

2023 LiveLaw (SC) 332

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

M.R. SHAH; J., AHSANUDDIN AMANULLAH; J.

M.A. NO. 94 OF 2022 IN SMW(C) NO. 6 OF 2020; APRIL 20, 2023

In Re Problems and Miseries of Migrant Labourers

Summary: - Supreme Court directed state governments to grant ration cards to migrant or unorganized workers who do not have them but are registered on the centre's e-Shram portal, within three months.

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

For Parties Mr. Prashant Bhushan, AOR By Courts Motion, AOR Mr. Tushar Mehta, SG Ms. Aishwarya Bhati, ASG Mr. K. M. Nataraj, ASG Ms. Kanu Agarwal, Adv. Mr. Rajat Nair, Adv. Mr. Saurabh Mishra, Adv. Mr. Arvind Kumar Sharma, AOR Mr. Raj Bahadur Yadav, AOR Mr. Sachin Patil, AOR M/S. Plr Chambers And Co., AOR Mr. Sabarish Subramanian, AOR Mr. K.V.Jagdishvaran, Adv. Mr. Gandeepan, Adv. Mr. Harnaman Singh, Adv. Mr. Ashwini Kumar, Adv. Ms. G. Indira, AOR Mr. M. Shoeb Alam, AOR Mr. Nitin Mishra, AOR Ms. Mitali Gupta, Adv. Mr. Ajay Pal, AOR Mr. Mayank Dahiya, Adv. Ms. Sugandh Rathor, Adv. Ms. Bhupinder, Adv. Mr. Sibbo Sankar Mishra, AOR Mr. Abhishek Atrey, AOR Dr. Abhishek Atrey, Adv. Mr. Krishnan Mishra, Adv. Mr. Biju P Raman, AOR Mr. Amrith Kumar, AOR Ms. Astha Sharma, AOR Mr. Srisatya Mohanty, Adv. Ms. Anju Thomas, Adv. Mr. Sanjeev Kaushik, Adv. Ms. Mantika Haryani, Adv. Mr. Shreyas Awasthi, Adv. Mr. Himanshu Chakravarty, Adv. Ms. Ripul Swati Kumari, Adv. Mr. Bhanu Mishra, Adv. Mr. Devvrat Singh, Adv. Ms. Muskan Surana, Adv. Mr. Sumeer Sodhi, AOR Mr. Devashish Tiwari, Adv. Mr. Mohit Paul, AOR Ms. Rangoli Seth, Adv. Mr. Nishe Rajen Shonker, AOR Mrs. Anu K Joy, Adv. Mr. Abraham C. Mathew, Adv. Mr. Alim Anvar, Adv. Mr. Sunil Fernandes, AOR Mr. Pukhrambam Ramesh Kumar, AOR Ms. Anupama Ngangom, Adv. Mr. Karun Sharma, Adv. Mr. Rituraj Biswas, AOR Mr. B. K. Satija, AOR Ms. Uttara Babbar, AOR Mr. Shadan Farasat, AOR Mr. Shourya Dasgupta, Adv. Ms. Hrishika Jain, Adv. Ms. Natasha Maheshwari, Adv. Ms. Mreganka Kukreja, Adv. Mr. Aman Naqvi, Adv. Mr. Tapesk Kumar Singh, AOR Mr. Prashant Bhardwaj, Adv. Mr. Aditya Pratap Singh, Adv. Ms. Ranjeeta Rohatgi, AOR Mr. Abhimanyu Tewari, AOR Ms. Eliza Barr, Adv. Mr. Raj Kishor Choudhary, AOR Ms. Pinky Behera, AOR Mr. Abhinav Mukerji, AOR Mr. Akshay Shrivastava, Adv. Mrs. Bihu Sharma, Adv. Ms. Pratishtha Vij, Adv. Mr. Ejaz Maqbool, AOR Mrinal Gopal Elker, AOR Mr. Shuvodeep Roy, AOR Mr. Sai Shashank, Adv. Mr. Deepayan Dutta, Adv. Mr. Prashant Bhushan, AOR Mrs. Cheryl D'Souza, Adv. Ms. Ruchira Goel, AOR Ms. K. Enatoli Sema, AOR Ms. Limayinla Jamir, Adv. Mr. Amit Kumar Singh, Adv. Ms. Chubalemla Chang, Adv. Mr. Prang Newmai, Adv. Ms. Manisha Lavkumar, Sr. Adv. Ms. Deepanwita Priyanka, AOR Mr. Rakesh Dahiya, AOR Ms. Nupur Kumar, AOR Mr. Manish Kumar, AOR Mr. Sunny Choudhary, AOR Mr. Santosh Krishnan, AOR Applicant-in-person, AOR Mr. Karan Bharihoke, AOR Mr. Narendra Kumar, AOR Mr. Raghvendra Kumar, Adv. Mr. Anand Kumar Dubey, Adv. Mr. Simanta Kumar, Adv. Mr. Rajiv Kumar Sinha, Adv. Mr. Aravindh S., AOR Ms. Uma Bhuvaneswari, Adv. Mr. Satya Mitra, AOR Mr. Nikhil Goel, AOR Mr. Anando Mukherjee, AOR Mr. Rahul Chitnis, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Bharat Bagla, Adv. Mr. Sourav Singh, Adv. Mr. Avijit Mani Tripathi, AOR Mr. Sunil Fernandes, AOR Mr. S.. Udaya Kumar Sagar, AOR Mr. Gm Kawoosa, Adv. Ms. Palak Mittal, Adv. Mr. Shailesh Madiyal, AOR Mr. Akshay Kumar, Adv. Mr. Pranav Sachdeva, AOR Mr. M. Yogesh Kanna, AOR Mr. Chirag M. Shroff, AOR Mr. Alok Sangwan, Sr. A.A.G. Mr. Samar Vijay Singh, AOR Mr. Sumit Kumar Sharma, Adv. Mr. Rajat Sangwan, Adv. Mr. Keshav Mittal, Adv. Ms. Amrita Verma, Adv. Ms. Sabarni Som, Adv. Mr. Shubhranshu Padhi, AOR Mr. Vishal Bansal, Adv. Ms. Rajeshwari Shankar, Adv. Mr. Niroop Sukirthy, Adv. Dr. Manish Singhvi, Sr. Adv. Mr. Sandeep Kumar Jha, AOR Mr. Ashok Basoya, Adv. Mr. Arpit Prakash, Adv. Mr. Alok Sangwan, Sr. A.A.G. Mr. Sanjay Kumar Visen, AOR Mr. Sumit Sharma, Adv. Mr. Gurmeet Singh Makker, AOR

