Inter-State Migration

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कुणीही कुठेही जावं झाला नेमकी कायची बाजू काय?

- Article 19 of the Constitution states that

(1) All citizens shall have the right—
(d) to move freely throughout the territory of India;
(e) to reside and settle in any part of the territory of India;
(g) to practise any profession, or to carry on any occupation, trade or business.

- Schedule 7-List 1-81 of the Constitution of India states that the Inter-state migration comes under the Union List.

महाराष्ट्रातलं नेमकं migration काय? किंती आणि कुठे आहे?

For detailed data on population and migration in the 4 major cities of Maharashtra (Mumbai, Pune, Thane and Nashik), please refer to the attachment “Population data-4 cities”

ते नियंत्रित करायला कुठले कायदे आहेत? – Provisions in the Interstate Migration Act, Labour Act (that defines terms and conditions of employment of labourers), Minimum Wages Act,

- Standards relating to the employment of inter-state migrant workers are administered by the Department of Labour through the Inter-State Migrant Workmen Act, 1979.

As per Chapter 1-2-e of the THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979, “inter-State migrant workman” means any person who is recruited by or through a contractor in one State under an agreement or other arrangement for employment in an establishment in another State, whether with or without the knowledge of the principal employer in relation to such establishment”
THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979

Chapter 1: Preliminary
It applies —
(a) to every establishment in which five or more Inter-State migrant workmen (whether or not in addition to other workmen) are employed or who were employed on any day of the preceding twelve months

Registration of Establishments employing Inter-State Migrant Workmen

6. Prohibition against employment of Inter-State migrant workmen without registration. -- No principal employer of an establishment to which this Act applies shall employ inter-State migrant workmen in the establishment unless a certificate of registration in respect of such establishment issued under this Act is in force

CHAPTER IV

Duties and Obligations of Contractors

12. Duties of contractors. -- (1) It shall be the duty of every contractor, --
(a) to furnish such particulars and in such form as may be prescribed, to the specified authority in State from which an inter-State migrant workman is recruited and in the State in which such workman is employed, within fifteen days from the date of recruitment, or, as the case may be, the date of employment, and where any change occurs in any of the particulars so furnished, such change shall be notified to the specified authorities of both the State.
(b) to issue to every inter-State migrant workman, a pass –book affixed with a passport size photograph of the workman and indicating in Hindi and English languages, and where the language of the workman is not Hindi or English, also in the language of the workman, --
(i) the name and place of the establishment wherein the workman is employed;
(ii) the period of employment;
(iii) the proposed rates and modes of payment of wages;
(iv) the displacement allowance payable;
(v) the return fare payable to the workman on the expiry of the period of his employment and in such contingencies as may be prescribed and in such other contingencies as may be specified in the contract of employment;
(vi) deductions made; and
(vii) such other particulars as may be prescribed;

CHAPTER V

Wages, Welfare and other Facilities to be provided to Inter-State Migrant Workman.

13. Wage rates and other conditions of service of inter-State migrant workman. -- (1) The wage rates, holiday hours of work and other conditions of service of an inter-State migrant workman shall, --
(a) in a case where workman performs in any establishment, the same or similar kind of work as is being performed by any other workman in the establishment, be the same as those applicable to such other workman.
(b) In any other case, be such as may be prescribed by the appropriate Government:
Provided that an inter-State migrant workman shall in no case be paid less than the wages fixed under the Minimum Wages Act, 1948 (11 of 1948)
(2) Notwithstanding anything contained in any other law for the time being in force, wages payable to an inter-State migrant workman under this section shall be paid in cash.

14. Displacement allowance. — (1) There shall be paid by the contractor to every inter-State migrant workman at the time of recruitment, a displacement allowance equal to fifty per cent of the monthly wages payable to him or seventy-five rupees, whichever is higher.
(2) The amount paid to a workman as displacement allowance under sub-section (1) shall not be refundable and shall be in addition to the wages or other amounts payable to him.

16. Other facilities. — It shall be the duty of every contractor employing inter-State migrant workmen in connection with the work of an establishment to which this Act applies, --
(a) to ensure regular payment of wages to such workmen;
(b) To ensure equal pay for equal work irrespective of sex;
(c) To ensure suitable conditions of work to such workmen having regard to the fact that they are required to work in a State different from their own State;
(d) to provide and maintain suitable residential accommodation to such workmen during the period of their employment;
(e) to provide the prescribed medical facilities to the workmen, free of charge;
(f) to provide such protective clothing to the workmen as may be prescribed; and
(g) in case of fatal accident or serious bodily injury to any such workman to report to the specified authorities of both the States and also the next-of-kin of the workman.

