

**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISDICTION**

**WRIT PETITION (CIVIL) NO.**

**OF 2020**

**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

**IN THE MATTER OF:**

**NACHIKETA VAJPAYEE**

**PETITIONER**

**VERSUS**

**UNION OF INDIA & ORS.**

**RESPONDENTS**

**WITH**

**I.A. NO. OF 2020**

**APPLICATION FOR EXEMPTION FROM FILING ATTESTED /  
NOTARIZED AFFIDAVIT**

**PAPER BOOK**

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**ADVOCATE FOR THE PETITIONER: DEEPAK PRAKASH**

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**PROFORMA FOR FIRST LISTING****SECTION**

**The case pertains to (Please tick/check the correct box)”**

- Central Act: (Title) Constitution of India
- Section: Article 32 of Constitution of India.
- Central Rule: (Title): NA
- Rule No(s): NA
- State Act: (Title) NA
- Section: NA
- State Rule: (Title) NA
- Rule No(s): NA
- Impugned Interim Order: (Date) NA
- Impugned Final Order/Decree: (Date) NA
- High Court: (Name) NA
- Names of Judges: NA
- Tribunal / Authority: (Name) NA
1. Name of Matter:  Civil  Criminal
2. (a) Petitioner/Appellant No. 1: NACHIKETA VAJPAYEE
- S (b) E-mail ID: nachiketavajpayee10@gmail.com
- (c) Mobile Phone Number: 9319402694
3. (a) Respondent No. 1: UNION OF INDIA & ORS.
- (b) E-mail ID: NA
- (c) Mobile Phone Number:
4. (a) Main category Letter Petition and PIL Matter

classification:

- (b) Sub classification: Social Justice Matters
5. Not to be listed before: NA
6. Similar / Pending matter: (i) Writ Petition (C) Diary No. 10890 of 2020 titled as "M.K. Raghavan versus Union of India & Ors."  
(ii) Writ Petition (C) Diary No. 10898 of 2020, titled as "Pravasi Legal Cell versus Union Of India & Ors."

**7. Criminal Matters:**

- (a) Whether accused / convict has surrendered  Yes  No
- (b) FIR No. NA Date: NA
- (c) Police Station: NA
- (d) Sentence Awarded: NA
- (e) Sentence Undergone: NA

**8. Land Acquisition Matters: NA**

- (a) Date of Section 4 notification: NA
- (b) Date of Section 6 notification: NA
- (c) Date of Section 17 notification: NA

**9. Tax Matters: State the tax effect: NA**

**10. Special Category: NA**  
(First petitioner/appellant only)

- Senior citizen > 65 Years  SC/ST  Woman/child  Disabled  Legal Aid Case  In custody

**11. Vehicle number (in case of Motor Accident Claim matters: NA**

**12. Decided cases with citation:**

Place: New Delhi

Date: 21.05.2020

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**SYNOPSIS**

The present Writ Petition is being filed before this Hon'ble Court in the nature of a Public Interest Litigation, by the Petitioner herein, who is public-spirited person and a practicing advocate before this Hon'ble Court. The said petition is being filed primarily seeking, inter-alia, the urgent and kind indulgence of this Hon'ble Court to direct the Respondents herein to direct the local administration/ police authorities across India to immediately identify moving/stranded and dislocated migrant workers and to make for them expeditious arrangements of transportation, temporary shelter, food and medical support, in a dignified manner, till the National Lockdown owing to COVID-19 continues to operate.

Pertinently, in a similar matter, this Hon'ble Court vide Order dated 31.03.2020 passed in W.P. (C) Nos. 468 and 469 of 2020, held as under:

*“The anxiety and fear of the migrants should be understood by the Police and other authorities. As directed by the Union of India, they should deal with the migrants in a humane manner. Considering the situation, we are of the opinion that the State Governments/Union Territories should endeavor to engage volunteers along with the police to supervise the welfare activities of the migrants. We expect those concerned to appreciate the trepidation of the poor men, women and children and treat them with kindness.”*

Despite the abovementioned directions issued by this Hon'ble Court, the compliance of the same remains ineffective despite the best efforts on the part of the Respondents herein, which has led to immense hardships and gross violations of the fundamental and basic human rights of millions of distressed persons stranded across the country. The Petitioner has no personal interest, whatsoever, in the issues raised in the present Petition and only because of the

continuous and prolonged miseries and hardships of the millions of such persons, witnessing first-hand the inhuman conditions of their survival, the Petitioner is constrained to approach this Hon'ble Court by way of the present Petition, seeking, among other prayers, immediate compliance of the Order dated 31.03.2020 passed in W.P. (C) Nos. 468 and 469 of 2020.

The above directions have not been complied with in its true essence and spirit. The very purpose of the said order stands defeated since thousands of distressed migrant workers have gathered at railway stations and bus stops, seeking relief from the authorities. Thousands of workers continue walking to their villages with minor children, old aged persons, ladies without food or water and are found to be violating the social distancing guidelines. It is observed that the local authorities/police officials are not handling the situation as per the protocols and guidelines issued by the Respondents to contain the pandemic.

Pertinently, the mass movement of the migrant workers is prevalent in the States of Uttar Pradesh, Punjab, Haryana and Delhi, wherein currently, the situation has gone extremely out of law and order. With each passing day there are numerous blatant violations of the precautionary norms as laid down by Respondent No. 1 herein and thus, the said panic and exodus of the migrant workers needs to be curtailed expeditiously, failing which would amount to exponential spread of the dead virus.

At the very outset, it is hereby asserted that the present Petition is not adversarial in nature. While acknowledging the best efforts being taken by the Respondents herein to provide efficacious relief to the migrant workers stranded all over the country while combating the COVID-19 pandemic, the fact must be acknowledged that there are still millions of migrant workers

whose fundamental rights guaranteed under the Constitution of India and basic human rights are grossly violated during the present lockdown. Even though the present Petition acknowledges that all such violations are unintended consequences of the unprecedented National lockdown imposed to combat COVID-19, the Respondents herein have the first and foremost fundamental duty to protect and safeguard the lives and well-beings of its Citizens, while ensuring that their basic human dignity is maintained at all times.

Even though the matters like (i) the manner in which COVID-19 is combated across the country; (ii) execution of relief programs while ensuring that the benefits of the same reaches maximum number of persons; (iii) making the necessary arrangements for stranded migrant workers etc. are a matter of policy of the Respondents herein, yet continuing sufferings of millions of migrant workers leading to their survival in inhuman conditions and in some cases, deaths, calls for the immediate interference of this Hon'ble Court to issue strict directions to the Respondents herein, while directing them to (i) make immediate arrangements for the transportation of all such persons in a phased manner; (ii) arrange temporary shelters, food and medical support, meeting at least the minimum standards of dignity, for all such migrant workers who couldn't be transported at once and; (iii) submit before this Hon'ble Court a detailed status report of the measures so taken by the Respondents herein and the implementation of the said measures.

It is an unfortunate set of circumstances that despite the best efforts on part of the Respondents herein, millions of persons continue to suffer severe and inhuman hardships, every single day, which inevitably compelled the National Human Rights Commission (NHRC) to take cognizance in respect of, among others, the following issues:

- (i) The NHRC took suo motu cognizance on 08.05.2020, of mowing down of 16 migrant workers by an empty goods train on Friday, and issued notice to the Chief Secretary, Government of Maharashtra and the District Magistrate, Aurangabad. The incident took place in the early hours of May 8 between Badnapur and Karmad stations in Nanded Division.
- (ii) NHRC took suo motu cognizance on 14.05.2020, of media reports that a pregnant migrant woman, who was walking on foot from Maharashtra to Madhya Pradesh, has delivered her baby on road. She rested for 2 hours after the delivery and then continued walking for the remaining 150 kilometres. The pregnant woman and her husband had reportedly started their journey from Nashik in Maharashtra and were walking towards their home in Satna in Madhya Pradesh.
- (iii) The NHRC took suo motu cognizance on 15.05.2020, of media reports about a mother pulling a suitcase with her small child sleeping half hung on it on Agra Highway. Reportedly, the migrant woman was walking all the way from somewhere in Punjab to Jhansi in Uttar Pradesh till she caught the attention of the media persons.

While taking cognizance of the above mentioned issues, some of the observations made by the NHRC, headed by Hon'ble Mr. Justice H.L. Dattu, former Chief Justice of India, are worth perusing, which have been reproduced hereunder:

- (i) *“The Commission has observed that this incident amounts to sheer negligence of the state authorities resulting in violation of*

*human rights of the victim woman. Rights to life and dignity of the poor woman have been grossly violated. It is also indignity to the motherhood”;*

(ii) *“The Commission would like to know about the measures being taken by both the states to ensure that the migrant labourers are not subjected to harassment and hardships during the lockdown. The Commission would like to know as to what actions have been initiated against the erring public servants by the state authorities for their apathy & culpable negligence for not implementing the government orders and various measures mentioned in interstate Migrant Workmen Act, during lockdown period”;*

(iii) *“The Commission has observed that the contents of the news reports, which are replete, almost daily, with hardships being faced by the public during countrywide lockdown. There are news that the migrant workers are still forced to walk thousands of kilometres to reach their homes. It is disheartening to know the plight of the migrant labourers, particularly women, children, old age people and the pregnant women falling prey to states' apathy. A pregnant woman, who needs rest, medical checkup and special care, is not only forced to walk hundreds of kilometres but also to deliver her baby during her painful journey”;*

(iv) *“The Commission has observed that it is aware of the unprecedented situation and that the Central and the State governments are working sincerely to address every issue coming up during the lockdown but it is strange that the pain of the child and the family could be seen and felt by many enroute, except the*

*local authorities. Had the local authorities been vigilant, some relief could immediately be provided to the aggrieved family and others facing the similar hardships. The incident amounts to violation of human rights and requires intervention by the NHRC”;*

- (v) *“The Commission has further observed that several news reports about miseries of people have come to its notice during the lockdown forcing it to intervene in order to sensitize the Central and the State authorities to deal with the situation with an approach of respect to human rights of the public at large, particularly the vulnerable sections of the society. However, media reports suggest continuing sufferings of the people, particularly the migrant labourers, whose journey long, is not coming to a halt”;*
- (vi) *“The Commission has observed that prima facie, the mishap can be termed as a train accident as normally it is not expected by anyone that some people will be sleeping on the railway tracks. However, the crucial aspect is that the poor labourers, who were already facing many hardships amid countrywide lockdown, were forced to walk on foot for a very long distance due to non-availability of any mode of transport, lost their lives due to apparent negligence by the district administration. Had some arrangements been made for their shelter or halt during their tiring journey, the painful tragedy could be averted.”*

In addition to the above, few more incidents of severe hardships, pain and agony being continuously faced by millions of persons are reproduced hereunder:

- (i) As per a news article dated 07.04.2020, published on the website of ‘NDTV’ (<https://www.ndtv.com/india-news/coronavirus-desperate-for-some-work-any-money-plight-of-migrant-workers-in-cities-2207459>), migrant workers are in desperate need for work and survival. A 28-year old worker hailing from Maharashtra stated that *“If the virus doesn’t get me, hunger will”*.
- (ii) As per a news article dated 12.04.2020, published on the website of ‘H.W. News’ (<https://hwnews.in/news/politics/bihar-woman-walks-dead-body-3-year-old-son-amid-lockdown/133092>), after the state-run hospital in Jehanabad – about 48 km from state capital Patna could not provide an ambulance, a woman in Bihar and her husband were compelled to carry the body of their three-year-old son on foot, from one hospital to another, until the child died. In the widely shared one-minute long heartbreaking video, the woman is seen screaming helplessly. Her son’s dead body is in her arms and her husband is standing beside her. As someone is heard offering help, the deceased child’s father says: *“Now we don’t need an ambulance.”*
- (iii) As per a news article dated 15.04.2020, published on the website of India.com (<https://www.india.com/news/india/lockdown-hardship-left-with-no-options-migrant-workers-pick-rotten-bananas-near-delhis-cremation-ground-4001286/>), in a disheartening incident, a group of men, on the banks of the river

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Yamuna in Delhi, were spotted picking discarded bananas. According to an *NDTV* report, these men had scavenged the edible bananas from the trash lying near Nigambodh Ghat, one of the main cremation grounds in the capital.

- (iv) As per a news article dated 24.04.2020, published on the website of *NDTV* (<https://www.ndtv.com/india-news/coronavirus-lockdown-12-year-old-walks-3-days-amid-lockdown-dies-just-an-hour-from-home-2215346>), a 12-year-old girl died after walking nearly 150 km from Telangana to her native Bijapur district in Chhattisgarh, desperate because of the extended nationwide lockdown to fight coronavirus. Jeeta Madkami, who worked in chilli fields to earn for her family, collapsed and died just an hour away from her village.
- (v) As per a news article dated 17.05.2020, published on the website of 'The Hindu' (<https://www.thehindu.com/news/national/rampukars-tears-shock-humanity/article31609524.ece>), Mr. Rampukar Pandit, who worked at a cinema hall site in Delhi, was spotted weeping as he talked on the phone by the side of the Nizamuddin Bridge in Delhi by PTI photographer Atul Yadav on May 11. The powerful image of the distraught man, struggling to reach home in Begusarai, almost 1,200 km away during the lockdown, was widely shared across all media. Mr. Pandit had been stuck there for three days before help arrived. When the photograph was taken, he said he was anguished at the thought that he might not get home on time to see his baby. Shortly after the photo was



taken, his son, who had not yet turned one, died. *“I pleaded to the police to let me go home but none helped,”* he told PTI over the phone. *“One policeman even said, ‘Will your son become alive if you go back home. This is lockdown, you can’t move’.”*

- (vi) As per a news article dated 17.05.2020, published on the website of ‘India Today’ (<https://www.indiatoday.in/india/story/migrant-workers-walking-hometowns-tiresome-journey-coronavirus-covid19-lockdown-1678954-2020-05-17>), after walking more than 1,000 km at this age, 72 years old Mr. Kapil Dev Singh has forgotten how much distance he has covered in the last five days of his journey from Telengana to Bengal. Even though, he has travelled more than 1,400 km, lost all his savings, a hard 600-km journey is still left before he can reach his home in Bihar.

Another labourer, Saheb Mullick, also narrated his ordeal: *“My factory had shut, however, the state government said they will provide food. But, there was only one meal a day. In fact, the food and water given to us was so bad in quality that we would fall sick. I have wasted days standing in queues to get a token but nothing happened. Police dispersed us. The locals even treated us like dogs and shooed us away saying “Bhag yahaan se! [Run away from here].”*

- (vii) As per a news article dated 19.05.2020, published on the website of NDTV (<https://www.ndtv.com/india-news/coronavirus-india-migrants-boarded-bus-to-up-dropped-at-shelter-home-in-sonipat-instead-2231788>), after waiting for 14 hours, hundreds of migrant workers from Uttar Pradesh boarded buses from Sonipat but the

promised ride home never did happen and they were dropped off at a shelter home in the Haryana town itself.

The above news articles are just the tip of the iceberg and provide only a small glimpse of the immense, countless, unimaginably inhuman hardships being faced not by hundreds but by thousands and millions of migrant workers, stranded across the country. The said migrant workers comprise of aged people, children and women who are facing severe hardships every day as they have no source of income, no basic survival amenities such as food, shelter and no medical support. In view of the worsening critical condition of the spread of COVID-19 in India, it also prayed herein, to direct the Respondents to establish hygienic accommodations, by way of refugee camps or requisition of schools or other properties, insofar as to allay the exodus of migrant workers which would ultimately curb the spread of the deadly virus within the territory of India. Further, adequate nutrition and healthcare facilities must also be provided to the said workers as they are stranded with no source of income.

Further, vide Government Order No. 40-3/2020 DM-I (A) dated 29.04.2020 issued by the Respondent No. 1 herein, under Sub-clause (iv), it is stated as under:

*“iv. Due to lockdown, migrant workers, pilgrims, tourists, students and other persons are stranded at different places. They would be allowed to move as under:*

*a. All States/ UTs should designate nodal authorities and develop standard protocols for receiving and sending such stranded persons. The nodal authorities shall also register the stranded persons within their States/ UTs.*

- b. In case a group of stranded persons wish to move between one State/ UT and another State/ UT, the sending and receiving States may consult each other and mutually agree to the movement by road.*
- c. The moving person (s) would be screened and those found asymptomatic would be allowed to proceed.*
- d. Buses shall be used for transport of groups of persons. The buses will be sanitized and shall follow safe social distancing norms in seating.*
- e. The States/ UTs falling on the transit route will allow the passage of such persons to the receiving State/ UT.*
- f. On arrival at their destination, such person(s) would be assessed by the local health authorities, and kept in home quarantine, unless the assessment requires keeping the person(s) in institutional quarantine. They would be kept under watch with periodic health check-ups. For this purpose, such persons may be encouraged to use Aarogya Setu app through which their health status can be monitored and tracked.”*

However, despite the above-mentioned notification and adjudication upon the present issue by this Hon'ble Court, the situation on ground level remains unchanged as the journey of a migrant worker back home is no less than a nightmare, due to broadly the following reasons, not being exhaustive in nature:

- (i) Non-implementation of the relief and welfare directions issued by the Respondents herein due to lack of coordination between the State and District authorities;
- (ii) No financial help/support from the local authorities;
- (ii) No sustenance amenities such as food or shelter is being provided to them;

- (iv) The refugee camps are not yet set up in majority of cities due to which the migrants are compelled to sleep on roads and/or railway tracks, which leads to gruesome accidents and loss of lives;
- (v) Lack of coordination between the local authorities and police departments in order to implement the welfare schemes for migrant workers;
- (vi) At places where there are night halt shelters, the area is inhuman and extremely congested/crammed, which might rather increase the spread of COVID-19 than safeguard their health;
- (vii) Panic amongst the workers due to false and fake information being given to them.

Resultantly, in view of the continued plight of the migrant workers and the rapid increase in their death toll, the Petitioner seeks liberty to provide a **few suggestive measures** which might expedite the execution of the relief being provided to said migrant workers, in due conformity with the Respondents initiatives and actions, mentioned as under:

- (i) Requisition for providing shelter to the migrant worker;
- (ii) Setting up of an "*Social Monitoring Committee*" fully dedicated towards proving aid and relief to the migrant workers at district level, throughout the nation in coordination with District Legal Service Authorities;
- (iii) Ensuring immediate identification of stranded/moving migrant workers and providing expeditious relief to them within a few hours by the appropriate local authority in coordination with the police department;

(iv) Establishment of humane and hygienic refugee camps for migrant workers in order to decrease the exodus of migrant workers;

(v) Ensuring supply of proper food and nutrition to the stranded/moving migrant along with any required medicines in cases of ailing condition;

**Interference of this Hon'ble Court is necessary in the present case, in the interest of justice, amongst others, on the following grounds:**

- (i) Despite repeated requests of the Respondents herein, along with numerous appeals on part of the Prime Minister of India, the precautionary measures regarding "Social Distancing" norms are being grossly violated at various districts on a daily basis as the transportation condition of the migrant labors is not being executed in a systematic manner, due to which there has been an exponential increase in the spread of COVID-19;
- (ii) Being jobless and stranded, migrant workers are not only struggling to make ends meet but are now also fighting a stigma of being "virus carriers" all over the nation. They are facing continuous physical and mental hardships, discrimination and mental and physical harassment, which are not being duly addressed by the competent authorities expeditiously;
- (iii) Thousands of migrant workers are travelling in groups who can be easily identified by the local administration, particularly on national and state highways. Thus, in the larger public interest, the Petitioner is seeking urgent kind indulgence of this Hon'ble Court towards the heart wrenching plight of the said migrant laborers by way of issuance of a suitable direction to the Respondent to direct the local/ police authorities across India to urgent identify such moving migrant

laborers and provide them food, water, medicines and a place to stay till the completion of the said Lockdown period, in a dignified manner;

- (iv) Despite the best efforts of the Respondents herein, millions of persons, due to persistently prevailing unfortunate circumstances, are forced to suffer unimaginably inhuman hardships, leading thereby to continuous violations of their fundamental and most basic human rights. While surviving under unprecedented circumstances, millions of persons are facing extreme health hazards including deteriorating mental, physical and emotional health, extreme hunger, shelter less nights, halt less journeys on foot for thousands of kilometers, and even death, in the most undignified and gruesome manner, thereby calling for immediate intervention of this Hon'ble Court;
- (v) Even though the Respondents herein have passed various Government Orders and issued numerous guidelines to address the unprecedented grievances of the stranded and distressed migrant workers across the country while ensuring compliance of the 'Social Distancing' norms, and despite the Order dated 31.03.2020 being passed by this Hon'ble Court in W.P. (C) Nos. 468 and 469 of 2020, millions of persons continue to battle for their survival in the most inhuman conditions and in complete disregard of their basic human rights and fundamental rights ensured under the Constitution of India, thereby calling for this Hon'ble Court to issue stricter guidelines to the Respondents herein and ensuring immediate compliance of the same.

**The Petitioner is filing the present Petition in the form of social action litigation, for the following reason:**

The Petitioner is currently residing in Bareilly, Uttar Pradesh and has personally experienced the plight of some of the migrant workers on foot. While going to distribute food to the stranded workers near the border of Bareilly city, the Petitioner saw a person being questioned by the local authorities, who travelled on foot from Punjab to Bareilly, while carrying the dead body of his 4 years old son. Thereafter, the Petitioner also received messages on Whatsapp, including photographs, from a friend and a social worker, who requested not to be named in the present Petition, regarding the plight of the migrant workers, experienced by her in person, while she was distributing food items to stranded persons near Mahipalpur, Delhi and near the Delhi Gurgaon border. The Petitioner has no personal or vested interest in the present Petition, and is constrained to file the same owing to the unimaginable plight of millions of persons, who are absolutely helpless to approach any of the authorities or any High Court or this Hon'ble Court, for the protection of their Fundamental and basic human rights.

This Hon'ble Court is empowered to grant the reliefs sought in the present Petition in light of the decisions of this Hon'ble Court in *People's Union for Democratic Rights & Ors. v. Union of India & Ors.*, (1982) 3 SCC 235, wherein it was held that this Hon'ble Court can exercise jurisdiction in cases of violation of fundamental rights or basic human rights of the public or where any particular policy of the Government is unreasonable or contrary to the larger policy, and that the concerned Government or Authority shall welcome such litigation as it affords them a chance to deliver justice to the needy and distressed persons..

This Hon'ble Court is the guardian of the conventions of the Constitution and all Indian citizens thereof, thus, in view of the welfare of protection of lives of the millions of stranded and distressed migrant workers, the Petitioner is compelled to approach this Hon'ble Court by way of the present *probono* Petition to safeguard and protect the basic fundamental rights of the penurious migrant workers.

#### LIST OF DATES

- 30.01.2020 First case of COVID-19 pandemic was reported within the territory of India on 30.01.2020.
- 24.03.2020 The Central Government, in order to break the chain of transmission and thereby control the spread of the said virus, announced a 21-day National lockdown on 24.03.2020, thereby bringing the economy of the Nation to an absolute halt. The said lockdown was supposed to be in force till 14.04.2020.
- 27.03.2020 The Respondent No. 1 issued an Order bearing DO No. 11034/01/2020-IS-IV dated 27.03.2020 to the Chief Secretaries of all States, elaborating therein the aspect of providing food and shelter to all the migrant laborer's as an area of concern It was suggested that vulnerable groups can be explored through various means including spare capacities in kitchens, NGO's, religious institutions etc.
- 28.03.2020 The Respondent No. 1 along with the National Disaster Management Authority issued a Government Order No. 1-137/2018-mit. 2 dated 28.03.2020, wherein the aspect of



community awareness alongwith shelter and care for migrant workforce was dealt with. Moreover, it was further recommended that the Police and administration must adopt a “*humane*” approach in dealing with public.

29.03.2020 The Respondent issued a Government Order dated 29.03.2020 bearing DO No. 40-3/2020-DM-I(A), whereby it was suggested that shelter camps and other places be provided to homeless or migrant labors including providing them food etc.

Dated NIL A petition was filed before this Hon’ble Court by one Mr. Alakh Alok Srivastava as W.P. (C) No. 468 of 2020 based on similar issues.

31.03.2020 This Hon’ble Court passed an Order in W.P. (C) No. 468 of 2020 and W.P. (C) No. 469 of 2020 as they both had the same issues of plight of migrant workers, while observing that “*The anxiety and fear of migrants should be understood by the police and other authorities*”.

07.04.2020 It was reported by NDTV on 07.04.2020 (<https://www.ndtv.com/india-news/coronavirus-desperate-for-some-work-any-money-plight-of-migrant-workers-in-cities-2207459>) that the Migrant workers are in desperate need for work and survival. A 28-year old worker hailing from Maharashtra stated that “*If the virus doesn’t get me, hunger will*”.

12.04.2020 As per a news article dated 12.04.2020, published on the

website of 'H.W. News'

(<https://hwnews.in/news/politics/bihar-woman-walks-dead-body-3-year-old-son-amid-lockdown/133092>), a woman in Bihar and her husband were compelled to carry the body of their three-year-old son on foot, from one hospital to another, until the child died.

15.04.2020

As per a news article dated 15.04.2020, published on the website of India.com

(<https://www.india.com/news/india/lockdown-hardship-left-with-no-options-migrant-workers-pick-rotten-bananas-near-delhis-cremation-ground-4001286/>), a group of men, on the banks of the river Yamuna in Delhi, were spotted picking discarded bananas.

24.04.2020

As per a news article dated 24.04.2020, published on the website of NDTV (<https://www.ndtv.com/india-news/coronavirus-lockdown-12-year-old-walks-3-days-amid-lockdown-dies-just-an-hour-from-home-2215346>), a 12-year-old girl died after walking nearly 150 km from Telangana to her native Bijapur district in Chhattisgarh.

29.04.2020

The Respondent No. 1 issued a Government Order No. 40-3/2020 DM-I (A) dated 29.04.2020, wherein under Sub-clause (iv), it is stated that Due to lockdown, migrant workers, pilgrims, tourists, students and other persons are stranded at different places. They would be allowed to move subject to certain conditions and precautionary measures

only.

08.05.2020 The NHRC took suo motu cognizance on 08.05.2020, of mowing down of 16 migrant workers by an empty goods train on Friday, and issued notice to the Chief Secretary, Government of Maharashtra and the District Magistrate, Aurangabad. The incident took place in the early hours of May 8 between Badnapur and Karmad stations in Nanded Division.

14.05.2020 NHRC took suo motu cognizance on 14.05.2020, of media reports that a pregnant migrant woman, who was walking on foot from Maharashtra to Madhya Pradesh, has delivered her baby on road. She rested for 2 hours after the delivery and then continued walking for the remaining 150 kilometres. The pregnant woman and her husband had reportedly started their journey from Nashik in Maharashtra and were walking towards their home in Satna in Madhya Pradesh.

15.05.2020 The NHRC took suo motu cognizance on 15.05.2020, of media reports about a mother pulling a suitcase with her small child sleeping half hung on it on Agra Highway. Reportedly, the migrant woman was walking all the way from somewhere in Punjab to Jhansi in Uttar Pradesh till she caught the attention of the media persons.

17.05.2020 As per a news article dated 17.05.2020, published on the website of 'The Hindu' (<https://www.thehindu.com/news/national/rampukars-tears->

[shock-humanity/article31609524.ece](#)), Mr. Rampukar Pandit, whose son had not yet turned one, died. *“I pleaded to the police to let me go home but none helped,”* he told PTI over the phone. *“One policeman even said, ‘Will your son become alive if you go back home. This is lockdown, you can’t move’.”*

17.05.2020 As per a news article dated 17.05.2020, published on the website of ‘India Today’ (<https://www.indiatoday.in/india/story/migrant-workers-walking-hometowns-tiresome-journey-coronavirus-covid19-lockdown-1678954-2020-05-17>), a 72 years old person has walked over 1400 km, lost all his savings and yet, a hard 600-km journey is still left before he can reach his home in Bihar.

Another labourer, Saheb Mullick, stated that the State Government provides only one meal a day, and the quality food and water so provided is so bad that persons would fall sick.

19.05.2020 As per a news article dated 19.05.2020, on the website of NDTV (<https://www.ndtv.com/india-news/coronavirus-india-migrants-boarded-bus-to-up-dropped-at-shelter-home-in-sonipat-instead-2231788>), after waiting for 14 hours, hundreds of migrant workers from Uttar Pradesh boarded buses from Sonipat but the promised ride home never did happen and they were dropped off at a shelter home in the Haryana town itself.

21.05.2020 Hence this Writ Petition.

**IN THE SUPREME COURT OF INDIA**  
**ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (C) NO.                      OF 2020**  
**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

**IN THE MATTER OF:**

NACHIKETA VAJPAYEE

S/O. SHRI SHAMBHU DAYAL VAJPAYEE

R/O. 116, AVAS VIKAS CIVIL LINES,

DISTRICT BAREILLY,

UTTAR PRADESH-243001

PETITIONER

VERSUS

1. UNION OF INDIA  
THROUGH ITS SECRETARY  
MINISTRY OF HOME AFFAIRS,  
NORTH BLOCK, CABINET SECRETARIAT,  
RAISINA HILL, NEW DELHI-110001 RESPONDENT NO. 1
  
2. MINISTRY OF HEALTH AND FAMILY WELFARE  
THROUGH SECRETARY  
NEAR UDYOG BHAWAN METRO STRATION,  
MAULANA AZAD ROAD,  
NEW DELHI-110011. RESPONDENTS NO. 2
  
3. STATE OF NCT OF DELHI  
THROUGH ITS CHIEF SECRETARY  
SECRETARIAT, INDRAPRASTHA-110002,  
NEW DELHI. RESPONDENT NO. 3
  
4. STATE OF HARYANA  
REPRESENTED THROUGH ITS  
CHIEF SECRETARY  
SECRETARIAT  
CHANDIGARH-160036,  
HARYANA STATE. RESPONDENT NO. 4
  
5. STATE OF PUNJAB  
REPRESENTED THROUGH ITS  
CHIEF SECRETARY  
SECRETARIAT  
CHANDIGARH-160036,  
PUNJAB STATE. RESPONDENT NO. 5
  
6. STATE OF UTTAR PRADESH  
THROUGH SECRETARY,  
FOOD AND CIVIL SUPPLIES,  
CIVIL SECRETARIAT, LUCKNOW.  
UTTAR PRADESH. RESPONDENT NO. 6

**A WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION**  
**OF INDIA**

TO  
THE HON'BLE CHIEF JUSTICE  
OF INDIA AND HIS COMPANION  
JUSTICE OF THE HON'BLE SUPREME COURT

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. The present Writ Petition is being filed before this Hon'ble Court in the nature of a Public Interest Litigation, by the Petitioner herein, who is public-spirited person and a practicing advocate before this Hon'ble Court. The said petition is being filed primarily seeking, inter-alia, the urgent and kind indulgence of this Hon'ble Court to direct the Respondents herein to direct the local administration/ police authorities across India to immediately identify moving/stranded and dislocated migrant workers and to make for them expeditious arrangements of transportation, temporary shelter, food and medical support, in a dignified manner, till the National Lockdown owing to COVID-19 continues to operate.
- 1A. The Petitioner is an advocate practicing primarily before this Hon'ble Court and is acting in bonafide interests for the welfare and wellbeing of distressed, stranded and dislocated stranded migrant workers who are facing severe hardships due to the continuing locking having no means of survival including food, shelter etc. The Petitioner has no vested personal interest in the subject matter of the petition. That the petitioner has not instituted any similar petition before this Hon'ble Court or any other court of Law within the territory of India.

The Petitioner submits that this Petition is maintainable under Article 32 of the Constitution of India. The E-mail ID of the Petitioner is nachiketavajpayee10@gmail.com, mobile number is +91 9319402694. The annual income of the Petitioner is Rs. 3,00,000/-. The Petitioner's Aadhar Card No. is 8377 6575 6356 A true copy of the identity proof of the Petitioner is annexed herewith and marked as **ANNEXURE P-1 (PAGES 23)**.

- 1B. That there is no civil, criminal and revenue pending against the Petitioner which could have legal nexus with the issues involved in the Public Interest Litigation. Further, the Petitioner did not approach any statutory authority with respect to the underlying concerns of the present Petition because considering the (i) peculiar nature of the prayers sought in the present Petition; (ii) prolonged and currently prevailing National lockdown owing to the spread of COVID-19 pandemic and; (iii) extreme urgency of the present case in light of the increasing death toll of the migrant labours amidst this National crisis, the Petitioner has no other alternate efficacious remedy, thereby calling for immediate intervention of this Hon'ble Court, which is necessary in the interest of justice, requiring immediate orders with respect to the prayers sought in the present Petition.
2. That the Respondent No. 1 is the Union of India through Ministry of Home Affairs, Respondent No. 2 is the Ministry of Health and Family Welfare represented by its Secretary, Respondent No. 3 is the State of NCT of Delhi represented through its chief Secretary, Respondent No. 4 is the State of Uttar Pradesh represented through its Chief Secretary, Respondent No. 5 is the State of Haryana represented through its Chief

Secretary and Respondent No. 6 is the State of Punjab represented through its Chief Secretary, who are bound to act within the framework of the Constitution and to uphold its virtues. The Respondents herein fall under the definition of a "State" as enumerated under Article 12 of the Constitution, thereby being bound to protect the fundamental rights of the citizens of India.

3. That the present Petitioner raises the following of general public interest:
  - a) Whether the Respondents herein have a constitutional and the foremost fundamental duty to protect the interests of Indian Citizens in times of distress and worldwide emergency?
  - b) Whether the Respondents herein are duty bound to safeguard the fundamental Right to Life of migrant workers in distressed situations?
  - c) Whether the Respondents herein are duty bound to protect the Right to Personal Liberty and Right to Live with Dignity and Fair Treatment of the migrant workers, under such state of emergency, as enumerated under Article 21 of the Constitution?
4. That the present petition is being filed in the interest of justice for protecting and safeguarding the fundamental and most basic human rights of millions of migrant workers stranded across India, while ensuring their health, safety, well being and dignity. Some of the people being represented in the present PIL may not be aware of their legal rights being infringed and may not have the economic means to approach this Hon'ble court.



**PUBLIC INTEREST AT LARGE:**

5. That the said petition is being in the interest of all the stranded and distressed migrant workers who are, till date, facing extreme hardships for survival and therefore, the Petitioner is primarily seeking, inter-alia, the urgent and kind indulgence of this Hon'ble Court to direct the Respondents herein to immediately and effectively provide relief to thousands of distressed stranded migrant workers who are still in an extremely distressed state and are found walking for kilometers at stretch in order to reach home and survive.
6. That the said migrant workers comprise of aged people, children and women who are facing severe hardships every day as they have no source of income and therefore, have no basic survival amenities such as food, shelter and medical support. In view of the worsening critical condition of the spread of COVID-19 in India, it also prayed herein, to direct the Respondents to establish hygienic accommodations, by way of refugee camps or requisition of schools or other properties, insofar as to allay the exodus of migrant workers which would ultimately curb the spread of the deadly virus within the territory of India.
7. That the first case of COVID-19 pandemic was reported within the territory of India on 30.01.2020. That the Central Government, in order to break the chain of transmission and thereby control the spread of the said virus, announced a 21-day National lockdown on 24.03.2020, thereby bringing the economy of the Nation to an absolute halt. The said lockdown was supposed to be in force till 14.04.2020. However, owing to the continuous escalation of the COVID-19 cases, the said lockdown has now been extended for the fourth time, and still continues to operate,

which piles on the miseries and hardships already being suffered by millions of migrant of workers.

8. That the Respondent No. 1 issued a DO No. 11034/01/2020-IS-IV dated 27.03.2020 to the Chief Secretaries of all States, elaborating therein the aspect of providing food and shelter to all the migrant laborer's as an area of concern It was suggested that vulnerable groups can be explored through various means including spare capacities in kitchens, NGO's, religious institutions etc. A true copy of the Letter bearing D.O. No. 11034/01/2020-IS-IV dated 27.03.2020 issued by the Home Secretary, Government of India, New Delhi is annexed herewith and marked as **ANNEXURE P-2 (PAGES 24 TO 25)**.
9. That the Respondent No. 1 along with the National Disaster Management Authority issued a Government Order No. 1-137/2018-mit. 2 dated 28.03.2020, wherein the aspect of community awareness along with shelter and care for migrant workforce was dealt with. Moreover, it was further recommended that the Police and administration must adopt a "*humane*" approach in dealing with public. A true copy of Letter bearing No. 1-137/2018-mit. 1 dated 28.03.2020 issued by the Government of India, Ministry of Home Affairs, New Delhi is annexed herewith and marked as **ANNEXURE P-3 (PAGES 26 TO 29)**.
10. That the Respondent issued a Government Order dated 29.03.2020 bearing DO No. 40-3/2020-DM-I(A), whereby it was suggested that shelter camps and other places be provided to homeless or migrant labors including providing them food etc, for containment of spread of COVID-19. Moreover, strict implementation of additional measures to stop movement of migrant workers and rather providing quarantine

facilities and shelters was also directed therein. A true copy of the letter bearing DO No. 40-3/2020-DM-I(A) dated 29.03.2020 issued by the Home Secretary, Government of India, New Delhi is annexed herewith and marked as **ANNEXURE P-4 (PAGES 30 TO 31)**.

11. That while regarding the plight of migrant workers, one Mr. Alakh Alok Srivastava filed a W.P. (C) No. 468 of 2020 in the nature of a Public Interest Litigation, having similar issues to this petition. Thereafter, this Hon'ble Court was pleased to pass appropriate directions vide Order dated 31.03.2020, wherein it was stated as under:

*“The anxiety and fear of the migrants should be understood by the Police and other authorities. As directed by the Union of India, they should deal with the migrants in a humane manner. Considering the situation, we are of the opinion that the State Governments/Union Territories should endeavour to engage volunteers along with the police to supervise the welfare activities of the migrants. We expect those concerned to appreciate the trepidation of the poor men, women and children and treat them with kindness.”*

A true copy of the order dated 31.03.2020 passed by this Hon'ble Court in Writ Petition (C) No. 468 of 2020 is annexed herewith and marked as **ANNEXURE P-5 (PAGES 32 TO 39)**.

12. That It was reported by NDTV online on 07.04.2020 (<https://www.ndtv.com/india-news/coronavirus-desperate-for-some-work-any-money-plight-of-migrant-workers-in-cities-2207459>) that the Migrant workers are in desperate need for work and survival. A 28-year old worker hailing Maharashtra stated that *“If the virus doesn't get me, hunger will”*. A true copy of the article dated 07.04.2020 reported by

NDTV online is annexed herewith and marked as ANNEXURE P-6 (PAGES 40 TO 42).

13. That as per a news article dated 15.04.2020, published on the website of India.com (<https://www.india.com/news/india/lockdown-hardship-left-with-no-options-migrant-workers-pick-rotten-bananas-near-delhis-cremation-ground-4001286/>), a group of men, on the banks of the river Yamuna in Delhi, were spotted picking discarded bananas. A true copy of the news article dated 15.04.2020 published on the website of India.com is annexed herewith and marked as ANNEXURE P-7 (PAGES 43 TO 44 ).
14. That as per a news article dated 24.04.2020, published on the website of NDTV (<https://www.ndtv.com/india-news/coronavirus-lockdown-12-year-old-walks-3-days-amid-lockdown-dies-just-an-hour-from-home-2215346>), a 12-year-old girl died after walking nearly 150 km from Telangana to her native Bijapur district in Chhattisgarh. A true copy of the news article dated 24.04.2020, published on the website of NDTV is annexed herewith and marked as ANNEXURE P-8 (PAGES 45 TO 46 ).
15. The Respondent No. 1 issued a Government Order No. 40-3/2020 DM-I (A) dated 29.04.2020, wherein under Sub-clause (iv), it is stated that Due to lockdown, migrant workers, pilgrims, tourists, students and other persons are stranded at different places. They would be allowed to move subject to certain conditions and precautionary measures only. A true copy of Government Order bearing No. 40-3/2020 DM-I (A) dated 29.04.2020 issued by the Government of India, Ministry of Home

Affairs, New Delhi is annexed herewith and marked as **ANNEXURE P-9 (PAGES 47 TO 48 )**.

16. That the NHRC took suo motu cognizance on 08.05.2020, of mowing down of 16 migrant workers by an empty goods train on Friday, and issued notice to the Chief Secretary, Government of Maharashtra and the District Magistrate, Aurangabad. The incident took place in the early hours of May 8 between Badnapur and Karmad stations in Nanded Division. A true copy of the press release dated 08.05.2020 issued by the NHRC available on [www.nhrc.nic.in](http://www.nhrc.nic.in) is annexed herewith and marked as **ANNEXURE P-10 (PAGES 49 TO 50 )**.
17. That NHRC took suo motu cognizance on 14.05.2020, of media reports that a pregnant migrant woman, who was walking on foot from Maharashtra to Madhya Pradesh, has delivered her baby on road. She rested for 2 hours after the delivery and then continued walking for the remaining 150 kilometres. The pregnant woman and her husband had reportedly started their journey from Nashik in Maharashtra and were walking towards their home in Satna in Madhya Pradesh. A true copy of the press release dated 14.05.2020 issued by the NHRC available on [www.nhrc.nic.in](http://www.nhrc.nic.in) is annexed herewith and marked as **ANNEXURE P-11 (PAGES 51 TO 52)**.
18. That the NHRC took suo motu cognizance on 15.05.2020, of media reports about a mother pulling a suitcase with her small child sleeping half hung on it on Agra Highway. Reportedly, the migrant woman was walking all the way from somewhere in Punjab to Jhansi in Uttar Pradesh till she caught the attention of the media persons. A true copy of the press release dated 15.05.2020 issued by the NHRC available on

[www.nhrc.nic.in](http://www.nhrc.nic.in) is annexed herewith and marked as ANNEXURE P-12 (PAGES 53 TO 54).

19. That as per a news article dated 17.05.2020, published on the website of 'The Hindu' (<https://www.thehindu.com/news/national/rampukars-tears-shock-humanity/article31609524.ece>), Mr. Rampukar Pandit, whose son had not yet turned one, died. *"I pleaded to the police to let me go home but none helped,"* he told PTI over the phone. *"One policeman even said, 'Will your son become alive if you go back home. This is lockdown, you can't move'."* A true copy of the news article dated 17.05.2020 published on the website of 'The Hindu' is annexed herewith and marked as ANNEXURE P-13 (PAGES 55 TO 57).
20. That as per a news article dated 17.05.2020, published on the website of 'India Today' (<https://www.indiatoday.in/india/story/migrant-workers-walking-hometowns-tiresome-journey-coronavirus-covid19-lockdown-1678954-2020-05-17>), a 72 years old person has walked over 1400 km, lost all his savings and yet, a hard 600-km journey is still left before he can reach his home in Bihar. Another labourer, Saheb Mullick, stated that stated that the State Government provides only one meal a day, and the quality food and water so provided is so bad that persons would fall sick. A true copy of the news article dated 17.05.2020 published on the website of 'India Today' is annexed herewith and marked as ANNEXURE P-14 (PAGES 58 TO 60).
21. That as per a news article dated 19.05.2020, on the website of NDTV (<https://www.ndtv.com/india-news/coronavirus-india-migrants-boarded-bus-to-up-dropped-at-shelter-home-in-sonipat-instead-2231788>), after waiting for 14 hours, hundreds of migrant workers from Uttar Pradesh

boarded buses from Sonipat but the promised ride home never did happen and they were dropped off at a shelter home in the Haryana town itself. A true copy of the news article dated 19.05.2020 published in the website of NDTV is annexed herewith and marked as **ANNEXURE P-15 (PAGES 61 TO 66)**.

22. That even though the Respondents herein have passed various Government Orders and issued numerous guidelines to address the unprecedented grievances of the stranded and distressed migrant workers across the country while ensuring compliance of the 'Social Distancing' norms, and despite the Order dated 31.03.2020 being passed by this Hon'ble Court in W.P. (C) Nos. 468 and 469 of 2020, millions of persons continue to battle for their survival in the most inhuman conditions and in complete disregard of their basic human rights and fundamental rights ensured under the Constitution of India, thereby calling for this Hon'ble Court to issue stricter guidelines to the Respondents herein and ensuring immediate compliance of the same.
23. The Petitioner is currently residing in Bareilly, Uttar Pradesh and has personally experienced the plight of some of the migrant workers on foot. While going to distribute food to the stranded workers near the border of Bareilly city, the Petitioner saw a person being questioned by the local authorities, who travelled on foot from Punjab to Bareilly, while carrying the dead body of his 4 years old son. Thereafter, the Petitioner also received messages on Whatsapp, including photographs, from a friend and a social worker, who requested not to be named in the present Petition, regarding the plight of the migrant workers, experienced by her in person, while she was distributing food items to

stranded persons near Mahipalpur, Delhi and near the Delhi Gurgaon border. The Petitioner has no personal or vested interest in the present Petition, and is constrained to file the same owing to the unimaginable plight of millions of persons, who are absolutely helpless to approach any of the authorities or any High Court or this Hon'ble Court, for the protection of their Fundamental and basic human rights. A true copy of the screenshots of the chat between the Petitioner and the social worker friend of the Petitioner, dated NIL are annexed herewith and marked as **ANNEXURE P-16 (PAGES 67 TO 75)**

24. That owing to the above mentioned hardships, the Petitioner craves the leave of this Hon'ble Court to put forth the following suggestions, in order to effectively bring relief to the workers and laborers stranded across India:
- (i) Immediately identify moving/stranded and dislocated migrant workers across the Country and to prepare a list of all such stranded persons;
  - (ii) Make immediate arrangements for free of cost transportation of all such persons identified and listed in terms of suggestion (i), in a phased manner, to their respective cities/towns/villages, while adhering to the 'Social Distancing' norms;
  - (iii) Make immediate arrangements regarding temporary shelters, food and medical support, meeting at least the minimum standards of dignity, for all such migrant workers who couldn't be transported at once in terms of suggestion (ii); and
  - (iv) To take the assistance of Legal Services Authorities across India, in order to supervise welfare activities, in compliance of the Order



dated 31.03.2020 passed by this Hon'ble Court in W.P. (C) Nos. 468 and 469 of 2020.

### GROUNDS

- I. Because the present Petition is not adversarial in nature. While acknowledging the best efforts being taken by the Respondents herein to provide efficacious relief to the migrant workers stranded all over the country while combating the COVID-19 pandemic, the fact must be acknowledged that there are still millions of migrant workers whose fundamental rights guaranteed under the Constitution of India and basic human rights are grossly violated during the present lockdown. Even though the present Petition acknowledges that all such violations are unintended consequences of the unprecedented National lockdown imposed to combat COVID-19, the Respondents herein have the first and foremost fundamental duty to protect and safeguard the lives and well-beings of its Citizens, while ensuring that their basic human dignity is maintained at all times.
- II. Because even though the matters like (i) the manner in which COVID-19 is combated across the country; (ii) execution of relief programs while ensuring that the benefits of the same reaches maximum number of persons; (iii) making the necessary arrangements for stranded migrant workers etc. are a matter of policy of the Respondents herein, yet continuing sufferings of millions of migrant workers leading to their survival in inhuman conditions and in some cases, deaths, calls for the immediate interference of this Hon'ble Court to issue strict directions to the Respondents herein, while directing them to (i) make immediate arrangements for the transportation of all such persons in a phased

manner; (ii) arrange temporary shelters, food and medical support, meeting at least the minimum standards of dignity, for all such migrant workers who couldn't be transported at once and; (iii) submit before this Hon'ble Court a detailed status report of the measures so taken by the Respondents herein and the implementation of the said measures.

- III. Because despite the best efforts on part of the Respondents herein, millions of persons continue to suffer severe and inhuman hardships, every single day, which inevitably compelled the National Human Rights Commission (NHRC) to take cognizance in respect of (i) mowing down of 16 migrant workers by an empty goods train on Friday, between Badnapur and Karmad stations in Nanded Division; (ii) media reports that a pregnant migrant woman, who was walking on foot from Maharashtra to Madhya Pradesh, has delivered her baby on road. She rested for 2 hours after the delivery and then continued walking for the remaining 150 kilometres; and (iii) media reports about a mother pulling a suitcase with her small child sleeping half hung on it on Agra Highway.
- IV. Because In addition to the above, few more incidents of severe hardships, pain and agony being continuously faced by millions of persons are reproduced hereunder:
- (a) While in desperate need for work and food, a 28-year old worker hailing from Maharashtra stated that *"If the virus doesn't get me, hunger will"*.
- (b) After the state-run hospital in Jehanabad – about 48 km from state capital Patna could not provide an ambulance, a woman in Bihar and her husband were compelled to carry the body of their three-year-old son on foot, from one hospital to another, until the child died.

- (c) A group of men, on the banks of the river Yamuna in Delhi, were spotted picking discarded bananas. According to an *NDTV* report, these men had scavenged the edible bananas from the trash lying near Nigambodh Ghat, one of the main cremation grounds in the capital.
- (d) A 12-year-old girl died after walking nearly 150 km from Telangana to her native Bijapur district in Chhattisgarh, desperate because of the extended nationwide lockdown to fight coronavirus. Jeeta Madkami, who worked in chilli fields to earn for her family, collapsed and died just an hour away from her village.
- (e) Mr. Rampukar Pandit, who worked at a cinema hall site in Delhi, was spotted weeping as he talked on the phone by the side of the Nizamuddin Bridge in Delhi by PTI photographer Atul Yadav on May 11. Mr. Pandit had been stuck there for three days before help arrived. Shortly after his photo was taken, his son, who had not yet turned one, died. *"I pleaded to the police to let me go home but none helped,"* he told PTI over the phone. *"One policeman even said, 'Will your son become alive if you go back home. This is lockdown, you can't move'."*
- (f) After walking more than 1,000 km at this age, 72 years old Mr. Kapil Dev Singh has forgotten how much distance he has covered in the last five days of his journey from Telangana to Bengal. Even though, he has travelled more than 1,400 km, lost all his savings, a hard 600-km journey is still left before he can reach his home in Bihar.
- Another labourer, Saheb Mullick, also narrated his ordeal: *"My factory had shut, however, the state government said they will provide food. But, there was only one meal a day. In fact, the food and water given to us was so bad in quality that we would fall sick. I have wasted days*

*standing in queues to get a token but nothing happened. Police dispersed us. The locals even treated us like dogs and shooed us away saying "Bhag yahaan se! [Run away from here]."*

(g) After waiting for 14 hours, hundreds of migrant workers from Uttar Pradesh boarded buses from Sonipat but the promised ride home never did happen and they were dropped off at a shelter home in the Haryana town itself.

V. Because while regarding the exponential spread of the pandemic in India it is imperative to focus on establishment of proper and hygienic camps/shelter homes for migrant workers, through a coordinated effort between the Central government, State government, local bodies, NGO's, volunteers, by requisitioning of private schools/hotels or other properties as may deem fit, in order to allay the exodus of migrant workers which would ultimately curb the spread of the deadly virus within the territory of India. Further, adequate nutrition and healthcare facilities must also be provided to the said workers as they are stranded with no source of income.

VI. Because this Hon'ble Court is seized with the issue in hand, due to W.P. (C) No. 468 of 2020, titled as "*Alakh Alok Srivastava vs. Union of India*". Further, this Hon'ble Court was pleased to intervene in this issue and passed a detailed order on 31.03.2020, wherein it was stated as under:

*"The anxiety and fear of the migrants should be understood by the Police and other authorities. As directed by the Union of India, they should deal with the migrants in a humane manner. Considering the situation, we are of the opinion that the State Governments/Union*

*Territories should endeavour to engage volunteers along with the police to supervise the welfare activities of the migrants. We expect those concerned to appreciate the trepidation of the poor men, women and children and treat them with kindness.”*

However despite such orders being passed by this Hon'ble Court along with keeping in view the numerous notifications and advisories issued by competent authorities at Centre and State level, no strict and remedial action is being executed by the local administration/police authorities , thereby leading to loss of numerous lives of the destitute workers.

VII. Because despite numerous Notifications/Government Orders and advisories by competent authorities there exists a severe lack in coordination between the local authorities and police authorities in identifying the stranded/dislocated migrant workers, thereby leading to insufficiency in providing adequate relief such as shelter and food to the poor migrant workers who have no source of income.

VIII. Because the above mentioned Notifications issued by the Respondent No. 1 are not being effectively and expeditiously implemented, thereby causing inhuman treatment of the migrant labours at the instance of various police officials and spread an increase in spread of the deadly virus amongst them as precautionary and healthcare measures are also not being provided to the distressed migrant labors.

IX. Because pervasive challenges and sheer neglect is still prevalent with regard to thousands of stranded and dislocated migrant workers whose lives are upended by this continuing lockdown, as they are being treated in an extremely inhuman and degrading manner throughout our nation.

- X. Because as recent as on 20.05.2020, disturbing images and reports of distressed walking migrant workers has been published in “The Hans India” on 20.05.2020, as annexed hereinabove, wherein the unbated plight of migrant laborers, specifically in Andhra Pradesh is elaborated in detail. Due to language barriers, the poor migrants stranded in Uttar Pradesh had to walk for hundreds of kilometers at stretch in order to reach a railway station.
- XI. Because the mass movement of the migrant workers is prevalent in the States of Uttar Pradesh, Punjab, Haryana and Delhi, wherein currently, the situation has gone extremely out of law and order. With each passing day there are numerous blatant violations of the precautionary norms as laid down by Respondent No. 1 herein and thus, the said panic and exodus of the migrant workers needs to be curtailed expeditiously, failing which would amount to exponential spread of the dead virus.
- XII. Because till date thousands of migrant laborer’s are compelled to walk on foot with their families including elders, women, small children and differently abled, from different big cities of India to their respective native villages, without any food, water or shelter, amid the present Pandemic crisis, as they are not provided any assistance from the State and local authorities and have no finances to buy a transport ticket.
- XIII. Because being jobless and stranded, the aforesaid migrants workers are not only struggling to make ends meet but are now also fighting a stigma as 'virus' carriers. Hence, they are not likely to be accepted by their respective villages, once they reach there. Even otherwise, it is not safe to allow these migrant laborers, who might be infected from deadly

Coronavirus, from mixing up with their village populations, as it may exponentially increase the said virus with fatal consequences.

XIV. Because despite directions of establishing shelters/camps vide Government Order dated 29.03.2020 bearing DO No. 40-3/2020-DM-I(A) issued by Respondent No. 1, majority of the states have not complied with the same, thereby compelling the migrant workers to sleep on roads or railway tracks, ultimately proving to be fatal for their lives at large. Numerous deaths and accidents have been reported in the month of April and May of deaths of migrant workers due to lack of lying on railway tracks and/or road.

XV. Because this Hon'ble Court in *People's Union for Democratic Rights & Ors. v. Union of India & Ors.*, (1982) 3 SCC 235, held as under:

*"2. ... Public interest litigation, as we conceive it, is essentially a cooperative or collaborative effort on the part of the petitioner, the State or public authority and the court to secure observance of the constitutional or legal rights, benefits and privileges conferred upon the vulnerable sections of the community and to reach social justice to them. The State or public authority against whom public interest litigation is brought should be as much interested in ensuring basic human rights, constitutional as well as legal, to those who are in a socially and economically disadvantaged position, as the petitioner who brings the public interest litigation before the court. The State or public authority which is arrayed as a respondent in public interest litigation should, in fact, welcome it, as it would give it an opportunity to right a wrong or to redress an injustice done to the poor and weaker sections of the community whose welfare is and must be the prime concern of the State or the public authority."*

#### PRAYER

In the facts and circumstances of the case, as mentioned above, it is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:

- a. Issue a writ in the nature of Mandamus or any other appropriate Writ, Order or Direction, thereby directing the Respondents to comply with the Order dated 31.03.2020 passed by this Hon'ble Court in W.P. © Nos. 468 and 469 of 2020, and to file before this Hon'ble Court a status report regarding the compliance of the same; and/or
- b. Issue a writ in the nature of Mandamus or any other appropriate Writ, Order or Direction, to the Respondents herein to direct the local administration/ police authorities across India, to immediately provide the migrant and guest workers/ laborers stranded across India with transport facilities, temporary shelter, food, medical support and other assistance, meeting at least the basic standards of human dignity; and/or
- c. Issue a writ in the nature of Mandamus or any other appropriate Writ, Order or Direction, thereby directing the Respondent No. 1 to consider the implementation of the suggestions made in the paragraph No. 24 of the present Petition in order to bring quick relief to the migrant workers and distressed labourers, while ensuring that the unregulated mass movements of such workers does not aid in the spread of COVID-19; and/or
- d. Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.**

DRAWN BY:  
SOLICITORSINDIA LAW OFFICES  
ADVOCATES

**DEEPAK PRAKASH**  
Advocate-on-Record  
Supreme Court of India  
8-B, 2<sup>nd</sup> Floor, Mathura Road,  
Jangpura-E, New Delhi-110014  
Code-No. 21  
**(DEEPAK PRAKASH)**  
ADVOCATE FOR THE PETITIONER

Filed by:

*[Signature]*

Drawn on: 18.05.2020  
Place: New Delhi  
Dated: 21.05.2020



**IN THE SUPREME COURT OF INDIA**  
**ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (C) NO.                      OF 2020**

**IN THE MATTER OF:**  
**NACHIKETA VAJPAYEE**

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

**AFFIDAVIT**

I, Nachiketa Vajpayee, Aged about 27 Years, S/o. Shri Shambhu Dayal Vajpayee, R/o. 116, Avas Vikas Civil Lines, District Bareilly, Uttar Pradesh-243001, Presently at New Delhi, do hereby solemnly affirm and state as follows:

1. That I am the Petitioner in the above mentioned Writ Petition, and as such I am well conversant with the facts of the case and thus competent to swear this affidavit.
2. I say that I have read and understood the contents of the Synopsis and List of Dates at Pages B to U and contents of Para 1 to 24 at Pages 1 to 20 of the Writ Petition and connected applications at Pages 76 to 78 and state that the facts mentioned therein are true to my knowledge and belief and information derived from the records of the case as per the legal advice received and believed by me. I say that the facts and circumstances stated in the Writ Petition and the connected applications are true and correct.
3. That I Say that there is no personal gain, private or oblique reason for the petitioner in filing the instant Public Interest Litigation.
4. That the annexures filed along with this Writ Petition are true copies of their respective originals.

5. I say that the averments of facts stated herein above are to best of my knowledge and no part of it is false and nothing material has been concealed there from.

  
DEPONENT

#### VERIFICATION

I the above deponent affirm that the contents of Para 1 to 5 of this affidavit are true and correct to my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Verified at New Delhi this the 18<sup>th</sup> day of May, 2020.

  
DEPONENT

## ANNEXURE P-1



भारतीय विशिष्ट पहचान प्राधिकरण

भारत सरकार  
Unique Identification Authority of India  
Government of India

नामांकन क्रम / Enrollment No.: 1450/10052/02360

To  
नचिकेता वाजपेयी  
Nachiketa Vajpayee  
S/O: Shambhu Dayal Vajpayee  
116  
Avas Vikas Civil Lines  
Bareilly  
Bareilly  
Nawabganj Bareilly  
Uttar Pradesh 243001  
8968914059

16/02/2015  
219737239



MP197372393FT



आपका आधार क्रमांक / Your Aadhaar No. :

**8377 6575 6356**

आधार - आम आदमी का अधिकार



भारत सरकार

Government of India



नचिकेता वाजपेयी  
Nachiketa Vajpayee  
जन्म तिथि / DOB : 10/10/1993  
पुरुष / Male



8377 6575 6356

आधार - आम आदमी का अधिकार

*my  
11/11/2015*

**ANNEXURE P-2****AJAY BHALLA, IAS****Home Secretary  
Government of India  
North Block,  
New Delhi****D.O. No. 11034/01/2020-IS-IV****Dated 27<sup>th</sup> March, 2020**

Dear Chief Secretary,

Kindly refer to our discussions regarding a large number of migrant agricultural labourers, industrial workers and other unorganized sector workers etc. who are being forced to return to their domicile states or are trying to do so. Considering the overall scenario including prevention of spread of COVID-19 and lack of transportation facilities, states and UTs may ensure that such incidents are avoided, through strict measures. I am aware that states and UTs are taking various steps in this regard but restlessness still persists among the workers in unorganized sector, particularly the stranded migrant workers. This needs to be handled urgently and sensitively to stem their exodus from their existing locations, as also prevent any disruption to law and order.

In this context, facilities for providing food and shelter to the migrant labourers and the homeless is an area of concern. Options for providing shelters may be explored rigorously through existing infrastructure etc. immediately. States in their disaster management plans have identified relief shelters etc. their suitability may be explored. We may have to be prepared for continuing this facility for a longer period, hence, requirements for drinking water, sanitation, common kitchen, storage etc. in the shelters, may also be kept in mind.

Provision of food packets to the vulnerable groups can be explored through various means including spare capacities in prison kitchens, NGOs (including large scale meal providers such as mid-day meal scheme vendors) IRCTC facilities taken by Government including provision of free food grains and other essential items through the public distribution system may be brought to their notice and its distribution streamlined.

Similarly, steps may be taken to ensure that other categories such as students, working women hostel inmates etc., are also allowed to continue in their existing facilities with all precautions. It is necessary that hotels, rented accommodation etc., continue to remain open and functional and delivery of essential services be streamlined.



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## ANNEXURE P-3

**G.V.V. Sarma, IAS**

**Member Secretary**

**Government of India**

**Ministry of Home Affairs**

**National Disaster Management Authority**

**No. 1-137/2018-mit.1 dated 28<sup>th</sup> March, 2020**

To All State / UT Relief Commissioners/SDMAs

Sir,

1. Kind attention is invited to the decisions of the video conferences held under the chairmanship of Members of NDMA regarding the role of SDMAs/DDMAs in handling Covid-19 pandemic.
2. We need note that while medical and pharmacological response activities are performed by the State Health Departments under the guidance of Ministry of Health and Family Welfare, the aspects of Situation Awareness and Resource Awareness have to be handled by the SMDAs and DDMAs, like we do in any other disaster. The response activities have to be coordinated in a planned manner with this awareness.
3. Following measures are suggested for SDMAs/SEOCs for adoption and immediate implementation:
  - (a) Functioning of SEOC/DEOCs:
    - Should be the nodal point of information and management of the disaster, with particular reference to non-medical matters.
    - Should be manned 24x7.
    - Flow of information:
      - Should be in constant communications with districts and below.

- Receive, analyse, collate and disseminate information to all stakeholders in time. This information needs to flow both horizontally as well as vertically.
  - Send a situation report to NDMA as per the specified frequency and format.
  - Dedicates means of communications: CEOCs should have their own dedicated email ids.
  - Contact details of DDMA: States / SEOCs must share the contact details of the nodal officer in every DDMA with the MHA and NDMA forthwith, to facilitate assistance in case of local emergencies.
- (b) Inter-agency Coordination: The SDMA, using information provided by the SEOC, should be the nodal agency for inter-agency coordination on non-medical aspects of disaster response for Covid-19.
- (c) Community Awareness: Much work needs to be done to improve community awareness, while implementing the social distancing order additionally, awareness of details of Government orders and schemes needs to be actively percolated especially to the not legible.
- (d) Proactive Planning: The SDMA/Relief Commissioners need to anticipate emerging criticalities and undertake proactive measures. They should share preparedness plans as they are evolved, the action taken and envisioned, gaps in the response, assistance needed from central agencies, etc.

- (e) Coordination with NGOs: Civil society and a number of NGOs have come forward to help. They need to be facilitated in their endeavor, and their efforts coordinated and used optimally in order to achieve synergy. Frequent communication and coordination is therefore required with them. Relevant information must be shared with them.
- (f) Coordination with industry: The industry has come forward in a big way to help. They lack guidance and information on what is needed and where. A close coordination needs to be established to facilitate CSR activities and manufacturing / supply of critical items that may be helpful to combat the challenge.
- (g) Coordination with neighbouring states: A number of inter – state issues are being referred to MHA for resolution. Proactive coordination with neighbouring states, particularly at state to state and contiguous district levels, will help resolve these problems faster.
- (h) Issues relating to migrant workforce and stranded tourists: SEOC must act as a single point of contact on all migrant workforce related issues. These persons must be taken care of as per the NDMA Guidelines for temporary shelters, with the modification of maintain physical distance of at least one metre between any two persons. NDMA guidelines on minimum standards of relief should be adhered to.



(i) Humane Approach:

It is recommended that the police and the administration adopt a humane approach in dealing with the public, particularly those who are left adrift by the lockdown. Enforcement of laid down restrictions must be tempered with compassion and a sense of duty of care for our citizens. There is also a need to ensure communicating that contacting COVID-19 must not be treated as a stigma.

(j) Health and Well-being – Personnel of the Administration:

This is of paramount importance. While performing their duties all officers and staff must follow the 'do's and don't's' for preventing the spread of COVID-19. Their behavior should be a model for the general public to emulate.

It is hoped that these issues will receive your utmost attention. We shall be happy to receive feedback.

Your sincerely

Not Legible



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**ANNEXURE P-4****AJAY BHALLA, IAS****Home Secretary  
Government of India  
North Block,  
New Delhi****D.O. No. 40-3/2020-DM-I(A)****Dated 29<sup>th</sup> March, 2020**

Dear Chief Secretary,

Kindly refer to my DO letter of even no 24<sup>th</sup> March, 2020 wherein an order dated 24.03.2020 under Section 10 (2) (1) of the Disaster Management Act, 2005 along with lockdown measures to be taken by Ministries and Departments of Government of India, and State Governments / Union Territories, to contain the spread of COVID-19 in the country was issued. This was followed by two addendum orders dated 25.03.2020 and 27.03.2020 to the guidelines on lockdown measure.

2. The consolidates guidelines, by incorporating changes made through the two addendums, on the lockdown measure to the order dated 24.03.2020 is available at <https://mha.govin/sites/default/filesPR> consolidated guidelines of MHA 28.03.2020 pdf.

3. I would further like to clarify that:

- a. With the issue of 1<sup>st</sup> addendum, transportation of all goods, without distinction of essential and non-essential, have been allowed.
- b. 'Pension' under exemptions to clause 2 (g), include pension and provident fund services provided by Employees Provident Fund Organization (EPFO).

- c. Services of Indian Red Cross Society are also included under clause 3.
  - d. Groceries include hygiene products such as hand washes, soaps, disinfectants, body wash, shampoos, surface cleaners, detergents and tissue papers, toothpaste / oral care, sanitary pads and diapers, batter cells, charges etc.
  - e. Entire supply chain of milk collection and distribution, including its packaging material is allowed.
  - f. Newspaper delivery supply chain is also allowed under print media.
4. I would also like to inform that the Central Government has also allowed use of SDRF for homeless people, including migrant labourers, stranded due to lockdown measures, and sheltered in the relief camps and other places for providing them food etc., for the containment of spread of Covid-19 virus in the country.
5. MHA has issued another order today under the DM Act 2005, for issuing directions to district authorities, for strict implementation of additional measures to stop the movement of migrants and providing them with quarantine facilities, shelters, food etc. and ensuring payment of wages and non-eviction by their landlords. Its strict implementation need to be ensured.
6. District authorities and field agencies may please be informed accordingly so as to avoid any ambiguity at the ground level.

With kind regards,

Yours sincerely,  
(Ajay Kumar Bhalla)

To  
Chief Secretaries of All States

  
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**ANNEXURE P-5**

ITEM NO.1 + 2

COURT NO.0  
(VIRTUAL COURT)

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

Writ Petition(s)(Civil) No(s).468/2020

ALAKH ALOK SRIVASTAVA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(WITH IA No. 48211/2020 - EXEMPTION FROM FILING O.T. AND IA No. 48209/2020 - INTERVENTION APPLICATION AND IA No. 48210/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Writ Petition(s)(Civil) No(s). 469/2020

Date : 31-03-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Petitioners-in-person

For Respondent(s)/ Mr. Tushar Mehta, Ld. SG  
Applicant(s) Mr. B.V. Balaram Das, AOR

Ms. Mithu Jain, AOR (Not Present)

UPON hearing the counsel the Court made the following  
O R D E R

The petitioners-in-person who are Advocates practising in this Court have filed the instant writ petitions in public interest for redressal of grievances of migrant labourers in different parts of the country.

Signature Not Verified  
Digitally signed by  
SANJAY KUMAR  
Date: 2020.03.31  
20:37:49 IST  
Reason: —

As the issues raised in both the writ petitions are similar, we have taken up both the writ petitions together.

In the above writ petitions, the petitioners have highlighted the plight of thousands of migrant labourers who along with their families were walking hundreds of kilometres from their work place to their villages/towns.

The concern of the Petitioners pertains to the welfare of the migrant labourers. They are seeking a direction to the authorities to shift the migrant labourers to government shelter homes/accommodations and provide them with basic amenities like food, clean drinking water, medicines, etc.

The writ petitions were listed on 30.03.2020 when we directed Mr. Tushar Mehta, learned Solicitor General appearing for the respondent - Union of India, to submit the response of the Union of India. A status report has been filed on behalf of Union of India today.

The respondent - Union of India has referred to various steps that were taken to prevent the spread of Corona virus [COVID 19]. Reference is made to the institutional response regarding the management of the spread of the disease scientifically at the highest level. Early steps taken by the Government of India to prevent the spread of Corona Virus have been highlighted in the Status Report. It is mentioned in the Status Report that an expert group has been constituted under Dr. Vinod Paul, Member, NITI Aayog to provide guidance for prevention of the spread of the Virus in the country. Experts from cross sections in the medical field and public health fraternity are members of the said Expert Committee.

Various other measures taken by the Central Government in dealing with the needs of the lower strata of the society by providing basic amenities viz., food, clean drinking water, medicines, etc. have been dealt with in the status report.

Apart from the announcement of the relief package totalling Rs.1.70 lakh crore under Pradhan Mantri Garib Kalyan Yojana, the Status Report refers to other schemes which were formulated to ensure that the persons in need are taken care of.

In the instant writ petitions, we are concerned about the migrant labourers who have started leaving their places of work for their home villages/towns located at distant places. For example, thousands of migrant labourers left Delhi to reach their homes in the States Uttar Pradesh and Bihar, by walking on the highways.

We are informed that the labourers who are unemployed due to lock down were apprehensive about their survival. Panic was created by some fake news that the lock down would last for more than three months.

The initial reaction of the State Governments and the Union Territories was to transport migrant labourers from their borders to their villages. Later, on 29.03.2020 the Ministry of Home Affairs has issued a Circular prohibiting movement as transportation of migrant labourers in overcrowded buses would cause more damage than help to the migrant labourers. The very idea of lock down was to ensure that the virus would not spread. It was felt that transportation of migrant labourers would aggravate the problem of spread of the Virus. In such view, the movement of

migrant labourers was prohibited and a direction was given to the State Governments to stop the migrant labourers wherever they were and shift them to nearby shelter homes/relief camps. A further direction was issued to the District Collectors/Magistrates to ensure that medical tests were done and the migrant labourers be provided with basic amenities like food, clean drinking water, medicines, etc. in the shelter homes.

During the course of hearing, the Solicitor General of India made a statement that the information received by the Control Room today at 2.30 A.M. showed that 21,064 relief camps have been set up by various State Governments/Union Territories where the migrant labourers have been shifted and they are being provided with basic amenities like food, medicines, drinking water, etc. According to the Status Report, 6,66,291 persons have been provided shelters and 22,88,279 persons have been provided food.

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.

The National Disaster Management Authority has also issued an advisory on 28.03.2020 suggesting various measures to be taken by the State and District Emergency Operation Centres. One of the

issues highlighted in the said advisory is that the police and the other administrative authorities have to adopt a humane approach in dealing with migrant workers and stranded tourists.

The Solicitor General of India has also referred to the Status Report to make a submission that the exodus of migrant labourers was triggered due to panic created by some fake/misleading news and social media.

The Status Report refers to an advisory given by the Government of India on 24.03.2020 to the authorities to effectively deal with rumour mongering.

While informing this Court about the steps taken by the Government of India to ensure that the migrant labourers are being shifted to nearby shelters/relief camps from place they were found to be walking and basic amenities being provided to them, the Union of India has sought a direction from this Court to the State Governments and the Union Territories to implement the directions issued by the Central Government. A further direction was sought to prevent fake and inaccurate reporting whether intended or not, either by electronic print or social medial which will cause panic in the society.

Having considered the submissions made by the petitioners-in-person and the learned Solicitor General of India and upon perusal of the Status Report filed on behalf of the respondent - Union of India, we are satisfied with the steps taken by the Union of India for preventing the spread of Corona Virus [COVID 19] at this stage.



As stated above, we are concerned in these writ petitions mainly with the welfare of the migrant labourers. The circular issued by the Ministry of Home Affairs on 29.03.2020 has been implemented by the various State Governments/Union Territories. The mass migration has stopped according to Union of India. All the migrant labourers who were on the road have been shifted to relief camps/shelter homes which are set up at various points in each State/Union Territory. The directions issued by the Union of India and the State Governments/Union Territories to provide all basic amenities like food, drinking water, medicines, etc. to the migrants are being complied with by the concerned District Collectors/Magistrates.

Dr Tedros Adhanom Ghebreyesus, Director General, World Health Organisation (WHO), recently stated as under:

*"We are not just fighting an epidemic; we are fighting an infodemic. Fake news spreads faster and more easily than this virus, and is just as dangerous."*

The migration of large number of labourers working in the cities was triggered by panic created by fake news that the lock down would continue for more than three months. Such panic driven migration has caused untold suffering to those who believed and acted on such news. In fact, some have lost their lives in the

process. It is therefore not possible for us to overlook this menace of fake news either by electronic, print or social media.

Section 54 of the Disaster Management Act, 2005 provides for punishment to a person who makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic. Such person shall be punished with imprisonment which may extend to one year or with fine.

Disobedience to an order promulgated by a public servant would result in punishment under section 188 of the Indian Penal Code. An advisory which is in the nature of an order made by the public authority attracts section 188 of the Indian Penal Code.

We trust and expect that all concerned viz., State Governments, Public Authorities and Citizens of this country will faithfully comply with the directives, advisories and orders issued by the Union of India in letter and spirit in the interest of public safety.

In particular, we expect the Media (print, electronic or social) to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated. A daily bulletin by the Government of India through all media avenues including social media and forums to clear the doubts of people would be made active within a period of 24 hours as submitted by the Solicitor General of India. We do not intend to interfere with the free discussion about the pandemic, but direct the media refer to and publish the official version about the developments.

It is well known that panic can severely affect mental health. We are informed that the Union of India is conscious of the importance of mental health and the need to calm down those who are in a state of panic.

Learned Solicitor General of India states that within 24 hours the Central Government will ensure that trained counsellors and/or community group leaders belonging to all faiths will visit the relief camps/shelter homes and deal with any consternation that the migrants might be going through. This shall be done in all the relief camps/shelter homes wherever they are located in the country.

The anxiety and fear of the migrants should be understood by the Police and other authorities. As directed by the Union of India, they should deal with the migrants in a humane manner. Considering the situation, we are of the opinion that the State Governments/Union Territories should endeavour to engage volunteers along with the police to supervise the welfare activities of the migrants. We expect those concerned to appreciate the trepidation of the poor men, women and children and treat them with kindness.

List the matters on 07.04.2020.

(SANJAY KUMAR-II)  
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER

*MS*  
*// True Copy //*

## ANNEXURE P-6

**NDTV**

**Desperate For Some Work, Any Money: Plight Of Migrant Workers  
In Cities**

India's formal economy -- the part that can be measured through tax receipts -- was just starting to show some signs of bottoming out after a poorly conceived ban on high-value currency, new sales tax and shadow banking crisis had hobbled growth in recent years.

All India(c) 2020 Bloomberg Anirban Nag, Bloomberg Updated: April 07, 2020 11:48 am IST

Chandrakant Thakur ekes out a living by zooming around Mumbai on his beaten up scooter dodging pedestrians, street dwellers, cars and sometimes cows to deliver meals. Now, with the streets eerily empty amid the city's virus lockdown, he faces a stark choice: stay and survive on half his regular pay or return to his family in the state of Bihar.

"If the virus doesn't get me, hunger will," said the 28-year-old. While his income from delivering dishes like chicken curry and fried rice has been as low as 300 rupees (\$4) a day recently -- barely enough to survive on -- he's going to stick it out for now in the nation's financial capital as the outlook in his home province is even grimmer.

India's formal economy -- the part that can be measured through tax receipts -- was just starting to show some signs of bottoming out after a poorly conceived ban on high-value currency, new sales tax and shadow banking crisis had hobbled growth in recent years. Then the virus came,

prompting an unprecedented 21-day lockdown of 1.3 billion people to prevent its spread.

It's gig workers and migrants like Chandrakant Thakur, many of whom work in the informal sector, that are the most vulnerable. Hundreds of thousands of them decided to leave for their homes before the lockdown kicked in on March 25, sparking an exodus that many are making by foot back to their villages -- a scene reminiscent of the days immediately after India's independence in 1947.

"India's large informal sector is likely to be the worst hit," said Pranjul Bhandari, chief India economist at HSBC Holdings Plc in Mumbai.

"Informal firms have insufficient access to formal finance and can go into distress quickly when cash flow becomes irregular."

In Delhi, the usual hustle and bustle of business on the roads and in markets has fallen silent -- the little shops and food vendors on the sidewalks are gone and almost every shop except the odd grocery store or pharmacy in usually crowded shopping areas is shut. It's a similar scene in Mumbai, where the few people who do venture out maintain distance from each other in queues at grocery shops, which are exempt from the lockdown.

Informal enterprises -- the so-called parallel economy -- account for around 85% of overall employment and around 40% of GDP. As millions are reduced to subsistence living, and even worse in some cases,

consumption is set to spiral lower, weighing on a sector that makes up some 60% of India's economy.

It's yet another headwind for Prime Minister Narendra Modi's dream of doubling the size of the economy to \$5 trillion by 2024. In a bid to cushion the blow, the government has announced cash support for informal sector workers and PM Modi has even made a rare apology for the hardships they face.



//True Typed Copy//

**India.com**

**Lockdown Hardship: Left With no Option, Migrant Workers Pick**

**Rotten Bananas Near Delhi's Cremation Ground**

This comes at a time when several migrant workers across the country are facing hardships and battling severe financial distress amid the COVID-19 lockdown.

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Updated: April 15, 2020 9:49 PM IST

**New Delhi:** In a disheartening incident, a group of men, on the banks of the river Yamuna in Delhi, were on Wednesday afternoon spotted picking discarded bananas. According to an *NDTV* report, these men had scavenged the edible bananas from the trash lying near Nigambodh Ghat, one of the main cremation grounds in the capital. Also Read - Lockdown 2.0: After Bandra, Surat Incidents, Delhi Govt Shifts Migrant Workers to Night Shelters

This comes at a time when several migrant workers across the country are facing hardships and battling severe financial distress amid the COVID-19 lockdown. Also Read - After Bandra Incident, Kejriwal Addresses Delhi's Migrant Workers, Says 'No One Can Take You to Your Village'

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Read - Lockdown 2.0: After Bandra, Surat Incidents, Delhi Govt Shifts Migrant Workers to Night Shelters

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The video, that went viral on social media platforms, showed a man trying to scoop a few sips of milk flowing on the road while a pack of dogs lapped it up a few metres away.

Thousands of needy people, including daily wage earners and migrant workers, have been left without food and shelter during the lockdown which is in place to curb the spread of the deadly coronavirus infection. While the government is known to be ensuring regular supply of food for them, a study showed that more than 1.3 billion people lack food security, forcing them to find other means to procure nutrition.



//True Typed Copy//



NDTV

**12-Year-Old Walks 3 Days Amid Lockdown, Dies Just An Hour From Home**

The girl, native of Bijapur district in Chhattisgarh had set out on the long journey on April 15, along with 11 others who worked with her on the chilli fields at a village in Telangana.

All India Reported by Anurag Dwary, Edited by Deepshikha Ghosh  
Updated: April 24, 2020 09:04 pm IST

**Bijapur, Chhattisgarh:**

A 12-year-old girl died after walking nearly 150 km from Telangana to her native Bijapur district in Chhattisgarh, desperate because of the extended nationwide lockdown to fight coronavirus. Jeeta Madkami, who worked in chilli fields to earn for her family, collapsed and died just an hour away from her village.

The only child of her parents, she had set out on the long journey on April 15, along with eight women and three more children who worked with her at a village in Telangana. The group had walked for three days, cutting through forests to avoid the highway.

Jeeta was around 14 km from home on Saturday afternoon when, after a meal, she felt an excruciating pain in her stomach. Finally, her body was taken to her home in a government ambulance.

Doctors say she was severely dehydrated and malnourished. "Her coronavirus tests came out negative. She may have suffered electrolyte imbalance in her body too," said BR Pujari, senior district medical officer.

The girl's father, Andoram Madkam, said she had been working in Telangana for two months. "She had walked for three days. She suffered from vomiting and stomach ache," he said. Some members of the group said she had not been eating well.

The state government has announced Rs 1 lakh compensation for the girl's family.

Thousands of migrant workers, stuck far from home during the lockdown and left without jobs and shelter, have attempted long journeys on foot out of despair.

The movement of crowds of migrants, which defeated the purpose of lockdown and the critical need for social distancing to avoid COVID-19 infection, was stopped by state governments who promised to look after their food and shelter.

Telangana had also announced Rs 500 and wheat and rice for migrants, but apparently, it didn't reach Jeeta.

Stories of poor families crammed into tight spaces and surviving on not-so-regular meals have still been emerging from parts of the country. India has 18,601 coronavirus cases; 590 have died.



//True Typed Copy//

**ANNEXURE P-9**

**No.40-3/2020-DM-I (A)**  
**Government of India**  
**Ministry of Home Affairs**

North Block, New Delhi-110001  
 Dated 29<sup>th</sup> April, 2020

**ORDER**

In continuation of Ministry of Home Affairs's Orders No.40-3/2020-DM-I(A) dated 15<sup>th</sup> April, 2020, 16<sup>th</sup> April, 2020, 19<sup>th</sup> April 2020, 21<sup>st</sup> April 2020 and 24<sup>th</sup> April 2020 and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby orders **to include** the following in the consolidated revised guidelines for strict implementation by Ministries /Departments of Government of India, State/Union Territory Governments and State /Union Territory Authorities:

**Sub-clause (iv) under Clause 17 on Movement of persons:**

- iv. Due to lockdown, migrant workers, pilgrims, tourists, students and other persons are stranded at different places. They would be allowed to move as under:
  - a. All States/ UTs should designate nodal authorities and develop standard protocols for receiving and sending such stranded persons. The nodal authorities shall also register the stranded persons within their States/ UTs.
  - b. In case a group of stranded persons wish to move between one State/ UT and another State/ UT, the sending and receiving States may consult each other and mutually agree to the movement by road.
  - c. The moving person (s) would be screened and those found asymptomatic would be allowed to proceed.
  - d. Buses shall be used for transport of groups of persons. The buses will be sanitized and shall follow safe social distancing norms in seating.
  - e. The States/ UTs falling on the transit route will allow the passage of such persons to the receiving State/ UT.
  - f. On arrival at their destination, such person(s) would be assessed by the local health authorities, and kept in home quarantine, unless the assessment requires keeping the person(s) in institutional quarantine. They would be kept under watch with periodic health check-ups. For this



purpose, such persons may be encouraged to use **Aarogya Setu** app through which their health status can be monitored and tracked.

The guidelines of the Ministry of Health and Family Welfare (MoHFW) on Home Quarantine, dated 11.03.2020 may be referred to in this regard, which are available at <https://www.mohfw.gov.in/pdf/Guidelinesforhomequarantine.pdf>.

  
29/04/2020  
Home Secretary

To: (As per list attached)

1. The Secretaries of Ministries /Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories

Copy to:

- i) All members of the National Executive Committee.
- ii) Member Secretary, National Disaster Management Authority.

*11 Time Copy*

## ANNEXURE P-10

**NHRC notice to the Chief Secretary, Government of Maharashtra and the District Magistrate, Aurangabad over mowing down of 16 migrant workers by a goods train (08.05.2020)**

**New Delhi, 08 May, 2020**

The National Human Rights Commission, NHRC, India has issued notices to the Chief Secretary, Government of Maharashtra and the District Magistrate, Aurangabad after taking suo motu cognizance of media reports about mowing down of 16 migrant workers by an empty goods train in the early hours today on 08th May, 2020. The incident happened between Badnapur and Karmad stations in Nanded Division.

The officers have been directed to submit a detailed report, within four weeks in to the incident. It should also include details of the steps taken by the State and the district authorities to provide food, shelter and other basic amenities to the poor people, especially the migrant labourers, who are facing extreme difficulties from every angle. The details of the relief and rehabilitation provided to the victim labourers and their dependents along with status of the medical treatment provided to the injured is also required to be given in the report.

The Commission has observed that prima facie, the mishap can be termed as a train accident as normally it is not expected by anyone that some people will be sleeping on the railway tracks. However, the crucial aspect is that the poor labourers, who were already facing many hardships amid countrywide lockdown, were forced to walk on foot for a very long distance due to non-availability of any mode of transport, lost their lives due to apparent negligence by the district administration. Had some

arrangements been made for their shelter or halt during their tiring journey, the painful tragedy could be averted.

The Commission in its recent orders passed in different cases has observed and expressed that there is a need for the government agencies to deal with the situation arising out of country wide lockdown, very sensibly, particularly the people belonging to vulnerable sections of the society. Death of poor migrant labourers in such a painful tragedy is indeed an issue of violation of human rights.

According to the media reports, fourteen labourers died on the spot and two others succumbed to injuries later. The workers, who were walking to Bhusawal from Jalna to board a "Shramik Special" train to return to Madhya Pradesh, were sleeping on the railway line when the mishap occurred between Badnapur and Karmad stations in Nanded Division. Reportedly, about 20 workers were walking from Jalna to Bhusawal, which is about 150 kilometers. They stopped after walking for about 45 kilometers to take some rest and fell asleep on the tracks. At around 5:15 AM, a goods train ran over them. The loco pilot, as mentioned in the news report, had noticed some persons along the tracks. He honked and also tried to stop the train but failed to contain the speed before hitting the victims lying on the tracks. An inquiry in the matter has been ordered by the Ministry of Railways.



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## ANNEXURE P-11

**NHRC notices to the Maharashtra Chief Secretary and DG (Prisons)  
over allegations of wrong interpretation of Supreme Court Order  
about releasing the prisoners in the wake of Covid-19 (14.05.2020)**

**14th May, 2020, New Delhi**

The National Human Rights Commission, NHRC, India has taken cognizance of a complaint that the Government of Maharashtra has adopted an inappropriate approach about the release of prisoners, which may lead to infecting many prisoners with Covid-19. The complaint has been filed by the Commission's Prison Monitor, Ms. Maja Daruwala.

Allegedly, the policy adopted by Maharashtra Government to decongest jails has arisen due to misinterpretation of directions given by the Supreme Court in the matter. Allegedly random tests conducted on 144 prisoners in the Arthur Road Jail, 103 were found positive including 26 members of the staff. The complainant has requested for the intervention of the Commission to ensure the well-being of the prisoner. Several suggestions have been given in her communication.

The Commission has observed that it is aware of the fact that in many jails, the prisoners as well as the staff members have fallen prey to the Covid-19 virus due to overcrowding, lack of manpower and medical facilities.

Accordingly, it has sent a copy of the complaint to the Chief Secretary and the DG (Prisons), Maharashtra calling for a detail report in the matter within four weeks.

The report should be submitted to the Commission in a format giving details of all the jails in the State of Maharashtra mentioning capacity of the jail, number of prisoners presently lodged, number of prisoners found positive for Covid-19, number of prisoners kept under quarantine, number of prisoners died due to Covid-19 illness and steps being taken by the State prison authority to ensure safety of the prisoners and the personnel working at the jails across the state.

According to the complaint on 23.03.2020, the Supreme Court has directed all the States and UTs to constitute a high powered committee to decide which class of prisoners will be released in order to decongest the jails by way of bail or parole etc. The directions have been given due to spread of Covid-19 inside various jails and to maintain social distancing, at the maximum.

She has mentioned that 60 jails in the State of Maharashtra have 36,000 inmates against the available capacity of 24,095. Only, the Yerwada Central Prison in Pune which is one of the largest prisons of the State, houses over 6,000 inmates against available capacity of 2,500. It is also mentioned that a large number of posts are lying vacant in these prisons, including medical staff.



//True Typed Copy//



## ANNEXURE P-12

**NHRC notice to the Chief Secretary, Haryana and the Police Commissioner, Gurugram over reports of improper police action in the matter of a Manipuri girl, subjected to racial abuse and beating by some locals in the city (15.05.2020)**

**New Delhi:15th May,2020**

The National Human Rights Commission, NHRC, India has taken suo motu cognizance of media reports that a 20-year-old girl hailing from Manipur, was subjected to racial discrimination and brutally attacked by some locals from Faizapur, Gurugram in Haryana just for passing through the locality on Sunday afternoon. Reportedly, she was eventually saved by some people, and police was called. But the police officials who reached the spot asked the victim to compromise. The victim then had to call the North East Support Centre & Helpline (NESCH). The NESCH members reached the spot at 8:30 PM and then only the statement of the victim was recorded for registration of an FIR.

The Commission has observed that the contents of the media reports, if true, amount to serious issue of violation of human rights of the victim. The police instead of initiating the requisite legal process, asked the victim to compromise. Accordingly, a notice has been issued to the Chief Secretary, Government of Haryana and the Commissioner of Police, Gurugram calling for a detailed report in the matter, within four weeks along with status of the investigation being conducted by the police after registration of the FIR and relief/counselling provided by the authorities to the victim. The Commission would also like to know about present

health condition of the victim and the status of the medical treatment being provided to her by the district authorities.

The Commission further observed that it is disgusting that a woman from North-Eastern part of her own country has been subjected to racial discrimination and physical assault by a local family in the NCR region . Apparently, the police personnel failed to do justice with the situation and take necessary action. They should have realized the impact of trauma and mental agony, the woman was undergoing due to the tragic incident.

According to the media reports, the victim was stopped by an elderly woman, who rudely interrupted her from passing through the road stating that it was a private property. The old woman reportedly abused her in a racial tone and as the altercation started the victim was called "corona". In the meantime, the other family members also came out and started beating the victim with sticks. The woman, who was also hit on her head, was somehow saved by some local people and the police was called. Reportedly, the victim is presently undergoing medical treatment and her CT scan results are awaited.



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## ANNEXURE P-13

📁 Lockdown displaces lakhs of migrants

## Coronavirus lockdown | Image of a weeping Rampukar Pandit becomes symbol of India's migrant worker tragedy



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PTI

NEW DELHI, MAY 17, 2020 22:42 IST

UPDATED: MAY 17, 2020 22:59 IST

**Mr. Pandit, a construction worker, was stuck in Delhi for three days and could not see his dying son in Bihar.**

Rampukar Pandit, who became a snapshot of India's migrant tragedy with his photograph sobbing by a road in Delhi, is back in Bihar, broken at not being able to see his son before he died.

"We labourers have no life, we are just a cog in the wheel, spinning continuously until we run out of life," the 38-year-old said.

## ALSO READ

Lockdown  
displaces lakhs  
of migrants

The construction labourer, who worked at a cinema hall site in Delhi, was spotted weeping as he talked on the phone by the side of the Nizamuddin Bridge in Delhi by PTI photographer Atul Yadav on May 11. The powerful image of the distraught man, struggling to reach home in Begusarai, almost 1,200 km away during the lockdown, was widely shared across all media. Mr. Pandit had been stuck there for three days before help arrived.

When the photograph was taken, he said he was anguished at the thought that he might not get home on time to see his baby. Shortly after the photo was taken, his son, who had not yet turned one, died. "I pleaded to the police to let me go home but none helped," he told PTI over the phone. "One policeman even said, 'Will your son become alive if you go back home. This is lockdown, you can't move'"

A woman in Delhi and a photographer — he did not know Mr. Yadav's name — were his saviours, he said. "A journalist asked why I was so upset and tried to help me by taking me in his car, but the police did not allow him. The woman gave me food, ₹5,500 and booked my ticket in the special train, and that's how I reached home."

"The rich will get all the help, getting rescued and brought home in planes from abroad. But we poor migrant labourers have been left to fend for ourselves. That is the worth of our lives," he said. "*Hum mazdooron ka koi desh nahin hota* (We labourers don't belong to any country.)"

## ALSO READ

Coronavirus  
lockdown | On  
unforgiving  
road, till death  
did them apart

Mr. Pandit, who also has three daughters, said he had named his son Rampravesh, as his name also has a Ram in it. "Will a father not want to go home and even mourn the death of his son, with his family?"

Mr. Pandit, who moved to Delhi's Uttam Nagar during his childhood along with his uncle to eke out a living, still hasn't managed to meet his family.

screening facility and kept there overnight. In the morning, a bus took us to a school just outside Begusarai town, and since then I am here," he said.

He still doesn't know when he will be reunited with his family.

Mr. Pandit is now at a quarantine centre on the outskirts of Begusarai. "My wife, who is unwell, and my three daughters, are waiting for me. The wait just doesn't seem to end," he said.

Fortunately, he has found a friend in his hour of grief.

Ghanshyam Kumar, 25, his neighbour in his village Bariarpur, is also quarantined in the same school.

"I work as a labourer in Kanpur, and reached the U.P.-Bihar border after taking a bus, and from there a train. At the station, I recognised Rampukar. Grief tears us apart, and sometimes unites us too," he said.

### A letter from the Editor

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Dear reader,

We have been keeping you up-to-date with information on the developments in India and the world that have a bearing on our health and wellbeing, our lives and livelihoods, during these difficult times. To enable wide dissemination of news that is in public interest, we have increased the number of articles that can be read free, and extended free trial periods. However, we have a request for those who can afford to subscribe: please do. As we fight disinformation and misinformation, and keep apace with the happenings, we need to commit greater resources to news gathering operations. We promise to deliver quality journalism that stays away from vested interest and political propaganda.

**SUPPORT QUALITY JOURNALISM**

Printable version | May 21, 2020 11:03:19 AM |

<https://www.thehindu.com/news/national/rampukars-tears-shock-humanity/article31609524.ece>

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## ANNEXURE P-14

## INDIA TODAY

**Bhag yahan se: Locals treated us like dogs, migrant workers recall journey of over 1,000 km**

*Some have been walking for five days, while, some have embarked on the tedious journey to their hometowns 10 days ago. Having walked hundreds of kilometers, the migrant labourers have lost count of the distance they have covered. All they wish right now is to reach home. Alive.*

May 17, 2020

UPDATED: May 17, 2020 15:24 IST

Seventy-two-year-old Kapil Dev Singh is sitting on the highway, sipping water to quench his thirst as the scorching sun rips him apart with the heat and sweat.

After walking more than 1,000 km at this age, he has forgotten how much distance he has covered in the last five days of his journey from Telangana to Bengal. Even though, he has travelled more than 1,400 km, lost all his savings, a hard 600-km journey is still left before he can reach his home in Bihar.

Kapil Dev had been working as a cook and doubling up for miscellaneous work at a rice mill in Khammam area of Telangana. The mill stopped operations during the lockdown and the workers were left to fend for themselves.

For more than a week he, along with his other workers from different parts of eastern India, have reached out to the administration only to receive no response. It was after a fortnight of local struggle that they decided to begin the journey to their homes on foot.

They left all their belongings, sold whatever they could to get some cash and left Telangana with a heavy heart.

"I have been walking for five-six days. The only option I have is to walk until I reach home. if you ask me how many kilometers I have walked, I have left keeping a track of it now. I am told we have travelled 1,400 km till now. My only fault is that I am poor. I will get food only till I work, so, I was not getting anything in my workplace. I am so poor that I cannot buy food also. I only know I have to reach Khagaria near Bhagalpur somehow, alive," a distraught Kapil Dev Singh said. Many like Kapil Dev are walking on highways in an effort to reach home.

Another labourer, Saheb Mullick, also narrated his ordeal: "My factory had shut, however, the state government said they will provide food. Bur, there was only one meal a day. In fact, the food and water given to us was so bad in quality that we would fall sick.

"I have wasted days standing in queues to get a token but nothing happened. Police dispersed us. The locals even treated us like dogs and shooed us away saying "Bhag yahaan se! [Run away from here]."

Anarul Sheikh, a resident of Mushidabad said, "We started on May 8 and now we are entering the 10th day of walking. We have been walking nonstop and eating like beggars. Whatever we get to eat. We do not have money to even hire a vehicle and reach home. Our family is now worried about whether we are safe and alive. We have nothing left. We used to work with carpenters and assist them. We had no work for more than one month. We kept asking administration and they said they will let us know. They said police will go to our rooms and inform us but nothing

happened. The food was given only once a day. We have already walked around 1,000 km and there is no strength left in me to walk any further. I have no money to even buy a cup of tea or a packet of biscuit."

With factories shutting down and no future guarantee, these labourers are walking back home. According to a latest order, the migrant workers must be provided vehicles to return their hometowns and should not be seen on highways, hence, police and political leaders are now seen at various checkpoints arranging vehicles for them.

Tufaan Kabiraj, a resident of Nadia district returning from Telangana said, "We are begging, borrowing and requesting people for some food and money. Our condition is worse than street dogs. I don't know what sin my ancestors or I have committed that we are having to go through this."

Many are walking knowing that this will end soon even if they do not know how soon.



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## ANNEXURE P-15

NDTV

**Migrants Boarded Bus To UP, Dropped At Shelter Home In Sonipat Instead**

Sanjay G, the CEO of the Zilla Parishad, Sonipat, who is coordinating the operation to send migrant labourers back to their home states, said only 30 buses were to go to Uttar Pradesh and each bus was to carry only 30 people.

All India Press Trust of India Updated: May 19, 2020 11:14 pm IS  
**New Delhi/Sonipat:**

After waiting for 14 hours, hundreds of migrant workers from Uttar Pradesh boarded buses from Sonipat but the promised ride home never did happen and they were dropped off at a shelter home in the Haryana town itself.

Kuldeep Kumar was one of those who got on to a Haryana Roadways Transport Corporation bus from Kundli Industrial area on the Delhi-Haryana border at 7.30 pm on Monday, happy the daylong wait had finally ended and he and his family would be home the next morning.

Instead, much to their shock - and disappointment -- the bus stopped at Sonipat's Shambhu Dayal College, a makeshift shelter home, just a few kilometres away. And that's where the 22-year-old, his wife Aarti and his 10-month-old daughter Divyanshi were on Tuesday.

"We have no idea what is happening. I thought I will be home by now. Nobody is telling us how long we have to be here," Mr Kuldeep told PTI over the phone.

There are almost 600 others with mR Kuldeep, locked within the confines of the temporary shelter home at the college and other "homes" nearby.

Officials handling the massive rush of migrants returning home on Monday said they were left with no option.

"Some buses did leave for Uttar Pradesh. The Uttar Pradesh government had permitted the entry of only a certain number of buses. But more people reached than what had been permitted, so people (migrant labourers) were kept in a shelter home," explained Ashutosh Rajan, sub-divisional magistrate, Sonipat.

An increasingly frantic Kuldeep Kumar, who lost his job as a loader at the Kundli Industrial Estate, said he can't go back to his rented accommodation in Sersa village nearby because his landlord had ordered him not to return, fearing he would bring with him the coronavirus infection.

The village headman had announced that the government had made arrangements for migrant labourers to go back to their home state Uttar Pradesh. And Mr Kuldeep took them at their word.

600-700 migrants and their family members have been sent to different shelter homes. (Representational)

#### **New Delhi/Sonipat:**

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The village headman had announced that the government had made arrangements for migrant labourers to go back to their home state Uttar Pradesh. And Mr Kuldeep took them at their word.

So, on Sunday, he settled his dues with his landlord. And at the crack of dawn on Monday, around 5 am, left Sersa village for the Kundli Industrial Area a short distance away with his wife and baby.

There were hundreds of others like him. It was a long wait in the scorching heat. When he finally boarded the bus at 7.30, they were assured they will be taken to Rae Bareli.

His woes have only aggravated since then.

He said his family have been allocated a room in the college along with another family. There are no facilities and no arrangements for infants and children, not even milk for his daughter.

"The temperature is soaring and we have to open the windows. But that brings in hot air. A small fan for one room with two families does not serve the purpose and my daughter keeps crying," he said.

Several others in the home said they face the same predicament.

His friend and colleague Ajay Kumar, also stranded in the shelter home, complained of bad quality food.

"We are being served tasteless' khichdi. If we can't eat it, how can the children have it," said Mr Ajay, who is with his wife Vimlesh and seven-month old son Sushil.

Like Kuldeep, Mr Ajay has also been jobless since the lockdown and is desperate to return to his village in Rae Bareli.

Sandeep Kumar Mishra (39), one of the migrant workers at the shelter home, said they had no clue that they will be brought to the shelter home.

Officials at the shelter home, too, don't have any idea on when they will be allowed to go back, he said.

"They have locked the shelter home. There is no way out and officials here do not have any answer," he alleged.

Sanjay G, the CEO of the Zilla Parishad, Sonipat, who is coordinating the operation to send migrant labourers back to their home states, said only 30 buses were to go to Uttar Pradesh and each bus was to carry only 30 people.

He said only those migrant workers who had registered on the state portal were to be ferried.

Accordingly, calls were made to them, but those who had not registered also turned up.

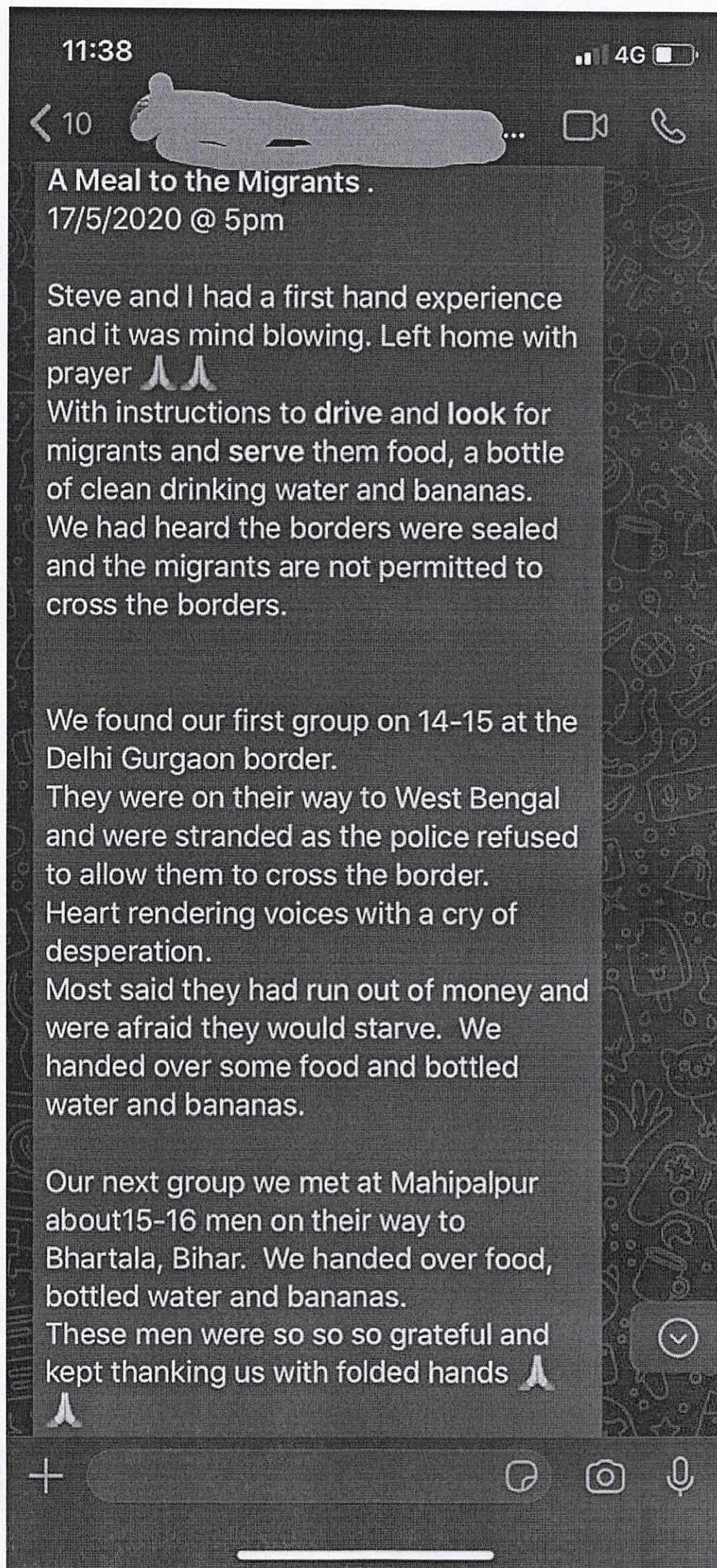
"As per the plan, only 30 buses carrying 900 people were to go to Uttar Pradesh. I am not aware who gave the permission to send buses other than those decided upon. I have raised the issue with the Haryana Roadways State Transport," Mr Sanjay said.

He added that nearly 600-700 migrant workers and their family members have been sent to different shelter homes.



//True Typed Copy//

## ANNEXURE P-16



11:38

4G

< 10

about 15-16 men on their way to  
Bhartala, Bihar. We handed over food,  
bottled water and bananas.  
These men were so so so grateful and  
kept thanking us with folded hands 🙏  
🙏

This third group of sprawled men,  
women (10) and children (20).  
Starving and desperate for food, they  
literally snatched water and food from  
my hands.  
Social distancing meant nothing when  
they are hungry and desperate.  
What a plight 😞😞 extremely  
extremely sad to see our country  
begging for food and water.

11:57

➡ Forwarded



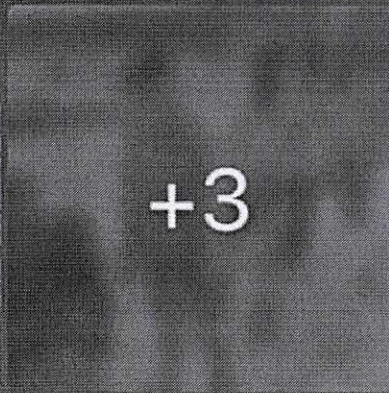
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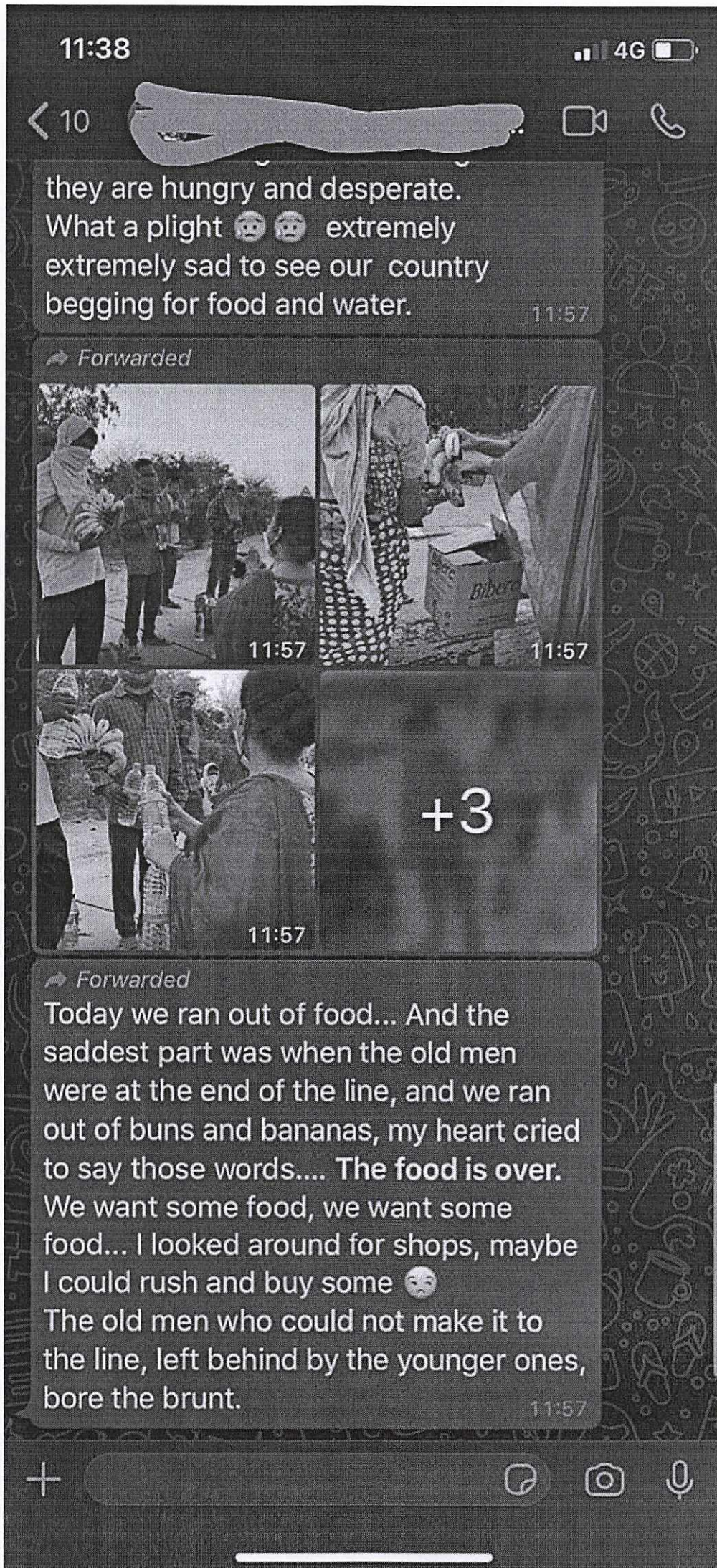
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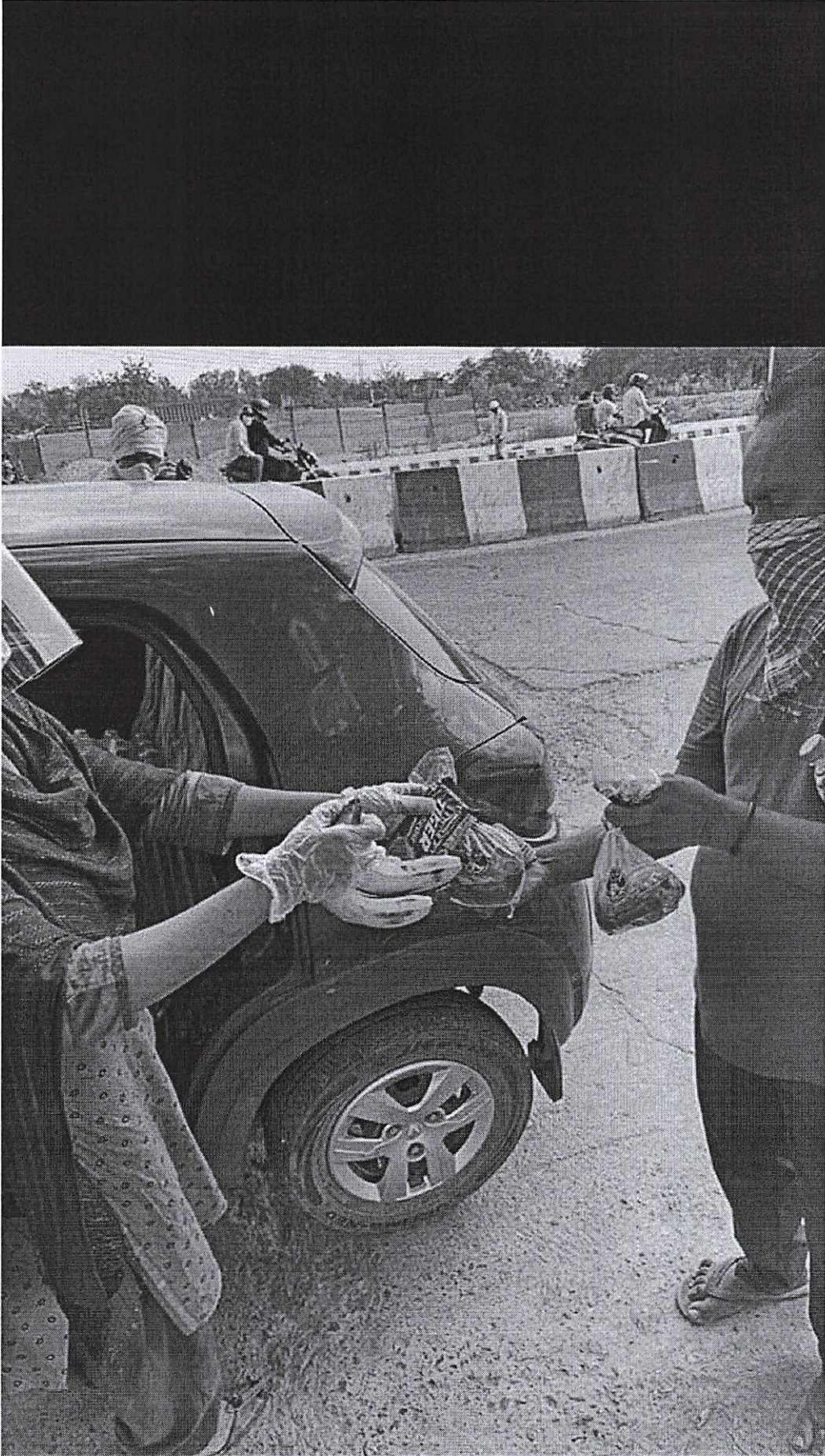


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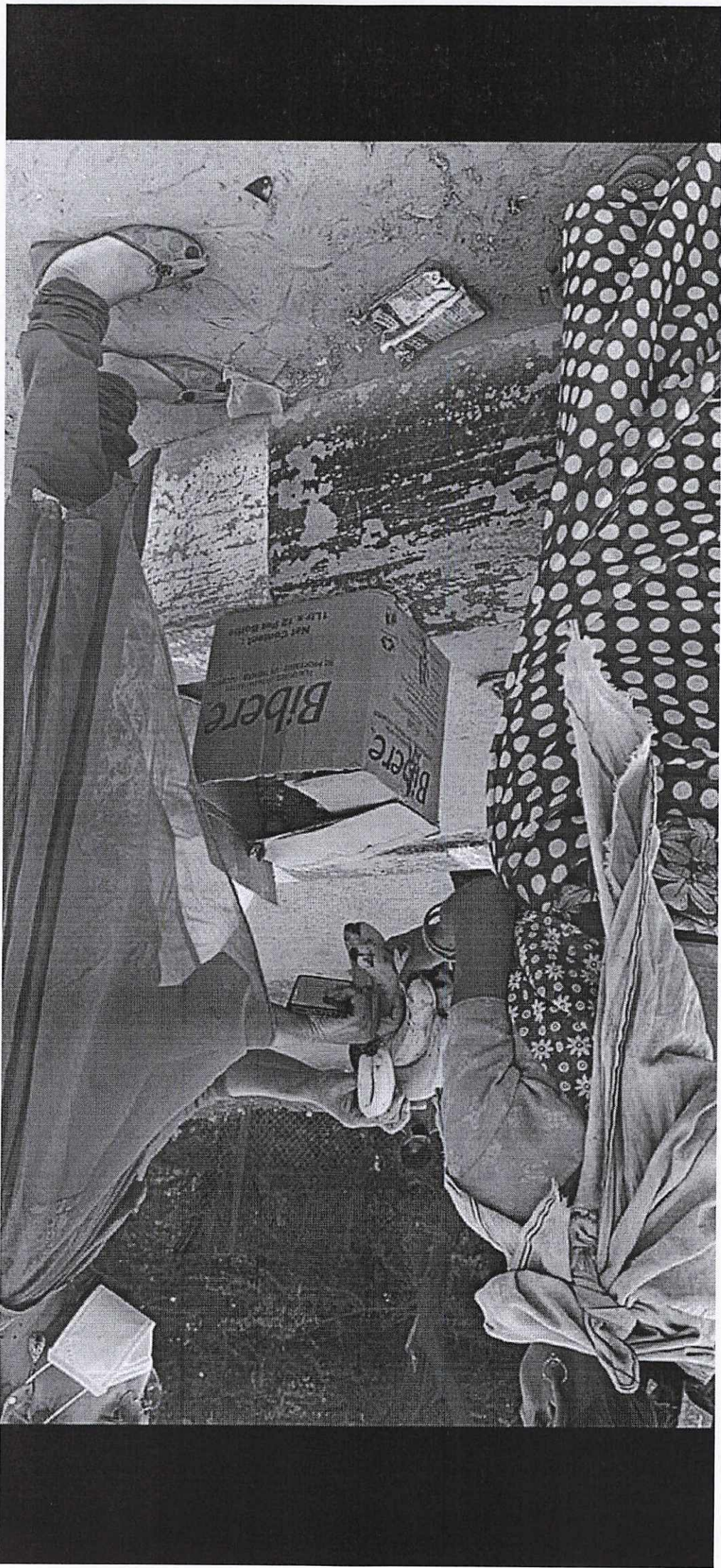




