

OPEN LETTER TO THE CHIEF MINISTER OF KARNATAKA FROM CONCERNED ORGANISATIONS & INDIVIDUALS REGARDING VIOLATION OF CONSTITUTIONAL RIGHTS OF MIGRANT WORKERS

We, the undersigned, are writing to you in utter shock about the recent distressing move by the Government of Karnataka (GoK) to cancel trains for migrant workers departing to their home States. The decision was taken after a meeting between the Chief Minister and the Confederation of Real Estate Developers Associations of India (CREDAI), and communicated via a letter dated 5 May 2020 to the South Western Railways.

This decision has been taken solely to appease the lobby of builders and contractors who claim that the return of workers to their home states will adversely impact the construction sector. Neither migrant workers nor trade unions representing them were consulted. Since 24th March 2020, most of the builders and contractors have completely abandoned the workers leaving them to scrounge for food and money in violation of government orders. Several reports and workers' testimonies, present an alarming picture of the lockdown. As some reports indicate, **64% of migrant workers are left with less than Rs 100, only 6% of them received full wages during the lockdown and only one in five received rations.** The Central and State Governments have failed to ensure payment of wages, food, financial and tenure security during lockdown thereby stripping the workers of rights to dignity and food.

In addition to this precarious situation, workers have been threatened with eviction and have been subjected to police brutality in many places. Dramatic scenes of thousands of workers walking long distances and queuing up to get registered to leave Bengaluru and Mangaluru to their home states demonstrate their unwillingness to continue in such a hostile environment. It is symbolic of their crushed dignity. After being put through such deep physical, emotional, and psychological trauma, the announcement of cancellation of trains by the GoK is the worst assault on the workers whose labour has contributed immensely to Karnataka's flourishing.

The entire exercise of confusing travel orders by the Ministry of Home Affairs and the arbitrary decision by the State government to cancel trains for workers is callous and is in disregard for the migrant workers' entitlement to Constitutional rights. It is this mindset which underlies this latest decision by the State government prohibiting the right to travel which has to be strongly condemned. **This move of cancellation of trains violates the right to movement under Article 19(1)(d). By infringing on the basic freedom to make fundamental choices about their lives it violates the right to dignity under Article 21. By cancelling trains and ensuring workers continue to labour in Karnataka it violates the constitutional prohibition on forced labour under Article 23.**

We demand that the State Government rescind the order immediately. We demand recognition of the autonomy and dignity of the migrant worker to decide their travel plans. No one should be forced either to stay back or to return to their home states. We demand that the Karnataka government abide by the Constitutional framework and immediately make the necessary arrangements to ensure that any worker wishing to return is allowed to do so at no cost, and in a safe and dignified manner.