

SHRIMATI CHANDRESH KUMARI KATOCH: Sir, I would like to inform that we have MoUs with many countries and that covers tribal folk and tribal art to be exchanged with countries. So, there is a programme going on. We have this programme going on in various countries. As the hon. Member is aware, many parts of India have been represented in many countries.

DR. NAJMA A. HEPTULLA: Sir, ICCR has got cultural centres in many countries and we are promoting our art. My question is about certain tribal musical instruments which are becoming extinct because they are not being used. Has the Government finalised or thought of any programme in order to preserve those instruments since they are part of our indigenous heritage?

SHRIMATI CHANDRESH KUMARI KATOCH: Sir, this does not pertain to this question, at all. I do not have the information available. But, I would be very happy if the hon. Member could put a question next time and I would supply the information.

SHRI SHASHI BHUSAN BEHERA: Sir, I went through the table furnished in the reply. It is stated that in the last four years, Odisha organized more than 300 programmes. But, they spent on it Rs. 1,59,54,000! Sir, Odisha is a tribal populated State. The tribal population constitutes 22.5 per cent of the total population of the State. Sir, here, I find that in Haryana, they organized 90 programmes in four years, but the expenditure on it was Rs.1,484.26 lakhs. Sir, I want to get a clarification from the hon. Minister on this point. Sir, Odisha is governed by a non-Congress party, and Haryana is governed by the Congress Party, which is heading the UPA at the Centre. I want to know from the hon. Minister as to why such a discrimination is there.

SHRI SUKHENDU SEKHAR ROY: Same is the case of West Bengal.

SHRIMATI CHANDRESH KUMARI KATOCH: Sir, I would like to make it very clear here that these functions are held at various places. It depends on how much funding is done by the State itself. If they give us the land free or the venue free, then, the costing comes less, and where we have to do it ourselves, then, the expenditure is more. So, there is no discrimination as such. But if the State Governments help us out with the finances, then, it becomes much cheaper.

#### **Inter-State Migrant Workmen Act, 1979**

\*125. DR. T.N. SEEMA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has initiated measures to address the problems concerning migrant workers;

(b) if so, the details thereof along with the various schemes especially implemented for migrant workers in the country and the amount of funds allocated for the purpose during the last three years;

(c) the extent to which the Inter-State Migrant Workmen Act, 1979 is effective in the country; and

(d) whether Government proposes to amend or revamp the Inter-State Migrant Workmen Act, 1979 in the light of the increased Inter-State migration of workers in the country?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI KODIKUNNIL SURESH): (a) to (d) A Statement is laid on the Table of the house.

#### *Statement*

(a) to (c) The Government has enacted the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 to regulate the employment of inter-State migrant workmen and to provide for their conditions of service and for matters connected therewith. The Act *inter-alia*, provides for payment of minimum wages, journey allowance, displacement allowance, residential accommodation, medical facilities and protective clothing, etc. to these workers. 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 Insurance Act, 1941, 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:

- (i) Life and disability cover;
- (ii) Health and maternity benefits;
- (iii) Old age protection; and
- (iv) 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 up gradation, funeral assistance and old age homes by the State Governments.

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 inter State 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.

(d) Though at present there is no proposal to revamp the Inter-State Migrant Workmen Act, 1979, there is a proposal under consideration of the Government to amend the Act with a view to making it gender neutral.

DR. T.N. SEEMA: Sir, we know that the inter-State migration has increased in the last ten years in a very huge way. In Kerala also, more than 20 lakh migrant labourers are working. A majority of them are from Bihar, Assam and West Bengal. These labourers live in a very pathetic condition and they do not enjoy any of the benefits which are stated in the reply of the hon. Minister. My question to the hon. Minister is whether the Union Government propose to provide mandatory identity cards and inter-State and intra-State portable essential documents like ration cards, etc., to the migrant labourers and workers in the country so that they could access various services at those destinations.

SHRI MALLIKARJUN KHARGE: Sir, the hon. Member has already suggested about issue of identity cards to the migrant workers so that their problems can be addressed well. Sir, at present, we are using the Rashtriya Swasthya Bima Yojana Card wherever it is possible. As far as the suggestion of the hon. Member regarding providing universal identification card is concerned, I would examine it in consultation with other Departments. But, the present, we are using the Rashtriya Swasthya Bima Yojana Card. We are also requesting the State Governments to have MoUs, particularly on inter-State migrant workers. If any State comes forward, then, definitely, that will be more useful. So, we are pursuing all the States to have MoUs between two States so that the workers can get some benefits.

