

# THE HINDU EDITORIAL ON THE SUPREME COURT'S BELATED, BUT WELCOME MOVE ON MIGRANT WORKERS

Relevant for: Indian Economy | Topic: Issues Related to Poverty, Inclusion, Employment & Sustainable Development

It is a matter of relief that the Supreme Court has at last [taken cognisance](#) of the [plight of millions of inter-State workers](#) looking for transport home and relief from the unrelenting misery unleashed on them by the lockdown. A three-judge Bench has initiated *suo motu* proceedings based on media reports and [representations from senior advocates](#), observing that there have been inadequacies and lapses on the part of the Centre and States in dealing with the crisis faced by workers. It need not have come to this. This could have taken place seven or eight weeks earlier, when petitions were filed before the top court on behalf of those left in the lurch across India after the Centre announced a lockdown, with just four hours' notice. With a kind of self-effacement and self-abnegation not in keeping with its institutional history, the Court had then [accepted the government's sweeping claim](#) that there were no migrants on the roads any more, and that the initial exodus of workers from cities to their home States had been [set off by "fake news"](#) to the effect that the lockdown would last for months. In an unfortunately limited intervention, the Court merely advised the police to [treat the workers on the roads with kindness](#) and directed the media to highlight the Centre's version of the developments.

The Court's reluctance to intervene may have stemmed from a belief in letting the executive handle the fallout of an unprecedented global crisis, but, in the process, it abandoned its primary responsibility of protecting fundamental rights, especially of those most vulnerable. Such was the resultant dismay that retired judges called it out for apparent abdication of its duty. A former High Court judge even said the ghost of *ADM Jabalpur* was lingering, in an unflattering reference to an Emergency-era judgment, now mercifully overruled, that held that personal liberty was not absolute during a state of emergency. Whether it was shamed into taking cognisance of the issue or it felt that the situation is ripe for intervention, one should now expect the Court to take a more critical look at the government's lapses, and emulate the stellar role that High Courts are playing in holding administrations accountable. The top court must now find out if the Centre, which imposed a stringent lockdown to buy time for preparing the health infrastructure, had discharged its responsibilities. It may even lay down guidelines for planning, coordination and establishment of a mechanism to address the economic and humanitarian consequences of such actions in future. The government should also do more than asking its law officers to fulminate against activists, denounce the media and question the patriotism of those critical of its actions. A national tragedy requires a more statesmanlike response.

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