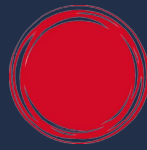




SUSTAINED MIGRANTS' LIVELIHOOD & EMPOWERMENT (SMILE)

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HANDBOOK ON MIGRANTS' RIGHTS

HANDBOOK TO EDUCATE AND GUIDE THE MIGRANT WORKERS TO CLAIM
THEIR RIGHTS, ENTITLEMENTS, AND WELFARE SCHEMES

Implemented by



SURABI INM Chennai Province

**FR. FRANCIS BOSCO,
DIRECTOR, DON BOSCO MIGRANT SERVICES**

SA Complex, 2/68, Bangalore High Road opp, St. Gobain Glass,
Mambakkam, Sriperumbdur Kancheepuram DT, 606105
boscomigrants@gmail.com +91-944 339 4655

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MIGRATION

Who is a migrant?

According to ILO - person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.

Human **migration** involves the movement of people from one place to another with intentions of settling, permanently or temporarily, at a new location (geographic region)

Inter-state Migrants

According to the UNDP Human Development Report 2009, the number of those who moved across the major zona demarcation within their countries was nearly four times larger (740 million) than those who moved internationally (214 million). In Asia, Africa and Latin America, approximately 40 per cent of urban growth results from internal migration from rural to urban areas (UNESCO/UN HABITAT, 2012)

Types of Migration

Within the country people move and this mobility is of several types such as permanent, semi-permanent, temporary, voluntary, forced, seasonal or circular types of migration. From NSSO's 2007-08 survey data four streams of migration are identified: 1. Rural to Rural 2. Rural to Urban 3. Urban to Rural and 4. Urban to Urban. The first two are the principal patterns of migration. The census data of 2001 reported that 57% migration are rural to rural, 22% rural to urban, 6% urban to rural and 15% urban to urban (Census Commissioner, office of the Registrar General 2005)

How many are Inter-state migrants?

India's total population, as recorded in the recently concluded census 2011, stands at 1.21 billion. Internal migrants in India constitute a large population of 309 million internal migrant or 30 per cent of the population (Census of India, 2001), and by more recent estimates, 326 million or 28.5 per cent of the population (NSSO 2007-08)

Projections in Census 2011 indicate that internal migrants may increase in number to approximately 400 million (Rajan 2015), this far exceeds the estimates of Indian emigrants ie. 11.4 million (Rhw Qoels Bank, 2011). Further, Internal migration remains grossly underestimated due to empirical and conceptual difficulties in measurement. India experienced rapid urbanisation between 2001 and 2011, with an estimated 31.8 per cent decadal growth. Migration – one of the components of India's urban growth – is expected to steadily increase in the foreseeable future.

Migration and Development

The migration across the country is basically to meet the needs of livelihood and it is from the rural and backward areas that people move to urban centres and metropolitan cities. Labour market in India is identified with the movement of people from rural and backward areas towards developed areas in search of employment. The movement of people has raised many concerns particularly their socio economic and political marginalisation. The movement of people is also characterised by illiterate or semi-literate, unskilled population from the backward areas of the country in search of productive employment and higher wages. This movement of people from rural and backward areas to the urban centres and metropolis through permanent, semi-permanent, circulatory and short-term is captured in the unorganised sector of the economy. Migration happens within the district, within the state and now it is found that more people from the backward economy are moving from state to state which is not a short distance migration but a long-distance migration.

In remittance India gets second largest domestic migrants' remittance market of the world. (Chinmay tumbe)

Nature of Migration

Migration in India is primarily of two types 1. Long-term migration, resulting in the relocation of an individual or household and 2. Short-term or seasonal/circular migration, involving back and forth movement between a source and destination. Estimates of short term migrants vary from 15 million (NSSO 2007-08) to 100 million. Yet macro surveys such as the Census fail to adequately capture flows of short-term migrants and do not record secondary reasons for migration.

Push Factors

- Agricultural Failure – land is no more productive and the climatic change resulting in excessive rain or drought results in the failure of agriculture and this results in distress migration
- The land owned by the scheduled tribes are not as productive as other lands due to the primitive ways of farming. This results in reduction in production and the land is not any more profitable. So people from tribal lands migrate in a large number

- As the states in which the tribal communities live are rich in mineral resources, Mining, Dams (Chhattisgarh, Jharkhand, Santal areas of West Bengal, MP) and other projects displaced them in large numbers. As IDPs (Internally Displaced Person) they become Inter-state migrants.
- Non-tribals movement into the tribal land, deforestation and settlement pattern
- Industrial growth in some states is far below than in other states
- Most of the migrant workers are from Orissa, Bihar, Eastern UP, parts of Bengal, Telengana, Chattisgarh, Jharkhand
- Lack of job opportunities and transportation results in poverty and that is a major factor
- Conflicts based on caste and religion is another yet another reason for people to evacuate
- The red-corridor – where people are either caught with the security forces or Maoists, try to leave with their children seeking a secure future
- Low human development indicators such as lack of educational facilities for children, poor or no medical facilities, transport, water facilities – all reduce the quality or standard of life
- Natural disasters such as floods, earthquake and drought lead to migration. Feudal system and bonded labour which still prevails in some parts of the central, northern and eastern India have considerably contributed to inter-state migration.

Pull Factors

- Expectation of higher wages and the hope of educating children/siblings back home
- Family migration for better wages and escape feudal bondage system and low wages as agricultural workers
- A greater social and economic security
- Absence of gun/bomb culture makes them move to the South as peaceful areas
- Political, religious and social freedom
- Possibility of sending children to school
- The freedom to move as a single person or as a family

Who Migrates?

Women constitute an overwhelming majority of migrants, 70.7 per cent of internal migrants as per Census 2001, and 80 per cent of total internal migrants are women as NSSO 2007-8. About 30 per cent of internal migrants in India belong to the youth category in the 15-29 years of age group. Child migrants are estimated at approximately 15 million. Furthermore several studies have pointed out that migration is not always permanent and seasonal and circular migration is widespread, especially among the socio-economically deprived groups, such as SCs, ST, and other backward castes (OBCs), who are asset-poor and face resource and livelihood deficits.

Patterns of Migration

The pattern of migration differs from state to state and sector to sector. Those involved in agriculture move to the cities to work, in construction sites, their wages are low and they work for more hours. They usually migrate as family and the whole family resides in the construction premises. Vulnerability of children is greater in such conditions. Those who migrate to work in the manufacturing sector learn skills and their wages are better than the construction work. Here the migration is more a single male migration. They all live together in rental houses and cook and eat together.

Problems faced by Internal migrants

The constraints faced by the migrants are many – lack of formal residency rights; lack of identity proof; lack of political representation; inadequate housing; low-paid, insecure or hazardous work; extreme vulnerability of women and children to trafficking and sex exploitation; exclusion from state-provided services such as health and education and discrimination based on ethnicity, religion, etc.

Sending and Receiving States

States Response

Government Appointed working group on Migration

The first ever migration task force on migration, formed by the Ministry of Housing and Urban Poverty Alleviation or the Government appointed Working Group on Migration headed by Partha Mukhopadhyay from the Centre for Policy Research, set up a year ago has recommended necessary legal and policy framework to protect the interest of the migrants in the country.

An 18 member Working Group was constituted by the Union Ministry of Housing & Urban Poverty Alleviation in 2015. The panel in its report stated that the migrant population makes substantial contribution to economic growth and so it is necessary to secure their constitutional rights.

At the end of five years in 2016 an average of nine million people migrated between states every year for either education or work. According to Economic Survey 2016-17. That is almost double the inter-state migration recorded in 2001-2011 and captured by the Census 2011. The survey reveals that states like Delhi, Maharashtra, Tamilnadu and Gujarat attracted large numbers of migrants from the Hindi-speaking states of UP, Bihar, and MP. According to the survey internal migration rates have dipped in Maharashtra and surged in Tamil nadu and Kerala, reflecting the growing pull of southern states in India's migration dynamics.

MIGRANT ISSUES ,SUGGESTIONS & ACTION PLAN

Potentially negative costs and risks for migrant workers that need to be mitigated include:

- Lack of awareness among migrants about their rights as ‘workers’ and as ‘migrant workers’
- Unscrupulous labour agents who coerce workers and do not pay minimum wages as stipulated by law
- Many migrants, especially young girls and women, are deceived and trafficked
- Workers who engage in seasonal work, such as in brick kilns or agriculture, are often trapped in a situation of debt and bondage
- Enforcement of laws and protection of rights of workers during migration and at worksites
- Poor and unsafe working and living conditions, lack of occupational health and safety
- Possibility of violence at the workplace and sexual harassment of women
- Greater threat of nutritional diseases, occupational illnesses, communicable diseases, alcoholism, HIV and AIDS amongst migrant populations
- Exclusion or lack of access to public services and social protection for migrants due to regulatory and/or administrative procedures in destination states
- Lack of inclusion of migrants in the socio-political dynamics of the city, lack of participation in the political process at the local level and poor integration into social structures such as self-help groups

Suggestions to promote Decent Work for Migrant Workers in India include: developing a policy framework that gives priority to migrants, creates linkages between state and central policies on healthcare, education and social security, and facilitating convergence of state and central resources.

- Establishing institutional mechanisms for inter-state coordination
- Improving enforcement of labour laws
- Adopting a four-pronged approach for better protection of rights of workers that defines the roles and responsibilities of the state, employers, workers/trade unions/civil society organizations and emphasizes the use of social dialogue and collective bargaining for promoting the rights of migrant workers
- Ensuring access and portability of social security schemes, for example, access to public distribution network/ subsidized ration in destination areas
- Accessing housing, water and sanitation
- Providing identity documents to migrants, which enables them to open bank accounts and enrol for welfare schemes
- Universal registration of workers on a national platform and developing comprehensive databases
- Strengthening and/or setting up district facilitation centres, migrant information centres and gender resource centres
- Strengthening the role of panchayats in registering workers
- Strengthening the role of vigilance committees to guard against bonded labour and child labour
- Registering workers by organizing enrolment camps
- Providing education and health services at the worksites or seasonal hostels
- Providing skills training, in particular for adolescents and young workers
- Establishing a universal helpline for migrant workers

Action Plan:

1. Identity solutions for Migrants
2. Skill training and Employment
3. Legal education and Aid
4. Worker's collectivization
5. Financial services and social securities
6. Providing health care services
7. Empowering families
8. Destination support to migrants
9. Building knowledge and capacities

MIGRATION SUPPORT SERVICES

The MSC is itself a facilitation centre that provides timely information and support where needed by way direct interaction and engagement in person with the migrant workers as well as their families in source locations on occasion. Information and support should be made accessible to migrant worker by way of voice contact as well (telephony to a Help-Line). This is an essential part of the service delivery program as coming and going to the centre may be a time consuming exercise or journey. The Help-Line should be managed by call centre agents, under direct supervision of the Centre Coordinator and where each agent functions as a Community Counselor as well as first point of contact for the completion of expert driven services.

Help-Line Services

When migrating is necessary, the MSC's primary roles lies in mitigating risks associated with migration. The biggest risk is access to services in itself. While the MSC can facilitate several challenges faced by migrating youth, it needs registration and face-to-face interaction or physical availability at the centre. Physical presence and interaction is only possible after the migrant has reached the destination location. However, there are several tasks to be performed while planning, packing and leaving for the destination by the youth. Some of these are critical for success in joining placement in a timely manner, and for job retention on the whole. Even after reaching the destination and joining work, it may not be possible for candidates to visit the MSC frequently, due to either paucity of time or inconvenience in terms of distance to travel etc. However, such lack of physical access to the MSC should not become a limiting factor. Therefore, it is suggested that the MSC establish and operate a Help-Line as a primary or core service, whose functional delivery is to facilitate communication, aid the service delivery of the MSC by pulling in relevant audiences for various events, supporting the Community Counselors in their effort, pre-register candidates for events and activities where needed. The Help-Line will also be a single channel of communication or access available to relatives, family members and community left behind in source areas offering them communication facilitation in the event they are unable to establish contact or provide them with basic information on the service offerings of the MSC.

In order to put together an efficient Help-Line, the MSC needs to:

Identify a toll-free number with 2 or 3 lines, both incoming and outgoing. It is essential that the Help-Line be an easy to remember number and should have some connect with the source state establishing the MSC. For instance Bihar should look for a Help-Line number that has the digits – 24427 (corresponding to Bihar on the alphanumeric keypad). This would be easy to remember among all migrant workers coming from Bihar.

Populate the Help-Line centre with agents who are

- i. Bi-lingual, should be able to communicate in the regional language as well as Hindi or English fluently.
- ii. Minimum Graduates of any discipline or stream.
- iii. Experienced – minimum 1 year of work experience post educational qualification in a respectable BPO handling outgoing voice-led communications
- iv. Trained in all the services offered by and aspects of the MSC and its engagements with all its stakeholders by way of an Orientation Program of not less than 3 working days duration 63

Ensure proper MIS of all activities undertaken by the agents. As all calls will result in some data interchange (from the Agent to relevant members of the MSC) or provision of information, it is essential that each call be recorded and suitable computerized MIS system be developed and used to track calls and establish an analysis framework (like trends). A sample log file is presented in the table below Over-time, it is suggested that the Help-Line be extended to relevant social media platforms and messaging platforms to create a point of interaction as well as engagement with migrant workers. Such media expansion may be done once the sufficient database of registered members be generated as well as broadcast content may be prepared, like photographs and videos. It is essential to note that the Help-Line is another channel of communication with migrant workers, but should not be used as the primary channel of interaction or engagement. Migrant workers must be encouraged to visit the MSC in person as often as possible, to ensure better relationships and better performance of services offered through specialist or domain experts who may be engaged with from time to time, for the delivery of said services.

Registration and Photo ID Service

'Proof of identity' is one of the most pressing concerns of migrant workers. Despite the fact that rights to mobility and livelihood are enshrined as Fundamental Rights in the Constitution, possessing a valid proof of identity is a pre-requisite to asserting citizenship rights and access to basic services, especially in the case of long-distance, inter-State migration/ displacement of workers. On a day to day basis, inability to produce an identity-proof greatly increases their vulnerability to be abused by public and many authorities including the Police, the Municipal Authority and others. Getting randomly picked for questioning, false implications in case of thefts and forcible evictions are very frequent occurrences in the lives of migrants. Absence of an identity proof also exacerbates the challenges related to access to basic services and entitlements. For instance, getting a SIM card for mobile phone service requires proof of identity; similarly to rent a house it is imperative to produce an identity proof, and opening a bank account too is a challenge as migrants are unable to produce the required proof of identity and residence. Absence of an identity credential has implications on migrants' livelihood as well. There are certain sectors such as hospitality, domestic work, driving, shops and establishments, which demand a high degree of trust and reliability in the employee. Unable to establish identify and validate their credentials, the migrant/ displaced workers are constrained from securing employment. 64

6.2.1 Process for offering Registration and Photo ID Service

The Centre can start by registering migrant workers and offering them a Photo ID, verified by suitable authorities. The Centre in partnership with the local PRI head and other relevant authorities, especially in the city, can offer a Photo ID, which contains important information including workers' domicile, trade, education, work destination and contact details. Information can be collected with the help of a simple form, checked by the Centre team, verified by relevant authorities, and then computerized with the help of a 'registration software'. Registration can be carried out by the Centre team or by well trained volunteers. The process of making the photo ID is explained with the help of a flow chart below. The call centre may be used to provide information to migrant workers on the availability and use of identity information as well as to confirm appointments to ensure that the capacity is utilized optimally.

Linkages to Aadhaar8 Identity Card

Aadhar Identity Card can serve as a proof of identity and address, and has now become essential to avail various entitlements. For the purpose of enrolling into the course DDU-GKY prescribes the need for cross-validation by Aadhar identity. However, in cases where such identity is not provided, the respective PIA under the DDU-GKY shall initiate registration and securing of Aadhar ID during the course of the training. Aadhar enrollment also requires the applicant to produce a proof of identity and address. However if a trainee/ alumni does not possess any document, they may take the help of an 'Introducer' as approved by the Registrar. The MSC may identify the enrollment Centre 8 Aadhaar is a unique 12 digit individual number issued on behalf of the Government of India. 65 nearest to them by accessing the following link: <https://appointments.uidai.gov.in/easearch.aspx>. Furthermore, it is recommended that an appointment is made for enrollment by accessing the link <https://appointments.uidai.gov.in/>. For any grievances or information, one may make use of their help-line – 18003001947.

6.2.3 Stakeholder support for Identity Validation

The registration and Photo ID service requires the support of local Government officers like the District Labour Officer (DLO), Block Development Officer (BDO), Sub-Divisional Magistrate(SDM) etc. in order to authenticate the ID card. More importantly, the MSC must lobby with various bodies such as banks, police stations, mobile service providers etc. in order to create wider acceptance of the migrant ID card as a valid proof of identity and address. The MSC shall also build ties with nearby Aadhar enrolment centres to facilitate speedier enrolment of alumni. Aajeevika Bureau, an NGO based in Rajasthan has been offering registration and photo ID service to migrant workers, with the authorization of the State Labour Department. Use of this ID as a KYC document has also been recommended by the ex-Deputy Governor, Reserve Bank of India. A sample of these letters is attached in Annexures 4 and 5.

Post-training and Pre-placement Support

Skill development is a significant step towards empowering the rural youth from disadvantaged backgrounds and enabling relevant employment and thereby securing their economic wellbeing. However, migration challenges become a deterrent to many who get displaced from their native locations to new locations for the purpose of securing better economic prospects. Therefore, in addition to skill development, pre-placement counselling for the DDU-GKY trainees, and post placement counselling of DDU-GKY alumni, are vital in ensuring job retention and success in the labour market. Given that the pre-placement support services are a mandate of the project implementation agencies (PIAs), the MSCs, through a formal contract with the PIAs for a fee, at the leave of the SRLM/SSM, have an important role in preparing candidates for their new work-life and life in the destination city, facilitating work readiness and migration through targeted information and services. Contact with Alumni is an integral part of pre-placement services. The MSC through its call centre and outbound calling services should facilitate alumni interactions with pre-placement candidates to ensure that they have a friend before reaching the destination and organization. The call centre HelpLine shall also become a source of pre-placement information like directions to MSC, Services offered by the MSC like Identification, Accommodation etc. and pre-registration. It is however, to be noted that the Help-Line is not to be used as a tool to establish contact with employers and PIAs, enter into negotiations or other normal responsibilities of the DDU-GKY PIAs. For the purpose of building familiarity or facilitation migration services, the SRLM/ SSM may share the Help-Line information with pre-placement candidates.

6.3.1 Pre-placement Negotiation

MSCs should be engaged at this (pre-placement) phase only through a special request by the PIAs for destination related services and support as well as conversations with prospect employers. However, this plays a crucial part in ensuring successful and sustainable placements. Key negotiation elements at the pre-placement phase could include – provision of (as and where applicable):

Social security (insurance, pension, medical benefits, maternity benefits etc.) Boarding and lodging facilities, if provided Pick up and drop facilities to and from the work site, especially in case of female workers, if provided or the provision of transport guidance, where provided One time meal facility at the work site (where appropriate/ provided) Salaries through bank accounts Regular provision of Salary slip or Joint Salary Certificate listing all the components of the salary payable clearly

These negotiations shall be undertaken by the DDU-GKY PIAs, who are mandated with training and placement of the concerned trainee. It is also suggested that the officers of the MSC accompany PIAs when visiting proposed workplace. During this visit, a quick reconnaissance of the work site shall be done in addition to identifying possible residential areas and eateries within the neighborhood. The DDU-GKY PIA shall negotiate a deal with suitable dormitories, eateries or caterers, hospitals etc. to support the target workers on his/ her arrival. Relevant personnel of the MSC may oversee the negotiation process for compliance or monitoring purposes. Several PIAs currently engage in one or 68 more such negotiations. For instance IndiaCan negotiates with HR contractors to ensure that longer distance and inter-state placements are accompanied by social security and support. Similarly, IL&FS also conducts a recce of the workplace and living areas prior to placements with the help of their migration facilitation desk in cities. One important information that the MSC must provide is the access to the centre from the nearest bus-station/ train-station so that migrant rural youth can reach the MSC easily.

6.3.2 Initial Accommodation and food for migrant candidates for a period of 15 days:

In cases where accommodation is not a part of the employer's offer to migrant candidates, the MSC should offer its dormitory services free of cost inclusive of 2 meals for a period of 15 days. One of the biggest challenges for youth is to find accommodation in an unfamiliar city immediately upon arrival. As a result, they tend to gravitate towards poor housing facilities or slums based on information provided by other workers in the same work-place or peer from the source villages. Subsequently, this dormitory services could be a paid service charged to the PIA. This will not only ensure that they are able to comfortably join work and look for accommodation closer to their workplace with responsible advice from the MSC, it will also ensure that all trainees join work as well as register with the MSC in the initial period itself. In this service, it is suggested that the PIA enter into a contract with the MSC only through the SRLM/ SSM and it is suggested that the SRLM/ SSM may decide the applicable cost/ rent. The Help-Line may then be shared with trainees for facilitating easy access and familiarization services. The SRLM/ SSM may also share the Help-Line services to individual candidates seeking dormitory services of their accord. This service should be a free service only for a limited time-period, say 15 days from date of arrival.

6.3.3 Post-placement Arrival Support

Once DDU-GKY trainees are placed, particularly in towns/cities which are far away from their native places, MSC shall, on the arrival of the trainees at the city or town of their proposed workplace, provide orientation and familiarization support to allay their anxieties of migrating into an unknown (unfamiliar) geography. The experience of the DDU-GKY alumni at the new place of their employment, during their initial days of adapting into the new place, plays a vital role in determining their stability and sustained stay, in addition to its reflection on their productivity at work. The PIA and MSC may work together to provide such support. A member of the PIA and MSC may be present at the work place prior to the migrant's arrival. The Table below provides a checklist of orientation and familiarisation sup

It is to be noted that in all the above services, the Help-Line may be engaged as an information dissemination service or for pre-registration purposes. In this respect, the Help-Line is to be used only as an inbound call service.

In addition to familiarization support, the PIA and MSC may also work together to address more subtle issues:

- (a) adapting to a new culture and environment (including local food availability);
- (b) adapting to a new work culture;
- (c) dealing with isolation in a new destination and building healthy social circles; and
- (d) preventing oneself from indulging in substance abuse and anti-social activities.

Given that there is a mandate for the PIA to track the DDU-GKY alumni for a period of 1 year after placement, the PIAs could collaborate with the MSC for information exchange, critical qualitative research where needed and counselling interventions where needed. At present such services are directly being rendered by the PIAs, e.g. PIAs such as YouthForJobs and IL & FS run a successful helpline and Call Centre and address issues such as home-sickness, isolation in the city, the inability to vote and concern for their own children's education. An innovation on this front by NIFA includes the provision of subsidized accommodation along with breakfast, tiffin services and entertainment during the first two months after placement.

The Help-Line/ Call Centre may be used as an extension of the SRLM/ SSM in their tracking efforts. Across a sample, the Call Centre may initiate verification of Post-Placement Tracking on behalf of the SRLM/ SSM. And in some exceptional cases, it may be used (with suitable domain experts) to investigate or perform qualitative research interventions to better understand work situation, problems and grievances of the placed candidates. This qualitative research shall be at the behest of the SRLM/ SSM only. The Call Centre is NOT to be used as an extension of the PIA team in postplacement verification. All cases may be referred to the SRLM/ SSM by the DDU-GKY PIAs who in turn may choose to employ the Call Centre.

6.3.4 Post-placement Tracking and Impact Assessment

DDU-GKY lays great emphasis on guaranteeing sustainable placement after training and enabling mechanisms that help track the career progression of each trainee. All PIAs are mandated to undertake tracking of the trainees for a year, and provide required counselling and facilitation support. As per DDU-GKY Guidelines 2013, Placement for the successful trainees is defined as continuous employment of the successful trainees for a period of not less than three months, and supported by a salary slip as evidence. It is important to have frequent follow ups with alumni in order to understand their changing needs and assess the impact of the training programme on their livelihoods and understand whether the skills training programme offered is relevant to industry's demand. The MSC, as an extension of the SRLMs/SSMs should play an important role in monitoring and strengthening the post-placement tracking efforts on tracking the DDU-GKY trainees, in their respective locations. The MSC shall work closely with the DDU-GKY PIAs in undertaking the visits to work sites, offer counselling support and trouble-shooting and thereby create a strong feedback loop to improve the overall outcomes of the skill training initiatives of DDU-GKY. The MSC should also engage with employers to facilitate the provision of Salary Slip or Joint Salary Certificate where needed and update critical information to the PIAs within 30 days of migrants reaching and settling down in the city and their work roles

DECENT WORK AGENDA

Work is one of the few experiences common to most of humanity. It not only plays an obvious and crucial role in the well-being of workers and their families but paves the way to the broader social and economic development of individuals, their communities and societies.

But progress depends not just on enough work being available but on its quality too. Work that traps people in bondage or poverty (rather than releasing them from it), or exposes them to hazards, discrimination or insecurity, does not allow individuals – or the economies they are part of – to advance and fulfil their potential.

Decent work therefore sums up the aspirations all people have for their working lives; for work that is productive, delivers a fair income with security and social protection, safeguards basic rights, offers equality of opportunity and treatment, prospects for personal development and the chance for recognition and to have your voice heard. Decent work is also central to efforts to reduce poverty and is a path to achieving equitable, inclusive and sustainable development. Ultimately decent work underpins peace and security in communities and societies.

According to the International Labour Organization (ILO)'s definition, decent work 'involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men' (ILO, 2016a). The Decent Work Agenda was developed in 1999 by the ILO around four pillars: employment creation, rights at work, social protection and social dialogue (Andrieu et al., 2008).¹ It has achieved high-level international endorsement, first in 2008, when it was included in the Millennium Development Goals (MDGs) under MDG 1, and later as part of the 2030 Agenda for Sustainable Development and the accompanying Sustainable Development Goals (SDGs), where it is specifically included in SDG 8: 'Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all'.

With decent work now included as a specific goal within the SDGs (SDG 8), a considerable number of donors have started to recognise that supporting the Decent Work Agenda is a growing priority for development assistance. Decent work is a key area of engagement for the ILO and its members. Many aspects of this agenda are also present in the other 16 goals of the UN's 2030 Sustainable Development Agenda. In addition, multilateral organisations, members of the G20, G7, EU and African Union have endorsed the significance of decent work to sustainable development (ILO, 2016a).

The four key dimensions of the Decent Work Agenda (employment creation, rights at work, social protection and social dialogue) has to be campaigned. It attempts to track levels of resources to the achievement of decent work and identify the gaps.

The Decent Work Country Programme has the overarching development objective of "creating a more decent future of work through better quality of jobs, transition to formal employment and environment sustainability" with the ultimate goal to support India's march towards "Leave no one behind and Reach the furthest behind first" as is also articulated in the 2030 Agenda.

The ILO constituents have jointly identified three priorities and nine outcomes in this India Decent Work Country Programme. Each outcome, also known as the result area, demonstrates how ILO constituents, and other relevant partners, will contribute to specific development changes in the world of work.

MIGRANT LABOUR LEGAL CELL:

Migrant workers are part of India's vast informal and unorganized economy. As a result they are often at the receiving end of malpractices, unfair wage deductions and fraudulence. They are often caught in a chain of contractors and middlemen and have little recourse to legal help. There are also few opportunities for workers and employers to resolve their disputes through a fair and transparent process.

'Legal Cell' processes the empower the Migrants, initiated activities such as legal literacy and publication of Labour laws, in tamil and source state languages. Legal counselling and people's court (Lok Adalat) to help the labourers for arbitration and to avail Welfare board schemes. We have engaged (1) to organize talks, discussions, seminars and workshops on legal issues affecting the migrants (2) to impart legal counselling to clients and to settle cases amicably (3) to make people aware of the various welfare schemes and the free legal aid schemes initiated by the Central and State Governments

In order to respond to the growing instances of labour disputes the **Legal cell** offers legal education, aid and counselling to migrant workers and their employers. The legal aid service includes legal literacy, mediation between parties and litigation assistance in special cases. The Legal Cell organises legal clinics at field centres where workers, contractors and employers are invited to settle their long standing disputes.

The Legal cell has also pioneered several labour protection initiatives /tools such as labour attendance diaries, model contracts for casual workers and a wide array of material for labour education. There is also a cadre of **community based paralegal workers** who engage in workers' education and counselling.

Labour Line is a phone based helpline for workers to call in and seek immediate advice and guidance in the event of distress or problems encountered at work. Labour Line operates from a call centre set up in the Legalcell and it handles well over 100 calls every month from migrant workers. Labour Line derives its support from a strong network of organisations, social activists and volunteers.

Legal Framework for Migrants that meant to protect the Labours are :

On 1 July 2003, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force. By 1 October 2005, 33 States had ratified it or acceded to it.

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

This Act applies to every establishment in which five or more Inter-State migrant workmen are employed or who were employed on any day of the preceding twelve months; and to every contractor who employs/ employed five or more inter-State migrant workmen on any day of the preceding twelve months. It is mandatory to register the establishments employing inter-State migrant workmen and issue of licensing of Contractors. It is the duty and obligation of Contractors to furnish such particulars to the specified authority in State from which an inter-State migrant workman is recruited and to issue to every inter-State migrant workman a pass-book affixed with a passport size photograph of the workman with the details like name, place of the establishment, period of employment, proposed rates and modes of payment of wages, the displacement allowance payable, return fare payable to the workman on the expiry of the period of his employment, deductions made, etc.

- *Gaps-* The Act does not include the details of the family members accompanying while registering the workers during recruitment. If the details are available then their children can receive their rights and entitlements.

(ii) The Contract Labour (Regulation and Abolition) Act, 1970 –

- This Act intends to regulate the employment of Contract Labour in certain establishments and provides for its abolition in certain circumstances and for matters connected therewith. The establishments covered under the Act are required to be registered as principal employers with the appropriate authorities and every contractor is required to obtain a licence. The licence granted is subject to such conditions as to hours of work, fixation of wages and other essential amenities in respect of contract labour as laid down in the rules.
- *Gaps-* While the Act talks about accommodation for the workers, it should also define crèche, anganwadi and play school for the children of the workers.

(iii) The Minimum Wages Act, 1948 –

- Under the provisions of this Act, both Central and State Governments are to fix, review and revise the minimum wages of the workers employed in the scheduled employments under their respective jurisdictions. All the provisions of the Act equally apply to both male and female workers and it does not provide for any discrimination to an inter-State migrant workman in terms of wages.
- The Indian Labour Conference in its session held in 1957 recommended various norms for fixation/revision of minimum wages. One of the recommendations was "Children education, medical requirement, minimum recreation including festivals/ceremonies and provision for old age, marriage etc. should further constitute 25% of the total minimum wage." This judgment was delivered by the Supreme Court of India in 1991 in the case of *Reptakos Brett and Co. Vs. its workmen.*
- *Gaps-* In majority cases there has been discrimination in wages for the migrant workers. Also the agent/ labour contractor gets certain commission for supplying labour.

(iv) The Building And Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 –

- This Act applies to every establishment which employs, or had employed on any day of the preceding twelve months, ten or more building workers in any building or other construction work. Under the Act, registration of establishments is mandatory and there is provisions for regulation of hours of work, welfare measures and other conditions of service of building workers, wages for overtime work, maintenance of registers and records, prohibition of employment of certain persons who are deaf or have defective vision or tendency to giddiness.
- The employer shall provide, free of charges and within the worksite or as near to it as may be possible, temporary living accommodation to all building workers with provisions of drinking water, latrines and urinals. Provisions of crèche in every place wherein more than fifty female building workers are employed as well as first-aid and canteens at the worksites. Under the Act employer shall be responsible for payment of wages to each building worker on or before the prescribed date. There is a provision for levy and collection of cess for the welfare of workers at such rate not exceeding two percent- but not less than one percent of the cost of construction incurred by an employer.
- *Gaps-* The Act clearly talks of crèche facility for the infants. It should also add the anganwadi and schools in vicinity. There shall be monitoring mechanism to make sure that the given provisions are implemented at ground.

(v) Juvenile Justice (Care and Protection of Children) Act, 2000 and Amendment, 2006 –

- This Act applies to a “child in need of care and protection”, found without any home or settled place or abode and without any ostensible means of subsistence, who is found begging, or who is either a street child or a working child, who does not have parent and or who is missing and run away child.
- Relevant sections of JJ Act could be attributed against the persons exploiting, engaging or violating any of the rights of the child of migrant worker. These sections are: Section 23 (cruelty to child), Section 24 (employment of child for begging), Section 25 (giving intoxicating liquor or narcotic drug or psychotropic substance to child) and Section 26 (exploitation of juvenile or child employee).

