

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY

:PRESENT:

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

WP(PIL).NOS : 103, 73 AND 94 OF 2020

WP(PIL).NO.103 OF 2020

Between:

S Jeevan Kumar, S/o Late S V Ramalcrishna Aged about 70 years, occ: Retired Lecturer And HRF Coordination Committee Member r/o H.No. 3-12-117/A2/B, PS colony Ramanthapur, Hyderabad - 500013 Phone Number. 9848986286 Email. lcumjeevan@gmail.com Aadhar No.835699738687

...Petitioner

AND

1. State of Telangana, rep by its Chief Secretary Secretariat Buildings, Hyderabad
2. State of Telangana, rep by its Principal Secretary Department of Home (Law and Order) Secretariat Buildings, Hyderabad
3. State of Telangana, rep by its Principal Secretary Department of Labour Secretariat Buildings, Hyderabad
4. Director General of Police, State of Telangana Hyderabad
5. District Collector, Hyderabad District Hyderabad
6. District Collector, Rangareddy District Lakadikapul, Hyderabad
7. District Collector, Medchal Malkajgiri District Medchal
8. District Collector, Sangareddy District Sangareddy
9. District Collector, Karimnagar District Karimnagar
10. District Collector, Peddapally District Peddapally
11. District Collector, Warangal District Warangal
12. District Collector, Yadadri Bhuvanagiri Bhuvanagiri
13. District Collector, Nizamabad District Nizamabad
14. District Collector, Nalgonda District Nalgonda
15. District Collector, Khammam District Khammam
16. District Collector, Rajanna Sircilla District Sircilla
17. Commissioner of Labour, Door No 1-1-18/73, Anjaiah Sankshema Bhavan, RTC X Roads, Hyderabad - 500020
18. Principal Chief Engineer, South Central Railway, Rail Nilayam, Secunderabad, Telangana-500 071.
19. Divisional Railway Manager, South Central Railway, Sanchalan Bhavan, Secunderabad. (RR18 and 19 are implemented as per Court order dated 09-06-2020 in IA. No. 3 of 2020 in WP (PIL). NO. 103 of 2020)

....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring that the inaction of the Respondent Nos 5-16 being the District Collectors and the Respondent No 17 in not identifying and registering the brick kiln workers who have to be transported to Western Orissa being the end of season of brick making and instead letting them to walk the highways as arbitrary and discriminatory and to consequentially direct the Respondent No 5-16 along with the office of Respondent No 17 to visit each of the brick kilns in the eleven districts and identify and list the brick kiln workers and make reservations and arrange trains and buses for their journey to Western Orissa and to submit a Report to this Hon'ble Court

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondent Nos. 5, 6 and 7 to provide shelter, food and toilets and arrange adequate trains and buses for those brick kiln

workers who are stranded at various points in Hyderabad and Medchal, Pending disposal of WP(PIL) 103 of 2020, on the file of the High Court.

WP(PIL). No. 73 of 2020

Between:

Sri. Mr. P.V.Krishnaiah, Advocate, Pent House, 4th Floor, Iyyengar Plaza Complex, 5-1-681/1, 2 Bank Street, Koti, Hyderabad 500 095

Petitioner

AND

1. Union of India, rep. by its Secretary Department of Medical and Health, Central Secretariat, New Delhi
2. Indian Council of Medical Research (ICMR), Indian Council of Medical Research (ICMR) COVID-2019. New Delhi
3. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad.
4. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad
5. State of Telangana, Represented by its Principal Secretary, Home Department, Secretariat, Hyderabad
6. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad
7. The Director of Medical and Health, Government of Telangana, Koti, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 16.04.2020 sent by the petitioner herein through email, the High Court may be pleased to issue an appropriate Writ, Order or Orders more particularly, one in the nature of a Writ of Mandamus to call for remarks from the Respondents herein relating to and in connection with restraining/preventing migrated workers, their families and small kids, to leave Hyderabad City for their various native States, more particularly State of Chhattisgarh and provide all necessary arrangements/transport facilities to reach their native States or alternatively, to provide transport facilities to enable such migrated workers to reach their native states and native places, after obtaining appropriate permissions or granting exemption as per law, in view of the practical difficulties being faced by the migrated workers during the lock down period and that thousands of migrated workers and their families including their small kids along with their luggage are leaving for their own State, i.e. Chhattisgarh etc., by walking hundreds of kilometers during summer season and there is a chance of losing their life and thereby depriving their fundamental right under Article 21 of the Constitution of India. Consequently to direct the Respondents herein to

a)Direct the State of Telangana to prevent/restrain the migrated workers to leave the Hyderabad City/ State of Telangana to their native states by walk, and provide necessary arrangements for their stay in their respective places, i.e. Hyderabad City/State of Telangana where they are residing prior to imposition of lock down, i.e. shelter, food, medicines and other essential services, or alternatively

b)Direct the State of Telangana to provide transport facilities to enable such migrated workers to reach their native states and native places, after obtaining appropriate permissions or granting exemption as per law, and keeping in view of the practical difficulties which are being faced by the migrated workers during the lock down period,

