

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A NO. ____ OF 2020

IN

SUO MOTU WRIT PETITION (CIVIL) NO. 6 OF 2020

IN THE MATTER OF:

IN RE: PROBLEMS AND MISERIES OF
MIGRANT LABOURERS

PETITIONER (S)

AND IN THE MATTER OF:

STUDENTS' FEDERATION OF INDIA
REPRESENTED ITS ALL INDIA PRESIDENT

APPLICANT

WITH

I.A. NO. _____ OF 2020

APPLICATION FOR INTERVENTION

AND

I.A. NO. _____ OF 2020

APPLICATION FOR DIRECTIONS

AND

I.A. NO. _____ OF 2020

APPLICATION SEEKING LISTING DUE TO EXTREME URGENCY
AND EXEMPTION FROM FILING DULY AFFIRMED AFFIDAVIT

PAPER BOOK
(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE APPLICANT: BIJU P. RAMAN

SECTION PIL-W

BIJU P. RAMAN

IN THE SUPREME COURT OF INDIA

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5	Vakalatnama & Memo.		
Total			

Filed by:

Place: New Delhi

Dated: 03.06.2020

(BIJU P. RAMAN)Advocate for the Petitioner
57, Lawyers Chambers,
Supreme Court of India
New Delhi -110001
Code No. 2211R. Purushothaman
I.C. No. 3527

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MR. V.P. SANU, OFFICE AT 36,

PANDIT RAVISHANKAR SHUKLA LANE,

MANDI HOUSE, NEW DELHI-110001

APPLICANT

APPLICATION FOR INTERVENTION

TO

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

THE HUMBLE PETITION OF
THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Court in Suo Motu Writ Petition No. 6 of 2020, vide order dated 26.05.2020, took cognizance of problems and miseries of migrant laborers who had been stranded in different parts of the country after the nationwide lockdown. Further, this Hon'ble Court vide the said order has requested the Government of India to assist and bring to the notice of this Hon'ble Court all measures and steps taken by the Government of India and the steps which are to be taken in respect of addressing the problems and miseries of

migrant laborers. The observations of this Hon'ble Court qua the plight and suffering of migrant laborers in the aforementioned SMWP No. 06 of 2020 are reproduced herein below:

“The newspaper reports and the media reports have been continuously showing the unfortunate and miserable conditions of migrant laborers walking on-foot and cycles from long distances. They have also been complaining of not being provided food and water by the administration at places where they were stranded or in the way.... In the present situation of lockdown in the entire country, this section of the society needs succor and help by the concerned Governments especially steps need to be taken by the Government of India, State Governments/Union Territories in this difficult situation to extend helping hand to these migrant laborers....”

2. That the instant application is being filed pursuant to the above-mentioned order of this Hon'ble Court through the Applicant –Students' Federation of India (SFI) which is established in the year 1970, is one of the progressive Students' Organizations in India, and committed to bring together the students of our country, safeguarding their interest.
3. That Due to the Covid-19 pandemic followed by stringent lockdown, vulnerable sections of the society like migrant

labourers and students have been vastly affected. Before and during the lockdown, many of the outstation students compelled to return back to their homes due to pandemic. These students are now being forced over phone by their landlords to pay the rents. It is pertinent to mention that most of these students are dependent on their family's income for their educational expenses and therefore it is an additional burden for them to pay the rents for these months of lockdown. It is respectfully submitted that a vast majority of the population of our country is employed in the informal sector; several of their incomes are unstable during this time. Therefore, payment of rents for the months of lockdown at a later date would also be extremely difficult for the students as many of them comes from humble financial backgrounds.

4. That the an order issued by the Ministry of Home Affairs, Government of India being Order No. 40-3/2020-DM-I(A)) dated 29/03/2020 takes into account the problem of the students. The Delhi Disaster Management Authority had also issued Order No.122-A dated 29.03.2020, which inter alia, directs in para 10 & 11 that:

(i) Wherever the workers, including the migrants, are living in rented accommodation, the landlords of those properties shall not demand payment of rent for a period of one month; and, (ii) If any landlord is forcing labourers and students to vacate their premises, they shall be liable for

action under Disaster Management Act ,2005

The authority had also issued an order (F/02/07/2020/S.1/PT. file/81), dated 22/04/2020 regarding the implementation of the same.

