

2014

Contract Labour (Regulation and Abolition) Act, 1970

along with

Central Government Notifications

**Contract Labour (Regulation and Abolition)
Central Rules, 1971**

**Contract Labour (Regulation and Abolition) Central
Rules, 1971—Construction and Maintenance of Creches**

**Labour Laws (Exemption from Furnishing Returns and
Maintaining Registers by Certain Establishments) Act, 1988**

and

Case Law

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The Contract Labour (Regulation and Abolition) Act, 1970

[Act 37 of 1970]

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Central Rules, 1971

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Central Rules, 1971 — Construction and
Maintenance of Creches

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Returns and Maintaining Registers by
Certain Establishments) Act, 1988

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The Contract Labour (Regulation and Abolition) Act, 1970¹

[Act 37 of 1970 as amended by Acts 14 of 1986² and 4 of 2005³]

[September 5, 1970]

An Act to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:

CHAPTER I PRELIMINARY

1. Short title, extent, commencement and application.—(1) This Act may be called the Contract Labour (Regulation and Abolition) Act, 1970.

(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 and different dates may be appointed for different provisions of this Act.

(4) It applies—

(a) to every establishment in which twenty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour;

(b) to every contractor who employs or who employed on any day of the preceding twelve months twenty or more workmen:

Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment or contractor employing such number of workmen less than twenty as may be specified in the notification.

(5) (a) It shall not apply to establishments in which work only of an intermittent or casual nature is performed.

(b) If a question arises whether work performed in an establishment is of an intermittent or casual nature, the appropriate Government shall decide that question after consultation with the Central Board or, as the case may be, a State Board, and its decision shall be final.

Explanation.—For the purpose of this sub-section, work performed in an establishment shall not be deemed to be of an intermittent nature—

1. Received the assent of the President on 5th Sept., 1970 and published in Gaz. of India, Extra., Pt. II, S. 1, dt. Sept. 7, 1970, pp. 301-316.

2. Received the assent of the President on March 15, 1986 (1986-CCL-II-175).

3. Received the assent of the President on Jan. 11, 2005.

[†] **Date of Enforcement.**—The Act came into force on 10th February, 1971, vide G.S.R. 190, dated 1st February, 1971, and published in Gazette of India, Extra., Part II, Section 3(i), dated February 10, 1971, p. 173.

- (i) if it was performed for more than one hundred and twenty days in the preceding twelve months, or
- (ii) if it is of a seasonal character and is performed for more than sixty days in a year.

See also Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 (Act 51 of 1988).

STATE AMENDMENTS

MAHARASHTRA.—In Section 1 of the Contract Labour (Regulation and Abolition) Act, 1970 (hereinafter referred to as “the principal Act”), in sub-section (5), after clause (b), the following clause shall be added, namely:—

“(c) Notwithstanding anything contained in clause (b) or any other provisions of this Act, the work performed or carried out in the area of Special Economic Zone (declared as such by the Government of India), which is of ancillary nature such as canteen, gardening, cleaning, security, courier services, transport of raw material and finished products, or loading and unloading of goods within the premises of a factory or establishments which are declared 100 per cent export units by Government, required to achieve the objective of a principal establishment in the said area, shall be deemed to be of temporary and intermittent nature irrespective of the period of performance of the work by the workers in such ancillary establishments.” [vide Mah. Act 13 of 2006, S. 2].

CASE LAW

Validity.—Object and purpose of the Act.—Application of the Act to pending construction works does not amount to unreasonable restriction on the right under Art. 19(1)(g). The whole statute is constitutional and valid. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596: 1974 SCC (L&S) 252.

Act does not violate Arts. 14 and 15. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596, 603: 1974 SCC (L&S) 252.

S. 1—Applicability.—Where the dispute relates to service conditions of the workmen engaged in the factory canteen maintained by the company and there is no question of abolition of contract labour, the dispute can be referred to the Industrial Tribunal for adjudication. *Indian Explosives Ltd. v. State of U.P.*, (1981) 1 LLJ 423 (All HC).

The Act applies to the Government also and is not confined to private employers. *BHEL Workers' Association v. Union of India*, (1985) 1 SCC 630: 1985 SCC (L&S) 371.

Sub-section (4): “Twenty or more workmen.”—This expression does not cover a partner, even if receiving wages. *Regional Director, E.S.I.C. v. Ramanuja Match Industries*, (1985) 1 SCC 218: 1985 SCC (L&S) 213.

Section 1(4)(a) and (b) proviso: Conditional legislation.—The proviso is in the nature of conditional legislation. *Asia (P) Ltd., Bangalore v. Union of India*, (1999) 1 LLJ 1239: (1999) 2 LLN 838 (Karn).

Interpretation of the Act.—The Act, being a beneficial piece of legislation, ought to receive the widest possible interpretation in regard to the words used therein. *Secretary v. Suresh*, (1999) 3 SCC 601.

Act is a beneficial statute but a statute although may be construed in favour of the beneficiary but only to the extent such benefit is intended to be conferred and not beyond the same. *K. Butchi Reddy v. CAT, Hyderabad*, (2001) 1 LLJ 1443: (2001) 2 Cur LR 49: 2001 LLR 436 (AP)(DB).

The expression “regulation” has to be read not as contra public interest but in public interest. *Secretary v. Suresh*, (1999) 3 SCC 601.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

“[(a) “appropriate Government” means,—

- (i) in relation to an establishment in respect of which the appropriate Government under the Industrial Disputes Act, 1947 (14 of 1947), is the Central Government, the Central Government;
- (ii) in relation to any other establishment, the Government of the State in which that other establishment is situate;]

CASE LAW

For Air India the appropriate authority is the Central Government. *United Labour Union v. Union of India*, (1991) 1 LLJ 89: (1991) 1 Cur LR 363 (Bom).

Appropriate Government in respect of International Airports Authority for the purpose of Section 2(1)(a) of the Contract Labour Act is the Central Government. *Indian Airports Employees Union v. International Airports Authority of India*, (1996) 1 Cur LR 347: (1995) 2 LLN 943: 1995 Lab IC 1890 (Bom)(DB).

- (b) a workman shall be deemed to be employed as “contract labour” in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer;

CASE LAW

Contract labourers, though falling within the restricted definition of employees under the Act, do not thereby become employees of the establishment. *Singareni Collieries v. K. Posham*, (1989) 2 CLR 414: 1990 Lab IC 405 (AP)(DB).

Worker means any person employed in connection with the work of any establishment. *Barat Fritz Werner Ltd. v. State of Karnataka*, (2001) 4 SCC 498.

The expression ‘employed in or in connection with the work of the establishment’ does not mean that the operation assigned to the workman must be a part of, or incidental to, the work performed by the principal employer. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596: 1974 SCC (L&S) 252.

Contract labour engaged in a work other than that specified in clause 6(b) of Form I or Column 3 in Form II ceases to be contract labour. (1985) 2 LLN 169 (Mad)(DB): (1985) 1 LLJ 492.

A permanent employee of the contractor who could be placed at different establishments at the choice of the contractor, could not be called to be a contract labour. *Basanta Kumar Mohanty v. State of Orissa*, (1992) 2 LLJ 190: (1992) 2 Cur LR 712 (Ori).

Workers employed by a licensee for its own benefit are not contract labour. *International Airport Authority of India v. International Air Cargo Workers' Union*, (2009) 13 SCC 374.

- (c) “contractor”, in relation to an establishment, means a person who undertakes to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, through contract labour or who supplies contract labour for any work of the establishment and includes a sub-contractor;

CASE LAW

Contractor engaged for construction of building is covered by Section 2(1)(c). *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596; 1974 SCC (L&S) 252.

'Contractor' is one who supplies contract labour to an establishment undertaking to produce a given result for it. He hires labour in connection with the work of an establishment. *State of Gujarat v. Vogue Garments*, (1983) 1 LLJ 255; 1983 Lab IC 129 (Guj HC).

Sub-contractors or 'piece wagers' are 'contractors'. *Labourers Working on Salal Hydro Project v. State of J&K*, (1983) 2 SCC 181.

Thekedar or Jamadar in a stone quarry is a contractor. Workers recruited by him are entitled to the benefits of the Act. *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161; 1984 SCC (L&S) 389.

Where a person undertook to collect and manufacture quarry products for and on behalf of the Railways by engaging workmen to carry out his contract works under the Railway establishment, the workmen employed by him for such work are to be deemed as "contract labour" as provided under Section 2(1)(b). The supply of such quarry products would produce a given result for the establishment. Thus, he fulfils all requirements of a "contractor" under Section 2(1)(c) and, therefore, is obliged to take licence under Section 12(1). *H.C. Bathra v. Union of India*, 1976 Lab IC 1199 (Gau).

Airport Authority of India having overall control of airport, Delhi International Airport (P) Ltd. meets definition of "contractor" under S. 2(1)(c), 1970 Act, *Delhi International Airport (P) Ltd. v. Union of India*, (2011) 12 SCC 449.

- (d) "controlled industry" means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of the State of Andhra Pradesh the following clause (dd) has been inserted by Andhra Pradesh Act 10 of 2003, S. 2 (w.e.f. 22-8-2003):

“(dd) 'Core Activity of an establishment' means any activity for which the establishment is set up and includes any activity which is essential or necessary to the core activity, but does not include,—

- (1) Sanitation works, including Sweeping, Cleaning, Dusting and Collection and disposal of all kinds of waste;
- (2) Watch and ward services including security service;
- (3) Canteen and Catering services;
- (4) Loading and Unloading Operations;
- (5) Running of Hospitals, Educational & Training Institutions, Guest Houses, Clubs and the like where they are in the nature of support services of an Establishment;
- (6) Courier Services which are in nature of support services of an Establishment;
- (7) Civil and other constructional works, including maintenance;
- (8) Gardening and maintenance of Lawns etc.;
- (9) Housekeeping and laundry services etc., where they are in nature of support services of an Establishment;
- (10) Transport services including Ambulance Services;
- (11) Any activity of intermittent nature even if that constitutes a core activity of an Establishment, and
- (12) Any other activity which is incidental to the core activity:
Provided that the above activities by themselves are not the 'Core Activities' of such establishment.”

(e) "establishment" means—

- (i) any office or department of the Government or a local authority, or
- (ii) any place where any industry, trade, business, manufacture or occupation is carried on;

CASE LAW

A ship or vessel in which repair work is carried on is a place and an "establishment" within the meaning of Section 2(1)(e)(ii). The work site or place may or may not belong to the principal employer, but that will not stand in the way of application of the Act or in holding that a particular place or work site where industry, trade, business, manufacture or occupation is carried on is not an establishment. *Lionel Edwards Ltd. v. Labour Enforcement Officer*, (1977) 51 FJR 199 (Cal).

Any object for the time being covering the surface and where industry, trade, business, manufacture or occupation is carried on would be a place under Section 2(1)(e)(ii). A ship anchored or berthed in a port would be a work site and the workmen employed for loading and unloading of the cargo, security, repairs to the ship would be all in connection with the business or trade. The dock in which a ship may be berthed is controlled by the Port Authorities and the ship owners' agents would be unable to provide facilities for canteens, rest-rooms, etc. But these defects cannot be a ground for totally excluding a ship in a port from the ambit of "establishment". *Lionel Edwards Ltd. v. Labour Enforcement Officer*, (1978) 53 FJR 416 (Cal DB).

Food Corporation of India's regional offices and their warehouses, godowns, etc. in the States constitute establishments within Section 2(1)(e) where trade of the corporation is being carried on. Such establishments are not covered by the expression "pertaining to any industry carried on by or under the authority of Central Government" in Section 2(1)(a)(1)(i). Hence, residuary clause 1(a)(2) being applicable, 'appropriate Government' in relation to such establishments would be the State Government. *Workers' Union v. Food Corporation of India*, (1985) 2 SCC 294; 1985 SCC (L&S) 456.

Pune Cantonment Board is an 'establishment'. *Poona Cantonment Board v. S.K. Das*, (1993) 2 LLJ 487; 1993 Lab IC 1462 (Bom).

Residential quarters of a bank are not covered by the definition of 'establishment'. *Power v. Labour Enforcement Officer (C)*, (1993) 1 LLJ 521; (1993) 66 FLR 833 (Ker); (1992) 2 Cur LR 593 (Ker).

Airport Authority of India clearly cannot be considered a local authority as it is charged with managing airports throughout India. AAI also cannot be considered an "office or department of the Government". The AAI Act makes clear that AAI must, in certain circumstances, obtain approval from the Central Government, thereby implying that AAI is not itself the Central Government. Therefore, "establishment" in Section 2(1)(e), 1970 Act in this case cannot refer to "any office or department of the Government or a local authority". It must refer to a "place where any industry, trade, business, manufacture or occupation is carried on". There could be multiple establishments at the airport, *Delhi International Airport (P) Ltd. v. Union of India*, (2011) 12 SCC 449.

Definition of "establishment" includes private entities also, *Delhi International Airport (P) Ltd. v. Union of India*, (2011) 12 SCC 449.

(f) "prescribed" means prescribed by rules made under this Act;

(g) "principal employer" means—

- (i) in relation to any office or department of the Government or a local authority, the head of that office or department or such other officer as the Government or the local authority, as the case may be, may specify in this behalf,

- (ii) in a factory, the owner or occupier of the factory and where a person has been named as the manager of the factory under the Factories Act, 1948 (63 of 1948), the person so named.

NOTES

The word "occupier" has been defined in Section 2(n) of the Factories Act, 1948 as under:

"Occupier" of a factory means the person who has ultimate control over the affairs of the factory, and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory.

- (iii) in a mine, the owner or agent of the mine and where a person has been named as the manager of the mine, the person so named,
(iv) in any other establishment, any person responsible for the supervision and control of the establishment.

Explanation.—For the purpose of sub-clause (iii) of this clause, the expressions "mine", "owner" and "agent" shall have the meanings respectively assigned to them in clause (j), clause (l) and clause (c) of sub-section (1) of Section 2 of the Mines Act, 1952 (35 of 1952);

- (h) "wages" shall have the meaning assigned to it in clause (vi) of Section 2 of the Payment of Wages Act, 1936 (4 of 1936);
(i) "workman" means any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person—
(A) who is employed mainly in a managerial or administrative capacity; or
(B) who, being employed in a supervisory capacity draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature; or
(C) who is an out-worker, that is to say, a person to whom any articles and materials are given out by or on behalf of the principal employer to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of the principal employer and the process is to be carried out either in the home of the out-worker or in some other premises, not being premises under the control and management of the principal employer.

- (2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

CASE LAW

The fact that the work of the contractor is away from the establishment does not take it out of "work of any establishment" in Section 2(d)(c).—Construction of building for the principal employer at a new place is "work of that establishment".—Expression "work of an establishment" used in the definition of "workmen" or "contractor" is not the same as the

expression "other work in any establishment" in Section 10.—Workman need not be doing work same as or incidental to that of principal employer. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596: 1973 SCC (L&S) 252.

The essential condition of a person being a workman is that he should be employed to do the work in that industry. *Workmen v. Food Corporation of India*, (1985) 2 SCC 136: 1985 SCC (L&S) 420.

A person mainly doing supervisory work and incidentally or for a fraction of time doing some clerical work would be treated to be employed in a supervisory capacity. But if the main work is clerical mere doing of some supervisory duties incidentally or as a fraction of the main work would not convert his employment into one in supervisory capacity. *Burmah Shell Oil Storage v. Burmah Shell Management*, (1970) 3 SCC 378.

CHAPTER II THE ADVISORY BOARDS

3. Central Advisory Board.—(1) The Central Government shall, as soon as may be, constitute a Board to be called the Central Advisory Contract Labour Board (hereinafter referred to as the Central Board) to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned to it under this Act.

(2) The Central Board shall consist of—

- (a) a Chairman to be appointed by the Central Government;
(b) the Chief Labour Commissioner (Central), *ex officio*;
(c) such number of members, not exceeding seventeen but not less than eleven, as the Central Government may nominate to represent that Government, the Railways, the coal industry, the mining industry, the contractors, the workmen and any other interests which, in the opinion of the Central Government, ought to be represented on the Central Board.

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

Provided that the number of members nominated to represent the workmen shall not be less than the number of members nominated to represent the principal employers and the contractors.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh Sections 3 to 5 omitted by A.P. Act 10 of 2003, S. 3 (w.e.f. 22-8-2003).

CASE LAW

The advice of the Board is not binding on the Government. See *State of A.P. v. Narayana Velur Beedi Mfg. Factory*, (1973) 4 SCC 178: 1973 SCC (L&S) 369, a case under the Minimum Wages Act, 1948.

A member of the Central Board does not cease to be a member as soon as he ceases to represent the interest which he purports to represent on the Board. *J.P. Gupta v. Union of India*, 1981 Lab IC 641 (Pat HC).

4. State Advisory Board.—(1) The State Government may constitute a Board to be called the State Advisory Contract Labour Board (hereinafter referred to as the State Board) to advise the State Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned to it under this Act.

(2) The State Board shall consist of—

- (a) a Chairman to be appointed by the State Government;
- (b) the Labour Commissioner, *ex officio*, or in his absence any other officer nominated by the State Government in that behalf;
- (c) such number of members, not exceeding eleven but not less than nine, as the State Government may nominate to represent that Government, the industry, the contractors, the workmen and any other interests which, in the opinion of the State Government, ought to be represented on the State Board.

(3) The number of persons to be appointed as members from each of the categories specified in sub-section (2), the term of office and other conditions of service of, 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 the number of members nominated to represent the workmen shall not be less than the number of members nominated to represent the principal employers and the contractors.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh Sections 3 to 5 omitted by A.P. Act 10 of 2003, S. 3 (w.e.f. 22-8-2003).

5. Power to constitute committees.—(1) The Central Board or the State Board, as the case may be, may constitute such committees and for such purpose or purposes as it may think fit.

(2) The committee constituted under sub-section (1) shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

(3) The members of a committee shall be paid such fees and allowances for attending its meetings as may be prescribed:

Provided that no fees shall be payable to a member who is an officer of Government or of any corporation established by any law for the time being in force.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh Sections 3 to 5 omitted by A.P. Act 10 of 2003, S. 3 (w.e.f. 22-8-2003).

CHAPTER III

REGISTRATION OF ESTABLISHMENTS EMPLOYING CONTRACT LABOUR

6. Appointment of registering officers.—The appropriate Government may, by an order notified in the Official Gazette—

- (a) appoint such persons, being Gazetted Officers of Government, as it thinks fit to be registering officers for the purposes of this chapter; and

- (b) define the limits, within which a registering officer shall exercise the powers conferred on him by or under this Act.

7. Registration of certain establishments.—(1) Every principal employer of an establishment to which this Act applies shall, within such period as the appropriate Government may, by notification in the Official Gazette, fix in this behalf with respect to establishments generally or with respect to any class of them, make an application to the registering officer in the prescribed manner for registration of the establishment:

Provided that the registering officer may entertain any such application for registration after expiry of the period fixed in this behalf, if the registering officer is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) If the application for registration is complete in all respects, the registering officer shall register the establishment and issue to the principal employer of the establishment a certificate of registration containing such particulars as may be prescribed.

CASE LAW

Violation of Sections 7 and 12 by the principal employer or by the contractor attracts penal provisions of Sections 23 and 25 but does not have the effect of rendering the contract labour, employees of the principal employer. *Dena Nath v. National Fertilisers Ltd.*, (1992) 1 SCC 695: 1992 SCC (L&S) 349. Overruling *Workmen v. Best & Crompton Engineering Ltd.*, (1985) 2 LLN 169: (1985) 1 LLJ 492 (Mad)(DB) and *United Labour Union v. Union of India*, (1990) 1 LLN 565: (1990) 60 FLR 686 (Bom).

8. Revocation of registration in certain cases.—If the registering officer is satisfied, either on a reference made to him in this behalf or otherwise, that the registration of any establishment has been obtained by misrepresentation or suppression of any material fact, or that for any other reason the registration has become useless or ineffective and, therefore requires to be revoked, the registering officer may, after giving an opportunity to the principal employer of the establishment to be heard and with the previous approval of the appropriate Government, revoke the registration.

9. Effect of non-registration.—No principal employer of an establishment, to which this Act applies, shall—

- (a) in the case of an establishment required to be registered under Section 7, but which has not been registered within the time fixed for the purpose under that section,
- (b) in the case of an establishment the registration in respect of which has been revoked under Section 8,

employ contract labour in the establishment after the expiry of the period referred to in clause (a) or after the revocation of registration referred to in clause (b), as the case may be.