(vi) Bonded Labour System (Abolition) Act, 1976 –

- According to the Act, all the migrant workers fall under the Bonded Labour Act, as often they receive little advance, enter into an agreement, forced to give labour and paid less than prescribed wage rate. Under this Act, any custom or tradition or any contract, agreement or other instrument (whether entered into or executed) by virtue of which any person, or any member of the family or dependent of such person, is required to do any work or render any service as a bonded labourer, shall be void and inoperative. Every offence under this Act is cognizable and bailable.
- The worst affected are the children, particularly those from the socially disadvantaged community. The domestic distress migration from rural villages to cities forms the never ending supply chain of bonded labourers in Indian cities. child labour in hazardous industries, and for minimum wages. It

(vii) The Immoral Traffic (Prevention) Act, 1956

- The Immoral Traffic (Prevention) Act, 1956 is to combat trafficking and sexual exploitation for commercial purposes.
- Any person who procures or attempts to procure a person whether with or without his/her consent, for the purpose of prostitution; or induces a person to go from any place, with the intent that he/she may for the purpose of prostitution become the inmate of, or frequent, a brothel; or takes or attempts to take a person or causes a person to be taken, from one place to another with a view to his/her carrying on, or being brought up to carry on prostitution; or causes or induces a person to carry on prostitution; shall be punishable on conviction with rigorous imprisonment.
- This Act punishes trafficking for the purpose of prostitution and trafficking for other purposes (such as bonded labour and domestic work) is not covered.

(viii) Right of Children to Free and Compulsory Education Act

- Under Section 10 of the RTE Act it is the duty of every parent and guardian to admit their children aged between six and 14 in a neighbourhood school for pursuing elementary education and Section 8 defines the term ‘compulsory education’ to mean the duty of the government to ensure and monitor admission, attendance and completion of elementary education by every child.
- However, the Act does not speak about how the government or the local bodies were going to ensure attendance of children whose parents keep moving from one place to another very frequently in view of their vocation (especially those of migrant labourers).

ILO'S INTERNATIONAL LEGAL FRAMEWORK ON LABOUR MIGRATION

The International Legal Framework guiding **ILO's Labour Migration and Labour Mobility Work** is mainly composed of four migrant workers' International Labour Standards (ILS), five specific ILS related to migrant workers' social protection, six ILS containing specific provisions on migrant workers, the eight Fundamental Conventions that apply to all migrant workers irrespective of migration status, and the four Governance Conventions underlined by the ILO Declaration on Social Justice for a Fair Globalization and its follow-up.

Four migrant workers' International labour Standards

1. Migration for Employment Convention (revised), 1949, (No.97)
2. Migration for Employment Recommendation (revised), 1949(No.86)
3. Migrant Workers (Supplementary Provisions) Convention, 1975(No.143)
4. Migrant Workers Recommendation, 1975(No.151)

Specific International Labour Standards related to migrant workers' social protection

1. Maintenance of Social Security Rights Convention, 1982(No.157)
2. Maintenance of Social Security Rights Recommendation, 1982(No.167)
3. Employment Injury Benefits Convention, 1964 (No.121)
4. Social Security (Minimum standards) Convention, 1952 (No.102)
5. Equality of Treatment(Accident Compensation) Convention, 1925 (No.19)

International Labour Standards containing specific provisions on migrant workers

1. Decent Work for Peace and Resilience Recommendation, 2017(No.205)
2. Transition from the Informal to the Formal Economy Recommendation, 2015(No.204)
3. Domestic Workers Convention, 2011 (No.189)
4. Domestic Workers Recommendation, 2011 (No.210)
5. Private Employment Agencies Convention, 1977(No.181)
6. Private Employment Agencies Recommendation, 1997 (No.188)

The eight Fundamental Conventions that apply to all migrant workers irrespective of migration status

1. Worst Forms of Child Labour Convention, 1999 (No.182)
2. Minimum Age Convention 1973(No.138)
3. Discrimination (Employment and Occupation) Convention, 1958 (No.111)
4. Equal Remuneration Convention, 1951 (No.100)
5. Right to Organise and Collective Bargaining Convention, 1949 (No.98)
6. Freedom of Association and Protection of the Right to Organise Convention, 1948(No.87)
7. Abolition of Forced Labour Convention 1957 (No.105)
8. Forced Labour Convention 1930(No.29)

The Four Governance Conventions underlined by the ILO Declaration on Social Justice for a Fair Globalization and its follow-up

1. Labour Inspection Convention, 1947(No.81)
2. Employment Policy Convention 1964 (No.122)
3. Labour Inspection (Agriculture) Convention, 1969 (No.129)
4. Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144)

ILO Conventions Ratified by India

1. Fundamental Conventions: 6 of 8
2. Governance Conventions 3 of 4
3. Technical Conventions 38 of 178

Fundamental Conventions

1. CO 29 – Forced Labour Convention, 1930 (No.29)
2. C100 – Equal Remuneration Convention, 1951 (No.100)
3. C105 – Abolition of Forced Labour Convention, 1957 (No.105)
4. C111—Discrimination (Employment and Occupation)Convention, 1958 (No.111)
5. C111 – Minimum Age Convention, 1973 (No.138) Minimum age specified: 4 years
6. C182 – Worst Forms of Child Labour Convention, 1999 (No.182)

Governance Conventions

1. Co81 – Labour Inspection Convention 1947 (No81) Excluding Part II
2. C122 – Employment Policy Convention 1964 (No.122)
3. C144 – Tripartite Consultation (International Labour Standards) Convention 1976 (No144)

Technical Conventions

- C001 – Hours of Work(Industry Convention, 1919(No.1)
 C005 – Minimum Age (Industry) Convention,1919(No.5)
 C006 – Night work of Young persons (Industry) Convention 1919 (No.6)
 C011 – Right of Association (Agriculture) Convention 1921,(No11)
 C014 – Weekly Rest (industry) Convention, 1921 (No.14)
 C018 – Workmen’s Compensation Occupational Diseases Convention, 1925,(No18)
 C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
 C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
 C027 - Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
 C032 - Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
 C042 - Workmen’s Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
 C045 - Underground Work (Women) Convention, 1935 (No. 45)
 C080 - Final Articles Revision Convention, 1946 (No. 80)

C088 - Employment Service Convention, 1948 (No. 88)
 C089 - Night Work (Women) Convention (Revised), 1948
 C090 - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
 C107 – Indigenous and Tribal Population Convention, 1957 (No107)
 C116 – Final Articles Revision Convention, 1961 (No.116)
 C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118)
 C123 – Minimum age (underground work) Convention 1965 (No.125)
 C127 – Maximum weightn convention, 1967 (No.127)
 C136 – Benzene Convention, 1971 (No136)
 C141 – Rural workers’ organisation Convention 1975(No141)
 C142 – Human Resource Development Convention 1975 (No.142)
 C160 – Labour Statistics Convention 1985 (No 160)
 C174 – Protection of Major Industrial Accidents Convention 1993 (No.174)
 C185 – Seafarer’s Identity Documents Convention, 2003 (No.175)
 MLC 2006 – Maritime labor Convention 2006

Human rights of all migrants

Part III of the Convention (arts. 8 to 35) grants a fairly broad series of rights to all migrant workers and members of their families, irrespective of their migratory status. Many of these articles specify the application to migrant workers of rights spelled out in the International Covenants on Civil and Political Rights⁴ and on Economic, Social and Cultural Rights⁵ and the other core human rights treaties. The Convention also includes a number of rights addressing specific protection needs and providing additional guarantees in the light of the particular vulnerability of migrant workers and members of their families. This section focuses on these provisions.

Article 15, for instance, protects migrant workers from the arbitrary deprivation of property, while article 21 contains safeguards against confiscation, destruction or attempts to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits and prohibits the destruction of the passport or equivalent document of a migrant worker or a member of his or her family. Also specific to the particular situation of migrant workers is article 22, which provides, *inter alia*, that migrant workers and members of their families shall not be subject to measures of collective expulsion and that they may be expelled from the territory of a State party only in pursuance of a decision taken by the competent authority in accordance with the law. Furthermore, article 20 (2) provides that no migrant worker or member of his/her family shall be expelled or deprived of his authorization of residence or work permit merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit.

Article 23 spells out the right of migrant workers and members of their families to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin whenever the rights recognized under the Convention are impaired. Similarly, article 16 (7) gives arrested or detained migrant workers and members of their families the right to communicate with the consular or diplomatic authorities of their State of origin.

Migrant workers are frequently excluded from the scope of regulations covering working conditions and often denied the right to take part in trade union activities. Article 25 of the Convention establishes that migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and other conditions of work and terms of employment. Article 26 recognizes the right to take part in meetings and activities of trade unions and freely join them.

The living conditions of migrant workers are also often unsatisfactory. They face serious housing problems and, although they contribute to social security schemes, they and their families do not always enjoy the same benefits and access to social services as nationals of the host State. Article 27 of the Convention stipulates that, with respect to social security, migrant workers and members of their families shall enjoy the same treatment granted to nationals in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. Article 28 grants migrant workers and members of their families the right to receive any medical care that is urgently required for the preservation of their life or avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. It is important to stress that such emergency medical care shall not be refused by reason of any irregularity with regard to their stay or employment.

Article 30 establishes that each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Furthermore, access to public preschool educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child’s stay in the State of employment.

Article 31 of the Convention requests States parties to ensure respect for the cultural identity of migrant workers and members of their families and not to prevent them from maintaining their cultural links with their State of origin.

Article 32 provides that, upon termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings as well as their personal effects and belongings.

Finally, according to article 33, migrant workers and members of their families shall have the right to be informed of their rights arising out of the Convention as well as of the conditions of their admission and their rights and obligations under the law and practice of the State concerned. These obligations are placed on the State of origin, the State of employment or the State of transit as the case may be. State parties shall take appropriate measures to disseminate the said information, which shall be provided free of charge and, as far as possible, in a language that the migrants and their families are able to understand.

The last article of this section, article 35, deserves particular mention. It states that “nothing in the present part of the Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation or any right to such regularization of their situation, nor shall it prejudice the measures intended to ensure sound and equitable conditions for international migration as provided in part VI of the present Convention.”

Rights of migrant workers and members of their families who are documented or in a regular situation

The Convention assigns additional rights to migrant workers and members of their families who are documented or in a regular situation.

These rights include the right to be fully informed by their States of origin and employment about conditions applicable to their admission and concerning their stay and the remunerated activities they may engage in (art. 37), the right to freely move in the territory of the State of employment and freely choose their residence there (art. 39), the right to form associations and trade unions (art. 40), and to participate in public affairs of their State of origin, including voting and election (art. 41).

Furthermore, documented migrant workers and members of their families enjoy the same opportunities and treatment as nationals in relation to various economic and social services (arts. 43 and 45), in the exercise of their remunerated activity (art. 55), in the choice of their remunerated activity (subject to some restrictions and conditions) (art. 52) and in respect of protection against dismissal and the enjoyment of unemployment benefits (art. 54).

An important guarantee for regular or documented migrant workers is contained in article 49. It stipulates that, where separate authorizations to reside and to engage in employment are required by national legislation, the States of employment shall issue to migrant workers authorization of residence for at least the same period of time as their authorization to engage in remunerated activity. Moreover, article 51 says that migrant workers who are not permitted freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permit, except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted.

Migrant workers and members of their families in a regular status also enjoy exemption from import and export taxes on their household and personal effects (art. 46) and shall not be liable to more onerous taxation than nationals in similar circumstances (art. 48). Article 47 provides that migrant workers shall have the right to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State.

While the Convention does not expressly speak of a right to family reunification, States parties are encouraged to facilitate family reunification and to protect the unity of the family (art. 44). Article 50 provides that, in the case of death of a migrant worker or dissolution of marriage, the State of employment shall favourably consider granting family members of that migrant worker residing in that State on the basis of family reunion an authorization to stay, taking into due account the length of time they have already resided in that State. Finally, documented migrant workers and members of their families enjoy additional guarantees against expulsion (art. 56).

THE COMMITTEE ON MIGRANT WORKERS

The implementation of the Convention rests with its States parties. Article 72 provides that this process is monitored by a committee—the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families—consisting of 10 experts to be elected by the States parties and serving in their personal capacity, the number rising to 14 when 41 States will have become parties to the Convention.

Members of the Committee are elected by States parties by secret ballot, with due regard to fair geographical distribution, including both States of origin and States of employment of migrant workers, and to representation of the world’s main legal systems. Members serve in their personal capacity for a term of four years.

States parties accept the obligation under article 73 to report on the steps they have taken to implement the Convention within one year of its entry into force for the State concerned, and thereafter every five years. The reports also are expected to indicate problems encountered in implementing the Convention, and to provide information on migration flows. After examining the reports, the Committee will transmit such comments as it may consider appropriate to the State party concerned. Close cooperation between the Committee and international agencies, in particular the International Labour Office, is foreseen in the Convention (art. 74 (2) and (5)). For instance, the Committee shall invite the Office to appoint representatives to participate, in a consultative capacity, in its meetings, and shall consider in its deliberations such comments and materials as the Office may provide.

Under article 77, a State party may make a declaration recognizing the competence of the Committee to receive and consider communications from or on behalf of individuals within that State's jurisdiction who claim that their rights under the Convention have been violated. Such communications may be received only if they concern a State party which has so recognized the competence of the Committee. If the Committee is satisfied that the matter has not been, and is not being, examined by another procedure of international investigation or settlement, and that all domestic remedies have been exhausted, it may request written explanations and express its views after having considered all the available information. The individual communication procedure requires 10 declarations by States parties to enter into force. By 1 October 2005, no declaration of acceptance of article 77 had been made.

In March 2004, the Committee on Migrant Workers held its inaugural session, during which it adopted its provisional rules of procedure. In October 2004, the Committee held informal meetings to develop guidelines for the preparation of States parties' initial reports. It formally adopted these guidelines at its second session, in April 2005. At this session, the Committee also discussed its working methods for the examination of States parties' reports.

Useful addresses

Global Commission on International Migration, Rue Richard Wagner 1, CH-1202 Geneva, Switzerland

Website: <http://www.gcim.org>

International Labour Organization, Route des Morillons 4, CH-1211 Geneva 22, Switzerland

Website: <http://www.ilo.org>

International Organization for Migration, Route de Morillons 17, CH-1211 Geneva 19, Switzerland

Website: <http://www.iom.int>

International Platform on the Migrant Workers' Convention, PO Box 22, B-9820 Merelbeke, Belgium

Website: <http://www.december18.net>

United Nations Conference on Trade and Development, Palais des Nations, Av. de la Paix 8-14, CH-1211 Geneva 10, Switzerland

Website: <http://www.unctad.org>

United Nations Educational, Scientific and Cultural Organization, 7 Place de Fontenoy, F-75352 Paris 07 SP, France

Website: <http://www.unesco.org>

United Nations High Commissioner for Refugees, PO Box 2500, CH-1211 Geneva 2, Switzerland

Website: <http://www.unhcr.ch>

United Nations Office on Drugs and Crime, Vienna International Centre, PO Box 500, A-1400 Vienna, Austria

Website: <http://www.unodc.org>

CONTRACT LABOUR MANAGEMENT & MANAGING OUTSOURCING

Introduction:

Now-a-days, many activities, like house keeping, security, canteen, logistic, maintenance, pay-roll, recruitment etc are outsourced by the organizations due to variety of reasons. For instance, to concentrate in the core activity, less legal compliance, cost reduction, less labour problem and many more. Even some of the organizations prefer to outsource their core activity too.

The Contract Labour (Regulation & Abolition) Act, 1970, prescribes certain rules and regulations which are to be complied with before engaging the contract labour. The Apex Court has discussed in different times and many cases those are to be understood or else all contract labour may be declared your workmen or the employer may be subject to penal consequences.

It is therefore essential for the executives to know the legal issues involved and compliances required either before and/or after outsourcing the core and/or ancillary activities of the organizations where they are working.

The intention behind conducting this workshop is to provide a platform where the participants would gain a first-hand experience to the practical inputs with a view to hone their skills in managing outsourcing legally and efficiently.

With Latest Amendments:

- Dec 2016, Jan 2017 & Feb 2017 Ordinance Notification of Labour Law Department
- Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2016
- 2016 – Supreme court Judgment – State of Punjab vs Jagjit Singh

Objectives:

- To understand the practical aspects of rules and regulations that are applicable for outsourcing
- To deal with the important legal issues while managing outsourced activities.

Broad Coverage:

- IT Industry & Outsourcing
- Manufacturing & Outsourcing
- Infrastructure & Outsourcing
- Consultancy and Services Industry & Outsourcing
- Contract Labour & Outsourcing
- Legal Compliance

N: B: The above mentioned topics would be addressed through Labour Laws and Contract Law.

Contract Labour (Regulation & Abolition) Act, 1970 (CLRA) provisions:

- Definition & types of labour
- Why contract labour?
- Who is Principal Employer (PE)?
- Duties & responsibilities of Principal Employer
- Responsibility & Liability of Principal Employer in respect to wages, PF, ESI, welfare etc to Contract Labour.
- Essentials for contractor to supply manpower
- Central Advisory Contract Labour Board (CACLB)
- Prohibition of Contract Labour
- Forms and terms and conditions of license
- Amendment of License

- Important case laws on Contract Labour Act
- Annual returns
- Tips on points to be incorporated in terms of contract with Contractor
- Different Forms those are used under the Rule.
- Mandatory compliances under the Act
- Court's view on Contract Labour
- Precautions for Principal Employer while engaging Contract Labour

Key take away:

- To be aware of Responsibilities of Principal Employer helps maintaining cordial relations with work force.
- How to handle the proceedings before CACLB? How to deal with the situation on abolition of contract labour?
- PE will be able to manage all compliances under Act.
- PE can avoid legal complications by taking all necessary precautions.

Benefits:

- Cordial relation with force will result in more productivity.
- Easy management of contract labour will reduce financial burden on PE.
- With precautions the abolition situation can be handled easily resulting into smooth continuation of work

THE UNORGANISED WORKERS' SOCIAL SECURITY ACT, 2008 (ACT NO. 33 OF 2008)

An Act to provide for the social security and welfare of unorganised workers and for other matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Chapter I

PRELIMINARY

A. Details of Welfare Schemes for Migrant Workers

B. Short title, extent and commencement.

- (1) This Act may be called the Unorganised Workers' Social Security Act, 2008.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) “employer” means a person or an association of persons, who has engaged or employed an unorganised worker either directly or otherwise for remuneration;
- (b) “home-based worker” means a person engaged in the production of goods or services for an employer in his or her home or other premises of his or her choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, materials or other inputs;
- (c) “identity card” means a card, document or certificate issued to an unorganised worker by the District Administration under sub-section (3) of section 10;
- (d) “National Board” means the National Social Security Board for unorganised workers constituted under sub-section (1) of section 5;
- (e) “notification” means a notification published in the Official Gazette;
- (f) “organised sector” means an enterprise which is not an unorganised sector;
- (g) “prescribed” means prescribed by rules made under this Act by the Central Government or the State Government, as the case may be;
- (h) “registered worker” means an unorganised worker registered under sub-section (3) of section 10;
- (i) “Schedule” means the Schedule annexed to the Act;
- (j) “State Board” means the (name of the State) State Social Security Board for unorganised workers constituted under sub-section (1) of section 6;
- (k) “self-employed worker” means any person who is not employed by an employer, but engages himself or herself in any occupation in the unorganised sector subject to a monthly earning of an amount as may be notified by the Central Government or the State Government from time to time or holds cultivable land subject to such ceiling as may be notified by the State Government;
- (l) “unorganised sector” means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten;

- (m) “unorganised worker” means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the Acts mentioned in Schedule II to this Act; and
- (n) “wage worker” means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home-based worker, or as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers, with monthly wage of an amount as may be notified by the Central Government and State Government, as the case may be.

Chapter II

SOCIAL SECURITY BENEFITS

3. Framing of scheme.

(1) The Central Government shall formulate and notify, from time to time, suitable welfare schemes for 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.

(2) The schemes included in the Schedule I to this act shall be deemed to be the welfare schemes under subsection (1).

(3) The Central Government may, by notification, amend the schedules annexed to this Act.

(4) The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to—

- (a) provident fund;
- (b) employment injury benefit;
- (c) housing;
- (d) educational schemes for children;
- (e) skill upgradation of workers;
- (f) funeral assistance; and
- (g) old age homes.

4. Funding of Central Government Schemes.

(1) Any scheme notified by the Central Government may be—

- (i) wholly funded by the Central Government; or
- ii) partly funded by the Central Government and partly funded by the State Government; or
- (iii) partly funded by the Central Government, partly funded by the State Government and partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be prescribed in the scheme by the Central Government.

[2] Every scheme notified by the Central Government shall provide for such matters that are necessary for the efficient implementation of the scheme including the matters relating to,—

- (i) scope of the scheme;
- (ii) beneficiaries of the scheme;
- (iii) resources of the scheme;
- (iv) agency or agencies that will implement the scheme;
- (v) redressal of grievances; and
- (vi) any other relevant matter.

Chapter III

NATIONAL SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS

5. National Social Security Board.

[1] The Central Government shall, by notification, constitute a National Board to be known as the National Social Security Board to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

[2] The National Board shall consist of the following members, namely:—

- (a) Union Minister for Labour and Employment—Chairperson, *ex officio*;
- (b) the Director General (Labour Welfare)—Member-Secretary, *ex officio*; and
- (c) thirty-four members to be nominated by the Central Government, out of whom—
 - (i) seven representing unorganised sector workers;
 - (ii) seven representing employers of unorganised sector;
 - (iii) seven representing eminent persons from civil society;
 - (iv) two representing members from Lok Sabha and one from Rajya Sabha;
 - (v) five representing Central Government Ministries and Departments concerned; and
 - (vi) five representing State Governments.

[3] The Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

[4] The number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the National Board shall be such as may be prescribed: Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.

[5] The term of the National Board shall be three years.

[6] The National Board shall meet at least thrice a year, at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed.

[7] The members may receive such allowances as may be prescribed for attending the meetings of the National Board.

(8) The National Board shall perform the following functions, namely:—

- (a) recommend to the Central Government suitable schemes for different sections of unorganised workers;
- (b) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;
- (c) monitor such social welfare schemes for unorganised workers as are administered by the Central Government;
- (d) review the progress of registration and issue of identity cards to the unorganised workers;
- (e) review the record keeping functions performed at the State level;
- (f) review the expenditure from the funds under various schemes; and
- (g) undertake such other functions as are assigned to it by the Central Government from time to time.

Chapter IV

STATE SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS

6. State Social Security Board.

(1) Every State Government shall, by notification, constitute a State Board to be known as (name of the State) State Social Security Board to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The State Board shall consist of the following members, namely:—

- (a) Minister of Labour and Employment of the concerned State— Chairperson, ex officio;
- (b) the Principal Secretary or Secretary (Labour)—Member-Secretary, ex officio; and
- (c) twenty-eight members to be nominated by the State Government, out of whom—
 - (i) seven representing the unorganised workers;
 - (ii) seven representing employers of unorganised workers;
 - (iii) two representing members of Legislative Assembly of the concerned State;
 - (iv) five representing eminent persons from civil society; and
 - (v) seven representing State Government Departments concerned.

(3) The Chairperson and other members of the Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

(4) The number of persons to be nominated as members from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the State Board shall be such as may be prescribed:

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the Minorities and Women.

(5) The term of the State Board shall be three years.

(6) The State Board shall meet at least once in a quarter at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed.

(7) The members may receive such allowances as may be prescribed for attending the meetings of the State Board.

[8] The State Board shall perform the following functions, namely:—

- (a) recommend to the State Government in formulating suitable schemes for different sections of the unorganised sector workers;
- (b) advise the State Government on such matters arising out of the administration of this Act as may be referred to it;
- (c) monitor such social welfare schemes for unorganised workers as are administered by the State Government;
- (d) review the record keeping functions performed at the District level;
- (e) review the progress of registration and issue of cards to unorganised sector workers;
- (f) review the expenditure from the funds under various schemes; and
- (g) undertake such other functions as are assigned to it by the State Government from time to time.

7. Funding of State Government Schemes.

[1] Any scheme notified by the State Government may be—

- (i) wholly funded by the State Government; or
- (ii) partly funded by the State Government, partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be prescribed in the scheme by the State Government.

[2] The State Government may seek financial assistance from the Central Government for the schemes formulated by it.

[3] The Central Government may provide such financial assistance to the State Governments for the purpose of schemes for such period and on such terms and conditions as it may deem fit.

8. Record keeping by District Administration.

The record keeping functions for the purpose of this Act shall be performed by the District Administration: Provided that the State Government may direct that the record keeping function shall be performed by—

- (a) the District Panchayat in rural areas; and
- (b) the Urban Local Bodies in urban areas.

9. Workers' facilitation centres.

The State Government may set up such workers' facilitation centres as may be considered necessary from time to time to perform the following functions, namely:—

- (a) disseminate information on available social security schemes for the unorganised workers;
- (b) facilitate the filling, processing and forwarding of application forms for registration of unorganised workers;
- (c) assist unorganised worker to obtain registration from the District Administration;
- (d) facilitate the enrollment of the registered unorganised workers in social security schemes

Chapter V

REGISTRATION

10. Eligibility for registration and social security benefits.

(1) Every unorganised worker shall be eligible for registration subject to the fulfilment of the following conditions, namely:—

- (a) he or she shall have completed fourteen years of age; and
- (b) a self-declaration by him or her confirming that he or she is an unorganised worker.

(2) Every eligible unorganised worker shall make an application in the prescribed form to the District Administration for registration

(3) Every unorganised worker shall be registered and issued an identity card by the District Administration which shall be a smart card carrying a unique identification number and shall be portable.

(4) If a scheme requires a registered unorganised worker to make a contribution, he or she shall be eligible for social security benefits under the scheme only upon payment of such contribution.

(5) Where a scheme requires the Central or State Government to make a contribution, the Central or State Government, as the case may be, shall make the contribution regularly in terms of the scheme.

Chapter VI

MISCELLANEOUS

11. Power of Central Government to give directions.

The Central Government may give directions to—

- (i) the National Board; or
- (ii) the Government of a State or the State Board of that State, in respect of matters relating to the implementation of the provisions of this Act.G. 260/2009/DTP. (Kannur).

12. Vacancies, etc., not to invalidate proceedings.

No proceedings of the National Board or any State Board shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the National Board or, as the case may be, the State Board.

13. Power to make rules by Central Government.

(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (1) of section 4;
- (b) the number of persons to be nominated, the term of office and other conditions of service of members, the procedure to be followed in the discharge of functions by, and the manner of filling vacancies of, the National Board under sub-section (4) of section 5;

- (c) the rules of procedure relating to the transaction of the business at the meeting of the National Board under sub-section (6) of section 5;
- (d) the allowances for attending the meetings of the National Board under sub-section (7) of section 5;
- (e) the form for making an application for registration under sub-section (2) of section 10; and
- (f) any other matter which is required to be, or may be, prescribed.

14. Power to make rules by State Government.

(1) The State Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the number of persons to be nominated, the term of office and other conditions of service of members, the procedure to be followed in the discharge of functions by, and the manner of filling vacancies of, the State Board under sub-section (4) of section 6;
- (b) the rules of procedure relating to the transaction of business at the meetings of the State Board under sub-section (6) of section 6;
- (c) the allowances for attending the meetings of the State Board under sub-section (7) of section 6;
- (d) the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (1) of section 7;
- (e) the form in which the application for registration shall be made under sub-section (2) of section 10; and
- (f) any other matter which is required to be, or may be, prescribed.

15. Laying of rules.

(1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made under this Act by State Government shall be laid, as soon as may be after it is notified, before the State Legislature. 16. Saving of certain laws.—Nothing contained in this Act shall affect the operation of any corresponding law in a State providing welfare schemes which are more beneficial to the unorganised workers than those provided for them by or under this Act.

17. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty: Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

SCHEDULE I [See sections 2(i) and (3)]
SOCIAL SECURITY SCHEMES FOR THE UNORGANISED WORKERS

Sl. No. Name of the Scheme

1. Indira Gandhi National Old Age Pension Scheme.
2. National Family Benefit Scheme.
3. Janani Suraksha Yojana.
4. Handloom Weavers' Comprehensive Welfare Scheme.
5. Handicraft Artisans' Comprehensive Welfare Scheme.
6. Pension to Master craft persons.
7. National Scheme for Welfare of Fishermen and Training and Extension.
8. Janshree Bima Yojana.
9. Aam Admi Bima Yojana.
10. Rashtriya Swasthya Bima Yojana.

SCHEDULE II [See section 2(m)]

Sl. No. Name of the Act

1. The Workmen's Compensation Act, 1923 (8 of 1923) .
2. The Industrial Disputes Act, 1947 (14 of 1947).
3. The Employees' State Insurance Act, 1948 (34 of 1948).
4. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).
5. The Maternity Benefit Act, 1961 (53 of 1961).
6. The Payment of Gratuity Act, 1972 (39 of 1972)

THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) CENTRAL RULES, 1980

1. Short title and commencement.—

- (1) These rules may be called the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980.
- (2) They shall come into force from the Second day of October, 1980.

2. Definitions.—In these rules unless the subject or context otherwise requires,—

- (a) “Act” means the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- (b) “Appellate Officer” means an appellate officer nominated by the Central Government under section 11;
- (c) “Deputy Chief Labour Commissioner (Central)” means an officer as such appointed by the Central Government;
- (d) “Form” means a form appended to these rules;
- (e) “Inspector” means an Inspector appointed by the Central Government under section 20;
- (f) “Licensing Officer” means the licensing officer appointed by the Central Government under section 7;
- (g) “migrant workman” means an inter-State migrant workman as defined in section 2;
- (h) “registering officer” means a registering officer appointed by the Central Government under section 3;
- (i) “section” means a section of the Act;
- (j) “specified authority” means the authority specified by the Central Government for the purposes of sections 12 and 16; and
- (k) all other words and expressions used in these rules but not defined therein shall have the meanings respectively assigned to them in the Act.

3. Manner of making application for registration of establishment.—

- (1) The application for registration of an establishment shall be made in triplicate in Form I to the registering officer of the area in which the establishment sought to be registered is located.
- (2) The application shall be accompanied by a crossed demand draft showing payment of the fees for the registration of the establishment.
- (3) The application shall be either personally delivered to the registering officer or sent to him by registered post.
- (4) On receipt of the application, the registering officer shall, after noting thereon the date of receipt by him of the application, give an acknowledgment to the applicant.

4. Issue of certificate of registration.—

- (1) Where the registering officer registers of establishment, he shall issue to the principal employer a certificate of registration in Form II.
- (2) The registering officer shall maintain a register in Form III showing the particulars of the establishment in relation to which certificates of registration are issued by him..
- (3) If, in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the registration officer, within thirty days from the date when such change takes place the particulars of, and the reasons for, such change.

5. Circumstances in which applicants for registration may be rejected.—

- (1) If any application for registration is not complete in all respects, the registering officer shall require the principal employer to amend the application so as to make it complete in all respects.
- (2) If the principal employer, on being required by registering officer to amend his application for registration omits or fails to do so, the registering officer shall reject the application for registration.

6. Amendment of certificate of registration.—

- (1) Where on receipt of the intimation under sub-rule (3) of rule 4, the registering officer is satisfied that an amount higher than the amount, which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which, together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce showing such deposit.
- (2) Where, on receipt of the intimation referred to in 1[sub-rule (3)] rule 4, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change thus occurred: Provided that no such amendment shall affect anything done or any action taken or any right, obligation or liability acquired or incurred before such amendment: Provided further that the registering officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

7. Application for a licence.—

- (1) Every application by a contractor for the grant of a licence for recruiting a person under clause
 - (a). of sub-section (1) of section 8 shall be made in triplicate in Form IV to the licensing having jurisdiction in relation to the area wherein the recruitment is made.
- (2) Every application by a contractor for employing a migrant workman under clause (b) of sub-section (1) of section 8 shall be made in Form V to the licensing officer having jurisdiction in relation to the area wherein the establishment is situated.
- (3) Every application for the grant of a licenced under sub-rule (1), or sub-rule (2) shall be accompanied by a certificate of the principal employer in Form IV to the effect that he undertakes to be bound by all the provisions of the Act and the rules made thereunder so far as they are applicable to him in respect of the recruitment or employment of the migrant workmen, in respect of which the contractor is making the application.
 - (a). Every such application shall be either personally delivered to the licensing officer concerned or sent to him by registered post.
- (4) On receipt of the application referred to in sub-rule (1) or sub-rule (2), the licensing officer concerned shall, after noting thereon the date of receipt of the application, grant an acknowledgment to the applicant.
- (5) Every application referred to in sub-rule (1) shall also be accompanied by the receipt obtained as required by rule 20.
- (6) Matters to be taken into account in granting or refusing a licence.—In granting or refusing to grant a licence the licensing officer shall take the following matters into account, namely:—
 - (a). Whether the applicant—
 - (i). is a minor, or
 - (ii). is a unsound mind and stands so declared by a competent court, or
 - (iii). is an undischarged insolvent, or
 - (iv). has been convicted at any time during the period of five years immediately preceding the date of application, of an offence which, in the opinion of the Central Government involves moral turpitude;
 - (b). whether any order had been made in respect of the applicant under sub-section (1) of section 10, and, if so, whether a period of three years has elapsed from the date of that order;
 - (c). whether the fees for the application has been deposited at the rates specified in rule 12; and
 - (d). whether security, wherever necessary, has been deposited by the applicant at the rates specified in sub-rule (1) of rule 10.