WP(PIL).NO.94 OF 2020

Between:

Prof Rama Shankarnarayan Melkote, W/o. Shankar Narayan Sita Ram Rao Melkote

Petitioner

AND

1. State of Telangana, Rep by its Chief Secretary Department of Home Secretariat Buildings, Hyderabad
2. State of Telangana, Rep by its Principal Secretary Department of Home (Law and Order), Secretariat Buildings, Hyderabad
3. State of Telangana, Rep by its Principal Secretary Department of Transport Secretariat Buildings, Hyderabad
4. Director General of Police, State of Telangana, Hyderabad
5. Collector, Medchal Malkajgiri District, Medchal
6. The Commissioner of Police, Cyberabad, Rangareddy District.
7. The Commissioner of Police, Rachakonda, Rangareddy District.

8. The Superintendent of Police, Adilabad District, Adilabad
9. The Station House Officer, Medchal Police Station, Rangareddy District
10. The Union of India, Represented by the Secretary, Ministry of Home, North Block, New Delhi - 110001

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring that the action of the Respondent No 4, 6 and 7 in forcibly transporting migrant people belonging to UP, Bihar, West Bengal, Orissa, Jharkhand from various points in the city by way of RTC buses and private buses to the Telangana Maharashtra border at Adilabad particularly when adequate trains are running from Ghatkesar, Lingampally and Bolaram railway stations in Hyderabad and not registering them for train travel as irresponsible, arbitrary, discriminatory and in violation of Proceedings issued by the Respondent No 10 being the Home Secretary, D.O. No 40-10/2020-DM-I(A) dated 18/05/2020 of ensuring safe travel to migrant people and to consequentially direct the Respondent No 4, 6 and 7 to pick up walking migrant people in RTC buses and transport them to the nearest police station for registration for train travel in Shramik trains and in the interim to house them in shelter homes for providing food, water and toilet facilities and subsequently enable transport to the railway stations at the appropriate time in terms of D.O. No 40-10/2020-DM-I(A) dated 18/05/2020;

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct Respondent No 4, 6 and 7 to arrange follow-up transport services for the migrant people stranded at the Adilabad border to their destination towns and to arrange food, water and toilets at the Telangana Maharashtra border at Adilabad for those migrant people who have already arrived by way of RTC and other private buses, pending disposal of WP(PIL) 94 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct Respondent No 4, 6 and 7 to forthwith stop the practice of transporting migrant people particularly those belonging to UP, Bihar, Orissa, Jharkhand and West Bengal to the Telanagna Maharashtra border at Adilabad on the NH 44 highway, pending disposal of WP(PIL) 94 of 2020, on the file of the High Court.

These petitions coming on for hearing, upon perusing the Petitions and the affidavits filed in support thereof and orders of the High Court dated 22.05.2020, 29.05.2020, 02.06.2020 & 10.06.2020 made herein and upon hearing the arguments of Smt Vasudha Nagaraj Advocate for the Petitioners and Advocate General for the respondents, the Court made the following.

ORDER

In order dated 10.06.2020, this Court had noted that five Sramik Trains would begin plying from 11.06.2020, but only for Odisha. Therefore, this Court had directed the State to request the South Central Railways to restart Sramik Trains for the far off destinations of Uttar Pradesh, Madhya Pradesh, Rajasthan, Bihar and Jharkhand. This Court had further directed the Government to use the Road Transport Corporation ('RTC') buses for transporting the stranded migrant workers to the neighbouring States of Maharashtra, Karnataka, Chattisgarh, Odisha and Andhra Pradesh etc.

The learned Standing Counsel for the Railways informs this Court that although the Railways is willing to restart the Sramik Trains, it is

not willing to add/demarcate certain bogies as *Sramik* bogies in those trains, which are running on a regular basis. According to the learned counsel, since the regular trains are completely booked till October, 2020, it is not possible for the Railways to cancel the tickets, and to substitute the stranded migrant workers in place of the regular passengers.

However, the learned counsel for the petitioner submits that since it is the duty of the State to transport the stranded migrant workers, in case *Sramik* Trains are required to be plied, the State will be burdened with an expenditure of Rs.10.00 lakhs for a single *Sramik* Train. Since there may not be sufficient number of stranded migrant workers, who need to be transported to different destinations, the State would unnecessarily be burdened with huge expenditure for running of the *Sramik* Trains. Because of this reason, the State is not willing to request the Railways to restart the plying of *Sramik* Trains.

The learned counsel for the petitioner further informs this Court that although this Court had earlier directed the State to house the stranded migrant workers in a school opposite Uppal Bus Stand, subsequently, it has been found that the said school is being used as an Orphanage for girls. Therefore, it is not possible to house the stranded migrant workers in the said school. According to the learned counsel, the stranded migrant workers continue to be housed in a smaller school campus. Although the smaller school campus can comfortably house only 120 migrant workers, presently, about 350 migrant workers are being housed in the said campus. Therefore, there is heavy overcrowding in the said campus. Because the campus is a small one, there is no possibility for the migrant workers to observe social distancing. Thus, the campus would become a hotspot for the spread of Coronavirus. Moreover, due to the cramped space, due to the overcrowding, the migrant workers are forced to live in unhygienic conditions till they are transported to their homes/towns. Therefore, the learned counsel prays that immediate steps should be taken by the State to shift the number of migrant workers to another comfortable accommodation, where they can safely be housed till they are transported out of the State, or sent to their homes.

