

Daily Order

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CHIEF JUSTICE AND B.V.NAGARATHNA	WP 6435/2020	11/06/2020	<p>We have perused the written submissions of the State Government filed on 11th June 2020 dealing with the issue of migrants. We have also perused the judgment and order passed by the Apex Court on 9th June 2020 in suo motu W.P. (Civil) No.6/2020.</p> <p>2. Several orders have been passed by this Court on the issue of migrant workers. The last order passed by us on 4th June 2020 from paragraph 9 onwards expresses a concern about the failure of the State Government to ensure that every migrant worker who is registered on Seva Sindhu portal gets an opportunity to go back to the State of his origin. In fact, in paragraph 14 of the said order, we have observed that the State Government will have to conduct a fair and transparent process which enables every migrant worker who is registered on Seva Sindhu portal to go back to the State of his origin. Paragraph 7 of the said order records that about 9,13,742 migrant workers have registered themselves as on 30th May 2020 on Seva Sindhu portal for going back to their respective States. The annexures to the written submissions dated 4th June 2020 show that there were total 7,04,779 stranded migrant workers in different districts as on 1st June 2020. It is noted that in Bengaluru Urban District, the total number of migrant workers were 4,03,377, in Bengaluru Rural District, the total migrant workers were 52,540 and in a number of districts, the migrant workers were more than 10,000. The submission made on the last date is that out of 9,13,742 migrant workers, as on 1st June 2020, 3,07,661 have gone back to their respective States by Railways and about 25,431 migrant workers have gone back to their respective States by buses. Our last order deprecates the stand taken by the State of Karnataka that the migrant workers who do not respond to the SMS will have to be treated as migrants who are not willing to go back.</p>

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			<p>3. In the written submissions of 11th June 2020, the State Government has relied upon a Circular dated 5th June 2020 issued in terms of the order of the Apex Court and the order of this Court of 28th May 2020. Paragraph 2 of the said Circular provides that all Deputy Commissioners should identify a particular community hall/choultry as a Mustering Centre at the District Level and wide publicity should be given through Electronic and Print Media to the circular which records that any migrant who intends to go out of the State should be asked to come and register at these Mustering Centres. It is provided that the Data Entry Operator at the Centre will enter the particulars of the incoming migrants on the Seva Sindhu portal. After the registration, they will be accommodated in the Mustering Centre till arrangements are made for them to board Shramik trains. Thus, the State seems to have introduced apart from registration on Seva Sindhu portal, a new system of registration at Mustering Centres. It is pointed that including 5 Mustering Centres established in the city of Bengaluru, there are total 18 Mustering Centres set up in the entire State. The Circular is completely silent on one important aspect. The circular does not state how information will reach the migrant workers that they must reach a particular Mustering Centre. Moreover, the documents annexed to the written submissions dated 4th June 2020 show that in almost all districts of the State, there are stranded migrant workers. However, only 18 Mustering Centres have been set up out of which, 5 are in Bengaluru. Paragraph 4 of the Circular dated 5th June 2020 records that the High Court has directed to send text messages to all the migrants who have registered in the Seva Sindhu portal once again. In fact, in paragraph 9 of the last order we have specifically held that before arriving at the conclusion that the migrant workers who have registered on the portal are not interested in going back to their respective states, a rational method will have to</p>

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			<p>be evolved to ensure that no migrant worker is denied opportunity to travel by Shramik trains only on the ground that he has not responded to SMS. Now, there is one more requirement introduced by the migrants registering themselves at the Mustering Centers. Unless a machinery is created to inform all the migrants stranded in different parts of the State to go to a particular Mustering Centre, we wonder how the State will be able to transport each and every migrant worker to his/her respective State.</p> <p>4. Though the learned Additional Advocate General submitted that those who have already registered on Seva Sindhu portal need not register in Mustering Centres, the Circular dated 5th June 2020 does not say so. Moreover, in the written submissions filed on 4th June 2020, the State Government has come out with the stand which indicates that more than 6,00,000 migrant workers who are registered on Seva Sindhu portal had not gone back. Perusal of the order of the Apex Court dated 9th June 2020 shows that a submission on behalf of the State of Karnataka was made that less than 1,00,000 migrant workers remain in the State of Karnataka who want to go back to their respective States. The hearing before the Apex Court was conducted on 5th June 2020. The written submissions of the State Government filed on 4th June 2020 indicate that there were more than 6,00,000 migrant workers who were desirous of going back. It is, therefore, very difficult to understand how within a span of one day, the figure has drastically come down to less than 1,00,000.</p> <p>5. The Apex Court has issued a direction on 9th June 2020 to all the States to take steps regarding identification of stranded migrant workers in their State who are willing to return to their native places and take steps for their return journey by train/bus which process may be completed within a period of 15 days from the</p>