8. Matters to be taken into account in granting or refusing a licence.—In granting or refusing to grant a licence the licensing officer shall take the following matters into account, namely:—

- (a). Whether the applicant—
 - (i). is a minor, or
 - (ii). is a unsound mind and stands so declared by a competent court, or
 - (iii). is an undischarged insolvent, or
 - (iv). has been convicted at any time during the period of five years immediately preceding the date of application, of an offence which, in the opinion of the Central Government involves moral turpitude;
- (b). whether any order had been made in respect of the applicant under sub-section (1) of section 10, and, if so, whether a period of three years has elapsed from the date of that order;
- (c). whether the fees for the application has been deposited at the rates specified in rule 12; and
- (d). whether security, wherever necessary, has been deposited by the applicant at the rates specified in sub-rule (1) of rule 10.

9. Refusal to the issue licence.—

- (1). On receipt of the application from the contractor, and as soon as possible thereafter, the licensing officer shall investigate or cause investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and the eligibility of the applicant for a licence.
- (2). Where the licensing officer is of the opinion that the licence should not be issued, he shall, after affording reasonable opportunity to the applicant to be heard, make an order rejecting the application.
 - (i). The order shall record the reason for the refusal and shall be communicated to the applicant.

10. Security.—1[

- (1). Where the licensing officer is satisfied that any person who has applied for or who has been issued a licence should furnish security for the due performance of the conditions of the licence, he shall prepare an estimate of all the amounts needed to provide for recruitment or employment of migrant workmen on the basis of the following factors, namely:—
 - (i). Wages equivalent to one wage period payable under clause (v) of sub-rule (2) of rule 11, read with rule 25.
 - (ii). Provision of medical facilities under rule 37,
 - (iii). Provision of protective clothing under rule 38, wherever applicable,
 - (iv). Provision of drinking water, latrines, urinals, and washing facilities under rule 39 read with rules 42 and 43,
 - (v). Provision of rests rooms under rule 40, wherever applicable,
 - (vi). Provision of canteens under rule 41, wherever applicable,
 - (vii). Provision of creche under rule 44, wherever applicable,
 - (viii). Provision of residential accommodation under rule 45,
 - (ix). Journey allowance under section 15,
 - (x). Number of migrant workmen employed or recruited, and
 - (xi). Duration of work.
- (2). The licensing officer shall determine the amount of the security to be furnished by such person, after considering the solvency of such a person, not exceeding 40 percent of the amount estimated by him in accordance with sub-rule (1) above] 2[(3)] Where the applicant for licence was holding a licence in regard to another work and that licence had expired, the licensing officer, if he is of the view that any amount out of the security, if any deposited in respect of that licence is to be refunded to the applicant under rule 17, he may on an application made for the purpose in Form VII by the applicant adjust the amount so to be refunded towards the security, if any, required to be deposited in respect of the application for the new licence and the applicant need deposit, in such a case, only the balance amount if any, after making such adjustment.

11. Forms and terms and conditions of licence.—

- (1). Every licence under sub-section (1) of section 8 shall be in Form VIII.
- (2). Every licence granted under sub-rule (1) or renewed under rule 15 be subject to the following conditions, namely:—
 - (i). the licence shall be non-transferable;
 - (ii). the terms and conditions of the agreement or arrangement or the arrangement under which the migrant workman is recruited or employed;
 - (iii). the number of migrant workmen recruited or employed;
 - (iv). the number of workmen recruited or employed as migrant workmen in the establishment shall not, on any day, exceed the maximum number specified in conditions (iii);
 - (v). the rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1984, for such employment and where the rates have been fixed by the agreement, settlement or award, not less than the rates so fixed;
 - (vi). save as provided in these Rules the fees paid for the issue, or as the case may be, for renewal of licence shall be non-refundable;
 - (vii). (a) in cases where the migrant workmen recruited or employed by the contractor perform the same or similar kind of work as the workmen directly employed by the Principal Employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the Principal Employer of the establishment on the same or similar kind of work: Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Deputy Chief Labour Commissioner (Central) 1[***];
 - (viii). in other cases, the wage rates, holidays, hours of work and conditions of service of the migrant workmen recruited or employed by the contractor shall be such as prescribed in these Rules;
 - (ix). every migrant workman shall be entitled to allowances, benefits, facilities, etc., as prescribed in the Act and the Rules;
 - (x). no female migrant workman shall be employed by any contractor before 6 A.M. or after 7 P.M.: Provided that this clauses shall not apply to the employment of female migrant workmen in Pit head Baths, Creches and canteens and Midwives and Nurses in hospitals and dispensaries;
 - (xi). the contractor shall notify any change in the number of migrant workmen or the conditions of work to the licensing officer;
 - (xii). the contractor shall comply with all the provisions of the Act and the Rules;
 - (xiii). a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed;
 - (xiv). the period for which the licence shall be valid; 2[(xiv) any change in the number of migrant workmen shall be notified to the licensing officer within seven days of this change.]

12. Fees.—

- (1). The fees to be paid for the grant of certificate of registration of an establishment under section 7, shall be as specified below:— If the number of migrant workmen proposed to be employed in the establishments on any day.
 - (a). is 5 and not exceeding 20... Rs. 60
 - (b). exceeding 20 and upto 50... Rs. 150
 - (c). exceeding 50 and upto 100... Rs. 300
 - (d). exceeding 100 and upto 200... Rs. 600
 - (e). exceeding 200 and upto 400... Rs. 1,200
 - (f). exceeding 400... Rs. 1,500

- (2). The fees to be paid for grant of licence under section 7 shall be as specified below:— If the number of workmen employed by the contractor on any day—
- (a). is 5 and not exceeding 20... Rs. 15
 - (b). exceeding 20 and upto 50... Rs. 40
 - (c). exceeding 50 and upto 100... Rs. 80
 - (d). exceeding 100 and upto 200... Rs. 150
 - (e). exceeding 200 and upto 400... Rs. 300
 - (f). exceeding 400... Rs. 400].

13. Amendment of the licence.—

- (1). A licence issued under rule 11 or renewed under rule 15 may, for good and sufficient reasons be amended by the licensing officer.
- (2). The contractor who desires to have to licence amended shall submit to the licensing officer an application stating the nature of amendment and reasons therefor.
- (3). (i). If the licensing officer allows the application he shall require the applicant to furnish a crossed demand draft for the amount if any, by which the fees that would have been payable if the licence had been originally issued in the amended form exceeds the fee originally paid for the licence;
(ii). on the applicant furnishing the requisite receipt, the licence shall be amended according to the orders of the licensing officer.
- (4). Where the application for amendment is refused, the licensing officer shall record the reasons for such refusal and communicate the same to the applicant.

14. Renewal of licence.—

- (1). Every contractor may apply to the licensing officer for renewal of the licence.
- (2). The application shall be in Form IX in triplicate and shall be made not less than thirty days before the date on which the licence expires, and if the application is so made the licence shall be deemed to have been renewed until such date when the renewed licence is issued.
- (3). The fees chargeable for renewal of the licence shall be same as for the grant thereof: Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of twenty five per-cent. in excess of the fee ordinarily payable for the licence shall be payable for such renewal: Provided further that in case where the licensing officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the contractor, he may reduce or remit as he deems fit the payment of such excess fee.

15. Period of renewal of the licence.—Every licence renewed under this rule 15 remain in force for a further period of twelve shall from the date of the order of renewal.

16. Issue of duplicate certificate of registration or licence.—Where a certificate of registration or licence granted or renewed under the preceding rules has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of fees of 1[Rs. 20.00].

17. Refund of security.—

- (1). (i). On expiry of the period of licence the contractor may, if he does not intent to have his licence renewed or get the security amount adjusted in respect of his fresh application for licence in terms of sub-rule (2) of rule 10, make an application to the licensing officer for the refund of the security, if any, deposited by him under rule 10.
(ii). If the licensing officer is satisfied that there is no breach of the conditions of licence or there is no order under section 10 for the forfeiture of security or any portion thereof, he shall direct the refund of the security to the applicant.

- (2). If there is any order directing the forfeiture of the whole or any part of the security, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the applicant.
- (3). The application for refund shall as far as possible, be disposed of within sixty days of the receipt of the application.

18. Appeals and procedure.—

- (1). (i). Every appeal under section 11 shall be prepared in the form of a memorandum signed by the appellant or his authorised agent and presented to the appellate officer in person or sent to him by registered post.
 - (ii). The memorandum shall be accompanied by a certified copy of the order and a crossed demand draft for Rs. 25/.
- (2). The memorandum shall set forth precisely and under distinct heads the grounds of appeal to the order appealed from.
- (3). Where the memorandum of appeal does not comply with the provision of sub-rule (2) it may be rejected or returned to the appellant for the purpose of being amended within a time to be fixed by the appellate officer.
- (4). Where the appellate officer rejects the memorandum of appeal under sub-rule (3), he shall record the reasons, for such rejection and communicate the same to the appellant.
- (5). Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the register of appeals kept for the purpose.
- (6). (i). When the appeal has been admitted, the appellate officer shall send a notice to the registering officer or the licensing officer, as the case may be, from whose order the appeal has been preferred. The registering officer or as the case may be, the licensing officer shall thereupon send the record of the case to the appellate officer.
 - (ii). On receipt of the record the appellate officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal.
- (7). If on the date fixed for the hearing, the appellant does not appear the appellate officer may dismiss the appeal for default of appearance of the appellant.
- (8). (i). Where an appeal has been dismissed under sub- rule (7), the appellant may apply to the appellate officer for re-admission of the appeal, and where it is proved that he was prevented by any sufficient cause from appearing when appeal was called on for hearing, the appellate officer shall restore the appeal on its original number.
 - (ii). An application under clause (i) shall, unless the appellate officer extend the time for sufficient reason, be made within thirty days of the date of dismissal.
- (9). (i). If the appellant is present when the appeal is called on for hearing, the appellate officer shall proceed to hear the appellant or his authorised agent and nay other person summoned by him for the purpose, and pronounce judgment on the appeal either confirming reversing or modifying the order appealed from.
 - (ii). The judgement of the appellate officer shall state the points for determination, decisions thereon the reasons for the decisions.
 - (iii). The order shall be communicated to the appellant and a copy thereof shall be sent to the registering officer or the licensing officer, as the case may be, from whose order the appeal has been preferred.

19. **Obtaining of copies of orders.**—A copy of the order of the registering officer, licensing officer or appellate officer may be obtained on payment of fees of 1[Rs. 500] per copy of each order on application specifying the date and other particulars of the order, made to the officer concerned.

20. Payment of fees and security deposits.—

- (1). The payment of the various fees relating to registration, licensing and security deposits shall be made through a crossed Demand Draft drawn in favour of the concerned departmental officer and payable at the station at which he is stationed along with a Treasury Challan duly filled in dictating the relevant head of account creditable to the accounts of the concerned Pay and Accounts Office.
- (2). The heads of accounts under which the receipt relating to the fees for registration, licensing and appeals, etc., shall be credited will be “B-Non-Tax Revenue-087 Labour and Employment—Receipts under the Inter-State Migrant Workmen (Regulations and Conditions of Service) Central Rules, 1980”. The Security Deposits are to be booked under the head “Deposits Advances—(b) Deposits not bearing interest—843—Civil-Deposits-Security Deposits.

21. Particulars of migrant workman.—

- (1). Every contractor shall furnish to the specified authorities the particulars regarding recruiting and employment of migrant workmen in Form X.
- (2). The particulars shall be either personally delivered by the contractor to the concerned specified authorities or sent to them by registered post.

22. Return fare.—The contractor shall pay to the migrant workman the return fare from the place of employment to the place of residence in the home-state of the migrant workman on the expiry of the period of employment and also on his—

- (a). termination of service before the expiry of the period of employment for any reason whatsoever;
- (b). being incapacitated for further employments on accounts of injury or continued ill-health duly certified as such by a registered medical practitioner;]
- (c). cessation of work in the establishments which is not due to any fault on the part of the migrant workman; and
- (d). resignation from service on account of non-fulfilment of terms and conditions of his employment by the contractor.

23. Pass Book.—

- (1). In the pass book referred to in clause (4) sub-section (1) of section 12, the following additional particulars shall be indicated namely:—
 - (i). the date of recruitment;
 - (ii). the date of employment;
 - (iii). total attendance/unit of work done (in respect of piece-rated migrant workman) total wages earned deductions if any made/net amount paid the signature of contractor or his duly authorised representative with date; and (These entries shall be made separately in respect of each wage period within three days from the date of payment.)
 - (iv). name and address of the next of kinds of migrant workman.
- (2). In case of fatal accident of serious bodily injury to any migrant workman, the contractor shall immediately send telegrams to the specified authorities of both the States and also the next of the kins of the migrant workman intimating death or the nature of serious bodily injury sustained by the migrant workman, as the case may be, date, place and nature of accident. The contractor shall further send written report to the specified authorities concerned and the next of the kins of the migrant workman, undermentioned particulars by registered post within 24 hours of the occurrence of the accident:—
 - (i). Name of the migrant workman;
 - (ii). Date, of place and nature of accident;
 - (iii). Condition of the migrant workman (if alive);
 - (iv). Action taken by the contractor/ principal employer;
 - (v). Remarks.
- (3). If the contractor fails to send the telegraphic intimation and/or written report as required under sub-rule (2), the principal employer shall comply with the requirements of sub-rule (2) as early as possible but in any case not later than 48 hours of the time of occurrence of the accident.

24. Return and Report.—Every contractor shall furnish a return regarding migrant workman who have ceased to be employed in Form X I to the specified authorities concerned either personally or by registered post so as to reach them to not later than 15 days from the date of migrant workman ceases to be employed.

25. Rate of wages.—The rate of wages of a migrant workman in an establishments where he is a required to work which is neither same nor or similar kind as is being performed by any other workman in that establishment shall not be less than the rate of wages paid by the principal employer to a workman

in the lowest category of workmen directly employed by him in that establishment or the minimum rates of wages notified by the Central Government under the Minimum Wages Act, 1948 for the same or similar type of work performed by workmen in any scheduled employment in the area in which the establishment is located, or the rates of wages payable to the workmen for performing same or similar kind of work in that establishment in the State in which the establishment is located, whichever is higher.: Provided that if there is any dispute in this regard or with regard to applicability of wage rate to a migrant workman under sub-clause (b) of sub-section

(1). of section 13, the same shall be decided by the Deputy Chief Labour Commissioner (Central) 1[***].

26. Wage-period.—The contractor shall fix wage periods in respect of which wages shall be payable.

27. No wage period shall exceed one month.

28. Payment of wages.—The wages of every migrant workman in an establishment by a contractor where less than 1000 workmen are employed shall be paid before the expiry of the seventh day and in other cases before the expiry of tenth day every month.

29. Payment on termination.—Where the employment of any migrant workman is terminated by or on behalf of the contractor, the wages earned by the migrant workman shall be paid before the expiry of the second working day from the day on which his employment is terminated.

30. Mode of payment.—All payments of wages shall be made by the contractor on working day at the work premises and during the working time and on a date notified in advance and in case the work is completed before the expiry of final payments, shall be made within forty-eight hours of the last working day.

32. All wages shall be paid in current coin or in currency or in both. Wages shall be paid without any deduction of any kind except those specified by the Central Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936.

33. A notice showing the wages period and the place and time of disbursement of wages shall be displayed at the place of work and a copy sent by the Contractor to the Principal Employer under acknowledgment.

34. The principal employer shall ensure the presence of his authorised representative at the place and time of disbursement of wages by the contractor to the migrant workman; and it shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorised representative.

36. Holidays hours of work and other conditions of service.—

- Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman shall not be less favourable than those obtaining in that establishment or in similar employment in the area in which the establishment is located, as the case may be.
- Where there is any dispute in this regard or with regard to applicability of holidays hours of work including extra wages for overtime work done and other conditions of service to a migrant workman under clause (a) of sub-section (1) of section 13, the same shall be decided by the Deputy Chief Labour Commissioner (Central) 1[***].

36. Holidays hours of work and other conditions of service.—

- (1) Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman shall not be less favourable than those obtaining in that establishment or in similar employment in the area in which the establishment is located, as the case may be.

- (2) Where there is any dispute in this regard or with regard to applicability of holidays hours of work including extra wages for overtime work done and other conditions of service to a migrant workman under clause (a) of sub-section (1) of section 13, the same shall be decided by the Deputy Chief Labour Commissioner (Central) 1[***].

37. Medical facilities.—

- (1). The contractor shall ensure provision of suitable and adequate medical facilities for outdoor treatment to the migrant workman free of cost for treatment of any ailment from which the migrant workman or any member of his family may suffer during his employment in the establishment or to meet any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a migrant workman from market on the basis of the prescription issued by any Doctor provided by the contractor or the principal employer, as the case may be, or any registered medical practitioner, the cost of such medicine 1[including the fee upto Rs. 10 per consultation], shall be reimbursed by the contractor to the migrant workman concerned within a period of seven days from the date of presentation of the bill by the migrant workman.
- (2). In the event of migrant workman or any of his family members suffering from any ailment requiring hospitalisation during his employment in the establishment, the contractor shall promptly arrange for the hospitalisation of the migrant workman or the concerned member of his family. The contractor shall bear entire expenses on treatment, hospital charges (including diet), if any, and travel expenses for the patient from the place of his/her residence to the hospital and back.
- (3). Every contractor shall provide and maintain so as to be readily accessible during all working hours first-aid boxes at the rate of not less than one box for one hundred and fifty workmen or part thereof.
- (4). The first-aid box shall be distinctly marked with a Red Cross on a white ground and shall contain the following equipment, namely:—
 - (a). for the establishments in which number of migrant workmen employed does not exceed fifty, each first-aid box shall contain the following equipment:—
 - (i) 6 small sterilized dressings;
 - (ii) 3 medium size sterilized dressings;
 - (iii) 3 large size sterilized dressings;
 - (iv). 3 large sterilized burn dressings;
 - (v). 1 (30 ml.) bottle containing a two per cent alcoholic solution of iodine;
 - (vi). 1 (30 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label;
 - (vii). 1 snake-bite lancet;
 - (viii). 1 (30 gms.) bottle of Potassium permanganate crystals;
 - (ix). 1 pair scissors;
 - (x). 1 copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institute Government of India;
 - (xi). A bottle containing 100 tablets (each of 5 grains) of aspirin.
 - (xii). Ointment for burns; and
 - (xiii) A bottle of suitable surgical antiseptic solution.
 - (b). For establishment in which the number of migrant workmen exceed fifty, each first-aid box shall contain the following equipment:—
 - (i). 12 small sterilized dressings;
 - (ii). 6 medium size sterilized dressings;
 - (iii). 6 large size sterilized dressings;
 - (iv). 6 large sterilized burn dressings;
 - (v). 6 (15 gms.) packets sterilized cotton wool;
 - (vi). 1 (80 ml.) bottle containing a two per cent alcoholic solution of iodine;

- (vii). 1 (60 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label;
 - (viii). 1 roll of adhesive plaster;
 - (ix). 1 snake-bite lancet;
 - (x). 1 (30 gms.) bottle of potassium permanganate crystals;
 - (xi). 1 pair scissors;
 - (xii). 1 copy of the first-aid leaflet issued by the Director- General, Factory Advice Service and Labour Institute Government of India;
 - (xiii). A bottle containing 100 tablets (each of 5 grains) of aspirin.
 - (xvi). Ointment for burns; and
 - (xv) A bottle of suitable surgical antiseptic solution.
- (5). Adequate arrangements shall be made for immediate recoupment when necessary.
 - (6). Nothing except the contents mentioned in sub-rule (4) shall be kept in the first-aid box.
 - (7). The first-aid box shall be in charge of a responsible person who shall always be readily available during the working hours of the establishment.
 - (8). The person in-charge of the first-aid box shall be a person trained in first-aid treatment, in establishments where the number of migrant workmen is one hundred and fifty or more.

38. Protective clothing.—

- (a). The contractor shall provide to every migrant workman where the temperature falls below 20 degree centigrade, protective clothing consisting of one woollen coat and one woollen trousers one in two years: Provided that where the temperature falls below 5 degree centigrade an woollen overcoat shall also be provided to the migrant workmen once in three years.
- (b). The protective clothing shall be provided by the contractor to every migrant workman before onset of winter season in the area where the establishment is located or on the 30th day of September, whichever is earlier.

39. Drinking water, latrines, urinals and washing facilities.—

- (1). The contractor shall provide sufficient quantity of wholesome drinking water, sufficient number of sanitary latrines and urinals, washing facilities for the migrant workmen at the establishment in the case of existing establishments, within seven days of commencement of these rules, and in case of new establishment, within seven days of the commencement of employment of migrant workmen therein.
- (2). If any of the facilities is not provided by the contractor within the specified period, the same shall be provided by the principal employer within seven days of the expiry of the period specified in sub-rule (1).

39. Drinking water, latrines, urinals and washing facilities.—

- (1) The contractor shall provide sufficient quantity of wholesome drinking water, sufficient number of sanitary latrines and urinals, washing facilities for the migrant workmen at the establishment in the case of existing establishments, within seven days of commencement of these rules, and in case of new establishment, within seven days of the commencement of employment of migrant workmen therein.
- (2) If any of the facilities is not provided by the contractor within the specified period, the same shall be provided by the principal employer within seven days of the expiry of the period specified in sub-rule (1).

40. Rest rooms.—

- (1). In every place where migrant workmen are required to halt at night in connection with the working of the establishment and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain rest rooms or other suitable alternatives accommodation within fifteen days of the coming into force of the rules in case of the existing establishments, and within fifteen days of the commencement of the employment of migrant workmen in the case of new establishments.

- (2). If the amenity is not provided by the contractor within the specified period, the principal employer shall provide the same within a period of fifteen days of the expiry of the period specified in sub-rule (1).
- (3). Separate rooms shall be provided for female migrant workmen.
- (4). Effective and suitable provisions shall be made in every room for securing and maintaining adequate ventilation by circulation of fresh air, and there shall also be provided and maintained sufficient and suitable natural and artificial lighting.
- (5). The rest rooms, or other suitable alternative accommodation shall be of such dimensions so as to provide at least a floor area of 1.1 square meter for each person.
- (6). The rest room, rooms or other suitable alternative accommodation shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.
- (7). The rest rooms or other suitable accommodation shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

41. Canteens.—

- (1). In every establishment wherein work regarding the employment of migrant workmen is likely to continue for six months and wherein migrant workmen numbering one hundred or more are ordinarily employed an adequate canteen shall be provided by the contractor for the use of such migrant workmen within sixty days of the date of coming into force of the rules in the case of the existing establishments, and within sixty days of the commencement of the employment of migrant workmen in the case of new establishments.
- (2). If the contractor fails to provide canteen within the time laid down, the same shall be provided by the principal employer, within sixty days of the expiry of the time allowed to the contractor.
- (3). The canteen shall be maintained by the contractor or principal employer, as the case may be, in an efficient manner.
- (4). The canteen shall consist of at least a dining hall, kitchen, store-room, pantry and washing places separately for migrant workmen and for utensils.
- (5).
 - (i). The canteen shall be sufficiently lighted at all times when any person has access to it.
 - (ii). The floor shall be made of smooth and impervious material and inside walls shall be lime-washed or colour-washed at least once in each year: Provided that the inside walls of the kitchen shall be lime-washed every four months.
- (6).
 - (i). The precincts of the canteen shall be maintained in a clean and sanitary condition.
 - (ii). Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance.
 - (iii). Suitable arrangements shall be made for the collection and disposal of garbage.
- (7). The dining hall shall accommodate at a time at least 30 per cent of the migrant workmen working at a time.
- (8). The floor area of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs shall not be less than one square metre per dinner to be accommodated as specified in sub-rule (7).
- (9).
 - (i). A portion of the dining hall and service counter shall be partitioned off and reserved for women migrant workmen in proportion to their number.
 - (ii). Washing places for women shall be separate and screened to secure privacy.
- (10). Sufficient tables, stools, chairs or benches shall be available for the dinners to be accommodated as specified in sub-rule (7).
- (11).
 - (i). There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen.
 - (ii). The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition.
- (12).
 - (i). Suitable clean clothes for the employees serving in the canteen shall be provided and maintained.
 - (ii). A service counter, if provided, shall have top of smooth and impervious material.
 - (iii). Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

- (13). The foodstuffs and other items to be served in the canteen shall be in conformity with the normal habits of the migrant workmen.
- (14). The charges for meals, other foodstuffs, beverages and other items served in the canteen shall be based on no-profit, no-loss basis and shall be conspicuously displayed in the canteen.
- (15). In arriving at the prices of foodstuffs and other articles served in the canteen the following items shall not be taken into consideration as expenditure, namely:—
 - (a). The rent for the land and buildings;
 - (b). The depreciation and maintenance charges for the building and equipment provided for in the canteen;
 - (c). The cost of purchase, repairs and replacement of equipments including furniture, crockery, cutlery and utensils;
 - (d). The water charges and other charges incurred for lighting and ventilation;
 - (e). The interest on the amounts spent on the provision and maintenance of furniture and equipment provided for in the canteen.
- (16). The books of accounts and registers and other documents used in connection with the running of the canteen shall be produced on demand to an Inspector.
- (17). The accounts pertaining to the canteen shall be audited once every twelve months by registered Accountants and Auditors: Provided that the Deputy Chief Labour Commissioner (Central) may approve of any other person to audit the accounts, if he is satisfied that it is not feasible to appoint a registered Accountant and Auditor in view of the site or the location of the canteen.

42. Latrines and urinals.—

- (1) Latrines shall be provided in every establishment on the following scale, namely:—
 - (a) Where females are employed, there shall be at least one latrine for every 25 females;
 - (b) Where males are employed, there shall be at least one latrine for every 25 males: Provided that where the number of males or females exceeds 190, it shall be sufficient if there is one latrine for 25 males or females, as the case may be, upto the first 100, and one for every 30 thereafter.
- (2) Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.
- (3) (i) Where workers of both sexes are employed there shall be displayed outside each block of latrine and urinal a notice in the language understood by the majority of the workers 'For Men only', or 'For Women only', as the case may be.
 - (ii) The notice shall also bear the figure of a man or of a woman, as the case may be.
- (4) There shall be at least one urinal for male workers upto fifty and one for female upto fifty employed at a time: Provided that where the number of male or female workmen, as the case may be, exceeds 500 it shall be sufficient if there is one urinal for every fifty females upto the first 500 and one for every 100 or part thereof thereafter.
- (5) The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.
- (6) (i) The latrines and urinals shall be adequately lighted and shall be maintained in a clean and sanitary condition at all times.
 - (ii) Latrines and urinals other than those connected with a flush sewage system shall comply with the requirements of the public health authorities.
- (7) Water shall be provided by the means of tap or otherwise so as to be conveniently accessible in or near the latrines and urinals.

43. Washing facilities.—

- (1) In every establishment adequate and suitable facilities for washing shall be provided and maintained for the use of migrant workmen employed therein.
- (2) Separate and adequate screening facilities shall be provided for the use of male and female migrant workmen.
- (3) Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

44. Creche.—

- (1) In every establishment where 20 or more workmen are ordinarily employed as migrant workmen and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain two rooms of reasonable dimensions for the use of their children under the age of six years, within fifteen days of the coming into force of the rules, in case of existing establishment and within fifteen days of the commencement of the employment of not less than twenty women as migrant workmen in new establishments.
- (2) One of such rooms shall be used as playroom for the children and the other as bedroom for the children.
- (3) If the contractor fails to provide the creche within the time laid down, the same shall be provided by the Principal Employer within fifteen days of the expiry of the time allowed to the Contractor.
- (4) The contractor or the principal employer as the case may be, shall supply adequate number of toys and games in the play rooms and sufficient number of cots and beddings in the sleeping room.
- (5) The creche shall be so constructed as to afford adequate protection against heat, damp, wind, rain and shall have smooth, hard and impervious floor surface.
- (6) The creche shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.
- (7) Effective and suitable provisions shall be made in every room of the creche for securing and maintaining adequate ventilation by circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.

45. Residential accommodation.—

- (1) The contractor shall provide to every migrant workman:—
 - (i) in case he is accompanied by any other member of his family a suitable barrack so as to accommodate one room having at least a floor area of 10 square metres, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine, one common bathroom for every three such quarters; and
 - (ii) in case he is unaccompanied by any other member of his family a suitable barrack so as to accommodate not more than ten such migrant workmen, having at least a floor area of not less than 6.5 square metres for each such migrant workman making use of the barrack, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine and one common bathroom for every ten such migrant workmen; within fifteen days of coming into force of the rules in the case of the existing establishments and within fifteen days of the commencement of the employment of migrant workmen in new establishment.
- (2) Every quarter and the barrack shall be so constructed as to afford adequate ventilation, protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.
- (3) The quarters or the barracks, as the case may be, shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.
- (4) The area in which the quarters and/or barracks are located as well as the latrines and bathrooms provided therein shall be kept in a clean and sanitary condition at all times.
- (5) If the amenities referred to in sub-rule (1) are not provided by the contractor within the period prescribed, the principal employer shall provide the same within a period of fifteen days of the expiry of the period laid down in the said sub-rule.
- (6) If there is any dispute or disagreement regarding suitability or adequacy of provision of any of the amenities referred to in sub-rules (1) to (4) the same shall be decided by Deputy Chief Labour Commissioner Central 1^[***].

46. Liability of the principal employer in certain cases.—If any allowance required to be paid under section 14 or section 15 to a migrant workman employed in an establishment to which this Act applies is not paid by the contractor or if any facility specified in section 16 is not provided for the benefit of such migrant workman, such allowance shall be paid, or, as the case may be, the facility shall be provided, by the principal employer within fifteen days of the expiry of the time allowed to the contractor under the rules excepts where otherwise provided for in the relevant rules: Provided that in case of ailment requiring urgent medical attention or hospitalisation as the case may be, the principal employer shall provided the same immediately on the failure of the contractor to do so.

47. Relaxation in certain cases.—If the contractor or principal employer, as the case may be, has already provided any facility relating to supply of wholesome drinking water or restrooms or latrines and urinals or washing, canteen or creche or first-aid as required under any Act applicable to the establishment and the same is adequate and also available for use for the migrant workmen, that facility shall be deemed to be provided for under these rules.

48. Registers of Contractors.—Every principal employer shall maintain in respect of each registered establishment a register of contractors in Form XII.

49. Register of person employed.—Every principal employer and contractor shall maintain in respect of each establishment where he employs migrant workmen a register in Form XIII.

50. Service certificate.—On termination of employment for any reason whatsoever, the contractor shall issue to the migrant workman whose services have been terminated a service certificate in Form XIV.

51. Displacement-cum-outward journey allowances sheet and return journey allowances register.—

- (1) Every contractor shall maintain displacement-cum-outward journey allowance sheet in Form XV and return journey allowance register in Form XVI.]
- (2) Entries in the sheet and the register required to be maintained under sub-rule (1) shall be authenticated by the contractor or his duly authorised representative.

52. Muster roll, wages register, deductions register and overtime register.—

- (1) In respect of establishments which are governed by the Payment of Wages Act, 1936 and the rules made thereunder or the Minimum Wages Act, 1948 and the rules made thereunder or Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder, the following registers and records required to be maintained by the contractor as employer under those Acts and the Rules shall be deemed to be registers and records to be maintained by the contractor under these rules.
 - (a) Muster roll;
 - (b) register of wages;
 - (c) register of deductions;
 - (d) register of fines;
 - (e) register of overtime;
 - (f) register of advances.
- (2) In respect of establishment not covered by any of the Acts or the Rules referred to in sub-rule (1), the following provisions shall apply, namely:—
 - (a) Every contractor shall maintain a Muster Roll Register and a Register of Wages in Forms XVII and XVIII respectively.
 - (b) Signature of thumb-impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the signature of the contractor or his authorised representative, and duly certified by the authorised representative of the principal employer as requiring by rule 35.
 - (c) Register of deduction, register of fines and register of advances—Register of deductions for damage or loss, register of fines and register of advances shall be maintained by every contractor in Form XIX, XX and XXI respectively.
 - (d) Every contractor shall maintain register of overtime in Form XXII.
- (3) Notwithstanding anything contained in these rules where a combined or alternative form is sought to be used for the contractor to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder or any other laws or regulations or in cases where mechanised pay rolls are introduced for better administration, alternative suitable form or forms in lieu of any of the forms prescribed under these rules, may be used with the previous approval of the Deputy Chief Labour Commissioner (Central).

