

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2020

(Under Article 32 of the Constitution of India)

(Public Interest Litigation)

**IN THE MATTER OF:**

Janghyaseni Mohapatra

... Petitioners

Versus

Union of India & Ors.

... Respondents

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

Filed on: 21.5.2020

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ADVOCATE FOR THE PETITIONERS: SATYA MITRA

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PROFORMA FOR FIRST LISTING

SECTION \_\_\_\_\_

The case pertains to (Please tick/check the correct box):

- |   |      |
|---|------|
| <input type="checkbox"/> Central Act: Constitution of India |      |
| <input type="checkbox"/> Section: Article 21                |      |
| <input type="checkbox"/> Central rule:                      | N.A. |
| <input type="checkbox"/> Rule no(s):                        | N.A. |
| <input type="checkbox"/> State Act:                         | N.A. |
| <input type="checkbox"/> Section:                           | N.A. |
| <input type="checkbox"/> State Rule:                        | N.A. |
| <input type="checkbox"/> Impugned Interim Order date:       | N.A. |
| <input type="checkbox"/> Impugned Final Order/Decree Date:  | N.A. |
| <input type="checkbox"/> High court name:                   | N.A. |
| <input type="checkbox"/> Name of Judges:                    | N.A. |
| <input type="checkbox"/> Tribunal/Authority(Name):          | N.A. |

1. Nature of matter: ☐ Civil ☐ Criminal

2. (a) Petitioner/Appellant No.1: Janghyaseni Mohapatra

(b) E-mail ID: kadamnuapada@gmail.com

(c) Mobile Phone Number: 9668203921

3. (a) Respondent No.1: Union of India

(b) E-mail ID: N.A.

(c) Mobile Phone Number: N.A.

4. (a) Main category classification: N.A.

(b) Sub classification: N.A.

5. Not to be listed before: N.A.



6. Similar/Pending matter: N.A.
- a. Similar disposed of matter with citation, if any, & case details: No similar matter is disposed of.
- b. Similar pending matter with case details: No similar case is pending.
7. Criminal matters:
- a. Whether accused/convict has surrendered: Yes ☐ No ☐
- b. FIR No.: N.A. Date: N.A.
- c. Police Station: N.A.
- d. Sentence Awarded: N.A.
- e. Sentence Undergone: N.A.
8. Land Acquisition Matters:
- a. Date of section 4 notification: N.A.
- b. Date of section 6 notification: N.A.
- c. Date of section 17 notification: N.A.
9. Tax Matters: State the tax effect: N.A.
10. Special Category (first petitioner/appellant only):
- ☐ Senior citizen > 65 years ☐ SC/ST ☐ Woman/Child
- ☐ Disabled ☐ Legal Aid case ☐ In custody
11. Vehicle No.(In case of Motor Accident Claim matters): N.A.

Date: 21.5.2020



(Satya Mitra)

AOR for Petitioner

Registration No. 1852

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**SYNOPSIS**

1. This Public Interest Litigation is being filed seeking urgent reliefs for the lakhs of migrant workers in the country trying to return from their places of work to their home towns or villages. More than 139 migrant workers and their kin have died and several hundred others have been seriously injured since the imposition of the nationwide lockdown on 24.3.2020 till date attempting to return to their homes by walking along the roads. The instant PIL seeks directions to the Union of India and all the State Governments to facilitate the migrant workers wishing to return to their home towns and villages, by providing them suitable transport safely and free of cost. The Petitioners pray this Hon'ble Court to direct the Union of India and all the State Governments to follow the model prepared for this purpose by the State of Odisha, which is providing vehicles for transport to migrant workers from the point where they reach the State's borders to their homes within Odisha, or to the appropriate points on the inter-state boundaries to those transiting through the State.
2. The Petitioner is a social worker based in Nuapada in the State of Odisha and has been working for the cause of labour rights for many years and has also been involved in rescue of bonded labourers. She also works to ensure reproductive rights of women. During the period of lockdown, she has worked extensively to provide relief in form of food grains and ration to the poorer

sections of society, has participated in creating awareness regarding COVID-19 and the precautions required to be taken such as “social distancing”, has distributed masks, and has also worked closely with the administration officers to aid the process of pandemic control and relief work.

### **FACTS**

3. Since the lockdown was imposed all across the country on 24.3.2020, lakhs of migrant workers in India have suffered unprecedented human rights violations due to the lack of adequate preparations and provisioning on behalf of the Central and State Governments. With the closing down of businesses and factories, lakhs of migrant workers were denied wages by their employers and many lost their jobs. As their meagre savings began to dry up, migrant workers and their family and kin began to face imminent starvation and financial insecurity. They were left with no option but to return to their villages in their home States.
4. However, since public transport had been brought to a halt altogether, lakhs of migrant workers and their family members, including young children, women and elderly persons started walking hundreds of kilometers to their home States.
5. While a few trains and buses have recently been operated by the Central and State Governments, they have not been adequate to cater to all those in need. Unable to wait any longer for want of

money and food, lakhs of migrant workers continue to attempt to reach their home villages/towns on foot.

6. While attempting to travel hundreds of kilometers to return to their homes, more than 139 migrant workers and their kin have lost their lives from 24.3.2020 till date, and several hundred others have suffered physical injuries. Following is a list of some of such instances:

- i. 28.3.2020- One migrant worker, 39 year old Ranveer Singh, collapsed and died after walking 200 kms. He was walking from Delhi to his home in Morena, Madhya Pradesh. His autopsy showed that he died of a heart attack triggered by exhaustion.
- ii. 1.4.2020- One migrant road construction worker, 40 year old Vilas Mahto, died in Rohtas district in Bihar. He was walking from Allahabad, where he worked, to his village in Bihar nearly 400 kms away. After walking about 250 kms he collapsed and died due to a heart attack caused by exhaustion.
- iii. 21.4.2020- A 12 year old girl died in Bijapur, Chhattisgarh, after walking for 150 kms from the chilly fields in Telangana where she had been working for two months. She had walked for three days and suffered vomiting and stomach ache. According to the doctors, the girl was severely dehydrated and malnourished.

- iv. 8.5.2020- 16 migrant workers were killed and five injured in Aurangabad district in Maharashtra when a goods train ran them over. They were returning to their homes in Madhya Pradesh walking along the railway line. They were exhausted and so took rest on the railway track, and had fallen asleep.
- v. 13.5.2020- Six migrant workers were killed and five seriously injured in Muzzafarnagar district in Uttar Pradesh when a speeding bus ran over them on the Delhi-Saharanpur Highway. They were walking from Punjab to their homes in Bihar.
- vi. 13.5.2020- In another instance on the same day, one migrant worker was killed and three injured in Chitrakoot district of Uttar Pradesh by a speeding truck. The four persons were returning from Raipur in Chhattisgarh to their hometown Saharanpur in Uttar Pradesh.
- vii. 14.5.2020- Three migrant workers were killed and four injured in Barabanki, Uttar Pradesh. They were travelling from Surat in Gujarat to Bahraich in Uttar Pradesh. They were waiting for conveyance on the Lucknow-Ayodhya National Highway when a speeding truck hit them.
- viii. 15.5.2020- A 56 year old migrant worker, Dhubei Charan Mohanty, slumped to death at Laxmannath tollgate on the Odisha-Bengal border while trying to return from Kolkata to his village in Puri, Odisha. According to a doctor at the

GK Bhattar Hospital, he suffered acute dehydration leading to cardiac arrest.

### **VIOLATION OF RIGHT TO LIFE UNDER ARTICLE 21**

7. The fact that migrant workers are suffering physical injuries and losing their lives while trying to walk back to their home States is an affront to and a violation of their Fundamental Right to Life guaranteed by Article 21 of the Constitution of India, and is a slur on any civilized democratic nation.
8. On 12.5.2020, the Hon'ble High Court of Karnataka at Bengaluru vide its order in WP 6435 of 2020 held that considering their constitutional rights, no migrant worker can be denied the opportunity to travel back to their home State if they wish to do so. The relevant portions of the High Court's order are as under:

"3... the State Government has reiterated that the migrant workers from other States will be permitted to travel back to their respective States, even as of today, a large number of migrant workers are found on highways who are making an endeavor to walk upto their respective States. One reason for this is that the assurance of the State Government that every migrant worker will be allowed to go back to his home State has not reached the migrant workers. They feel insecure about their prospects of returning to their respective homes

and, therefore, in the entire State, we see a scenario of the migrant workers walking on the highways.

...

10. Prima facie, it appears to us that considering the constitutional rights of the migrant workers, no one should be deprived of an opportunity to go back to his own State only for the reason that he has no capacity to pay for the transport. The reason is that inability to pay is due to loss of livelihood.

...

12. The State Government and the Central Government, during this difficult time, must appreciate the major contribution made by the migrant workers in a large number of public projects as well as private projects which have contributed to the improvement of the infrastructure in all the States and the improvement of economy. At a time when the migrant workers who have made such a huge contribution are facing distress, both the Central and State Government must come forward to help them to ensure that at the earliest, they return back to their home States. Ideally, no migrant worker should be deprived of an opportunity to travel back to his home State if he wishes to do so."

9. On 14.5.2020, the Hon'ble High Court of Gujarat at Ahmedabad vide its order in Writ Petition (PIL) No. 42 of 2020 titled *Suo Moto v. State of Gujarat & Ors.* raised the question why the State of Gujarat was not ready to ply the 8000 buses owned by the Gujarat

State Road Transport Corporation and why a huge amount was being demanded from the migrant workers for the purpose of purchasing ticket of a luxury bus. The relevant portions of the High Court's order are as under:

"9... The most grave and serious problem as on date within the State is hunger. People are without food, more particularly, the migrants, the labourers and the people hailing from the poor and downtrodden class of the society. In our order dated 11<sup>th</sup> May 2020, we pointed out that the poor class of society is not worried about the virus, but, they are worried about starvation.

...

17... Once again, we observe that this is not the time to educate the migrant workers, poor and the needy people of the concept of social distancing, etc. They will never be able to understand any such concept. They are not worried about the virus. They are worried about food. It would be very harsh to say that a person should not die because of COVID19, but no problem if he dies because of hunger. Therefore, the entire concentration should be to provide the maximum succour and relief to the migrant labourers and the other members of the poor and downtrodden class of society and ease their pain and suffering."

10. On 15.5.2020, the Hon'ble High Court of Andhra Pradesh at Amaravathi vide its order in WP (PIL) 101 of 2020 titled *K.*



*Ramakrishna v. Union of India and Ors.*, directed the State of Andhra Pradesh to use patrol vehicles of the National Highway Authority of India and the Police Department to transport any walking migrant worker to the nearest shelter, in addition to the buses which are being used by the State Government. The relevant portions of the High Court's order are as under:

"This Court notices that the labour who have left their ancestral homes and villages and moved to the cities for better livelihood to ensure that all of us live in comfort are on the roads today. They represent the people who are working in hundreds of different trades, callings, etc. and all of them together ensue that we lead a happy and comfortable life. If at this stage, this Court does not reach and pass these orders, this Court would be failing in its role as a protector and alleviator of suffering. Their pain has to be alleviated at this stage. The ever expanding scope of "life" under Article 21 of the Constitution of India will take into account this situation also. They deserve more help particularly when they are trekking back with their heads high instead of living at someone's mercy.

...

#### 4. Transportation

The National Highway Authority of India and Police Department have patrol vehicles that are constantly

moving on the Highways. Such vehicles should also be used or pressed into service to pick up and transport any migrant labour, who is/are facing difficulty while walking to the nearest shelter. This is in addition to the buses which are being used by the State of Andhra Pradesh.”

11. On 15.5.2020, Hon’ble High Court of Judicature at Madras in H.C.P. No. 738 of 2020 titled *A. P. Suryaprakasam v. Superintendent of Police, Sangli & Anr.*, noted that “it is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the States should have extended their human services to those migrant labourers.” The relevant portions of the High Court’s order are as under:

“6. Though the Governments have taken care of every section of the society to the maximum extent possible, the migrant workers and the agricultural work force are the neglected lot and they are the sufferers to the maximum...

7. One cannot control his/her tears after seeing the pathetic condition of migrant labourers shown in the media for the past one month. It is nothing but a human tragedy. When the lock down was announced at the end of March 2020, lakhs and lakhs of migrant workers were stranded throughout

the country. Most of the workers lost their jobs, no shelter is said to have been provided apart from lack of supply of adequate food. After waiting for a considerable time, they started migrating to their native states by foot. It is very unfortunate that those persons were neglected by all the authorities. The heart breaking stories are reported in the print as well as visual media that millions of workers were compelled to start walking to their native States with their little children carrying all their belongings over their head, surviving on the food provided by good Samaritans, as no steps were taken by the Governments to help those migrant workers. It is also reported that some people starved to death due to hunger. 16 workers working in a steel factory in Julna, Maharashtra, who were sleeping on rail tracks while returning to Madhya Pradesh were crushed to death near Karmad around 30 km from Aurangabad by a goods train on 08.05.2020. Even after the sorrow and sufferings of the migrant workers were reported in the media, nothing happened for the past one month as there was no coordinated effort between the States.

8. It is not only the duty of the native State of the migrant workers but also the duty of the States where they were working to care for their safety and well being. India is a welfare State and Article 21 of the Constitution of India is paramount and safety and security and supply of food are important. This Court is well aware that Covid-19 is not only a national crisis but also an international crisis. But, it is a pity

to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the States should have extended their human services to those migrant labourers.

9. There are a number of toll gates available and those toll gates should have been made as checking points to provide food, shelter and medical help to the migrant labourers. However, it is very pathetic to note that neither the native States nor the States through which they were walking all along took care of them and failed to provide even the basic amenities such as food and shelter and even if they had been provided, they were negligible.”

### **MODEL ADOPTED BY STATE OF ODISHA**

12. On 15.5.2020, the Additional Chief Secretary to the Government of Odisha (Disaster Management) posted on the online microblogging website, “Twitter”, that all migrant workers transiting through Odisha would be sent to the borders in Government arranged transport, and that the “idea is that no migrant labourer should walk painfully on our roads”.

13. Further, the Director General of Police of the State of Odisha announced that all migrant workers from other states passing through Odisha will be provided transportation till the border. The

DGP further said that police personnel at check gates will assist the pedestrian migrant workers and facilitate their travel in buses till the bordering areas of Odisha, and that migrant workers on foot can also visit the nearest police station and from there they will be sent to the inter-state bordering areas. The arrangements for the transportation and food are being made using money from the Chief Minister's Relief Fund.

14. Therefore, the Petitioner prays this Hon'ble Court to issue directions to the Union of India and to all the State Governments to ensure that no migrant worker has to walk on the roads to reach their home State or town or village, and that any person found walking on the road trying to reach their homes or who approaches any police station for such help, should immediately receive government arranged transport, including patrol vehicles of the National Highway Authority of India and the Police Department, or any other vehicle to be arranged by the Central and State Governments free of cost, to their final destination or up till the interstate bordering areas where they can receive another mode of conveyance safely and free of cost. This will ensure that no more lives are lost due to avoidable circumstances, and the migrant workers' right to life with dignity is upheld. Further, the Petitioner prays before this Court to direct the Respondents to pay Rs. 10 lakh each as compensation to the families of all those migrant workers who died while trying to walk back to their homes during the period of lockdown.

List of Dates

Date	Particulars
January- March 2020	Spread of COVID-19, “Coronavirus”, in over 100 countries all over the world.
24.3.2020	Nationwide “lockdown” imposed for 21 days to prevent the spread of COVID-19. This meant closing down of public transport, offices, schools and colleges, and all other public spaces, leaving only essential services to be continue during this 21-day long lockdown.
28.3.2020	One migrant worker, 39 year old Ranveer Singh, collapsed and died after walking 200 kms. He was walking from Delhi to his home in Morena, Madhya Pradesh. His autopsy showed that he died of a heart attack triggered by exhaustion.  True copy of report titled “Covid-19: At least 22 migrants die while trying to get home during lockdown” published by the Scroll on 29.3.2020 is attached herewith as <b>Annexure P-1 at page no. 35 to 40.</b>
1.4.2020	One migrant road construction worker, 40 year old Vilas Mahto, died in Rohtas district in Bihar. He was walking from Allahabad, where he

	<p>worked, to his village in Bihar nearly 400 kms away. After walking about 250 kms he collapsed and died due to a heart attack caused by exhaustion.</p> <p>True copy of report titled "Coronavirus lockdown: Migrant dies on walk home" published by the Telegraph on 3.4.2020 is attached herewith as <b>Annexure P-2 at page no. 41 to 42.</b></p>
15.4.2020	Lockdown extended from 15.4.2020 to 3.5.2020.
21.4.2020	<p>A 12 year old girl died in Bijapur, Chhattisgarh, after walking for 150 kms from the chilly fields in Telangana where she had been working for two months. She had walked for three days and suffered vomiting and stomach ache. According to the doctors, the girl was severely dehydrated and malnourished.</p> <p>True copy of the report titled "12-year-old- girls walks 150 km from Telangana village to Bijapur, dies just short of home" published by the Financial Times on 21.4.2020 is attached herewith as <b>Annexure P-3 at page no. 43 to 44.</b></p>
3.5.2020	Lockdown extended from 4.5.2020 to 17.5.2020.
8.5.2020	16 migrant workers were killed and five injured in Aurangabad district in Maharashtra when a

	<p>goods train ran them over. They were returning to their homes in Madhya Pradesh walking along the railway line. They were exhausted and so took rest on the railway track, and had fallen asleep.</p> <p>True copy of the report titled "Exhausted Migrants Fell Asleep on Tracks. 16 Run Over By Train" published by NDTV on 8.5.2020 is attached herewith as <b>Annexure P-4 at page no. 45 to 46.</b></p>
12.5.2020	<p>Hon'ble High Court of Karnataka at Bengaluru vide its order in WP 6435 of 2020 held that considering their constitutional rights, no migrant worker can be denied the opportunity to travel back to their home State if he wishes to do so.</p> <p>True copy of the order dated 12.5.2020 passed by the Hon'ble High Court of Karnataka at Bengaluru in WP 6435 of 2020 is attached herewith as <b>Annexure P-5 at page no. 47 to 52.</b></p>
13.5.2020	<p>Six migrant workers were killed and five seriously injured in Muzzafarnagar district in Uttar Pradesh when a speeding bus ran over them on the Delhi-Saharanpur Highway. They were walking from Punjab to their homes in Bihar.</p>



	<p>True copy of the report titled "Six Migrant Workers Walking on Highway Killed by Bus in UP's Muzzafarnagar" published by the Wire on 14.5.2020 is attached herewith as <b>Annexure P-6 at page no. 53 to 55.</b></p>
13.5.2020	<p>One migrant worker was killed and three injured in Chitrakoot district of Uttar Pradesh by a speeding truck. The four persons were returning from Raipur in Chhattisgarh to their hometown Saharanpur in Uttar Pradesh.</p> <p>True copy of the report titled "Migrants killed on way back home" published by the Telegraph on 14.5.2020 is attached herewith as <b>Annexure P-7 at page no. 56.</b></p>
14.5.2020	<p>Hon'ble High Court of Gujarat at Ahmedabad vide its order in Writ Petition (PIL) No. 42 of 2020 titled <i>Suo Moto v. State of Gujarat &amp; Ors.</i> raised the question why the State of Gujarat was not ready to ply the 8000 buses owned by the Gujarat State Road Transport Corporation and why a huge amount was being demanded from the migrant workers for the purpose of purchasing ticket of a luxury bus.</p> <p>True copy of the order dated 14.5.2020 passed by the Hon'ble High Court of Gujarat at</p>

	Ahmedabad in Writ Petition (PIL) No. 42 of 2020 titled <i>Suo Moto v. State of Gujarat &amp; Ors.</i> is attached herewith as <b>Annexure P-8 at page no. 57 to 79.</b>
14.5.2020	<p>Three migrant workers were killed and four injured in Barabanki, Uttar Pradesh. They were travelling from Surat in Gujarat to Bahraich in Uttar Pradesh. They were waiting for conveyance on the Lucknow-Ayodhya National Highway when a speeding truck hit them.</p> <p>True copy of report titled "Across UP, 6 More Migrant Workers Killed in Road Accidents While Walking Home, 95 Injured" published by the Wire on 15.5.2020 is attached herewith as <b>Annexure P-9 at page no. 80 to 83.</b></p>
15.5.2020	<p>A 56 year old migrant worker, Dhubei Charan Mohanty, slumped to death at Laxmannath tollgate on the Odisha-Bengal border while trying to return from Kolkata to his village in Puri, Odisha. According to a doctor at the GK Bhattar Hospital, he suffered acute dehydration leading to cardiac arrest.</p> <p>True copy of report titled "56-year-old migrant dies on road to home, another dies after lathi charge" published by Hindustan Times on</p>

