

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

(PUBLIC INTEREST LITIGATION)

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:-

SAGHEER AHMED KHAN ... PETITIONER

-VERSUS-

UNION OF INDIA & ORS. ... RESPONDENTS

WITH

I. A. NO. OF 2020 : APPLICATION FOR INTERIM
RELIEF

PAPER BOOK

(PLEASE SEE INDEX INSIDE)

FILED BY:-

EJAZ MAQBOOL, ADVOCATE FOR THE PETITIONER

INDEX

Sl. No.	Particulars of Document	Page No. of part to which it belongs		Remarks
		Part I (Contents of Paper Book)	Part II (Contents of file alone)	
(i)	(ii)	(iii)	(iv)	(v)
1.	Court Fees			
2.	Listing Proforma	A - A1	A - A1	
3.	Cover Page of Paper Book		A-2	
4.	Index of Record of Proceedings		A-3	
5.	Limitation Report prepared by the Registry		A-4	
6.	Defect List		A-5	
7.	Note Sheet		NS1 to ...	
8.	Synopsis and List of Dates	B - U		
9.	Writ Petition under Article 32 of the Constitution of India with affidavit.	1 - 33		
10.	Appendix of relevant statutory provisions:- (i) A copy of the Articles 21 & 32 of the Constitution of India, 1949.	34 - 35		

11.	ANNEXURE P-1 A true copy of the Aadhar Card of the Petitioner.	36		
12.	ANNEXURE P-2 A true copy of the PAN Card of the Petitioner.	37		
13.	ANNEXURE P-3 A true copy of the news report entitled as <i>Coronavirus update: A long walk home on empty stomachs for masked migrants</i> , published by the Hindustan Times on March 27, 2020.	38 - 41		
14.	ANNEXURE P-4 A true copy of the news report entitled as <i>Migrant Workers Beaten, Stuffed into Container Trucks by Police at Gujarat-Maharashtra Border</i> , published by the Wire on April 2, 2020.	42 - 50		
15.	ANNEXURE P-5 A true copy of the report entitled - <i>Coronavirus lockdown: 12-year-old Indian migrant worker walks 100 km, dies just 11 km away from home</i> , published by Gulf News on April 21, 2020.	51 - 54		
16.	ANNEXURE P-6 A true copy of the order dated April 27, 2020 passed by this Hon'ble Court in Writ Petition (Civil) Diary No. 10947 of 2020.	55 - 56		

17.	ANNEXURE P-7 A true copy of the Order dated April 29, 2020 issued by the Ministry of Home Affairs, Government of India.	57 - 58		
18.	ANNEXURE P-8 A true copy of order dated May 1, 2020 issued by the Ministry of Home Affairs, Government of India.	59		
19.	ANNEXURE P-9 A true copy of the order dated May 5, 2020 passed by this Hon'ble Court in Writ Petition (Civil) Diary No. 10947 of 2020.	60 - 63		
20.	ANNEXURE P-10 A true copy of the report entitled - <i>42 Migrant Workers Died in Road Accidents While Trying to Return Home during Lockdown: Report</i> , published by News18 India on May 7, 2020.	64 - 65		
21.	ANNEXURE P-11 A true copy of the news report entitled - <i>Migrants' deaths on the tracks a wake-up call for India</i> , published by LiveMint on May 8, 2020.	66 - 69		
22.	ANNEXURE P-12 A true copy of the email of the Petitioner dated May 9, 2020 sent to the Nodal Officer, State of Uttar Pradesh.	70 - 74		

23.	ANNEXURE P-13 A true copy of the email of the Petitioner dated May 9, 2020 forwarding the email sent to the Nodal, Officer, State of Uttar Pradesh to the Hon'ble Chief Minister of Uttar Pradesh.	75 - 76		
24.	ANNEXURE P-14 A true copy of the tweet made by the handle of Petitioner's son.	77 - 78		
25.	ANNEXURE P-15 A true copy of the email dated May 10, 2020 sent by the Petitioner herein to the Hon'ble Chief Minister of the State of Uttar Pradesh	79 - 80		
26.	ANNEXURE P-16 A copy of the photographs dated NIL showing the migrant workers traveling in inhuman conditions.	81 - 89		
27.	I.A. NO. ____ OF 2020 Application for interim relief.	90 - 93		
28.	F/M		94	
29.	V/A		95	

LISTING PROFORMA
IN THE SUPREME COURT OF INDIA

SECTION - (PIL-W)

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

- Central Act: **Constitution of India, 1950**
- Section: **Articles 21 & 32 of the Constitution of India**
- Central Rule : **NA**
- Rule No(s) : **NA**
- State Act : **NA**
- Section : **NA**
- State Rule : **NA**
- Rule No(s) : **NA**
- Impugned Interim order: (Date) **NA**
- Impugned Final Order/Decree : (Date) **NA**
- High Court : - **NA**
- Names of Judges: **NA**
- Tribunal/Authority: **NA**
-

1. Nature of matter:- **Civil matter**
2. (a) Petitioner:- **Sagheer Ahmed Khan**
- (b) e-mail ID:- sagheerkhan@gmail.com
- (c) Mobile No.:- **9820163139**
3. (a) Respondent No.1: – **Union of India**
- (b) e-mail ID: – **NA**
- (c) Mobile No.: – **NA**

4. (a) Main category classification: – **08 - Letter Petition & PIL Matters**
(b) Sub classification: – **0818- Social Justice Matters**
5. Not to be listed before: – **NA**
6. (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 matter is pending.**
7. **Criminal Matters:– NA**
 - (a) Whether accused/convict has surrendered: Yes No
 - (b) FIR No. **NA** Date: **NA**
 - (c) Police Station: **NA**
 - (d) Sentence Awarded: **NA**
 - (e) Period of sentence undergone including period of Detention/Custody Undergone: **NA**
8. **Land Acquisition Matters: – NA**
 - (a) Date of Section 4 notification: **NA**
 - (b) Date of Section 6 notification: **NA**
 - (c) Date of Section 17 notification: **NA**
9. **Tax Matters: State the tax effect: NA**
10. **Special Category** (first petitioner/appellant only): **NA**
 Senior citizen > 65 years SC/ST Woman/child
Disabled Legal Aid case In custody
11. Vehicle Number (in case of Motor Accident Claim matters): **NA**



EJAZ MAQBOOL

Advocate for the Petitioner

Code No. : 180

E-mail ID:-emaqbool@gmail.com

New Delhi

Dated: 11.05.2020

SYNOPSIS

The present Writ Petition is being filed by the Petitioner herein under Article 32 in the nature of a public interest litigation to seek directions from this Hon'ble Court to ensure that the migrant workers in Mumbai, particularly those hailing from Sant Kabir Nagar, Uttar Pradesh are safely transported home and that their continuous suffering in their various attempts to reach home (which has in certain cases even cost them their lives) be put to an end.

It is submitted that the Petitioner herein hails from Sant Kabir Nagar (earlier called District Basti) and is currently an advocate residing at Mumbai. The Petitioner after completing his LL.B. migrated to the city of Mumbai as a migrant to earn a livelihood. He enrolled himself as an advocate in the Bar Council of Maharashtra and Goa bearing enrolment no. MAH/5746/1999 in the year 1999. Since then, the Petitioner has been practising before the Hon'ble High Court of Judicature at Bombay.

The Petitioner, who himself lived in Mumbai as a migrant before he settled down in Mumbai, is well conversant with the plight of the migrants who are left to fend for themselves in this national crisis. Therefore, in discharge of his social responsibility the Petitioner first tried to help the migrants by approaching the Respondents and when respondents failed to address the plight of life and death of the

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migrant, the Petitioner is approaching this Hon'ble Court seeking to exercise its jurisdiction vested in it under Article 32 of the Constitution of India to save the lives of the migrants who are caught between the inactions of the Respondents.

It is a known fact that a large number of migrants travel to various cities across India from backward and rural areas in order to earn their livelihood. In Mumbai, a large number of migrants from U.P., Bihar, West Bengal, Odisha and other states have come to earn their livelihood. The migrants generally live where they work. The migrants who bring their families to Mumbai generally live in slum areas on leave and license, in shanties. The said shanties are normally having an area of 10x10 sq. ft. without any facility of toilet and etc. Normally the migrants use public toilets and public water connections provided by the Municipal Corporations. Large number of migrants sleep on pavements and the carts which they drive during day time. The Petitioner himself lived with other migrants in a furniture shop in the Mumbai Metropolitan Region from the year 1999 to 2001 before he settled down with his family and as such, he is well aware about the condition in which the migrants live in the city of Mumbai. The Migrants in Mumbai who do not live with their families, eat their meal in local eateries which are known as 'Bhissis', which provide food at a cheap rate. The living condition

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of most of the migrants in Mumbai cannot be said to be a condition where any human being should be allowed to live, however, due to extreme destitution, they are left with no option but to live in such deplorable and inhumane conditions.

The Petitioner is moving this Hon'ble Court as the migrant workers in Mumbai who have no source of livelihood due to the lockdown are constrained to leave Mumbai and are forced to travel to their hometowns in inhuman conditions. While some migrant workers are undertaking the journey on foot, the others are resorting to truck journeys where atleast 100-120 persons are traveling in one truck (pictures annexed as Annexure P-16). It is submitted while some migrant workers are dying of exhaustion and starvation, others are suffocating while undertaking this tedious journey. Needless to say, that this is a clear violation of right to life of these workers who have suddenly found themselves helpless in the midst of the nationwide lockdown.

The repeated attempts of the Petitioner to contact the nodal officer appointed by the State of Uttar Pradesh to ensure safe return of migrants from Maharashtra have failed as the telephone lines are continuously busy and the emails have not been answered.

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In such circumstances, the Petitioner was left with no other alternative but to approach this Hon'ble Court under Article 32 of the Constitution of India.

The Petitioner is a citizen of India and has no personal gain, in filing the present Petition except that his conscience is not allowing him to let the poor migrants remain in lurch and as such he has offered to pay up to Rs. 25,00,000/- (Rupees Twenty-Five Lakh Only) towards the cost of travel of the migrants belonging to districts Basti and Sant Kabir Nagar irrespective of their caste creed and religion. The Petitioner to show his bona fide is ready and willing to deposit the said sum of Rs. 25,00,000/- (Rupees Twenty-Five Lakh Only) in the registry of this Hon'ble Court.

Hence, the present petition.

LIST OF DATES

The Petitioner herein hails from Sant Kabir Nagar (earlier called District Basti) and is currently an advocate residing at Mumbai, practising before the Hon'ble High Court of Judicature at Bombay as well as before this Hon'ble Court.

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24.03.2020

The Hon'ble Prime Minister of India announced a nationwide lockdown for 21 days giving an extremely insufficient notice of four hours, i.e. from 8:00 pm to 12:00 pm. In view of the closure of all mediums of travel, the migrants could not go back to their native place and are stranded in the inhumane conditions of life. Therefore, the migrants in Mumbai were left with no options but to survive on the help of the Non-Governmental Organisations (NGOs) and of the State Government. However, soon the migrants exhausted their reserve money that they had with them. The said help was limited to providing food only. However, food is not the only thing on which a person can survive.

27.03.2020

With no work and no money, thousands of migrant workers were seen walking or bicycling hundreds of kilometres to go back to their native villages, often with families and young children on shoulders, with many of them doing so while hungry.

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- 31.03.2020 As many as 120 migrant workers were allegedly beaten up by the police in Gujarat and forcefully rounded up in a single lorry and dropped in Maharashtra, despite being wounded.
- 01.04.2020 In the meantime the infection of COVID-19 started to spread in the slum areas of Mumbai like Dharavi, Govandi, Worli, Wadala, Kurla, Sakinaka, and etc. where a substantial amount of migrant population generally lives.
- When the State Governments repatriated the students from Kota and other places by sending buses, the migrants thought that their governments would do the needful to bring them back to their native place from Mumbai and other similar parts of the country.
- 14.04.2020 In view of the ongoing COVID 19 situation in the country, the Hon'ble Prime Minister extended the nationwide lockdown till May 3, 2020.
- 17.04.2020 A Writ Petition bearing Diary No. 10947 of 2020 was filed by on Jagdeep S. Chhokar

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praying for a writ or direction to the Union to allow migrant workers across the country 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 for the same.

21.04.2020 It was reported that left with no means of transport, migrant labourers had decided to walk to their hometowns. This led to death of several migrant workers due to exhaustion.

27.04.2020 Writ Petition bearing Diary No. 10947 of 2020 came up for hearing and this Hon'ble Court directed he learned Solicitor General to place on record the proposed protocol, if any, for movement of migrant workers between States in view of reported discussions already taking place between different States.

29.04.2020 The Ministry of Home Affairs, Government of India issued a circular permitting the movement of the migrant workers who were stranded and directed all States/UTs to designate nodal

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authorities to develop protocols to facilitate such movement.

01.05.2020 Ministry of Home Affairs, Government of India permitted the Indian Railways to launch "Shramik Special" trains for the migrant workers and others stranded.

Further on the same date, i.e. on May 1,2020 itself, the Ministry of Home Affairs (MHA) and the Government of India (GoI) further extended the lockdown period to two weeks beyond 4 May, with some relaxations.

05.05.2020 Writ Petition bearing Diary No. 10947 of 2020 came up for hearing and this Hon'ble Court and since the Government had permitted the movement of migrant workers and was also starting Shramik Special Trains for them, the Writ Petition was disposed of. It was observed that the substantial part of the prayer of the Writ Petition was taken care of and though the Government had directed the migrant workers to pay 15% of the train fare, it was not for this

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Hon'ble Court to issue any directions in that regard under Article 32.

