

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

STARRED QUESTION NO:196

ANSWERED ON:11.03.2013

MIGRANT LABOURERS

Das Shri Bhakta Charan;Khan Shri Hassan

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

(a) whether the plight of migrant labourers has engaged the attention of the Government and if so, the efforts made to collect relevant data in this regard;

(b) the details of the welfare measures provided to these labourers including payment of equal wages;

(c) whether the Government is contemplating fresh steps to address welfare and social security issues relating to migrant labourers; and

(d) if so, the details thereof and if not, the reasons therefor?

**Answer**

MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE)

(a) to (d): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO.196 TO BE ANSWERED ON 11.03.2013 RAISED BY SHRI HASSAN KHAN AND SHRI BHAKTA CHARAN DAS REGARDING MIGRANT LABOURERS.

(a) & (b): The Government is aware of the problems and plight of migrant labourers. In order to regulate the employment of inter state migrant workmen and to provide for their conditions of service, the Government has enacted the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. The Act inter-alia, provides for payment of journey allowance, displacement allowance, residential accommodation, medical facilities and protective clothing, etc. to these workers. As per Section 13 of the Act, the wage rates, holidays, hours of work and other conditions of service of an inter- State migrant workman shall be the same as those applicable to other workman and an inter- State migrant workman shall in no case be paid less than the wages fixed under the Minimum Wages Act, 1948. The provisions of various labour laws like the Employees Compensation Act, 1923, the Payment of Wages Act, 1936, the Industrial Dispute Act, 1947, the Employees State Insurance Act, 1948, the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and Maternity Benefit Act, 1961 are also applicable to migrant workers.

Every citizen has a right to migrate to any part of the country. However, Government's effort has been to prevent distress migration.

The Government has enacted Mahatma Gandhi National Rural Employment Guarantee Act, 2005 which aims at enhancing the livelihood security of people in rural areas by guaranteeing hundred days of wage-employment in a financial year to a rural household, whose adult members volunteer to do unskilled manual work. According to the Act, employment shall be provided within a radius of five kilometres of the village where the applicant resides at the time of applying. In case the employment is provided outside such radius, it must be provided within the Block and the labourers shall be paid 10% extra wages. As such, providing local employment, on demand by the household, mitigates distress migration.

Further, the Government has enacted the Unorganized Workers' Social Security Act, 2008 to provide for social security and welfare of unorganised workers including migrant workers. The Act has come into force w.e.f. 16th May, 2009. The Act provides for formulation of schemes by the Central Government for different sections of unorganised workers on matters relating to:

(a) Life and disability cover;

(b) Health and maternity benefits;

(c) Old age protection; and

(d) Any other benefit as may be determined by the Central Government.

The Act also provides for formulation of schemes by the State Governments relating to provident fund, employment injury benefits, housing, educational schemes for children, skill upgradation, funeral assistance and old age homes by the State Governments.

(c) & (d): The Government has launched Rashtriya Swasthya Bima Yojana (RSBY) to provide health insurance coverage for certain categories of unorganised workers which include migrant workers. The objective of RSBY is to provide protection to eligible households from financial liabilities arising out of health shocks that involve hospitalization.

Inter state migrant workers constitute a sizeable portion of workers engaged in building and other construction activities. Since RSBY has been extended to building and other construction workers, these interstate migrant workers will have entitlement under the scheme.

The Central Government and some of the States have signed MoUs to facilitate strengthening of inter-state coordination mechanism for smooth implementation of the activities in source and destination areas of migrant workers. The project approach includes:

(a) Social protection to brick kiln workers by converging government schemes at source and destination states

(b) Improving workplace facilities

(c) Promoting collective bargaining by imparting rights based education to workers

(d) Social dialogue for improving labour recruitment and working conditions and

(e) Focused approach towards elimination of child labour in brick kilns.