

ITEM NO.5

COURT NO.4

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

Miscellaneous Application No. 94/2022 in SMW(C) No. 6/2020

(Arising out of impugned final judgment and order dated 29-06-2021 in SMW(C) No. No. 6/2020 passed by the Supreme Court Of India)

IN RE PROBLEMS AND MISERIES OF
MIGRANT LABOURERS

Petitioner(s)

VERSUS

Respondent(s)

(FOR FOR CLARIFICATION/DIRECTION ON IA 8420/2022
IA No. 8420/2022 - CLARIFICATION/DIRECTION
IA No. 77565/2022 - EXEMPTION FROM FILING O.T.
IA No. 76452/2022 - EXEMPTION FROM FILING O.T.)

Date : 31-01-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Prashant Bhushan, AOR
By Courts Motion, AOR

For Respondent(s)

Mrs. Aishwarya Bhati, A.S.G.
Mr. Aman Sharma, Adv.
Mr. Surabh Mishra, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Rajat Nair, Adv.
Mr. Amrish Kumar, AOR
Mr. Saurabh Mishra, Adv.
Mr. Nakul Chengappa K.K., Adv.

Mr. Prashant Bhushan, AOR
Mr. C.U. Singh, Sr. Adv.
Mrs. Cheryl D'Suza, Adv.

Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR
Mr. Adit Jayeshbhai Shah, Adv.
Ms. Priyanka Swami, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Sai Shashank, Adv.
Mr. Arnav Singh Deo, Adv.
Mr. Deepayan Dutta, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mrs. Manisha Lawkumar, Sr. Adv.
Ms. Deepanwita Priyanka, AOR

Mr. Rakesh Dahiya, AOR
Mr. Shantanu Dhankar, Adv.

Ms. Nupur Kumar, AOR

Mr. Manish Kumar, AOR
Mr. Sunny Choudhary, AOR
Applicant-in-person, AOR
Mr. Karan Bharihoke, AOR

Mr. Narendra Kumar, AOR
Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Nishant Verma, Adv.
Mr. Simanta Kumar, Adv.
Mr. Ashish Kumar Sinha, Adv.

Mr. Satya Mitra, AOR
Mr. Nikhil Goel, AOR

Mr. Tapeshe Kumar Singh, A.A.G.
Mr. Kumar Anurag Singh, Adv.
Mr. Anando Mukherjee, AOR
Mr. Aditya Pratap Singh, Adv.
Mr. Shwetank Singh, Adv.

Mr. Shailesh Madiyal, AOR
Mr. G M Kawoosa, Adv.
Ms. Palak Mittal, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. Upendra Mishra, Adv.
Ms. P. S. Negi, Adv.

Mr. Vikas Bansal, Adv.

Mr. Sunil Fernandes, AOR

Mr. S. Udaya Kumar Sagar, AOR
Mr. Lakshay Saini, Adv.

Mr. Alok Sangwan, Sr. A.A.G.

Mr. Sumit Kumar Sharma, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Rajat Sangwan, Adv.
Mr. Apoorv Yadav, Adv.
Mr. Vipul Dahiya, Adv.
Ms. Amrita Verma, Adv.
Ms. Sabarni Som, Adv.
Mr. Keshav Mittal, Adv.
Mr. Rajat Mishra, Adv.
Mr. Arvind Kumar Tomar, Adv.
Ms. Moni Tomar, Adv.

Mr. Pranav Sachdeva, AOR
Mr. M. Yogesh Kanna, AOR

Mr. Chirag M. Shroff, AOR
Mr. Shailendra P. Singh, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Shubhranshu Padhi, AOR
Mr. Vishal Banshal, Adv.
Ms. Rajeshwari Shankar, Adv.
Mr. Niroop Sukrithi, Adv

Dr. Manish Singhvi, Sr. Adv.
Mr. Ashok Basoya, Adv.
Mr. Sandeep Kumar Jha, AOR
Mr. Arpit Prakash, Adv.
Mr. Vikalp Sharma, Adv.
Mr. Dhubhangi Agarwal, Adv.
Mr. Arpit Parkash, Adv.
Mr. Kshti Nim, Adv

Mr. Sanjay Kumar Visen, AOR
Mr. Alok Sangwan, Sr. A.A.G.
Mr. Sumit Sharma, Adv.

Mr. Sabarish Subramanian, AOR
Mr. Naman Dwivedi, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. P Shankar, Adv.
Mrs. Shivani Jena, Adv.

Mr. Raj Bahadur Yadav, AOR
Mr. Sachin Patil, AOR
M/S. Plr Chambers And Co., AOR

Mr. Ajay Pal, AOR
Mr. Mayank Dahiya, Adv.
Ms. Sugandh Rathor, Adv.
Ms. Bhupinder, Adv.

Ms. Priyanka C., Adv.

Ms. G. Indira, AOR
Mr. M. Shoeb Alam, AOR

Mr. Nitin Mishra, AOR

Mr. Sibho Sankar Mishra, AOR
Mr. Umakant Mishra, Adv.
Mr. Niranjana Sahu, Adv.
Mr. Debabrata Dash, Adv.
Mr. Apoorva Sharma, Adv.

Mr. Abhishek Atrey, AOR
Mr. Krishnan Mishra, Adv.
Ms. Ambika Atrey, Adv.
Mr. Akash Giri, Adv.