On the announcement of the continuation of lockdown from May 4, 2020 to May 17, 2020, the Central Government through the Ministry of Railways indicated that it would run special trains to repatriate the migrants. Accordingly, the U.P. government, first started collecting names and mobile numbers of the migrants from the gram panchayats in order to intimate the individual migrant about the boarding of the train. The cousin of the Petitioner is a Gram Pradhan of a village known as 'Mahuari', situated in the jurisdiction of Dudhara Police Station of District Sant Kabir Nagar, who informed the Petitioner that he has collected the names and telephone numbers of the persons stranded in Mumbai in lockdown and gave it to the designated officers as per the order dated 28/04/2020, passed by the Additional District Collector. Thereafter, the migrants were informed that they are required to fill a form and

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submit the same along with a health certificate to the nearest police station of their abode. Accordingly, the migrants in Mumbai started filling the forms and submitted to their nearest police station. The Petitioner got various calls from the migrants of his native place for their guidance to submit the forms. The Petitioner, telephonically, guided them in submitting their forms through the help of some NGO or certain individuals known to him. The migrants remained in queue in the police station for hours, precisely from 4 hours to 6 hours or even more, just to submit the forms. Even before submitting the forms, the migrants were asked to obtain a medical certificate which certified their fitness to travel and certificate that they did not have any symptom of COVID-19. Therefore, the migrants in absolute lockdown had to run helter-skelter to the doctors for such certificates. It is a known fact that most of the private doctors have shut down their clinics in the city of Mumbai, therefore, migrants had to run around from one

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doctor to another to get the required medical certificates after paying the requisite fees. The migrants submitted the said forms from May 1, 2020 to May 5, 2020 in large numbers. Various migrants were mercilessly beaten up by the police for violating the lockdown in their quest to obtain the required medical certificates and while submitting the said forms in order to reach their native places.

07.05.2020 It was reported that several migrant workers died in accidents on the roads after walking or hiding in vehicles.

07.05.2020 The Petitioner states that from May 7, 2020 onwards he started getting telephonic calls from the migrants from his home district and his village situated in Sant Kabir Nagar, who were desperate to go back to their native place anyhow and sought the help of the Petitioner. On enquiry from the local police station, particularly Shivaji Nagar Police Station and Deonar Police Station, the petitioner was informed that the data required for the train has been forwarded to U.P.

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Government and now the U.P. Government and the Railway Ministry would take the call. Therefore, the Petitioner tried to contact Principal Secretary P.W.D. department U.P. who has been designated as a Nodal Officer, by the U.P. Government but nobody picked up the Phone despite persistent calls made by the Petitioner to enquire about the status. In the mean time the migrants started becoming restless and the Petitioner was informed that the migrants from the U.P., Bihar, Jharkhand, Uttarakhand and West Bengal started moving on foot or on available private vehicles from Mumbai to their respective native places.

Thereafter, the Petitioner started getting calls from the persons of his village, and from other persons requesting to do something to send their kin and kith stranded in Mumbai. He also received calls from the migrants of his village stranded in Mumbai asking for his help to send them back to the village. They informed the petitioner that trucks and mini-trucks are going

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from Govandi falling in the Shivaji Nagar Police Station to Basti, on payment of Rs. 5000 per passenger. On enquiry the Petitioner found that despite lockdown, a large number of migrants had started moving on foot and by trucks carrying hundred to one hundred and twenty passengers like gas cylinders, in each truck. On further enquiry the Petitioner found that various migrants had already travelled more than 1500 kilometres and reached to the neighbouring village of the Petitioner. The petitioner was further informed that around 50 people from his own village have travelled from Mumbai in this scorching summer heat in open mini-trucks and reached there which is more than 1500 kilometres from Mumbai.

First, the Petitioner tried to persuade the migrants not to take the risk of walking on foot and by illegal and extremely dangerous means of travel but when he realised that the migrants were becoming desperate enough to take the risk. The Petitioner then decided to book a train(s) or

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bus(es) to transport some of the migrants who have become desperate to go to their native place at any cost. Accordingly, the Petitioner tried to approach the said Nodal Officer of the U.P. Government appointed for the purpose but in vain. Simultaneously, the Petitioner approached the local government to issue permit for transporting the migrants by buses. However, the Petitioner was informed by the Deonar Police Station that the migrants are required to fill a form. In order to fill the form, the migrants are required to submit a copy of their Aadhar card, two photographs, their address, mobile numbers and medical certificate, certifying that individual migrants have no symptom of COVID-19. The formalities even for booking a bus(es) are impossible to meet, even for submitting the form because the migrants are stranded in this lockdown at various locations of Mumbai and it is not possible for them to submit forms with their photographs, particularly when all shops for obtaining a photograph are closed. Further, there

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is no means for travel from one place to the police station to fill the form as all means of travel are closed and migrants have no private vehicles.

08.05.2020 In Aurangabad, 16 migrants were killed on May 8,2020 after a freight train ran over them while they were sleeping on the tracks, exhausted from walking.

09.05.2020 Under the facts and circumstances stated here and above, the Petitioner addressed an email dated May 9,2020 to the said Nodal Officer of State of Uttar Pradesh , asking as to whether the State of Uttar Pradesh was making any effort to repatriate the migrants stranded in Mumbai and the Petitioner further informed by the said email that out of desperation, the migrants from Uttar Pradesh. stranded in Mumbai had started walking on foot or by trucks. By the said email dated 09/05/2020, the petitioner requested to arrange for a train(s) or bus(es) and further offered to pay up to Rs. 25 lakhs towards transporting the migrants of Basti and Sant Kabir

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Nagar District. The Petitioner forwarded the said mail of May 9,2020 to the office of the U.P. Chief Minister on its official email 'cmup@nic.in'. However, the petitioner did not get any reply. Therefore, the Petitioner, through his son's Twitter handle tweeted the said mail dated May 9,2020 to the official Twitter Handle of the Hon'ble Chief Minister of Uttar Pradesh, the Hon'ble Railway Minister, the office of the Hon'ble Prime Minister (PMO) and the Hon'ble Chief Minister of Maharashtra. However, neither any action is taken to repatriate the migrants nor has the petitioner received any reply from anyone.

10.05.2020

When the Petitioner did not receive any response to the said email dated May 9,2020, he addressed another mail dated May 10,2020 to the Hon'ble Chief Minister of U.P. reminding him about his mail dated May 09,2020 and informing about the dysfunctionality of the Nodal office appointed for the purpose. However, to his disappointment and dismay, the petitioner has received no

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response from any of the Respondents on the issue, which is turning into a humanitarian crisis.

08.05.2020

to

11.05.2020

The Petitioner states that it is shown on national media as well as social media that migrants have started walking on foot to their native place from Mumbai and other cities which are more than thousand kilometres therefrom in this scorching summer heat. The Petitioner personally knows about some persons of his neighbouring village who have started walking from May 8, 2020 on foot with their families and have now entered in to the state of Madhya Pradesh (M.P.) (M.P.) as of May 11, 2020. There are certain persons known to the petitioner who are on their way by trucks started from Mumbai on May 10,2020 and are now crossing the State of Madhya Pradesh (M.P.) and as per information given by them there are thousands of vehicles which are on the road travelling from Mumbai for U.P. and Bihar. All these facts are being corroborated from the national media and videos available on the social

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media, which clearly show that the migrants are travelling all along in a condition which is dangerous to their life. However, surprisingly the various governments have created hurdles for granting permits to their legal migration but indirectly allowed illegal movement of migrants which clearly shows their antipathy. There are more than 5 lakh migrants from Eastern U.P. and till date no train has commenced from Mumbai to the Eastern U.P. route ferrying the stranded migrants in Mumbai.

The Petitioner further states that lately the Union of India has announced that it is going to run 300 special trains to repatriate the migrants and would start the booking of the same online. This announcement of the Union of India is not only an eyewash but a foolish idea to deal with the situation. First of all, the people in India, particularly the migrant workers are not so literate and are not aware as to how to book a railway ticket online. In order to book a ticket online it is necessary first to have required

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balance in the bank account if a migrant has an account. Even if he/she has an account and amount there in, a migrant has to know to use the online portal. In this lockdown, a migrant cannot even avail the services of any person whom he may know as he is neither allowed to go and meet somebody nor is there any cybercafé which can provide any help as the same are closed. Therefore, the migrants are thrown to the black marketeers in this hour of crisis who would charge exorbitant amounts of money for the tickets.

The Petitioner states that he has been persuading the migrants more particularly from his home district not to avail any illegal means to travel but wait for the legal mode of travel to their native place. However, under the facts and circumstances described above, the migrants are losing hope and patience and further, despite persistent effort made by the petitioner the Respondents have failed and neglected to

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discharge constitutional obligations to treat the migrants with dignity.

Meanwhile the migrant workers from Maharashtra, particularly from Mumbai have continued their attempts to reach their hometowns by taking on the journey in severely inhuman conditions as described above.

11.05.2020

Hence, the present Writ Petition.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

(PUBLIC INTEREST LITIGATION)

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

1. SAGHEER AHMED KHAN
R/o. 1304, City Tower,
Co-Operative Housing Society,
Dosti Acres Complex,
Antop Hill, Wadala (E),
Mumbai - 400037 ... Petitioner

-VERSUS-

1. UNION OF INDIA
Through its Secretary
Ministry of Home Affairs,
Government of India, ... Contesting
North Block, New Delhi - 110001 ... Respondent No.1
2. UNION OF INDIA
Through its Secretary
Ministry of Railways
Railway Board,
256-A, Raisina Road,
Rajpath Area, Central Secretariat,
New Delhi - 1 10001 ... Contesting
... Respondent No. 2
3. STATE OF MAHARASHTRA
Through its Secretary
Home Department, Mantralaya,
Madam Cama Road,
Hutatma Rajguru Square,
Nariman Point, Mumbai - 400 032 ... Contesting
... Respondent No.3

4. STATE OF UTTAR PRADESH
Through its Secretary
Home Department,
First, Second and Third Floor,
Lal Bahadur Shastri Bhawan
(Annexy Building)
Sarojini Naidu Marg,
Lucknow, Uttar Pradesh - 226001

Contesting
... Respondent No.4

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA TO ENSURE SAFE RETURN OF
THE MIGRANT WORKERS OF MUMBAI TO THEIR
HOMETOWNS**

To,

The Hon'ble Chief Justice of India
and his companion justices of the
Hon'ble Supreme Court of India

The humble petition of the
above named Petitioners:

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is filing the present Writ Petition under Article 32 of the Constitution in the nature of a Public Interest Litigation to seek directions from this Hon'ble Court to ensure that the migrant workers in Mumbai hailing from Sant Kabir Nagar, Uttar Pradesh are safely transported home and that their continuous suffering in their various attempts to reach home (which has in certain cases even cost them their lives) be put to an end.

2. The Petitioner herein hails from Sant Kabir Nagar (earlier called District Basti) and is currently an advocate residing at Mumbai. The Petitioner after completing his LL.B. migrated to the

city of Mumbai as a migrant to earn a livelihood. He enrolled himself as an advocate in the Bar Council of Maharashtra and Goa bearing enrolment no. MAH/5746/1999 in the year 1999. Since then, the Petitioner has been practising before the Hon'ble High Court of Judicature at Bombay.

3. That the necessary details of the Petitioner are as follows:-

- (i) Name : Sagheer Ahmed Khan
Father's Name : S/o. Mr. Abdul Hakeem Khan
Address : R/o. 1304, City Tower,
Co-operative Housing Society,
Dosti Acres Complex, Antop Hill,
Wadala (E), Mumbai- 400037
Occupation : Advocate
E-mail : sagheerkhan@gmail.com
Mobile No. : 098-201-63139
Aadhaar No : 6109 6236 6351
PAN No. : ALBPK3000C
Annual Income : Rs. 65,22,731/-

Copies of Aadhar Card and PAN Card of Petitioner herein are annexed hereto and marked as **Annexure P-1 [Page No. 36]** and **Annexure P-2 [Page No. 37]** as personal identification in this Writ Petition because the same is being filed as a Public Interest Litigation.

4. The Petitioner, who himself lived in Mumbai as a migrant before he settled down in Mumbai, is well conversant with the plight of the migrants who are left to fend for themselves in this national crisis. Therefore, in discharge of his social responsibility the

Petitioner first tried to help the migrants by approaching the Respondents and when respondents failed to address the plight of life and death of the migrant, the Petitioner is approaching this Hon'ble Court seeking to exercise its extra-ordinary jurisdiction vested in it under article 32 of the Constitution of India to save the lives of the migrants who are caught between the inactions of the Respondents.

5. It is a known fact that a large number of migrants travel to various cities across India from backward and rural areas in order to earn their livelihood. In Mumbai, a large number of migrants from U.P., Bihar, West Bengal, Odisha and other states have come to earn their livelihood. The migrants generally live where they work. The migrants who bring their families to Mumbai generally live in slum areas on leave and license, in shanties. The said shanties are normally having an area of 10x10 sq. ft. without any facility of toilet and etc. Normally the migrants use public toilets and public water connections provided by the Municipal Corporations. Large number of migrants sleep on pavements and the carts which they drive during day time. The Petitioner himself lived with other migrants in a furniture shop in the Mumbai Metropolitan Region from the year 1999 to 2001 before he settled down with his family and as such, he is well aware about the condition in which the migrants live in the

city of Mumbai. The Migrants in Mumbai who do not live with their families, eat their meal in local eateries which are known as 'Bhissis', which provide food at a cheap rate. The living condition of most of the migrants in Mumbai cannot be said to be a condition where any human being should be allowed to live, however, due to extreme destitution, they are left with no option but to live in such deplorable and inhumane conditions.

6. The Petitioner is a citizen of India and has no personal gain, private motive or oblique reason in filing the present Petition except that his conscience is not allowing him to let the poor migrants remain in lurch and as such he has offered to pay up to Rs. 25,00,000/- (Rupees Twenty-Five Lakh Only) towards the cost of travel of the migrants belonging to districts Sant Kabir Nagar irrespective of their caste, creed and religion. The Petitioner to show his bona fide is ready and willing to deposit the said sum of Rs. 25,00,000/- (Rupees Twenty-Five Lakh Only) in the registry of this Hon'ble Court.

7. That the Petitioner states that no civil, criminal or revenue litigation involving the Petitioner, which has or could have a legal nexus with the issues involved in the present Petition is pending.

8. That the Respondents herein are the Union of India through the Secretary, Ministry of Home Affairs and also through the Secretary, Ministry of Railways, State of Maharashtra through the Home Department and State of Uttar Pradesh through the Home Department.

9. That the Petitioner states that the Petitioner had approached the Nodal Officer appointed by the State of Uttar Pradesh for ensuring the safe return of the migrants from Mumbai, but his emails as well as phone calls were unanswered. The Petitioner further states that there is no concerned Government authority which could be moved for the reliefs sought for by the Petitioner in the present Petition as the only efficacious remedy lies before this Hon'ble Court under Article 32 of the Constitution.

10. That the present Petition is necessitated on account of the inhuman conditions of travel of migrant workers, who are constrained to undertake the journey to their hometowns either on foot or in overcrowded trucks with at least 100-120 persons in one truck. Such an arduous journey has claimed the lives of many migrant workers, who have died inter alia of exhaustion, suffocation and starvation. This is in complete violation of Article 21 i.e. right to life, of these migrant workers and also their right to live with dignity under Article 21 of the Constitution.

