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PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 13th March, 2020.

No.LB.49/LA/2020/3. – The Meghalaya Identification, Registration (Safety & Security) of Migrant Workers Bill, 2020 introduced in the Meghalaya Legislative Assembly on the 13th March, 2020 together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

**THE MEGHALAYA IDENTIFICATION, REGISTRATION (SAFETY & SECURITY) OF
MIGRANT WORKERS BILL, 2020**

A

Bill

to provide for the maintenance of public order and for the protection and safety of Migrant Workers in the State of Meghalaya, by identification and mandatory registration of all such workers in the State.

And to prevent the commission of offences of harassment, intimidation, discrimination and such other actor omission that may affect the safety and security of Migrant Workers,

and to further ensure the safety and security of all Migrant Workers during the course of employment within the State of Meghalaya and for matters connected therewith.

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-First Year of the Republic of India as follows:-

Short Title, Extent, Commencement and Application.	<p>1. (1) This Act may be called the Meghalaya Identification, Registration (Safety & Security) of Migrant Workers Act, 2020.</p> <p>(2) It extends to the whole of Meghalaya.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.</p> <p>(4) It applies to all establishments in the State irrespective of the number of Migrant Workers engaged or employed.</p>
Definitions	<p>2. In this Act, unless the context otherwise requires:-</p> <p>(a) “Act” means the Meghalaya Identification, Registration & Regulation of Migrant Workers Act, 2020;</p> <p>(b) “Appellate Officer” means any Officer appointed by the State Government under Section 3 of this Act;</p> <p>(c) “Establishment” means—</p> <p>(i) any office or department of the Government or local authority; or</p> <p>(ii) any place where any industry, trade, business, manufacture or occupation is carried on; or</p> <p>(iii) any place which employs or causes to employ any Migrant Worker;</p> <p>(d) “Form” means form appended to the Rules framed under this Act;</p> <p>(e) “Labour Commissioner” means any Officer as appointed by the State Government;</p> <p>(f) “Local Authority” means traditional tribal bodies which includes Nokma, Sordar, Syiem, Sirdar (Sardar), Doloi,</p>

	<p>Wahoh shnong, Wahadadar, Lyngdoh and Rangbah Shnong of Garo Hills, Khasi Hills and Jaintia Hills, or any other such body constituted as per the tradition, customs and practices in the tribal areas and other authorities which may be notified by the Government or the Deputy Commissioner of the District concerned in the Official Gazette;</p> <p>(g) "Migrant Worker" means any person not belonging to the State of Meghalaya and who is not domiciled in the State of Meghalaya, who seeks employment, or is employed to perform any of the works defined in Sub-section (k) of this Section;</p> <p>(h) "Prescribed" means prescribed in the Rules;</p> <p>(i) "Registering Officer" means the Registering Officer appointed by the State Government under Section 3 of this Act;</p> <p>(j) "State Government" means the Government of Meghalaya;</p> <p>(k) "Work" means work in any establishment as skilled, semi-skilled or unskilled, manual, technical or clerical worker, whether the terms of employment be expressed or implied, but does not include any work ordinarily involving research or is in managerial, administrative or supervisory capacity etc.</p>
<p>Appointment of Registering and Appellate Officers</p>	<p>3. The State Government may, by order notified in the Official Gazette:-</p> <ol style="list-style-type: none"> (1) Appoint such person, being Officers of Government as it thinks fit to be Registering Officers for the purposes of this Act; and (2) Define the limit, within which the Registering Officer or officers shall exercise the power conferred on him by or under this Act; (3) Notwithstanding anything contained in the previous sub-sections, the State Government may appoint any other Officer being Officer of the Government as it thinks fit as to be Appellate Officers under this Act; (4) The State Government may confer any such additional powers on the Registering or Appellate Officers which may be required to achieve the purposes of this Act.
<p>Registration</p>	<p>4. (1) Every Migrant Worker shall have to register himself/herself and obtain a separate Registration Card as issued under the provisions of this Act and rules made</p>