	15.5.2020 is attached herewith as <b>Annexure P-10 at page no. 84 to 85.</b>
15.5.2020	<p>Hon'ble High Court of Andhra Pradesh at Amaravathi vide its order in WP (PIL) 101 of 2020 titled <i>K. Ramakrishna v. Union of India and Ors.</i>, directed the State of Andhra Pradesh to use patrol vehicles of the National Highway Authority of India and the Police Department to transport any walking migrant worker to the nearest shelter, in addition to the buses which are being used by the State Government.</p> <p>True copy of order dated 15.5.2020 passed by the Hon'ble High Court of Andhra Pradesh at Amaravathi in WP (PIL) 101 of 2020 titled <i>K. Ramakrishna v. Union of India and Ors.</i> is attached herewith as <b>Annexure P-11 at page no. 86 to 90.</b></p>
15.5.2020	<p>Hon'ble High Court of Judicature at Madras in H.C.P. No. 738 of 2020 titled <i>A. P. Suryaprakasam v. Superintendent of Police, Sangli &amp; Anr.</i>, noted that "it is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the</p>

	<p>States should have extended their human services to those migrant labourers.”</p> <p>True copy of order dated 15.5.2020 passed by the Hon’ble High Court of Judicature at Madras in H.C.P. No. 738 of 2020 titled <i>A. P. Suryaprakasam v. Superintendent of Police, Sangli &amp; Anr.</i> is attached herewith as <b>Annexure P-12 at page no. 91 to 100.</b></p>
15.5.2020	<p>The Additional Chief Secretary to the Government of Odisha (Disaster Management) posted on the online microblogging website, “Twitter”, that all migrant workers transiting through Odisha would be sent to the borders in Government arranged transport, and that the “idea is that no migrant labourer should walk painfully on our roads”.</p> <p>True copy of the tweet dated 15.5.2020 posted by the Additional Chief Secretary, Government of Odisha, on the online microblogging website, “Twitter”, is attached herewith as <b>Annexure P-13 at page no. 101.</b></p>
15.5.2020	<p>The DGP of Odisha announced that all migrant workers from other states passing through Odisha will be provided transportation till the border. The DGP further said that police</p>

	<p>personnel at check gates will assist the pedestrian migrant workers and facilitate their travel in buses till the bordering areas of Odisha, and that migrant workers on foot can also visit the nearest police station and from there they will be sent to the inter-state bordering areas.</p> <p>True copy of the report titled "Police to help migrants on foot reach State border: Odisha DGP Abhay" published by the New Indian Express on 16.5.2020 is attached herewith as <b>Annexure P-14 at page no. 102 to 103.</b></p>
17.5.2020	Lockdown extended from 18.5.2020 to 31.5.2020.
17.5.2020	<p>According to article titled "Courting death and injury, scores of migrants killed in accidents on way home" published by Outlook, at least 139 migrant workers have died while travelling back home since the lockdown has been imposed.</p> <p>True copy of the report titled "Courting death and injury, scores of migrants killed in accidents on way home" published by Outlook on 17.5.2020 is attached herewith as <b>Annexure P-15 at page no. 104 to 105.</b></p>
21.5.2020	Hence this Petition.

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2019  
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)  
(Public Interest Litigation)

**In the Matter of :**

Janghyaseni Mohapatra,  
Aged about 49 years old,  
D/o Timan Mohapatra,  
R/o Patnayakpada, Nuapada,  
Nawapara Tanwat, Odisha- 166105. ...Petitioner

Versus

1. Union of India,  
Through the Cabinet Secretary,  
Government of India, Central Secretariat,  
New Delhi-110001. ....Respondent No. 1

2. Govt. of NCT of Delhi,  
Through the Chief Secretary,  
Govt. of NCT of Delhi,  
Delhi Secretariat, New Delhi. ...Respondent No. 2

3. State of Uttar Pradesh,  
Through the Chief Secretary,  
Krishi Bhawan, Madan Mohan Malviya Marg,  
Lucknow-226001. ...Respondent No. 3

4. State of Haryana,  
Through the Chief Secretary,  
Government of Haryana,  
Chandigarh-160001 ...Respondent No. 4
5. State of Maharashtra,  
Through the Chief Secretary,  
Government of Maharashtra,  
Mantralaya, Mumbai-400032. ...Respondent No. 5
6. State of Assam,  
Through the Chief Secretary,  
Government of Assam, P.O. Assam Sachivalaya,  
Guwahati 781006. ...Respondent No. 6
7. State of Meghalaya,  
Through the Chief Secretary,  
Government of Meghalaya,  
Shillong-793001 ...Respondent No. 7
8. State of Bihar,  
Through the Chief Secretary,  
Government of Bihar,  
Main Secretariat Building,  
Patna-800015. ...Respondent No. 8
9. State of Gujarat,  
Through the Chief Secretary,  
Government of Gujarat,  
Block No. 1, 5th Floor, Sardar Bhawan,  
Sachivalaya, Gandhinagar-382010. ...Respondent No. 9
10. State of Andhra Pradesh,

Through the Chief Secretary,  
AP Secretariat Office,  
Velagapudi.

...Respondent No.10

11. State of Chhattisgarh,  
Through the Chief Secretary,  
Government of Chhattisgarh,  
Mahanadi Bhawan, Mantralaya,  
Naya Raipur- 492002.

...Respondent No. 11

12. State of Arunachal Pradesh,  
Through the Chief Secretary,  
Government of Arunachal Pradesh,  
Itanagar-791111.

...Respondent No.12

13. State of Madhya Pradesh,  
Through the Chief Secretary,  
Government of Madhya Pradesh,  
Bhopal-462004.

...Respondent No. 13

14. State of Odisha,  
Through the Chief Secretary,  
Government of Odisha,  
Bhubaneshwar-795001.

...Respondent No. 14

15. State of Himachal Pradesh,  
Through the Chief Secretary,  
Government of Himachal Pradesh,  
Shimla- 171002.

...Respondent No. 15

16. State of Manipur,  
Through the Chief Secretary,  
Government of Manipur,  
Old Secretariat, Bapupara,



- Imphal-795001. ...Respondent No. 16
17. State of Mizoram,  
Through the Chief Secretary,  
Government of Mizoram, Aizawl-796001. ...Respondent No. 17
18. State of Nagaland,  
Through the Chief Secretary,  
Government of Nagaland,  
Kohima – 797001. ...Respondent No. 18
19. State of Punjab,  
Through the Chief Secretary,  
Government of Punjab,  
Chandigarh-160001. ...Respondent No. 19
20. State of Jammu and Kashmir,  
Through the Chief Secretary,  
Government of Jammu & Kashmir,  
Shrinagar-190001. ...Respondent No. 20
21. State of Rajasthan,  
Through the Chief Secretary,  
Government of Rajasthan,  
Jaipur-302005. ...Respondent No. 21
22. State of Sikkim,  
Through the Chief Secretary,  
Government of Sikkim, New Secretariat,  
Development Area, Gangtok-737101. ...Respondent No. 22
23. State of Tamil Nadu,  
Through the Chief Secretary,  
Government of Tamil Nadu,

- Chennai-600009. ...Respondent No. 23
24. State of Tripura,  
Through the Chief Secretary,  
Government of Tripura,  
New Secretariat Complex,  
Agartala– 799011. ...Respondent No. 24
25. State of Uttarakhand,  
Through the Chief Secretary,  
Government of Uttarakhand,  
Dehradun-248001. ...Respondent No. 25
26. State of West Bengal,  
Through the Chief Secretary,  
Government of West Bengal,  
Kolkata-700001. ...Respondent No. 26
27. State of Kerala,  
Through the Chief Secretary,  
Government of Kerala,  
Thiruvananthapuram-695001. ...Respondent No. 27
28. State of Jharkhand,  
Through the Chief Secretary,  
1st Floor, Project Building,  
Dhurwa, Ranchi,  
Jharkhand-834004. ...Respondent No. 28
29. Union Territory of Goa,  
Through the Chief Secretary,  
Government of Goa Secretariat,  
Porvorium- 403521. ...Respondent No. 29
30. Union Territory of Chandigarh,

Through the Chief Secretary,  
4th floor, Haryana Civil Secretariat,  
Chandigarh. ...Respondent No. 30

31. Union Territory of Puducherry,  
Through the Chief Secretary,  
Govt. of Puducherry, Chief Secretariat,  
Goubert Avenue, PUDHUCHERRY- 605001. ...Respondent No. 31

32. Union Territory of Andaman & Nicobar Islands,  
Through the Chief Secretary,  
Andaman & Nicobar Administration Secretariat,  
Port Blair. ...Respondent No. 32

33. Union Territory of Dadra & Nagar Haveli,  
Through its Administrator,  
Govt. of Dadra & Nagar Haveli, U.T.,  
Secretariat, Silvassa,  
Nagar Haveli- 396230. ...Respondent No. 33

34. Union Territory of Daman & Diu,  
Through the Chief Secretary UT of Daman & Diu,  
Daman. ...Respondent No. 34

35. Union Territory of Lakshadweep,  
Through the Chief Secretary,  
UT of Lakshadweep,  
Secretariat, Kavaratti- 682555. ...Respondent No. 35

36. State of Telangana,  
Through the Chief Secretary,  
Basheerbagh, Hyderabad. ...Respondent No. 36

37. State of Karnataka,

Through the Chief Secretary,  
Room No.222, II Floor, Vidhana Soudha,  
Bangalore- 560001.

...Respondent No. 37

**WRIT PETITION FOR VIOLATION OF ARTICLE 21 OF THE  
CONSTITUTION OF INDIA UNDER ARTICLE 32 SEEKING  
DIRECTIONS TO THE RESPONDENTS TO ENSURE THAT NO  
MIGRANT WORKER IS COMPELLED TO WALK ON THE  
ROADS TO RETURN TO THEIR HOME STATES AND  
VILLAGES AND TO PROVIDE GOVERNMENT ARRANGED  
TRANSPORT IMMEDIATELY FOR ANY MIGRANT WORKER  
WALKING ON THE ROAD IN ORDER TO RETURN TO THEIR  
HOME STATES AND VILLAGES.**

TO,  
THE HON'BLE CHIEF JUSTICE AND HIS  
OTHER COMPANION JUSTICES OF THE HON'BLE  
SUPREME COURT OF INDIA

THE HUMBLE PEITION OF  
THE PETITIONER HEREIN

MOST RESPECTFULLY SHOWETH THAT:

1. That this Public Interest Litigation is being filed seeking urgent reliefs for the lakhs of migrant workers in the country trying to return from their places of work to their home towns or villages. More than 139 migrant workers and their kin have died and several hundred others have been seriously injured since the

imposition of the nationwide lockdown on 24.3.2020 till date attempting to return to their homes by walking along the roads. The instant PIL seeks directions to the Union of India and all the State Governments to facilitate the migrant workers wishing to return to their home towns and villages, by providing them suitable transport safely and free of cost. The Petitioners pray this Hon'ble Court to direct the Union of India and all the State Governments to follow the model prepared for this purpose by the State of Odisha, which is providing vehicles for transport to migrant workers from the point where they reach the State's borders to their homes within Odisha, or to the appropriate points on the inter-state boundaries to those transiting through the State.

- 1A. The Petitioners have not approached any other authority for the same reliefs.
2. That the facts constituting the cause of action are that since the lockdown was imposed all across the nation on 24.3.2020, lakhs of migrant workers in India faced imminent starvation and financial insecurity, and were thus left with no other option than to return to their home States, towns or villages. Since no public transport is available, lakhs of workers have attempted and continue to attempt to walk hundreds of kilometers from their places of work to their homes. In this process, more than 139 migrant workers and their kin have died, and many hundred

others have suffered physical injuries. The nature of injury caused to the public is that this is an affront to the fundamental right to life with dignity of lakhs of migrant workers guaranteed by Article 21 of the Constitution of India. The petitioners are filing the present PIL before this Hon'ble Court *bona fide* for the welfare and benefit of society as a whole and don't have any personal interest in the subject-matter herein. Further, the Petitioners are not involved in any pending civil, criminal or revenue litigation, which has or could have a legal nexus with this petition.

### **Array of Parties**

3. That the Petitioner is a social worker based in Nuapada in the State of Odisha and has been working for the cause of labour rights for many years and has also been involved in rescue of bonder labourers. She also works to ensure reproductive rights of women. During the period of lockdown, she has worked extensively to provide relief in form of food grains and ration to the poorer sections of society, has participated in creating awareness regarding COVID-19 and the precautions required to be taken such as "social distancing", has distributed masks, and has also worked closely with the administration officers to aid the process of pandemic control and relief work. Her personal detail are as under:

- a. AADHAR number: 5863 7362 9872

- b. PAN Number: BLNPM9442B

- c. Annual Income: NIL
- d. Mob.: 9668203921
- e. Email: kadamnuapada@gmail.com

4. That Respondent No. 1 is the Union of India, represented by the Cabinet Secretary and that Respondent No. 2 to 37 are the various State Governments and Union Territories, represented by their respective Chief Secretary/ Administrator.

### **FACTS**

5. That since the lockdown was imposed all across the country on 24.3.2020, lakhs of migrant workers in India have suffered unprecedented human rights violations due to the lack of adequate preparations and provisioning on behalf of the Central and State Governments. With the closing down of businesses and factories, lakhs of migrant workers were denied wages by their employers and many lost their jobs. As their meagre savings began to dry up, migrant workers and their family and kin began to face imminent starvation and financial insecurity. They were left with no option but to return to their villages in their home States.
6. That since public transport had been brought to a halt altogether, lakhs of migrant workers and their family members, including young children, women and elderly persons started walking hundreds of kilometers to their home States.

7. That while a few trains and buses have recently been operated by the Central and State Governments, they have not been adequate to cater to all those in need. Unable to wait any longer for want of money and food, lakhs of migrant workers continue to attempt to reach their home villages/towns on foot.

8. That while attempting to walk hundreds of kilometers to return to their homes, more than 139 migrant workers and their kin have lost their lives from 24.3.2020 till date, and several hundred others have suffered physical injuries. Following is a list of some of such instances:

- i. 28.3.2020- One migrant worker, 39 year old Ranveer Singh, collapsed and died after walking 200 kms. He was walking from Delhi to his home in Morena, Madhya Pradesh. His autopsy showed that he died of a heart attack triggered by exhaustion.

True copy of report titled "Covid-19: At least 22 migrants die while trying to get home during lockdown" published by the Scroll on 29.3.2020 is attached herewith as **Annexure P-1 at page no. 35 to 40.**

- ii. 1.4.2020- One migrant road construction worker, 40 year old Vilas Mahto, died in Rohtas district in Bihar. He was walking from Allahabad, where he worked, to his village in Bihar nearly 400 kms away. After walking about 250 kms



he collapsed and died due to a heart attack caused by exhaustion.

True copy of report titled "Coronavirus lockdown: Migrant dies on walk home" published by the Telegraph on 3.4.2020 is attached herewith as **Annexure P-2 at page no. 41 to 42.**

- iii. 21.4.2020- A 12 year old girl died in Bijapur, Chhattisgarh, after walking for 150 kms from the chilly fields in Telangana where she had been working for two months. She had walked for three days and suffered vomiting and stomach ache. According to the doctors, the girl was severely dehydrated and malnourished.

True copy of the report titled "12-year-old- girls walks 150 km from Telangana village to Bijapur, dies just short of home" published by the Financial Times on 21.4.2020 is attached herewith as **Annexure P-3 at page no. 43 to 44.**

- iv. 8.5.2020- 16 migrant workers were killed and five injured in Aurangabad district in Maharashtra when a goods train ran them over. They were returning to their homes in Madhya Pradesh walking along the railway line. They were exhausted and so took rest on the railway track, and had fallen asleep.

True copy of the report titled "Exhausted Migrants Fell Asleep on Tracks. 16 Run Over By Train" published by NDTV on 8.5.2020 is attached herewith as **Annexure P-4 at page no. 45 to 46.**

- v. 13.5.2020- Six migrant workers were killed and five seriously injured in Muzzafarnagar district in Uttar Pradesh when a speeding bus ran over them on the Delhi-Saharanpur Highway. They were walking from Punjab to their homes in Bihar.

True copy of the report titled "Six Migrant Workers Walking on Highway Killed by Bus in UP's Muzzafarnagar" published by the Wire on 14.5.2020 is attached herewith as **Annexure P-6 at page no. 53 to 55.**

- vi. 13.5.2020- In another instance on the same day, one migrant worker was killed and three injured in Chitrakoot district of Uttar Pradesh by a speeding truck. The four persons were returning from Raipur in Chhattisgarh to their hometown Saharanpur in Uttar Pradesh.

True copy of the report titled "Migrants killed on way back home" published by the Telegraph on 14.5.2020 is attached herewith as **Annexure P-7 at page no. 56.**

- vii. 14.5.2020- Three migrant workers were killed and four injured in Barabanki, Uttar Pradesh. They were travelling

from Surat in Gujarat to Bahraich in Uttar Pradesh. They were waiting for conveyance on the Lucknow-Ayodhya National Highway when a speeding truck hit them.

True copy of report titled "Across UP, 6 More Migrant Workers Killed in Road Accidents While Walking Home, 95 Injured" published by the Wire on 15.5.2020 is attached herewith as **Annexure P-9 at page no. 80 to 83.**

- viii. 15.5.2020- A 56 year old migrant worker, Dhubei Charan Mohanty, slumped to death at Laxmannath tollgate on the Odisha-Bengal border while trying to return from Kolkata to his village in Puri, Odisha. According to a doctor at the GK Bhattar Hospital, he suffered acute dehydration leading to cardiac arrest.

True copy of report titled "56-year-old migrant dies on road to home, another dies after lathi charge" published by Hindustan Times on 15.5.2020 is attached herewith as **Annexure P-10 at page no. 84 to 85.**

### **VIOLATION OF RIGHT TO LIFE UNDER ARTICLE 21**

- 9. That the fact that migrant workers and their kin are suffering severe physical injuries and losing their lives while trying to walk back to their home States is an affront to and a violation of their Fundamental Right to Life with dignity guaranteed by Article 21 of

the Constitution of India, and is a slur on any civilized democratic nation.

10. That on 12.5.2020, the Hon'ble High Court of Karnataka at Bengaluru vide its order in WP 6435 of 2020 held that considering their constitutional rights, no migrant worker can be denied the opportunity to travel back to their home State if they wish to do so. The relevant portions of the High Court's order are as under:

"3... the State Government has reiterated that the migrant workers from other States will be permitted to travel back to their respective States, even as of today, a large number of migrant workers are found on highways who are making an endeavor to walk upto their respective States. One reason for this is that the assurance of the State Government that every migrant worker will be allowed to go back to his home State has not reached the migrant workers. They feel insecure about their prospects of returning to their respective homes and, therefore, in the entire State, we see a scenario of the migrant workers walking on the highways.

...

10. Prima facie, it appears to us that considering the constitutional rights of the migrant workers, no one should be deprived of an opportunity to go back to his own State only for the reason that he has no capacity to pay for the transport. The reason is that inability to pay is due to loss of livelihood.

...

12. The State Government and the Central Government, during this difficult time, must appreciate the major contribution made by the migrant workers in a large number of public projects as well as private projects which have contributed to the improvement of the infrastructure in all the States and the improvement of economy. At a time when the migrant workers who have made such a huge contribution are facing distress, both the Central and State Government must come forward to help them to ensure that at the earliest, they return back to their home States. Ideally, no migrant worker should be deprived of an opportunity to travel back to his home State if he wishes to do so.”

True copy of the order dated 12.5.2020 passed by the Hon’ble High Court of Karnataka at Bengaluru in WP 6435 of 2020 is attached herewith as **Annexure P-5 at page no. 47 to 52.**

11. That on 14.5.2020, the Hon’ble High Court of Gujarat at Ahmedabad vide its order in Writ Petition (PIL) No. 42 of 2020 titled *Suo Moto v. State of Gujarat & Ors.* raised the question why the State of Gujarat was not ready to ply the 8000 buses owned by the Gujarat State Road Transport Corporation and why a huge amount was being demanded from the migrant workers for the purpose of purchasing ticket of a luxury bus. The relevant portions of the High Court’s order are as under:

"9... The most grave and serious problem as on date within the State is hunger. People are without food, more particularly, the migrants, the labourers and the people hailing from the poor and downtrodden class of the society. In our order dated 11<sup>th</sup> May 2020, we pointed out that the poor class of society is not worried about the virus, but, they are worried about starvation.