11. The Brief facts leading to the filing of the present Writ Petition are as follows: -

- (i) The Petitioner herein hails from Sant Kabir Nagar (earlier called District Basti) and is currently an advocate residing at Mumbai, practising before the Hon'ble High Court of Judicature at Bombay as well as before this Hon'ble Court.
- (ii) That on March 24, 2020, the Hon'ble Prime Minister of India announced a lockdown for the entire Nation giving an extremely insufficient notice of four hours, i.e. from 8:00 pm to 12:00 pm. In view of the closure of all mediums of travel, the migrants could not go back to their native place and are stranded in the inhumane conditions of life. The lockdown led to shutting of most businesses, which led to a huge livelihood problem for migrant workers, who had no other means of earning money and were left without food and shelter. Therefore, the migrants in Mumbai were left with no options but to survive on the help of the Non-Governmental Organisations (NGOs) and of the State Government. However, soon the migrants exhausted their reserve money that they had with them. The said help was limited to providing food only. However, food is not the only thing on which a person can survive.

- (iii) With no work and no money, thousands of migrant workers were seen walking or bicycling hundreds of kilometres to go back to their native villages, often with families and young children on shoulders, with many of them doing so while hungry. A true copy of the news report entitled as *Coronavirus update: A long walk home on empty stomachs for masked migrants*, published by the Hindustan Times on March 27, 2020 is annexed hereto and marked as **Annexure P-3 [Page Nos. 38 to 41]**.
- (iv) On March 31, 2020, as many as 120 migrant workers were allegedly beaten up by the police in Gujarat and forcefully rounded up in a single lorry and dropped in Maharashtra, despite being wounded. A true copy of the news report entitled as *Migrant Workers Beaten, Stuffed into Container Trucks by Police at Gujarat-Maharashtra Border*, published by the Wire on April 2, 2020 is annexed hereto and marked as **Annexure P-4 [Page Nos. 42 to 50]**.
- (v) In the meantime the infection of COVID-19 started to spread in the slum areas of Mumbai like Dharavi (which reported its first case on April 1, 2020), Govandi, Worli, Wadala, Kurla,

Sakinaka, and etc. where a substantial amount of migrant population generally live.

- (vi) When the State Governments repatriated the students from Kota and other places by sending buses, the migrants thought that their governments would do the needful to bring them back to their native place from Mumbai and other similar parts of the country.
- (vii) On April 14,2020, in view of the ongoing COVID-19 situation in the country, the Hon'ble Prime Minister extended the nationwide lockdown till May 3,2020.
- (viii) On April 17,2020, a Writ Petition bearing Diary No. 10947 of 2020 was filed by on Jagdeep S. Chhokar praying for a writ or direction to the Union to allow migrant workers across the country 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 for the same.
- (ix) On April 21, 2020, it was reported that, left with no means of transport, migrant labourers had decided to walk to their hometowns. This led to death of several migrant workers due to exhaustion.

A true copy of the report entitled - *Coronavirus lockdown: 12-year-old Indian migrant worker walks 100 km, dies just 11 km away from home*, published by Gulf News on April 21, 2020 is annexed hereto and marked as **Annexure P-5 [Page Nos. 51 to 54]**.

- (x) On April 27, 2020, Writ Petition bearing Diary No. 10947 of 2020 came up for hearing and this Hon'ble Court directed the learned Solicitor General to place on record the proposed protocol, if any, for movement of migrant workers between States in view of reported discussions already taking place between different States.

A true copy of the order dated April 27, 2020 passed by this Hon'ble Court in Writ Petition (Civil) Diary No. 10947 of 2020 is annexed hereto and marked as **Annexure P-6 [Page Nos. 55 to 56]**.

- (xi) On April 29, 2020, The Ministry of Home Affairs, Government of India issued a circular permitting the movement of the migrant workers who were stranded and directed all States/UTs to designate nodal authorities to develop protocols to facilitate such movement.

A true copy of the Order dated April 29, 2020 issued by the Ministry of Home Affairs, Government of India is annexed hereto and marked as **Annexure P-7 [Page Nos. 57 to 58]**.

(xii) On May 1, 2020, the Ministry of Home Affairs, Government of India permitted the Indian Railways to launch "Shramik Special" trains for the migrant workers and others stranded. A true copy of order dated May 1, 2020 issued by the Ministry of Home Affairs, Government of India is annexed hereto and marked as **Annexure P-8 [Page No. 59]**.

(xiii) Further on the same date, i.e. on May 1, 2020 itself, the Ministry of Home Affairs (MHA) and the Government of India (GoI) further extended the lockdown period to two weeks beyond 4 May, with some relaxations.

(xiv) On May 5, 2020, Writ Petition bearing Diary No. 10947 of 2020 came up for hearing and this Hon'ble Court and since the Government had permitted the movement of migrant workers and was also starting Shramik Special Trains for them, the Writ Petition was disposed of. It was observed that the substantial part of the prayer of the Writ Petition was taken care of and though the Government had directed the migrant workers to pay 15% of the train fare, it was not for this

Hon'ble Court to issue any directions in that regard under Article 32.

A true copy of the order dated May 5, 2020 passed by this Hon'ble Court in Writ Petition (Civil) Diary No. 10947 of 2020 is annexed hereto and marked as **Annexure P-9 [Page Nos. 60 to 63]**.

- (xv) On the announcement of the continuation of lockdown from May 4, 2020 to May 17, 2020, the Central Government through the Ministry of Railways indicated that it would run special trains to repatriate the migrants. Accordingly, the U.P. government, first started collecting names and mobile numbers of the migrants from the gram panchayats in order to intimate the individual migrant about the boarding of the train. The cousin of the Petitioner is a Gram Pradhan of a village known as 'Mahuari', situated in the jurisdiction of Dudhara Police Station of District Sant Kabir Nagar, who informed the Petitioner that he has collected the names and telephone numbers of the persons stranded in Mumbai in lockdown and gave it to the designated officers as per the order dated 28/04/2020, passed by the Additional District Collector. Thereafter, the migrants were informed that they are required to fill a form and submit the same along with a health

certificate to the nearest police station of their abode. Accordingly, the migrants in Mumbai started filling the forms and submitted to their nearest police station. The Petitioner got various calls from the migrants of his native place for their guidance to submit the forms. The Petitioner, telephonically, guided them in submitting their forms through the help of some NGO or certain individuals known to him. The migrants remained in queue in the police station for hours, precisely from 4 hours to 6 hours or even more, just to submit the forms. Even before submitting the forms, the migrants were asked to obtain a medical certificate which certified their fitness to travel and certificate that they did not have any symptom of COVID-19. Therefore, the migrants in absolute lockdown had to run helter-skelter to the doctors for such certificates. It is a known fact that most of the private doctors have shut down their clinics in the city of Mumbai, therefore, migrants had to run around from one doctor to another to get the required medical certificates after paying the requisite fees. The migrants submitted the said forms from May 1, 2020 to May 5, 2020 in large numbers. Various migrants were mercilessly beaten up by the police for violating the lockdown in their

quest to obtain the required medical certificates and while submitting the said forms in order to reach their native places.

(xvi) On May 7, 2020, it was reported that several migrant workers died in accidents on the roads after walking or hiding in vehicles. A true copy of the report entitled - *42 Migrant Workers Died in Road Accidents While Trying to Return Home during Lockdown: Report*, published by News18 India on May 7, 2020 is annexed hereto and marked as **Annexure P-10 [Page Nos. 64 to 65]**.

(xvii) The Petitioner states that from May 7, 2020 onwards he started getting telephonic calls from the migrants from his home district and his village situated in Sant Kabir Nagar, who were desperate to go back to their native place anyhow and sought the help of the Petitioner. On enquiry from the local police station, particularly Shivaji Nagar Police Station and Deonar Police Station, the petitioner was informed that the data required for the train has been forwarded to U.P. Government and now the U.P. Government and the Railway Ministry would take the call. Therefore, the Petitioner tried to contact Principal Secretary P.W.D. department U.P. who has been designated as a Nodal Officer, by the U.P. Government but nobody picked up the Phone despite persistent calls made

by the Petitioner to enquire about the status. In the meantime, the migrants started becoming restless and the Petitioner was informed that the migrants from the U.P., Bihar, Jharkhand, Uttarakhand and West Bengal started moving on foot or on available private vehicles from Mumbai to their respective native places.

(xviii) Thereafter, the Petitioner started getting calls from the persons of his village, and from other persons requesting to do something to send their kin and kith stranded in Mumbai. He also received calls from the migrants of his village stranded in Mumbai asking for his help to send them back to the village. They informed the petitioner that trucks and mini-trucks are going from Govandi falling in the Shivaji Nagar Police Station to Basti, on payment of Rs. 5000 per passenger. On enquiry the Petitioner found that despite lockdown, a large number of migrants had started moving on foot and by trucks carrying hundred to one hundred and twenty passengers like gas cylinders, in each truck. On further enquiry the Petitioner found that various migrants had already travelled more than 1500 kilometres and reached to the neighbouring village of the Petitioner. The petitioner was further informed that around 50 people from his own village have travelled from Mumbai

in this scorching summer heat in open mini-trucks and reached there, which is more than 1500 kilometres.

- (xix) First, the Petitioner tried to persuade the migrants not to take the risk of walking on foot and by illegal and extremely dangerous means of travel but when he realised that the migrants were becoming desperate enough to take the risk. The Petitioner then decided to book a train(s) or bus(es) to transport some of the migrants who have become desperate to go to their native place at any cost. Accordingly, the Petitioner tried to approach the said Nodal Officer of the U.P. Government appointed for the purpose but in vain. Simultaneously, the petitioner approached the local government to issue permit for transporting the migrants by buses. However, the Petitioner was informed by the Deonar Police Station that the migrants are required to fill a form. In order to fill the form, the migrants are required to submit a copy of their Aadhar card, two photographs, their address, mobile numbers and medical certificate, certifying that individual migrants have no symptom of COVID-19. The formalities even for booking a bus(es) are impossible to meet, even for submitting the form because the migrants are stranded in this lockdown at various locations of Mumbai and

it is not possible for them to submit forms with their photographs, particularly when all shops for obtaining a photograph are closed. Further, there is no means for travel from one place to the police station to fill the form as all means of travel are closed and migrants have no private vehicles.

- (xx) In Aurangabad, 16 migrants were killed on May 8,2020 after a freight train ran over them while they were sleeping on the tracks, exhausted from walking. A true copy of the news report entitled - *Migrants' deaths on the tracks a wake-up call for India*, published by LiveMint on May 8, 2020 is annexed hereto and marked as **Annexure P-11 [Page Nos. 66 to 69]**.
- (xxi) Under the facts and circumstances stated here and above, the Petitioner addressed an email dated May 9,2020 to the said Nodal Officer of State of Uttar Pradesh , asking as to whether the State of Uttar Pradesh was making any effort to repatriate the migrants stranded in Mumbai and the Petitioner further informed by the said email that out of desperation, the migrants from Uttar Pradesh stranded in Mumbai had started walking on foot or by trucks. By the said email dated 09/05/2020, the Petitioner requested to arrange for a train(s) or bus(es) and further offered to pay up to Rs. 25 lakhs

towards transporting the migrants of Sant Kabir Nagar District. The Petitioner forwarded the said mail of May 9,2020 to the office of the U.P. Chief Minister on its official email 'cmup@nic.in'. However, the petitioner did not get any reply. Therefore, the Petitioner, through his son's Twitter handle tweeted the said mail dated May 9, 2020 to the official Twitter Handle of the Hon'ble Chief Minister of Uttar Pradesh, the Hon'ble Railway Minister, the office of the Hon'ble Prime Minister (PMO) and the Hon'ble Chief Minister of Maharashtra. However, neither any action is taken to repatriate the migrants nor has the petitioner received any reply from anyone.

A true copy of the email of the Petitioner dated May 9, 2020 sent to the Nodal Officer, State of Uttar Pradesh is annexed hereto and marked as **Annexure P-12 [Page Nos. 70 to 74]**.

A true copy of the email of the Petitioner dated May 9, 2020 forwarding the email sent to the Nodal, Officer, State of Uttar Pradesh to the Hon'ble Chief Minister of Uttar Pradesh is annexed hereto and marked as **Annexure P-13 [Page Nos. 75 to 76]**.

A true copy of the tweet made by the handle of Petitioner's son are annexed hereto and marked as **Annexure P-14 [Page Nos. 77 to 78]**.

(xxii) When the Petitioner did not receive any response to the said email dated May 9, 2020, he addressed another mail dated May 10, 2020 to the Hon'ble Chief Minister of U.P. reminding him about his mail dated May 9, 2020 and informing about the dysfunctionality of the Nodal office appointed for the purpose. However, to his disappointment and dismay, the petitioner has received no response from any of the Respondents on the issue, which is turning into a humanitarian crisis.

A true copy of the email dated May 10, 2020 sent by the Petitioner herein to the Hon'ble Chief Minister of the State of Uttar Pradesh is annexed hereto and marked as **Annexure P-15 [Page Nos. 79 to 80]**.

(xxiii) The Petitioner states that it is shown on national media as well as social media that migrants have started walking on foot to their native place from Mumbai and other cities which are more than thousand kilometres therefrom in this scorching summer heat. The Petitioner personally knows about some

persons of his neighbouring village who have started walking from May 8,2020 on foot with their families and have now entered in to the state of Madhya Pradesh (M.P.) as of May 11, 2020. There are certain persons known to the petitioner who are on their way by trucks started from Mumbai on May 10,2020 and are now crossing the state of Madhya Pradesh (M.P.) and as per information given by them there are thousands of vehicles which are on the road travelling from Mumbai for U.P. and Bihar. All of these facts are being corroborated from the national media and videos available on the social media, which clearly show that the migrants are travelling all along in a condition which is dangerous to their life. However, surprisingly the various governments have created hurdles for granting permits to their legal migration but indirectly allowed illegal movement of migrants which clearly shows their antipathy. There are more than 5 lakh migrants from Eastern U.P. and till date no train has commenced from Mumbai to the Eastern U.P. route ferrying the stranded migrants in Mumbai.

