or negligence in relief camps etc in various states while trying to escape from situation arising out of the lockdown imposed by the Government of India and absence of remedial measures.

Further, the Indian Railways had organised the Shramik trains at the request of the State governments for transportation of the migrant workers in the wake of the lockdown announced on 24th March. At least 81 migrant workers died due to extreme heat, hunger and dehydration in the Shramik Trains from 9 to 31 May 2020 as per the data of the Railway Protection Force (RPF) while these migrant workers were under the custody, care and protection of the Railways and the Ministry of the

Railways. The Hon'ble Supreme Court in its judgment in *Chairman, Railway Board & Ors. v. Chandrima Das* [AIR 2000 SC 988] ruled that Railways had vicarious liability to pay compensation to Ms Hanufa Khatun, a citizen of Bangladesh who was brutally violated by (1) one Ashoke Singh, a tout, (2) Siya Ram Singh, a railway ticket broker, (3) Rafi Ahmed a Parcel Supervisor at Howrah Station and (4) one Lalan Singh, Parcel Clerk of Howrah Railway Station at Railway Yatri Niwas. The migrant workers who died in the Shramik Trains were under the custody, care and protection of the Railways and the Government of India, and therefore, the Railways have the vicarious liability to pay compensation for transporting them in torturous conditions that caused the deaths.

On 16 May 2020, Prime Minister Narendra Modi announced "an ex-gratia of Rs 2 lakh each for the next of kin of those who lost their lives and Rs 50,000 each for the injured due to the unfortunate accident in Auraiya, UP from the PM's National Relief Fund" but those who died in similar accidents were not given any relief.

Those who died either in road transport or in the Shramik Trains had died under the similar circumstances as the victims of unfortunate accident of Auraiya, UP. Obviously, the grant of relief only to the victims of Auraiya by the Prime Minister violated the right to equality.

¹⁸⁶. Breaking News May 29 Live Updates: Migrant labourer found dead in toilet of Shramik Special, India Today, 29 May 2020, <https://www.indiatoday.in/india/story/breaking-news-may-29-live-updates-coronavirus-cases-deaths-locust-attack-gdp-numbers-us-donald-trump-china-1683080-2020-05-29>



4. REPRESSION ON DOCTORS, JOURNALISTS AND ACTIVISTS DURING COVID-19 IN INDIA

The State has actually unleashed a reign of repression on medical professionals, journalists while continuing uninterrupted repression of those who opposed the government's policy.

4.1 Repression on doctors and health workers

Medical professionals and other frontline workers faced two pronged attacks.

Firstly, they faced ill-treatment, violence and social stigmatization from private individuals for the alleged fear of spreading COVID-19. In the light of the intense ill-treatment, violence and social stigmatization from individuals for the alleged fear of spreading COVID-19, on 25 March 2020, Prime Minister Narendra Modi appealed to the citizens to respect and not to ill-treat the doctors and medical staff during the Coronavirus crisis. The Prime Minister stated *"In this time of crisis, any person wearing a white coat in a hospital is an incarnation of God. It is these people who are saving us all from death. They are putting their lives in danger to do so."*¹⁸⁷

Secondly, the medical professionals faced repression of the State for demanding PPEs and other safety equipments and exposing

the shortcomings of the government interventions. At least three doctors were detained, one of them suspended, for exposing the lack of protective equipment for doctors treating COVID-19 patients and show cause notice was issued to another doctor. While at least eight doctors and five health workers were subjected to beating by police including in custody.

Case 1: Arrest and detention of Dr. Indranil Khan, West Bengal

On 1 April 2020, the Calcutta High Court slammed the detention of a doctor by the West Bengal Police after he had complained of lack of personal protective equipment for doctors and other healthcare professionals on social media. On 28 March 2020, Dr Indranil Khan posted photographs purportedly showing doctors and nurses at the North Bengal Medical College and the Calcutta Medical College wearing raincoats and polythene sheets while treating COVID-19 patients. The posts went viral and Dr Khan was detained by the police from his hospital at around 9.30 pm on March 29. According to Dr Khan, the policemen told him that his social media posts "did not go down well with the government" and he was taken to the Zinzira Bazar Investigation Centre falling under the jurisdiction of Maheshtala police station in South 24 Parganas district. There Dr Khan was questioned for 16 hours, until 2 pm on March 30 and the police threatened him to arrest if he did not admit online that his posts were fake. Dr Khan claimed that after he tweeted his apology, police made him delete one of his many

¹⁸⁷. Those in white coats like gods: PM Modi appeals India to respect medical staff during coronavirus crisis, India Today, 25 March 2020, <https://www.indiatoday.in/india/story/those-in-white-coats-like-gods-pm-modi-appeals-india-to-respect-medical-staff-during-coronavirus-crisis-1659636-2020-03-25>



posts on PPE unavailability. Before he was released from detention, the police seized his phone and SIM card. Hence, on 1 April 2020, Dr Khan moved the Calcutta high court in an effort to get his phone back. Late on 1 April, a bench of Justice Indra Prasanna Mukerji observed, “*Freedom of speech and expression which is granted under Article 19 of the Constitution of India has to be scrupulously upheld by the State. If an expression of opinion brings the government into disrepute, it cannot defend this allegation by intimidation of the person expressing the opinion by subjecting him to prolonged interrogation, threatening arrest seizing his mobile phone and SIM card and so on.*” The court ordered the return of Dr Khan’s phone and SIM card to him and asked Maheshkala police to not interrogate the doctor without taking the court’s permission.¹⁸⁸

Case 2: Suspension, torture and detention of Dr Sudhakar Rao, Andhra Pradesh

As stated under *Section 2.2 Torture, arrest and detention*, in March 2020, Dr Sudhakar Rao, a government civil surgeon, who spent more than 10 years at the Narsipatnam Government Hospital in Andhra Pradesh, was suspended after he openly criticised the state government for failing to provide PPE kits and N95 masks to doctors treating Covid-19 patients.¹⁸⁹ He was beaten with

stick, his hands tied behind his back and dragged by police officers on the road in Visakhapatnam in Andhra Pradesh on 16 May 2020. The police accused him of creating nuisance on road and blocking traffic and arrested him under Section 353 of the IPC (Assault or criminal force to deter public servant from discharge of his duty).¹⁹⁰

Case 3: Show cause notice to Dr Chetan Velani, Maharashtra

On 23 May 2020, the Brihanmumbai Municipal Corporation (BMC) in Maharashtra issued a show-cause notice to Dr Chetan Velani for prescribing a coronavirus swab test to an asymptomatic patient. As per the notice issued by Ajit Ambi, the assistant municipal commissioner of N ward, Dr Velani was found violating the Epidemic Diseases Act, 1897; the Disaster Management Act, 2005, as well as the guidelines issued by BMC over Covid-19 testing. Stating that prescribing the swab test to an asymptomatic patient was in violation of the Indian Council of Medical Research (ICMR) guidelines, the civic body’s notice said Dr Velani’s licence would be cancelled if he failed to respond within 24 hours of receiving the letter. But after widespread criticism from the medical fraternity, the

¹⁸⁸. Calcutta HC Slams Detention of Doctor Who Tweeted on Insufficient Protective Gear, The Wire, 2 April 2020, <https://thewire.in/rights/coronavirus-doctor-detained-calcutta-hc>

¹⁸⁹. Andhra doctor, suspended for alleging PPE shortage, now beaten by cops for ‘creating nuisance’, The Print, 17 May 2020,

<https://theprint.in/india/andhra-doctor-suspended-for-alleging-ppe-shortage-now-beaten-by-cops-for-creating-nuisance/423840/>

¹⁹⁰. Suspended doctor taken into custody, The Hindu, 16 May 2020, <https://www.thehindu.com/news/national/andhra-a-pradesh/suspended-doctor-taken-into-custody/article31604267.ece>



BMC on 24 May 2020 withdrew the said notice.¹⁹¹

Case 4: Custodial torture of Dr Syed Maqbool, Jammu & Kashmir

On 25 May 2020, Dr Syed Maqbool, a senior cardiologist at Government Medical College Srinagar, alleged that he was detained for eight hours and beaten in custody by the police in Srinagar in Jammu and Kashmir on 23 May 2020. The victimised doctor alleged that a policeman stopped his car near Hawal Chowk in Srinagar and prevented him from going towards his hospital to attend some emergency cases despite showing his identity card and a copy of his duty roster. When he urged the policeman to let him talk to his senior, the policeman hit the doctor in his belly with a stick. Then, the Station House Officer (SHO) of Zadibal Police Station identified as Javaid Ahmad detained him and took him to the police station. At the police station, the SHO verbally abused the doctor stating: “you doctors are thieves and you prescribe spurious medicines. You have nothing to do with COVID-19. This is the battle of police. Let your hospital and let your patients go to hell”.¹⁹² The cardiologist was

allowed to finally make a phone call by the SHO on the condition that he could not reveal his whereabouts. The SHO warned him to strip him naked and put behind bars if he dared to say that he was in police station. He was released at 6 pm only when his brother came to the police station looking for him.¹⁹³ After the doctor took to Facebook to write about the ill-treatment, the Inspector General of Police (IGP), Kashmir, ordered an impartial inquiry into the incident!¹⁹⁴

Case 5: Harassment of Dr Tajamul Hussain, Jammu & Kashmir

The Police in Jammu and Kashmir also created obstacles for the doctors. On 26 May 2020, the police intercepted the official vehicle of the Chief Medical Officer (CMO) Bandipora near Nasoo in Bandipora district of Jammu and Kashmir while he was enroute to a quarantine centre and sample collection centres. Two videos of the CMO Bandipora Dr Tajamul Hussain shouting at the police personnel posted at the checkpoint have gone viral on social media. Dr Hussain said that he was allowed

¹⁹¹. Mumbai civic body withdraws notice sent to doctor for prescribing Covid-19 swab test, The Hindustan Times, 25 May 2020, <https://www.hindustantimes.com/mumbai-news/mumbai-civic-body-withdraws-notice-sent-to-doctor-for-prescribing-covid-19-swab-test/story-udjqzeUlfYtAdeLstlCuJK.html>

¹⁹². Kashmir: IGP Orders Inquiry After Senior Doctor Says He Was Beaten, Detained Illegally by Police, The Wire, 25 May 2020,

<https://thewire.in/rights/kashmir-doctor-beaten-detained-srinagar-police>

¹⁹³. 'Will Strip You Naked': Jammu and Kashmir Police Detain On-call Doctor In Srinagar, Outlook, 26 May 2020, <https://www.outlookindia.com/website/story/india-news-will-strip-you-naked-jammu-and-kashmir-police-detain-on-call-doctor-in-srinagar/353521>

¹⁹⁴. Kashmir: IGP Orders Inquiry After Senior Doctor Says He Was Beaten, Detained Illegally by Police, The Wire, 25 May 2020, <https://thewire.in/rights/kashmir-doctor-beaten-detained-srinagar-police>



to proceed only after the intervention of senior officers.¹⁹⁵

Case 6: Beating of woman health worker Priyanka Rathod, Maharashtra

On 25 March 2020, Priyanka Rathod (30 years), a health worker of the National Urban Health Mission and her father were beaten by a woman police officer identified as Prabha Pundge while enforcing the lockdown in Hingoli district, Maharashtra. The health worker sustained a head injury, requiring five stitches. She was returning home with her father on a motorcycle after completing her work when the incident took place.¹⁹⁶

Case 7: Beating of doctor, Tamil Nadu

In a video that surfaced on 26 March 2020, a police personnel was seen beating up a man on a two-wheeler scooter with a stick and asking him to go home. The person wearing a mask then explained that he is a doctor going to do his duty at his hospital to

help patients suffering from coronavirus and other ailments.¹⁹⁷

Case 8: Beating of Dr Aravind Ashok, Kerala

On 27 March 2020, Dr Aravind Ashok was beaten with a baton by the police enforcing the lockdown at Vidyanagar in Kasaragod district, Kerala. He had stepped out of his home to buy baby food for his one-year-old son before going for duty at Primary Health Centre in Badiadka where he was in charge of the isolation ward.¹⁹⁸

Case 9: Beating of health worker Nabam @ Hina, Arunachal Pradesh

On 7 April 2020, Nabam @ Hina, an employee working under the National Vector Borne Disease Control Programme, was assaulted by IRBn personnel while he was returning home from office in Nirjuli in Papum Pare district of Arunachal Pradesh. The victim was assaulted despite carrying valid documents, including a special identity card issued by the directorate, a special movement permit issued by the district magistrate, driving licence, and other documents.¹⁹⁹

¹⁹⁵. 'You are harassing doctors': Bandipora CMO tells J&K Police in viral video, The Indian Express, 26 May 2020, <https://indianexpress.com/article/india/kashmir-coronavirus-jk-police-cardiologist-bandipora-cmo-viral-video-6427983/>

¹⁹⁶. Woman cop canes health worker and her dad in Maharashtra, The Times of India, 27 March 2020, <https://timesofindia.indiatimes.com/city/aurangabad/woman-cop-can-es-health-worker-and-her-dad-in-maharashtra/articleshowprint/74840071.cms>

¹⁹⁷. Tamil Nadu doctor beaten up by policeman for going to work on coronavirus lockdown, India Glitz, 26 March 2020, <https://www.indiaglitz.com/tamil-nadu-doctor-beaten-up-by-policeman-for-going-to-work-on-coronavirus-lockdown-tamil-news-256521>

¹⁹⁸. Healthcare professionals too face police excesses, The Times of India, 27 March 2020, <https://timesofindia.indiatimes.com/city/kozhikode/healthcare-professionals-too-face-police-excesses/articleshowprint/74835289.cms>

¹⁹⁹. FIR lodged against IRBn personnel for assaulting health worker, The Arunachal Times,



Case 10: Beating of two doctors, Madhya Pradesh

On 8 April 2020, two junior resident doctors of AIIMS, Bhopal in Madhya Pradesh Dr Yuvraj Singh and Dr Rituparna Jana were beaten with batons by two police personnel while they were returning home after performing emergency duties. The police also abused them stating that doctors like them are spreading the coronavirus and they are a disgrace to the country. The woman doctor received injuries on one foot, while the male doctor had suffered soft tissue swelling with contused abrasions on the arm.²⁰⁰

Case 11: Beating of health worker Ravindra Kumar, Uttar Pradesh

On 10 April 2020, Ravindra Kumar (38 years), a health worker at MMG District Hospital, who was involved in carrying out door-to-door survey to identify Covid-19 patients, was allegedly beaten up police outside his home in Pilkhuwa in Hapur district of Uttar Pradesh. Ravindra Kumar suffered a fracture in one hand and bruises on his knees.²⁰¹

10 April 2020,
<https://arunachaltimes.in/index.php/2020/04/10/fir-lodged-against-irbn-personnel-for-assaulting-health-worker/>

²⁰⁰. AIIMS doctors assaulted by cop in MP, blamed for spreading Coronavirus, The New Indian Express, 9 April 2020,
<https://www.newindianexpress.com/nation/2020/apr/09/aiims-doctors-assaulted-by-cop-in-mp-blamed--for-spreading-coronavirus-2127961.html>

²⁰¹. Noida: Health surveyor thrashed by cops, The Times of India, 11 April 2020,
<https://timesofindia.indiatimes.com/city/noida/>

Case 12: Beating of Dr. Shabir Ahmad Mir, Jammu & Kashmir

On 22 May 2020, Dr. Shabir Ahmad Mir (50 years) was allegedly beaten by the police personnel near Budshah Bridge in Srinagar, Jammu & Kashmir when he was going to duty in the G B Panth Hospital during the Covid-19 lockdown. The victim claimed that the police personnel attached to Miasuma police station stopped him near Budshah Bridge in Srinagar and dragged him out from his car and started beating him without any valid reasons before he could explain his identity. The victim further stated that he was even beaten up by senior police officer who was present at the location when he approached him. The victim received injuries in his fingers due to police beating.²⁰²

Case 13: Beating of three medical staff including a doctor, Assam

On 24 May 2020, three medical staffs, including a doctor, sustained injuries due to physical assault by the officer-in-charge of Amguri Police Station, Surachandra Doley and other police personnel under his command in Chirang district of Assam. The medical staff identified as Dr Madhurjya Kakoti, accountant Nitu Das and pharmacist Raju Boro from Kajalgaon travelled to Amteka area near the Indo-Bhutan border area in Chirang district on

[health-surveyor-thrashed-by-cops/articleshowprint/75089102.cms](https://kashmirvision.in/2020/05/24/doctor-alleges-being-thrashed-by-police-in-srinagar-2/)

²⁰². Doctor alleges being thrashed by police in Srinagar, Kashmir Vision, 24 May 2020,
<https://kashmirvision.in/2020/05/24/doctor-alleges-being-thrashed-by-police-in-srinagar-2/>



COVID-19 duty when they were assaulted by the police officer. The police also seized their ambulance and prevented them from going to their hospital in Kajalgaon.²⁰³

Case 14: Arrest of Dr Pankaj Gupta

Dr Pankaj Gupta who had posted a 40-minute-long video titled “Nagaland Govt Covid-19 Scam” on 30 May questioned the Neiphiu Rio-led government’s Covid strategy and allocation of funds. Dr Gupta alleged that the government has failed in COVID-19 war room management and that only 82 patients out of 115, who had registered, received the aid while 1602 out of 2305 registered students and 275 out of 7380 migrant workers have received the aid so far. He further alleged that the government had released a COVID-19 patient without testing with 163 others to Tuensang district.²⁰⁴ Nagaland government immediately registered a First Information Report and on 10 June 2020, a joint team of Haryana and Nagaland police arrested him Haryana under Sections 153A, 505(1B), 505(1C), 505 (2) and 120B of the Indian Penal Code.²⁰⁵

²⁰³. Assam: Police assault on health workers in Chirang; OC suspended, East Mojo, 26 May 2020, <https://www.eastmojo.com/assam/2020/05/26/assam-police-assault-on-health-workers-in-chirang-oc-suspended>

²⁰⁴. Nagaland: Doctor alleges scam in COVID-19 management, Insidene, 31 May 2020, <https://www.insidene.com/nagaland-doctor-alleges-scam-in-covid-19-management/>

²⁰⁵. Man who alleged corruption in Nagaland Covid handling held, Indian Express, 11 June 2020, <https://indianexpress.com/article/north-east-india/nagaland/man-who-alleged->

4.2 Repression on journalists and media freedom

When writ petitions filed in public interest for redressal of grievances of migrant labourers in different parts of the country was considered by the Supreme Court of India on 31 March 2020, the Government of India was to suppress the freedom of opinion and expression relating to COVID-19 under the garb of “deliberate or inaccurate” reporting by the media, particularly web portals, having a “serious and inevitable potential of causing panic in larger section of the society”.²⁰⁶

The Supreme Court while rejecting the same on 31.03.2020 stated, “*We expect the media [print, electronic or social] to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated. A daily bulletin by the Government of India through all media avenues, including social media and forums to clear the doubts of people, would be made active within a period of 24 hours as submitted by the Solicitor- General of India. We do not intend to interfere with the free discussion about the pandemic, but direct the media*

[corruption-in-nagaland-covid-handling-held-6453100/](https://www.insidene.com/nagaland-doctor-alleges-scam-in-covid-19-management/)

²⁰⁶. Coronavirus | Supreme Court upholds right to discuss COVID-19, The Hindu, 31 March 2020, <https://www.thehindu.com/news/national/coronavirus-supreme-court-upholds-right-to-discuss-covid-19/article31218565.ece>



refer to and publish the official version about the developments.”²⁰⁷

The judgment of the Supreme Court did not stop various State governments to clamp down and arrest the journalists who acted as messengers by risking their lives to convey the news of various mismanagement, deficiencies, corruption, hunger of the migrant workers/impoverished citizens, lack of adequate PPE for doctors at hospitals, etc. As of 4 May 2020, nearly 100 journalists in India have been infected with the virus while on duty.²⁰⁸ Yet, all the State governments have done is to shoot the messengers for their critical reportage on the government failures.

On 29 April 2020, West Bengal Chief Minister Mamata Banerjee warned journalists to behave “properly” and threatened to initiate action under the Disaster Management Act. She accused the journalists of publishing one-sided stories during the Coronavirus outbreak.²⁰⁹ The Mumbai Police went to the extreme by issuing a gag order under section 144 of Criminal Procedure Code (CrPC) on 23

May 2020 banning any kind of criticism of the state government’s functioning in the times of COVID-19. The gag order “*prohibits any person inciting mistrust towards government functionaries and their actions taken in order to prevent spread of the COVID-19 virus and thereby causing danger to human health or safety or a disturbance to the public tranquility*”. According to the order, effective from May 25 to June 8, any person contravening this prohibitory order will be prosecuted under Section 188 of the Indian Penal Code.²¹⁰ Uttar Pradesh, Himachal Pradesh and Jammu and Kashmir went on a spree to register First Information Reports against the journalists.

On 13 May 2020, the Editors Guild of India expressed concern over “*a growing pattern of misuse of criminal laws to intimidate journalists in different parts of the country*”.²¹¹

Journalists belonging to prominent newspapers like *The Hindu*, *The Indian Express* and webportal like *The Wire* were targeted in the crackdown to suppress the truth.

A total of 53 journalists faced arrest, registration of FIRs, summons or show

²⁰⁷. See order of the Supreme Court in *Alakh Alok Srivastava vs Union Of India* Writ Petition(s)(Civil) No(s).468/2020 dated 31 March 2020, <https://indiankanoon.org/doc/129422211/>

²⁰⁸. Coronavirus: How Covid-19 is ravaging India's newsrooms, BBC, 4 May 2020, <https://www.bbc.com/news/world-asia-india-52464029>

²⁰⁹. 'Behave properly': Mamata Banerjee warns media, says journalists falling for BJP propaganda, India Today, 29 April 2020, <https://www.indiatoday.in/india/story/mamata-banerjee-on-media-bjp-fake-news-1672512-2020-04-29>

²¹⁰. Mumbai Police Issues Gag Order, Declares Criticising Government a Crime, The Wire, 27 May 2020, https://m.thewire.in/article/rights/mumbai-police-gag-order-section-144/amp?_twitter_impression=true

²¹¹. The statement of the Editors' Guild of India, 13 May 2020 is available at <https://twitter.com/IndEditorsGuild/status/1260501321695854593/photo/1>



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causes notices, physical assaults, alleged destruction of properties in retaliation and illegal confinement for reportage during the national lockdown. The highest number of attacks in the media persons was reported from Uttar Pradesh (10 journalists), followed by Jammu & Kashmir (6 journalists), Himachal Pradesh (5), four each in Tamil Nadu, West Bengal, Odisha, Maharashtra, two each in Punjab, Delhi, Madhya Pradesh & Kerala and one each in Andaman & Nicobar Islands, Assam, Bihar, Chhattisgarh, Gujarat, Karnataka, Nagaland and Telangana as given below.

UTTAR PRADESH

1. Siddharth Varadarajan (FIR)
2. Prashant Kanojia (FIR)
- 3 to 6. Four journalists (FIR)
- 7 to 8. Vijay Vineet and Subhash Rai (Notice)
9. Ravindra Saxena (FIR)
10. Manish Pandey (Notice)

JAMMU & KASHMIR

11. Mushtaq Ahmad Ganai (arrest)
12. Masrat Zahra (FIR)
13. Gowhar Geelani (FIR)
14. Peerzada Ashiq (Notice)
15. Mushtaq Ahmad Ganai (torture)

16. Gowhar Ali Wani (FIR)

HIMACHAL PRADESH

17. Om Sharma (FIR)
18. Ashwani Saini (FIR)
19. Vishal Anand (FIR)
20. Jagat Bains (FIR)
21. Somdev Sharma (FIR)

TAMIL NADU

22. Damodharan (arrest)
- 23 to 25 Andrew Sam Raja Pandian, Jerald Aruldas and M Balaji (arrest)

WEST BENGAL

- 26 to 29. Bhupendra Pratap Singh, Abhishek Singh, Hemant Chowrasia and Ayush Kumar Singh (arrest)

ODISHA

30. Subrat Kumar Swain (Torture)
- 31 & 32. Attack on two journalists of Kanak News (assault)
33. Mahadev Nayak (illegal confinement)

MAHARASHTRA

- 34 Rahul Kulkarni, (arrest)



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35. Rahul Zori (FIR)

36. Arnab Goswami (FIR),
Maharashtra

37. Uttkarsh Chaturvedi (torture)

PUNJAB

38. Major Singh Punjabi (torture)

39. Jai Singh Chibber (FIR)

DELHI

40. Vinod Dua (FIR)

41. Mahender Singh Manral (Notice)

MADHYA PRADESH

42. Tansen Tiwari (FIR)

43. KK Saxena (FIR)

KERALA

44. Abhilash Padachery (arrest)

45. Sudhir Chaudhary (FIR)

ANDAMAN & NICOBAR ISLANDS

46. Zubair Ahmed (arrest)

ASSAM:

47. Manash Jyoti Baruah (Summon)

BIHAR

48. Pawan Chaudhary (arrest)

CHHATTISGARH

49. Neeraj Shivhare (Notice)

GUJARAT

50. Dhaval Patel (arrest)

KARNATAKA

51. Samrat Pradhan (torture)

NAGALAND:

52. Prasanjit Dutta (torture)

TELANGANA

53. Paramesh (damage to his property in retaliation for reportage)

4.2.1 Laws invoked against the media persons

The different provisions of laws invoked by the government against the journalists included the following:

- Sections 124A (Sedition), 153A (Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) 182 (false information), 188 (Disobedience to order duly promulgated by public servant), 269 (Negligent act likely to



spread infection of disease dangerous to life), 270 (Malignant act likely to spread infection of disease dangerous to life), 294 (Obscene acts and songs), 336 (endangering life or personal safety of others), 451 (House-trespass in order to commit offence punishable with imprisonment), 500 (defamation), 501 (printing or engraving matter known to be defamatory), 504 (Intentional insult with intent to provoke breach of the peace), 505 (2) (Statements creating or promoting enmity, hatred or ill-will between classes), 506 (Punishment for criminal intimidation) of the Indian Penal Code;

- Sections 66 (Computer related offences) and 66A (Punishment for sending offensive messages through communication service, etc), 67 (Punishment for publishing or transmitting obscene material in electronic form), Section 67A (Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form) of the Information Technology Act;

- Section 51 (Punishment for obstruction) and Section 54 (Punishment for false warning) of the Disaster Management Act, 2005;

- Sections 13 (Punishment for unlawful activities) of the Unlawful Activities (Prevention) Act;

- Sections 192 (Using vehicle without registration) and 196

(Driving uninsured vehicle) of the Motors Vehicles Act; and

- Provisions of Scheduled Tribes/Scheduled Castes (Prevention of Atrocities) Act.

4.2.2 Arrest

Between April and May 2020, at least 10 journalists were arrested and four others were saved from being arrested by the Supreme Court for allegedly giving what the police/administration termed misinformation or spreading rumour about COVID-19, exposing alleged corruption, violating the lockdown rules when the press is an essential service exempted under the lockdown, exposing shortage of food and personal protective equipment (PPE) faced by the medical professionals, tweets questioning why families were placed under home quarantine for merely speaking over the phone with Coronavirus patients, as alleged Maoists, conducting sting operation to expose bribes etc.

