

IN THE HON'BLE SUPREME COURT OF INDIA

(ORIGINAL CIVIL JURISDICTION)

I.A. NO. 51634 OF 2020

IN

SUO MOTU WRIT PETITION (CIVIL) NO. 6 OF 2020

IN THE MATTER OF

**IN RE: PROBLEMS AND MISERIES ...PETITIONER (S)
OF MIGRANT LABOURERS**

AND IN THE MATTER OF

**NATIONAL HUMAN RIGHTS ...APPLICANT
COMMISSION**

WITH

**I.A. No. _____ OF 2020: Application for Intervention on behalf
of the Applicant– National Human
Rights Commission under Section 12
(b) of the Protection of Human Rights
Act, 1993**

**I.A. No. _____ OF 2020: Application seeking listing due to
extreme urgency and exemption
from filing duly affirmed affidavit.**

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR APPLICANT: MOHIT PAUL

INDEX

S.NO.	PARTICULARS	PG. NO.
1.	Application for Intervention on behalf of the Applicant– National Human Rights Commission under Section 12 (b) of the Protection of Human Rights Act, 1993 along with supporting affidavit.	1 – 9
2.	ANNEXURE A-1: A copy of order dated 26.05.2020, passed by this Hon’ble Court in SMW No. 6 of 2020.	10 – 13
3.	ANNEXURE A-2: A copy of order dated 26.05.2020, passed by this Hon’ble Court in SMW No. 6 of 2020.	14 – 24
4.	Application seeking listing due to extreme urgency and exemption from filing duly affirmed affidavit 1993 along with supporting affidavit.	25 – 30
5.	Vakalatnama	31

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(ORIGINAL CIVIL JURISDICTION)

I. A. NO. 51634 OF 2020

IN

SUO MOTU WRIT PETITION (CIVIL) NO. 6 OF 2020

IN THE MATTER OF

**IN RE: PROBLEMS AND MISERIES
OF MIGRANT LABOURERS**

AND IN THE MATTER OF

**NATIONAL HUMAN RIGHTS ...APPLICANT
COMMISSION**

**APPLICATION FOR INTERVENTION ON BEHALF OF
THE APPLICANT – NATIONAL HUMAN RIGHTS
COMMISSION UNDER SECTION 12 (b) OF THE
PROTECTION OF HUMAN RIGHTS ACT, 1993**

**To
THE HON'BLE CHIEF JUSTICE
AND HIS HON'BLE COMPANION JUSTICES
OF THE HON'BLE SUPREME COURT OF INDIA**

**THE HUMBLE APPLICATION
OF THE APPLICANT
ABOVE-NAMED**

MOST RESPECTFULLY SHOWETH:

1. This Hon'ble Court in *Suo Motu Writ Petition No. 6 of 2020*, vide order dated 26.05.2020, took cognizance of problems and miseries of migrant labourers who had been stranded in different parts of the country after the nation-wide lockdown. This Hon'ble Court was of the view that

although the Government of India and the State Governments had taken measures yet there have been inadequacies and certain lapses. Further, this Hon'ble Court was of the view that effective concentrated efforts was required to redeem the situation and thus issued notice to Union of India and all the States/UT's to submit their response looking into the urgency in the matter.

A copy of order dated 26.05.2020, passed by this Hon'ble Court in SMW No. 6 of 2020 is annexed hereto and marked as **ANNEXURE – A/1. (From Pg. No. 10 to 13)**

2. This Hon'ble Court on 28.05.2020, looking into the difficulties and miseries of the migrant workers issued the following interim directions in the captioned writ petition:

“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.”