(xxiv) The Petitioner further states that lately the Union of India has announced that it is going to run 300 special trains to repatriate the migrants and would start the booking of the

same online. This announcement of the Union of India is not only an eyewash but a foolish idea to deal with the situation. First of all, the people in India, particularly the migrant workers are not so literate and are not aware as to how to book a railway ticket online. In order to book a ticket online it is necessary first to have required balance in the bank account if a migrant has an account. Even if he/she has an account and amount there in, a migrant has to know to use the online portal. In this lockdown, a migrant cannot even avail the services of any person whom he may know as he is neither allowed to go and meet somebody nor is there any cybercafé which can provide any help as the same are closed. Therefore, the migrants are thrown to the black marketeers in this hour of crisis who would charge exorbitant amounts of money for the tickets.

(xxv) The Petitioner states that he has been persuading the migrants more particularly from his home district not to avail any illegal means to travel but wait for the legal mode of travel to their native place. However, under the facts and circumstances described above, the migrants are losing hope and patience and further, despite persistent effort made by the petitioner the Respondents have failed and neglected to

discharge constitutional obligations to treat the migrants with dignity.

(xxvi) Meanwhile the migrant workers from Maharashtra, particularly from Mumbai have continued their attempts to reach their hometowns by taking on the journey in severely inhuman conditions as described above.

A copy of the photographs dated NIL showing the migrant workers traveling in inhuman conditions are annexed hereto and marked as **Annexure P-16 [Page Nos. 81 to 89]**.

12. That the Petitioner is filing the present Writ Petition in public interest as the failure of the State to safely conduct evacuation of migrant workers and ensure that they be transported to their hometowns safely, has posed a grave threat to the life of migrant workers across the country. The migrant workers are constrained to undertake the arduous journey to their hometown either on foot or in overcrowded vehicles (100-120 persons in one truck) which is not only inhuman and dangerous to life and has proved fatal in many instances. This is a complete infringement of the right to life and right to live with dignity as stipulated by Article 21 of the Constitution.

13. The following questions of law of general public importance arise for consideration by this Hon'ble Court: -

- (i) Whether the failure of State in conducting safe evacuation of migrant workers is an infringement of Article 21 of the constitution of India?
- (ii) Whether the failure of State to disseminate the true information pertaining to the steps taken by it in order to facilitate evacuation is a failure of the State's duty to protect the lives of migrant workers under Article 21?
- (iii) Whether the failure of the State to ensure that helplines are answered and/or migrant workers are able to reach the concerned officer is a failure of State's duty under Article 21?

14. That the Petitioners is therefore filing the present Writ Petition under Article 32 of the Constitution of India on the following amongst other grounds which are taken without prejudice to one another:-

GROUND

- A. For that despite announcement of various schemes and purported actions to deal with the migrant crisis, the situation on the ground remains grim, leading to a humanitarian crisis which may not be reversed if allowed to continue. The

assurance given and purported action taken to deal with the migrant crisis as submitted by the Union of India before this Hon'ble Court in Writ Petition (Civil) Diary No. 10947/2020 is not seen on the ground and is not enough to protect the migrants' right to live with dignity. Had the State authorities acted on their assurances given to this Hon'ble court, there would have been no reason for the migrants to put their life at risk by adopting to travel on foot by private trucks in deplorable conditions. It is therefore just, convenient and necessary that this Hon'ble Court under its supervision may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction and pass any order directing the Respondents to make suitable arrangements free from any technicality to repatriate the migrants to their respective states.

- B. For that the migrants more particularly are feeling insecure and helpless due to the circumstances beyond their control and have started walking through the highways on foot or by private trucks and mini-trucks. Needless to say, that had the Respondents taken appropriate steps to repatriate them, there was no reason for migrants to risk their lives in this scorching summer heat. It is in public domain that various migrants have died while walking and Union Government and the State

Governments have failed and neglected to ensure their safety and security resulting in loss of lives like in the case of the Aurangabad Train Accident.

- C. For that as of today, the migrants are walking on road and by trucks or other private vehicles in a miserable state, which is dangerous to their lives. Therefore, this Hon'ble Court may be pleased to direct the Respondents to provide the migrants, who are on their way safe and secure means and mode of travel to their destination.
- D. For that the Constitution mandates to secure justice for the poor and the weaker sections of the society who are not in a position to protect their own interests. Presently, the migrants are begging and borrowing to meet each meal in order to survive and this Hon'ble Court is their last hope for a dignified and meaningful life. It is therefore necessary that this Hon'ble Court may be pleased to come to their rescue to avoid a humanitarian tragedy in waiting.
- E. For that on one hand the Respondents have no control over the travel on the highways where migrants are travelling in vehicles in inhuman conditions on the other hand they are making it impossible for the migrants to travel with legal means, which is evident from their oblivious attitude to the

applications filed by the migrants for travelling to their native place. As stated above, the Respondents, more particularly State of Uttar Pradesh, i.e. Respondent No. 4 herein, has failed to respond to the emails dated May 9,2020 and May 10,2020 addressed by the Petitioner.

- F. For that not only the migrants who are stranded in Mumbai but their family members at their respective native places are living in fear and anxiety. However, despite requests made by the Petitioner, the Respondents have failed and neglected to take any action to repatriate the migrants from the District: Sant Kabir Nagar. Further, despite the Petitioner's offer to pay the cost of the tickets of the migrants of the said District, the Respondents have failed and neglected to even bother about the crisis faced by the migrants.
- G. For that it is submitted that the nationwide lockdown has caused an internal exodus of migrant workers, who are left without food or shelter in cities and are desperate to return to their hometowns. It is submitted that the failure of the Government to ensure a safe evacuation mechanism has constrained these migrant workers to undertake this arduous journey themselves, in inhuman conditions, which is in clear violation of right to live with dignity.

- H. For that it is submitted, that several migrant workers have chosen to walk several hundred kilometres to their hometowns. In the gruesome summer months, coupled with the undernourished situation of these workers, who have no money to afford any food or shelter, undertaking such an arduous journey has proved to be fatal as they have lost their lives due to exhaustion.
- I. For that in several cases the migrant workers who undertook the journey by foot have been ill treated by police and have been transported back to the cities where they came from that too in inhuman conditions.
- J. For that those migrant workers who have been able to afford a truck ride back to their hometowns, have been facing excessively inhuman conditions, as nearly 100-120 people are being shoved inside one truck and are being ferried across the nation. This is leading to deaths by way of suffocation.
- K. For that a total of 140 people have died in road accidents across India since the lockdown was announced on March 24 till May 3 and that 30% of these deaths (i.e. at least 42 deaths) were of migrant workers who were walking, or trying to reach their home states by hiding in buses and trucks.

- L. For that several migrant workers who took to walking on railway tracks have died by getting crushed under trains when they fell asleep on the tracks due to extreme exhaustion.
- M. For that even the nodal officers appointed by the State Governments are at district level and it is submitted that since each district has a wide geographical area which would have a large number of migrants, it is preferable to have designated officers even at Sub-Divisional and Tehsil level, who can coordinate for the safe evacuation of migrant workers.
- N. For that the State authorities ought to take steps to ensure that no lives are lost in an attempt for migrant workers to reach home. It is submitted that daily several lives are being lost in an attempt by a helpless migrant worker to reach home.
- O. For that even after the State authorities resolved to run Shramik Special trains for the stranded migrant workers, there was no proper dissemination of information to ensure that the schedule of the trains, procedure for booking and other modalities are communicated to these migrant workers.
- P. For that the State authorities ought to take special steps for dissemination of this information as the migrant workers have no way of getting such information through any technology,

especially when they are facing the crunch for fending for even a single meal in a day.

- Q. For that the Petitioner is willing to completely cooperate with the Government and is willing to extend financial help of Rs. 25,00,000 for safe evacuation and transportation of migrant workers from Mumbai belonging to his hometown in Sant Kabir Nagar.
- R. Under the circumstances it is necessary that this Hon'ble court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction and pass any order directing the Respondents to make suitable arrangements to repatriate the migrants from District: Sant Kabir Nagar by arranging a suitable train(s) or any other mode of transportation from Mumbai to Sant Kabir Nagar.
- S. The Petitioner craves liberty to urge other grounds in addition to the grounds above at a later stage of the proceedings as appropriate.

15. The Petitioner has not filed any other petition before this Hon'ble Court or any other Court within the territory of India on the subject matter of the instant Petition and for the reliefs prayed for herein.

16. In the aforesaid premises and in the interests of justice, it is most respectfully prayed that this Hon'ble Court may be graciously pleased to:-

PRAYER

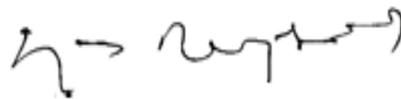
- (a) Issue a writ in the nature of mandamus, or any other writ, order or direction to the Respondents to ensure immediate and safe evacuation of migrant workers to their hometowns free from any technicality and under the supervision of this Hon'ble Court; and/or
- (b) Direct the Respondents to provide the migrants, who are on their way, safe and secure means and mode of travel to their destination; and/or
- (c) Issue a writ in the nature of mandamus, or any other writ, order or direction to the Respondents to advertise and make all attempts to disseminate all relevant information concerning such evacuation facilities to the lowest strata of the society; and/or
- (d) Issue a Writ of Mandamus or any other appropriate Writ, direction and pass any order directing the Respondents to make suitable arrangements to repatriate the migrants belonging to District: Sant Kabir Nagar by arranging a

suitable train(s) or any other mode of transportation from Mumbai to Sant Kabir Nagar, U.P.; and/or

- (e) Issue a Writ of Mandamus or any other appropriate Writ, direction and pass any order directing the Respondents to ensure that enough number of trains and/or buses are dedicated for the evacuation of migrant workers and that they are transported back to their hometowns in a safe and secure manner; and/or
- (f) Pass such other/further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.

FILED BY:-



EJAZ MAQBOOL

Advocate for the Petitioner

DRAWN BY:-

Mr. Ejaz Maqbool, Advocate
Mr. Sagheer Ahmed Khan, Advocate
Ms. Akriti Chaubey, Advocate
Mr. Muhammad Isa M. Hakim, Advocate

Drafted on: 10.05.2020

New Delhi

Filed on: 11.05.2020

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:-

SAGHEER AHMED KHAN ... PETITIONER

-VERSUS-

UNION OF INDIA & ORS. ... RESPONDENTS

AFFIDAVIT

I, Sagheer Ahmed Khan, S/o. Mr. Abdul Hakeem Khan, aged about 47 years, Residing at 1304, City Tower, Co-Operative Housing Society, Dosti Acres Complex, Antop Hill, Wadala (E), Mumbai - 400037, do hereby solemnly affirm and state as under:-

1. That I am the Petitioner in the above mentioned Writ Petition and as such I am well conversant with the facts and circumstances of the case and competent to swear the present affidavit on my own behalf.
2. That I have gone through a copy of the Synopsis and List of Dates running from pages B to U and a copy of the Writ Petition from paragraphs 1 to 16 running from pages 1 to 31 and I state that the contents thereof are true and correct to my knowledge and belief.

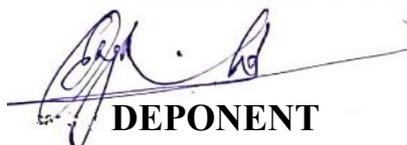
3. That I have gone through a copy of the Interlocutory Application and state that the contents thereof are true and correct to my knowledge and belief.
4. That the annexures annexed to the present Writ Petition are true and correct copies of their respective originals.
5. That the Petitioner has no personal interests, individual gain, private motive or oblique reasons for filing the present petition. The present petition is not guided for the gain of any individual person, institution or body and there is no motive other than Public Interest in filing the present Petition.



DEPONENT

VERIFICATION

Verified at Mumbai on this 11th day of May, 2020 that the contents of the above Affidavit are correct and true to the best of my knowledge, belief and nothing material has been concealed therefrom.



DEPONENT

THE CONSTITUTION OF INDIA, 1949

Article 21. Protection of life and personal liberty

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

Article 32. Remedies for enforcement of rights conferred by this Part

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed;

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part;

(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all

or any of the powers exercisable by the Supreme Court under clause (2);

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

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भारतीय विशिष्ट ओळख प्राधिकरण

भारत सरकार
 Unique Identification Authority of India
 Government of India

नोंदविण्याचा क्रमांक / Enrollment No 1104/20549/12681

To,
 सगीर अहमद खान
 Sagheer Ahmed Khan
 S/O: Abdul Hakim Khan
 Shaikh Misree Road, Antop Hill Bus Terminal/Wadala Room
 No. 1304, 13th Floor, Plot No. 359, City Tower CHS.
 Mumbai
 Antop Hill Mumbai Mumbai
 Maharashtra 400037
 9820163139

Ref: 220 / 06K / 406114 / 406287 / P


 SH478637555FT



आपला **आधार** क्रमांक / Your **Aadhaar** No. :

6109 6236 6351

आधार - सामान्य माणसाचा अधिकार



भारत सरकार

Government of India

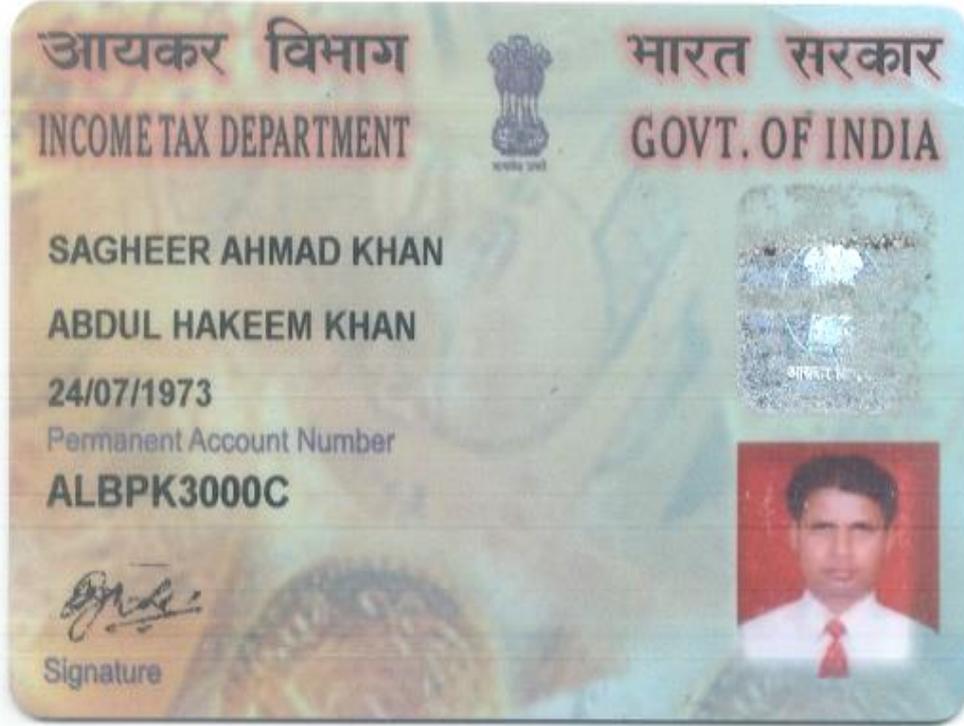


सगीर अहमद खान
 Sagheer Ahmed Khan
 जन्म तारीख / DOB : 20/07/1973
 पुरुष / Male



6109 6236 6351

आधार - सामान्य माणसाचा अधिकार



// TRUE COPY //

Coronavirus update: A long walk home on empty stomachs for masked migrants

Stranded after the lockdown, thousands of migrant workers are walking back to their villages and towns from their places of work hundreds of kilometers away.

