

# After ignoring migrant workers' plight, the Indian Supreme Court now acknowledges unfolding social tragedy

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After two months of ignoring the horrific plight facing migrant workers due to the calamitous, ill-prepared COVID-19 lockdown imposed by Prime Minister Narendra Modi and his BJP government, the Supreme Court of India issued an order Thursday regulating the transportation of migrants to their home states.

The order came two days after the country's highest court took *suo motu* cognizance of the "problems and miseries of migrant labourers who have been stranded in different parts of the country." The order is motivated above all by the fear among India's legal authorities that continued failure to take any action could cause the rage building up among millions of oppressed workers and toilers to erupt in opposition to the entire capitalist elite and its state.

Modi imposed a three-week nationwide lockdown in late March with barely four hours of warning. The sweeping move was not accompanied by any financial or social assistance for hundreds of millions of migrant workers and other impoverished day labourers who were robbed of their livelihoods overnight.

The government only announced so-called relief measures on the second day of the lockdown. The \$22.5 billion package offered a pittance to India's 1.37 billion inhabitants, with total assistance amounting to a mere 1,200 rupees, or \$16 per person. Many workers were either not eligible for or could not access the "relief" because the programs through which it was distributed were tied to their home state or place of birth.

Within a matter of days, horrific images began to appear showing migrant workers left to fend for themselves desperately trying to return to their home villages where they hoped to find food and shelter with their kith and kin. With train and bus services suspended, millions of migrant workers began treks of hundreds of miles to return to their home villages on foot. When the authorities intervened, they did so not to assist the workers, but rather to confine them to prison-like camps on the pretext of stopping the spread of

the coronavirus. In reality, the cramped, makeshift living quarters, inadequate food and terrible sanitary conditions created a favourable environment for the virus to spread.

The helpless migrants largely depended on charities and NGOs for food while they were confined.

The Modi government's refusal to roll out mass testing and provide additional resources to India's chronically underfunded health care system meant that the lockdown failed to "break the chain" of infections. Modi was therefore compelled to repeatedly announce the extension of the lockdown, now set to end on May 31. In so doing, he offered nothing more to the people struggling to survive on the government's famine-like relief.

Amid the unbearably brutal conditions in the camps, migrant workers began protesting to demand their right to return home. As the lockdown was eased, various state governments chartered trains and buses to transport the workers. However, in a callous move that sums up the contempt of the Indian bourgeoisie towards the impoverished masses, they sought to make the starving workers pay for their travel. The authorities also made no effort to test the workers for the virus before returning them home, meaning that many likely carried it with them into rural areas across the country.

Many workers who lacked the funds to pay the fares demanded by the government once again took to walking home along highways and railways lines, producing a series of tragic accidents. In one especially horrendous episode, a train ran over 16 migrant workers as they walked home.

Against the background of such widespread human suffering, the Supreme Court felt compelled to state in its order, "As and when the state governments put in a request for trains, railways has to provide them. No fare for train or bus shall be charged from migrant workers. The fare will be shared by the states." It also said the stranded migrant workers "shall be provided food by the concerned state at places" and given food and water during their railway

journey. States should oversee the registration of migrant workers and then ensure they board a bus or train at an early date, the order continued. Finally, it ruled that if migrant workers are found walking on the roads, they should be taken to shelter and provided food and all facilities. The Supreme Court will hold a further hearing on the issue on June 5.

LiveLaw.in, an Indian legal website, wrote that the Supreme Court bench comprising Justices Ashok Bhushan, Sanjay Kishan Kaul and M.R. Shah “was not saying that the Centre was not doing anything,” but that “some further steps need to be taken.” Appearing on behalf of the government, Solicitor General Thusar Mehta said that so far approximately 10 million migrants have received transport home—5 million by rail and 4.7 million via road transport. Underlining the fact that the government does not even know the scale of the problem, the Solicitor General admitted that only the states have “exact information” on the numbers still in the makeshift camps. Mehta also arrogantly tried to downplay the terrible conditions faced by migrant workers, calling them “isolated incidents.”

Less than two weeks prior to grudgingly admitting the tragedy that has befallen the migrant workers, the Supreme Court rejected a public interest litigation on May 15 seeking relief for migrants. Responding to the petitioner’s reference to the 16 workers killed by the train, Justice Nageswara Rao, a member of the bench that heard the case, cynically asked, “There are people walking and not stopping. How can we stop it?” Endorsing Rao’s line, the aforementioned Justice Kaul told the petitioner, “Your knowledge is totally based on newspaper clippings and then under Article 32, you want this court to decide. Let the states decide.” Article 32 of the Indian Constitution gives the right to individuals to seek justice from the Supreme Court if they feel their rights have been “unduly deprived.”

The BJP government and Indian ruling elite’s callous treatment of the migrant workers underscores the utter bankruptcy of Indian capitalism. After three decades of rapid capitalist expansion and India’s purported “rise,” all that is left for millions of Indian toilers is hunger, poverty and endless social misery at the hands of a corrupt and brutal ruling elite. That the Indian legal authorities have now intervened has less to do with their concern for the plight of the impoverished workers than it does with their fear that the suffering and death being experienced on a mass scale could trigger a social explosion that the state institutions will be incapable of controlling.

This can be seen in some of the rulings the Court has issued during the pandemic. On March 31, after nearly one week of the lockdown, the Supreme Court uncritically accepted the government’s submission that the mass

movement of migrant workers was the result of “panic created by fake news that the lockdown would continue for more than three months.” In flagrant violation of the rights to free speech and freedom of the press guaranteed in India’s constitution, the Court joined the government in threatening media outlets with prosecution for spreading “fake news” if they fail to publicize what it termed “the official version” of “developments” (see: “Amid India’s calamitous lockdown, Modi seeks to censor coronavirus reports”).

The Supreme Court’s latest ruling on migrant workers must also be seen as an attempt to refurbish its badly tattered image as a “people’s institution.” For decades, India’s highest court has connived in attacks on democratic rights and in the ruling elite’s ever more pronounced turn to rabid communalism as a means to deflect social opposition and split the working class.

During the six years of the Modi government, it has lurched still further right giving a legal imprimatur to the BJP’s authoritarian and Hindu supremacist policies. Last November, for example, it issued a decision endorsing the violent, decades-long agitation that the BJP and its Hindu right allies have mounted to build a temple dedicated to the mythical Hindu god Lord Ram on the former site of the Babri Masjid mosque in Ajodhya, Uttar Pradesh. The 16th century mosque was razed to the ground in 1992 by Hindu fanatics, acting at the instigation of the BJP’s top leaders, and in express violation of Supreme Court orders.

India’s highest court has also greenlighted the BJP government’s patently anti-democratic abrogation by executive fiat of the semi-autonomous constitutional status of Jammu and Kashmir, India’s lone Muslim-majority state, and its imposition of a six month-long de facto state of siege in the disputed region.



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