

# A LONG ROAD FOR MIGRANT WORKERS

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

The Supreme Court on June 29 pronounced its judgment in the migrant labourers case. The case was initiated last year after the national lockdown was announced on March 24. Thousands of landless labourers had started walking towards their home States due to the loss of employment and income. The Supreme Court took cognisance of the matter on May 26 that year and acknowledged the plight of the workers in light of the strict lockdown.

The court has laid down numerous guidelines to provide relief to workers and efficiently tackle the problem till the threat of COVID-19 subsides. Two of the most important components to protect the migrants during this time were the food and travel arrangements insisted on by the court. In the orders pronounced in May this year, it laid down that dry ration be provided to migrants who want to return to their homes. Further, the court said that identity proof should not be insisted upon by the governments since the labourers might not be able to furnish it. Secondly, the court called upon the State governments to arrange transportation for workers who need to return to their homes. These guidelines by the court are crucial to ensure the safety of workers.

The Supreme Court fixed July 31 as the deadline for the States to implement the 'One nation One Ration Card' scheme. Under this scheme, the States are to complete the registration of migrant workers in order to provide dry ration to them. But it is unlikely that a standardised system can be developed within the deadline prescribed by the court.

Apart from dry ration, the top court also directed the State governments to run community kitchens for migrant workers. However, there arise administrative problems in implementing these measures. First, migrant workers keep moving in search of employment and it is difficult to cover them all under the scheme. Second, many States do not have the necessary infrastructure to run and maintain community kitchens on such a large scale.

Under the National Food Security Act, migrant workers are issued ration cards and they are entitled to dry ration under various government programmes, such as the Atmanirbhar Bharat scheme, during the pandemic. In the order passed on June 29, the court affirmed the Right to Food under Article 21 of the Constitution. In furtherance of this, the court asked the States to formulate their own schemes and issue food grains to migrants. This is an indispensable step to keep more than a fourth of the population of the country safe and healthy during the pandemic.

However, there are no normative data that would allow the States to identify eligible migrants. The court took cognisance of the issue and directed the Ministry of Labour and Employment to ensure that the National Database for Unorganised Workers is updated by July 31.

Finally, the top court recognised the need for direct cash benefit transfer to workers in the unorganised sector. But it did not issue any guidelines for the same as the workers need to be covered by the States themselves.

The Supreme Court has given a purposive declaration in the case but the bulk of the judgment seems declaratory rather than mandatory. In order to efficaciously implement the orders of the court, the State governments need to work with the Centre closely. With the third wave of COVID-19 infections looming, it is imperative to ensure that government machinery works to its full potential and robust systems are developed to withstand the challenges.

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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