

SECTION – PIL (W)

IN THE HON'BLE SUPREME COURT OF INDIA

IA NO. _____ OF 2020

IN

WRIT PETITION (CIVIL) NO. 468 OF 2020

IN THE MATTER OF:

Alakh Alok Srivastava

....Petitioner/ Applicant

-Versus-

Union of India

....Respondent

INDEX

SN	PARTICULARS	COPIES	COURT FEES
1.	<u>IA NO. _____ OF 2020:</u> Application on behalf of the Petitioner seeking Urgent Appropriate Directions, alongwith Affidavit	1	
2.	<u>Annexures A-1 to A-2</u>	1	
3.	Memo of Filing	1	

Filed On – 08.05.2020

Filed By –

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PAPER BOOK

[FOR DETAILED INDEX KINDLY SEE INSIDE]

IA NO _____ OF 2020:

APPLICATION ON BEHALF OF THE
PETITIONER SEEKING URGENT
INTERIM DIRECTIONS

PETITIONER-IN-PERSON: ALAKH ALOK SRIVASTAVA

INDEX

SN	Particulars	Page no. of part to which it belongs		Remark
		Part I	Part II	
(i)	(ii)	(iii)	(iv)	(v)
1.	Cover Page of Paper Book		A	
2.	Index of record of Proceedings			
3.	<u>IA NO. OF 2020:</u> Application on behalf of the Petitioner, seeking Urgent Appropriate Directions, alongwith Affidavit			
4.	<u>Annexure A-1:</u> A true copy of report published in Hindustan Times Newspaper portal on 08.05.2020 under heading “16 migrant workers slept on railway track after 35 km walk home, run over”			
5.	<u>Annexure A-2:</u> A true copy of news report dated 08.05.2020 published in the Times of India Newspaper portal under heading “Maharashtra – Train runs over migrant workers in Aurangabad, 14 Dead”			
6.	Memo of Filing			

IN THE HON'BLE SUPREME COURT OF INDIA

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**APPLICATION ON BEHALF OF THE PETITIONER SEEKING
SEEKING URGENT APPROPRIATE DIRECTIONS**

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS LORDSHIP'S
COMPANION JUSTICES OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED

MOST RESPECTFULLY SHOWETH:-

1. That the humble Petitioner had filed the captioned PIL bearing WP (C) No.468/2020, inter-alia, seeking kind indulgence of this Hon'ble Court towards the plight of migrant workers who, alongwith their families, including women, small children, elders and differently abled persons, were walking on foot for hundreds of kilometres, from big cities of India to their respective native villages, without food, water, transport, medicine or shelter, amid Coronavirus crisis.

2. That the factum probandum of the instant case has been put forth in the captioned Writ Petition and the same is not being reiterated herein for the sake of brevity and to avoid prolixity. However, the humble Petitioner seeks kind leave and liberty of this Hon'ble Court to refer and rely upon the same, as and when required.
3. That the instant Interim Application is being preferred before this Hon'ble Court **seeking URGENT kind indulgence of this Hon'ble Court towards a heart wrenching incident, which has happened at Gadhejalgaon village in Aurangabad District (Maharashtra) on 08.05.2020 (Friday) at about 5.30 AM (Morning) in which at least sixteen (16) migrant workers, who were walking on foot from Maharashtra to Madhya Pradesh, have been killed by a Train.**
4. As per the media reports, the deceased migrant labourers belonged to Shahdol and Umaria Districts of Madhya Pradesh. They were walking from Jalna (Maharashtra) to their native villages situated in Madhya Pradesh. With an intention to reach Aurangabad Railway Station, for boarding trains to their hometowns, these migrant labourers started walking from Jalna (Maharashtra), through Railway Tracks heading towards

Aurangabad. After walking for several kilometers, they decided to take rest on the railway tracks between Satana and Karmad.

5. Being extremely exhausted and with no place to go, these migrant labourers reportedly slept on the railway tracks when these migrant workers were mowed down by a goods train.

A true copy of report published in Hindustan Times Newspaper portal on 08.05.2020 under heading “**16 migrant workers slept on railway track after 35 km walk home, run over**”, is enclosed herewith and marked as **Annexure A-1 (pg. _____)**.

A true copy of news report dated 08.05.2020 published in the Times of India Newspaper portal under heading “**Maharashtra – Train runs over migrant workers in Aurangabad, 14 Dead**”, is enclosed herewith and marked as **Annexure A-2 (pg. _____)**.