10. Prohibition of employment of contract labour.—(1) Notwithstanding anything contained in this Act, the appropriate Government may, after consultation with the Central Board or, as the case may be, a State Board, prohibit, by

notification in the Official Gazette, employment of contract labour in any process, operation or other work in any establishment.

(2) Before issuing any notification under sub-section (1) in relation to an establishment, the appropriate Government shall have regard to the conditions of work and benefits provided for the contract labour in that establishment and other relevant factors, such as—

- (a) whether the process, operation or other work is incidental to, or necessary for the industry, trade, business, manufacture or occupation that is carried on in the establishment;
- (b) whether it is of perennial nature, that is to say, it is of sufficient duration having regard to the nature of industry, trade, business, manufacture or occupation carried on in that establishment;
- (c) whether it is done ordinarily through regular workmen in that establishment or an establishment similar thereto;
- (d) whether it is sufficient to employ considerable number of whole-time workmen.

Explanation.—If a question arises whether any process or operation or other work is of perennial nature, the decision of the appropriate Government thereon shall be final.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of the State of Andhra Pradesh, Section 10 has been substituted by the following Section by A.P. Act 10 of 2003, S. 4 (w.e.f. 22-8-2003):

“10. *Prohibition of employment of Contract Labour.*—(1) Notwithstanding anything contained in this Act, employment of Contract Labour in Core Activities of any establishment is prohibited:

Provided that the Principal employer may engage Contract Labour or a Contractor to any core activity, if

- (a) the normal functioning of the establishments is such that the activity is ordinarily done through Contractors, or
- (b) the activities are such that they do not require full time workers for the major portion of the working hours in a day or for longer periods as the case may be;
- (c) any sudden increase of volume of work in the core activity which needs to be accomplished in a specified time;

(2) Designated Authority:—

- (a) The ‘Appropriate Government’ may by notification in the Official Gazette appoint a designated authority to advise them on the question whether any activity of a given establishment is a core activity or otherwise;
- (b) If a question arises as to whether any activity of an establishment is a core activity or otherwise the aggrieved party may make an application in such a form and manner as may be prescribed, to the appropriate Government for decision;
- (c) The appropriate Government may refer any question by itself or such application made to them by any aggrieved party as prescribed in clause (b), as the case may be, to the designated authority, which on the basis of relevant material in its possession, or after making such an enquiry as deemed fit shall forward the report to the appropriate Government, within a prescribed period and thereafter the appropriate Government shall decide the question within the prescribed period.”

MAHARASHTRA.—In Section 10 of the principal Act, in sub-section (1), after the words “Notwithstanding anything contained in this Act,” the words “but, subject to the provisions of clause (c) of sub-section (5) of Section 1,” shall be inserted. [vide Mah. Act 13 of 2006, S. 3]

CASE LAW

Applicability.—Applicability of Section 10 is not restricted to establishments employing workmen in the strength specified in Section 1(4). *S.B. Deshmukh v. State*, (1986) 1 LLN 601 (Bom); 1986 Lab IC 204.

The appropriate Government's power under Section 10 is not curtailed or ineffectuated by Section 119 of the Factories Act, 1948. *Govt. of A.P. v. Bhadrachalam Paper Boards Ltd.*, (1989) 1 LLN 338; 1989 Lab IC 1467 (AP)(DP).

Scope.—The Act does not purport to abolish contract labour in its entirety. *R.K. Panda v. Steel Authority of India*, (1994) 5 SCC 304; 1994 SCC (L&S) 1078.

The notification prohibiting engagement of contract labour in respect of sweepers and scavengers in an establishment employing 50 or more workmen will be valid. *Bharat Heavy Electricals v. Govt. of Tamil Nadu*, (1997) 3 LLN 495 (Mad)(DB).

A notification issued under Section 10 can cover establishments more than one. *Dalmia Cement Bharat Ltd. v. Government of India*, (1991) 1 LLN 406 (Mad)(DB); *Zenith Industrial Services v. Union of India*, (1989) 2 Cur LR 402 (Ori)(DB).

A notification under Section 10(1) can be issued even in respect of a single establishment. *National Organic Chemical Industries Ltd. v. State*, (1989) 2 LLN 816; 58 FLR 123.

Consultation does not mean concurrence. Where on the question of prohibition of employment on contract labour the State Board recorded diverse views of the representatives of various interests but without reaching any decision recommended that the Government should take a decision in the matter, held, the requirement of consultation stood satisfied. *L&T McNeil Ltd. v. Govt. of T.N.*, (2001) 3 SCC 170; 2001 SCC (L&S) 550.

Requirement of consultation with Advisory Board under S. 10(1) does not mean that the Board's advice is binding on the Government. Hence, even assuming that the Advisory Board's proceedings were inconclusive, that will not materially affect the decision of the Government. *Barat Fritz Werner Ltd. v. State of Karnataka*, (2001) 4 SCC 498.

The Central Government's consultation with the Board is a condition precedent to the issuance of a notification under Section 10. *Zenith Industrial Services v. Union of India*, (1989) 2 LLN 647; (1990) 1 LLJ 38; (1989) 2 Cur LR 402 (Ori)(DB).

Abolition of contract under Contract Labour (Regulation and Abolition) Act will be only after consultation with the Advisory Board. *Gujarat Working Class Union v. State of Gujarat*, 1995 Lab IC 1030; 1995 LLR 839 (Guj).

The Government is not bound to take decision at a time to prohibit or abolish contract labour system in all processes of work in relation to which recommendation might have been made by the Board. *Saurashtra Chemicals v. State of Gujarat*, (1994) 2 LLN 695 (Guj)(DB).

The words ‘other work in any establishment’ in Section 10 are to be construed as *ejusdem generis*. The said expression is not synonymous with the expression ‘in connection with the work of an establishment’ occurring in Section 2(1)(b). *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596; 1974 SCC (L&S) 252.

Residential quarters of a bank are not an establishment within the meaning of Section 2(e). Hence, the prohibition envisaged in Section 10(1) is not attracted to employment of contract labour in such residential quarters. *Power v. Labour Enforcement Officer (C)*, (1993) 1 LLJ 521; (1993) 66 FLR 833; (1992) 2 Cur LR 593 (Ker).

The expression ‘shall have regard to’, occurring in Section 10(2), only implies a guidance and not a fetter. *State of Karnataka v. Ranganatha Reddy*, (1977) 4 SCC 471.

A licence under Contract Labour (Regulation and Abolition) Act cannot be granted when the work is of perennial nature. *Samtel Color Ltd. v. State of U.P.*, (1997) 75 FLR 368; 1997 LLR 163 (All)(DB).

Contract labour engaged for the work of perennial nature can be prohibited by a notification by appropriate Government. *All India General Mazdoor Trade Union (Regd.) v. Delhi Administration*, 1995 Supp (3) SCC 579; 1995 SCC (L&S) 1420.

Only appropriate government can abolish contract labour and not the High Court. *Cipla Ltd. v. Maharashtra General Kamgar Union*, (2001) 3 SCC 101; 2001 SCC (L&S) 520.

Provincial Govt. has exclusive jurisdiction in regard to prohibition of employment of contract labour. Industrial Tribunal cannot issue directions to an establishment to abolish contract labour w.e.f. a date after coming into force of the Act. *Vegoils (P) Ltd. v. Workmen*, (1971) 2 SCC 724.

Continuation of contract labour can be abolished by the appropriate Government and not by the Labour Court. *Hari Shankar Sharma v. Artificial Mfg. Corpn. of India*, (1997) 2 Cur LR 631: (1997) 76 FLR 838 (All).

An appropriate Government and not the court can prohibit the employment of contract labour. *K. Butchi Reddy v. CAT, Hyderabad*, (2001) 1 LLJ 1443: (2001) 2 Cur LR 49: (2001) 89 FLR 972 (AP)(DB); *Sk. Ali v. Managing Director, Bharat Heavy Plates and Vessels Ltd.*, (2001) 3 Cur LR 753: (2001) 4 LLN 111: (2001) 89 FLR 697 (AP)(DB); *K. Ramakrishnan v. Bharat Petroleum Corpn. Ltd.*, (1997) 2 LLJ 1101: (1997) 2 LLN 1181: 1997 Lab IC 3078 (Mad).

Only the appropriate Government can abolish the contract labour system and its decision can be challenged before Industrial Tribunal. *Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat v. Hind Mazdoor Sabha*, (1995) 5 SCC 27: 1995 SCC (L&S) 1166.

Industrial Tribunal can also direct the principal employer for absorption of the contract labour on abolition of the system. *Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat v. Hind Mazdoor Sabha*, (1995) 5 SCC 27: 1995 SCC (L&S) 1166.

An industrial dispute can be raised for abolition of contract labour system even by the workman of principal employer and for appropriate service conditions by the workman of the contractor. *Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat v. Hind Mazdoor Sabha*, (1995) 5 SCC 27: 1995 SCC (L&S) 1166.

It is true that the Act does not provide for determination of the status of the workmen of the erstwhile contractor once the appropriate Government abolishes the contract labour system. But if the contract was not genuine the workmen can raise an industrial dispute and if such dispute is raised, their status will be determined by industrial adjudicator. The direct employees of the principal employer can also raise an industrial dispute for absorption of the ex-contractor's workmen and the industrial adjudicator can decide as to who and how many of the workmen should be absorbed and on what terms. *M.M. Ashrafi v. Oil and Natural Gas Commission*, (1997) 1 Cur LR 503 (Guj).

The doctrine of "lifting of the veil," although came to be recognised in corporate jurisprudence, held, can be applied to find out whether the labourers employed by the alleged contractor were really the employees of the establishment. *Secretary v. Suresh*, (1999) 3 SCC 601. Where after applying the said doctrine, the High Court found that the contract was not a genuine one and the contract labourers, whose services had been terminated, were, in fact, employees of the Haryana State Electricity Board and on the facts and circumstances of the case granted them relief of reinstatement without resorting to S. 10 of the Act, the decision was upheld by the Supreme Court. (See *ibid.*)

High Court under Article 226 cannot issue direction to the appropriate Government to issue notification under S. 10 of the Act. *Marathwada Vidyut Prakalp v. State of Maharashtra*, (2003) 1 Cur LR 311: (2003) 1 LLN 702 (Bom)(DB). But see *ICM Engineering Workers' Union v. Union of India*, (2001) 1 LLJ 1127: (2001) 98 FJR 729: 2001 LLR 525 (Del).

The High Court cannot abolish contract labour nor can it prohibit a principal employer from engaging contract labour in a case where the Government had not abolished contract labour by an order under Section 10. *Workmen, Nilgiris Coop. Marketing Society v. State of T.N.*, (1989) 2 LLN 43 (Mad).

The Court cannot direct that during the pendency of contract labourers' application under Section 10 such workers should continue to be engaged, at the instance of the principal employer, by any contractor engaged by him. *A.P. Dairy Development Cooperation Federation v. K. Ramulu*, (1989) 2 LLJ 312: 58 FLR 685 (AP)(DB).

Supreme Court cannot, under Article 32 of the Constitution order for abolition of contract labour system in any establishment. *BHEL Workers' Assn. v. Union of India*, (1985) 1 SCC 630: 1985 SCC (L&S) 371.

However, where on the contract labourers' demand for abolition of contract labour in the establishment concerned, the Labour Commissioner had made a favourable report but the

State Government failed to take a decision for nine long years, held, the court could direct the Government to dispose of the matter one way or the other. *Adhir Kumar Chowdhury v. State of W.B.*, 1987 Lab IC 1262: (1987) 1 Cur LR 418 (Cal)(DB).

Contract labourers of cleaning catering establishments and pantry cars in Western Railway directed to be regularised. See *Munna Khan v. Union of India*, 1989 Supp (2) SCC 99: 1989 SCC (L&S) 567.

Where the notification and the Board's recommendation were based on relevant material, held, the notification could not be impugned merely on the ground of being a non-speaking one. *National Organic Chemical Industries Ltd. v. State*, (1989) 2 LLN 816: 58 FLR 123.

Section 10—Central Government is not required to put on record that they have examined the question of prohibition of contract labour in the establishments after taking into account each fact separately. It is for the person challenging the notification to establish that the notification in question had been issued on some extraneous considerations or without taking into account the relevant factors mentioned in Section 10(2). *J.P. Gupta v. Union of India*, 1981 Lab IC 641 (Pat HC).

A single notification prohibiting contract labour can be issued in respect of different establishments if the operation and nature of work are similar in all establishments. Hence notification prohibiting contract labour in coal mines was proper. *J.P. Gupta v. Union of India*, 1981 Lab IC 641 (Pat HC).

Issuing common notification prohibiting employment of contract labour in the process of sweeping and scavenging in establishments/factories which employ 50 or more workmen will be valid. The contention that there should be individual consideration and notification and there cannot be a common notification as in the present case, will not be tenable. *Bharat Heavy Electricals Ltd. v. Govt. of T.N.*, (1997) 3 LLN 495 (Mad)(DB).

When notification is applicable to establishments falling in a particular category, the fact that separate notification is not issued will not make impact on the action of Government in the issuing of a notification. *Barat Fritz Werner Ltd. v. State of Karnataka*, (2001) 4 SCC 498.

Mere fact of abolition of contract labour in sweeping and scavenging in certain specific industries, held, would not by itself the issuance of a common notification abolishing contract labour for the said purpose in all the industries. *L&T McNeil Ltd. v. Govt. of T.N.*, (2001) 3 SCC 170: 2001 SCC (L&S) 550.

In *Workers' Union v. Food Corporation of India*, (1985) 2 SCC 294: 1985 SCC (L&S) 456, in the absence of sufficient material, the Supreme Court refused to issue a writ of mandamus to the appropriate Government to extend the benefits of the Act to the workers employed as contract labour in various establishments of the Food Corporation of India. However, it issued appropriate directions to the State Governments concerned to constitute committees under Section 5 to make necessary enquiry and to submit report as to whether it would be possible to abolish contract labour in the corporation altogether.

Writ jurisdiction cannot be invoked to enforce the company to include a particular condition in the contract. *Sadhan Mukherjee v. Indian Iron & Steel Co. Ltd.*, (2002) 93 FLR 259 (Cal).

Contract Labourers: Rights of.—Contract labour is entitled to the same wages, holidays, hours of work and conditions of service as applicable to workmen directly employed by the principal employer on the same or similar kind of work. *BHEL Workers' Assn. v. Union of India*, (1985) 1 SCC 630: 1985 SCC (L&S) 371. See also *M.R. Mazdoor Sangh v. Indian Oil Corpn. Ltd.*, (1991) 2 SCC 176: 1991 SCC (L&S) 533.

Neither the Act nor the rules provide that upon abolition of contract labour, such labour should be directly absorbed by the principal employer. *A.P. Dairy Development Coop. Federation v. K. Ramulu*, (1989) 2 LLJ 312: 58 FLR 685 (AP)(DB).

Absorption of contract labourers cannot be automatic and it is not for the court to give such directions. *Municipal Corpn. of Greater Mumbai v. K.V. Shramik Sangh*, (2002) 4 SCC 609, following *Steel Authority of India Ltd. v. National Union Waterfront Workers*, (2001) 7 SCC 1: 2001 SCC (L&S) 1121.

On issuance of a prohibition notification under S. 10(1), the principal employer cannot be required to absorb the contract labour. *Steel Authority of India Ltd. v. National Union Waterfront Workers*, (2001) 7 SCC 1: 2001 SCC (L&S) 1121, overruling prospectively *Air India Statutory Corpn. v. United Labour Union*, (1997) 9 SCC 377: 1997 SCC (L&S) 1344, relying on

Hussainbhai v. Alath Factory Thezhilali Union, (1978) 4 SCC 257; 1978 SCC (L&S) 506; *Indian Petrochemicals Corpn. Ltd. v. Shramik Sena*, (1999) 6 SCC 439; 1999 SCC (L&S) 1138. See also *Oil and Natural Gas Corporation Ltd. v. Petroleum Employees' Union*, 2003 Lab IC 544: (2003) 1 Cur LR 157 (Bom)(DB).

Only because a notification under S. 10 of the Act has been issued, the contract labourers appointed subsequent to the notification cannot be directed to be absorbed. *K. Butchi Reddy v. CAT, Hyderabad*, (2001) 1 LLJ 1443; (2001) 2 Cur LR 49; (2001) 89 FLR 972 (AP)(DB).

By virtue of the prohibition of contract labour by notification under Section 10(1) of the Act, no automatic absorption of the contract labour was ordered. *Nitinkumar Nathalal Joshi v. O.N.G.C. Ltd.*, (2002) 3 SCC 433; 2002 SCC (L&S) 440.

Where parcel porters working as contract labour in railway stations filing a writ for implementation of Supreme Court's previous orders directing their absorption as regular employees in the Railways and grant of consequential benefits, it was held that burden of proving the claim of continuous working rests on the claimants for which they are required to furnish concrete proof and reliable documents. Labour Commissioner directed to file a fresh report with an opportunity to the respondents to scrutinise the claims and cross-examine the petitioners. Hence, direction passed to implement the Labour Commissioner's fresh report. *A.I. Rly. Parcel & Goods Porters' Union v. Union of India*, (2003) 11 SCC 590; 2004 SCC (L&S) 100; (2003) 6 SLR 16.

Canteen Workers: Regularisation of.—Where in discharge of a statutory obligation of maintaining a canteen in an establishment the principal employer availed the services of a contractor, it was held that the contract labour would indeed be the employees of the principal employer and that such cases do not relate to or depend upon abolition of contract labour. *Mishra Dhatu Nigam Ltd. v. M. Venkataiah*, (2003) 7 SCC 488, explaining *Steel Authority of India Ltd. v. National Union Waterfront Workers*, (2001) 7 SCC 1; 2001 SCC (L&S) 1121.

Regularisation of employees of statutory canteens with attendant benefits, held is to be granted by the employer only to eligible employees as per directions of High Court. *National Thermal Power Corpn. Ltd. v. Karri Pothuraju*, (2003) 7 SCC 384; 2003 SCC (L&S) 1053; (2003) 5 SLR 97, following *Steel Authority of India Ltd. v. National Union Waterfront Workers*, 2001 SCC (L&S) 1121; *VST Industries Ltd. v. Workers Union*, (2001) 1 SCC 298; 2001 SCC (L&S) 227; *Saraspur Mills Co. Ltd. v. Ramanlal Chimanlal*, (1974) 3 SCC 66; 1973 SCC (L&S) 410, affirming *Karri Pothuraju v. National Thermal Power Corpn. Ltd.*, (1997) 1 Andh LT 97.

Reference under Industrial Disputes Act.—The appropriate Government can refuse to make a reference under Section 10 of the Industrial Disputes Act, 1947 in respect of a demand regulated by the Contract Labour (Regulation and Abolition) Act. *Philips Workers' Union v. State of Maharashtra*, (1986) 2 LLN 124 (Bom); (1987) 2 LLJ 91.

Although Section 2(s) of the Industrial Disputes Act, 1947, as amended in 1958 by the State of Rajasthan, covers contract labour, the Contract Labour (Regulation & Abolition) Act, 1970 takes away the power of the State Government to make reference, under Section 10 of the Industrial Disputes Act, of disputes relating to contract labour covered by the 1970 Act. *Delhi Cloth and General Mills Co. Ltd. v. State of Rajasthan*, (1993) 2 LLJ 1014 (Raj).

Section 10(2)—Work of cleaning catering establishments and pantry cars on Southern Railway satisfies the conditions of Section 10(2). Hence, the Supreme Court directed the Central Government to take appropriate action under Section 10 within six months. *Catering Cleaners of Southern Railway v. Union of India*, (1987) 1 SCC 700; 1987 SCC (L&S) 77.

Where the contract employees, who were trained electricians, employed in the sub-station to maintain supply of electricity, claiming regularisation of their services under the Engineering Department of the Administration, the question whether a particular contract is genuine, sham or camouflage held, can only be determined by the industrial forum since it involves a finding as to the inter se relationship between the administration, the contractor and the contract employees. *Ram Singh v. Union Territory, Chandigarh*, (2004) 1 SCC 126.

This Act is a complete code by itself. It not only provides for regulation of contract labour but also abolition thereof. Neither the Labour Court nor the writ court could determine the question as to whether the contract should be abolished or not, the same being within the exclusive domain of the appropriate Government. A decision in that behalf undoubtedly is

required to be taken upon following the procedure laid down in sub-section (1) of Section 10 of the 1947 Act. *Steel Authority of India Ltd. v. Union of India*, (2006) 12 SCC 233; (2007) 1 SCC (L&S) 630.