Case 1: Pawan Chaudhary, Bihar

On 6 April 2020, Pawan Choudhary (30 years), a web journalist, was arrested in Munger in Bihar on the charges of spreading misinformation about death of COVID-19 patient. The Station House Officer of Jamalpur, Ranjan Kumar stated that the journalist was found to be spreading rumours through his social media account. He was sent to judicial custody in Munger jail.²¹²

²¹². Bihar: Journalist arrested for spreading rumours of a COVID-19 death in Jamalpur, UNI, 6



Case 2: Damodharan, Tamil Nadu

On the night of 7 April 2020, a TV journalist named Damodharan who shot visuals of a pharmacy staff handing out medicines to patients without a doctor's consultation at the Minjur Primary Health Centre in Minjur in Tamil Nadu was branded a 'fake journalist' and arrested by the police. The police complaint against the journalist was filed by a doctor of the said PHC. The journalist was slapped with charges including cheating, forgery, and preventing a public servant from discharging his duty. Damodharan has been working with a leading South Indian network for the last 10 years.²¹³

Case 3: Mushtaq Ahmad Ganai, Jammu & Kashmir

On 11 April 2020, Mushtaq Ahmad Ganai (34 years), a prominent journalist working for the Srinagar-based English daily, *Kashmir Observer*, was arrested and detained for two days at Sumbal police station in Bandipore district of Jammu and Kashmir when he went there in his Alto car to report the violation of the lockdown. The police intercepted his car despite showing documents including his press card. At the

April 2020, <http://www.uniindia.com/bihar-journalist-arrested-for-spreading-rumours-of-a-covid-19-death-in-jamalur/east/news/1944016.html>

²¹³. Scribe who exposed violations at PHC booked as fake journo?, The New Indian Express, 9 April 2020, <https://www.newindianexpress.com/cities/chennai/2020/apr/09/scribe-who-exposed-violations-at-phc-booked-as-fake-journo-2127664.html>

police station, the Station House Officer (SHO) Muneeb-ul-Islam slapped him several times and another policeman accompanying the SHO beat him with his lathi. The police filed an FIR and booked him under charges which included "violating the lockdown rules" and "interfering in the professional work of the officials". The SHO also threatened to "fix" him. He was released only after securing bail from the court.²¹⁴

Case 4: Rahul Kulkarni, Maharashtra

On 15 April 2020, the Mumbai Police arrested *ABP News* correspondent Rahul Kulkarni over his claim that the Railways would restart operations which the police alleged may have prompted gathering of hundreds of migrants outside the Bandra station in Mumbai, Maharashtra. Maharashtra on 14 April. Home Minister Anil Deshmukh stated that the police arrested journalist Rahul Kulkarni "for giving news report, due to which rumour was spread".²¹⁵ The journalist had tweeted an internal note of the Railways Ministry on a decision to run a "Jan Sadharan" train for migrants stranded by the lockdown

²¹⁴. Kashmir journalists continue to be harassed, summoned and intimidated, The Federal, 21 April 2020,

<https://thefederal.com/states/north/jammu-and-kashmir/kashmir-journalists-continue-to-be-harassed-summoned-and-intimidated/>

²¹⁵. Bandra migrant workers' protest: Self-proclaimed labour leader, TV journalist arrested, Scroll.in, 15 April 2020, <https://scroll.in/latest/959223/bandra-gathering-man-arrested-for-threatening-protest-by-migrants-journalist-booked-for-false-news>



which was issued after a meeting on April 13.²¹⁶ On 19 April, the Mumbai Press Club condemned the arrest of Kulkarni calling it “*a serious infringement on the right of freedom of speech and this is nothing but an attack on the freedom of press*”. The statement said Kulkarni had reported on the possibility of the railways starting a few trains based “on verified internal communications of the railways department”.²¹⁷

Case 5: Andrew Sam Raja Pandian, Jerald Aruldas and M Balaji, Tamil Nadu

On 23 April 2020, Andrew Sam Raja Pandian, founder of a portal called *SimpliCity* was arrested in Coimbatore in Tamil Nadu for filing news reports related to COVID-19. The news portal published two stories: one related to doctors facing shortage of food and personal protective equipment (PPE) kit at the Coimbatore Medical College Hospital; and the other report on how ration items were being diverted by employees of PDS shops. After the publication of the report, M. Sundararajan, Assistant Commissioner

(Personal) of the Coimbatore Corporation, filed a complaint against the portal and its founder in a local police station saying the report was “false” and ‘provocative’ and that it would cause unrest amongst doctors and rations shop employees. Following this Pandian was questioned and later arrested under Sections 188 (disobedience to order promulgated by public servant), and 505(i) (statement conducing public mischief) of the IPC and Section 3 of the Epidemic Diseases Act.²¹⁸ Before Pandian was arrested, the city police had detained the journalist and the photographer who had reported the stories, Jerald Aruldas and M Balaji respectively, for nine hours.²¹⁹ Pandian was released on bail on April 28.²²⁰

²¹⁶. Bandra Chaos: “Activist” Arrested, Reporter Charged Over Railways “Note”, NDTV, 15 April 2020, <https://www.ndtv.com/india-news/coronavirus-lockdown-vina-dubey-who-allegedly-incited-migrants-to-gather-in-mumbai-bandra-arrested-2211970>

²¹⁷. Covid-19 lockdown: Mumbai Press Club demands release of ABP journalist Rahul Kulkarni, Scroll.in, 19 April 2020, <https://scroll.in/latest/959591/covid-19-lockdown-mumbai-press-club-demands-release-of-abp-journalist-rahul-kulkarni>

²¹⁸. Tamil Nadu Journalist Held For Reporting On Doctors Not Getting Food, PPE At Work, Outlook, 24 April 2020, <https://www.outlookindia.com/website/story/india-news-tamil-nadu-journalist-held-for-reporting-on-doctors-not-getting-food-ppe-at-work/351372>

²¹⁹. Journalists Covering Pandemic Feel the Heat, Arrests and Interrogation, The Citizen, 3 May 2020, <https://www.thecitizen.in/index.php/en/NewsDetail/index/9/18693/Journalists-Covering-Pandemic-Feel-the-Heat-Arrests-and-Interrogation>

²²⁰. Journalists Covering Pandemic Feel the Heat, Arrests and Interrogation, The Citizen, 3 May 2020, <https://www.thecitizen.in/index.php/en/NewsDetail/index/9/18693/Journalists-Covering-Pandemic-Feel-the-Heat-Arrests-and-Interrogation>



Case 6: Zubair Ahmed, Andaman & Nicobar Islands

On 27 April 2020, Zubair Ahmed, a freelance journalist, was arrested by the police in Andaman & Nicobar for posting a tweet questioning why families were placed under home quarantine for merely speaking over the phone with Coronavirus patients. His tweet reportedly referred to a news article which reported that a family was quarantined as one of the members spoke to a COVID-19 positive person on phone. Dependra Pathak, DGP, A&N Administration stated that the journalist “posted an inciting, false and instigating tweet to disrupt public harmony, violating government order and to create panic among the public.” On 28 April, he was released on bail by a local court.²²¹

Case 7: Abhilash Padachery, Andaman & Nicobar Islands

On 1 May 2020, the National Investigation Agency (NIA) detained three youths, including a journalist, on the charges of having links with the Maoists in Kerala. Among the three youths included Kozhikode native Abhilash Padachery, an online journalist. The NIA claimed that they found several documents supporting Left-wing extremism and CPI (Maoist). Abhilash was let off on 1 May night but was summoned for questioning again on 2

²²¹. Andaman Journalist Arrested For Asking Coronavirus-related Question On Twitter, Released On Bail, Outlook, 28 April 2020, <https://www.outlookindia.com/website/story/india-news-andaman-journalist-arrested-over-tweet-on-coronavirus-gets-bail/351639>

May. Abhilash denied having any link with the Maoists.²²²

Case 8: Dhaval Patel, Gujarat

On the night of 11 May 2020, the Gujarat Police arrested Dhaval Patel, editor of an online Gujarati news portal, *Face of Nation*, and booked him for sedition for allegedly publishing a speculative report on possible change in leadership due to criticism over rising number of COVID-19 cases in Gujarat. Dhaval Patel claimed that Union Minister Mansukh Mandaviya was summoned by the BJP high command and that he was likely to replace Gujarat Chief Minister Vijay Rupani.²²³ Dhaval Patel was booked under section 54 (Punishment for false warning) of Disaster Management Act, 2005 and section 124A (Sedition) of Indian Penal Code (IPC), after a police constable filed an FIR against him stating that the story was “baseless and amounted to create instability and atmosphere of fear in the State amid pandemic”.²²⁴ On 15 May,

²²². NIA takes 3 Kerala youths into custody over alleged Maoist links, Manorama, 3 May 2020, <https://english.manoramaonline.com/news/kerala/2020/05/03/nia-nabs-three-youths-with-maoist-links.html>

²²³. Gujarat: Editor of news portal arrested for sedition over article on BJP changing CM, The Week, 12 May 2020, <https://www.theweek.in/news/india/2020/05/12/gujarat-editor-of-news-portal-arrested-for-sedition-over-article-on-bjp-changing-cm.html>

²²⁴. Gujarat Journalist Slapped with Sedition, Arrested for Speculative Story on CM's Replacement, NewsClick.in, 12 May 2020, <https://www.newsclick.in/Gujarat-Journalist-Dhaval-Patel-Sedition-Charge-COVID-19-Lockdown>



the Press Club of India condemned the police action as “shocking examples of suppression of the media”.²²⁵

Case 9: Bhupendra Pratap Singh, Abhishek Singh, Hemant Chowrasia and Ayush Kumar Singh, West Bengal

The Supreme Court had to restrain the state government of West Bengal and Maharashtra from arresting journalists. On 22 May 2020 the Supreme Court restrained the West Bengal Police from arresting five TV journalists who were booked in as many as five cases after they conducted a sting operation to show state ministers and TMC MLAs allegedly taking bribes. On 10 February 2020, the bench headed by Justice R Banumathi had stopped the state police from arresting journalists Bhupendra Pratap Singh, Abhishek Singh, Hemant Chowrasia and Ayush Kumar Singh but on the same day the police registered another case against these four journalists. Subsequently, another FIR was lodged against the four and another journalist Umesh Kumar Sharma on February 27. Taking note of this, the bench in its latest order gave the five journalists interim protection from arrest in all the cases arising out of the sting operation.²²⁶

²²⁵. Press Club of India Slams Police Action Against Gujarati Editor, FIRs Against Himachal Scribes, The Wire, 15 May 2020, <https://thewire.in/media/press-club-gujarati-editor-himachal>

²²⁶. SC Restrains Bengal Police from Arresting 5 TV Journalists Booked for Sting Operation of TMC MLAs, News18, 22 May 2020, <https://www.news18.com/news/india/sc-restrains-bengal-police-from-arresting-5-tv->

4.2.3 Registration of FIRs

Amid the COVID-19 pandemic, at least 21 journalists were booked on different charges under the IPC, Information Technology Act, Disaster Management Act, Motors Vehicles Act and Scheduled Tribes/Scheduled Castes (Prevention of Atrocities) Act, Unlawful Activities (Prevention) Act, Disaster Management Act etc for attending for conference despite daughter being coronavirus suspect, exposing starvation faced by the migrant workers which police described as “sensational/fake news on social media”, for criticizing Chief Ministers, reporting on the failure of the administration to supply rations to migrant workers, reporting on the gathering of the migrant workers, alleged misrepresentation by journalists, alleged “anti-national posts” in the social media, for allegedly “indulging in unlawful activities” through social media that are “prejudicial to the national integrity, sovereignty and security of India”, reporting denial of ration to the migrant workers, reporting administration’s laxity in quarantining inter-state travelers, reporting on irregularities in the running of relief camps for migrants, reporting on mismanagement and negligence at quarantine centres, reporting about a minister for following the suggestions of astrologers, using certain terms against the ruling Bharatiya Janata Party.

Multiple FIRs were filed against some of them which show the resoluteness to intimidate and browbeat the journalists. Majority of the journalists were booked for

[journalists-booked-for-sting-operation-of-tmc-mlas-2631255.html](https://www.news18.com/news/india/sc-restrains-bengal-police-from-arresting-5-tv-journalists-booked-for-sting-operation-of-tmc-mlas-2631255.html)



their reportage on various issues of COVID-19.

Case 1: FIR against a journalist after he tested COVID positive, Madhya Pradesh

On 27 March 2020, an FIR was lodged at Shyamla Hills Police Station in Bhopal, Madhya Pradesh, against journalist K K Saxena for having attended then Congress leader Kamal Nath last press conference as Chief Minister on 20 March despite her daughter being coronavirus suspect. Days after the press conference, the journalist and his daughter had tested COVID-19 positive after which case was registered against them. The journalist was booked under IPC sections 188 (disobedience to order duly promulgated by public servant), 269 (negligent act likely to spread infection of disease dangerous to life) and 270 (malignant act likely to spread infection of disease dangerous to life).²²⁷

Case 2: Multiple FIRs against journalist Om Sharma, Himachal Pradesh

Three FIRs were registered against journalist Om Sharma (38 years), a reporter for *Divya Himachal*, for his reporting on the COVID-19 related issues. On 29 March 2019, the Himachal Pradesh Police filed FIR against Sharma for reporting live on Facebook from Baddi, an industrial town in Solan district of Himachal Pradesh, about hunger of the migrant workers who were

protesting on the roadside. The FIR termed Sharma's reporting as "sensational/fake news on social media" and booked him under section 54 (Punishment for false warning) of the Disaster Management Act, 2005 and four sections of the Indian Penal Code: section 182 (false information), section 188 (disobedience to a public servant's order), section 269 (negligent act likely to spread infection of a dangerous disease,) and section 336 (endangering life or personal safety of others). Thereafter, the police lodged two more FIRs against Sharma during the lockdown. The second FIR against Sharma was registered on 26 April for merely sharing a report from the Hindi daily Amar Ujala on Facebook which claimed that the government had ordered businesses to close down for a few months in case any employee tested positive for the novel coronavirus. He was booked under Sections 182 and 188 IPC and Section 54 of the Disaster Management Act. The third FIR was filed a day later, on April 27 for criticizing the district administration of Solan for the confusion in shutting down shops and he was booked under Section 188 IPC and Section 66 of the Information Technology Act, 2000. Sharma stated that the FIRs were filed because of the administration's desperation to suppress reporting on the failures of its Covid-19 strategy. Since the registration of the FIRs, his curfew pass was withdrawn and he could no longer report from the ground.²²⁸

²²⁷. Journalist in Bhopal tests positive for coronavirus, attended Kamal Nath press conference, 25 March 2020, <https://www.newslaundry.com/2020/03/25/journalist-in-bhopal-tests-positive-for-coronavirus-attended-kamal-nath-press-conference>

²²⁸. Himachal Pradesh's journalists face FIRs, harassment for reporting on government failures, Newslaundry, 2 May 2020, <https://www.newslaundry.com/2020/05/12/himachal-pradesh-journalists-face-firs-harassment-for-reporting-on-government-failures>



Case 3: FIR against news website The Wire and its editor, Uttar Pradesh

On 1 April 2020, the Uttar Pradesh Police in Faizabad registered an FIR against *The Wire* and its editor Siddharth Varadarajan²²⁹, on the complaint of an individual under Sections 188 and 505 (2) of the Indian Penal Code for reporting that Chief Minister Adityanath had attended a public religious event in Ayodhya on March 25 after the Prime Minister had announced a national lockdown to deal with the coronavirus. Section 188 refers to disobedience of an order issued by a public servant and 505 (2) to “statements creating or promoting enmity, hatred or ill-will between classes”. In a statement the Founding Editors of *The Wire* stated, “A bare perusal of the FIR shows that the offences invoked are not even remotely made out and that it is aimed at stifling legitimate expression and factual information. The UP police seem to think its job is to go after those who criticise the CM. The registration of an FIR is a blatant attack on the freedom of the press.”²³⁰

Case 4: FIR against journalist Prashant Kanojia, Uttar Pradesh

On 7 April 2020, the Uttar Pradesh Police lodged an FIR against Delhi-based journalist Prashant Kanojia for allegedly making ‘objectionable remarks’ about

Prime Minister Narendra Modi and Chief Minister Yogi Adityanath on social media. The case was lodged at the Ashiana police station in Lucknow on the basis of a complaint registered by local BJP leader Shashank Shekhar Singh. The journalist was charged under Indian Penal Code sections 500 (defamation), 501 (printing or engraving matter known to be defamatory) and 505(1)(b), which deals with offences committed with the intention to cause fear or alarm among the public, or induce people against the state and the Information Technology Act.²³¹

Case 5: Multiple FIRs against journalist Ashwani Saini, Himachal Pradesh

Five FIRs were registered against journalist Ashwani Saini in Mandi district of Himachal Pradesh. On 8 April 2020, Ashwani Saini, who contributes video reports for the Facebook page *Mandi Live* and freelances for *Dainik Jagran*, was booked under Section 188 of the Indian Penal Code and Section 54 of the Disaster Management Act for reporting on the failure of the administration to supply rations to migrant workers in Bharajwanoo village in the Sundernagar subdivision in Mandi district of Himachal Pradesh. In videos he shot for *Mandi Live*, workers told Saini that they had not received a second round of rations during the lockdown. The FIR was filed by Rahul Chauhan, the Sundernagar sub-divisional magistrate, who

²²⁹. See <https://scroll.in/latest/959221/drop-fir-against-the-wire-editor-covid-19-shouldnt-be-used-to-gag-press-say-over-3300-citizens>

²³⁰. UP Police FIR Against *The Wire* an 'Attack on Freedom of the Press', *The Wire*, 1 April 2020, <https://thewire.in/media/up-police-fir-against-the-wire-an-attack-on-freedom-of-the-press>

²³¹. UP: FIR against journalist for online post against PM, CM, *The Indian Express*, 8 April 2020, <https://indianexpress.com/article/cities/lucknow/up-fir-against-journalist-for-online-post-against-pm-cm-6352480/>



accused Saini of spreading “fake news”. Saini shot off letters to Prime Minister Narendra Modi and Chief Minister Jai Ram Thakur, accusing Chauhan of trying to “gag the press”. On 13 April, Saini was slapped with three more FIRs when he and another reporter from Divya Himachal did video reports on brick kilns in Sundernagar operating despite the lockdown. Following Saini’s reports, the police stopped the work at the kilns and filed FIRs against the kiln owners. But the police booked Saini under IPC Sections 451, 504, 506 and 188. Further, his car was seized by the local police on April 14 to deter him from traveling and reporting and he was booked for the fifth time under IPC Section 188, and Sections 192 and 196 of the Motor Vehicles Act, 1988.²³²

Case 6: FIR against journalist Vishal Anand, Himachal Pradesh

In mid-April 2020, journalist Vishal Anand (49 years), who is associated with a national news channel, was accused of misrepresentation and booked by the local authorities in Dalhousie under Chamba district of Himachal Pradesh for using pictures of Gandhi Chowk in Dalhousie for a story on Covid-19 in Chamba district. There was no basis for the FIR as Dalhousie falls in Chamba district. Soon after the first FIR, he told a media outlet that lodging such complaints only indicated

²³². Himachal Pradesh’s journalists face FIRs, harassment for reporting on government failures, NewsLaundry, 2 May 2020, <https://www.newslaundry.com/2020/05/12/himachal-pradeshs-journalists-face-firs-harassment-for-reporting-on-government-failures>

that “some officials are misusing power and trying to intimidate journalists” and for this comment, another FIR was filed against Anand.²³³

Case 7: FIR against four journalists, Uttar Pradesh

On 13 April 2020, an FIR was registered at the Gopiganj police station in Bhadohi district of Uttar Pradesh against four journalists and two others on the charges of spreading “fake news” about an incident in which a woman hurled her five children into a river. The editors of news agency IANS and Business Insider and the concerned reporters were mentioned in the FIR, though it did not identify them by name. The reports carried by these organisations had suggested that the woman took the extreme step because she could not find food for the children due to the lockdown against coronavirus. A case was registered under the Indian Penal Code, including section 505(1)(b) which deals with offences committed with the intention to cause fear or alarm among the public, or induce people against the state, and section 188 of the IPC (disobeying an order promulgated by a public servant). Two others, Saleem Akhtar and Hansraj Meena, have also been booked, accused of circulating the report on social media.²³⁴

²³³. Himachal Pradesh’s journalists face FIRs, harassment for reporting on government failures, NewsLaundry, 2 May 2020, <https://www.newslaundry.com/2020/05/12/himachal-pradeshs-journalists-face-firs-harassment-for-reporting-on-government-failures>

²³⁴. UP police book journalist over ‘fake news’, Outlook, 13 April 2020,



Case 8: FIR against freelance photojournalist Masrat Zahra, Jammu & Kashmir

On 18 April 2020, the Jammu and Kashmir Police booked Masrat Zahra (26 years), a freelance photojournalist, under the Unlawful Activities Prevention Act (UAPA) for her alleged “anti-national posts” in the social media. According to a police press release, the “Cyber Police Station received information through reliable sources that one Facebook user namely Masrat Zahra is uploading anti-national posts with criminal intention to induce the youth and to promote offences against public tranquility.” A case FIR No. 10/2020 U/S 13 UAPA and 505 IPC dated 18.04.2020 was registered against Ms Zahra in Cyber Police Station, Kashmir Zone, Srinagar in Jammu and Kashmir. The Kashmir Press Club has condemned the case against her.²³⁵

Case 9: FIR against journalist and author Gowhar Geelani, Jammu & Kashmir

On 21 April 2020, the Cyber Police Station Kashmir Zone booked journalist and author Gowhar Geelani for allegedly “indulging in

<https://www.outlookindia.com/newscroll/niti-extends-deadline-till-may-15-for-proposals-on-linking-ecommerce-with-smes/1801265?scroll>

²³⁵. Kashmiri Female Photojournalist Booked Under UAPA For 'Anti-national' Social Media Posts, Outlook, 20 April 2020, <https://www.outlookindia.com/website/story/india-news-kashmiri-female-photojournalist-booked-under-uapa-for-anti-national-social-media-posts/351127>

unlawful activities” through social media that are “prejudicial to the national integrity, sovereignty and security of India”. The police alleged that Geelani had been glorifying terrorism in the Kashmir Valley through his social media posts and an FIR was registered against him at the Cyber Police Station in Srinagar.²³⁶

Case 10: Multiple FIRs against reporter Jagat Bains, Himachal Pradesh

Three FIRs were registered against Jagat Bains (34 years), a reporter with *News18* Himachal, for his reporting on COVID-19 related issues including denial of ration to the migrant workers. On 30 March 2020, an FIR was filed against Jagat Bains for reporting on how rations were not reaching migrant workers in parts of Nalagarh subdivision in Solan district of Himachal Pradesh and his curfew pass was revoked. Another FIR was filed for his report dated 25 April about denial of rations to the migrant workers in Sallewal village under Nalagarh subdivision in Solan district. The report made desired impact as the district administration supplied ration the next day but Bains was booked under Sections 188, 269 and 270 of the Indian Penal Code. The third FIR was filed against Mr Bains for a report he did on 23 April where he had reported on private vehicles mysteriously crossing the sealed borders in Baddi subdivision on the night of 22 April. Mr Bains was once again booked under IPC Sections 188, 269 and 270 IPC and the FIR

²³⁶. J&K: FIR against journalist Gowhar Geelani for ‘unlawful activities’ on social media, Scroll.in, 21 April 2020, <https://scroll.in/latest/959871/j-k-fir-against-journalist-gowhar-geelani-for-unlawful-activities-on-social-media>



stated: “Press reporter Bains circulated videos of the administration without any reason. He also violated lockdown guidelines.”²³⁷

Case 11: FIR against journalist Somdev Sharma, Himachal Pradesh

On 16 May 2020, The *Indian Express* reported that Somdev Sharma, Manali-based correspondent for *Punjab Kesari*, was booked by the Himachal Pradesh police after he reported on the administration’s laxity in quarantining inter-state travelers. Kullu Superintendent of Police Gaurav Singh stated that Sharma had falsely written in his report that a person entered the district illegally without a pass and hence created panic.²³⁸

Case 12: FIR against reporter Rahul Zori, Maharashtra

On 16 May 2020, the Maharashtra Police booked Rahul Zori, a reporter with the news channel *TV9 Marathi*, for reporting on irregularities in the running of Hadakhed relief camp for migrants in Shirpur tehsil,

Dhule district of Maharashtra. The FIR was filed at the police station in Shirpur town by tehsildar, Aaba Mahajan, who accused Zori of -defaming him by alleging corruption at the Hadakhed camp as well as of trying to obstruct official work by questioning him. Zori was booked under penal sections for obstructing a public servant from doing their duty, defamation, publishing matter that is known to be defamatory. Zori stood by his story.²³⁹

Case 13: FIR against journalist Ravindra Saxena, Uttar Pradesh

On 18 May 2020, the Uttar Pradesh administration lodged an FIR against Ravindra Saxena, a journalist at Today-24 news portal for reporting on the mismanagement and negligence at a quarantine centre in Sitapur district. In a video report, Saxena spoke to people at a quarantine centre in Maholi tehsil of Sitapur district of eastern Uttar Pradesh, who alleged that they were served rotten rice. The district administration filed a case against him through a Scheduled Caste employee at the Sub Divisional Magistrate office accusing the journalist of violating the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and the Disaster Management Act.²⁴⁰

²³⁷. Himachal Pradesh’s journalists face FIRs, harassment for reporting on government failures, NewsLaundry, 2 May 2020, <https://www.newslaundry.com/2020/05/12/himachal-pradesh-journalists-face-firs-harassment-for-reporting-on-government-failures>

²³⁸. 14 FIRs against five reporters in Himachal: Complaints claim ‘fake news’; Disaster Management Act invoked, The Indian Express, 16 May 2020, <https://indianexpress.com/article/india/14-firs-five-reporters-himachal-fake-news-disaster-management-act-6412057/>

²³⁹. ‘It’s just wrong’: Maharashtra journalist booked for reporting on migrant relief camps, NewsLaundry, 26 May 2020, <https://www.newslaundry.com/2020/05/26/its-just-wrong-maharashtra-journalist-booked-for-reporting-on-migrant-relief-camps>

²⁴⁰. UP: FIR Against Journalist for Report on Mismanagement at Quarantine Centre, The Wire, 18 May 2020, <https://thewire.in/media/up-fir->



Case 14: FIR against reporter Jai Singh Chibber, Punjab

On 22 May 2020, a reporter from the *Punjabi Jagran* newspaper, Jai Singh Chibber, was booked by the Punjab Police for writing a news report about an unnamed Congress minister for following the suggestions of astrologers. The police registered a case against Chibber under Sections 188 and 505 of the IPC (disobeying a public official and making statements which incite the commission of an offence), and Section 67A of the IT Act (obscenity).²⁴¹

Case 15: FIR against journalist Tansen Tiwari, Madhya Pradesh

On 24 May 2020, Tansen Tiwari, a veteran journalist, was booked by the Madhya Pradesh Police for allegedly referring to Bharatiya Janata Party leaders as gappu (braggart) and tadipar (externed) in a social media post. The police registered the case after a local BJP leader and advocate, Awadesh Singh Bhadauria, reported the matter to the Gola Ka Mandir police station on his party's letterhead stating that on 22 May, 66-year-old journalist Tansen Tiwari wrote a post on Facebook which indirectly described Prime Minister Narendra Modi as 'gappu' and other party leaders as 'tadipar' and 'balatkari' (rapist). Tiwari's social media post, however, did not name any BJP

leader. He was booked under IPC sections 294 (public acts of obscenity) and 500 (defamation) and section 67 of the Information Technology Act (publishing or transmitting obscene material in electronic form).²⁴²

Case 16: FIR against senior journalist Vinod Dua, Delhi

Mr Naveen Kumar, a political activist of the ruling party at the Centre filed a complaint against senior journalist Vinod Dua's YouTube show in which had talked about the riots that had happened in northeast district of Delhi. The complaint was filed more than 70 days after the webcast.²⁴³

The police registered the FIR stated that Mr Dua, through his webcast, is spreading rumours and misinformation about the sensitive issue of the Delhi riots; and that his comments/remarks in the webcast contain communal overtones, which during the current COVID crisis, is causing public disaffection, which shall cause hatred and ill-will between different communities.

