

**The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service)
Act, 1979**

This act applies to every establishment with five or more inter-state migrant workmen and to every contractor employing five or more inter-state migrant workmen on any day in the preceding twelve months.

An “**inter-state migrant workman**” is someone hired by a contractor in one state to work in an establishment in another state, whether or not the principal employer of that establishment is aware of it.

3. Registration of establishments. The principal employer must apply for registration of their establishment with the registering officer. If the application is complete, the officer will register the establishment and provide a certificate of registration to the principal employer.

6. A principal employer can not employ inter-state migrant workmen in the establishment without registration.

8. Licensing of contractors. Contractors are required to obtain a license from the licensing officer to hire workers from one state to work in an establishment that is located in another state. When applying for a license, the contractor must use the prescribed form, providing details about the establishment's location, the nature of the work for which inter-state migrant workmen are to be employed, and other relevant information. Additionally, the contractor must comply with guidelines and procedures specified by the authority under whose jurisdiction the establishment falls and ensure conditions such as work hours, wages, amenities, etc., for the inter-state migrant workmen.

The license remains valid for one calendar year and it is only for completing the work for which the license is issued. It can be renewed by paying fees and meeting the prescribed conditions.

12. Duties of contractors.

- Contractors must provide details to the relevant authorities in the state where an inter-state migrant worker is recruited and the state where the worker is employed. This should be done within 15 days of recruitment or employment. If there are any changes in the provided details, the authorities in both states must be notified.
- Contractors must provide inter-state migrant workers a passbook with their photo containing

details in Hindi, English, or the worker's language. The passbook should include information about the establishment, employment period, wages, displacement allowance, return fare, and deductions. Contractors must keep the passbook updated and ensure inter-state migrant workmen retain it.

- When an inter-state migrant worker completes their work tenure, the contractor must fill out a specified form and submit it to authorities in both the State where the worker was recruited and the State where the worker is employed. This form confirms that the worker has been paid all wages and dues, including the fare for their return journey.

13. Wage rates and other conditions of service of inter-state migrant workmen. The inter-state migrant workmen must be paid equal wages if they perform similar work as others in an establishment. In all other cases, they must be paid at least the minimum rate wages.

14. Displacement allowance. Contractors must pay inter-state migrant workmen a displacement allowance at the time of recruitment, which should be 50 percent of their monthly wages.

15. Journey allowance, etc. The inter-state migrant workmen shall be paid a travel allowance equal to the fare from their home to the workplace in another state. The contractor must pay for both the outward and return journeys, and the workmen shall be paid wages as if they were on duty during these travel periods.

16. Other facilities. Contractors employing inter-state migrant workmen must ensure regular wage payments, provide equal pay for equal work, suitable working conditions, appropriate residential accommodation, prescribed free medical facilities, and necessary protective clothing, and report accidents to specified authorities in both states and the next of kin of the workman.

17. Responsibility for payment of wages.

❖ Contractors must pay the wages to inter-state migrant workmen employed by them promptly. In establishments with fewer than 1,000 workers, wages must be paid before the seventh day of the month; and in larger establishments, wages must be paid before the tenth day of the month.

❖ Principal employers must appoint a representative to oversee wage distribution by contractors. This representative certifies timely and deduction-free payments. Contractors are responsible for ensuring wage disbursement in the presence of the authorized representative.

❖ If a contractor fails to pay wages to inter-state migrant workmen, the principal employer must

ensure full payment. The principal employer can recover the amount by deducting it from the contractor's owed money or treating it as a debt.

18. Liability of principal employer in certain cases. If a contractor fails to pay displacement allowance and journey allowance to an inter-state migrant workman, the principal employer must ensure payment. The principal employer can deduct these expenses from the contractor's payments.

19. Past liabilities. Contractors and principal employers must ensure that any loans given to inter-state migrant workers are repaid before the completion of their employment period. Once the employment period is over, the debts of migrant workers to the contractor or principal employer are considered settled, and no legal action can be taken to recover the outstanding amount.

23. Registers and other records to be maintained. Principal employers and contractors must maintain registers and records detailing information about inter-state migrant workmen, including the nature of work performed and the rates of wages paid. Additionally, both principal employers and contractors are required to display notices within the premises. These notices should contain information about working hours, the nature of duties, and any other relevant details.