

Daily Order

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CHIEF JUSTICE AND B.V.NAGARATHNA	WP 6435/2020	26/05/2020	Today, as per the directions issued on 21st May, 2020, Shri Vijay Bhaskar, the Chief Secretary of the State Government along with Shri Rajneesh Goel, Home Secretary; Shri Rajkumar Khatri, Labour Secretary and Shri Manjunath Prasad, Nodal Officer and Revenue Secretary, remained present via video conferencing. The Chief Secretary stated that a decision has been taken by the State Government to bear the train fare and bus fare of migrant workers who wish to travel back to their respective States. He states that it will apply to those migrant workers who will travel up to and inclusive of 31st May, 2020. He states that some migrant workers who have registered earlier to go back to their respective states may not be interested in going back and therefore, by sending an SMS to the migrant workers, the State is ascertaining whether all of them want to go back. 2. When we made a query to the learned Chief Secretary whether it is possible for the State to ensure that all the migrant workers who have registered to go back to their respective States can be transported to their respective States by 31st May, 2020 and if it is not possible to provide transport up to that date to all the migrant workers who have registered, whether the State will continue to bear the train fare and bus fare after 31st May, 2020. He seeks time so that the State Government can deliberate upon the issue. The same is the statement made by the learned Additional Advocate General. For the time being, personal presence of the Chief Secretary and other Secretaries is dispensed with. 3. There is a memo filed by the State Government on 23rd May, 2020 to which a copy of the letter dated 23rd May, 2020 addressed by the Principal

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			Secretary to the Government of Karnataka in the Department of Revenue, to the Divisional Railway Manager of Railways has been annexed. The copies of the said letter have been forwarded to various authorities including the Managing Director of Bengaluru Metropolitan Transport Corporation (for short 'BMTC') and the Managing Director of Karnataka State Road Transport Corporation (for short 'KSRTC'). The letter records that the train fare of all persons traveling out of Karnataka in Shramik special trains will be paid directly to the Railways and the State will deposit the lumpsum amount into the account as indicated by the Divisional Railway Manager and the same may be adjusted towards the number of trains departed every day. Even the Managing Directors of BMTC and KSRTC have been informed of the said letter not to collect bus fare from the migrant workers and other stranded persons who have been transported to different railway stations for their travel through Shramik special trains and the mode of reimbursement to BMTC and KSRTC will be communicated separately. Though this letter does not set out 31st May, 2020 as the outer limit, the learned Additional Advocate General states that on 23rd May, 2020, the State Government has taken a decision to that effect. 4. However, we find that the State has not placed on record any material to show that whether all the migrant workers who have registered themselves on Seva Sindhu website for accommodating them in Shramik special trains or the buses to the nearby States can be transported by 31st May, 2020. The data of the migrant workers who have registered themselves for returning to their respective States but now do not want to go back, is also not placed on record. 5. As some apprehension was expressed by learned Additional Advocate General whether the Shramik special trains would continue to operate after 31st

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			May, 2020, the learned Additional Solicitor General of India stated that though he may not have instructions in writing, but the Shramik special trains can continue to be run by the Railways even after 31st May, 2020 provided requisitions come from the concerned State Governments. 6. The learned counsel appearing for the applicant – All India Central Council of Trade Unions (for short ‘AICCTU’) has submitted a memo on record on 26th May, 2020 setting out several factual aspects and especially the fact that on 23rd May, 2020, thousands of migrant workers gathered at Palace Ground and what happened on that day on the Palace Ground. It is stated that more than 30% to 40% of them who were standing in hot sun were women, children and senior citizens. They did not have food or water. However, on this aspect, Shri Vikram Huilgol, learned Additional Government Advocate stated that he visited the place on 23rd May, 2020 and he described what exactly transpired there. 7. Though our earlier orders and especially the order dated 12th May, 2020 records the necessity of informing the migrant workers a schedule or atleast outer limit within which arrangements will be made to enable them to go back to their respective States, the State has not placed any material on record to show that any such information has been furnished to the migrants who have registered themselves to go back. Perhaps, the situation which arose on 23rd May, 2020 is due to the lack of certainty or lack of information being communicated to the migrant workers who are eager to go back to their respective States.

