

**GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA**

UNSTARRED QUESTION NO:1768
ANSWERED ON:07.03.2011
LEGAL MECHANISM FOR MIGRANT LABOURERS
Meena Shri Raghuvir Singh

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the existing legal mechanism for identifying the disputes related to the problems being faced by the inter-state migrant labourers working in the unorganised sector like payment of salary, fraud, ill-treatment and accident at work place etc.;
- (b) the mechanism available with the Government for resolving such disputes after identifying these;
- (c) the number of labour disputes registered in all the States and the number of cases resolved out of them and the data related to registration and resolving of legal disputes pertaining to labourers in the financial year 2010-11; and
- (d) the steps being taken by the Government for resolving the disputes related to inter-state migrant labourers in view of non-availability of a speedy disposal mechanism?

Answer

MINISTER OF LABOUR AND EMPLOYMENT(SHRI MALLIKARJUN KHARGE)

(a) to (d): A Statement is annexed.

STATEMENT REFERRED TO IN REPLY TO PART (a) TO (d) OF LOK SABHA UNSTARRED QUESTION NO. 1768 FOR 07.03.2011 BY SHRI RAGHUVIR SINGH MEENA REGARDING LEGAL MECHANISM FOR MIGRANT LABOURERS.

(a) In order to safeguard the economic and other interests of the migrant workers, the Government has enacted the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 which, inter alia, provides for payment of minimum wages, journey allowance, displacement allowance, residential accommodation, medical facilities and protective clothing etc. The provisions of various labour laws like the Workmen's Compensation Act, 1923, The Payment of Wages Act, 1936, The Industrial Disputes Act, 1947, The Employees Insurance Act, 1948, The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and the Maternity Benefit Act, 1961 are also applicable on migrant workers. Both the Central and State Government are the appropriate Governments for enforcement of enactments to protect and safeguard the migrant workers depending on the establishments employing them fall under the central or state sphere.

(b) In central sphere establishment, claims regarding non payment/less payment of wages can be filed before Regional Labour Commissioner (C). For other violations, appropriate action including prosecution is initiated against defaulters in the appropriate court of law. In case of fraud, ill-treatment and accident etc., the respective State Government takes appropriate action.

(c) As per information available, 8649 industrial disputes were received in respect of central sphere establishments during the year 2010-11 out of which 4618 have been disposed off.

(d) As soon as the dispute/complaint is filed or apprehended in central sphere establishments, the enforcement and conciliatory machinery of Central Industrial Relations Machinery (CIRM) acts immediately to resolve the same. In case the disputes remain unresolved the appropriate government may refer the same for adjudication.