For the purpose of exercising jurisdiction under Section 10 of the 1970 Act, the appropriate Government is required to apply its mind. Its order may be an administrative one but the same would not be beyond the pale of judicial review. It must, therefore, apply its mind before making a reference on the basis of the materials placed before it by the workmen and/or management, as the case may be. While doing so, it may be inappropriate for the same authority on the basis of the materials that a notification under Section 10(1)(d) of the 1947 Act be issued, although it stands judicially determined that the workmen were employed by the contractor. The State exercises administrative power both in relation to abolition of contract labour in terms of Section 10 of the 1970 Act as also in relation to making a reference for industrial adjudication to a Labour Court or a Tribunal under Section 10(1)(d) of the 1947 Act. While issuing a notification under the 1970 Act, the State would have to proceed on the basis that the principal employer had appointed contractors and such appointments are valid in law, but while referring a dispute for industrial adjudication, validity of appointment of the contractor would itself be an issue as the State must prima facie satisfy itself that there exists a dispute as to whether the workmen are in fact not employed by the contractor but by the management. *Steel Authority of India Ltd. v. Union of India*, (2006) 12 SCC 233; (2007) 1 SCC (L&S) 630.

The Supreme Court in *SAIL case*, (2001) 7 SCC 1, only recognized existing right and not any future right. Such a right should be existing on the date of the judgment in *SAIL* i.e. 30-8-2001, and not thereafter. Any decision rendered thereafter could not confer a right much less any other right. *Food Corpn. of India v. Pala Ram*, (2008) 14 SCC 32.

The effect of notification issued under Section 10(1) cannot be taken away by a circular. There has to be a fresh notification if earlier policy is to be changed. *Food Corpn. of India v. Pala Ram*, (2008) 14 SCC 32.

Para 125(b) of the Constitution Bench judgment in the *SAIL case*, (2001) 7 SCC 1 used the plural word "establishments". A corporation may therefore have more than one establishments. It requires serious consideration whether in the absence of any valid notification abolishing contract labour, the same could be held binding on other establishments. *Food Corpn. of India v. Pala Ram*, (2008) 14 SCC 32.

Noti. dt. 26-7-2004 under S. 10(1) prohibiting contract labour for trolley retrievals in establishments of Airports Authority of India (AAI) and other specified airports applicable to AAI and Delhi International Airport (P) Ltd., *Delhi International Airport (P) Ltd. v. Union of India*, (2011) 12 SCC 449.

CHAPTER IV LICENSING OF CONTRACTORS

11. Appointment of licensing officers.—The appropriate Government may, by an order notified in the Official Gazette,—

- (a) appoint such persons, being Gazetted Officers of Government, as it thinks fit to be licensing officers for the purposes of this chapter; and
- (b) define the limits, within which a licensing officer shall exercise the powers conferred on licensing officers by or under this Act.

12. Licensing of contractors.—(1) With effect from such date as the appropriate Government may, by notification in the Official Gazette, appoint no contractor to whom this Act applies, shall undertake or execute any work through contract labour except under and in accordance with a licence issued in that behalf by the licensing officer.

(2) Subject to the provisions of this Act, a licence under sub-section (1) may contain such conditions including, in particular, conditions as to hours of work,

fixation of wages and other essential amenities in respect of contract labour as the appropriate Government may deem fit to impose in accordance with the rules, if any, made under Section 35 and shall be issued on payment of such fees and on the deposit of such sum, if any, as security for the due performance of the conditions as may be prescribed.

CASE LAW

Sub-contractors or 'piece wagers' are equally responsible for obtaining licences and implementing the provisions of the Act and the rules. Execution of a work in a government project by piece wagers through workers employed by them either directly or through khatedars must be in accordance with the licence obtained under Section 12(1). Failure to obtain licence will amount to a criminal offence under Sections 16 to 21 read with Rules 41 to 62 of the rules. *Labourers Working on Salal Hydro Project v. State of J&K*, (1983) 2 SCC 181; 1981 SCC (L&S) 289; (1983) 1 LLJ 494.

Where a firm under an agreement undertook the work of holding and storage of another company's materials and for that purpose utilised the services of some labourers employed through sirdars, the firm, its partners and employees could not be prosecuted for not obtaining licence under Section 12 as the firm is an "establishment" within the meaning of Section 2(1)(e)(ii) and not the company's contractor. Assuming the partners and employees of the firm or any of them were principal employers, they could not be both contractors and principal employers in relation to the same establishment. Moreover, each of the sirdars was a contractor within the meaning of the Act in relation to the firm i.e. the establishment. The workmen concerned having been supplied through the medium of sirdars, neither the firm nor the partners nor the employees could be deemed to be a contractor in relation to the said workmen. Their liability to take out a licence cannot, therefore, arise. *Feroze Sons v. B.C. Basu*, (1979) 54 FJR 158 (Cal).

Section 12 imposed a liability not to undertake or execute any work through contract labour without licence, a liability which continued until the licence was obtained and its requirement was complied with. It was an act which continued. Undertaking or executing any work through contract labour without a licence, therefore, constituted a fresh offence every day on which it continued. *Padam Prasad Jain v. State of Bihar*, 1978 Lab IC 145.

Violation of Section 12 by the contractor attracts penal provisions of Sections 23 and 25 but does not have the effect of rendering the contract labour, employees of the principal employer. *Dena Nath v. National Fertilisers Ltd.*, (1992) 1 SCC 695; 1992 SCC (L&S) 349. Overruling *Workmen v. Best & Crompton Engineering Ltd.*, (1985) 1 LLJ 492; (1985) 2 LLN 169 (Mad)(DB) and *United Labour Union v. Union of India*, (1990) 1 LLN 565; (1990) 60 FLR 686 (Bom).

13. Grant of licences.—(1) Every application for the grant of a licence under sub-section (1) of Section 12 shall be made in the prescribed form and shall contain the particulars regarding the location of the establishment, the nature of process, operation or work for which contract labour is to be employed and such other particulars as may be prescribed.

(2) The licensing officer may make such investigation in respect of the application received under sub-section (1) and in making any such investigation the licensing officer shall follow such procedure as may be prescribed.

(3) A licence granted under this Chapter shall be valid for the period specified therein and may be renewed from time to time for such period and on payment of such fees and on such conditions as may be prescribed.

14. Revocation, suspension and amendment of licences.—(1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

- (a) a licence granted under Section 12 has been obtained by misrepresentation or suppression of any material fact, or
- (b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence or forfeit the sum, if any, or any portion thereof deposited as security for the due performance of the conditions subject to which the licence has been granted.

(2) Subject to any rules that may be made in this behalf, the licensing officer may vary or amend a licence granted under Section 12.

CASE LAW

Licensing officer under Section 14 is not a court. Provisions of this section do not violate Arts. 14 and 19(1)(f). *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

15. Appeal.—(1) Any person aggrieved by an order made under Section 7, Section 8, Section 12 or Section 14 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to an appellate officer who shall be a person nominated in this behalf by the appropriate Government:

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty 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-section (1), the appellate officer shall, after giving the appellant an opportunity of being heard dispose of the appeal as expeditiously as possible.

CHAPTER V

WELFARE AND HEALTH OF CONTRACT LABOUR

16. Canteens.—(1) The appropriate Government may make rules requiring that in every establishment—

- (a) to which this Act applies,
- (b) wherein work requiring employment of contract labour is likely to continue for such period as may be prescribed, and
- (c) wherein contract labour numbering one hundred or more is ordinarily employed by a contractor,

one or more canteens shall be provided and maintained by the contractor for the use of such contract labour.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the date by which the canteens shall be provided;

- (b) the number of canteens that shall be provided, and the standards in respect of construction, accommodation, furniture and other equipment of the canteens; and
- (c) the foodstuffs which may be served therein and the charges which may be made therefor.

CASE LAW

Provisions, held, are not unreasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596: 1974 SCC (L&S) 252.

17. Rest-rooms.—(1) In every place wherein contract labour is required to halt at night in connection with the work of an establishment—

- (a) to which this Act applies, and
- (b) in which work requiring employment of contract labour is likely to continue for such period as may be prescribed,

there shall be provided and maintained by the contractor for the use of the contract labour such number of rest-rooms or such other suitable alternative accommodation within such time as may be prescribed.

(2) The rest-rooms or the alternative accommodation to be provided under sub-section (1) shall be sufficiently lighted and ventilated and shall be maintained in a clean and comfortable condition.

CASE LAW

Provisions, held, are not unreasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

18. Other facilities.—It shall be the duty of every contractor employing contract labour in connection with the work of an establishment to which this Act applies, to provide and maintain—

- (a) a sufficient supply of wholesome drinking water for the contract labour at convenient places;
- (b) a sufficient number of latrines and urinals of the prescribed types so situated as to be convenient and accessible to the contract labour in the establishment; and
- (c) washing facilities.

CASE LAW

Provision, held, reasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

19. First-aid facilities.—There shall be provided and maintained by the contractor so as to be readily accessible during all working hours a first-aid box equipped with the prescribed contents at every place where contract labour is employed by him.

20. Liability of principal employer in certain cases.—(1) If any amenity required to be provided under Section 16, Section 17, Section 18 or Section 19 for the benefit of the contract labour employed in an establishment is not provided by the contractor within the time prescribed therefor, such amenity shall be provided by the principal employer within such time as may be prescribed.

(2) All expenses incurred by the principal employer in providing the amenity may be recovered by the principal employer from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

CASE LAW

Sections 20 & 21—Obligation to provide amenities conferred under the Act to the workers is on the principal employer. Government will be responsible for enforcement of those amenities where contractors engaged by it for executing its construction project fail to provide the amenities to its workers. Government's failure to perform its obligation amounts to violation of Art. 21 and workers can enforce their right by writ petition under Art. 32. *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235: 1982 SCC (L&S) 275.

21. Responsibility for payment of wages.—(1) A contractor shall be responsible for payment of wages to each worker employed by him as contract labour and such wages shall be paid before the expiry of such period as may be prescribed.

(2) Every principal employer shall nominate a representative duly authorised by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner as may be prescribed.

(3) It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorised representative of the principal employer.

(4) In case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

CASE LAW

Section 21—Payment of wages including overtime wages, etc. must be made directly to the workers in full except with authorised statutory deductions, if any. Payment through khatedars after deducting any advance repayable by the workers to the khatedars or any messing charges, etc. was not proper. Due amounts could be recovered from the workers after paying full wages. *Labourers Working on Salal Hydro Project v. State of J&K*, (1983) 2 SCC 181: 1983 SCC (L&S) 289.

Liability of principal employer.—The contract labour employed by the contractor can claim wages even from the principal employer under Section 21(4). *Indian Airlines v. Central Government Labour Court*, (1987) 2 LLN 111 (Del): (1987) 2 LLJ 512: (1987) 70 FJR 379.

A principal employer must compensate under-paid contract labour. *Hindustan Steel Works Construction Ltd. v. Commr. of Labour*, (1996) 10 SCC 599: 1996 SCC (L&S) 1448.

Principal employer is liable to pay wages in case the contractor defaults and the term 'wages' includes balance or arrears thereof. *Senior Regional Manager, Food Corporation of India, Calcutta v. Tulsi Das Bauri*, (1997) 5 SCC 51; 1997 SCC (L&S) 1111.

Where the contractor fails to make the payment of wages within the prescribed period make short payment, sub-section (4) provides that the principal employer shall be liable to make payment in full or the unpaid balance due to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor, *M.N.S. Rana v. Railway Board*, (2009) 120 FLR 579 (Del).

CHAPTER VI PENALTIES AND PROCEDURE

22. Obstructions.—(1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act in relation to an establishment to which, or a contractor to whom, this Act applies, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to five hundred rupees, or with both.

CASE LAW

'Wilfully' means 'intentionally or deliberately'. *Hamam Singh v. State*, (1976) 2 SCC 819, a case under Section 477-A of the Penal Code, 1860.

23. Contravention of provisions regarding employment of contract labour.—Whoever contravenes any provision of this Act or of any rules made thereunder prohibiting, restricting or regulating the employment of contract labour, or contravenes any condition of a licence granted under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

CASE LAW

Mere allegation of contravention is not sufficient. The complainant has to allege as to who are those persons who have contravened the prohibition of or restriction on the employment of contract labour. *J.P. Gupta v. Union of India*, 1981 Lab IC 641 (Pat HC).

Mens rea is an ingredient of the offence under Section 23. *S.B. Deshmukh v. State*, (1986) 1 LLN 601 (Bom); 1986 Lab IC 204.

Mere violation of a notification, issued under Section 10(1), would automatically attract Section 23. *Gowrisankaran K. v. Labour Enforcement Officer (Central), Chennai*, (2002) 1 LLJ 318 (Mad). But see *Indian Iron & Steel Co. v. State of Bihar*, (1987) 2 LLN 193; 1986 Lab IC 2003 (Pat).

24. Other offences.—If any person contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

CASE LAW

A Central Government company is not immune from being prosecuted under Section 24. *National Projects Constructions Corp. Ltd. v. Labour Enforcement Officer*, (1991) 62 FLR 497 (Cal).

25. Offences by companies.—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

CASE LAW

In absence of compliance with Section 25, person, though proprietor of the firm, cannot be prosecuted for an offence by such firm. *Indian Iron & Steel Co. v. State of Bihar*, (1987) 2 LLN 193 (Pat); 1986 Lab IC 2003.

Prosecution of the company is not a condition precedent for the prosecution of its managing director and production manager. *Sheoratan Agarwal v. State of M.P.*, (1984) 4 SCC 352.

The liability of a person in charge of the company arises only when the contravention is by the company itself. *State of Madras v. C.V. Parekh*, (1970) 3 SCC 491.

26. Cognizance of offences.—No court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of, the inspector and no court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

27. Limitation of prosecutions.—No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint, thereof may be made within six months of the date on which the offence is alleged to have been committed.

CHAPTER VII MISCELLANEOUS

28. Inspecting staff.—(1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Subject to any rules made in this behalf, an inspector may, within the local limits for which he is appointed—

- (a) enter, at all reasonable hours, with such assistance (if any), being persons in the service of the Government or any local or other public authority as he thinks fit, any premises or place where contract labour is employed, for the purpose of examining any register or record or notices required to be kept or exhibited by or under this Act or rules made thereunder, and require the production thereof for inspection;
- (b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is a workman employed therein;
- (c) require any person giving out work and any workman, to give any information, which is in his power to give with respect to the names and addresses of the persons to, for and from whom the work is given out or received, and with respect to the payments to be made for the work;
- (d) seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or contractor; and
- (e) exercise such other powers as may be prescribed.

(3) Any information required to produce any document or thing or to give any information required by an inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of Section 175 and Section 176 of the Indian Penal Code, 1860 (45 of 1860).

(4) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, so far as may be, apply to any search or seizure under sub-section (2) as they apply to any search or seizure made under the authority of a warrant issued under Section 98 of the said Code.⁵

5. CrPC, 1973, S. 94.

CASE LAW

Frequent, detailed and thorough inspection should be undertaken by senior officers for ensuring compliance with Section 21. *Labourers Working on Salal Hydro Project v. State of J&K*, (1983) 2 SCC 181. See also *Salal Hydro Electric Project v. State of J&K*, (1984) 3 SCC 538; 1984 SCC (L&S) 577.

29. Registers and other records to be maintained.—(1) Every principal employer and every contractor shall maintain such registers and records giving such particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour and such other particulars in such form as may be prescribed.

(2) Every principal employer and every contractor shall keep exhibited in such manner as may be prescribed within the premises of the establishment where the contract labour is employed, notices in the prescribed form containing particulars about the hours of work, nature of duty and such other information as may be prescribed.

CASE LAW

Forms prescribed under a scheme framed under an Act cannot abridge the Act or rules or directions made under the Act. *Life Insurance Corporation of India v. Escorts Ltd.*, (1986) 1 SCC 264.

30. Effect of laws and agreements inconsistent with this Act.—(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, or in any standing orders applicable to the establishment whether made before or after the commencement of the Act:

Provided that where under any such agreement, contract of service or standing orders the contract labour employed in the establishment are entitled to benefits in respect of any matter which are more favourable to them than those to which they would be entitled under this Act, the contract labour shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that they received benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed as precluding any such contract labour from entering into an agreement with the principal employer or the contractor, as the case may be, for granting them rights or privileges in respect of any matter which are more favourable to them than those to which they would be entitled under this Act.

CASE LAW

Provisions of the Act do not override the provisions of the Industrial Disputes Act, 1947. *Food Corporation of India Loading and Unloading Workers' Union v. Food Corporation of India*, 57 FLR (Sum) 1.

31. Power to exempt in special cases.—The appropriate Government may, in the case of an emergency, direct, by notification in the Official Gazette, that

subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, all or any of the provisions of this Act or the rules made thereunder shall not apply to any establishment or class of establishments or any class of contractors.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh, S. 31 has been substituted by A.P. Act 10 of 2003, S. 5 (w.e.f. 22-8-2003):

“31. *The power to exempt in special cases.*—(1) The appropriate Government may, in public interest, direct, by notification in the Official Gazette, that subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, all or any of the provisions of this Act or the rules made thereunder shall not apply to any establishment or class of establishment or any class of contractors, as the case may be.

(2) Where the operation of any of the provisions of this Act, under Section 31(1) has been excluded, such exclusion may at any time be revoked by the appropriate Government by subsequent notification in the Official Gazette.”

32. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceedings shall lie against any registering offices, licensing officer or any other government servant or against any member of the Central Board or the State Board, as the case may be, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

CASE LAW

The section cannot cover a case of a breach or an intended breach of the Act. *State of Gujarat v. Kansara Manilal Bhikhalal*, (1964) 2 LLJ 456: AIR 1964 SC 1893.

33. Power to give directions.—The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

34. Power to remove difficulties.—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 appears to it to be necessary or expedient for removing the difficulty.

CASE LAW

Section 34 does not suffer from vice of excessive delegation. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

35. Power to make rules.—(1) The appropriate Government may, subject to the condition of previous publication, make rules for carrying out the purposes 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 appointed members representing various interests on the Central Board and the State Board, the term of their

office and other conditions of service, the procedure to be followed in the discharge of their functions and the manner of filling vacancies;

(b) the times and places of the meetings of any committee constituted under this Act, the procedure to be followed at such meetings including the quorum necessary for the transaction of business, and the fees and allowances that may be paid to the members of a committee;

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh, in Section 35, in sub-section (2), clauses (a) and (b) omitted by A.P. Act 10 of 2003, S. 6 (w.e.f. 22-8-2003).

(c) the manner in which establishments may be registered under Section 7, the levy of a fee therefor and the form of certificate of registration;

CASE LAW

Levy of fee by Central and State Govts. for registration, licence and renewal of licence does not amount to levy of tax. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596: 1974 SCC (L&S) 252.

(d) the form of application for the grant or renewal of a licence under Section 13 and the particulars it may contain;

(e) the manner in which an investigation is to be made in respect of an application for the grant of a licence and the matters to be taken into account in granting or refusing a licence;

(f) the form of a licence which may be granted or renewed under Section 12 and the conditions subject to which the licence may be granted or renewed, the fees to be levied for the grant or renewal of a licence and the deposit of any sum as security for the performance of such conditions;

(g) the circumstances under which licences may be varied or amended under Section 14;

(h) the form and manner in which appeals may be filed under Section 15 and the procedure to be followed by appellate officers in disposing of the appeals;

(i) the time within which facilities required by this Act to be provided and maintained may be so provided by the contractor and in case of default on the part of the contractor, by the principal employer;

(j) the number and types of canteens, rest-rooms, latrines and urinals that should be provided and maintained;

(k) the type of equipment that should be provided in the first-aid boxes;

(l) the period within which wages payable to contract labour should be paid by the contractor under sub-section (1) of Section 21;

(m) the form of registers and records to be maintained by principal employers and contractors;

(n) the submission of returns, forms in which, and the authorities to which, such returns may be submitted;

- (o) the collection of any information or statistics in relation to contract labour; and

- (p) any other matter which has to be, or may be, prescribed under this Act.

(3) 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, 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.

⁶[(4) 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.]

CENTRAL GOVERNMENT NOTIFICATIONS

(1)

*Ministry of Labour and Employment, Noti. No.
S.O. 1250(E) dt. 2-8-2006*

In exercise of the powers conferred by Section 6 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and in supersession of the notification of the Government of India in the Ministry of Labour Number S.O. 2423, dated the 18th May, 1985, the Central Government hereby appoints the officers mentioned in column (1) of the Schedule below, being Gazetted Officers of the Government, to be the registering officers who shall exercise the powers conferred on registering officers by or under the said Act, having jurisdiction as specified in column (2) of the said Schedule.

