

IN THE HON'BLE SUPREME COURT OF INDIA

ORIGINAL CIVIL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020
[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]
(IN THE MATTER OF PUBLIC INTEREST LITIGATION)

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IN THE MATTER OF:

Alakh Alok Srivastava

.....Petitioner

-Versus-

Union of India

....Respondent

PAPER BOOK

[FOR DETAILED INDEX KINDLY SEE INSIDE]

WITH

IA NO _____ OF 2020:

**APPLICATION SEEKING PERMISSION
TO APPEAR AND ARGUE IN PERSON**

PETITIONER-IN-PERSON: ALAKH ALOK SRIVASTAVA

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PROFORMA FOR FIRST LISTING

SECTION - PIL (W)

The case pertains to (Please tick/check the correct box)

- Central Act: (Title): **Constitution of India**
 - Article: **32**
 - Central Rule: (Title): **NA**
 - Rule No (s): **NA**
 - State Act: (Title): **NA**
 - Section: **NA**
 - State Rule: (Title): **NA**
 - Rule No (s): **NA**
 - Impugned Interim Order: (Date): **NA**
 - Impugned Final Order/Decree: (Date): **NA**
 - High Court: (Name): **NA**
 - Name of Judges: **NA**
 - Tribunal/Authority: (Name): **NA**
-

1. Nature of matter: **CIVIL**
2. (a) Petitioner/Appellant: **Alakh Alok Srivastava**
(b) Email ID: **advocate.alakh@gmail.com**
(c) Mobile Phone No.: **9871414446**
3. (a) Respondent: **Union of India**
(b) Email ID: **NA**
(c) Mobile Phone No.: **NA**
4. (a) Main Category Classification: **32**
(b) Sub Classification:
5. Not to be Listed Before: **NA**
6. (a) Similar disposed off matter with citation, if any, & case
Details:- **No similar disposed off matter.**
(b) Similar pending matter with case details:- **No similar
pending matter.**

7. Criminal Matters: **NO**

- (a) Whether accused/convict has surrendered: **NA**
- (b) FIR No. and Date: **NA**
- (c) Police Station: **NA**
- (d) Sentence Awarded: **NA**
- (e) Period of Sentence Undergone (Including period of detention/ custody undergone): **NA**

8. Land Acquisition Matters: **NA**

- (a) Date of Section 4 Notification: **NA**
- (b) Date of Section 6 Notification: **NA**
- (c) Date of Section 1 Notification: **NA**

9. Tax Matters: State the tax effect: **NA**

10. Special Category (First Petitioner/Appellant Only):

Senior Citizen/ 65 Years/ SC/ ST/ Woman/ Child/ Disabled/
Legal Aid Case/ In Custody: **NA**

11. Vehicle Number (In case of Motor Accident Claim matters): **NA**

ALAKH ALOK SRIVASTAVA
PETITIONER-IN-PERSON
EMAIL ID – ADVOCATE.ALAKH@GMAIL.COM

Date: 26.03.2020

New Delhi

SYNOPSIS AND LIST OF DATES

That the instant Public Interest Litigation (PIL) by way of Writ Petition has been preferred before this Hon'ble Court under Article 32 of the Constitution of India, inter-alia, seeking urgent kind indulgence of this Hon'ble Court towards the **heart wrenching plight of thousands of migrant workers who, alongwith their families, including women, small children, elders and differently abled persons, are walking on foot for hundreds of kilometres, from big cities of India to their respective native villages, without food, water, transport, medicine or shelter, amid present Coronavirus crisis.**

The humble Petitioner is seeking an urgent kind direction of this Hon'ble Court to the Respondent to direct the local administration/ police authorities across India **to immediately identify such moving/ stranded migrant workers and to immediately shift them to the nearest government shelter homes/ accommodations with proper food, water, medicines and under medical supervision, in a dignified manner,** till the present Coronavirus Lockdown continues.