52. Muster roll, wages register, deductions register and overtime register.—

- (1) In respect of establishments which are governed by the Payment of Wages Act, 1936 and the rules made thereunder or the Minimum Wages Act, 1948 and the rules made thereunder or Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder, the following registers and records required to be maintained by the contractor as employer under those Acts and the Rules shall be deemed to be registers and records to be maintained by the contractor under these rules.
 - (a) Muster roll;
 - (b) register of wages;
 - (c) register of deductions;
 - (d) register of fines;
 - (e) register of overtime;
 - (f) register of advances.
- (2) In respect of establishment not covered by any of the Acts or the Rules referred to in sub-rule (1), the following provisions shall apply, namely:—
 - (a) Every contractor shall maintain a Muster Roll Register and a Register of Wages in Forms XVII and XVIII respectively.
 - (b) Signature of thumb-impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the signature of the contractor or his authorised representative, and duly certified by the authorised representative of the principal employer as requiring by rule 35.
 - (c) Register of deduction, register of fines and register of advances—Register of deductions for damage or loss, register of fines and register of advances shall be maintained by every contractor in Form XIX, XX and XXI respectively.
 - (d) Every contractor shall maintain register of overtime in Form XXII.
- (3) Notwithstanding anything contained in these rules where a combined or alternative form is sought to be used for the contractor to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder or any other laws or regulations or in cases where mechanised pay rolls are introduced for better administration, alternative suitable form or forms in lieu of any of the forms prescribed under these rules, may be used with the previous approval of the Deputy Chief Labour Commissioner (Central).

53. Maintenance and preservation of registers.—

- (1) All register and other records required to be maintained under the Act and Rules, shall be maintained complete and up-to-date, and, unless otherwise provided for, shall be kept at an office of the nearest convenient building within the precincts of the workplace or at a place, if any, specified by the Inspector on the specific request made by the contractor in this behalf.
- (2) All the registers shall be maintained legibly in English or Hindi.
- (3) All the registers and other records shall be preserved in original for a period of 3 calendar years from the date of last entry made therein.
- (4) All, the registers, records and notices maintained under the Act or Rules shall be produced on demand before the Inspector or Deputy Chief Labour Commissioner (Central) or any other authority under the Act or any person authorised in that behalf by the Central Government.
- (5) Where no deduction or fine has been imposed or no overtime has been worked during any wage period, a 'Nil' entry shall be made across the body of the register at the end of the every wage period indicating also in precise terms the wage period to which the 'Nil' entry relates in the respective registers maintained in Form XIX and XX and XXI respectively.

54. Display of an abstract of the Act and the Rules.—Every contractor shall display an abstract of the Act and the rules in English and Hindi and in language spoken by majority of migrant workmen in such form as may be approved by the Deputy Chief Labour Commissioner (Central).

55. Notices.—

- (1) (i) Notices showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and addresses of the Inspectors having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and in Hindi and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor, as the case may be.
(ii) the notices shall be correctly maintained in a clean and legible condition.
- (2) A copy of the notice shall be sent to the Inspector and whenever any changes occur, the same shall be communicated to him forthwith.

56. Periodical returns.—

- (1) Every contractor shall send half yearly return in Form XXIII (in duplicate) so as to reach the licensing officer concerned not later than thirty days from the close of the half-year. Note.—Half year for the purpose of this rule means “a period of six months commencing from the 1st January and 1st July every year”.
- (2) Every principal employer of a registered establishment shall send annually a return in Form XXIV (in duplicate) so as to reach the registering officer concerned not later than the 15th February following the end of the year to which it relates.

57.

- (1) The Deputy Chief Labour Commissioner (Central) or the Inspector or any other authority under the Act shall have powers to call for any information or statistics in relation to migrant workmen from any contractor or principal employer at any time by an order in writing.
- (2) Any person called upon to furnish the information under sub-rule (1) shall be legally bound to do so.

58. Legal aid.—On receipt of a written application from migrant workmen or in the even of his death, from next of his kin for providing legal aid in relation to any proceedings before the Authority under section 15 of the Payment of Wages Act, 1936 or Authority under section 20 of the Minimum Wages Act, 1948 or appropriate Labour Court under section 33C(2) of the Industrial Disputes Act, 1947 or Commissioner for Workmen’s Compensation under the Workmen’s Compensation Act, 1923, in which the migrant workman or his legal heir is a party, the specified authority concerned, if he is satisfied, may with the prior approval of the Deputy Chief Labour Commissioner (Central) engage an advocate to conduct the relevant proceedings on behalf of the migrant workman or his legal heir as the case may be and meet all legal expenses in this regard.

***59.**

- (1) Any person aggrieved by an order made under proviso to clause (vii) of sub-rule (2) of rule 11, rule 25, sub-rule (2) of rule 36, and sub-rule (6) of rule 45, within 30 days from the date of which order is communicated to him, may prefer an appeal to the Chief Labour Commissioner (Central): Provided that the Chief Labour Commissioner (Central) may entertain the appeal after the expiry of the period of 30 days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (2) On receipt of an appeal under sub-rule (1), the Chief Labour Commissioner (Central) shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

1. Introduction to BOCW Act. Defining Building Worker, BOC Work. Registration of Establishments & Workers. Welfare measures & Conditions of Service. Safety and Health Measures
2. AN ACT TO REGULATE: employment, conditions of service, & provide for the safety, health & welfare measures of building and other construction workers. It applies to every establishment which employs, or had employed on any day of the preceding twelve months, ten or more building workers in any building or other construction work.
3. “BOC Work” means the repairs, construction, alteration, maintenance or demolition, of or, in relation to, buildings, roads, railways, airfields, irrigation, drainage, generation, transmission and distribution of power and such other work but does not include any work to which the provisions of the Factories Act, 1948 or the Mines Act, 1952 apply; “building worker” a person who is employed to do any skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward in connection with any BOC Work but does not include any such person who is employed mainly in a managerial or administrative capacity.
4. REGISTRATION OF ESTABLISHMENTS The appropriate Government may,- a) appoint the registering officers for the purposes of this Act; and b) define the limits within which a registering officer shall exercise the powers conferred on him by or under this Act. Every employer shall,- (a) within a period of sixty days from such commencement in relation to an establishment to which this Act may be applicable, (b) make an application to the registering officer for the registration of such establishment.
5. REGISTRATION OF BUILDING WORKERS AS BENEFICIARIES Every Building worker who has, a) completed 18 years of age, but has not completed 60 years of age, and who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months shall be eligible for registration as a beneficiary under this Act. b) And shall, until she attains the age of 60 years, contribute to the Fund and the different rates of contribution may be specified for different classes of building workers.
6. WELFARE MEASURES AND OTHER CONDITIONS OF SERVICE The employer shall provide in every place where building or other construction work is in progress - o sufficient supply of wholesome drinking water o Latrines and urinals o Accommodation o Crèches(50 women workers) o First-aid facilities o Canteens(250 workers) • Fixing hours for normal working day, • day of rest, • Wages paid, • Wages of overtime work • No deaf or defective vision person shall be required or allowed to work. • As it is likely to involve a risk of any accident to the building worker or any other person .
7. SAFETY AND HEALTH MEASURES In every establishment wherein 500 or more workers are employed, the employer shall,-- • constitute a Safety Committee consisting of equal number of representatives of the employer and the building workers . • the employer shall also appoint a safety officer who shall possess such qualifications and perform such duties as may be prescribed. • give notice thereof to such authority where an accident occurs which causes death or bodily injury
8. SAFETY ,HEALTH AND OTHER PROVISIONS • The nature of work involved & facilities provided • the number of workers likely to be employed An employer shall be responsible for payment of wages to each building worker employed An employer shall be responsible for taking all practical steps necessary to prevent accidents. An employer shall, at least 30 days before the commencement of any B&OC work, send to the Inspector; Appropriate Govt. may make rules regarding the measures to be taken for the safety and health. Such as- • the name and situation of the place. • the name and address of the person. precautions to be taken -- during demolition, - to prevent inhalation of dust, fumes. - with use of hoists & lifts.

9. **CONCLUSION** It is estimated that about 8.5 million workers in the country are engaged in building and other construction works. Building and other construction workers are one of the most numerous and vulnerable segments of the unorganized labour in India. The building and other construction works are characterized by:- their inherent risk to the life and limb of the workers. its casual nature, temporary relationship between employer and employee, uncertain working hours, lack of basic amenities and inadequacy of welfare facilities. The Act provides the regulatory framework for the employment and conditions of service with adequate statutory provisions such as requiring the requisite information regarding the number and nature of accidents during building and other construction work. In the absence of such information, it is difficult to fix responsibility or to take any corrective action.

LABOUR CODES 2020

I. INDUSTRIAL RELATIONS CODE

The [Industrial Relations Code, 2020](#) (“IR Code”) received the assent of the President on the 28th of September, 2020. As per the report of the Eighth Report of the [Standing Committee on Labour](#) (“Standing Committee”). The IR Code consolidates and amends the laws relating to Trade Unions, conditions of employment in industrial establishment or undertaking, and the investigation and settlement of industrial disputes. To this end, it subsumes the Trade Unions Act, 1962, the Industrial Employment (Standing Orders) Act, 1946 and the Industrial Disputes Act, 1947. The salient features and amendments brought about through the IR Code are as follows:

1. Definition of Worker

The IR Code amends the definition of a worker in Section 2(zr) to include persons in supervisory capacities getting salaries upto INR 15,000 per month or an amount as may be notified by the Center from time to time. This is a revision from the previous cap of INR 10,000.

2. Definition of Industry

The definition of industry has been amended to exclude institutions owned or managed by organizations wholly or substantially engaged in any charitable, social or philanthropic services; sovereign functions; domestic services; and any other activity as may be notified by the Central Government. Therefore, as per the new section 2(m), an industry is defined as any systematic activity carried on by cooperation between employer and his workers (whether such workers are employed by such employer directly or by or through any agency including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature). This change reflects the 1982 definition passed by Parliament, which did not come into force.

3. Definition of Appropriate Government

As per Section 2(b) of the IR Code, the Central Government has been defined as the appropriate government for all controlled industries specified, authorities established by a Central Act, a central public undertaking, and subsidiaries of companies owned or controlled by the Central Government. This includes not only those companies in which 51% of the paid up share capital is held by the government, but also those undertakings in which the holding of the Central government reduces to less than 50% after the commencement of the IR Code.

Therefore, even if the Central government sells part or whole of its majority share capital in a particular entity, it will continue to operate as the appropriate government.

4. Central government's power to exempt

The Central Government has been given wide powers to exempt, conditionally or unconditionally, any establishment or undertaking from various provisions of the IR Code, including the requirements in Chapter IV, on Standing Orders, Chapter V on Notice of Change in Conditions of Service. Section 96 in particular, allows the appropriate government, if satisfied that any establishment or undertaking or class thereof, there exist adequate provisions to fulfil the objectives of the IR Code, it may, through notification, exempt it from the provisions of the IR Code. This gives the appropriate governments vast discretion in the exercise of the power of exemptions.

5. Standing Orders

Chapter IV, which deals with provisions pertaining to Standing Orders, are applicable to every industrial establishment where three hundred or more workers are employed. This is a change from the previous position, where the regulations on standing orders applied to every establishment where a hundred or more workers were employed. This expands the discretion of smaller industries in setting conditions of service, a move that has been criticized by various labour law experts as one that will allow the introduction of arbitrary service conditions

6. Industrial Tribunals

Industrial Tribunals replace the multiple adjudicatory bodies, such as the Court of Inquiry and Labour Codes as the sole appellate body to decide appeals against the decision of the conciliation officer.

7. Awards

Section 58 of the IR Code provides that awards made under the IR Code shall become enforceable 30 days from their date of communication. The section, under sub-section 3 also gives the appropriate government (or the Central government, where the award has been given by the National Industrial Tribunal) the power to declare that the award is not enforceable, under the grounds of national economy or social justice. This allows the appropriate government or the central government to then make an order rejecting or modifying the award, and requires that the award be laid before the State Legislature or Parliament as appropriate. The Standing Committee Report also notes that the Government, even as a party, can override decisions of the Industrial Tribunals.

8. Notice for Strikes/Lock-out

Section 62 of the IR Code introduces a requirement of a 14-day notice period for strikes and lockouts in any establishments. This is a revision to the law in the IDA, where this notice period exists only for public utility services. The requirement of notice for PSUs has been recognized as important as PSUs often provide essential services to a large number of people. No rationale has been provided for the extension of this requirement to all industries. The term “strike” has also been defined to include “concerted casual leave on a given day by 50% or more of the workers” as per Section 2(zk) of the IR Code.

9. Negotiations Union

The IR Code introduces a new feature of a “Recognition of Negotiations Union” through Section 14 of the Code. The IR Code recognizes any trade union as the sole “negotiating union” if supported by 51% or more workers on the muster roll. Where no such union has 51% of the workers on the muster roll, employers shall constitute a negotiating council, consisting of those unions with the support of a minimum of 20% of the workers.

10. Fixed Term Employment

The IR Code defines “fixed term employment” and includes it in the category of workers for Standing Order matters. Section 2(o) defines fixed term employment as the engagement of workers on the basis of a written contract of employment for a fixed period. The definition also requires that the hours of wage, allowances, statutory benefits available to permanent workers shall be proportionately available to the worker. If service under the contract is rendered for a period of one year, the worker shall also be eligible for gratuity.

11. Re-skilling Fund

Appropriate governments are now required to set up funds for the reskilling of retrenched workers. The fund shall consist of the employer contribution equal to 15-days of wage last drawn by the worker before retrenchment, or any such number of days as notified by the Central Government, and contributions from other sources as determined by the appropriate government. The funds will be utilized by crediting fifteen days wages last drawn by the worker within forty five days from retrenchment.

II. OCCUPATIONAL SAFETY, HEALTH & WORKING CONDITIONS CODE, 2020

The Occupational Safety, Health and Working Conditions Code (“Occupational Safety Code”) received the assent of the President on the 28th of September 2020. As per the [Fourth Report of the Standing Committee on Labour](#), it incorporates the salient features of 13 enactments:

- (i) The Factories Act, 1948;
- (ii) The Mines Act, 1952;
- (iii) The Dock Workers (Safety, Health and Welfare) Act, 1986;
- (iv) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996;
- (v) The Plantations Labour Act, 1951;
- (vi) The Contract Labour (Regulation and Abolition) Act, 1970;
- (vii) The Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- (viii) The Working Journalist and other News Paper Employees (Conditions of Service and Miscellaneous Provision) Act, 1955;
- (ix) The Working Journalist (Fixation of Rates of Wages) Act, 1958;
- (x) The Motor Transport Workers Act, 1961;
- (xi) The Sales Promotion Employees (Conditions of Service) Act, 1976;
- (xii) The Beedi and Cigar Workers (Conditions of Employment) Act, 1966; and
- (xiii) The Cine Workers and Cinema Theatre Workers Act, 1981.

Accordingly, the Occupational Safety Code aims to establish occupational safety standards and health and working conditions across sectors. It includes in its purview the hours of work, leaves, welfare provisions, registrations and licensing for select workers and industries. The features of the Occupational Safety Code and amendments brought about are discussed below.

1. Applicability

The Occupational Safety Code applies to all establishments employing 10 or more workers except mine and dock where it is applicable on even 1 worker, barring the offices of the Central and State Governments. It has been criticized, for instance see [here](#), for placing this minimum threshold, as applicability of the Act to all establishments would have promoted basic labour rights such as health and standards at the place of work.

2. Single Registration

As the Occupational Safety Code replaces 13 enactments, it also sets up a process for the single registration of an establishment, instead of multiple registrations under Chapter II. As the Standing Committee noted, 6 labour acts in force prior to the introduction of the Occupational Safety Code required separate registration. Under the new system of registration, all employers must make electronic applications for the registration of their establishments within 60 days from the date of applicability of the code.

3. Inter-State Migrant Worker: Amendment of Definition

Section 2(zf) defines an inter-state migrant worker as “one one employed in an establishment and who

- (i) has been recruited directly by the employer or indirectly through contractor in one State for employment in such establishment situated in another State; or
- (ii) has come on his own from one State and obtained employment in an establishment of another State (hereinafter called destination State) or has subsequently changed the establishment within the destination State,

under an agreement or other arrangement for such employment and draws wages not exceeding the amount of rupees eighteen thousand per month or such higher amount as may be notified by the Central Government from time to time”

This reflects a shift, covering migrant workers who were previously left out of this definition due to their direct employment by a contractor.

4. Duties of Employer and Employees

Chapter III of the Occupational Safety Code focuses on the duties of the employer and employees. This includes:

1. Employers are to provide free annual health checks through prescribed tests for employees above a certain age (to be prescribed)
2. Employers are now to mandatorily provide appointment letters to all employees upon the appointment in the establishment. This includes such a provision of an appointment letter to all employees appointed before the commencement of the code within three months of the commencement.
3. Employers are to ensure that no charge is levied upon employees for maintenance of safety and health at the workplace

5. This chapter also includes specific provisions and arrangements to ensure safety of work at factories, mines, docks, buildings or other construction work or plantation work specifically.

1. National Occupational Safety and Health Advisory Board set up, to now substitute the multiple committees under the erstwhile various labour acts. The Board, under Chapter IV is tasked with advising the Central Government on matter pertaining to the code, policies for occupational safety which may be referred to it and any other function it is tasked with by the Central Government.
2. Enabling provisions for the constitution of bi-partite safety committees by the appropriate government to promote safe working conditions
3. Penalties for the failure to fulfill duties to ensure safety provisions resulting in an accident to now be divided by the court, so as to direct a minimum of 50% of such a fine to constitute compensation for the victim or the legal heirs of the victim.
4. Uniformity in thresholds for applicability of welfare provisions under Chapter VI, which are as follows:

Threshold (No. of Workers)	Welfare Provision
Canteen	100
Creche	50
First Aid	All
Welfare officer for factories/mines/plantation	240

empowered, under Section 24(2) to provide specific prescriptions concerning ambulance rooms, medical facilities, welfare officers, etc. at specific classes of establishments.

1. Rule allowing women to consensually work beyond 7PM to 6PM subject to safety, holidays, hourly and other conditions.
2. Single 5 Year License for contract labour as under Section 47, as opposed to multiple licenses required under erstwhile laws. These licenses may be electronically renewable under a period to be prescribed by the Central government. This includes provisions for licenses for more than one state or the whole of India.

III. SOCIAL SECURITY CODE, 2020

The Code on Social Security, 2020 received the assent of the President on the 28th of September, 2020. The Ninth Report of the Standing Committee on Labour links the need for the introduction of a code to provide social security cover to the Constitution of India, including provisions on equal pay for equal work, the right to work, the right to education and public assistance in cases of unemployment, old age etc., and other such responsibilities born by the State to ensure just conditions of work and a decent standard of living. The Committee also traces these State obligations back to various international conventions, including the Universal Declaration of Human Rights, 1948 and the various International Labour Organization Conventions.

The Code on Social Security, as per the Report, subsumes the following Central Labour Acts:

- (i) The Employees' Compensation Act, 1923;
- (ii) The Employees' State Insurance Act, 1948;
- (iii) The Employees Provident Fund and Miscellaneous Provisions Act, 1952;
- (iv) The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959;
- (v) The Maternity Benefit Act, 1961;
- (vi) The Payment of Gratuity Act, 1972;
- (vii) The Cine Workers Welfare Fund Act, 1981;
- (viii) The Building and Other Construction Workers Welfare Cess Act, 1996; and
- (ix) The Unorganised Workers' Social Security Act, 2008.

It also introduces various changes, which are discussed below.

1. Definition of a Worker

The Code on Social Security adds, to the definition of workers, two additional categories, (1) "gig" workers ; and (2) "platform" workers. Section 2(35) defines a gig worker as a "person who performs work or participates in a work arrangement and earns from such activities outside of a traditional employer-employee relationship." Section 2(61) defines a platform worker as one "engaged in or undertaking platform work." Platform work is defined in section 2(60) to be "a work arrangement outside of a traditional employer employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment."

Section 2(86) also defines an "unorganized worker" as a "home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by the Industrial Disputes Act, 1947 or Chapters III to VII of this Code."

Chapter IX deals specifically with the question of social security for workers that fall within the definitions of "unorganized", "gig" or "platform" workers. The Chapter enables both the Central and State Governments to frame schemes for their benefit including social security funds,, and requires mandatory self-registration for the purposes of the Chapter, in order to avail the benefits of any scheme framed. The schemes for gig workers and platform workers may be funded through a combination of contributions from the central and state governments and aggregators. The contribution of the aggregator is to be at a rate notified by the government, which may not exceed 5% of the amount paid or payable by the aggregator to the said workers.

2. Powers of Exemption

The Code on Social Security also grants the appropriate governments the power to grant exemptions to an establishment of a class of establishments from any or all provisions of this Code. In certain provisions, this power to exempt is within specified bounds. For example, in the power to exempt from the payment of cess as notified by the Central government, the exemption may only be granted if the cess is payable or has been levied by a corresponding State act in force. Similar delineations exist on the power to exempt in respect of Provident Fund Schemes, State Employee Insurance Schemes, Pension Schemes, etc. However, section 143 does provide a wide discretionary power of exemption from any or all provisions of this Code to the appropriate government.

3. Coverage of Social Security Benefits

The Code on Social Security, in the First Schedule, sets the following thresholds to trigger the mandatory coverage of social security benefits.

Employee's Provident Fund

- 20+ employees
- Aadhar based registration

- five year limitation period of the initiation and two year period for conclusion of enquiries.
- Chapter XII, under section 133, increases in penalties for deduction of employer contribution from salary and non-depositing from INR 10,000 to INR 1,00,000
- Proviso to section 134 provides for enhanced punishments after previous conviction, where a subsequent offense may attract imprisonment of a minimum of two years, which may be extended to three years and may also attract a fine of INR 3,00,000.

Employees' State Insurance Corporation

- 10+ employees other than seasonal factories
- Every establishment carrying on hazardous or life-threatening occupation irrespective of employee size
- Voluntary registration through mutual consent between employer and majority employees to trigger applicability
- Upon failure of employer to register employee, failure to pay contribution, the Employees State Insurance Contribution will now be mandated to release the benefits to the workers, which will then be recovered from the employer

Gratuity

- Every factory, mine, oilfield, plantation, port and railway company
- Every shop or establishment with 10+ employees on any day of the preceding twelve months.
- Employees will be eligible for gratuity after continuous service of five years
- This time period does not extend to situations where a contract term of a fixed term worker expires. For fixed term workers, gratuity is to be paid on a pro rata basis, even where the period of the contract is less than five years. This may be read with the IR Code, which provides for eligibility for payment of gratuity to fixed term workers upon completion of one year of service.

Maternity Benefit

- Every factory, mine, plantation, including those establishments belonging to the Government
- Every shop or establishment with 10+ employees on any day of the preceding twelve months.

Employee's Compensation

- Subject to the provisions of the second schedule, to all employers and employees not covered by Chapter IV, which pertains to the Employees State Insurance Corporation
- **Social Security and Cess** in respect of Building and other construction workers
- Every establishment falling under the category of building and other construction work
- **Employment Information and Monitoring**
- Career centers, vacancies, persons seeking services of career centres and employers

4. Enhanced powers of Inspector

Section 122, under Chapter XI of the Code on Social Security renames the designation of "Inspector" to now stand as "Inspector-cum-Facilitator." This includes an enhance of the powers of this position to supply information, and give advice relating to compliance with the Code, in addition to the powers of inspection of establishments assigned, and other such inspection powers.

ANALYSIS OF LABOUR CODES

The labour codes have been introduced in the Parliament to consolidate and amend labour legislation in the country. These four codes including the Code on Wages, 2019 (already passed), the Industrial Relations Code, 2020, the Occupational Safety, Health and Working Conditions Code, 2020, and the Code on Social Security, 2020 are set to replace forty-four labour laws.

These labour law changes assume renewed and urgent significance in the current context, where several workers have lost their livelihoods and incomes since the pandemic broke out and the country-wide lockdown was imposed. The situation has been particularly dire for informal workers, including migrant workers. Various surveys have pointed to their acute distress in the past few months. For example, a national survey of more than 11,500 informal workers conducted by an organisation ActionAid Association in May, 2020 found that more than 78 per cent of respondents reported a loss of livelihoods and over 48 per cent of respondents did not receive any wages after the lockdown.

In India, the informal sector forms the majority of labour share. As per the Periodic Labour Force Survey 2017-18, 90 per cent of India's workers are engaged in the informal sector. It is, therefore, imperative to ensure that the labour laws respond to and prioritise the protection, well-being, and rights of informal sector workers.

However, in their present form, the labour codes do not adequately address issues of informal workers. Instead, they risk perpetuating labour segmentation such that a small percentage of regular workers have access to fixed work, assured wages, and social security, whereas millions of people in the informal economy and in contractual employment within the formal economy are pushed further into insecurity.

Furthermore, these amendments impact almost all aspects of their lives including their wages, overtime pay, social security, bargaining capacity with employers and contractors, health and safety at the workplace, and access to dispute resolution mechanisms. Yet, the changes will be unilateral in nature if the bills in their new and current form are not widely discussed before they are taken up by the Parliament for passage. This would be a violation of the tripartite mechanism, reduce space for feedback from states on this concurrent subject, and undermine workers' rights.

The need of the hour is for the government to ensure that labour protections are expanded to all informal workers and devise mechanisms to implement these laws properly, including registering them in workers' boards, setting up accessible grievance redressal systems and promoting collectivization of workers. It should also expand the scope of labour laws to include gig workers and platform workers who are a highly informalized and rapidly expanding segment of workers. The government must ensure universal social security for all workers. It should also ensure portability of entitlements and social security benefits to migrant workers and simplify the processes of accessing these entitlements.

The Industrial Relations Code, 2020

Registration of Trade Unions:- (Section 6)

There should not be any condition for registration of Trade Union such as numbers of workers engaged or employed in the establishment or industry with which it is connected. The Constitution of India guarantees the citizens a fundamental right as per article 19 "to form associations or unions." Any compulsory condition for registration of trade union would be the violation of basic and fundamental rights given by constitution. The sub section (2) and (4) of section 6 should be deleted.

Application of this Chapter (Standing Orders (Section 28)):

The aim of standing orders is basically that the employer recognizes and implements the provisions of the labor codes, the terms and conditions of the employees and thus to minimise exploitation of the workers. Therefore, the application of the chapter of Standing orders should be on each and every industrial establishment where ten or more than ten workers employed. Increasing the threshold to three hundred or more than three hundred workers will allow smaller establishments to not formulate standing orders.

Preparation of draft standing orders by employer and procedure for certification (Section 30):-

There must be proper mechanism and format should be mention in proposed code itself for engaging with workers during the process of the finalization of the Standing order, where the certifying officer should be proactively seeking objections from workers and their trade unions, effective consultation and opportunity for each and every worker to understand and express their opinion on draft standing orders.

Prohibition of strikes and lock-outs (Section 62):

In cases where strikes are organized against imminent endangerment to lives of workers, the notice to the employer should not be more than a few hours' time. Earlier, only workers engaged in public utility services were required to give a notice to the employer of at least 14 days. This is now being extended to all factories, without any explanation in the bill. This amendment would impinge on workers' rights to organize legal strikes. The clause should be limited to public utility services as before.

Application of this Chapter (Special Provisions Relating to Lay-Off, Retrenchment, And Closure in Certain Establishments): - (Section 77)

Sub-section 77 (1) states that the provisions of Chapter X related to lay-offs, retrenchments, and closure in certain establishments shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than one hundred workers, or such number of workers as may be notified by the appropriate Government, were employed on an, average per working day in the preceding twelve months.

This provision leaves room for the threshold of not less than hundred workers to be revised upward through an executive order. Any such provision which allows the Executive to change the threshold at a later date basis their discretion will render the entire legislative process meaningless. Therefore, this clause should be amended to remove the discretionary power provided to Central and state governments.

The Code on Social Security, 2020

Chapter 1: Preliminary

- Instead of universalizing social security, the Code continues with limiting definitions. For example, in clause 2(6), it retains the old threshold of only those sites with 10 or more building and other construction workers, while all others would be out of its purview. It also includes only those establishments with 20 or more workers under the provisions for PF, thus excluding the millions of micro and small enterprises from its ambit.
- The previous drafts included 'household' or household enterprise in the category of employers. But the current draft does not include household or household enterprise in the categories of employers or establishments. This must be changed to include household units as employers as the household is a site of work and employs workers including but not limited to domestic workers.

Chapter 2: Social Security Organisations

- There is no provision or mention of how women's representation would be ensured in equal numbers on the Central board. Similarly, the Code provides no framework to include SC/ST/OBC and female representatives on the Board of Trustees of the EPFO. In the Unorganised Workers' Board, there is no specificity on how sectoral representation would be ensured.
- Rather than amalgamating and simplifying the provisions and structure of social security, the Code has created a multiplicity of structures without specifying the hierarchies among them. In some cases, such as with the National Social Security Board or the State Unorganised Workers' Board the functions and accountability of the boards has not been clearly established and has been left to delegated legislation.
- Although it has been mentioned by the Ministry that the Code intends to provide comprehensive social security, the creation of separate mechanisms and structures for people employed in the organized sector and for those employed in the unorganized sector does the opposite. The Code does not talk of a minimum social security that all workers, whether employed in formal or informal employment, are entitled to.

Chapter 5: Gratuity

- It has been recommended by workers' representatives and the Standing Committee that the time limit of five years as provided in the Code for payment of gratuity be reduced to continuous service of one year. This will allow the provision to be extended to all kinds of employees including Contract Labours, Seasonal workers, piece rate workers and Fixed Term Employees and daily/monthly wage workers. The Code does not do so currently, leaving out significant categories of workers.
- The Standing Committee on Labour has also recommended that the Code incorporate an enabling provision so as to ensure that the Principal employer is held liable for the payment of gratuity to the employees, should the Contractors fail to do so within a stipulated time frame. Currently, the Code does not delineate responsibilities of contractors and principal employers properly across the entire bill. This lack of clarity makes it difficult to ensure accountability and protect workers from violations.

Chapter 6: Maternity Benefits

- The Code states that no woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than eighty days in the twelve months immediately preceding the date of her expected date of her delivery. It is difficult to establish continuity of work for women in the unorganised sector for even a relatively short period of eighty days. The Code must instead imbibe universal nature of maternity benefits, otherwise a majority of women who work in the unorganised sector would be excluded from its purview.

Chapter 9: Social Security for Unorganised Workers, Gig Workers, and Platform Workers

- Notably, in the chapter on Social security for unorganized workers, gig workers, and platform workers, there is no specification on the schemes and provisions of social security to workers. For example, the clause states that the central Government *may* formulate social security schemes suitable for gig workers and platform workers. The categories noted therein are retained in a broad and indicative manner, instead of establishing a universal minimum social security as mentioned above.
- The Code does not establish separate schemes or mechanisms for migrant workers' access to social security. It does not specify provisions for the portability of social security for inter-state migrant workers, which is a huge gap in the current context.

The Occupational Safety, Health and Working Conditions Code, 2020

Responsibility of employer for maintaining health and working conditions (Section 23)

The responsibility of the employer for maintaining health and working conditions is the most vital part of the bill. The text of the relevant section needs clear accountability setting wordings without which the Employer will easily get away from their responsibilities.

Welfare facilities in the establishment, etc. (Section 24)

Workers have well defined rights in getting welfare facilities in the establishment where they worked. Government has important duties in enabling these welfare facilities for workers. The text used in this section diluted the role of the Government.

