

ITEM NO.1 + 2

COURT NO.0
(VIRTUAL COURT)

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).468/2020

ALAKH ALOK SRIVASTAVA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(WITH IA No. 48211/2020 - EXEMPTION FROM FILING O.T. AND IA No. 48209/2020 - INTERVENTION APPLICATION AND IA No. 48210/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Writ Petition(s)(Civil) No(s). 469/2020

Date : 31-03-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Petitioners-in-person

For Respondent(s)/ Mr. Tushar Mehta, Ld. SG
Applicant(s) Mr. B.V. Balaram Das, AOR

Ms. Mithu Jain, AOR (Not Present)

UPON hearing the counsel the Court made the following
O R D E R

The petitioners-in-person who are Advocates practising in this Court have filed the instant writ petitions in public interest for redressal of grievances of migrant labourers in different parts of the country.

As the issues raised in both the writ petitions are similar, we have taken up both the writ petitions together.

In the above writ petitions, the petitioners have highlighted the plight of thousands of migrant labourers who along with their families were walking hundreds of kilometres from their work place to their villages/towns.

The concern of the Petitioners pertains to the welfare of the migrant labourers. They are seeking a direction to the authorities to shift the migrant labourers to government shelter homes/accommodations and provide them with basic amenities like food, clean drinking water, medicines, etc.

The writ petitions were listed on 30.03.2020 when we directed Mr. Tushar Mehta, learned Solicitor General appearing for the respondent - Union of India, to submit the response of the Union of India. A status report has been filed on behalf of Union of India today.

The respondent - Union of India has referred to various steps that were taken to prevent the spread of Corona virus [COVID 19]. Reference is made to the institutional response regarding the management of the spread of the disease scientifically at the highest level. Early steps taken by the Government of India to prevent the spread of Corona Virus have been highlighted in the Status Report. It is mentioned in the Status Report that an expert group has been constituted under Dr. Vinod Paul, Member, NITI Aayog to provide guidance for prevention of the spread of the Virus in the country. Experts from cross sections in the medical field and public health fraternity are members of the said Expert Committee.

Various other measures taken by the Central Government in dealing with the needs of the lower strata of the society by providing basic amenities viz., food, clean drinking water, medicines, etc. have been dealt with in the status report.

Apart from the announcement of the relief package totalling Rs.1.70 lakh crore under Pradhan Mantri Garib Kalyan Yojana, the Status Report refers to other schemes which were formulated to ensure that the persons in need are taken care of.

In the instant writ petitions, we are concerned about the migrant labourers who have started leaving their places of work for their home villages/towns located at distant places. For example, thousands of migrant labourers left Delhi to reach their homes in the States Uttar Pradesh and Bihar, by walking on the highways.

We are informed that the labourers who are unemployed due to lock down were apprehensive about their survival. Panic was created by some fake news that the lock down would last for more than three months.

The initial reaction of the State Governments and the Union Territories was to transport migrant labourers from their borders to their villages. Later, on 29.03.2020 the Ministry of Home Affairs has issued a Circular prohibiting movement as transportation of migrant labourers in overcrowded buses would cause more damage than help to the migrant labourers. The very idea of lock down was to ensure that the virus would not spread. It was felt that transportation of migrant labourers would aggravate the problem of spread of the Virus. In such view, the movement of

migrant labourers was prohibited and a direction was given to the State Governments to stop the migrant labourers wherever they were and shift them to nearby shelter homes/relief camps. A further direction was issued to the District Collectors/Magistrates to ensure that medical tests were done and the migrant labourers be provided with basic amenities like food, clean drinking water, medicines, etc. in the shelter homes.

During the course of hearing, the Solicitor General of India made a statement that the information received by the Control Room today at 2.30 A.M. showed that 21,064 relief camps have been set up by various State Governments/Union Territories where the migrant labourers have been shifted and they are being provided with basic amenities like food, medicines, drinking water, etc. According to the Status Report, 6,66,291 persons have been provided shelters and 22,88,279 persons have been provided food.

The Solicitor General of India made a statement on instructions that at 11 A.M. today, there is no person walking on the roads in an attempt to reach his/her home towns/villages. Advisories issued by the Ministry of Home Affairs on 27.03.2020 and 28.03.2020 have also been mentioned in the Status Report, according to which a direction was given by the Ministry of Home Affairs, to the State Governments/Union Territories to provide adequate facilities for migrant labourers.