In the aforesaid backdrop, the instant Public Interest Litigation (PIL) by way of Writ Petition has been preferred under Article 32 of the Constitution of India, seeking kind indulgence of this Hon'ble Court.

The Petitioner herein is a law abiding and peace loving citizen of India and a gold medalist Advocate practicing before this Hon'ble Court and before various other courts/ commissions/ tribunals etc. located in and outside Delhi. The petitioner is enrolled with the Bar Council of Delhi

(BCD) and is also a permanent member of Supreme Court Bar Association (“SCBA”).

The Petitioner had previously taken up the plight of an 8-month old Rape Victim of Delhi before this Hon’ble Court by way of filing another PIL bearing WP (C) No. 76 of 2018. The said PIL of the Petitioner was finally disposed of by a Larger Bench of this Hon’ble Court vide Landmark Judgment dated 01.05.2018 pronounced in **Alakh Alok Srivastava Vs. Union of India and Others, reported as 2018 (7) SCALE 88**, in which this Hon’ble Court issued a plethora of crucial directions for speedy disposal of cases involving sexual offences against children.

Hence, in the aforesaid peculiar facts and circumstances, the kind intervention of this Hon’ble Court is very much warranted urgently in the interest of justice, equity and good conscience. In order to elucidate the *factum probandum* of the case in details, a chronological list of dates is depicted as under -

LIST OF DATES

The Petitioner is a law abiding and peace loving citizen of India and a gold medalist Advocate practicing before this Hon’ble Court and before various other courts/ commissions/ tribunals etc. located in and outside Delhi. The petitioner is enrolled with the Bar Council of Delhi (BCD) and is also a permanent member of Supreme Court Bar Association (SCBA).

- 2017 The Petitioner had previously taken up the plight of a 10-year old rape victim before this Hon'ble Court by way of filing PIL bearing WP (C) No.565/2017, in which this Hon'ble Court had granted its kind indulgence.
- 2018 The Petitioner had further taken up the plight of an 8-month old Rape Victim of Delhi before this Hon'ble Court by way of filing another PIL bearing WP (C) No. 76 of 2018. The said PIL of the Petitioner was finally disposed of by a Larger Bench of this Hon'ble Court vide Landmark Judgment dated 01.05.2018, titled as **Alakh Alok Srivastava Vs. Union of India and Others, reported as 2018 (7) SCALE 88**, in which this Hon'ble Court issued a plethora of crucial directions for speedy disposal of cases involving sexual offences against children.
- 2020 The instant PIL by way of Writ Petition has been preferred by the humble Petitioner before this Hon'ble Court, seeking urgent kind intervention of this Hon'ble Court towards the heart wrenching plight of thousands of migrant labourers, who are walking on foot with their families including elders, women, small children and differently abled persons, from different big cities of India to their respective native villages, without any food, water or shelter, amid the present Coronavirus crisis.

- 2020 It is respectfully submitted that entire world is right now witnessing an unprecedented health emergency due to deadly Novel Coronavirus or COVID-19.
- 24.03.2020 In this regard, on 24.03.2020, the Hon'ble Prime Minister of India announced that the entire country would be going under a 21-day lockdown to fight against novel coronavirus and to control its spread. The Petitioner completely agrees that such Lockdown is very much essential for controlling the spread of the deadly Coronavirus.
- 2020 However, the biggest sufferers of this crisis situation are the poor, unregistered migrant workers, working in various big cities of India as cycle-rickshaw pullers, rag pickers, construction workers, factory workers, house maids, servants, unskilled and semi-skilled workers etc. Few of such migrant labourers are even differently abled.
- 2020 With railways and buses suspended, several of such migrant workers are walking for kilometres to reach their villages. Many are unable to make it across state borders and thus are left stranded on roads, without food, water or shelter. There is a large-scale human distress.
- 2020 Many such poor migrant labourers and their families,

including women, elderly, small children and differently abled people are either walking on foot or left stranded at various parts of the country in an utmost inhuman condition. Many of them are deprived of basic shelter, food or even drinking water.