Special Provisions relating to the employment of the women (Section 43-44)

- The bill prohibits gender discrimination but it is confined to working hours. Gender discrimination is prevailed in recruitment, transfer, promotion etc. There is no provision for prohibition of gender discrimination as far as recruitment transfer, promotion etc. is concerned, the code should prohibit all forms of gender discriminations.
- It should be the duty of every employer to ensure and to maintain the working place and establishment free from all forms of gender discrimination and secure for women workers, that the adequate and effective measures should be taken against the problems the women workers undergo- like long working hours or working hours not being fixed, gender discrimination, atrocities, lack of safety measures and others.
- This bill is silent on provisions for needs of pregnant women workers such as specific hours of rest, special safety precautions, health and nutritional aspects

Duties of Contractor of Inter-State migrant workmen (Section 59):

The Bill is silent on duties of Contractor of Inter-State migrant workmen. There should be a separate clause with the heading "Duties of Contractor of Inter-State migrant workmen".

Liability of principal employer in case of Inter-State migrant workmen :-

The Bill is silent on Liabilities and responsibilities of the Principal employer in the cases where Contractors fail in delivering their duties towards Inter-state Migrant workmen. There should be separate clause with heading "Duties of Principal employer of Inter-State migrant workmen in case of failure of Contractor".

Offences and Penalties: (Section 94-114)

In the present context the imprisonment penalty amount proposed is not substantial enough to act as a deterrent. Therefore, the penalty for offences by the employer suitably modified.

Offences by employees (Section 106):

No prosecution should be instituted against any employee under this Code except at the instance of the Chief Inspector-cum-Facilitator or of the District Magistrate or of Inspector-cum-Facilitator authorised in this behalf by general or special order in writing by the Chief Inspector-cum-Facilitator. Provided that the Chief Inspector-cum-Facilitator or the District Magistrate or the Inspector-cum-Facilitator as so authorised shall before instituting such prosecution satisfy himself that the employee employed in a workplace or mine had failed to exercise due diligence to prevent the commission of such offence.

There should be fair opportunity provided to concerned accused employees to defend him /herself, the union/collectives he/she part should be consulted. He/she should be provided protection.

Prosecution of owner, agent or manager of a mine (Section 107):-

There should not be any protection for the owner, agent or manager of a mine from prosecution from Chief Inspector-cum-Facilitator or of the District Magistrate or of Inspector-cum-Facilitator. This section should be deleted considering role dilution of Inspector cum facilitator in inspecting the implementation of code in protection and promotion of rights of the workers.

CONSTRUCTION INDUSTRY

Construction and Building workers signify **the largest part of the unorganised sector** in India consist of all type of skill sets (most of them are unskilled labour) and represents both, male and female workers. Most of Construction workers are rural migrants either landless or very small land owners who come to the construction sites in search of work. Their characteristic like to come from poor families with low or no level of education, migration to urban areas from villages in search of work, ignorance, poor health, frequent employment of whole family at most of building erection work, high involvement of female labourers in road making, stone breaking, bricklaying etc. at any street or at construction site, makes them one of the most vulnerable group of the unorganized labour in India.

Construction Industries is “**labour – intensive**” which employs around 40 million people of unorganised sectors in India. The term unorganised labour can be defined as those workers who have not been able to organise themselves in pursuit of their livelihood and basic common interests due to certain constraints like casual nature of their employment, their migration from one state to another states in want of employment, ignorance and illiteracy among people, small and scattered size of establishments near their hometown etc. In the construction field **migratory pattern** within India, women and children have always featured as “associated” migrants with the main decision to migrate being taken by the male of the household. As an associated migrant, women are more vulnerable due to reduced economic choices and lack of social support in the new area of destination.

Children living on construction sites often suffer from malnutrition, under nourishment, accidents, and innumerable health problems. According to a Mobile Creches’s study, about 70 per cent of children living on the construction sites suffer from malnutrition, compared with the national average of 21 per cent. The study also pointed out that in the absence of clean drinking water and flush latrines, cholera and other diseases spread quickly and many people suffer coughs caused by inhaled paint fumes and cement particles. There is no system at all to take care of these children at work site despite the “Building and other construction workers (regulation of employment and conditions of service) Act, 1996, that stipulates that if more than fifty female workers are employed, rooms should be provided for the use of their children. According to the Act, these rooms are supposed to be suitably large, well lit and ventilated, clean and sanitary and under the charge of women trained to care for young children but builders find various lacunae to get around these requirements. Because of their family’s extreme poverty and also since their parents are constantly working –sometimes mothers go back to work a few hours after delivery – small children are left to fend for themselves and are wandering around the site all day long. The living conditions are no way better than the working conditions. Construction workers live with their family in temporary shelters built on the construction site. They live in tents built out of rubber and metal sheets. Most of the time the construction companies do not provide any electricity or sanitation facility. The majority of the sites neither have toilets nor bathroom facilities and drinking water is often not available.

Issues & Challenges of Construction Workers

Delayed Payment

No timely payment is one of the major problems of the construction worker. In fact, the construction workers need timely payment for their daily bread water and survival. This is the actual reason that most of the times they are agreed to work on a lesser rate.

Being part of unorganized sector of laborers, they lose in bargaining for fair wages. They are not paid minimum wages; even the agreed wages are not paid on time. Even after the construction work is over, substantial due remains with the builders or the contractors, who are always on the look for devouring these due wages.

Work place injuries – No safety measures and No PPEs

In Construction Industries, moderately lack awareness is found among most of the construction workers about their safety, well-being and working conditions. The basic PPEs (Personal Protective Equipment) are not issued to construction workers due to their employment through Contractor agencies. Most of the Construction workers are illiterate and fail to understand the hidden workplace risk. Sometimes they are not aware about their daily working hours and due to continuous work, with no rest breaks, sometimes they get acute tiredness which causes unwanted injuries or sometimes, accident. Due to lack of awareness about construction-related hazards, the accident percentage is quite high at construction sites .

Moreover, their working time and hours are not well regulated. They do not get overtime rates for excess work. They work under very hazardous conditions. The working conditions and the facilities provided at the sites are far from satisfactory. Safety conditions and measurers are hardly met. In case of an accident, there is, in general, no provision for financial and medical aid. It is up to the workers themselves to arrange for the treatment. There is no scheme like ESI coverage for them. In the extreme cases like death, nobody owns the responsibility.

Most of the companies do not even provide safety belts, protective eye wears, hand gloves, shoes or helmets to their workers. India has the world’s highest accident rate among construction workers, according to a recent study by the International Labor Organization (ILO) that cited one survey by a local aid group showing that 165 out of every 1,000 workers are injured on the job (Washington post 2000)

Lack of Social Security

It is the duty of concerned contractor and principal employer of the construction site to provide social security to their workers in terms of Labour insurance, first aid facilities, restroom, drinking water availability, accidental benefits, canteens and pensions etc. But most of the construction workers are far away from all these facilities.

Contractor workers are less paid in comparison to workers of the same skillset employed in factories. At most of the construction sites, the labour is supplied by the labour contractor on commission basis ignoring compliance obligations. Construction workers employed in most of the sites are not paid any overtime payment. Thus, the problem of low wages is an unsolved and a significant problem in construction industries.

Drug Addiction

Most of the construction workers are addicted of Pan padki, smoking, Chewing tobacco, eating Gutkha, drinking alcohol, cannabis etc. at the time of work which creates indiscipline and cause major health loss to workers and it is very harmful to the construction businesses. Sometimes, they are involved in adultery/ unprotected sex and due to lack of awareness, they invite vulnerable diseases like HIV Aids. Most of the times, their quarrelling habit after drink or addiction cause unrest at the workplace.

Problems to female construction workers:

Female Construction workers face multiple problems due to their feminine status and are always in danger of physical and financial exploitation by their male co-workers. There is gender discrimination at construction sites. They are paid relatively less than a male worker and no availability of basic facilities/benefits/amenities for female workers at construction sites, ruin their social respect and legal rights. The health and safety of female workers are deteriorated due to their working in life-threatening and unhygienic work environment at Construction sites.

If the workers are female, the problems at work site and while commuting gets compounded and multiplied. More so if they are pregnant or having small children. There is no system at all to take care of these children at work site. And they just cannot take leave out of work during this period lest they would face extreme financial problems.

Bonded and Child Labour

Bonded labour can be defined as a social agreement between a debtor and creditor under which the debtor agrees to render labour or personal services to the creditor without remuneration in lieu of the satisfaction of the debt or part of the debt on interest on principal amount for a specific period or till the debt is satisfied or repaid.

Article 23 of the Indian Constitution expressly prohibits human trafficking, forced or bonded labour like “**Beggar**” and other similar activities. It states that any violation of this provision will be considered as an offence and any person acting in contravention of the law will be penalized in accordance with the law.

Similarly, Article 24 of the Indian Constitution prohibits the employment of children below the age of 14 years in factories, mines or any other hazardous employment

Poor Living & Working Conditions

Percentage of Migrant people in a construction project is always high. They receive comparatively less payment than local workers and have to work at high-risk posing areas due to having no safety as well as social awareness. Even sometimes no accommodations and basic amenities are provided to them due to their temporary nature of the job. The living conditions are no way better than the working conditions. It will not be entirely wrong to say that the situation is still worse. They are destined to live in slums where one does not get proper (at all) civic amenities. The surroundings are totally unhygienic. There are no proper facilities for drainage, toilet, potable water, electricity, recreation etc. There are no local medical facilities, hospital, school and fair price shop.

Apart from these, there is no recreational facilities

Labour Laws Compliance in Construction Industries

1. Building and Other Construction workers Act 1996, Rules

Specific to Construction Industrial activities which may not exactly fall within the definition of “Manufacturing” as per the provisions laid down under The Factories Act, 1948, The BOCW Act, 1996 was enacted on date 20th August 1996 for building and construction workers in India with a purpose to safeguard them against the high risks of life that is inherent in the nature of construction, alteration, rectification, maintenance, repair and demolition work.

It is applicable to every such establishment in which 10 or more workers in any building or other construction work are employed, or had employed on any day of the preceding twelve months.

The objective of this BOCW Act and Rules is to standardize the service conditions of BOCW Workers and to provide for their safety, their health conditions, welfare measures and for other matters connected to their job work i.e. Social Security of labourers.

Who is an Employer as per BOCW Act 1996

- The Head of Department or the authority specified (in case of construction work is carried out directly by any department of the Government)

- The Chief Executive Officer (in case of construction work is carried out directly by local authorities or other establishments), or
- The Contractor (in case of construction work is carried by or through contractors)

Health & Safety –related provisions as per the BOCW Act and Rules

Rule 34: Protection against harmful effects of excessive noise, the permissible noise limit shall not go beyond 90 dBA within 8 working hours

Rule 35: Provisions of Fire Extinguishing Equipment sufficient to extinguish any possible fire at every construction sites. There should be the availability of adequate water that can be used for Fire extinguishing at ample pressure as per the National building code or applicable fire safety standards

There should be a sufficient number of trained persons at the site in order to deal with such fire emergency situations for the operation of the fire extinguishing equipment

There shall be adequate provisions of regular maintenance and inspection of firefighting equipment by a responsible person at the frequency of one year.

Rule 36: Emergency Action Plan for such construction establishments which employ labours more than 500 construction workers. The employer of such construction establishments shall prepare an emergency action plan in order to curb following emergency situations:

- Any fire or any explosion
- Any collapse of lifting appliances and /or transport equipment
- The collapse of any building shed, or structure etc.
- Any leakages of gas and spillage of dangerous chemicals or goods
- Drowning of building workers or sinking into any vessel
- Landslides which cause building workers buried or any Natural calamities i.e. Heavy rain, storms, earthquake, flood etc.

Rule 37: Adequate Fencing of Motors, revolving machinery etc.

Rule 38: Lifting and carrying of excessive weight: This rule prohibits construction worker to lifts excessive weight (any material, article, tool, or appliance etc) by hands or to carry over his head, back or shoulders exceeding weight limits. The Limit is 55 Kilograms for Adult man and 30 Kilograms for Adult woman

Rule 39: Health and Safety Policy

Rule 45: Eye Protection

Rule 46: Head Protection and other protective apparel

Rule 47: Electrical Hazards

Rule 54: Use of Safety Helmets and Shoes

Rule 56(1): Test of Lifting Appliances

Rule 56(2): Periodical Examination of lifting appliances

Rule 61: Identification and marking of safe working load

Rule 64: Operation of lifting appliances

Rule 108-118: Safety precautions during demolition of walls, partition etc

Rule 208: Safety Committee

Rule 209: Safety Officer over every 500 workers

Rule 213: Precautions during handling of explosives

Rule 223: Medical examination of building workers

Rule 225: Safety Precautions in Hazardous process

Rule 230: Notifiable Occupational diseases to building workers, etc.

Welfare related provisions as per BOCW Act

Provisions of facilities related to availability of Drinking water at workplace/Accommodation for workers with separate cooking place, washing, bathing and lavatory facilities/canteen wherever up to 250 workers are working / crèche for looking after children up to age 06 years wherever 50 or more female workers are employed / Latrines and Urinals / Suitable Provisions of First Aid measures as per BOCW Act and Rules.

Benefits Under BOCW Act

Every such construction worker (within the age group of 18 up to 60 years) who has been engaged in any building or other construction work for not less than ninety days (90) in the preceding twelve months(12) shall be eligible for registration as a beneficiary.

Every such building worker registered as a beneficiary shall be entitled to get the benefits (like reimbursement of medical expenses, benefits of maternity benefits, group insurance premium, educational benefits to dependent children, payment of pension,

free medical care and financial assistance in case of an accident etc.) from the welfare fund under the control of BOCW's Welfare Board constituted under the provisions of this Act. This fund is collected in the form of 1-2 % welfare cess from the establishments employing 10 or more workers and having projects costing more than Rs 10 lakh with the intervention of appropriate government.

The **weekly rest** of Building construction workers, their wage hours, their minimum basic payment, their overtime payment shall be in accordance to the provision laid down under the BOCW Act with the intervention of the Appropriate Government as it may decide.

2. The Contract Labour (Regulation & Abolition) Act, 1970

Exemplified Compliance Sheet for The Contract Labour Act, 1970

Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<p><u>1. This Act is applicable to</u></p> <p>a) Establishment, where 20 or more workman are employed on any day of the preceding 12 months as contract labour</p> <p>b) Contractor, who employs or who employed on any day of the preceding 12 months, 20 or more workmen</p> <p><u>2. Registration of Establishment</u></p> <p>a) Registration of Establishment by Principal Employer – in case it employees 20 or more workman as contract labour and Registration Certificate to be obtained by the Principal Employer</p> <p>b) Principal Employer is Legally responsible for salary, wages, statutory dues like PF, ESI et cetera, payable to Contract Labour [based on definition of a principal employer as per Section 2 (g) of Contract Labour Act 1970, to be read with definition of employee under section 2(f) of Provident Fund Act, 1952 and the definition of employee under section 2 (9) of Employees' State Insurance Act, 1948]</p> <p>c) Suggested to engage contract labour for “non- permanent (Temporary) and non-significant or supplementary work. Contract Labour should not be engaged for main activities of establishment, other than for auxiliary activities. Remuneration/wages and working conditions (Conditions of services) payable to Contract labour shall be the same as is provided to Regular Workmen.</p> <p><u>3. PRINCIPAL EMPLOYER (P.E.)</u></p> <ul style="list-style-type: none"> • The appropriate agreement should be drafted between the Principal Employer and the Contractor. • Statutory Obligations with respect to Contract Labour should be incorporated in contracts with the Contractors as it shall be made to Contractors contractually and Legally responsible to Principal Employer. • The contractor should be engaged for the purpose as stated in the Registration Certificate of Principal Employer and should provide workers within the maximum limit as it was stated in the Registration Certificate of Principal Employer. • A representative of Principal Employer should be present during the disbursement of salary of contractor workers and should sign the Payment Register due to his presence. (It is the legal responsibility of Principal Employer in case contractors do not pay to their contract labour) <p><u>4. CONTRACTOR</u></p> <p>License to be obtained by the Contractor (If he deputed 20 or more than twenty workmen with the Principal Employer)</p> <p>Wherever the number of workers deployed by him increases and crosses the limit stated in license then Contractor should immediately get license amended.</p> <p>Liability of contractor is to provide Canteen, Rest Rooms, Drinking Water, First Aid box etc. (However, the ultimate responsibility shall be of Principal Employer, in case any contractor does not provides and in such case the charges paid by Principal Employer shall be recoverable from that defaulter Contractor)</p> <p>Legal responsibility of Contractor for the payment of timely and minimum wages as prescribed by the appropriate government, deposit of all applicable statutory dues like Provident Fund (PF), Employee State Insurance (ESI) etc because in case of contravention, He may be held legally responsible under the law.</p>	<p>1) STATUTORY FORM NUMBERS and RETURNS (by P.E. i.e Principal Employer) :</p> <p>a) Annual Returns to be filled by Principal Employer before every 15 February of Calendar Year.</p> <p>Form number– XXV to be submitted to Assistant Commissioner of Labour REGISTERS and RECORDS BY Principal Employer:</p> <ul style="list-style-type: none"> • Register of Contractors <p>STATUTORY DISPLAYS:</p> <ul style="list-style-type: none"> • Registration Certificate of P.E., • Abstract of Act (In English &Hindi, both languages) • Rates of Wages • Hours of Works • Wage Period • Date, Time and Place for disbursement of wages • Canteen (Menu with Price rate) <p>2) STATUTORY FORM NUMBERS and RETURNS (by Contractors) :</p> <p>a) Half-yearly Returns to be filled by Contractor (within 30 days at end of half-year i.e. June and December of Calendar Year)</p> <p>2) Notice of Commencement and Completion of contract work to be filed by the Contractor in a prescribed Form number</p> <p>REGISTER TO BE KEPT BY CONTRACTOR:</p> <ul style="list-style-type: none"> • Muster Roll • Wages Register • Deductions Register • Register of fines • Register of Advances • Register of Ove

3. The Payment of Wages Act, 1936

Exemplified Compliance sheet For Payment of Wages Act, 1936	
Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<p>Annual Returns on every 15 February</p> <p>Payment of wages:</p> <p>a) In Case, less than 1000 workmen are employed- before the expiry of 7th day after last day of wage period</p> <p>b) In Case, more than 1000 workmen are employed- before the expiry of 10th day after last day of wage period</p>	<p>Annual Returns (Form number IV) to be submitted to Inspector of factories / Labour Inspector</p> <p>STATUTORY REGISTERS / RECORDS:</p> <p>A) Register of wages, fine, damage, deductions and advances</p> <p>B) Register of Fines</p> <p>C) Register of Deductions for damage or loss</p> <p>D) Register of Wages</p> <p>STATUTORY DISPLAY:</p> <p>A) Display of Abstract of Act and Applicable Rules</p> <p>B) Display of day of payment of wages</p>

4. Minimum Wages Act, 1948

Exemplified Compliance sheet for Minimum Wages Act, 1948, and The Minimum Wages (Central) Rules, 1950 as applicable to Haryana	
Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<p>Annual Returns showing deductions from wages on every 01 February following the end of the year</p> <p>Obligations of Employers as per this Act</p> <ol style="list-style-type: none"> To make payment for overtime [case law – Sri Dharma Motor Services, Atur Versus Industrial Tribunal, Madras, 1959 91] LLJ 380 – A worker can be asked to work for more than 6 days a week provided he is paid extra on the overtime rate] To pay wages in Cash To pay Minimum Rates of Wages To maintain Registers and Records <p>NOTICE TO BE DISPLAYED</p> <ol style="list-style-type: none"> Abstract, Rate of Minimum Wages (Form number – XI) Address of Inspector (Form number-XI) 	<p>Annual Returns (Form number III) to be submitted to Labour Inspector</p> <p>STATUTORY DISPLAYS(English / Hindi – a language understood the majority of person):</p> <ol style="list-style-type: none"> Minimum wage rate per month and per day as per the category of workers (Skilled / Semi-Skilled / Unskilled) Extracts of Act and Rules as applicable to Haryana Name and address of the inspector Notice regarding Rest Day <p>STATUTORY REGISTERS/RECORDS</p> <ol style="list-style-type: none"> Muster roll to be filled within 3 hours of commencement of shift Overtime Register Register of wages Wage Slip Record of all fines imposed and deductions made <p>Form numbers applicable to Haryana state are as under :</p> <p>FORM NUMBER I as Register of Fines</p> <p>FORM NUMBER II as Register of deductions for damage or loss caused to the employer by the neglect or default of the employed persons</p> <p>FORM NUMBER III as Annual Return</p> <p>FORM NUMBER IV as Overtime</p>

5. Maternity Benefits Act, 1961

Exemplified Compliance sheet For Maternity Benefits Act, 1961	
Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<p>Annual Returns on every 31 January</p> <p>b) Compliance of Prohibition of employment of Women just after her delivery or miscarriage</p> <p>(As every employer is supposed to have knowledge of prospective women employees having delivered child or sustained miscarriage)</p> <p>[Section 4(1) of The Maternity Benefit Act, 1961]</p> <p>c) Compliance of maternity benefit leaves by Employer: Maximum period of maternity benefit Leave entitlement – shall be 26 weeks i.e. 8 weeks before the expected delivery date and extending up to 18 weeks after the childbirth as per Section 5(3) of THE MATERNITY BENEFIT (Amendment) ACT – 2017</p> <p>d) Display of Abstract of the Act into establishment wherever women are employed/ (Form number – K) in the language understood by the majority of a person</p> <p>e) Facilities of Crèche under Section 11 (A) 1 which explain as compulsory for every establishment employing 50 numbers or more employees, within such distance as may be prescribed, either separately or along with common facilities. Woman employee should be permitted to visit the crèche 4 times during the day, which includes the regular rest interval</p>	<p>Form number K L and M to be submitted to Inspector of factories/ Commissioner BOCW</p> <p>Maintenance of :</p> <p>Maintenance of Registers/ Registers of Maternity benefit, Records and Muster-rolls (in an establishment where women are employed) [as per Section 20 of the Maternity Benefit Act, 1961</p>

6. Child Labour (Prohibition and Regulation) Act 1986

Exemplified Compliance sheet for Child Labour (Prohibition and Regulation) Act, 1986	
Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<p>As per this act, a “child” means a person who has not completed his fourteenth year of age.</p> <p>Compliance Requirements are as following:</p> <p>Section 3 – Prohibition of employment of children in certain occupations and processes.</p>	<p>DISPLAY OF ABSTRACT:</p> <p>Every occupier shall display in the establishment the abstract of section-3 and 14 in Form number-D of the Act</p> <p>NOTICE TO INSPECTOR:</p> <p>Every occupier shall within 30 days send a written notice in Form number-A (Register detailing children employed) to the Inspector within whose local limits the establishment is situated. (Section-8)</p>

7. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

Exemplified Compliance sheet for Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	
Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<p>This Act is applicable in case there is an “aggrieved woman” who alleges to have been subjected to an act of sexual harassment (whether employed in that work or not).</p> <p>As per this Act, Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:</p> <ol style="list-style-type: none"> Physical contact and advances, or Demand or request for sexual favours. Making sexually coloured remarks, or Showing pornography, or Any other unwelcome physical, verbal or nonverbal conduct of sexual nature, etc. <p>Compliance Measures</p> <ol style="list-style-type: none"> Constitution of an Internal Complaint Committee constituting women members as presiding officer and other members Awareness programs at employer’s cost 	<p>STATUTORY DISPLAYS</p> <ol style="list-style-type: none"> Order constituting the Internal Committee (providing all relevant contact details of Members of the Committee) Penal consequences of sexual harassment <p>Compliance Requirements</p> <p>IC to submit an annual report to district officer containing:</p> <ol style="list-style-type: none"> Number of complaints received in a year Number of complaints disposed off during the year Number of workshops or awareness programs carried out, during the year Nature of action taken by the employer Publication of above details for awareness of all at company/ interested party

8. Workmen’s Compensation Act, 1923

Exemplified Compliance sheet For Workmen’s Compensation Act, 1923 And, The Workmen’s Compensation Occupational Diseases (Punjab) Rules, 1964	
Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<ol style="list-style-type: none"> Applicability: To those employers employing persons listed in Schedule II of the Act and to whom ESI Act, not applicable. Coverage of Workmen All workers are irrespective of their status or salaries either directly or through contractor or a person recruited to work abroad. Section 3 – Employer’s liability for compensation If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be Legally responsible to pay compensation in line with the provisions of this Chapter, Provided that the employer shall not be so Legally responsible in case accident due to the willful noncompliance of the workman or under the influence of drink or drugs or the willful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman. To maintain notice book as per Section 10(3) and to send to the commissioner a statement in case of death of an employee arising out of and in the course of employment within the stipulated time and as per detail in Section 10A(1) and to submit report as per section 10B and intimation of rights under the act to the employees as per section 17A. 	<ol style="list-style-type: none"> To inform quantity of workers and contractors, employed by the establishment who are covered under the provisions of this Act. To maintain a notice book which is required to be maintained under Section 10(3). To send the accident report to commissioner in Form number EE (in case fatal accident) within seven days of death or serious bodily Injury. Registration of agreements Section 28 makes it compulsory for the employer to send a memorandum to the Commissioner where amount of any lump sum payable as compensation has been settled by agreement.

9. Employees' Provident Funds & Miscellaneous Provisions Act, 1952

Exemplified Compliance sheet for Employees' Provident Funds and Miscellaneous Provisions Act, 1952

Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<p>a) Annual individual Returns – every 30 April</p> <p>b) Monthly Return of employee's qualifying or leaving and monthly remittance statements</p> <p>Applicability</p> <p>Applies to every establishment which is a factory engaged in any industry specified in Schedule 1 and in which 20 or more persons are employed.</p> <p>a) Equal contribution of 12% of Wages (Basic wages, dearness allowance and retaining allowance, if any) is required to be paid by employer and employee (Whether employed directly or through contractor).</p> <p>b) Option of Voluntary Provident Fund(VPF) to be provided to employees/workers who seek to contribute more – in writing (although Employer not obliged to contribute equal amount)</p> <p>c) In respect of employees employed through Contractor, Contractor shall recover the contribution payable by such employee and pay to Principal Employer amount of contribution along with administrative charges or Contractor may deposit such contribution directly to EPFO – after taking a separate EPF Code No.</p> <p>d) Employer needs to deposit its statutory contribution by 15th of every month. (with respect to wages of immediate preceding month)</p> <p>e) If the employee leaves the existing establishment and obtains re-employment to the establishment in which this act is applicable, it is the duty of the employer to transfer the accumulations to the credit of such employee's account in the fund in which he is re-employed</p> <p>f) Employers to make remittance after generating challan (ECR) from the Employer Portal of EPFO and to keep record thereof.</p> <p>g) Salary for PF calculation shall not be less than the 'Minimum Wages' (needs to be checked particularly in case of 'Contract Labour' deployed through Contractors).</p>	<p>a) Form number – 3 A and 6 A to Regional PF Commissioner</p> <p>b) Challans through SBI / Form number – 5 / 10 / 12 A to Regional PF Commissioner</p> <p>Previous level of compliance by checking monthly challans which are supposed to be filed by 15th of every month for the previous month.</p> <p>Copy of uploaded monthly ECR with employees' names</p> <p>Important</p> <p>Principal Employer(PE) is statutorily responsible for default of Contractor, with respect to statutory payments of PF contribution of Contract Labour as PE is getting services on contract labour in his Premises /</p>

10. Employees' State Insurance Act, 1948

Exemplified Compliance sheet for Employees' State Insurance Act, 1948

Relevant Provision Number and Text of the Provision Imposing Responsibility on the Principal Employer	Relevant Form number No. and Purpose
<p>a) Compliance on due date (i.e. 15th day after end of month) Whereas Employee Contribution is 0.75% of Wages as well as Employer's Contribution is 3.25% of wages (Applicable from 01 July 2019)</p> <p>Applicability: Is extended in area-wise to factories employing 10 or more persons and establishments employing 20 or more person.</p> <p>Coverage of employees</p> <p>Employees drawing gross wages up to Rs.21000/- per month, engaged either directly or through the contractor</p> <p>b) Summary of Contributions in quadruplicate on every 11 May and every 11 November</p> <p>c) Monthly Return of contributions</p> <p>d) Accident report (in case Immediately fatal / death, within 12 hours of Occurrence</p>	<p>STATUTORY REGISTERS AND RECORDS</p> <p>a) Form number – 6 (Registers of Employees) to Regional ESI Commissioner</p> <p>b) Form number-5 (Return of Contribution)</p> <p>c) Challans through SBI to Regional ESI Commissioner</p> <p>d) Accident Book (Form number 11)</p> <p>e) Inspection Book</p> <p>f) Generation & Issue of temporary identification certificate (TIC)</p> <p>g) Issue of permanent identity cards for employees (with photo of self and family)</p> <p>h) Report of Accident (Form number 12) to be filed to the nearest ESI Branch Office and the nearest medical officer</p>

BRICK CHAMBERS

At least 10 million labourers in India are employed in the unorganised brick kiln industry, working under unhygienic conditions. In the brick sector, labour is brought in through a contractor (from distant places). Since they are not on the payrolls of the kiln owner, they are not covered under the current labour laws, e.g. Minimum Wages Act. The work force is paid on basis of quantum of work and against completion of certain tasks such as moulding of 1000 bricks, transportation of 1000 green bricks etc. The seasonal nature of brick production generates employment for a limited period of six - seven months in a year. Majority of the workforce has no option, but to engage as labourers (generally as agricultural labourers) for the rest of the year.

The nature of the work requires skilled labour especially for moulding and firing. There is large scale migration towards the major brick production clusters every season due to this. These tasks are traditionally handed down from father to son in the communities. The last few years have seen a labour shortage as the newer generation does not want to be associated with the brick sector any longer.

Issues:

- Workers live in a shanty which is five feet in height, with a flimsy plastic cover serving as a roof and walls that are made of loosely arranged bricks. There is no electricity, not for a day or two, but for months.
- There are no specified working hours. Work begins at 6 a.m., and goes on till late into the night. They barely get a few hours of sleep before waking up to get through another day's grind.
- Workers earn ₹600 for every 1,000 bricks that they make and ₹400 for every 1,000 bricks that they transport from the field to the kiln. The workers have to carry the bricks on their head. They are not paid on a daily basis, and the wages that they are given depends on how many bricks they make per day.
- They do not get any additional wages or overtime. They are usually promised an amount of ₹42,200 for a period of six months. At the end of six months, the number of bricks that they make is calculated and they are paid the promised amount only if they make 42,000 bricks. Young, elderly and infirm persons are forced to stay on the factory site.
- The labourers become bonded after they take advance. They are physically tortured by the contractor if they wish to leave their job. Even their payments are stopped, making it hard for an entire family to survive
- Even though India has banned forms of bonded labor, including child labor, bonded labor continues to be common practice throughout India's brick industry due to weak law. Bonded labor is a form of forced labor that is typically paid below the minimum wage and reinforced by custom or force, characterized by a creditor-debtor relationship between the employer and the employee
- Families, including young children, work in harsh, low-paying conditions, commonly compensated piece by piece. The International Labour Organization stated in 2005 that brick kiln work is a prominent example of contemporary forced labor situations.
- One of the most burning issues in brick fields is high percentage of children residing with parents in the kilns and consequently, the involvement of child labour in brick production. This is due to the pattern of "family migration" that occurs typically in this industry.
- We found that besides posture-related problems, the labourers have difficulty breathing as they are more exposed to dust," Katiyar added. The long hours of hard work don't pay off either as the workers and their families do not have proper housing and sanitation facilities.
- People who carry out heavy physical labor are at risk because their work exposes them to more heat stress. At brick kilns, heat from radiation originates from both the sun and the kiln.
- Central Pollution Control Board (CPCB) has recognised the brick production industry as a highly resource and energy intensive and polluting industry owing to prevalence of obsolete production technologies. While, the clusters are the source of local air pollution affecting local population, agriculture and vegetation; at a global scale they also contribute to climate change.
- The workers in the brick industry are subjected to extreme working conditions and poor remuneration. Currently in India, brick manufacturing is a labour-intensive sector, with crude techniques causing considerable worker drudgery. They are also exposed to high concentrations of Respirable Suspended Particulate Matter (RSPM), during monitoring and regulating the fire, as the furnace chamber is covered with ash (ash acts as insulator). As well as during the manual mixing of fly ash and clay and due to the open dumping and storage of fly ash. Transportation of green and red bricks is done by a head load of 9 to 12 kgs causing health problems, especially in women. Even though the brick workers are exposed to these occupational hazards, coverage under any sort of insurance or medical facilities is virtually unheard of.

Responses:

- Section 15 of the Wage Code says that payment of wages to workers can be made by cheque or cash. We want the Union government to issue a notification mandating that the brick kiln industry pay workers by cheque or online. Section 17 says that the payment should be as per the wage period. The maximum wage period as per law is one month.
- The Supreme Court of India issued a directive for discontinuing the movable chimney kilns and for all brick kilns to conform to new environmental norms. While this signalled a move in the right direction, due to lax monitoring mechanisms such kilns continue to function and flout environmental regulations. Additionally, while kilns with higher production levels and capital have the option to changeover to fixed chimney type BTKs, the small and medium scale brick entrepreneurs are confronted with environmental regulation without having financially viable options to switch and thus continue to run polluting kilns.