The learned counsel for the petitioner further submits that since not too many migrant workers need to be transported, as there are only about 350 migrant workers, the possibility of transporting them by buses should also be explored by the State Government. For the purpose of transporting them by road, the buses of RTC can be utilized. According to her, although it may take thirty-six hours for a migrant worker to travel from Hyderabad to Patna, the Government can certainly be directed to look after their needs during the course of their journey.

Considering the options given by the learned counsel for the petitioner, and the difficulties pointed out by the learned counsel for the Railways, this Court passes the following directions:-

Firstly, the State Government is directed to consult the South Central Railways, and to see if there is a possibility of transporting the stranded migrant workers through *Sramik* Trains, which may not contain twenty-four bogies, but may be reduced to the number of bogies, which may comfortably carry the migrant workers on their journey back home. The State Government is also free to request the South Central Railways to reduce the amount to be paid by the State on a *pro rata* basis. It is hoped that the South Central Railways would also rush to the rescue of the migrant workers, as it is equally the responsibility of the South Central Railways to help the State Government in transporting the stranded migrant workers out of the State.

Secondly, in case the stranded migrant workers cannot comfortably be transported through the Railways, the State is directed to seriously consider the option of transporting the migrant workers by RTC buses. Of course, the State is required to look after the needs of the migrant workers during the course of their journey by buses.

Thirdly, considering the fact that the transportation issue will require some time to be resolved, considering the fact that the migrant workers are presently housed in a very small campus, which is needlessly leading to overcrowding, Mr. B.S. Prasad, the learned Advocate General, is directed to submit the affidavits of the Principal Secretary, Social Welfare Department, and Principal Secretary, Labour with regard to the conditions under which the migrant workers are presently being housed by the Government.

Fourthly, the State Government is directed to immediately take concrete steps for decongesting the small campus where the migrant workers are presently being housed, and to provide sufficient comfortable accommodation to the migrant workers near the Secunderabad Railway Station. The Government is directed to explore the possibility of housing the migrant workers in Manoranjan Complex, near Exhibition Grounds, Nampally, as this Court is informed that the Complex belongs to the Telangana Housing Board. The Government should also provide bus facility in case the migrant workers need to be brought to the Railway Station so that they can board the trains, if any. It is the duty of the Government to ensure that those migrant workers, who need to travel by trains, are brought to the Railway Station 120 minutes prior to the time for the departure of the train. It is the duty of the Railways to ensure that when the migrant workers are brought through buses, they are

comfortably accommodated while maintaining social distancing and are permitted to safely board the trains.

Lastly, the State Government is directed that in case the migrant workers were to be accommodated in a separate accommodation, their daily needs and requirements are duly met and it is ensured that social distancing is being observed and the migrant workers are accommodated in hygienic condition. Since these stranded migrant workers may include pregnant women, lactating women, small children, and elderly persons, the State is directed to ensure that nutritional food for these four categories of persons is duly provided. Moreover, the State should also ensure that there is sufficient medical help to look after these four categories of persons.

The learned Advocate General is directed to submit his Report on 22.06.2020.

. List this case on 22.06.2020.

Sd/- CH.VENKATESWAR
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Chief Secretary, State of Telangana, Secretariat Buildings, Hyderabad
2. The Principal Secretary Department of Transport, State of Telangana, Secretariat Buildings, Hyderabad
3. The Principal Secretary Department of Labour, State of Telangana, Secretariat Buildings, Hyderabad
4. The Principal Secretary Social Welfare Department, State of Telangana, Secretariat Buildings, Hyderabad
5. Commissioner of Labour, Door No 1-1-18/73, Anjaiah Sankshema Bhavan, RTC X Roads, Hyderabad – 500020 (Addressees 1 to 5 by SPL. MESSENGER)
6. The Member Secretary, Legal Service Authority, High Court, Hyderabad
7. One CC to Smt Vasudha Nagaraj Advocate [OPUC]
8. Two CC to GP for GAD, High Court, Hyderabad (OUT)
9. Two CC to GP for Home, High Court, Hyderabad(OUT)
10. Two CC to GP for Revenue, High Court, Hyderabad(OUT)
11. Two CC to GP for Labour High Court, Hyderabad(OUT)
12. One CC to Sri Namavarpu Rajeshwar Rao, Assistant Solicitor General, High Court, Hyderabad (OPUC)
13. One CC to M/s. Pushpinder Kaur, Advocate (OPUC)
14. Two CC to Advocate General, High Court, Hyderabad (OUT) (By Special Messenger)
15. Two spare copies

HIGH COURT

HCJ & BVR,J

DATED: 19.06.2020

NOTE: LIST THESE CASES ON 22.06.2020

WP (PIL).NOS.103, 73 AND 94 OF 2020

DIRECTION

