

(2020) 05 SC CK 0035

In the Supreme Court Of India

Case No : Suo Motu Writ Petition (Civil) No. 6 Of 2020

In Re : Problems And Miseries Of Migrant Labourers Vs

Date of Decision : 28-05-2020

Acts Referred:

Disaster Management Act, 2005 — Section 12

Citation : (2020) 7 SCC 226

Hon'ble Judges : Ashok Bhushan, J; Sanjay Kishan Kaul, J; M.R. Shah, J

Bench : Full Bench

Advocate : Rajat Nair, Kanu Agrawal, B.V. Balramdas, Abhimanyu Tewari, Eliza Bar, Anil Srivastava, Nalin Kohli, Manish Kumar, S.C. Verma, Prachi Mishra, Sumeer Sodhi, Pranav Sachdeva, Tushar Mehta, Arun Pedneker, Tushar Mehta, Manisha Iavkumar, Aniruddha P. Mayee, Deepanwita Priyanka, Anil Grover, Rahul Khurana, Sanjay Kumar Visen, Bihu Sharma, Pratishtha Vij, Tapes Kumar Singh, G. Prakash, Jishnu M.L., Rahul Chitnis Sachin Patil, Pukhrambam Ramesh Kumar, Amit Kumar, Avijit Mani Tripathi, Rekha Bakshi, Shaurya Sahay, Saurabh Mishra, Arjun Garg, Siddhesh Kotwal, Astha Sharma, K. Enatoli Sema, Sibbo Sankar Mishra, Atul Nanda, Karan Bharihoke, Uttara Babbar, Dr. Manish Singhvi, Ashish Kumar, Sandeep Jha, Shuvodeep Roy, Jayanth Muthuraj, M. Yogeshkanna P.S. Narasimha Aishwarya Bhati, Garima Prashad, Dr. Abhishek Atrey, Vidyottma Jha Shadman Ali, Suhan Mukerji, Shubhranshu Padhi, Abhinav Mukerji, K.V. Jagdishvaran, G. Indira, R. Balasubramaniam, Prashant Singh B., Raj Bahadur Yadav, Shoeb Alam, Mojahid Karim Khan, V. G. Pragasaam, Kapil Sibal, Indira Jaising, Nupur Kumar, Abhishek Manu Singhvi, Sunil Fernandes, Avishkar Singhvi, Muhammad Khan, Varun Chopra, Omar Hoda, Prastut Dalvi, Aishwarya Mohapatra, Gurtejpal Singh, Alakh Alok Srivastava, Colin Gonsalves, Satya Mitra, Gunjan Singh, Siddharth Seem, P. Chidambaram, Anand Grover, Gautam Talukdar, Sanjay Parikh, Abhimanue Shrestha

Final Decision : Allowed

Judgement

WRIT PETITION (CIVIL) Diary No(s). 11394/2020

Issue notice.

Tag with Suo Motu Writ Petition (Civil) No(s). 6/2020.

Dasti, in addition, is permitted.

SUO MOTU WRIT PETITION (CIVIL) NO(S). 6/2020

In pursuance of our order dated 26.05.2020, several States / Union Territories have filed their responses and a preliminary report on behalf of the

Central Government has also been placed by the learned Solicitor General.

Mr. Tushar Mehta, learned Solicitor General submits that from 01.05.2020, the migrant workers have been sent to their destination i.e. home town by

Shramik trains and also by road. From 01.05.2020 to 27.05.2020, 3700 Shramik trains have been operated, 50 lacs migrant workers have been shifted

by Shramik trains and about 41 lac migrant workers have been transported by road transport. He further submits that food and water are provided by

the originating concerned State from where the migrant workers start their journey and when the journey is undertaken by railways, the railways

provides the meal. He further submits that when these migrant workers reach their destination, the receiving State takes care of the migrant workers

and drop them to their home by buses. The State also take steps for quarantining those workers and necessary screening is also conducted. With

regard to payment of fare of the railway ticket, the learned Solicitor General submits that the fare is borne either by the originating State or the

receiving State as per their internal arrangement. In any event, the migrant workers are not asked to bear the fare of the train or bus. He further

submits that in cases where fare were taken from the migrant workers as in the case of State of Bihar, the State of Bihar has reimbursed the fare.

Mr. Tushar Mehta, the learned Solicitor General submits that the Central Government as well as the State Governments / Union Territories are taking

all necessary steps to ensure that no difficulty is caused to the migrant workers in their transportation. He further submits that all the States have set

up different relief camps where migrant workers are provided water, food, stay etc. and with regard to migrant workers who are staying in different

places in the country, they are provided under the scheme of the Government ration to them even without they having any ration card. They are

provided food in the relief camps. He further submits that there are co-ordinated steps between the States, the Centre and the railways and the steps

are being taken to increase the train facility for transportation of workers.

