

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.738 of 2020

A.P.Suryaprakasam,
S/o.A.Perumal,
C-4, Lakshmi,
Lloyds Road, Royapettah,
Chennai - 600 014.

... Petitioner

Vs

1.Superintendent of Police,
Sangli District,
Maharashtra.

2.Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the 2nd respondent to produce the bodies of Mr.Ilayaraja @ Ganesan, S/o.Mariappan and 400 others who have been illegally detained by the first respondent at Kupwad, Sangli District, Maharashtra.

For Petitioner : Mr.M.L.Ravi

For Respondents : Mr.R.Prathap Kumar,
Additional Public Prosecutor

ORDER

(Order of the court was made by N.KIRUBAKARAN, J.)

The matter is heard through video-conferencing.

2.The present Habeas Corpus Petition has been filed seeking direction to the second respondent to produce the bodies of Mr.Ilayaraja @ Ganesan, S/o.Mariappan and 400 others who have been illegally detained by the first respondent at Kupwad, Sangli District, Maharashtra.

3.When the matter came up before this Court for admission on 12.05.2020, this Court ordered notice to the first respondent and Mr.R.Prathap Kumar, learned Additional Public Prosecutor took notice on behalf of the second respondent.

4.Today, when the matter came up before this Court, Mr.R.Prathap Kumar,

learned Additional Public Prosecutor on instructions would submit that in pursuant to the order passed by Government of India, Ministry of Home Affairs, New Delhi in Order No.40-3/2020-DM-I(A), dated 29.04.2020, Government of Tamil Nadu has issued G.O.Rt.No.1312, Public (Special B) Department, dated 04.05.2020, by which about 19 IAS officers have been appointed as nodal officers to co-ordinate the movement of stranded persons to and from the concerned States/Union Territories noted against their names and all the details such as landline numbers, Email ids and Mobile numbers of each officer were also published in order to enable the stranded persons to contact the nodal officers easily.

5.The learned Public Prosecutor also produced the details of about 962 persons who were brought back from Maharashtra to their native State viz., Tamil Nadu and also the district wise details of those persons who were safely reunited with their families due to the efforts taken by the Government of Tamil Nadu.

6.Though the Governments have taken care of every section of the society to the maximum extent possible, the migrant workers and the agricultural work force are the neglected lot and they are the sufferers to the maximum. In this COVID-19,

the persons who fed the entire nation are the agriculturists and not the people in any other occupation, which would go to show that without agriculturists the world cannot survive. Even though the Governments have taken much needed steps to safeguard the migrant workers, though belated, this Court would like to know whether coordinated efforts have been taken by all the State Governments in consultation with the Central Government to address the sufferings of the migrant labourers. Therefore, in order to address the human crisis, this Court *suo motu* impleads,

***Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
New Delhi***

***and
Government of Tamil Nadu
Represented by its Chief Secretary
Secretariat
Fort St. George
Chennai – 600 009***

as third and fourth respondents to this proceedings. Mr.R.Prathap Kumar, learned Additional Public Prosecutor takes notice on behalf of the newly impleaded fourth respondent and as regards the third respondent, the learned counsel for the petitioner is directed to serve notice on the learned Assistant Solicitor General of

India returnable by next week.

7. One cannot control his/her tears after seeing the pathetic condition of migrant labourers shown in the media for the past one month. It is nothing but a human tragedy. When the lock down was announced at the end of March 2020, lakhs and lakhs of migrant workers were stranded throughout the country. Most of the workers lost their jobs, no shelter is said to have been provided apart from lack of supply of adequate food. After waiting for a considerable time, they started migrating to their native states by foot. It is very unfortunate that those persons were neglected by all the authorities. The heart breaking stories are reported in the print as well as visual media that millions of workers were compelled to start walking to their native States with their little children carrying all their belongings over their head, surviving on the food provided by good Samaritans, as no steps were taken by the Governments to help those migrant workers. It is also reported that some people starved to death due to hunger. 16 workers working in a steel factory in Julna, Maharashtra, who were sleeping on rail tracks while returning to Madhya Pradesh were crushed to death near Karmad around 30 km from Aurangabad by a goods train on 08.05.2020. Even after the sorrow and sufferings

of the migrant workers were reported in the media, nothing happened for the past one month as there was no coordinated effort between the States.

8.It is not only the duty of the native State of the migrant workers but also the duty of the States where they were working to care for their safety and well being. India is a welfare State and Article 21 of the Constitution of India is paramount and safety and security and supply of food are important. This Court is well aware that Covid-19 is not only a national crisis but also an international crisis. But, it is a pity to see the migrant labourers walking for days together to reach their native places and in the process, some of them had lost their lives due to accidents. The Government authorities of all the States should have extended their human services to those migrant labourers.

