

CJ / BVNJ:
08.05.2020

W.P. No.6435 of 2020
& Connected matters

ORDER

The learned Additional Advocate General assures the Court that State is making arrangements to enable the migrant workers to travel back to their respective States after following the guidelines which are laid down by the Government of India.

2. The whole controversy arose as the State Government decided not to allow the migrant workers to travel back to their respective States.

3. Once the order of the Central Government lays down that, after following certain procedure, the migrant workers who are from other States can be allowed to travel up to their respective States, the question is whether the State can put an embargo on the migrant workers travelling back to their respective home States. In fact, the order of the Ministry of Home Affairs of Government of India dated 01st May, 2020 allows the

movement of migrant workers, pilgrims, tourists, students and other persons stranded at different places by special trains. The Ministry of Railways has issued an order dated 02nd May, 2020 laying down the procedure for operation of "Shramik Special Trains".

4. There has to be rational policy of the State Government laying down the manner in which all the migrant workers who wish to travel back to their home States can be allowed to travel back to their respective States. If some migrant workers who are residing far away from the capital city desire to go back to their respective States and all the procedural formalities with the other States are completed, it follows that necessary arrangements for operation of *Shramik Special Trains* from different stations will have to be made.

5. What is most important is that there has to be a rational policy of the State Government which will ensure that the rights of the migrant workers under sub-clause (d) of Clause (1) of Article 19 read with Article 14 of the

3

Constitution are not infringed and that the migrant workers are made aware of the existence of such policy. As per the contention of the State Government, the migrants are in various shelters. If the migrants become aware about the policy of the State Government, it will ensure that they do not undertake adventure of walking from their respective places towards their home States. The consequences of migrants being compelled to walk up to their respective home States are well known and in fact, it cannot be disputed that many such migrants have lost their lives because of the accidents on the roads and on railway tracks. In some cases, as a result of undertaking a long walk and hunger, migrants have lost their lives. We direct the State Government to place on record its policy of enabling the migrant workers to leave the State of Karnataka and reach their respective home States. The policy shall be placed on record on or before the next date.

6. It is obvious that the policy will also deal with a situation where a large number of migrants are found to

be eligible to travel to their respective States, but immediate arrangements can be made for transportation of only few of them. In what manner those few will be selected is also a matter of policy decision of the State Government. From the order dated 02nd May, 2020, we find that the Railways have come forward to provide services of special trains which are called as "*Shramik Special Trains*". We direct the State to place on record in what manner the State is going to arrange for operation of special trains for the benefit of migrants.

7. The learned counsel appearing for All India Central Council of Trade Unions (AICCTU) submitted that those migrants who wish to travel back to their respective States should be permitted to travel with dignity. We are sure that State will consider this suggestion in the light of the fundamental rights available to the migrants like all other citizens.

8. If there are complaints received by the State that some contractors or employers are confining the

migrant workers to their shelters and are not permitting them to go to their respective home States, the State Government will have to attend to such complaints and will have to ensure that the migrants are not harassed in this fashion. This issue will be considered on 12th May, 2020 when these petitions are already fixed for consideration.

9. We make it clear that the policy of the State Government should take care of all categories of migrant workers irrespective of the fact whether they are in their own shelters or in shelters provided by their employers or shelters provided by the State or whether they are on streets.

(Sd/-)
CHIEF JUSTICE

(Sd/-)
JUDGE

RK/-