INDIA Updated: Mar 27, 2020 16:11 IST

ht Pankaj Jaiswal, Sanjoy Dey and Dhrubo Jyoti
Hindustan Times, Lucknow/Ranchi/New Delhi



Migrant workers leave Delhi on foot on the second day of the nationwide lockdown over coronavirus outbreak on Thursday.(Raj K Raj/HT PHOTO)



Manna Lal has walked 100 km over the last 24 hours with almost no food or water. He has to cover 150km more to get home.



Lal, 48, is one in a group of eight labourers walking across the length of eastern Uttar Pradesh to get to their ancestral village of Gatla Beli in Bahraich district – roughly 250km from Kanpur city, where they worked as masons.



They left their construction site at 3am on Wednesday after the care-taker told them that work would be halted in the wake of the 21-day national lockdown imposed by the government to halt the spread of the coronavirus disease (Covid-19) that has infected 606 people and killed 10.

Hours after the announcement by Prime Minister Narendra Modi, the local contractor stopped work and told them they had no place to live.

“By Tuesday night, we had already exhausted half of our money. So we decided to go home,” said Guddu, 15. They first walked to the local railway station, 20km away but it was shut. “Our hearts sank... we rested a bit and started walking.”

With a small bundle of clothes and belongings slung over his shoulders, Lal and the others walked for 12 hours with no food – his last meal was at the construction site on Tuesday night. “We survived only on water,” he said. “But it is better to be in village than in a city where we will not even get food,” he added.

Each of them have between Rs 50 and Rs 200 but are unwilling to part with it, hoping that they will eventually find a bus to board. “Also, we don’t know what the situation would be back home with no income coming,” said Ram Achal, 28.

Their feet sore with blisters, the group lumbered into Lucknow on Wednesday afternoon, where they met with an unexpected stroke of good luck – the constables at the local check post opened their tiffin boxes and gave them eight rotis, one for each of them, and some sweets. “We haven’t eaten them yet. We are saving them for when the hunger becomes unbearable,” said Lal.

They aren’t the only ones.

Munna Mahto reached his village in Jharkhand’s Latehar from Ranchi, about 110 kms away, on Tuesday. Dashrath Yadav, walked all night on Tuesday without food and water, with three other family members, to reach Gujarat’s Ahmedabad from Vadodara, a distance of 110 kms. And, Rabiul Shaikh just reached his home in West Bengal’s West Midnapore district on Thursday morning after walking with his family for almost 10 hours.

Stranded after the lockdown, thousands of such workers are walking back to their villages and towns from their places of work hundreds of kilometers away. Some of them have cooking gas stoves with them, others are begging on the way, and the rest are trying to suppress their hunger while they desperately look for any mode of transport to get back home. “When we got off the train at Howrah station, I was scared the disease will catch us. But we were so hungry, we didn’t think too much about it,” said Shaikh.

Last rung of the ladder

According to the 2011 Census, 54 million or nearly 5% people living in India migrated to their present state of residence from some other state. A quarter of them, or about 13 million people, migrated for economic reasons such as work, employment or business. More than half of these 13 million migrated out of just three states – Uttar Pradesh, Bihar and Rajasthan. More than half went to four states – Maharashtra, Delhi, Gujarat and Karnataka, primary driven to urban clusters such as Mumbai, Ahmedabad and Bengaluru.

Starved of economic opportunities, workers make their way through formal, informal, family and clan networks into a variety of jobs on the economic and social hierarchy: a private security guard at the top and a construction labourer at the bottom. Millions of women work as labourers, domestic help, cooks and cleaners. They are at particular risk of Covid-19 because they live in cramped quarters. Families often share a room and it is not uncommon for 10-12 men to share one kachha house. “They are at great economic precarity at the hands of contractors. And, there is precarity on both sides. At home, agriculture is risky and there are few economic opportunities. And in the city, there is the threat of recession shock, floods and epidemics,” said Chinmay Tumble, a faculty member at IIM-Ahmedabad, and author of *India Moving: A History of Migration*.

He pointed out the difference in approach between internal and international migration, the latter being a matter of prestige and national image. “State governments need to do more and with greater coordination,” he added.

Better coordination could have saved Mahto and three friends a world of trouble. They took a train from Bengaluru for Latehar but the journey ended in Ranchi on March 21 as the railways cancelled all trains. After staying at a night shelter for two days, they decided to walk. “Whatever money we earned was spent on food. We have nothing left. We will go to our village, where we can at least survive on herbs and vegetables from jungle,” he said.

Many migrants have faced harassment from police. Shaikh said his family had to start running to escape the lathis. “A lot of other men were beaten up and forced to kneel down on the side of the road,” he said. Videos and television visuals from across India showed workers being forced to crawl on roads, made to do sit-ups and kneel down on the side of highways. A number of state governments have now set up community kitchens and some states such as Odisha have allowed eateries to open along the highways so that the labourers can get food and water. Some states such as Delhi, Jharkhand, Uttar Pradesh and Bihar have made night shelters operational.

Odisha chief minister Naveen Patnaik and West Bengal CM Mamata Banerjee wrote to CMs of other states asking them to assist stranded people.

Rajasthan chief minister Ashok Gehlot has written to his Gujarat counterpart Vijay Rupani to ensure workers reach the state borders from where they can be taken to their villages.

“We are also trying them to convince them not to leave,” said Gujarat deputy chief minister Nitin Patel. Jharkhand chief minister Hemant Soren has promised that any worker stuck in the state would be cared for by the government.

Fear and stigma

Returning home has not been pleasant for Bhajaman Nayak. A resident of Kumbharapiliguda village in Kalahandi district of Odisha, Nayak was one of the lucky workers who found a berth on the Alappuzha-Dhanbad Express from Thrissur, where he worked, and returned home a day before the lockdown was imposed on Tuesday.

But fear and stigma about the disease wiped out his luck. He was forced to pitch a tent outside the village as local residents barred him from coming within 200 metres of habitation. “Our only scare is that we can be bitten by snakes. Some of us guard against snakes in night,” he said.

In many other villages, migrant labourers have been barred from entering and compelled to stay in make-shift quarantine homes.

In Haryana’s Hassan village, even the entry of relatives has been banned. “We have sealed the boundaries of the village and people going to fields are only allowed to pass through it,” said Pratap Singh, village head.

For women workers, the sudden migration has brought forth a loss of income, safety and the added burden of unpaid work.

“I earned more than my husband as a help. I was saving up to buy a cycle, but now I fear I will cooking and cleaning for the family and not earn,” said Pinki, Shaikh’s wife. “But it is alright if we are saved from this disease.”

It is Thursday evening, and Lal and his group of eight still have several hours of walking ahead. They are tired, but continue with only short breaks. “If we go at this pace and determination, we will reach home Friday morning,” said Kandhai Lal.

(with inputs from Vijdan Mohammad Kawoosa)

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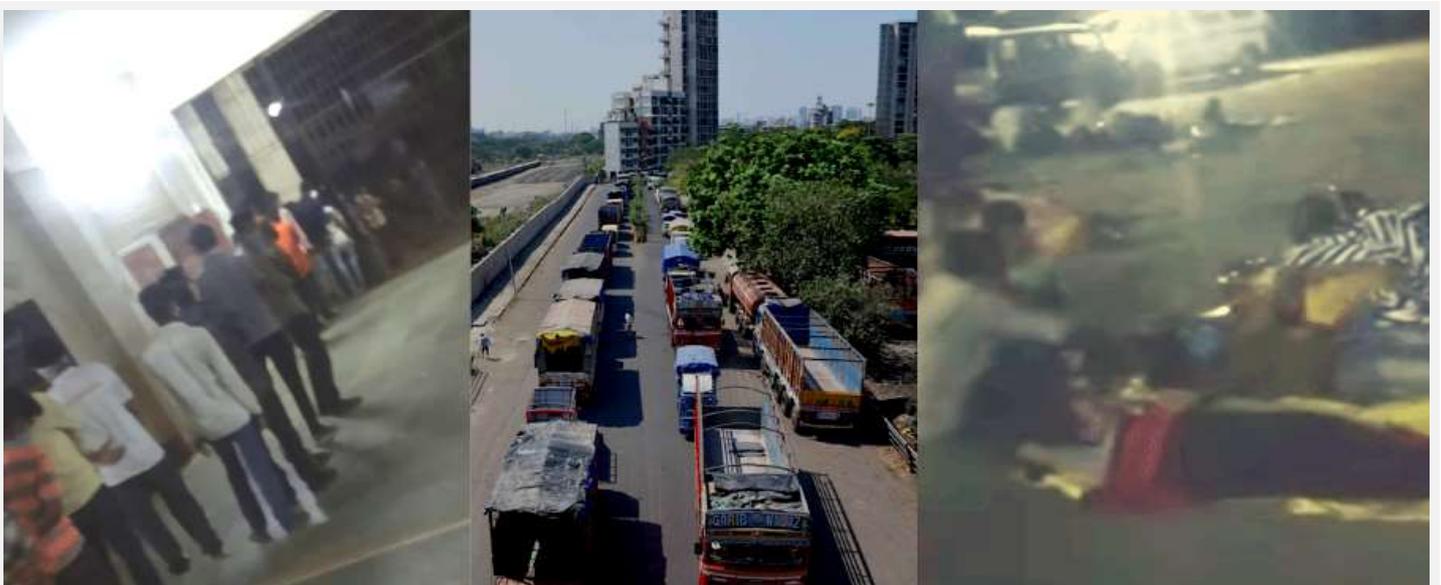
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RIGHTS

Migrant Workers Beaten, Stuffed Into Container Trucks by Police at Gujarat- Maharashtra Border

"There was no ventilation. It was pitch dark inside and police gave us 10 mins to get into the container truck."



(Left and right) Migrant workers on the borders stand in line and rest under the open sky. Trucks in Maharashtra. Photos: By special arrangement and PTI

Sukan a Shantha



LABOUR LAW RIGHTS 02/APR/2020

Mumbai: On March 31, solicitor general Tushar Mehta claimed before the Supreme Court that there was “no person walking on the roads in an attempt to reach his/her home towns/villages”.

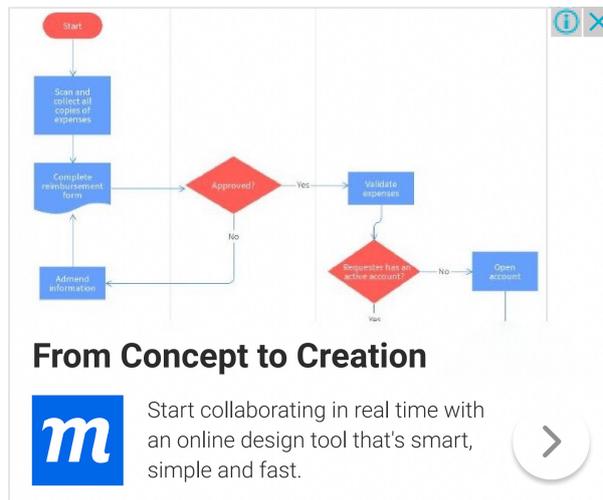
He further claimed, under oath, that all migrant labourers had been shifted to shelter homes and are being provided with basic amenities like food, medicines, and drinking water.

But the same evening, over 1,250 kilometres away in Vapi taluka of Gujarat’s border district Valsad, around 120 labourers — women and children included — had to undergo a gruesome ordeal after they were forcibly packed into an enclosed container truck and taken out of the state limits.

A container truck has a single long cylindrical body with no air holes or scope for ventilation. Most have one or more circular lids at the top for loading and unloading liquid goods.

Following Prime Minister Narendra Modi’s announcement on March 24 that the country would be placed under lockdown for 21 days, around 120 labourers, working at a

welding factory in Bengaluru set out on a road journey of over 1870- kilometres to reach their homes in Barmer and other neighbouring districts in Rajasthan. The labourers, like several lakh distressed migrants across the country, set out on a precarious journey with little money or food, with the hope to return to their homes.



What followed was a harrowing, desperate journey in which the workers say they were subject to hunger, deceit and police violence.

One of the workers, twenty-six-year-old Prakash Bishnoi, who left Bengaluru along with his wife and two young children, told *The Wire* that after walking for nearly six days when the family reached Vapi, they were brutally beaten up by the police and forcibly stuffed into two container trucks.

“We reached Vapi on March 31, around noon. There, we were stopped by the police and were told we couldn’t go ahead. The police gave us some food and water, we thought they were being kind and making some arrangements for us. But around 7 pm, the police suddenly came to the *dhaba* we were resting in and began to beat us,” Prakash alleged.

Later, he claimed, the police forced them into two container trucks parked nearby and told them that they would be left at the Rajasthan border. “We were naturally reluctant and were worried for our children. But we were not given any

option. The police would charge everyone who opposed them,” says a woman, a mother of two.

Also read: [In Sketches, Migrant Labourers’ Long, Long Journey Home](#)

Instead of taking them towards Rajasthan, the labourers claimed that they were taken 40 kilometres back into Maharashtra. “We were suffocating inside and some of us had begun to faint. Children were howling and gasping for air. And then one of us found out on the phone that we were back in Palghar. We panicked and began kicking on the container truck’s lid. One door finally opened and the drivers were compelled to stop the vehicle,” Prakash said.

One of the labourers had, in the meantime, also managed to contact a labour organisation in Rajasthan, the Aajeevika Bureau, which in turn informed the state labour commissioner who alerted the Maharashtra police. Both the Maharashtra police and Rajasthan state administration have confirmed Prakash’s claims.

