

In Chamber

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 583 of 2020

Petitioner :- Ritesh Srivastava And Another

Respondent :- State of U.P.

Counsel for Petitioner :- Ritesh Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Govind Mathur,Chief Justice

Hon'ble Ramesh Sinha,J.

Sri Gaurav Tripathi and Sri Ritesh Srivastava, Advocates of this Court, by the instant petition for writ have agitated the cause of "Migrant Labourers" who, according to them, are travelling on foot from hundreds of kilometres from their working place to the hometown/village. According to the petitioners, since 25th of March, 2020 entire nation is facing lockdown and that compelled the labourers working in different States to move for their native place. Neither the Central Government nor the State Governments where the labourers were working made adequate arrangements for their movement and their families. In absence of adequate arrangements, the labourers and their families are facing pathetic conditions on roads. It is also reported that even at Railway Stations no food is available, hence, the people travelling in the trains known as "Shramik Special" are facing starvation. The non-availability of food and water has caused even violence at Kanpur and Unnao. Several instances have been brought to our notice where the labourers passing through the highways or other roads are neither getting food nor any means to survive with a dignity. Further the unregulated movement has also accelerated chances of spread of Coronavirus disease (COVID-19) in all major towns and rural areas.

It is asserted that in fact there is no term like "Migrant

Labourer" or "Migrant Workmen". The statute prescribes only the labourer or workmen hence, it was the responsibility of the State Governments where the workmen or labourers were working, to provide them all necessary facilities and amenities during the lockdown. Attitude of such Governments, as per the petitioners, is highly deplorable as they failed to maintain even survival of the human beings, services of whom were utilized by them for their prosperity.

According to the petitioners, Articles 14 and 21 of the Constitution of India demand for protection of dignity and human status of such so called migrant labourers. The Directive Principles of State policy also indicate to have a complete policy/programme to secure a social order for promotion of welfare of the people and further that to ensure the health and strength of workers, men and women, and the tender age of children be not abused. The present circumstances, as per the petitioners, is nothing but to put lakhs of workmen in a condition close to death without any fault on their part. Beside to provide adequate facilities to the workmen moving on roads due to the present circumstances emphasis is also given to have a strong rehabilitation programme for the residents of the State of Uttar Pradesh just to prevent them from moving to the other States for their survival. The petitioners stated that due to non-availability of basic infrastructure for employment in the State of Uttar Pradesh, lakhs of people use to migrate to the other States to earn their livelihood. Such migration is not at all wrong as the entire India is a union but the present attitude of the State Governments where these people were working is contrary to the spirit of union and federal structure, therefore, it is more necessary for the State of Uttar Pradesh to strengthen its edifice for local employment.

Considered all the facts so stated.

So far as the issue with regard to transportation and providing food for so called "Migrant Labourers" is concerned, Hon'ble Supreme Court has already taken suo moto cognizance today in a PIL - "Re-Inadequacy and certain Lapses on the part of the Central and State Governments in dealing with the Migrant Workers". Therefore, we are not inclined to have any explanation in this regard from the State Government. However, we deem it appropriate to call upon the State to explain about the policy and norms for providing medical facilities and treatment to the migrant workmen and their families and further to stop spreading of Coronavirus disease (COVID-19) in rural parts of the State of Uttar Pradesh and further about the scheme of the Government for rehabilitation of migrant workmen and their families in the State of Uttar Pradesh itself. The State is also required to give a complete layout to reduce migration of the natives of Uttar Pradesh to other parts of the country to earn minimum livelihood.

Let a notice be issued to the State of Uttar Pradesh, through the Additional Advocate General Sri Manish Goyal.

The Rule issued is made returnable on 1st June, 2020.

Order Date :- 26.5.2020
VMA

(Ramesh Sinha, J.) (Govind Mathur, C.J.)