...

17... Once again, we observe that this is not the time to educate the migrant workers, poor and the needy people of the concept of social distancing, etc. They will never be able to understand any such concept. They are not worried about the virus. They are worried about food. It would be very harsh to say that a person should not die because of COVID19, but no problem if he dies because of hunger. Therefore, the entire concentration should be to provide the maximum succour and relief to the migrant labourers and the other members of the poor and downtrodden class of society and ease their pain and suffering."

True copy of the order dated 14.5.2020 passed by the Hon'ble High Court of Gujarat at Ahmedabad in Writ Petition (PIL) No. 42 of 2020 titled *Suo Moto v. State of Gujarat & Ors.* is attached herewith as **Annexure P-8 at page no. 57 to 79.**

12. That on 15.5.2020, the Hon'ble High Court of Andhra Pradesh at Amaravathi vide its order in WP (PIL) 101 of 2020 titled *K. Ramakrishna v. Union of India and Ors.*, directed the State of Andhra Pradesh to use patrol vehicles of the National Highway Authority of India and the Police Department to transport any walking migrant worker to the nearest shelter, in addition to the buses which are being used by the State Government. The relevant portions of the High Court's order are as under:

"This Court notices that the labour who have left their ancestral homes and villages and moved to the cities for better livelihood to ensure that all of us live in comfort are on the roads today. They represent the people who are working in hundreds of different trades, callings, etc. and all of them together ensue that we lead a happy and comfortable life. If at this stage, this Court does not reach and pass these orders, this Court would be failing in its role as a protector and alleviator of suffering. Their pain has to be alleviated at this stage. The ever expanding scope of "life" under Article 21 of the Constitution of India will take into account this situation also. They deserve more help particularly when they are trekking back with their heads high instead of living at someone's mercy.

...

#### 4. Transportation

The National Highway Authority of India and Police Department have patrol vehicles that are constantly moving on the Highways. Such vehicles should also be used or pressed into service to pick up and transport any migrant labour, who is/are facing difficulty while walking to the nearest shelter. This is in addition to the buses which are being used by the State of Andhra Pradesh.”

True copy of order dated 15.5.2020 passed by the Hon’ble High Court of Andhra Pradesh at Amaravathi in WP (PIL) 101 of 2020 titled *K. Ramakrishna v. Union of India and Ors.* is attached herewith as **Annexure P-11 at page no. 86 to 90.**

13. That on 15.5.2020, Hon’ble High Court of Judicature at Madras in H.C.P. No. 738 of 2020 titled *A. P. Suryaprakasam v. Superintendent of Police, Sangli & Anr.*, noted that “it is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the States should have extended their human services to those migrant labourers.” The relevant portions of the High Court’s order are as under:

“6. Though the Governments have taken care of every section of the society to the maximum extent possible, the



migrant workers and the agricultural work force are the neglected lot and they are the sufferers to the maximum...

7. One cannot control his/her tears after seeing the pathetic condition of migrant labourers shown in the media for the past one month. It is nothing but a human tragedy. When the lock down was announced at the end of March 2020, lakhs and lakhs of migrant workers were stranded throughout the country. Most of the workers lost their jobs, no shelter is said to have been provided apart from lack of supply of adequate food. After waiting for a considerable time, they started migrating to their native states by foot. It is very unfortunate that those persons were neglected by all the authorities. The heart breaking stories are reported in the print as well as visual media that millions of workers were compelled to start walking to their native States with their little children carrying all their belongings over their head, surviving on the food provided by good Samaritans, as no steps were taken by the Governments to help those migrant workers. It is also reported that some people starved to death due to hunger. 16 workers working in a steel factory in Julna, Maharashtra, who were sleeping on rail tracks while returning to Madhya Pradesh were crushed to death near Karmad around 30 km from Aurangabad by a goods train on 08.05.2020. Even after the sorrow and sufferings of the migrant workers were reported in the media, nothing happened for the past one month as there was no coordinated effort between the States.

8. It is not only the duty of the native State of the migrant workers but also the duty of the States where they were working to care for their safety and well being. India is a welfare State and Article 21 of the Constitution of India is paramount and safety and security and supply of food are important. This Court is well aware that Covid-19 is not only a national crisis but also an international crisis. But, it is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the States should have extended their human services to those migrant labourers.

9. There are a number of toll gates available and those toll gates should have been made as checking points to provide food, shelter and medical help to the migrant labourers. However, it is very pathetic to note that neither the native States nor the States through which they were walking all along took care of them and failed to provide even the basic amenities such as food and shelter and even if they had been provided, they were negligible."

True copy of order dated 15.5.2020 passed by the Hon'ble High Court of Judicature at Madras in H.C.P. No. 738 of 2020 titled *A. P. Suryaprakasam v. Superintendent of Police, Sangli & Anr.* is attached herewith as **Annexure P-12 at page no. 91 to 100.**

**MODEL ADOPTED BY STATE OF ODISHA**

14. That on 15.5.2020, the Additional Chief Secretary to the Government of Odisha (Disaster Management) posted on the online microblogging website, "Twitter", that all migrant workers transiting through Odisha would be sent to the borders in Government arranged transport, and that the "idea is that no migrant labourer should walk painfully on our roads".

True copy of the tweet dated 15.5.2020 posted by the Additional Chief Secretary, Government of Odisha, on the online microblogging website, "Twitter", is attached herewith as **Annexure P-13 at page no. 101.**

15. That further on 15.5.2020 the Director General of Police of the State of Odisha announced that all migrant workers from other states passing through Odisha will be provided transportation till the border. The DGP further said that police personnel at check gates will assist the pedestrian migrant workers and facilitate their travel in buses till the bordering areas of Odisha, and that migrant workers on foot can also visit the nearest police station and from there they will be sent to the inter-state bordering areas. The arrangements for the transportation and food are being made using money from the Chief Minister's Relief Fund.

True copy of the report titled "Police to help migrants on foot reach State border: Odisha DGP Abhay" published by the New Indian Express on 16.5.2020 is attached herewith as **Annexure P-14 at page no. 102 to 103**

16. That the Petitioner therefore prays this Hon'ble Court to issue directions to the Union of India and to all the State Governments to ensure that no migrant worker has to walk on the roads to reach their home State or town or village, and that any person found walking on the road trying to reach their homes or who approaches any police station for such help, should immediately receive government arranged transport, including patrol vehicles of the National Highway Authority of India and the Police Department, or any other vehicle to be arranged by the Central and State Governments free of cost, to their final destination or up till the interstate bordering areas where they can receive another mode of conveyance safely and free of cost. This will ensure that no more lives are lost due to avoidable circumstances, and the migrant workers' right to life with dignity is upheld. Further, the Petitioner prays before this Court to direct the Respondents to pay Rs. 10 lakh each as compensation to the families of all those migrant workers who died while trying to walk back to their homes during the period of lockdown.

True copy of the report titled "Courting death and injury, scores of migrants killed in accidents on way home" published by Outlook on

17.5.2020 is attached herewith as **Annexure P-15 at page no. 104 to 105.**

### **GROUND**

17. Hence the Petitioner moves before this Hon'ble Court by way of this petition on, inter alia, the following grounds:

A. BECAUSE more than 139 migrant workers have died of exhaustion, dehydration or mishaps while trying to walk back from their places of work to their home States, towns or villages, and several hundred others have suffered physical injuries.

B. BECAUSE this is a violation of their fundamental right to life with dignity guaranteed to all persons by Article 21 of the Constitution of India.

C. BECAUSE the Hon'ble High Court of Karnataka at Bengaluru vide its order dated 12.5.2020 in WP 6435 of 2020 held that considering their constitutional rights, no migrant worker can be denied the opportunity to travel back to their home State if they wish to do so.

D. BECAUSE the Hon'ble High Court of Gujarat at Ahmedabad vide its order dated 14.5.2020 in Writ Petition (PIL) No. 42 of 2020 titled *Suo Moto v. State of Gujarat & Ors.* observed as under:

"9... The most grave and serious problem as on date within the State is hunger. People are without food, more particularly, the migrants, the labourers and the people hailing from the poor and downtrodden class of the society. In our order dated 11<sup>th</sup> May 2020, we pointed out that the poor class of society is not worried about the virus, but, they are worried about starvation.

...

17... Once again, we observe that this is not the time to educate the migrant workers, poor and the needy people of the concept of social distancing, etc. They will never be able to understand any such concept. They are not worried about the virus. They are worried about food. It would be very harsh to say that a person should not die because of COVID19, but no problem if he dies because of hunger. Therefore, the entire concentration should be to provide the maximum succour and relief to the migrant labourers and the other members of the

poor and downtrodden class of society and ease their pain and suffering.”

E. BECAUSE the Hon’ble High Court of Andhra Pradesh at Amaravathi vide its order dated 15.5.2020 in WP (PIL) 101 of 2020 titled *K. Ramakrishna v. Union of India and Ors.*, observed as under:

“This Court notices that the labour who have left their ancestral homes and villages and moved to the cities for better livelihood to ensure that all of us live in comfort are on the roads today. They represent the people who are working in hundreds of different trades, callings, etc. and all of them together ensue that we lead a happy and comfortable life. If at this stage, this Court does not reach and pass these orders, this Court would be failing in its role as a protector and alleviator of suffering. Their pain has to be alleviated at this stage. The ever expanding scope of “life” under Article 21 of the Constitution of India will take into account this situation also. They deserve more help particularly when they are trekking back with their heads high instead of living at someone’s mercy.

...

#### 4. Transportation

The National Highway Authority of India and Police Department have patrol vehicles that are constantly moving on the Highways. Such vehicles should also be used or pressed into service to pick up and transport any migrant labour, who is/are facing difficulty while walking to the nearest shelter. This is in addition to the buses which are being used by the State of Andhra Pradesh.”

F. BECAUSE the Hon’ble High Court of Judicature at Madras vide its order dated 15.5.2020 in H.C.P. No. 738 of 2020 titled *A. P. Suryaprakasam v. Superintendent of Police, Sangli & Anr.*, observed as under:

7. One cannot control his/her tears after seeing the pathetic condition of migrant labourers shown in the media for the past one month. It is nothing but a human tragedy. When the lock down was announced at the end of March 2020, lakhs and lakhs of migrant workers were stranded throughout the country. Most of the workers lost their jobs, no shelter is said to have been provided apart from lack of supply of adequate food. After waiting for a considerable time, they started migrating to their



native states by foot. It is very unfortunate that those persons were neglected by all the authorities. The heart breaking stories are reported in the print as well as visual media that millions of workers were compelled to start walking to their native States with their little children carrying all their belongings over their head, surviving on the food provided by good Samaritans, as no steps were taken by the Governments to help those migrant workers. It is also reported that some people starved to death due to hunger. 16 workers working in a steel factory in Julna, Maharashtra, who were sleeping on rail tracks while returning to Madhya Pradesh were crushed to death near Karmad around 30 km from Aurangabad by a goods train on 08.05.2020. Even after the sorrow and sufferings of the migrant workers were reported in the media, nothing happened for the past one month as there was no coordinated effort between the States.

8. It is not only the duty of the native State of the migrant workers but also the duty of the States where they were working to care for their safety and well being. India is a welfare State and Article 21 of the Constitution of India is paramount and safety and security and supply of food are important. This Court is well aware that Covid-19 is not only a national crisis but also an international crisis. But, it

is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the States should have extended their human services to those migrant labourers.

G. BECAUSE the State of Odisha has already adopted a model to ensure that no migrant worker has to walk on the roads to return to their home State, town or village.

H. BECAUSE the DGP of Odisha has said that all migrant workers from other states passing through Odisha will be provided transportation till the border. The DGP further said that police personnel at check gates will assist the pedestrian migrant workers and facilitate their travel in buses till the bordering areas of Odisha, and that migrant workers on foot can also visit the nearest police station and from there they will be sent to the inter-state bordering areas. The arrangements for the transportation and food are being made using money from the Chief Minister's Relief Fund.

18. That the Petitioners have not filed any similar petition seeking similar reliefs before any High Court or this Hon'ble Court.

**PRAYERS**

19. In view of the facts and circumstances of this Petition, the Petitioners pray, therefore, that this Hon'ble Court may be pleased to:

- (a) Issue an appropriate writ, direction or order directing the Respondents to ensure that no migrant worker has to walk on the roads to reach their home State or town or village;
- (b) Issue an appropriate writ, direction or order directing the Respondents to ensure that any migrant worker found walking on the road trying to reach their homes or who approaches any police station for such help, should immediately receive government arranged transport, including patrol vehicles of the National Highway Authority of India and the Police Department, or any other vehicle to be arranged by the Central and State Governments free of cost, to reach their final destination or up till the interstate bordering areas where they can receive another mode of conveyance safely and free of cost.
- (c) Issue an appropriate writ, direction or order directing the Respondents to pay Rs. 10 lakh each as compensation to the families of all those migrant

workers or their kin who died while trying to walk back to their homes during the period of lockdown.

(d) For any other order/ direction that this Hon'ble Court may deem fit.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER BE GRATEFUL

Drawn by: Siddharth Seem

Filed on: 21.5.2020

Filed by:

A handwritten signature in blue ink, appearing to be 'Satya Mitra', with a stylized flourish at the end.

SATYA MITRA

Advocate for the Petitioners

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2020  
(Under Article 32 of the Constitution of India)  
(Public Interest Litigation)

**IN THE MATTER OF:**

Janghyaseni Mohapatra ... Petitioners

Versus

Union of India & Ors. ... Respondents

**AFFIDAVIT**

I, Janghyaseni Mohapatra, Aged about 49 years old, D/o Timan Mohapatra, R/o Patnayakpada, Nuapada, Nawapara Tanwat, Odisha- 166105, hereby solemnly affirm and state on oath as under:

1. That I am the Petitioner in the above Writ Petition and as such I am well conversant with the facts and circumstances of this case and hence authorized to swear the present affidavit.
2. That I have read and understood the contents of the accompanying Synopsis & List of Dates from Page no. B to U, Writ Petition from page no. 1 to 31 and paragraph 1 to 19, and the accompanying Applications and that the same is being filed under my instructions and the contents thereof are true to the best of my belief and nothing material has been concealed.

3. That the Petitioner has not filed any other similar petition/application before this Hon'ble court seeking similar prayers.
4. That the petitioner is filing the present PIL before this Hon'ble Court *bona fide* for the welfare and benefit of society as a whole and doesn't have any personal interest in the subject-matter herein.
5. That the Petitioner is not involved in any pending civil, criminal or revenue litigation, which has or could have a legal nexus with this petition.
6. That the annexures annexed with the petition/application are true and correct copies of the respective originals.

DEPONENT

VERIFICATION

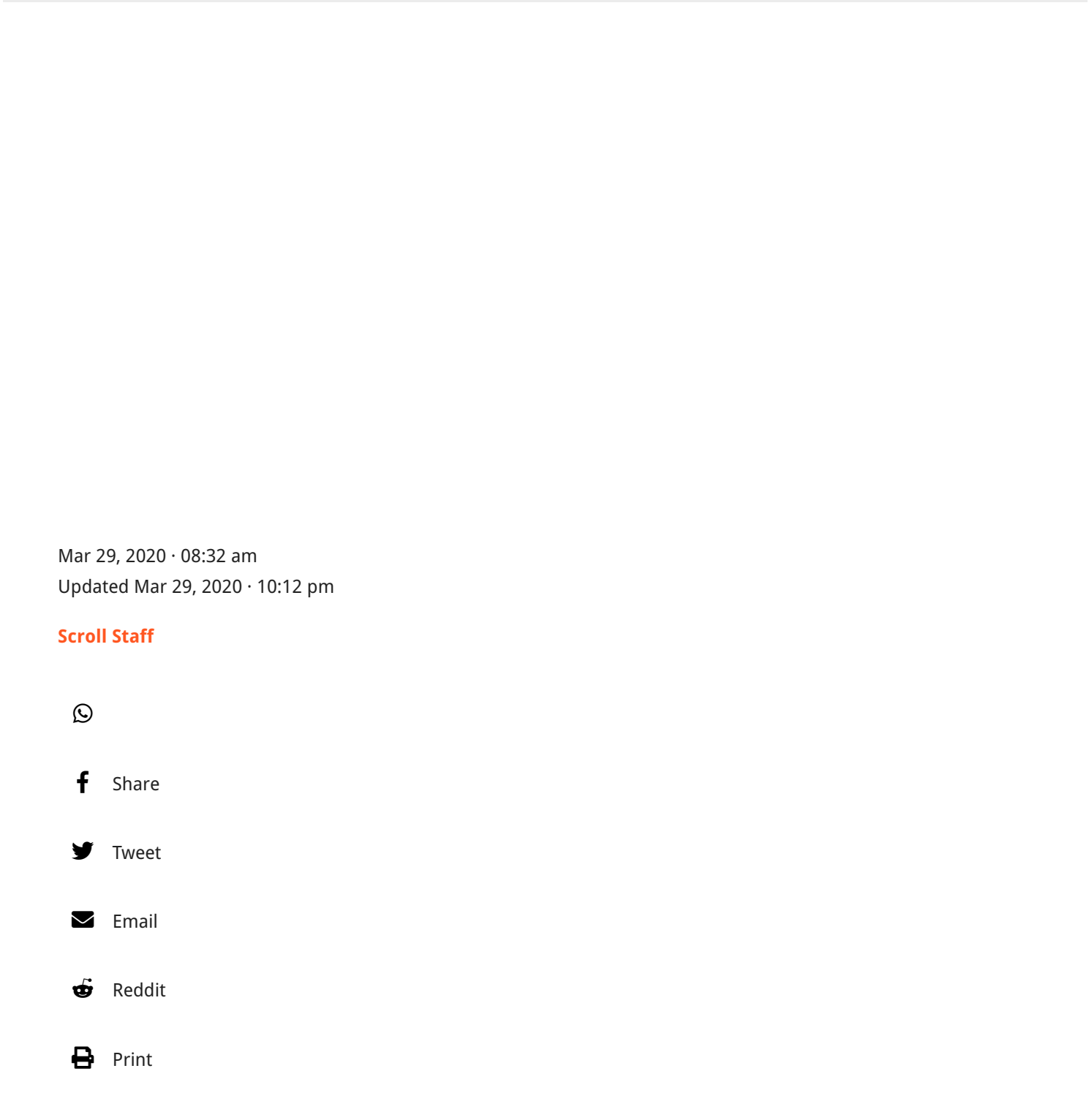
Verified at \_\_\_\_\_ on this 21<sup>st</sup> day of the Month of May, 2020 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

## Appendix

### Constitution of India

**Article 21.** No person shall be deprived of his life or personal liberty except according to procedure established by law.



Mar 29, 2020 · 08:32 am  
Updated Mar 29, 2020 · 10:12 pm

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COVID-19 ALERT

# Covid-19: At least 22 migrants die while trying to get home during lockdown

One man suffered a heart attack while walking along the Agra highway. Some others, including children, were killed in road accidents.



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Migrant workers walk towards a bus station along a highway with their families on the outskirts of New Delhi, March 29, 2020. | REUTERS/Adnan Abidi

Thousands of migrant workers have been trying to get home, with many of them attempting to cross state borders, amid the 21-day lockdown imposed to curb the spread of the novel coronavirus. Many of them have died. While the deaths of at least 22 such migrants are documented, the actual number might be much more.

With businesses upended and establishments shut down, vast numbers of daily wage labourers, many of whom lived where they worked, were suddenly left without any means of sustenance and shelter in large cities. Thousands of them, including whole families, marched along interstate highways to their homes. On their way, many were beaten, lathi-charged and sent back from the borders by the police for breaking rules of social distancing amid the lockdown.

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Ranveer Singh had started walking to Morena in Madhya Pradesh, 300 km away, early on Thursday. He had two companions during the journey, according to [Hindustan Times](#).

He reportedly began experiencing chest pain in Agra district and collapsed on the highway. The owner of a nearby shop saw and tried to help him. “The shop owner made him lie on a carpet and offered tea and biscuits,” local police station house officer Arvind Kumar told *The Times of India*. “He complained of chest pain and also called his brother-in-law to share his health condition. He died at around 6.30 pm [on Friday].”

The man’s autopsy showed he died of a heart attack triggered by exhaustion. “The autopsy revealed heart attack as the cause of death, but considering his travel history, we assume that exhaustion of long walk might have triggered his existing heart condition,” circle officer Saurabh Dixit told the newspaper.