The National Disaster Management Authority has also issued an advisory on 28.03.2020 suggesting various measures to be taken by the State and District Emergency Operation Centres. One of the

issues highlighted in the said advisory is that the police and the other administrative authorities have to adopt a humane approach in dealing with migrant workers and stranded tourists.

The Solicitor General of India has also referred to the Status Report to make a submission that the exodus of migrant labourers was triggered due to panic created by some fake/misleading news and social media.

The Status Report refers to an advisory given by the Government of India on 24.03.2020 to the authorities to effectively deal with rumour mongering.

While informing this Court about the steps taken by the Government of India to ensure that the migrant labourers are being shifted to nearby shelters/relief camps from place they were found to be walking and basic amenities being provided to them, the Union of India has sought a direction from this Court to the State Governments and the Union Territories to implement the directions issued by the Central Government. A further direction was sought to prevent fake and inaccurate reporting whether intended or not, either by electronic print or social medial which will cause panic in the society.

Having considered the submissions made by the petitioners-in-person and the learned Solicitor General of India and upon perusal of the Status Report filed on behalf of the respondent - Union of India, we are satisfied with the steps taken by the Union of India for preventing the spread of Corona Virus [COVID 19] at this stage.

As stated above, we are concerned in these writ petitions mainly with the welfare of the migrant labourers. The circular issued by the Ministry of Home Affairs on 29.03.2020 has been implemented by the various State Governments/Union Territories. The mass migration has stopped according to Union of India. All the migrant labourers who were on the road have been shifted to relief camps/shelter homes which are set up at various points in each State/Union Territory. The directions issued by the Union of India and the State Governments/Union Territories to provide all basic amenities like food, drinking water, medicines, etc. to the migrants are being complied with by the concerned District Collectors/Magistrates.

Dr Tedros Adhanom Ghebreyesus, Director General, World Health Organisation (WHO), recently stated as under:

"We are not just fighting an epidemic; we are fighting an infodemic. Fake news spreads faster and more easily than this virus, and is just as dangerous."

The migration of large number of labourers working in the cities was triggered by panic created by fake news that the lock down would continue for more than three months. Such panic driven migration has caused untold suffering to those who believed and acted on such news. In fact, some have lost their lives in the

process. It is therefore not possible for us to overlook this menace of fake news either by electronic, print or social media.

Section 54 of the Disaster Management Act, 2005 provides for punishment to a person who makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic. Such person shall be punished with imprisonment which may extend to one year or with fine.

Disobedience to an order promulgated by a public servant would result in punishment under section 188 of the Indian Penal Code. An advisory which is in the nature of an order made by the public authority attracts section 188 of the Indian Penal Code.

We trust and expect that all concerned viz., State Governments, Public Authorities and Citizens of this country will faithfully comply with the directives, advisories and orders issued by the Union of India in letter and spirit in the interest of public safety.

In particular, we expect the Media (print, electronic or social) to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated. A daily bulletin by the Government of India through all media avenues including social media and forums to clear the doubts of people would be made active within a period of 24 hours as submitted by the Solicitor General of India. We do not intend to interfere with the free discussion about the pandemic, but direct the media refer to and publish the official version about the developments.

It is well known that panic can severely affect mental health. We are informed that the Union of India is conscious of the importance of mental health and the need to calm down those who are in a state of panic.

Learned Solicitor General of India states that within 24 hours the Central Government will ensure that trained counsellors and/or community group leaders belonging to all faiths will visit the relief camps/shelter homes and deal with any consternation that the migrants might be going through. This shall be done in all the relief camps/shelter homes wherever they are located in the country.

The anxiety and fear of the migrants should be understood by the Police and other authorities. As directed by the Union of India, they should deal with the migrants in a humane manner. Considering the situation, we are of the opinion that the State Governments/Union Territories should endeavour to engage volunteers along with the police to supervise the welfare activities of the migrants. We expect those concerned to appreciate the trepidation of the poor men, women and children and treat them with kindness.

List the matters on 07.04.2020.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER