

PETITIONER:
DR. DAMODAR PANDA ETC.

Vs.

RESPONDENT:
STATE OF ORISSA ETC.

DATE OF JUDGMENT 16/07/1990

BENCH:
MISRA RANGNATH
BENCH:
MISRA RANGNATH
KULDIP SINGH (J)

CITATION:
1990 AIR 1901 1990 SCR (3) 390
1990 SCC (4) 11 JT 1990 (3) 196
1990 SCALE (2) 93

ACT:

Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979: Section 20

Provisions of the Act -Implementation of--Direction by Supreme Court--Officers of originating State of Migrant Labour--Can hold enquiries within the limits of the Receptient State for enforcement of the Act.

HEADNOTE:

In these petitions on the question: as to how the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979 can be enforced.

Disposing the Writ Petitions, this Court,

HELD: 1. Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 is a beneficial legislation for satisfying the provisions of the Constitution and the obligation in international agreements to which India is a party. There is no valid justification for not permitting the officers of the Originating State to hold appropriate enquiries in the Receptient State in regard to persons of the Originating State working as migrant labour in the Receptient State. [391D-E]

2. To implement the provisions of the Act every State and Union Territory in India would be obliged to permit officers of originating States of migrant labour for holding appropriate inquiries within the limits of the Receptient States for enforcement of the statute and no Receptient State shall place any embargo or hindrance in such process. [391G]

JUDGMENT:

ORIGINAL JURISDICTION: Writ Petition (Civil) No. 511 of 1988.

WITH

Writ Petition (Civil) No. 975 of 1988.

391

(Under Article 32 of the Constitution of India).

K.V. Sreekumar, (N.P.) for the Petitioners.

V.C. Mahajan, A.K. Panda, Ms. C.K. Sucharita, and Ms. A.

Subhashini for the Respondents.

The Court delivered the following Order:

One of the matters which arises for consideration in this Writ Petition is as to how the provisions of the inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, and particularly of section 20 thereof can be enforced. In the affidavit filed by the Union of India in the Ministry of labour it has been stated that in view of the scheme contained in section 20(3) of the Act that officer of the Originating State can make enquiries within the Receptient State provided the Receptient State agrees to such Officers of the Originating State operating within that State, the law has not become workable in a proper way. This is a beneficial legislation for satisfying the provisions of the Constitution and the obligation in international agreements to which India is a party. We do not think there can be any valid justification for not permitting the officers of the Originating State to hold appropriate enquiries in the Receptient State in regard to persons of the Originating State working as migrant labour in the Receptient State. We do not think that there is any necessity to hear the other States before making an order for enforcing section 20(3) and to give effect to the legislative intention contained therein.

Mr. Panda appearing for the State of Orissa has agreed that Orissa State has no objection to officers of any originating State holding necessary enquiries within Orissa when it is a Receptient State. We would, therefore, make a direction that to implement the provisions of the Act of 1979 referred to above every State and Union Territory in India would be obliged to permit Officers of originating States of migrant labour for holding appropriate inquiries within the limits of the Receptient States for enforcement of the statute and no Receptient State shall place any embargo or hindrance in such process. Copy of this order shall be sent to the Chief Secretary of every State and Union Territory for compliance.

We are cognizant of the fact that this order has been made with-

392

out hearing the States other than Orissa and the Union Territories. In the event of any State or Union Territory is of the opinion that the direction should be modified, liberty is given to apply for modification of the order but until it is modified it shall remain in force. The Writ Petitions are disposed of with this order. No costs.

T.N.A.

Petitions disposed of.

393