A copy of order dated 28.05.2020, passed by this Hon’ble Court in SMW No. 6 of 2020 is annexed hereto and marked as **ANNEXURE – A/2. (From Pg. No. 14 to 24)**

3. That the instant application for intervention is being filed on behalf of National Human Rights Commission (hereinafter referred as ‘*commission*’), India that has been set up by an Act of the Parliament under the Protection of Human Rights Act, 1993 for the Protection and promotion of Human Rights. Section 12 of the act lays down the functions of the commission, including among others, to intervene in any proceedings involving any allegation of violation of human rights pending before a court with the approval of such court and also to review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for effective implementation. For ready reference Section 12 (b) is reproduced herein below:

“12. Functions of the Commission.— The Commission shall perform all or any of the following functions, namely:—

(b) intervene in any proceeding involving any allegation of violation of human rights

*pending before a court with the approval of
such court;*

4. The Commission also looking into various newspaper reports and media reports showing the unfortunate and miserable condition of the migrant workers has also taken *suo motu* cognizance of the issue and has issued notice to various government departments in 6 matters till date.
5. A key piece of legislation governing the inter-state migrant workers is the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. The Inter-State Migrant act was enacted to regulate the employment of inter-state migrant workmen and to provide for their conditions of service and matters connected thereto so as to prevent exploitation of inter-state workmen by contractors and to ensure fair and decent conditions of employment. The said act requires that all establishments hiring inter-state migrants to be registered and contractors who recruit such workmen be licensed. Under the act migrant workers were entitled to wages similar to other workmen, displacement allowance, journey allowance and payment of wages during the period of journey for the migrant workers.
6. The hardships faced by the migrant workers during the lockdown clearly shows that the act was never implemented in its true spirit.

7. That by way of the present Application, the Applicant seeks to intervene in the present matter with the leave of this Hon'ble Court to assist this Hon'ble Court with regards to formulation and implementation of effective measures for alleviation of the grievances of the migrant, which is the main objective of the captioned Suo-Motu Writ Petition.
8. The Applicant has filed a separate application for directions highlighting certain short term and long term measures that may be considered in order to decrease the plight of the migrant workers and to ensure that the human rights of these poor labourers are not violated.
9. The present application is being filed *bonafide* and in the interests of justice.

PRAYER

It is therefore, in the interest of justice that this Hon'ble Court, may be pleased to:

- a) Allow the present application for intervention filed under Section 12 (b) of the Protection of Human Rights Act, 1993 and permit the applicant to intervene in the instant matter, i.e., in the Suo Motu Writ Petition No. 6 of 2020, titled, "*In re Problems and Miseries of Migrant Labourers*";

- b) Pass such other/further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT,
AS IN DUTY BOUND, SHALL EVER PRAY.

FILED BY:



MOHIT PAUL

ADVOCATE FOR THE APPLICANT

PLACE: NEW DELHI

DATED: 03.06.2020

IN THE HON'BLE SUPREME COURT OF INDIA
(ORIGINAL CIVIL JURISDICTION)
I.ANO. ____ OF 2020

IN

SUO MOTU WRIT PETITION (CIVIL) NO. 6 OF 2020

IN THE MATTER OF

IN RE: PROBLEMS AND MISERIES ...PETITIONER (S)
OF MIGRANT LABOURERS

AND IN THE MATTER OF

NATIONAL HUMAN RIGHTS ...APPLICANT
COMMISSION

AFFIDAVIT

I, Sunil Arora s/o Late Shri K. S. Rai, aged about 58 years, R/o 716, Vikas Kunj, Vikas Puri, New Delhi-110018, posted as Deputy Registrar in the National Human Rights Commission do hereby solemnly and affirm as under:

1. That I am posted as Deputy Registrar in the National Human Rights Commission and as such I am well conversant with the facts and circumstances of the case and as such, competent and authorized on behalf of the applicant to swear to this Affidavit.
2. I state the facts stated in the accompanying application are true and correct to the best of my knowledge and the same has been drafted under my instructions.
3. That the contents of the above affidavit are true and correct and no part thereof is false and nothing material

has been concealed therefrom.

VERIFICATION

Verified at New Delhi on this _____ day of June, 2020 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of this affidavit is false and no material has been willfully concealed therefrom.