Agents Involved in the Brick Kilns

There are 6 key roles that are essential to brick making: *i) Kiln owner, ii) Assistant/Accountant, iii) Recruiter (Jamadar), iv) Kiln operator, v) Labourers*. The most important of these actors, in determining the outcome for the workers, is the middle-man – the recruiter. This creates a relationship of dependency between the workers and the recruiters.

1. Kiln owner:

The kiln owner is the head of the operation. The kiln owner rarely deals with the workers. The kiln owners use their own land for establishing their brick kilns. Some time they rent the land from local landowners.

2. Assistant or accountant:

Kiln owner has an assistant or accountant that keeps track of the number of brick families produce daily in order to tabulate the wages earned on a weekly basis, based on a predetermined wages of a day.

3. Kiln operator:

Kiln operators are those who look after the all section of works in brick kiln. He also identify the identify the well being of labourers.

4. The recruiter:

The recruiter has a central role as the middle-man between the owner and the workers. He is in charge of recruiting and retaining workers.

5. Labourers:

Labourers are at the bottom of the hierarchy. They works long hours in the brick kiln.

Terms of Agreement:

Every year the poor from Orissa, migrate to work in the brick kilns of Tamilnadu District. These labourers migrate in semi-bonded conditions due to acute shortage of sustainable livelihood options in their native places. Moneylenders and contractors further compound the socio-economic condition of these labourers because of exploitative practices. Middlemen or labour contractors emerged as a set of exploiters. Their job is simple: They coax the poor people and farmers of these poorest areas of the country into migrating for work to other states where the rich industrialists, brick-kiln owners or road contractors savour the cheap but skilled labour.

The Labour contractors have a very strong nexus with the brick kiln owners. Advances are given with the condition that the labourers fulfill their obligation with the contractor by going to the predetermined destinations where their labour is harnessed. Needless to say, basic sanitation is absent. The worst affected are the children, for whom there is neither any amusement nor any form of recreation. They too help their parents in making bricks. With the family come the children below 14 years of age. The children are bonus to the contractors and brick kiln owners as: a) the children are engaged in work at low wages and b) the children help their parents to meet the daily targets.

As a result of children being with their parents they lose out on education. For 4-6 months of the year they remain in the kilns which are far away from their native place and where there is no facility for education. When they go back after the brick kiln season another academic year has gone by.

Contract

Maistri coordinates the contracts, which are almost always verbal. The contract is technically between the head of household and kiln owner. However, there is a tacit agreement that members of the household will also be helping in the production of unbaked bricks – unless there are no other household members fit to work in the kiln. The terms of the contract include a minimum number of months the household must exclusively work for the kiln.

In brick industry, advances are commonly used to tie workers and their families to a kiln and keep wages low. However, the advances and repayment are always handled by the Maistri, who receives a lump sum for all of the kiln's advances from the kiln owner. He is in charge of distributing the advances and ensuring repayment. If the families do not pay back the advances, the *Maistri* is held responsible. Workers can decide how quickly to pay back advances, as it is to the employer's advantage if they stay bonded for a longer period of time.

IN-KIND PAYMENT

Employers around the world provide in-kind benefits which have the potential to create dependence. However, by depending on the kiln owner for such essential goods, it makes it much harder for families to leave the kilns, as they depend on the kiln owners not only for their livelihoods but for basic goods (shelter and water).

Brick Field Job Nature:

There are several activities were performed by the brick field workers. Among these, the below stated activity was performed by the female brick field workers.

- a. Carrying the mud—The mud which was collecting from the river bank is mainly accumulated in the accumulation zone of the brick field by carrying them with basket in the head of the workers. During making the green bricks, the carriers, carries the mud in their head to prepare the clay.
- b. Preparation of raw bricks (moulding)—Preparation of clay is mainly done by the machine with the help of mud, water and several additives. After preparation of clay, inserting of clay in the wooden dice along with sand in squatting posture and particular amount of clay is taken by the workers and put it into the wooden dice; extra clay is removed by wire cutter. Then lifting the wooden dice upward and turning downwards the ground forcefully.
- c. Carrying raw bricks from stacking area to kiln—Generally brick carrier's carry their raw bricks into the kiln for burn. After reaching unloading of raw bricks was done carefully. After unloading, the workers generally used to arrange the bricks for burn.
- d. Loading of burn bricks—After burning the bricks the kiln workers generally take off the burned bricks from kiln. After picking the burns from the dust of kiln, the female workers loaded the burn bricks in their head
- e. Carrying burn bricks—After loading the brick carriers have to cover long distance to store the bricks in the brick field.
- f. Unloading of burn bricks for storage-During storing, the unloading of burn bricks is an important and careful activity which was done by the brick carriers.

DOMESTIC WORKERS

Trafficking in human persons and engaging them in menial labour and domestic work, especially children and young girls from rural areas especially to cities for domestic work is a known fact. Apart from inter- state migration, there are a large number of overseas migrant domestic workers, who face problems with illegal recruitment agents, non- compliance with contract terms, and physical abuse at the hands of their employers. Stranded on foreign shores, in an alien environment with little knowledge of the language and customs, compounds their misery.

Challenges of Domestic workers

- The stigmatization of domestic workers and their work
- Total absence of rights and legal protection
- Absence of training, support and bargaining power.

These challenges led to the three objectives of the movement that we pursue till today and which have become more meaningful than ever:

- Dignity for Domestic Work and Domestic Workers
- Rights and Legal Protection
- Support and Empowerment

The Supreme Court of India directed the Government to include the domestic workers in the proposed Unorganized Workers' Social Security Act. Accordingly, The Unorganized Workers' Social Security Act, 2008, enacted by the Parliament in December 2008, included the domestic workers in no. 2 (n) of the Act. The Act stipulated the constitution of Welfare Boards, which would provide social welfare benefits like family medical insurance, assistance towards education and marriage of children and pension in old age to registered domestic workers.

The inclusion of domestic work in the schedule of the Tamil Nadu Manual Labour Act 1982 on 1st June, 1999 was the first instance of legal recognition of domestic workers as workers in India.

The Tamil Nadu Domestic Workers Welfare Board was also constituted in January 2007 under the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act 1982. The struggle of domestic workers to achieve recognition before the law received a huge boost in July 2011 with the codification of ILO Convention 189 which gave international recognition to domestic work as decent work with rights on par with all other forms of labour. Our Government was a signatory to this Convention, but has yet to pass comprehensive legislation that would be required as a part of its ratification

Know more about Domestic Workers Rights, Wages, Laws in India. Domestic Workers in India: Domestic Workers (Registration, Social Security and Welfare) Act, 2008 was introduced to regulate payment and working conditions and check exploitation and trafficking of women and other young household workers.

What does the Indian law say about domestic workers and their rights?

Domestic Workers (Registration, Social Security and Welfare) Act, 2008 was introduced to regulate payment and working conditions and check exploitation and trafficking of women and other young household workers. Domestic workers are in the unorganized sector and unorganized, hence there are practical difficulties to cover them. Though applicable to both men and women, it assumes significance for women due to their presence in large numbers in the occupation. (Act is subjected to State legislation and therefore the State governs its implementation. However, Central notification date is still pending)

Applicability of the Act:

1. This Act is applicable to whole of India except state of Jammu and Kashmir.
2. It does not apply to such domestic workers who have immigrated for employment to any other country.
3. Employment of child is prohibited under any law for the time being in force as a domestic worker or for any such incidental or ancillary work.
4. Implementing Authority under the Act will be Central Advisory Committee, State Advisory Committee and District Board.

Registration as Beneficiary

The Act provides that every domestic worker who has completed 18 years of age, but has not completed 60 years of age, and is engaged in any domestic work for not less than 90 days in the preceding 12 months, can be registered as a domestic worker. (Section 16)

Hours of Work and Annual Leave with Wages

Any domestic worker (male or female) registered under the Act who lives in the premises where workplace is situated is entitled to daily rest period of at least 10 consecutive hours between ending and recommencing work. Also the domestic workers living in the house are entitled to annual leave with wages for at least 15 days. (Section 22)

Minimum Wages

All registered domestic workers should be paid minimum wages as per the Minimum Wages Act, 1948. (Section 22)

Safety & Penalty Provisions

The Act specifically makes provisions for penalty in cases where any person knowingly sends, directs or takes any girl or woman domestic worker to any place for immoral purposes or to a place where she is likely to be morally corrupted or in any manner sexually exploited. Such a person shall be subjected to imprisonment for a minimum period of 6 months which may extend upto 7 years and fine up to Rs. 50000 or both. (Section 23)

Offences and penalty:

1. Any service provider who contravenes the provision of the Act shall be punishable with imprisonment of term which may extend to 3 months and with fine which may extend to rupees two thousand, or with both. In case of continuation of contravention additional fine which may extend to rupees one hundred for every day shall be imposed.
2. If an employer fails to comply with the provisions of the Act they shall be punished with fine which may extend to rupees two thousand.
3. If any person who willingly obstructs any officer who is authorized by the District Board to conduct inspection or refuses to cooperate in inspection shall be punishable with imprisonment for a term which may extend to 3 months and with fine which may extend to rupees two thousand, or both.
4. If any person knowingly sends or directs or takes any girl or woman to any place for immoral purposes or where she is likely to be morally corrupted, or sexually exploits such woman of child shall be punished with imprisonment for not less than 3 years and which may extend upto 7 years and fine upto rupees two thousand or both.

How much do domestic workers earn?

States like Andhra Pradesh, Bihar, Karnataka, Rajasthan and Jharkhand have included domestic worker in the Scheduled Employment. The hourly/daily/monthly rates of wages fixed for domestic workers by these States are as under:

Sr. No.	States/Union Territories	Minimum Wage (in Rs.)			
		Per hour	Per day	Per month	Effective date
1	Andhra Pradesh	12.5	107	2800	10.12.2007
2	Bihar	17	132		01.10.2011
3	Karnataka		149.89		01.04.2011
4	Rajasthan			504	01.01.2011
5	Jharkhand	16	145.54	-	01.04.2012

Are domestic workers eligible for pension, paid leaves and maternity benefits?

With the passing of the domestic workers (Registration, social security and welfare) Act 2008 every registered domestic Worker is now slated to receive pension, maternity benefits and paid leave that is a paid weekly off.

According to section 22 of Domestic Workers (Registration Social Security and Welfare) Act, 2008, a domestic worker living in the house is entitled to annual leave with wages for at least 15 days during the year.

Are there any law protecting domestic workers against sexual harassment?

Section 23 of the Domestic Workers (Registration Social Security and Welfare) Act, 2008 mentions that any person who sexually harasses domestic worker or child will be punishable with imprisonment for not less than six months and which may extend upto period of 7 years or with a fine of Rs. 50000, or both.

Where can the domestic worker complain if there is under payment or an other problem?

District Board shall be constituted by Central Government or State Government, which will review and monitor proper implementation of *Domestic Workers (Registration Social Security and Welfare) Act, 2008* in each districts. Board will function for the settlement of disputes through conciliation and procedure mentioned under the Act. In case of any offences made domestic worker can approach District Board for its compliance.

1. Functionality of existing Welfare Boards in the States: To ensure that the composition of the Domestic Workers' Welfare Boards are tripartite in nature and sufficient funds are made available through collection of 2% of the income tax or employers contributing to the one extra month's salary to the said Board.
2. Inclusion in Labour Codes: Domestic workers need to be included in the Labour Codes. Ambiguity with respect to the status of inclusion of domestic workers in the recently enacted Wage Code needs to be clarified. In case they are not included, steps need to be taken to ensure their inclusion in the same.

Advocacy and Campaign for Domestic workers:

- Comprehensive Legislation to protect their rights as workers.
- Advocacy and Lobbying activities with Government authorities
- Empowering domestic workers to organize themselves for collective bargaining
- Shaping public opinion on the dignity and rights of domestic workers
- Forging ties with international and national partners to advance the cause of domestic workers
- Trafficking and migration
- Crisis intervention for rescued and abused child workers
- Safeguarding rights of children in domestic work

Forums which can sustain the campaign are:

- *National Domestic Workers Rights Campaign Committee*
- *National Platform for Domestic Workers*
- *Migrant Forum Asia (MFA)*
- *Global Alliance Against Trafficking of Women (GAATW)*
- *International Labour Organisation (ILO)*
- *Human Rights Law Network*

TAMIL NADU CONSTRUCTION WORKERS WELFARE BOARD

NO.8, VALLUVAR KOTTAM HIGH ROAD, NUNGAMBAKKAM, CHENNAI - 600 034

In Tamil Nadu more than 25 lakhs of workers are involved in various construction activities approximately. In exercise of powers conferred under Section 6 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982), in the year 1994, the Government of Tamil Nadu constituted a Board namely “ The Tamil Nadu Construction Workers Welfare Board” on 30.11.1994 to execute the Scheme and to maintain and administer the Manual Workers General Welfare Fund of Tamil Nadu Construction Workers Welfare Board and to provide welfare measures for the construction workers engaged in the construction industry. Following welfare measures are provided in the scheme for those workers who have registered in the Board.

1. Creches
2. Personal Accident Relief
3. Pension Scheme
4. Assistance for the Funeral Expenses on the death of a Registered Manual Worker.
5. Assistance for the Education of the son or daughter of Registered Manual Worker.
6. Assistance for Marriage of Self and the Son / Daughter of a Registered Manual Worker.
7. Assistance for the Delivery of a Child or for the Miscarriage of Pregnancy or for the Termination of Pregnancy, by a Registered Woman Manual Worker.
8. (8) Assistance for the natural Death of a Registered Manual Worker. (9) Spectacles

History of the Tamil Nadu construction Workers Welfare Board:-

Constitution of the Tamil Nadu Construction Workers Welfare Board (G.O. Ms. No.236, dated:30.11.94)

The Government of Tamil Nadu enacted “ The Tamil Nadu Manual workers (Regulation of Employment and conditions of work) Act, 1982”, in order to regulate the employment and conditions of work of the manual workers in certain type of employments in the State of Tamil Nadu. The Act provides for formulation of schemes for the manual workers in scheduled employments and also for establishment of Boards. (Schedule in Section 2(12) of Act, 1982). The Government of Tamil Nadu in pursuance of the powers vested under Section 6 of the said Act , established the Tamil Nadu Construction Workers Welfare Board on 30.11.1994 for the welfare of the 38 categories of workers (List enclosed) involved in construction activities. The object of the Board is to register the construction workers and provide various welfare measures for the manual workers engaged in construction or maintenance of dams, bridges, roads or in any building operations. The Construction Workers Welfare Board was Re-constituted vide G.O.(D) No.21, Dated: 19.02.2014 of Labour and Employment Department. Registration of construction workers are done in all the district offices after verification by concerned revenue authorities. Government ordered sanction and disbursement of all scheme assistances by the Labour Officers (Social Security Scheme) at district level in G.O. No.122, L & E Department, Dated : 24.10.2008. As per the announcement made in the 2007-08 budget, the registration, renewal and claim details of all the workers registered with the board are being uploaded in the unorganised workers welfare board’s site and the data are stored in the centralized data base server from 15.09.2009 for the benefit of workers. Government formed Monitoring Committee w.e.f. 1.6.2007 in all Districts, under District Collectors to monitor the execution of schemes of the Board. The Tamil Nadu Construction Workers Welfare Board is having its head office at Chennai and covers the entire State, through its 32 District offices at the district level. All district officers are headed by Labour Officers (Social Security Scheme).

Accommodation for the Office of the Board:-

The Tamil Nadu Construction Workers Welfare Board is now functioning in its own building from 28.11.2002 at No.8, Valluvar Kottam High Road, Nungambakkam, Chennai-34.

Duties of the Tamil Nadu Construction Workers Welfare Board:-

The Board shall be responsible for overall administration of the schemes and shall exercise such powers and perform such functions as may be conferred on it by the Scheme. The Board may create such number of posts of officers including the Secretary and other employees as are necessary and appoint persons to such posts on such terms and conditions of service as it may deem fit. Board

may nominate competent persons or officers to act in any dispute on behalf of a manual worker in any conciliation proceedings, to settle them before Labour court or Tribunal or an Arbitrator.

Main Activities:-

Tamil Nadu Construction Workers Welfare Board is empowered to carryout its functions under the provision of the following Act, rules, Schemes and Government orders and instructions issued from time to time there under.

1. The Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982.
2. The Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Rules, 1986.
3. The Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Welfare Schemes, 1994.

Sec 8 A of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 provides that,

- (a). Every person who makes an application for building permit for any building work to a local authority shall be liable to pay contribution for benefit of manual workers to local authority concerned, in addition to the fee for the building permit: and
- (b). Every person who undertakes or is incharge of, any constructionwork other than the building work referred to in clause (a) shall be liable to pay the contribution, a sum at such per cent not exceeding one percent of the total estimated cost of the building or construction work proposed to be constructed, as may be fixed by the Government by notification.

Rule-20A (1) of The Tamil Nadu Construction Workers (Regulation of Employment and Conditions of Work) Rules,1986 is framed in accordance with the Act to collect the contribution by means of Demand Draft drawn in favour of the Manual Workers General Welfare Fund of the Tamil Nadu Construction Workers Welfare Board, payable at Chennai, which should be remitted before the 15th of the succeeding month, to the Board with statement (Form III). The Contribution shall be remitted by the person who under takes the construction work under Section - 8A(b), to the Secretary of the Board within 30 days from the date of commencement of the construction, by means of a Demand Draft drawn in favour of the above fund with statement (Form IV). The Government notified that all the persons and agencies engaged in any construction work shall pay 1% of the total estimated cost of the proposed construction work, towards the Manual Workers General Welfare Fund, of the Tamil Nadu Construction Workers Welfare Board. Thus the Board is collecting such contribution and deposit the amount in the fund account in the Bank and uses it for the welfare of the workers and for administrative expenses of the Board. (G.O. Ms. No.295, L & E dated:17.12.2013)

Employments covered:-

The Scheme applies to all the construction workers engaged in the construction industry as listed below:

List of categories of workers

1. Stone cutter or Stone breaker or Stone crusher
2. Mason or Brick layer.
3. Carpenter.
4. Painter or varnisher
5. Fitter including bar bender
6. Plumber for road pipe work
7. Electrician
8. Mechanic.
9. Well sinker
10. Welder
11. Head Mazdoor
12. Mazdoor
13. Sprayman or mixerman (road surfacing)
14. Wooden or stone packer.
15. Well diver for removing silt

16. Hammerman
17. Thatcher
18. Maistry
19. Blacksmith
20. Sawyer
21. Caulker
22. Mixer (including concrete mixer operator)
23. Pump Operator
24. Mixer Driver
25. Roller Driver
26. Kalasis or sarang engaged in heavy Engineering construction like heavy machinery, bridge work, etc.
27. Watchman
28. Mosaic Polisher
29. Tunnel Worker
30. Marbel / Kadappa stone worker
31. Road worker
32. Rock breaker and Quarry worker
33. Earth worker connected with construction work
34. Worker engaged in processing lime
35. Worker engaged in anti sea erosion work
36. Any other category of workers who is actually engaged in the employment in construction or maintenance of dams, bridges, road, or in any building operations.
37. Bricks Manufactory other than the Brick Manufactory under the Factories Act, 1948 (Central Act of 63 of 1948)
38. Construction of Pandals

Registration:-

a) Age:-

Should have completed 18 years of age, have not completed 60 years of age to register with the Tamil Nadu Construction Workers Welfare Board.

b) Fees:-

A fee of Rs.25/- and Rs.10/- for registration / renewal respectively, was collected upto 31.8.2006. The collection of the above fee is dispensed with effect from 1.9.2006 as per G.O. M.s. No. 91, L & E Dept, Dated:1.9.2006.

ii) The registration is valid for 2 years. The Registration has to be renewed once in 2 years.

c) Procedure for Registration:-

- i. The Construction worker has to make an application for such registration in the prescribed form appended in the manual together with the Certificate of employment issued by the Employer / Registered Contractor or Registered Trade Union / Government agencies engaged in the building industry and Village Administrative Officer concerned / Revenue Inspector for chennai district.
- ii. Two passport size photographs of the applicant should accompany the application, of which one should be pasted on the application and the other should be enclosed with the application.
- iii. The construction worker is required to produce a document for age proof at the time of registration. Anyone of the following documents, attested by a Group A or B officer has to be produced along with the application at the time of registration.
 1. Certificate issued by the Registrar of Birth and Deaths.
 2. School or College Certificate.

3. Driving License
4. Voter's Identity Card
5. Ration Card.
6. Certificate from Registered Medical Practitioner not below the rank of Civil Surgeon of a Government Hospital in the Prescribed format with the signature of the Manual Worker. Identity card is issued to every registered construction workers free of cost.

d) Renewal:-

The Registration shall be renewed once in two years. Financial assistance shall not be sanctioned in case of failure in renewal.

e) Registration Authority:-

The Registration Authority is the Labour Officers (Social Security Scheme) in 32 Districts.

g) Nomination:-

Every construction worker while registering his name with the Board , should make a nomination in Form –H

Provident Fund and Employee's State Insurance:-

The Board shall with the prior approval of the State Government formulate appropriate Schemes for providing Contributory Provident Fund and Employees State Insurance benefits for registered construction workers. (Clause 12 of T.N.C.W.W. Scheme , 1994)

Pension:-

Eligibility:-

Every registered construction worker who has completed 60 years of age is eligible for monthly pension. A construction worker who has not completed 60 years of age but registered with the board is also eligible for pension if he has become disabled due to Sickness and incapacitated from normal work. As per clause 13 of the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme 1994, the Government in G.O.(D) No. 486, Labour and Employment Department, dated:31.3.2005 have sanctioned that the quantum of pension payable to each eligible construction worker is Rs.200/- per month and that the pension scheme is implemented from 2000-2001 and arrears of pension to the eligible construction workers has been paid from 2000-2001. The amount of pension has been enhanced from Rs.200/-to Rs.300/- w.e.f. 1.9.2006, from Rs.300/- to Rs.400/- w.e.f. 1.7.2007, from Rs.400 to Rs.500/- w.e.f. Dated:07.01.2011and to Rs.1,000/- (G.O. No. 421 Dated: 27.12.2011 Labour & Employment (I2) Department)

Family Pension:-

Eligibility:-

As per clause 13 (1-A) of the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme 1994, The Government in G.O.(Ms) No.17 Labour & Employment Department dated: 24.01.2012 have sanctioned, that every registered Manual Worker who is in receipt of Pension dies, the spouse of such manual worker is eligible for Family Pension of Rs.400/- (Clause 13 of T.N.C.W.W. Scheme , 1994)

Funeral Assistance:-

If a registered construction worker dies, The Labour Officer (Social Security Scheme) of the respective district or any other officer on behalf of the Board shall pay a sum of Rs.2,000/- as funeral expenses, to the nominee of the deceased. The application shall be in Form - D accompanied by the death certificate with original Identity Card (Clause 14, of T.N.C.W.W. Scheme , 1994)

Natural Death:-

If a registered manual worker dies naturally, The Labour Officer (Social Security Scheme) of the respective district or any other officer shall pay a sum of Rs.15,000/- to the nominee of the deceased construction worker. Application should be in form - D and shall be accompanied by the death certificate and original Identity Card (Clause 14A, of T.N.C.W.W. Scheme , 1994)

Educational Assistance:-

- (a). The applicant's son or daughter passed 10th standard, is eligible for Rs. 1,000/- and if they passed +2, Rs.1,500/- will be given as assistance.
- (b). (For the girl children only) In order to encourage the girl students, who mostly drop out from schools, the Government has introduced this scheme for the daughters of the registered construction workers, who study 10th std, +1 and +2 with an assistance of Rs.1,000 /- Rs.1,500 /- for each year.

For Higher Education:- (For every academic year)

The son / daughter of a registered construction worker, studying in regular bachelor degree course, gets Rs.1500/-, hostel student Rs.1750/-, the students studying in post graduate course receives Rs.4,000/- and the post graduate hostel student gets Rs.5,000/- as assistance. The son / daughter studying in professional course (law, engineering, medical etc.) gets Rs.4,000/- and hostel student gets Rs.6,000/- as assistance. The son / daughter studying post graduate professional course gets Rs.6,000/- and a hostel student gets Rs.8,000/- as assistance. Polytechnic course students gets Rs.1,000/- and hostel student gets Rs.1,200/- as assistance. A registered construction worker is eligible to avail all these assistances from the date of registration and only two children are allowed for the educational assistance and the application should be in form - E, EE and EEE. (Clause 15(1) , of T.N.C.W.W. Scheme , 1994)

Marriage Assistance:-

Assistance for marriage would be given to the workers registered in the Tamil Nadu Construction Worker Welfare Board, as Rs.3000/- for men and Rs.5000/-women to meet the marriage expenses. The application shall be in Form – F.

Where both husband and wife are registered manual workers, husband alone shall be eligible for this assistance. (Clause 16 of T.N.W.W.S, 1994)

Maternity Assistance:-

A registered women worker shall be given Rs. 6,000/- as maternity assistance and Rs. 3,000/- for miscarriage or for termination of pregnancy w.e.f. 1.9.2006. Previously Rs.2,000/- was given as maternity assistance upto 14.6.05 and Rs. 4,000/- from 15.6.05 to 31.8.06.

Purchase of Spectacles:-

A registered construction worker shall be sanctioned a sum not exceeding Rs.500/- as an assistance towards reimbursement of cost of spectacles for self. 65 registered workers in each district per year on first come first serve basis.

Training :-

The Government have announced in G.O.(D) No. 519 Dated : 9.7.2007, that training will be given for 200 construction workers in Chennai District in five categories like Mason, Plumber, Painter, Electrician and Carpenter to improve their efficiency , through the Industrial Training Institute functioning under the Employment and Training Department.

The Building and Other Construction Workers' Welfare Cess Act, 1996

provides levy and collection of cess at such rate not exceeding two per cent but not less than one per cent of the cost of *construction* as the Central Government may notify. The cess has been levied and being collected at the rate of 1% of the cost of construction as notified by the Central Government in the Official Gazette.

The cumulative total of the amount of cess collected by the States/ UTs upto 20.12.2016, at the rate of 1% of the cost of construction is Rs. 31694 crore of which Rs. 6866 crore has been spent.

Universal Account Number (UAN) allotted to construction workers is over 50 lakhs as on 17.01.2017.

The Government has enacted the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Building and other Construction Workers' Welfare Cess Act, 1996 to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures.

The State Building and Other Construction Workers' Welfare Boards of the respective states have formulated welfare schemes to provide benefits to building and other construction workers as mandated under Section 22 of the Act. Section 22 of the Act stipulates following benefits:

1. provide immediate assistance to a beneficiary in case of accident;
2. make payment of pension to the beneficiaries who have completed the age sixty years;
3. sanction loans and advances to a beneficiary for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed;
4. pay such amount in connection with premia for Group Insurance Scheme of the beneficiaries as it may deem fit;
5. give such financial assistance for the education of children of the beneficiaries as may be prescribed;
6. meet such medical expenses for treatment of major ailments of a beneficiary or, such dependent, as may be prescribed;
7. make payment of maternity benefit to the female beneficiaries; and
8. make provisions and improvement of such other welfare measures and facilities as may be prescribed.

TAMIL NADU MANUAL WORKERS SOCIAL / SECURITY AND WELFARE SCHEME, 2006

Published vide Notification No. G. O. Ms. No. 77, Labour and Employment, dated 1st September 2006 - No. H(2)/LE/ 453(e-3)/2006)

1. Short title, extent application and commencement.

- (1) This Scheme may be called the Tamil Nadu Manual Workers Social Security and Welfare Scheme, 2006.
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall apply to all manual workers engaged in employments under the said Act other than those specified in items 6,10,11,12,17,18,24,30,32, 33,35,36., 43,45,51,52,54, 58,59,60 and 62 in the Schedule to the Act.
- (4) It shall come into force on the 1st September 2006.

2. Definitions. - In this Scheme, unless the context otherwise requires,-

- “Act” means the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982);
- “Board” means the Tamil Nadu Manual Workers Welfare Board established under section 6 of the Act;
- “dependant”, in relation to a registered manual worker, means any of the relatives of such deceased workman as specified below:-
 - Wife or husband, as the case may be;
 - Children;
 - Widow and children of the pre-deceased son; and
 - Parents;
- “family” means-
 - in the case of male member, his wife, children, whether married or unmarried, dependent parents and the widow and children of a deceased son of the member;
 - in the case of a female member, her husband, children, dependent parents and the widow and children of a deceased son of the member;
- “Form” means the Form appended to this Scheme;
- “Fund” means the Tamil Nadu Manual Workers Social Security and Welfare Fund established under the Scheme;
- “manual worker” means any person who has completed 18 years of age, but has not completed 60 years of age and who is engaged to do any manual work in the employments under the said Act other than those specified in items 6,10,11,12,17,18,24,30,32, 33,35,36,43,45,51,52,54,58,59,60 and 62 in the Schedule to the Act;
- “Secretary” means the Secretary of the Board appointed by the Government and includes any other officer put in charge of the Secretary;
- “self-employed person” means any person who has directly engaged himself in employments under the said Act other than those specified in items 6,10,11,12,17,18, 24, 30, 32, 33, 35, 36, 43, 45, 51, 52, 54, 58, 59, 60 and 62 in the Schedule to the Act for his livelihood;
- words and expressions used in this scheme and not defined shall have the same meaning assigned to them in the Act.

3. Powers, duties and functions of the Board.

- (1) Subject to the other provisions of the Act, the Board may take such measures, as it may consider necessary for implementing the Scheme.

(2) The Board shall-

- maintain and administer the “Tamil Nadu Manual Workers Social Security and Welfare Fund” and collect the contributions towards that Fund;
- subject to the provisions of the Scheme, any property vested with the Board shall be held and utilized by it only for the purpose of the Scheme;
- have the authority to spend such sum, as it thinks fit for the purposes of the Scheme from out of the Fund;
- keep proper accounts for all receipts and expenses under the Scheme;
- submit annual budget to the Government for sanction;
- submit annual report to the Government on the working of the Scheme as laid down under sub-section (5) of section 8 of the Act;
- submit to the Government copies of all proceedings of the meetings of the Board;
- make all arrangements necessary for the annual audit of accounts of the Board in accordance with the instructions issued by the Government;
 - furnish information to Government on such matters as the Government may refer to it, from time to time.

(3) The Board may-

- accept deposits from persons, authorities or establishments on such conditions as it deems fit;
- borrow money with the previous permission of the Government in order to augment the sources of funds;
- specify Forms, records, registers and statements, if so required, in addition to such of those Forms, records, registers and statements appended to this Scheme, for the administration of the Scheme and revise any of such Forms, records, registers and also specify production of additional certificates, records along with such Forms, statement, etc.;
- make recommendations to the Government about modifications which are considered necessary in the Scheme.

4. Secretary of the Board.

(1) The Chief Executive Officer of the Board shall be the Secretary to the Board.

(2) The Secretary shall, with the approval of the Chairman of the Board, issue notices to convene meetings of the Board and keep the record of minutes and shall take necessary steps for carrying out the decisions of the Board.

5. Appointment of Chief Executive Officer and other officers and staff.

(1) The Government may appoint an officer of the Labour Department not below the rank of a Labour Officer as the Chief Executive Officer of the Board.

(2) The Government may appoint a Chief Accounts Officer in the cadre of Under Secretary, Finance Department or an Accounts Officer from the Treasuries and Accounts Department on foreign service terms and conditions.

(3) The Government may also appoint as many Officers as may be necessary on deputation from the Labour Department or from any other departments or undertakings or Corporations or Boards of the State Government or by direct recruitment as Executive Officers for the purpose of implementation of the Scheme.

(4) The Government may also appoint as many Inspectors and staff as maybe necessary on deputation from Labour Department or from any other departments or undertakings or Corporations or Boards of the State Government or by direct recruitment for the purpose of implementation of the Scheme.

6. Chief Executive Officer of the Board, etc., to be public servants. - The Chief Executive Officer and other officers and staff of the Board appointed under this scheme shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

7. Administrative and financial powers of the Chief Executive Officer.

(1) The Chief Executive Officer of the Board may, without reference to the Board, sanction expenditure on contingencies, services and purchase of articles, subject to the limit up to which he may be authorised to sanction expenditure with such restrictions imposed by the Board with the approval of the Government.

(2) The Chief Executive Officer may also exercise such administrative and financial powers other than those specified in sub-clause (1) above, as may be delegated to him, from time to time, by the Board with the approval of the Government.