A true copy of order No. 40-3/2020-DM-I(A)) dated 29/03/2020 issued by Ministry of Home Affairs, Government of India is annexed herewith and marked as **ANNEXURE A-1 (PAGES TO)**.

A true copy of order No.122-A dated 29.03.2020 issued by Delhi Disaster Management Authority is annexed herewith and marked as **ANNEXURE A-2 (PAGES TO)**.

However, despite these orders, it has come to notice the Petitioner organization that many landlords have been harassing students for non-payment of rent. There is a serious apprehension that students will have to go through such difficulties unless a clear rent waiver policy is adopted by the Union of India as well as the State Governments for students.

5. That there are millions of students in the National Capital and other cities in the country who are living in rented accommodation and many of them manage their financial spreadsheets by giving tuitions, doing part time jobs etc. to enhance their earnings and to fulfill the requirements of living in the city. After the declaration of lockdown, they lost the opportunity to profess their profession freely and due to which many of the students and also their parents have no

income for this period. Also, the rent of the accommodation which has major share in the expenses of the month is creating a burden on their lives.

6. That by way of the present Application, the Applicant seeks to intervene and apprise this Hon'ble Court of certain pertinent measures that may be considered by the Government of India in order to alleviate the plight of the stranded students along with migrant labourers.
7. It is submitted that in absence of any relief scheme by Governments, the students will be left with no options but to pay the rent as per the agreement, even when they didn't used the accommodation premises at all as there is no clause of non-payment of rent in such extraordinary situations in most of the rent agreements.
8. In view of the fact that the students are presently stranded without proper means, the Government of India and State Governments should immediately take appropriate steps to alleviate their plight and struggles during the nationwide lockdown.
9. The Applicant has no personal interest, or private/oblique motives in filing the instant application but only seeks to intervene before this Hon'ble Court, in public interest, and in order to assist this Hon'ble Court with regards to formulation and implementation of effective measures for alleviation of the grievances of the migrant students, along with migrant labourers which is the laudable objective of the instant Suo-

Motu Writ Petition and the order dated 26.05.2020 passed by this Hon'ble Court.

10. That the Applicant is not involved in any litigation before any other forum/court/authority, which has a nexus with the instant Application.
11. The present application has been moved bona fide and in the interest of justice. In the factual circumstances, the balance of convenience strongly tilts in favour of the Applicant. The interests of justice would be served if the Applicant herein is allowed to intervene in the matter.
12. The present application is being filed bonafide and in the interests of justice.

PRAYER

Under the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i) Allow the present application and permit the Applicant to intervene in the instant matter, i.e., in the Suo Motu Writ Petition No. 6 of 2020, titled, "In re Problems and Miseries of Migrant Labourers";
- ii) 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:

**SUBHASH CHANDRAN K.R.
ADVOCATE**

Filed by:

**(BIJU P. RAMAN)
ADVOCATE FOR THE PETITIONER**

Drawn on: 02.06.2020
Place: New Delhi
Dated: 03.06.2020

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I.A NO. ____ OF 2020

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AND IN THE MATTER OF:

STUDENTS' FEDERATION OF INDIA
REPRESENTED ITS ALL INDIA PRESIDENT

APPLICANT

APPLICATION FOR DIRECTIONS

TO

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

THE HUMBLE PETITION OF
THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Court in Suo Motu Writ Petition No. 6 of 2020, vide order dated 26.05.2020, took cognizance of problems and miseries of migrant laborers who had been stranded in different parts of the country after the nationwide lockdown. Further, this Hon'ble Court vide the said order has requested the Government of India to assist and bring to the notice of this Hon'ble Court all measures and steps taken by the Government of India and the steps which are to be taken in respect of addressing the problems and miseries of migrant laborers. The observations of this Hon'ble Court qua the plight and suffering of migrant laborers in the aforementioned SMWP No. 06 of 2020 are reproduced herein

below:

“The newspaper reports and the media reports have been continuously showing the unfortunate and miserable conditions of migrant laborers walking on-foot and cycles from long distances. They have also been complaining of not being provided food and water by the administration at places where they were stranded or in the way..... In the present situation of lockdown in the entire country, this section of the society needs succor and help by the concerned Governments especially steps need to be taken by the Government of India, State Governments/Union Territories in this difficult situation to extend helping hand to these migrant laborers....”

2. That the instant application is being filed pursuant to the above-mentioned order of this Hon'ble Court through the Applicant –Students' Federation of India (SFI) which is established in the year 1970, is one of the progressive Students' Organizations in India, and committed to bring together the students of our country, safeguarding their interest.
3. That due to the Covid-19 pandemic followed by stringent lockdown, vulnerable sections of the society like migrant labourers and students have been vastly affected. Before and during the lockdown, many of the outstation students compelled to return back to their homes due to pandemic. These students are now being forced over phone by their landlords to pay the rents. It is pertinent to mention that most of these students are dependent on their family's income for

their educational expenses and therefore it is an additional burden for them to pay the rents for these months of lockdown. It is respectfully submitted that a vast majority of the population of our country is employed in the informal sector; several of their incomes are unstable during this time. Therefore, payment of rents for the months of lockdown at a later date would also be extremely difficult for the students as many of them comes from humble financial backgrounds.

4. That the an order issued by the Ministry of Home Affairs, Government of India being Order No. 40-3/2020-DM-I(A)) dated 29/03/2020 takes into account the problem of the students. The Delhi Disaster Management Authority had also issued Order No.122-A dated 29.03.2020, which inter alia, directs in para 10 & 11 that:

(i) Wherever the workers, including the migrants, are living in rented accommodation, the landlords of those properties shall not demand payment of rent for a period of one month; and, (ii) If any landlord is forcing labourers and students to vacate their premises, they shall be liable for action under Disaster Management Act,2005

The authority had also issued an order (F/02/07/2020/S.1/PT. file/81), dated 22/04/2020 regarding the implementation of the same.

However, despite these orders, it has come to notice the Petitioner organization that many landlords have been harassing students for non-payment of rent. There is a serious apprehension that students will have to go through

such difficulties unless a clear rent waiver policy is adopted by the Union of India as well as the State Governments for students.

5. That there are millions of students in the National Capital and other cities in the country who are living in rented accommodation and many of them manage their financial spreadsheets by giving tuitions, doing part time jobs etc. to enhance their earnings and to fulfill the requirements of living in the city. After the declaration of lockdown, they lost the opportunity to profess their profession freely and due to which many of the students and also their parents have no income for this period. Also, the rent of the accommodation which has major share in the expenses of the month is creating a burden on their lives.
6. That by way of the present Application, the Applicant seeks certain directions from this Hon'ble Court to the Government of India and State Governments in order to alleviate the plight of the stranded students along with migrant labourers. The Governments must explore the possibility of waiver of rents for students staying in rented apartments / PGs / private hostels in Delhi and other cities during the lockdown.
7. It is submitted that in absence of any relief scheme by Governments, the students will be left with no options but to pay the rent as per the agreement, even when they didn't used the accommodation premises at all as there is no clause of non-payment of rent in such extraordinary

situations in most of the rent agreements.

8. In view of the fact that the students are presently stranded without proper means, the Government of India and State Governments should immediately take appropriate steps to alleviate their plight and struggles during the nationwide lockdown.
9. The present application has been moved bona fide and in the interest of justice. In the factual circumstances, the balance of convenience strongly tilts in favour of the Applicant.
10. The present application is being filed bonafide and in the interests of justice.

PRAYER

Under the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (i) Direct the Union of India and State Governments to formulate a concrete rent waiver policy / relief scheme for waiver of rents for students staying in rented apartments / PGs / private hostels in Delhi and other cities during the lockdown; and
- (ii) Direct the Union of India and State Governments to take strict punitive actions against the landlords / persons accused of harassing the students for non-payment of rents during the lockdown period in accordance with law; and
- (iii) 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:
SUBHASH CHANDRAN K.R.
ADVOCATE**

Filed by:

**(BIJU P. RAMAN)
ADVOCATE FOR THE PETITIONER**

Drawn on: 02.06.2020
Place: New Delhi
Dated: 03.06.2020

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MIGRANT LABOURERS PETITIONER (S)**

**AND IN THE MATTER OF:
STUDENTS' FEDERATION OF INDIA
REPRESENTED ITS ALL INDIA PRESIDENT APPLICANT**

**APPLICATION SEEKING LISTING DUE TO EXTREME URGENCY
AND EXEMPTION FROM FILING DULY AFFIRMED AFFIDAVIT**

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

THE HUMBLE PETITION OF
THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The present application is being filed by the Applicant seeking urgent listing of the Application seeking leave of this

Hon'ble Court to intervene in the captioned Suo Motu Proceedings before this Hon'ble Court on the grievances of the stranded migrant labours.

2. The contents of the Application for intervention may be read as a part and parcel of the present application and the same are not reproduced expressly for the sake of brevity.
3. The Applicant further craves the leave of this Hon'ble Court to refer to and rely on the same and the contents of the same are not being reiterated herein for the sake of brevity and to avoid prolixity.
4. That there are millions of students in the National Capital and other cities in the country who are living in rented accommodation and many of them manage their financial spreadsheets by giving tuitions, doing part time jobs etc. to enhance their earnings and to fulfill the requirements of living in the city. After the declaration of lockdown, they lost the opportunity to profess their profession freely and due to which many of the students and also their parents have no income for this period. Also, the rent of the accommodation which has major share in the expenses of the month is creating a burden on their lives.
5. That by way of the present Application, the Applicant seeks certain directions from this Hon'ble Court to the Government of India and State Governments in order to alleviate the plight of the stranded students along with migrant labourers. The Governments must explore the possibility of waiver of rents

for students staying in rented apartments / PGs / private hostels in Delhi and other cities during the lockdown

6. In such circumstances, it is critical that the present application be heard at the earliest in order to address the grievances and miseries of the students along with migrant workers who have been gravely inconvenienced since the lockdown was enforced.
7. The present application has been moved bona fide and in the interest of justice. In the factual circumstances, the balance of convenience strongly tilts in favour of the Applicant. The interests of justice would be served if the Applicant herein is allowed to intervene in the matter.
8. That it is prayed that in the prevailing circumstances, exemption from filing duly affirmed affidavit be granted for the time being.
9. That it is undertaken that deficit court fees, if any, will be paid subsequently once prevailing circumstances are clear.
10. That consent is given for the matter to be taken up through videoconferencing mode. The Advocate-on-Record & the arguing counsels will connect through their own desktop/mobile for the Video-Conference hearing.

PRAYER

Under the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (i) Grant urgent listing of the accompanying Application for Intervention along with Suo Motu Writ Petition (Civil) no. 6 of 2020 titled 'In Re: Problems and Miseries of Migrant Labourers';

at Para ____ to ____ from Pages ____ to ____ and state that the facts mentioned therein are true to my knowledge and information derived from the records of the case and as per the legal advice received and believed by me.

3. That the annexures produced along with the accompanying applications is the true copy of its respective original.
4. That the averments in Para 1 to 3 of this affidavit are true to best of my knowledge and belief.

DEPONENT

VERIFICATION

I the above named deponent affirm that the contents of Para 1 to 3 of this affidavit are true and correct to best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Verified at Valanchery, Kerala on this the 02nd day of June, 2020.

DEPONENT