



Government of Odisha

No. 3017/R&DM(DM) Date: 29.5.2020

From

Shri Asit Kumar Tripathy, IAS
Chief Secretary

To

All Additional Chief Secretaries/ Principal Secretaries/ Commissioner-cum-Secretaries
The Director General of Police
The Commissioner of Police, Bhubaneswar- Cuttack
All Collectors
All Superintendents of Police

**Sub: Compliance of the directions of the Hon'ble Supreme Court of India in
Suo Motu Writ Petition (Civil) No.6/2020 regarding Problems and
Miseries of Migrant Labourers**

Sir,

Enclosed please find herewith a copy of the Order dated 28.5.2020 passed by the Hon'ble Supreme Court of India in Suo Motu Writ Petition (Civil) No.6/2020 regarding Problems and Miseries of Migrant Labourers.

In the said orders, the Hon'ble Apex Court have issued the following directions:

- 1. No fare either by train or by bus shall be charged from any migrant workers. The railway fare shall be shared by the States as per their arrangement as submitted by the learned Solicitor General and in no case any fare should be asked or charged from any migrant workers by the States and the Railways.*
- 2. The migrant workers who are stranded at different places the country shall be provided food free of cost by the concerned States/ Union Territories at different places which shall be publicized and notified to them during the period they are waiting for their turn to board the train or bus.*
- 3. The originating State shall provide water and meal and during the journey, the railways shall provide meal and water to the migrant workers and same facilities shall be extended when the migrant workers are transported by bus. The State shall take care of providing necessities, water and meal during the period of transportation either in the bus or in the camps on the way.*
- 4. The State shall simplify and speed up the process of registration of migrant workers and also provide help desk for registration at the places where they are stranded.*
- 5. The State shall try to endeavour that after registration the workers should be asked*

to board the train or bus at the earliest and complete information should be publicized to all the concerned regarding mode of transport.

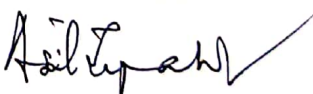
6. *Those migrant workers who are found walking on the highways or roads shall be immediately taken care by the concerned State/ Union Territories and they shall be provided the transport to the destination and all facilities including food and water be provided to those found walking on the road.*
7. *The receiving State, after the migrant workers reach his native place, shall provide transport, health screening and other facilities free of cost.*

Attention is drawn to the instructions issued through several letters and postings in official social media groups for providing free food, shelter, transportation and other facilities to the migrant workers to mitigate their difficulties. Director General of Police has also been entrusted with the authority to hire vehicles for transportation of transiting migrant workers. He has been provided with vehicles for the purpose. The District Authorities have also taken necessary steps in this regard and mobilised resources for the purpose. Food and shelter arrangements have been made at different locations for the migrant workers of other States stranded in Odisha and Collectors have been provided with funds out of SDRF for the purpose. Arrangements have been made by the District Authorities and Municipal Corporations at designated railway stations and border check points to receive the migrant workers returning to the State and facilitate their movement to their respective GPs/ ULBs for quarantine. Necessary quarantine facilities for the returnees have been created at GP and ULB levels with provision of accommodation, food, hygiene kit, medical and psycho-social care free of cost.

You are requested to kindly see that the migrant workers are provided with all facilities as indicated above and ensure that the directions of the Hon'ble Supreme Court of India in the above case are carried out in letter and spirit. The Collectors will work in close coordination with the Superintendents of Police to ensure that all walking migrant workers or those moving by bi-cycle are promptly tracked, provided with shelter, food and medical care immediately and arrange for their transportation to their destination.

A report on compliance of the directions of the Hon'ble Apex Court vide orders mentioned above may please be sent to SRC's office.

Yours faithfully,


Chief Secretary

Memo No.348/R&DM(DM)

Date:29.05.2020

Copy along with a copy of order dated 28.5.2020 of the Hon'ble Supreme Court of India forwarded to the Commissioner, Rail Coordination & Special Secretary to Govt., C&T (Commerce) Dept./ Transport for kind information and immediate necessary action.


Special Relief Commissioner &
Additional Chief Secretary to Govt.,
Disaster Management

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

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

IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS

(IA No. 49670/2020 - APPLICATION FOR PERMISSION
IA No. 49686/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 49683/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 49688/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 49694/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 49554/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 49682/2020 - INTERVENTION APPLICATION
IA No. 49668/2020 - INTERVENTION APPLICATION
IA No. 49693/2020 - INTERVENTION APPLICATION
IA No. 49553/2020 - INTERVENTION APPLICATION
IA No. 49685/2020 - INTERVENTION/IMPLEADMENT
IA No. 49687/2020 - INTERVENTION/IMPLEADMENT)

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

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

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

For Petitioner(s) By Courts Motion

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

States

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

Arunachal Pradesh Mr. Anil Srivastava, AAG

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

Chhattisgarh
Digitally signed by
MEENAKSHI K. DHILLI
Date: 2020.05.28
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Reason: I am the original author
of this document.