2020 Being jobless and stranded, migrants workers are not only struggling to make ends meet but are now also fighting a stigma as 'virus' carriers. Hence, they are not likely to be accepted by their respective villages, once they reach there.

2020 Even otherwise, it is not safe to allow these migrant labourers, who might be infected from deadly Coronavirus, from mixing up with their village populations, as it may exponentially increase the said virus with fatal consequences. Hence, the humble Petitioner is seeking kind indulgence of this Hon'ble Court for redressal of the plight of the said migrant labourers, in terms of prayer made herein.

26.03.2020 It is respectfully submitted that on 26.03.2020, the Government of India has announced a package of Rs.1.75 Lakh Crore under "**Prime Minister Gareeb Kalyan scheme**" to address the concerns of poor, migrant workers and those who need help in the present Coronavirus Crisis situation.

2020 However, the concern of the Petitioner is that the aforesaid migrant labourers, who are already travelling or stuck at different places, may not be able to avail the benefits of the aforesaid Scheme immediately.

2020 Such workers are travelling in groups and can be easily identified by the local administration, particularly on national and state highways.

2020 Thus, in the larger public interest, the humble Petitioner is seeking urgent kind indulgence of this Hon'ble Court towards the heart wrenching plight of the said migrant labourers by way of issuance of a suitable direction to the Respondent to direct the local/ police authorities across India to urgent identify such moving migrant labourers and provide them food, water, medicines, medical supervisions at their nearest government shelter homes/ accomodations, in a dignified manner, till the prevailing Coronavirus Lockdown continues.

26.03.2020 Hence, the humble Petitioner has preferred the instant Writ Petition for the kind indulgence of this Hon'ble Court in the interest of justice.

**IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)
WRIT PETITION (CIVIL) NO. OF 2020
(IN THE MATTER OF PUBLIC INTEREST LITIGATION)**

IN THE MATTER OF:

Alakh Alok Srivastava
An Advocate by Profession
Son of Late Shri Raghwendra Kumar,
Aged about 36 years,
Resident of ++++++++

....Petitioner

-VERSUS-

Union of India, Through its Secretary, Ministry of
Home Affairs, North Block, Central Secretariat,
New Delhi – 110001

..Respondent

A PUBLIC INTEREST LITIGATION BY WAY OF WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA, INTER-ALIA SEEKING URGENT ISSUANCE OF APPROPRIATE WRIT, ORDER AND/OR DIRECTIONS TO THE RESPONDENT TO IMMEDIATELY REDRESS THE HEART WRENCHING PLIGHT OF THOUSANDS OF MIGRANT WORKERS WHO, ALONGWITH THEIR FAMILY MEMBERS, INCLUDING WOMEN, SMALL CHILDREN, ELDERS AND DIFFERENTLY ABLED PERSONS, ARE WALKING ON FOOT FOR HUNDREDS OF KILOMETRES, FROM BIG CITIES OF INDIA TO THEIR RESPECTIVE NATIVE VILLAGES, WITHOUT FOOD, WATER, TRANSPORT, MEDICINE OR SHELTER, AMID PRESENT CORONAVIRUS CRISIS; AND/OR TO DIRECT THE LOCAL ADMINISTRATION/ POLICE AUTHORITIES ACROSS INDIA TO IMMEDIATELY IDENTIFY SUCH MOVING/ STRANDED MIGRANT WORKERS AND TO IMMEDIATELY SHIFT THEM TO THE NEAREST GOVERNMENT SHELTER HOMES/ ACCOMMODATIONS WITH PROPER FOOD, WATER, MEDICINES AND UNDER MEDICAL SUPERVISION, IN A DIGNIFIED MANNER, TILL THE PRESENT CORONAVIRUS LOCKDOWN CONTINUES