DEPONENT
 Deputy Registrar
 National Human Rights Commission
 Manav Adhikar Bhawan
 Block 'C' GPO Complex INA
 New Delhi-110023


DEPONENT
 Deputy Registrar
 National Human Rights Commission
 Manav Adhikar Bhawan
 Block 'C' GPO Complex INA
 New Delhi-110023

ANNEXURE A-1

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION****SUO MOTU WRIT PETITION (CIVIL) No(s). 6/2020****IN RE : PROBLEMS AND MISERIES OF MIGRANT
LABOURERS****ORDER**

We take suo motu cognizance of problems and miseries of migrant labourers who had been stranded in different parts of the country. The newspaper reports and the media reports have been continuously showing the unfortunate and miserable conditions of migrant labourers walking on-foot and cycles from long distances. They have also been complaining of not being provided food and water by the administration at places where they were stranded or in the way i.e. highways from which they proceeded on-foot, cycles or other modes of transport. In the present situation of lockdown in the entire country, this section of the society needs succor and help by the concerned Governments especially steps need to be taken by the Government of India, State Governments/Union Territories in this difficult situation to extend helping hand to these migrant labourers.

This Court has also received several letters and representations from different sections of society highlighting the problem of migrant labourers. The crises of migrant labourers is even continuing today with large sections still stranded on roads, highways, railway stations and State borders. The adequate transport arrangement, food and shelters are immediately to be provided by the Centre and State

Governments free of costs.

Although the Government of India and the State Governments have taken measures yet there have been inadequacies and certain lapses. We are of the view that effective concentrated efforts are required to redeem the situation. We, thus, issue notice to the Union of India and all States / Union Territories to submit their responses looking into the urgency of the matter. We direct the suo motu petition to be taken up day-after-tomorrow and we request the learned Solicitor General to assist the Court and by the next date of hearing bring in the notice of the Court all measures and steps taken by the Government of India and to be taken in this regard.

List the matter day-after-tomorrow.

The Registry is directed to serve a copy of this order to the learned Solicitor General as well as the States / Union Territories through their standing counsel today itself so that appropriate responses be brought before the Court at the earliest.

.....J.

[ASHOK BHUSHAN]

.....J.

[SANJAY KISHAN KAUL]

.....J.

[M.R. SHAH]

NEW DELHI;
MAY 26, 2020.

ITEM NO.42 VIRTUAL COURT NO.4 SECTION
PIL-W

S U P R E M E C O U R T O F I N D I A

R E C O R D O F P R O C E E D I N G S

SUO MOTU WRIT PETITION (CIVIL) No(s). 6/2020
IN RE: PROBLEMS AND MISERIES OF MIGRANT
LABOURERS

Date: 26-05-2020 This petition was called on for hearing
today.

CORAM: HON'BLE MR. JUSTICE ASHOK
 BHUSHAN
 HON'BLE MR. JUSTICE SANJAY
 KISHANKAUL
 HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) By Courts Motion

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

We issue notice to the Union of India and all States /
Union Territories to submit their responses looking into the
urgency of the matter. We direct the suo motu petition to be
taken up day- after-tomorrow and we request the learned
Solicitor General to assist the Court and by the next date of
hearing bring in the notice of the Court all measures and steps
taken by the Government of India and to be taken in this regard.

List the matter day-after-tomorrow.

The Registry is directed to serve a copy of this order to the learned Solicitor General as well as the States / Union Territories through their standing counsel today itself so that appropriate responses be brought before the Court at the earliest.

(MEENAKSHI KOHLI)
AR-CUM-PS

(RENU KAPOOR)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

Annexure A-2

ITEM NO.24+21

VIRTUAL COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTU WRIT PETITION (CIVIL) No(s). 6/2020

IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS

(IA No. 49670/2020 - APPLICATION FOR PERMISSION

IA No. 49686/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49683/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49688/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49694/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 49554/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 49682/2020 - INTERVENTION APPLICATION

IA No. 49668/2020 - INTERVENTION APPLICATION

IA No. 49693/2020 - INTERVENTION APPLICATION

IA No. 49553/2020 - INTERVENTION APPLICATION

IA No. 49685/2020 - INTERVENTION/IMPLEADMENT

IA No. 49687/2020 - INTERVENTION/IMPLEADMENT)

WITH

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

Date: 28-05-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) By Courts Motion

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Rajat Nair, Adv.
Mr. Saurabh Mishra, Adv.
Kanu Agrawal, Adv.
Mr. B.V. Balramdas, AOR

States

AP Mr. Abhimanyu Tewari, Adv.
Ms. Eliza Bar, Advocate

Arunachal Pradesh Mr. Anil Srivastava, AAG

Assam Mr. Nalin Kohli, AAG
Mr. Shuvodeep Roy, Adv.

