

ITEM NO.2

COURT NO.11

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

Miscellaneous Application No. 94/2022 in SMW(C) No. 6/2020

(Arising out of impugned final judgment and order dated 29-06-2021 in SMW(C) No. 6/2020 passed by the Supreme Court Of India)

IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS

(IA No. 8420/2022 - CLARIFICATION/DIRECTION
IA No. 50089/2023 - EXEMPTION FROM FILING O.T.
IA No. 77565/2022 - EXEMPTION FROM FILING O.T.
IA No. 76452/2022 - EXEMPTION FROM FILING O.T.)

WITH
DIARY NO(S). 12853/2021 (PIL-W)

Date : 19-03-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s)/ Mr. Prashant Bhushan, AOR
Item 2

By Courts Motion, AOR

Item 2.1 Petitioner-in-person

For Respondent(s) Mrs. Aishwarya Bhati, A.S.G.
Mr. Kanu Agrawal, Adv.
Mr. Rajat Nair, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Ketan Paul, Adv.
Ms. Chitragda Rastavara, Adv.
Mr. Arvind Kumar Sharma, Aor, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Kanu Agarwal, Adv.
Mr. Rajat Nair, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Aman Sharma, Adv.
Mr. Amrish Kumar, AOR

Mrs. B.L.N Shivani, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Ms. Mrinal Elkar Mazumdar, Adv.
Ms. Indira Bhakar, Adv.
Mr. Vineet Singh, AOR
Mr. M.K. Maroria, AOR

Mr. Raj Kishor Choudhary, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Abraham C. Mathew, Adv.
Mr. Alim Anvar, Adv.

Ms. Nupur Kumar, AOR
Mr. Ejaz Maqbool, AOR
Mr. B. K. Satija, AOR

Mr. Sravan Kumar Karanam, AOR
Ms. Tayade Pranali Gowardhan, Adv.
Ms. Shireesh Tyagi, Adv.

Applicant-in-person, AOR

Mr. Prashant Bhushan, AOR
Mrs. Cheryl Dsouza, Adv.

Ms. Ranjeeta Rohatgi, AOR

Mr. Satya Mitra, AOR

Ms. Manisha Lavkumar, Sr. Adv.
Ms. Deepanwita Priyanka, AOR

Ms. Pinky Behera, AOR

Mr. Raghvendra Kumar, AOR
Mr. Devvrat Singh, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Maneesh Pathak, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.

Ms. Marbiang Khongwir, Adv.
Mr. Upendra Mishra, Adv.
Mr. P.S. Negi, Adv.
Mr. Ashish Ranjan, Adv.

Mr. Manish Kumar, AOR
Ms. Shaswati Parhi, Adv.

Mrs. Ankita Chaudhary, A.A.G.
Ms. Mrinal Gopal Elker, AOR
Mr. Divyansh Singh, Adv.

Mr. D. L. Chidananda, AOR
Mr. Pranav Sachdeva, AOR
Mr. Karan Bharihoke, AOR

Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR
Mr. Adit Jayeshbhai Shah, Adv.
Mr. Sharanya Sinha, Adv.

Mr. Shreekant Neelappa Terdal, AOR

Mr. Raj Bahadur Yadav, AOR
Mr. Sunil Fernandes, AOR

Mr. Rakesh Dahiya, AOR
Mr. Aditya Dahiya, Adv.
Mr. Kapil Dahiya, Adv.

Mr. Pashupathi Nath Razdan, AOR
Mr. Mirza Kayesh Begg, Adv.
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.
Mr. Argha Roy, Adv.
Ms. Ojaswini Gupta, Adv.
Ms. Ruby, Adv.

Ms. G. Indira, AOR
Mr. Ashwini Kumar, Adv.
Mr. P Gandepan, Adv.
Ms. D Poornima, Adv.

Mr. M. Yogesh Kanna, AOR
Mr. Sunny Choudhary, AOR

Mr. Himanshu Chakravarty, Adv.
Ms. Lihzu Shiney Konyak, Adv.
Ms. Astha Sharma, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nidhi Jaiswal, Adv.
Mr. Saurabh Rajpal, Adv.
Ms. Shalini Singh, Adv.
Mr. Sandeep Kumar Jha, AOR

Mr. Tapesk Kumar Singh, Sr. A.A.G.
Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.

Mr. Divyanshu Kumar Srivastava, AOR

Mr. Sunil Fernandes, AOR
Mr. Sachin Patil, AOR

Mr. Chirag M. Shroff, AOR
Mr. Dhananjay Kataria, Adv.

Mr. Sahil Bhalai, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Ms. Gulshan Jahan, Adv.

