



I, Dr. Ramu Manivannan, [REDACTED]

[REDACTED]

do hereby solemnly affirm and sincerely state as follows:

1. I am the petitioner herein and I am well conversant with the facts and circumstance of this case and as such I am competent to swear this affidavit.
2. I humbly state that I was working as a Professor and Head of Department of Politics and Public administration, University of Madras, Chennai-600005. I have been associated with the Tamil refugee community from Sri Lanka for over two decades with regard to their education and welfare issues.
3. I humbly state that I am filing this public interest writ petition for the first time, with my own costs, in my knowledge no such writ petition is pending before this court or any other court and has not been filed relating to the subject matter of this writ petition, I am ready to pay any cost, if any is imposed by this Hon'ble court, I am filing this writ petition with public interest, I have no other motive or oblique reasons for filing this writ petition. I state that my Aadhar card number is [REDACTED] and I am an income tax assessee and my PAN card number is [REDACTED]

4. I submit that the present Writ Petition has been filed before this Hon'ble Court for seeking directions to the Respondent No. 1 & 2 to provide ration for the non camp Sri Lankan Tamil refugees during the time of pandemic for whomsoever residing in Tamil Nadu and direct the Respondent No. 1 to give preference in the Tamil Nadu Government Vaccination drive for non camp Sri Lankan Tamils and allow them to avail the same through showing any of their identity cards.

#### **Sri Lankan Tamil Refugees**

5. I submit that Srilankan Tamils started to reach Tamil Nadu in 1983 due to the upsurge of ethnic conflict in Srilanka and they influx into Tamil Nadu in 4 different phases from 1983 till 2012. Most of them live inside Refugee Camps and some outside the Refugee Camps. And presently there are 108 Camps in 15 districts in Tamil Nadu with the population of around 94, 069. And 13, 553 Non camp Srilankan Tamil families are residing outside the Refugee camp. Government is providing regular financial assistance and relief materials only to the Camp refugees, whereas the non-camp refugees are outside the purview of the benefits.

#### **Non Camp Sri Lankan Tamil Refugees**

6. It is submitted that the non camp refugees residing in Tamil Nadu for more than 30 years. They are living in a rented house with the support of their relatives and friends and without any assistance from the government in the urban cities like Chennai, Coimbatore, Trichy, Madurai and Tirunelveli. Many among the non-camp refugees are poor and daily wage workers as water can suppliers, photographers, Cab drivers, assistants in service apartments and jobs in the informal sector such as painters and tailors and sending their children, mainly to private schools. They are surviving from the earnings from their day to day menial jobs.
  
7. It is pertinent to mention here that the Department of Rehabilitation, Government of Tamil Nadu as on 04.01.2010 mentioned that 32,242 non camp refugees are residing in Tamil Nadu. Unlike the refugees living in the camps, They are not provided with any sort of relief. They are managing their day to day life from the meager wages earned through menial jobs.

### **Pandemic and Non camp Sri Lankan Tamil Refugees**

8. In March 2020, due to the outbreak of the coronavirus pandemic, the nation along with the whole world went through a tough phase. As there has been a complete lockdown in the country declared by the Hon'ble

Prime Minister to combat the disease, accordingly their life came to standstill due to the nationwide lockdown and they have lost their jobs and don't have any means to buy rations. They have not received any relief from the government but from the support of kind hearted neighbours and NGOs working for the welfare of refugees, They have received some relief materials and somehow survived the first wave of the pandemic.

9. It is submitted that on 25.06.2020 the New Indian Express reported the plight of non camp Sri Lankan Tamils during covid. The relevant part of the article is as follows,

“Mahendran, who had been driving an Ola cab on a rent-basis, has been home without a job for the past three-odd months after having to surrender the vehicle to the cab aggregator. “I have had nothing to do in these months. We received some essential supplies and rations from a few NGOs working for the welfare of refugees. It will last us for another month. But with no permanent source of income, how long can we go?”

10. That the livelihood of the non camp Sri Lankan Tamils were largely dependent on the foreigners who used to visit the city for weddings, other occasions and tourism. From arranging guest houses and lodging; taking care of catering, video and marriage hall arrangements; clothing and

make-up to acting as guides, now due to the lockdown and the travel ban, their livelihoods have been strained. Most of the non camp Sri Lankan Tamils living outside of camps are struggling to pay house rents and some can't afford food and medical essentials.

11. It is pertinent to mention here that the second wave of pandemic and increase of covid spread in Tamil Nadu from May 2021, there has been a complete lockdown in Tamil Nadu declared by the Hon'ble Chief Minister to combat the disease, again their life came to standstill and they lost their jobs. Till date they are struggling to overcome the sufferings of the first wave but now due to the second lockdown they have almost drained their small savings. Also, with no permanent source of income, they are struggling to buy dry rations for their survival, every day is a battle for them and now the add-on effect of the pandemic has made their life extremely vulnerable.