Bihar Mr. Manish Kumar, AOR

Digitally signed by
MEENAKSHI KOHLI
Date: 2020.05.28
19:23:29 +05'30'
Reason: I am the original

Chhattisgarh Mr. S.C. Verma, Adv. Gen.
Ms. Prachi Mishra, Adv.
Mr. Sumeer Sodhi, Adv.

	Mr. Pranav Sachdeva, AOR
Goa	Mr. Tushar Mehta, SG Mr. Arun Pedneker, Adv. Mr. Sachin Patil, AOR
Gujarat	Mr. Tushar Mehta, SG Mrs. Manisha lavkumar, Sr. Adv. Mr. Aniruddha P. Mayee, Adv. Deepanwita Priyanka, AOR
Haryana	Mr. Anil Grover, AAG Mr. Rahul Khurana, Adv. Mr. Sanjay Kumar Visen, Adv.
H.P.	Mr. Abhinav Mukerji, AAG Mrs. Bihu Sharma, Adv. Ms. Pratishtha Vij, Adv.
Jharkhand	Mr. Tapeshe Kumar Singh, Adv.
J&K	Mr. Shoeb Alam, AOR Mr. Mojahid Karim Khan, Adv.
Karnataka	Mr. Shubhramshu Padhi, Adv.
Kerala	Mr. G. Prakash, AOR Mr. Jishnu M.L., Adv.
Maharashtra	Mr. Rahul Chitnis ADV. Mr. Sachin Patil, AOR
Manipur	Mr. Pukhrambam Ramesh Kumar, Adv.
Meghalaya	Mr. Amit Kumar, Advocate General Meghalaya Mr. Avijit Mani Tripathi, Advocate On Record Ms. Rekha Bakshi, Advocate Mr. Shaurya Sahay, Advocate
M.P.	Mr. Saurabh Mishra, AAG Mr. Arjun Garg, Adv.
Mizoram	Mr. Siddhesh Kotwal, Adv Ms. Astha Sharma, AOR
Nagaland	Ms. K. Enatoli Sema, AOR
Odisha	Mr. Sibho Sankar Mishra, AOR
Punjab	Mr. Atul Nanda, Adv. Gen Mr. Karan Bharihoke, Adv.

Ms. Uttara Babbar, AOR

Rajasthan	Dr. Manish Singhvi, Sr. Adv. Mr. Ashish Kumar, AAG Mr. Sandeep Jha, AOR
Tripura	Mr. Shuvodeep Roy, AOR
Tamil Nadu	Mr. Jayanth Muthuraj, AAG Mr. M.Yogeshkanna AOR
U.P.	Mr. P.S. Narasimha Sr. Adv Ms. Aishwarya Bhati, AAG Ms. Garima Prashad, AOR
Uttarakhand	Dr. Abhishek Atrey, Advocate Ms. Vidyottma Jha Advocate Mr. Shadman Ali, Advocate Adv.
West Bengal	Mr. Suhan Mukerji, Adv. Mr. Shubhranshu Padhi, AOR Mr. Abhinav Mukerji, AOR

UTs

A&N island	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, AOR
D&N Haveli	Mr. R. Balasubramaniam, Sr. Adv. Mr. Prashant Singh B., Adv. Mr. Raj Bahadur Yadav, AOR
Laddak	Mr. Shoeb Alam, Adv. Mr. Mojahid Karim Khan, Adv.
Puducherry	Mr. V. G. Pragasam, AOR

Intervention/Impleadment

49693/694	Mr. Kapil Sibal, Sr. Adv. Ms. Indira Jaising, Sr. Adv. Ms. Nupur Kumar, AOR
49553/54	Mr. Abhishek Manu Singhvi, Sr. Adv. Mr. Sunil Fernandes, AOR Mr. Avishkar Singhvi, Adv Mr. Muhammad Khan, Adv. Mr. Varun Chopra, Adv. Mr. Omar Hoda, Adv.