Mr. Manish Kumar, AOR

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

Rajasthan Dr. Manish Singhvi, Sr. Adv.
Mr. Ashish Kumar, AAG
Mr. Sandeep Jha, AOR

Tripura Mr. Shuvodeep Roy, AOR

Tamil Nadu Mr. Jayanth Muthuraj, AAG
Mr. M.Yogeshkanna AOR

U.P. Mr. P.S. Narasimha Sr. Adv
Ms. Aishwarya Bhati, AAG
Ms. Garima Prashad, AOR

Uttarakhand Dr. Abhishek Atrey, Advocate
Ms. Vidyottma Jha Advocate
Mr. Shadman Ali, Advocate Adv.

West Bengal Mr. Suhan Mukerji, Adv.
Mr. Shubhranshu Padhi, AOR
Mr. Abhinav Mukerji, AOR

UTs

A&N island Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR

D&N Haveli Mr. R. Balasubramaniam, Sr. Adv.
Mr. Prashant Singh B., Adv.
Mr. Raj Bahadur Yadav, AOR

Laddak Mr. Shoeb Alam, Adv.
Mr. Mojahid Karim Khan, Adv.

Puducherry Mr. V. G. Pragasam, AOR

Intervention/Impleadment

49693/694 Mr. Kapil Sibal, Sr. Adv.
Ms. Indira Jaising, Sr. Adv.
Ms. Nupur Kumar, AOR

49553/54 Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Sunil Fernandes, AOR
Mr. Avishkar Singhvi, Adv
Mr. Muhammad Khan, Adv.
Mr. Varun Chopra, Adv.
Mr. Omar Hoda, Adv.

migrant workers have been shifted by Shramik trains and about 41 lac migrant workers have been transported by road transport. He further submits that food and water are provided by the originating concerned State from where the migrant workers start their journey and when the journey is undertaken by railways, the railways provides the meal. He further submits that when these migrant workers reach their destination, the receiving State takes care of the migrant workers and drop them to their home by buses. The State also take steps for quarantining those workers and necessary screening is also conducted. With regard to payment of fare of the railway ticket, the learned Solicitor General submits that the fare is borne either by the originating State or the receiving State as per their internal arrangement. In any event, the migrant workers are not asked to bear the fare of the train or bus. He further submits that in cases where fare were taken from the migrant workers as in the case of State of Bihar, the State of Bihar has reimbursed the fare.

Mr. Tushar Mehta, the learned Solicitor General submits that the Central Government as well as the State Governments / Union Territories are taking all necessary steps to ensure that no difficulty is caused to the migrant workers in their transportation. He further submits that all the States have set up different relief camps where migrant workers are provided water, food, stay etc. and with regard to migrant workers who are staying in different places in the country, they are provided under the scheme of the Government ration to them even without they having any ration card. They are provided food in the relief camps. He

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

Mr. Colin Gonsalves, learned senior counsel has also pointed out that there are several difficulties with regard to registration. Most of the migrant workers do not have smart phones and therefore they are not able to comply with so many technicalities which have been required for registration. He submits that due to difficulty in registration, the migrant workers are suffering and they have to pay a huge sum. He further submits that there has to be free train and bus travel, free food, water and other necessities for the migrant workers by all concerned.

Ms. Indira Jainsing, learned senior counsel submits that the number of trains has to be increased. She submits that looking to the number of migrant workers, as mentioned by the Central Government in its report, sufficient time shall be taken for transporting the migrant workers and unless the number of trains are increased, there shall be difficulty for transportation of migrant workers. She submits that there are about 4 crores migrant workers.

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

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

which are current in different States. We will consider those issues subsequently.

At present, looking into the difficulties and miseries of migrant workers, we are of the view that certain interim directions are required to be issued to be followed by the State Governments / Union Territories and the Central Government to redeem the immediate difficulties of the migrant workers. // Pending consideration of the detailed reply and affidavits from the State Governments and the Central Government, we issue following interim directions:

1. No fare either by train or by bus shall be charged from any migrant workers. The railway fare shall be shared by the States as per their arrangement as submitted by the learned Solicitor General and in no case any fare should be asked or charged from any migrant workers by the States and the Railways.
2. The migrant workers who are stranded at different places in the country shall be provided food free of cost by the concerned States / Union Territories at different places which shall be publicized and notified to them during the period they are waiting for their turn to board the train or bus.
3. Initially, as stated by the learned Solicitor General, the originating State shall provide water and meal and during the journey, the railways shall provide meal and water to the migrant workers and same facilities shall be extended when the migrant workers are transported by bus. The State shall take care of providing necessities water and meal during the period of transportation either in the bus or in the camps on the way.

the State Governments and the Central Government are taking all steps to transport all migrant workers by train / bus and the Governments are of the view that no worker should undertake on-foot journey for their destination.

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

List the matter on 05.06.2020.

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

(MEENAKSHI KOHLI)
AR-CUM-PS

(RENU KAPOOR)
COURT MASTER