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Singh’s brother told *The Times of India* that he had three children and had been working in Delhi for three years. “He [Singh] left for the village on Thursday morning at around 3 am on foot,” he said. “We are poor farmers. We don’t know how his children would survive without their father’s earning.”

Meanwhile, a [62-year-old man died](#) in Surat in Gujarat on Friday after walking from a hospital to his house for around 8 km as he could not find any means of transport, *The Indian Express* reported on Saturday.

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“If somebody would have helped us or given us lift, then my father would have survived,” Naresh Yelenge said. The doctors at the hospital, who carried out the autopsy and handed over the body to Naresh Yelenge, claimed that no police case was registered because it was a “natural death”.

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[Four migrants who were turned back](#) by the police from Bhillad town on the Maharashtra-Gujarat border and were walking back to Vasai, were killed when a truck ran over them in Virar early on Saturday. The four were part of a group of seven who wanted to reach their villages in Rajasthan after crossing into Gujarat.

The truck driver, who fled the scene, was later arrested by the police. Three of the migrants worked at a tea stall and canteens in Mumbai.

[In another incident](#), a road accident killed eight persons, including an 18-month-old toddler, on the outskirts of Hyderabad. The group, which comprised labourers, was returning to Raichur in Karnataka.

As many as 31 migrant labourers employed by a construction firm in Suryapet district of Telangana were travelling in an open truck when their vehicle was hit by a truck loaded with mangoes. Of those dead, three men, a boy and a nine-year-old girl died on the spot.

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Four people, including a one-year-old baby, died in a forest fire [at Rasingapuram in Theni district](#) of Tamil Nadu on Tuesday night while taking the forest route instead of the main road which had been blocked off because of the lockdown, *The Hindu* reported. They were part of a group of 10 people – six women, three men and a child – who were walking through a dry canal when the a forest fire engulfed them.

Meanwhile, three workers and two children were crushed to death in an accident in Haryana as they were heading home on foot.

Amid the 21-day nationwide shutdown due to coronavirus, thousands of migrant workers have been left without work, money and shelter and have been marching to their hometowns from large cities. The Uttar Pradesh and Delhi governments have arranged buses to take them home. Videos on social media showed massive crowds waiting to board buses at Delhi’s Anand Vihar Interstate Bus Terminal at a time when social distancing is so crucial to check the spread of the coronavirus.



**ANI**  
@ANI

#WATCH Huge number of migrant workers at Delhi's Anand Vihar bus terminal, to board buses to their respective home towns and villages; Police is present at the spot



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three-week lockdown beginning Wednesday.

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# Coronavirus lockdown: Migrant dies on walk home

Vilas had covered around 250km when he suddenly crumbled on the road to Patna

By [Dev Raj](#) in Patna

Published 3.04.20, 4:54 AM • Updated 3.04.20, 5:28 AM

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Migrants walk towards their native places amid the lockdown in Allahabad on Saturday.  
Telegraph file picture

A 40-year-old road construction worker, who had left his native Bihar to make a living in Allahabad, collapsed on the road on Wednesday and died while walking back to his village nearly 400km away.



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Vilas Mahto had set out from Allahabad last Friday, two days after the nationwide Covid-19 lockdown began on March 25, leaving him and his brother-in-law Mishri Mahto, a fellow road construction worker, without a job.

Vilas had covered around 250km when he suddenly crumbled on the road to Patna in Dehri-on-Sone in Bihar's Rohtas district.

returning from Allahabad and one of them died. We took the body to Sadar Hospital at Sasaram for the post-mortem and have put the incident in our records,” Kumar told The Telegraph on Thursday. “Both were poor people and were trying to return (to their village) somehow.”

K.N. Tiwary, deputy superintendent, Sasaram Sadar Hospital, said prima facie it appears Vilas died of a heart attack.

Vilas’s death captures the plight of thousands of migrant workers forced into an unprepared exodus by the sudden lockdown.

Figures put out by the Bihar government say around 1.81 lakh such migrant workers returned to the state till March 31 and have been quarantined. Sources said an equal number may have dodged the checkpoints and gone straight to their homes.

Vilas’s brother-in-law Mishri said they had started on March 27 for their village at Bhagwanpur in Vaishali, via NH-2. The plan was to enter Bihar’s Rohtas district and take the state highway to Patna, from where their village was just around 40km away.

“We would walk, eat, rest and walk again. For food, we had chura-gur and sattu mixed with water. We also managed to get food in villages close to the highway. A couple of times we also got rides for short distances on trucks that were moving to different places in Uttar Pradesh,” Mishri said.

On Wednesday, Vilas said he had pain in his stomach, but both kept walking. He collapsed soon after they left NH-2 near Dehri and had taken the road to Patna.

“He (Vilas) writhed in pain for some time and became still. I couldn’t understand what was happening. I screamed for help, but there was nobody nearby. I pulled him under a shade beneath a tree and wept. A few people came up and said he was dead. Later the police came,” Mishri said.

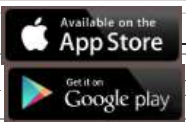
Late on Wednesday night, after the post-mortem, Vilas’s body was handed over to his companion. A vehicle was arranged to take the body to his village.

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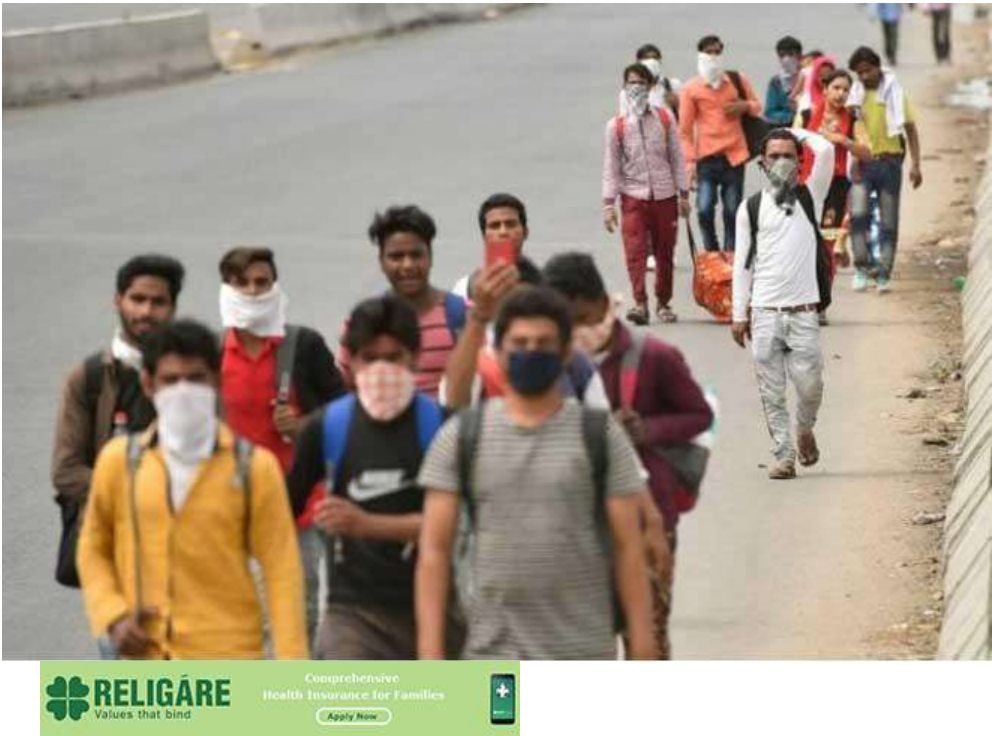
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# 12-year-old girl walks 150 km from Telangana village to Bijapur, dies just short of home

By: FE Online  
Updated: April 21, 2020 3:32:50 PM

A similar story involving a minor girl from Telangana has come to fore. The girl walked 150 km to reach her native Bijapur district in Chhattisgarh, but died just a few kms before her home.



Representational pic. PTI Photo File.

The lockdown necessitated due to the coronavirus outbreak has come at a huge cost not only in terms of the impact on the economy but on human life as well. Thousands of poor migrant workers from different states are stranded in different cities and desperate to return to their native villages. Several heartfelt stories have come to fore during this lockdown, touted to be the world’s biggest to contain the spread of coronavirus.

A similar story involving a minor girl from Telangana has come to fore. The girl walked 150 km to reach her native Bijapur district in Chhattisgarh, but died just a few kms before her home.

## RELATED NEWS

Lockdown news: Chaos at Ghaziabad’s Ramlila Maidan as thousands of migrant workers gather to register for Shramik Special trains

The 12-year-old girl worked at the chilly fields in a village in Telangana to earn a livelihood for her family. Desperate to reach her village, the girl began her journey on April 15 along with 11 others who worked with her.

They walked for three days, cutting through forests and avoiding the highway due to patrolling. However, the girl developed an excruciating pain in her stomach just around 14 km from home and was forced to stop there. As per reports, she collapsed there and died on the spot.



Pradesh, Maharashtra

Bihar claims to have spent  
Rs 5,000 crore to fight  
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malnourished. Her coronavirus tests came out negative. “She may have suffered electrolyte imbalance in her body too,” BR Pujari, senior district medical officer, said.

According to the deceased girl's father, she had been working in Telangana for two months. “She had walked for three days. She suffered from vomiting and stomach ache,” the girl's father said.

Meanwhile, the state government has announced Rs 1 lakh compensation for the girl's family.


The lockdown forced migrants to walk back to their native villages as all economic activities were suspended as a result of the lockdown announced by the government. Road, rail and air traffic were also halted by the government to prevent mass movement, forcing migrant workers to walk back to their native villages hundreds of kms away.



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# Annexure P-4

## Exhausted Migrants Fell Asleep On Tracks. 16 Run Over By Train

Maharashtra: The police said the migrants, who were headed to Madhya Pradesh, likely assumed that trains were not running due to the coronavirus lockdown and slept off on the tracks

All India | Reported by Saurabh Gupta, Edited by Debanish Achom | Updated: May 08, 2020 10:39 pm IST

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HIGHLIGHTS

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ants were walking from  
a to Bhusaval, 157 km

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They assumed trains were not running due to lockdown

There were reportedly no children in the group

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Maharashtra: The migrant workers who had been walking home slept on the tracks

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These Hilarious Photos Of The Subway

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**Mumbai:** Sixteen migrant workers in a group of 20 were killed after a cargo train ran over them while they were sleeping on the tracks in [Maharashtra's Aurangabad](#) this morning, the railways said. The migrants were walking from Jalna to Bhusaval, 157 km apart. Four of the survivors, who are in shock, are being counselled by the police, senior police officer Mokshada Patil said. The fifth survivor has been admitted to hospital with injuries.

"We are counselling the survivors before we speak to them for more details," Ms Patil said.

The police said the migrants, who were headed to Madhya Pradesh, apparently chose to walk on railway tracks to avoid the highway, where they risked getting stopped. Police added they likely assumed that trains were not running due to the coronavirus lockdown and exhausted from walking a long distance, slept on the tracks. They were run over by the passing train at 5.15 am today at the 360 km from Mumbai.

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The tracks were strewn with footwear and other personal belongings. Even the rotis they were carrying for their journey were seen on the tracks.

There were reportedly no children in the group.

The Railway Ministry tweeted the driver tried to stop the train.

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COVID-19 Patients Testing Positive After Recovery Not Infectious: Study




Biggest One-Day Spike In Coronavirus Cases In India, 5,611 In 24 Hours



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"During early hours today after seeing some labourers on track, loco pilot of goods train tried to stop the train but eventually hit them between Badnapur and Karmad stations in Parbhani-Manmad section. Injured have been taken to Aurangabad Civil Hospital. Inquiry has been ordered," the Railway Ministry tweeted.




**Ministry of Railways**  
@RailMinIndia

During early hours today after seeing some labourers on track, loco pilot of goods train tried to stop the train but eventually hit them between Badnapur and Karmad stations in Parbhani-Manmad section  
Injureds have been taken to Aurangabad Civil Hospital.  
Inquiry has been ordered

3,739 8:40 AM - May 8, 2020

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Prime Minister Narendra Modi tweeted "all possible assistance" is being provided. "Extremely anguished by the loss of lives due to the rail accident in Aurangabad, Maharashtra. Have spoken to Railway Minister Shri Piyush Goyal and he is closely monitoring the situation. All possible assistance required is being provided," PM Modi tweeted.



**Narendra Modi**  
@narendramodi

Extremely anguished by the loss of lives due to the rail accident in Aurangabad, Maharashtra. Have spoken to Railway Minister Shri Piyush Goyal and he is closely monitoring the situation. All possible assistance required is being provided.

131K 8:51 AM - May 8, 2020

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Former Maharashtra Speaker Haribhau Bagde, who is also the MLA from Phulambri, visited the accident site.

Madhya Pradesh Chief Minister Shivraj Singh Chouhan gave his condolences and spoke with Railway Minister Piyush Goyal, seeking help for the families of the workers who died in the accident. Mr Chouhan also announced Rs 5 lakh compensation for their families.

Mr Chouhan is in touch with Maharashtra Chief Minister Uddhav Thackeray for arrangements related to treatment of the injured migrants, officials in Madhya Pradesh said.

Though several states have been running "Shramik" special trains for migrants who need to return home for emergency reasons, many have started walking back on their own.

In Uttar Pradesh, Chief Minister Yogi Adityanath has said no migrant worker should walk back home from big cities like Delhi.

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Daily Order

Judge Name	Case No/Year	Date of Order	Daily Order
CHIEF JUSTICE AND B.V.NAGARATHNA	WP 6435/2020	12/05/2020	<p>1. In response to the directions contained in paragraph 22 of the order dated 5th May 2020, the State Government has made submissions in the written submissions dated 12th May 2020. Paragraphs 34 and 35 are the relevant paragraphs. Though in the first part of paragraph 35, it is stated that the Deputy Commissioner, Ramanagar, while permitting marriage function, ought to have specified the number of persons permitted for the function keeping in view the object of ensuring that there is no crowding at any particular event, in the next sentence, the State Government has justified the action of the Deputy Commissioner on the ground that there was no specific prohibition on number of guests in the MHA notification. The State Government has not disclosed how many movement passes were issued to enable the guests to attend the function held on 17th April 2020. The learned Additional Solicitor General of India appearing for the Union of India seeks time to place the response of the Central Government on record. We grant time till next Monday, that is, 18th May 2020 to the Central Government to place the response on record. We also extend time to the State Government to place on record the details of movement passes granted for the said function.</p> <p>2. In clause (v) of paragraph 34 of the written submissions, the State Government has made a policy statement regarding granting permissions for holding of marriages. It is stated in clause (iii) of paragraph 34 that in terms of the order of 1st May, 2020 of MHA, the marriages are allowed as of date so long as requirements of maintaining social distancing and maximum of fifty guests are fulfilled.</p> <p>3. Now, we deal with the issue of transportation of the migrant workers who want to go back to their respective places outside the State. Reliance is placed on the order of the Ministry of Home affairs, Government of India at Annexure-R78 laying down the guidelines for transport of such migrant workers. The written submissions filed the State Government from paragraph 14 onwards deal with this issue. Though in the written submissions, the State Government has reiterated that the migrant workers from other States will be permitted to travel back to their respective States, even as of today, a large number of migrant workers are found on highways who are making an endeavor to walk upto their respective States. One reason for this is that the assurance of the State Government that every migrant worker will be allowed to go back to his home State has not reached the migrant workers. They feel insecure about their prospects of returning to their respective homes and, therefore, in the entire State, we see a</p>

Judge Name	Case No/Year	Date of Order	Daily Order
			<p>scenario of the migrant workers walking on the highways.</p> <p>4. Our attention is invited to the protocol which is required to be followed between the States for transporting the migrant workers from one State to another. Our attention is invited to the correspondence made by the Nodal Officer for the Migrants appointed by the State of Karnataka with the Nodal Officer appointed by the Government of Bihar. Annexure-R87 is the letter dated 10th May 2020 addressed by the Officer on Special Duty of the Government of Bihar to the Nodal Officer appointed by the State of Karnataka. It records the consent of the Government of Bihar for allowing the transport of stranded persons from the State of Karnataka by special trains subject to the condition that two trains per day be scheduled starting from 16th May 2020 to 20th May 2020 and subject to the condition that the respective passenger manifestos be shared in advance so that the arrival stations in Bihar can be fixed. This means that ten trains from the State of Karnataka will be arranged from 16th May 2020 to 20th May 2020 for the benefit of the migrant workers from Bihar to reach their State. By this time, the State Government must have taken a decision identifying the migrant workers who will travel by these ten trains. The question is whether those who have been identified to travel by these special trains are made aware about the facility which is extended to them.</p> <p>5. Once there is a policy decision taken by the State Government that all the migrant workers from other States will be permitted to return to their respective States by the special trains, the assurance of the State Government must reach the migrant workers, who have applied for permission to travel. In fact, the entire list of the persons who have applied to travel to other States is available with the State Government as all the migrant workers have registered themselves on Seva Sindu portal.</p> <p>6. As can be seen from the material placed on record, the migrant workers are in a desperate situation. As they have been deprived of livelihood, they have made up their mind to go back to their respective home States. The State Government must ensure that its assurance that every such migrant worker who has registered himself will be allowed to go back to his own State must reach the concerned migrant worker. Perhaps if such an assurance is communicated to the migrant workers, they will not be forced to make an attempt to travel by road to their respective States. The State Government</p>

Judge Name	Case No/Year	Date of Order	Daily Order
			<p>must take the help of all the Trade Unions and Non Governmental Organisations (for short ‘NGOs’) who are working in the field to ensure that the assurance of the State reaches the migrant workers who have already registered with the State Government.</p> <p>7. By way of a specific illustration, we may refer to the migrant workers who want to go to the State of Bihar. The State Government can always inform through its agencies or NGOs or the Unions to the migrant workers who are selected to travel by ten special trains starting from 16th March 2020 to 20th May 2020. The State must assure that if large number of migrant workers who wish to travel to a particular State are located in one City, the State Government will be arranging for transport from that City as well.</p> <p>8. It is pointed out across the Bar that many of the migrant workers who want to move back to their respective States have not been paid wages. The grievance about the non-payment of the wages must be looked into by the State Government and its agencies.</p> <p>9. Another important issue is of the migrant workers requiring to pay the train fare. As per the order of the Ministry of Railways dated 2nd May 2020, the State Government which arranges for “Shramik” special trains is expected to pay the train fare. In the State of Karnataka, the policy of the State is to collect the train fare from the migrant workers. In case of some States, the concerned State Governments have agreed to pay the train fares of the migrant workers who are returning to the said States from the States in which they are working.</p> <p>10. Prima facie, it appears to us that considering the constitutional rights of the migrant workers, no one should be deprived of an opportunity to go back to his own State only for the reason that he has no capacity to pay for the transport. The reason is that inability to pay is due to loss of livelihood.</p> <p>11. The Central Government through the Ministry of Railways will have to look into this issue, especially when the Home Secretary of the Government of India by his letter dated 11th May 2020 addressed to the Chief</p>

Judge Name	Case No/Year	Date of Order	Daily Order
			<p>Secretaries of all the States has stated that the State Governments should cooperate with the Central Government for running more number of “Shramik” special trains so that the traveling of the migrant workers is facilitated at a faster rate. Even in the last paragraph of the said letter, the Home Secretary of the Central Government has urged the Chief Secretaries to receive all “Shramik” special trains without any hindrance and facilitate faster movement of the migrant workers to their native places. If the migrant workers are unable to pay the train fare, it will be impossible to facilitate their travel at a faster rate. Therefore, apart from the Central Government, even the State of Karnataka must look into the issue and take immediate decision on the question of paying railway fare of those migrant workers who are not able to travel due to their inability to pay.</p> <p>12. The State Government and the Central Government, during this difficult time, must appreciate the major contribution made by the migrant workers in a large number of public projects as well as private projects which have contributed to the improvement of the infrastructure in all the States and the improvement of economy. At a time when the migrant workers who have made such a huge contribution are facing distress, both the Central and State Government must come forward to help them to ensure that at the earliest, they return back to their home States. Ideally, no migrant worker should be deprived of an opportunity to travel back to his home State if he wishes to do so. Therefore, it will be appropriate if the State Government immediately convenes a meeting of all the Trade Unions, Employers’ Associations and NGOs in the State with a view to ascertain whether any contribution can come from the Employers’ Association, Trade Unions and NGOs which can be used for bearing the Train fares of the migrant workers who are not in a position to pay the train fare.</p> <p>13. Now that the migrant workers who wish to travel back to their respective States have registered themselves, the State Government is made aware how many migrant workers want to go back to different States. The State Government must, therefore, work out a time schedule for facilitating transport of these migrant workers to their respective States. The State Government should ensure that a broad time schedule is communicated to the migrant workers. The State can immediately do so in case of the migrant workers of the State of Bihar, who are going to be accommodated in the special trains which will be run from 16th May 2020 to 20th May 2020. The Central and State Government must find the solution on this issue which will ensure that the rights of those migrant workers who wish to go</p>