8. Opening of district and local offices. - The Board may, with the approval of the Government, open district and local offices as it may consider necessary for the purpose of implementing the Scheme. It may also define the functions of such Offices.

9. Registration of manual workers.

(1) Any manual worker who has completed the age of 18 years, but not completed 60 years, may register his name with the Board [through the Labour Officer (Social Security Scheme) of the respective district] to become a member of the Scheme.

(2) Application for such registration shall be made [in duplicate to the Labour Officer (Social Security Scheme) of the respective district] in Form-I appended to this Scheme together with a certificate of employment issued by any of the persons or officers specified below:

- Employer of any manual worker;
- President or the General Secretary of a registered trade union of the employment concerned or any other office bearer of the said trade union authorised by the said President or General Secretary in writing in this behalf.
- Any officer not below the rank of an Assistant Inspector of Labour in the Labour Department or an officer not below the rank of an Assistant Inspector of Factories in the Department of Inspectorate of Factories.
- Village Administrative Officer and for Chennai district, the Revenue Inspector concerned.]

[(3) • The registration of the name of the manual worker with the Board shall be made by the Labour Officer (Social Security Scheme) of the respective district after due verification by the respective Village Administrative Officer and for Chennai district, by the Revenue Inspector concerned.

- The registration under this clause is valid for a period of two years or until the registered manual worker attains the age of sixty years, whichever is earlier.]

(4) Every registered manual worker whose name has been registered under this clause will be issued with an identity card in Form-II free of cost by the [Labour Officer (Social Security Scheme) of the respective district].

(5) In case of loss of the identity card, a duplicate identity card will be issued by the Board or district or local office on an application made by the registered manual worker concerned and on payment of twenty rupees.

(6) • Every registered manual worker shall furnish name, address, relationship of the nominee to whom the benefits shall be payable in the event of his death in the application.

- If a manual worker has a family at the time of making a nomination, the nomination shall be made in favour of one or more members of his family. Any nomination made by such employee in favour of a person who is not a member, of his family shall be void.
- If at the time of making a nomination, the manual worker has no family, the nomination may be made in favour of any person or persons.
- if the manual worker subsequently acquires a family, such nomination shall forthwith become invalid and the manual worker shall make, within ninety days of acquiring a family, a fresh nomination in favour of one or more members of his family.

- if a nominee predeceases the manual worker, the interest of the nominee shall revert to the manual worker who shall make a fresh nomination in respect of such interest.
- Where the nomination made is incomplete or becomes void, the assistance shall be released to the legal heirs of the deceased registered manual worker.]

10. Suspension and cancellation of membership.

(1) The [Labour Officer (Social Security Scheme) of the respective district] may, if he has any reasonable cause to believe that the membership and or benefit under this scheme has been secured by a registered manual worker by making any statement in relation to any application or the registration, which is incorrect or false in any material particular or has contravened any of the provisions of the Act, or any rule or scheme framed under the Act, suspend such membership pending the completion of any enquiry against the holder of such membership.

(2) The Executive Officer may, if he is satisfied, after making such inquiry as he may think fit, that the holder of a membership has made a false or incorrect statement of the nature referred to in sub-clause (1), or has contravened any provision of the Act or any rule or scheme framed under the Act, cancel such membership: Provided that no such membership shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(3) Every person whose membership has been cancelled shall forfeit all his claims under the Scheme.

(4) Any registered manual worker aggrieved by the orders passed by the authority referred to in sub-clause (2) is entitled to prefer an appeal to the Chief Executive Officer within thirty days from the date of receipt of such orders. The Chief Executive Officer may, for valid reasons to be recorded in writing allow preference of appeal after a period of 30 days but not exceeding ninety days. On such preference of appeal, the Chief Executive Officer shall dispose of the appeal within a period of three months from the date of filing of such appeal, after giving an opportunity to the aggrieved manual worker. The orders passed by the Chief Executive Officer shall be final.

11. Maintenance of registers.

(1) Every employer shall maintain a Register of Contribution in Form-III.

(2) Every employer shall maintain an Inspection Register in which the Inspector appointed for the purpose of the scheme may record his remarks regarding any defects that may come to light at the time of his inspections.

(3) The records relating to a calendar year shall be preserved until the end of the subsequent three years.

(4) The Board [and the Labour Officer (Social Security Scheme) of the respective district] shall maintain a Register of Members in Form-IV.

12. The Tamil Nadu Manual Workers Social Security and Welfare Fund.

(1) There shall be constituted a fund called the "The Tamil Nadu Manual Workers Social Security and Welfare Fund" to which shall be credited,

- all contributions received by the Board from the Government as grant;
- all contributions received by the Board under the Scheme;
- all moneys received by the Board by way of sale or disposal of properties and other assets;
- interest on investments in securities and deposits and rents;
- all moneys received by way of interest charged for the delayed payment of contribution under clause 27 of the Scheme; and
- all moneys received by the Board in any other manner or from any other source.

(2) All moneys received by the Board and forming part of the Fund shall be kept in Current Account of any of the Nationalised Banks or any of the Co-operative Banks under the control and supervision of Tamil Nadu State Co-operative Bank or any other bank as may be specified by the Board, from time to time. Such account shall be jointly operated by the Secretary of the Board and another Officer authorised by the Secretary of the Board.

13. Contributions.

(1) The contribution payable under this scheme shall comprise the contribution payable to the Board by an employer (hereinafter referred to as the "employer's contribution") and the grant made to the Board by the Government, from time to time, as contribution to the Fund which shall form part of the Fund.

(2) All remittances payable to the Fund shall be rounded off to the nearest rupee.

(3) Every employer shall pay to the Board a sum equivalent to 3% of the wages payable by him to the manual workers, employed by him, before the 15th day of every month by means of a demand draft drawn in favour of the "Secretary, Tamil Nadu Manual Workers Welfare Board", payable at Chennai accompanied by a statement in Form V.

14. Renewal of registration.

(1) Every manual worker whose name has been registered under clause 9, shall renew his registration before the expiry of the period of two years specified in that clause.

(2) A registered manual worker who fails to renew his registration shall cease to be member automatically. No specific orders on the cessation of membership need be issued under this provision.

(3) A registered manual worker whose membership ceased under sub-clause (2) may be re-admitted by the [Labour Officer (Social Security Scheme) of the respective district, after due verification].

(4) Notwithstanding his re-admission under sub-clause (3), he shall not be eligible to claim any benefits that may become due during the period of non-renewal.

15. Intimation about change of employer, employment, place, etc. - Every registered manual worker who leaves or changes his service under an employer, or changes his scheduled employment to another, or migrates from one place to another place shall, within thirty days of such change intimate the [Labour Officer (Social Security Scheme) of the respective district] by a letter sent by registered post or delivered in person.

16. Utilisation of Fund. -

(1) The Fund of the Scheme shall vest in and be held and applied by the Board as Trustees subject to the provisions and for the purposes of this Scheme.

(2) It shall be lawful for the Board to invest the moneys in any Government Financial Institutions, Co-operative Banks, Nationalised Banks, or Corporations authorised by the Government which offers the highest rate of interest as on the date of such investment.

17. Personal Accident Relief.

(1) All registered manual workers when met with the accident are eligible for Personal Accident Relief [and where the accident results in death, their nominees are eligible for Personal Accident Relief].

Explanation. - For the purpose of this clause, "accident" means any bodily injury or death or loss of limbs or loss of sight resulting solely and directly from accident arising out of, and in the course of, his employment but does not include any intentional self injury, suicide attempted suicide, injury caused while under the influence of intoxicating

Nature of disablement		Compensation in percentage (to be applied on Rs. 1,00,000)	
(1)		(2)	
		All	Per cent
1.	Loss of toes	Great both phalanges	20
		Great One phalanx	5
		Other than great, lf	2
		More than one toe lost each	1
2.	Loss of hearing	Both ears	50
3.	Loss of hearing	One ear	15
4.	Loss of four fingers and thumb of one		40
5.	Loss of four fingers		35
6.	Loss of thumb	Both Phalanges	25
7.	Loss of index finger	Three Phalanges	10
		Two Phalanges	8
		One Phalanx	4
8.	Loss of middle finger	Three Phalanges	6
		Two Phalanges	4
		One Phalanx	2
9.	Loss of ring finger	Three Phalanges	5
		Two Phalanges	2
		One Phalanx	4
10.	Loss of little finger	Three Phalanges	4
		Two Phalanges	3
		One Phalanx	2
11	Loss of Metacarpal		
	1st or 2nd	{Additional}	3
	3rd, 4th or 5th (Additional)	{Additional}	2
12.	Any other permanent partial disablement	Percentage as assessed by the Doctor.	

liquor or drugs or resulting from the injured worker committing any breach of Law or rules, regulations or instructions applicable, from time to time.

(2) The risk covered by the scheme and the amount of compensation payable shall be as follows:-

(3) *Claim.*

- Immediately upon the happening of any accident while in pursuit of his employment resulting in death or loss of limbs or loss of sight, the employer shall send a report to the [Labour Officer (Social Security Scheme) of the respective district] and to the Police in Form VI, within three days of such occurrence of the accident. In any other case, the report of the accident may be sent to the Board either by the injured worker or the nominee of the deceased worker or a representative of a trade union of the employment concerned. The Board shall investigate the accident occurred in the work place either on the report of the accident received from the employer or the injured worker or the nominee of the deceased worker or a representative of a trade union of the employment concerned.
- In the case of injury or loss of limbs or loss of eyesight specified in items (b) to (e) of sub-clause (3), the claim shall be made by the registered manual worker concerned, in the event of death of a registered manual worker, the claim shall be made by his nominee in Form-VII.

- In case of death of a registered manual worker due to accident, death certificate and post-mortem certificate issued by an authority who is competent to issue such certificate shall be produced by the claimant. If there is delay for more than thirty days in getting the post-mortem certificate, the certificate given by the Tahsildar in this regard shall be produced.
- In case of loss of limbs or loss of eyesight or, partial disablement due to accident, the claimant should produce a medical certificate issued by a medical officer not below the rank of a Civil Assistant Surgeon.
- The [Labour Officer (Social Security Scheme) of the respective district] shall, after due verification, sanction the compensation to the claimant.

18. Pension scheme.

(1) Eligibility. - Every registered manual worker who has complete 60 years of age is eligible for pension:

Provided that a manual worker who has not completed 60 years of age, but registered with the Board is also eligible for pension, if he has become disabled due to sickness and incapacitated from normal work;

[Provided further that notwithstanding anything contained in clause (14), a manual worker, who has completed 60 years of age on or before 1st September 2006, but has failed to renew his registration after initial registration or thereafter, shall also be eligible for pension, if he applied for renewal of registration on or before 31st March 2007.]

(2) *Claim.* -

- Every registered manual worker who is eligible for pension under sub-clause (1) shall apply to the [Labour Officer (Social Security Scheme) of the respective district] in Form VIII and VIII-A as applicable:

Sl. No.	Form	Course of study	Day scholar		Hosteller	
			Boys	Girls	Boys	Girls
			Rs.	Rs.	Rs.	Rs.
1	XI	10th Standard studying - Girl children only	-	1000-	-	-
2	X	10th Standard passed	1000	1000	-	-
3	XI	11th Standard studying - Girl children only	-1000	-	-	-
4	XI	12th Standard studying - Girl children only	-	1500	-	-
5	X	12th Standard passed	1500	1500	-	-
6	XII	Studying regular Bachelor Degree course (Every academic year)	1500	1500	1750	1750
7	XII	Studying regular Post Graduate course (Every academic year)	2000	2000	3000	3000
8	XII	Studying regular Professional Course in Law, Engineering, Medicine, Veterinary Science and allied courses (Every academic year)	2000	2000	4000	4000
9	XII	Studying regular Post Graduate Professional Course in Law, Engineering, Medicine, Veterinary Science and allied courses (Every academic year)	4000	4000	6000	6000
10	XII	Studying ITI or Polytechnic course (Every academic year)	1000	1000	1200	1200]

Provided that a disabled manual worker who is eligible for pension under the proviso to sub-clause (1) shall produce to the Board a certificate of proof of his disability issued by a Medical Officer not below the rank of a Civil Surgeon.

- The Board shall examine every application for pension in accordance with the provisions of this clause and may accept or reject the claim. The decision of the Board shall be final:
Provided that the Board shall, before rejecting a claim for pension, give the applicant a reasonable opportunity of making his representation.

(3) *Amount of pension.* - The quantum of pension shall be [Rs.400 (Rupees four hundred only)].

19. Assistance to meet the funeral expenses of a registered manual worker.

(1) If a registered manual worker dies, the [Labour Officer (Social Security Scheme) of the respective district, after due verification], shall sanction a sum of Rs. 2,000 (Rupees two thousand only) to the the deceased registered manual worker to meet the funeral expenses of the deceased registered manual worker.

(2) The application for claiming the amount specified in sub-clause (1) shall be in Form IX and shall be accompanied by the death certificate of the deceased registered manual worker and the original identity card issued [***]to the deceased worker.

20. Assistance on the natural death of a registered manual worker.

(1) If registered manual worker dies naturally, the [Labour Officer (Social Security Scheme) of the respective district, after due verification], shall pay a sum of Rs. 15,000 (Rupees fifteen thousand only) to the nominee of the deceased registered manual worker.

(2) The application for claiming the amount specified in sub-clause (1) shall be in Form-IX and shall be accompanied by the death certificate of the deceased registered manual worker and the original identity card issued to the deceased worker-

21. Assistance for education of the son or daughter of a registered manual worker.

[(1) The assistance for the education of the children of a registered manual worker shall be sanctioned by the Labour Officer (Social Security Scheme) of the respective district, after due verification, as specified in the Table below :-

(a)	Death	Rs. 1,00,000
(b)	Loss of actual physical separation of or total and irrecoverable loss of use of,- (i) both hands; or (ii) both feet; or (iii) one hand and one foot;or (iv) total and irrecoverable loss of sight in both eyes	Rs. 1,00,000
(c)	Loss of actual physical separation of or total and irrecoverable loss of use of,- (i) one hand; or (ii) one foot; or (iii) total and irrecoverable loss of sight in one eye.	Rs. 50,000
(d)	Permanent total disablement from injuries other than those specified in items (b) and (c) above.	Rs. 25,000
(e)	Permanent partial disablement as specified in column (1) of the Table appended hereunder	At the rate specified in the corresponding entry in column (2) of the Table below:

(2) The amount shall be sanctioned only if the following conditions are fulfilled, namely:-

- only two children of a registered manual worker shall be given this assistance; and
- the registered manual worker shall have no dues payable to the Board.

(3) The application for assistances specified in serial numbers 2 ana 5 in column (1) of the Table in sub-clause (1) shall be in Form X to be submitted' after passing of the course, the application for assistances specified in serial numbers 6 to 10 in column (1) of the said Table shall be in Form XII to be submitted before completion and passing

of the course and the application for assistances specified in serial numbers 1,3 and 4 shall be in Form XI to be submitted before completion and passing of the course.

(4) Where both husband and wife have applied for assistance under this clause, one of them alone shall be eligible for such assistance.

22. Assistance for marriage.

(1) The [Labour Officer (Social Security Scheme) of the respective district shall, on an application from a registered manual worker, after due verification], sanction a sum of Rs. 2,000 (Rupees two thousand only) as assistance to meet the marriage expenses of the applicant or his son or daughter.

(2) The amount shall be sanctioned only if the following conditions are fulfilled, namely:-

- the family of a registered manual worker can avail this assistance only twice;
- the registered manual worker shall have no dues payable to the Board;
- the registered manual worker shall have attained the age prescribed by law for marriage; and
- the person for whose marriage the assistance is sought shall have attained the age prescribed by law for marriage.

(3) Where both husband and wife have applied for assistance to the marriage of his son or daughter under this clause, one of them alone shall be eligible for this assistance.

(4) The application for assistance under this clause shall be in Form-XIII.

23. Assistance for delivery or the miscarriage of pregnancy or the termination of pregnancy by registered female manual worker.

[(1) The Labour Officer (Social Security Scheme) of the respective district shall, on an application from a registered female manual worker, sanction the assistance as indicated below, after due verification of the proof produced by her of her pregnancy or delivery of child by her or the miscarriage of her pregnancy or the termination of pregnancy:-

(i)	Pregnancy	- Rs.6,000/-
		(Rs.3,000/- shall be paid on the seventh month of pregnancy and remaining Rs.3,000/- shall be paid on delivery of the child)
(ii)	Miscarriage of pregnancy	-Rs.3,000/-
(iii)	Termination of pregnancy	-Rs.3,000/-]

(2) The amount shall be sanctioned, only if the following conditions are fulfilled, namely:-

- registered female manual worker can get this assistance only twice;
- registered female manual worker shall have no dues payable to the Board;and
- registered female manual worker shall not be given this assistance if she already has two children.

(3) The application for claiming the amount specified in sub-clause (1) shall be in Form-XIV.

24. Assistance for purchase of spectacles by a registered manual worker.

(1) The [Labour Officer (Social Security Scheme) of the respective district, shall on an application Form XV from a registered manual worker, after due verification], sanction a sum not exceeding Rs. 500 (Rupees five hundred only) as an assistance towards reimbursement of cost of spectacles.

[***]

[3] The amount shall be sanctioned only if the following conditions are fulfilled, namely:-

- (a) This assistance shall be given to a registered manual worker only once.
- (b) The registered manual worker applying for assistance shall have no dues payable to the Board.

25. Eligibility to avail the benefits. - A registered manual worker will be eligible to avail the benefits under this Scheme only if he has not availed similar benefits of any other Schemes of the Government.

26. Penalty.

[1] If any employer who, for the purpose of avoiding any payment to be made by him under the Act or under this Scheme or if any person who, for the purpose of enabling an employer to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with fine which may extend to five hundred rupees or with imprisonment for such term which shall not exceed three months and for the second or subsequent offence with fine which may extend to one thousand rupees or with imprisonment which shall not exceed a term of six months.

[2] If an employer who contravenes or makes default in complying with any of the provisions of this Scheme shall, for such contravention or non-compliance, be punishable with fine which may extend to five hundred rupees or with imprisonment for such term which shall not exceed three months and for the second or subsequent offence, with fine which may extend to one thousand rupees or with imprisonment which [shall not exceed a term of six months or with both imprisonment and fine and if the contravention is continued after conviction, with a further fine which may extend to one hundred rupees for each day on which the contravention is so continued.]

27. Mode of recovery of amount from employers. - Any amount due from the employer in pursuance of the scheme shall, without prejudice to any other mode of recovery, be recoverable on behalf of the Board as an arrear of land revenue together with interest at such rate as may be notified by the Government.

28. Power to remove difficulties. - If, in the opinion of the Board, any difficulty or doubt arises as to the interpretation of any of the provisions of the Scheme or in the implementation of the Scheme, the Board shall refer the question to the Government and the decision of the Government shall be final and binding.

29. Construction of reference to the registration, contribution, etc. under the Tamil Nadu Manual Workers Social Security and Welfare Scheme, 2001. - The contribution made by any manual worker and the contribution made by an employer after registration and the consequential benefits accrued to any manual worker under the Tamil Nadu Manual Workers Social Security and Welfare Scheme, 2001 shall be construed as contribution made and the benefits accrued under this Scheme.

EMPLOYMENT PROVIDENT FUND

What PF means?

Employee Provident Fund

EPF stands for Employee Provident Fund that is a scheme for providing a monetary benefit to all salaried individuals after their retirement.

How PF is calculated on salary?

PF contribution has to be made both by the employees and the employer. The contributions get accumulated in the provident fund in the name of the employee. The contribution of the employer is 12% of the basic wage plus dearness allowance or DA. The employee makes an equal contribution.

What is PF and its benefits?

The primary purpose of PF fund is to help employees save a fraction of their salary every month so that he can use the same in an event that the employee is temporarily or no longer fit to work or at retirement. ... Further, the employers also contribute towards administration of the benefits under the EPF & MP Act.

Who is eligible for PF?

Employees drawing less than Rs 15,000 per month have to mandatorily become members of the EPF. However, an employee who is drawing 'pay' above prescribed limit (currently Rs 15,000) can become a member with permission of Assistant PF Commissioner, if he and his employer agree.

Is PF compulsory?

It is mandatory for an organisation employing more than 20 people to register with EPFO. While contributing towards EPF is mandatory for those earning basic wages of up to Rs 15,000. Those earning basic wages more than 15000 per month, EPF contribution is not mandatory.

How much PF is deducted from salary?

EPF contribution is divided into 2 parts. - If you are a man, you must contribute 10% or 12% of your basic salary. - In case you are a new woman employee, it is 8% of your basic salary for the first 3 years. Thereafter, it becomes 10% or 12% of your basic salary.

Can I take loan from PF?

Loan Against PF. An individual having a PF account can withdraw funds from the account as loan. Partial withdrawal is possible in case the loan is towards buying/repairing a house. The employee should be in service for 5 years to be eligible to get loan against PF.

Can I withdraw 100% PF amount?

As per the current rules, 100 per cent withdrawal of EPF account balance is permissible when the member unemployed for over two months. There are, however, several reasons allowed wherein you can withdraw the partial PF account balance, and for which, the EPFO member should not be rendered jobless.

How is PF given?

Employees' Provident Fund or EPF is a collection of funds contributed by the employer and his employee regularly on a monthly basis. The employer and employee contribute 12% each of the employee's salary (basic + dearness allowance) to the EPF. These contributions earn a fixed level of interest set by the EPFO.

Who is not eligible for PF?

As per the rules, in EPF, employee whose 'pay' is more than Rs 15,000 a month at the time of joining, is not eligible and is called non-eligible employee. Employees drawing less than Rs 15,000 per month have to mandatorily become members of the EPF.

Is it compulsory to deduct PF from salary?

Under the EPF&MP Act, 1952, an EPF account is mandatory for all employees with a basic salary up to `15,000 per month in firms employing more than 20 workers. While 12% of the basic salary is deducted for PF from the worker, the employer makes a matching contribution.

How EPF is calculated?

The contribution of an employer towards the employee's EPF account is 12% of the salary (basic salary+ dearness allowance+ retaining allowance). The maximum salary limit on which the employer's contribution is calculated is capped at Rs. 15,000.

Breakup of the Contribution Rate

1. Employees' Basic Pay + DA: Rs 50000.
2. Employee contribution towards EPF: $12\% \times 50000 = \text{Rs } 6000$.
3. Employer contribution towards EPF = 3.67% of 50000 = $3.67\% \times 50000 = \text{Rs } 1835$
4. Employer contribution in Employee Pension Scheme (EPS): $8.33\% \times 50000 = \text{Rs } 4165$...

Can PF be withdrawn anytime?

Money from the EPF account cannot be withdrawn during employment, unlike a bank account. ... The money can be withdrawn only after retirement. Partial withdrawal from EPF accounts is permitted in the case of an emergency such as medical emergency, house purchase or construction, and higher education.

what is the interest rate for PF loan?

8.55%

Currently, the PF interest rate applicable on EPF is @8.55%, which is available on the official website of EPFO. Education of self, children or sibling or marriage. Emergency medical expenses for children, spouse, self and dependent parents. Repaying of housing loan.

Can I withdraw my PF without resigning?

U cannot withdraw your pf without leaving your job. ... You can withdraw part of your amount for various purposes like Illness, without leaving your job. If your Aadhaar and bank account is linked with your UAN you can apply online other wise apply in composite claim form for PF part withdrawal.

How long does it take to get PF amount?

To update or correct your bank details, submit the reauthorization letter to the Regional EPFO office offline with correct bank details, and canceled cheque leaf. After submitting the EPF re-authorization letter, it takes around 10-15 days to credit your EPF amount to the correct bank account.

How can I transfer my PF money to my bank account?

1. Log in to the EPFO members' portal using your UAN and password.
2. Go to the 'Online Services' tab on the main menu of the home page and select 'Transfer Request' to generate an online transfer request.
3. Once you click on the 'Transfer Request' tab, a page will open, where all your personal details will be shown.

How can one UAN number and two PF accounts money be withdraw Is it possible?

To avail this option, it is necessary that your PF account and Universal Account Number number is linked to each other. On the website, then click on the tab 'Employee One EPF account' Enter your registered mobile number and UAN number. You will then receive an OTP in your registered mobile number.

Can we have 2 UAN numbers?

Having two active UANs at the same time is against the rules. A member should have only one UAN having all his EPF accounts linked to it. ... However, an employee having two UANs can get his EPF account transferred from one to another and get his previous UAN deactivated.

Should I merge my PF accounts?

Merging your two or more EPF accounts under one account is simple and ensures that you have one consolidated account. It also makes it easy to withdraw your provident fund as and when required. Also, if you have not linked your Aadhaar number to your EPF account, you must do it now.

How can I know my PF account is merged or not?

The member must enter his mobile number registered on the UAN portal. Next, UAN and current member ID must be entered. On submission of these details, an OTP will be sent to the registered mobile number for authentication. On entering the OTP, the page for entering old PF account details for merger will be displayed.

Can I use old PF account to new company?

When you switch your job from one establishment to another EPFO registered establishment, a new PF account gets added to your UAN. You can transfer the EPF balance of your previous account to the new account online via UAN Member e-Sewa Portal.

How can I transfer old PF to new PF in 3 minutes?

Login to your EPF account using your UAN and password here. Click on the 'Transfer Request' option in the 'Online Services' section. Give your previous EPF account details (previous Member ID) You have to submit the transfer request for attestation to either the current or the previous employer.

UNORGANISED AND UNSKILLED LABOUR COLLECTIVES

Who?

Unorganised and Unskilled labourers are those who mostly use their body as their labour force. Study shows that, 83% of informal economy is contributed by the Unorganised and Unskilled labourers. Loaders, deloaders, Tri-cycle loaders, construction workers, agricultural workers, Brick kiln workers, uppalam workers, Fishermen, tea plantation workers, wood-cutters, etc are the labourers who migrate within the state as well also from other states to Tamilnadu for menial, difficult and dirty works. We can easily identify them in the major cities, found near the street pavements, in the slums, in the CMBT bus stands, railway stations, in the labour sites, labour colonies, under the bridges etc.

Where?

Unorganised and Unskilled labourers were the ones who move from villages to the cities in search of their livelihood. Mobility takes place due to the Pull and Push factors. Attraction towards the cities and the increase in the wages pull people out of their villages to urban areas. Lack of livelihood, lack of employment push people out of their rural villages. When there is monsoon failure in the villages, villagers move out of their place for seasonal or circular employment .

What?

Basic services to these poor urban labourers have to be provided. Shelter, Food, Health care and education for their families are the basic fundamental rights of these labourers who toil for beautifying the urban infrastructure. Shelter, purified water, and Sanitation for these labourers are also to be taken care to live a dignified life in the cities. Setting up homeless shelters in the cities and near the labour sites, renting housing facilities for the labourers at minimal cost by the municipal corporations to be planned within the urban planning development programme.

Why?

Unorganised and unskilled labourer ceased to be a labourer if registration is not done in the Manual or Construction Welfare Board. The labour rights of these labourers have to be respected, the wage negotiation and accident compensation has to be voiced out. These labourers are under the mercy of the contractors and owners. Negotiating the permanency of labour, decent work and working conditions, and social security welfare measures should be ensured. Federation mostly raise their protest out for the organized labour and their issues than the unorganized labour. The present government is planning to bring out Labour codes which suits only the employer and not the employee.

How?

Unorganised and Unskilled labourers have to be brought under one umbrella. We need to mobilize and organise all the labourers who are contributing to the informal economy. District wise sangams should be formed. All the districts will be unified into a labour federation for labour rights. This endeavour will take place with the committed stakeholders who are involved in the migrants ministry within tamilnadu and in India. In our province we have 7 districts and one union territory, in all these places we need to initiate and form unorganized and unskilled workers sangam or sodality.

Procedures to be followed:

1. Establishment of Village Migrant Desk
2. Data base of the Unorganised and Unskilled Labourers in the villages (Registration of the unorganized and unskilled workers who work in the village and also who move to the cities)
3. Each community should facilitate a unorganized and unskilled forum, consists of 20 to 25 labourers
4. Communities who formed unorganized and unskilled labourers in a district will come together for registration of a sangam
5. All these sangams will merge into a larger federation of unorganized labourers in Tamilnadu

Migrant ministry will facilitate these works

DRAFT ACTION PLAN FOR REHABILITATION OF CHILDREN OF MIGRANT LABOUR

LABOUR DEPARTMENT

Preface

- Hon'ble Labour Minister of Tamilnadu made an announcement in the Assembly to initiate a Project for Children of Migrant Labour
- In this direction a Rapid Assessment Survey of Migrant Children in Tiruvallur, Kancheepuram and Chennai in Construction was commissioned
- Unicef also commissioned a similar study with respect to migrant Children in Brick Kilns, Rice Mills and other sectors in the same region.
- These studies were conducted by the Institute of Development Alternatives, Chennai
- This action plan is the outcome of the findings of the Rapid assessment survey together with the suggestions and recommendations that emerged from a series of meetings, consultations and focused group discussions held over the last few months with various stakeholders. It also draws upon the recommendations and suggestions that were made at the State level stakeholder's consultation that was held in Chennai on the 27th of January 2010.
- The State Action Plan for rehabilitating Children of Migrant Labour is in keeping with the similar initiatives undertaken by the Government of India as reflected in the Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour

VISION STATEMENT

The Action Plan addresses the right and protection issues of Children of Migrant Labour in work sites.

Policy Changes and Interventions

There was a general consensus that appropriate interventions and specific initiatives were necessary at the policy making level for many of the recommendations listed below to be implementable and operationalized. It was also felt that this was relatively easier in a state like Tamilnadu, given its track record in the sphere of social welfare programmes. The necessary institutional infrastructure is already in place and therefore these policy initiatives would only require minor administrative adjustments. By initiating some of these measures, the Government of Tamilnadu could well be a trend setter and a role model for other states with respect to popular governance.

Listed below are some of the specific measures that would require appropriate Policy intervention

- Given the enormous exponential growth of the migrant population in the state and the accompanying problems of welfare that this process spawns it is felt that issues relating to migrant labour and especially migrant children should receive special attention such that it becomes an integral part of the sectoral planning process of the state.
Thus the Education Department and SSA in particular, the health department, social welfare department, the civil supplies, labour department among other departments should include the needs of the migrant children and their families as a special component of the respective sectoral planning exercise and provide the necessary budgetary allocation for the same.
- The constitution of a Migrant labour cell in the office of the Commissioner of Labour. This cell could function under the over all supervision of the Commissioner of labour and could be entrusted with the responsibility of overseeing and coordinating with other departments, on matters relating to Migrant labour and children. The cell could also serve as a data base on migrant worker households in the state
- Similar Migrant labour cells to be set up at the district level under the chairmanship of the District collector. This should have representatives from the block and panchayat levels to ensure free flow of information on the status of migrant households.
- To set up a district level task force to monitor the status of migrant children with respect to child protection rights.
- Registration of migrant worker households to be made mandatory at the destination. By means of an appropriate executive order (G.O) all employers be it manufacturing or services should be required to furnish details of migrant

contractual labour families working in their establishments in a prescribed format to the appropriate district authority. This should be a precondition for the issue /renewal of license of the said establishment.

- On the basis of registration, temporary ID cards could be issued to the migrant labour households to enable them to access subsidized food, health facilities and education for migrant children.
- Issue of special ID cards to all migrant children in the various age categories namely 0-5, 6 -14, to enable them to access health care and education.
- In the context of the recently approved Right to Education Act, to evolve appropriate strategies at the State level to ensure that all children of migrant labour, who were hitherto unable to enjoy the benefits of education, are able to access schooling with ease.
- An inter departmental-inter-ministerial nodal agency to monitor the status of migrant children and also to facilitate better convergence with respect to extending the coverage of the various social welfare schemes to the migrant households and migrant children
- To set up an inter-state committee on Migrant labor. The principal Secretary, Labour and Employment could be the Chairman of this Committee. Given the exponential growth of inter-state migration of worker households in various industries and sectors in Tamilnadu, it is necessary to constitute a departmental committee that can focus exclusively on problems of such migrant households and children. It would also facilitate concerted coordinated action between different departments across States in matters pertaining to child protection rights.
- Setting up a toll free helpline exclusively for migrant worker households and children for attending to their emergency and distress related problems. To be staffed with persons proficient in the language of the migrants.