	<p>thereunder;</p> <p>(2) It shall be the duty of every person, employing or engaging any Migrant Worker in any manner whatsoever to ensure the registration of such Migrant Worker failing which, the owner of any such establishment shall be liable to a fine which may extend to five thousand rupees;</p> <p>(3) Notwithstanding anything in Section 4 Sub-section (2) any Migrant Worker, if found working in the State of Meghalaya in violation of the Section 4 sub-section (1) shall be imposed with a fine which may extend to five hundred rupees.</p>
<p>Procedure for Registration</p>	<p>5. (1) Every Migrant Worker shall make an application in the form as may be prescribed;</p> <p>(2) Each application in the prescribed form shall be made before the 'Registering Officer' of the area in which the Migrant Worker intends to work;</p> <p>(3) The application shall be submitted to the Registering Officer;</p> <p>(4) On receipt of the application, the Registering Officer shall, after recording the date of receipt of application, give an acknowledgement of the same to the applicant.</p>
<p>Issue of Registration Card, validity etc.</p>	<p>6. (1) Where the Registering Officer registers the worker, he shall issue to the Migrant Worker, a Registration card with the necessary particulars of the worker in the form as may be prescribed:</p> <p>Provided that, the Registration Card shall remain valid for a period of One hundred and seventy nine days (179) since the date of issue;</p> <p>(2) The Registration Card may be renewed on payment of such fees and on such conditions as may be prescribed;</p> <p>(3) The Registering Officer shall maintain a register showing the particulars of the Migrant Worker <i>viz.</i> local address, contact details, name and address of the owner of the establishment, if any, Aadhaar/Election Photo Identity Card, permanent address and contact details of next of kin and such other details as may be prescribed;</p> <p>(4) The Registering Officer shall send a copy of the Register maintained under Section 6(3) of the Act to the Officer-in-charge of the jurisdictional Police Station and the Local Authority for maintenance of record and to ensure the maintenance of security and safety of all Migrant Workers within the jurisdiction of the Police Station concerned:</p> <p>Provided that the registration and issuance of Registration Card under the Act shall be subject to payment of a</p>

	nominal fee as may be prescribed, and is subject to cancellation if conditions are violated and information furnished are found to be incorrect.
Refusal to register and Appeal	<p>7. (1) The Registering Officer may refuse to register and grant a Registration Card for reasons recorded in writing, after giving the Migrant Worker a fair opportunity of hearing;</p> <p>(2) In case of a refusal to register and issuance of a Registration Card or in case of cancellation, an appeal in the manner prescribed shall lie to the Appellate Officer within thirty days from the date of decision of the Registering Officer:</p> <p>Provided that the Appellate Officer may condone any delay in filing of the appeal where there exist justifiable reasons for such delay;</p> <p>(3) The Appellate Officer shall decide the appeal after giving a fair opportunity of hearing to the applicant and such appeal shall be decided within a period of fifteen days from the date of filing of the appeal.</p>
Amendment of Registration Card and Duplicate Registration card	<p>8. (1) In relation to a Migrant Worker, if there is any change in the particulars specified in the Registration Card or in the information recorded in the register, the Migrant Worker shall intimate to the Registering Officer, within thirty days from, the date when such change takes place;</p> <p>(2) Where, on receipt of the intimation by the Migrant Worker or the establishment concerned, the Registering Officer is satisfied that there has occurred a change in the particulars as entered in the Register under Section 6(3), he shall amend the said register and record therein the change thus occurred:</p> <p>Provided that the Registering Officer shall not carry out any amendment in the register unless an appropriate fee as prescribed has been deposited by the establishment concerned or the Migrant Worker, as the case may be;</p> <p>(3) In case the Registration Card has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of prescribed fee.</p>
Safety & Security	<p>9.(1) It shall be the duty of owner of any establishment, employing or engaging Migrant Worker to ensure the safety and security of the Migrant Worker during the currency of the employment;</p> <p>(2) It shall also be the duty of the owner of any establishment to report any incident threatening the safety and security of the migrant worker to the jurisdictional Police Station and Local Authority;</p>

