

STATEMENT OF FACTS ON BEHALF OF THE GOVERNMENT OF KERALA IN SUO-MOTU WP(C)06/2020 FILED BEFORE THE HON'BLE SUPREME COURT

In compliance to order dated 28/05/2020 in WP(c) no 6/2020, the following facts are submitted for kind consideration.

1. In the Outbreak of Covid-19 Pandemic Lockdown was declared suddenly in the country. The most affected section of population is undoubtedly the migrant workers. As there were no economic activities, they lost their jobs and income, and that too far away from home. Most of them were not able to pay rent.

2. State of Kerala, a role model in many fields of public life raised to combat the situation. Government of Kerala have well before the pandemic situation, designated Inter State Migrant Workers as Guest workers, an expression showing their importance in Kerala's eyes. After the outbreak of Covid-19 Pandemic, the ISM Workers who lost their jobs and income were identified as 4,34,280 by the Department of Labour and were sheltered in 21556 camps all over the state. Food, water, recreational facilities like television, gaming facilities etc were provided to them in the camps. During the lockdown Labour Department was declared as essential service on 29.03.2020. As per government direction, a team was formed at the state level under the leadership of Sri. Pranabjyoti Nath IAS, the Labour Commissioner with Sri. K. Biju IAS, Special Secretary to Govt., Local Self Government Department, Sri A. Alexander IAS, Registrar of Co-operative Societies, Sri. K.Sanjay Kumar Garudin, DIG of Police Southern Range. as members. The team was constituted for co-ordinating the safety and welfare measures extended to the guest workers who are sheltered in camps. This team is operating from the war room formed/maintained at the Labour Commissionerate. Also another team members including Sri.Renjith.P.Manohar, Sri.K.Sreelal, (Additional Labour Commissioners) and Sri.R.Pramod, Chief Inspector of Plantations was also formed to co- ordinate with the District Labour Officers, Assistant Labour Officers/Inspector of Plantations at the District and Taluk levels for organising the camps in co-operation with the District administration. The activities in the field and district levels are being monitored on a day to day basis

3. Call Centre/Help Desk:- In the wake of the COVID-19 pandemic

containment activities, Labour Department has started helpline/call centers in all districts , along with the Labour Commissionerate call center, working 24x7 to address the grievance of the guest workers. Adequate number of multilingual personnel have been deployed in the call centers to converse with the workers and to address their grievances. The District Call centers are equipped with two personnel each working in three shifts, in every district . On 31/3/2020, Govt. of Kerala issued orders, constituting a three tier monitoring committee for the better co-ordination of welfare activities to the migrant workers, in the field level. The levels comprise of the District Collector, Tahsildar and the president/ chairperson/ mayor of the respective Panchayath/ Municipality/ Corporation, as the Chairman and the officers of Labour Department, Revenue and Police as the implementing functionaries. The Assistant Labour Officers are designated as Camp Co-ordinators who are closely monitoring whether the guest workers are being provided with the required food and other amenities. The consolidated report from the districts are being verified at the State level by Additional Labour Commissioner (Enforcement) and daily instructions are being given for updating the data from the field.

4. Already a welfare Scheme for them was introduced by Building and other Construction Workers Welfare Board constituted under Building and Other Construction Workers(Regulation of Employment and Conditions of Service) Act,1996. From this scheme 2 crore rupees were allotted to look after welfare of guest workers

5. Kerala through district administration and labour department could mobilise the constructive concern of the local self govt and the community based organisation like kutumbashree to provide for proper food to the guest workers, during the lock down period. Food provisions for the camps were made by district administration from the SDRF funds allocated by the state govt at the disposal of the district collectors. . Out of ₹ 19 cr allocated by state govt from SDRF the districts have spent appromtaely Rs. 17 cores. Besides, owners of orgnsisations workers worked for, chipped in money. A lot of NGOs direcly have done relief work for guest workers.

Across the state 1165 community kitchens were operational with the help of local self govt. In addition to that food kits containing items like rice, atta, potato, onion were supplied. Kerala have taken care of guest workers by providing them with decent accommodation, health care and all their needs also in the lockdown period

6. Now the situation is that most of the industries opened in Kerala and some of the guest workers are now not demanding to go back. They are quintessential

element in Kerala's industry, agriculture and service sector. Government have even started 'Apanaghar Project' for providing dwelling places for them at reasonable rate. Kerala is the only State in the Country providing highest wage. Most of the migrant workers are getting at least Rs. 600/- as wages per day and also provided with overtime, bonus and statutory measures.

7. As a result of intervention from the Labour Department, no guest worker was left starved. Building owners have been warned strictly against any kind of unlawful evictions. Kerala provided medical insurance scheme named 'Awaaz' to all guest workers. They are eligible to get Rs.15,000/- worth medical insurance and Rs 2 lakh as death consolation which is not provided by any other state in the country.

8. Hon'ble Apex Court has directed to pool the costs of return of migrant labourers by the originating state and receiving state. The Hon'ble Court, interalia, specified that this arrangement should be on the basis of the submission of Learned Solicitor General. Amid arguments Learned Solicitor General has submitted that the travel costs of the migrant labourers would be shared by the states through an internal arrangement. But no such internal arrangements have been made between the respective states hitherto. Moreover, the order of the Hon'ble Supreme Court specifies to bear the fare of the migrant workers by either of the originating state or the receiving state. This arrangement needs to be worked out between both receiving and originating state. At present all the migrant workers from Kerala are travelling in train without any cost or free.

