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**M**igration is a process of mankind since time immemorial. The nomadic moved from one place to another in search of pastures for their cattle and a good living condition for themselves. Migration can be of two types; in migration and out migration. Immigration and emigration are the two characteristic features of out migration. Immigration or emigration also causes problems for the natives. So also in migration. In migration or interstate migration is also a serious problem for any country in the world. In India also interstate migration creates problems for the government and the people. The interstate migration in search of employment, particularly among the working class, has become a serious issue since independence. The recruitment of labours by contractors for nominal wages and engaging them in unfavourable conditions are some other. Government of India has come forward with stringent action to safeguard the interest of the exploited class.

Besides, the system of exploitation prevalent in large construction sites in the states like Orissa raised the question of protection and welfare of interstate migrant workmen. As such the 28th Session of the Labour Ministers' Conference held in New Delhi on 26th October, 1976 recommended to set up a compact committee and the Committee was constituted in February, 1977. The Committee recommended for a separate legislation to regulate employment of interstate migrant workers as it felt that the provisions of Contract Labour (Regulation & Abolition) Act, 1970 would not take care of the malpractices indulged by the contractors. Accordingly, the Interstate Migrant Workman (Regulation of Employment and Conditions of Service) Act was passed in 1979.

The Interstate Migrant Workman (Regulation of Employment and Conditions of Service) Act, 1979 is applicable to every establishment in which five or more interstate migrant workman (whether or not in addition to the other workmen) are employed or

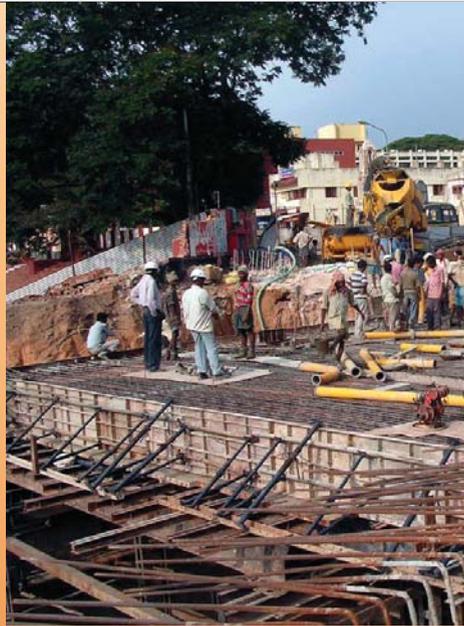


# Migrant

who were employed on any day of the preceding twelve months,; and also to every contractor who employs or who employed five or more interstate migrant workman (whether or not in addition to the other workmen) on any day preceding twelve months. The Central Government is the appropriate government in relation to any establishment pertaining to any industry carried on or by under the authority of the Central government or pertaining to any such controlled industry as may be specified in this behalf by the Central Government or any establishment of any railway, cantonment Board, major port, mine or oil field or any establishment of a banking or insurance company and in all other cases not mentioned above State Government will be the appropriate Government.

Interstate 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 i.e. the employing department or organisation.”

The Central Industrial Relation Machinery (CIRM) under the Ministry of Labour, Government of India enforces this Act of 1979 and the Central Rules, 1980 in all the ‘establishments’ and ‘contractors’ that come within the purview of the central sphere as per the definition of appropriate government given under the Act. As the regional head,



the Regional Labour Commissioner (Central), Cochin monitors the enforcement of this labour legislation by the Labour Enforcement Officer (Central) and Assistant Labour Commissioner (Central) in the Cochin region. (Cochin region consists of the state of Kerala , Union Territory of Lakshadweep and Mahe.) As there has been a tremendous increase in the employment of interstate migrant workman in the State of Kerala (particularly in the cities) during the years 2004, 2005 and 2006 the total number of inspections conducted by the CIRM officers during the above period was also high. A total number of 65 establishments (including contractors) were inspected during the period out of

which ‘53’ establishments were prosecuted for violating the provisions of the Interstate Migrant Workman (RE&CS) Act and the Central Rules made thereunder.

As a result of these prosecutions employees started complying with the provisions of the Act and Rules. A good number of Principal employers obtained Certificate of Registration and a good number of contractors obtained Licences under Interstate Migrant Workman (RE&CS) Act, 1979. Besides, the employers started maintaining registers and other records as provided under the ‘Act’ and ‘Rules’. Employers have

become more aware of the welfare, safety and medical facilities to be provided to interstate migrant workmen. The CIRM officers are taking prompt action whenever there is a complaint received against any employers under the above Act and Rules. As the demand for interstate migrant workmen is increasing in the construction industry and stone quarries in Kerala, the officers are advised to give top priority to carry out inspections in these two sectors under Interstate Migrant Workman (RE&CS) Act, 1979 to mitigate the problems faced by these workers.

Besides, the Kochi region of CIRM gives special emphasis to conduct squad inspections known as ‘Crash Programme of Inspections’ and ‘Task Force of Inspections’ as per departmental instructions with a view to cover the uninspected establishments in the remote areas, particularly in the unorganized sector. The statistics show that these squad inspections render much relief to the migrant as well as local labours as the major thrust of these inspections are to ensure the payment of minimum wages, provision of welfare, safety and medical facilities to labours under different enactments including Interstate Migrant Workman (RE&CS) Act, 1979. Prompt, timely and result oriented actions by the CIRM officers of Cochin region have resulted in the interstate migrant workmen getting the benefits of the Act as visualized by the law makers.

■ The writer is Regional Labour Commissioner (Central), Kochi.

# Workers Welfare Ensured