

Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Central Rules, 1980

CONTENTS

CHAPTER 1 :- CHAPTER I

1. Short title and commencement
2. Definitions

CHAPTER 2 :- CHAPTER II

3. Manner of making application for registration of establishment
4. Issue of certificate of registration
5. Circumstances in which applicants for registration may be rejected
6. Amendment of certificate of registration
7. Application for a licence
8. Matters to be taken into account in granting or refusing a licence
9. Refusal to issue licence
10. Security
11. Forms and terms and conditions of licence
12. Fees
13. Amendment of the licence
14. Renewal of licence
15. Period of renewal of the licence
16. Issue of duplicate certificate of registration or licence
17. Refund of security
18. Appeals and procedure
19. Obtaining of copies of orders
20. Payment of fees and security deposits

CHAPTER 3 :- DUTIES OF THE CONTRACTOR

21. Particulars of migrant workman
22. Return fare
23. Pass Book
24. Return and Report

CHAPTER 4 :- WAGES

25. Rate of wages
26. Wage-period
27. xxx xxx xxx
28. Payment of wages
29. Payment on termination

30. Mode of payment

31. xxx xxx xxx

32. xxx xxx xxx

33. xxx xxx xxx

34. xxx xxx xxx

35. xxx xxx xxx

CHAPTER 5 :- MEDICAL AND OTHER FACILITIES TO BE PROVIDED TO MIGRANT WORKMAN

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

37. Medical facilities

38. Protective clothing

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

40. Rest rooms

41. Canteens

42. Latrines and urinals

43. Washing facilities

44. Creche

45. Residential accommodation

46. Liability of the principal employer in certain cases

47. Relaxation in certain cases

CHAPTER 6 :-REGISTERSAND RECORDS-COLLECTION OF STATISTICS

48. Registers of Contractors

49. Register of persons employed

50. Service certificate

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

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

53. Maintenance and preservation of registers

54. Display of an abstract of the Act and the Rules

55. Notices

56. Periodical returns

57. xxx xxx xxx

CHAPTER 7 :- LEGAL AID TO MIGRANT WORKMEN

58. Legal aid

CHAPTER 8 :- APPEAL

59. xxx xxx xxx

Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Central Rules, 1980

Whereas certain draft of the Inter-State Migrant Workmen

(Regulation of Employment and Conditions of Service) Central Rules, 1980 were published at pages 1122-1161 of the Gazette of India, Part II, Section 3, Sub-section (i), dated the 17th May, 1980 with the notification of the Government of India in the Ministry of Labour No. G.S.R. 566, dated the 6th May, 1980 for inviting objections or suggestions from all persons likely to be affected thereby till the 2nd July, 1980 and whereas objections or suggestions received from public have been considered by the Central Government. Now therefore, in exercise of the powers conferred by section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979), the Central Government hereby makes the following Rules, namely: -

CHAPTER 1 CHAPTER I

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 the registering officer appointed by the Central Government under section

(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.

CHAPTER 2 CHAPTER II

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 acknowledgement 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 on its 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)] of 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.

1. Subs. by G.S.R. 53(E), dated 4th February, 1984.

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 Officer having jurisdiction in relation to the area wherein the recruitment is made.

(2) Every application by a contract or 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) (i) Every application for the grant of a licensed under sub-rule (1), or sub-rule (2) shall be accompanied by a certificate of the principal employer in Form VI to the effect that he undertakes to be bound by all the provisions of the Act and the rules made there under 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.

(ii) 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 acknowledgement 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.

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 of 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 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) (i) 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.

(ii) 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 rest 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 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.

1. Subs. by G.S.R. 316(E), dated 25th February, 1986 (w.e.f 25-2-1986).

2. Re-numbered by G.S.R. 316(E), dated 25th February, 1986 (w.e.f 25-2-1986).

11. Forms and terms and conditions of licence :-

(1) Every licence issued under subsection (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[***];

(b) 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;

(viii) Every migrant workman shall be entitled to allowances, benefits, facilities, etc., as prescribed in the Act and the Rules;

(ix) No female migrant workman shall be employed by any contractor before 6 A.M. or after 7 P.M.:

Provided that this clause 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;

(x) The contractor shall notify any change in the number of migrant workmen or the conditions of work to the licensing officer;

(xi) The contractor shall comply with all the provisions of the Act and the Rules;

(xii) A copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed;

(xiii) 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.]

1. Omitted by G.S.R. 316(E), dated 25th February, 1986 (w.e.f 25-2-1986).

2. Ins. by G.S.R. 932(E), dated 25th November, 1987.

12. Fees :-

¹[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) Is5andnotexceeding20	Rs. 60
(b) Exceeding20andupto50	Rs. 150
(c) Exceeding50andupto100	Rs. 300
(d) Exceeding100andupto200	Rs. 600
(e) Exceeding200andupto400	Rs. 1,200
(f) Exceeding400	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) Is5andnotexceeding20	Rs. 15
(b) Exceeding20andupto50	Rs. 40
(c) Exceeding50andupto100	Rs. 80
(d) Exceeding100andupto200	Rs. 150
(e) Exceeding200andupto400	Rs. 300
(f) Exceeding400	Rs. 400

1. Subs. by G.S.R. 514, dated 29th June, 1989.

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 the 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 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 shall remain in force for a further period of twelve month 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].