TO,

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

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the instant Public Interest Litigation (PIL) by way of Writ Petition has been preferred before this Hon'ble Court under Article 32 of the Constitution of India, inter-alia, seeking urgent kind indulgence of this Hon'ble Court towards the heart wrenching plight of thousands of migrant workers who, alongwith their families, including women, small children, elders and differently abled persons, are walking on foot for hundreds of kilometres, from big cities of India to their respective native villages, without food, water, transport, medicine or shelter, amid present Coronavirus crisis.
2. That the Petitioner herein is a Gold Medalist Advocate practicing before this Hon'ble Court and before various other courts/ commissions/ tribunals etc. located in and outside Delhi. The personal particulars of the Petitioner are as follows:

SN	Particulars	Information
1.	Full Name	Alakh Alok Srivastava
2.	Complete Postal Address	+++++
3.	Email ID	advocate.alakh@gmail.com
4.	Phone No.	9871414446
5.	Proof Regarding Personal Identification	True copies of Aadhar Card, PAN Card and SCBA Identity Card Enclosed
6.	Occupation	Advocate
7.	Annual Income	+++++
8.	PAN Number	+++++
9.	National Unique Identity Card No.	+++++

3. That the petitioner is filing the present petition on his own and not at the instance of someone else. The litigation cost, including the advocate's fee and the travelling expenses of the lawyer, if any, are being borne by the petitioner himself.
4. That it is respectfully submitted that the Petitioner has not made any representation to the government due to paucity of time and also considering the urgency of the matter.
5. **BRIEF FACTS**: That the facts constituting the cause of action leading to the filing of the petition are as follows:

5.1 The Petitioner is a law abiding and peace loving citizen of India and a gold medalist Advocate practicing before this Hon'ble Court and before various other courts/ commissions/ tribunals etc. located in and outside Delhi. The petitioner is enrolled with the Bar Council of Delhi (BCD) and is also a permanent member of Supreme Court Bar Association (SCBA).

5.2 The Petitioner had previously taken up the plight of a 10-year old rape victim before this Hon'ble Court by way of filing PIL bearing WP (C) No.565/2017, in which this Hon'ble Court had granted its kind indulgence.

5.3 The Petitioner had further taken up the plight of an 8-month old Rape Victim of Delhi before this Hon'ble Court by way of filing another PIL bearing WP (C) No. 76 of 2018. The said PIL of the Petitioner was finally disposed of by a Larger

Bench of this Hon'ble Court vide Landmark Judgment dated 01.05.2018, titled as **Alakh Alok Srivastava Vs. Union of India and Others, reported as 2018 (7) SCALE 88**, in which this Hon'ble Court issued a plethora of crucial directions for speedy disposal of cases involving sexual offences against children.

- 5.4 The instant PIL by way of Writ Petition has been preferred by the humble Petitioner before this Hon'ble Court, seeking urgent kind intervention of this Hon'ble Court towards the heart wrenching plight of thousands of migrant labourers, who are walking on foot with their families including elders, women, small children and differently abled persons, from different big cities of India to their respective native villages, without any food, water or shelter, amid the present Coronavirus crisis.
- 5.5 It is respectfully submitted that entire world is right now witnessing an unprecedented health emergency due to deadly Novel Coronavirus or COVID-19.
- 5.6 In this regard, on 24.03.2020, the Hon'ble Prime Minister of India announced that the entire country would be going under a 21-day lockdown to fight against novel coronavirus and to control its spread. The Petitioner completely agrees that such Lockdown is very much essential for controlling the spread of the deadly Coronavirus.

