Interstate Migrant Workmen Act 1979

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 is an Act of the Parliament of India enacted to regulate the condition of service of inter-state labourers in Indian labour law. The Act's purpose is to protect workers whose services are requisitioned outside their native states in India. Whenever an employer faces shortage of skills among the locally available workers, the act creates provision to employ better skilled workers available outside the state.

Background

The employment system of interstate migrant labour was an exploitative system prevalent more or less in all over India. It was rampantly institutionalized in Orissa and in some other states. In Orissa the migrant labour (called dadan labour locally) through contractors or agents (called Sardars / Khatedars) are sent for work outside the state in large construction projects. This system lends itself to various abuses. Sardar promising at the time of recruitment that wages would be calculated on piece rate basis would not be settled every month as promised. Once the worker came under clutches of the contractor he took him to a far off place on payment of railways fare only. No working hours were fixed for interstate migrant workers and they had to work on all the days in a week under extremely bad working conditions.

Twenty eighth State Labour Ministers conference held on 21-10-1976 recommended for setting up of a small compact committee to examine all issues and suggest measures for eliminating the abuses prevalent in the interstate workers deployment. The compact committee which was constituted in February 1977, recommended the enactment of a separate central legislation to regulate the employment of interstate migrant workers.

Provisions

Rights of interstate workers

In addition to the general labour laws applicable to all workers, the interstate workers are entitled with

- equal or better wages for the similar nature & duration of work applicable for the local workmen or stipulated minimum wages under the Minimum Wages Act, 1948 whichever is more,
- displacement allowance (Section 14),
- home journey allowance (Section 15) including payment of wages during the period of journey,
- suitable residential accommodation and medical facilities free of charge on mandatory basis.
- Termination of employment after the contract period without any liability.
- Right to lodge compliant with the authorities within three months of any incident, accident,
Role of contractors

Registration of all contractors who employs or employed five or more Interstate Migrant Workmen on any day of the preceding 12 months.

- Furnish the details of workmen periodically in such forms as prescribed by state government.
- Maintain the registers indicating the details of interstate workers and make available for scrutiny by the statutory authorities.
- Issue of passbook affixed with a passport-sized photograph of the workman indicating the name and the place of the establishment where the worker is employed, the period of employment, rates of wages, etc. to every inter-state migrant workman.
- Reporting by the contractor the incidence of fatal accident or serious injury of such workman to the specified authorities of both the States and also the next of kin of the workman.
- Liable for the prescribed punishments for violations committed under this Act.

Role of principal employers

- Registration of all principal employers who employs or employed directly or indirectly five or more Interstate Migrant Workmen on any day of the preceding 12 months.
- Maintain the registers indicating the details of interstate workers and make available for scrutiny by the statutory authorities.
- Every principal employer shall nominate a representative duly authorized by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner and may be prescribed.
- Principal employer shall be liable to bear the wages and other benefits to interstate workers in case of failure by the contractor to effect the same.
- Liable for the prescribed punishments for violations committed under this Act.

Role of state governments

- Appointment of inspectors to oversee implementation of this act.
- Appointment of registration officers to grant and revoke registration of contractors / principal employers / establishments.
- Appointment of licensing officers to grant, suspend and revoke licenses to contractors / principal employers / establishments.
- Making rules for carrying out the purposes of this Act subject to the condition of previous publication.
- Entertaining appeals from the aggrieved parties and disposal of the same as per this Act.

Proposed amendment

The Interstate Migrant Workers (Regulation of Employment and Conditions of Service) Amendment Bill, 2011 is proposed to make this Act gender neutral by amending its title and replacing the word ‘workman and workmen’ by the words ‘worker and
workers’ respectively. However, the lawmakers have not thought of bringing additional provisions to implement this Act strictly with more accountability and punishments for violations.

Possible improvements

- All interstate workers should be registered in gram panchayat or municipality or corporation compulsory.
- All interstate workers shall be provided with the benefits of Public Distribution System (PDS) Cards to avoid buying food grains and kerosene at higher prices. Adhar identity card shall be made compulsory for the interstate workers.
- The remuneration to interstate workers shall be deposited in their bank accounts and not by cash by the contractors.
- Every state government shall mandatorily operate an internet portal indicating the registered principal employers, contractors, establishments and interstate workmen details including Adhar card data for general public information and verification. The details of interstate workmen shall be uploaded by the principal employers and contractors promptly. Non compliance by the principal employers or contractors is treated as violation of the Act and liable for punishment.
- No contractor shall deploy the workers outside the state without getting registered in that state. All the details of the interstate workers deployment outside the state shall be made available to the state authorities promptly.
- The state government authorities shall conduct mandatory yearly audit of all employers / contractors in a state regarding deployment of interstate workers and submit yearly compliance status or implementation report to the state assembly for their scrutiny.
- The ongoing finance commission shall give weight age in devolution of central government funds to the states which are giving more employment to interstate workers as they are ahead in demographic transition. Demographic transition of a state is a real index & status of all round human and economical development.