We have also heard learned counsel appearing for the States of Rajasthan, Maharashtra, M.P., U.P., Bihar.

Mr. P.S. Narsimha, learned senior counsel appearing for the State of U.P. submits that the State has taken several measures with regard to the

migrant workers. The State has made advance payment of Rs.51 crores for bearing the fare of migrant workers who have come to the State of U.P.

The State of U.P. is providing Rs.1000/- and a kit containing food and other necessary items to the migrant workers for their use when they go home after quarantining.

We have also heard Mr. Kapil Sibal, learned senior counsel who has given his suggestions as an officer of the Court. Dr. Abhishek Manu Singhvi,

learned senior counsel has also given suggestions as an officer of the Court. Mr. Sanjay Parikh, learned senior counsel who is appearing in Diary No.

11394/2020 titled Medha Patkar v. Union of India has referred to the suggestions given in paras 18 and 19 with regard to taking remedial steps for migrant workers.

Mr. Kapil Sibal, learned senior counsel submits that the minimum standards of relief, as provided under section 12 of the Disaster Management Act,

2005, have not been provided. He further submits that there are no National / State plan as provided under the Act, which submission has been refuted

by Mr. Tushar Mehta, the learned Solicitor General. Mr. Kapil Sibal, learned senior counsel submits that more trains have to be run to speed up

transportation of workers. He further submits that there are difficulties in the registration of the workers.

Mr. Colin Gonsalves, learned senior counsel has also pointed out that there are several difficulties with regard to registration. Most of the migrant

workers do not have smart phones and therefore they are not able to comply with so many technicalities which have been required for registration. He

submits that due to difficulty in registration, the migrant workers are suffering and they have to pay a huge sum. He further submits that there has to

be free train and bus travel, free food, water and other necessities for the migrant workers by all concerned.

Ms. Indira Jaising, learned senior counsel submits that the number of trains has to be increased. She submits that looking to the number of migrant

workers, as mentioned by the Central Government in its report, sufficient time shall be taken for transporting the migrant workers and unless the

number of trains are increased, there shall be difficulty for transportation of

migrant workers. She submits that there are about 4 crores migrant workers.

Mr. Tushar Mehta, learned Solicitor General, in his rejoinder, submitted that all the migrant workers do not intend to go back to their native place due to opening up of so many industries / establishments. Some migrant workers are willing to work at different places to earn their livelihood.

Be that as it may, we are at present concerned with the miseries and difficulties of the migrant workers in going to their native place and the difficulties with which they are faced.

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.

It is further submitted by the learned Solicitor General that due to the short time available at their disposal the States could not file the complete report

and details. Some of the States have not filed any reply / response to our notice. Mr. Mehta, the learned Solicitor General also states that he should be

given some more time to file a complete and composite report.

We are of the view that both the Central Government and the State Governments / Union Territories are required to be given some reasonable time to bring the steps taken by them on the record.

There are other issues regarding the migrant workers for example after migrant workers reach their home, requirement of their food, employment etc.

Those are the issues which are to be taken after receiving the report / response / details of the scheme which are current in different States. We will consider those issues subsequently.

At present, looking into the difficulties and miseries of migrant workers, we are of the view that certain interim directions are required to be issued to

be followed by the State Governments / Union Territories and the Central Government to redeem the immediate difficulties of the migrant workers.

Pending consideration of the detailed reply and affidavits from the State Governments and the Central Government, we issue following interim

directions:

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.

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.

We are of the view that in the responses which are to be filed by the Central Government and the State Governments, all necessary details regarding the number of migrant workers, the plan to transport them to their destination, the mechanism of registration and other details should be brought on the record. The learned Solicitor General has also submitted that an estimated time period and the plan for transportation of all stranded workers shall also be intimated in the reply. Mr. Mehta, learned Solicitor General further submits that as and when the State Government send a request for train, the railways are ready to provide for transportation of the stranded workers. He further submits that the State Governments and the Central Government are taking all steps to transport all migrant workers by train / bus and the Governments are of the view that no worker should undertake on-foot journey for their destination.

Let affidavit be filed by the concerned State Governments and the Central Government within a week.

List the matter on 05.06.2020.

Mr. Shoeb Alam, learned counsel appearing for the State of Jammu and Kashmir and Union Territory of Laddak states that he be permitted to withdraw their replies and file a fresh reply within a time allowed. The prayer is allowed.