SCHEDULE

Officers		Jurisdiction
(1)		(2)
1. Regional Labour Commissioners (Central) Jaipur, Bhopal, Lucknow, Ranchi, Jammu, Pune, Rourkela and Bellary		Whole of India
2. All Assistant Labour Commissioners (Central)		Whole of India
3. Labour Enforcement Officer (Central), Portblair.		Andaman and Nicobar Islands

(2)

*Ministry of Labour and Rehabilitation (Department of Labour), Noti.
No. S.O. 4589, dated November 20, 1984, published in
1985 CCL-III-77*

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the works specified in the Schedule annexed hereto, in the Chromite, Magnesite, Gypsum and Mica Mines in the country, with immediate effect.

SCHEDULE

1. CHROMITE MINES

- (i) Over-burden excavation and removal;
- (ii) Drilling and Blasting;
- (iii) Raising of Ore; and
- (iv) Transportation of over-burden to dumps and Ore to stocking sites.

2. MAGNESITE MINES

- (i) Over-burden removal;
- (ii) Drilling and Blasting; and
- (iii) Raising of minerals.

3. GYPSUM MINES

- (i) Over-burden removal; and
- (ii) Mining/raising of mineral.

4. MICA MINES

- (i) Raising of mica;
- (ii) Drilling and Blasting;
- (iii) Dewatering of mines;
- (iv) Muck removal; and
- (v) Processing of mica.

(3)

*Ministry of Labour, Noti. No. S.O. 553, dated February 4, 1987,
published in 1987 CCL-III-374*

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the works specified in the Schedule annexed hereto, in the fire-clay mines in the country, with effect from the date of publication of this notification in the Official Gazette.

THE SCHEDULE

- (i) Over-burden removal;
- (ii) Raising and stocking of fire-clay;
- (iii) Loading and transportation; and
- (iv) Dewatering of mines.

(4)

*Ministry of Labour, Noti. No. S.O. 747(E), dated July 28, 1987,
published in 1987 CCL-III-716*

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the work of cleaning in catering establishments and pantry cars on Railways in the country, with effect from the date of publication of this notification in the Official Gazette.

(5)

*Ministry of Labour, Noti. No. S.O. 2063, dated June 21, 1988,
published in 1989 CCL-III-12*

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and in supersession of the notification of the Government of India in the Ministry of Labour, Noti. No. S.O. 488, dated the 1st February, 1975, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 15th February, 1975, the Central Government after consultation with the Central Board, hereby prohibits employment of contract labour in the work specified in the Schedule annexed hereto in all coal mines in the country.

THE SCHEDULE

1. Raising or raising-cum-selling of coal;
 2. Coal loading and unloading;
 3. Over-burden removal and earth cutting;
 4. Soft coke manufacturing;
 5. Driving of stone drifts and miscellaneous stone cutting underground:
- Provided that this notification shall not apply to the following categories:—
- (a) quarries in the North-East Coal Field which can only be worked for a few months every year due to heavy rainfall in the area;
 - (b) quarries located by the side of the river in Punch valley and similar other patch deposits which can only be worked when the level of river has gone down and during non-rainy seasons;
 - (c) loading coal when there is mechanical failure, failure of power or irregular supply of wagons by the Railways; and
 - (d) cutting stone drifts/faults which cannot be detected in advance and are of short duration, say up to six months.

(6)

Ministry of Labour, Noti. No. S.O. 833(E), dated November 1, 1990,
published in the Gazette of India, Extra., Part II, Section 3(ii),
dated 1st November, 1990, pp. 2-4 [No. U-23013/1/88-LW. Vol. II]

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the godowns and depots of the Food Corporation of India specified in the Schedule annexed hereto and in which the process, operation or work of handling of foodgrains, including their loading and unloading from any means of transport, storing and stacking, is carried on.

SCHEDULE

(For list see 1991 CCL-III-115)

(7)

Ministry of Labour, Noti. No. S.O. 3460, dated December 11, 1990,
published in the Gazette of India, Part II, Section 3(ii), dated
22nd December, 1990, p. 5633 [U. 23013/31/87-LW]

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the works/operations specified in the following Schedule, in the coal washery in the country, with effect from the date of publication of this notification in the Official Gazette.

SCHEDULE

- (i) Transport of middling; and
- (ii) Removal of slurry.

(8)

Ministry of Labour, Noti. No. S.O. 961(E), dated December 27, 1990,
published in the Gazette of India, Extra., Part II, Section 3(ii),
dated 27th December, 1990, p. 2 [F. No. U-23013/33/86-LW]

In exercise of the powers conferred by sub-section (i) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits employment of contract labour in painting of signals and signal posts on Indian Railways except those which are part of construction activity consisting of new installations, remodelling, repairs and overhauling of signalling equipments and for emergent works not covered by routine maintenance.

(9)

Ministry of Labour, Noti. No. S.O. 319(E), dated May 8, 1991 published in the
Gazette of India, Extra., Part II, Section 3(ii), dated 8th May, 1991,
pp. 2-3 [No. U-23013/9/86-LW]

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of Contract Labour in various processes, operations or other work areas in the major ports specified in the Schedule annexed hereto:

THE SCHEDULE

1. *Bombay Port Trust, Bombay.*—(i) In the area of routine repairs and maintenance of electrical and mechanical equipments owned by the Port Trust, except where such maintenance and repairs require special skills/special expertise or where the machinery is expensive and work is of occasional/intermittent nature or when works crop up simultaneously with other work for which existing complement of staff is not adequate.

(ii) In the area of sweeping and removal of garbage and ash from the docks and other port premises subject to the condition that it may be necessary to resort to contract labour periodically to supplement the departmental labour for removing checks in drains, with specialised equipment with a view to prevent water-logging, inundation and flooding.

2. *Calcutta Port Trust, Calcutta.*—(i) In the area of maintenance and repairs of electrical and mechanical equipment owned by the Port Authorities.

(ii) In the area of diving work.

(iii) In the area of painting and chipping of vessels/crafts owned by the Port authorities.

3. *Madras Port Trust, Madras.*—(i) In the area of sweeping and removal of garbage except removal of ore spillage.

(ii) In Madras Port Trust Guest House for sweeping and cleaning of garbage.

(iii) In the area of painting and chipping of vessels/crafts owned by Port authorities.

4. *Visakhapatnam Port Trust, Visakhapatnam.*—(i) In the area of plumbing work, conservance, sanitation and gardening to be done at Guest House at Visakhapatnam and Guest Rooms at Hyderabad.

(ii) In the area of sweeping and removal of garbage and ash from the port premises and Dock area except the Fishing Harbour area.

(iii) In the area of maintenance and repair of electrical and mechanical equipment owned by Port authorities except rewinding of Generators/Ore Handling Plant which is not perennial in nature.

5. *Cochin Port Trust, Cochin.*—In the area of painting and chipping of vessels/crafts belonging to Cochin Port Trust.

6. *New Mangalore Port Trust, New Mangalore.*—In the area of maintenance and repair works of electrical and mechanical equipments excepting the work involving special skills and expertise.

7. *Paradip Port Trust, Paradip.*—In the Guest House of Paradip Port Trust for sweeping and cleaning garbage.

8. *Kandla Port Trust, Kandla.*—(i) In the area of sweeping and removal of garbage and ash from the Port area.

(ii) In the area of plumbing and gardening works, conservancy, sanitation, except plumbing and gardening works which form part of the new Schemes and have to be carried out through outside agency.

(iii) In the area of painting and chipping of crafts/vessels other than Dredger and shipping tugs of Kandla Port Trust.

(iv) In the Port Trust Guest House.

9. *Mormugao Port Trust, Mormugao.*—(i) In the area of routine maintenance and repair of electrical and mechanical equipment owned by the Port authorities.

(ii) In the Port Trust Guest House for sweeping and removal of garbage.

(iii) In the matters of minor chipping and painting of super structure of Port crafts carried out in port premises.

(10)

Ministry of Labour, Noti. No. S.O. 196(E), dated March 23, 1993, published in the Gazette of India,
Extra., Part II, Section 3(ii), dated 23rd March, 1993, p. 2, Sl. No. 176

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, and after having regard to the conditions of work and benefits provided for the Contract Labour hereby prohibits the employment of contract labour in works specified in the Schedule annexed hereto, in the Manganese Mines in the country with immediate effect.

SCHEDULE

1. Raising of mineral, its breaking, sizing and sorting;
2. Screening and jigging at mine site; and
3. Loading and unloading and transporting at mine site.

(11)

Ministry of Labour, Noti. No. S.O. 707, dated March 17, 1993, published in
the Gazette of India, Part II, Section 3(ii), dated 3rd April, 1993, p. 1082

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby prohibits with effect from the date of publication of this notification the employment of contract labour in the works specified in the following Schedule, in the Limestone and Dolomite Mines in the country, namely:—

SCHEDULE

- (1) Raising of minerals including breaking, sizing, sorting of limestone/dolomite; and
- (2) Loading and unloading of limestone and dolomite into and from trucks, dumpers, conveyers and transportation within mine site.]

(12)

Ministry of Labour, Noti. No. S.O. 142(E), dated March, 2, 1993, published
in the Gazette of India, Extra., Part II, Section 3(ii), dated 2nd March,
1993, [No. U-23013/3/92-LW]

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the

Central Advisory Contract Labour Board, and after having due regard to the conditions of work and benefits provided for contract labour in the establishment of the International Airports Authority of India and other factors as specified in sub-section (2) of the said section, hereby prohibits the employment of contract labour in the job of telephone operator in the establishment of the International Airports Authority of India.

(13)

Ministry of Labour, Noti. No. S.O. 648(E), dated September 8, 1994, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 8th September, 1994 pp. 2-3, No. 446 [F. No. U.-23013/4/92-LW]

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby prohibits the employment of contract labour in various works, specified in the Schedule annexed hereto, in the establishments of the Oil and Natural Gas Commission in the country.

SCHEDULE

1. Fire Fighting (Fire Supervisor, Fireman, Fire Technician).
2. Typists.
3. Clerks (including Accounts Clerks).
4. Steno Typists/Stenographers.
5. Data Operators.
6. Computer Operators.
7. Store Keepers.
8. Boiler Operators.
9. Telephone Operators.
10. Attendants/Helpers/Peons.
11. Instrumentation Technician & Helpers.
12. Radio Operators.
13. Drivers (Wherever driving work is not done by hiring vehicles on contract but by vehicles owned by the Oil and Natural Gas Commission).

(14)

Ministry of Labour and Employment, Noti. No. S.O. 947(E), dated April 23, 2010, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 23rd April, 2010, pp. 3-4, No. 787 [F. No. U-23013/22/2003-LW]

In exercise of the powers conferred under sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board and having regard to the conditions of work and benefits provided for the contract labour and other relevant factors enumerated in sub-section (2) of the said section, hereby prohibits the employment of contract labour in the works of loading, unloading, stacking, destacking, restacking, standardization, weighment, sweeping and cleaning in the godowns and depots of the Food Corporation of India as specified in the Schedule given below:

SCHEDULE

1. Food Corporation of India, Food Storage Depot, Shahjahanpur Roza, Uttar Pradesh.
2. Food Corporation of India, Food Storage Depot, Orai, Uttar Pradesh.
3. Food Corporation of India, Food Storage Depot, Gonda, Uttar Pradesh.
4. Food Corporation of India, Food Storage Depot, Etawah, Uttar Pradesh.
5. Food Corporation of India, Food Storage Depot, Banda, Uttar Pradesh.
6. Food Corporation of India, Food Storage Depot, Mahoba, Uttar Pradesh.
7. Food Corporation of India, Food Storage Depot, Sultanpur, Uttar Pradesh.
8. Food Corporation of India, Food Storage Depot, Deoria, Uttar Pradesh.
9. Food Corporation of India, Food Storage Depot, Jhansi, Uttar Pradesh.
10. Food Corporation of India, Food Storage Depot, Farukhabad, Uttar Pradesh.
11. Food Corporation of India, Food Storage Depot, Pratapgarh, Uttar Pradesh.
12. Food Corporation of India, Food Storage Depot, Nagrota, Himachal Pradesh.

13. Food Corporation of India, Food Storage Depot, Kullu, Himachal Pradesh.
14. Food Corporation of India, Food Storage Depot, Hamirpur, Himachal Pradesh.
15. Food Corporation of India, Food Storage Depot, Una, Himachal Pradesh.
16. Food Corporation of India, Food Storage Depot, Roorki, Uttarakhand.
17. Food Corporation of India, Food Storage Depot, Salem, Tamil Nadu.
18. Food Corporation of India, Food Storage Depot, Coimbatore, Tamil Nadu.
19. Food Corporation of India, Food Storage Depot, Chidambaram, Tamil Nadu.
20. Food Corporation of India, Food Storage Depot, Sanbannar Koil, Tamil Nadu.
21. Food Corporation of India, Food Storage Depot, Karikal, Tamil Nadu.
22. Food Corporation of India, Food Storage Depot, T.V. Koil, Tamil Nadu.
23. Food Corporation of India, Food Storage Depot, Puducherry.
24. Food Corporation of India, Food Storage Depot, Shimoga, Karnataka.
25. Food Corporation of India, Food Storage Depot, Bhadravathy, Karnataka.
26. Food Corporation of India, Food Storage Depot, Maddur, Karnataka.
27. Food Corporation of India, Food Storage Depot, Krisna Canal, Andhra Pradesh.
28. Food Corporation of India, Food Storage Depot, Peddapalli, Andhra Pradesh.
29. Food Corporation of India, Food Storage Depot, Palkol, Andhra Pradesh.
30. Food Corporation of India, Food Storage Depot, Kharar, Punjab.
31. Food Corporation of India, Food Storage Depot, Phagwara, Punjab.
32. Food Corporation of India, Food Storage Depot, Bariwala, Punjab.
33. Food Corporation of India, Food Storage Depot, Khamano, Punjab.
34. Food Corporation of India, Food Storage Depot, Sirhind, Punjab.
35. Food Corporation of India, Food Storage Depot, Tapa, Punjab.
36. Food Corporation of India, Food Storage Depot, Bhawanigarh, Punjab.
37. Food Corporation of India, Food Storage Depot, Dirba, Punjab.
38. Food Corporation of India, Food Storage Depot, Moonak, Punjab.
39. Food Corporation of India, Food Storage Depot, Khanauri, Punjab.
40. Food Corporation of India, Food Storage Depot, Dhanula, Punjab.
41. Food Corporation of India, Food Storage Depot, Sahnewai, Punjab.
42. Food Corporation of India, Food Storage Depot, Machhiwara, Punjab.
43. Food Corporation of India, Food Storage Depot, Rajkot, Punjab.
44. Food Corporation of India, Food Storage Depot, Maloud, Punjab.
45. Food Corporation of India, Food Storage Depot, Hathur, Punjab.
46. Food Corporation of India, Food Storage Depot, Bassi Pathana, Punjab.
47. Food Corporation of India, Food Storage Depot, Chinarthai, Punjab.
48. Food Corporation of India, Food Storage Depot, Morinda, Punjab.
49. Food Corporation of India, Food Storage Depot, Kurali, Punjab.
50. Food Corporation of India, Food Storage Depot, Chamkaur Sahib, Punjab.
51. Food Corporation of India, Food Storage Depot, Bhogpur, Punjab.
52. Food Corporation of India, Food Storage Depot, Apra, Punjab.
53. Food Corporation of India, Food Storage Depot, Maur Mandi, Punjab.
54. Food Corporation of India, Food Storage Depot, Bathinda, Punjab.
55. Food Corporation of India, Food Storage Depot, Ramamandi, Punjab.
56. Food Corporation of India, Food Storage Depot, Sanghol, Punjab.
57. Food Corporation of India, Food Storage Depot, Mahall Kalan, Punjab.
58. Food Corporation of India, Food Storage Depot, Bhikhi, Punjab.
59. Food Corporation of India, Food Storage Depot, Hoshiarpur, Punjab.
60. Food Corporation of India, Food Storage Depot, Garashankar, Punjab.

(15)

Ministry of Labour and Employment, Noti. No. S.O. 1009(E), dated May 6, 2011, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 6th May, 2011, p. 1, No. 819 [F. No. U-23013/01/2011-LW]

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board and having regard to the conditions of work and benefits provided for the contract labour and other relevant factors enumerated in sub-section (2) of the said section, hereby prohibits the employment of contract labour in the job of security supervisors or guards in the establishment of Central Mechanical Engineering Research Institute (CMERI) Durgapur Burdwan, West Bengal.

(16)

Ministry of Labour and Employment, Noti. No. S.O. 606(E), dated June 28, 2000, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 28th June, 2000, p. 1, No. 428 [F. No. U-23013/21/98-LW]

In exercise of the powers conferred by sub-section (10) of Section 11 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby prohibits the employment of contract labour in the works specified in the Scheduled annexed hereto, in the Eastern Railways with effect from the date of publication of this notification in the Official Gazette.

(17)

Ministry of Labour and Employment, Noti. No. S.O. 1251(E) dated August 2, 2006

In exercise of the powers conferred by Section 11 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and in supersession of the notification of the Government of India in the Ministry of Labour, Number S.O. 2424, dated the 18th May, 1985, the Central Government hereby appoints the officers mentioned in column (1) of the Schedule below, being Gazetted Officers of the Government, to be the licensing officers who shall exercise the powers conferred on licensing officers by or under the said Act, having jurisdiction as specified in column (2) of the said Schedule.

SCHEDULE

Officers	Jurisdiction
1	2
1. Regional Labour Commissioners (Central) Jaipur, Bhopal, Lucknow, Ranchi, Jammu, Pune, Rourkela and Bellary	Whole of India
2. All Assistant Labour Commissioners (Central)	Whole of India
3. Labour Enforcement Officer (Central), Portblair.	Andaman and Nicobar Islands

(18)

Ministry of Labour and Employment, Noti. No. S.O. 1252(E) dated August 2, 2006

In exercise of the powers conferred by Section 15 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and in supersession of the notification of the Government of India in the Ministry of Labour, Number S.O. 3450, dated the 27th November, 1987, the Central Government hereby nominates the officers mentioned in column (1) of the Schedule below, to be Appellate Officers for the area/jurisdiction as specified in column (2) of the said Schedule.

SCHEDULE

Officers	Jurisdiction
1	2
1. All Deputy Chief Labour Commissioners (Central)	Whole of India
2. All Regional Labour Commissioners (Central) except Regional Labour Commissioners (Central) Jaipur, Bhopal, Lucknow, Ranchi, Jammu, Pune, Rourkela and Bellary.	

SCHEDULE

1. Regular track maintenance such as through packing, casual renewals; and
2. Other maintenance works required for day to day maintenance.

(19)

Ministry of Labour, Noti. No. S.O. 3451, dated November 30, 1987, published in the Gazette of India, Part II, Section 3(ii), dated 12th December, 1987, p. 4361 [F. No. S. 16014/20/87-LW]

In exercise of the powers conferred by sub-section (1) of Section 28 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and in supersession of the notification of the Government of India in the Ministry of Labour, Noti. No. S.O. 2423, dated the 1st June, 1985, the Central Government hereby appoints the Officers mentioned in column (1) of the Schedule below, to be Inspectors who shall exercise the powers conferred on Inspectors by or under the said Act, having jurisdiction as specified in column (2) of the said Schedule.

SCHEDULE

Sl. No.	Officers	Jurisdiction
	(1)	(2)
1.	Chief Labour Commissioner (Central), New Delhi.	Whole of India
2.	Joint Chief Labour Commissioner (Central), New Delhi.	
3.	All Deputy Chief Labour Commissioners (Central).	
4.	All Regional Labour Commissioners (Central).	
5.	All Assistant Labour Commissioners (Central).	
6.	Chief Adviser (Labour Welfare) Office of the Chief Labour Commissioner (Central), New Delhi.	
7.	All Labour Enforcement Officers (Central).	

The Contract Labour (Regulation and Abolition) Central Rules, 1971¹

CHAPTER I

1. Short title and commencement.—(1) These rules may be called the Contract Labour (Regulation and Abolition) Central Rules, 1971.

(2) They shall come into force on the date of their publication¹ in the Official Gazette.

