

THE CONTRACT LABOUR (REGULATION AND ABOLITION) MADHYA PRADESH RULES, 1973

Contents

CHAPTER I	5
Preliminary	5
1. Short title and commencement	5
2. Definitions	5
CHAPTER II	5
Central Board.....	5
3. The Board shall consist of the following members	5
4. Terms of office	6
5. Resignation	6
6. Cessation of membership	6
7. Disqualification for membership	7
8. Removal from membership	7
9. Vacancy	7
10. Staff	7
11. Allowances of members	8
12. Disposal of business	8
13. Meetings	8
14. Notice of meeting and list of business	8
15. Quorum	8
16. Committee of the Board	9
CHAPTER III	9
Registration and Licensing	9
17. Manner of making application for registration of establishments	9
18. Grant of certificate of registration	9
19. Circumstances in which application for registration may be rejected	10
20. Amendment of certificate of registration	10
21. Application for a licence	10
22. Matters to be taken into account in granting or refusing a licence	11
23. Refusal to grant of licence.....	11
24. Security.....	12
25. Forms and terms and conditions of licence	12
26. [Fees	13
27. [Validity of the Licence	14

28. Amendment of the licence	14
29. Renewal of licence	14
30. Issue of duplicate certificate of registration or licence	14
31. Refund of security	15
32. Grant of temporary certificates of registration and licence	15
CHAPTER IV	16
Appeals and Procedure	16
33. 16	
34. 16	
35. 17	
36. 17	
37. 17	
38. [Payment of Fee	17
39. Copies	17
CHAPTER V	18
Welfare and Health of Contract Labour	18
40. 18	
41. Rest-rooms	18
42. Canteen	19
43. 19	
44. 19	
45. 20	
46. 20	
47. 20	
48. 20	
49. 21	
50. 21	
51. Latrines and urinals	21
52. 21	
53. 21	
54. 21	
55. 21	
56. 22	
57. Washing Facilities	22
58. First-aid Facilities.....	22
59. 22	
60. 23	
61. 23	
62. 23	
CHAPTER VI	23
Wages	23
63. Wages	23
64. 24	
65. 24	
66. 24	
67. 24	



68. 24	
69. 24	
70. 24	
71. 24	
72. 24	
73. 24	
CHAPTER VII	25
Registers and Records and Collection of Statistics	25
74. Register of contractors	25
75. Register of persons employed	25
76. Employment cards	25
77. Service Certificate	25
78. Muster Roll, Wages Register, Deduction Register and Overtime Register	25
79. 26	
80. 26	
81. 27	
82. 27	

THE CONTRACT LABOUR (REGULATION AND ABOLITION) MADHYA PRADESH RULES, 1973

Notification No. 1997 1898-XVI1.- In exercise of the powers conferred by Section 35 of the Contract Labour (Regulation and Abolition) Act, 1970, the State Government hereby makes the following rules, the same having been previously published as required by sub-section, (1) of the said section, namely,

CHAPTER I

Preliminary

1. Short title and commencement

- (1) These rules may be called the Contract Labour (Regulation and Abolition) Madhya Pradesh Rules, 1973.
- (2) They shall come into force on the date of their publication in the Madhya Pradesh Gazette.
 - (a) "Act" means the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970);
 - (b) "Appellate Officer" means the Appellate Officer nominated by the State Government under sub-section (1) of Section 15;
 - (c) "Board" means the State Advisory Contract Labour Board constituted under Section 4;
 - (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.
 - (a) a Chairman to be appointed by the State Government;
 - (b) the Labour Commissioner ex officio,
 - (c) one person representing the State Government, to be appointed by that Government from among its officials;
 - (d) one person representing the Public Sector Undertaking to be appointed by the State Government;

(e) four person's, representing the employers in textiles, one representing the employers in Bidi industry and two representing contractors to whom the Act applies, to be appointed by the State Government after consultation with such

2. Definitions

In these rules, unless the subject or context otherwise requires,

CHAPTER II

Central Board

3. The Board shall consist of the following members

organisations, if any, of employers and the contractors as may' be recognised by the State Government in this behalf;

(f) five persons, one representing the employees in the Public Sector one representing the employees in textiles, one representing the employees in Bidi industry, and two representing the employees of contractors to whom the Act applies to be appointed by the State Government after consultation with such organisation, it any, of employees, representing the respective interest as may be recognised by the State Government in this behalf.