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			<p>date of the order. In fact, this Court has repeatedly passed orders directing that there has to be a fair and transparent process of identifying all migrant workers who wish to go back to their States. However, the State has come out with a different stand on different occasions. Moreover, the earlier orders of the Court record that some of migrant workers who are desirous of going back are staying in shelter homes spread all over the State. There is nothing placed on record to show that the State Government has made any efforts to depute officers to visit the shelter homes and generate data of the migrant workers who are still willing to go back to their respective States. The emphasis in the order of the Apex Court appears to be that each and every stranded migrant worker who wants to go back to his/her own State should be properly identified.</p> <p>6. From the written submissions which are filed today and earlier, we must record that there is no rational and fair system adopted by the State Government to identify each and every migrant worker who wants to go back to his/her respective States and thereafter, to make arrangements for their transport to their respective places. Therefore, the written submissions filed today do not answer what was expected to be answered by the State Government in terms of paragraphs 12 and 14 of the order of this Court dated 4th June 2020.</p> <p>7. It is stated that two special Shramik trains have been sent from Bengaluru to Assam. However, the written submissions do not throw any light on the question of ensuring safe passage of migrant workers to smaller States and Union Territories.</p> <p>8. The order of the Apex Court and the orders</p>

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			<p>passed by this Court require the State Government to adopt a fair and transparent procedure to identify each and every migrant worker who wishes to go back to his/his respective State. However, we find that such identification is not being made by the State Government in its true letter and spirit. Without providing for a fair and transparent process to ascertain how many migrants who have already registered on Seva Sindhu portal are no longer interested in going back, a stand has been taken in the Circular of 5th June 2020 that there should be a fresh registration at the Mustering Centres. Those who have registered long back on Seva Sindhu portal are not made aware that they will have to visit the Mustering Centres to register themselves once again and therefore, so many migrant workers will be deprived of an opportunity to go back to their respective States.</p> <p>9. We, therefore, direct the State Government to ensure that a mechanism is evolved which will ensure that each and every migrant worker who has registered himself on Seva Sindhu portal is specifically informed about the requirement of reporting at the specific Mustering Centre and also the requirement of again registering himself in that Mustering Centre.</p> <p>10. The State Government must file its written submissions/response by 16th June 2020 which will be considered on 18th June 2020 at 2.30 p.m.</p> <p>11. As regards the supply of ration to those who are not holding ration cards issued by the State, as stated in paragraph 5 of the written submissions dated 11th June, 2020, now the State Government has come out with a stand that every person is eligible to collect 5 kgs. of rice and 5 kgs. of channa per month for the</p>

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			<p>months of May and June 2020 without producing the ration card. They will get the ration merely on production of sufficient identification. Paragraph 5 notes that 3.2 lakh persons have availed of this scheme and collected rations in the month of May, 2020 without producing the ration cards. It is further stated that 6.21 lakh persons have collected ration under the said scheme in June, 2020. Thus, the relief is extended to persons who are not holding ration cards of any State to get ration of 5 kg. rice and 1 kg. channa per person per month for the months of May and June, 2020. We are sure the State Government will take all possible steps to ensure that the beneficiaries are made aware of the said scheme which exists for the months of May and June, 2020.</p> <p>12. As regards the issue of workers working on the project of Bangalore Metro Rail Corporation Limited ('BMRCL' for short), in one of our earlier orders, we have already referred to the judgment and order dated 18th August, 2014 passed by this Court in Writ Petition No.48094 of 2012. Under the said judgment and order, a Monitoring Committee was constituted by this Court which was to function till the completion of construction work of Bangalore Metro Rail Project. Under Clause (II) of Paragraph 5 of the said judgment and order, the Committee was directed to consider on case to case basis the grievances, if any, of the workmen or any other person on their behalf relating to non-compliance of any of the labour laws. Thereafter, the Committee was expected to devise appropriate measures to be taken to resolve grievances in accordance with various labour laws and to ensure its compliance. Unfortunately, this Committee has not met after January 2020. During the period of pandemic, when number of workers working on the Project of BMRCL had many grievances, the Committee has not chosen to meet. We, therefore, direct the Deputy Chief Labour Commissioner (Central) to ensure that a meeting of the Monitoring</p>

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			<p data-bbox="762 197 1476 857">Committee is convened and is held within the maximum period of two weeks from today. All the grievances of the workers working on the Projects of BMRCL which are received by various Authorities shall be placed before the Monitoring Committee. The Monitoring Committee shall take action in terms of Clause (II) of paragraph 5 of the judgment and order dated 18th August, 2014 and submit an action taken Report to this Court within a period of four weeks from today. All India Central Council of Trade Unions (AICCTU) is free to make a representation containing the grievances of various workers to the Monitoring Committee which shall be gone into by the Monitoring Committee.</p> <p data-bbox="762 992 1476 1070">13. List this petition on 18th June, 2020 at 2.30 p.m.</p>

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