Judge Name	Case No/Year	Date of Order	Daily Order
			<p>back to their respective States are not infringed only because they are in distress and are not in a position to pay the traveling charges.</p> <p>14. The responses of the State and the Central Government on these aspects shall be placed on record on the next date, that is, on 18th May 2020. The State Government must place on record the details of the special trains so far arranged from various places in the State of Karnataka and the special trains which are scheduled to run in near future.</p> <p>15. Needless to add that considering the delay involved in making available the traveling facilities to the migrant workers, the State Government must ensure that so long as the migrant workers are not leaving the State, the supply of ration/food to them remains uninterrupted.</p> <p>16. The State will have to also address the issue of the facilities extended to the migrant workers who are from the State of Karnataka and who are working in other States. The State will also to place its response on record regarding the facilities extended to them for returning to the State which will include the payment of train fare. Necessary details such as requests received by the State of Karnataka, steps taken for repatriation of the migrant workers to Karnataka etc., shall be also placed on record.</p> <p>17. Our attention is invited to the letter dated 7th May 2020 addressed by Shri Sharath Bachegowda, a Member of Legislative Assembly. The letter was addressed to the Chief Justice of High Court of Karnataka. A copy of the letter be supplied to the learned Additional Advocate General so that the State can address the Court on the next date.</p> <p>18. Now turning to the issue regarding the workers working on the project of Bengaluru Metro Rail Corporation Limited (for short ‘BMRCL’), a written response has been filed by the learned counsel appearing for the BMRCL. During the course of hearing, we have indicated to the learned counsel that better details are required to be placed before the Court such as the number of contractors engaged by BMRCL and how many workers were working under a particular contractor immediately before the lockdown. Secondly, the figure of the number of workers engaged as on 24th</p>



Judge Name	Case No/Year	Date of Order	Daily Order
			<p>March 2020 will have to be placed on record. Further, BMRCL must place on record whether food and other necessities of life are being supplied to those workers who were working prior to lockdown and who have not resumed the work.</p> <p>19. Our attention is invited to a judgment of this Court dated 18th August 2014 in Writ Petition No.48094/2012 which specifically deals with violation of the rights of the workmen working on the metro rail project in Bengaluru. In paragraph 11 of the written submission filed by BMRCL, it is stated that the salaries have been paid to the workers for a certain period. BMRCL must also place on record compliance with the directions contained in clause III of paragraph 5 of the said judgment and order. We also direct BMRCL to state before the Court whether the Monitoring Committee constituted under clause I of paragraph 5 of the said judgment and order has discharged the functions and duties assigned to it in the context of what is stated in clause II of paragraph 5 and paragraph 6 of the said judgment and order.</p> <p>20. The additional submissions shall be placed on record by BMRCL in terms of the above directions by 16th May 2020 so that this issue can be considered by this Court on 18th May 2020.</p> <p>21. The aforesaid issues as well as the rest of the issues involved in this public interest litigation will be considered on the next date, which is 18th May 2020.</p>

RIGHTS

# Six Migrant Workers Walking on Highway Killed by Bus in UP's Muzaffarnagar

The bus driver may have been under the influence of alcohol and has been arrested.



Representative image of migrant workers walking home in UP's Ghaziabad. Photo: PTI



The Wire Staff

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**New Delhi:** Six migrant workers, who were walking to their homes in Bihar from Punjab, were killed and five others seriously injured when a speeding bus ran over them on the Delhi-Saharanpur highway in Uttar Pradesh's Muzaffarnagar district.

The incident took place on the intervening night of Wednesday and Thursday, between Ghalauli check-post and Rohana Toll Plaza, senior superintendent of police Abhishek Yadav told PTI.

The bus driver has been arrested, the SSP said.

Locals suspect that the driver was under the influence of alcohol at the time of the accident.

Two of the deceased persons were identified as Bijender, 25, and Harsh, 20. The rest were yet to be identified, police said. The injured – Sushil, Nathu Saini, Pawan Saini, Pramod and Ramji Rai – were rushed to a hospital.

Ever since the government announced a nationwide lockdown to stem the spread of COVID-19, without adequate measures to help migrant workers and daily-wagers survive, there has been an exodus from various cities across the country to the villages, as workers try to make their way to their families. A large number of workers have lost their lives in the process, due to exhaustion and accidents.

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**Also read: Will Migrants' Lockdown Experiences Become the Debris of History That Reaches the Sky?**

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On May 9, **five migrant labourers** were killed and 13 others injured when a truck in which they were travelling overturned in Madhya Pradesh's Narsinghpur district. Two days before

that, 16 migrant workers were **run over by a goods train** while they slept on tracks Aurangabad, Maharashtra.

The stringent lockdown imposed in India for nearly two months now has led to a number of non-coronavirus deaths. Statistics put together by activists suggest **more than 400 people have died** because of the lockdown. Of them, 75 people died in rail or road accidents while walking to their homes – the only mode of travel available as public transport had been suspended by Prime Minister Narendra Modi’s government, which gave notice of only four hours before the first lockdown came into effect.

(With PTI inputs)



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## Migrants killed on way back home

In one instance, 3 workers and a 2-year-old died after a truck carrying 54 labourers and their families rammed into a stationary truck

By PTI in Kanpur and Chitrakoot

Published 14.05.20, 4:36 AM • Updated 14.05.20, 4:36 AM

2 mins read •



Children of a migrant labourer trying to return home to Madhya Pradesh walk barefeet along a Delhi road on Wednesday. (PTI)

Three migrant labourers and an infant girl were killed and 46 were injured in two road accidents in Uttar Pradesh while they were on their way home from other states during the lockdown, officials said on Wednesday.

A truck carrying a group of 54 migrant labourers and their families from Ahmedabad in Gujarat to Balrampur in Uttar Pradesh rammed into a stationary truck near the Lalpur police post on the Kanpur-Jhansi highway, killing three and injuring 43.

Superintendent of police (Kanpur Dehat) Anurag Vats said: “The deceased have been identified as Rohit, 25, Hiranman, 50, and Sumaiyya, 2, all residents of Balrampur.”

The injured have been admitted to the district hospital, he said, adding that eight of them are critical and have been referred to Lala Lajpat Rai Hospital, Kanpur.

In Chitrakoot, a migrant labourer returning home in Uttar Pradesh from Chhattisgarh on a bicycle was killed after being hit by a truck, the police said. Mohan, 44, a resident of Saharanpur, was returning home along with three others when he was hit on Tuesday. The labourers had stopped on the roadside near Kalchiha village in Chitrakoot to take rest when they were hit by the speeding truck, the police said.

All four were injured and taken to a community health centre in Mau village, where Mohan died.

Mau community health centre superintendent Shekhar Vaishya said the condition of the three other workers was stable. The truck has been impounded and its driver arrested, the police said.

The workers, who hail from Saharanpur and Muzaffarnagar districts, used to work at a jaggery factory in Chhattisgarh’s Raipur that is closed in the lockdown.

On Tuesday, a 32-year-old migrant labourer died and 20 were injured after the “overloaded” goods vehicle they had hitched a ride on to travel home from Hyderabad to Jharkhand overturned after a tyre burst in Kamareddy district of Telangana, police said. The group of 21 were construction workers who had been left jobless in the lockdown.

### Suicide

A 40-year-old migrant worker from Kendrapara in Odisha has allegedly committed suicide in Haryana, an official said on Wednesday. The worker, employed with a plywood manufacturing company at Yamuna Nagar, was found hanging from a tree near where he lived.

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## IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## R/WRIT PETITION (PIL) NO. 42 of 2020

SUO MOTU

Versus

STATE OF GUJARAT &amp; 2 other(s)

Appearance:

SUO MOTU(25) for the Applicant(s) No. 1  
for the Opponent(s) No. 1,2,3CORAM: HONOURABLE MR.JUSTICE J.B.PARDIWALA  
and  
HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 14/05/2020

ORAL ORDER

(PER : HONOURABLE MR.JUSTICE J.B.PARDIWALA)

1 In response to our order dated 11<sup>th</sup> May 2020 passed in the Writ Petition (PIL) No.42 of 2020, the State Government has filed its report. The report reads as under:

"Report on behalf of the Respondent State pursuant to the order dated 11.05.2020 of this Hon'ble Court in the captioned proceedings

The present Report is being submitted in the captioned proceedings on the basis of the instructions provided by the concerned Departments of the State Government, presenting the arrangements in place as well as important actions taken in the wake of spread of COVID-19, with reference to various aspects indicated in the aforesaid order dated 11.05.2020 of this Hon'ble Court.

**I. Re: Supply of food and other facilities to urban homeless:**

1. For providing shelter for Urban homeless, the State has been rigorously implementing Deendayal Antyodaya Yojana – National Urban Livelihood Mission (DAY-NULM) of the Government of India as under:

- (a) *The said DAY-NULM aims at providing permanent shelter equipped with essential services to the urban homeless in a phased manner under the Scheme of Shelter for Urban Homeless (SUH).*
- (b) *Scheme of Shelter for Urban Homeless (SUH) is implemented in all 8 Municipal Corporations and 30 'A' class and district head quarter Municipalities (i.e. 38 cities).*
- (c) *In the State, there are 91 shelters having approx. capacity of 5,500, which are operational in 38 Cities.*
- (d) *As per the provisions of the SUH guidelines, for all the shelters, a space of 50 square feet per person has been taken as the minimum space to be provided.*
- (e) *The shelters are permanent, running throughout the year and open round the clock, with all basic facilities/amenities like well-ventilated rooms, water arrangements, adequate bathing & toilet facilities, standard lighting for shelter, first aid kit, common kitchen/cooking space, necessary utensils for cooking and serving, cooking gas connections etc. at the shelters for dignified living.*
- (f) *To monitor shelter homes daily in all Municipal Corporations, Nodal Officers not below the rank of Assistant Municipal Commissioner have been appointed, who have been instructed to provide sufficient sanitizers and other equipment which are needed to prevent CORONA Virus infections. Also, they were informed to maintain cleanliness and hygiene daily.*
- (g) *Accordingly, all Municipal Corporations have provided face masks and sufficient sanitizers to the Shelter Homes and tie up with various NGOs / Trusts to provide free food to the all inmates who are residing in the Shelter Homes.*

2. During the lockdown period, Ahmedabad Municipal Corporation ('AMC' for short) has so far initiated 30 shelter homes for the homeless with a capacity of 1,721 beds in different locations in the city in each of 7 zones along with the supply of food, medicines and other facilities indicated hereinabove. Details of different shelter homes so far created by AMC in its 7 zones, having total 1,721 beds are as follows, wherein there are about 502 inmates from other States:

	Zone	Wards	No. of beds	Total	Occupied	Vacant upto 10.05.2020
1	North	India Colony	90	330	32	58
		Kubernagar	40		16	24
		Naroda	90		37	53
		Bapunagar	40		18	22
		Saraspur	30		29	1
		Saijpur Bogha	40		21	19
2	South	Isanpur	50	442	14	36
		Khokhra (3)	250		109	141
		Maninagar	42		24	18
		Vatva	100		117	0
3	West	Navrangpura (2)	88	213	66	22
		Naranpura	45		16	29
		S.P. Stadium (2)	80		52	28
4	East	Odhav (3)	220	310	67	153
		Bhaipura – Hatkeshwar	90		37	53
5	Central	Shahpur	54	174	12	42
		Shahibaug (2)	80		33	47
		Jamalpur	40		14	26
6	North West	Gota	30	152	12	18
		Ghatlodiya	40		18	22
		Chandlodiya	40		17	23
		Bodakdev	42		25	17
7	South West	Vejalpore	100	100	51	49

Apart from the above, one Family Shelter Home is at Bodakdev in South West Zone, where in all 128 homes are available, in which 40 families (163) are residing and 88 such home are vacant. The State arranged maximum 198 shelter homes holding 10,267 migrant workers at the peak on 18/04/2020 and the numbers have come down when it was decided to arrange conveyance for the stranded migrant workers after the completion of second phase of Lockdown.

3. It is submitted that the Urban Community Development Department of AMC has so far distributed around 36,80,000 food packets free of cost to homeless people of the city during this lockdown period till 11.05.2020. Apart from this, AMC has also distributed other grocery items, sanjivani kits, masks, sanitizers, medicines, vegetables, milk packets, etc., which have been made available through different NGOs, charitable organisations, etc. A chart indicating necessary information in this behalf is annexed hereto and marked as **Annexure-I**.



4. It is submitted that the homeless people and their families referred to in 'Ahmedabad Mirror' in its Edition dated 11.05.2020 are being provided food on regular basis. Even during the recent complete lockdown, no sooner it was reported that many of them have not had the food for some time, it was seen that these people are also taken care of. It is further submitted that in mammoth exercise being undertaken by AMC to supply food packets through various charitable organizations / NGOs everyday to urban homeless people and others of the entire city, at times complaints do crop up owing to varied reasons beyond control, but the municipal administration sincerely tries to immediately attend the same. In the instant case, all those people who have been referred to in the aforesaid newspaper report, have now been taken care of. So far, AMC has successfully managed to see that its citizens do not go hungry, barring the exceptional circumstances referred to above, which is in fact a matter of rarity, but the situation is not at all going out of control. It is further submitted that necessary arrangements are in place for distribution of food packets all over the city of Ahmedabad as well as in the areas on the outskirts as well as other parts of the State of Gujarat.

5. In furtherance of the above, it is submitted that till now, AMC has served –

- (i) 8,40,651 – Food packets;
- (ii) 2,61,076 kgs. – Vegetables;
- (iii) 2,95,395 – Ration kits containing grocery (i.e. wheat flour, rice, oil, pulses / lentils, masala, sugar, etc.) which can serve family of 5 persons for about 2 to 4 weeks.

In addition to the above, more than 4,000 labourers, i.e. construction workers, etc. are also being provided shelter at about 35 labour camp locations, where food and other daily requirements are being taken care of through various agencies with the help of volunteers of the societies, different NGOs, food outlets, clubs, of course with the coordination of the employees and officers of the AMC in the matter of distribution thereof. Photographs of distribution of food packets with the help of NGO's done by Police officials in Ellisbridge area are annexed hereto and marked as **Annexure-II**.

## **II. Re: Migration of migrant workers:**

1. At the outset, it is submitted that the following system has been established by Ahmedabad District Administration and somewhat similar system by other Collectorates, for sending the migrant workers to their native State, as explained hereunder:

- (i) Detailed surveys of migrant workers who want to go their native States are conducted by the concerned Taluka Mamlatdar. They gather the information of all such labours and migrant workers.
- (ii) Mamlatdars compile the information and prepare the list for different States. The list is then sent to District Collector Office.
- (iii) List thus received from different Taluka Mamlatdars are gathered at Collector Office. Details are then sorted out for different States and district wise, e.g. details of migrants of UP, Bihar are then sorted out district wise.
- (iv) List of each district is then sent to concerned District Magistrate and Collector of that respective State for confirmation and no objection certificate for receiving their people.
- (v) After confirmation / NOC received from different District Magistrates, proposal is prepared with detailed list of around 1,200 migrant persons for single train. The list is then sent to DRM (Railway Department) to sanction a train for that route / district of State.
- (vi) After sanction letter is received from DRM (Railway) Office, Collector Office informs respective Mamlatdars with tentative train schedule. Mamlatdars then arrange to see that the leaders called 'Mukadams' of different groups of migrant workers as well as Municipal Councillors, MLAs and office staff are called in person in advance and made to understand that they would be contacted and supplied a list of migrant workers in advance, who alone should be instructed to reach the specified assembly point next day at least 5 to 6 hours earlier than the scheduled time of a departure train.
- (vii) Majority of these migrant workers stay in groups at different places in localities like GIDC, etc. and others in shelter homes, who are then instructed by phone through Mukadams, Municipal Councillors, MLAs, office staff etc. to reach the predecided assembly points. For this purpose, all the staff of the Mamlatdar Office, including Deputy Mamlatdars, Talatis and Clerks are engaged.
- (viii) At the assembly point, these migrant workers are arranged

while maintaining norms of social distancing, for the purpose of carrying out the following specified tasks:

- (a) marking their presence while checking their details relating to addresses of the native States;
- (b) carrying out medical screening and health check up of every individual;
- (c) consuming food and water being served to them.

Pertinently, sheds have been provided at the assembly points, where the aforesaid procedure consumes about 5 to 6 hours.

- (ix) Thereafter, Mamlatdars arrange adequate buses of GSRTC to transfer migrant labours to the District Railway Station, while complying the guidelines of MHA regarding social distancing, etc.
- (x) Taluka Mamlatdar, SDM staff and other nodal officers deputed by the District Collector remain present at Railway Stations and make sure that all the arrangements are in place including ample sheds and barricades and ultimately, migrant labours are made to board to train while maintaining the norms of social distancing and are once again provided with food packets and water bottles before boarding the train.
- (xi) Details of migrant labours so far sent to different States by trains from Ahmedabad District are as under:

State	Number of Trains	Number of Labours
Uttar Pradesh	48	61492
Bihar	7	8865
Orissa	2	2400
Total	57	72757

- (xii) Details as regards proposals so far sent to the concerned States for approval are as under:

State	Number of Proposals	Number of Labours
Uttar Pradesh	19	28017
Bihar	6	8896
Orissa	1	1600
Jharkhand	1	1170
Chhattisgarh	5	6937
Uttarakhand	1	1404
Total	33	48024

2. A crowd of migrant workers referred to in a news item titled as 'Migrant workers made to wait for 19 hours in Gujarat to board train to UP' in the edition of 11.05.2020 of Indian Express, is not factually very accurate. In this behalf, after the said reporting, one Mr. R.V Asari, Superintendent of Police (Ahmedabad Rural), was instructed to inquire into the whole episode and report. As per his report, the accurate facts in this behalf are that on 10.05.2020, as per the prepared list of 1195 migrant workers, they gathered at the assembly point at GIDC industrial estate, Village: Changodar, Taluka: Sanand. All the formalities referred to above were taken care of at the said assembly point and that thereafter, they were taken to Viramgam Railway Station in 24 GSRTC buses, and reached there at about 16:45 hours, and thereafter, the process of boarding commenced, and ultimately the train left at 17:30 hours on 10.05.2020. Pertinently, when the process of transferring the listed migrant workers to Viramgam Railway Station was going on, many other migrant workers not referred to in the said list of 1195 persons, took just a chance to gather outside the office of the concerned MLA in Viramgam, who has been actively engaged in informing the listed migrant workers and assisting in the arrangement of bringing the said listed migrant workers to the Railway Station. It has been further reported in this behalf that the crowd of the said migrant workers wanted to see that they are also allowed to board the train, though they were desired on a previous night to wait and keep patience, if their names are not in the list and accordingly not announced. This kind of episode is a matter of rarity so far as the State of Gujarat, in particular, is concerned.

3. Notwithstanding what is mentioned above, it has been decided to take the following two main steps to begin with, to see that the aforesaid incident of crowding by the migrant workers may not reoccur:

- (a) An announcement through local vernacular TV Channels would be made that each of the migrant workers would be able to travel his / her native place and that, therefore, nobody should undertake to visit the assembly point and/or the offices of District / Municipal Authorities, whose names are not included in the list and accordingly not announced in their respective areas.
- (b) On every previous night, an attempt would be made to see that the aforesaid request is reiterated through the Mukadams, Municipal Councillors, MLAs, office staff i.e. the representatives of the Mamlatdar office, while announcing the names of the migrant workers who are to undertake the travelling next day.

4. In spite of developing the above referred system to smoothen and ease the process of transit of the migrant workers, so that they may not have to wait for hours and hours together before they are able to board

the trains, under very rare and exceptional circumstances, such an eventuality is likely to take place, more particularly when the scheduled trains are cancelled. However, in such an eventuality, sufficient care would be taken to see that the norms of social distancing are maintained amongst the said migrant workers and that they would be provided food and other facilities, as the exigencies of the situation may demand.

