



MOOT PROBLEM

1. Coronavirus disease 2019 (COVID-19) is a contagious disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). The first known case was identified in the city of Chugian in December 2019. The disease has since spread worldwide, leading to an ongoing pandemic.
2. By mid-January 2020, nations across the globe had started reporting similar cases. Chugian, a city in Chang, failed to share any details of the virus with the outside world and asserted that there was no evidence of its human-to-human transmission. As a precautionary measure, the other countries started screening passengers travelling from Chang. In the Capital of Chang, local authorities started reporting few cases and its neighbouring countries started reporting cases of COVID-19 after which they were forced to go under a lockdown.
3. On 11th March 2020, WHO declared it to be a pandemic. About 1.5 million people were infected and 85,000 lost their lives to the pandemic, by the 1st week of April 2020. With no vaccine in place, the world economy had crippled due to the lockdown that had to be imposed across countries.
4. Dinda is one of the developing nations with a dense population in South Asia with a substantial amount of health infrastructure but with a huge socio-economic and gender gap ratio disparity.
5. Chang and Dinda are neighbouring countries with a history of border tensions. However, considering the size of their markets, both engage in regular trade. The first case of COVID-19 in Dinda was reported on 30 January 2020 and by the first week of April 2020, there were about 5500 infections and over 150 deaths.
6. On 22nd March 2020, The PM of Dinda Mr Bajendra Sodhi initiated Janta Curfew for 14 hours (7 am to 9 pm) where people were restricted from stepping out of homes and just the essential services like medical, daily supplies were exempted. As the cases increased and Covid 19 became more contagious, the Prime minister announced a nationwide lockdown on 24th March



2020 as a preventive measure. It immediately affected all sectors of the economy and specifically the migrant labourers, unorganised sectors, domestic workers, and the marginalized sections of the society. Millions of migrant workers were affected by the closure of industries and workplaces, which resulted in the loss of income, food shortages, and uncertainty about their future. Many of them, as well as their families, starved to death. While the government assured that the affected would receive food packages, the distribution mechanism was ineffective.

7. Thousands of migrant workers were seen walking or bicycling hundreds of kilometres to return to their native places due to the lack of work and money. Many people were arrested for breaking the lockdown, and some died from exhaustion or traffic accidents.
8. The Monitor society an independent minority religious institution conducted an event of almost 2000 people within their premises on the 13th of March 2020 at a time when the government of Dinda had started cancelling all activities of mass gatherings. It was later discovered that more than half of those who were present at the event had been tested positive and had to be put into quarantine.
9. The Ministry of Health in Dinda commented in its official statement that those who attended the event had become one of the biggest causes for the spread of Covid-19 in the country as most of them were found positive. They had travelled to different parts of the country even before the lockdown was declared. Many Media reports claimed that the gathering included citizens from countries that had already turned positive in the outbreak of the virus in February 2020. It was reported across national media that Monitor Society members were spreading the virus in the country as there were instances of them defying the lockdown and also non-declaration of travel history.
10. An FIR is filed against Ross, the head of Monitor society, and 7 others leaders under The Epidemic Diseases Act, 1897, Section 3 and Dinda Penal Code, 1860, Ss. 269, 270, 271 and 120B. Also, relevant provisions of the National Security Act, 1980 were invoked against the



members as it was alleged that they were non-co-operative with the State departments and health officials.

11. Resultantly, they created terror by contributing to the spread of disease to remote areas of the State and thus infecting more people. Times of Dinda, one of the most circulated newspapers of the country claimed in its report that it had traced links of the Monitor Society with terror activities in the past and flouting the visa guidelines. Members of the Monitor society filed a writ petition before the Supreme Court and submitted that even though similar violations were reported from other parts of the country by members of other social, political, and religious groups, NSA was not invoked in those cases and that this is discrimination.
12. While this was still under consideration, the second wave of the pandemic hit the country while the Government of Dinda was projecting that it has tackled the first wave of the pandemic successfully and is creating robust infrastructure to tackle the second wave of the pandemic.
13. The Federal Government of Dinda issued directions to the State governments to create a comprehensive plan concerning bumping bed capacity, ICU wards, creating additional hospitals, makeshift hospitals, and oxygen supplies.
14. Also, suitable initiatives for achieving and maintaining an adequate level of testing, surveillance, and risk communication for promoting the wearing of masks, physical distancing, and hand hygiene. However, the pandemic crumbled the existing healthcare system and exposed the reality. There was a lack of beds in the hospitals, no adequate infrastructure for hospitals, patients and doctors, lack of national hospital admission policy, scarcity of oxygen in hospital leading to thousands of deaths, unavailability of vaccines, the production capacity of vaccines, vaccine pricing and supply of essentials drugs were all in question. There was rampant hoarding of essential medicines, black marketing of essential drugs and supplies further degraded the scenario.
15. Centre for Health and Hygiene (CHH), a non-governmental organization conducted a study on violation of health and labour rights during the pandemic and found that the reason for the

failure of Dinda's healthcare infrastructure in handling the second wave of the pandemic is the absence of statutory framework on healthcare and recognition of the right to health as a fundamental right and violation of rights of migrant workers in the absence on any organized body regulating their issues and adjudicating their rights.

16. Based on its study, CHH raised concerns about the violation of human and labour rights during the lockdown and pandemic, it filed a Public Interest Litigation before the Supreme Court to act for such strict measures adopted by the government challenging the constitutional validity of the Order and the subsequent actions by the government which imposed the nationwide lockdown and denied better access to healthcare and medication inter alia on the following grounds:

- a. That the lockdown order violates the Fundamental Rights of the citizens as it curtailed their constitutionally guaranteed rights.
- b. That the denial of access to health care is a violation of the right to health which is fundamental to any human being.
- c. That the Monitor Society members have been targeted for the spread of the Covid 19 Virus and there is malice in the State's actions.
- d. That the blatant use of force by authorities is a violation of the rule of law, is arbitrary and lacks application of mind.

In the Petition, they have also requested the Supreme Court of Dinda to issue directions to the government of Dinda to release the Monitor Society members and workers who have been in police custody and to direct payment of compensation to the families of those workers who died while travelling back to their hometowns or died while in police custody.

The Hon'ble Supreme Court was pleased to entertain the matter and the same is listed for hearing. The laws and Constitution of Dinda are in *Pari Materia* to the laws and Constitution of India