

Moot Problem NO. 02

CONSTITUTIONAL LAW

1. W.G.N. (World's Greatest Nation) is an independent country located in the Asian continent and it shares its boundaries with a nation called People's Republic of Atrocities. In November 2019, a new virus known as Covid-19 originated in the People's Republic of Atrocities. This virus infected humans and had a high mortality rate. It spread across the world rapidly. In January 2020, the first case of Covid-19 was detected in W.G.N. and the cases started proliferating day by day.
2. The Government of W.G.N. was overwhelmed and found it challenging to combat the spread of the virus and it started becoming a public health issue. To curb the spread of the virus and stabilize the situation, the Govt. of W.G.N. notified the spread of Covid-19 as a disaster and by exercising its powers under the Disaster Management Act, 2005 passed an Order of a nationwide Lockdown after providing a notice of 4 hours to the country's population.
3. The Order passed by the Government of W.G.N. restricted the movement of individuals in the country and confined them to their doorsteps. All the offices, industries, businesses and markets etc. were asked to remain shut. The Order also stated that the public transport services will not be operational and international travel will be banned. Strict instructions were given to the police authorities to make everyone comply with this order. It also declared that anyone found acting in violation of the order will be subject to punishment under the provisions of the Disaster Management Act, 2005 and the Penal Code of the W.G.N. The Order only exempted the government servants, the staff of the government hospitals and Police Personnel.
4. The entire population of W.G.N. was taken by surprise and it led to chaos and uncertainty. Various individuals were stuck across the territory of W.G.N. The migrant workers who had come to the big cities and industrial areas from different states of W.G.N. were stuck too and due to the Lockdown, their employers refused to pay them the wages. Under these circumstances, these workers did not have the resources to survive and had no other option but to travel back to their hometowns. Since public transport services were not available, various groups of these migrant workers resorted to travel by foot to reach home, some even travelling 100s of Kms. While on their journey back, various migrant workers died because of illness, lack of food and water. Some were arrested by the police for violating the Order. Those arrested have not been released so far and there have been reports that some of them died in police custody.
5. The Citizens of W.G.N. also faced difficulties because of the government's inability to provide basic services such as food to the people stuck during this lockdown.
6. Before the Lockdown was announced by the Government of W.G.N., various groups were leading movements and protesting against the policies of the government and the new amendments to the constitution passed by the government. These groups have alleged that this Lockdown was imposed to suppress their voice and curtail the movement. Moreover it was stated by their spokesperson in an interview to a renowned news channel that in the regions of mass protests specifically in the National

Capital, the executive has invoked its powers under the code of criminal procedure, section 144 to impose curfews and to attract stricter punishments for violators in the disguise of lockdown only to curb the ongoing movement.

7. **We File Writs**, an NGO which is known to fight for the rights of the people and also represents the interest of the migrant workers, and the protestors have now moved the Supreme Court of W.G.N. by filing a writ petition challenging the constitutional validity of the order and the subsequent actions by the government which imposed the nationwide lockdown inter alia on the following grounds:
 - a. That the Govt. of W.G.N. does not have the power to impose a nationwide lockdown under the provisions of the Disaster Management Act, 2005 and the Order passed by the Government of W.G.N. is unconstitutional.
 - b. That the Order is in violation of the Fundamental Rights of the Citizens.
 - c. That the imposition of Section 144 cannot be undertaken to curtail democratic representation or protests.
8. In the Writ Petition, they have also requested the Supreme Court of W.G.N. to issue directions to the government of W.G.N. to release the workers who have been in police custody and also 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.
9. The Hon'ble Supreme Court was pleased to entertain the matter and the same is listed for hearing.
10. The laws and constitution of World's Greatest Nation (W.G.N) are in pari materia to the laws and constitution of India.