The labourers were all instantly rescued and the police recorded statements of the two container trucks’ drivers. At present, more than 30 of the 120 odd labourers have been provided with shelter at a camp in Talasari taluka in Palghar district. The remaining, the police claimed, had dispersed from the spot after panicking and the police have been looking for them since.



Migrant labourers from Rajasthan. Photo: Special arrangement

Prakash said that the Vapi police had stood next to the container truck and dragged each one of the labourers into it. They allegedly also beat up anyone who resisted. The group was divided into two. “They were two long, cylindrical container trucks with a strong smell of spoilt milk [indicating that they had so far been used to carry milk]. There was no ventilation, it had just one door. It was pitch dark inside and they gave us 10 minutes to get into the container,” he said.

Among the 120 persons, more than 20 were young children and another 20 were women. Prakash said almost all of them belong to the Gadia-Lohar, Bhisti, and Labana communities – all categorised as Other Backward Classes in Rajasthan.

These labourers worked at different places in Karnataka at welding workshops. “As the situation began to tense up, our agents left the worksite and ran back to their hometown. We were not told what we should do next. Neither were we paid,” Prakash says.

Like Prakash, another person Govind Jangu too had left his workplace and joined the crowd. “My employer refused to let us stay back and also did not pay us. We knew we would starve if we didn’t leave immediately. I called up others from my district (working in Bengaluru) and we decided that we will leave Bengaluru at the early hours of March 25,” Jangu said.

The crowd managed to cover a distance of around 80 kilometres from Bengaluru to Tumkur on the first day. “We had some food. We ate little and continued to walk. We had decided not to stop until night. So, we just walked. Children cried out of pain and exhaustion, but we did not stop, we walked,” Jangu told *The Wire*.

Also read: [In Madhya Pradesh, Not All Migrant Labourers Walking Back Reach Home](#)

Upon reaching Tumkur, they said that a truck driver promised to drop them till Belgaum. “He asked us for a few thousand. We put in whatever money we had, and he agreed. On reaching Belgaum, the police stopped us,” said Prakash. By March 26, all state and district borders had already been sealed and there was no way out.

The Belgaum police deputed at the checkpoint stopped the labourers. Prakash alleged that some labourers were also

beaten with the police baton. “They, however, felt some pity and let us go,” Prakash said, adding that they walked another 150 kilometres until the night of March 27.

“By now most of us were famished. Our food packets had exhausted and the old and tiny ones among us had given up. By now we had reached somewhere in Maharashtra,” Jangu said.

Here, Jangu said, the labourers found an empty truck and requested the person to help them cover the journey ahead. “The truck driver was scared but when we told him we would pay him as much as he wanted, he agreed. He asked for Rs 4,000 per person. We did not have that kind of money. But we told him we would pay him once we got back home. We were desperate to return home,” a labourer, in his 20s, told *The Wire* over phone.

After covering a few 100 kilometres, at one of the checkpoints inside Maharashtra, the truck driver fled, also taking away a huge sum from the labourers.

Rajasthan state labour commissioner Prateek Jhanjaria told *The Wire* that he had been informed about the incident at around 11 pm on March 31. “One labour organisation Aajeevika, which has been closely working with the community and the state government received the call. It was a distress call. I immediately called up the Palghar district collector Kailash Shinde and the police control room and asked the administration to rescue the labourers. They were soon taken to a shelter home there,” Jhanjaria said.

He further added that the past week had been stressful for the state and over 25 thousand calls had been made between March 24 and March 31 on their three helpline numbers. “Our helpline number has been continuously busy with labourers calling us from across the country seeking help,” Jhanjaria said.

At Talasari police station, police inspector Ajay Vasave told *The Wire* that he had been in constant touch with the Rajasthan labour department and efforts were being made to counsel the labourers under distress. “They have been constantly asking to be sent back home. It is practically not possible right now. We are only ensuring they don’t end up in the situation we found them on March 31,” said Vasave.

Also read: [Lockdown Woes: 326 Nepali Migrant Workers Remain Stranded At The Border For 22 Hours](#)

The Maharashtra police have put together a report on the condition in which the labourers had been rescued and have accused the Vapi police of indulging in the inhuman act of transporting labourers outside their state limits. “We have also informed the Rajasthan labour department and have asked them to raise the issue with the proper department,” Vasave said.

The Vapi police, however, denied the allegation and claimed that no labourers had reached their district on March 31. However, a police sub-inspector at the Bhilad police station on the national highway confirmed that a large group of labourers had been sent back. He, however, denied the allegations of brutality made against the police.

“Since all district borders were sealed, we were asked to not let anyone get in. But we did not abuse anyone,” the sub-inspector at the Bhilad police station said.



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Coronavirus lockdown: 12-year-old Indian migrant worker walks 100 km, dies just 11km away from home

COVID-19: How the lockdown has impacted migrant workers who were already facing poverty

Published: April 21, 2020 13:12

[Evangeline Elsa](#), Deputy Social Media Editor



A photo of the 12-year-old migrant worker who died

Image Credit: Twitter

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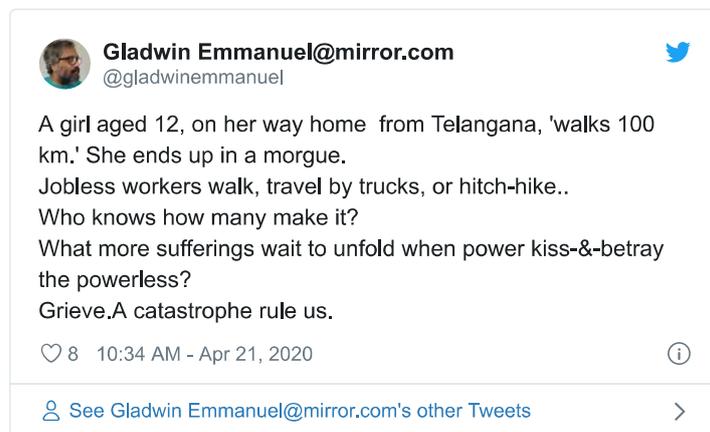
[Homeless stuck on the streets during coronavirus lockdown](#)

She was just 12, the only child of her parents. Extreme poverty had pushed the minor to work as a daily wage earner in the Indian state of Telangana. On April 18 young Jamalo Madkam died, after she had lost her job amid India's COVID-19 lockdown.

Realising that the extensions of the lockdown meant no job, more days without food, she and a group of 12 other migrant workers decided to return home on foot, to the Indian state of Chhattisgarh from Telangana where they worked. For Madkam, the 100km journey ended in death due to electrolyte imbalance and exhaustion, barely 11 km from home.

The state of India's poor internal migrant workers amid the lockdown has been highlighted several times by Indian tweeps. Those who shared the news said it was "heartbreaking".

Tweep @gladwinemmanuel posted: "A girl aged 12, on her way home from Telangana, 'walks 100 km.' She ends up in a morgue. Jobless workers walk, travel by trucks, or hitch-hike... Who knows how many make it? What more sufferings wait to unfold when power kiss-&-betray the powerless?"



@umarsherif12 said: "The plight of poor continue to worsen in India amid the #nationwidelockdown

Madkam was the only child of Andoram (32) and Sukamati Madkam (30), who barely survive on the forest produce they collect.

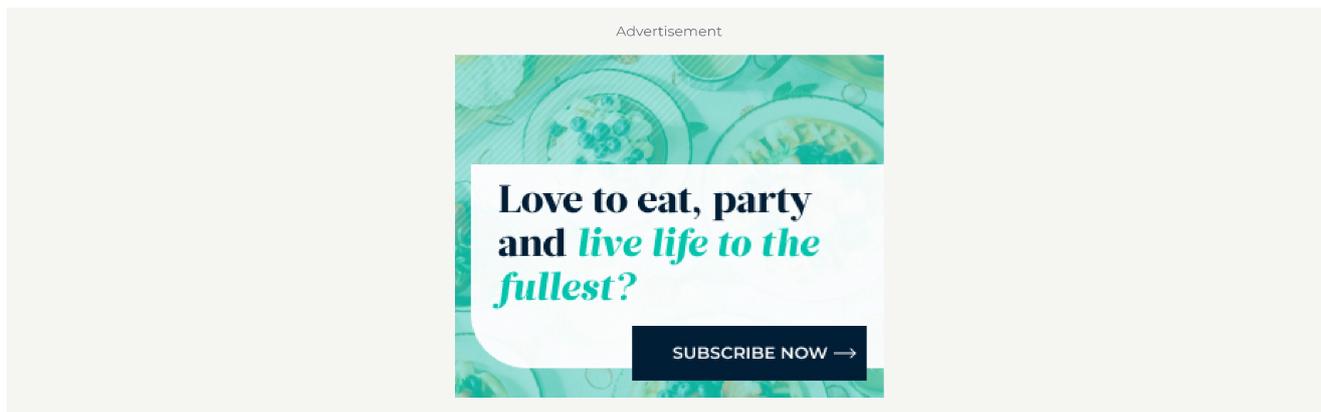
According to a report in Indian Express, she had left her home for the first time two months ago to work at a chilli farm in Telangana along with some of her relatives and friends. Apparently, many among Chhattisgarh's tribal population go every year to farms in Telangana to earn money picking chillies.

ALSO READ:

- [India's migrant workers fall through cracks in coronavirus lockdown](#)

- [Coronavirus: Indian migrant worker sells phone for Rs2500 \(Dh120\) to feed family amid COVID-19 lockdown, then kills himself](#)
- [India issues fresh guidelines for COVID-19 lockdown](#)

Her father, Andoram, said he last heard that Madkam had left Peruru village in Telangana, where she worked, on April 16 with a group of 13 - three children and eight women. “They decided to come back after realising that the lockdown had got extended and they would not get any work,” he said, according to local news reports.



The group reached the border of Bijapur district of Chhattisgarh, when the young girl passed away. The group could not inform the family as only one among them had a phone whose battery had died.

Finally, when the group reached Bhandarpal village in Bijapur district, they managed to call her parents.

Reportedly, the Medical Officer of Bijapur district, Dr B R Pujari said that when they got the news, they immediately rushed over to check if she had been affected by the COVID-19 too.

Chhattisgarh currently has 36 positive cases, anyone arriving from outside the state is being sent to quarantine. In Telangana, 872 positive cases have been reported.

“Since Telangana had cases, we immediately sent our teams, but we couldn’t find them,” said Dr Pujari.



The medical team finally managed to catch up with the group on the outskirts of Bhandarpal village. After taking the COVID-19 test, Jamalo’s body was taken to a morgue, the group was sent into a quarantine facility.

On Sunday evening, Andoram and Sukamati arrived to take their daughter’s body.

According to the doctor: “The girl is suspected to have died due to electrolyte imbalance and exhaustion, as the group had been walking three days. They walked through forests, and at one place, she also took a fall.”

The day after she died, Madkam’s test results for coronavirus came. She was negative.

Millions of migrants in India are taking up long journeys on foot due to loss of jobs and lack of a safe shelter, or money to buy food or medicine.

According to a report on indiatoday.in, 46-year-old worker Jadav Gogoi from India's state of Assam, set out on a 2,800 km journey from Vapi in Gujarat on March 27 and reached Assam's Nagaon district on April 19, after hitchhiking and walking for about 25 days. He left Gujarat with just Rs4,000 (dh191) in his pocket. Gogoi, has been admitted to Nagaon civil hospital, to be kept under quarantine.

Tweep @barkhad also posted a similar news update about another migrant worker who started walking from Delhi to his home Begusarai, but after walking around 850km he fell in Varanasi, where even the medical staff refused to touch him, fearing that he might have contracted the virus.



barkha deva
@barkhad



Post the lockdown,a migrant worker started walking from Delhi to his home Begusarai, but after walking around 850km he fell in Varanasi,the PM's constituency. A govt ambulance came two hours after he fell,but even its staff refused to touch him.
telegraphindia.com/india/coronavi...



Migrant falls and dies on PM's turf
Another collateral casualty of the Covid-19 lockdown
telegraphindia.com

♥ 887 7:03 AM - Apr 18, 2020



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An early April report by the The International Labour Organization (ILO) said that 40 crore (400 million) Indians working in the informal economy risk falling deeper into poverty during the coronavirus lockdowns.

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GULF NEWS 

ITEM NO.12

Virtual Court 1

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 SWRIT PETITION (CIVIL)..... Diary No(s).10947/2020

JAGDEEP S. CHHOKAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Date : 27-04-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Prashant Bhushan, AOR

For Respondent(s) Mr. Tushar Mehta, SG

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

The Court is convened through Video Conferencing.

The instant petition has been preferred by the petitioner under Article 32 of the Constitution of India praying to issue a writ or direction to the respondent to allow migrant workers across the country 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 for the same.

Having heard Mr. Prashant Bhushan, learned counsel

appearing on behalf of the petitioners as also Mr. Tushar Mehta, learned Solicitor General appearing on behalf of the respondent - Union of India, we call upon the learned Solicitor General to place

on record the proposed protocol, if any, for movement of migrant workers between States in view of reported discussions already taking place between different States.

List after one week.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

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No.40-3/2020-DM-I (A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated 29th April, 2020

ORDER

In continuation of Ministry of Home Affairs's Orders No.40-3/2020-DM-I(A) dated 15th April, 2020, 16th April, 2020, 19th April 2020, 21st April 2020 and 24th April 2020 and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby orders **to include** the following in the consolidated revised guidelines for strict implementation by Ministries /Departments of Government of India, State/Union Territory Governments and State /Union Territory Authorities:

Sub-clause (iv) under Clause 17 on Movement of persons:

- iv. Due to lockdown, migrant workers, pilgrims, tourists, students and other persons are stranded at different places. They would be allowed to move as under:
- a. All States/ UTs should designate nodal authorities and develop standard protocols for receiving and sending such stranded persons. The nodal authorities shall also register the stranded persons within their States/ UTs.
 - b. In case a group of stranded persons wish to move between one State/ UT and another State/ UT, the sending and receiving States may consult each other and mutually agree to the movement by road.
 - c. The moving person (s) would be screened and those found asymptomatic would be allowed to proceed.
 - d. Buses shall be used for transport of groups of persons. The buses will be sanitized and shall follow safe social distancing norms in seating.
 - e. The States/ UTs falling on the transit route will allow the passage of such persons to the receiving State/ UT.
 - f. On arrival at their destination, such person(s) would be assessed by the local health authorities, and kept in home quarantine, unless the assessment requires keeping the person(s) in institutional quarantine. They would be kept under watch with periodic health check-ups. For this



purpose, such persons may be encouraged to use **Aarogya Setu** app through which their health status can be monitored and tracked.