- 5.7 However, the biggest sufferers of this crisis situation are the poor, unregistered migrant workers, working in various big cities of India as cycle-rickshaw pullers, rag pickers, construction workers, factory workers, house maids, servants, unskilled and semi-skilled workers etc. Few of such migrant labourers are even differently abled.
- 5.8 With railways and buses suspended, several of such migrant workers are walking for kilometres to reach their villages. Many are unable to make it across state borders and thus are left stranded on roads, without food, water or shelter. There is a large-scale human distress.
- 5.9 Many such poor migrant labourers and their families, including women, elderlies, small children and differently abled people are either walking on foot or left stranded at various parts of the country in an utmost inhuman condition. Many of them are deprived of basic shelter, food or even drinking water.
- 5.10 Being jobless and stranded, migrants workers are not only struggling to make ends meet but are now also fighting a stigma as 'virus' carriers. Hence, they are not likely to be accepted by their respective villages, once they reach there.
- 5.11 Even otherwise, it is not safe to allow these migrant labourers, who might be infected from deadly Coronavirus, from mixing up with their village populations, as it may exponentially increase the said virus with fatal consequences.

Hence, the humble Petitioner is seeking kind indulgence of this Hon'ble Court for redressal of the plight of the said migrant labourers, in terms of prayer made herein.

5.12 It is respectfully submitted that on 26.03.2020, the Government of India has announced a package of Rs.1.75 Lakh Crore under "**Prime Minister Gareeb Kalyan scheme**" to address the concerns of poor, migrant workers and those who need help in the present Coronavirus Crisis situation.

5.13 However, the concern of the Petitioner is that the aforesaid migrant labourers, who are already travelling or stuck at different places, may not be able to avail the benefits of the aforesaid Scheme immediately.

5.14 Such workers are travelling in groups and can be easily identified by the local administration, particularly on national and state highways.

5.15 Thus, in the larger public interest, the humble Petitioner is seeking urgent kind indulgence of this Hon'ble Court towards the heart wrenching plight of the said migrant labourers by way of issuance of a suitable direction to the Respondent to direct the local/ police authorities across India to urgently identify such moving migrant labourers and provide them food, water, medicines, medical supervisions at their nearest government shelter homes/ accommodations, in a dignified manner, till the prevailing Coronavirus Lockdown continues.

6. That the Petitioner has no personal interest involved in the instant Petition.
7. That there is no civil, criminal or revenue litigation involving the Petitioner, which has or could have so legal nexus with the issues involved in the instant Public Interest Litigation.
8. That due to the peculiar facts and circumstances of the instant case and considering the urgent requirement of indulgence sought, the Petitioner has not approached any Government Authority for reliefs sought in the present petition.
9. That the source of information of the facts pleaded in the instant PIL is the news item published in various news papers and news sites. It is submitted that the contents of the said news have been further verified by the Petitioner.
10. That the issue involved in the instant Writ Petition is pertaining to sheer violation of fundamental rights of the poor and under-privileged migrant labourers whose rights enshrined within Articles 14 and 21 of the Constitution of India, amongst others, are being violated.
11. That to the best of knowledge of the Petitioner, no public interest petition raising the same issue is filed before this Hon'ble Court or before any other court.
12. That in view of the above, the present petition has been filed inter-alia, on the following grounds:

GROUND

- A. That urgent kind intervention of this Hon'ble Court is very much warranted towards the heart wrenching and inhuman plight of thousands of migrant labourers, who are walking on foot with their families including elders, women, small children and differently ables, from different big cities of India to their respective native villages, without any food, water or shelter, amid the present Coronavirus crisis.
- B. That the biggest sufferers of this crisis situation are the poor, unregistered migrant workers, working in various big cities of India as cycle-rickshaw pullers, rag pickers, construction workers, factory workers, house maids, servants, unskilled and semi-skilled workers etc. Few of such migrant labourers are even differently abled.
- C. That with railways and buses suspended, several of such migrant workers are walking for kilometres to reach their villages. Many are unable to make it across state borders and thus are left stranded on roads, without food, water or shelter. There is a large-scale human distress.
- D. That many such poor migrant labourers and their families, including women, elderlies, small children and differently abled people are either walking on foot or left stranded at various parts of the country in an utmost inhuman condition. Many of them are deprived of basic shelter, food or even drinking water.