12. Accordingly, on 14.06.2021 I sent a representation to the Respondent No. 1 & 2 for taking necessary steps to extend the covid relief benefits to non camp Sri Lankan Tamil refugees. The relevant part of the prayer of above said representation is as under:-

- i) To provide and allow them to access the dry ration from the ration shops for the non camp Sri Lankan Tamils during the covid 19 pandemic.

ii) To provide the Government of Tamil Nadu Corona Relief Fund of Rs. 4000 vide Press Release No. 245 dated 07.05.2021 to non camp Sri Lankan Tamils.

iii) To give preference in the Government of Tamil Nadu Vaccination drive for non camp Sri Lankan Tamils and allow them to avail the same through showing any of their identity cards.

13. Thereafter, on 15.06.2021 a non camp Sri Lankan Tamil refugee E. Senthuran from Tiruchirappalli district sent a representation to the respondent No.1 regarding the issuance of covid relief to non camp Sri Lankan Tamil refugees in Tamil Nadu.

14. I submits that based on the 14.06.2021 dated representation the Hon'ble Chief Minister of Tamil Nadu through the Press Release No. 299 dated 19.06.2021 has announced to extend the Corona Relief fund of Rs. 4000/- to 13,553 Non-camp Sri Lankan Tamil Refugee families residing in various parts of Tamil Nadu.

15. However, the hardships and their struggle faced by the Non-camp Sri Lankan Tamil Refugees during the pandemic and even before are highly

significant. Most of them are daily wagers and have lost their Job and emptied their small savings, in the first wave also eventually in the second wave but the monetary relief of Rs. 4000/- for a family with 4 members will be a compensatory benefit.

16. It is most pertinent to mention that the representation dated 14.06.2021 and 15.06.2021 are prayed to provide Covid relief fund of Rs. 4000/-, dry rations and preference in the vaccination drive. Thus the Press Release No. 299 dated 19.06.2021 of Tamil Nadu Government has fulfilled their requirements during the pandemic partially.

17. I submit that on 08.07.2021 I have sent a reminder representation to the Respondent No.1 to provide and distribute the dry rations from the ration shops for the non camp Sri Lankan Tamils during the covid 19 pandemic and to give preference in the Government of Tamil Nadu Vaccination drive for non camp Sri Lankan Tamils but till date no action has been taken against the above said representation.

18. Therefore I have no other alternative and equally efficacious remedy, except approaching this Hon'ble Court through the present Petition under article 226 of constitution of India and seeking appropriate reliefs on the following, among other, grounds.

## **GROUNDNS**

- A. Because most of the non camp Sri Lankan Tamil refugees are daily wagers and till date they are struggling to overcome the sufferings of the first wave but now due to the second lockdown they have almost drained their small savings. Also, with no permanent source of income, they are struggling to buy dry rations for their survival, every day is a battle for them and now the add-on effect of the pandemic has made their life extremely vulnerable.
- B. Because both of the representations dated 14.06.2021 and 05.07.2021 sent by the petitioner to the Respondent No.1 regarding the issuance of dry ration to the Non camp Sri Lankan Tamils are not considered by the Respondent No.1.
- C. Because the National Human Rights Commission in the Proceedings of a hearing held on 17 January 2003, that Article 21 of the Constitution of India guarantees a fundamental right to life and personal liberty. The expression 'Life' in this Article has been judicially interpreted to mean a life with human dignity and not mere survival or animal existence. In the light of this, the State is obliged to provide for all those minimum requirements which must be satisfied in order to enable a person to live with human dignity, such as education, health care, just and humane conditions of work, protection

against exploitation, etc. In the view of the Commission, the Right to Food is inherent to a life with dignity, and Article 21 should be read with Articles 39(a) and 47 to understand the nature of the obligation of the State in order to ensure the effective realization of this right. Article 39(a) of the Constitution enunciated as one of the Directive Principles, fundamental in the governance of the country, requires the State to direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood. Article 47 spells out the duty of the State to raise the level of nutrition and the standard of living of its people as a primary responsibility. The citizen's right to be free from hunger enshrined in Article 21 is to be ensured by the fulfillment of the obligation of the State set out in Articles 39(a) and 47. The reading of Article 21 together with Articles 39(a) and 47 places the issue of food security in the correct perspective, thus making the Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution.