Mr Dua was granted anticipatory bail and he further filed an application for quashing of the FIR.

The Delhi High Court in its order has temporarily stayed the investigation against Vinod Dua holding that there's no prima

[against-journalist-for-report-on-mismanagement-at-quarantine-centre](#)

²⁴¹. Punjab Police Beat Senior Journalist, Reporter Booked for Astrology Story on Minister, The Wire, 24 May 2020, <https://thewire.in/media/punjab-police-beat-seniorjournalist-reporter-booked-for-astrology-story-on-minister>

²⁴². Gwalior Police Register FIR Against Journalist for Calling BJP Leaders 'Gappu', 'Tadipar', The Wire, 28 May 2020, <https://thewire.in/media/gwalior-fir-journalist-bjp-leaders-gappu-tadipar>

²⁴³. See order of the Delhi High Court in W.P. (CRL.) No.895/2020 dated 10 June 2020



facie case against Mr Dua to warrant the registration of FIR. Justice Anup Jairam Bhambhani noted that there is no allegation that any adverse consequences, in terms of enmity, hatred or ill-will, much less any violence or breach of peace, occurred as a consequence of the webcast.

While referring to the offence under sections 505(2) and 153A of the IPC, the court referred to the Supreme Court judgment in *Manzar Sayeed Khan vs. State of Maharashtra* which held that the gravamen of the offence of creating enmity between different communities, that there should be reference to a second community and the offence cannot proceed on the basis of an allegation where only one community has been mentioned.

The court further noted that naming the three persons in the webcast and questioning the police inaction against those persons, is based on what was recorded in the Division Bench order dated 26.02.2020 in W.P.(CrI.) No.565/2020; and therefore appears to fall within the exception to section 505, at least on first blush.

Case 17: Multiple FIRs against Republic TV Editor-in-Chief Arnab Goswami, Maharashtra and other states

On 24 April 2020, the Supreme Court granted 3-week protection to editor-in-chief of Republic TV Arnab Goswami against any coercive steps in connection with FIRs lodged against him in various states for alleged defamatory remarks on Congress chief Sonia Gandhi and the Palghar lynching which took place in Maharashtra. On 27 April, he was reportedly interrogated for over 12 hours

at a police station. On 2 May 2020, the Mumbai Police lodged a fresh FIR against him for allegedly hurting religious sentiments by making derogatory remark regarding a mosque located in suburban Bandra.²⁴⁴ The Supreme Court on 11 May 2020 extended the interim protection from arrest granted to Goswami.²⁴⁵

Case 18: FIR against Zee News TV Editor-in-Chief Sudhir Chaudhary, Kerala

On 7 May 2020, the Kerala Police filed an FIR against editor-in-chief of *Zee News* and prime-time show host of *Daily News And Analysis* (DNA) on Zee News, Sudhir Chaudhary under non-bailable sections for presenting a controversial programme that allegedly offended the Muslim religion. The FIR read, “On 11 March 2020, Zee News TV channel broadcast DNA programme. The accused presented a programme that is offending the Muslim religion.” In his prime time show on 11 March, Chaudhary presented a so-called

²⁴⁴. Arnab Goswami moves SC, seeks quashing of fresh FIR lodged against him in Mumbai, *The New Indian Express*, 5 May 2020, <https://www.newindianexpress.com/nation/2020/may/05/arnab-goswami-moves-sc-seeks-quashing-of-fresh-fir-lodged-against-him-in-mumbai-2139569.html>

²⁴⁵. Supreme Court extends interim protection from arrest granted to Arnab Goswami, *The Indian Express*, 12 May 2020, <https://indianexpress.com/article/india/arnab-goswami-fir-supreme-court-hearing-maharashtra-government-6404212/>



“jihad chart” detailing different “types of jihad” in a flowchart.²⁴⁶

4.2.4 Summons/show cause notices

Summons or show cause notices were issued to seven journalists since the announcement of the nationwide lockdown on 24 March 2020 for publishing a report showing members of the Musahar community (Dalit) were eating grass to survive. The journalists were asked to explain the alleged factual inaccuracies, allegedly damaging the image of the administration, publishing official letter stating that the PPES are not of the required quality, or to disclose the source of information and explain role in the anti-CAA protests.

Case 1: Notice to journalist Vijay Vineet and editor-in-chief Subhash Rai, *Jansandesh Times* for publishing a report showing members of the Musahar community (Dalit) were eating grass to survive, Uttar Pradesh

On 26 March 2020, the Varanasi District Magistrate (DM), Kaushal Raj Sharma issued a notice to journalist Vijay Vineet and his editor-in-chief Subhash Rai after the *Jansandesh Times* published a report claiming that members of the Musahar community (Dalit) were eating grass to survive at Koiripur village in Varanasi district ever since the lockdown was announced. The report was accompanied by

²⁴⁶. Zee News' Sudhir Chaudhary Booked for 'Jihad Chart' Episode, *The Quint*, 7 May 2020, <https://www.thequint.com/news/india/zee-news-sudhir-chaudhary-booked-by-kerala-police-for-jihad-chart-episode>

photographs of children eating grass. In the notice, DM Kaushal Raj Sharma stated that he had got the matter investigated by an ADM-level officer and established that the report was fabricated one. He added that the Dalits were not eating grass but *ankari dal* (wild pulses) that grow along with wheat in the fields. But the journalist Vijay Vineet stood by his report.²⁴⁷

Case 2: Notice to Peerzada Ashiq of *The Hindu* to explain the alleged factual inaccuracies

On 19 April 2020, senior journalist, Peerzada Ashiq, of *The Hindu* was summoned by the Cyber police headquarters in Srinagar to explain the alleged factual inaccuracies in a story that was published in *The Hindu* the same day. The Police termed the story published in *The Hindu* regarding an encounter between militants and security forces at Shopian as “fake news” and said, “The said news was published without seeking confirmation from the district authorities.” The senior journalist was later asked to travel to south Kashmir, some 40 km away, to present himself before a police officer in Anantnag district for further questioning.²⁴⁸

²⁴⁷. Journalist behind story of Dalits eating grass in Varanasi district gets notice, *The Print*, 28 March 2020, <https://theprint.in/india/journalist-behind-story-of-starving-dalits-eating-grass-in-varanasi-district-gets-notice/390385/>

²⁴⁸. Kashmir Press Club condemns case against photojournalist, seeks intervention of Amit Shah, *LG, Scroll.in*, 20 April 2020, <https://scroll.in/latest/959741/kashmir-press-club-condemns-case-against-photojournalist-seeks-intervention-of-amit-shah-lq>



Case 3: Notice to Neeraj Shivhare, *Bastar ki Aawaz*, for allegedly damaging the image of the administration

On 26 April 2020, the Chhattisgarh government issued a show-cause notice to Neeraj Shivhare, a journalist with *Bastar ki Aawaz*, for reporting on the plight of a woman who had to sell her household items to arrange food during the COVID-19 lockdown which the authorities said had “damaged the image of the administration”. The notice asked Neeraj Shivhare to appear before the authorities in Dantewada and provide an explanation for his article dated 25 April 2020. The article referred to in the notice pertained to an interview with a woman from Geedam who alleged that she was forced to sell household items including the fridge for Rs 2,000, to buy ration as the family had not received assistance from the administration during COVID-19 lockdown. The notice issued to the journalist stated, “Given that the whole country is facing the coronavirus pandemic, this kind of post spreads fear among the people and spoils the image of the administration,” and further threatened to file an FIR against him. The woman reportedly stood by the interview she had given to the Dantewada-based journalist.²⁴⁹

Case 4: Summon to Manish Pandey of *News1 India* for publishing official letter stating that the PPES are not of the required quality

²⁴⁹. Bastar journalist threatened with FIR for report that ‘damaged’ administration’s image, Scroll.in, 28 April 2020, <https://scroll.in/latest/960442/bastar-journalist-threatened-with-fir-for-report-that-damaged-administrations-image>

On 30 April 2020, Lucknow-based journalist Manish Pandey of *News1 India*, a Hindi news channel, was summoned (without serving a notice) to the Special Task Force headquarters in Lucknow, Uttar Pradesh, by assistant superintendent of police Vishal Vikram Singh. On 1 May, Singh interrogated Pandey for nearly an hour regarding the source who leaked an official letter published by Pandey. On 17 April, Pandey broke the story of a letter sent by the Directorate General of Medical Education and Training, Uttar Pradesh, to bureaucrats in the state’s medical education department on April 13. The letter said that the PPE kits supplied to eight hospitals and medical colleges in the state did not meet the required quality standards.²⁵⁰

Case 5: Notice to Mahender Singh Manral, *The Indian Express*, to disclose the source of information

On 10 May 2020, the Delhi Police issued notice to *The Indian Express* journalist Mahender Singh Manral asking him to appear before it on the same day after he reported that the police had found that there was a possibility of an audio clip of leader of Tablighi Jamaan Maulana Saad may have been doctored. On 13 May, the Editors Guild of India criticised the Delhi Police for its highhandedness for threatening the journalist with legal action if he did not join the probe. The Guild noted it with “concern” as part of a “growing pattern of misuse of criminal

²⁵⁰. UP journalist interrogated by police for story on low quality PPEs, News Laundry, 2 May 2020, <https://www.newslaundry.com/2020/05/02/up-journalist-interrogated-by-police-for-story-on-low-quality-ppes>



laws to intimidate journalists in different parts of the country”. “While Manral wasn’t charged under any law, he was threatened that failure to join the probe could result in legal action under Section 174 of the IPC with punishment of a prison term and fine. This appears to be a little more than a fishing expedition to try and extract the journalist’s source and, thus, warn other reporters.” The Guild stated.²⁵¹

Case 6: Summon to Manash Jyoti Baruah to explain role in the anti-CAA protests

On 15 May 2020, the National Investigation Agency (NIA) summoned Guwahati-based journalist Manash Jyoti Baruah at its Sonapur office in Guwahati in Assam²⁵² and interrogated him for about five hours on his role in the anti-Citizenship (Amendment) Act in December 2019 and his relationship with peasant leader Akhil Gogoi who was arrested by the NIA. The Guwahati Press Club (GPC) has written to the NIA expressing concern at the way journalists were being questioned without getting formal notices. Mr Baruah was

summoned via a phone call and without serving a formal notice.²⁵³

4.2.5 Physical attacks

During the nationwide lockdown, a number of journalists were physically attacked including tortured in custody. At least nine journalists were subjected to beating, including two who were tortured in police custody. While one was held hostage and the house of another journalist was allegedly demolished because of his report on the ruling party MLA.

Case 1: Beating of TV journalist Uttkarsh Chaturvedi, Maharashtra

On 25 March 2020, Uttkarsh Chaturvedi, Deputy News Editor with *ET Now*, a leading business news channel, alleged that he was beaten up by policemen while reporting on lockdown in Thane district, Maharashtra. The victim claimed he was beaten with sticks despite showing his press card. The incident came to light after he brought the ordeal to the notice of police and State chief minister through social media.²⁵⁴

²⁵¹. Editors Guild says Delhi Police questioning Express journalist is misuse of criminal laws to intimidate, The Indian Express, 14 May 2020, <https://indianexpress.com/article/india/editors-guild-tablighi-express-journalist-delhi-police-6408139/>

²⁵². NIA summons Assam journalist over violence related to CAA last year, The New Indian Express, 14 May 2020, <https://www.newindianexpress.com/nation/2020/may/14/nia-summons-assam-journalist-over-violence-related-to-caa-last-year-2143421.html>

²⁵³. Guwahati Press Club writes to NIA over inquiry into journo's role in anti-CAA stir, The Federal, 20 May 2020, <https://thefederal.com/states/north-east/quwahati-press-club-writes-to-nia-over-inquiry-into-journos-role-in-anti-cao-stir/>

²⁵⁴. TV journalist beaten up by cops during reporting on lockdown, The Daily Pioneer, 26 March 2020, <https://www.dailypioneer.com/2020/india/tv-journalist-beaten-up-by-cops-during-reporting-on-lockdown.html>



Case 2: Custodial torture of journalist Mushtaq Ahmad Ganai, Jammu & Kashmir

On 11 April 2020, Mushtaq Ahmad Ganai (34 years), a journalist working for the *Kashmir Observer*, was arrested and detained for two days at Sumbal police station in Bandipore district of Jammu and Kashmir when he went there in his Alto car to report the possible violation of the lockdown. The police intercepted his car despite showing documents including his press card. At the police station, the Station House Officer (SHO) Muneeb-ul-Islam slapped him several times and another policeman accompanying the SHO beat him with his lathi. The police filed an FIR and booked him under charges which included “violating the lockdown rules” and “interfering in the professional work of the officials”. The SHO also threatened to “fix” him. He was released only after securing bail from the court.²⁵⁵

Case 3: Beating of freelance journalist Gowhar Ali Wani, Jammu & Kashmir

On 15 April 2020, Gowhar Ali Wani (21 years), a freelance journalist alleged that the police beat him up and arrested his father in Handwara in Jammu & Kashmir. The journalist claimed he had opposed the usage of disgusting language by the Station House Officer of Villagam police station, following which two policemen in civvies

²⁵⁵. Kashmir journalists continue to be harassed, summoned and intimidated, The Federal, 21 April 2020, <https://thefederal.com/states/north/jammu-and-kashmir/kashmir-journalists-continue-to-be-harassed-summoned-and-intimidated/>

came to his house and asked him to come with them. When he asked the reason, they slapped him and assaulted.²⁵⁶

Case 4: Custodial torture of reporter Samrat Pradhan, Karnataka

On 20 April 2020, Samrat Pradhan (25 years), a business correspondent of a magazine and his cousin Amit Kar (25 years), working in a hotel were allegedly tortured at Hennur police station in Bangalore, Karnataka. They had stepped out to buy medicines and groceries when they were taken to the police station and allegedly tortured for over 15 hours.²⁵⁷

Case 5: Beating of journalist Subrat Kumar Swain, Odisha

On 22 April 2020, Subrat Kumar Swain, correspondent with *Odia daily Sambad* was allegedly beaten up by a police sub-inspector identified as Ashutosh Mohanty while he was taking his ailing child to a hospital in Keonjhar district, Odisha.²⁵⁸

²⁵⁶. Handwara scribe accuses police of assault, father detained, The Kashmir Wallah, 15 April 2020, <https://thekashmirwalla.com/2020/04/handwara-scribe-accuses-police-of-assault-father-detained/>

²⁵⁷. Two NE residents ‘tortured’ in police station for 15 hours, 22 April 2020, <https://bangaloremirror.indiatimes.com/bangalore/crime/two-ne-residents-tortured-in-police-station-for-15-hours/articleshowprint/75282066.cms?prtpage=1>

²⁵⁸. Odisha journalist taking sick son to hospital assaulted by cop for flouting lockdown, The Hindustan Times, 23 April 2020, <https://www.hindustantimes.com/india-news/odisha-journalist-taking-sick-son-to->



Case 6: Attack on two journalists, Odisha

On 3 May 2020, two media persons were attacked by a Forest Guard near Balukhand-Konark Wildlife Sanctuary in Puri district of Odisha. A reporter and a cameraperson of Kanak News had gone near the sanctuary for documenting a report related to cyclone FANI when the attack took place.²⁵⁹

Case 7: Beating of journalist Prasanjit Dutta, Nagaland

As stated under *Section 2.2 Torture, arrest and detention*, on 8 May 2020, *Nagaland Page* journalist Prasanjit Dutta was assaulted by a Government Railway Police (GRP) official while he was returning home from work near Dimapur Railway Station in Nagaland. According to Dutta, the GRP official asked if Dutta was a Muslim and when he said he was a Bengali, the official slapped him again and said Nagaland was not his state and if wanted to spread the virus, he (Dutta) should go to his own state. After the accused official apologized to Dutta, the Dimapur-based newspaper *Nagaland Page* withdrew its complaint against the official.²⁶⁰

[hospital-assaulted-by-cop-for-flouting-lockdown/story-](https://sambadenglish.com/forest-guard-attacks-journalists-in-odisha-breaks-camera/)

[85O55zHwPDCdsbgWFtO1GK.html](https://sambadenglish.com/forest-guard-attacks-journalists-in-odisha-breaks-camera/)

²⁵⁹. Forest Guard Attacks Journalists In Odisha, Breaks Camera, *Sambad*, 3 May 2020, <https://sambadenglish.com/forest-guard-attacks-journalists-in-odisha-breaks-camera/>

²⁶⁰. Nagaland newspaper withdraws FIR against police officer for assaulting journalist after apology, *Scroll.in*, 10 May 2020, <https://scroll.in/latest/961530/nagaland->

Case 8: Brutal beating of journalist Major Singh Punjabi, Punjab

On 22 May 2020, Major Singh Punjabi, a journalist with the *Rozana Pehredar* newspaper was mercilessly beaten by the two assistant sub inspectors (ASIs) of the Mohali police station phase-1 at Gurdwara Kalgidhar Sahib Singh Sabha situated in Phase-4, Mohali in Punjab when he went to cover the meeting of two groups. Despite giving his identity as a journalist, the policemen forcibly pushed him in a private vehicle bearing a Haryana number and took him to the phase-1 police station at Mohali. “Before, I could even step out of the vehicle, ASI Om Prakash started beating me with a stick. The duo dragged me to the lockup, where I was not only tortured, abused and humiliated but they also pushed away my turban. My repeated pleas not to touch my turban went unheard and they even threw my ‘kangha’ (wooden comb for the hair, part of the five symbols of Sikhism),” Major Singh said. He was admitted at Civil Hospital, Mohali.²⁶¹

Case 9: Journalist's house demolished by Municipal Corporation, Telangana

On 22 May 2020, an under-construction house of Paramesh, a journalist working with Telugu news channel *V6*, was allegedly demolished by the Narayankhed Municipal Commission in retaliation for his

[newspaper-withdraws-fir-against-police-officer-for-assaulting-journalist-after-apology](https://thewire.in/media/punjab-police-beat-seniorjournalist-reporter-booked-for-astrology-story-on-minister)

²⁶¹. Punjab Police Beat Senior Journalist, Reporter Booked for Astrology Story on Minister, *The Wire*, 24 May 2020, <https://thewire.in/media/punjab-police-beat-seniorjournalist-reporter-booked-for-astrology-story-on-minister>



reportage of an MLA's violation of lockdown rules by celebrating his birthday with over 500 supporters in Telangana. He had reported on the birthday celebrations of Telangana Rashtra Samiti (TRS) MLA Mahareddy Bhupal Reddy which violated lockdown rules by involving a large number of people.²⁶²

Case 10: Journalist Mahadev held hostage by village head, Odisha

On 23 May 2020, a journalist identified as Mahadev Nayak was held hostage at a temporary medical centre (TMC), a quarantine centre for COVID-19 at Korua panchayat under Naugaon block in Jagatsinghpur district of Odisha. He had published reports in his newspaper of how the sarpanch Aranya Nayak in quarantine was provided food and clothes by his family every day in violation of COVID-19 guidelines. When Mahadev reached the spot, the Sarpanch allegedly snatched his mobile phone, gold chain and cash of Rs 10,000 from him and asked the returnees in the TMC to hold him hostage. The journalist was rescued by the officials after six hours and had to be sent to another quarantine facility at Alanahat village under the same block as he had come in contacts with the returnees.²⁶³

²⁶². Telangana: Home Demolished for Reporting on MLA's Birthday Party, Alleges Journalist, The Wire, 23 May 2020, <https://thewire.in/media/telangana-journalist-home-demolished-mla-birthday-party>

²⁶³. Sarpanch holds scribe hostage for reporting 'facts' in Odisha, The New Indian Express, 24 May 2020, <https://www.newindianexpress.com/states/odis>

4.3 Uninterrupted repression on activists and critics

The Government of India and various State governments, in particular BJP-ruled States continued uninterrupted repression of those who opposed the government's controversial Citizenship Amendment Act, 2019.

4.3.1 Laws invoked against activists and critics

The laws invoked against the activists and critics by the police included the following:

- Sections 147 (Punishment for rioting) 148 (Rioting, armed with deadly weapon), 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object), 120B (Punishment of criminal conspiracy), 124A (Sedition), 153A (Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony), 186 (Obstructing public servant in discharge of public functions), 302 (Punishment for murder), 307 (attempt to murder), 353 (Assault or criminal force to deter public servant from discharge of his duty), 395 (Punishment for dacoity), 427 (Mischievous causing damage to the amount of fifty rupees), 435 (Mischievous by fire or explosive substance with intent to

<https://www.newindianexpress.com/states/odisha/2020/may/24/sarpanch-holds-scribe-hostage-for-reporting-facts-2147338.html>



cause damage to amount of one hundred or (in case of agricultural produce) ten rupees), 436 (Mischief by fire or explosive substance with intent to destroy house, etc), 452 (House-trespass after preparation for hurt, assault or wrongful restraint), 454 (Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment), 109 (Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment) and 114 (Abettor present when offence is committed) of the Indian Penal Code;

- Sections 3 (Mischief causing damage to public property) & 4 (Mischief causing damage to public property by fire or explosive substance) of the Prevention of damage to Public Property Act 1984,
- Sections 25 (Punishment for certain offences) & 27 (Punishment for using arms, etc) of the Arms Act; and
- Sections 13 (Punishment for unlawful activities), 16 (Punishment for terrorist act), 17 (Punishment for raising funds for terrorist act) and 18 (Punishment for conspiracy, etc.) of the Unlawful Activities (Prevention) Act, 1967.

4.3.2 Uninterrupted repression on anti-CAA activists in Delhi

The Delhi Police in particular was relentless to arrest and clamp down on the protestors against the Citizenship Amendment Act (CAA) and National Register of Citizens (NRC) and related violent incidents in Delhi during the lockdown. The lockdown was used as an opportunity to harass, intimidate and arrest the protestors, particularly belonging to the minority community, for their alleged participation in the protests against the CAA in December 2019 and the large-scale communal riots which took place in North East Delhi between February 23 and 26 following clashes between the supporters of the CAA and those opposing it, killing over 50 people and injuring hundreds. The Muslim residents of Jamia Nagar and Shaheen Bagh were particularly targeted.²⁶⁴

On 9 April 2020, a number of Muslim organisations and civil society members led by Jamaat-e-Islami Hind wrote to Union Home Minister Amit Shah urging him to stop the “harassment” of social activists and students by the Delhi Police during the ongoing lockdown. The letter claimed that there have been “a series of detentions and arrests” of social activists and student leaders by the Delhi Police, whose crackdown is particularly directed against those involved in the peaceful anti-CAA-NRC movement. The letter stated that the activists and students were being asked to

²⁶⁴. Amid lockdown, Delhi Police target and arrest anti-CAA protesters from Jamia Nagar, The Caravan, 15 April 2020, <https://caravanmagazine.in/politics/anti-cao-protesters-jamia-arrested>



go to police stations for questioning during the lockdown which amounted to “harassment” by the Delhi Police.²⁶⁵

The Delhi Police arrested a number of activists, mostly students of Jamia Millia Islamia University and Jawaharlal Nehru University, during the lockdown and many of them were booked under the draconian Unlawful Activities Prevention Act. In April 2020 alone, the special cell of the Delhi Police reportedly issued notices to more than 50 members of Jamia Coordination Committee (JCC) for its alleged involvement in instigating protests against CAA-NRC.²⁶⁶

Case 1: Arrest of Meeran Haider, Delhi

On 1 April 2020, Meeran Haider (35 years), a PhD student at the Jamia Millia Islamia University and president of the Delhi unit of the Rashtriya Janata Dal’s youth wing, was arrested by the Delhi Police for allegedly conspiring to incite large-scale communal violence in Delhi in February

²⁶⁵. Muslim organisations, civic society members urge Amit Shah to stop 'harassment' of activists, students, The Deccan Herald, 10 April 2020, <https://www.deccanherald.com/national/muslim-organisations-civic-society-members-urge-amit-shah-to-stop-harassment-of-activists-students-823526.html>

²⁶⁶. Delhi riots: More than 50 members of Jamia coordination panel get police notice, The New Indian Express, 15 April 2020, <https://www.newindianexpress.com/cities/delhi/2020/apr/15/delhi-riots-more-than-50-members-of-jamia-coordination-panel-get-police-notice-2130296.html>

2020 related to CAA protests.²⁶⁷ On 18 April, Haider was booked along with Safoora Zargar and Gulfisha Fatima under Unlawful Activities Prevention Act (UAPA) in FIR number 59 (which was registered on 6 March 2020 and has Umar Khalid and another person named Danish as the prime accused).²⁶⁸ After police custody for nearly two weeks, on 15 April, a duty magistrate sent him to judicial custody for 14 days.²⁶⁹ On 26 May, Additional Sessions Judge Dharmender Rana further extended his judicial custody till 25 June 2020 stating that “Unprecedented situations require unprecedented solutions.”

