

THE MAHARASHTRA CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 1971

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THE MAHARASHTRA CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 1971

No.CLA. 1170/154651-LAB-IV.- In exercise of the powers conferred by sub-section (1) and clauses (a) to (p) (both inclusive) of sub-section (2) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), and of all other powers enabling it in that behalf, that Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 35, namely:-

CHAPTER I

1. Short title

These rules may be called the Maharashtra Contract Labour (Regulation and Abolition) Rules, 1971.

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 Officer appointed as such by 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) "Government" means the Government of Maharashtra;
- (h) "Licensing Officer" means an Officer notified as such under section 11;
- (i) "Registering Officer" means an Officer notified as such under section 6;
- (j) "Section" means a section of the Act.

CHAPTER II

State Advisory Board

3. Constitution of Board

The Board shall consist of the following members:-

- (a) a Chairman to be appointed by Government;
- (b) the Commissioner of Labour, ex officio or in his absence any other Officer nominated by Government in this behalf;
- (c) one person representing the State Government to be appointed by Government;
- (d) five persons, three representing the principal employers and two representing contractors to whom the Act applies, to be appointed by the Government;
- (e) five persons representing workmen to whom the Act applies to be appointed by Government.

4. Terms of Office

- (1) The Chairman of the Board shall hold office for a period of three years from the date on which his appointment is first notified in the Official Gazette.
- (2) The member of the Board, referred to in clause (c) of rule 3, shall hold office during the pleasure of the Government.
- (3) ¹[Each of the members referred to in clauses (d) and (e) of rule 3 not being an ex-officio member shall hold office 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.

5. 2[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 Government.
- (2) The office of a member of the Board, shall fall vacant from the date on which his resignation is accepted by the Government or on the expiry of thirty days from the date of receipt of intimation of resignation 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 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.

7. Disqualification of 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 Government involves moral turpitude.

(2) If a question arises as to whether or not a disqualification has been incurred under sub-rule

(1) the Government shall decide the same.

8. Removal from membership

Government may remove any member of the Board from office, 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

(1) When a vacancy occurs or is likely to occur in the membership of tile Board, the Chairman shall submit a report to the Government and on receipt of such report, the Government shall take steps to fill the vacancy.

(2) If any vacancy occurs in the membership of the Board by reason of death of, or resignation by a member, the vacancy caused thereby shall be filled by the Government by making an appointment from amongst the category of persons to which the deceased or as the case may be the resigned member belonged and the person so appointed shall hold office for the remainder of the term of office of the member ill whose place he is appointed.

10. Staff

(1)

(i) Government may appoint one of its officials as Secretary of 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 be such as may be decided by the Government.

(2) The Secretary

(i) shall assist the Chairman in convening meetings of the Board;

(ii) may attend the fleeting, 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 eligible to draw travelling allowance and daily allowance for any journey performed by them in connection with work of the Board in accordance with scale I specified in rule I (1)(b) of Appendix XLIIA-A, Section 1, to the Bombay Civil Services Rules, 1959. The non-official members, who are ordinarily residents of the Waco at which the meeting of the Board is held, shall be eligible to draw conveyance charges not exceeding rupees five only per sitting for every day of the meeting of the Board, which they attend. The secretary for the Boards shall be the Controlling Authority in respect of travelling daily and conveyance allowance bills of the non-official members.

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.

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 a member elected by those present at the meeting shall preside over such meeting.

14. Notice of meeting and list of business

(1) Ordinary seven days' notice of a proposed meeting shall be given to the members:

Provided that, when an emergent meeting called by the Chairman, it shall not be necessary to give more than three days' notice

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

15. Quorum

No business shall be transacted at any meeting unless the Chairman and at least one third members other than the Chairman are present:

Provided that, if at any meeting less than such number of 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 quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjournment meeting irrespective of the number of members attending.

16. Committee of the Board

(1) The Board may, while constituting the Committees under section 5, nominate one of its members to be the Chairman of the Committee.

(2) 3[The Committee shall meet at such times and places as the Chairman of the said Committee may decide].

16A. 4[Notice of meetings

A notice of the date, time and place of the meeting, along with the agenda for the meeting, shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting:

Provided that, in the case of an emergent meeting, such notice and the agenda for the meeting shall be sent at least seven days before the date fixed for such meeting.]

16B. Presiding over meeting of Committees

The Chairman of the Committee shall preside at every meeting of the Committee at which he is present and in his absence, the members present shall elect one of their members to preside at that meeting.

16C. Quorum

(1) The quorum to constitute a meeting of a Committee shall be, as near as may be, one third of the total number of members of the Committee.

(2) If at any time fixed for meeting of the Committee, or if at any time during any such meeting, there is no quorum, the presiding authority shall either adjourn the meeting until there is quorum or adjourn the meeting to some future day.

(3) When the meeting has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for the meeting of the Committee, it will be lawful to dispose of at the next adjourned meeting the business intended to be transacted at the original meeting, irrespective of the number of members of the Committee present at such meeting.