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

- (a) "Act" means the Contract Labour (Regulation and Abolition) Act, 1970;
- (b) "Appellate Officer" means the Appellate Officer appointed by the Central Government under sub-section (1) of Section 15;
- (c) "Board" means the Central Advisory Contract Labour Board constituted under Section 3;
- (d) "Chairman" means the Chairman of the Board;
- (e) "Committee" means a Committee constituted under sub-section (1) of Section 5;
- (f) "Form" means a form appended to these rules;
- (g) "Section" means a section of the Act.

CHAPTER II

CENTRAL BOARD

3. The Board shall consist of the following members:—

- (a) a Chairman to be appointed by the Central Government;
- (b) the Chief Labour Commissioner (Central)—*ex officio*;
- (c) ²[three persons] representing the Central Government, to be appointed by that Government from amongst its officials;
- (d) ³[two] persons representing the Railways, to be appointed by Central Government after consultation with the Railway Board;
- (e) ⁴[five] persons, one representing the employers in coal mines, ⁵[two] representing the employers in other mines and two representing contractors to whom the Act applies, to be appointed by the Central Government after consultation with such organisations, if any, of the employers and the contractors as may be recognised by the Central Government;

- (f) ⁶[seven] persons, ⁷[two] representing the employees in the Railways, one representing the employees in coal mines, ⁸[two] representing the employees in other mines, and two representing the employees of the contractors to whom the Act applies, to be appointed by the Central Government after consultation with such organisations, if any, of employees representing the respective interest as may be recognised by the Central Government.

4. Terms of office.—(1) The Chairman of the Board shall hold office as such for a period of three years from the date on which his appointment is first notified in the Official Gazette.

(2) Each of the members of the Board, referred to in clauses (c) and (d) of Rule 3, shall hold office as such during the pleasure of the President.

(3) Each of the members referred to in clauses (e) and (f) of Rule 3 shall hold office as such for a period of three years commencing from the date on which his appointment is first notified in the Official Gazette:

Provided that where the successor of any such member has not been notified in the Official Gazette on or before the expiry of the said period of three years, such member shall, notwithstanding the expiry of the period of his office, continue to hold such office until the appointment of his successor has been notified in the Official Gazette.

(4) If a member is unable to attend a meeting of the Board, the Central Government or the body which appointed or nominated him may, by notice in writing signed on its behalf and by such member and addressed to the Chairman of the said Board, nominate a substitute in his place to attend the meeting and such a substitute member shall have all the rights of a member in respect of that meeting and any decision taken at the meeting shall be binding on the said body.

⁹[**5. Resignation.**—(1) A member of the Board, not being an *ex officio* member, may resign his office by a letter in writing addressed to the Central Government.

(2) The office of such a member shall fall vacant from the date on which his resignation is accepted by the Central Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by that Government whichever is earlier.]

6. Cessation of membership.—If any member of the Board, not being an *ex officio* member, fails to attend three consecutive meetings of the Board, without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Board:

Provided that the Central Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Board, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Board.

1. Published in Gaz. of India, Extra., Pt. II, S. 3(i), dt. 10th Feb., 1971, vide G.S.R. 191, dt. Feb. 1, 1971, pp. 173-211.

2. Subs. for "one person" by G.S.R. 305(E), dt. 7-6-1991.

3. Subs. by G.S.R. 1643, dt. 16-10-1971 (w.e.f. 30-10-1971).

4. Subs. by G.S.R. 598, dt. 23-5-1973 (w.e.f. 2-6-1973).

5. Subs. by G.S.R. 598, dt. 23-5-1973 (w.e.f. 2-6-1973).

6. Subs. by G.S.R. 598, dt. 23-5-1973 (w.e.f. 2-6-1973).

7. Subs. by G.S.R. 598, dt. 23-5-1973 (w.e.f. 2-6-1973).

8. Subs. by G.S.R. 598, dt. 23-5-1973 (w.e.f. 2-6-1973).

9. Subs. by G.S.R. 520, dt. 10-5-1974 (w.e.f. 25-5-1974).

7. Disqualification for membership.—(1) A person shall be disqualified for being reappointed, and for being a member of the Board,—

- (i) if he is of unsound mind and stands so declared by a competent Court; or
- (ii) if he is an undischarged insolvent; or
- (iii) if he has been or is convicted of an offence which, in the opinion of the Central Government, involves moral turpitude.

(2) If a question arises as to whether a disqualification has been incurred under sub-rule (1), the Central Government shall decide the same.

8. Removal from membership.—The Central Government may remove from office any member of the Board, if in its opinion such a member has ceased to represent the interest which he purports to represent on the Board:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making any representation against the proposed action.

9. Vacancy.—When a vacancy occurs or is likely to occur in the membership of the Board the Chairman shall submit a report to the Central Government and on receipt of such report the Central Government shall take steps to fill the vacancy by making an appointment from amongst the category of persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

10. Staff.—(1)(i) The Central Government may appoint one of its officials as Secretary to the Board and appoint such other staff as it may think necessary to enable the Board to carry out its functions.

(ii) The salaries and allowances payable to the staff and the other conditions of service of such staff shall be such as may be decided by the Central Government.

The Secretary—

- (i) shall assist the Chairman in convening meetings of the Board;
- (ii) may attend the meetings but shall not be entitled to vote at such meetings;
- (iii) shall keep a record of the minutes of such meetings; and
- (iv) shall take necessary measures to carry out the decisions taken at meetings of the Board.

11. Allowances of members.—(1) The travelling allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official members of the Board shall be paid travelling allowance for attending the meeting of the Board at such rates as are admissible to Grade I Officers of the Central Government and daily allowances shall be calculated at the maximum rate admissible to Grade I Officers of the Central Government in their respective places.

12. Disposal of business.—Every question which the Board is required to take into consideration shall be considered at a meeting, or, if the Chairman so directs, by sending the necessary papers to every member for opinion, and the question shall be disposed of in accordance with the decision of the majority:

Provided that in the case of equality of votes, the Chairman shall have a second or a casting vote.

Explanation.—“Chairman” for the purposes of this rule shall include the Chairman nominated under Rule 13 to preside over a meeting.

13. Meetings.—(1) The Board shall meet at such places and times as may be specified by the Chairman.

(2) The Chairman shall preside over every meeting of the Board at which he is present and in his absence nominate a member of the Board to preside over such meeting.

14. Notice of meetings and list of business.—(1) Ordinarily seven days’ notice shall be given to the members of a proposed meeting.

(2) No business which is not on the list of business for a meeting shall be considered at the meeting without the permission of the Chairman.

15. Quorum.—No business shall be transacted at any meeting unless at least five members are present:

Provided that if at any meeting less than five members are present, the Chairman may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

16. Committees of the Board.—(1)(i) The Board may constitute such Committees and for such purpose or purposes as it may think fit.

(ii) While constituting the Committee the Board may nominate one of its members to be the Chairman of the Committee.

¹⁰[(2)(i) The Committee shall meet at such times and places as the Chairman of the said Committee may decide.

(ii) The provisions of Rules 12, 13(2), 14 and 15 shall apply to the Committee for transaction of business at its meetings as they apply to the Board, subject to the modification that the quorum specified in Rule 15 shall be ‘one-third of the members’ instead of ‘five members’.]

(3) The provisions of Rule 11 shall apply to the members of the Committee for attending the meetings of the Committee, as they apply to the members of the Board.

CHAPTER III

REGISTRATION AND LICENSING

17. Manner of making application for registration of establishments.—

(1) The application referred to in sub-section (1) of Section 7 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 referred to in sub-rule (1) shall be accompanied by a [demand draft]¹¹ showing payment of the fees for the registration of the establishment.

¹⁰ Subs. by G.S.R. 520, dt. 10-5-1974 (w.e.f. 25-5-1974).

¹¹ Subs. by G.S.R. 657, dt. 11-8-1987 (1987 CCL-III-760).

(3) Every application referred to in sub-rule (1) shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1), the registering officer shall, after noting thereon the date of receipt by him of the application, grant an acknowledgment to the applicant.

18. Grant of certificate of registration.—(1) The certificate of registration granted under sub-section (2) of Section 7 shall be in Form II.

(2) Every certificate of registration granted under sub-section (2) of Section 7 shall contain the following particulars, namely—

- (a) the name and address of the establishment;
- (b) the maximum number of workmen to be employed as contract labour in the establishment;
- (c) the type of business, trade, industry, manufacture or occupation which is carried on in the establishment;
- (d) such other particulars as may be relevant to the employment of contract labour in the establishment.

(3) The registering officer shall maintain a register in Form III showing the particulars of establishments in relation to which certificates of registration have been issued by him.

(4) 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 registering officer, within thirty days from the date when such change takes place, the particulars of, and the reasons for, such change.

19. Circumstances in which application 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 the registering officer to amend his application for registration, omits or fails to do so, the registering officer shall reject the application for registration.

20. Amendment of certificate of registration.—(1) Where, on receipt of the intimation under sub-rule (4) of Rule 18, 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 ¹²[pay] 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 the ¹³[demand draft] showing such deposit.

(2) Where, on receipt of the intimation referred to in sub-rule (4) of Rule 18, 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 which has 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.

21. Application for a licence.—(1) Every application by a contractor for the grant of a licence shall be made in triplicate, in Form IV, to the licensing officer of the area in which the establishment, in relation to which he is the contractor, is located.

(2) Every application for the grant of a licence shall be accompanied by a certificate by the principal employer in Form V to the effect that the applicant has been employed by him as a contractor in relation to his establishment and that he undertakes to be bound by all the provisions of the Act and the rules made thereunder insofar as the provisions are applicable to him as principal employer in respect of the employment of contract labour by the applicant.

(3) Every such application shall be either personally delivered to the licensing officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1), the licensing officer 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 a ¹⁴[demand draft] showing—

- (i) the deposit of the security at the rates specified in Rule 24, and
- (ii) the payment of the fees at the rates specified in Rule 26.

22. 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 a 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 there is an order of the appropriate Government or an award or settlement for the abolition of contract labour in respect of the particular type of work in the establishment for which the applicant is a contractor;
- (c) whether any order has been made in respect of the applicant under sub-section (1) of Section 14, and, if so, whether a period of three years has elapsed from the date of that order;
- (d) whether the fees for the application have been deposited at the rates specified in Rule 26; and

12. Subs. by G.S.R. 657, dt. 11-8-1987 (1987 CCL-III-760).

13. Subs. by G.S.R. 657, dt. 11-8-1987 (1987 CCL-III-760).

14. Subs. by G.S.R. 657, dt. 11-8-1987 (1987 CCL-III-760).

(e) whether security has been deposited by the applicant at the rates specified in Rule 24.

23. Refusal to grant licence.—¹⁵[(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 opinion that the licence should not be granted, he shall, after affording reasonable opportunity to the applicant to be heard, make an order rejecting the application.

(ii) The order shall record the reasons for the refusal and shall be communicated to the applicant.

24. Security.—(1) Before a licence is issued, an amount calculated at the rate of [Rs 90]¹⁶ for each of the workman to be employed as contract labour, in respect of which the application for licence has been made, shall be deposited by the contractor for due performance of the conditions of the licence and compliance with the provisions of the Act or the rules made thereunder:

¹⁷[Provided that where the contractor is a Co-operative Society, the amount deposited as security shall be at the rate of [Rs 15]¹⁸ for each workman to be employed as a contract labour.]

¹⁹[(1-A) Where the applicant for the 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 deposited in respect of that licence is to be directed to be refunded to the applicant under Rule 31, may, on an application made for that purpose in Form V-A by the applicant adjust the amount so to be refunded towards the security 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.]

(2) ²⁰[The amount of security, or the balance amount, required to be deposited under sub-rule (1) or, as the case may be, under sub-rule (1-A)] shall be paid in the local Treasury under the Head of Account "Section T—Deposits and Advances—Part II Deposits not bearing interest—(c) Other Deposit Accounts—Departmental and Judicial Deposits—Civil Deposits, Deposits, under Contract Labour (Regulation and Abolition) Act, 1970 (Central)".

CASE LAW

The rate of Rs 30 per workman as security money does not offend Art. 14. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

15. Subs. by G.S.R. 520, dt. 10-5-1974 (w.e.f. 25-5-1974).

16. Subs. by G.S.R. 1215(E), dt. 28-12-1988.

17. Ins. by G.S.R. 200, dt. 13-2-1973 (w.e.f. 24-2-1973).

18. Subs. by G.S.R. 1215(E), dt. 18-12-1988.

19. Ins. by G.S.R. 948, dt. 12-7-1978 (w.e.f. 22-7-1978).

20. Subs. by G.S.R. 948, dt. 12-7-1978 (w.e.f. 22-7-1978).

25. Forms and terms and conditions of licence.—(1) Every licence granted under sub-section (1) of Section 12 shall be in Form VI.

(2) Every licence granted under sub-rule (1) or renewed under Rule 29 shall be subject to the following conditions, namely—

- (i) the licence shall be non-transferable;
- (ii) the number of workmen employed as contract labour in the establishment shall not, on any day, exceed the maximum number specified in the licence;
- (iii) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the licence shall be non-refundable;
- (iv) the rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (II of 1948), for such employment where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed;
- (v) (a) in cases where the workmen 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 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)]²¹ [* * *]²²;

(b) in other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the [Deputy Chief Labour Commissioner (Central)]²³;

Explanation.—While determining the wage rates, holidays, hours of work and other conditions of service under (b) above, the [Deputy Chief Labour Commissioner (Central)]²⁴ shall have due regard to the wage rates, holidays, hours of work and other conditions of service obtaining in similar employments;

CASE LAW

Rule 25(2)(v)(b)—Held, reasonable and valid. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596; 1974 SCC (L&S) 252.

In the absence of a disagreement regarding the type of work done by the workmen of the contractor and the workmen of the principal employer, the claim of the contractor's workmen to equal wages has to be decided not by the Chief Labour Commissioner but by the Labour Court under Section 33-C of the Industrial Disputes Act, 1947. *Indian Airlines v. Central Government Labour Court*, (1987) 2 LLN 111 (Del).

21. Subs. by G.S.R. 41(E), dt. 21-1-1999 (w.e.f. 21-1-1999).

22. Omitted by G.S.R. 871(E), dt. 26-11-1985 (1986-CCL-III-102).

23. Subs. by G.S.R. 41(E), dt. 21-1-1999 (w.e.f. 21-1-1999).

24. Subs. by G.S.R. 41(E), dt. 21-1-1999 (w.e.f. 21-1-1999).

The expression "perform the same kind of work" need not mean that the contract labour should actually do the same work as the workmen directly employed by the establishment. *Contract Laghu Udyog Kamgar Union v. V.G. Mohite*, 2001 Lab IC 3012: (2002) 93 FLR 58 (Bom)(DB).

- (vi) (a) in every establishment where twenty or more women are ordinarily employed as contract labour, there shall be provided two rooms of reasonable dimensions for the use of their children under the age of six years;
- (b) one of such rooms shall be used as a play-room for the children and the other as bedroom for the children;
- (c) the contractor shall supply adequate number of toys and games in the play-room and sufficient number of cots and beddings in the sleeping-room;
- (d) the standard of construction and maintenance of the creches shall be such as may be specified in this behalf by the Chief Labour Commissioner (Central);
- (vii) the licensee shall notify any change in the number of workmen or the conditions of work to the licensing officer;
- ²⁵[(viii)] the licensee shall, within fifteen days of the commencement and completion of each contract work submit a return to the inspector, appointed under Section 28 of the Act, intimating the actual date of the commencement or, as the case may be, completion of such contract work in Form VI-A];
- ²⁶[(ix)] a copy of the licence shall be displayed prominently at the premises where the contract work is being carried on];
- ²⁷[(x)] no female contract labour shall be employed by any contractor before 6.00 a.m. or after 7.00 p.m.: Provided that this clause shall not apply to the employment of women in pithead baths, creches and canteens and as to midwives and nurses in hospitals and dispensaries.]
- ²⁸[26. Fees.—(1) The fees to be paid for the grant of a certificate of registration under Section 7 shall be as specified below:
- If the number of workmen proposed to be employed on contract on any day—
- | | Rs. |
|---|------|
| (a) is 20 | 60 |
| (b) exceeds 20 but does not exceed 50 | 150 |
| (c) exceeds 50 but does not exceed 100 | 300 |
| (d) exceeds 100 but does not exceed 200 | 600 |
| (e) exceeds 200 but does not exceed 400 | 1200 |
| (f) exceeds 400 | 1500 |
- (2) The fees to be paid for the grant of a licence under Section 12 shall be as specified below:

25. Ins. by G.S.R. 199, dt. 25-1-1977 (w.e.f. 12-2-1977).

26. Ins. by G.S.R. 657, dt. 11-8-1987 (1987 CCL-III-760).

27. Ins. by G.S.R. 948, dt. 12-7-1978 (w.e.f. 22-7-1978) and renumbered as clause (x) by G.S.R. 657, dt. 11-8-1987.

28. Subs. by G.S.R. 1215(E), dt. 28-12-1988.

If the number of workmen employed by the contractor on any day—

	Rs.
(a) is 20	15
(b) exceeds 20 but does not exceed 50	37.50
(c) exceeds 50 but does not exceed 100	75
(d) exceeds 100 but does not exceed 200	150
(e) exceeds 200 but does not exceed 400	300
(f) exceeds 400	375.]

27. Validity of the licence.—Every licence granted under Rule 25 or renewed under Rule 29 shall remain in force for twelve months from the date it is granted or renewed.

28. Amendment of the licence.—(1) A licence issued under Rule 25 or renewed under Rule 29 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 the amendment and reasons therefor.

(3)(i) If the licensing officer allows the application he shall require the applicant to furnish a ²⁹[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 fees originally paid for the licence.

(ii) On the applicant furnishing the requisite ³⁰[demand draft] 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.

29. Renewal of licence.—(1) Every contractor shall apply to the licensing officer for renewal of the licence.

(2) Every such application shall be in Form VII 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 the 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 25 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 thinks fit the payment of such excess fee.

30. Issue of duplicate certificate of registration or licence.—Where a certificate of registration or a licence granted or renewed under the preceding rules

29. Subs. by G.S.R. 657, dt. 11-8-1987.

30. Subs. by G.S.R. 657, dt. 11-8-1987.

has been lost, defaced or accidentally destroyed, a duplicate may be granted on payment of fees of rupees five.

31. 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, make an application to the licensing officer for the refund of the security deposited by him under Rule 24.

(ii) If the licensing officer is satisfied that there is no breach of the conditions of licence or there is no order under Section 14 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 any portion of the security, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, refunded to the applicant.

(3) Any application for refund shall, as far as possible, be disposed of within 60 days of the receipt of the application.

32. Grant of temporary certificate of registration and licence.—(1) Where conditions arise in an establishment requiring the employment of contract labour immediately and such employment is estimated to last for not more than fifteen days, the principal employer of the establishment or the contractor, as the case may be, may apply for a temporary certificate of registration or licence to the registering officer, or the licensing officer, as the case may be, having jurisdiction over the area in which the establishment is situated.

(2) The application for such temporary certificate of registration or licence shall be made in triplicate in Forms VIII and X respectively and shall be accompanied by a ³¹[demand draft drawn in favour of the Pay and Accounts Officer, Office of the Chief Labour Commissioner (Central), New Delhi] showing the payment of appropriate fees and in the case of licence the appropriate amount of security also.

(3) On receipt of the application, complete in all respects, and on being satisfied either on affidavit by the applicant or otherwise that the work in respect of which the application has been made would be finished in a period of fifteen days and was of a nature which could not but be carried out immediately, the registering officer or the licensing officer, as the case may be, shall forthwith grant a certificate of registration in Form IX or a licence in Form XI, as the case may be, for a period of not more than fifteen days.

(4) Where a certificate of registration or licence is not granted, the reasons therefor shall be recorded by the registering officer or the licensing officer, as the case may be.

(5) On the expiry of the validity of the registration certificate the establishment shall cease to employ in the establishment contract labour in respect of which the certificate was given.

(6) The fees to be paid for the grant of the certificate of registration under sub-rule (3) shall be as specified below:

If the number of workmen proposed to be employed on the contract on any day—

	Rs.
(a) exceeds 20 but does not exceed 50	.. ³² [30.00]
(b) exceeds 50 but does not exceed 200	.. 60.00
(c) exceeds 200	.. 90.00]

(7) The fees to be paid for the grant of a licence under sub-rule (3) shall be as specified below:

	Rs.
(a) exceeds 20 but does not exceed 50	.. ³³ [15.00]
(b) exceeds 50 but does not exceed 200	.. 60.00
(c) exceeds 200	.. 90.00]

(8) The provision of Rule 23 and Rule 24 shall apply to the refusal to grant licence or to grant licence under sub-rule (4) and sub-rule (3) respectively.

