

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISIDICTON)
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 falling 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.

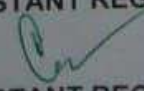
Efforts should be made to convince the migrant labour to stop walking and to take the transportation being provided by the State Government.

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."

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SD/- E.KAMESWAR RAO
ASSISTANT REGISTRAR


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