

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY

:PRESENT:

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

WP(PIL).NOS : 103 AND 94 OF 2020

WP(PIL).NO.103 OF 2020

Between:

S Jeevan Kumar, S/o Late S V Rama Krishna Aged about 70 years, occ: Retired Lecturer And HRF Coordination Committee Member r/o H.No. 3-12-117/A2/B, PS colony Ramanthapur, Hyderabad - 500013 Phone Number. 9848986286 Email. lcumjeevan@gmail.com Aadhar No.835699738687

...Petitioner

AND

1. State of Telangana, rep by its Chief Secretary Secretariat Buildings, Hyderabad
2. State of Telangana, rep by its Principal Secretary Department of Home (Law and Order) Secretariat Buildings, Hyderabad
3. State of Telangana, rep by its Principal Secretary Department of Labour Secretariat Buildings, Hyderabad
4. Director General of Police, State of Telangana Hyderabad
5. District Collector, Hyderabad District Hyderabad
6. District Collector, Rangareddy District Lakadikapul, Hyderabad
7. District Collector, Medchal Malkajgiri District Medchal
8. District Collector, Sangareddy District Sangareddy
9. District Collector, Karimnagar District Karimnagar
10. District Collector, Peddapally District Peddpally
11. District Collector, Warangal District Warangal
12. District Collector, Yadadri Bhuvanagiri Bhuvanagiri
13. District Collector, Nizamabad District Nizamabad
14. District Collector, Nalgonda District Nalgonda
15. District Collector, Khammam District Khammam
16. District Collector, Rajanna Sircilla District Sircilla
17. Commissioner of Labour, Door No 1-1-18/73, Anjaiah Sankshema Bhavan, RTC X Roads, Hyderabad - 500020

....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring that the inaction of the Respondent Nos 5-16 being the District Collectors and the Respondent No 17 in not identifying and registering the brick kiln workers who have to be transported to Western Orissa being the end of season of brick making and instead letting them to walk the highways as arbitrary and discriminatory and to consequentially direct the Respondent No 5-16 along with the office of Respondent No 17 to visit each of the brick kilns in the eleven districts and identify and list the brick kiln workers and make reservations and arrange trains and buses for their journey to Western Orissa and to submit a Report to this Honble Court and to pass

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondent Nos. 5, 6 and 7 to provide shelter, food and toilets and arrange adequate trains and buses for those brick kiln

workers who are stranded at various points in Hyderabad and Medchal, Pending disposal of WP(PIL) 103 of 2020, on the file of the High Court.

WP(PIL).NO.94 OF 2020

Between:

Prof Rama Shankarnarayan Melkote, W/o. Shankar Narayan Sita Ram Rao Melkote

Petitioner

AND

1. State of Telangana, Rep by its Chief Secretary Department of Home Secretariat Buildings, Hyderabad
2. State of Telangana, Rep by its Principal Secretary Department of Home (Law and Order), Secretariat Buildings, Hyderabad
3. State of Telangana, Rep by its Principal Secretary Department of Transport Secretariat Buildings, Hyderabad
4. Director General of Police, State of Telangana, Hyderabad
5. Collector, Medchal Malkajgiri District, Medchal
6. The Commissioner of Police, Cyberabad, Rangareddy District.
7. The Commissioner of Police, Rachakonda, Rangareddy District.
8. The Superintendent of Police, Adilabad District, Adilabad
9. The Station House Officer, Medchal Police Station, Rangareddy District
10. The Union of India, Represented by the Secretary, Ministry of Home, North Block, New Delhi - 110001

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring that the action of the Respondent No 4, 6 and 7 in forcibly transporting migrant people belonging to UP, Bihar, West Bengal, Orissa, Jharkhand from various points in the city by way of RTC buses and private buses to the Telangana Maharashtra border at Adilabad particularly when adequate trains are running from Ghatkesar, Lingampally and Bolaram railway stations in Hyderabad and not registering them for train travel as irresponsible, arbitrary, discriminatory and in violation of Proceedings issued by the Respondent No 10 being the Home Secretary, D.O. No 40-10/2020-DM-I(A) dated 18/05/2020 of ensuring safe travel to migrant people and to consequentially direct the Respondent No 4, 6 and 7 to pick up walking migrant people in RTC buses and transport them to the nearest police station for registration for train travel in Shramik trains and in the interim to house them in shelter homes for providing food, water and toilet facilities and subsequently enable transport to the railway stations at the appropriate time in terms of D.O. No 40-10/2020-DM-I(A) dated 18/05/2020;

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 Respondent No 4, 6 and 7 to arrange follow-up transport services for the migrant people stranded at the Adilabad border to their destination towns and to arrange food, water and toilets at the Telangana Maharashtra border at Adilabad for those migrant people who have already arrived by way of RTC and other private buses, pending disposal of WP(PIL) 94 of 2020, on the file of the High Court.