6. It is respectfully submitted that there are many other such incidents wherein the poor migrant labourers, walking on foot to their native villages, have died due to hunger or road accidents.
7. It is most respectfully submitted that during hearing of the captioned WP (C) No.468/2020 held on 31.03.2020, the Respondent Union of India had made a statement before this

Hon'ble Court that as on 11 AM on 31.03.2020, no migrant labourer was walking on foot, across India. The same was recorded by this Hon'ble Court in the Order dated 31.03.2020 in the captioned Writ Petition, as under –

“The Solicitor General of India made a statement on instructions that at 11 A.M. today, there is no person walking on the roads in an attempt to reach his/her home towns/villages. Advisories issued by the Ministry of Home Affairs on 27.03.2020 and 28.03.2020 have also been mentioned in the Status Report, according to which a direction was given by the Ministry of Home Affairs, to the State Governments/Union Territories to provide adequate facilities for migrant labourers. (emphasis supplied)”

8. Thereafter, vide his Application bearing IA No.48428/2020 filed in the captioned WP (C) No.468/2020, the humble Petitioner, inter-alia, made a further prayer before this Hon'ble Court, as under –

“Issue appropriate Writ, Order or Direction to the Respondent Union of India, to in-turn direct the District Magistrate of each and every District of India to immediately identify such moving/ stranded migrant workers in their respective Districts and immediately shift such migrant labourers to the nearest shelter homes/ camps and to provide them sufficient food, water, medicines and counselling etc., till the present Lockdown continues” (emphasis supplied)

9. It is respectfully submitted that the aforesaid IA No.48428/2020 filed by the Petitioner in the captioned WP (C) No.468/2020 and

the said Writ Petition, were disposed of by this Hon'ble Court vide order dated 27.04.2020, with the following observation:

“During the course of hearing, learned Solicitor General has agreed that the interim directinos passed by this Court on 31.03.2020 will be continued and that the suggestions made in the Interlocutory Application will be examined and appropriate action will taken on such a suggestion.”
(emphasis supplied)

10. However, **it is respectfully submitted that, it seems that the aforesaid crucial suggestion made by the humble Petitioner, to direct each District Magistrate to identify stranded/ walking migrant labourers in their respective areas and to take them to the nearest relief camp, has not examined and no appropriate action has been taken by the Respondent Union of India, otherwise, the aforesaid deceased migrant labourers would not have been killed in District Aurangabad (Maharashtra).**

11. Hence, considering the seriousness of the situation and further considering the fact that anymore inaction or lack of appropriate action on the part of the Respondent Union of India, **may lead to loss of several precious lives of the migrant labourers,** the humble Petitioner is once again seeking kind indulgence of this

Hon'ble Court to URGENTLY direct the Respondent Union of India to show cause **as to why no concrete action was taken by it to avert the heart wrenching incidents like the instant one, despite the Orders dated 31.03.2020 and 27.04.2020 passed by this Hon'ble Court in the captioned WP (C) No.468/2020.**

12. It is further in the interest of justice to direct the Respondent Union of India to in-turn direct the District Magistrates of each and every district of India **to immediately identify such moving/ stranded migrant workers in their respective Districts, immediately shift them to the nearest shelter homes/ camps, provide them sufficient food, water, medicines and counselling etc. and upon proper medical examination, ensure to send them to their respective native villages, with utmost dignity.**

13. Hence, in view of the above, the humble Petitioner has preferred the instant Application seeking urgent Directions from this Hon'ble Court, to ensure further welfare and well-being of the stranded migrant labourers.

14. That the present Application is bonafide and in the interest of justice.

15. **PRAYER**: In view of the above, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to –

- a) Issue appropriate Writ, Order or Direction to the Respondent Union of India **to show cause as to despite the Orders dated 31.03.2020 and 27.04.2020 passed by this Hon'ble Court in the captioned Writ Petition (C) No.468/2020, why no concrete action has been taken to avert the heart wrenching train accident, which took place at Gadhejalgaon village in Aurangabad District (Maharashtra) on 08.05.2020 (Friday) at about 5.30 AM (Morning) in which at least sixteen (16) migrant workers, who were walking on foot, have been killed; and/or**
- b) Issue appropriate writ, order or direction to the Respondent Union of India to in-turn **URGENTLY direct the District Magistrates of each and every district of India to immediately identify such moving/ stranded migrant workers in their respective Districts, immediately shift them to the nearest shelter homes/ camps, provide them sufficient food, water, medicines and counselling etc. and upon proper medical examination, ensure to provide free transportation to them to their respective native villages, with utmost dignity; and/or**

c) Pass any other order or direction as this Hon'ble Court may deem fit and proper in in the interest of justice.

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

Drawn and Filed by:

ALAKH ALOK SRIVASTAVA
PETITIONER-IN-PERSON

NEW DELHI
DRAWN ON: 08.05.2020
FILED ON: 08.05.2020

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AFFIDAVIT

I, Alakh Alok Srivastava son of Late Shri Raghwendra Kumar, aged about 36 years, Resident of 204, Malaygiri Apartment, Kaushambi, District – Ghaziabad, UP - 201010, presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am the Petitioner in the accompanying Writ Petition and being so I am well conversant with the facts and circumstances of the instant case and thus duly competent to swear the instant Affidavit.
2. That I have read and understood the contents of the accompanying Application, which has been drafted by me and I state that the content thereof are true and correct to my best knowledge and belief.

DEPONENT

VERIFICATION

Verified at New Delhi on this 8th May, 2020, that the contents of the aforesaid Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT