



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISIDICTON)
FRIDAY, THE TWENTY SECOND DAY OF MAY,
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND
THE HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI
WP (PIL) NO: 101 OF 2020

Between:

K. Ramakrishna, S/o. K. Rangaiah.

...Petitioner

AND

1. The Union of India, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi 110 001, Rep. by its Secretary.
2. The Union of India, Ministry of Human Resource Development, Shastry Bhavan, New Delhi 110 001, Rep. by its Secretary.
3. The State of Andhra Pradesh, Home Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh, Rep. by its Principal Secretary.
4. The State of Andhra Pradesh, Labour Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh, Rep. by its Principal Secretary.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to issue a Writ, order or direction, more particularly one on the nature of WRIT OF MAMDAMUS, in the form of Public Interest Litigation (PIL) declaring the action of the Respondents herein in not allowing the Migrant Workers settled in Vijayawada and Guntur Districts in particular and in the other parts of the State of Andhra Pradesh in general, who belongs to various parts of the State of Andhra Pradesh and also from other States, to return to their hometowns and Villages after conducting necessary testing for COVID-19 and to arrange for their safe travel by providing necessary transportation to this effect and not providing food and accommodation facilities to them, as illegal, arbitrary and violative of their fundamental rights guaranteed under Articles 14, 19 and 21 of the Constitution of India and consequently direct the Respondents herein to provide necessary food material and also give some immediate financial assistance to the Migrant Workers and also permit them to return to their hometowns and Villages after conducting necessary testing for COVID-19 and to arrange for their safe travel by providing necessary transportation to this effect, forthwith.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents herein to forthwith provide necessary essential food material, immediate financial aid in cash and facility for safe accommodation to the Migrant Workers who stranded in Vijayawada, Guntur and other parts of the State of Andhra Pradesh, due to extension of National Lockdown declared in connection with COVID-19, pending disposal of WP(PIL) No. 101 of 2020, on the file of the High Court.

The writ petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 23-04-2020, 27-04-2020 and 15-05-2020 made herein and upon hearing the arguments of Sri Chalasani Ajay Kumar, Advocate for the Petitioner and of Smt. M.Indrani, Advocate for Respondent Nos.1 & 2 and also Advocate General for Government Pleader Home and Labour, appearing for Respondent Nos.3 & 4, the Court made the following:

ORDER:

1. "In addition to the directions already issued on 15.05.2020 and on perusal of the counter affidavit filed on behalf of the State Government by Smt.B.Udaya Lakshmi, Principal Secretary to Government, Department of Labour, Factories, Broilers and IMS, it appears that some steps have been taken by the State Government, which we can acknowledge in a right perspective. In addition to those, for the purpose of the migrant labourers, who are in huge numbers, adequate arrangements are required, that too with more sensitivity in four Districts, contiguous to the boundaries of State of Andhra Pradesh i.e., Tamilnadu, Karnataka and Odisha. Those four districts are Krishna, Chittoor and Srikakulam. Krishna and Guntur Districts are adjoining each other. Therefore, these four Districts are named in addition to other Districts of the State, which are 9 more in number.

2. This Public Interest Litigation is not being taken as an adversarial litigation, but simultaneously we need to have regard for humanity. Therefore, we hope and trust that the State Government officials, who, though, are compelled to act upon the aforesaid guidelines shall work in practically in true sense and spirit in addition to compiling their data. Thereby, the humanity may be respected by them with the help of voluntary and social organizations as referred or any other coming forward for help to the needy.

3. After hearing the learned counsel for the petitioner, Advocate General, as well as the Member Secretary, Legal Services Authority, this Court deems it appropriate to issue certain directions and to formulate a model in the State of Andhra Pradesh for shifting of migrant workers without any lack of coordination. It is brought that lack of coordination between some of the Officers of the Government with the people of Red Cross and Para Legal Volunteers is there; but some of them are not cooperating due to which adequate arrangements are not reaching the migrant workers as intended by the Government. Simultaneously, the Higher Officials of the State Government are not responding for the arrangements to remove all these anomalies urgently, however, this Court deems it appropriate to issue the following guidelines:

- i) In four Districts viz., Krishna, Guntur, Srikakulam and Chittoor, on the roadside near by the Toll Plazas or some other appropriate place at the highway, a temporary camp be established to provide shelter to the migrant workers, offering drinking water and other adequate facilities. The same facilities shall also be made available in other Districts.
- ii) A coordination team be appointed including Red Cross Workers, Social Workers or Voluntary Organisations, Para Legal Volunteers, Village Volunteers and an employee each from the Departments of Revenue, Police, Health and local Administration. The said team shall ascertain the whereabouts of such migrant workers and make them ready for adequate facilities providing food to them.

- iii) Within eight (8) hours, their registration may be made for their shifting to the places where they intend to go with the assistance of the Software Company, namely ACRUX IT SERVICES PVT. LTD. Units 201-204, APNRT Tech Park, NSR Villas Road, Vijayawada-Guntur Highway, Mangalagiri-522 502 (Contact No.8897335973), to provide assistance, particularly, in Guntur and Krishna Districts by their team and, if possible, in two other districts.
- iv) Otherwise, the Government shall make arrangement of data entry operators' team with a computer system for the registration of the migrant workers in all the Districts. The said team must work at least in two shifts of eight hours each, i.e., at least sixteen hours a day, thereby the entries may be recorded immediately or as early as possible, and register them for transportation state-wise.
- v) As per the entries so made, arrangement by way of Government buses, private buses for the shifting of workers may be made by the State Government. While making such arrangement, technicalities with private buses may be ignored for this purpose with an aim and object as to how far immediate steps may be taken for shifting the workers to their destination.
- vi) The higher officials of the State of Andhra Pradesh and the State where those workers are required to be shifted shall coordinate with each other and shift those workers, making requisite facilities of quarantine or otherwise, but for this reason, there should not be any hurdle in shifting of those workers.
- vii) The Principal Secretary and the Commissioner, Transport Department shall take up this responsibility in coordination with the officers at every District level. The District Collector shall supervise the things by appointing a team consisting of Joint Collector, Revenue Divisional Officer and Tahsildar, who shall visit the camps everyday and remain there at least for one hour to understand their problem.
- viii) It is further directed that the Secretary, District Legal Services Authority of every District shall also visit those camps an hour a day and shall coordinate with the Government officials that includes Joint Collector, Revenue Divisional Officer, Tahasildar and the officials of Transport and other Departments to make things available to those migrant workers, that includes water, food and other necessities; thereby, those workers may be shifted to their destination.

4. These directions are being issued in addition to the directions already issued by this Court on 15.05.2020. However, these guidelines may strictly be observed from tomorrow by the Government through their officials and the team as specified above. The learned Advocate General present during hearing may apprise to the higher officials for implementation of the above directions.

5. The aforesaid directions would apply in the matter of shifting of these migrant workers by Government buses, private buses and Railways. In case of arrangement by buses, is to be made, it shall be made within 48 hours, while in case of arrangements by trains; the same must be made within 96 hours. Smt.M.Indrani, the counsel appearing on behalf of the Central Government present during the course of hearing shall inform the Railway Department to abide by these directions on a request made by the State Government and to make adequate arrangement to shift the migrant workers paying regard to the direction issued by the Central Government.

6. List this case for further orders along with W.P.(PIL) No.104 on 27.05.2020."

SD/- P.RAMAKRISHNA
JOINT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi 110 001,
2. The Secretary, Union of India, Ministry of Human Resource Development, Shastry Bhavan, New Delhi 110 001.
3. The Principal Secretary, State of Andhra Pradesh, Home Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh,.
4. The Principal Secretary, State of Andhra Pradesh, Labour Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh,
5. The Principal Secretary, Transport Department, Government of A.P., Secretariat, Velagapudi, Guntur District.
6. The Commissioner, Transport Department, A.P., Vijayawada.
7. The District Collectors, Krishna, Guntur, Chittoor, Srikakulam High Court of A.P. (By Speed Post/Fax)
8. The Secretaries, District Legal Service Authorities, of all district in the State of A.P. (By Speed Post/Fax)
9. The Registrar General, High Court of A.P. at Amaravathi
10. The Registrar (Judicial), High Court of A.P. at Amaravathi
11. One CC to Sri Chalasani Ajay Kumar, Advocate [OPUC]
12. One CC to Smt. M.Indrani, Standing Counsel for Central Government, High Court of A.P. [OPUC]
13. Two CC to Advocate General, High Court of A.P. at Amaravathi (OUT)
14. Two spare copies

MSR



HIGH COURT

**HCJ
&
LKJ**

DATED: 22/05/2020

Note : Post along with WP (PIL) No. 104 / 2020 on 27.05.2020

ORDER

WP(PIL).No.101 of 2020

DIRECTION