ORDER

M.R. SHAH, J.

1. A further status report has been filed on behalf of the Union of India. In the status report, it is stated that against the total target of 38,37,42,394 migrants 28,86,23,993 migrants have already registered their names on eShram portal. It is stated that e-Shram portal was launched on 26th August, 2021 by the Ministry of Labour & Employment in technical cooperation with NIC. It is submitted that eShram portal is meant to register and support the unorganised/migrant workers by providing them with a Universal Account Number (UAN). It is submitted that the Ministry has on boarded CSC-SPV to function as

eShram registration center to provide assistance in registration to the unorganized workers. That the registration charges of Rs. 20/- per registration is being directly paid to the CSCSPV by the Central Government and so far, payment of more than Rs. 347.57 crores upto December, 2022 has been made to CSC for registration on eShram. The steps undertaken by the CSC to facilitate registration of unorganized workers on the eShram portal has been stated in the further status report. It is submitted that the Ministry of Labour and Employment has developed a Standard Operating Procedure (SOP) to share eShram portal data with States and Union Territories (UTs). Accordingly, guidelines for data sharing have been shared with all the States & UTs in accordance with the SOP. It is submitted that Data Sharing Portal (DSP) has been developed and made live by the Ministry of Labour and Employment to facilitate the sharing of eShram data with the State Governments so as to equip them for targeted implementation of the welfare schemes. It is submitted that 24 States/UTs have onboarded Data Sharing Portal through which they can access eShram data of their State/UT. It is submitted that the concerned State/UT government will have to share the data with other departments of the State Government as per the requirement.

2. It is further submitted in the report that it has been found that out of 28.60 crores registrants on eShram, 20.63 crores are also registered on Ration Card Data. It is pointed that approximately 3.82 crores eShram registrants are also found to be beneficiary under PM-Kisan Samman Nidhi. It is submitted that the benefit of Pradhan Mantri Shram Yogi Mann-Dhan Yojana (PM-SYM) has been given to the eligible migrants.

3. Ms. Aishwarya Bhati, learned ASG appearing on behalf of the Union of India has submitted that each State has their own policies for issuance of the ration card. It is submitted that the concerned State/UT has to take further steps to issue ration card to remaining registrants on eShram.

4. Shri Prashant Bhushan, learned counsel has pointed out that approximately more than 10 crores persons are deprived of the benefit of National Food Security Act due to nonissuance of the ration cards which as such is due to the fact that at present census of 2011 is being implemented and that after 2011 population has increased.

5. Having heard Ms. Bhati, learned ASG and Shri Prashant Bhushan, learned counsel and on going through the further status report, we appreciate the exercise undertaken by the UOI with the assistance of the respective States/UTs for registration of the migrants/unorganized workers on eShram portal. 28.60 crores migrants/unorganized workers are registered on eShram portal which is a commendable job. However, out of 28.60 registrants on eShram 20.63 crores are registered on ration card data. Meaning thereby, the rest registrants on eShram are still without ration cards. Without the ration card a migrant/unorganized labourer or his family members may be deprived of the benefit of the schemes and may be the benefit under the National Food Security Act. Therefore, being a welfare State, it is the duty of the concerned State/UT to see that the remaining registrants on eShram, who are still not registered on ration card data and who are not issued the ration cards, they are issued ration cards and the exercise for issuance of ration cards is required to be expediated. As the Union of India and the concerned State/UT now already have the data of the registrants on eShram portal and will be having the required information, the State/UT shall reach to them so that they can be issued the ration cards and that their names are registered on ration card data.

6. At present, we give further three months' time to the concerned State/UT to undertake the exercise to issue ration cards to the left out registrants on eShram portal by giving wide publicity and the concerned State/UT to approach them through the office of the concerned Collector of the District so that more and more registrants on eShram portal are issued the ration cards and so that they may get the benefit of the benevolent schemes floated by the UOI and the State Government including the benefit under the National Food Security Act. We order accordingly.

Put up on 03.10.2023, so as to enable the Union of India to file further status report.

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