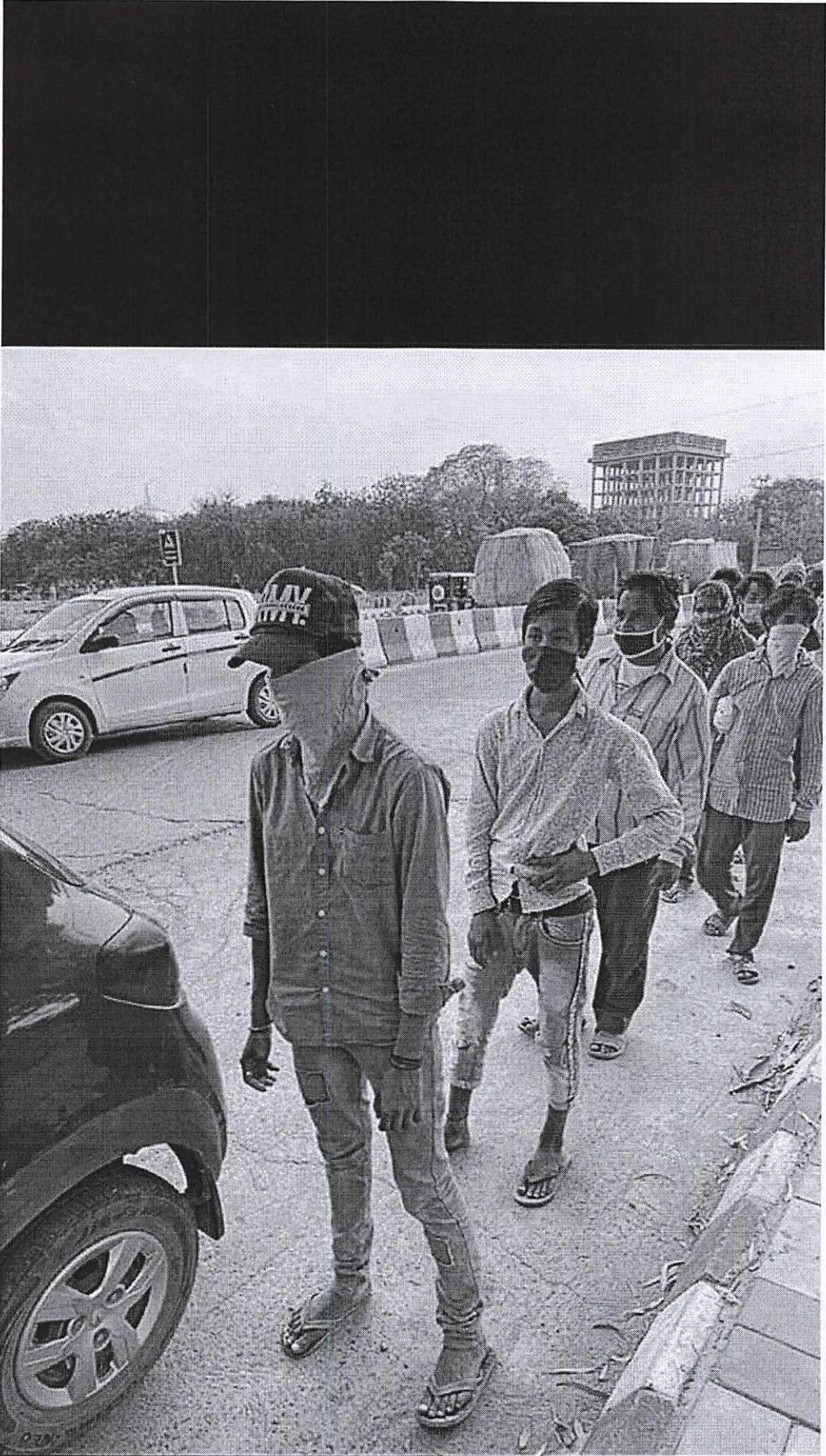














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IN THE SUPREME COURT OF INDIA  
ORIGINAL CIVIL JURISDICTION

I.A. NO. OF 2020

IN

WRIT PETITION (C) NO. OF 2020

**IN THE MATTER OF:**

NACHIKETA VAJPAYEE

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

**APPLICATION FOR EXEMPTION FROM FILING ATTESTED /**

**NOTARIZED AFFIDAVIT**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF

SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
APPLICANT PETITIONER ABOVE-NAMED

**MOST RESPECTFULLY SHOWETH:**

1. The present Writ Petition is being filed before this Hon'ble Court in the nature of a Public Interest Litigation, by the Petitioner herein, who is public-spirited person and a practicing advocate before this Hon'ble Court. The said petition is being filed primarily seeking, inter-alia, the urgent and kind indulgence of this Hon'ble Court to direct the Respondents herein to direct the local administration/ police authorities across India to immediately identify moving/stranded and dislocated migrant workers and to make for them expeditious arrangements of transportation, temporary shelter, food and medical support, in a dignified manner, till the National Lockdown owing to COVID-19 continues to operate.



2. That in view of the Nationwide Lockdown, due to which various technical/clerical work could not have been completed at present, the Petitioner is compelled to approach this Hon'ble Court by way of the present application, seeking exemption from filing attested copy of his Affidavit.
3. That for the sake of brevity, the facts and contents of the above mentioned Writ Petition are not reproduced herein, and the Petitioner thus craves the leave of this Hon'ble Court to consider the same as a part of the present application.
4. That Pertinently, owing to the "Nation Lockdown", none of the notarizing officials are available in Delhi, due to which the Petitioner was rendered unable to attest/verify the accompanying Affidavit. Moreover, the Petitioner is well versed with the contents of the Petition and had duly verified the same, but solely due to non-availability of any notarizing agent in Delhi because of the stringent lockdown, he could not attest the same.
5. That as soon as the lockdown expires, it is hereby undertaken that the Petitioner will expeditiously send the duly verified and attested copy of the Affidavit to Delhi and accordingly, the same will be placed on record as and when received.
6. That the balance of convenience lies in favor of the Applicant.
7. That the instant application is made in bona fide and in the interest of justice.

#### **PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Allow the present application and kindly grant exemption to the  
Petitioner from filing Attested/Notarized Affidavit on record at present;  
and/or
- b) Pass any other or further orders as this Hon'ble Court may deem fit and  
proper in the circumstances of the case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY  
BOUND SHALL EVER PRAY.**

DEEPAK PRAKASH  
Advocate-on-Record  
Supreme Court of India  
8-B, 2<sup>nd</sup> Floor, Mathura Road,  
Jangpura-B, New Delhi-110014  
Code-No. 2210

Filed by:



**(DEEPAK PRAKASH)  
ADVOCATE FOR THE PETITIONER**

Place: New Delhi  
Dated: 21.05.2020

**VAKALATNAMA**  
(SCR Order IV Rule 18)  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (C) NO. OF 2020**

**79**

**IN THE MATTER OF:**  
NACHIKETA VAJPAYEE  
UNION OF INDIA & ORS.


VERSUS

PETITIONER  
RESPONDENTS

I, the undersigned the Petitioner in the above mentioned Writ Petition do hereby appoint and retain, **Deepak Prakash Advocate-on-Record**, Supreme Court of India to act and appear for us in the above Suit /Appeal/Petition/Reference and on our behalf to conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for review, to file and obtain return of documents, and to deposit and receive money on our behalf in the said suit/Appeal/Petition/Reference and in the above matter. I agree to ratify acts done by the aforesaid Advocate in pursuance of these authorities.

Dated this the 18<sup>th</sup> day of May, 2020.

Accepted, Identified & Satisfied

  
**DEEPAK PRAKASH**  
Advocate-on-Record

57, Lawyers Chambers,  
Supreme Court of India,  
New Delhi -110001  
Mob:- 0981093376  
Code No. 2210

**DEEPAK PRAKASH**  
Advocate-on-Record  
Supreme Court of India  
8-B, 2<sup>nd</sup> Floor, Mathura Road,  
Jangpura-B, New Delhi-110014  
Code-No. 2210

Signature  
  
Nachiketa Vajpayee  
Petitioner

**MEMO OF APPEARANCE**

To,  
The Registrar,  
Supreme Court of India,  
New Delhi.

Sir,

Please enter my appearance on behalf of the Petitioner in the above mentioned Writ Petition.

**DEEPAK PRAKASH**  
Advocate-on-Record  
Supreme Court of India  
8-B, 2<sup>nd</sup> Floor, Mathura Road,  
Jangpura-B, New Delhi-110014  
Code-No. 2210

Yours faithfully

  
**DEEPAK PRAKASH**  
ADVOCATE FOR THE PETITIONER

Dated: 21/05/2020  
New Delhi

SECTION

**DEEPAK PRAKASH**  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2020**  
**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

**IN THE MATTER OF:**  
**NACHIKETA VAJPAYEE**

PETITIONER

VERSUS

UNION OF INDIA &amp; ORS.

RESPONDENTS

**INDEX**

Sl. No.	Description	Copies	C. Fee
1	Listing Proforma	1+3	
2	Synopsis	1+3	
3	Writ Petition with affidavit	1+3	
4	Annexure P-1 to P-16	1+3	
5	<b><u>I.A. NO. _____ OF 2020</u></b> Application for exemption from filing attested / notarized affidavit.	1+3	
6	Vakalatnama & Memo of appearance		
Total Rs.			

Dated: 21.05.2020  
 New Delhi

Filed by:

**DEEPAK PRAKASH**  
 Advocate-on-Record  
 Supreme Court of India  
 8-B, 2<sup>nd</sup> Floor, Mathura Road,  
 Jangpura-B, New Delhi-110014  
 Code-No. 2210 (DEEPAK PRAKASH)



Advocate for the Petitioner  
 57, Lawyers Chambers,  
 Supreme Court Compound  
 New Delhi -110001  
 Code No. 2210

Mr. Sapan Tomar  
 I.C. No. 5648  
 Mob. No. 9990727638

Dated: 21.04.2020

To,  
The Registrar  
Supreme Court of India,  
New Delhi.

**SUB: LETTER FOR URGENCY**

**WRIT PETITION (CIVIL) NO. OF 2020**  
**NACHIKETA VAJPAYEE**  
**VERSUS**  
**UNION OF INDIA & ORS.**

Sir,

The abovementioned Writ Petition is being filed before this Hon'ble Court in the nature of a Public Interest Litigation, by the Petitioner herein, who is public-spirited person and a practicing advocate before this Hon'ble Court. The Petitioner is constrained to approach this Hon'ble Court by way of the present Petition, seeking, among other prayers, immediate compliance of the Order dated 31.03.2020 passed by this Hon'ble Court in W.P. (C) Nos. 468 and 469 of 2020 as on ground level and in reality, the above directions have not been complied with in it's true essence and spirit. The very purpose of the said order stands defeated since thousands of distressed migrant workers have gathered at railway stations and bus stops, seeking relief from the authorities. Moreover, thousands of workers have again started walking to their villages with minor children, old aged persons, ladies without food or water and are

found to be violating the social distancing guidelines. It is observed that the local authorities/police officials are not handling the situation as per the protocols and guidelines issued by the Respondents to contain the pandemic.

The urgency arises as with each passing hour, the migrant workers are facing severe physical and mental hardships due to lack of implementation of their welfare schemes by the local authorities and therefore, the Petitioner seeks urgent orders from this Hon'ble Court, failing which might amount to loss of numerous workers lives.

Yours faithfully



**Deepak Prakash**  
**Advocate-on-Record**  
**Supreme Court of India**

**DEEPAK PRAKASH**  
Advocate-on-Record  
Supreme Court of India  
8-B, 2<sup>nd</sup> Floor, Mathura Road,  
Jangpura-B, New Delhi-110014  
Code-No. 2210

ADVOCATE'S CHECK LIST (TO BE CERTIFIED BY ADVOCATE-ON-RECORD)

Indicate Yes or NA

1. Writ Petition (C) has been filed in Form No. 28 with certificate.
2. The petition is as per the provisions of Order XV Rule 1.
3. The papers of Writ Petition have been arranged as per Order XXI, Rule (3) (1) (f).
4. Brief list of dates / events has been filed.
5. Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index.
6. Proper and required number of paper books (1+1) have been filed.
7. The contents of the petition, applications and accompanying documents are clear, legible and typed in double space on one side.
8. The parties of the impugned judgment passed by the court(s) below are uniformly written in all the documents.
9. In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate.
10. If the petition is time barred, application for condonation of delay mentioning the no. of days of delay, with affidavit and court fee has been filed.
11. The annexures referred to in the petition are true

copies of the documents before the court(s) below and are filed in chronological order as per list of dates.

- |     |  |   |     |
|-----|--|---|-----|
| 12. | The annexures referred to in the petition are filed and indexed separately and not marked collectively.  | <table border="1"><tr><td>YES</td></tr></table> | YES |
| YES |  |   |     |
| 13. | The relevant provision of the Constitution, statutes, ordinances, rules, regulations, bye laws, orders etc. referred to in the impugned judgment / order has been filed as Appendix to the Writ Petition.  | <table border="1"><tr><td>NA</td></tr></table>  | NA  |
| NA  |  |   |     |
| 14. | In Writ Petition against the order passed in Second Appeal, copies of the orders passed by the Trial Court and First Appellate Court have been filed.  | <table border="1"><tr><td>NA</td></tr></table>  | NA  |
| NA  |  |   |     |
| 15. | The complete listing proforma has been filled in, signed and included in the paper books.  | <table border="1"><tr><td>YES</td></tr></table> | YES |
| YES |  |   |     |
| 16. | In a petition (PIL) filed under clause (d) of Rule 12 (1) Order XXXVIII, the petitioner has disclosed.<br><br>(a) His full name, complete postal address, e-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identify Card number if any;<br><br>(b) The facts constituting the cause of action;<br><br>(c) The nature of injury caused likely to be caused to the public;<br><br>(d) The nature and extent of personal interest, if any, of the petitioner(s);<br><br>(e) Details regarding any civil, criminal or revenue | <table border="1"><tr><td>YES</td></tr></table> | YES |
| YES |  |   |     |



litigation, involving the petitioner or any of the Petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.

17. If any identical matter is pending / disposed of by the Hon'ble Supreme Court, the complete particulars of such matters have been given.  YES
18. The statement in terms of the Order XIX Rule 3 (1) of Supreme Court Rules 2013 has been given in the petition of appeal.  NA
19. Whether a Bank draft of Rs. 50,000/- or 50% of the amount, whichever is less, has been deposited by the person intending to appeal, if required to be paid as per the order of the NCDRC, in terms of Section 23 of the Consumer Protection Act, 1986.  NO
20. In case of appeals under Armed Forces Tribunal Act, 2007, the petitioner / appellant has moved before the Armed Forces Tribunal for granting certificate for leave to appeal to the Supreme Court.  NO
21. All the paper books to be filed after curing the defects shall be in order.  YES

I hereby declare that I have personally verified the petition and its contents and it is conformity with the Supreme Court Rules 2013. I certify that the above requirements of the check list have been complied with. I further certify that all the documents necessary for the purpose of hearing of the matter have been filed.

Signature   
DEEPAK PRAKASH  
Advocate-on-Record  
Supreme Court of India  
8-B, 2<sup>nd</sup> Floor, Mathura Road  
Jangpura-B, New Delhi-110014  
Code-No. 2210  
AoR's Name: Deepak Prakash  
AoR Code 2210  
Contact No. 9810903376

New Delhi;  
Date: 21.05.2020