DR. T.N. SEEMA: Sir, my request is that this has to be done in a timebound manner because it is a very huge problem.

Sir, in the reply, the hon. Minister has stated that MNREGA can reduce distress migration. But my question is whether the Government has realized that in absence of proper data about the major migration-prone districts in the country, MNREGA has failed in its primary aim of reducing distress migration.

SHRI MALLIKARJUN KHARGE: Sir, the Government should be complimented that because of MNREGA migration of workers to other States has stopped. ...*(Interruptions)*... No, no; the migration is reduced.

DR. T.N. SEEMA: Sir, my question was whether the hon. Minister has the data on migration-prone districts in the country.

**SHRI MALLIKARJUN KHARGE:** Sir, I can give State-wise information about migration of labour, but district-wise information I don't have. If the hon. Member desires that district-wise information should be given, I will get it from the Census Department and provide it to the hon. Member.

**श्री शिवानन्द तिवारी :** सभापति महोदय, माननीय मंत्री जी ने अपने जवाब में बताया है कि उन्होंने inter-State migrant workmen के बारे में, उनकी कंडिशन के बारे में 1979 में कानून बनाया है। उस कानून के मुताबिक जो माइग्रेन्ट वर्कर्स हैं, आपको उनके हित को ध्यान में रखना है कि उनकी सर्विस कंडीशन्स कैसी हैं, लिविंग कंडीशन्स कैसी हैं और मेडिकल फेसिलिटीज कैसी हैं। आपने यह माना है कि हर सिटीजन को माइग्रेट करने का अधिकार है। मैं माननीय मंत्री जी से जानना चाहता हूँ कि विगत कई दिनों से, खास तौर से महाराष्ट्र में, जहाँ से हमारे गृह मंत्री जी आते हैं, वहाँ पर जब हिंदी भाषी इलाके के माइग्रेन्ट वर्कर्स काम करने के लिए जाते हैं, वे चाहे टैक्सी ड्राइवर हों, ऑटो ड्राइवर हों या छोटी-मोटी दुकान में काम करने वाले लोग हों, उनके साथ बदसलूकी होती है, उनको वहाँ से भगाया जा रहा है और नॉर्थ और वेस्ट के बीच में एक डिवाइड भी क्रिएट किया गया है। मैं माननीय मंत्री जी से जानना चाहता हूँ कि क्या आपने इस मसले का नोटिस लिया है? अगर आपके ध्यान में यह बात आई है, तो आप इस दिशा में होम मिनिस्ट्री के साथ तालमेल करके क्या कार्यवाही करने का रहे हैं?

**श्री मल्लिकार्जुन खरगे :** सभापति जी, माननीय सदस्य ने यह बताया है कि माइग्रेन्ट वर्कर्स के लिए गवर्नमेंट ने कौन-कौन से प्रोग्राम चलाए हैं। उनका जो सवाल है, उनके दिल में खास कर यह दुख होगा और उनका ध्यान जरूर उनके बारे में गया होगा कि बहुत से माइग्रेन्ट वर्कर्स, जो महाराष्ट्र में जा रहे हैं, वहाँ पर उनके साथ गड़बड़ी हो रही है। मैं यही कहना चाहता हूँ कि माइग्रेन्ट वर्कर्स के लिए जो भी कार्यक्रम हैं, स्कीम्स हैं वे सभी स्टेट गवर्नमेंट को इम्प्लिमेंट करनी चाहिए। दूसरा, जो कार्यक्रम सेंट्रल स्फेयर में होते हैं, हम उनको इम्प्लिमेंट करते हैं। हर स्टेट में, खास कर माइग्रेन्ट वर्कर्स के लिए स्कीम्स, चाहे मिनिमम वेजिस की हो, कम्पेनसेशन्स की हो, राष्ट्रीय स्वास्थ्य बीमा योजना की स्कीम हो, डिसेम्बिलिटी के लिए हो या आम आदमी योजना हो, इस तरह की स्कीम्स, जो उनके लिए लागू की हैं, इन चीजों को, हमारे सेंट्रल गवर्नमेंट के जो डायरेक्टर जनरल लेबर वेलफेयर हैं, उन्होंने, उनके साथ बैठकर बात कर, उनको नजदीक लाने और इम्प्लिमेंट करने की भी कोशिश की है। जहाँ तक उनकी सुरक्षा और डिस्क्रीमिनेशन का सवाल है, मैं इसके बारे में होम मिनिस्टर से भी डिस्कस करूंगा और सेंट्रल गवर्नमेंट से जो कुछ भी हो सकता है, वह उसको करने की कोशिश करेगी।