**III. Re: Availability of Medical Aid during complete lockdown period.**

1. Pertinently, all the police officers on duty have been instructed to see that even during the complete lockdown, ailing persons are able to reach a hospital or a clinic of their choice and seek immediate medical treatment. This includes access to healthcare facilities, all public and private medical institutions, dispensaries, chemist shops, laboratories, clinics, nursing homes, ambulance services, movement of medical staff, nurses, paramedics and transportation of medical support services. Notifications dated 31.03.2020, 24.04.2020 and 04.05.2020 have been issued by the Commissioner of Police, Ahmedabad, in this regard. Copies of the said notifications are annexed hereto and marked as **Annexure-III (Colly.)**. A few instances of assistance provided by the police personnel in Ahmedabad, in this regard, are as follows:

- Medical check-up of some 28 senior citizens above the age of 80 years of age was facilitated by Sabarmati Police Station officers;
- Police officers transported one Kidney patient residing at Chainpur village for dialysis at Sanjivani hospital at Vadaj daily from his house to the hospital.
- One Gauriben w/o Pratipal Prajapati, aged 45 years, resident of Shahpur Darwaja, was provided a SHE team police vehicle to meet her 90 year old ailing father residing at Maninagar when the police came to know about her problem through an NGO.

2. Considering the newspaper report published on 11.05.2020 in Ahmedabad Mirror regarding police officials stopping people from availing medical facilities, a letter dated 12.05.2020 was issued by the Commissioner of Police, Ahmedabad, taking note of such newspaper article and to allow the patients to visit the doctors uninterrupted. A copy of the said letter dated 12.05.2020, is annexed hereto and marked as **Annexure-IV**. The news report mentioned about the unpleasant experiences of some people who were stopped by Ahmedabad Police when they were going to the Hospital for their respective treatments either for themselves or for their relatives. In the case of Mr. Narayan Bharwad, the Traffic Police Inspector Mr. J.B. Buval alleged to have stopped him, had refuted the allegation by stating that the former had misbehaved with him when he was stopped on the road and he even lodged a complaint in this matter. In

the same news report, the Joint Commissioner of Police went on record clarifying that this is not the general behaviour of Police as they have instructed the person to help people with medical emergencies. The Police have been briefed about what is exempted and what is not during the Lockdown.

3. It is submitted that massive efforts are being made by the police authorities in assisting and supplementing the efforts of other authorities during this pandemic situation. Considering the endeavours of the authorities, there can be no intention to deliberately stop any person so as to cause any harm, per se. It has been witnessed by the authorities that many times, people visiting hospitals do not carry any records and the police officials have no way to check the genuineness of the claims made by such persons. Moreover, considering the prevalent situation and the rising number of cases each day, the police authorities have been extra vigilant in their attempts to prevent wilful defaulters of the guidelines of the lockdown, who not only put themselves at risk but others, as well.

4. It was found that some of the private clinics were not functioning owing to the fear of the pandemic. When this was brought to the knowledge of the Administration, private clinics operators have been requested to run their clinics for providing necessary medical assistance to the needy people. A decision has been taken by the authorities in this regard on 06.05.2020. A copy of the said decision dated 06.05.2020, is annexed hereto and marked as **Annexure-V**. All police officers of the DCP rank, are proactively contacting doctors, holding meetings and persuading them to open their hospitals so that people can avail medical facilities. The doctors are also being contacted via social media. Photographs of one such meeting are annexed hereto and marked as **Annexure-VI**.

5. The Ahmedabad City Police has launched a scheme called "NAMAN" to look after senior citizens of the city. They are looked after by SHE Teams of all police stations. Total 2,855 senior citizens are registered with the police. SHE teams visit their homes regularly. The teams help them in getting medicines, availing medical assistance, if required and also assist in availing any other emergency services. They were also provided ration kits during the lockdown and an SOS mobile application has also been downloaded in their mobile phones so that they can avail tele-medicine facilities during lockdown with the help of one NGO.

6. Any such media report pointing out any shortcoming on part of the administration is being taken seriously and suitable instructions are being given at the supervisory level every now and then, for corrective measures and similar such instructions were given in the above discussed issues, as well."

2 In addition to the aforesaid report, the following further details have been placed on record:

1. As regards to the news item "In pain? Grin and bear, because cops won't allow you meet your doc" (Ahmedabad Mirror, 11.05.2020) it is humbly submitted on the directions of the Ministry of Home Affairs, Government of India dated 24.04.2020 and the Government of Gujarat under the Disaster Management Act, 2005 to enforce lockdown in order to fight COVID-19 pandemic, the Commissioner of Police Ahmedabad City has issued notifications prohibiting certain activities thereafter. Considering the importance of the healthcare facilities all public and private medical institutions, dispensaries, chemist shops, laboratories, clinics, nursing homes, ambulance services, movement of medical staff, nurses, paramedics and transportation of medical support services have been allowed in the notification.
2. It is submitted that people going for purchasing medicines and for availing medical treatment have also been exempted from the restrictions of the Lockdown. Despite the relaxation in the notification it was noticed some of the private clinics were not functioning owing to the fear of the pandemic. When this was brought to the knowledge of the Administration, private clinics operators have been requested to run their clinics for providing necessary medical assistance to the needy people.
3. On the report published in Ahmedabad Mirror on 11/05/2020 citing difficulties faced by people in getting access to medical facilities and cops on duty stopping people from visiting the doctors, all Police Officers posted in Ahmedabad have been instructed by the Commissioner of Police office vide a letter on 12/05/2020 to allow the patients to visit doctors uninterrupted. A few instances of assistance provided by the police personnel in Ahmedabad, in this regard, are as follows:

Medical check-up of some 28 senior citizens above the age of 80 years of age was facilitated by Sabarmati Police Station officers;

Police officers transported one Kidney patient residing at Chainpur village for dialysis at Sanjivani hospital at Vadaj daily from his house to the hospital.

4. The Municipal Commissioner, Ahmedabad recently requested all private Hospitals to keep open the clinics for medical facilities to be extended to the needy people. All police officers of the DCP rank proactively contacted doctors, held meetings and persuaded them to

*open their hospitals so that people can avail medical facilities. The doctors were also contact via social media.*

- 5. Ahmedabad City Police has launched a scheme called "NAMAN" to look after senior citizens of the city. They are looked after by SHE Teams of all police stations. Total 2,855 senior citizens are registered with the police. SHE teams visit their homes regularly. The teams help them in getting medicines, availing medical assistance, if required and also assist in availing any other emergency services. They were also provided ration kits during the lockdown and an SOS mobile application has also been downloaded in their mobile phones so that they can avail tele-medicine facilities during lockdown with the help of one NGO.*
- 6. With reference to the news item "give us food or kill us now" (Ahmedabad Mirror, 11.05.2020) it is stated that, clear cut instructions have been given to the field officers to take care of the footpath dwellers by moving them to Shelter Homes wherever possible and also to provide food and water with the help of volunteers. Further, Ahmedabad Police including the Ellis bridge Police Station Staff has provided 11,000 grocery kits, 3,88,000 food packets, 11,045 Water (drinking) bottles, 23,000 snacks packets etc. to poor people including those dwelling on the road side and foot path with the assistance of charitable trusts and other volunteers.*
- 7. With regard to the news item "migrant workers made to wait for 19 hours in Gujarat to board train to UP" (Indian Express, 11.05.2020), it is submitted that on 10.05.2020, a total of 1,195 migrant workers of Uttar Pradesh origin working in Changodar Village of Ahmedabad District left for Viramgam to catch the exclusive train arranged for the migrant workers to reach their native place Rae Bareilly, Uttar Pradesh. Before leaving Changodar, medical screening was conducted by the Health Department on all the migrant workers leaving for their native place as per the guidelines of the Government of India. Thereafter, the details of the workers were collected and the Office of the Collector, Ahmedabad sent the said details to the Railway Department for booking travel tickets. After taking due permission from the Government of Uttar Pradesh to enter the State the Railway Department issued tickets for the train left at 1700 hrs. on 10/05/2020 to Rae Bareilly, Uttar Pradesh. The concerned officials and staff of the Office of the Mamlatdar, Sanand collected the details pertaining to each of the workers and later the workers were taken to the Viramgam, Ahmedabad Railway Station in 24 buses of Gujarat State Transport Corporation arranged specially for this purpose by the revenue officials of the State. The seating arrangement in the bus*



was made keeping in mind the social distancing aspect during the journey and the workers were provided with food packets and water (drinking) bottles.

8. The workers reached Viramgam, Ahmedabad Railway Station around 16:45 Hours, 10/05/2020 and thereafter the process of the boarding of the workers commenced and by 17:30 Hours the train left for Rae Bareilly, Uttar Pradesh. It is pertinent to note that within 4 to 5 hours' time the workers reached the Railway Station from the Starting Point after following all the procedures mentioned in the guidelines of Government of Gujarat. The workers were so delighted when the train left the Station they expressed their gratitude by clapping and shouted in joy thanking the administration for all the assistance provided by them. Thus it is clear that the news article is not only far from the truth but the real happening.
9. Regarding the news item "Stop Migrant workers walking home take them to Shelters: DGP" it is submitted that as on date 66 Shelter homes arranged for migrant workers are in existence holding 1338 migrant workers at different places of the State. The strength shelter homes have come down after special trains were arranged for the migrant workers to reach their native place since 02/05/2020 on the instructions of Government of India to lessen the hardships of the migrant workers struck in different places and who want to go back to their native places during the Lockdown of COVID-19 pandemic. The State arranged maximum 198 shelter homes holding 10267 migrant workers at the peak on 18/04/2020 and the numbers have come down when it was decided to arrange conveyance for the stranded migrant workers after the completion of second phase of Lockdown.
10. The revenue officials identified proper places for the shelter homes with suitable accommodation, food and medicinal facilities without compromising the social distancing. This is apart from requesting the migrant workers and made to stay wherever they are by providing necessary assistance as per the requirements with the help of local public and industrialists. Police staff provided necessary assistance in bringing the stranded workers to the nearby shelter homes whenever they were spotted moving in foot for long distances. As of now 263 Special Trains for 3,33,376 migrant workers of Uttar Pradesh, Bihar, Jharkhand, Orissa, Madhya Pradesh origin were arranged to transport them to their respective native places since 02/05/2020 to 13/05/2020.
6. On any such media reports pointing out any lagging on the part of administration are taken seriously and suitable instructions are given by

*the supervisory level every now and then for corrective measures and similar such instructions was given in the above discussed issues too.”*

3 Thus, according to the State authorities, all steps necessary to ease the problems, hardships and difficulties faced as on today by the migrant workers are being taken care of. According to the report, if any citizen of the State has any other ailment and needs medical treatment, then they can avail such medical treatment at a private clinic or a private hospital. According to the report, the State Government has directed all the medical practitioners to operate their clinics and attend to the patients. In short, it is the case of the State authorities that all necessary steps are being taken to ensure that the people at large do not have to suffer.

4 Both the reports are ordered to be taken on record.

5 The first thing that we brought to the notice of the learned Advocate General today is the problem with regard to 200 and odd contractual employees working in the House Keeping Department of the Sardar Patel Vallabhbhai Patel Hospital (SVP Hospital), Ahmedabad. We brought to the notice of the learned Advocate General as well as the learned Government Pleader that yesterday, late in the evening, all the Gujarati TV News Channels, flashed that the employees of the House Keeping Department of the hospital were on the verge of going on a strike as they have not been paid their salary for the month of May 2020. We immediately realised that this is something very serious and would lead to further complications. At this point of time, no employee of any hospital can go on a strike. At the same time, the employees should be paid their salaries in time. No sooner this fact was brought to the notice of the learned Advocate General, then the learned Advocate General immediately called up the authorities concerned and inquired about the same. Mr. Trivedi immediately made a statement that the problem has been resolved and the employees have been paid the salary for the

month of May 2020. Accordingly, this problem was taken care of very promptly.

6 Today, when the matter was taken up for further hearing, we noticed that there are many fresh civil applications filed by different learned counsel. We made ourselves very clear that the matter was kept today only with a view to seek the response of the State Government on the four issues which were raised by us *suo motu*. However, all the learned counsel, who have preferred different civil applications, requested that they have few suggestions to be made so that the Government can look into such suggestions and work in that direction to ease the hardships suffered by the people at large. The following issues were raised in the course of the hearing of the matter:

[1] Why the State Government is not ready to ply the buses almost more than 8000 in numbers owned by the Gujarat State Road Transport Corporation. This issue came to be raised in the wake of the fact that only Luxury buses are being used for the purpose of transporting the migrant workers from one State to the other and also from one district to other district within the State of Gujarat. It is pointed out that a huge amount is being demanded for the purpose of purchasing ticket of a Luxury bus.

[2] It was pointed out that why the funds of RERA meant for the construction workers is not being utilised for the benefit of their well being. This is something to do with the construction workers which are almost two lac in numbers within the State of Gujarat.

[3] It is pointed out that why should the State Government ask any person desirous of going back to his native to pay for the ticket? Why the Government should not bear the expenses for the same?

[4] It was pointed out that why the State authorities should not make use of the community halls, marriage halls, schools, etc, for the purpose of providing shelter to the migrant workers and other labourers and also for quarantine purpose?

[5] It was pointed out that if the migrant workers and labourers want to go back to their native, the contractors or the employers should be asked to pay for their tickets and if the contractors decline, then the Government should bear the expenses. It was also pointed out that necessary legal steps should be taken against the contractors who decline to pay to the labourers.

[6] A lot of concern was expressed on the discharge policy prevailing as on date of the CORONA virus patients. It was pointed out that while discharging the patients, no further test is being carried out. Many other loopholes were pointed out as regards the discharge policy.

[7] It was also pointed out that the State authorities should make necessary arrangements for N-95 masks. The N-95 masks should be provided to all the health workers working in the different hospitals and should also be made available for the general public at large for their safety.

[8] It was pointed out that it is hightime that the State authorities should consider to permit the hair cutting salons to be opened. People are finding it extremely difficult because the salons are closed. It was pointed out that some modalities should be worked out on the basis of which the salons may be permitted to be opened.

[9] It was next pointed out that the services of electrician, other technicians should be made available. Today, if there is any electrical fault in the house, there is no one to take care of.

[10] The other issues with regard to the examination of the students of Standard 10<sup>th</sup> and Standard 12<sup>th</sup> were also raised. It was pointed out that the students are in a dilemma. The State authorities should clarify as to when it will be possible to conduct the examination.

[11] It was pointed out that there are lot of problems at Asarva, more particularly, the Government colony.

[12] In the last, something very important was pointed out. This has something to do with the exorbitant amount being demanded by the private hospitals for treating the COVID-19 patients. It was pointed out that few private hospitals have been authorised by the State Government to admit and treat the COVID-19 patients, but, the fees are exorbitant. The fees are running in lacs of rupees and an ordinary man will never be able to afford to avail adequate treatment from a private hospital.

[13] On the other hand, it was pointed out that the Civil Hospital, Ahmedabad as well as the SVP Hospital, Ahmedabad is full. No beds are available as on date. In such circumstances, a COVID-19 affected person will have to reach to a private hospital.

7 The aforesaid are the few aspects which were discussed in the course of the hearing of the matter.

8 There is no doubt that each of the aspects referred to above requires due consideration by the State authorities at the earliest. Mr. Kamal Trivedi, the learned Advocate General, Ms. Manisha Lavkumar Shah, the learned Government Pleader, Mr Mitesh Amin, the learned Public Prosecutor and Mr. Devang Vyas, the learned Assistant Solicitor General of India have taken note of all the aforesaid aspects and have assured this Court to take up the issues with the State Government at the earliest and revert to this Court by the next date of hearing.

9 Today, in the course of the hearing of the matter, we put forward few suggestions to be considered by the State authorities.

[1] The most grave and serious problem as on date within the State is hunger. People are without food, more particularly, the migrants, the labourers and the people hailing from the poor and downtrodden class of the society. In our order dated 11<sup>th</sup> May 2020, we pointed out that the poor class of society is not worried about the virus, but, they are worried about starvation. We highlighted that on account of complete lockdown, the services which were being rendered by the NGOs, charitable institutions and other volunteers has come to a grinding halt. We request the learned Advocate and the learned Government Pleader to take up this issue with the State authorities and see to it that even during the period of lockdown, some modalities should be worked out by virtue of which few selected and trustworthy NGOs, volunteers and charitable institutions can be asked to provide food to the poor and the needy.

10 According to us as on date, the most important direction necessary to be issued to the State Government is to see that all the private hospitals across the city of Ahmedabad and also situated at the outskirts

work out the modalities with respect to the fee structure. At any cost, the private hospitals should not be permitted to demand exorbitant amount for the purpose of treatment of COVID-19 patients. These are difficult times and not the time to do business and earn profit. The medical services are the most essential services and in times like the present one, the private hospitals cannot demand lacs of rupees from a patient. This aspect has been highlighted by Mr. Brijesh Trivedi, the learned counsel in his note filed by him and which is on record. It is pointed out that the S.V.P. Hospital and the Civil Hospital are fully occupied with the rise in the number of COVID-19 patients requiring hospitalization. Most of the private hospitals requisitioned by the State are also fast filling up. This fact has also been reported by the media. There is large scale spread of infection and everyday hundreds more are being affected. More private hospitals are required to be accorded permission and their rates should be regulated by the State Government for the purpose of COVID-19 treatment. It is to be noted that whilst the designated private hospitals under the Epidemic Act are charging the government rates specified under the MA Yojana with some additions, few private hospitals in the city of Ahmedabad are demanding exorbitant fees running in the lacs of rupees for treating the COVID-19 patients. This excessive charge in this critical war like situation when humanity is fighting for survival is absolutely unjustified and deserves to be deprecated. This is creating an unequal situation for the private hospitals in the city. When so many are clamouring for treatment, the exorbitant rates appear inhumane. Except for the very rich and affluent class of people, such hospitals remain out of reach for most patients. The treatment for this pandemic in this hard times even if offered by any private hospital must be reasonable and affordable.

11 We hereby direct the State Government to address this issue with the persons concerned to ensure that an affordable level playing field for

all private hospitals in Ahmedabad so as to make larger number of beds available for more and more patients. This requires to be done forthwith.

12 We direct the State authorities to immediately take up this issue and resolve the same. If the private hospitals do not budge and are determined to demand exorbitant amount, then this Court will have to take appropriate legal action against such hospitals and the consequences may be quite bitter including cancellation of licence. We request the learned Advocate General to immediately look into this issue and see to it that the same is resolved at the earliest.

13 All other aspects, as pointed out and referred to above, shall be considered by the State authorities to reduce the hardships and the difficulties faced by the people at large as on date.

14 There is one another aspect which we would like to highlight. If a person is ailing and requires immediate medical treatment, then the police should not restrain such a person from reaching to a particular hospital or a clinic of a private doctor. The police should exercise its discretion in this regard wisely and adopt a practical approach in this regard.

15 We would like to seek important information relating to the treatment which is being as on date to the COVID-19 affected patients. We would like to know:

[1] Whether the serum potassium level test is conducted? We are saying so because high or low potassium is life threatening.

[2] Whether quality check or fluid penetration test for the PPE supplied to the doctors and nurses is undertaken? In short, is the



PPE verified for the blood penetration resistance test?

[3] Whether the senior Anaesthetist and the critical care specialist remains physically 24 X 7 in the ICU? We are saying because intubation is important.

We request the learned Advocate General to place this information on record through a responsible medical officer by way of an affidavit.

16 Let all the Civil Applications be notified on **22<sup>nd</sup> May 2020** along with the main matter. One copy each of this order be furnished to Mr. Trivedi, the learned Advocate General, Ms. Manisha Lavkumar Shah, the learned Government Pleader, Mr. Mitesh Amin, the learned Public Prosecutor and Mr. Devang Vyas, the learned Assistant Solicitor General of India for its onwards communication.

17 We hope and trust that whatever has been observed by us is taken in its true spirit by the State authorities. This is the time for one and all to work unitedly. Differences should be buried. Once again, we observe that this is not the time to educate the migrant workers, poor and the needy people of the concept of social distancing, etc. They will never be able to understand any such concept. They are not worried about the virus. They are worried about food. It would be very harsh to say that a person should not die because of COVID-19, but no problem if he dies because of hunger. Therefore, the entire concentration should be to provide the maximum succour and relief to the migrant labourers and the other members of the poor and downtrodden class of society and ease their pain and suffering.