D. Because In *Olga Tellis & Ors vs Bombay Municipal Corporation* 1986 AIR 180, 1985 SCR Supl. (2) 51, the apex court defined the right to life in the context of right to livelihood and held, "If the right to livelihood is not treated as a part of the constitutional right to live, the

easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation”

E. Because in *Apparel Export Promotion Council vs A.K. Chopra* (1999 (1) SCC 756), the Supreme Court held that in cases involving violations of human rights, the Courts must forever remain aware of the international instruments and conventions and apply the same to a given case when there is no inconsistency between the international norms and the domestic law occupying the field.

F. Because the right to adequate food is considered as a basic human right and it is also protected under the Humanitarian law and International human right well known established under the International law. The Right to food was first recognized in the “*Universal Declaration of Human Rights*” in 1948, under (Art. 25) states a decent standard of living; including food, clothing, housing, etc....” Everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, water, shelter, and livelihood, etc. It became legally enforceable when the “*International Covenant on Economic, Social and Cultural Rights*” (ICESCR) came into effect in 1976. Article 11(2) of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) states that it is a fundamental right free from starvation. India is a signatory to these covenants and these provisions are binding in nature.

G. Because In *Chameli Singh v. State of U.P.*, (1996) 2 SCC 549 : AIR 1996 SC 1051, while emphasizing on the right to live in a civilized society, the Apex Court has held thus

“In any organized society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilized society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights.”

H. Because In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, (1996) 4 SCC 37 : AIR 1996 SC 2426, it has been laid down that the Constitution envisaged establishment of a welfare State at the federal level as well as at the State level, and in a welfare State the primary duty of the Government is to secure the welfare of the people. Their Lordships emphasized that Article 21 imposes an obligation on the State to safeguard the right to life of every person and preservation

of human rights is of paramount importance. In *Shantistar Builders v. Narayan Khiomalal Totame*, (1990) 1 SCC 520 : AIR 1990 SC 630, it has been held thus:

“The right to life would take within its sweep the right to food, the right to clothing, the right to a decent environment and reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body, for a human being it has to be a suitable accommodation which would allow him to grow in every aspect—physical, mental and intellectual.

- I. Because the right to food is an implication of the right to life enshrined in Article 21 of the Constitution of India. It encompasses the right to have regular, permanent, and unrestricted access to quantitatively and qualitatively adequate and sufficient food. This emanates from the right of every human being to live with dignity and freedom from hunger. The nature of the right to food is such that it forms the backbone for the realization of other fundamental rights that are guaranteed to every citizen of the country. It constitutes the basic requirement to ensure physical and moral survival of an individual, such that they have a platform to avail all other rights guaranteed under the Constitution of India.

J. Because the right to food is also statutorily recognized in the National Food Security Act, 2013 as the act to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity and quality of food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto. The objective of the National Food Security Act, 2013 is to provide food and nutrition security to all people including non-citizens.

K. Because, under section 30 of the National Food Security Act, 2013, provides that there should be focus on the needs of the vulnerable groups while implementing the provisions of the Act. The Section 30 of the National Food Security Act, 2013 is as under:

“30. The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security”

L. Because the Supreme Court of India in para 128.4 of *Swaraj Abhiyan v. Union of India & Ors.* [ (2016) 7 SCC 498, 543 ] directed the following:

“128.4 No household in a drought- affected area shall be denied food grains as required under the NFS Act only because the household does not have a ration card. The requirement of a household having a ration card is directed to be substituted by an appropriate identification or proof of residence that is acceptable to the State Government.”

M. Because the Respondents' inaction to the petitioner's representation has led to violation of their Right to Life and Liberty as protected under Article 21 of the Constitution of India.

### **Prayer**

THEREFORE, in light of the above facts and circumstances, it prayed that this Hon'ble Court may be pleased to:

- i) Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondents to provide free dry ration from the ration shops for the non camp Sri Lankan Tamils during the covid 19 pandemic.

ii) For an order of directing the Respondent No.1 to give preference in the Government of Tamil Nadu Vaccination drive for non camp Sri Lankan Tamils and allow them to avail the same through showing any of their identity cards.

iii) Pass any other directions/orders which this Hon'ble Court deems fit and proper in the interest of justice and equity.

Solemnly affirmed at Chennai on this

the <sup>th</sup>day of July 2021 and signed

BEFORE ME

his name in my presence.

ADVOCATE, CHENNAI

**DISTRICT: CHENNAI**

**IN THE HIGH COURT  
OF JUDICATURE AT  
MADRAS**

**W.P No.                      of 2021**

**AFFIDAVIT**

**ARUN KASI (D/6017/2018)**

**PRADEEP RAJA. T (D/6864/2020)**

**COUNSELS FOR PETITIONER**

**Cell No. 8882197957**