IA NO: 2 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 Respondent No 4, 6 and 7 to forthwith stop the practice of transporting migrant people particularly those belonging to UP, Bihar, Orissa, Jharkhand and West Bengal to the Telanagna Maharashtra border at Adilabad on the NH 44 highway, pending disposal of WP(PIL) 94 of 2020, on the file of the High Court.

These petitions coming on for hearing, upon perusing the Petitions and the affidavits filed in support thereof and orders of the High Court dated 22.05.2020 & 29.05.2020 made in WP(PIL).No.94 of 2020 and upon hearing the arguments of Smt Vasudha Nagaraj Advocate for the Petitioners and GP for GAD for the respondent No. 1 and GP for Home for the respondent No. 2, 4, 6 to 9 and GP for Transport, for the respondent No. 3 and GP for Revenue for the

respondent No. 5 and GP for Labour for the respondent No.3& 17 Sri Namavarpu Rajeshwar Rao, Assistant Solicitor General for the respondent No. 10, the Court made the following.

ORDER

W.P.(PIL) No. 103 of 2020 deals with the conditions of the workers in the brick kilns spread across the State.

According to Ms. Vasudha Nagaraj, the learned counsel for the petitioners, there are about 1,50,000 brick kiln workers, who are employed in different brick kilns spread in at least eleven Districts of the State. Moreover, according to her, most of the persons working in the brick kilns happen to be from outside the State of Telangana. With the end of the brick manufacturing season, these workers from other States need to get back to their own native States. However, they are finding it difficult to travel from Telangana State to their respective native States. Therefore, necessary arrangements need to be made for these brick kiln workers, now included and seen as migrant workers.

W.P.(PIL) No. 94 of 2020 has been filed with regard to the conditions of the migrant workers, who are travelling on the roads throughout the State, and specially those who are stranded at Medchal in Rangareddy District.

By order dated 29.05.2020, this Court had appointed Mr. Pavan Kumar, the learned counsel, as a Court Commissioner, and had directed him to submit his report with regard to those migrant workers, who were allegedly stranded at Medchal. Mr. Pavan Kumar has submitted his report, which shall be taken on record.

A bare perusal of the Report as well as the concerns of the learned counsel for the petitioner in W.P.(PIL) No. 103 of 2020 clearly reveal a picture of the migrant workers, who are trying to reach their respective destinations, but are caught and stranded not only at Medchal, but even in Secunderabad, Nampally and Kachiguda.

Recently, the Hon'ble Supreme Court by order dated 28.05.2020, in Suo Motu Writ Petition (Civil) No. 6 of 2020 has issued directions to the Central and the State Governments to look after the needs and concerns of the migrant workers. One of the directions issued by the Hon'ble Supreme Court to the States is to ensure that the migrant workers are transported free of cost to their respective destinations.

Ms. Vasudha Nagaraj, the learned counsel for the petitioners, submits that the Deputy Commissioners, Labour should be directed to inspect the brick kilns which are operating within their jurisdiction; they should be directed to find out the number of workers employed at the brick kilns; the number of workers, who are desirous and willing to return to their native villages/towns/cities. The said reports should be submitted by the Deputy Commissioners, Labour to the Labour Department immediately. The Principal Secretary, Labour Department should be directed to consolidate the reports

and to examine the number of kiln workers who need to be transported to their respective places.

Moreover, she submits that since the number of Sramik Trains are being reduced, and since the migrant workers, who were travelling free of cost in these Sramik Trains continues to be high, an endeavour should be made by the Government to ensure that the number of Sramik Trains are increased. She, further, submits that despite the fact that the Hon'ble Supreme Court has directed that migrant workers should be permitted to travel free of cost on the trains, they are not being permitted to board the special trains now being run by the Governments, without charging the fare for their journey. This is creating havoc among the migrant workers as they are presently unemployed and penniless. Therefore, she suggests that the Government should request the Railways Department to attach three to four bogies in the special trains, to permit the migrant workers to board these bogies in the special trains, and that the Government should ensure that these migrant workers travel to their destinations free of cost. According to the learned counsel, this will be in line with the directions issued by the Hon'ble Supreme Court in its order mentioned hereinabove.