The guidelines of the Ministry of Health and Family Welfare (MoHFW) on Home Quarantine, dated 11.03.2020 may be referred to in this regard, which are available at (<https://www.mohfw.gov.in/pdf/Guidelinesforhomequarantine.pdf>)

pdf)


Home Secretary

To: (As per list attached)

1. The Secretaries of Ministries /Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories

Copy to:

- i) All members of the National Executive Committee.
- ii) Member Secretary, National Disaster Management Authority.

// TRUE COPY //

**No.40-3/2020-DM-I (A)
Government of India
Ministry of Home Affairs**

North Block, New Delhi-110001
Dated 1st May, 2020

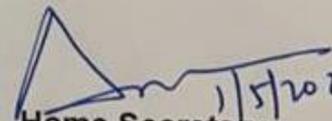
ORDER

In continuation of Ministry of Home Affairs's Orders No.40-3/2020-DM-I(A) dated 15th April, 2020, 16th April, 2020, 19th April, 2020, 21st April, 2020, 24th April, 2020 and 29th April, 2020, and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby orders **to include** the following in the consolidated revised guidelines for strict implementation by Ministries /Departments of Government of India, State/Union Territory Governments and State / Union Territory Authorities:

Sub-clause (v) under Clause 17 on Movement of persons by trains:

- v. Movement of migrant workers, pilgrims, tourists, students and other persons, stranded at different places, is also allowed by special trains to be operated by Ministry of Railways (MoR). MoR will designate nodal officer(s) for coordinating with State/ UTs for their movement. MoR will issue detailed guidelines for sale of tickets; and for social distancing and other safety measures to be observed at train stations, train platforms and within the trains.

The rest of the conditions stipulated for Movement of persons vide Sub-clause (iv) [a,b,c,e,f] will continue to apply to such movement.


Home Secretary

To: (As per list attached)

1. The Secretaries of Ministries /Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories

Copy to:

- i) All members of the National Executive Committee.
- ii) Member Secretary, National Disaster Management Authority.

ITEM NO.8

Virtual Court 2

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 (CIVIL)..... Diary No(s).10947/2020

JAGDEEP S. CHHOKAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Date : 05-05-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Mr. Prashant Bhushan, AOR

For Respondent(s)

Mr. Tushar Mehta, SG

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

The Court is convened through video conferencing.

We have heard Mr. Prashant Bhushan, learned counsel for the petitioners and Mr. Tushar Mehta, learned Solicitor General for the Union of India.

In the writ petition, following prayers have been made:

"a. Issue a writ order or direction to the Respondents to allow migrant workers across the country 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;

b. Pass such other order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case."

Mr. Tushar Mehta, learned Solicitor General submits that after filing of the writ petition, the reliefs which have been claimed in the writ petition, have been substantially granted since the Government has issued order on 29.03.2020 accepting for movement of workers, who were migrant workers, pilgrims, tourists and students who had stranded at different places and could not move from one place to another. It is further submitted by Mr. Tushar Mehta that the above was already under contemplation even before filing of the writ petition and the Government was considering the same. He further submits that subsequently further orders have been passed on 01.05.2020 and thereafter for facilitating the movement of the aforesaid category of stranded persons, Government is taking all steps with regard to mitigating the hardship of migrant workers who had stranded.

Mr. Prashant Bhushan, learned counsel has submitted that the migrants have to pay 15% of the ticket fair which is not possible for them to bear at this moment.

Mr. Tushar Mehta, learned Solicitor General has submitted that with regard to ticket fair the appropriate steps have to be taken by the Railways and by the concerned State Government. At this moment, no such statement can be made as to what amount is being taken from the migrant workers. He further submitted that Union of

India with the consultation of State Government and Railways are taking all necessary steps for movement of the migrant workers who are stranded.

As noted above, in the writ petition direction was prayed for to the Respondents to allow migrant workers across the country 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. The order dated 29.04.2020 issued by the Government of India, Ministry of Home Affairs sub-clause (iv) under Clause 17 on movement of persons, the Government of India had allowed the movement by directing all States/Union Territories to designate nodal authorities and develop standard protocols for receiving and sending such stranded persons. The main relief which was sought in the writ petition, thus, stood substantially satisfied by the aforesaid order.

The order dated 01.05.2020 issued by the Ministry of Railways has also been placed before us where the Railways has decided to run "Shramik Special" trains to move migrant workers, tourists, students and other persons stranded at different places due to lock down. Necessary modalities for such transportation has to be implemented by the concerned States/Union Territories in collaboration with the Railways. Insofar as charging of 15% of Railway tickets' amount from workers, it is not for this Court to issue any order under Article 32 regarding the same, it is the concerned State/Railways to take necessary steps under the relevant guidelines.

Certain other difficulties have been pointed by Shri Prashant

Bhushan with regard to stranded migrant workers which difficulties are to be addressed and taken care by the concerned State Governments/Union Territories. The substantial relief in the writ petition having been fulfilled we cannot expand the scope of the writ petition to consider other issues sought to be raised by the learned counsel for the petitioners during course of argument.

In view of the aforesaid, no purpose will be served in keeping the writ petition pending. Taking note of the statement made by Shri Tushar Mehta, learned Solicitor General and for the reasons as above the writ petition is closed.

(ARJUN BISHT)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

// TRUE COPY //

42 Migrant Workers Died in Road Accidents While Trying to Return Home during Lockdown: Report



A total of 140 people died in road accidents across India since the lockdown was announced on March 24 till May 3 -- and 30% of these deaths were of migrant workers who were walking, or trying to reach their home states by hiding in buses and trucks.

Zeba Warsi

CNN-NEWS18 NEW DELHI
 LAST UPDATED: MAY 7, 2020, 4:17 PM IST
 EDITED BY: MOONMOON GHOSH

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In this representational image, migrant workers walk along a road to return to their villages, during a 21-day nationwide lockdown to limit the spreading of coronavirus disease, in New Delhi on March 25, 2020. (Reuters)

At least 42 migrant workers died in road accidents while attempting to return home during the coronavirus lockdown, shows a report released by the Save Life Foundation.

The report details road crashes that took place since the lockdown was announced on March 24 till May 3. A total of 140 people died in road accidents across India during this period -- and 30% of these deaths were of migrant workers who were walking, or trying to reach their home states by hiding in buses and trucks. The report says eight of the migrant workers died after being hit by trucks and speeding cars.

The report says as many as 600 road accidents were recorded across the country during the two phases of Lockdown.

Apart from 42 migrant workers, 17 essential workers also died in road accidents.

“These numbers should be treated as the minimum numbers since we did not get replies from several states and believe some single-fatality crashes may not have been written about,” Save Life Foundation CEO Piyush Tewari.

Of the 140 fatalities, over 100 were reported from nine states of Delhi, Maharashtra, Gujarat, Assam, Kerala, Karnataka, Rajasthan, Punjab and Tamil Nadu. Punjab has reported the maximum number of people dying in road accidents during the lockdown, followed by Kerala, Delhi and Karnataka.

“India suffers the highest number of road crashes deaths each year. While there is an obvious dip in the fatalities during the lockdown period, 140 deaths in 600 crashes shows that the death to crashes ratio is as usual. Our governments should use the lockdown to fix engineering faults in our roads and institute mechanism of electronic enforcement so that once the lockdown ends, we can keep road fatalities low,” Tewari said.

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Support the daily wage earners who have been hit the hardest by the COVID-19 crisis. [Click here to contribute to the cause.](#) #IndiaGives

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TAGS: CORONAVIRUS | COVID-19 | INDIA LOCKDOWN | MIGRANT LABOURERS | MIGRANT WORKERS | ROAD ACCIDENTS | SAVE LIFE FOUNDATION

FIRST PUBLISHED: MAY 7, 2020, 3:48 PM IST

PROMOTED CONTENT

// TRUE COPY //

live **mint**

ANNEXURE P-11



Migrant workers walk along the railway tracks in Mumbai en route their home towns in Uttar Pradesh on Thursday. (Photo: Hindustan Times)

Migrants' deaths on the tracks a wake-up call for India

3 min read . Updated: 08 May 2020, 11:55 PM IST

[Utpal Bhaskar](#), [Shreya Nandi](#)

16 migrants sleeping on a railway track were mowed down by a goods train in Maharashtra on Friday morning

Topics

Migrant Workers | Covid-19

More than any other incident in over 40 days of a lockdown that is reputedly the world's most stringent, it was the mowing down of 16 migrants sleeping on a rail track in Aurangabad, Maharashtra, on Friday that encapsulated the human tragedy unleashed by the covid-19 pandemic.

The migrants, who had walked 36km on the first stretch of what would have been their journey home to Madhya Pradesh, had fallen asleep on the rail track, tired. A goods train ploughed through them at daybreak.

The covid-19 pandemic has hit the poor the hardest in India, with locked factories and other workplaces triggering the biggest internal migration since Partition.

The question spawned by Friday's tragedy is why it happened on the railway track.

Many of the migrants walking back to their home towns, without food or water, have been using railway tracks to navigate their way in the long and unbearable Indian summer. Often rail tracks are the shortest route home. Migrants have also been walking on and along them to avoid police brutality on the roads.

"These workers would have avoided walking on the roads out of fear of the police. Walking on the railway tracks and following the route is an easier option as they would not get lost and nobody will be able to identify them," said Thaneshwar Dayal Adigaur, secretary of Delhi Asangathit Nirman Mazdoor Union, a union of unorganized construction workers.

It is a common assumption that train routes are shorter than roads and highways, said a senior government official.

Following the tragedy, the railway ministry put out a tweet saying, “The general public is requested not to use the railway track for any activity, this can prove to be fatal. During the lockdown, only passenger trains are closed, but goods trains, covid-19 parcel special trains are in regular operation.”

The tragedy shows that the Centre, state governments, and the local administrations have failed to instil confidence in migrant workers and make them feel safe in the cities, said Adigaur. The 16 who died on the tracks in Maharashtra worked in an iron company in Jalna and hoped to catch a special train for Madhya Pradesh.

Special trains carrying stranded migrant workers were flagged off from various stations on 1 May for the first time after the lockdown was enforced on 25 March. The Shramik Special trains are aimed at helping millions of migrant workers, pilgrims, tourists, students, and others stranded by the lockdown return home. However, many people who have not been able to board these trains are setting off on arduous journeys on foot.

More train routes and services are being drawn up on the basis of demand by state governments, with the clamour for special buses and trains from states growing after thousands of desperate migrants set off for their hometowns on foot. While a relaxation in the lockdown beginning 4 May will come as a relief to the millions of migrants stranded in the cities of their work, the move has not been without controversy. The migration has snowballed into a political issue amid chaotic scenes.

Some states are charging migrants for their train journeys, while some others had tried to bar them from going home.

The Karnataka government led by chief minister B.S. Yediyurappa of the Bharatiya Janata Party evoked public outrage when it withdrew its request to the railways to ferry migrants home. It then made a U-turn on Friday to lift the backdoor ban on migrant workers leaving the state.

“While migrant workers are desperate to go back to their hometowns, there is no clarity on the details of the migrants’ special trains started by the state and the central government,” Adigaaur said.

Migrants form the bulwark of India’s informal or gig economy. This is significant as more than 90% of India’s workforce is estimated to be in the informal sector in both rural and urban regions. According to the 2017-18 Economic Survey, 87% of firms, representing 21% of the total turnover, are purely informal, outside both the tax and social security nets.

The sudden lockdown announcement to prevent the spread of the pandemic caught these migrants unawares as they found it impossible to make ends meet in the absence of any safety net.

“I don’t understand why poor migrants have to walk hundreds of km to go to their villages. If one week’s notice of lockdown had been given, most migrant workers would have gone by trains to their states,” said R. Kumar, who works at a Delhi-based NGO on migrant issues.

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Topics

Migrant Workers | Covid-19

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ANNEXURE P-12

sagheer khan <sagheerkhan@gmail.com>

Return of migrants from Mumbai

4 messages

sagheer khan <sagheerkhan@gmail.com> Sat, May 9, 2020 at 11:33 AM
To: "pspwd208@gmail.com" <pspwd208@gmail.com>
Cc: "sripadshirwadkar@gmail.com" <sripadshirwadkar@gmail.com>
Bcc: Aqil Khan <aqilkhan2001@gmail.com>

Dear Mr. Gokarna. Principal Secretary, PWD, UP Government.

I am a practicing advocate in Bombay High Court and Supreme Court of India hailing from District Basti now Sant Kabir Nagar but settled in Mumbai. I have been noticing that large number of migrants including from my home district have in desperation started leaving Mumbai by walking on foot or by trucks which have been loaded with 80-90 persons like gas cylinder. This is highly a cruel and life threatening but migrants are desperate and destitute now. You have been appointed Nodal officer by UP Government to facilitate safe return of Migrants from Maharashtra. Let me inform you that the migrants in Mumbai are in complete darkness as to whether UP Government is taking any effort to ferry them back. If you are making any arrangements please advertise it sufficiently to dispel the prevailing chaos. If you are facing any financial hurdle I am ready to pay complete 100% fare of the tickets up to Rs.25 lac for evacuating migrants from Mumbai to Basti for the migrants of Basti and Sant Kabir Nagar. Please arrange for a train/s or Bus. Migrants are walking on the dangerous path out of desperation at the cost of their life. I am a common man, having no political aspirations but getting sleepless nights due to this misery of the migrants. Please help us out I have been desperately calling on telephone but it was constantly busy. I shall be much obliged for your help. You may contact me on my cell no.9820163139/ or on landline 022-24132412. Awaiting your response at the earliest.

From,

Advocate Sagheer Khan, Mumbai.

--

Sagheer A. Khan
JUDICARE LAW ASSOCIATES
Advocate High Court

Off: 113, Sir Vithaldas Chambers
6, Mumbai Samachar Marg,
Fort, Mumbai 400 023

Tel: 22810984 / 22044108

Telefax : 22874578

Mob: 9820163139

e-mail: judicarelawassociates@gmail.com / sagheerkhan@gmail.com / sagheer@justice.com

Mail Delivery Subsystem <mailer-
daemon@googlemail.com>
To: sagheerkhan@gmail.com

Sat, May 9, 2020 at
11:33 AM



Address not found

Your message wasn't delivered to **sripadshirwadkar@gmail.com** because the address couldn't be found, or is unable to receive mail.

