

IN THE SUPREME COURT OF INDIA

DIARY NO.10801 OF 2020

IN THE MATTER OF

HARSH MANDER

...PETITIONER

VERSUS

UNION OF INDIA & ANR.

...RESPONDENT

STATUS REPORT

1. At the outset, it is submitted that the Central Government is fully conscious and responsible for the unprecedented situation faced by the world in general and by our country in particular. As pointed out in the Report submitted by the Central Government in W.P. No.468 of 2020, the Central Government has taken pro-active and pre-emptive steps to first deal with the emergent priority existing then viz. containing the spread of Corona Virus in the country.

2. As compared to the position in several parts of the world, the pro-active, continuously monitored and pre-emptive steps taken by the Central Government and all the State Government have been successful and the spread of virus is at its minimum. With a view to make Status Report filed in W.P. 468 of 2020 as part of the present petition, the same is annexed herewith and marked as **Annexure A**.

3. I state that while it is the responsibility of the Central Government and all State Governments to ensure protection of every section of this society, which the Central Government and all State Governments are discharging scrupulously, the present petition may not be entertained on following grounds:-

(i) The petition as well as further Affidavit filed is bereft of any facts and is based on some newspaper reports. The petitioner has also chosen not to point out in the Affidavit as to which para is true 'to be his personal knowledge' and the source from which he has derived such "knowledge".

(ii) The petitioner in complete and blissful ignorance of a huge exercise going on by the Central Government as well as by the State Governments in cooperation with each other, resorted to merely giving vague assertions and piecemeal suggestions without any factual foundation. A reading of the petition clearly reflects that the petitioner wanted to file the petition and therefore, he has filed the petition without undertaking any exercise to gather true and correct facts from the statutory authorities or from anyone else. Such attempts under the garb of public interest litigation jurisdiction deserve to be deprecated by this Hon'ble Court.

No writ petition can be founded on such unconfirmed and unsubstantiated facts or individual views and suggestions of individuals.

(iii) It is submitted that the petitioner has never approached the Central Government or any statutory authority and has rushed to this Hon'ble Court presuming that except the petitioner no other institution of the country would not be bothered to take care of interest of all sections of the society. It is submitted that it is a settled position that no litigant can pray for a mandamus or other writ without first approaching the statutory authorities and without gathering the true and correct facts from such authorities. If this Hon'ble Court is satisfied that the Central Government and all State Governments are discharging their obligations, this Hon'ble may not entertain such self serving petitions.

4. At the further outset, while not undermining the magnitude of the of the challenges ahead and while assuring this Hon'ble Court that the Central Government and all State Governments are doing their best strategizing all human resources and other resources to come out of this unprecedented global crisis, it deserves to be pointed that when the country is facing such unprecedented crisis, filing of such petitions and attempting to sit in appeal over all actions taken by the respective Governments by few individual needs to be discouraged as it diverts energy and attention of the statutory functionaries which ought to have been utilized to its optimum in discharging their duties on ground.

5. This Hon'ble Court may not permit itself to be deviated from its constitutional functions and require the human resources of the Central Government and the State Governments to be diverted to answer vague pleas and sceptical contentions.

6. As this Hon'ble Court was pleased to desire to know about the facts stated in the petition and as the Central Government is duty-bound to fully satisfy this Hon'ble Court [without prejudice to the locus of the petitioner and maintainability of the petition], the Central Government annexes the steps taken to deal with the various issues concerning the migrant workers including the issue of ensuring payment of minimum wages. The said facts are stated in the form of chart which is annexed as **Annexure B** for ready reference.

Date : 07-04-2020

Gyanesh Kumar, IAS
Additional Secretary
Ministry of Home Affairs