CHAPTER IV APPEALS AND PROCEDURE

33. (1)(i) Every appeal under sub-section (1) of Section 15 shall be preferred 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 appealed from and a ³⁴[demand draft] for Rs 10.

(2) The memorandum shall set forth concisely and under distinct heads the grounds of appeal to the order appealed from.

34. (1) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) of Rule 33 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.

(2) Where the Appellate Officer rejects the memorandum under sub-rule (1) he shall record the reason for such rejection and communicate the order to the appellant.

(3) 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 a book to be kept for the purpose called the Register of Appeals.

(4)(i) When the appeal has been admitted, the Appellate Officer shall send the notice of the appeal to the registering officer or the licensing officer, as the case may be, from whose order the appeal has been preferred and the Registering Officer or the Licensing Officer shall 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 at such date and time as may be specified in the notice for the hearing of the appeal.

32. Subs. by G.S.R. 1215(E), dt. 28-12-1988.

33. Subs. by G.S.R. 1215(E), dt. 28-12-1988.

34. Subs. by G.S.R. 657, dt. 11-8-1987.

31. Subs. by G.S.R. 657, dt. 11-8-1987.

35. Failure to appear on date of hearing.—If on the date fixed for hearing, the appellant does not appear, the Appellate Officer may dismiss the appeal for default of appearance of the appellant.

36. Restoration of appeals.—(i) Where an appeal has been dismissed under Rule 35 the appellant may apply to the Appellate Officer for the readmission of the appeal and where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing the Appellate Officer shall restore the appeal on its original number.

(ii) Such an application shall, unless the Appellate Officer extends the time for sufficient reason, be made within 30 days of the date of dismissal.

37. Hearing of appeal.—(1) If the appellant is present when the appeal is called on for the hearing, the Appellate Officer shall proceed to hear the appellant or his authorised agent and any other person summoned by him for this purpose, and pronounce judgment on the appeal, either confirming, reversing or varying the order appealed from.

(2) The judgment of the Appellate Officer shall state the points for determination, the decisions thereon and reasons for the decisions.

(3) The order shall be communicated to the appellant and copy thereof shall be sent to the Registering Officer or the Licensing Officer from whose order the appeal has been preferred.

³⁵**38. Payment of Fees.**—(1) All amounts of money payable on account of security deposit, registration fees, licence fee, appeal, supply of duplicate copies of registration certificates and in terms of any other provisions of the Act and rules shall be paid through a crossed demand draft drawn in favour of the officers as shown in Annexure 'A' and made payable at branch of the Union Bank of India at the headquarters of the officers specified in column (3) of the said Annexure. All such demand drafts shall be accompanied by a challan in Form No. TR-6 (in triplicate) indicating the details of payments, etc.

(2) The licensing officer, the registering officer or the appellate authority, as the case may be, on receipt of the demand draft from the party shall arrange to deposit the amount in the appropriate account in the Bank with which he, in his capacity as Regional Labour Commissioner/Assistant Labour Commissioner (Central) as Drawing and Disbursing Officer is in account. The Assistant Labour Commissioner (Central), Delhi shall deposit the demand draft in the Union Bank of India, Extension Centre, Shram Shakti Bhavan, Rafi Marg, New Delhi in the Account of 'Pay and Accounts Officer', Chief Labour Commissioner, New Delhi.

(3) The payments received by the officers specified in the said annexure by way of demand drafts shall be deposited in the relevant heads of accounts as shown below:—

Registration fees.—“087—Labour and Employment—Fees under Contract Labour (Regulation and Abolition) Central Rules, 1971 (adjustable in the books of the Pay and Accounts Officer (Chief Labour Commissioner), Ministry of Labour, New Delhi.”

Licensing fees.—“087—Labour Employment—Fees under the Contract Labour (Regulation and Abolition) Central Rules, 1971 (adjustable in the books of the Pay and Accounts Officer (Chief Labour Commissioner), Ministry of Labour, New Delhi.”

Security deposits.—“Deposits and Advance—Deposits not bearing interest 843—Civil Deposits under Contract Labour (Regulation and Abolition) Act, 1970 (adjustable in the books of the Pay and Accounts Officer Chief Labour Commissioner) Ministry of Labour, New Delhi.”

Duplicate copy of the registration certificates.—“087—Labour and Employment Fee under Contract Labour Appeals (Regulation and Abolition) Central Rules, 1971.”]

39. Copies.—Copy of the order of the Registering Officer, Licensing Officer or the Appellate Officer may be obtained on payment of fees of rupees two for each order on application specifying the date and other particulars of the order, made to the officer concerned.

CHAPTER V

WELFARE AND HEALTH OF CONTRACT LABOUR

40. (1) The facilities required to be provided under Sections 18 and 19 of the Act, namely, sufficient supply of wholesome drinking water, a sufficient number of latrines and urinals, washing facilities and first-aid facilities, shall be provided by the contractor in the case of the existing establishments within seven days of the commencement of these rules and in the case of new establishments within seven days of the commencement of the employment of contract labour therein.

(2) If any of the facilities mentioned in sub-rule (1) is not provided by the contractor within the period prescribed the same shall be provided by the principal employer within seven days of the expiry of the period laid down in the said sub-rule.

41. Rest-rooms.—(1) In every place wherein contract labour is required to halt at night in connection with the working of the establishment to which the Act applies and in which employment of contract labour 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 the case of existing establishments, and within fifteen days of the commencement of the employment of contract labour in new establishments.

(2) If the amenity referred to in sub-rule (1) is 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.

(3) Separate rooms shall be provided for women employees.

(4) Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.

(5) The rest-room or rooms or other suitable alternative accommodation shall be of such dimensions so as to provide at least a floor area of 1.1 sq. metre for each person making use of the rest-room.

(6) The rest-room or 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-room or other suitable alternative accommodation shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

CASE LAW

Provisions of R. 41, held, are not unreasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

42. Canteens.—(1) In every establishment to which the Act applies and wherein work regarding the employment of contract labour is likely to continue for six months and wherein contract labour numbering one hundred or more are ordinarily employed an adequate canteen shall be provided by the contractor for the use of such contract labour within sixty days of the date of coming into force of the rules in the case of the existing establishments and within 60 days of the commencement of the employment of contract labour in the case of new establishments.

(2) If the contractor fails to provide the 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.

CASE LAW

Provisions of R. 42, held, are not unreasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596; 1974 SCC (L&S) 252.

43. (1) The canteen shall consist of at least a dining-hall, kitchen, store-room, pantry and washing places separately for workers and for utensils.

(2)(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.

(3)(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.

44. Dining-hall.—(1) The dining-hall shall accommodate at a time at least 30 per cent of the contract labour working at a time.

(2) The floor area of the dining-hall, excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than one square metre per diner to be accommodated as prescribed in sub-rule (1).

(3)(i) A portion of the dining-hall and service counter shall be partitioned off and reserved for women workers, in proportion to their number.

(ii) Washing places for women shall be separate and screened to secure privacy.

(4) Sufficient tables, stools, chairs or benches shall be available for the number of diners to be accommodated as prescribed in sub-rule (1).

45. Furniture and utensils.—(1)(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.

(2)(i) Suitable clean clothes for the employees serving in the canteen shall also 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.

46. The foodstuffs and other items to be served in the canteen shall be in conformity with the normal habits of the contract labour.

47. Charges of foodstuff.—The charges for foodstuffs, beverages and any other items served in the canteen shall be based on 'no profit, no loss' and shall be conspicuously displayed in the canteen.

48. 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 building;
- (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.

49. Books of Accounts.—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.

50. Audit.—The accounts pertaining to the canteen shall be audited once every 12 months by registered accountants and auditors:

Provided that the 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.

51. Latrines and urinals.—Latrines shall be provided in every establishment coming within the scope of the Act 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 100, it shall be sufficient if there is one latrine for every 25 males or females, as the case may be, up to the first 100, and one for every 50 thereafter.

CASE LAW

Provisions of R. 51, held, reasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

52. Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.

53. (1) 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.

(2) The notice shall also bear the figure of a man or of a woman, as the case may be.

54. There shall be at least one urinal for male workers upto 50 and one for female workers upto 50 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 50 males or females up to the first 500 and one for every 100 or part thereof thereafter.

55. (1) The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.

(2)(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.

56. Water shall be provided by the means of tap or otherwise so as to be conveniently accessible in or near the latrine and urinals.

57. **Washing facilities.**—(1) In every establishment coming within the scope of the Act adequate and suitable facilities for washing shall be provided and maintained for the use of contract labour employed therein.

(2) Separate and adequate screening facilities shall be provided for the use of male and female workers.

(3) Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

58. **First-aid facilities.**—In every establishment coming within the scope of the Act there shall be provided and maintained so as to be readily accessible during all working hours first-aid boxes at the rate of not less than one box for 150 contract labour or part thereof ordinarily employed.

59. (1) The first-aid box shall be distinctively marked with a red cross on a white ground and shall contain the following equipment, namely:

- (a) For establishments in which the number of contract labour 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 Institutes, Government of India;
- (xi) A bottle containing 100 tablets (each of 5 grains) of aspirin;
- (xii) Ointment for burns;
- (xiii) A bottle of suitable surgical anti-septic solution.

- (b) For establishments in which the number of contract labour exceeds 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 (60 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) A 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 Institutes, Government of India;
- (xiii) A bottle containing 100 tablets (each of 5 grains) of aspirin;
- (xiv) Ointment for burns;
- (xv) A bottle of a suitable surgical anti-septic solution.

(2) Adequate arrangement shall be made for immediate recoupment of the equipment when necessary.

60. Nothing except the prescribed contents shall be kept in the First-Aid Box.

61. The First-Aid Box shall be kept in charge of a responsible person who shall always be readily available during the working hours of the establishment.

62. A person in charge of the First-Aid Box shall be a person trained in First-Aid treatment, in establishments where the number of contract labour employed is 150 or more.

CHAPTER VI WAGES

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

64. No wage period shall exceed one month.

65. The wages of every person employed as contract labour in an establishment or by a contractor where less than one thousand such persons are employed shall be paid before the expiry of the seventh day and in other cases before the expiry of tenth day after the last day of the wage period in respect of which the wages are payable.

66. Where the employment of any worker is terminated by or on behalf of the contractor the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated.

67. All payments of wages shall be made on a 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 the wage period, final payment shall be made within 48 hours of the last working day.

68. Wages due to every worker shall be paid to him direct or to other person authorised by him in this behalf.

69. All wages shall be paid in current coin or currency or in both.

70. Wages shall be paid without any deductions 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 (4 of 1936).

71. A notice showing the wage 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.

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

73. The authorised representative of the principal employer shall record under his signature a certificate at the end of the entries in the Register of Wages or the ³⁶[Register of Wage-cum-Muster Roll], as the case may be, in the following form:

“Certified that the amount shown in column No. has been paid to the workman concerned in my presence on at”

CHAPTER VII REGISTERS AND RECORDS AND COLLECTION OF STATISTICS

74. **Register of contractors.**—Every principal employer shall maintain in respect of each registered establishment a register of contractors in Form XII.

75. **Register of persons employed.**—Every contractor shall maintain in respect of each registered establishment where he employs contract labour a register in Form XIII.

76. **Employment card.**—(i) Every contractor shall issue an employment card in Form XIV to each worker within three days of the employment of the worker.

(ii) The card shall be maintained up to date and any change in the particulars shall be entered therein.

77. **Service certificate.**—On termination of employment for any reason whatsoever the contractor shall issue to the workman whose services have been terminated a service certificate in Form XV.

78. **Muster Roll, Wages Registers, Deduction Register and Overtime Register.**—³⁷[(1)(a) Every contractor shall in respect of each work on which he engages contract labour,—

(i) maintain a Muster Roll and a Register of Wages in Form XVI and Form XVII respectively:

Provided that a combined Register of Wage-cum-Muster Roll in Form XVIII shall be maintained by the contractor where the wage period is a fortnight or less;

(ii) maintain a Register of Deductions for damage or loss, Register of Fines and Register of Advances in Form XX, Form XXI and Form XXII respectively;

(iii) maintain a Register of Overtime in Form XXIII recording therein the number of hours of, and wages paid for, overtime works, if any.

(b) Every contractor shall, where the wage period is one week or more, issue wage slips in Form XIX, to the workmen at least a day prior to the disbursement of wages.

(c) Every contractor shall obtain the signature or thumb-impression of the worker concerned against the entries relating to him on the Register of Wages or Muster Roll-cum-Wages Register, as the case may be, and the entries shall be authenticated by the initials of the contractor or his authorised representative and shall also be duly certified by the authorised representative of the principal employer in the manner provided in Rule 73.

(d) In respect of establishments which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the rules made thereunder, or Minimum Wages Act, 1948 (11 of 1948) or the rules made thereunder, the following registers and records required to be maintained by a contractor as employer under those Acts and the rules made thereunder shall be deemed to be registers and records to be maintained by the contractor under these rules, namely:—

- (a) Muster Roll;
- (b) Register of Wages;
- (c) Register of Deductions;
- (d) Register of Overtime;
- (e) Register of Fines;
- (f) Register of Advances;
- (g) Wage slip.]

(2) Notwithstanding anything contained in these rules, where a combined or alternative form is sought to be used by 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 payrolls 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 ³⁸[Regional Labour Commissioner (Central)].

79. Every contractor shall display an abstract of the Act and rules in English and Hindi and in the language spoken by the majority of workers in such form as may be approved by the Chief Labour Commissioner (Central).

80. (1) All registers 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 or the nearest convenient building within the precincts of the workplace or at a place within a radius of three kilometres.

³⁹[(2) Such registers shall be maintained legibly in English and Hindi or in the language understood by the majority of the persons employed in the establishment.];

(3) All the registers and other records shall be preserved in original for a period of three calendar years from the date of last entry therein.

(4) All the registers, records and notices maintained under the Act, or rules shall be produced on demand before the Inspector 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 wage period indicating also in precise terms the wage period to which the 'nil' entry relates, in the respective registers maintained in Forms XX, XXI and XXII respectively.

81. (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.

38. Subs. by G.S.R. 48, dt. 31-12-1987.

39. Subs. by G.S.R. 657, dt. 11-8-1987.

⁴⁰[(3) Every principal employer shall, within fifteen days of the commencement or completion of each contract work under each contractor, submit a return to the Inspector, appointed under Section 28 of the Act, intimating the actual dates of the commencement or, as the case may be, completion of such contract work, in Form VI-B.]

82. Returns.—(1) Every contractor shall send half-yearly return in Form XXIV (in duplicate) so as to reach the Licensing Officer concerned not later than 30 days from the close of the half year.

Note.—Half year for the purpose of this rule means "a period of 6 months commencing from 1st January and 1st July of every year".

(2) Every principal employer of a registered establishment shall send annually a return in Form XXV (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.

⁴¹[(3) The returns to be submitted under this rule by contractor/or principal employer shall be correct, complete and up to date in all respects];

83. (1) The Board, Committee, Chief Labour Commissioner (Central) or the Inspector or any other authority under the Act shall have the powers to call for any information or statistics in relation to contract labour 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.

FORM I

[See Rule 17(1)]

Application for Registration of Establishments Employing Contract Labour

1. Name and location of the Establishment.
2. Postal address of the Establishment.
3. Full name and address of the Principal Employer (furnish father's name in the case of individuals).
4. Full name and address of the Manager or person responsible for the supervision and control of the establishment.
5. Nature of work carried on in the Establishment.
6. Particulars of contractors and Contract Labour:
 - (a) Names and Addresses of Contractors.
 - (b) Nature of work in which contract labour is employed or is to be employed.
 - (c) Maximum number of contract labour to be employed on any day through each contractor.
- ⁴²[(cc) Estimated date of commencement of each contract work under each contractor.]
- (d) Estimated date of termination of employment of contract labour under each contractor.
- ⁴³[7. Particulars of demand draft enclosed (Name of the Union Bank, amount, demand draft No. and date).]

40. Ins. by G.S.R. 199, dt. 25-1-1977 (w.e.f. 12-2-1977).

41. Ins. by G.S.R. 657, dt. 11-8-1987.

42. Ins. by G.S.R. 199, dt. 25-1-1977 (w.e.f. 12-2-1977).

43. Subs. by G.S.R. 657, dt. 11-8-1987 (w.e.f. 22-8-1987).

I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Principal Employer
Seal and Stamp

Office of the Registering Officer.

Date of receipt of application.

FORM II

[See Rule 18(1)]

Certificate of Registration

No.

Date

Government of India
Officer of the Registering Officer

A Certificate of Registration containing the following particulars is hereby granted under sub-section (2) of Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970, and the rules made thereunder, to

1. Nature of work carried on in the Establishment.
2. Names and addresses of Contractors.
3. Nature of work in which Contract Labour is employed or is to be employed.
4. Maximum number of Contract Labour to be employed on any day through each Contractor.
5. Other particulars relevant to the employment of Contract Labour.

*Signature of Registering
Officer with Seal.*

FORM III

[See Rule 18(3)]

Register of Establishments

Sl. No.	Registration No. and date	Name and address of the establishment registered	Name of the Principal Employer and his address	Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment	Total No. of workmen directly employed
1	2	3	4	5	6

Particulars of Contractor and Contract Labour

Name and address of contractor	Nature of work in which Contract Labour is employed or is to be employed	Maximum No. of Contract Labour to be employed on any day	Probable duration of employment of Contract Labour	Remarks
7	8	9	10	11

FORM IV

[See Rule 21(1)]

Application for Licence

1. Name and address of the contractor (including his father's name in case of individuals).
2. Date of birth and age (in case of individuals).
3. Particulars of Establishment where Contract Labour is to be employed—

- (a) Name and address of the Establishment.
- (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the Establishment.
- (c) Number and date of Certificate of Registration of the Establishment under the Act.
- (d) Name and address of the Principal Employer.

4. Particulars of Contract Labour—

- (a) Nature of work in which Contract Labour is employed or is to be employed in the Establishment.
- (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending).
- (c) Name and address of the Agent or Manager of Contractor at the worksite.
- (d) Maximum number of Contract Labour proposed to be employed in the Establishment on any date.

5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.

6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.

7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the Principal Employer, Establishments, and nature of work.

8. Whether a certificate by the Principal Employer in Form V is enclosed.

44[9. Amount of licence fee—name of the Union Bank, demand draft No. and date.]

10. Amount of security deposit—name of the Union Bank, demand draft No. and date.

Note.—The application shall be accompanied by demand draft and the challan for the appropriate amount and a certificate in Form V from the principal employer date of the receipt of the application with 'demand draft' and the challan for fees/security deposit.]

Declaration.—I hereby declare that the details given above are correct to the best of my knowledge and belief.

*Signature of the Applicant
(Contractor)*

Place

Date

Note.—The application should be accompanied by a Treasury Receipt for the appropriate amount and a certificate in Form V from the Principal Employer.

(To be filled in the office of the Licensing Officer)

Date of receipt of the application with challan for fees/security deposit.

Signature of the Licensing Officer.

FORM V

[See Rule 21(2)]

Form of Certificate by Principal Employer

Certified that I have engaged the applicant (name of the contractor) as a contractor in my establishment. I undertake to be bound by all the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, and the Contract Labour (Regulation and Abolition) Central Rules, 1971, insofar as the provisions are applicable to me in respect of the employment of Contract Labour by the applicant in my establishment.

Place

Signature of Principal Employer

Date

Name and address of Establishment

⁴⁵[FORM V-A]

[See Rule 24(1-A)]

Application for Adjustment of Security Deposit

Name and address of the Contractor	No. and date of licence	Date of expiry of previous licence	Whether the licence of the contractor was suspended or revoked
(1)	(2)	(3)	(4)

⁴⁶ [No. and date of the demand draft of the security deposit in respect of the previous licence]	Amount of previous security deposit	⁴⁶ [No. and date of the demand draft of the balance of security deposit, if any, required on the fresh contract]
(5)	(6)	(7)

No. and date of certificate of registration of the establishment in relation to which the new licence is applied for	Name and address of the principal employer	Particulars of fresh contract	Remarks
(8)	(9)	(10)	(11)

Place:

Date:

*Signature of the Applicant.***FORM VI**

[See Rule 25(1)]

Government of India
OFFICE OF LICENSING OFFICER

Licence No. Dated Fee paid Rs

Licence

1. Licence is hereby granted to under Section 12(1) of the Contract Labour (Regulation and Abolition) Act, 1970, subject to the conditions specified in Annexure.