4. Terms of office

(1) The Chairman of the Board shall hold office as such for a period of two years from the date on which his appointment is first notified in the Madhya Pradesh Gazette.

(2) The members of the Board, referred to in clause (c) of rules, shall hold office as such during the pleasure of the State Government.

(3) Each of the members referred to in clauses (d), (e) and (1) of Rule 3 shall hold office as such for a period of two years commencing from the date on which his appointment is first notified in the Madhya Pradesh Gazette:

Provided that where the successor of any such member has not been notified in the "Madhya Pradesh Gazette" on or before the expiry of the said period of two 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 "Madhya Pradesh Gazette."

(4) If a member is unable to attend the meeting of the Board, the State 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 substituted 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.

5. Resignation

A member of the Board, not being an ex officio member, may resign his office by a letter in writing addressed to the State Government and on such resignation being accepted by that Government, his office shall fall vacant on the date on which such resignation is accepted.

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 State 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 members shall continue to be a member of that Board.

7. Disqualification for membership

(1) A person shall be disqualified for being appointed, 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 State Government involves moral turpitude.

(2) If a Question arises to whether a disqualification has been incurred sub- ruse (1), the State Government shall decide the same.

8. Removal from membership

The State Government may remove from office any member of the Board, if in its 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 State Government and on receipt of such report, the State 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 State 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 State Government.

(2) 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 the 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 and daily, allowance for attending the meeting of the Board in accordance with the scale laid down in the Finance Department's memo No. 1540-4-N-2, dated 2nd July, 1958 as amended by memo No. 153 dated 1st February, 1965 or as may be amended hereafter for non-official member of State Level Committees.

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 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 meeting and list of business

(1) Ordinarily ten 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 that meeting without the permission of the chairman.

15. Quorum

No business shall be transacted at any meeting unless at least four members are present: Provided that if any meeting less than four 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 the business at the adjourned meeting whether there is prescribed quorum or the not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of the members attending.

16. Committee 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.

(2) The committee shall meet at such times and places as the chairman of the said committee may decide and the committee shall observe such rules of procedure in regard to the transaction of business at its meeting as it may decide upon.

(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 treasury receipt showing payment of the fee for the registration of the establishment.

(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 there on 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 establishment 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 fifteen 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 deposit a sum which together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce the treasury receipt 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 and in the certificate of registration in Form II 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 ²[in the online form available on official portal of the Labour Department, Government of Madhya Pradesh], 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 in so far as the provisions are applicable to him as principal employer in respect of the employment of contract labour by the applicant.

(3) ³[***]

(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 treasury receipt 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.

(a) whether the applicant,

(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

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

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:

- (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 State Government involves moral turpitude;

23. Refusal to grant of licence

(1) On receipt of the application, and as soon as possible thereafter, the Licensing Officer shall make such enquiry as he considers necessary to satisfy himself about the eligibility of the applicant for 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. 30 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 provision of the Act or the rules made thereunder.

(2) ⁴[The amount of security deposit shall be paid in the local treasury under the Head of Account K-Deposits and advances, b-Deposits not bearing interest, 843-Civii Deposits-a-Revenue Deposits under the Contract Labour (Regulation and Abolition) Act, 1970]

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 rate of wages payable to the workmen by the contractor shall not be less than the rates prescribed under the Minimum wages Act, 1948 (11 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 case 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, the hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to workmen directly employed by the principal employer of the establishment on the same or similar kind of work :

(b) in other cases the wages 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 Labour Commissioner.

Provided that in the case of any disagreement with regard to the type of work the same shall be decided by the Labour Commissioner whose decision shall be final.

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

(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 bed room 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 Labour Commissioner;

(vii) the licensee shall notify any change in the number of workmen or the conditions of work to the Licensing Officer.

26. 5[Fees

(1) The fees to be paid for the grant of a certificate of registration under Section 7 shall be as specified below, namely:

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

Rs.	
(a) is 20	60.00
(b) exceeds 20 but does not exceed 50	100.00

(c) exceeds 50 hut does not exceed 100	200.00
(d) exceeds 100 but does not exceed 200	400.00
(e) exceeds 200 but does not exceed 400	800.00
(f) exceeds 400	1500.00

(2) 6[the fees for one calendar year] to he paid for the grant or renewal of a licence under Section 12 shall he as specified below :

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

Rs.	
(a) is 20	60.00
(b) exceeds 20 but does not exceed 50	100.00
(c) exceeds 50 hut does not exceed 100	200.00

(d) exceeds 100 but does not exceed 200	400.00
(e) exceeds 200 but does not exceed 400	800.00
(f) exceeds 400	1500.00]

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27. 7[Validity of the Licence

Licence granted under rule 25 of renewed under rule 29 shall be valid for the period of the contract for which the application is made.]