**श्री एन.के. सिंह :** अत्याचार, जिनका उल्लेख किया है ...(व्यवधान)... माइग्रेन्ट वर्कर्स के साथ जो अत्याचार हो रहे हैं ...(व्यवधान)... आप उस सम्बन्ध में क्या कर रहे हैं? ...(व्यवधान)...

**MR. CHAIRMAN:** Mr. N.K. Singh, please. ...*(Interruptions)*...

**SHRI BHUBANESWAR KALITA:** Sir, Mr. Minister has said that one of the steps taken to stop inter-State migration of labour is MNREGA. But the daily wage of a labourer or a skilled labourer is about Rs.500 whereas under MNREGA he

gets only about Rs.100 per day. So, MNREGA cannot be a solution to this problem. My only submission to the hon. Minister is that although they get Rs.500 per day they have to work in hazardous conditions. Healthy and young people from Assam who go as migrant labour to other States come back as sick persons. Will the Minister make a survey to indicate the number of migrant labourers who are working in hazardous conditions in the industries of Kerala and elsewhere?

SHRI MALLIKARJUN KHARGE: Sir, I have never said that the MNREGA is the only solution. The MNREGA is one of the programmes to stop migrant workers from going often to other States. As far as their health condition, hazardous conditions and the minimum wages are concerned, naturally we have got the Minimum Wages Act according to which they have to be paid. Even the State Governments also fix the minimum wages for the skilled and unskilled labour. The hon. Member also knows that there are Schedules as to what wages should be given to a particular profession or a particular trade. So, according to that, they will give. We are also trying to have a National Floor Level Minimum wages Act. We are shortly bringing that before the House. I hope, all the Members will support that.

श्री अविनाश राय खन्ना : सर, आपने बताया है कि जो माइग्रेंट लेबर है, उनके लिए भी प्रोविडेंट फंड जमा होता है और उनको प्रोविडेंट फंड उनको दिया जाता है। मैं मंत्री जी से जानना चाहूंगा कि अभी तक लेबर्स का कितना Unclaimed Provident Fund आपके यहां पड़ा हुआ है? सरकार उन वर्कर्स को Provident Fund देने के लिए क्या प्रयास कर रही है?

श्री मल्लिकार्जुन खरगे : सर, Organised Sector में जो Provident Fund पड़ा हुआ है, शायद इनका assumption उसके बारे में है। यह स्कीम unorganised workers और migrant workers के लिए है। जो कोई स्टेट्स इसे एडॉप्ट करना चाहते हैं, वे करते हैं। उदाहरण के तौर पर तमिलनाडु ने इसकी कोशिश की है, साथ ही दूसरे कुछ और स्टेट्स भी हैं, जो इसकी कोशिश कर रहे हैं। माइग्रेंट वर्कर्स के लिए हर स्टेट में अपनी स्कीम होती है। जो स्टेट्स लेबर्स के हित में काम करना चाहते हैं, वे इसको अपनाते हैं, लेकिन बहुत से राज्य ऐसे भी हैं, जो इसके बारे में कोई इंटररेस्ट नहीं लेते हैं।

मैं बड़े दुःख के साथ कहना चाहता हूं कि unorganised workers हों या migrant workers, irrespective of any Government or any political party, हर स्टेट में इनके बारे में जितना ध्यान दिया जाना चाहिए या जितना इंटररेस्ट लिया जाना चाहिए, उतना नहीं लिया जाता। हमारी कोशिश यह होती है कि जो भी स्कीम उनके लिए लागू होती है, उसका रिव्यू करें, उनको लिखें और परस्यू करें। हम यही काम कर सकते हैं। लेकिन जैसा कि आप जानते हैं कि लेबर डिपार्टमेंट कन्करेंट लिस्ट में आता है, जिसकी वजह से इसे इम्प्लमेंट करने का ज्यादा दायित्व स्टेट गवर्नमेंट का ही होता है। हम इसके बारे में परस्यू कर सकते हैं।