Case 2: Arrest of Ashu Khan, Delhi

On 4 April 2020, Ashu Khan, a lawyer and social worker, a resident of Jamia Nagar, was called to the Shaheen Bagh police station for questioning about his participation in the anti-CAA protests at Shaheen Bagh and was arrested once he reached the police station. Three FIRs were

²⁶⁷. Delhi violence: Jamia student arrested for allegedly conspiring to incite communal riots, Scroll.in, 2 April 2020, <https://scroll.in/latest/958018/delhi-violence-jamia-student-arrested-for-allegedly-conspiring-to-ignite-communal-riots>

²⁶⁸. Delhi Riots Probe: Who is UAPA Accused Gulfisha Fatima?, The Quint, 30 May 2020, <https://www.thequint.com/news/india/gulfisha-fatima-delhi-police-jaffrabad-anti-caa-protest-pinjra-tod>

²⁶⁹. Amid lockdown, Delhi Police target and arrest anti-CAA protesters from Jamia Nagar, The Caravan, 15 April 2020, <https://caravanmagazine.in/politics/anti-caa-protesters-jamia-arrested>



registered against him at the Jamia Nagar, New Friends Colony and Shaheen Bagh police stations respectively in connection with anti-CAA protests at Jamia and other places. The FIRs were registered under various sections of the Indian Penal Code, including unlawful assembly, mischief by fire and explosive substances, assault or use of criminal force against a public servant, and attempt to commit culpable homicide, and offences under the Prevention of Damage to Public Property Act, 1984. While he got bail in one case, he was sent to judicial custody in the other two cases on the charges of rioting and instigating a mob during protests against the Citizenship Amendment Act on 15 December 2019 which resulted in damage to public property and injuries to police near Jamia Millia Islamia University.²⁷⁰ On 17 April, Additional Sessions Judge Sandeep Garg granted 45-day interim bail to Khan on furnishing a bail bond of Rs 2 lakh in view of the possible threat of coronavirus in congested prisons and directed him not to tamper with evidence or leave the country without its permission.²⁷¹ The interim bail was extended by another 45 days on 30 May.²⁷²

²⁷⁰. Amid lockdown, Delhi Police target and arrest anti-CAA protesters from Jamia Nagar, The Caravan, 15 April 2020, <https://caravanmagazine.in/politics/anti-cao-protesters-jamia-arrested>

²⁷¹. Jamia violence: Court grants 45-day interim bail to local politician, India Today, 17 April 2020, <https://www.indiatoday.in/india/story/jamia-violence-court-grants-45-day-interim-bail-to-local-politician-1668160-2020-04-17>

²⁷². Jamia violence: Court extends interim bail of local leader Ashu Khan by 45 days, The New

Case 3: Arrest of Gulfisha Fatima, Delhi

On 9 April 2020, Gulfisha Fatima, 28-year-old activist, was arrested for allegedly participating in anti-CAA protests near Jaffrabad Metro Station in Delhi on 22 February 2020. Gulfisha was picked on 9 April on the basis of FIR number 48 under section 186 (obstructing public servant in discharge of public function), 188 (disobedience to order duly promulgated by public servant), 353 (assault or criminal force to deter public servant from discharge of his duty), 283 (danger or obstruction in public way or line of navigation), 341 (punishment for wrongful restraint), 109 (punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment), 147 (rioting) and 34 (common intention) of the Indian Penal Code. She was granted bail in FIR No. 48 on 13 May but she continued to be in jail as a second case was slapped against her under the Unlawful Activities Prevention Act (UAPA) on 18 April. This second case (FIR number 59) was registered on 6 March 2020 by Delhi Police crime branch and has Umar Khalid and another person named Danish as the prime accused. On 18 April three names were added to this FIR, these include Meeran Haider, Safoora Zargar and Gulfisha Fatima and all of them were booked under UAPA. On 28 May, the Patiala House additional sessions judge

Indian Express, 30 May 2020, <https://www.newindianexpress.com/cities/delhi/2020/may/30/jamia-violence-court-extends-interim-bail-of-local-leader-ashu-khan-by-45-days-2150080.html>



court extended the judicial remand of Gulfisha Fatima to 25 June 2020.²⁷³

Case 4: Arrest of Safoora Zargar, Delhi

On 10 April 2019, the Delhi Police's special cell arrested an MPhil student at the Jamia Millia Islamia University (JMI) named Safoora Zargar (27 years), who is 3-month pregnant, on the basis of an FIR which accused her of participating in anti-CAA and NRC protests at the Jaffrabad metro station in Delhi on February 22-23. She was also the media coordinator of the Jamia Coordination Committee, a group of students and alumni of the JMI who had been engaged in carrying out anti-CAA protests outside the university.²⁷⁴ At her bail hearing on April 13, the investigating officer opposed the bail on the grounds of "suspicion of involvement of the accused in anti-national activities". However, the court granted her bail on the grounds of her pregnancy, other medical conditions, and the fact that the High Court had directed authorities to decongest jails on account of COVID-19 outbreak. But as the bail hearing was under way, Ms. Zargar was remanded under another FIR, which slapped her with the Unlawful Activities (Prevention) Act (UAPA). She, along with others, has been accused of rioting,

conspiracy, sedition and other charges. At a second bail hearing on April 18, her lawyers argued that she was being falsely implicated in the case, with her name not even featuring in the FIR.²⁷⁵ On 18 April, the police formally booked Ms. Zargar along with Meeran Haider and Gulfisha Fatima under UAPA in FIR number 59 (which was registered on 6 March 2020 and has Umar Khalid and another person named Danish as the prime accused).²⁷⁶

On 4 June 2020, the District and Sessions Court, Patiala House Court denied bail to Ms. Zargar. Her lawyers told the court that the prosecution's charge that Ms. Zargar delivered an inflammatory speech on 23 February 2020 at Chand Bagh was inaccurate as she had visited Chand Bagh for a short while on that day but that was before the violence had started. They also told the court that she had delivered a speech in Khureji on 23 February, but it wasn't inflammatory or provocative in any manner. Surprisingly, while making its arguments against granting of bail, the prosecution submitted a seizure memo relating to FIR 101/2020 registered by the Khajoori Khas Police Station (the seizures in FIR 101/2020 included materials like stones, bricks, crates of glass bottles, and 3 sling shots) but these seizures pertained

²⁷³. Delhi Riots Probe: Who is UAPA Accused Gulfisha Fatima?, The Quint, 30 May 2020, <https://www.thequint.com/news/india/gulfisha-fatima-delhi-police-jaffrabad-anti-caa-protest-pinjra-tod>

²⁷⁴. Jamia student in quarantine at Tihar gets 10 mins. with lawyer, The Hindu, 28 April 2020, <https://www.thehindu.com/news/cities/Delhi/jamia-student-in-quarantine-at-tihar-gets-10-mins-with-lawyer/article31449156.ece>

²⁷⁵. Jamia student in quarantine at Tihar gets 10 mins. with lawyer, The Hindu, 28 April 2020, <https://www.thehindu.com/news/cities/Delhi/jamia-student-in-quarantine-at-tihar-gets-10-mins-with-lawyer/article31449156.ece>

²⁷⁶. Delhi Riots Probe: Who is UAPA Accused Gulfisha Fatima?, The Quint, 30 May 2020, <https://www.thequint.com/news/india/gulfisha-fatima-delhi-police-jaffrabad-anti-caa-protest-pinjra-tod>



to another FIR as Ms. Zargar was not arrested in FIR 101/2020 but 59/2020. But the judge also referred to statements made by eye witnesses and a WhatsApp chat that had been placed on record. The judge held that “there is prima facie evidence to show that there was a conspiracy to at least block the roads (chakka jam).” The judge also refused to entertain the defence counsel’s argument that Ms. Zargar was liable only for her individual acts and speeches and the acts of other members of the group could not be read against her. The judge held, “In my considered opinion, if there is prima facie evidence of existence of a conspiracy, the evidence of acts and statements made by one of the conspirators in furtherance of the common object is admissible against all... Therefore mere absence at the spot or absence of any overt act would not help the cause of the applicant/accused.” Ms. Zargar’s lawyers also appealed for bail on humanitarian grounds, given that she is 21 weeks pregnant and reportedly suffering from Poly Cystic Ovarian Disorder and therefore she is more vulnerable because of the COVID-19 crisis. But while dismissing her bail plea, Judge Dharmendra Rana made a controversial remark that, “*When you choose to play with embers, you cannot blame the wind to have carried the spark a bit too far and spread the fire. The acts and inflammatory speeches of the co-conspirators are admissible u/s 10 of the Indian Evidence even against the applicant/accused.*”²⁷⁷

²⁷⁷. Safoora Zargar Denied Bail as Judge Finds Prima Facie Evidence of 'Conspiracy', The Wire, 5 June 2020, <https://thewire.in/law/safoora-zargar-denied-bail>

Case 5: Arrest of Shifa-Ur-Rehman, Delhi

On 26 April 2020, the Special Cell of the Delhi Police arrested Shifa-Ur-Rehman, president of Jamia Millia Islamia Alumni Association and member of Jamia Coordination Committee, under the Unlawful Activities (Prevention) Act for alleged conspiracy in the communal violence that took place in North-East Delhi in February 2020. Clashes had broken out between the supporters of the law and those opposing it between 23-26 February 2020 in North East Delhi, killing 53 people and injuring hundreds. Rehman was remanded to police custody by a Delhi court for 10 days for further investigation in the case.²⁷⁸

Case 5: Raid on the house of Kawalpreet Kaur, Delhi

On 27 April 2020, the Delhi Police raided the residential premises of the Delhi unit head of All India Students Association, Kawalpreet Kaur and confiscated her mobile phone. The police were investigating her in connection with the violence in North East Delhi in February 2020. Kaur described the Delhi Police seizing her phone as “outrageous” and “an attempt to instill fear among us all”.²⁷⁹

²⁷⁸. Delhi violence: President of Jamia alumni association arrested under UAPA, Scroll.in, 27 April 2020, <https://scroll.in/latest/960386/delhi-violence-president-of-jamia-alumni-association-arrested-under-uapa>

²⁷⁹. Delhi Violence: Police Raid AISA Student Leader's Home, Seize Phone, The Wire, 29 April 2020, <https://thewire.in/government/delhi->



Case 6: Arrest of Asif Iqbal Tanha, Delhi

On 17 May 2020, the Delhi Police's crime branch arrested 24-year-old Asif Iqbal Tanha, a student of Jamia Millia Islamia (JMI) University and member of the Jamia Coordination Committee (JCC), in connection with the FIR registered at Jamia Nagar police station on 15 December 2019 for his alleged role in the violence in the Jamia area during a protest against the CAA. He was produced before a metropolitan magistrate who remanded him in judicial custody till May 31.²⁸⁰ On 20 May, he was again arrested under Section 13 of the Unlawful Activities (Prevention) Act (UAPA) for allegedly instigating crowds by giving speeches in different areas where anti-CAA protests were on.²⁸¹

On 27 May, Additional Sessions Judge Dharmender Rana in his order stated: *"It is informed by inspector Lokesh that there was a communal riot in Delhi and accused was actively involved in that. My attention has been drawn to the statement of a witness... where there are specific allegations against the accused. In view of the material available on record, accused*

[violence-aisa-student-leader-kawalpreet-kaur-raid](#)

²⁸⁰. Anti-CAA protest: Jamia student leader arrested for 'orchestrating' Dec 15 violence, India Today, 17 May 2020, <https://www.indiatoday.in/india/story/anti-caa-protest-jamia-student-leader-arrested-for-orchestrating-dec-15-violence-1679032-2020-05-17>

²⁸¹. Delhi: Jamia student held again, under UAPA, The Indian Express, 22 May 2020, <https://indianexpress.com/article/cities/delhi/jamia-student-held-again-under-uapa-6421611/>

be remanded to judicial custody till 25/06/2020." The judge, however, stated that the police investigation seemed to be targeted only towards a particular side. "Perusal of the case diary reveals a disturbing fact. The investigation seems to be targeted only towards one end. Upon inquiry from inspectors Lokesh and Anil, they have failed to point out what investigation has been carried out so far regarding the involvement of the rival faction. In view of the same, DCP concerned is required to monitor the investigation and ensure fair investigation," the order stated.²⁸²

Case 7: Arrest of Devangana Kalita and Natasha Narwa, Delhi

On 23 May 2020, the Delhi Police arrested two activists of Pinjra Tod (Break the Cage) group identified as Devangana Kalita and Natasha Narwal, both students of Jawaharlal Nehru University, for taking part in a sit-in protest against the CAA under the Jafrabad overhead metro rail station in Delhi on 22 February 2020.²⁸³ They were arrested in FIR 48/2020 under IPC Sections 109 (Punishment for abetment), 186 (Obstructing public servant), 188 (Disobedience to order duly promulgated by public servant), and 353

²⁸². Jamia: Delhi court says probe seems 'targeted', The Indian Express, 29 May 2020, <https://indianexpress.com/article/cities/delhi/northeast-delhi-violence-asif-iqbal-tanha-arrest-6432272/>

²⁸³. Delhi Police Arrest Two Young Women Activists from Pinjra Tod for Anti-CAA Protest, The Wire, 24 May 2020, <https://thewire.in/rights/pinjra-tod-arrest-delhi-police-jafrabad>



(Assault) and 34 (Common intention). On 24 May, the Duty Magistrate Ajeet Narayan granted them bail holding that “the accused were merely protesting against NRC and CAA and did not indulge in any violence” but the police immediately re-arrested them in another FIR 50/2020, registered for offences under Sections 302(murder), Section 307 (attempt to murder), Section 120B (criminal conspiracy) etc of the IPC, offences under Arms Act and also the Prevention of Destruction of Public Property Act.²⁸⁴ The FIR 50/2020 pertains to the violence that took place in Daryaganj on February 25 and does not name Narwal, Kalita or anyone else other than the men injured in police action that day when a fight broke out between supporters and opponents of the CAA.²⁸⁵ On 28 May, both of them were sent to 14-day judicial custody. On 29 May 2020, the Delhi Police’s Special Cell booked Natasha Narwal under the draconian Unlawful Activities (Prevention) Act in a separate FIR No. 59/2020, the same FIR which was used against Jamia Millia Islamia students Safoora Zargar, Asif Tanha, Sharjeel Imam

and other anti-CAA campaigners, all of whom are facing charges under sections 13, 16, 17 and 18 of the UAPA.²⁸⁶

On 2 June, the metropolitan magistrate Abhinav Pandey pulled up the Delhi Police stating that they could not produce any concrete evidence to support role of Devangana Kalita in the Daryaganj violence case (FIR No. 50/2020) and granted her bail in this case. But Kalita could not be released as she was being interrogated in another case.²⁸⁷ Subsequently, the police filed the fourth FIR against Kalita under Unlawful Activities (Prevention) Act (UAPA) for her alleged role in hatching a conspiracy to incite riots in north-east Delhi. The same FIR also names former JNU student Umar Khalid, Congress activist Ishrat Jahan, United Against Hate member Khalid Saifi, and students like Safoora Zargar, Gulfisha and Natasha Narwal among others.²⁸⁸

²⁸⁴. "Pinjra Tod" activists arrested in another case, sent to police custody, Outlook, 24 May 2020,

<https://www.outlookindia.com/newscroll/all-states-except-andhra-bengal-to-resume-flights-on-monday/1844959?scroll>; also see, Pinjra Tod : Delhi Court Extends Police Custody, Livelaw, 27 May 2020, <https://www.livelaw.in/news-updates/pinjra-tod-delhi-court-extends-police-custody-of-activists-by-two-more-days-157368>

²⁸⁵. Now, Pinjra Tod Activist Natasha Narwal Booked Under UAPA, The Wire, 30 May 2020, <https://thewire.in/government/delhi-riots-natasha-narwal-uapa-pinjra-tod>

²⁸⁶. Now, Pinjra Tod Activist Natasha Narwal Booked Under UAPA, The Wire, 30 May 2020, <https://thewire.in/government/delhi-riots-natasha-narwal-uapa-pinjra-tod>

²⁸⁷. 'No Direct Evidence': Pinjra Tod's Devangana Kalita Gets Bail in Daryaganj Violence Case, The Wire, 2 June 2020, <https://thewire.in/law/no-direct-evidence-pinjra-tods-debangana-kalita-gets-bail-in-daryaganj-violence-case>

²⁸⁸. Now, Delhi Police Slap UAPA Charges on Pinjra Tod's Devangana Kalita Too, The Wire, 6 June 2020, <https://thewire.in/rights/devangana-kalita-pinjra-tod-uapa-delhi-police>



4.3.3 Uninterrupted repression on anti-CAA activists in the rest of India

Apart from Delhi, human rights activists, opposition political leaders and critics of the Government were harassed and arrested across the country.

Case 1: Arrest of Nitin Raj, Uttar Pradesh

On 15 March 2020, Nitin Raj, vice president of All India Students Association (AISA), was arrested from the anti-CAA protest site at Clock Tower in Lucknow in Uttar Pradesh. He was among the protestors demanding the release of students arrested for putting up anti-CAA posters at the site.²⁸⁹

Case 2: Arrest of Takhenchangbam Shadishkanta, Manipur

On 1 April 2020 at around 9.30 pm, Takhenchangbam Shadishkanta, Secretary of the Youth's Forum for Protection of Human Rights (YFPHR) was arrested from his residence by a team of officers from the Porompat Police Station, Imphal East, without an arrest warrant. Further, on 2 April 2020, at around 9 am, the Officer-in-Charge of Patsoi Police Station went to the house of Khangjrakpam Phajaton, President of YFPHR, and requested his father to bring him to the police without any delay. Mr. Phajaton's father was threatened with charges under the National Security Act

²⁸⁹. AISA activist held for demanding other students" release, Outlook, 16 March 2020, <https://www.outlookindia.com/newscroll/aisa-activist-held-for-demanding-other-students-release/1762820>

(NSA) if his son failed to report to the police station. When Mr. Phajaton reported to the police station in the afternoon, he was informed that he and Mr. Shadishkanta had been charged under Section 51 (b) of the 2005 Disaster Management Act ("refusal to comply with directions given by governing bodies") and Section 120 B of the Indian Penal Code ("criminal conspiracy"), in relation to a press statement issued by YFPHR on 1 April 2020, expressing serious concerns about the government's proposal to set up a quarantine center in a paddy field, which would pose a threat to the livelihood of the people of the area. Both of them were released on person bail of Rs 30,000 on 2 April.²⁹⁰

Case 3: Arrest of Kongsam Victor Singh, Manipur

Similarly, on 1 April 2020 at around 7.30 pm, Kongsam Victor Singh, a member of the Manipur People's Party, was arrested at his residence in Khurai Kongsam Leikai in Imphal by officers of Porompat police station, Imphal East, Manipur. During the entire period of his detention, neither a First Information Report (FIR) nor an official complaint was filed against him. The police told him that he was being detained in relation to a post he had written on Facebook on 31 March 2020, in which he

²⁹⁰. India: Arbitrary detention and police harassment of four HRDs in Manipur State, Urgent Appeal by International Federation for Human Rights (FIDH), 9 April 2020, FOR HUMAN RIGHTS <https://www.fidh.org/en/issues/human-rights-defenders/india-arbitrary-detention-and-police-harassment-of-four-hrds-in>



had asked how much the Chief Minister of Manipur had contributed to the COVID-19 relief fund. Police alleged that the Facebook post “promoted negativity against the Chief Minister of Manipur.” Moreover, Mr. Singh’s request for access to his lawyer was denied. On the following morning, Mr. Singh was released after being forced by the police to delete his Facebook post and to publish a new post in which he apologized for his earlier comment.²⁹¹

Case 4: Arrest of Dr. Udayakumar, Tamilnadu

On 2 April 2020, an alleged false case was registered against anti-Nuclear activist Dr. Udayakumar at Kottar Police Station in Kanyakumari district vide FIR No. 239/2020 under IPC section 270 (Malignant act likely to spread infection of disease dangerous to life), section 188 (Disobedience to order duly promulgated by public servant), section 3 (punishment) of Epidemic Disease Act and section 51 (Punishment for obstruction, etc) of Disaster Management Act. It is alleged in the FIR that Dr. Udayakumar had disobeyed the prohibitory orders under Section 144 CrPC and held a press conference at his home in Kanyakumari district of Tamil Nadu. Dr Udayakumar did not hold any press conference but merely

²⁹¹. India: Arbitrary detention and police harassment of four HRDs in Manipur State, Urgent Appeal by International Federation for Human Rights (FIDH), 9 April 2020, FOR HUMAN RIGHTS <https://www.fidh.org/en/issues/human-rights-defenders/india-arbitrary-detention-and-police-harassment-of-four-hrds-in>

observed a hunger-strike at his home in support of the call given by a Gandhian organization against targeting of a particular community for spread of COVID-19 by the Tamil Nadu government. Dr Udayakumar has been critical of the measures taken by the government to tackle the transmission of COVID-19 and had also criticised the communal manner in which the Tamil Nadu government had been mentioning the personal details of the attendees of the religious event organised by Tablighi Jamaat at New Delhi. Due to his critical statements against the government, another case was registered against him on 5 April 2020 at Kottar Police Station in Kanyakumari district with FIR no. 286/20 under Section 505 of the IPC, 1860 read with Section 67 of Information Technology Act, 2000.²⁹²

Case 5: Illegal detention of Dr. Laifungbam Debabrata Roy

On 3 April 2020, human rights defender Dr. Laifungbam Debabrata Roy, President of the Centre for Organisation, Research and Education (CORE), was arrested from his residence by armed policemen without any warrant and illegally detained at the Imphal West police station in Manipur for 26 hours without producing before a magistrate. He was questioned about a Facebook post he published on 2 April 2020 criticising the Manipur Chief Minister on COVID-19 response. He was made to sign a letter to

²⁹². Tamil Nadu: False case filed against Anti-Nuclear activist Dr. SP Udayakumar for exercising his right of FOS, <https://kractivist.org/tamil-nadu-false-case-filed-against-anti-nuclear-activist-dr-sp-udayakumar-for-exercising-his-right-of-fos/>



the Chief Minister expressing his regrets for the social media post. His nephew was compelled to sign an arrest memo, and his lawyer was shown an FIR which included the offence of “disobedience to follow order promulgated by public servant” under Section 188 of the Indian Penal Code. On 4 April 2020, he was finally released without charge, after he deleted the social media post and shot a video apologising for offending the Chief Minister.²⁹³

Case 6: Arrest of Soneswar Narah and Pranab Doley, Assam

On 7 April 2020, two activists namely Soneswar Narah, advisor to the Jeepal Krishak Sramik Samiti, and its general secretary Pranab Doley were arrested in connection with a 2018 case a day after they had filed a police complaint against officials of the Kaziranga Cooperative godown for siphoning off over 800 quintals of rice. They were called to the Bokakhat police station to make a statement regarding the case but instead were arrested in a pending police case from 2018 related to ‘obstructing police duty’. The duo was sent to four days of police custody by the court. An unnamed police official told a local TV channel that the two activists were arrested in a case-related to number

290/2018 under sections 109, 188, 353 and 34 of the Indian Penal Code (IPC).²⁹⁴

Case 7: Arrest of Mohammed Chingiz Khan, Manipur

On 8 April 2020, Mohammed Chingiz Khan, a Phd scholar from Manipur, was arrested for an article he had published in a Manipuri daily, *Meeteilon*, on April 5. The article talked about marginalisation of Manipuri Muslims, locally known as Pangals. Police officer Meghachandra Singh said the title of the article which can be literally translated as “A political ploy to drive out Muslims” was “inflammatory”, particularly as the state was planning to initiate action against people who had concealed their visit to the religious convention held by the Tablighi Jamat in Delhi’s Nizamuddin area. He has been charged under Sections 124 A, 153 A, 505, 120 B of the Indian Penal Code.²⁹⁵

Case 8: FIR against senior advocate Prashant Bhushan and former IAS officer Kannan Gopinathan, Gujarat

On 15 April 2020, lawyer-activist Prashant Bhushan was booked following a complaint filed by retired army jawan Jaydev Joshi in

²⁹³. ‘India: Police harassment, intimidation and arbitrary detention of human rights defender Dr. Laifungbam Debabrata Roy in Manipur’- Urgent Appeal by Frontline Defenders, 9 April 2020, https://www.frontlinedefenders.org/sites/default/files/india_-_ua_-_laifungbam_debabrata_roy_-_9_april_2020.pdf

²⁹⁴. Assam: Activists Arrested Day After Complaining Against Theft of 800 Quintals of PDS Rice, *The Wire*, 8 April 2020, <https://thewire.in/rights/assam-soneswar-narah-pranab-doley-arrested-rice>

²⁹⁵. In Manipur, at least five are detained for questioning government handling of Covid-19 crisis, *Scroll.in*, 11 April 2020, <https://scroll.in/article/958867/in-manipur-at-least-five-are-detained-for-questioning-government-handling-of-covid-19-crisis>



Rajkot in Gujarat for ‘hurting religious sentiments’ of the Hindus for his comments on broadcasting of Ramayana and Mahabharata on Doordarshan channel during the lockdown period. Bhushan was reacting to a tweet by Union Minister Prakash Javadekar in which he was seen watching Ramayana on Doordarshan at the time of the Covid pandemic. In the same FIR, former IAS officer Kannan Gopinathan was booked for ‘commenting on government orders’ and News editor at *National Herald* Ashlin Mathew was also booked along with Gopinathan, allegedly for sharing the same government order. The trio were booked under IPC section 34 (criminal act done by several persons), 295-A (deliberate and malicious acts intended to outrage the religious feelings of any class by insulting its religion or the religious beliefs), 505(1) (publishing or circulating any statement, rumour or report which can cause fear and alarm amongst people) and section 120 -B (criminal conspiracy).²⁹⁶ On 1 May 2020, the Supreme Court granted protection to Bhushan from any coercive action in this FIR.²⁹⁷

Case 9: Arrest of Zamser Ali, Assam

On 7 May 2020, Citizens for Justice and Peace (CJP)’s Assam state coordinator

²⁹⁶. FIR Against Prashant Bhushan, Kannan Gopinathan in Gujarat, *The Wire*, 15 April 2020, <https://thewire.in/rights/fir-against-prashant-bhushan-kannan-gopinathan-in-gujarat>

²⁹⁷. Supreme Court Grants Prashant Bhushan Interim Protection From Arrest in Gujarat FIR, *The Wire*, 1 May 2020, <https://thewire.in/law/supreme-court-prashant-bhushan-interim-protection>

Zamser Ali was arrested in Mangaldai in Darrang district of Assam, for objecting to hateful islamophobic social media post made by a college teacher named Rupa Rani Bhuyan of Mangaldai. Zamser Ali had used his Facebook and Twitter profiles to speak up against the blatantly communal posts by Ms Bhuyan. After Bhuyan’s arrest, he was called to Mangaldai by the police to answer some questions but was himself arrested on the evening of 7 May under sections 294 (a), 295 (a), 500, 506 of the IPC read with section 67 of the IT Act.²⁹⁸

Case 10: Detention of Afroz Shah, Maharashtra

On 19 May 2020, environment activist and lawyer Afroz Shah was allegedly detained by the police for ferrying some stranded migrant workers in Mumbai, Maharashtra. Shah said he had been providing food to the stranded migrants since March 18 on the Mumbai-Nashik highway. While returning home on the night of 19 May along with a volunteer, they saw a group of six workers walking towards Ghatkopar to take a bus to Uttar Pradesh and they decided to drop them to the suburb but were stopped at a checkpoint in Ghatkopar. Thereafter he was taken to the Tilak Nagar police station and threatened with an FIR and a traffic challan for violating coronavirus lockdown norms. But he was left off without any charges.²⁹⁹

²⁹⁸. CJP condemns arrest of human rights activist Zamser Ali in Assam, Citizens for Justice and Peace (CJP), 7 May 2020, <https://cjp.org.in/cjp-condemns-arrest-of-human-rights-activist-zamser-ali-in-assam/>

²⁹⁹. Activist Afroz Shah says detained, threatened with FIR by cops for ferrying migrants, *The Indian Express*, 21 May 2020,



Case 11: Arrest of Congress leader Pankaj Punia, Haryana

On 20 May 2020, Congress leader Pankaj Punia was arrested in Karnal in Haryana a day after he criticized Uttar Pradesh Chief Minister Yogi Adityanath on handling of migrant workers crisis. In his tweet, Punia had written, “*The Congress only wanted to help the migrant workers to reach their home and pay for them. But the government started engaging in politics. Such lowly acts are only done by saffron-clad sanghis*”.³⁰⁰ An FIR was lodged against him at Madhuban police station in Karnal by a resident of Karnal and he was booked under IPC sections related to promoting enmity between different groups (153 A), outraging religious feelings (295 A), public mischief (505-2), and Section 67 of the Information Technology (Amendment) Act 2008.³⁰¹

<https://indianexpress.com/article/cities/mumbai/activist-afroz-shah-says-detained-threatened-with-fir-by-cops-for-ferrying-migrants/>

³⁰⁰. Congress leader arrested for ‘hurting Hindu sentiments’ after tweet on Yogi Adityanath, The Indian Express, 21 May 2020, <https://indianexpress.com/article/india/congress-leader-arrested-for-hurting-hindu-sentiments-after-tweet-on-yogi-adityanath-6419951/>

³⁰¹. Congress leader Pankaj Punia arrested in Haryana for objectionable tweet, India Today, 21 May 2020, <https://www.indiatoday.in/india/story/congress-leader-pankaj-punia-arrested-haryana-objectionable-tweet-1680291-2020-05-21>

Case 12: Arrest of activist Gautam Navlakha and Anand Teltumbde, Delhi/Maharashtra

On 14 April 2020, Gautam Navlakha and Anand Teltumbde surrendered in the Bhima Koregaon case after the Supreme Court rejected the plea for extension of time period for surrender in the wake of the COVID-19 pandemic and were arrested.³⁰² Earlier on 17 March 2020, the Supreme Court had refused to grant anticipatory bail to them and directed them to surrender to the Pune police within three weeks³⁰³ in connection FIR registered by the Maharashtra Police with respect to an event organized by the Elgaar Parishad at Shaniwar Wada in Pune on 31 December 2017. An FIR registered with the Pune Police by one Tushar Damgude alleged that statements, speeches and songs at the event had instigated violence and linked the 1 January 2018 Bhima Koregaon caste violence to the event. The FIR formed the basis of all the arrests made.³⁰⁴ The event is

³⁰². Elgar Parishad Case: Dalit Scholar Anand Teltumbde, Activist Gautam Navlakha Surrender Before NIA, Outlook, 14 April, 2020, <https://www.outlookindia.com/website/story/india-news-elgar-parishad-case-activist-scholar-anand-teltumbde-surrenders-before-nia/350712>

³⁰³. Clampdown On Dissent Continues During The Covid-19 Pandemic In India, Amnesty International, 14 April 2020, <https://amnesty.org.in/news-update/clampdown-on-dissent-continues-during-the-covid-19-pandemic-in-india/>

³⁰⁴. Pune police arrested 5 activists in June. What happened to them, The Print, 30 August 2018, <https://theprint.in/politics/pune-police-arrested-5-activists-in-june-what-happened-to-them/108845/>



being probed for alleged Maoist links, incitement of the violence and alleged plot to attack the Prime Minister's rallies.