⁴⁷[2. This licence is for doing the work of (nature of work to be indicated) in the establishment of—(name of principal employer to be indicated) at—(place of work to be indicated).]

3. The licence shall remain in force till—(date to be indicated).

Date

*Signature and Seal of the Licensing Officer***RENEWAL**

[See Rule 29]

Date of renewal	Fee paid for renewal	Date of expiry
1.		
2.		
3.		

Date

Signature and Seal of the Licensing Officer

45. Ins. by G.S.R. 948, dt. 12-7-1978 (w.e.f. 22-7-1978).

46. Subs. by G.S.R. 657, dt. 11-8-1987.

47. Subs. by G.S.R. 948, dt. 12-7-1978 (w.e.f. 22-7-1978).

ANNEXURE

The licence is subject to the following conditions—

- (1) The licence shall be non-transferable.
- (2) The number of workmen employed as Contract Labour in the establishment shall not, on any day, exceed.
- (3) Except as provided in the rules the fees paid for the grant, or as the case may be, for renewal of the licence shall be non-refundable.
- (4) The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed for the Schedule of employment under the Minimum Wages Act, 1948, where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates fixed.
- (5) In cases where the workmen 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 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 ⁴⁸[Deputy] Chief Labour Commissioner (Central), whose decision shall be final.
- (6) In other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the ⁴⁹[Deputy] Chief Labour Commissioner (Central).
- (7) In every establishment where 20 or more women are ordinarily employed as contract labour there shall be provided two rooms of reasonable dimensions for the use of their children under the age of six years. One of such rooms would be used as a play-room for the children and the other as bedroom for the children. For this purpose the contractor shall supply adequate number of toys and games in the play-room and sufficient number of cots and beddings in the sleeping-room. The standard of construction and maintenance of the creches may be such as may be specified in this behalf by the Chief Labour Commissioner (Central).
- (8) The licensee shall notify any change in the number of workmen or the conditions of work to the Licensing Officer.
- ⁵⁰(9) A copy of the licence shall be displayed prominently at the premises where the contract work is being carried on.]
- ⁵¹(10) The licensee shall, within fifteen days of the commencement and completion of each contract work submit a return to the Inspector appointed under Section 28 of the Act intimating the actual date of the commencement or, as the case may be, completion of such contract work in Form VI-A.]

⁵²[FORM VI-A]

[See Rule 25(2)(viii)]

Notice of commencement/completion of contract work

I/We, Shri/M/s. (Name and address of the contractor) hereby intimate that the contract work (Name of work). in establishment of the (Name and address of principal employer). for which licence No. dated has been issued to me/us by the Licensing Officer (name of the headquarters), has been commenced/completed with effect from (date) /on (date).

Signature of Contractor(s)

48. Ins. by G.S.R. 574 (E), dt. 30-6-2000 (w.e.f. 30-6-2000).

49. Ins. by G.S.R. 574 (E), dt. 30-6-2000 (w.e.f. 30-6-2000).

50. Ins. by G.S.R. 948, dt. 12-7-1978 (w.e.f. 22-7-1978).

51. Ins. by G.S.R. 657, dt. 11-8-1987.

52. Ins. by G.S.R. 199, dt. 25-1-1977 (w.e.f. 12-2-1977).

To

The Inspector,
.....
.....

FORM VI-B

[See Rule 81(3)]

Notice of commencement/completion of contract work

- (1) Name of the principal employer and address
- (2) No. and date of certificate of Registration
- (3) I/We hereby intimate that the contract work (Name of work) given to (name and address of the contractor) having licence No., dated has been commenced/completed with effect from (date)/on (date).

Signature of the Principal Employer

To

The Inspector,
.....
.....

FORM VII

[See Rule 29(2)]

Application for Renewal of Licence

1. Name and address of the contractor.
 2. Number and date of the licence.
 3. Date of expiry of the previous licence.
 4. Whether the licence of the contractor was suspended or revoked.
 - 53[5. Name of the Bank, number and date of the demand draft enclosed. Date of receipt of the application with demand draft number and date].
- Place
- Date

Signature of the Applicant

(To be filled in the Office of the Licensing Officer)

Date of receipt of the application with
Treasury Receipt No. and date.

Signature of the Licensing Officer

FORM VIII

[See Rule 32(2)]

**Application for Temporary Registration of Establishment
Employing Contract Labour**

1. Name and location of the establishment.
2. Postal address of the establishment.
3. Full name and address of the Principal Employer (furnish father's name in the case of individuals).
4. Full name and address of the Manager or person responsible for the supervision and control of the establishment.
5. Nature of work carried on in the establishment.
6. Particulars of contract labour:

53. Subs. by G.S.R. 657, dt. 11-8-1987.

- (A) Nature of work in which contract labour is to be employed and reasons for urgency.
 - (B) Maximum number of contract labour to be employed on any day.
 - (C) Estimated date of termination of employment of contract labour.
- 54[7. Particulars of demand draft enclosed (name of the Union Bank, demand draft No. and date).]

I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Principal Employer

Seal and Stamp

Time and date of receipt of application with
Treasury Receipt 55[* * *]

Office of the Registering Officer

FORM IX

[See Rule 32(3)]

Temporary Certificate of Registration

No.

Date of Expiry

Date

Government of India

Office of the [Registering Officer]⁵⁶

A Temporary Certificate of Registration containing the following particulars is hereby granted under sub-section (2) of Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970, and the rules made thereunder, to valid from to

1. Nature of work carried on in the establishment.
2. Nature of work in which Contract Labour is to be employed.
3. Maximum number of Contract Labour to be employed on any day.
4. Other particulars relevant to the employment of Contract Labour.

Signature of Registering Officer with Seal

FORM X

[See Rule 32(2)]

Application for Temporary Licence

1. Name and address of the contractor (including his father's name in case of individuals).
2. Date of birth and age (in case of individuals).
3. Particulars of Establishment where Contract Labour is to be employed—
 - (a) Name and address of the Establishment.
 - (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment.
 - (c) Name and address of the Principal Employer.
4. Particulars of Contract Labour—
 - (a) Nature of work in which Contract Labour is to be employed in the establishment.
 - (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending).

54. Subs. by G.S.R. 657, dt. 11-8-1987.

55. Omitted by G.S.R. 870, dt. 26-7-1974 (w.e.f. 10-8-1974).

56. Subs. by G.S.R. 1649, dt. 16-12-1972 (w.e.f. 30-12-1972).

- (c) Name and address of the Agent or Manager of Contractor at the work-site.
 (d) Maximum number of Contract Labour proposed to be employed in the establishment on any day.
5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.
6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.
7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the Principal Employer, Establishments and nature of work.
8. ⁵⁷[Amount of licence fee paid—name of the Union Bank, demand draft No. and date.]
9. ⁵⁸[Amount of security deposit—name of the Union Bank, demand draft No. and date. Date of the receipt of the application with demand draft for fees/security deposits.]

Place

Signature of the Applicant

Date

(Contractor)

(To be filled in the Office of the Licensing Officer)

Date of receipt of the application with challan for fees Security Deposit

Signature of the Licensing Officer

FORM XI

[See Rule 32(3)]

Government of India

OFFICE OF THE LICENSING OFFICER

Licence No.

Dated

Fee paid Rs

Signature of the Licensing Officer

Expires on

Temporary Licence

Licence is hereby granted to under Section 12(2) of the Contract Labour (Regulation and Abolition) Act, 1970, subject to the conditions specified in Annexure.

The Licence shall remain in force till

Date

Signature and Seal of the Licensing Officer

ANNEXURE

The licence is subject to the following conditions:—

- (1) The licence shall be non-transferable.
- (2) The number of workmen employed as Contract Labour in the establishment shall not, on any day, exceed
- (3) Except as provided in the rules the fees paid for the grant of the licence shall be non-refundable.
- (4) The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed for the Schedule of employment under the Minimum Wages Act, 1948, where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates fixed.
- (5) In cases where the workmen 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 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

57. Subs. by G.S.R. 657, dt. 11-8-1987.

58. Subs. by G.S.R. 657, dt. 11-8-1987.

in the case of any disagreement with regard to the type of work the same shall be decided by the ⁵⁹[Deputy] Chief Labour Commissioner (Central), whose decision shall be final.

- (6) In other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the ⁶⁰[Deputy] Chief Labour Commissioner (Central).

- ⁶¹[(7) A copy of the licence shall be displayed prominently at the premises where the contract work is being carried on.]

FORM XII

[See Rule 74]

Register of Contractors

1. Name and address of the Principal Employer

2. Name and address of the establishment

Sl. No.	Name and address of contractor	Nature of work on contract	Location of contract work	Period of contract		Maximum No. of workmen employed by contractor
				From	To	

Place

Date

Signature of the Licensing Officer

FORM XIII

[See Rule 75]

Register of Workmen Employed by Contractor

Name and address of Contractor	Name and address of establishment in/under which contract is carried on
Nature and location of work	Name and address of Principal Employer

Sl. No.	Name and surname of workman	Age and Sex	Father's/Husband's name	Nature of Employment/Designation	Permanent Home Address of workman (Village and Tahsil/Taluk and District)
1	2	3	4	5	6

59. Ins. by G.S.R. 574(E), dt. 30-6-2000 (w.e.f. 30-6-2000).

60. Ins. by G.S.R. 574(E), dt. 30-6-2000 (w.e.f. 30-6-2000).

61. Ins. by G.S.R. 948, dt. 12-7-1978 (w.e.f. 22-7-1978).

Local Address	Date of commencement of employment	Signature or thumb-impression of workman	Date of termination of employment	Reasons for termination	Remarks
7	8	9	10	11	12

FORM XIV

[See Rule 76]

Employment Card

Name and address of Contractor Name and address of Establishment in/under which contract is carried on

Nature of work and location of work Name and address of Principal Employer

1. Name of the workman

2. Sl. No. in the register of workmen employed

3. Nature of employment/Designation

4. Wage rate (with particulars of unit, in case of piece-work)

5. Wage period

6. Tenure of employment

7. Remarks

Signature of Contractor

FORM XV

[See Rule 77]

Service Certificate

Name and address of contractor Name and address of establishment in/under which contract is carried on

Nature and location of work Name and address of Principal Employer

Name and address of the workman

Age or Date of Birth ..

Identification Marks ..

Father's/Husband's name ..

Sl. No.	Total period for which employed		Nature of work done	Rate of wages (with particulars of unit in case of piece-work)	Remarks
	From	To			
1	2	3	4	5	6

Signature

FORM XVI

[See Rule 78(1)(a)(i)]

Muster Roll

Name and address of Contractor Name and address of establishment in/under which contract is carried on

Nature and location of work Name and address of Principal Employer

For the month of

Sl. No.	Name of workman	Father's/Husband's name	Sex	Dates	Remarks
				1 2 3 4 5	

FORM XVII

[See Rule 78(1)(a)(i)]

Register of Wages

Name and Address of Contractor Name and address of Establishment in/under which contract is carried on

Nature and location of work Name and address of Principal Employer

Wage period: Monthly

Sl. No.	Name of workman	Serial No. in the register of workmen	Designation/nature of work done	No. of days worked	Units of work done
1	2	3	4	5	6

Daily-rate of wages/piece-rate	Amount of wages earned				
	Basic wages	Dearness Allowances	Overtime	Other cash payments (Nature of payment to be indicated)	Total
7	8	9	10	11	12

Deductions, if any (indicate nature)	Net amount paid	Signature/Thumb-impression of workman	Initial of contractor or his representative
13	14	15	16

FORM XVIII

[See Rule 78(1)(a)(i)]

Form of Register of Wages-cum-Muster Roll

Name and address of Contractor Name and address of establishment in/under which contract is carried on
 Name and address of Principal Employer

 Wage period: Weekly/Fortnightly
 From to

Sl. No.	Sl. No. in Register of workmen	Name of employee	Designation/nature of work	Daily attendance units worked 1 2 . 15	Total attendances/units of work done
1	2	3	4	5	6

Daily-rate of wages/piece-rate	Amount of wages earned				
	Basic wages	Dearness Allowance	Overtime	Other cash payments (nature of payments to be indicated)	Total
7	8	9	10	11	12

Deduction, if any (indicate nature)	Net amount paid	Signature/Thumb-impression of workman	Initials of contractor or his representative
13	14	15	16

FORM XIX

[See Rule 78(1)(b)]

Wage Slip

Name and Address of Contractor Name and Father's/Husband's name of the workman

 Nature and location of work For the Week/Fortnight/Month ending

 1. No. of days worked
 2. No. of units worked in case of piece-rate workers
 3. Rate of daily wages/piece-rate
 4. Amount of overtime wages
 5. Gross wages payable
 6. Deductions, if any
 7. Net amount of wages paid

Initials of the Contractor or his Representative

FORM XX

[See Rule 78(1)(a)(ii)]

Register of Deductions for Damage or Loss

Name and Address of Contractor Name and Address of Establishment in/under which contract is carried on

 Nature and Location of work Name and Address of Principal Employer

Sl. No.	Name of workman	Father's/husband's name	Designation/Nature of employment	Particulars of damage or loss	Date of Damage or loss	Whether workman showed cause against deduction
1	2	3	4	5	6	7

Name of person in whose presence employee's explanation was heard	Amount of deduction imposed	No. of instalments	Date of recovery		Remarks
			First instalment	Last instalment	
8	9	10	11	12	13

FORM XXI

[See Rule 78(1)(a)(ii)]

Register of Fines

Name and Address of Contractor Name and Address of Establishment in/under which contract is carried on

 Nature and location of work Name and Address of Principal Employer

Sl. No.	Name of workman	Father's/Husband's name	Designation/nature of employment	Act/Omission for which fine imposed	Date of offence
1	2	3	4	5	6

Whether workman showed cause against fine	Name of person in whose presence employee's explanation was heard	Wage periods and wages payable	Amount of fine imposed	Date on which fine realised	Remarks
7	8	9	10	11	12

FORM XXII

[See Rule 78(1)(a)(ii)]

Register of Advances

Name and Address of Contractor Name and Address of Establishment in/under which contract is carried on

Nature and location of work Name and Address of Principal Employer

Sl. No.	Name	Father's/Husband's name	Nature of employment/Designation	Wage period and wages payable	Date and amount of advance given
1	2	3	4	5	6

Purpose(s) for which advance made	No. of instalments by which advance to be repaid	Date and amount of each instalment repaid	Date on which last instalment was repaid	Remarks
7	8	9	10	11

FORM XXIII

[See Rule 78(1)(a)(iii)]

Register of Overtime

Name and Address of Contractor Name and Address of Establishment in/under which contract is carried on

Nature and location of work Name and Address of Principal Employer

Sl. No.	Name of workman	Father's/Husband's name	Sex	Designation/nature of employment	Dates on which overtime worked
1	2	3	4	5	6

Total overtime worked or production in case of piece-rated	Normal rates of wages	Overtime rate of wages	Overtime earnings	Date on which overtime wages paid	Remarks
7	8	9	10	11	12

FORM XXIV

[See Rule 82(1)]

Return to be sent by the Contractor to the Licensing Officer

Half-Year-Ending

1. Name and address of the Contractor
2. Name and address of the establishment
3. Name and address of the Principal employer
4. Duration of contract: From to
5. No. of days during the half-year on which—
 - (a) the establishment of the principal employer had worked
 - (b) the contractor's establishment had worked
6. Maximum number of contract labour employed on any day during the half-year:

Men	Women	Children	Total
-----	-------	----------	-------
7. (i) Daily hours of work and spreadover—
 - (ii) (a) whether weekly holiday observed and on what day—
 - (b) if so, whether it was paid for—
 - (iii) No. of man-hours of overtime worked—
8. Number of man-days worked by—

Men	Women	Children	Total
-----	-------	----------	-------
9. Amount of wages paid—

Men	Women	Children	Total
-----	-------	----------	-------
10. Amount of deductions from wages, if any—

Men	Women	Children	Total
-----	-------	----------	-------
11. Whether the following have been provided—

(i) Canteen	..	..	..
(ii) Rest-rooms	..	..	..
(iii) Drinking water	..	..	..
(iv) Creches	..	..	..
(v) First-Aid	..	..	..

(If the answer is 'yes' state briefly standards provided)

Signature of Contractor

Place

Date

FORM XXV

[See Rule 82(2)]

Annual Return of Principal Employer to be sent to the Registering Officer

Year ending 31st December, 20....

1. Full name and address of the Principal Employer.
2. Name of Establishment:
 - (a) District
 - (b) Postal Address
 - (c) Nature of operation/industry/work carried on.
3. Full name of the Manager or person responsible for supervision and control of the establishment.

4. Number of contractors who worked in the establishment during the year (Give details in Annexure).
5. Nature of work/operations on which contract labour was employed.
6. Total number of days during the year on which contract labour was employed.
7. Total number of man-days worked by contract labour during the year.
8. Maximum number of workmen employed directly on any day during the year.
9. Total number of days during the year on which direct labour was employed.
10. Total number of man-days worked by directly employed workmen.
11. Change, if any, in the management of the establishment, its location, or any other particulars furnished to the Registering Officer in the application for Registration indicating also the dates.

Principal Employer

Place

Date

ANNEXURE TO FORM

Name and Address of the Contractor	Period of contract From To	Nature of work	Maximum number of workers employed by each contractor	No. of days worked	No. of man-days worked
1	2	3	4	5	6

⁶²[ANNEXURE 'A']

[Rule 38(1)]

Sl. No.	Officers	Headquarters of the Officers
1	2	3
1	ALC(C)	Delhi
2	RLC(C)	Ajmer
3	ALC(C)	Ajmer
4	ALC(C)	Adipur
5	RLC(C)	Asansol
6	ALC(C)	Asansol
7	RLC(C)	Bombay
8	ALC(C)	Bombay
9	ALC(C)	Nagpur
10	ALC(C)	Vasco-Da-Gama
11	RLC(C)	Calcutta
12	ALC(C)	Calcutta
13	RLC(C)	Gauhati
14	RLC(C)	Dhanbad
15	ALC(C)	Dhanbad
16	ALC(C)	Chaibasa
17	ALC(C)	Hazaribagh
18	RLC(C)	Hyderabad
19	ALC(C)	Hyderabad
20	ALC(C)	Vijayawada
21	ALC(C)	Visakhapatnam
22	RLC(C)	Jabalpur

Sl. No.	Officers	Headquarters of the Officers
1	2	3
23	ALC(C)	Jabalpur
24	ALC(C)	Raipur
25	ALC(C)	Shahdol
26	RLC(C)	Kanpur
27	ALC(C)	Kanpur
28	RLC(C)	Chandigarh
29	RLC(C)	Bhubaneshwar
30	ALC(C)	Bhubaneshwar
31	RLC(C)	Madras
32	ALC(C)	Madras
33	ALC(C)	Ernakulam
34	RLC(C)	Bangalore
35	ALC(C)	Bellary
36	ALC(C)	Dehradun
37	ALC(C)	Rohtak
38	ALC(C)	Jagdalpur
39	ALC(C)	Jaipur
40	ALC(C)	Kolar Gold Fields

Contract Labour (Regulation and Abolition) Central Rules, 1971—Construction and Maintenance of Creches

Notification No. S.O. 143, dated the 8th September, 1972¹

In exercise of the powers conferred by clause (vi)(d) of sub-rule (2) of Rule 25 of the Contract Labour (Regulation and Abolition) Central Rules, 1971, the Chief Labour Commissioner (Central), New Delhi hereby specifies the standard of construction and maintenance of the creches as under:

1. Locations.—A creche should be located within 50 metres of every establishment where 20 or more women are ordinarily employed as contract labour. While the creche should be conveniently accessible to the mothers of the children accommodated therein, it should not be situated in close proximity to an establishment where obnoxious fumes, dust or odours are given off or in which excessively noisy processes are carried on.

2. Building.—(i) The creche building should be constructed of heat-resistant materials and should be rain-proof.

(ii) While in towns it may be built of brick walls with cement or lime plaster, in rural areas it may be built of mud walls with mud plaster. In either case, the flooring and the walls up to a height of 3ft should have cement surface.

(iii) The height of the rooms should be not less than 10ft from the floor to the lowest part of the roof.

(iv) The rooms should be provided with necessary doors and windows for securing and maintaining adequate light and ventilation by free flow of air.

(v) The building should be periodically inspected in order to see that it is safe and is being maintained under sanitary conditions.

(vi) The creche will be kept open at all times both by day and night, when women employees are working.

3. Accommodation.—(i) Accommodation in the creche should be on a scale of at least 20 sq. ft. of floor area per child.

(ii) There should be a shady open air playground suitably fenced for older children.