1. Subs. by G.S.R. 514, dated 29th June, 1989.

17. Refund of security :-

(1) (i) On expiry of the period of licence the contractor may, if he does not intend 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 license 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 provisions 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 there upon 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 Appellant 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 any 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.

1. Subs. by G.S.R. 514, dated 29th June, 1989.

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 indicating 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.

CHAPTER 3 DUTIES OF THE CONTRACTOR

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 employment on account of injury or continued in health duly certified as such by a registered medical practitioner;

(c) Cessation of work in the establishment 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:-

(a) The date of recruitment;

(b) The date of employment;

(c) Total attendance/unit of work done (in respect of piece-rated migrant workman)/ total wages earned/deductions if any made/net amount paid and 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.)

(d) Name and address of the next of kins of migrant workman.

(2) In case of fatal accident or 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, under mentioned particulars by registered post within 24 hours of the occurrence of the accident:

(i) Name of the migrant workman;

(ii) Date, 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 require 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 XI to the specified authorities concerned either personally or by registered post so as to reach them not later than 15 days from the date of migrant workman ceases to be employed.

CHAPTER 4 WAGES

25. Rate of wages :-

The rate of wages of a migrant workman in an establishment where he is required to work which is neither same nor of 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[***].

1. Omitted by G.S.R. 316(E), dated 25th February 1986 (w.e.f 25-

2-1986).

26. Wage-period :-

The contractor shall fix wage periods in respect of which wages shall be payable.

27. xxx xxx xxx :-

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.

31. xxx xxx xxx :-

Wages due to every migrant workman, shall be paid to him direct or to other persons duly authorised by him in this behalf.

32. xxx xxx xxx :-

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. xxx xxx xxx :-

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 acknowledgement.

34. xxx xxx xxx :-

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.

35. xxx xxx xxx :-

The authorised representative of the principal employer shall order under his signature a certificate at the end of all the entries in the register of wages or the wages-cum-muster roll, as the case may be, in the following form: -

"Certified that the amount shown in Column No.....has been made to the migrant workman concerned in my presence on....."

CHAPTER 5 MEDICAL AND OTHER FACILITIES TO BE PROVIDED TO MIGRANT WORKMAN

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 [***].

1. Omitted by G.S.R. 316(E), dated 25th February 1986 (w.e.f 25-2-1986).

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. When ever 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 pail 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 snakebite lancet;

(viii) 1 (30 gms.) bottle of potassium permanganate crystals;

(ix) I pair scissors;

(x) I 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 establishments 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 size 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;
- (xiv) 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.

1. Ins. by G.S.R. 22(E), dated 14th January, 1991 (w.e.f. 14-1-1991).

38. Protective clothing :-

(1) 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 once in two years:

Provided that where the temperature falls below 5 degree centigrade a woollen overcoat shall also be provided to the migrant workmen once in three years.

(2) 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).

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 alternative 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, storeroom, 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 meter 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 dialers 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 establishment.

(2) One of such rooms shall be used as playroom for the children and the other as bedroom for tile 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 steeping, 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

(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 meters, 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[***].

1. Omitted by G.S.R. 316(E), dated 25th February, 1986 (w.e.f 25-2-1986).

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 except 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 provide 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.

CHAPTER 6 REGISTERS AND RECORDS-COLLECTION OF STATISTICS

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 persons 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[(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.

1. Subs. by G.S.R. 932(E), dated 25th November, 1987.

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 there under, the following registers and records required to be maintained by the contractor as employed 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 or thumb-impression of every migrant workman on the register of wages shall be obtained and entries there 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 required by rule 35.

(c) Register of deduction, register of fines and register of advances- Register of deductions for damage of 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 any thing 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 mechanized pay roll 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 registers and other records required to be maintained under the Act and Rules, shall be maintained complete and upto-date, and, unless otherwise provided for, shall be kept at an office of the nearest convenient building within the precincts of the work place of at a place, if any, specified by the Inspectors oil tile 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 every wage period indicating also in precise terms the wage period to which the Nil entry relates in the respective register 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 or 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. xxx xxx xxx :-

(1) The Deputy Chief Labour Commissioner (Central) or the Inspector of 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 all order in writing,

(2) Any person called upon to furnish the information under sub-rule (1) shall be legally bound to do so.

CHAPTER 7 LEGAL AID TO MIGRANT WORKMEN

58. Legal aid :-

On receipt of a written application from migrant workmen or in the event 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 proceeding on behalf of the migrant workman or his legal heir as the case may be and meet all legal expenses in this regard.

CHAPTER 8 APPEAL

59. xxx xxx xxx :-

(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 all 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 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.]