The first arrests were made on 6 June 2018 when the Pune police picked up Dalit activist Sudhir Dhawale, editor of the progressive Marathi magazine *Vidrohi* and a key organiser of the Bhima-Koregaon Shaurya Din Prerna Abhiyan; activist Rona Wilson, public relations secretary, Committee for the Release of Political Prisoners; Professor Shoma Sen, the head of the Department of English, Nagpur University; and Mahesh Raut, anti-displacement activist from Bharat Jan Andolan and a former fellow at the Prime Minister's Rural Development (PMRD) for Gadchiroli District and activist-lawyer Surendra Gadling. Simultaneous raids were conducted in Mumbai, Nagpur and New Delhi.³⁰⁵

On 28 August 2018, the Pune police arrested 5 more activists namely lawyer Arun Ferreira, labour rights activist Vernon Gonsalves, poet Varavara Rao, human rights lawyer Sudha Bhardwaj and journalist-activist Gautam Navalakha. Police claimed that the arrests were made on the basis of material seized from the five accused earlier arrested.³⁰⁶ Sections of the

³⁰⁵. Hindutva's reign of terror: Bhima-Koregaon arrests are Maharashtra government's bone-chilling attempts to subvert justice, The Leaflet, 13 June 2018, <http://theleaflet.in/hindutvas-reign-of-terror-bhima-koregaon-arrests-are-maharashtra-governments-bone-chilling-attempts-to-subvert-justice/>

³⁰⁶. Pune police arrested 5 activists in June. What happened to them, The Print, 30 August 2018, <https://theprint.in/politics/pune-police->

Unlawful Activities Prevention Act (UAPA) were subsequently added to the FIR.³⁰⁷ Therefore the arrests were made under the provisions of the UAPA.

On 25 January 2020, the National Investigation Agency (NIA) took over the Bhima Koregaon investigations from the Maharashtra state police.

The nine male activists are currently detained in Taloja Central Jail, while Sudha Bharadwaj and Shoma Sen are kept at Byculla Women's Jail in Mumbai, Maharashtra. The activists were repeatedly denied bail over the past two years. On 29 May 2020, a special NIA court in Mumbai rejected the interim bail application of Sudha Bhardwaj.³⁰⁸

Case 12: Arrest of UP Pradesh Congress President Ajay Kumar Lallu

On 19 May 2020, Uttar Pradesh Congress president Ajay Kumar Lallu (41 years) and former legislator Vivek Bansal were arrested by the police for protesting against administration's refusal to allow buses

[arrested-5-activists-in-june-what-happened-to-them/108845/](https://www.theprint.in/108845/)

³⁰⁷. Hindutva's reign of terror: Bhima-Koregaon arrests are Maharashtra government's bone-chilling attempts to subvert justice, The Leaflet, 13 June 2018, <http://theleaflet.in/hindutvas-reign-of-terror-bhima-koregaon-arrests-are-maharashtra-governments-bone-chilling-attempts-to-subvert-justice/>

³⁰⁸. Bhima Koregaon case: NIA court rejects interim bail application of Sudha Bhardwaj, ANI News, 29 May 2020, <https://www.aninews.in/news/national/general-news/bhima-koregaon-case-nia-court-rejects-interim-bail-application-of-sudha-bhardwaj20200529184226/>



arranged by the Congress from Rajasthan to ply into Uttar Pradesh to transport migrant workers home. The two leaders were booked under Sections 188 and 269 of the IPC and Sections 3 and 4 of the Epidemic Diseases Act in an FIR registered at the Fatehpur Sikri police station in Agra.³⁰⁹ Though Mr Lallu was granted interim bail by an Agra court, he was soon arrested again by the Lucknow police on charges of allegedly sending a faulty list of buses to the U.P. government and alleged forgery of documents. The FIR was lodged under Sections 182, 420, 467 and 468 of the Indian Penal Code on the complaint of the RTO Lucknow. He was sent to 14 days judicial custody. A special MP-MLA court on 1 June 2020 denied him bail.³¹⁰

³⁰⁹. Bus row: U.P Congress chief arrested, The Hindu, 20 May 2020, <https://www.thehindu.com/news/national/other-states/bus-row-uttar-pradesh-congress-chief-arrested-by-agra-police/article31629620.ece>

³¹⁰. Congress launches campaign for the release of its Uttar Pradesh unit president, The Hindu, 9 June 2020, <https://www.thehindu.com/news/national/other-states/congress-launches-campaign-for-the-release-of-its-uttar-pradesh-unit-president/article31787444.ece>

5. ROLE OF THE JUDICIARY

In the best case of imposing lockdown with preparedness, locking down 1.35 billion populations is bound to create myriad problems. The lockdown with four hours notice from 8 pm to 12 pm when India was effectively shut left the country without any preparation whatsoever. Neither the Central government of India nor the State governments were ready to deal with the real problems of the populations, which included 453.6 million³¹¹ migrant workers as per 2011 census, not to mention about 71.35 million people living in “extreme poverty”³¹², majority of whom are hand to mouth and required assistance of the State, as per estimates of the World Bank in 2018. Absence of food, shelter and opportunity to work because of the lockdown created enormous suffering. The Supreme Court in its order dated 9 June 2020 noted, “*The society as a whole was moved by miseries and difficulties of migrant labourers*”.³¹³ The said statement can still be described as understatement of facts.

In such a pandemic where gross violations of human rights took place, the role of the judiciary remains the most critical.

³¹¹. India on the move: What data from Census 2011 show on migrations, The Indian Express, 26 July 2020,

<https://indianexpress.com/article/explained/india-on-the-move-what-data-from-census-2011-show-on-migrations-5852540/>

³¹². World Bank reports drop in number of people living in extreme poverty in India, but worldwide figures give cause for concern, First Post, 27 June 2018, <https://www.firstpost.com/india/world-bank-reports-drop-in-number-of-people-living-in-extreme-poverty-in-india-but-worldwide-figures-give-cause-for-concern-4607641.html>

³¹³. SUO MOTU WRIT PETITION (CIVIL) No(s).6/2020 IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS

The Supreme Court raised hope after registering letter of Ms Mahua Moitra, Member of Parliament dated 31.03.2020 highlighting the plight of migrant workers and seeking interventions to prevent people perishing from starvation and hundreds of thousands of people facing the risk of contracting and spreading the COVID-19 virus.³¹⁴ The Supreme Court dismissed the petition on April 13 without giving any reason³¹⁵ and thereafter, it has been a slippery slope.

The Supreme Court finally issued suo motu notice on 26 May i.e. after 63 days of the lockdown when as per the submission of the Solicitor General before the Supreme Court that 9.1 million migrant workers - 5 million in Shramik trains and about 4.1 million by road transport had returned home during 01.05.2020 to 27.05.2020. Hundreds of thousands of migrant workers had returned home between 25 March and 30 April 2020.³¹⁶ All these people were effectively denied the protection of the Supreme Court which issued directions only on 28.06.2020.

Had a number of High Courts, which are constitutional Courts and have the jurisdiction to take cognizance of violation

³¹⁴. See letter of Mahua Moitra at https://twitter.com/MahuaMoitra/status/1245397521809080320?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1245397521809080320&ref_url=https%3A%2F%2Fthewire.in%2Flaw%2Fsc-issues-notice-in-suo-motu-case-on-migrant-workers-conditions

³¹⁵. See order in Mahua Moitra v. Union of India Writ Petition (Civil) No.470/2020

<https://indiankanoon.org/doc/102977254/>

³¹⁶. See order dated 28.06.2020 in SUO MOTU WRIT PETITION (CIVIL) No(s).6/2020 IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS



of fundamental rights of migrant workers, not intervened the situation of the migrant workers would have been far more deplorable.

5.1 Timely interventions of the High Courts

The key High Courts in the country such as Allahabad High Court (Uttar Pradesh), Bombay High Court (Maharashtra), Telangana High Court, Patna High Court (Bihar), Orissa High Court, Karnataka High Court, Kerala High Court, Rajasthan High Court, Uttarakhand High Court, Delhi High Court, Gujarat High Court, Andhra Pradesh High Court, Madras High Court, Punjab and Haryana High Court, Calcutta High Court (West Bengal), Gauhati High Court (Kohima bench), Madhya Pradesh High Court, Meghalaya High Court had intervened for protection of fundamental rights of the citizens during the pandemic.

These High Courts passed orders to ensure the right of the litigants, right to return of the migrants; the right to food, shelter and healthcare; the right to receipt of salary/wages; prevention of COVID-19 and improvement of the quarantine facilities; the right to privacy; dignity in death; and functioning of the PM CARES Fund during the pandemic.\

5.1.1 Right of the litigants

A division bench comprising Justice Ramesh Sinha and Justice Ajit Kumar of the Allahabad High Court, Uttar Pradesh taking note of an extraordinary situation in

the country due to pandemic coronavirus requiring “self-quarantine” directed “*all the concerned competent authorities, both administrative and non-administrative, under the state government be issued directions restraining them from taking any coercive measures against any person or body of persons in the society so as to force him/them to approach the court for the redressal of grievance*”. The court further restrained the District Magistrates and the administrative authorities across the state from issuing any directions for presence of any person or persons in connection with any pending or any other proceeding for a period of two weeks till 6 April. The court also directed that no demolition exercise shall be carried out at the instance of district administration or any authority under the state government/local bodies till 6 April. No eviction or dispossession exercise against anyone can be undertaken for this period. The district administration in Lucknow, on 17 March, had issued recovery certificates to 13 persons, accused of indulging in violence during anti-CAA protests in Lucknow, for failing to pay Rs 22 lakh as compensation for damage to property during the agitation.³¹⁷ The Supreme Court regrettably *ex parte* stayed the order of the Allahabad High Court.³¹⁸

³¹⁷. Allahabad HC orders stay on all recovery proceedings, Outlook, 19 March 2020, <https://www.outlookindia.com/newscroll/allahabad-hc-orders-stay-on-all-recovery-proceedings/1772665>

³¹⁸. SC stays orders of Kerala, Allahabad HCs restraining recovery of taxes, dues, The Economic Times, 20 March 2020 <https://economictimes.indiatimes.com/news/economy/policy/sc-stays-orders-of-kerala->



The Allahabad High Court in its order on 26 March 2020 in suo motu PIL number No. 564 of 2020 issued a number of directions “to ensure that litigants should not suffer on account of their inability to approach the Courts of law extending all the interim orders passed by the High Court of Judicature at Allahabad as well as at Lucknow, all the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and all other Tribunals in the State over which this Court, extending period for bail orders or anticipatory bail, keeping in abeyance any orders of eviction, dispossession or demolition passed by the High Court, District or Civil Courts”.³¹⁹

5.1.2 Right to return of the migrants

Various High Courts took cognizance of the hardships faced by the migrants to return home after the nation-wide lockdown was suddenly announced by Prime Minister Narendra Modi on the night of 24 March 2020 effective from the midnight of 24th March. A number of High Courts issued slew of directions to the state governments to ensure the safe return of the migrants to their native states and provide them all help including food, shelter and transport facilities.

Bombay High Court:

On 16 April 2020, the Bombay High Court took note of problems faced by thousands of migrant labourers stranded in various parts of Maharashtra, in particular Mumbai.

[allahabad-hcs-restraining-recovery-of-taxes-dues/articleshow/74735113.cms?from=mdr](https://www.indialegallive.com/constitutional-law-news/courts-news/bombay-hc-says-allow-labourers-move-native-place-within-state-96191)

³¹⁹. Order access in the PIL matter on 30.05.2020

The High Court suggested that State government allow at least intra-state labourers to move to their native places in the state after medical examination, which would ease the burden on the administration. The court asked the State government to conduct a survey and prepare a list of such labourers. With respect to inter-state migrant workers, the High court stated that the issue was to be tackled by the Union government in consultation with the State government. The order was passed while hearing a clutch of petitions highlighting the issues of migrant labourers.³²⁰

On 12 May 2020, the Bombay High Court directed all district collectors, council authorities and police commissioners in Maharashtra to form special teams to monitor highways and arrange travel till the state border for migrant workers and others who are trying to walk back to their native places. The order was passed by Justice Madhav Jamdar of the Nagpur bench of the High Court while hearing a petition taken up *suo moto* on the plight of migrants, daily wage labourers and other stranded persons who were walking on foot to reach their homes. The High Court bench observed that the lockdown imposed in view of the coronavirus pandemic has triggered mass movement of migrant workers and others who were trying to return to their native

³²⁰. Bombay HC Says Allow Labourers to Move to Native Place within State, India Legal, 16 April 2020,

<https://www.indialegallive.com/constitutional-law-news/courts-news/bombay-hc-says-allow-labourers-move-native-place-within-state-96191>



places as they were unable to sustain without jobs.³²¹

On 19 May 2020, the Bombay High Court directed the Maharashtra government to explore the possibility of ferrying migrants, daily wage labourers and other stranded people to their native States by state transport buses instead of just dropping them up to the borders of the state. Justice R B Deo of the Nagpur bench of the High Court was hearing a petition taken up suo moto raising concerns over the plight of migrants and daily wage labourers amid the Covid-19 pandemic lockdown.³²²

On 30 May 2020, the Bombay High Court asked the State government of Maharashtra to file a detailed report by 2 June 2020 over a PIL filed by the Centre of Indian Trade Unions (CITU) concerning the state of migrant labourers. The PIL sought relief for migrant workers who were opting to take Shramik special trains or buses to return to their native places. The Court asked the State government to elaborate on the procedure that a migrant worker was required to follow to be eligible to leave

Maharashtra. Further, the Court asked the State government to specify the waiting period of the migrant labourers to board a train or bus, the nature of shelter being made available to them and the details of provisions made available for their sustenance.³²³ Further, on 29 May 2020, the Bombay High Court directed the State government of Maharashtra to submit report over steps taken to assist stranded migrant workers in the State.³²⁴

Telangana High Court:

On 27 April 2020, a Division Bench of Telangana High Court expressing concern over the hardships faced by migrant labourers during the lockdown in the State issued notices to authorities to respond to the plea of allowing migrant workers and their families to leave for their native States like Maharashtra, Chhattisgarh, etc. The bench comprising Chief Justice Raghvendra Singh Chauhan and Justice A Abhishek Reddy questioning the Advocate General said “*Why can't the State government coordinate with its neighbouring states and permit migrant*

³²¹. Form special teams to ensure transport for walking migrants: Bombay HC, The New Indian Express, 13 May 2020, <https://www.newindianexpress.com/nation/2020/may/13/form-special-teams-to-ensure-transport-for-walking-migrants-bombay-hc-2142857.html>

³²². Bombay HC to Maharashtra govt: Consider ferrying migrants in buses to home states, The Times of India, 19 May 2020, <https://timesofindia.indiatimes.com/india/bombay-hc-to-maharashtra-govt-consider-ferrying-migrants-in-buses-to-home-states/articleshowprint/75831031.cms>

³²³ Bombay High Court asks state to file detailed reply on migrant workers, The Hindustan Times, 30 May 2020, <https://www.hindustantimes.com/india-news/bombay-high-court-asks-state-to-file-detailed-reply-on-migrant-workers/story-DyaUBXizFjqfWwt0nj4SL.html>

³²⁴. Bombay HC Seeks Report from Maharashtra Govt on Steps Taken for Migrant Workers, News18, 30 May 2020, <https://www.news18.com/news/india/bombay-hc-seeks-report-from-maharashtra-govt-on-steps-taken-for-migrant-workers-2644343.html>



workers to reach their places after obtaining appropriate permissions in accordance with law". The order was passed through video conferencing in a PIL based on a letter, which had sought directions to the State government to provide transport for migrant workers to reach their native States.³²⁵

On 29 May 2020, a division bench of the Telangana High Court directed advocate K Pavan Kumar to visit Medchal in Malkangiri district and find out if migrant workers were stranded there and what facilities were being provided to them by the government. The Court also ordered the advocate to find out about the transport arrangements being made for them, and submit a detailed report. A PIL was filed by a social activist seeking directions against the police for forcibly transporting the workers in RTC and private buses to the Boraj check post in Adilabad on NH-44 on the Telangana-Maharashtra border.³²⁶

³²⁵. Telangana High Court asks government why migrant workers can't leave, The New Indian Express, 28 April 2020, <https://www.newindianexpress.com/states/telangana/2020/apr/28/telangana-high-court-asks-government-why-migrant-workers-cant-leave-2136344.html>

³²⁶. Telangana High Court-appointed lawyer to look into migrant crisis, The New Indian Express, 30 May 2020, <https://www.newindianexpress.com/states/telangana/2020/may/30/telangana-high-court-appointed-lawyer-to-look-into-migrant-crisis-2149895.html>

Patna High Court:

On 28 April 2020, the Patna High Court directed the Bihar government and Union government to make all arrangements for the students from the State stranded in Kota, Rajasthan and any other parts of the country.³²⁷ The State government informed the Court that though it was sensitive to the plight of students stranded outside, bringing them back in the midst of lockdown was not desirable, as it would tantamount to violation of the guidelines issued by the Ministry of Home Affairs and subject them as well as others to undue risk. The High Court was hearing a bunch of four PILs which stated the problems being faced by the students and how other States were making arrangements to bring back their students and migrants.³²⁸

On 28 May 2020, the Patna High Court took note of a widely-shared video of a child trying to wake up his dead mother at Muzaffarpur railway station in Bihar and described the episode as "*shocking and unfortunate*". The video showed the child playing with a cloth covering his mother's

³²⁷. Patna High Court directs state, Centre to help stranded students in Kota and elsewhere, The Hindustan Times, 29 April 2020, <https://www.hindustantimes.com/education/patna-high-court-directs-state-centre-to-help-stranded-students-in-kota-and-elsewhere/story-7E7JIXHlwEw4bM3P8q4qJl.html>

³²⁸. Patna High Court directs state, Centre to help stranded students in Kota and elsewhere, The Hindustan Times, 29 April 2020, <https://www.hindustantimes.com/education/patna-high-court-directs-state-centre-to-help-stranded-students-in-kota-and-elsewhere/story-7E7JIXHlwEw4bM3P8q4qJl.html>



body as announcements of train arrivals and departures continued in the background. The woman, identified as Arbeena, had reportedly died of extreme heat, hunger and dehydration. They had arrived in Bihar from Gujarat in a special train for migrant labourers and her family claimed she had fallen sick on the train due to lack of food and water. The Court said that the incident required intervention by the court “in exercise of our jurisdiction under Article 226.”³²⁹

Orissa High Court:

On 7 May 2020, the Orissa High Court directed the State government to ensure that only migrants who tested negative for Covid-19 were allowed to return to Odisha.³³⁰ However, the Supreme Court on 8 May 2020 stayed this order after the Union government said the High Court order was ‘unworkable’ and passed without consultation.³³¹

³²⁹. Migrant crisis: Patna HC takes note of video of child trying to wake dead mother, calls it shocking, Scroll.in, 29 May 2020, <https://scroll.in/latest/963244/migrant-crisis-patna-hc-takes-note-of-video-of-child-trying-to-wake-dead-mother-calls-it-shocking>

³³⁰. Orissa High Court tells state to only allow return of migrants testing negative for Covid19, The Economic Times, 7 May 2020, <https://economictimes.indiatimes.com/news/politics-and-nation/orissa-high-court-tells-state-to-only-allow-return-of-migrants-testing-negative-for-covid19/printarticle/75605488.cms>

³³¹. Coronavirus Lockdown: Supreme Court Puts On Hold Orissa High Court Order On Migrants' Entry, NDTV, 8 May 2020, <https://www.ndtv.com/india-news/coronavirus-lockdown-supreme-court-puts-on-hold-orissa->

On 12 May 2020, the Orissa High Court issued a notice to the State government on a PIL that sought direction to the government to remove Aadhaar card as the only proof of identification for registration of migrant workers to enter the State. On 14 May 2020, the High Court disposed of the PIL after the State Government submitted that it has allowed multiple proofs of identification documents for registration of returning migrant workers and made Aadhaar card optional.³³²

Karnataka High Court:

On 8 May 2020, the High Court of Karnataka directed the State government to spell out a rational policy to give clarity to migrant workers on how they would be allowed to travel to their home States to prevent panic movement. The High Court also directed the State government to initiate appropriate actions if it receives complaints that contractors and employers are not confining migrant workers to their shelters and not allowing them to leave to go back to their home States, and ensure their safe travel.³³³ The Court observed that

[high-court-order-that-said-only-migrants-negative-for-covid-19-should-be-allowed-in-state-2225527](https://www.karnatakahighcourt.org/decisions/high-court-order-that-said-only-migrants-negative-for-covid-19-should-be-allowed-in-state-2225527)

³³². Odisha makes Aadhaar optional for migrants, allows 19 ID proofs, The New Indian Express, 15 May 2020, <https://www.newindianexpress.com/states/odisha/2020/may/15/odisha-makes-aadhaar-optional-for-migrants-allows-19-id-proofs-2143623.html>

³³³. HC: Spell out travel policy, give info tomigrants to prevent panic movement, The Hindu, 8 May 2020, <https://www.thehindu.com/news/national/karna>



the reservation of the State government restricting migrant workers' travel did not arise when the Ministry of Home Affairs (MHA) had permitted it and issued guidelines to States in this regard. The Bench noted "*The consequence of migrant workers walking to reach their homes could result in loss of lives as they may die in accidents, or due to hunger, etc., as has been reported*". The High Court also directed the State government to place on record the measures taken with regard to the operation of Shramik trains for migrant workers in line with the Railways notification dated 2 May 2020. The interim order was passed by a special Division Bench comprising Chief Justice Abhay Shreeniwas Oka and Justice B.V. Nagarathna while hearing PILs, including an application filed by the All India Central Council of Trade Unions on the State government's earlier decision not to allow migrant workers to travel to their home States.³³⁴

On 20 May 2020, the Karnataka High Court asked the State government to clarify on whether it really wanted to take a stand that a migrant worker who had no income and was not in a position to pay Railway fare would not be allowed to travel by Shramik special trains to his home State.