Mr. P.v. Surendranath, Sr. Adv.
Mr. Biju P Raman, AOR
Mr. Subhash Chandran K. R., Adv.
Mr. Sawan Shukla, Adv.
Ms. Krishna L. R., Adv.

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Ms. Astha Sharma, AOR
Mr. Ravinder Singh, Adv.
Mr. Srisatya Mohanty, Adv.
Ms. Raveesha Gupta, Adv.
Ms. Mantika Haryani, Adv.
Mr. Sanjeev Kaushik, Adv.
Mr. Shreyas Awasthi, Adv.
Mr. Himanshu Chakravarty, Adv.
Mr. Devvrat Singh, Adv.
Ms. Muskan Surana, Adv.

Mr. Krishna Kant Dubey, Adv.
Mr. Vatsal Joshi, Adv.
Mr. K. Agarwal, Adv.
Mr. S. N. Terdal

Mr. Sumeer Sodhi, AOR
Mr. Devashish Tiwari, Adv.

Mr. Mohit Paul, AOR
Ms. Rangoli Seth, Adv.
Ms. Muskan Nagpal, Adv.

Mr. B. K. Satija, AOR

Mr. B.K. Satija, A.A.G.

Mr. Sunil Fernandes, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Karun Sharma, Adv.

Mrs. Anupama Ngangom, Adv.

Mr. Rituraj Biswas, AOR

Ms. Ranjeeta Rohatgi, AOR

Ms. Uttara Babbar, AOR

Mr. Shadan Farasat, AOR

Mr. Tapesk Kumar Singh, AOR

Mr. Tapesk Kumar Singh, A.A.G.

Mr. Aditya Pratap Singh, Adv.

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Polanki Gowtham, Adv.

Mr. K V Girish Chowdary, Adv.

Mr. T Vijaya Bhaskar Reddy, Adv.

Mr. Shaik Mohamad Haneef, Adv.

Ms. Niti Richhariya, Adv.

Ms. Rajeswari Mukherjee, Adv.

Mr. Rahul Chitnis, Adv.

Mr. Siddharath Dharmadhikari, Adv.

Mr. Aaditya A. Pande, AOR

Mr. Bharat Bagla, Adv.

Ms. Kirti Dadheech, Adv.

Mr. Abhimanyu Tewari, AOR

Ms. Eliza Bar, Adv.

Mr. Siddhesh Kotwal, Adv.

Ms. A. Upadhyay, Adv.

Ms. Manya Hasija, Adv.

Mr. Akash Singh, Adv.

Mr. Nihar Dharmadhikari, Adv.

Ms. Sampriti Baksi, Adv.

Mr. Nirnimesh Dube, AOR

Mr. Raj Kishor Choudhary, AOR

Mr. Shakeel Ahmed, Adv.

Mr. Anupam Bhati, Adv.

Mr. Amir Kaleem, Adv.

Mr. Nakul Chaudhary, Adv.

Mr. Vikramjeet Singh Ranga, Adv.

Mr. Rizwan Ahmed, Adv.

Ms. Pinky Behera, AOR

Mr. Abhinav Mukerji, AOR
Mr. Abhinav Mukerji, A.A.G.
Mr. Akshay C. Shrivastava, Adv.
Mrs. Bihu Sharma, Adv.
Ms. Bihu Sharma, Adv.

Mr. Ejaz Maqbool, AOR

Mrinal Gopal Elker, AOR
Mrs. Mrinal Elker Mazumdar, Adv.
Mrs. Ankita Choudhary, D.A.G.
Mr. Kameshwar Nath Mishra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

It is very unfortunate that many of the States are unrepresented through their advocates. Unless the State counsels are present, no further direction can be issued.

It is reported that by now out of estimated 38.37 Crores migrants to be registered on e-Shram Portal, total 28.55 Crores migrants are already registered.

It is reported by Ms. Aishwarya Bahti, learned ASG and Shri C. U. Singh, learned Senior Counsel that at least those 28.55 Crores migrants who are already registered on the e-Shram Portal shall be entitled to the benevolent schemes floated by the Central Government and concerned State Governments and also under National Food Security Act.

Ms. Bhati, learned ASG has submitted that as such the schemes floated by the Union of India are to be implemented by the concerned States and the fund is to be provided by the Central Government. Once the migrants/unorganised workers are registered on e-Shram Portal, the Union of India and the concerned States must ensure that all the benevolent schemes

and the benefits which are meant for the concerned migrants/unorganised workers reach to them.

The data collected on e-Shram Portal is to be now used for the betterment of the migrants and the unorganised workers.

Mere registration must not be sufficient.

We direct that on the next date of hearing the Union of India and/or the concerned State Governments shall furnish the particulars that out of 28.55 Crores migrants/unorganised workers registered on e-Shram Portal are having the ration cards or not or whether all of them are given the benefits of food under the National Food Security Act or not.

Let the advocates appearing on behalf of the concerned States remain present on the next date of hearing and file a status report on what has been stated hereinabove.

We are sure that the Central Government must have shared the data collected on e-Shram Portal with the concerned States.

Let the concerned State Governments also share the necessary data which may be available with them with respect to the migrants/unorganised workers with Central Government so that the purpose and object of the schemes floated by the Government are made available to the concerned migrants/unorganised workers working in their concerned States.

Put up on 28th February 2023.

(DEEPAK JOSHI)
COURT MASTER (SH)

(NISHA TRIPATHI)
ASSISTANT REGISTRAR