She further suggests that since a large number of migrant workers belong to the neighbouring states of Orissa, Chhattisgarh, Karnatana, Andhra Pradesh and Maharashtra, they can be transported easily by the use of RTC buses. Therefore, the Government should restart the plying of the RTC buses for transporting the migrant workers to the boarders of their respective States. A concerted effort should be made by the State Government with the neighbouring State Governments to ensure that when the migrant workers are left at the boarder, they are picked up by the respective States, and are transported to their villages/ towns/cities free of cost.

Mr. Pavan Kumar, the Court Commissioner further submits that, in fact, the State Government should be directed to formulate a comprehensive policy with regard to the upkeep, the welfare and the transportation of the migrant workers. According to him, in his recent visit to Medchal, he has discovered that in the shelter homes, provided by the Government, there are pregnant women, lactating mothers, small children, and aged persons, who require immediate attention of the Civil Administration. According to him, although the Civil Administration has been doing a commendable job in looking after the welfare of the migrant workers, although the NGOs are working day and night for the welfare of the migrant workers, but nonetheless, a comprehensive policy needs to be evolved by the State Government for tackling the present disaster and any future disaster that may erupt within the State or within the country. He further informs this Court that since the migrant workers are not only illiterate, but are non-Telugu speaking people, the registration process evolved by the Government for their transportation on Sramik Trains/Special Trains is

too cumbersome for them. Therefore, a simpler form of registration process and data collection should be evolved by the Government.

Considering the submissions made by the learned counsel Ms. Vasudha Nagaraj, considering the submissions made by Mr. Pavan Kumar, this Court issues the following directions:-

Firstly, the Deputy Commissioners, Labour are directed to inspect the brick kilns functioning within their jurisdiction. They are directed to find out the number of workers still employed in the brick kilns, and the number of workers, who would like to return to their respective native States. Arrangements should also be made by the Deputy Commissioners for transportation of those brick kiln workers, who would like to return to their respective States. The Reports of the Deputy Commissioners should be forwarded immediately to the Principal Secretary, Labour.

Secondly, the Principal Secretary, Labour Department should consider the number of workers who are required to be transported out of the State in coordination with other departments and ensure that the brick kiln workers are brought to Secunderabad, Hyderabad and Rangareddy District, or to any other convenient nearest places, and are comfortably housed in shelter homes. It shall be the duty of the State Government to ensure that the brick kiln workers, and the migrant workers, housed in Secunderabad and any other area of the State, are comfortably looked after, e.g. their food, water, shelter, hygiene and medical requirements are met adequately.

Thirdly, the State Government should seriously consider the use of RTC buses to transport the migrant workers from Secunderabad, Medchal and from any other parts of the State, to their respective States. The migrant workers who are willing to travel through the buses being plied by the RTC at inter-state level should not be charged any fare by the RTC in compliance with the directions issued by the Hon'ble Supreme Court.

Fourthly, the State Government should coordinate with the Railway Department, and should request the Railway Department to (i) increase the number of Sramik Trains not only for the neighbouring States, but also for destinations to other Indian States such as Jharkhand, Bihar, Uttar Pradesh, Madhya Pradesh, and Rajasthan, (ii) in case the number of Sramik Trains cannot be increased, then to request the Railways Department to attach four bogies specially marked for the migrant workers with the Special Trains, which are now being plied by the Railways. Those migrant workers, who are travelling in these specially marked four bogies, and those migrant workers travelling in Sramik Trains, shall not be charged any fares for their travel in compliance with the directions issued by the Hon'ble Supreme Court.

Fifthly, the State is directed to ensure that the migrant workers are brought to the convenient places of Secunderabad, Hyderabad, and Rangareddy District, are housed with adequate arrangements. Those migrant

workers brought to Secunderabad, Hyderabad, Rangareddy, shall be permitted to board the trains from Secunderabad Railway Stations, or to board buses from the Secunderabad or Hyderabad Bus Stations. The State shall be free to consider whether the workers working in the brick kilns should be permitted to leave the State from the nearest Train Station/Bus Station of the places where they are working. However, even in such places, the brick kiln workers are to be looked after by the State Government, and it is the duty of the State Government to ensure that while the brick kiln workers depart from Telangana, they are not charged with any travel fare, either by the Railways Department, or by the RTC.