9.There are a number of toll gates available and those toll gates should have been made as checking points to provide food, shelter and medical help to the migrant labourers. However, it is very pathetic to note that neither the native States nor the States through which they were walking all along took care of them and failed to provide even the basic amenities such as food and shelter and even if they

had been provided, they were negligible.

10. First of all, relevant data of those persons who were working as migrant labourers in all States have to be collected; The host State in which they were working should be made accountable for the safety and well being of the migrant labourers, for which all the States are expected to act in unison, rendering assistance to those poorer sections. This Court is aware that yesterday, the Central Government has come out with relief measures including rental housing facility, free food grains without ration card.

11. The newly impleaded respondents are directed to answer the following queries.

1. Whether any data is being maintained by the Government of India regarding the details of migrant workers working in each State/Union Territories in India?
2. If so, what is the number of migrant workers in each State/Union Territories in India and the details regarding their nativity?

3. What is the number of migrant workers stranded in each State/Union Territories in India as on today?
4. What are all the assistance provided to those migrant workers by the respective States as well as the Union Government?
5. Whether those migrant workers are allowed to cross the State borders or prevented from crossing the borders and if they are prevented, whether they are provided with basic amenities such as food, shelter and medical assistance?
6. How many migrant workers died on their way to the native States?
7. To which States/Union Territories, the deceased workers belong to?
8. What are the relief measures/compensation provided to the families of those migrant workers who lost their lives on their way back to their native States?
9. How many migrant workers in each State/Union Territories have been evacuated from their working States to their native States through buses/trains throughout India?
10. What are all the steps taken to transport the remaining people to their native States?
11. Whether migration of people is one of the reasons for spread of Covid-19?

12. Whether the Central Government has instructed the respective States/Union Territories to provide financial assistance, job opportunities in their native State/Union Territories for the labourers who migrated from other States?

12. Both the Central Government as well as the State Government have to file their response as well as action taken report in the next hearing.

13. Call the matter on 22.05.2020.

(N.K.K.,J.)

(R.H.,J.)

15.05.2020

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Note: Registry is directed to carry out necessary amendment in the cause title.

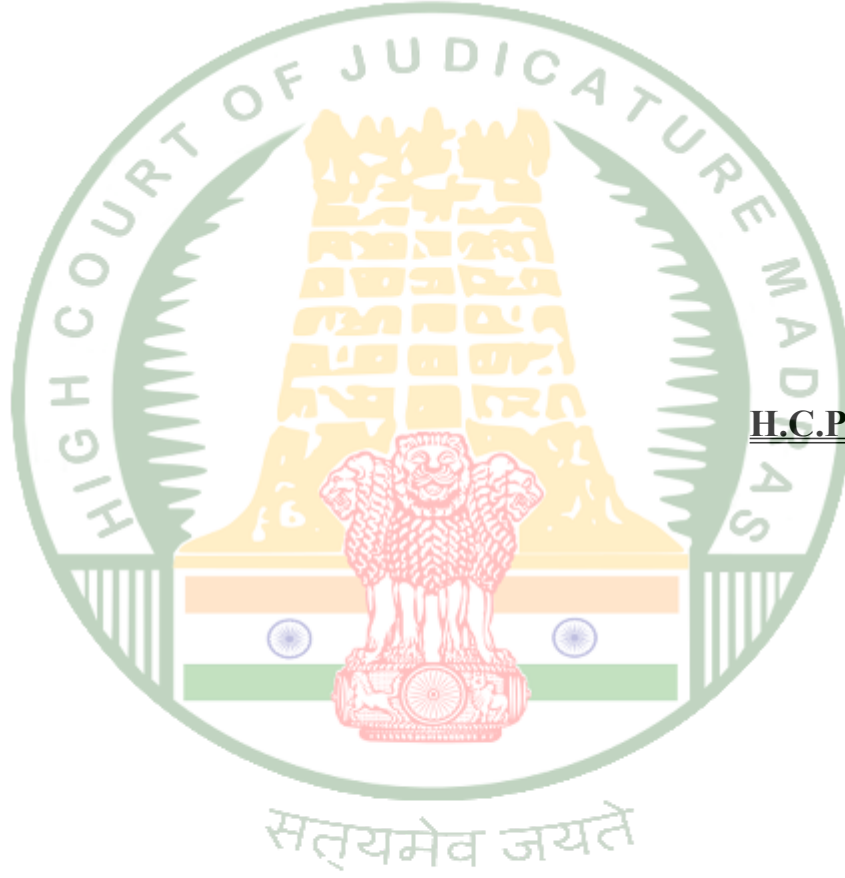
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