SPECIFIC AREA WISE INTERVENIONIST STRATEGIES

Identity and Registration

- Identification and Registration of Migrant Labour families by appropriate district authority.
- Creation of Data Base by Migrant Labour cell
- Employers to furnish the details of Migrant Labour families to District Administration(Licensing authorities)
- Identity cards to be issued to Head of the family for accessing PDS and PHCs
- Identity Cards to Migrant Children below the age of 14 yrs to access Education

Early Child Care

- Anganwadi(ICDS) to be opened for the children in the age group 0-5 years at all work / residential sites
- Immunization Programme to be extended to all migrant Children in the age group 0-5 years by Health Department
- Creches for children in the age group 0-3 years to be set up by the Welfare Boards

Education

- Schooling for Children in the age group 5 to 8 years by SSA through Education Guarantee Scheme
- Schooling for Children in the age group 9 to 14 years by SSA (AIE)/NCLP (Special Schools)
- Mobile Schools for Children in the Construction Industry (Welfare Board)
- In remotely located schools Transport facility to be provided to migrant children by SSA/NCLP
- SSA and NCLP to work in close collaboration and in a spirit of cooperation by sharing information data and expertise
- Schooling for Children in their mother tongue – SSA to coordinate with their counter parts in other States for Teachers and Learning materials. Source states to provide educational volunteers and teaching and learning material to destination states.
- Noon meal programme may be extended to children studying in EGS /AIE/NCLP special school by Noon Meal Department

Mainstreaming

- Children enrolled in AIE centers / NCLP special school should be mainstreamed into regular schools in the native districts / state.
- Periodic follow up should be undertaken by SSA
- Hostel facilities for the children of migrant labour in their home districts / state. (Social Welfare/Adi Dravida/Backward Class Hostels)
- Tuition support, spoken English, Computer classes, summer camps, workshops on different themes etc., may be conducted for them by SSA.
- Vocational training for young Migrant adolescents which is sensitive to the said children's aptitudes and interests. This programme should have provision for stipends and the necessary tools and equipment.

Enforcement

- Minimum Wages Act, Payment Wages Act, Interstate Migrant Workers Act, Contract Labour Act, child labour (Prohibition and Regulation) Act to be implemented by Labour and Factories Department
- Enforcement of, Juvenile Justice Act by Social Defence and Police Department
- Bonded Labour Act by Revenue Dept
- The existing District Level Special Task Force for elimination of Child Labour to be strengthened

Social Mobilization

- Awareness through Folk, print and electronic media
- Observing Anti Child Labour Day on 12th June by all Departments.
- Dec 18(Migrant Child labor Day) may be celebrated especially in migrant areas. NCC and NSS may be roped in.
- Sensitizing Teachers, Parents, Public, Police, Employers & Contractors
- Adult Education
- To involve N.S.S, N.C.C, Nehru Yuva Kendra, Self Help groups and school children in the sensitization process
- Awareness campaigns and dissemination of the rights and entitlements of migrant workers are essential and need to be done at both the source and destination points.

Capacity Building

Sensitization to the issues of children of migrant Labour of

- Local bodies
- Labour, Factories, Education, Revenue, Rural Development, Social Welfare, Social Defence, Police
- NGOs, Trade Unions
- NCLP and SSA personal

Social Security

- Registration of Migrant Workers with concerned Welfare Boards
- Temporary Ration Cards may be issued by the district administration.
- Health Services may be extended to all the migrant labour families by the Health Department.
- Provision for Mobile health units to cater to the health needs of migrant worker households and children especially those in construction sector and in remote work sites
- Portable drinking water should be provided by the TWAD Board.

- Adequate toilet and sanitation should be provided by the Rural Development Department.
- Assistance centres in all major areas of concentration of migrant labour households that would facilitate these migrant households to access information about their basic needs relating to education, health care and food security. To be staffed with persons proficient in languages of source states (such as Oriya, Telegu, Hindi etc)..
- Toll free helpline exclusively for migrant households and children for attending to their emergency and distress related problems.

Engaging Employer/ Trade Union/ Ngo's

Trade Unions and NGO's to

- identify, withdraw from work, enroll the children of migrant labour in special Schools/SSA schools
- Counsel the parents and motivate them to send their children to School
- Create awareness on the issue of children of migrant labour
- Booklets and leaflets on rights and entitlements of migrant labour and CL elimination as well as responsibilities of government officials must be widely publicized and well disseminated
- Employers to provide assistance and facilities for rehabilitation of children of Migrant Labour

Convergence

Institutionalization of convergence mechanism

To set up an inter-ministerial inter departmental nodal agency at the state level for dealing with all issues relating to migrant worker households and migrant child labour This would greatly facilitate coordination and convergence . The Principal Secretary Labour and Employment could be the chairman of this committee.

The secretaries and Commissioners of the following department could be members of this committee.

- EDUCATION DEPARTMENT
- LABOUR DEPARTMENT
- FACTORIES DEPARTMENT
- MUNICIPAL ADMIN. DEPARTMENT
- RURAL DEVELOPMENT DEPT
- SOCIAL WELFARE DEPARTMENT
- POLICE DEPARTMENT
- HEALTH DEPARTMENT
- PUBLIC WORKS AND HIGHWAYS DEPT
- INFORMATION AND PUBLIC RELATIONS DEPARTMENT
- REVENUE DEPARTMENT
- ADI DRAVIDA AND TRIBAL WELFARE DEPARTMENT
- SOCIAL DEFENCE DEPARTMENT
- CIVIL SUPPLIES AND CONSUMER PROTECTION DEPARTMENT
- NGO'S AND OTHER ORGANIZATIONS

A similar committee could be set up at the district level under the chairmanship of the District Collector

INTER STATE COMMITTEE ON CHILDREN OF MIGRANT LABOUR

There is also a need for convergence between states for sharing data and information and expertise so as to facilitate proper tracking and rehabilitation of migrant children.

- Inter State Committee on children of Migrant Labour to be formed to review the progress in implementing the Action Plan and resolve the issues relating to migrant Child Labour
- Proposed Composition of the committee

- Principal Secretary to Government, Labour and Employment Dept, Tamilnadu- Chairman
- Commissioner of Labour, Tamilnadu
- Commissioner of Labour, Orissa
- Commissioner of Labour, Andhra Pradesh
- State Project Director, SSA , Tamilnadu
- State Project Director, SSA Orissa
- State Project Director, SSA, Andhra Pradesh
- Chief Inspector of Factories Tamilnadu Commissioner, Social Defence Department, Tamilnadu
- Commissioner, Revenue Department, Tamilnadu
- Director, Health Department, Tamilnadu
- Commissioner, Civil Supplies and Consumer Protection Department
- Commissioner of Police, Chennai
- Commissioner, Chennai Corporation
- Additional Commissioner of Labour, Labour Dept-Member Secretary

IMPLEMENTATION

- District Level implementation to be done by NCLP Societies in 16 Districts
- The remaining 16 districts by District Child Labour Rehabilitation Cum Welfare Societies
- State Level implementation by State Child Labour Rehabilitation Cum Welfare Society
- Migrant Labour Cell to be constituted under the Labour Dept for overseeing the implementation of the Action Plan

FUNDING

- Government of India
- Tamilnadu Government
- Welfare Boards
- Bilateral Funding (UNICEF and ILO)
- Private/corporate sponsorship

MONITORING MECHANISM

- Periodic Review Meeting at the District/State level to assess the Progress of the implementation
- Periodic Meeting of the Inter State Coordination Committee to review the Progress and to resolve the issues
- Periodic Meeting of the State Authority to review the implementation of Action Plan and take Policy decisions

EVALUATION AND DOCUMENTATION

- Documentation and dissemination of good practices.
- Periodical independent evaluation study will be commissioned by the Society and reports placed before the Government

CENTRAL GOVERNMENT SCHEMES

ATMANIRBHAR BHARAT PACKAGE (ANBA)

Ministry of Consumer Affairs, Food & Public Distribution Department.

Objective: To provide free food grains so that no one sleep shungry at the time of Covid-19 pandemic.

Benefit given: Free food grains for the migrants @ 5kg per person and 1 kg of chana per family per month till 31st August

Eligibility: Migrants, who are not covered under National Food Security Act (NFSA) or State PDS Schemes.

Implementing Agency: Food Corporation of India/ Fair (Ration) Shops

How to Apply?

- The GOI through the Ministry of Consumer Affairs, Food & Public Distribution Department issued and allocated food grains to all States and UTs.
- Identification of beneficiaries and distribution is the responsibility of the State/UT govts.
- Grains are being distributed through Fair Shops in most states. The Food & Supplies Department of the concerned state can be visited for more information on how the scheme is being implemented in the particular state.

Documents Required: Any valid identity proof (may vary from state to state).

ANNAPURNA SCHEME

Ministry of Rural Development

Objective: To provide food security to the elderly.

Benefit given: 10 kilograms of food grains per person per month free of cost.

Eligibility: Indigent senior citizen of 65 years of age or above who are not getting pension under the National Old Age Pension Scheme (NOAPS) but are eligible for the same.

Implementing Agency: The Scheme is 100% sponsored by the centre. It is a part of the National Social Assistance Program

How to Apply?

- The beneficiaries under the scheme are selected by the Gram Sabhas and the Gram Panchayat distribute the entitlement cards to the beneficiaries.

ANTYODAYA ANNA YOJANA (AAY)

Ministry of Consumer Affairs, Food & Public Distribution Department.

Objective: To provide subsidised food to poor families.

Benefit given: Opportunity to purchase up to 35 kilograms of rice and wheat at a highly subsidised cost of ₹3 per kilogram of rice and ₹2 per kilogram of wheat. Further, they can buy 1 kilogram of sugar at a rate for ₹18.50 per Kg and coarse grains @ ₹1 per kilogram.

Eligibility: BPL families. (As identified by each state). Family annual income must be below Rs.15,000/- (Rupees Fifteen Thousand Only).

Implementing Agency: Food Corporation of India/ Fair (Ration) Shops. (States/UTs are required to bear the distribution cost under this scheme)

How to Apply?

- Antodaya Ration card (yellow card) needs to be produced at local ration shop to avail the benefit.
- States/UTs are responsible for the issuance of ration card. The Food & Supplies Department of the concerned state can be visited for the application form to get a new ration card.

Documents Required:(May vary from state-state)

- BPL certificate
- Income Certificate
- Affidavit saying that the applicant does not hold any Ration card previously.

PRADHAN MANTRI GARIB KALYAN YOJANA (PMGKAY)

Ministry of Consumer Affairs, Food & Public Distribution Department

Objective: To provide additional food grain under the existing PDS mechanism so that no one sleeps hungry at the time of Covid-19 pandemic.

Benefit given: Additional allocation of food grains to all beneficiaries under TPDS (Targeted Public Distribution System) till November 2020.

Eligibility: All ration card holders, whether covered under National Food Security Act (NFSA) or any other State PDS Scheme.

Implementing Agency: Food Corporation of India/ Fair (Ration) Shops

How to Apply?

- The GOI through the Ministry of Consumer Affairs, Food & Public Distribution Department issued and allocated food grains to all States and UTs.
- Identification of beneficiaries and distribution is the responsibility of the State/UT govts.
- Grains are being distributed through Fair Shops in most states. The Food & Supplies Department of the concerned state can be visited for more information on how the scheme is being implemented in the particular state.

Documents Required: Ration card

PRADHAN MANTRI AWAS YOJANA-URBAN (PMAY (U))

Ministry of Housing & Urban Affairs

Objective: Housing for All scheme to establish affordable housing facilities for slum dwellers and lower income groups 2022.

Benefit given: Home loan at subsidised rates.

Eligibility: A beneficiary is defined as a family consisting of a husband, wife and unmarried children under the scheme. Adult earning members irrespective of marital status are also eligible.

Implementing Agency: Ministry of Housing & Urban Affairs

About The Mission has four verticals:

1. "In-situ" Slum Redevelopment (ISSR) for slum dwellers.
2. Credit Linked Subsidy Scheme (CLSS) for Economically Weaker Section (EWS), Lower Income Group (LIG), Middle Income Group-I (MIG-I), & Middle Income Group-II (MIG-II) categories.
3. Affordable Housing in Partnership (AHP) for EWS category.
4. Beneficiary-led individual house construction/enhancements (BLC) for EWS category.

Under the Mission, a beneficiary can avail of benefit of one component only. Beneficiaries should not own a pucca house either in his / her name or in the name of any member of his / her family in any part of India.

Scheme Components: • Under ISSR, Central Assistance of Rs.1,00,000/- (Rupees One Lakh Only) per house is admissible for all houses built for eligible slum dwellers. A slum is defined as a compact area of at least 300 people or about 60 -70 households of poorly built congested tenements in an unhygienic environment usually with inadequate infrastructure and lacking in proper sanitary and drinking water facilities.

How to Apply?

- Go to the homepage of the PMAY(U) scheme (pmaymis.gov.in). Alternatively, you can even download the PMAY(U) app on your mobile device.
- Click on 'Citizenship Assessment' from the top navigation bar.
- There will be separate options for slum dwellers, and the other three categories. Select the relevant option as required.
- Enter your name and Aadhar card number/ Virtual ID number.
- You will be redirected to the application page. Information such as the location of the house, present address of the applicant, employment status and bank account details will be asked. Fill and save the application.
- You can check the status of the application on the main website. Approval or rejection of the application is the sole responsibility of the State/UT.
- Central Assistance will be released to the bank accounts of beneficiaries identified in projects through States/UTs as per recommendations of State/UT. The subsidy would be released by the CNAs (Central Nodal Agencies) based on the disbursements made by PLIs (Primary Lending Institutions) to the beneficiaries. Subsidy, so disbursed by the CNA to the PLI, will be credited by the PLI to the borrower's account upfront by deducting it from the principal loan amount. As a result, the borrower will pay EMI on the remainder of the principal loan amount.

Documents Required:

- Aadhaar Card or Virtual ID.
- Second Identity proof: PAN Card/ Voter ID/ Driving License/ Passport/ BPL card/ Ration card/ Revenue Authority Certificate/ Bank Passbook.
- Address Proof: Voter Card, Passport, Aadhaar Card, latest utility bill or rent agreement.
- Property documents: NOC from builder/society, sale agreement or deed of sale, Letter of allotment, etc.
- Income proof: In case of a salaried employee – 6 months' salary slip, latest form 16 or bank statements of last 6 months. In case of self-employed – IT Returns along with computation for last 2 financial years, Balance Sheet and Profit & Loss Account.

Contact

PMAY website: pmaymis.gov.in

Phone: +011-23060484, 011-23063285

National Housing Bank: 1800-11-3377, 1800-11-3388

HUDCO: 1800-11-6163

PRADHAN MANTRI AWAS YOJANA – GRAMIN (PMAY (G))

Ministry of Rural Development

Objective: Housing for All scheme to establish affordable housing facilities for rural house holds by 2022.

Benefit given: Providing assistance for construction of pucca houses with basic amenities in rural areas.

Eligibility: Rural houseless households living in kutcha and dilapidated house.

Implementing Agency: Gram Sabha

Key Features:

- Construction of housing units with a minimum area of 25 sq.m including a dedicated area for hygienic cooking.
- Assistance of up to Rs. 1,20,000/- (Rupees One Lakh Twenty Thousand Only) in regular areas and Rs. 1,30,000/- (Rupees One Lakh Thirty Thousand Only) Lakh in hilly areas
- Facility to avail loan of up to Rs. 70,000 from financial institutions.
- Link with several other government-sponsored schemes such as Swachh Bharat Abhiyan, Ujjwala Yojana, Saubhagya Yojana, etc. to provide the basic amenities for the housing units developed.

- Assistance of Rs.12,000 for toilets through such linkage.
- 90/95 days of unskilled labour wages under MGNREGA

How to Apply?

- Identification, prioritisation, and elimination of households is conducted by Gram Sabha.
- Households or families are assigned a deprivation score which represents their standard of living. Households that possess a higher deprivation score are prioritised. Separate lists are prepared for SC, ST, Others and Minorities.
- Individuals can contact their ward member or visit Gram Panchayat. Individuals also need to fill up a PMAY application form available from respective Gram Panchayats.
- The list of beneficiaries is updated by the prescribed Inspector

Socio Economic Parameters for High Deprivation score:

- Households with no male members within the age group of 16 –59.
- Households headed by females with no male members within the age group of 16 –59.
- Families with no literate individuals above 25 years of age.
- Households with a disabled family member and no able-bodied adult.
- Landless households with casual labouring as their primary source of income

Documents Required:

- Aadhaar number / Document of consent to use Aadhaar on behalf of the applicant (in case application being filed by third party).
- Bank account details.
- MGNREGA-registered beneficiary job card number.
- Applicant's Swachh Bharat Mission number

Contact

PMAY(G) website: pmayg.nic.in

Toll Free Helpline: 1800-11-6446

E-Mail: support-pmay@gov.in

REVISED INTEGRATED HOUSING SCHEME FOR WORKERS, 2016

Ministry of Labour and Employment

Objective: To enable workers to build their own house

Benefit given: Housing subsidy of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only) per worker for construction of house.

Eligibility: The workers engaged in Beedi/Iron Ore Mines, Manganese Ore & Chrome Ore Mines (IOMC)/Limestone Ore Mines, Dolomite Ore Mines (LSDM)/Mica Mines and Cine Industries, registered with the Labour Welfare Organisation (LWO) for at least one year.

Implementing Agency: Labour Welfare Officer / Office of Welfare Commissioner

How to Apply?

- The State Level Screening and Monitoring Committee, which the Welfare Commission will chair, will monitor and guide the application process and implementation of the scheme. At the beginning of the Financial Year, the Committee will indicate the number of housing units for States. The Committee will base this on pro-rata calculation of beneficiary, expected expenditure, and number of workers in the region.

- The worker must fill and submit hard-copy application forms to the nearest Labour Welfare Organisation or the office of Welfare Commissioner, whichever is available and closer. The receiver will give an acknowledgement slip with the date and time of receipt of application to the worker. This scheme operates on a first-cum-first-serve basis.
- The concerned authorities will then send the application to the Welfare Commissioner's office, which will verify the original documents attached to the application form. The office will prepare an electronic record of applications. It will follow this by an on-site verification of the land and other particulars to identify eligible beneficiaries.
- Thereafter, the authorities will electronically formulate a priority list for persons with disability of 40 % or more and transgender citizens, households with women heads (including widows), and others.
- The benefit is paid in three installments directly into the bank account of the beneficiaries. The house must be constructed within 18 months and must adhere to local building regulations.

Documents Required:

- Aadhaar number / Document of consent to use Aadhaar on behalf of the applicant (in case application being filed by third party)
- Bank account details
- Disable certificate with disability of 40% and above (if applicable)

Other Compliances:

- There should not be any other pucca house either in the name of the applicant or the name of his/her spouse or any of the dependents within territory of India.
- The applicant must have not received benefit from any other housing scheme or any other consolidated funds of India or funds of the state or local bodies
- The applicant should be registered with the Labour Welfare Organisation.
- The applicant must have Aadhaar registration.
- The applicant must possess a Jan Dhan bank account.
- The applicant must have land in their name, or own land along with other family members, or have been allotted or leased land by the State government or Gram Sabha. (The land must be at least 60 sq. m. in area. However, exceptions can be made for EWS/SC/ST members who are required to follow the standards and specifications enlisted in the Pradhan Mantri Awaas Yojana.)
- The construction of the house to be completed within 18 months. Each dwelling house should have at least two Bedroom/Hall Kitchen (BHK) a bathroom, a toilet and closet for drying clothes

Contact

Labour website: labour.gov.in
 Shri J.K. Sagar (Additional Chief Labour Commissioner (Central))
 Phone: 011-23386620, 9560055697
 E-mail: jk.sagar58@nic.in

ATAL PENSION YOJANA (APY)

Ministry of Finance

Objective: To provide old age income security to the workers belonging to the unorganised sector.

Benefit given: Fixed monthly pension ranging between Rs.1000/- (Rupees One Thousand Only) to Rs.5000/- (Rupees Five Thousand Only), after the age of 60 years. After the death of the subscriber, the spouse is eligible for availing the same benefits provided by the pension.

Eligibility: Any individual aged between 18 years to 40 years and have a bank account are eligible for the scheme, provided they are not a member of any statutory social security scheme.

Implementing Agency: Pension Fund Regulatory and Development Authority

How to Apply?

- To subscribe for APY, one needs to approach the bank where they hold a savings account and ask for a Subscriber Registration Form for the scheme.
- After a duly filled application is submitted to the bank, a PRAN (Permanent Retirement Account Number) is allotted to the Applicant.
- This number can be used to check your contributions using the NSDL website.
- You can request a physical copy of your PRAN card from the NSDL website.
- The amount of pension depends on the contribution made by the Applicant. Note: APY replaces Swavalamban Pension Yojana. Subscribers of Swavalamban scheme have the option of migrating to APY.

Documents Required:

- Valid bank account.
- Aadhar card.

Contact

Website: jansuraksha.gov.in (or) enps.nsdl.com

National Toll-Free Helpline: 1800-180-1111 / 1800-110-001

PRADHAN MANTRI KISAN PENSION YOJANA / KISAN MAAN-DHAN YOJANA (PM-KMY)

Ministry of Agriculture and Farmers Welfare

Objective: To provide old age protection and social security of Small and Marginal Farmers (SMFs).

Benefit given: Assured monthly pension of Rs 3,000/- (Rupees Three Thousand and only) per month, after the age of 60 years.

Eligibility: All land holding Small and Marginal Farmers (i.e., a farmer who owns cultivable land upto 2 hectare as per land record of the concerned State/UT) in the country between the age group of 18 to 40 years.

Implementing Agency: Life Insurance Corporation of India (LIC) and CSCe-Governance Services India Limited (CSCSPV).

Exclusions:

- SMFs covered under any other statutory social security schemes such as National Pension Scheme (NPS), Employees' State Insurance Corporation scheme, Employees' Fund Organization Scheme etc.
- SMFs who have opted for Pradhan Mantri Shram Yogi MaanDhan Yojana (PMSYM) administered by the Ministry of Labour & Employment.
- SMFs who have opted for Pradhan Mantri LaghuVyapariMaan-dhan Yojana (PM-LVM) administered by the Ministry of Labour & Employment.
- Further, the following categories of SMFs of higher economic status shall not be eligible for benefits under the scheme:
 - All Institutional Land holders,
 - Former and present holders of constitutional posts,
 - Former and present Ministers/ State Ministers and former/present Members of Lok Sabha/ Rajya Sabha/ State Legislative Assemblies/ State Legislative Councils, former and present Mayors of Municipal Corporations, former and present Chairpersons of District Panchayats.
 - All serving or retired officers and employees of Central/ State Government Ministries/ Offices/Departments and their field units, Central or State PSEs and Attached offices/ Autonomous Institutions under Government as well as regular employees of the Local Bodies (Excluding Multi Tasking Staff /Class IV/Group D employees).
 - All Persons who paid Income Tax in the last assessment year.
 - Professionals like Doctors, Engineers, Lawyers, Chartered Accountants, and Architects registered with Professional bodies and carrying out profession by undertaking practice.

On death of Beneficiary:

- If the beneficiary dies during the receipt of the pension, 50% of the pension received by the beneficiary will be entitled to the spouse as family pension.
- If a beneficiary has given regular contribution and died due to any cause (before the age of 60 years), his/her spouse will be entitled to join and continue the scheme subsequently by payment of regular contribution or exit the scheme as per provisions of exit and withdrawal.

How to Apply?

- The eligible subscriber can visit their nearest Common Services Centres (CSC) and get enrolled for PM-KMY using Aadhaar number and savings bank account.
- Online registration will be done by a Village Level Entrepreneur (VLE) present at the CSC.
- The subscriber will authenticate the data in an online generated enrolment form by putting their signature.
- First contribution is to be paid in cash to the VLE.
- After this a unique Kisan Pension Account Number (KPAN) will be generated. A Kisan Card will then be printed and given to the subscriber as proof of pension account having been opened.
- Contributions will be auto debited henceforth.
- The eligible beneficiaries may alternatively also enrol themselves by contacting physically the State Nodal Officers (SNOs) (or agencies designated by them) in their respective districts.
- LIC will be the Pension Fund Manager and responsible for Pension pay out

Documents Required:

- Savings Bank Account Number along with IFSC Code (Bank Passbook or Cheque Leave/book or copy of bank statement as evidence of bank account).
- Aadhaar card

Contact

Website: pmkmy.gov.in
 Helpline No.: 1800-3000-3468
 E-mail: support@csc.gov.in

PRADHAN MANTRI SHRAM YOGI MAAN-DHAN (PM-SYM)

Ministry of Labour and Employment

Objective: To provide pension to workers in the unorganised sector and this including street vendors, rickshaw pullers, agricultural workers, mid-day meal workers, construction workers or workers in similar other occupations

Benefit given: Assured monthly pension of Rs. 3000/- (Rupees Three Thousand Only) per month, after the age of 60 years.

Eligibility: Any unorganised worker between 18 years to 40 years and have a bank account are eligible for the scheme, provided they have a monthly income of Rs. 15,000 (Rupees Fifteen Thousand only) or below.

Implementing Agency: Life Insurance Corporation of India (LIC) and CSCe-Governance Services India Limited (CSCSPV)

On death of Beneficiary:

- If the beneficiary dies during the receipt of the pension, 50% of the pension received by the beneficiary will be entitled to the spouse as family pension.
- If a beneficiary has given regular contribution and died due to any cause (before the age of 60 years), his/her spouse will be entitled to join and continue the scheme subsequently by payment of regular contribution or exit the scheme as per provisions of exit and withdrawal.

How to Apply?

- The eligible subscriber can visit their nearest Common Services Centres (CSC) and get enrolled for PM-SYM using Aadhaar number and savings bank account/ Jan-Dhan account number on self-certification basis.
- First subscription is to be paid in cash. Contributions will be auto debited from the following month.
- LIC will be the Pension Fund Manager and responsible for Pension payout.

Documents Required:

- Valid savings bank account/Jan Dhan account number with IFSC. 2.Aadhaar card.

Contact

Website: labour.gov.in/pm-sym

Helpline No.:1800 2676 888

E-mail:ShramYogi@nic.in

AAM ADMI BIMA YOJNA (AABY)

Ministry of Labour & Employment

Objective: To provide insurance coverage to low-income families of India when an unfortunate event like death or disability occurs.

Benefit given: Death and Disability insurance cover.

Eligibility: Persons between the age group of 18 years to 59 years, under 48 identified vocational/occupational groups/rural landless households. The member should normally be the head of the family or one earning member of the below poverty line family (BPL) or marginally above the poverty line under identified vocational group/rural landless household.

Implementing Agency: Life Insurance Corporation of India (LIC).

Insurance Coverage:

- Rs 30,000/-(Rupees Thirty Thousand Only)on natural death,
- Rs 75,000/-(Rupees Seventy Five Thousand Only) on death due to accident,
- Rs 37,500/-(Rupees Thirty Seven Thousand Five Hundred Only) for partial permanent disability (loss of one eye or one limb) due to accident and
- Rs 75,000/-(Rupees Seventy Five Thousand Only) for total permanent disability (loss of two eyes or two limbs or loss of one eye and one limb) due to accident.
- The Scheme also provides an add-on-benefit, wherein Scholarship of Rs 100 per month per child is paid on half-yearly basis to a maximum of two children per member, studying in 9th to 12th Standard.

How to Apply?

- You need to visit the state government's website and look for details related to how to apply for the Aam Aadmi Bima Yojana. For example, if you live in Maharashtra, scheme application is submitted to the Collector Office/Tahsildar/Talathi.

Documents Required:

For proof of age, the applicant can submit one of the following:

- Ration card
- Extract from birth register³
- Extract from school certificate

- Voter's list
- Identity card issued by reputed employer/government department
- Aadhaar card

MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME

Ministry of Rural Development

Objective:

Provide at least 100 days of guaranteed wage employment in a financial year to every rural household whose adult members volunteer to do unskilled manual work.

Benefit given: Guaranteed Employment

Eligibility: Indian Citizen

Implementing Agency: Ministry of Rural Development

Eligibility:

- Must be citizen of India
- Completed 18 years of age while applying
- Part of local household (the application must be made at local Gram Panchayat) ('GP')
- Must reside in rural area and should be unemployed
- Must volunteer for unskilled labour

Benefits:

- Paid guaranteed employment in rural areas²
- All workers are entitled notified wage rate
- If you live more than 5 km away from the worksite, you are entitled to a travel and subsistence allowance (10% of the minimum wage)
- If you have not been given work within 15 days of applying, you are entitled to the "unemployment allowance".

How to Apply?

Registration of Household

- A household having adult members desirous of seeking unskilled employment in MGNREGA may apply for registration.
- The application for registration may be given on plain paper to the local Gram Panchayat
- Application for registration must be made on behalf of the household by any adult member. However, all members included in the application should be local residents.
- Application for registration should contain names of those adult members of the household who are willing to do unskilled manual work. particulars such as age, sex, SC/ST status, Rashtriya Swastha Bima Yojana (RSBY) number, Aadhar number, Below Poverty Line (BPL) status and bank/post office account number
- For Application form click here (Annexure 3)
- An individual may appear personally before the Panchayat Secretary or Gram Rozgar Sahayak and make an oral request for registration

Issue of new job cards ('JC')

- If a household is found to be eligible for registration, the GP will, within a fortnight of the application, issue a JC to the household.
- The JC shall be valid for a period of five years and will have provision for the addition/deletion of members eligible to work
- A cardholder may apply for a duplicate JC if the original card is lost or damaged. The application will be given to the GP and shall be processed in the manner of a new application

Documents required:

- Job card
- Aadhar card
- BPL card
- Bank account details
- Rashtriya Swastha Bima Yojana number

SARVA SHIKSHA ABIYAN

Migration has a differential impact on children. Following are some of the key issues which the children of migrant workers face:

- Lacking proof of residence, migrant families find it difficult to obtain birth certificates for their children
- Many mothers report having home-based childbirths and return to work soon after child birth Owing to their mobile status, infants often miss or undergo incomplete immunization, food and nutritional programme of the government
- Risks of malnutrition, morbidity among migrant children are high
- Limited access to Anganwadi and public distribution services by the migrants had a negative impact on children's health and well being
- Malnutrition in early childhood can result in poor performance of children in studies, frequent illness, stunting and exclusion from the skilled workforce
- Poor access to safe drinking water and sanitation facilities and poor work and living conditions gives rise to diseases such as malaria, diarrhoea , water borne diseases and respiratory diseases
- Without pre-schooling children's transition to formal schooling remains incomplete

Education to the children of migrants:

Tamil Nadu has conducted mapping of migration. Families that move intra-state and inter-state have been mapped at their receiving end. There are several identified industries which attract migrant labourers like construction, brick kilns, rice mills, quarries and cotton seed farming areas. Migration mapping in these areas was conducted by BRTEs / CRTEs / NGOs

District Level Committee (DLC) has been constituted Committee Members:

- Chief Educational Officers
- District Educational Officers
- District Elementary Education officers
- Asst. Elementary Education officers of blocks which has migrant prone areas
- BRTEs / CRTEs of Migrant prone areas
- NGOs / SHGs who has more experience in migrant field
- Child Help line members
- Child Welfare Committee (DCPS)
- Labour departments
- Owners of Construction Sites / Chambers

State's mechanism for Intra-state and inter-state sharing of information on migrant children / providing education:

Sizeable numbers of families along with their children from various places of Northern states have migrated to Tamil Nadu State. Civil labourers from other States are being brought into these areas along with their children and are working in various construction sites, Brick kiln chambers, Rice mills, Agricultural wok and other industrial works. Children of these workers are adversely affected without education due to lack of schooling.

The other factor is that there are no schools exclusively for the languages they know to speak, write etc. Such children have been identified through Survey. The Government of Tamil Nadu is concerned about the plight of such children of migrant labourers. The Hon'ble Chief Minister of Tamil Nadu is determined to improve the status and condition of such children. In this regard, our Hon'ble Chief Minister made an announcement in the assembly that "Education in their mother tongue for the children of Migrant

Laborers” will be provided from 2014-15 onwards. Hence all steps are being taken for the welfare of these children to enrol in formal schools in the nearby Government schools / Special Training centres. To realise their dream into action, steps have been taken to ascertain educational opportunities and to get education so that every migrant gets equal opportunities as their counterpart in the regular society. It is needless to say that unless such children are provided education of their own language their goal could not be achieved.

Transfer Certificate for inter-state Migrants:

After a period of work some of the families with their children migrate from here to their native place. In such cases proper bilingual Transfer Certificate is issued to the student with the countersign of AEEEO of the range and DEEO of District concerned. So as to enable them to continue their studies without any hindrance where ever they move.

Tracking:

Post card is given to the children as soon as they reach their own State and enroll themselves in schools, get the signature of HMs concerned and then send a post card as a proof of continuing their education. This was initiated by Aide action NGO with the guidance of SSA, Thiruvallur.