18 At this stage, we request the learned Advocate General and the

learned Government Pleader to look into the decision rendered by a Division Bench of the Karnataka High Court dated 12<sup>th</sup> May 2020 in the Writ Petition No.6435 of 2020, wherein the Karnataka High Court has observed as under:

“5. Once there is a policy decision taken by the State Government that all the migrant workers from other States will be permitted to return to their respective States by the special trains, the assurance of the State Government must reach the migrant workers, who have applied for permission to travel. In fact, the entire list of the persons who have applied to travel to other States is available with the State Government as all the migrant workers have registered themselves on Seva Sindu portal.

6. As can be seen from the material placed on record, the migrant workers are in a desperate situation. As they have been deprived of livelihood, they have made up their mind to go back to their respective home States. The State Government must ensure that its assurance that every such migrant worker who has registered himself will be allowed to go back to his own State must reach the concerned migrant worker. Perhaps if such an assurance is communicated to the migrant workers, they will not be forced to make an attempt to travel by road to their respective States. The State Government must take the help of all the Trade Unions and Non Governmental Organisations (for short 'NGOs') who are working in the field to ensure that the assurance of the State reaches the migrant workers who have already registered with the State Government.

7. By way of specific illustration, we may refer to the migrant workers who want to go to the State of Bihar. The State Government can always inform through its agency or NGOs or the Unions to the migrant workers who are selected to travel by ten special trains starting from 16<sup>th</sup> March 2020 to 20<sup>th</sup> May 2020. The State must assure that if large number of migrant workers who wish to travel to : particular State are located in one City, the State Government will be arranging for transport from that City as well.

8. It is pointed out across the Bar that many of the migrant workers who want to move back to their respective States have not been paid wages. The grievance about the nonpayment of the wages must be looked into by the State Government and its agencies.

9. Another important issue is of the migrant workers requiring to pay the train fare. As per the order of the Ministry of Railways dated 2<sup>nd</sup> May

2020, the State Government which arranges for “Shramik” special trains is expected to pay the train fare. In the State of Karnataka, the policy of the State is to collect the train fare from the migrant workers. In case of some States, the concerned State Governments have agreed to pay the train fares of the migrant workers who are returning to the said States from the States in which they are working.

10. *Prima facie*, it appears to us that considering the constitutional rights of the migrant workers, no one should be deprived of an opportunity to go back to his own State only for the reason that he has no capacity to pay for the transport. The reason is that inability to pay is due to loss of livelihood.

11. The Central Government through the Ministry of Railway: will have to look into this issue, especially when the Home Secretary of the Government of India by his letter dated 11th May 2020 addressed to the Chief Secretary of all the States has stated that the State Governments should cooperate with the Central Government for running more number of “Shramik” special trains so that the traveling of the migrant workers is facilitated at ; faster rate. Even in the last paragraph of the said letter, the Home Secretary of the Central Government has urged the Chief Secretaries to receive all “Shramik” special trains without any hindrance and facilitate faster movement of the migrant workers to their native places. If the migrant workers are unable to pay the train fare, it will be impossible to facilitate their travel at a faster rate: Therefore, apart from the Central Government, even the State of Karnataka must look into the issue and take immediate decision on the question of paying railway fare of those migrant workers who are not able to travel due to their inability to pay.

12. The State Government and the Central Government, during this difficult time, must appreciate the major contribution made by the migrant workers in a large number of public projects as well as private projects which have contributed to the Improvement of the infrastructure in all the States and the improvement of economy. At : time when the migrant workers who have made such a huge contribution are facing distress, both the Central and State Government must come forward to help them to ensure that at the earliest, they return back to their home States. Ideally, no migrant worker should be deprived of an opportunity to travel back to his home State if he wishes to do so. Therefore, it will be appropriate If the State Government immediately convenes a meeting of all the Trade Unions, Employers’ Associations and NGOs in the State with a view to ascertain whether any contribution can come from the Employers’ Association, Trade Unions and NGOs which can be used for bearing the main fares of the migrant workers who are not in : position to pay the train fare.

13. Now that the migrant workers who wish to travel back to their

respective States have registered themselves, the State Government is made aware how many migrant workers want to go back to different States. The State Government must, therefore, work out time schedule for facilitating transport of these migrant workers to their respective States. The State Government should ensure that : broad time schedule is communicated to the migrant workers. The State can immediately do so in case of the migrant workers of the State of Bihar, who are going to be accommodated in the special trains which will be run from 16th May 2020 to 20th May 2020. The Central and State Government must find the solution on this issue which will ensure that the rights of those migrant workers who wish to go back to their respective States are not infringed only because they are in distress and are not in a position to pay the traveling charges.

14. The responses of the State and the Central Government on these aspects shall be placed on record on the next date, that is, on 18<sup>th</sup> May 2020. The State Government must place on record the details of the special trains so far arranged from various places in the State of Karnataka and the special trains which are scheduled to run in near future.

15. Needless to add that considering the delay involved in making available the traveling facilities to the migrant workers, the State Government must ensure that so long as the migrant workers are not leaving the State, the supply of ration/food to them remains uninterrupted.”

19 Post the matter for further hearing on 22<sup>nd</sup> May 2020 along with the civil applications.

THE HIGH COURT  
OF GUJARAT

(J. B. PARDIWALA, J)

WEB COPY

(ILESH J. VORA, J)

CHANDRESH

LABOUR

# Across UP, 6 More Migrant Workers Killed in Road Accidents While Walking Home, 95 Injured

More than 400 people have died due to the lockdown alone, a study has found; a majority of them workers on the way home.



Representative image of a migrant family walking through a New Delhi road. Photo: PTI



#AloneTogether

For  
coronavir



LABOUR 15/MAY/2020

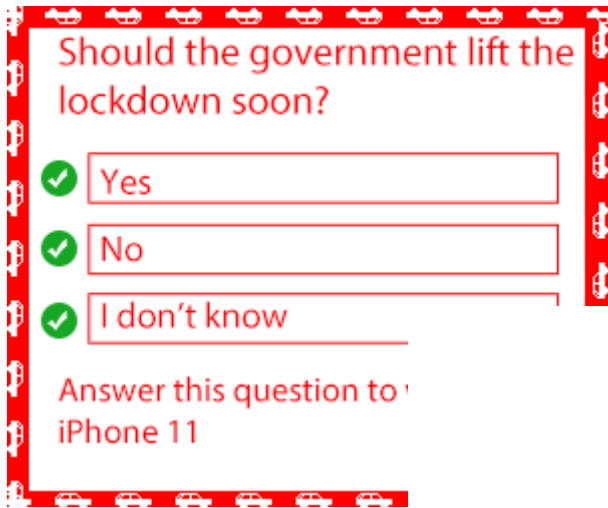
**New Delhi:** Six migrant workers were killed and 95 others injured in separate road accidents in Uttar Pradesh when they were returning home during the ongoing lockdown to combat the coronavirus outbreak, police said on Friday.

The lockdown, announced on March 24 and made effective with a four-hour notice, has hit migrant labourers particularly hard. First, with no access to food or money, the workers were compelled to walk home from bigger cities, fighting starvation and exhaustion among other dangers. Eventually, when ‘Shramik Special’ trains were announced too, many find themselves on non-train routes and have no recourse but to make the journey on foot.

More than 400 workers have died due to the lockdown alone, a majority of them on the way home.

The latest accidents have taken place in Barabanki, Jalaun, Bahraich and Mahoba districts since Thursday evening, they said.

In Barabanki, a group of seven labourers returning from Surat to Bahraich were waiting for conveyance near Badel on the Lucknow-Ayodhya National Highway on Friday morning when a speeding truck hit them, killing three on the spot and injuring the rest.



Those killed have been identified as Shishupal (32), his brother Jeetendra (30) and uncle Mohan Nishad (40), the



police said, adding that the four injured have been admitted to a hospital.

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**Also read: Reactions to the Death of 16 Migrants Have Exposed Our Dangerously Low Empathy Quotient**

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The group members were working in a handloom company in Surat in Gujarat and had left for their homes after the factory was shut due to the ongoing lockdown to combat the novel coronavirus outbreak. They reached Barabanki in a truck and were waiting for another vehicle to take them home, the police said.

In a separate accident, two people were killed and 40 injured when a truck carrying them from Mumbai to their homes in Uttar Pradesh fell in a ditch after being hit by another truck in Jalaun district.

According to Jalaun Superintendent of Police Satish Kumar, the truck with 46 migrant labourers, hailing from different districts of Uttar Pradesh, had started its journey from Mumbai four days ago and met with the accident on Thursday night.

The injured have been admitted to Orai Medical College, the police officer said. The deceased have been identified as Sundari, belonging to Chitrakoot district, and Sher Bahadur Gautam of Bhadohi district.

Another truck, also ferrying migrant labourers from Mumbai, overturned after the driver lost control of the vehicle after hitting an electric pole on the Lucknow-Bahraich highway in Bahraich district, police said.

The accident occurred under Chakkarpur Police Station and left 32 people injured, Additional SP Ajay Pratap Singh said.

All the injured were rushed to Sadar Hospital where Ghulam Jilani (28), belonging to Bahraich, succumbed to injuries. All the injured are said to be natives of Bahraich, the SP added.

In Mahoba district's Panewadi township, a truck carrying migrants from Gujarat to Chhattisgarh overturned injuring 20 people.

The truck carrying about 70 to 80 migrant workers from Gujarat was on its way to Chhattisgarh when it overturned on

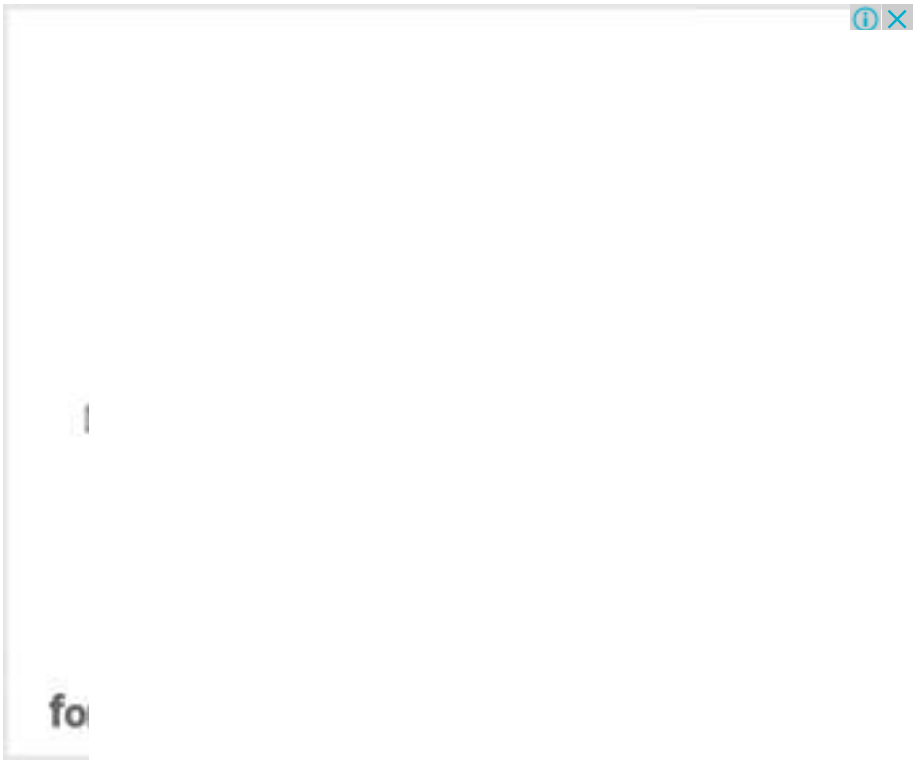
Jhansi-Mirzapur National Highway, injuring 20 of them, Circle Officer (City) Jatashankar Rao said.

The accident took place in the wee hours on Friday morning , he said adding that all the injured were however out of danger.

On Wednesday night, six migrant workers, who were walking to their homes in Bihar from Punjab, were killed and five others seriously injured when a speeding bus ran over them on the Delhi-Saharanpur highway in Uttar Pradesh’s Muzaffarnagar district.

In two separate accidents between Tuesday and Wednesday, four migrant labourers and members of their families – all on their way home in the course of the lockdown – died in Uttar Pradesh.

At least five migrant labourers were killed and 13 others injured when a truck in which they were travelling overturned in Madhya Pradesh’s Narsinghpur district on Saturday.



As many as 16 migrant workers were run over by a goods train while they slept on tracks at Aurangabad in Maharashtra, last week.



Annexure P-10

Home / India News / 56-year-old migrant dies on road to home, another dies after police lathi charge

56-year-old migrant dies on road to home, another dies after police lathi charge

Three migrant workers caught in the Covid vortex meet the same fate in different circumstances

INDIAUpdated: May 15, 2020 21:45 IST

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Debabrata Mohanty | Edited by Abhinav Sahay  
Hindustan Times, Bhubaneswar



Wife and child of Satyaban Swain, who died after receiving injuries in a police lathi charge in Surat(Sourced Photo)

The nationwide lockdown continued to take its toll on migrant workers with a 56-year-old dying on the road to Puri after travelling around 200 km from Kolkata and a 28-year-old worker injured in police lathi charge dying in a Surat hospital.

In another incident, a 38-year-old migrant worker staying in a quarantine centre in Mayurbhanj hanged himself from a tree following a minor tiff with his wife, who also stayed in the same centre.

On Friday morning, Dhubei Charan Mohanty, a 56-year-old man from Puri district slumped to death at Laxmannath tollgate on Odisha-Bengal border after travelling about 200 km from Kolkata. Mohanty, who worked in a private company in Kolkata for a salary of Rs 13,000 a month, was stranded there after the nationwide lockdown was clamped. He had also run out of money as his company was shut.

On Friday morning, he had hopped onto a bus from Kolkata to travel to his home in Tikarpada village under Kakatpur police station area of Puri district, around 500 km away. He got down from the bus at Laxmannath toll gate at 11.30 am and had started walking across the border when he fell down. He was taken to the GK Bhattar Hospital where doctor Dilip Patra declared him dead. “Though we are yet to conduct a post-mortem, he might have suffered acute dehydration due to high temperature leading to cardiac arrest. Today it was a little hot during

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Meanwhile, Odisha police today announced that no migrant from other states passing by Odisha will have to walk. Following reports of migrants walking under hot Sun, Odisha DGP Abhay said they can walk into the nearest police station and police will make their travel arrangements. The cost of travel would be reimbursed from chief minister’s relief fund. So far, 1,349 buses and 4,372 four-wheelers have passed through 12 border check points in Odisha.

In Surat town of Gujarat, Satyaban Swain, a 28-year-old migrant worker from Ganjam, working in a private factory there died late Thursday night soon after he was allegedly beaten up by the police.

On Thursday evening, several migrant workers had gone to local Amroli police seeking registration of their names for booking of train tickets to Odisha.

“Seeing so many migrant workers, the cops chased them away to their factory at Anjani Industries area. Swain, who was sitting inside the factory premises, was rounded up by police along with others and thrashed badly. An injured Swain was put up in an autorickshaw along with others and taken to Amroli police station. Fearful of more police torture at the police station, Swain jumped off the auto-rickshaw and suffered critical injuries.

He was rushed to a hospital where doctors declared him dead,” said Raghunath Panda, a leading member of Odia community in Surat.

The migrant worker is survived by his wife and a five-year-old mentally-challenged son.

In another incident, a 38-year-old migrant working in a marble factory of Vijaywada, who was admitted to a quarantine centre in Mayurbhanj district, hanged himself from a Mahul tree following a tiff with his wife. His wife, too, was quarantined there. Police said Surendra Nayak of Raikama village under Baisinga block was quarantined 6 days ago after returning from Vijaywada. His wife, who had travelled to Prashanti Nilayam in Andhra Pradesh with a group of Sai devotees, too, was quarantined there.

His younger brother said late last evening the couple had a tiff over Surendra’s suspicion that his wife had an affair with one of the Sai devotees with whom she had travelled. This morning, Surendra’s body was found hanging from a Mahul tree. He was wearing just underwear when the body was recovered.

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56-year-old migrant dies on road to home, another dies

Lockdown 4.0: Government offices, shops to open in

4 more persons test Covid-19 positive in Uttarakhand; cases

Suspected Covid-19 patient left outside J&K hospital, outrage

Covid-19 state tally: No new cases in Delhi, tally at 10,054;



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI  
(SPECIAL ORIGINAL JURISDICTION)  
FRIDAY, THE FIFTEENTH DAY OF MAY,  
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU  
AND

THE HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI  
WP (PIL) NO: 101 OF 2020



Between:

K. Ramakrishna, S/o. K. Rangaiah.

AND

1. The Union of India, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi 110 001, Rep. by its Secretary.
2. The Union of India, Ministry of Human Resource Development, Shastry Bhavan, New Delhi 110 001, Rep. by its Secretary.
3. The State of Andhra Pradesh, Home Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh, Rep. by its Principal Secretary.
4. The State of Andhra Pradesh, Labour Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh, Rep. by its Principal Secretary.

Petition under Section 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, order or direction, more particularly one on the nature of WRIT OF MAMDAMUS, in the form of Public Interest Litigation (PIL) is filed declaring the action of the Respondents herein in not allowing the Migrant Workers settled in Vijayawada and Guntur Districts in particular and in the other parts of the State of Andhra Pradesh in general, who belongs to various parts of the State of Andhra Pradesh and also from other States, to return to their hometowns and Villages after conducting necessary testing for COVID-19 and to arrange for their safe travel by providing necessary transportation to this effect and not providing food and accommodation facilities to them, as illegal, arbitrary and violative of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution of India and Consequently direct the Respondents herein to provide necessary food material and also give some immediate financial assistance to the Migrant Workers and also permit them to return to their hometowns and Villages after conducting necessary testing for COVID-19 and to arrange for their safe travel by providing necessary transportation to this effect, forthwith.

**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 the Respondents herein to forthwith provide necessary essential food material, immediate financial aid in cash and facility for safe accommodation to the Migrant Workers who stranded in Vijayawada, Guntur and other parts of the State of Andhra Pradesh, due to extension of National Lockdown declared in connection with COVID-19, pending disposal of WP(PIL) No. 101 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 23-04-2020 and 27-04-2020 made herein and upon hearing the arguments of Sri Chalasani Ajay Kumar, Advocate for the Petitioner and of the Asst Solicitor General of India, representing the Respondents, the Court made the following:

**ORDER:**

"This Court notices that the labour who have left their ancestral homes and villages and moved to the cities for better livelihood to ensure that all of us live in comfort are on the roads today. They represent the people who are working in hundreds of different trades, callings etc., and all of them together



ensure that we lead a happy and comfortable life. If at this stage, this Court does not react and pass these orders, this Court would be failing in its role as a protector and alleviator of suffering. Their pain has to be alleviated at this stage. The ever expanding scope of "life" under Article 21 of the Constitution of India will take into account this situation also. They deserve more help particularly when they are trekking back with their heads high instead of living at someone's mercy. With that end in mind, the following order is passed and in continuation of the earlier order dated 23.04.2020.

From the counter affidavit filed and the submissions made it is clear that the State Government in line with the directions of the Central Government is rendering substantial help to the migrant labour and the labour, who are on the move. Some further details are also furnished by the State. Although efforts are being made by the Central/State Governments, this Court feels that something more needs to be done.

Certain disturbing newspaper reports have come to our attention also. A sample survey conducted by the popular telugu daily "Eenadu" shows that in a period of 24 hours between 13.05.2020 and 14.05.2020, 1300 people have passed one check post on walk or with cycles. Another 1000 of them have gone in lorries and in other transport vehicles. Further reports in a popular English newspaper have indicated that a woman has given birth when she was walking from Nasik to Sathani on the road. Further, this report also indicates that two hours after the delivery, the woman started walking and continued to walk for 150 kms. The National Human Rights Commission has taken note of this. Reports also indicate that ambulances are charging Rs.8,000/- in Mumbai even for moving a small distance. This situation is alarming and in the opinion of this Court, immediate intervention is necessary.

The summer heat, particularly in the State of Andhra Pradesh is growing and despite the summer, this Court notices that hundreds of migrant labours with their children and baggage are walking on the National Highways. The State Government has come out with certain measures and as per the reports, at a distance of every 50 kms., a food counters is located to help the moving migrant. Relief centres are also statedly established. But in view of what is stated above, this is of the opinion that following supplemental measures are to be taken on priority and with immediate effect:

**1) MEDICAL:**

In view of the intense heat, the outpost/centres or tents, which are said to have been established by the State should not be mere takeaway counters but should be stocked with adequate stock of good drinking water, oral dehydration salts and glucose packets which should be supplied to the migrant labour, who are walking. Trained paramedical volunteers and/or doctor

should be posted at every centre with a dedicated mobile line and an ambulance on standby to attend to any sunstroke victim or for other such medical emergencies. Ambulances on call should be available to assist the migrant workers and to transport them to the nearest hospitals or medical centres for immediate medical assistance, at the cost of the State.