[LEARN MORE](#)

The response was:

550 5.1.1 The email account that you tried to reach does not exist. Please try double-checking the recipient's email address for typos or unnecessary spaces. Learn more at <https://support.google.com/mail/?p=NoSuchUser> q7sor2553309lja.39 - gsmtpt

Final-Recipient: rfc822; sripadshirwadkar@gmail.com

Action: failed

Status: 5.1.1

Diagnostic-Code: smtp; 550-5.1.1 The email account that you tried to reach does not exist. Please try

550-5.1.1 double-checking the recipient's email address for typos or

550-5.1.1 unnecessary spaces. Learn more at

550 5.1.1 <https://support.google.com/mail/?p=NoSuchUser>

q7sor2553309lja.39 - gsmtip

Last-Attempt-Date: Fri, 08 May 2020 23:03:50 -0700 (PDT)

----- Forwarded message -----

From: sagheer khan <sagheerkhan@gmail.com>

To: "pspwd208@gmail.com" <pspwd208@gmail.com>

Cc: "sripadshirwadkar@gmail.com" <sripadshirwadkar@gmail.com>

Bcc:

Date: Sat, 9 May 2020 11:33:38 +0530

Subject: Return of migrants from Mumbai

Dear Mr. Gokarna. Principal Secretary, PWD, UP Government.

I am a practicing advocate in Bombay High Court and Supreme Court of India hailing from District Basti now Sant Kabir Nagar but settled in Mumbai. I have been noticing that large number of migrants including from my home district have in desperation started leaving Mumbai by walking on foot or by trucks which have been loaded with 80-90 persons like gas cylinder. This is highly a cruel and life threatening but migrants are desperate and destitute now. You have been appointed Nodal officer by UP Government to facilitate safe return of Migrants from Maharashtra. Let me inform you that the migrants in Mumbai are in complete darkness as to whether UP Government is taking any effort to ferry them back. If you are making any arrangements please advertise it sufficiently to dispel the prevailing chaos. If you are facing any financial hurdle I am ready to pay complete 100% fare of the tickets up to Rs.25 lac for evacuating migrants from Mumbai to Basti for the migrants of Basti and Sant Kabir Nagar. Please arrange for a train/s or Bus. Migrants are walking on the dangerous path out of desperation at the cost of their life. I am a common man, having no political aspirations but getting sleepless nights due to this misery of the migrants. Please help us out I have been desperately calling on telephone but it was constantly busy. I shall be much obliged for your help. You may contact me on my cell no.9820163139/ or on landline 022-24132412. Awaiting your response at the earliest.

From,

Advocate Sagheer Khan, Mumbai.

--

Sagheer A. Khan

JUDICARE LAW ASSOCIATES

Advocate High Court
----- Message truncated -----

73

sagheer khan <sagheerkhan@gmail.com> Sat, May 9, 2020 at 11:42 AM
To: mohd asief Khan <mohdasiefkhan@gmail.com>

[Quoted text hidden]

----- Forwarded message -----

From: sagheer khan <sagheerkhan@gmail.com>

To: "pspwd208@gmail.com" <pspwd208@gmail.com>

Cc: "sripadshirwadkar@gmail.com" <sripadshirwadkar@gmail.com>

Bcc:

Date: Sat, 9 May 2020 11:33:38 +0530

Subject: Return of migrants from Mumbai

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From,

Advocate Sagheer Khan, Mumbai.

74

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Sagheer A. Khan
JUDICARE LAW ASSOCIATES
Advocate High Court

----- Message truncated -----

[Quoted text hidden]

sagheer khan <sagheerkhan@gmail.com> Sat, May 9, 2020 at 4:36 PM
To: "cmup@nic.in" <cmup@nic.in>

Please do the needful.

[Quoted text hidden]

[Quoted text hidden]

// TRUE COPY //

5/11/2020

Gmail - Request for evacuation of migrants from Mumbai



sagheer khan <sagheerkhan@gmail.com>

Request for evacuation of migrants from Mumbai

2 messages

sagheer khan <sagheerkhan@gmail.com> Sat, May 9, 2020 at 11:40 PM
To: cmup@nic.in

Dear Mr. Gokarna. Principal Secretary, PWD, UP Government.

I am a practicing advocate in Bombay High Court and Supreme Court of India hailing from District Basti now Sant Kabir Nagar but settled in Mumbai. I have been noticing that large number of migrants including from my home district have in desperation started leaving Mumbai by walking on foot or by trucks which have been loaded with 80-90 persons like gas cylinder. This is highly a cruel and life threatening but migrants are desperate and destitute now. You have been appointed Nodal officer by UP Government to facilitate safe return of Migrants from Maharashtra. Let me inform you that the migrants in Mumbai are in complete darkness as to whether UP Government is taking any effort to ferry them back. If you are making any arrangements please advertise it sufficiently to dispel the prevailing chaos. If you are facing any financial hurdle I am ready to pay complete 100% fare of the tickets up to Rs.25 lac for evacuating migrants from Mumbai to Basti for the migrants of Basti and Sant Kabir Nagar. Please arrange for a train/s or Bus. Migrants

5/11/2020

Gmail - Request for evacuation of migrants from Mumbai

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From,

Advocate Sagheer Khan, Mumbai.

Sagheer A. Khan
JUDICARE LAW ASSOCIATES
Advocate High Court

Off:113, Sir Vithaldas Chambers
6, Mumbai Samachar Marg,
Fort, Mumbai 400 023

Tel: 22810984 / 22044108

Telefax : 22874578

Mob: 9820163139

e-mail: judicarelawassociates@gmail.com/sagheerkhan@gmail.com /
sagheer@justice.com

// TRUE COPY //



Aqil Khan @KhanSb1912 · 1d



@PMOIndia @OfficeofUT

@myYogiAdityana @ravishndtv

@PiyushGoyal

I am ready to foot the bill for people as much as I can afford. I have written a letter to the nodal officer regarding the same. Please allow me to help.

Because these are our

#MigrantsofIndia they need everyone.

are walking on the dangerous path out of desperation at the cost of their life. I am a common man, having no political aspirations but getting sleepless nights due to this misery of the migrants. Please help us out I have been desperately calling on telephone but it was constantly busy. I shall be much obliged for your help. You may contact me on my cell no.9820163139/ or on landline 022-24132412. Awaiting your response at the earliest.

From,

Advocate Sagheer Khan, Mumbai.



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From,
Advocate Sagheer Khan, Mumbai.

// TRUE COPY //



ANNEXURE P-15

sagheer khan <sagheerkhan@gmail.com>

(no subject)

2 messages

sagheer khan

<sagheerkhan@gmail.com>

Sun, May 10, 2020 at 4:30 AM

To: "cmup@nic.in" <cmup@nic.in>

Dear Chief Minister
UP State

Awaiting your reply to my letter regarding migrants labourers at Mumbai, who are constrained to walk on foot. This is highly inhuman and if you fail to respond and do not do the needful I will approach the Hon' Supreme Court for such inhuman treatment to the poorest of the poor. The nodal office for this purpose is dysfunctional.

Your

Sagheer Khan
Advocate, Mumbai

--

Sagheer A. Khan
JUDICARE LAW ASSOCIATES
Advocate High Court

Off: 113, Sir Vithaldas Chambers
6, Mumbai Samachar Marg,
Fort, Mumbai 400 023

Tel: 22810984 / 22044108

Telefax : 22874578

Mob: 9820163139

e-mail: judicarelawassociates@gmail.com / sagheerkhan@gmail.com / sagheer@justice.com

sagheer khan

<sagheerkhan@gmail.com>

Sun, May 10, 2020 at 4:31 AM

To: Maqbool & Company <emaqbool@gmail.com>

----- Forwarded message -----

From: **sagheer khan** <sagheerkhan@gmail.com>

Date: Sun, 10 May 2020 at 4:30 AM

Subject:

To: cmup@nic.in <cmup@nic.in>

Dear Chief Minister
UP State

Awaiting your reply to my letter regarding migrants labourers at Mumbai, who are constrained to walk on foot. This is highly inhuman and if you fail to respond and do not do the needful I will approach the Hon' Supreme Court for such inhuman treatment to the poorest of the poor. The nodal office for this purpose is dysfunctional.

Your

Sagheer Khan
Advocate, Mumbai

--

Sagheer A. Khan
JUDICARE LAW ASSOCIATES
Advocate High Court

Off: 113, Sir Vithaldas Chambers
6, Mumbai Samachar Marg,
Fort, Mumbai 400 023

Tel: 22810984 / 22044108

Telefax : 22874578

Mob: 9820163139

e-mail: judicarelawassociates@gmail.com / sagheerkhan@gmail.com / sagheer@justice.com

--

Sagheer A. Khan
JUDICARE LAW ASSOCIATES
Advocate High Court

Off: 113, Sir Vithaldas Chambers
6, Mumbai Samachar Marg,
Fort, Mumbai 400 023

Tel: 22810984 / 22044108

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I. A. NO. _____ OF 2020

IN

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:-

SAGHEER AHMED KHAN ... APPLICANT/
PETITIONER

-VERSUS-

UNION OF INDIA & ORS. ... RESPONDENTS

APPLICATION FOR INTERIM RELIEF

To,

Hon'ble the Chief Justice of India
and his companion judges of the
Supreme Court of India

The humble application of the above
named Applicant/Petitioner:

MOST RESPECTFULLY SHEWETH :

1. The Applicant/Petitioner herein has filed the present Writ Petition under Article 32 of the Constitution in the nature of a Public Interest Litigation to seek directions from this Hon'ble Court to ensure that the migrant workers in Mumbai hailing from Sant Kabir Nagar, Uttar Pradesh are safely transported home and that their continuous suffering in their various attempts to reach home (which has in certain cases even cost them their lives) be put to an end.

2. That the Applicant/Petitioner submits that the grounds of the accompanying Writ Petition be taken to be a part of the present application and the said grounds are not being repeated herein for the sake of brevity.

3. It is submitted that migrant workers are suffering due to the nationwide lockdown and in the absence of any work and money, are desperate to travel back to their hometowns. It is submitted that in the absence of adequate measures being undertaken by the Respondents in this regard, many workers have taken the matters in their own hands have started the arduous journey of reaching their hometowns either by walking for several hundred kilometers or by choosing to be stuffed in truck with 100-120 other people in suffocating conditions, so as to reach their hometowns.

4. Further, even the recent policy of introducing additional Shramik Special Trains is not helpful as the migrant workers have no information about the same and even if they are aware, the bookings can only be made online, which is again an impossible task for these illiterate workers.

5. It is submitted that the State Government of Maharashtra, ought to dedicate at least one official in each district who can facilitate such booking for migrant workers and ensure that each migrant worker from his district is put on the train and is evacuated

safely in humane conditions. In fact, in many cases, the district has a wide geographical area and it is therefore preferable to have designated officers at sub-divisional and/or tehsil levels.

6. Lastly, it is submitted that the Petitioner herein is willing to bear costs of upto Rs. 25,00,000 for the safe travel of migrant workers back to their hometown, particularly those from Mumbai, belonging to Petitioner's village in Uttar Pradesh- i.e. Sant Kabir Nagar.

7. That the present application is being filed *bonafide* and in the interests of justice.

8. That the Applicant/Petitioner therefore, most respectfully prays that:

PRAYER

- a) Direct the Respondents to appoint designated officers in each district, sub-divisional and tehsil level to facilitate the evacuation of migrant workers; and/or
- b) Direct that such officer appointed at the district, sub-divisional and tehsil level ought to undertake all formalities on behalf of migrant workers, including the booking of tickets as the migrant workers are illiterate and have no means to make such booking; and/or

- c) Direct that the officer appointed at the district, sub-divisional and tehsil level to ensure the safe transportation of all migrant workers from his district in a humane manner; and/or
- d) Direct the Respondents to widely publicize all such steps so that the information is disseminated to the lowest strata of the society, including the migrant workers; and/or
- e) Permit the Petitioner herein to deposit an amount of Rs. 25,00,000 in the name of the Secretary General, Supreme Court of India, so that the said amount can be utilized only for the purpose of safe evacuation of migrant workers, hailing from District Sant Kabir Nagar, U.P. and their transportation to their hometowns in humane conditions; and/or
- f) Pass such other / further order as it may deem fit and proper in the facts and circumstances of the present case.

**AND FOR THIS ACT OF KINDNESS THE APPLICANT/
PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**

FILED BY:-



EJAZ MAQBOOL

Advocate for the Applicant/Petitioner

New Delhi

Dated: 11.05.2020

VAKALATNAMA
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:-

SAGHEER AHMED KHAN ... PETITIONER

-VERSUS-

UNION OF INDIA & ORS. ... RESPONDENTS

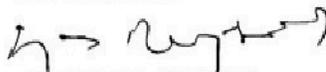
I/We, SAGHEER AHMED KHAN
Petitioner(s)/Respondent(s) in the above Petition Suit/Appeal/Reference do hereby
appoint and retain

EJAZ MAQBOOL, ADVOCATE

To act and appear for me/us in the above Petition/Suit/Appeal/Reference and on my/our behalf to conduct and prosecute or defend the same and all proceedings that may be taken in respect of my application/petition connected with the same or any decree or order passed therein, including proceedings in taxation and applications for review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Suit/Appeal/Petition/Reference and applications of Review and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify acts done by the aforesaid advocate in pursuance of this authority.

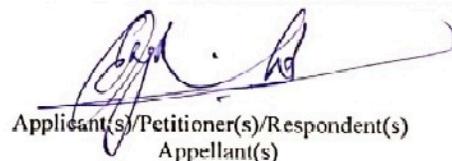
Dated this the 11th day of May 2020

ACCEPTED



EJAZ MAQBOOL

Advocate



Applicant(s)/Petitioner(s)/Respondent(s)
Appellant(s)

MEMO OF APPEARANCE

To,
The Registrar,
Supreme Court of India,
New Delhi -110001

Dear Sir,

Please enter my appearance on behalf of the Applicant(s)/Petitioner(s)/Appellant(s)/Respondent(s) in the above mentioned matter(s).

Dated: 11/05/2020



EJAZ MAQBOOL
Advocate, Supreme Court

The address of service of the said Advocate is as under:-

C-13, Sector – 20,
Noida – 201301

Phone Nos.: 0120-2558881, 0120-2530486, Fax No. : 0120-2552334, Mobile : 098-110-52710

E-mail IDs: emaqbool@gmail.com, emaqbool@yahoo.com