

Dr. Damodar Panda and Others

Vs

State of Orissa and Others

Writ Petition (Civil) Nos. 511 and 975 of 1988

(Ranganath Misra, Kuldip Singh JJ)

16.07.1990

ORDER

1. 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 the particularly of the 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 Recipient State, the law has not become workable in a proper way. This is 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 the permitting the officers of the Originating State to hold appropriate enquiries in the Recipient State in regard to person to the Originating State working as migrant labour in the Recipient 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.

2. 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 Recipient State. We would, therefore, make a direction that to implement the provisions of the Act 1979 referred to above every State and Union territory in India would be obliged to permit officers of Originating States of migrant labour for the holding appropriate enquiries within the limits of the Recipient States for enforcement of the statute and no Recipient State shall place any embargo or hindrance in such process. Copy of this order shall be sent to the Chief Secretary to every State and Union territory for compliance.

3. We are cognizant of the fact that this order has been made without hearing the States of the than Orissa and the Union territories. In the event that 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.

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