16D. Voting in the Committee

(1) All questions at a meeting of the Committee shall be determined by a majority of the members present and voting.

(2) In the case of an equality of votes of any matter, the presiding authority shall have a second or casting vote.

(3) Voting shall be by show of hands.

16E. Proceedings of the meeting

(1) The proceedings of each meeting showing *inter alia* the names of the members present thereat shall be forwarded to each member and to the Board as soon as after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

(3) 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 decided upon.

(4) The provisions of rule 11 shall apply to the members of a Committee for attending the meeting 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 No.1 5[xxxxx] to the registering officer of the area in which the establishment sought to be registered is located.

(2) Every such application shall be accompanied by a 6[declaration of the principal employer in Form 1-A, and a] treasury receipt showing payment of the fees for the registration of the establishment according to the provisions of Rule 26; and shall be either personally delivered to the registering officer or sent to him by registered post.

(3) On receipt of the application referred to in sub-rule (1), the registering officer shall record thereon the date of receipt by him of the application; and shall acknowledge the receipt thereof.

18. Grant of certificate of registration

(1) The certificate of registration granted under sub-section (2) of Section 7 shall be in Form No. II.

(2) The registering officer shall maintain a register in Form No III showing the particulars of establishments in relation to which certificates of registration have been issued by him.

(3) If, in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the 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, 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, within fifteen days from the date of receipt of intimation from the registering officer, 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 (3) 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 (3) 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 No. 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 in triplicate, in Form No.IV, 7[xxxxx], to the licensing officer of the area in which the establishment, in relation to which he is the contractor, is located.

(1A) 8[Every application shall be accompanied by an undertaking in Form No. IV•A by the Contractor regarding the matters mentioned in clauses (a), (b) and (c) of rule 22 and other matter mentioned in rule 22.

(2) Every application for the grant of a licence shall be accompanied by a certificate from the principal employer in Form No. V to the effect that the applicant has been employed or is proposed to be 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 respect of the employment of contract labour by the applicant.

9(2-A)]

(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 the Licensing Officer shall record thereon the date of receipt of the application and acknowledge the receipt thereof.

(5) Every application shall 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.

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 Government, involves moral turpitude;

(b) whether there is an order of Government or an award or settlement for the abolition of contract labour in the establishment in relation to 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 rates specified in Rule 24.

23. Grant of licence

(1) ¹⁰[On receipt of an application completed in all respect, the licensing officer shall issue a licence within seven working days, from the date of receipt of an application subject to the terms and conditions as may be specified in the licence. If the licence is not issued within the said seven working days, it shall be deemed to have been granted and the copy of the receipt of an application with copy of payment of fees shall be treated as licence.

(1A) ¹¹[The Government shall, from the date as may be notified by the Government in the Official Gazette, make available online the facility for application and issuance of registration of renewal certificate so that computer generated licence can be issued online. Online processing software shall be so designed to ensure that if order of rejecting the application is not communicated within the period stated in subrule (1), the receipt of online application attached with the copy of payment of fees online shall be deemed to be the licence for the purposes of the said Act.";

(2) ¹²[After issuance of a licence or where the licence is deemed to have been issued, if licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that

(a) there is breach of any condition mentioned in the licence or in undertaking given as per subrule (1A) of the rule 21; or

(b) there is reason to take action under subsection (1) or (2) of section 14, the licensing officer may, after giving the holder of licence an opportunity of showing cause, revoke or suspend or amend the licence as per the provision of the Act.".]

24. Security

Before a licence is issued, an amount calculated at the rate of ¹³(Rs.500) for each workman to be employed as contract labour, in respect of which the application for licence has been made, shall be deposited as security 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:

¹⁴[Provided that, where the contractor is a co-operative society, the amount to be deposited as security shall be at the rate of ¹⁵(Rs.250) for each workman to be employed as contract labour.]

25. Form and terms and conditions of licence

(1) Every licence granted under Rule 23 or renewed under Rule 29 shall be in Form No. VI.

(2) Every such licence 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)

(a) The rate of wages payable to the workmen by a contractor shall not be less than the minimum rates of wages fixed under the Minimum Wages Act, where that Act applies, where the rates have been fixed by agreement, settlement or award shall not be less than the rates so

fixed, and where rates have been fixed under the Minimum Wages Act and also under any agreement, settlement or award, the rates, shall not be less than the higher of the two rates;

(b) where the workmen employed by the contractor perform the same kind of work as the workmen or a class of workmen directly employed by the principal employer, the rates of wages payable to the workmen by the contractor shall be the rates payable to the workmen directly employed by the principal employer doing the same kind of work.