- The Draft Labour Policy 2011 of Government of Maharashtra

5.10.5 Migrant Workers

Present Status
Standards relating to the employment of inter-state migrant workers are administered by the Department of Labour through the Inter-State Migrant Workmen Act, 1979. The Act is designed to provide protection for a special group of contract workers who historically, were recruited in one State to work in another, and subjected to highly exploitative working conditions, taking advantage of their illiteracy and lack of voice. The Act applies to every establishment in which five or more Inter-State workmen are employed. Contractors are required to secure a license in both the sending and the receiving State. The Department’s inspectors are empowered to check on wages, displacement allowance, journey allowance, equal pay for men and women performing equal work, residential accommodation, medical facilities, and protective clothing.

Monitoring Mechanisms
Since this group of contract workers is particularly vulnerable, the Department of Labour should consider the introduction of ‘blitz’ or saturation inspections to ensure protection for such workers. Although contractors are required to submit an annual return to the Department on numbers employed and related matters, saturation inspection is likely to have a greater impact. Also, proper implementation of Labour Management System, Mahashramm, will ensure that the department can monitor the filing of these returns and analyze them more effectively.

Proposed Amendment
At present, the Inter State Migrant Workmen Act, 1979 does not provide for registration of workers who are coming on their own without a contractor. This Act requires to be reviewed to allow registration even of those workers who migrate on their own, so that it is possible to regulate their service conditions.

Other Issues Requiring Attention
The Government also recognizes the necessity for addressing the issues of intra-State migrant workers including their living conditions, provisions of health care at work place and education to their children so that these children get the benefit of Right to Education Act and are prevented from labour.

- **Minimum Wages Act 1948**
  
  *Does not have any mention of migration.*

Excerpt:
Article 43 states that the State shall endeavour, by suitable legislation or economic organization or in any other way, to give all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure, and social and cultural opportunities.

In order to have a uniform wage structure and to reduce the disparity in minimum wages across the country, a concept of National Floor Level Minimum Wage was mooted on the basis of the recommendations of the National Commission on Rural Labour (NCRL) in 1991. the State Governments are persuaded to fix minimum wages such that in none of the scheduled employments, the minimum wage is less than National Floor Level Minimum Wage. This method has helped in reducing disparity among different rates of minimum wages to some extent.

**Other provisions for security required in Maharashtra (if any) – police, revenue, for creating identity and demanding provisions from government...**

- **Photo ID**
  
  Pan Card  
  Passport  
  Driving License

- **Address Proof**
  
  Ration card  
  Bank passbook  
  Passport  
  Electricity Bill  
  Telephone Bill
Responsibilities of local government (municipal corporation in this case) – what does it need to provide to its citizens, constitutional provisions with respect to right to life etc.

(Source: BPMC Act 1949)

Obligatory Duties

It is the Obligatory Duty of the Corporation to make reasonable and adequate provision for the following matters. Namely:

1 [State] Government defining the limits or any alteration in the limits of the City;

2(1a) planning for social and economic development;

(1 b) urban forestry protection of the environment and promotion of ecological aspects;

(2) The watering. Scavenging and cleansing of all public streets and places in the City and the removal of all sweepings there from;

(3) The collection, removal, treatment and disposal of sewage, offensive matter and rubbish and, if so required by the 1[State] Government. the preparations of compost manure from such sewage, offensive matter and rubbish;

(4) The construction, maintenance and cleansing of drains and drainage works and of public latrines, water-closets, urinals and similar conveniences;

(5) The entertainment of a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire;

(6) The construction or acquisition and maintenance of public hospitals and dispensatories including hospitals for the isolation and treatment of persons suffering or suspected to be infected with a contagious or infectious disease and carrying out other measures necessary for public medical relief;

(7) The lighting of public streets. Municipal markets and public buildings vested in the Corporation;

(8) The maintenance of a municipal office and of all public monuments and open spaces and other property vesting in the Corporation;