28. Amendment of the licence

- (1) A licence issued under Rule 25 or renewed under Rule 29 may, for goods 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 treasury receipt 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 treasury receipt the licence shall be amended according to the orders of the Licensing Officer.
- (4) Where the application for amendment is refused, the Licensing Officer shall record the reasons for such 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 the 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. 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 certificate of registration or a licence granted or renewed under the preceding rules 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) §[The contractor may

(a) on expiry of the period of licence in case he does not intend to have the licence renewed; or

(b) on completion or execution of the work for which the licence was issued; (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.

make an application to the Licensing Officer for the refund of the security deposited by him under Rule 24];

(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 certificates 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 treasury receipt or a crossed postal order drawn in favour of the appropriate Registering or Licensing Officer, as the case may be, 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 the 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 to be employed by the contractor on any day

Rs.

(a) exceeds 19 but does not exceed 50	50.00
(b) exceeds 50 hut does not exceed 100	200.00
(c) exceeds 200	375.00]

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

CHAPTER IV

Appeals and Procedure

33.

(i) Every appeal under sub-rule (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 treasury receipt of rupees 10.

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 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. (i) Where an appeal has been dismissed under Rule 35 the appellant may apply to the Appellate Officer for the re-admission 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.

35.

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.

37.

(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 or 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 the 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.

38. 10[Payment of Fee

Unless otherwise provided in these rules, all fees to be paid in the local treasury under the Head of Account 087-Labour and Employment (a) Receipts under Labour Laws, Fees under the Contract Labour (Regulation and Abolition) Act, 1970 and a receipt obtained shall be submitted with the application or the memorandum of appeal as the case may be.]

39. Copies

(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:

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 and on an application specifying the date and other particulars of the order, made to the officer concerned.

CHAPTER V

Welfare and Health of Contract Labour

40.

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 3 months or more, the contractor shall provide and maintain rest-rooms or other suitable alternative accommodation within fifteen 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.

¹¹[x x x]

(2) If the amenity referred to in sub-rule (1) is not provided by the contractor within the period prescribed, subject to the extension granted under proviso to sub-rule (1) 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 a floor area of 1.1 sq. meter 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 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.

42. Canteen

(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 sixty days of the commencement of the employment of contract labour in the case of new establishment.

(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.

43.

(1) The canteen shall consist of atleast 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 wall 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 collection and disposal of garbage.

44.

(1) The dining-hall shall accommodate at a time atleast 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 meter 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 tales, stools, chairs or benches shall be available for the number of diners to be accommodated as prescribed in sub-rule (1).

45.

(1) (i) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and 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 a 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.

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 equipment including furniture, crockery, cutlery and utensils;

(d) the water charges and other charges incurred for lighting and ventilation;

(e) the interest on the amount spent on the provision and maintenance of furniture and equipment provided for in the canteen. (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:

49.

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.

The accounts pertaining to the canteen shall be audited once every 12 months by registered accounts and auditors.

51. Latrines and urinals

Latrines shall be provided in every establishment coming within the scope of the Act on the following scale, namely,

Provided where the number of males and 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.

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

(2)

54.

There shall be atleast 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.

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

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.

A. For establishment 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 percent 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 gins.) 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 sterilized burn' dressings.

(v) 6 (15 gm,) packets sterilized cotton wool.

(vi) 1 (60 ml.) bottle containing a two percent alcoholic solution of iodine.

(vii) 1 (60 ml.) bottle containing sal volatile having the dose and mode of administration indicated on the label.

(viii) 1 roll of adhesive plaster.

(ix) 1 snake bite lancet.

(x) 1 (30 gm.) bottle of potassium permanganate crystals.