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			8. The State Government cannot make a general statement that some migrant workers who have already registered on Seva Sindhu are not willing to go back to their respective States. It is pointed out by the learned Additional Advocate General that recently two trains which left from Karnataka for Uttar Pradesh had vacant seats. 9. It is not possible to accept as of today that, only by sending SMS to migrant workers who have registered themselves, the State can make a claim that some of the migrant workers do not now wish to go back to their respective States. In fact, in the last written submissions filed by the State Government, it is brought on record that large number of migrant workers could not register themselves on the website and therefore, the Police were instructed to take written applications from them for registration on the website. 10. Therefore, the State shall place on record, the following details: (i) The total number of migrant workers who have registered themselves on Seva Sindhu website for going back to their respective States by Shramik special trains. This figure shall be as of tomorrow (27th May, 2020); (ii) The State Government shall also place on record the number of migrant workers who have been transported back to their respective States till 27th May, 2020; (iii) The State will also place on record the figure of such migrant workers who have now stated that they do not wish to go back to their respective

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			States; (iv) While giving the aforesaid figures, the State will give districtwise breakup of the migrant workers who have registered themselves to go back to their respective States by Shramik special trains; (v) The State will also give the breakup indicating the States to which the migrant workers have applied to go back; (vi) The State shall also place on record the details of the requests made by it to the Railways to run Sharmik special trains to various places up to and inclusive of 31st May, 2020; (vii) The State will also place on record the efforts made to allow migrant workers to register themselves on Seva Sindhu who are not in a position to use the internet for registering themselves; (viii) The State shall now place on record whether any communication has been issued through the NGOs, Unions, etc., to the migrant workers who have already been registered, about the possible outer limit within which arrangements will be made for transporting them; (ix) The State will also place on record such other details as may be found relevant in this connection

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			to satisfy the Court that State Government is making all possible arrangements for smooth transportation of all migrant workers who have registered to go back to their respective States by Shramik special trains. 11. Some grievance is made in the memo filed by AICTTU about the failure of the Railways to provide adequate food. The learned Additional Advocate General stated that in fact, food kits are being supplied by the Labour Department of the State to all the migrant workers who are traveling by Shramik special trains from Karnataka to other States. 12. The learned Additional Solicitor General stated that Railways have made adequate arrangements for providing sufficient food and water to the migrant workers who are allowed to travel by Shramik special trains. 13. It will be appropriate if both the State Government and Central Government place on record the details of the arrangements which are made by the State Government as well as by the Indian Railways to provide food and water to the migrant workers who are traveling by Shramik special trains, which will take care of three meals a day. This is in the context of the fact that train journey to States like Uttar Pradesh, Bihar, West Bengal, Orissa takes two to three days. 14. Notwithstanding the earlier orders, the State has not addressed the issue of payment of wages to migrant workers who are returning back, especially

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			those workers who were employed by or on the Projects of the State, Agencies and instrumentalities of the State. 15. In the Memo filed by the Applicant - Union, they have given example of migrant workers working on the Waste Treatment Plant of Bangalore Water Supply and Sewarage Board (BWSSB). It is alleged that migrant workers working on the Waste Treatment Plant have not been paid wages for several months. 16. The State Government and Central Government shall place their response on record by day after tomorrow (28th May, 2020) morning and copies be supplied to all the counsel appearing for the parties in this matter. 17. It will be appropriate if the Central Government places on record its assurance that even after 31st May 2020, if request comes from the State Government for arranging Shramik special trains from State Karnataka, the same will be favourably considered by the Railways. 18. If AICCTU or any other Unions or NGOs who are working in the field have a list of migrant workers available who wish to travel back to their respective States, they are free to submit the said list to the State Government so that the State Government can ensure that those migrant workers are registered on Seva Sindhu and the requisition can be submitted by the State Government to the Railways arranging for Shramik special trains.

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			On the issue of migrant workers who wish to travel by Shramik special trains to their respective States, the case will be heard on 28th May, 2020 at 02.30 p.m.

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