Mr. Abhishek Atrey, AOR
Dr. Abhishek Atrey, Adv.
Mr. Krishnam Mishra, Adv.
Ms. Ambika Atrey, Adv.

Mr. Alok Sangwan, Sr. A.A.G.
Mr. Sumit Sharma, Adv.
Mr. Parth Sarathi, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Aravindh S., AOR
Ms. Ekta Moyal, Adv.

Mr. Sumeer Sodhi, AOR
M/S. Plr Chambers And Co., AOR

Mr. Rahul Chitnis, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.

Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Nitin Mishra, AOR
Ms. Mitali Gupta, Adv.

Mr. Alok Sangwan, Sr. A.A.G.
Mr. Sumit Kumar Sharma, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Rajat Sangwan, Adv.
Mr. Vaibhav Yadav, Adv.
Mr. Keshav Mittal, Adv.
Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.
Mr. Nirvaya Kumar Samantray, Adv.

Mr. Shadan Farasat, AOR
Ms. Warisha Farasat, Adv.
Mr. Harshit Anand, Adv.
Mr. Aman Naqvi, Adv.
Ms. Hrishika Jain, Adv.
Ms. Natasha Maheshwari, Adv.
Ms. Mreganka Kukreja, Adv.
Mr. Abhishek Babbar, Adv.

Mr. Biju P Raman, AOR
Mr. Subhash Chandran K R, Adv.
Mr. Krishna L R, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Barr, Adv.

Mr. Mohit Paul, AOR

Mr. Ajay Pal, AOR
Mr. Mayank Dahiya, Adv.
Ms. Sugandh Rathor, Adv.

Ms. Bhupinder, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Rituraj Biswas, AOR

**UPON hearing the counsel the court made the following
O R D E R**

1. Mr. Prashant Bhushan, learned counsel for the petitioner refers to para 5 of the order passed by this Court on 20th April, 2023 which records as follows :

"5. Having heard Ms. Bhati, learned ASG and Shri Prashant Bhushan, learned counsel and on going through the further status report, we appreciate the exercise undertaken by the UOI with the assistance of the respective States/UTs for registration of the migrants/unorganized workers on eShram portal. 28.60 crores migrants/unorganized workers are registered on eShram portal which is a commendable job. However, out of 28.60 registrants on eShram 20.63 crores are registered on ration card data. Meaning thereby, the rest registrants on eShram are still without ration cards. Without the ration card a migrant/unorganized labourer or his family members may be deprived of the benefit of the schemes and may be the benefit under the National Food Security Act. Therefore, being a welfare State, it is the duty of the concerned State/UT to see that the remaining registrants on eShram, who are still not registered on ration card data and who are not issued the ration cards, they are issued ration cards and the exercise for issuance of ration cards is required to be expediated. As the Union of India and the concerned State/UT now already have the data of the registrants on eShram portal and will be having the required information, the State/UT shall reach to them so that they can be issued the ration cards and that their names are registered on ration card data."

2. It is submitted on behalf of the petitioner that out of 28.60 registrants on eShram, 20.63 crores have been registered on ration card data thus leaving approximately 8 crores registrants who have not been issued ration cards so far though such an order was issued by this Court almost a year ago.

3. Ms. Aishwarya Bhati, learned Additional Solicitor General submits that it is for the State Governments/Union Territories to issue ration cards.

4. In the first instance, it is deemed appropriate to direct the concerned State Governments/Union Territories to issue ration cards to the remaining registrants on eShram portal who do not possess any ration card so far. On its part, Union of India may continue the exercise of

completion of the e-KYC, procedure in terms of the affidavit dated 12th February, 2024 particularly, para 6 thereof. In our opinion both the exercise can continue contemporaneously so that all the data is compiled and ration cards can be issued to the unregistered migrants/unorganized workers, as per their eligibility and in accordance with the prescribed procedure.

5. The aforesaid exercise is directed to be undertaken by the State Governments/Union Territories and completed within two months. Compliance affidavits shall be filed with copies furnished to learned counsel for the Union of India for purposes of collation and for updation of the exercise undertaken by the Union of India as well.

6. For the present, the State Governments/Union Territories shall continue the said exercise notwithstanding the mandate of Section 3(2) of the National Food Security Act, 2013. The effect thereof shall be examined at a later stage.

7. The said affidavits shall be filed by the respective Chief Secretaries of the State Governments/Union Territories with advance copies furnished to the learned counsel for the Union of India to enable him to collate the data and file a comprehensive affidavit which shall also indicate the steps taken by the Union of India to undertake the exercise of completing the e-KYC procedure.

8. List on 16th July, 2024.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Nand Kishor)
Court Master (NSH)