9. Kerala has been handling the issues in connection with guest workers till now well. There is no case of loss of life or any other untoward incidents as reported in many other states. Kerala Model of migrant management has been come for praise from different quarters.

10. There has been no distress circumstances faced by the guest workers in any part of the state during the entire period. On gradual starting of economic activities many of them have shown willingness to join back work. However, for those who desired to go back. A detailed plan for sending all the guest workers who are willing to go back to their home, has already been made and the trains have been scheduled accordingly. desire to go back. Kerala is proactively and empathetically working to transport them in a phased manner to their respective home destinations. As on 03/06/2020, 112 numbers of train have carried more than 1,53,435 (One lakh fifty three thousand four hundred and thirty five) workers to various home destinations.

11. With utmost obedience to the infallible order of Hon'ble Supreme Court it is most humbly submitted that Kerala's economy largely depends on trade in service and remittance. Our economy faced a number of setbacks over the last three years. The state had been hit by cyclone "Okhi" in 2017 and also has to suffer consecutive floods during 2018 and 2019. Amid this now as a fatal blow due to the economic crisis in Gulf countries, peoples ousted from there returned to Kerala. Since the diaspora in the middle east is the back bone of the economy of Kerala, this return would definitely be thrash our economy. Besides this macabre Covid and the lockdown sequel had devastate the economy of the state and the situation is absolutely an impasse. The State has availed loans at high rate for wriggling out of this tumultuous situation. To manage this pernicious situation we have to defer the six days salary of employees for the next six months. This includes even the health workers and police personnel who are in the war front. Even at this back drop, the State is doing utmost to manage the issues relating to migrant labourers. However , pooling of costs of their return would absolutely affect the pecuniary balance. The economic status of each state would definitely be differ. Some may have the money to deal the situation. But many others including Kerala would struggle for money. It would not be kind to reckon the economic position of each State in pari pasu with other States in a Federal system. The state may plea to reconsider that part of the order to share the fare of return, owing to our paucity of funds. Moreover, it may further be requested that railway is absolutely under the domain of Central Government. Hence the Government of India would take care of full costs of return back of migrant labourers.

12. As desired by the Hon'ble Supreme Court, details regarding the number of migrant workers, the plan to transport them to their destination, the mechanism of registration and other details are submitted below.

As on 03/06/2020, 2,95,410 (Two lakh ninety five thousand four hundred and ten) migrant workers are remaining in Kerala and 112 Numbers of trains left from Kerala with 1,53,435 numbers of passengers as on 03/06/2020 night. Total: 4.34 Lakhs

Left as on 3/6: 1.53 Lakhs

Remaining: 2.81 Lakhs

Willing to go : 1.2 Lakhs

Want to stay back as on 4/6/2020: 1.61 Lakhs

For willing to go 1.21 lakhs trains have been scheduled

For the transportation of guest workers to their destination a nodal

officer was appointed by the State Ministry as the 'Nodal Officer of Inter State Transit'. The Labour Commissioner was entrusted to assist him. The Home Department, Local Self Government Department and District Administration were in charge of co-ordinating these work. During the lockdown period the Labour Department along with district Administration made a field level survey collecting all the details of the migrant workers including their native state, district and last residing address. By this we can verify the willingness of migrant workers regarding their return. Most of the workers willing to stay in Kerala as the normal work start with the details collected, we list out the workers who are willing to go back. From the data we prepare plan from boarding Railway station(Kerala district) ,to native Railway station (native state and district). From this list we requested the Railway authorities to fix schedule and once the train schedule confirmed, the migrant workers have been informed as to plan of journey then they have been subjected to compulsory medical checkup. Once the medical check up has been cleared a medical certificate in this regard would be issued to them. These guest workers are then taken from their camps concerned to the railway station by buses at free of cost. The Guest workers have been transported in buses to the nearest railway station obeying all the measures of Social distancing and lockdown protocols.. Food kits were supplied to them for the journey also. The Honourable Supreme Court order has created the space for an internal arrangement platform between the originating state and the destination state to deliberate upon the movement of the migrant workers to their destination states without spending for their tickets .All the steps have been taken for the welfare of guest workers during the lock down period and also for their movement through trains to their destination home states .

Regarding the issues of Keralites who are willing to come back to Kerala but are stranded in various other states of India , a provision for registration was made in the Covid Jagratha portal and on the basis of the registered numbers, requests have been made to railways for running trains in these routes which is prior to the order of the Honourable Supreme Court 6/2020, which was received on 28/5/2020 . For arriving at a decision for requesting for a train , the registration data base of the stranded Keralites , derived from the Covid Jagratha portal, has been taken as the basis. Likewise, on 28/5/2020 a train was approved, from Purnea in Bihar taking Keralites to Trivandrum. The decision for running this train was taken prior to the order of the Honourable Supreme court and all the Keralite passengers were willing to pay for their train fare. Most of these stranded passengers were skilled professionals, like teachers, nurses, accountants etc working in various districts across the state of Bihar. In the

meantime to abide by the Honourable SC court order, Bihar Govt deposited the money to railways for their train fare , even though the Keralite passengers were willing to pay for their train ticket.