E. That being jobless and stranded, the aforesaid migrants workers are not only struggling to make ends meet but are now also fighting a stigma as 'virus' carriers. Hence, they are not likely to be accepted by their respective villages, once they reach there. Even otherwise, it is not safe to allow these migrant labourers, who might be infected from deadly Coronavirus, from mixing up with their village populations, as it may exponentially increase the said virus with fatal consequences. Hence, the humble Petitioner is seeking kind indulgence of this Hon'ble Court for redressal of the plight of the said migrant labourers, in terms of prayer made herein.

F. That on 26.03.2020, the Government of India has announced a package of Rs.1.75 Lakh Crore under "**Prime Minister Gareeb Kalyan scheme**" to address the concerns of poor, migrant workers and those who need help in the present Coronavirus Crisis situation. However, the concern of the Petitioner is that the aforesaid migrant labourers, who are already travelling or stuck at different places, may not be able to avail the benefits of the aforesaid Scheme immediately.

G. That such workers are travelling in groups and can be easily identified by the local administration, particularly on national and state highways. Thus, in the larger public interest, the humble Petitioner is seeking urgent kind indulgence of this Hon'ble Court towards the heart wrenching plight of the said migrant labourers by way of issuance of a suitable direction to the Respondent to direct the local/ police authorities across India to urgent identify

such moving migrant labourers and provide them food, water, medicines and a place to stay till the completion of the said Lockdown period, in a dignified manner.

H. That the rights of the aforesaid migrant workers under Article 14 and 21 of the Constitution of India are being violated in the present crisis situation, in the most inhuman and heart wrenching manner.

I. That the humble Petitioner, being an advocate practising before this Hon'ble Court, is feeling himself bound and constrained to bring the plight of the aforesaid migrant workers, before this Hon'ble Court in the interest of justice.

J. Thus, in the larger public interest, the humble Petitioner is seeking kind indulgence of this Hon'ble Court.

K. That the instant Writ Petition deserves to be allowed in the interest of justice.

L. That the instant Writ Petition has been preferred seeking kind indulgence of this Hon'ble Court to redress the aforesaid grave injury being caused to the public at large due to aforesaid legislative vacuum and inaction on the part of the Respondent.

13. That the humble Petitioner has not filed any other similar petition or application before this Hon'ble Court or before any other court of law, seeking same or similar relief.

14. That due to the present Coronavirus crisis situation, the humble Petitioner is unable to get his accompanying Affidavit attested or to deposit the requisite court fees alongwith the instant Petition. The humble Petitioner is praying for exemption from this Hon'ble Court in this regard, considering the urgency of the matter.

15. **PRAYER:** In view of the above, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to –

- A. **Issue urgent appropriate Writ, Order or Direction to the Resopndent to immediately redress the heart wrenching and inhuman plight of thousands of migrant workers who, alongwith their families, including women, small children, elders and differently abled persons, are walking on foot for hundreds of kilometres, from big cities of India to their respective native villages, without food, water, transport, medicine or shelter, amid present Coronavirus crisis; and/or**
- B. **Issue urgent appropriate Writ, Order or Direction to the Resopndent to direct the local administration/ police authorities across India to immediately identify such moving/ stranded migrant workers and to immediately shift them to the nearest government shelter homes/ accommodations with proper food, water, medicines and under medical supervision, in a dignified manner, till the present Coronavirus Lockdown continues; and/or**
- C. **Pass any other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.**

AND FOR THIS ACT OF KINDNESS, THE HUMBLE PETITIONER AS
IS DUTY BOUND SHALL EVER PRAY.

Drawn and Filed by:

ALAKH ALOK SRIVASTAVA
PETITIONER-IN-PERSON

NEW DELHI
DRAWN ON: 26.03.2020
FILED ON: 26.03.2020