[taka/hc-spell-out-travel-policy-give-info-to-migrants-to-prevent-panic-movement/article31538269.ece](https://www.newindianexpress.com/states/karnataka/2020/may/09/hc-seeks-details-of-trains-for-migrant-workers-from-karnataka-2141004.html)

³³⁴. HC seeks details of trains for migrant workers from Karnataka, The New Indian Express, 9 May 2020, <https://www.newindianexpress.com/states/karnataka/2020/may/09/hc-seeks-details-of-trains-for-migrant-workers-from-karnataka-2141004.html>

The Court sought the clarification from the State by 21 May 2020 after government in its written submission said that six Shramik trains were arranged till 15 May 2020 from various States to bring workers from other states back to Karnataka.³³⁵

Kerala High Court:

On 8 May 2020, the Kerala High Court urged the Union Government to take steps in assisting the return of citizens stranded abroad amid the COVID-19 crisis, if they are found to be facing difficulties in paying for flight tickets. While issuing an interim order on a batch of PILs concerning the return and welfare of Indians stranded in other countries, particularly Gulf countries, the Bench of Justices Shaji P Chaly and MR Anitha said, "*.....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 coordination 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*".³³⁶

³³⁵. Shramik Trains : Karnataka HC Asks State To Clarify Stand On Bearing Rail Fare Of Migrants Who Can't Pay [Read Order], Livelaw, 20 May 2020, <https://www.livelaw.in/news-updates/shramik-trains-karnataka-hc-asks-state-to-clarify-stand-on-bearing-rail-fare-of-migrants-who-cant-pay-157042>

³³⁶. Kerala HC asks Govt to assist Indian expatriates who are unable to afford flight tickets for their return to India amid the COVID-19 crisis, Bar and Bench, 10 May 2020, <https://www.barandbench.com/news/litigation/k>



On 10 May 2020, the High Court of Kerala instructed the State government to issue passes to those stranded at Walayar check post, which borders between Kerala and Tamil Nadu. The order was applicable only for those who reached Walayar the previous day and got stranded there. The High Court also instructed people outside the state not to leave for Kerala without securing a pass. The High Court while hearing a petition filed by people stranded at the check post stated that it cannot relax the lockdown regulations in the state and so everyone will have to cooperate with the regulations.³³⁷

On 20 May 2020, the Kerala High Court asked the State government to express its stand on a study conducted by the Tata Institute of Social Sciences (TISS) and the National Health Mission which said that migrant workers were returning to their native places on foot because of lack of awareness about the process for getting transportation facilities back home. The study was brought to the attention of the Court by the amicus curiae in a pending case relating to migrant workers.³³⁸

[erala-hc-asks-govt-to-assist-indian-expatriates-who-are-unable-to-afford-flight-tickets-for-their-return-to-india-amid-the-covid-19-crisis](https://www.thehindu.com/news/national/kerala-erala-hc-asks-govt-to-assist-indian-expatriates-who-are-unable-to-afford-flight-tickets-for-their-return-to-india-amid-the-covid-19-crisis)

³³⁷. HC instructs Kerala govt to issue passes to people stranded at Walayar check post, Manorama, 10 May 2020, <https://english.mathrubhumi.com/news/kerala/hc-instructs-kerala-govt-to-issue-passes-to-people-stranded-at-walayar-check-post-1.4750199>

³³⁸. HC directive to State on study on migrants, The Hindu, 20 May 2020, <https://www.thehindu.com/news/national/kerala>

Rajasthan High Court:

On 12 May 2020, the Rajasthan High Court asked the State government about the arrangements made to bring back 19 lakh migrant workers currently stranded in Gujarat and some southern states. The interim order was passed by a Division Bench of Justice Sangeet Lodah and Justice Rameshwar Vyas while hearing a petition that sought a phased and expedited mechanism to be provided by the Government for the return of the state's migrant workers, who are stuck at the border while road or rail transportation be arranged for those stranded outside Rajasthan.³³⁹

On 14 May 2020, the Rajasthan High Court questioned the State government about the necessity of e-passes and NOCs for migrant workers, thereby harassing them in the name of formalities. The High Court also sought from the State government the detailed mechanism for both inbound and outbound migrants, while hearing a petition seeking a direction to do away with the formalities.³⁴⁰

[/hc-directive-to-state-on-study-on-migrants/article31635470.ece](https://www.business-standard.com/article/pti-stories/rajasthan-hc-questions-need-of-e-passes-nocs-for-migrants-entering-state-120051401732_1.html)

³³⁹. Rajasthan HC asks State Govt About Arrangements Made to Bring Back 19 Lakh Migrants, News18, 12 May 2020, <https://www.news18.com/news/india/rajasthan-hc-asks-state-govt-about-arrangements-made-to-bring-back-19-lakh-migrants-2617357.html>

³⁴⁰. Rajasthan HC questions need of e-passes, NOCs for migrants entering state, Business Standard, 14 May 2020, https://www.business-standard.com/article/pti-stories/rajasthan-hc-questions-need-of-e-passes-nocs-for-migrants-entering-state-120051401732_1.html



Uttarakhand High Court:

On 13 May 2020, the Uttarakhand High Court directed the State government to file its response on the measures it has taken to alleviate the miseries of 40,000 migrant workers in Uttarakhand. The Court also directed the State government to submit detail of the steps taken under the National Food Security Act, 2013 and the identification of eligible households and supply of food grains on their doorsteps, as well as identification of inter-State migrant workmen under the Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979, so as to ensure their safety, security and well-being. The State was asked to file its response in 24 hours.³⁴¹ The High Court also directed the State to make suitable arrangements for the rapid testing of the migrants to check if they are infected, including direction to the volunteers of the legal service authorities of various districts and of the state to visit the quarantine centres to check the arrangements. The Court issued the directions following a PIL filed about the plight of migrant workers in the State and lack of proper testing of people returning from other States.³⁴²

³⁴¹. Uttarakhand HC Gives State Govt “24 Hour Ultimatum” To Detail Steps Taken To Mitigate Migrant Miseries, India Legal, 13 May 2020, <https://www.indialegallive.com/constitutional-law-news/courts-news/uttarakhand-hc-gives-state-govt-24-hour-ultimatum-to-detail-steps-taken-to-mitigate-migrant-miseries-99136>

³⁴². Make suitable arrangements for returning migrants: Uttarakhand HC to govt, The New Indian Express, 13 May 2020, <https://www.newindianexpress.com/nation/2020/may/13/make-suitable-arrangements-for->

On 18 May 2020, the Uttarakhand High Court while hearing a PIL held that both the State and the Central governments are obligated to bring back the migrants to Uttarakhand because their fundamental rights under Article 21 of the Constitution may be violated if they are left stranded. The High Court also directed the Union government to file a report detailing the number of trains they have arranged to bring back stranded people and the time within which they would ply, and the State government to provide details about the number of buses deployed to take them to their residences and the arrangements of their stay as well as home quarantine, food and shelter.³⁴³

Madras High Court:

On 15 May 2020, the Madras High Court directed the State government of Tamil Nadu and Union government to submit an action taken report on the measures taken to alleviate the sufferings of migrants on the move amid the coronavirus lockdown, saying their “pathetic condition” is “nothing but a human tragedy”. The High Court observed³⁴⁴:

[returning-migrants-uttarakhand-hc-to-govt-2142943.html](https://www.indialegallive.com/constitutional-law-news/courts-news/uttarakhand-hc-to-govt-2142943.html)

³⁴³. Uttarakhand high court says migrants’ fundamental rights may be violated if they are not brought back, The Times of India, 19 May 2020, <https://timesofindia.indiatimes.com/city/dehradun/hc-says-migrants-fundamental-rights-may-be-violated-if-they-are-not-brought-back/articleshowprint/75813654.cms>

³⁴⁴. Order dated 15 May 2020 by the Madras High Court in H.C.P.No.738 of 2020 available at



“One cannot control his/her tears after seeing the pathetic condition of migrant labourers shown in the media for the past one month. It is nothing but a human tragedy. When the lock down was announced at the end of March 2020, lakhs and lakhs of migrant workers were stranded throughout the country. Most of the workers lost their jobs, no shelter is said to have been provided apart from lack of supply of adequate food. After waiting for a considerable time, they started migrating to their native states by foot. It is very unfortunate that those persons were neglected by all the authorities. The heart breaking stories are reported in the print as well as visual media that millions of workers were compelled to start walking to their native States with their little children carrying all their belongings over their head, surviving on the food provided by good Samaritans, as no steps were taken by the Governments to help those migrant workers. It is also reported that some people starved to death due to hunger. 16 workers working in a steel factory in Julna, Maharashtra, who were sleeping on rail tracks while returning to Madhya Pradesh were crushed to death near Karmad around 30 km from Aurangabad by a goods train on 08.05.2020. Even after the sorrow and sufferings of the migrant workers were reported in the media,

nothing happened for the past one month as there was no coordinated effort between the States.”

The Court asked 12 questions on the migrants to the respondents including the number of migrant workers in each State/Union Territories in India and the details regarding their nativity, the number of migrant workers stranded in each State/Union Territories in India as on today, the assistance provided to those migrant workers by the respective States as well as the Union Government, and number of migrant workers who have died on their way to the native States, among others.” Both the Central Government as well as the State Government were asked to file their response as well as action taken report in the next hearing on 22 May 2020.³⁴⁵

Delhi High Court:

On 17 May 2020, the Delhi High Court asked the Delhi government to take all care for repatriation of migrant workers, as and when they approached their concerned nodal officer. The Court further directed that their migration be done in accordance with law and also in accordance with the Standard Operating Procedure (SOP) issued by the Central government regarding movement of stranded migrant workers. The direction came on a plea by an NGO, National Campaign Committee for Eradication of Bonded Labour, which had raised grievances with regard to the official website of the authorities meant for

³⁴⁵. Order dated 15 May 2020 by the Madras High Court in H.C.P.No.738 of 2020 available at https://www.livelaw.in/pdf_upload/pdf_upload-374880.pdf



registration of migrant workers for transit to their respective native place.³⁴⁶

Gujarat High Court:

On 22 May 2020, the Gujarat High Court directed the railway authorities to waive one-way train ticket charges of migrant workers, or the state government to bear the cost as an alternative arrangement. The Court order was passed after the State government in a written reply stated that out of 22.5 lakh migrant workers in Gujarat, only 7,512 were registered under the Inter-State Migrant Workmen Act and they were thus, eligible for travel allowance.³⁴⁷

Andhra Pradesh High Court:

On 15 May 2020, the Andhra Pradesh High Court ordered the State government to ensure proper availability of food, toilets and medical help etc for the migrant workers who were forced to undertake long journey on foot due to the lockdown. The court emphasized that if it did not react and pass orders at this stage, it would be failing in its role as a 'protector and alleviator of suffering'. The High Court took note of

³⁴⁶. Take 'all care' for repatriation of migrant workers: HC tells Delhi govt, The Indian Express, 17 May 2020, <https://indianexpress.com/article/cities/delhi/take-all-care-for-repatriation-of-migrant-workers-hc-tells-delhi-govt-6413491/>

³⁴⁷. Gujarat HC asks railways to waive one-way ticket charges of migrants, The Week, 24 May 2020, <https://www.theweek.in/news/india/2020/05/24/hc-asks-railways-to-waive-one-way-ticket-charges-of-migrants.html>

'disturbing news reports' about the plight of migrants and passed a number of directions to be complied with by the State government. The State government was directed to submit the compliance report with clear details of the shelters and services provided, by 22 May 2020.³⁴⁸

5.1.3 Food, shelter and healthcare

Various High Courts assumed to themselves the responsibility to ensure that no person had to live without food, shelter or proper healthcare across the country due to the COVID19 lockdown. The courts' interventions were focused on migrant workers, daily wager labourers, tribals and other vulnerable communities. A number of High Courts passed a slew of directions to the authorities to ensure providing food, shelter, medicines and other basic facilities to the marginalized and vulnerable people including those who did not have ration cards.

Andhra Pradesh High Court:

On 23 April 2020, a Division Bench of the Andhra Pradesh High Court comprising Justices C. Praveen Kumar and D. Ramesh directed the State government to provide shelter, food and medicine to migrant

³⁴⁸. Migrants Crisis : AP HC Says If Court Doesn't React, It Would Be Failing In Its Role; Issues Slew Of Directions, Livelaw, 16 May 2020, <https://www.livelaw.in/top-stories/migrants-crisis-ap-hc-says-if-court-doesnt-act-it-would-be-failing-in-its-role-issues-slew-of-directions-156865>



workers within 24 hours after identifying them.³⁴⁹

On 15 May 2020, the Andhra Pradesh High Court directed the State government to open shelters and provide facilities to migrant workers. A division bench comprising Justice Somayajulu and K Lalitha issued a set of guidelines and suggestions for the well-being of migrant workers and directed the state government to submit an action taken report on its directive on May 22.³⁵⁰

Allahabad High Court:

On 26 May 2020, the Allahabad High Court asked the Uttar Pradesh government to apprise it of the state's schemes for rehabilitation of migrant workers and their families in the state by 1 June 2020. The bench also sought “a complete layout to reduce migration of the natives of Uttar Pradesh to other parts of the country to earn minimum livelihood”.³⁵¹

³⁴⁹. AP High Court: give urgent relief to migrant workers, The Hindu, 23 April 2020, <https://www.thehindu.com/news/national/andhra-pradesh/ap-high-court-give-urgent-relief-to-migrant-workers/article31416276.ece>

³⁵⁰. Open shelters for migrant workers, HC tells Andhra govt, The New Indian Express, 16 May 2020, <https://www.newindianexpress.com/states/andhra-pradesh/2020/may/16/hc-guidelines-on-migrant-workers-2144055.html>

³⁵¹. High Court Tells UP Govt to Submit Details of Relief Measures for Migrant Workers Amid Covid-19 Crisis, News18, 28 May 2020, <https://www.news18.com/news/india/high-court-tells-up-govt-to-submit-details-of-relief->

Bombay High Court:

On 8 April 2020, the Bombay High Court asked the State and district legal services authorities to verify the claim of the government that it was providing food, shelter, medicines and other basic facilities to migrant workers and daily wage labourers in about 4,000 relief centres across the state.³⁵²

On 8 May 2020, a division bench of Chief Justice Dipankar Datta and Justice Amjad Sayed of the Bombay High Court while hearing a petition filed by Pune resident Vanita Chavan asked the state government of Maharashtra to take a decision on whether it would procure additional food grains from the Food Corporation of India (FCI) for migrant workers and other needy persons who do not have ration cards and hence not covered under the National Food Security Act (NFSA). The petitioner sought direction to the government to provide essentials to people without ration cards, including migrant workers and wandering tribes.³⁵³ On 12 May, the Maharashtra

[measures-for-migrant-workers-amid-covid-19-crisis-2641925.html](https://www.newindianexpress.com/nation/2020/apr/08/ensure-basic-necessities-to-migrant-workers-bombay-high-court-to-maharashtra-government-2127550.html)

³⁵². Ensure basic necessities to migrant workers: Bombay High Court to Maharashtra government, The New Indian Express, 8 April 2020, <https://www.newindianexpress.com/nation/2020/apr/08/ensure-basic-necessities-to-migrant-workers-bombay-high-court-to-maharashtra-government-2127550.html>

³⁵³. Will Maha govt procure food grains for migrants, poor? The Bombay High Court, CNBCTV18, 11 May 2020, <https://www.cnbctv18.com/legal/will-maha-govt-procure-food-grains-for-migrants-poor-the-bombay-high-court-5891291.htm>



government submitted that it had already procured food grains from the FCI to meet the requirements of stranded persons and migrants in Pune district. The government, however, said people who don't have ration cards of any state will not be given food grains at ration shops. Those without ration cards were given meals and food grain packets at shelter camps and they can also get meals at Shiv Bhojan Thali centres across the state.³⁵⁴

On 15 May 2020, the Bombay High Court directed the Maharashtra government and civic authorities to ensure that food and basic necessities reach the tribal community across the state amid the COVID-19 lockdown. The court was hearing a petition filed by one Vivek Pandit highlighting the plight of tribals in the state during the lockdown. The state government told the court that “*A circular was also issued by the government on April 27, directing all collectors to provide benefits of the Public Distribution System to vulnerable households, especially migrant labourers and others*”.³⁵⁵

³⁵⁴. Migrants with any ration card can get essentials in Maharashtra: Uddhav Government, The New Indian Express, 13 May 2020, <https://www.newindianexpress.com/nation/2020/may/13/migrants-with-any-ration-card-can-get-essentials-in-maharashtra-uddhav-government-2142566.html>

³⁵⁵. Ensure essentials reach tribals amid lockdown: Bombay HC to Maharashtra government, The New Indian Express, 16 May 2020, <https://www.newindianexpress.com/nation/2020/may/16/ensure-essentials-reach-tribals-amid-lockdown-bombay-hc-to-maharashtra-government-2144113.html>

Delhi High Court:

On 27 April 2020, the Delhi High Court directed the Delhi Government to ensure that all ration shops disbursing foodgrain remained open during working hours and grains were disbursed even to those not having ration cards. These directions were issued by a bench comprising of Justices Siddharth Mridul and Talwant Singh while hearing a petition filed by the Delhi Rozi Roti Adhikar Abhiyan.³⁵⁶ On 6 May 2020, the High Court directed the Delhi government to put up complaint boxes at every Public Distribution System (PDS) and non-PDS distribution centres, within three days and file a compliance report on the steps taken by the government to ensure that all the poor and needy are provided ration. The petitioner, Delhi Rozi Roti Adhikar, claimed that the Delhi government had introduced e-coupons for people did not have a ration card but obtaining an e-coupon required a person to have a smartphone, and knowing how to fill in details and upload photographs.³⁵⁷ On 18 May 2020, the Delhi high court expressed its "disappointment" at Delhi government's failure to comply with its orders to ensure free ration was available to

³⁵⁶. HC Tells Delhi Govt to Keep Ration Shops Open, Disburse Food to All, The Wire, 28 April 2020, <https://thewire.in/government/hc-tells-delhi-govt-to-keep-ration-shops-open-disburse-food-to-all>

³⁵⁷. Delhi High Court orders govt to set up complaint boxes at all ration stores, The Hindustan Times, 7 May 2020, <https://www.hindustantimes.com/delhi-news/delhi-high-court-orders-govt-to-set-up-complaint-boxes-at-all-ration-stores/story-azTtXtH2KEPk8ynOeJcx0J.html>



all needy and poor. The court said the poor migrants and labourers could not access ration through the e-coupon system.³⁵⁸

A PIL was filed by Ms. Shabnam, a resident of Sultan Puri, Delhi with a grievance that despite e-coupons being issued to 73 persons, all residents of Sultan Puri, and 1909 e-coupons to others in the area, they had not been delivered ration from the Ration Distribution Centre. While disposing of the petition, the Delhi High Court on 20 May 2020 issued the direction to the Government of Delhi to “ensure that all the pending e-coupon holders are supplied ration through the ration distribution centre at Nigam School, Sultan Puri by tomorrow evening itself, failing which the petitioner shall be entitled to approach this Court by filing an application. Any non-compliance shall be viewed seriously.”³⁵⁹

Another petition was filed by NGO Nayee Soch Society seeking direction to the

authorities to provide coronavirus relief kit, foodgrain and food relief to both ration card holders and non-ration card holders without discrimination, the AAP government on 2 June 2020 informed the Delhi High Court that it was not indulging in any discrimination. The court disposed of the petition and stated, “We expect from the respondents (Delhi government) that the schemes floated by them shall be scrupulously followed for the welfare of the public at large and may continue even after the lockdown period is over... In the event necessary, the respondents may also take steps to enhance the coverage or benefits of the schemes floated by them, to realise their objective that no person in Delhi should go hungry by reason of the present lockdown.”³⁶⁰

On 6 June 2020, Delhi High Court directed the Government of Delhi to “ensure that the two Hunger Relief Centres set up in Azadpur Mandi are provided enough cooked food so that the labourers stranded there can be provided packed lunch and dinner on a daily basis” in W.P.(C) 3332/2020. The Potato and Union Masakhour Merchant Association filed the petition seeking a direction to be issued to the Delhi Government to ensure that about 1000 labourers stranded at Azadpur Mani, Delhi, during the COVID-19 pandemic lockdown period, are provided two square meals in a day, till normalcy was restored

³⁵⁸. Not enough done to provide free ration to poor: Delhi high court, The Times of India, 19 May 2020, <https://timesofindia.indiatimes.com/city/delhi/not-enough-done-to-provide-free-ration-to-poor-delhi-high-court/articleshowprint/75822182.cms>

³⁵⁹. Delhi HC Directs Delhi Govt To Ensure That Ration Is Immediately Provided to All Pending E-Coupon Holders [Read Order], Livelaw, 20 May 2020, <https://www.livelaw.in/news-updates/delhi-hc-directs-delhi-govt-to-ensure-that-ration-is-immediately-provided-to-all-pending-e-coupon-holders-157086>; See the order at https://www.livelaw.in/pdf_upload/pdf_upload-375113.pdf

³⁶⁰. No discrimination between ration, non-ration cardholders in giving foodgrain: Delhi govt to HC, The New Indian Express, 3 June 2020, <https://www.newindianexpress.com/nation/2020/jun/03/no-discrimination-between-ration-non-ration-cardholders-in-giving-foodgrain-delhi-govt-to-hc-2151709.html>



in the Mandi and to relocate the stranded workers to a Makeshift Shelter Home within or around Azadpur Mandi.³⁶¹

Gujarat High Court:

On 11 May 2020, the Gujarat High Court took *suo motu* cognizance of the crisis and ordered the state government of Gujarat to come up with “some concrete plans to take care of the problems faced by the people at large as on date” in R/Wit Petition (PIL) No. 42 of 2020. The bench took note of some “very disturbing, painful and heartbreaking” reports chronicling the difficulties being faced by labourers and called for a “more humane approach or touch”. A bench comprising Justices J.B. Pardiwala and Ilesh J. Vora stated, “The State Government should keep in mind that they are at present dealing with the most downtrodden, under privileged and weaker sections of the society. They are all afraid. They are not afraid of COVID-19, but they are afraid that they would die due to starvation. In such circumstances, it becomes the paramount duty of the State Government to assure and repose confidence in the downtrodden class of people that they will be taken care of in the best possible manner. It is high time for the

³⁶¹. Delhi HC Issues Notice In Plea Seeking Food and Relocation For Labourers Stranded In Azadpur Mandi [Read Order], Livelaw, 2 June 2020, <https://www.livelaw.in/news-updates/delhi-hc-issues-notice-in-plea-seeking-food-and-relocation-for-labourers-stranded-in-azadpur-mandi-157704>; The order is available at https://www.livelaw.in/pdf_upload/pdf_upload-375779.pdf

State Government to deal with this delicate situation very carefully and instill confidence in the minds of the people at large that they will be taken care of.” The court made it clear that it did not want to interfere into the day-to-day functioning of the State Government in its fight against COVID19 but the court “should ensure that that the situation does not go from very bad to worse.”³⁶²

On 22 May 2020, the bench of Justices J B Pardiwala and Ilesh J Vora of the Gujarat High Court called Ahmedabad Civil Hospital “as good as dungeon” because of the pathetic condition of the hospital.³⁶³ The bench had pulled up senior IAS officers, deputy chief minister Nitin Patel who also holds the health portfolio, and questioned the state government if it was “artificially” controlling the number of cases in the state by gate keeping testing in private laboratories.³⁶⁴ The state

³⁶². Poor not afraid of Covid but of dying of starvation, says Gujarat HC, asks for ‘humane touch’, The Print, 12 May 2020, <https://theprint.in/judiciary/poor-not-afraid-of-covid-but-of-dying-of-starvation-says-gujarat-hc-asks-for-humane-touch/419859/>; The order is available at https://www.livelaw.in/pdf_upload/pdf_upload-374663.pdf

³⁶³. New Bench Of Gujarat HC To Hear Cases On COVID-19 & Migrants Issues, Livelaw, 28 May 2020, <https://www.livelaw.in/news-updates/new-bench-in-gujarat-hc-to-hear-cases-on-covid-19-migrants-issues-157469>

³⁶⁴. Days after it pulled up Gujarat govt over Covid situation, HC bench changed, Indian Express, 20 May 2020, <https://indianexpress.com/article/cities/ahmeda>



government moved an application seeking to recall the critical observations made by the court against the Civil Hospital at Ahmedabad and remarks made against the health minister Nitin Patel and other officers. However, on 25 May 2020 the bench refused to give the state government a clean chit and stated that it would pay a visit to the hospital.³⁶⁵

Karnataka High Court:

On 2 June 2020, the Karnataka High Court intervened in the case of burning down of shanties of migrant workers near the Sunday Bazar area in Bengaluru East based on a letter written by an advocate which the court converted into a PIL and directed the Registrar General of the High Court to make the State government and Bruhat Bengaluru Mahanagara Palike as party respondents to the petition and posted the matter for further hearing on June 11.³⁶⁶

[bad/days-after-gujarat-hc-slams-state-govt-over-covid-situation-bench-shuffled/](https://www.indianexpress.com/article/cities/ahmedabad/days-after-gujarat-hc-slams-state-govt-over-covid-situation-bench-shuffled/)

³⁶⁵. Days after it puled up Gujarat govt over Covid situation, HC bench changed, Indian Express, 20 May 2020,

<https://indianexpress.com/article/cities/ahmedabad/days-after-gujarat-hc-slams-state-govt-over-covid-situation-bench-shuffled/>

³⁶⁶. Karnataka HC Takes Suo Moto Case On Burning Down Of Shanties Of Migrant Workers In Bengaluru, Livelaw, 2 June 2020, <https://www.livelaw.in/news-updates/karnataka-hc-takes-suo-moto-case-on-burning-down-of-shanties-of-migrant-workers-in-bengaluru-157718>

Madras High Court:

On 3 June 2020, the Madras High Court directed the state government of Tamil Nadu to “identify migrant labourers without food, shelter and medical facilities and provide the same to them on war-footing basis and file a report in the next hearing”. After the concern was raised before the court that there were thousands of migrant labourers found loitering in railway stations without food, shelter or medical facilities, the bench of Justices N Kirubakaran and R Hemalatha observed, “*It is the duty of the State to see that every migrant worker is provided with adequate food, drinking water, shelter and medical facilities. Having extracted work from the migrant labourers, our State cannot be ungrateful.*”³⁶⁷

Punjab and Haryana High Court:

On 2 June 2020, the Punjab and Haryana High Court *suo motu* directed the state of Haryana to supply food and ration to the migrant labourers, in case it had not been provided so far. The state was also asked to comply with all interim directions issued by the Supreme Court in the matter.³⁶⁸

³⁶⁷. [Migrant Crisis] Having extracted work, State cannot be ungrateful: Madras HC orders Govt to ensure food, shelter to Migrants on war-footing, Bar and Bench, 3 June 2020, <https://www.barandbench.com/news/litigation/migrant-crisis-madras-hc-orders-govt-to-ensure-food-shelter-to-migrants-on-war-footing>

³⁶⁸. Punjab & Haryana High Court directs Haryana to supply ration to migrant labourers, The Tribune, 2 June 2020, <https://www.tribuneindia.com/news/haryana/pu>



On 2 June 2020, the Punjab and Haryana governments assured the Punjab and Haryana High Court that they will ensure the helpline numbers meant for the migrant workers are in a working condition and that the authorities at the local level immediately respond to any kind of call seeking assistance. Both the state governments have also undertaken to simplify the process of registration of stranded migrant workers and make all efforts and provide necessary assistance to them for going to their homes and for any other purpose.³⁶⁹

Telangana High Court:

The High Court of Telangana took up two PILs on the plights of migrant labourers, beggars and homeless people who were living on the roads of Hyderabad and Secunderabad during the COVID-19 lockdown and on 1 May 2020 directed the State Government to file a detailed report on the number of shelter homes available in the State to provide shelter to migrant workers and the homeless.³⁷⁰ In the next

hearing on 8 May 2020, the High Court termed the report submitted by the Greater Hyderabad Municipal Corporation (GHMC) on shelter homes as “vague” and directed the civic body to file a detailed report by May 15.³⁷¹

On 13 May 2020, a division bench of the Telangana High Court directed the State Civil Supplies Commissioner to supply 12 kg of rice to stranded migrant workers and tribals without insisting on biometrics and identity particulars during the lockdown. A bench comprising Justice MS Ramachandra Rao and Justice K Lakshman stated, “*The poor beneficiaries should be exempted from the biometric scanning during the lockdown period. Tribals work in extreme conditions and going by their age and other factors, their fingerprints get erased. Given this, insisting on biometric scanning will deprive them of the essentials that they badly need now.*”³⁷² The court also directed the authorities to provide one-time financial assistance of Rs 1,500 to all white ration card holders irrespective of whether they

[njab-haryana-high-court-directs-haryana-to-supply-ration-to-migrant-labourers-93469](https://www.indianexpress.com/article/cities/chandigarh/will-keep-migrant-workers-helpline-numbers-functional-punjab-haryana/)

³⁶⁹. Will keep migrant workers' helpline numbers functional: Punjab, Haryana, The Indian Express, 2 June 2020, <https://indianexpress.com/article/cities/chandigarh/will-keep-migrant-workers-helpline-numbers-functional-punjab-haryana/>

³⁷⁰. Telangana HC Seeks Govt Report On Details Of Shelter Homes For Migrants, Others Rendered Homeless By Lockdown, India Legal, 1 May 2020, <https://www.indialegallive.com/constitutional-law-news/courts-news/telangana-hc-seeks-govt-report-on-details-of-shelter-homes-for->

[migrants-others-rendered-homeless-by-lockdown-98015](https://www.newindianexpress.com/states/telangana/2020/may/08/report-on-shelter-homes-vague-telangana-high-court-tells-ghmc-2140617.html)

³⁷¹. Report on shelter homes vague, Telangana High Court tells GHMC, The New Indian Express, 8 May 2020, <https://www.newindianexpress.com/states/telangana/2020/may/08/report-on-shelter-homes-vague-telangana-high-court-tells-ghmc-2140617.html>

³⁷². Ensure every poor citizen gets essentials for free: Telangana HC, The New Indian Express, 14 May 2020, <https://www.newindianexpress.com/states/telangana/2020/may/14/ensure-every-poor-citizen-gets-essentials-for-free-telangana-hc-2143058.html>



had drawn rice in the last three months or not.³⁷³

5.1.4 Payment of salary /wages

At least three High Courts made interventions to ensure that the labourers and government employees including contractual employees are paid their salaries on time during the COVID19 crisis.