Mr. Prastut Dalvi, Adv.
Ms. Aishwarya Mohapatra, Adv.
Mr. Gurtejpall Singh, Adv.

Applicant-in-person

49668/49670 Mr. Alakh Alok Srivastava, AOR
49687/88 Mr. Colin Gonsalves, Sr. Adv.
Mr. Satya Mitra, AOR
Mr. Gunjan Singh, Adv.
Mr. Siddharth Seem, Adv.
Mr. P. Chidambaram, Sr. Adv.
Mr. Anand Grover, Sr. Adv.
Mr. Gautam Talukdar, Adv.

Diary No(s). 11394/2020 Mr. Sanjay Parikh, Sr. Adv.
Mr. Abhimanue Shrestha, Adv.

UPON hearing the counsel the Court made the following

O R D E R

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 Jainsing, 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. 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.

4. 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.

5. 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.

6. 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

(MEENAKSHI KOHLI)
AR-CUM-PS

(RENU KAPOOR)
COURT MASTER

**IN THE HON'BLE SUPREME COURT OF INDIA
(ORIGINAL CIVIL JURISDICTION)**

I. A. NO. 51636 OF 2020

IN

SUO MOTU WRIT PETITION (CIVIL) NO. 6 OF 2020

IN THE MATTER OF

**IN RE: PROBLEMS AND MISERIES
OF MIGRANT LABOURERS**

AND IN THE MATTER OF

**NATIONAL HUMAN RIGHTS ...APPLICANT
COMMISSION**

**APPLICATION SEEKING LISTING DUE TO EXTREME
URGENCY AND EXEMPTION FROM FILING DULY
AFFIRMED AFFIDAVIT**

**To
THE HON'BLE CHIEF JUSTICE
AND HIS HON'BLE COMPANION JUSTICES
OF THE HON'BLE SUPREME COURT OF INDIA**

**THE HUMBLE APPLICATION
OF THE APPLICANT
ABOVE-NAMED**

MOST RESPECTFULLY SHOWETH:

1. That the present application is being filed by the Applicant seeking leave of this Hon'ble Court to intervene in the captioned Suo-Motu Writ Petition to address the grievances of the migrant workers and to ensure protection of their human rights.

2. The Applicant herein seeks leave to be allowed to intervene under Section 12 (b) of the Protection of Human Rights Act, 1993 in the present proceedings for the purpose of reviewing the safeguards provided under the Inter-State Migrants Act, 1979 and recommending measures for effective implementation of the same under section 12 (d) of the Protection of Human Rights Act, 1993 with respect to the plight of the stranded migrant labourers.
3. The contents of the Application for intervention and application for directions may be read as a part and parcel of the present application and the same are not reproduced expressly for the sake of brevity. The Applicant further craves the leave of this Hon'ble Court to refer to and rely on the same and the contents of the same are not being reiterated herein for the sake of brevity and to avoid prolixity.

SYNOPSIS OF EXTREME URGENCY

4. The Applicant herein, by way of the Application for intervention and Application for directions is seeking implementation of short term and long term measures that may be considered by this Hon'ble Court in order to decrease the plight of the migrant workers and to ensure that the human rights of these poor labourers are not violated due to the enforcement of the lockdown on account of the ongoing COVID-19 pandemic. Hence, the present application is moved in extreme urgency, seeking

immediate relief to direct listing and hearing of the Application for Intervention and Application for Directions on 05.06.2020 along with Suo Motu Writ Petition No. 6 of 2020.

5. It is, therefore, prayed that the applicant be exempted from filing duly affirmed affidavits in the prevailing circumstances. It undertakes that physical copies of documents relied upon in the petition, deficit court fees or other charges, if any shall be filed at the earliest.
6. The Applicant hereby gives consent that the matter may be taken up through video-conferencing mode. The Advocate-on-Record would link his own desktop through VIDYO portal facility, the link for which may be sent to email id- mohitpaul24@gmail.com or in the alternative can be contacted via FACETIME/Whatsapp video on his mobile phone no. +919810841571.
7. The instant application is bonafide and in the interest of justice and no prejudice would be caused to any of the parties if the present Application is allowed.

