

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION (ST) NO. 5443 OF 2020

Sarva Hara Jan Andolan & Anr. ...Petitioners
vs.
State of Maharashtra ...Respondent

**WITH
PUBLIC INTEREST LITIGATION (L) NO. 20 OF 2020 (OS)**

Ghar Bachao Ghar Banao Andolan & Ors. ...Petitioners
vs.
Municipal Corporation of Greater Mumbai & Ors. ...Respondents

**WITH
PUBLIC INTEREST LITIGATION (L) NO. 25 OF 2020 (OS)**

Movement for Peace and Justice for Welfare & Anr. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Ms.Ronita Bector and Kranti L.C. for Petitioners.
Mr.Anil Singh, Additional Solicitor General with Aditya Thakkar and D.P. Singh for Respondent No.4/Union of India.
Mr.PP. Kakade, Government Pleader with Bhupesh Samant, AGP for State in PIL (ST) 5443/2020.
Mr.Kedar Dighe, AGP for State in PIL(L) 20 and 25 of 2020.
Ms.Yamina Parekh for BMC.

CORAM : S.C. GUPTE, J.

DATE : 8 MAY 2020

PC. :

The issues raised in these three petitions have been adverted to in the order passed by this court on 5 May 2020. Except the issue of transportation of migrant labour from the State of Maharashtra to other

States and modalities for such transportation, on all other issues, this court has held that no urgent ad-interim orders are necessary. So far as the issue of transportation of migrant workers to their respective States is concerned, this court was of the view on the last date (i.e. 5 May 2020) that there was lack of clarity on how the particular condition proposed by the State for transporting migrant workers to their respective States, namely, submission of fitness certificates by the prospective travellers, would be implemented on the ground.

2 Today, Mr.Samant, learned AGP appearing for the State, submits three circulars issued by the State Government on the subject, which now clarify the position. The circulars make it clear that the State will not insist on any fitness certificate by a Registered Medical Practitioner for transportation of migrant workers from the State to their respective home States; instead, Medical Officers of MCGM and other concerned local authorities will examine the workers proposing to travel to their respective States at the embarkation points and assess them for symptoms of Covid-19, if any, and thereupon issue individual clearances. This does take care of the apprehension expressed by the court on the last date. So far as the fare to be borne for such transportation is concerned, it is now clear that Union of India is bearing 85% of the fare amount for passage by Railways. Mr.Singh, learned Additional Solicitor General, representing the Union affirms the position. So far as the balance burden of 15% fare is concerned, under orders passed by the Supreme Court, the respective States have to pass appropriate orders. Mr.Samant submits that the State has not taken any decision so far in that behalf. The State must act in accordance with the decision of the Supreme Court and pass the requisite orders in that behalf.

3 Now that there is an adequate clarity on the outstanding issues concerning transportation of migrant workers to their respective States, no further orders are necessary on the subject. It is expected that the statements made by the learned AGP on behalf of the State, and reflected in the circulars issued by the State on 7 May 2020, would to be implemented by the State in both letter and spirit.

4 The petition to come up in due course.

5 This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(S.C. GUPTE, J.)