



Registration of Migrant Workers

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This article is based on **Why the Supreme Court order on registration of migrant workers is welcome** which was published in The Indian Express on 22/07/2021. It talks about the supreme court order on registration of migrant workers.

According to the latest government data on migration from the **2011 Census**, India had 45.6 crore migrants in 2011 (38% of the population) compared to 31.5 crore migrants in 2001 (31% of the population).

The migrant workers are the worst sufferers due to the **Covid-19 pandemic** as they could not access the government schemes benefits due to the status of statelessness. Thus, the workers in the **unorganised sector (around 93%**, including most migrants in lower-end jobs) need to be able to access numerous welfare schemes in existence.

However, the recent **Supreme Court (SC) judgment** on the problems and miseries of migrant workers will go down in history as a radical judgment to reduce human suffering in the wake of the **Covid-19 pandemic**.

The order explicitly recognises the critical contribution of migrant workers to the economy, even though they are often employed in precarious jobs. However, the judgement has its own challenges in the smooth implementation.

Significance of SC Order

- **Accept Self-declaration:** In a significant break with convention, the order declared that **authorities shall not insist on an ID card and accept “self-declaration”** from workers to access welfare programmes (a similar provision was made in the 2008 **Social Security Act**).

In a country where documents determine access to state resources and who is or is not granted citizenship, it is nothing short of revolutionary to issue orders to do away with paperwork.

- **Universalise the Access to Welfare Scheme:** The order also says that the lack of documentation cannot be used as an excuse by the state to abdicate its responsibility, especially during the pandemic.

However, the long-term goal is to get all migrant workers registered so that access to welfare schemes reaches to all.

- **Inspires Confidence in Socialist agenda:** The SC order inspires confidence in India's original socialist agenda at a time when neoliberal policies have challenged measures to protect the dignity and rights of the weakest in society and when industries are engaged in a nasty "race to the bottom" on labour standards to cut costs and stay competitive.
- The order is a welcome indicator that the highest court is still looking out for the **most vulnerable sections** of society.

Issues of Migrants

- **Delay in Registering Workers:** The main barrier preventing access is the delay in registering workers on the **national database** of the Ministry of Labour and Employment.
- **Issues in the Labour Department:** There are numerous barriers within the labour department, including a lack of guidelines on procedures related to registration, and delays in uploading data submitted in hard copy on the portal as it cannot be directly updated by others.
- **Administrative Issues:** Migrants experienced a variety of problems with registration ranging from digital illiteracy, corruption, bureaucratic inefficiency and the requirement of multiple documents (even where only Aadhaar would suffice).
- **Exclusion of Vulnerables:** Exclusion was markedly worse among the vulnerable such as Muslims, lower castes owing to discrimination in the society. The tasks set out in the SC order challenge entrenched patterns of labour recruitment and employment that have taken root in the current neoliberal context.

Way Forward

- **Fast Forward Registration Process:** Without registration, none of the welfare schemes in existence can be accessed. Thus, the process should be fast-forwarded to register all the migrant workers.
- **Implementation of Existing Laws:** Workers must be registered under the three laws that are in place to protect labour and migrant workers, namely, the **1979 Interstate Migrant Workmen Act**, the **1996 Building and Other Construction Workers Act** and the **2008 Unorganised Sector Social Security Act**.

- **Earliest Rollout of ONORC Scheme:**

- The Ministry of Consumer Affairs, Food and Public Distribution should allocate additional food grains to the states for disbursement to migrant workers under the **One Nation One Ration Card (ONORC) scheme** under the **National Food Security Act**.
- The rollout of this system requires beneficiaries to possess a ration card, an Aadhaar number, and electronic points of sale (ePoS) in ration shops.

- **Reform Labour Departments:** The labour departments are seriously short of staff and capacity to carry out the Supreme Court order.

Steps must be taken to bring organisational transformation in the departments.

Conclusion

Social security measures should cover all the unorganized workers to bring overall development in our country.

Thus, the supreme court's recent order regarding registration of migrant workers stands up for the rights of the weakest and recognises their critical contribution to the economy.

Drishti Mains Question

'The contribution of migrant workers to the economy is innumerable, even though they are often employed in precarious jobs.' In the light of the statement, discuss the supreme court's recent order on registration of migrant workers on national databases.