Bombay High Court:

On 30 April 2020, the Bombay High Court declined to interfere in a plea challenging the MHA notification requiring employers to pay their workers their salaries during the period of the COVID-19 lockdown stating that a similar matter was pending before the Supreme Court for adjudication. The HC, however, allowed the employers to deduct the wages from employees who fail to report for duty in industrial areas where the State of Maharashtra has partially lifted the lockdown: *“It is clarified that since the State of Maharashtra has partially lifted the lock down recently in certain industrial areas in the State of Maharashtra, the workers would be expected to report for duties as per the shift schedules subject to adequate protection, from Corona Virus infections, by the employer. In the event such workers voluntarily remain absent, the Management would be at liberty to deduct their wages*

³⁷³. 'Give ration to migrants without asking for biometrics': Telangana HC to state govt, The News Minutes, 14 May 2020, <https://www.thenewsminute.com/article/give-ration-migrants-without-asking-biometrics-telangana-hc-state-govt-124520>

*for their absence subject to the procedure laid down in Law while initiating such action. This would apply even to areas where there may not have been a lock down.”*³⁷⁴

On 12 May 2020, a single Judge Bench of the Bombay High Court's Aurangabad Bench directed the Tuljabhavani Mandir Sansthan Trust at Aurangabad to ensure that all its contract labourers are paid their wages in full till the month of May 2020. The bench held that during this present time of the COVID-19 pandemic, the principle of "no work- no wages" cannot be invoked the employers.³⁷⁵

On 13 May 2020, the Bombay High Court directed the City & Industrial Development Corporation (CIDCO) of Maharashtra in New Panvel to pay the salaries of 42 gardeners, who were working as temporary staff but have not been paid their monthly salaries since January 2020. The court directed CIDCO to pay them their unpaid

³⁷⁴. COVID-19 Lockdown: Bombay HC allows employers to deduct wages of absentee employees in areas where restrictions are relaxed [Read Order], Bar & Bench, 30 April 2020, <https://www.barandbench.com/news/litigation/covid-19-lockdown-bombay-hc-allows-employers-to-deduct-wages-of-absentee-employees-in-areas-where-restrictions-are-relaxed-read-order>

³⁷⁵. [COVID-19] Principle of "no work-no wages" cannot be applied in these extraordinary circumstances: Bombay High Court, Bar & Bench, 14 May 2020, <https://www.barandbench.com/news/litigation/covid-19-principle-of-no-work-no-wages-cannot-be-applied-in-these-extraordinary-circumstances-bombay-high-court>



salaries till April and treat their employment as regular and not temporary. The court further directed the CIDCO to issue identity cards to the gardeners by 18 May and also regularly provide personal protective equipment (PPE) kits to them to carry out their work.³⁷⁶

Delhi High Court:

On 13 April 2020, the St Stephens Hospital management informed the Delhi High Court that it had agreed to pay full salaries for March and April to some of its support staff sacked from its Gurgaon facility after the coronavirus outbreak. The order of the Delhi HC came on the ex-employees' plea challenging their termination by the hospital management on 30 March 2020 after it shut down its Gurgaon facility.³⁷⁷

Kerala High Court:

On 28 April 2020, the Kerala High Court stayed the decision of the state government of Kerala to defer part of the salaries of government employees due to the adverse

economic impact of the Covid-19 pandemic. The court said this could, prima facie, amount to a denial of the right to property. Earlier, the state government issued an order stating that the salaries of all government employees who are in receipt of a gross salary of above Rs 20,000 would be deferred to the extent of six days every month from April till August. But Justice Bechu Kurian further observed that he could not find any statutory basis for the deferment of salaries, neither in the Epidemic Diseases Act, nor in the Disaster Management Act.³⁷⁸ The state government brought an ordinance “the Kerala Disaster and Public Health Emergency (Special Provisions) Ordinance, 2020” to scuttle the court’s stay order and on 5 May 2020, the single-Judge bench of Justice Bechu Kurian Thomas refused to stay the ordinance.³⁷⁹

³⁷⁶. Bombay HC asks CIDCO to pay 42 gardeners left without salary during Covid-19, The Hindustan Times, 15 May 2020, <https://www.hindustantimes.com/india-news/bombay-hc-asks-cidco-to-pay-42-gardeners-left-without-salary-during-covid-19/story-RIpp26lffCX2e8srxwPjP.html>

³⁷⁷. St Stephens hospital agrees in Delhi HC to pay sacked employees amount equal to two months salary, The New Indian Express, 14 April 2020, <https://www.newindianexpress.com/cities/delhi/2020/apr/14/st-stephens-hospital-agrees-in-delhi-hc-to-pay-sacked-employees-amount-equal-to-two-months-salary-2130072.html>

³⁷⁸. Deferment of salary amounts to denial of property: Kerala HC stays state govt move to defer payment of salaries to govt employees, Bar & Bench, 28 April 2020, <https://www.barandbench.com/news/litigation/breaking-deferment-of-salary-amounts-to-denial-of-property-kerala-hc-stays-state-govt-move-to-defer-payment-of-salaries-to-govt-employees>

³⁷⁹. Kerala HC Refuses To Stay Ordinance For Deferment Of Salary Payment In Public Emergencies [Read Order], Livelaw, 5 May 2020, <https://www.livelaw.in/top-stories/breaking-kerala-hc-refuses-to-stay-the-govt-ordinance-for-deferment-of-salary-payment-in-public-emergencies-156248>; The order is available at https://www.livelaw.in/pdf_upload/pdf_upload-374339.pdf



5.1.5 Prevention of COVID-19 and quarantine facilities

Various High Courts intervened into the state government's handling of the COVID19 pandemic and passed various interim orders for prevention of the spread of the virus and put a check on the facilities available at the hospitals and quarantine facilities.

Andhra Pradesh High Court:

On 25 March, taking suo motu cognisance of spread of corona virus cases a division bench of the Andhra Pradesh High Court comprising Chief Justice J.K. Maheswari and Justice M. Satyanarayana Murthy issued 14 directions the State government as interim measures to prevent the spread of the virus. Most significant among them was the direction not to allow any mass gathering at the State boundaries of both Andhra Pradesh and Telangana. The bench ordered that the directions should be in force for a month from 26 March. Pursuant to these directions the state government has intensified the vigil on the streets to prevent the spread of the virus.³⁸⁰

The other directions included following the national protocol relating to transportation of the public, quarantine and the conduct of necessary tests and to take due care of females with children and pregnant women,

³⁸⁰. COVID lockdown: A.P. intensifies vigil after High Court issues directions to be in force for a month, The Hindu, 28 March 2020, <https://www.thehindu.com/news/national/andhra-pradesh/covid-lockdown-ap-intensifies-vigil-after-high-court-issues-directions-to-be-in-force-for-a-month/article31191271.ece>

ensuring the availability of N-95 masks, sterile gloves, starch apparels, PPE and other essential items to doctors and paramedics and to take steps for the maintenance of social distance between the children in remand homes, ensuring access to health care and food to the marginalised and poor so that they do not sleep with empty stomach in the night. The court further directed that priority is to be given to providing adequate facilities to police, doctors, paramedics and others engaged in COVID containment and steps are to be taken for curbing the menace at Kakinada, Visakhapatnam and Krishnapatnam ports. The court also ordered that the information related to patients undergoing health check - up should be kept strictly confidential and poor patients not be discriminated.³⁸¹

Allahabad High Court:

On 15 May, expressing displeasure over the condition of hospitals in Prayagraj, a bench comprising chief justice Govind Mathur and justice Siddhartha Varma of the Allahabad high court suggested that the state government must ensure that every migrant in the state is properly quarantined for at least 15 days and in the quarantine premises proper sanitization should be there along with food and medical facilities. The bench asked the state government to rev up functioning of 105 government hospitals and primary health centres in the city to ensure that they must be ready to treat from

³⁸¹. COVID lockdown: A.P. intensifies vigil after High Court issues directions to be in force for a month, The Hindu, 28 March 2020, <https://www.thehindu.com/news/national/andhra-pradesh/covid-lockdown-ap-intensifies-vigil-after-high-court-issues-directions-to-be-in-force-for-a-month/article31191271.ece>



minor to major health problems. The suggestion of the court came in a letter petition which the court had taken cognizance on 7 May. The letter written by Gaurav Kumar Gaur an advocate to the Chief Justice raising the issue of death of Virendra Singh of Prayagraj who was corona positive and allegedly died due to laxity in treatment. The letter was treated as PIL and the court had asked the state government to brief it about the condition of hospitals in the city.³⁸²

Bombay High Court:

On 8 May, the Bombay High Court directed the Maharashtra government to take an appropriate policy decision to tackle the spread of Covid-19 at Arthur Road Jail in central Mumbai. The direction was passed by Justice Bharati Dangre while hearing a bail application filed by Ali Akbar Shroff, one of the inmates at the prison, seeking temporary bail on medical grounds in the wake of Covid-19 pandemic. Emphasising on the rights of inmates to a safe and healthy environment even when they were incarcerated the court said, *“If it is true that more than 100 patients have tested positive in Arthur Road Jail, then it is for the authorities to ensure that other inmates, who are presently lodged in the jail, are not infected by the virus on account of overcrowding”*.³⁸³

³⁸². Allahabad HC suggests ways to check spread of COVID-19, The Hindustan Times, 16 May 2020,

<https://www.hindustantimes.com/lucknow/allahabad-hc-suggests-ways-to-check-spread-of-covid-19/story-RH2M8eE8oBvaWAaul2EeCK.html>

³⁸³. Maharashtra govt must tackle COVID-19 spread at Arthur Road Jail: Bombay HC, The New

On 26 May, a division bench of Bombay High Court comprising Chief Justice Dipankar Datta and Justice K K Tated directed the Maharashtra government to furnish details about the steps or measures it had taken to set up Covid-19 testing facilities in all districts. The court noted that every district of Maharashtra should have at least one testing facility and suggested that the government must consider setting up mobile testing units. The direction was given while hearing a petition filed by one Khalil Wasta, a fisherman, who sought a direction to the government to set up testing labs in non-red zone districts like Ratnagiri. The petitioner stated that Ratnagiri did not have any testing labs and swab samples from the district were being sent to the Government Medical College at Miraj in Sangli, which is over 150 km away. He also claimed that Sindhudurg and Raigad districts also did not have testing labs like Ratnagiri.³⁸⁴

On 2 June, the Nagpur bench of the Bombay High Court directed Maharashtra government and other competent authorities to test all frontline workers in Vidarbha region of the state for COVID-19 through reverse transcription polymerase chain reaction (RT-PCR) method. The

Indian Express, 9 May 2020, <https://www.newindianexpress.com/nation/2020/may/09/maharashtra-govt-must-tackle-covid-19-spread-at-arthur-road-jail-bombay-hc-2141153.html>

³⁸⁴. Give details about Covid-19 labs in districts: HC to Maha govt, The Telegraph, 26 May 2020, <https://www.telegraphindia.com/states/maharashtra/give-details-about-covid-19-labs-in-districts-bombay-high-court-to-maharashtra-govt/cid/1776027>



bench comprising Justice RK Deshpande and Justice Amit B Borkar also directed the ICMR to frame appropriate policy and prescribe the protocol for periodical testing of the frontline workers in Vidarbha on the RT-PCR method within a period of one week. The court issued the directions after hearing a PIL filed by an NGO seeking directions to conduct RT-PCR tests on all frontline workers in Vidarbha.³⁸⁵

Calcutta High Court:

On 7 April 2020, a division bench of the Calcutta High Court comprising of Justice Dipankar Datta and Justice Joymalya Bagchi directed the West Bengal government to ensure that proper safety gears were being provided to the medicos dealing with patients amid COVID-19 pandemic. The bench issued the direction while hearing a petition filed by Fuad Halim seeking proper protective gears for doctors, nurses, paramedics and other healthcare staff amid COVID-19 Pandemic. The petitioner alleged that there were no proper protective gears available for doctors, nurses, paramedics and other healthcare staff who were in the frontline fighting COVID-19 pandemic and the state government did not conduct tests on persons infected with COVID-19 as per the guidelines of the Indian Medical Research.³⁸⁶

³⁸⁵. Bombay High Court Orders COVID-19 Tests For Maharashtra Frontline Staff, NDTV, 2 June 2020, <https://www.ndtv.com/india-news/bombay-high-court-orders-covid-19-tests-for-maharashtra-frontline-staff-2239043>

³⁸⁶. Calcutta HC directs State Govt to file a report on steps taken to combat COVID-19 Pandemic, India Legal, 9 April 2020,

On 17 April, following the submission of the State government that more than 300 samples are being tested daily the Calcutta High Court asked the West Bengal government to conduct tests “war footing” for identification and treatment of COVID-19 patients. A division bench comprising Chief Justice T B N Radhakrishnan and Justice Arijit Banerjee directed the state government to report to it on the acceleration of the rate of sample collection and testing in adherence to the ICMR testing protocol and WHO guidelines. The state government was also asked to place a report on the petitioner’s allegation that there was deficit in facilities for the protection and safety of doctors, nurses, paramedical persons and other health service-oriented persons coming into regular close contact with COVID-19 patients and with those suspected to have contracted the disease.³⁸⁷ The court said it will monitor the State government’s preparedness in fighting the Covid-19 outbreak on a regular basis and asked the state to submit reports without waiting for its order.³⁸⁸

<https://www.indialegallive.com/constitutional-law-news/courts-news/calcutta-hc-directs-state-govt-file-report-steps-taken-combat-covid-19-pandemic-95345>

³⁸⁷. HC wants WB govt to look into need for raising COVID-19 tests on war footing, Outlook, 17 April 2020, <https://www.outlookindia.com/newscroll/hc-wants-wb-govt-to-look-into-need-for-raising-covid19-tests-on-war-footing/1806207>

³⁸⁸. Coronavirus update: Calcutta HC to monitor Bengal’s steps in tackling Covid-19 outbreak, The Hindustan Times, 18 April 2020, <https://www.hindustantimes.com/india->



Gauhati High Court:

On 29 April 2020, a division of the Kohima bench of Gauhati High Court comprising Justice Songkhupchung Serto and Justice S. Hukato Swu directed the Nagaland government to make at least two Covid-19 testing labs in the state functional within 10 days and to make every effort to establish other labs at strategic places in the state to facilitate free testing in the near future. Hearing a PIL filed by Kikrukhonuo, a resident of Midland colony, Kohima, the bench directed the state government to gear up and make sure that the two main hospitals, one in Kohima and the other in Dimapur, which have been identified for treatment of Covid-19 patients, are fully equipped and ready for functioning to meet the challenge or challenges posed by the Covid-19 within a period of two weeks. The state government was further directed to provide sufficient number of good quality PPEs to all persons who are involved in the treatment of Covid-19 patients and in the looking after of persons in quarantine centres. The government was also asked to make all efforts to make ICU facilities at all places identified for treatment of Covid-19 infected persons and increase the number of ventilators so as to facilitate treatment in times of need and to make ambulances available to the Covid-19 patients and transportation facilities to all persons who are in the line of duty in view of the constraints and restraints imposed both by the government and the public.³⁸⁹

[news/coronavirus-update-calcutta-hc-to-monitor-bengal-s-steps-in-tackling-covid-19-outbreak/story-HamNzWmzo2kCfSaptcOZIM.html](https://www.telegraphindia.com/news/coronavirus-update-calcutta-hc-to-monitor-bengal-s-steps-in-tackling-covid-19-outbreak/story-HamNzWmzo2kCfSaptcOZIM.html)

³⁸⁹. Gauhati High Court order on Covid-19 testing labs in Nagaland, The Telegraph, 29 April

Madhya Pradesh High Court:

On 17 March 2020, the Madhya Pradesh High Court's principal bench at Jabalpur directed the State government of Madhya Pradesh to file a status report on measures to check coronavirus spread in the state. The court's directive to the state was given on a Public Interest Litigation (PIL) filed by advocate Sunil Kumar Jain, who alleged that the state government's health services failed to take adequate measures to check the spread of the virus. He alleged there was no facility of thermal screening, sanitiser, masks etc at the High Court premises, bus stands, railway stations, airports and other public places. He further alleged that there is no temporary isolation chamber at these places, if anyone is infected with the virus.³⁹⁰

On 21 April, a division bench of Chief Justice Ajay Kumar Mittal and judge Vijay Kumar Shukla directed the state government to undertake COVID-19 testing of all Bhopal gas tragedy survivors who approach the Bhopal Memorial Hospital and Research Centre (BMHRC) for their treatment. The bench passed the order while disposing a petition filed by a Bhopal gas tragedy survivor (who has since

2020,

<https://www.telegraphindia.com/states/north-east/gauhati-high-court-order-on-covid-19-testing-labs-in-nagaland/cid/1768809>

³⁹⁰. Madhya Pradesh High Court asks state government to file status report on measures to check Covid-19, The Hindustan Times, 18 March 2020, <https://www.hindustantimes.com/india-news/high-court-asks-government-to-file-status-report-on-measures-to-check-covid-19/story-U4XMeN25FnXk237hUqS9IO.html>



died) and the survivors' organisation Bhopal Group for Information and Action (BGIA). The petition was originally filed to seek resumption of treatment facilities for the gas tragedy survivors at the BMHRC. The state government meanwhile had revoked its order to reserve BMHRC as a COVID-19 designated centre which meant that gas tragedy survivors with regular ailments could not be treated at the hospital. Pursuant to the submission by the petitioners' counsel that all seven deaths reported in Bhopal due to COVID-19 were gas tragedy survivors the court noted that given the vulnerability of the survivors to the infection, testing of all those approaching the BMHRC should be done.³⁹¹

Patna High Court:

On 13 May, a Division Bench of the Patna High Court headed by Chief Justice Sanjay Karol sought a reply from the Bihar government on a petition alleging poor condition of quarantine centres in the state where migrant workers have been mandated to stay for three weeks upon their return from other parts of the country. The bench directed the state's secretary for Disaster Management Department noting with concern that Bihar has the highest population density in the country and any mismanagement at the quarantine centres could lead to a substantial increase in the spread of COVID-19 in the state. The

³⁹¹. MP High Court orders COVID-19 testing for all gas tragedy survivors at BMHRC, *The Week*, 21 April 2020, <https://www.theweek.in/news/india/2020/04/21/mp-high-court-orders-covid-19-testing-for-all-gas-tragedy-survivors-at-bmhrc.html>

petitioner Rajiv Ranjan Pandey, a resident of Saran district, alleged that there was “no check on the movement of persons housed at the quarantine centres” and that the quality of food served to the inmates was “not of the desired level.”³⁹²

Rajasthan High Court:

On 17 May, a bench of Chief Justice Indrajit Mahanty and Justice Ashok Gaur of the Rajasthan High Court in a special sitting on Sunday directed the state government to conduct a COVID-19 test for every one being sent to judicial or policy custody, making sure that only those who are free of the disease are put behind bars. The bench gave this direction taking suo moto cognisance of the sudden outbreak of COVID-19 in Jaipur district jail, where 130 prisoners along and the jail superintendent were found infected. The bench also directed jail authorities to ensure that prior to shifting prisoners from the isolated wards to general ones; they must be tested again for the infection to rule out any chance of the coronavirus spread among prisoners. It asked authorities to ensure test of jail staffers and their family members on a regular and random basis, at least fortnightly and further directed the medical officers of each district to regularly inspect isolation wards in jails and suggest jail authorities to take all requisite steps for

³⁹². High Court Seeks Reply On Petition Alleging Poor Condition Of Quarantine Centres In Bihar, *NDTV*, 14 May 2020, <https://www.ndtv.com/india-news/coronavirus-india-patna-high-court-seeks-reply-on-petition-alleging-poor-condition-of-quarantine-centres-in-bihar-2228508>



maintaining cleanliness and sanitization there.³⁹³

For compliance of the above directions the bench directed to constitute committees which shall visit each jail within their respective districts and verify the status of each jail and submit a report on or before 22 May to the Member Secretary, Rajasthan State Legal Services Authority (RSLSA) who had been further directed to collate the reports in a concise manner and submit it before the Court by 26 May.³⁹⁴

Telangana High Court:

On 5 March 2020, a division bench of the Telangana High Court comprising Chief Justice Raghvendra Singh Chauhan and Justice A Abhishek Reddy observed that the steps taken by the state government to prevent the virus as inadequate. The court's observation came while hearing a batch of PILs pertaining to spread of coronavirus and other communicable diseases in Telangana. After inquiring about issues including the treatment facilities provided by the government, the number of beds

available in government hospitals, the possibility of providing better equipped labs for testing and screening facility at major railway stations and bus stands, the bench directed the Telangana Medical department to instruct private hospitals to equip their staff with PPE kits and to send suspected cases to Gandhi (government) Hospital immediately. It directed the government to consider establishing effective State level committees for responding to developments on Corona Virus. It also instructed the government to consider supplying free sanitizers and masks to poor and slum dwellers through Public Distribution System. Chief Justice Chauhan asked the government to ensure sufficient water supply to all people for washing hands more often. The bench also directed to provide screening facilities at major bus stations and railway stations.³⁹⁵

A. Rajendra Babu, a retired principal of a government junior college, Dr Cheruku Sudhakar, Varun Sankineni, Dr K.P. Rajender, retired district medical and health officer, Gadwal, and advocate Naresh Reddy Chinnola from Nirmal.³⁹⁶ The petitioners challenged a letter circulated by the Director of Medical Education to all superintendents of government hospitals to not collect blood samples from the dead

³⁹³. Rajasthan High Court makes coronavirus test mandatory for all newly arrested persons, The Economic Times, 17 May 2020, <https://economictimes.indiatimes.com/news/politics-and-nation/rajasthan-high-court-makes-corona-test-mandatory-for-all-newly-arrested-persons/printarticle/75793698.cms>

³⁹⁴. Raj HC Takes Suo Motu Cognizance On Increasing COVID-19 Cases In Jails; Issues Directions, India Legal, 18 May 2020, <https://www.indialegallive.com/constitutional-law-news/courts-news/raj-hc-takes-suo-motu-cognizance-on-increasing-covid-19-cases-in-jails-issues-directions-99749>

³⁹⁵. Telangana High Court directives on Coronavirus prevention, Telanga Today, 5 March 2020; <https://telanganatoday.com/telangana-high-court-directives-on-coronavirus-prevention>

³⁹⁶. High Court orders Telangana to test all dead bodies for Covid-19, Deccan Chronicle, 27 May 2020, <https://www.deccanchronicle.com/nation/current-affairs/270520/high-court-orders-telangana-to-test-all-dead-bodies-for-covid-19.html>



bodies of COVID-19 patients. The PIL warned that the state in all likelihood may enter the community transmission stage if the government continued to resort to under testing and underreporting COVID-19 cases. Data released by ICMR revealed that as of 30 April, Telangana's rate of testing had been much lower than states like Andhra Pradesh and Chhattisgarh. Telangana had conducted only 282 tests per million population, one of the lowest in the country.³⁹⁷ During the hearing of the PIL on 26 May, a bench of Chief Justice Raghavendra Singh Chauhan and Justice B. Vijaysen Reddy of the Telangana High court directed the state government to inform the court of the number of guest workers who have returned to the state, how many of them had been tested and the outcome. The court said the state government cannot be permitted to hide behind the fig leaf of financial constraints as human life was the most important for good governance. It observed that the state does not have the discretionary power to form its own opinion on conducting of tests by putting the health of the people at stake. The government was asked to file an elaborate report explaining how red and orange zones had been automatically changed to green zones.³⁹⁸

³⁹⁷. Telangana: Amid Claims of Underreporting, HC Asks Govt to Follow ICMR's COVID-19 Guidelines, The Wire, 15 May 2020, <https://thewire.in/law/telangana-high-court-government-covid-19-underreporting>

³⁹⁸. High Court orders Telangana to test all dead bodies for Covid-19, Deccan Chronicle, 27 May 2020, <https://www.deccanchronicle.com/nation/current-affairs/270520/high-court-orders-telangana-to-test-all-dead-bodies-for-covid-19.html>

Uttarakhand High Court:

On 13 May, the Uttarakhand High Court expressed concern over many migrants returning to the state testing Covid-19 positive and asked the state and the Central government to clarify if returnees to the state were also being medically examined since 'thermal screening is not enough' and whether antigen tests, or any other rapid tests, could be conducted on people before they returned to the state. The court directed all the district legal services authorities in Uttarakhand to coordinate and cooperate with the district administrations for management of rehabilitation centres through their para-legal volunteers. The order came in a PIL on the plight of the migrants and other needy people amid lockdown. The PIL alleged that authorities had failed to provide relief materials to the daily wage labourers and other needy persons on their doorsteps during the lockdown.³⁹⁹ On 20 May, a division bench of justices Sudhanshu Dhulia and Ravindra Maithani directed the state government to migrants returning to the state from red zone areas of the other parts of the country into a week-long 'institutional quarantine' at border areas of Uttarakhand before letting them enter the state and tests should be conducted of those who are symptomatic for COVID-19. The directions came while court combined two public interest litigations concerning COVID-19 spread

³⁹⁹. As migrants turn Covid-19 positive, Uttarakhand HC asks state, centre to clarify, The Hindustan Times, 13 May 2020, <https://www.hindustantimes.com/india-news/as-migrants-turn-covid-19-positive-uttarakhand-hc-asks-state-centre-to-clarify/story-OZfh7S3r1WlWNNMGTDsBqM.html>



and alleged lack of facilities and precautions by the state government.⁴⁰⁰ On 27 May, the bench directed the Uttarakhand Legal Services Authority to inspect quarantine centers in four districts - Dehradun, Nainital, Udham Singh Nagar and Haridwar and submit inspection report within three days.⁴⁰¹ On 2 June, acting on the report submitted by the district legal services authority after surveying the quarantine centres established at the villages in Nainital, Udham Singh Nagar, Haridwar and Dehradun districts, the bench asked the state government to provide adequate funds to its gram sabhas. The report stated that the quarantine facilities, mostly functioning in government primary and secondary schools, have poor sanitation facilities.⁴⁰²

⁴⁰⁰. COVID-19 lockdown: Uttarakhand HC directs to keep migrants coming from red zones at border areas, The New Indian Express, 20 May 2020,

<https://www.newindianexpress.com/nation/2020/may/20/covid-19-lockdown-uttarakhand-hc-directs-to-keep-migrants-coming-from-red-zones-at-border-areas-2145861.html>

⁴⁰¹. Uttarakhand High Court orders inspection of quarantine centers after concerns of virus spread arise, The New Indian Express, 27 May 2020,

<https://www.newindianexpress.com/nation/2020/may/27/uttarakhand-high-court-orders-inspection-of-quarantine-centers-after-concerns-of-virus-spread-arise-2148781.html>

⁴⁰². Village level quarantine centres are 'the worst': Uttarakhand HC asks state to fund gram sabhas, Theprint.in, 3 June 2020,

<https://theprint.in/judiciary/village-level-quarantine-centres-are-the-worst-uttarakhand-hc-asks-state-to-fund-gram-sabhas/434915/>

5.1.6 Right to Privacy

At least two High Courts made proactive interventions to protect the identities of the COVID-19 patients by passing various directions.