(xi) a 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 suitable surgical anti-septic solution. (2) Adequate arrangement shall be made for immediate recoument 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. Wages

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 State 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 wage 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 Wages-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 cards

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

(ii) The card shall be maintained upto 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 Register, Deduction Register and Overtime Register

(1) In respect of establishments which are governed by the Payment of Wages Acts, 1936 (4 of 1936), and the rules made thereunder, or the Minimum Wages Act, 1948 (11 of 1948) or the rules made thereunder, the following registers and records required to be maintained by the contractor as employer under those Act and the m3de thereunder shall be deemed to be registers and records to be maintained by the contractor under these rules,

- (a) Muster Roll;
- (b) Register of wages;
- (c) Register of Deductions;
- (d) Register of Overtime;
- (e) Register of Fines;
- (f) Register of Advances.

(2) In respect of establishments not covered under sub-rule 1), the following provisions shall apply, namely

- (a) Every contractor shall maintain a muster-Roll Register and a Register of Wages in Form XVI of Form XVII respectively;
- (b) Where the wage-period is one week or more the contractor shall issue wage-slips in Form XIX, to the 'workers atleast a day prior to the disbursement of wages;
- (c) Signature or thumb-impression of every worker on the Register of Wages or wages-cum-Muster-Roll, as the case may be, shall be obtained and entries therein, shall be authenticated by the initials of the contractor or his representative, and duly certified by the authorised representative of the principal employer as required by Rule 73;
- (d) Register of deductions, fines and advances. - Registers of deductions for damage or loss, Register of fines and Register of advances shall be maintained by every contractor in Forms XX, XXI and XXII respectively;

(e) Register of overtime. - A register of overtime shall be maintained by every contractor in Form XXIII to record therein number of hours and wages paid for overtime work, if any.

Provided that a combined muster-roll-cum-wages register in Form XVIII shall be maintained by the contractor where the wage period is a fortnight or less;

(3) 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 pay rolls 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 Labour Commissioner.

79.

(1) All registers and other records required to be maintained under the Act and rules, shall be maintained complete and upto date, and, unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the workplace or at a place within a radius of three kilometres.

(2) Such registers shall be maintained legibly in English or Hindi.

(3) All the registers and other records shall be preserved in original for a period of 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 State 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 XXIII respectively.

80.

(1)

(i) Notices showing the rates of wages, hours of work, wage-periods, the date of payment of wages, name and address of. 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.

81.

(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.

82.

(1) The Board, Committee, Labour Commissioner or the Inspector or any other authority under the Act shall have 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.

¹ Published in M.P. Rajpatra Part IV (Ga) dated 11-5-1973 Pages 228-269. See MPLT -1973 Part II § [177] Page 252

² Substituted by Notification No. 953-02-2020-A-16 dated 5-05-2020.

³ Omitted by Notification No. 953-02-2020-A-16 dated 5-05-2020.

⁴ Substituted by Notification No. 8301-10767-XVI dated 11-10-1976. Published in M.P. Rajpatra Part IV (Ga) dated 14-1-1977 page 4. See MPLT 1977 Part § 11 §[33] page 20

⁵ Substituted by Notification. No. F-2-1-91-XVI-A(5) dated 4-2-1993. Published in M.P. Rajpatra (Asadharan) dated 4-2-1993 Page 62(2). See MPLT 1993 Part 11 § [20] Page 11

⁶ Substituted by Notification No. 953-02-2020-A-16 dated 5-05-2020.

⁷ Substituted by Notification No. 953-02-2020-A-16 dated 5-05-2020.

⁸ Substituted by Notification No. 6984-XVI dated 20-11-1979. Published in M.P. Rajapatra Part IV (Ga) dated 7-12-1979 Page 257, See MPLT 1980 Part II § [14] page 10.

⁹ Substituted by Notification. No. F-2-1-91-XVI-A(5) dated 4-2-1993. Published in M.P. Rajpatra (Asadharan) dated 4-2-1993 Page 62(2). See MPLT 1993 Part 11 § [20] Page 11

¹⁰ Substituted by Notification No. 8301-10767-XVI dated 11-10-1976. Published in M.P. Rajpatra Part IV (Ga) dated 14-1-1977 Page 4. See MPLT 1977 Part II § [33] Page 20

¹¹ Omitted by Notification No. 4688-5981-XVI dated 30-8-1975. Published in M.P. Rajpatra Part IV (Ga) dated 19-12-1975 Page 891. See MPLT 1976 Part II § 1361 Page 38