(9) The naming or numbering of streets and of public places vesting in the Corporation and the numbering of premises;
(10) The regulation and abatement of offensive and dangerous trades or practices;

(11) The maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies;

(12) The construction or acquisition and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;

(13) The construction or acquisition and maintenance of cattle pounds;

(14) Public vaccination in accordance with the provisions of the [Bombay] District Vaccination Act, 1892;

(15) Maintaining, aiding and suitably accommodating stocks for primary education;

(16) The reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(17) The registration of births and deaths;

(18) The construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts, cause-ways and the like;

(19) The removal of obstructions and projections in or upon streets, bridges, and other public places;

(20) The management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;

(21) Preventing and checking the spread of dangerous diseases;

(22) The securing or removal of dangerous buildings and places;

(23) The construction and maintenance of residential quarters for the municipal conservancy staff;

(24) Fulfillment of any obligation imposed by or under this Act or any other law for the time being in force;

(25) Subject to adequate provision being made for the matters specified above, the provisions of relief to destitute persons in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times.

(26) To provide for anti-rabic treatment;

**Discretionary Duties**

Matters which may be provided for by Corporation at its discretion are -
1 [(1A) slum improvement and upgradation; (1B) urban poverty alleviation; (1C) cattle pounds and prevention of cruelty to animals; (1D) regulation of tanneries;]

2 [(1A) slum improvement and upgradation; (1B) urban poverty alleviation; (1C) cattle pounds and prevention of cruelty to animals; (1D) regulation of tanneries;]
(17) The grant of loans for building purposes to municipal servants on such terms and subject to such conditions as may be prescribed by the Corporation;

(18) Any other measures for the welfare of municipal servants or any class of them;

(19) The purchase of any undertaking for the supply of electric energy or gas or the starting or subsidizing of any such undertaking which may be in the general interest of the public;

(20) The construction, purchase, organization, maintenance or management of light, railways, tramways, trackless trams, or motor transport facilities for the conveyance of the public or goods within or without the City;

(21) The furtherance of educational objects other than those mentioned in clause (15) of section 63 and making grants to educational institutions within or without the City;

(22) The establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the, purchase of construction on buildings therefore;

(23) The construction or maintenance of infirmaries or hospitals for animals;

(24) The destruction of birds or animals causing a nuisance, or of vermin, and the confinement or destruction of stray or ownerless dogs;

(25) Contributions towards any public fund raised for the relief of human suffering within the City or for the public welfare;

(26) The preparation or presentation of address to persons of distinction;

(27) The registration of marriages;

(28) The granting of rewards for information which may tend to secure the correct registration of vital statistics;

(29) Paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary Magistrate or any portion of such charges;

(30) The acquisition and maintenance of grazing grounds and the establishment and maintenance of a breeding stud;

(31) Establishing and maintaining a farm or factory for the disposal of sewage;

(32) Supplying, constructing and maintaining, in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation;
(33) Granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, by-laws regulations or standing orders;

(34) Laying out whether in areas previously built upon or not, new public streets and acquiring land for that purpose and land required for the construction of buildings or cartilages thereof to abut on such street or streets;

(35) The building or purchase and maintenance of suitable dwellings for the poor and working classes, or the grant of loans or other facilities to any person, society or institution interested in the provision of such dwellings;

(36) The provision of shelter to destitute or homeless persons and any form of poor relief;

(37) The building or purchase and maintenance of sanitary stables, or byres for horses, ponies or cattle used in hackney carriages or carts or for milch-kine;

(38) Surveys of buildings or lands;

(39) Measures to meet any calamity affecting the public in the City;

(40) Making contributions to the funds of the local-self Government Institute, Bombay;

(41) Making any contribution towards any public reception, ceremony or entertainment:

Provided that, the total expenditure on account of such, contributions during any official year shall not exceed rupees twenty-five thousand or such higher amount as the State Government may, from time to time, by notification published in the Official Gazette, specify in this behalf.

(41A) With the previous sanction of the State Government and subject to such terms and conditions as the State Government may impose, subscribing to the share capital of any, Company or co-operative society, with a limited liability, established or to be established for maintaining or setting up a slaughter house, or for providing any other services in the City, useful to the Corporation in carrying out any of the duties imposed upon it by or under this Act or any other law for the time being in force;

(42) Any measure not here in before specifically named, likely to promote public safety, health, convenience or instruction.

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