PRAYER

In the facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Grant urgent listing of the accompanying Application for Intervention and Application for Directions along with Suo Motu Writ Petition (Civil) no. 6 of 2020 titled 'In Re: Problems and Miseries of Migrant Labourers';

- b) Grant exemption from filing duly affirmed affidavit in the prevailing circumstances;
- c) Pass such other order(s) as this Hon'ble Court may deem fit.

**AND FOR THIS ACT OF KINDNESS THE APPLICANT
AS IN DUTY BOUND SHALL EVERPRAY.**

FILED BY:



(MOHIT PAUL)

ADVOCATE FOR THE APPLICANT

PLACE: NEW DELHI

DATED: 03.06.2020

IN THE HON'BLE SUPREME COURT OF INDIA
(ORIGINAL CIVIL JURISDICTION)
I.A.NO. ____ OF 2020

IN

SUO MOTU WRIT PETITION (CIVIL) NO. 6 OF 2020

IN THE MATTER OF

IN RE: PROBLEMS AND MISERIES ...PETITIONER (S)
OF MIGRANT LABOURERS

AND IN THE MATTER OF

NATIONAL HUMAN RIGHTS ...APPLICANT
COMMISSION

AFFIDAVIT

I, Sunil Arora s/o Late Shri K. S. Rai, aged about 58 years, R/o 716, Vikas Kunj, Vikas Puri, New Delhi-110018, posted as Deputy Registrar in the National Human Rights Commission do hereby solemnly and affirm as under:

1. That I am posted as Deputy Registrar in the National Human Rights Commission and as such I am well conversant with the facts and circumstances of the case and as such, competent and authorized on behalf of the applicant to swear to this Affidavit.
2. I state the facts stated in the accompanying application are true and correct to the best of my knowledge and the same has been drafted under my instructions.
3. That the contents of the above affidavit are true and correct and no part thereof is false and nothing material

has been concealed therefrom.

VERIFICATION

Verified at New Delhi on this day of June, 2020 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of this affidavit is false and no material has been willfully concealed therefrom.


DEPONENT

(Advocate)
Deputy Registrar (Law)
National Human Rights Commission
Manav Adhikar Bhawan
Block C GPO Complex INA
New Delhi-110023


DEPONENT

(Advocate)
Deputy Registrar (Law)
National Human Rights Commission
Manav Adhikar Bhawan
Block C GPO Complex INA
New Delhi-110023

IN THE SUPREME COURT OF INDIA
ORIGINAL/CRIMINAL/ JURISDICTION

31

SUO MOTU WRIT PETITION (CIVIL) No. 6 of 2020

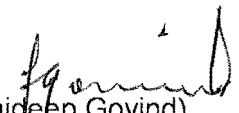
IN RE: PROBLEMS AND MISERIES OF MIGRANT LABOURERS

I, Shri Jaideep Govind, Secretary General, NATIONAL HUMAN RIGHTS COMMISSION do hereby appoint and retain Shri Mohit Paul, Advocate to act, appear and plead for me/us in the above W.P./Appeal/Petition/Reference and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any application for review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said matter and in application for review and to compromise, settle and/or withdraw or to the withdrawal of said matter or any proceedings arising therein to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/we agree to ratify all acts done by the above named Advocate in pursuance of this Authority.

Dated this the 03 day of JUNE 2020

Accepted:

(Mohit Paul)
Advocate, Supreme Court


(Jaideep Govind)
(JAIDEEP GOVIND), IAS
Secretary General
National Human Rights Commission
Block-C, GPO Complex, 1st Fl.,
New Delhi-110023

MEMO OF APPEARANCE

To
The Registrar
Supreme Court of India

Sir,

Please enter my appearance on behalf of the National Human Rights Commission in the above matter.

Dated 03/06/ 2020


Advocate