

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

SUO MOTU WRIT PETITION (C) NO.30 OF 2014

IN RE: CHOPPING OF THE PALMS OF TWO MIGRANTS

WITH

W.P.(C) No. 55/2014

O R D E R

SUO MOTU WRIT PETITION (C) NO.30 OF 2014

We have heard learned counsel for the parties and we have gone through the reports filed by the State Legal Services Authority in Odisha and the State Legal Services Authority in Telangana.

The issue in this writ petition pertains primarily to migrant labour and, more particularly to migrant labour working in brick kilns in Odisha and Telangana.

When this matter was taken for consideration on 15th July, 2014 on the basis of a report in the Hindu Newspaper in its issue of 3rd January, 2014, several issues were raised and the State of Odisha was directed to file an affidavit setting out the following information:

"1) Whether the State Government have formulated any long term/short term action plan to prevent recurrence of the incidents like the one reported in

the press and to prevent exploitation of the migrants labour by the Contractors and other workman who induce such workmen to leave their homes in search of livelihood outside their States. If so, what is the larger picture of such action plan and the steps that are taken pursuant thereto.

2) Whether and if so, how many complaints have been filed against those found violating the statutory provisions including Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

3) Whether any survey as to the ground realities prevailing in the six districts mentioned by us earlier has been conducted at any stage. If so, a copy of such survey be furnished along with an affidavit. If no such survey has been conducted, the same may be got conducted by the State Government expeditiously but not later than three months from the date a copy of this order is furnished to it. The survey shall be conducted by an officer not below the rank of Revenue Divisional Commissioner.

4) Whether Inspectors appointed under Section 20 of the Act aforementioned conduct inspection and report violation of the 7 provisions of the Act on a regular basis. such If so, the number of reports, the action taken on such inspection reports may be indicated in regard to all the six districts mentioned earlier.

5) What additional steps, if any, apart from those which have been taken by the State can be taken immediately in order to prevent not only recurrence of incident like the one reported in the press but also the violation of the relevant provisions of law and the alleged exploitation of migrant workers.

6) An additional affidavit to be sworn by a responsible officer from the State Government on the above aspects apart we deem it just and proper to direct Secretary, State Legal Services Authority to visit the six districts mentioned above submit a report on the said aspects including failure, if any, on the part of the authorities concerned in enforcing the provisions of law and steps that can be taken to prevent the exploitation, malpractices and violations relating thereto. We direct that the State Labour Department, the concerned police authorities of the district and Deputy Commissioner of the district concerned shall lend all assistance to the Secretary, Odisha State Legal Services Authority in the discharge of duties assigned to him. "

An application for intervention was filed by the Mazdoor Union bringing out unsatisfactory conditions and violation of safeguards of statutory provisions not only in the State of Odisha but also in the (then) State of Andhra Pradesh. Accordingly, both the States of Odisha and Andhra Pradesh were directed to file their affidavits in response to the intervention application. Subsequently, the State Legal Services Authority in the States of Odisha and Telangana prepared reports referred to above, relating to the working conditions of migrant workers in brick kilns.

After having gone through the reports, we are of the opinion that it would be more appropriate if the matters are dealt with by the Orissa High Court and the High

Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh limited to the extent that the issue pertains to the State of Odisha and the State of Telangana.

Accordingly, we direct the Registry of this Court to make an additional set of the papers book of this writ petition along with pending interlocutory applications and transfer them to the aforementioned High Courts as soon as preferably within three weeks. We request Hon'ble the Chief Justice of these High Courts to register a public interest litigation and deal with the reports that have been prepared by the State Legal Services Authorities and ensure their implementation.

Needless to say, the High Courts will take into consideration the applications and the replies that have been filed thereto.

Learned Additional Solicitor General submits that it would be more appropriate if the Principal Secretary (Labour) of the concerned State is impleaded as a respondent. We accede to his request and direct that in the public interest litigation to be taken up by the aforementioned High Courts, apart from the State Legal Services Authorities, the Principal Secretary (Labour) is impleaded as a respondent.

The writ petition along with pending interlocutory applications are transferred to the High Courts of Orissa and the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh. The writ petition is disposed of as far as this Court is concerned.

W.P.(C) No. 55/2014

In view of having transferred the SUO MOTU WRIT PETITION (C) NO.30 OF 2014, this petition along with pending I.A., if any, is also transferred to the Orissa High Court which will deal with the matter on its own merits.

The Registry is directed to send the records of this matter to the Orissa High Court within two weeks.

The writ petition along with pending I.A., if any, is disposed of as far as this Court is concerned.

.....J.
(MADAN B. LOKUR)

.....J.
(UDAY UMESH LALIT)

NEW DELHI
NOVEMBER 06, 2015

ITEM NO.302

COURT NO.8

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s).30/2014

IN RE: CHOPPING OF THE PALMS OF TWO MIGRANTS

(With appln.(s) for intervention and office report)

WITH

W.P.(C) No. 55/2014

(With Office Report)

Date : 06/11/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) By Courts Motion

Petitioner-in-person

For Respondent(s) Ms. Kiran Suri, Sr. Adv.
Mr. Bharat Singh, Adv.
Ms. Honey Kumari, Adv.
Mr. Shreekant N. Terdal, AOR

Mr. Tushar Mehta, ASG
Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Ms. Sharmila Upadhyay, AOR

Ms. Jayshree Satpute, Adv.
Mr. Anil Kumar Tandale, AOR

Mr. S. Udaya Kumar Sagar, AOR
Mr. Krishna Kumar Singh, Adv.

Mr. G. N. Reddy, AOR

Mr. David Sunder, Adv.
Mr. Joseph Aristotle S., AOR
Ms. T. Pongener, Adv.
Mrs. Priya Aristotle, Adv.
Ms. Melita Fernandez, Adv.
Mr. M.B. Elakkumanan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition(s) (Civil) No(s).30/2014

The writ petition along with pending interlocutory applications are transferred to the High Courts of Orissa and the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh. The writ petition is disposed of as far as this Court is concerned in terms of the signed order.

W.P.(C) No. 55/2014

In view of having transferred the SUO MOTU WRIT PETITION (C) NO.30 OF 2014, this petition along with pending I.A., if any, is also transferred to the Orissa High Court which will deal with the matter on its own merits.

The Registry is directed to send the records of this matter to the Orissa High Court within two weeks.

The writ petition along with pending I.A., if any, is disposed of as far as this Court is concerned in terms of the signed order.

(SANJAY KUMAR-I)

AR-CUM-PS

(Signed order is placed on the file)

(JASWINDER KAUR)

COURT MASTER