Kerala High Court:

On 21 April 2020, a division bench comprising Justices Devan Ramachandran and T R Ravi of the Kerala High Court questioned the state government's IT contract with a US firm for processing data related to COVID-19 patients in the state and directed it to file a statement by 24 April on the details of the deal. Considering a plea by petitioner Balu Gopalakrishnan seeking quashing of the state government's contract with the US-based IT firm Sprinklr, the court sought to know as to why foreign jurisdiction was included as a clause in the deal for adjudication of possible disputes. Expressing concern over the confidentiality of the citizen's data processed by a third party, the bench also sought to know why the sanction of the law department was not taken before finalising the agreement. The bench noted that a citizen is not privy to the deal signed between the state government and the foreign company and observed that the state government will be held as responsible, if the firm misused the data. The petitioner had said he was concerned about the manner in which the data regarding the COVID19 patients in the state are collected, stored, analysed and retrieved. Noting that the government agencies are well equipped to deal with the storage of data, the petitioner sought to know why the state preferred the foreign



company for storage of sensitive information.⁴⁰³

On 24 April, the High Court restrained the US-based IT firm from analysing or processing the data related to COVID-19 patients and directed it to re-transfer to the state government all data it has received. The court also directed the state government to anonymise all data of COVID-19 patients collected by it and allow the IT firm to access data only after completing the anonymization process. In an affidavit filed on 18 May, the US-based IT firm Sprinklr submitted an affidavit in stating that pursuant to the instructions from the Government of Kerala vide letter dated 16 May, the company has permanently deleted all such backup data, and no data whatsoever, received by the company from the Government of Kerala, prior to interim order 24 April remain with the company. On 21 May, the state government submitted that it got “full and exclusive ownership of the data” which will be analysed by state-owned CDIT.⁴⁰⁴

⁴⁰³. Kerala High Court raps state govt on IT deal with US firm for processing COVID-19 patients' data, Business Insider, 21 April 2020, <https://www.businessinsider.in/india/news/kerala-a-high-court-raps-state-govt-on-it-deal-with-us-firm-for-processing-covid-19-patients-data/articleshow/75272838.cms>

⁴⁰⁴. All COVID-19 back-up data shared by Kerala govt deleted, Sprinklr informs HC, Manorama, 23 May 2020, <https://english.manoramaonline.com/news/kerala/2020/05/23/sprinklr-kerala-high-court-all-covid-1-data-shared-by-kerala-govt-deleted.html>

On 12 May 2020, the High Court of Kerala orally raised doubts about the practicality of the mandatory condition imposed on employers to make their employees download ‘Aarogya Setu’, the contact tracing app developed by the National Informatics Centre amid the COVID-19 pandemic. A single bench of Justice P Gopinath asked: “There are valid concerns about the mandatory condition on the employers. Many have no smartphones. How do you propose to implement this?” The judge also remarked that the mandatory condition was “problematic”, and asked the Central Government to file a statement on the aspects raised by the bench by 18 May 18. The Court was hearing a writ petition led by one Jackson Mathew, Managing Partner of Leetha Industries, who challenged the Central Government directives making the use of app mandatory by all employees. The petitioner submitted that the immediate concern was regarding the penal action proposed against employers for failing to ensure that all their employees download the app. He submitted that this condition is not practical, given the fact that many workers have no smartphones and that since all workplaces are working with 50% strength, it is not possible to ensure the compliance of the mandatory condition by those workers who do not turn up for work.⁴⁰⁵

⁴⁰⁵. How 'Aarogya Setu' Can Be Made Mandatory When Many Workers Have No Smartphones, Kerala HC Asks Centre, Livelaw.in, 12 May 2020; <https://www.livelaw.in/news-updates/kerala-hc-to-centre-how-aarogya-setu-mandatory-when-workers-have-no-smartphones-156646>



Orissa High Court:

On 28 May, a bench of Chief Justice Mohammad Rafiq and Justice BR Sarangi of the Orissa High Court issued notice to the State government on finding that the identities of COVID-19 patients were being disclosed in intra-departmental communications and to various media platforms, contrary to the advisory issued by the Government of India in this behalf. The bench also directed the State to ensure that the identity of any person, who is admitted or found infected with COVID-19, is not disclosed in any manner on any platform. The directions were issued in a PIL preferred by Ananga Kumar Otta alleging that several cases have been reported in the State of Orissa where identity of the persons who test positive to Coronavirus (COVID-19) and are under treatment in Government Hospitals/other Hospitals or are under quarantine in various Quarantine Centres, has been publicised/disclosed in intra-departmental communications and various media platforms including social media, much contrary to the advisory issued by the Government of India in this behalf.⁴⁰⁶ Among others, the court order read: "... the respondents-State authorities are directed to ensure that identity of any person, who is admitted to Covid centres-any Government Hospital/private Hospital or any Quarantine centre in the State, found infected with Coronavirus (COVID-19) is not disclosed/publicised either in any intra-

departmental communication or in any media platform including social media."⁴⁰⁷

5.1.7 Dignity in death

A number of High Courts intervened to ensure that the COVID-19 patients including doctors who died due to the virus got a dignified burial or cremation in the face of public wrath.

Bombay High Court:

On 22 May, the Bombay High Court dismissed a petition challenging a Brihanmumbai Municipal Corporation (BMC) circular on burial of corona virus patients in cemeteries close to thickly populated residential areas saying there was no scientific proof to support the apprehension of the petitioners that novel corona virus could spread through cadavers. The petition filed by Bandra residents had claimed there was a high chance of contamination if bodies of these patients are buried in cemeteries close to residential areas. While dismissing the petition, a Division Bench of Chief Justice Dipankar Dutta and Justice S.S. Shinde noted that "resentment of the nature put forth by the petitioners leaves a bad taste in the mouth," and added that they found "the petitioners to be rather insensitive to others' feelings." The Bench further noted, "It has been held that right to dignity and fair treatment under Article 21 (Right to Life) of the Indian Constitution is not only

⁴⁰⁶. Ananga Kumar Otta vs. Union of India & Ors. [W.P(C) No.12430 of 2020]; available at: https://services.ecourts.gov.in/ecourtindiaHC/cases/case_no.php?state_cd=11&dist_cd=1&court_code=1&stateNm=Odisha/#

⁴⁰⁷. Ananga Kumar Otta vs. Union of India & Ors. [W.P(C) No.12430 of 2020]; available at: https://services.ecourts.gov.in/ecourtindiaHC/cases/case_no.php?state_cd=11&dist_cd=1&court_code=1&stateNm=Odisha/#



available to a living man but also to his body after his death. Right to a decent burial, commensurate with the dignity of the individual, is recognised as a facet of the right to life guaranteed by Article 21 of the Constitution.”⁴⁰⁸

Madras High Court:

On 20 April 2020, the Madras High Court issued notice to the state on the issue of the right to burial being guaranteed under Article 21 in a suo motu PIL after a mob of local people obstructed the burial of 55-year old Dr Simon, the Managing Director of New Hope Hospital, who died from COVID-19 in Chennai on 20 April and held that Article 21 of the Constitution also entails the right to have a decent burial.⁴⁰⁹ Reiterating the opinion of the Supreme Court that the right to life under Article 21 cannot be restricted to a mere animal existence, and that it means more than just physical survival, a bench of Justices M Sathyanarayanan and M Nirmal Kumar observed: “*In the considered opinion of the*

*court the scope and ambit of Article 21 includes, right to have a decent burial. It prima facie appears that as a consequence of above said alleged acts, a person who practiced a noble profession as a doctor and breathed his last, has been deprived of his right, to have a burial, in a cemetery earmarked for that purpose and that apart, on account of law and order and public order problem created, the officials who have performed their duties, appeared have sustained grievous injuries”.*⁴¹⁰

On 1 May 2020, the Madras High Court dismissed a petition seeking to disinter mortal remains of Dr Simon Hercules, who died of COVID19 and bury it in another cemetery in the city as per his religious rights and customs. A division bench of Justices M Sathyanarayanan and M Nirmal Kumar dismissed the petition by Sathyanarayanan Selvanthan, a social activist, citing that a similar request made by the wife of the deceased has been rejected by the state government. In that case the Chennai corporation authorities had turned down the plea by the wife of the deceased for exhuming his body and burying it in another cemetery, citing health experts' view that it was unsafe to do so.⁴¹¹

⁴⁰⁸. COVID-19: Bombay HC rejects plea against burials in cemeteries in residential areas, The Hindu, 22 May 2020, <https://www.thehindu.com/news/cities/mumbai/bombay-high-court-rejects-plea-against-burial-of-deceased-covid-19-patients/article31649224.ece>

⁴⁰⁹."Article 21 includes right to decent burial", Madras HC registers suo motu PIL after mob obstructs burial of Doctor who died from COVID-19, Bar and Bench, 21 April 2020, <https://www.barandbench.com/news/litigation/article-21-includes-right-to-decent-burial-madras-hc-registers-suo-motu-pil-after-mob-obstructs-burial-of-doctor-who-died-from-covid-19>

⁴¹⁰. Madras HC takes cognisance of mob attack against burial of doctor who succumbed to COVID-19, National Herald, 21 April 2020, <https://www.nationalheraldindia.com/india/madras-hc-takes-cognisance-of-mob-attack-against-burial-of-doctor-who-succumbed-to-covid-19>

⁴¹¹. Madras HC Rejects Plea for Re-burial of Doctor's Body Who Died of Covid-19, News18, 1 May 2020, <https://www.news18.com/news/india/madras->



Meghalaya High Court:

On 16 April 2020, the Meghalaya High Court directed the state authorities to register cases against any person, local body/Durbar Shnong or organization which obstructs them in the control of COVID19 pandemic. In its judgment, a division bench comprising Justices W. Diengdoh and H.S. Thangkhiew said: “That any person, local body/Durbar Shnong or organization which obstructs the State authorities in the control of the pandemic or any matter connected thereto, such as dead body management, cremation and burial shall be dealt with in accordance with law and cases to be registered under appropriate provisions of law.” The High Court issued the order after hearing a PIL filed by the Meghalaya High Court Bar Association which questioned the events that led to the gathering of a crowd at the Shillong crematorium at Barapathar during cremation of the mortal remains of Dr. Sailo Rynthathiang, director of Bethany Hospital in Shillong and first COVID19 positive case in Meghalaya. There was confusion at the crematorium when a local group objected to burial of the body and then another group objected to the cremation, following which the Meghalaya Bar Association filed a PIL in the high court.⁴¹²

[hc-rejects-plea-for-re-burial-of-doctors-body-who-died-of-covid-19-2601509.html](https://nenow.in/north-east-news/meghalaya/meghalaya-hc-orders-to-register-cases-against-those-who-obstruct-covid19-patients-cremation.html)

⁴¹². Meghalaya HC orders to register cases against those who obstruct COVID19 patient's cremation, Northeast Now, 17 April 2020, <https://nenow.in/north-east-news/meghalaya/meghalaya-hc-orders-to-register-cases-against-those-who-obstruct-covid19-patients-cremation.html>

The court further directed the state health authorities to “immediately ensure the testing of the primary contacts and also in the event, the same is not possible to be conducted immediately, to place the persons who have voluntarily come forward in quarantine, till such test has been conducted and to render adequate assistance as required”. Among others, the court also directed the state authorities to “strictly follow the guidelines on dead body management as prescribed by the Government of India and by the World Health Organization such as the supply of PPEs to the staff, apart from “notifying the same for the information of the general public for their sensitization.”⁴¹³

5.1.8 Functioning of the PM CARES FUND

On 28 March, Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM CARES Fund) was created for combating, and containment and relief efforts against the coronavirus outbreak and similar pandemic like situations in the future with the Prime Minister of India as the chairman and the Minister of Defence, Minister of Home Affairs and Minister of Finance of the Government of India as Trustees.

On 13 April 2020, the Supreme Court had rejected a PIL filed by lawyer M L Sharma

⁴¹³. Meghalaya HC orders to register cases against those who obstruct COVID19 patient's cremation, Northeast Now, 17 April 2020, <https://nenow.in/north-east-news/meghalaya/meghalaya-hc-orders-to-register-cases-against-those-who-obstruct-covid19-patients-cremation.html>



who claimed that PM CARES Fund, set up in March 2020, has been created without following the schemes enumerated under Articles 266 and 267 (which deal with the contingency and the Consolidated Funds of India) of the Constitution. A bench headed by Chief Justice S A Bobde described the PIL as “misconceived”.⁴¹⁴ A petition challenging the validity of the PM-CARES Fund, filed by three lawyers and a law student, was withdrawn by the petitioners after a three-judge bench headed by NV Ramana of the Supreme Court asked them to withdraw the petition or face fine on 27 April. “The petition has a political colour. Either you withdraw it or we will impose fine,” the bench reportedly said.⁴¹⁵

Strangely, the PM CARES Fund is being even denied as a public authority under the Right to Information Act. Controversy has plagued the PM CARES Fund, among others, because of the lack of transparency and accountability.

On 2 June 2020, the Nagpur Bench of the Bombay High Court directed the Union Government to file an affidavit in a plea seeking declaration of funds received by

Prime Ministers Citizens Assistance and Relief in Emergency Situation (PM CARES), a public charitable trust created by the government to tackle the COVID-19 pandemic. A Division Bench of Justices S.B. Shukre and A.S. Kilar was hearing a petition filed by advocate Arvind Waghmare seeking a direction to the government to periodically declare funds received and their expenditure on its website. Appearing for the Centre, Additional Solicitor General Anil Singh told the Nagpur bench of Bombay High Court that the petition should be dismissed since a similar plea against setting up of the PM CARES fund had been rejected by the Supreme Court in April. The Bench, however, said this petition was seeking different relief, and directed the Union government to file an affidavit within two weeks.⁴¹⁶

Samyak Aggarwal has filed a petition in the Delhi High Court challenging the order passed by Central Public Information officer (CPIO) of the Prime Minister's Office to the Right to Information (RTI) application denying information on the ground that PM Cares Fund is not a “public authority” under the RTI Act. The Petitioner stated that PM Cares fund is

⁴¹⁴. Supreme Court rejects plea against PM CARES Fund, The Economic Times, 13 April 2020, <https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-rejects-plea-against-pm-cares-fund/printarticle/75124537.cms>

⁴¹⁵. Petition against PM-Cares Fund has political colour: Supreme Court, The Hindustan Times, 27 April 2020, <https://www.hindustantimes.com/india-news/petition-against-pm-cares-fund-has-political-colour-sc/story-93CUJypKO4eWiqX8ik58QN.html>

⁴¹⁶. HC asks Centre to file affidavit on PM CARES fund in two weeks' time, The Hindu, 3 June 2020, <https://www.thehindu.com/news/cities/mumbai/hc-asks-centre-to-file-affidavit-on-pm-cares-fund-in-two-weeks-time/article31734789.ece>; also see, PM CARES fund: Centre asks Bombay HC to dismiss petition seeking details of donations, expenditure, 2 June 2020, <https://scroll.in/latest/963583/pm-cares-fund-centre-asks-bombay-hc-to-dismiss-petition-seeking-details-of-donations-expenditure>



constituted or established by “notification or order of appropriate government” as it was created by way of a press release by PMO and as it receives various benefits under the Income Tax Act and The companies Act. Further, the PM cares is a body owned or controlled by the appropriate government as its trustees include the Prime Minister, Defence Minister, Home minister and Finance minister of India.⁴¹⁷

5.2 Supreme Court’s justice delayed interventions

As stated, locking down 1.35 billion populations, which included 453.6 million⁴¹⁸ migrant workers as per 2011 census, not to mention about 71.35 million people living in “extreme poverty”⁴¹⁹ i.e. hand to mouth as per estimates of the World Bank in 2018, without adequate planning or prior information is a recipe for massive humanitarian crisis. The Supreme

⁴¹⁷. PMO to file response on maintainability of plea on PM Cares fund, Live Mint, 10 June 2020 <https://www.livemint.com/news/india/pmo-to-file-response-on-maintainability-of-plea-on-pm-cares-fund-11591796191256.html> and see W.P.(C) 3430/2020 for details.

⁴¹⁸. India on the move: What data from Census 2011 show on migrations, The Indian Express, 26 July 2020, <https://indianexpress.com/article/explained/india-on-the-move-what-data-from-census-2011-show-on-migrations-5852540/>

⁴¹⁹. World Bank reports drop in number of people living in extreme poverty in India, but worldwide figures give cause for concern, First Post, 27 June 2018, <https://www.firstpost.com/india/world-bank-reports-drop-in-number-of-people-living-in-extreme-poverty-in-india-but-worldwide-figures-give-cause-for-concern-4607641.html>

Court in its order dated 9 June 2020 noted, “*The society as a whole was moved by miseries and difficulties of migrant labourers*”.⁴²⁰

Yet, it is the same Supreme Court which was not sufficiently moved on time and face unprecedented public criticism for its failure to provide effective remedy to the migrants.

The Supreme Court raised hope after registering letter of Ms Mahua Moitra, Member of Parliament, which highlighted the plight of migrant workers and sought interventions to prevent people perishing from starvation and hundreds of thousands of people facing the risk of contracting and spreading the COVID-19 virus. After initial brouhaha, the Supreme Court dismissed the petition on April 13 without giving any reason.⁴²¹

On 7 April 2020, while hearing submissions in a PIL jointly filed by civil liberties activists Harsh Mander and Anjali Bharadwaj seeking payment of wages to migrant labourers and daily wage earners who had been left with no avenues of income owing to the coronavirus-induced lockdown, Chief Justice SA Bobde asked the lawyer why the workers need money when they are being fed – failing to acknowledge that people need more than just food to survive.⁴²² On 21 April, when

⁴²⁰. SUO MOTU WRIT PETITION (CIVIL) No(s).6/2020 IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS

⁴²¹. See order in Mahua Moitra v. Union of India Writ Petition (Civil) No.470/2020 <https://indiankanoon.org/doc/102977254/>

⁴²². As Supreme Court fails to protect migrant workers’ rights, High Courts show the way,



the matter was finally heard, counsel of Harsh Mander urged that despite governmental measures, thousands of laborers still lacked access to basic amenities and studies conducted by NGOs further indicated that there were several areas where the aid was not reaching to the migrant workers. The Supreme Court disposed of the case on the submission of the government that “helpline number has been provided to report issues concerning the implementation at the ground level, and that whenever any complaint is received, the authorities are attempting to address the same immediately”.⁴²³

Social activist Swami Agnivesh filed a plea seeking immediate relief to the poor, informal sector workers, slum dwellers, homeless and economically weaker sections living in hunger during the COVID-19 lockdown. On 21 April, the Supreme Court disposed of the petition on the assurance of the Solicitor General that “different aspects have been pointed out in the petition and these aspects will further be looked into and if found necessary, supplementary directions will also be issued and the implementation of these directions will also be taken care of.”⁴²⁴

The petition of Prof. Jagdeep S Chhokar filed for a direction to the Union to allow migrant workers across the country to return to their hometowns after conducting necessary testing for COVID-19 and to arrange for their safe travel was disposed of on 5 May since the government had permitted the movement of migrant workers and was also starting Shramik Special Trains for them and therefore, substantial part of the prayer was taken care of.⁴²⁵

On 15 May 2020, while hearing the petition advocate Alakh Alok Srivastava the Supreme Court bench headed by Justice L Nageswara Rao and comprising Justices SK Kaul and BR Gavai stated that the courts can't possibly be expected to “monitor or stop” those walking on the roads. The bench observed: “*How can we stop them from walking? It is impossible for this court to monitor who is walking and who is not walking.*” Reportedly, the court has reprimanded the petitioner for filing a “petition totally based on newspaper clippings”.⁴²⁶ The stance of the apex court was widely criticized

Scroll, 18 May 2020, <https://scroll.in/article/962214/as-supreme-court-fails-to-protect-migrant-workers-rights-high-courts-show-the-way>

⁴²³ . See order in WRIT PETITION (CIVIL)Diary No(s). 10801/2020 at <https://indiankanoon.org/doc/195818183/>

⁴²⁴ . See Supreme Court order in IA No.48235/2020 - APPROPRIATE ORDERS/DIRECTIONS <https://indiankanoon.org/doc/189070830/>

⁴²⁵. https://images.assettype.com/barandbench/2020-05/db85acd1-d99f-4b61-83cf-289556326bdb/Jagdeep_Chhokar_vs_UOI__05_05_2020.pdf

⁴²⁶. SC finally takes suo motu cognisance of migrant workers' plight after saying 'can't monitor who walks on roads'; issues notices to Centre, state govts, Firstpost, 26 May 2020, <https://www.firstpost.com/india/sc-finally-takes-suo-motu-cognisance-of-migrant-workers-plight-after-saying-cant-monitor-who-walks-on-roads-issues-notices-to-centre-state-govts-8411501.html>



In the face of intense criticisms on the deplorable conditions of the migrant workers, on 26 May 2020, the Supreme Court took suo motu cognisance of “problems and miseries of migrant labourers who had been stranded in different parts of the country”, “the newspaper reports and the media reports have been continuously showing the unfortunate and miserable conditions of migrant labourers walking on-foot and cycles from long distances” and “complaints of not being provided food and water by the administration at places where they were stranded or in the way i.e. highways from which they proceeded on-foot, cycles or other modes of transport”. The Court noted that “crises of migrant labourers is even continuing today with large sections still stranded on roads, highways, railway stations and State borders”, and “there have been inadequacies and certain lapses of the measures” taken by the Government of India and the State Governments.⁴²⁷

During the hearing on 28 May 2020, Solicitor General stated that from 01.05.2020 to 27.05.2020, 3700 Shramik trains were operated in which about 5 million migrant workers were transported while about 4.1 million migrant workers were transported by road transport. The Supreme Court in its order noted that “*Although there is no doubt that the concerned State Governments / Union*

Territories are taking steps to do the needful but there are several difficulties and lapses which are being noticed in the process of registration, transportation and in providing water, food, shelter to these migrant workers. It is also seen that even after registration, the migrant workers have to wait for a period which may go from a week to month for their turn to board the bus / train. A large number of migrant workers are still seen proceeding on foot to different places. Although it has been submitted by the learned Solicitor General that wherever the migrant workers are found walking on-foot, there are instructions to the State Authorities to facilitate a bus or a vehicle for them to take to their onward journey or they are sent to relief camps and provided shelter and food.”⁴²⁸

After the hearing on 28 May, the Supreme Court issued the following directions “to redeem the immediate difficulties of the migrant workers”:⁴²⁹

“1. No fare either by train or by bus shall be charged from any migrant workers. The railway fare shall be shared by the States as per their arrangement as submitted by the learned Solicitor General and in no case any fare should be asked or charged from any migrant workers by the States and the Railways.

⁴²⁷. Supreme Court order dated 26.05.2020 in SUO MOTU WRIT PETITION (CIVIL) No(s). 6/2020 IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS, https://main.sci.gov.in/supremecourt/2020/11706/11706_2020_34_42_22217_Order_26-May-2020.pdf

⁴²⁸. Supreme Court order dated 28.05.2020 in SUO MOTU WRIT PETITION (CIVIL) No(s). 6/2020 IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS, https://main.sci.gov.in/supremecourt/2020/11706/11706_2020_34_24_22239_Order_28-May-2020.pdf

⁴²⁹. Ibid



2. The migrant workers who are stranded at different places in the country shall be provided food free of cost by the concerned States / Union Territories at different places which shall be publicized and notified to them during the period they are waiting for their turn to board the train or bus.

3. Initially, as stated by the learned Solicitor General, the originating State shall provide water and meal and during the journey, the railways shall provide meal and water to the migrant workers and same facilities shall be extended when the migrant workers are transported by bus. The State shall take care of providing necessities water and meal during the period of transportation either in the bus or in the camps on the way.

4. We further direct that the State shall simplify and speed up the process of registration of migrant workers and also provide help desk for registration at the places where they are stranded.

5. The State shall try to endeavour that after registration the workers should be asked to board the train or bus at the earliest and complete information should be publicized to all the concerned regarding mode of transport.

6. We further direct that those migrant workers who are found walking on the highways or roads shall be immediately taken care by the concerned State / Union Territories and they shall be provided the transport to the

destination and all facilities including food and water be provided to those found walking on the road.

7. The receiving State, after the migrant workers reach his native place, shall provide transport, health screening and other facilities free of cost.”

After the hearing on 6 June 2020, the Supreme Court while noting that “majority of stranded workers have reached at their native places” and “the second major task which has now to be undertaken by the concerned States and Union Territories is of taking care of those migrant workers/labourers who have returned to their native places after cessation of their employment” issued the following directions to the Central Government, all States and Union Territories:

(1) All the States/Union Territories shall take all necessary steps regarding identification of stranded migrant workers in their State which are willing to return to their native places and take steps for their return journey by train/bus which process may be completed within a period of 15 days from today.

(2) In event of any additional demand, in addition to demand of 171 Shramik trains, as noticed above, railway shall provide Shramik trains within a period of 24 hours as submitted by learned Solicitor General to facilitate the return journey of migrant workers.

(3) The Central Government may give details of all schemes which can



be availed by migrant workers who have returned to their native places.

(4) All States and Union Territories shall also give details of all schemes which are current in the State, benefit of which can be taken by the migrant labourers including different schemes for providing employment.

(5) The State shall establish counselling centres, help desk at block and district level to provide all necessary information regarding schemes of the Government and to extend helping hand to migrant labourers to identify avenues of employment and benefits which can be availed by them under the different schemes.

(6) The details of all migrant labourers, who have reached their native places, shall be maintained with details of their skill, nature of employment, earlier place of employment. The list of migrant labourers shall be maintained village wise, block wise and district wise to facilitate the administration to extend benefit of different schemes which may be applicable to such migrant workers.

(7) The counselling centres, established, as directed above, shall also provide necessary information by extending helping hand to those migrant workers who have returned to their native places and who want to return to their places of employment.

(8) All concerned States/UTs to consider withdrawal of

prosecution/complaints under Section 51 of Disaster Management Act and other related offences lodged against the migrant labourers who alleged to have violated measures of Lockdown by moving on roads during the period of Lockdown enforced under Disaster Management Act, 2005.

While the Supreme Court is still hearing the petition and the next hearing is slated for 08.07.2020, there is no doubt that hundreds of thousands of migrant workers had returned to their homes with extreme hardships from 24 March to 30 April 2020. These migrant workers faced extreme and untold hardship, walking thousands of miles on foot and the death of 150 persons confirms the same. The Shramik trains started on 01.05.2020 but the amenities were so poor that at least 81 persons had died onboard these trains by 27 May 2020.

The Supreme Court had noted in its order dated 9 June 2020 that “majority of stranded workers have reached at their native places” and the Supreme Court order in a way had become infructuous at least with respect to the right to life and liberty guaranteed under Article 21 of the Constitution and the right to freedom of movement guaranteed under Article 21 of the Constitution. Those who had returned prior to 28 May 2020 were effectively denied their rights.

As the Supreme Court in its order dated 9 June 2020 also noted, “*The society as a whole was moved by miseries and difficulties of migrant labourers*”. However, the Supreme Court itself was not moved despite a number of petitions having



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been filed by the Court. There is no doubt that a number of High Courts had made excellent interventions but the jurisdiction of a High Court is usually restricted to a particular State. The absence of effective intervention from the Supreme Court indeed failed to improve the functioning of the State to ensure the rights of the migrant workers.

The Supreme Court directions came too late to address the chaos and misery cast upon the Indian citizens by a government which expected all citizens to remain locked at home without realizing that millions of Indians do not have food and shelter to survive without work. [Ends]