Sixthly, the State should also inform the neighbouring State, and should coordinate with the neighbouring States with regard to the movement of the migrant workers on the buses, and their arrival at the boarder check-posts.

Seventhly, the State Government is directed to ensure that in the shelter homes housing the pregnant women, lactating mothers, children, and elderly persons, medical facilities are provided for their medical health issues. Moreover, nutritious food is provided for these group of persons on a daily basis.

Eighthly, considering the fact that the migrant workers are illiterate, considering the fact that most of them are from neighbouring States and are non-Telugu speaking people, Government is directed to evolve a simpler form of registration process and data collection for their transportation on Sramik Trains/Special Trains, or on RTC buses.

Lastly, the State Government is directed to evolve a "comprehensive policy" to deal with the migrant workers, both presently, as well as to deal with migrant workers even in future, considering the fact that a disaster can strike the State, or the Nation unannounced.

Mr.B.S.Prasad, the learned Advocate General, is directed to submit a report to this Court about the steps taken by the Government in implementing the directions issued hereinabove, on or before June 08, 2020.

List these cases on 09.06.2020.

**SD/-THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
SD/-SRI JUSTICE B. VIJAYSEN REDDY**

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REGISTRAR (JUDICIAL)


SECTION OFFICER

To,

1. The Chief Secretary, State of Telangana, Secretariat Buildings, Hyderabad
2. The Principal Secretary Department of Home (Law and Order), State of Telangana, Secretariat Buildings, Hyderabad

3. The Principal Secretary Department of Transport, State of Telangana, Secretariat Buildings, Hyderabad
4. Director General of Police, State of Telangana, Hyderabad
5. The Commissioner of Police, Cyberabad, Rangareddy District.
6. The Commissioner of Police, Rachakonda, Rangareddy District.
7. The Superintendent of Police, Adilabad District, Adilabad
8. The Station House Officer, Medchal Police Station, Rangareddy District
9. The Secretary, Ministry of Home, Union of India, North Block, New Delhi - 110001
10. The Principal Secretary Department of Labour, State of Telangana, Secretariat Buildings, Hyderabad
11. District Collector, Hyderabad District Hyderabad
12. District Collector, Rangareddy District Lakadikapul, Hyderabad
13. District Collector, Medchal Malkajgiri District Medchal
14. District Collector, Sangareddy District Sangareddy
15. District Collector, Karimnagar District Karimnagar
16. District Collector, Peddapally District Peddpally
17. District Collector, Warangal District Warangal
18. District Collector, Yadadri Bhuvanagiri Bhuvanagiri
19. District Collector, Nizamabad District Nizamabad
20. District Collector, Nalgonda District Nalgonda
21. District Collector, Khammam District Khammam
22. District Collector, Rajanna Sircilla District Sircilla
23. Commissioner of Labour, Door No 1-1-18/73, Anjaiah Sankshema Bhavan, RTC X Roads, Hyderabad – 500020 (Addressees 1 to 25 by RPAD)
24. The Member Secretary, Legal Service Authority, High Court, Hyderabad
25. The Secretary, District Legal Service Authority, Ranga Reddy District at Hyderabad
26. Sri.Pavan Kumar, Advocate Commissioner, High Court, Hyderabad (Along with a detailed order)
27. The Registrar General, High Court for the State of Telangana, at Hyderabad.
28. The Registrar (Judicial), High Court for the State of Telangana, at Hyderabad.
29. One CC to Smt Vasudha Nagaraj Advocate [OPUC]
30. Two CC to GP for GAD, High Court, Hyderabad (OUT)
31. Two CC to GP for Home, High Court, Hyderabad(OUT)
32. Two CC to GP for Revenue, High Court, Hyderabad(OUT)
33. Two CC to GP for Labour High Court, Hyderabad(OUT)
34. One CC to Sri Namavarpu Rajeshwar Rao, Assistant Solicitor General, High Court, Hyderabad (OPUC)
35. Two CC to Advocate General, High Court, Hyderabad (OUT) **(By Special Messenger)**
36. Two spare copies

HIGH COURT

HCJ & BVR,J

DATED: 02.06.2020

NOTE: LIST THESE CASES ON 09.06.2020

WP (PIL).NOS.103 AND 94 OF 2020

DIRECTION

