

Spotlight on non-implementation of Act to protect migrant workers

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Migrant workers started their construction jobs with some industries in Chennai from April 20, 2020 after the lockdown was relaxed. | Photo Credit: [M. Karunakaran](#)

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The current plight of migrant workmen amid the nationwide lockdown, has put spotlight on The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, to protect such workers and not implemented effectively, according to experts.

The Act was enacted in 1979 to regulate the conditions of service of inter-state migrant workmen and to protect workers whose services are utilized outside their native states.

The law applies to every establishment in which at least five inter-state migrant workmen are employed. The principal employer / establishment employing such workers is required to obtain a registration under the law, while the contractor is also required to obtain a license.

“Some of the orders issued under the Disaster Management Act make references to migrant workers and hence the Inter-State Migrant Workmen Act assumes significance. This labour law may not have been stringently implemented by the authorities in certain cases,” Vikram Shroff, head of HR Laws at Nishith Desai Associates, said.

S. Ravindaran, a senior advocate pointed out that the implementation of the Act has been a failure in the state of Tamil Nadu, because **migrant workers are considered as contract workers**.

“Migrant workmen are brought to Tamil Nadu by an agent who hands over these persons to a local contractor for a monetary consideration. These migrant workmen virtually become employees of the local contractor who is a licensed contractor under Contract Labour (Regulation & Abolition) Act, 1970, to various companies. Therefore, in Tamil Nadu, the majority of the contract workmen are in reality migrant workmen,” he pointed out.

According to Tamil Nadu’s Labour Department policy note 2019-20, from 01.04.2018 to 31.03.2019, 6 Registration Certificates and 10 Licenses were issued to the principal employers and contractors respectively under the Act.

Tamil Nadu has become forerunner in registering the inter-state migrant workers engaged in construction work in Tamil Nadu Construction Workers Welfare Board. 21,538 inter-state migrant workers have been registered as on 31.03.2019, it added.

S. Sridharan, chairman-CREDAI Tamil Nadu, said that the developers always tell the contractors to register the migrant workers.

Another industry executive on condition of anonymity said that the enforcement of the Migrant Act would become stricter because of the current situation.

A senior official from the Labour Department said the state has been registering migrant construction workers and also employers and contractors in factories have been obtaining registrations and licenses.

He pointed out that 4 lakh migrant workers across the state have been provided food and also dry rations, as per the announcement made by the state government