**2) TOILETS / CHANGE ROOMS:**

Since a large number of women are walking in the heat, temporary toilets in a hygienic condition and/or such other public convenience should be provided assuring the privacy of the women. Sanitary pad dispensing machines should be organized at every alternate centre at least.

**3) FOOD:**

Adequate arrangements for food should also be made and the same should be distributed to the migrant labour, who are walking on Nation Highway.

This Court also notices that a very large number of volunteers are providing food to these migrant labours, but in an individualistic manner. In addition, a number of rich industrialists/businessmen/business houses etc., are also starting various individual initiatives. State Government must also seek help from the voluntary organisations and also from the companies/firms etc., as part of their CSR activity to provide food free of cost to these migrants. The activities of all the interested public, voluntary organisations etc., for providing food should be streamlined in such a manner that the food that is prepared actually reaches the migrant labour, who are moving on the road.

**4) TRANSPORTATION:**

The National Highway Authority of India and Police Department have patrol vehicles that are constantly moving on the Highways. Such vehicles should also be used or pressed into service to pick up and transport any migrant labour, who is/are facing difficulty while walking to the nearest shelter. This is in addition to the buses which are being used by the State of Andhra Pradesh

**5) PAMPHLETS:**

Pamphlets should be printed in Hindi and Telugu informing the migrant labour, who are walking on the Highways of the location of these shelters and giving them a list of the phone numbers, which they can contact in case of emergencies.

**6) SAFETY MEASURES:**

Adequate police personnel should also be posted at these shelters to ensure that social distancing and discipline is maintained. All the Police and



Revenue authorities should be made aware of all the centres/food counter, and they should guide the migrant workers who are walking to the nearest centres/food counters.

**7) SERVICES:**

The State states that the Director Social Welfare is coordinating the efforts. But this Court feels that a more concerted effort is needed. The District collector of each District and the Superintendent of Police should appoint a Nodal Officer of a senior rank (Tahsildar/DSP etc.,) from the Revenue Department and the Police Department to look into and supervise each of the shelters etc., and their activities within. One Tahsildar and DSP should be looking into each of the shelters. The services of the District Legal Services Authority may also be taken in case of shortage of staff for rendering any services. Similarly, the services of Para Legal volunteers, NSS, NCC, Bharath Scouts and Guides, Red-cross, Lions Clubs, Rotary Club and such other organisations should also be taken in order to man these shelters and to ensure that food, medical help etc., reach the migrant labour. The Nodal Officers shall have to coordinate all the activities of the shelter.

These interim measures are being suggested till all the migrant labour, who are walking through are picked up and transported by the State. The State has filed a counter affidavit, wherein they have asserted that they have already transported a large number of intra and inter State migrant workers and are in the process of transporting others, who are willing to go back to their native place both by trains and by buses. Till the same is completely done and the mass road migration stops, these interim measures are being suggested to supplement to efforts undertaken by the State.

Efforts should be made to convince the migrant labour to stop walking and to take the transportation being provided by the State Government.

It is made clear that issues of quarantine, spread of COVID etc., are left upon to the respective State authorities and this Order of the Court will not come in the way of the State taking a decision in any individual's case that he should be quarantined or should be stopped from travelling. The idea behind this interim order is only to supplement the efforts being made till the migration of labour is stopped.

The compliance of interim measures should be reported to this Court with clear details of the shelters and services provided by 22.05.2020. Periodic reports should also be submitted thereafter as per this Courts direction."

SD/- E.KAMESWAR RAO  
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary, Union of India, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi 110 001,
2. The Secretary, Union of India, Ministry of Human Resource Development, Shastry Bhavan, New Delhi 110 001,.
3. The Principal Secretary, State of Andhra Pradesh, Home Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh,.
4. The Principal Secretary, State of Andhra Pradesh, Labour Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh, (1 to 4 by RPAD- along with a copy of petition and affidavit)
5. The Registrar (Judicial), High Court of A.P. At Amaravathi
6. One CC to Sri. Chalasani Ajay Kumar, Advocate [OPUC]
7. One CC to Asst Solicitor General, High Court of A.P. [OPUC]
8. Two CC to Advocate General, High Court of A.P. at Amaravathi (OUT)
9. Two spare copies

MSR

H.C.P.No.738 of 2020

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.738 of 2020

A.P.Suryaprakasam,  
S/o.A.Perumal,  
C-4, Lakshmi,  
Lloyds Road, Royapettah,  
Chennai - 600 014.

... Petitioner

Vs

1.Superintendent of Police,  
Sangli District,  
Maharashtra.

2.Director General of Police,  
Dr.Radhakrishnan Road,  
Mylapore, Chennai - 600 004.

...Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the 2nd respondent to produce the bodies of Mr.Ilayaraja @ Ganesan, S/o.Mariappan and 400 others who have been illegally detained by the first respondent at Kupwad, Sangli District, Maharashtra.



H.C.P.No.738 of 2020

For Petitioner : Mr.M.L.Ravi

For Respondents : Mr.R.Prathap Kumar,  
Additional Public Prosecutor

### **ORDER**

(Order of the court was made by N.KIRUBAKARAN, J.)

The matter is heard through video-conferencing.

2.The present Habeas Corpus Petition has been filed seeking direction to the second respondent to produce the bodies of Mr.Ilayaraja @ Ganesan, S/o.Mariappan and 400 others who have been illegally detained by the first respondent at Kupwad, Sangli District, Maharashtra.

3.When the matter came up before this Court for admission on 12.05.2020, this Court ordered notice to the first respondent and Mr.R.Prathap Kumar, learned Additional Public Prosecutor took notice on behalf of the second respondent.

4.Today, when the matter came up before this Court, Mr.R.Prathap Kumar,

*H.C.P.No.738 of 2020*

learned Additional Public Prosecutor on instructions would submit that in pursuant to the order passed by Government of India, Ministry of Home Affairs, New Delhi in Order No.40-3/2020-DM-I(A), dated 29.04.2020, Government of Tamil Nadu has issued G.O.Rt.No.1312, Public (Special B) Department, dated 04.05.2020, by which about 19 IAS officers have been appointed as nodal officers to co-ordinate the movement of stranded persons to and from the concerned States/Union Territories noted against their names and all the details such as landline numbers, Email ids and Mobile numbers of each officer were also published in order to enable the stranded persons to contact the nodal officers easily.

5.The learned Public Prosecutor also produced the details of about 962 persons who were brought back from Maharashtra to their native State viz., Tamil Nadu and also the district wise details of those persons who were safely reunited with their families due to the efforts taken by the Government of Tamil Nadu.

6.Though the Governments have taken care of every section of the society to the maximum extent possible, the migrant workers and the agricultural work force are the neglected lot and they are the sufferers to the maximum. In this COVID-19,

H.C.P.No.738 of 2020

the persons who fed the entire nation are the agriculturists and not the people in any other occupation, which would go to show that without agriculturists the world cannot survive. Even though the Governments have taken much needed steps to safeguard the migrant workers, though belated, this Court would like to know whether coordinated efforts have been taken by all the State Governments in consultation with the Central Government to address the sufferings of the migrant labourers. Therefore, in order to address the human crisis, this Court *suo motu* impleads,

***Union of India,  
Represented by its Secretary,  
Ministry of Home Affairs,  
New Delhi***

***and  
Government of Tamil Nadu  
Represented by its Chief Secretary  
Secretariat  
Fort St. George  
Chennai – 600 009***

as third and fourth respondents to this proceedings. Mr.R.Prathap Kumar, learned Additional Public Prosecutor takes notice on behalf of the newly impleaded fourth respondent and as regards the third respondent, the learned counsel for the petitioner is directed to serve notice on the learned Assistant Solicitor General of

India returnable by next week.

7. One cannot control his/her tears after seeing the pathetic condition of migrant labourers shown in the media for the past one month. It is nothing but a human tragedy. When the lock down was announced at the end of March 2020, lakhs and lakhs of migrant workers were stranded throughout the country. Most of the workers lost their jobs, no shelter is said to have been provided apart from lack of supply of adequate food. After waiting for a considerable time, they started migrating to their native states by foot. It is very unfortunate that those persons were neglected by all the authorities. The heart breaking stories are reported in the print as well as visual media that millions of workers were compelled to start walking to their native States with their little children carrying all their belongings over their head, surviving on the food provided by good Samaritans, as no steps were taken by the Governments to help those migrant workers. It is also reported that some people starved to death due to hunger. 16 workers working in a steel factory in Julna, Maharashtra, who were sleeping on rail tracks while returning to Madhya Pradesh were crushed to death near Karmad around 30 km from Aurangabad by a goods train on 08.05.2020. Even after the sorrow and sufferings



*H.C.P.No.738 of 2020*

of the migrant workers were reported in the media, nothing happened for the past one month as there was no coordinated effort between the States.

8.It is not only the duty of the native State of the migrant workers but also the duty of the States where they were working to care for their safety and well being. India is a welfare State and Article 21 of the Constitution of India is paramount and safety and security and supply of food are important. This Court is well aware that Covid-19 is not only a national crisis but also an international crisis. But, it is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the States should have extended their human services to those migrant labourers.

9.There are a number of toll gates available and those toll gates should have been made as checking points to provide food, shelter and medical help to the migrant labourers. However, it is very pathetic to note that neither the native States nor the States through which they were walking all along took care of them and failed to provide even the basic amenities such as food and shelter and even if they

had been provided, they were negligible.

10.First of all, relevant data of those persons who were working as migrant labourers in all States have to be collected; The host State in which they were working should be made accountable for the safety and well being of the migrant labourers, for which all the States are expected to act in unison, rendering assistance to those poorer sections. This Court is aware that yesterday, the Central Government has come out with relief measures including rental housing facility, free food grains without ration card.

11.The newly impleaded respondents are directed to answer the following queries.

1. Whether any data is being maintained by the Government of India regarding the details of migrant workers working in each State/Union Territories in India?
2. If so, what is the number of migrant workers in each State/Union Territories in India and the details regarding their nativity?

*H.C.P.No.738 of 2020*

3. What is the number of migrant workers stranded in each State/Union Territories in India as on today?
4. What are all the assistance provided to those migrant workers by the respective States as well as the Union Government?
5. Whether those migrant workers are allowed to cross the State borders or prevented from crossing the borders and if they are prevented, whether they are provided with basic amenities such as food, shelter and medical assistance?
6. How many migrant workers died on their way to the native States?
7. To which States/Union Territories, the deceased workers belong to?
8. What are the relief measures/compensation provided to the families of those migrant workers who lost their lives on their way back to their native States?
9. How many migrant workers in each State/Union Territories have been evacuated from their working States to their native States through buses/trains throughout India?
10. What are all the steps taken to transport the remaining people to their native States?
11. Whether migration of people is one of the reasons for spread of Covid-19?

H.C.P.No.738 of 2020

12. Whether the Central Government has instructed the respective States/Union Territories to provide financial assistance, job opportunities in their native State/Union Territories for the labourers who migrated from other States?

12. Both the Central Government as well as the State Government have to file their response as well as action taken report in the next hearing.

13. Call the matter on 22.05.2020.

(N.K.K.,J.)

(R.H.,J.)

15.05.2020

*pgp*

*Note: Registry is directed to carry out necessary amendment in the cause title.*

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*H.C.P.No.738 of 2020*

**N.KIRUBAKARAN, J.**  
**AND**  
**R.HEMALATHA, J.**

*pgp*



**H.C.P.No.738 of 2020**

WEB COPY

**Dated:15.05.2020**



**Pradeep Jena IAS**

@PradeepJenaIAS

Annexure P-13

✓ 101

@SRC\_Odisha is working with @odisha\_police & district Collectors 2 mitigate d problems of migrant labourers movements within d state. All migrants transiting thru Odisha r being sent 2 odisha borders in Govt arranged transport. Idea is no migrant labourers sd walk painfully in our roads.

11:20 am · 15 May 20 · [Twitter for iPhone](#)

16 Retweets 88 Likes



**Pradeep Jena IAS** @PradeepJenaIAS · 4d ✓

@odisha\_police provided adequate buses beside those with collectors with instructions 2 ferry all migrants found walking on Odisha roads & provide temp shelters, food before sending 2 d state border points.

@odisha\_police & Collectors working with other states 2 facilitate their movement

2

10

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# Police to help migrants on foot reach State border: Odisha DGP Abhay

Express News Service | Published: 16th May 2020 08:43 AM



Migrants trying to return back to their native places.



BHUBANESWAR: Odisha DGP Abhay on Friday said all migrants from other states passing through Odisha will be provided transportation till the border. The DGP said police personnel at check gates will assist the pedestrian migrant workers and facilitate their travel in buses till the bordering areas of Odisha. “The migrants on foot can also visit the nearest police station and from there they will be sent to the inter-state bordering areas,” said Abhay.



Next >>





Food arrangements and travel expenses of the migrant workers are being incurred from Chief Minister's Relief Fund (CMRF), he added. Police have also mobilised buses in Khurda, Bhubaneswar and Cuttack for facilitating the travel of migrant workers. The DGP said separate arrangements have been made for persons entering Odisha through the 12 border checkpoints and for those transiting through the National Highways to reach their villages in other states.

“Once a person reaches a checkpoint either on foot or bicycle, vehicles are arranged for their return to their villages within Odisha. Similarly, vehicles are also arranged for persons transiting through Odisha to reach other states,” he added.

Police are facilitating the travel of migrant workers especially at Girisola in Ganjam district, Kerada in Rayagada district and Sohela in Bargarh district as the checkpost officials observed that many persons are entering through these points to proceed from South to North. “Many natives of West Bengal and Jharkhand reached Girisola and were sent to Laxmannath or Jamsola check gates,” said Abhay.

Those at Kerada are being sent to bordering areas of Kalahandi district and Kotpad in Koraput as they are mostly travelling towards Chhattisgarh or further. Similarly, people arriving at Sohela are being provided buses to reach Biramitrapur in Sundargarh or Jamsola as they are mostly travelling towards Jharkhand.

The DGP also informed that 1,349 buses have crossed 12 border checkpoints in the State. Over 500 buses have passed through Sohela and Girisola check gates, while 4,372 four-wheelers have crossed the 12 check points.

Odisha Police facilitated travel of 544 migrant workers of other states from Kerada check gate in the last three days, while 270 who reached Girisola check gate during the period were also provided assistance.

At all the check points, Odisha Police personnel, Department of Commerce and Transport and Department of Health and Family Welfare officials are remaining present round the clock.

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Next >>

17 MAY 2020 Last Updated at 11:51 AM | SOURCE: PTI

# Courting death and injury, scores of migrants killed in accidents on way home



(Eds: Recasting overnight story )

New Delhi, May 17 (PTI) Hit-and-runs, collisions and even a train speeding down the tracks have killed scores of migrants since the lockdown began and injured many more making a perilous journey home along roads that are empty, winding and seemingly endless.

As vehicles careen down deserted roads and lakhs of migrants are on the move -- packed into trucks and tempos, riding rickety cycles or just walking towards their villages, hundreds, maybe thousands, of kilometres away - the death count from accidents rises inexorably with each day of the lockdown.

The SaveLife Foundation, a non-profit organisation working towards curbing road accidents in the country, has recorded nearly 2,000 road crashes and 368 deaths from March 25 when the lockdown began to May 16 (11 am).

Of these, 139 deaths are of migrants travelling back home, 27 of essential workers and 202 of others, it said.

"Of the total 368 deaths reported, over 100 were recorded from Uttar Pradesh alone. The top five states in this tally include Madhya Pradesh (30), Telangana (22), Maharashtra (19) and Punjab (17). The most common factor for these road crashes was speeding," SaveLife Foundation CEO Piyush Tewari told PTI.

As the numbers spiralled, slowly, steadily and then in what appeared to be a torrent, a pattern emerged. Many of the tragedies occurred in the dark, which is when it is cooler to walk, and many people were caught in their sleep.

That's what happened on Saturday too, when a trailer rammed into a stationary truck in the pre-dawn darkness around 3.30 am on a highway near Auraiya in Uttar Pradesh, killing at least 24 people and injuring 36. The vehicles, one headed from Delhi to Madhya Pradesh and the other to Rajasthan, were ferrying labourers to their homes,

Some of the workers had stopped for tea and others were possibly sleeping by the roadside or in the vehicles when the crash occurred.

Most of those killed were from Jharkhand and West Bengal, and some from Kushinagar in eastern Uttar Pradesh, officials said as reports suggested that some of the victims may have been crushed under cement bags loaded in one of the vehicles.

A few hours later, tragedy unfolded in Sagar, Madhya Pradesh, when five migrant workers going from Maharashtra to Uttar Pradesh were killed when a truck carrying them overturned on the Sagar-Kanpur Road.

The combination of no traffic and speeding vehicles has led to havoc, endangering the lives of those who found themselves without work or money in the coronavirus-induced lockdown and were frantic to get home, any which way.

Over this week alone, there have been multiple accidents reported from Uttar Pradesh and Madhya Pradesh.

In Guna, Madhya Pradesh, for instance, as many as 14 migrants were killed and around 60 injured in two different road accidents on Thursday and Friday.

On Friday, six migrant workers were killed and 95 injured in separate road accidents across Uttar Pradesh.

And the day before, six migrant workers walking from Punjab to Bihar were killed in Muzaffarnagar in the state when they were hit by a roadways bus on the Delhi-Saharanpur Highway, officials said.

With no compass to guide them on their treacherous inter-state journey home and perhaps to escape the police, many people also walk along railway tracks.

On May 8, it cost 16 lives.

In perhaps the most gruesome of accidents, 16 migrant workers going to Madhya Pradesh were mowed down by freight train when they dozed off on the tracks near Aurangabad in Maharashtra.

In a chilling reflection of the hunger and deprivation that led the group of 20 men working in a steel unit in Jalna - four of them survived - the 'rotis' they had packed to see them through the journey lay scattered on the tracks.

The same morning, hundreds of kilometres away, a migrant labourer couple, Krishna Sahu (45) and his wife Pramila (40), were run over by an unidentified vehicle on their way from Lucknow to Chhattisgarh.

The couple, on a bicycle, were with their two children, both under five years, who survived the crash.

Reduced to statistics as they undertake their own personal odysseys, challenging the odds but not always triumphing them, there was a back story everywhere.

Some lockdown induced road accidents were reported as early as March 28 when four migrants were run over by a truck on the Maharashtra-Gujarat border. According to Indian Express, the four, part of a group of seven which wanted to reach their villages in Rajasthan after crossing into Gujarat, had just begun walking after taking some rest when a truck came from behind and rammed into them.

Two days later, 40-year-old labourer Sukh Lal Ahirwar died in Gwalior in Madhya Pradesh after a car hit him. Ahirwar and his wife had walked for two straight days from Delhi towards their home in Tikamgarh in Madhya Pradesh and were resting on a road divider when the accident took place, reported the Hindi daily Nayi Duniya.

Those who survive have no option but continue the journey.

Like the group of 20 labourers who left in a tempo from Mumbai to Lucknow on May 10.

The 1,400-km journey had barely begun when the tempo met with an accident, killing their driver.

The driver had spoken to the news channel NDTV just hours earlier.

"There are lots of problems. We don't have anything to eat. We had rations till now, so we were eating that. Now, we are heading out. We will travel somehow in this," one of those in the group told the channel.

There were also reports of a woman and her six-year-old daughter who were part of a group travelling between Maharashtra and Jaunpur in Uttar Pradesh in an autorickshaw.

They had travelled almost 1,300 km when the autorickshaw was hit by a truck just short of their destination in Fatehpur.

The Railways has organised "Shramik Special trains" and ferried at least 12 lakh migrants to their homes since May 1.


"To bring back the workers till date, the Railways has operated 1,034 Shramik Special trains. Out of which 106 were operated yesterday (Friday). Uttar Pradesh and Bihar has taken steps positively and 80 per cent of the total Shramik Special trains have been operated by these two states," Union minister Piyush Goyal tweeted on Saturday.

But if the thousands of workers and their families still trudging their way home, however they can, is any indication, it might be too little too late.


India accounts for one of the highest road crashes fatalities in the world with an estimated 1.5 lakh people killed in about five lakh accidents a year. PTI MG MIN TIR TIR

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