	<p>(3) On receiving any such information as mentioned in Section 9 (2) through an owner of an establishment or otherwise, as the case may be, it shall be the responsibility of the Officer-in-charge of the jurisdictional Police Station to ensure that such a complaint of harassment, intimidation, discrimination, personal injury or any other complaint disclosing the commission of any offence against a Migrant Worker, is forth with registered, investigated into, and the matter shall be proceeded as per law;</p> <p>(4) A report in this regard shall also be sent by the Officer-in-charge of the jurisdictional Police Station to the Registering Officer, with a copy to Labour Commissioner, Meghalaya for immediate action, if any, and if so within a period of thirty days from receipt of such information;</p> <p>(5) The Labour Commissioner shall have the power to call for any information in relation to Migrant Worker from owner of any establishment or any other person, employing or engaging a Migrant Worker by an order in writing, to ascertain the facts in relation to the report received under Section 9(3), or in relation to any other information received by him:</p> <p>Provided that the exercise of power under this sub-section, shall not preclude the Labour Commissioner from instituting any proceeding in accordance with powers available to him under any other law in force.</p> <p>(6) The Labour Commissioner, upon receipt of the report, shall consider the same and if there exists prima facie evidence against the owner of the establishment or employee or otherwise, violating any of the provisions of this Act, he shall initiate or cause to be initiated, appropriate proceedings against the said owner of establishment or any other person employing or engaging a Migrant Worker or any employee.</p>
<p>Offences and Penalties</p>	<p>10. (1) Whoever, not being a Migrant Worker-</p> <ul style="list-style-type: none"> (a) intimidates, harasses, threatens, or in any manner discriminates and threatens the safety and security of a Migrant Worker; (b) obstructs avenues of employment of Migrant Worker; (c) restricts a Migrant Worker from carrying out duties while in employment or from performing their normal duties and functions; (d) forces or causes a Migrant Worker to leave his / her house or other place of residence;

	<p>(e) obstructs or prevents a Migrant Worker from practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;</p> <p>(f) imposes or threatens a social or economic boycott of any Migrant Worker;</p> <p>shall be punishable with simple imprisonment for a term which may extend to three months, or with a fine which may extend to five thousand rupees or with both.</p> <p>(2) The offence under Section 10 (1) shall be cognizable and bailable:</p> <p>Provided in case of a second or subsequent offence, it shall be punishable with simple imprisonment of one year or with a fine which may extend to ten thousand rupees or with both.</p>
General provision for punishment of offences	11. Whoever contravenes any provisions of this Act or of any rule, regulation or notification made thereunder shall, if no penalty for the offence is provided then, the offence for the first time may be punishable with a fine which may extend to five hundred rupees, and for any second or subsequent offence with a fine which may extend to one thousand rupees.
Compounding of certain offences	<p>12.(1) Any offence committed after the commencement of this Act punishable under sections 4, 10 (1), 11 of the Act, may after the institution of the prosecution, be compounded by such Officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.</p> <p>(2) Where an offence has been compounded under subsection (1) the offender is in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.</p>
Legal Aid	13. On receipt of a written application from Migrant Worker for providing legal aid in relation to any proceeding before the authority under the instant Act, in which the migrant workman or his / her legal heir is a party, the specified authority concerned if he is satisfied, may with the prior approval of the Labour Commissioner of the State engage an Advocate to conduct the relevant proceedings on behalf of Migrant Worker or his / her legal heir as the case may be, and meet all legal expenses in this regard.
Power to make Rules.	14. The State Government may make rules for carrying out the purposes of this Act:

	<p>Provided that, every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature while it is in session.</p>
Powers of the State to remove difficulties	<p>15. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions not inconsistent with provisions of this Act as may appear to be necessary for removing the difficulty:</p> <p>Provided no order under this section shall be made by the State Government after a period of four years from the commencement of the Act;</p> <p>(2) Every order made under this section shall be, as soon as may be after it is made be laid before the Meghalaya Legislative Assembly.</p>
Protection of acts done in good faith	<p>16. No suit, prosecution or other legal proceedings shall lie against any Government Servant for anything which is done in good faith or intended to be done in good faith under this Act or the Rules made there under.</p>

STATEMENT OF OBJECT AND REASONS

The proposed Bill namely the Meghalaya Identification, Registration (Safety & Security) of Migrant Workers Bill, 2020 is to provide for the maintenance of public order and for the protection and safety of Migrant workers in the State of Meghalaya, by identification and mandatory registration of all such workers in the State.

Hence the Bill.

PRESTONE TYNSONG,
Deputy Chief Minister in-charge

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

No expenditure will be incurred from the State Consolidated Fund for implementing the above proposed Bill.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 14 of the Bill empowers the State Government to make rules which are matter of details and the delegations are in normal character.