4. Amenities.—(i) Cool and wholesome drinking water should be available for the children and the staff of the creche. Children below 2 years of age should be fed with at least 1/2 pint of pure milk per child per day. Children above 2 years of age should be given wholesome refreshments.

(ii) Convenient and suitable arrangements should be made for the working mothers to feed their children below 2 years of age during the intervals.

(iii) There shall be a kitchen attached to the creche with utensils and other facilities for boiling milk and preparing refreshments, etc.

(iv) The children as well as the staff of the creche should be provided with suitable uniforms for wear at the creche.

(v) There should be a suitable bathroom adjoining the creche for the washing of the children and for changing their clothes. Wash-basins or similar vessels should

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also be provided at the rate of one for every four children. There should be arrangements for supply of water at the rate of 5 gallons per child per day. Adequate supply of clean towels and soap should be available at the creche.

(vi) Adjoining the bathroom there shall be a latrine for the exclusive use of the children in the creche. The number of seats in the latrine shall be at the rate of one for every 15 children. Separate latrines should be maintained for the use of mothers and creche staff at a distance of not less than 50 ft from the creche.

5. Equipment.—The creche should have the following equipment at the rate of one for each child—

(i) Cradles or cots.

(ii) Beds or mattresses.

(iii) Cotton sheets.

(iv) Rubber sheets (for children below 3 years).

(v) Blankets.

(vi) Pillow with covers.

6. Staff.—Every creche should be in the charge of a woman with midwifery qualification or training as creche attendant. Where the number of children exceeds ten, the creche attendant should be assisted by female ayahs at the rate of one ayah—

(a) for every 5 children up to one year;

(b) for every 10 children up to three years; and

(c) for every 15 children of over 3 years of age.

The ayahs should not be less than 30 years of age and should have knowledge and training in the handling of children.

7. Working hours.—The working hours of the creche should correspond to the working hours of the mothers. It may have to work in two shifts if the women are employed in two or more shifts, spread over a period exceeding 8 hours a day. Where the creche works in shifts, different staff should be employed to work in the two shifts.

8. Medical attention.—(i) The creche should have first-aid equipment kept in proper condition.

(ii) Every child should be medically examined before admission. There should be medical check-up of the children once a month and their weight recorded once a month.

(iii) A record of the periodical medical check-up and weighing should be entered in the record of medical examination of each child kept at the creche.

9. Maintenance of records.—The creche should maintain the following records up to date—

(i) Records of Medical Examination of children, in Form 'A'.

(ii) Attendance Register of children, in Form 'B'.

10. Inspection of creche.—A creche may be inspected at any time by an Inspector under the Act or any other officer authorised by the Central Government for the purpose.

1. Published in Gaz. of India, dt. 13-1-1973, Pt. II, S. 3(ii), p. 158.

FORM 'A'

Form for Recording the Result of Medical Examination of
Children Attending Creches

Date, Month and Year of Examination

Sl. No.	Name of child	Age (date of birth, if available)	Mother's name and occupation	Weight of child on the date of last examination	Weight on the date of examination	Disease or abnormality found, if any	Treatment suggested, if any	Remarks
1	2	3	4	5	6	7	8	9

(Signature of the qualified medical practitioner)

FORM 'B'

Form for Recording Particulars of Children Attending the Creches

Name of Establishment Month and Year

Sl. No.	Date of admission	Name of child with mother's full name and occupation	Sex	Age	Date of the month (attendance marked each day)	Remarks
1	2	3	4	5	6	7

STATE RULES

(1) Conditions of Service under Andhra Pradesh Contract (Labour Regulation and Abolition) Rules, 1971; (2) Contract Labour (Regulation and Abolition) Assam (Amendment) Rules, 1984; (3) Bihar Contract Labour (Regulation and Abolition) Rules, 1972; (4) Delhi Contract Labour (Regulation and Abolition) Rules, 1970; (5) Contract Labour (Regulation and Abolition) (Gujarat) Rules, 1972; (6) Haryana Contract Labour (Regulation and Abolition) Rules, 1975; (7) Contract Labour (Regulation and Abolition) (Madhya Pradesh) Rules, 1972; (8) Maharashtra Contract Labour (Regulation and Abolition) Rules, 1971; (9) Orissa Contract Labour (Regulation and Abolition) Rules, 1975; (10) Punjab Contract Labour (Regulation and Abolition) Rules, 1975; (11) Rajasthan Contract Labour (Regulation and Abolition) Rules, 1971; (12) Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975; (13) U.P. Contract Labour (Regulation and Abolition) Rules, 1979; (14) W.B. Contract Labour (Regulation and Abolition) Rules, 1972; (15) Contract Labour (Regulation and Abolition) (Karnataka) Rules, 1976.

Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988¹

[Act 51 of 1988]

[24th September, 1988]

An Act to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws

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

Prefatory Note—Statement of Objects and Reasons.—(1) Rules and regulations framed under various labour laws provide for maintenance of registers in prescribed formats and periodical submission of returns in prescribed forms. There has been persistent demands from small business and industrial establishments for the simplification and reduction in the number of forms and registers required to be maintained/submitted by small establishments. A Working Group appointed for the purpose had suggested undertaking of legislation as well as other appropriate measures for simplification and reduction in the number of forms and registers required to be maintained by small establishments. In the light of the recommendations of the Working Group, the matter was considered further at various fora and Government has considered it desirable that establishments employing smaller number of persons should be exempted to a limited extent, from maintaining registers in the prescribed form and from submitting the various returns under certain existing labour laws.

(2) A small establishment has been defined in the Bill as an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months. A very small establishment has been defined as an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months.

(3) Small establishments will be required to maintain only three muster registers and will be required to submit only one core return in lieu of the existing returns prescribed under the various labour laws. Similarly, very small establishments would be allowed to combine the three muster registers into a single register. Further, they would be required to submit only one annual core return in lieu of the existing returns prescribed under the various labour laws. The forms of the registers and returns have been prescribed in the Bill itself.

(4) However, in view of the special requirements of social security legislation, such as recovery of contribution from employers and employees, their accountability, reimbursement, etc., no exemption has been given in relation to social security legislation. The enactments from which exemption is sought to be given have been mentioned in the Schedule to the Bill.

(5) The Bill seeks to achieve the above objects.

1. Short title and commencement.—(1) This Act may be called the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988.

(2) It extends to the whole of India:

1. Received the assent of the President on Sept. 24, 1988, and published in the Gaz. of India, Extra., Pt. II, S. 1, dt. Sept. 27, 1988.

Provided that nothing contained in this Act, in relation to the Plantations Labour Act, 1951 (69 of 1951) shall extend to the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States, and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the coming into force of that provision in that State.

Date of Enforcement.—The Act came into force in the whole of India w.e.f. 1-5-1989 vide G.S.R. 436(E), dt. 10-4-1989 (1989 CCL-III-274).

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

- (a) “employer”, in relation to a Scheduled Act, which defines such expression, has the same meaning assigned to it in that Act, and in relation to any other Scheduled Act, means the person who is required to furnish returns or maintain registers under that Act;

NOTES

“Employer” includes a legal representative of a deceased employer—See Payment of Wages Act, 1936, Section 2(i-a).

When there is a manager who is entrusted with the affairs of the company the directors of the company cannot be said to be the employer, *Superintendent and Remembrancer of Legal Affairs v. Balai Chand Saha*, 78 CWN 757: 45 FJR 489.

- (b) “establishment” has the meaning assigned to it in a Scheduled Act, and includes,—

- (i) an “industrial or other establishment” as defined in Section 2 of the Payment of Wages Act, 1936 (4 of 1936);
- (ii) a “factory” as defined in Section 2 of the Factories Act, 1948 (63 of 1948);
- (iii) a factory, workshop or place where employees are employed or work is given out to workers, in any scheduled employment to which the Minimum Wages Act, 1948 (11 of 1948), applies;
- (iv) a “plantation” as defined in Section 2 of the Plantations Labour Act, 1951 (69 of 1951); and
- (v) a “newspaper establishment” as defined in Section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955);

NOTES

Factory.—If manufacturing process is done at two different places, they are factories, AIR 1955 All 702. Premises include land as well, AIR 1956 Bom 219. Kitchen is not factory, 1941 2 KB 232, 238 (B); but a contrary view has been expressed in 1980 Lab IC 100 (Bom). There is difference between the definition of factory as given in the Indian Factories Act and the English Factories Act. Whether any restaurant is a factory has to be decided after taking into account all relevant considerations, viz., Section 21(k) and (m). Mere existence of refrigerator will not make the premises factory, AIR 1956 Mad 600.

Newspaper establishment.—“Newspaper establishment” means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate—See Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, Section 2(d).

- (c) “Form” means a Form annexed to this Act;

- (d) “Scheduled Act” means an Act specified in the Schedule and is in force on the commencement of this Act in the territories to which such Act extends generally, and includes the rules made thereunder;
- (e) “small establishment” means an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months;
- (f) “very small establishment” means an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months.

3. Amendment of certain labour laws.—On and from the commencement of this Act, the Scheduled Acts shall have effect subject to the provisions of this Act.

4. Exemption from returns and registers required under certain labour laws.—(1) On and from the commencement of this Act it shall not be necessary for an employer in relation to any small establishment or very small establishment to which a Scheduled Act applies to furnish the returns or to maintain the registers required to be furnished or maintained under that Scheduled Act:

Provided that such employer,—

- (a) furnishes, in lieu of such returns, a Core Return in Form A;
- (b) maintains, in lieu of such registers,—
 - (i) registers in Form B, Form C and Form D, in the case of small establishments; and
 - (ii) registers in Form D and Form E, in the case of very small establishments;

Provided further that every such employer shall continue to—

- (a) issue wage slips in the Form prescribed in the Minimum Wages (Central) Rules, 1950 made under Sections 18 and 30 of the Minimum Wages Act, 1948 (11 of 1948) and slips relating to measurement of the amount of work done by piece-rated workers required to be issued under the Payment of Wages (Mines) Rules, 1956 made under Sections 13-A and 26 of the Payment of Wages Act, 1936 (4 of 1936); and
- (b) file returns relating to accidents under Sections 88 and 88-A of the Factories Act, 1948 (63 of 1948) and Sections 32-A and 32-B of the Plantations Labour Act, 1951 (69 of 1951).

(2) Save as provided in sub-section (1), all other provisions of a Scheduled Act, including in particular, the inspection of the registers by, and furnishing of their copies to, the authorities under that Act, shall apply to the returns and registers required to be furnished or maintained under this Act as they apply to the returns and registers under that Scheduled Act.

(3) Where an employer in relation to a small establishment or very small establishment to which a Scheduled Act applies, furnishes returns or maintains the registers as provided in the proviso to sub-section (1), nothing contained in that Scheduled Act shall render him liable to any penalty for his failure to furnish any return or to maintain any register under that Scheduled Act.

5. Savings.—The commencement of this Act shall not affect,—

- (a) the previous operation of any provision of any Scheduled Act or the validity, invalidity, effect or consequence of anything done or suffered under that provision, before the relevant period;
- (b) any right, privilege, obligation or liability already acquired, accrued or incurred under any Scheduled Act, before the relevant period;
- (c) any penalty, forfeiture, or punishment incurred or inflicted in respect of any offence committed under any Scheduled Act, before the relevant period;
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment aforesaid,

and any such investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment shall be instituted, continued or disposed of, as the case may be, in accordance with that Scheduled Act.

Explanation.—For the purpose of this section, the expression “relevant period” means the period during which an establishment is or was a small establishment or a very small establishment under this Act.

6. Penalty.—Any employer who fails to comply with the provisions of this Act, shall, on conviction, be punishable—

- (a) in the case of the first conviction, with fine which may extend to rupees five thousand; and
- (b) in the case of any second or subsequent conviction, with imprisonment for a period which shall not be less than one month but which may extend to six months or with fine which shall not be less than rupees ten thousand but may extend to rupees twenty-five thousand, or with both.

7. Power to amend Form.—(1) The Central Government may, if it is of opinion that it is expedient so to do, by notification in the Official Gazette amend any Form and thereupon such Form shall, subject to the provisions of sub-section (2), be deemed to have been amended accordingly.

(2) Any notification issued under sub-section (1) shall be laid before each House of Parliament, if it is sitting as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People, and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

8. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

THE SCHEDULE

[See Section 2(1)(d)]

- (1) The Payment of Wages Act, 1936 (4 of 1936).
- (2) The Weekly Holidays Act, 1942 (18 of 1942).
- (3) The Minimum Wages Act, 1948 (11 of 1948).
- (4) The Factories Act, 1948 (63 of 1948).
- (5) The Plantations Labour Act, 1951 (69 of 1951).
- (6) The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).
- (7) The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).
- (8) The Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).
- (9) The Equal Remuneration Act, 1976 (25 of 1976).

FORM A

[See Section 4(1) proviso (a)]

Core Return**RETURN FOR THE YEAR ENDING 31ST DECEMBER**

(To be furnished on or before the 15th February of the succeeding year by small establishments and very small establishments)

1. (a) Name and postal address of the establishment.
- (b) Name and residential address of the employer.
- (c) Name and residential address of the Manager or person responsible for supervision and control of the establishment.
- (d) Name of the principal employer in the case of a contractor's establishment.
- (e) Date of commencement of the establishment.

Nature of Operation/Industry/Work Carried on

2. (a) Number of days worked during the year.
- (b) Number of man-days worked during the year.
- (c) Daily hours of work.
- (d) Day of weekly holiday.
3. (a) Average number of persons employed during the year.
 - (i) Males.
 - (ii) Females.
 - (iii) Adolescents (those who have completed 14 years but have not completed 18 years of age).
 - (iv) Children (those who have not completed 14 years of age).
- (b) Maximum number of workers employed on any day during the year.
- (c) Number of workers discharged, dismissed, retrenched or whose services were terminated during the year.
4. Rates of wages—categorywise:
 - (1) Males (2) Females (3) Adolescents (4) Children
5. Gross wages paid:
 - (a) in cash;

- (b) in kind.
6. Deductions:
- (a) Fines.
- (b) Deductions for damage or loss.
- (c) Other deductions.
7. Number of workers who were granted leave with wages during the year.
8. Nature of welfare amenities provided: Statutory (specify the statute).
9. Does the establishment carry out any hazardous process or dangerous operation coming within the meaning of the Factories Act, 1948. If so, give particulars.
10. Number of Accidents:
- (a) Fatal.
- (b) Non-fatal.
11. Nature of safety measures provided as required under the Factories Act, 1948.

Date Signature of the Employer with full name in capitals

Place

FORM B

[See Section 4(1) proviso (b)(i)]

Register of Wages required to be maintained by small establishments

(To be maintained within seven days of the expiry of the wage period)

Name of establishment Name and address of employer

Address (Local) Nature of work

(Permanent) Wage period

Sl. No.	Name of the employee	Sex	Designation	Classification, whether permanent/temporary/casual/part-time or any other	Father's or husband's name	Total days number of units worked
1	2	3	4	5	6	7

WAGES EARNED

Basic wages		Dearness allowance	Overtime	Bonus or ex gratia	Maternity benefits	Gratuity	Any other allowance	Total amount
Statutory minimum rate	Actual							
8	9	10	11	12	13	14	15	16

DEDUCTIONS

Advances	Fines due to damage or loss by neglect or default	Provident Fund		Employees' State Insurance	
		Employers' contribution	Employees' contribution	Employers' contribution	Employees' contribution
17	18	19	20	21	22

DEDUCTIONS

Other deductions indicating the nature	Total deductions	Net amount payable	Signature or thumb-impression of employee with date	Signature of Inspector with date	Remarks
23	24	25	26	27	28

- Notes:** 1. In case of deduction of any advance taken by an employee, the employer shall also indicate therein the number of instalments paid/total instalments by which advance is to be repaid such as "5/20, 6/20", etc. The purpose of advance shall also be mentioned in the Remarks column.
2. In case of imposition of fines or deduction for damage or loss, the specific act or omission for which the penalty has been imposed has to be indicated in the Remarks column. A certificate shall also be recorded in the said column to the effect that an opportunity to show cause was given to the employee concerned before imposition of fine or deduction.

Date Signature of the Employer with full name in capitals

Place

FORM C

[See Section 4(1) proviso (b)(i)]

Muster-roll to be maintained by small establishments

Name of establishment Name and address of the employer

Address (Local) Wage period

(Permanent)

Sl. No.	Name of the employee	Date of employment	Permanent address	Age or date of birth
1	2	3	4	5

Father's or husband's name	For the period ending Number of units of work done during	Total attendance	Total overtime worked ¹	Total production in case of piece-rated workers ²
6	7	8	9	10

Compensatory rest³

Brought forward from previous wage period	Given during the wage period	Signature of Inspector with date	Remarks
11	12	13	14

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REGISTERS BY CERTAIN ESTABLISHMENTS) ACT, 1988

- Notes: 1. In the case of daily-rated workers, the extent of overtime done on each occasion has to be reflected against each concerned date, such as "P/1" meaning "Present with one hour's overtime", "P/1 1/2" meaning "Present with one-and-a-half hour's overtime" and so on.
2. The number of units of work done by a piece-rated worker has to be noted for each day in the Register. In case of employment of any child/adolescent the employer shall indicate the hours worked each day with intervals of rest.
3. The compensatory rest availed by the worker has to be marked in the Register in red ink as 'CR'.
4. Column 7 to be filled up on each working day and the remaining columns to be completed within seven days of the expiry of the wage period.

Date Signature of the Employer with full name in capitals

Place

FORM D

[See Section 4(1) proviso (b)(i) and (ii)]

Monthly Register showing welfare amenities to be maintained by small establishments and very small establishments

Name and address of the employer			Address of the establishment: Local/Permanent		For the month of
Sl. No.	Name of the employee	Sex	Designation	Weekly day of rest	Dates of holidays for festivals or similar other occasions
1	2	3	4	5	6

Number of casual leave availed by the employee	Quantum of annual leave with wages		Whether welfare amenities provided for		
	Due	Availed	Rest-room	Drinking-water	First aid
7	8	9	10	11	12

Whether Scheduled Caste/Scheduled Tribe, Handicapped, or any other particular category	Signature of the employer or his agent	Remarks of the Inspecting Officer	Signature of Inspector with date
13	14	15	16

Note.—To be completed within seven days of the expiry of each calendar month.

FORM E] LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS & MAINTAINING
REGISTERS BY CERTAIN ESTABLISHMENTS) ACT, 1988 83

Date

Signature of the employer with full name in capitals

Place

FORM E

[See Section 4(1) proviso (b)(ii)]

Monthly Register of muster-roll-cum-wages required to be maintained by very small establishments

Year

Month

or Wage period

(where different)

Name of establishment

Name of employee Father's name

Nature of Work Rate of wages

Wage period Date of employment

Date	Hours of work		Interval for Rest and Meal		Hours worked with the employer	Overtime		Casual or sickness leave availed during the month/wage period
	From	To	From	To		Hours worked	Wages earned	
1	2	3	4	5	6	7	8	9

Privilege Leave			Signature of the employer	Remarks of the employer	Remuneration Due			
Leave due	Leave availed	Balance			Basic salary or wage	Over-time	Other allowances, if any	Total
10	11	12	13	14	15	16	17	18

Fines and deductions on account of damage or loss by neglect or default	Deductions				Net amount of payment	Date of payment	Signature or thumb-impression of the employee	Signature of Inspector with remarks if any, and date
	Other deductions	Advance paid, if any						
		Date	Amount	Total				
19	20	21	22	23	24	25	26	27

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REGISTERS BY CERTAIN ESTABLISHMENTS) ACT, 1988

Note: Columns 1 to 12 to be filled up on each working day and the remaining columns to be completed within seven days of the expiry of the wage period.

Date

Signature of the Employee with full name in capitals

Place

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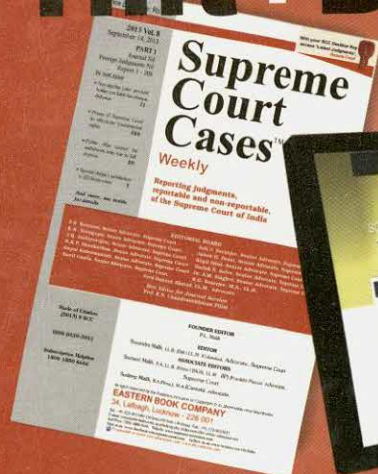
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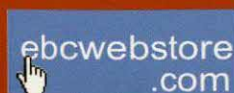
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