(c) in any other case, the rates of wages shall be such as may be specified in this behalf by the Commissioner of Labour;

(v)

(a) the hours of work and other conditions of service of the workmen of the contractor shall be in accordance with the provisions of the Minimum Wages Act, where that Act applies, where any agreement, settlement or award is in force in accordance with the provisions of the said agreement, settlement or award; and where in any employments the Minimum Wages Act applies and there is also in force any agreement, settlement or award, the conditions of service shall be governed by the provisions which are more beneficial to the workmen;

(b) in other cases where the workmen employed by a contractor perform the same kind of work as the workmen directly employed by the principal employer of an establishment, the 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;

(c) in cases not falling under sub-clause (a) or (b) the hours of work and other conditions of service of the workmen of the contractor shall be such as may be specified by the Commissioner of Labour.

Explanation.- While determining the wages, hours of work and other conditions of service under sub-clause (c) of clause (iv) and sub-clause (c) of clause (v), the Commissioner of Labour shall have due regard to the wages, hours of work and other conditions of service obtaining in similar employment:

(vi)

(a) in every establishment, where twenty or more women are ordinarily employed as contract labour, there shall be provided and maintained by the contractor a room or rooms for use of children under the age of six years as may be required by the Commissioner of Labour and the standard of construction, scale of accommodation and the facilities shall be such as may be specified by the Commissioner of Labour:

Provided that where the principal employer is required under the Factories Act and the Rules thereunder to provide and maintain a crèche (or other alternative arrangements for the use of children of women employees directly employed by him, any arrangements made by the contractor with the principal employer for the use of the crèche or other alternative arrangements in lieu of crèche) by the children under age of six years of the female workmen employed by the contractor shall be considered as due compliance of the provisions of this clause:

Provided further that such arrangements according to the standard prescribed in the Factories Act and the Rules framed thereunder;

(b) in other cases, there shall be provided and maintained a room or rooms for the use of children under the age of six years, as may be specified by the Commissioner of Labour.

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

(viii) the licensee shall, within seven days of the commencement and completion of each contract work give an intimation in Form VI-A to the Inspector appointed under Section 28, intimating the actual date of Commencement or, as the case may be, of completion of each contract work ¹⁶[with list of contract workers].

(ix) ¹⁷[there shall not be any sexual harassment to the woman contract labour workers, which includes the following un-welcome sexually determined behaviour (whether directly or by implications), namely:-

(a) physical contact and advance for sex; or

(b) a demand or request for sexual favour; or

(c) sexually coloured remarks; or

(d) showing pornography; or

(e) any other un-welcome, verbal, non-verbal conduct of sexual nature

26. 18[Fees

(1) The fees to be paid for the grant of a certificate of registration under section 7 shall be Rs. 5,000.

(2) The fees to be paid for the grant or renewal of a licence under section 12 shall be Rs. 5,000 per annum.]

27. 19[Validity of licence

Every licence granted under Rule 23 or renewed under Rule 29 shall remain in force till:

(a) it is not revoked or suspended or amended by the licensing officer; or

(b) the principal employer engages or proposes to engage contractor and contractor pays the fees per annum as prescribed in subrule (2) of rule 26."

28. Amendment of licence

(1) A licence issued under Rule 23 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 reason 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 his reasons for such refusal and communicate the same to the applicant.

29. Renewal of licences

(1) ²⁰[Every contractor shall apply to the licensing officer for renewal of a licence in Form No. VII in triplicate not less than 60 days before the date on which the licence expires. On receipt of an application completed in all respect, the licensing officer shall renew the licence within seven working days from the date of receipt of an application, subject to the terms and conditions as may be specified in the licence. If the licence is not renewed within the said seven working days, the licence shall be deemed to have been renewed and the copy of the receipt of an application for renewal with copy of payment of fees thereof shall be treated as renewal of licence.

(1A) The provision of sub-rule (1A) and (2) of rule 23 shall apply, mutatis mutandis, for the renewal of licence.]

(2) 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 ²¹[50 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 has been lost, defaced or accidentally destroyed, a duplicate may be granted on payment of a fee of ²²[rupees fifty].

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 amount deposited as security 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 the sum or any portion thereof deposited as security, he shall direct the refund of the sum to the applicant.

(2) If there is any order directing the forfeiture of any portion of the security deposit, 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.

CHAPTER IV

Appeals and Procedure

32. Appeals

(1) 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.

The memorandum shall be accompanied by a certified copy of the order appealed from

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

33. Rejection or returning of appeals

(1) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) of rule 32, 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 shall 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 Appeals.

(4) 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 such officer shall send the record of the case to the Appellate Officer.

On receipt of the record, the Appellate Officer shall send a notice to the appellant to appear before him on such date and at such time as may be specified in the notice for the hearing of the appeal.

34.

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.

35. Re-admissions of appeals

(1) Where an appeal has been dismissed under rule 34 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.

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

36.

(1) If the appellant is present when the appeal is called on for hearing, the Appellate Officer shall proceed to hear the appellant or his authorised agent and any other person summoned by him for 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.

37. Payment of fees

All fees to be paid under these rules shall be paid in the Local Treasury under the head of account [Fees under the Contract and letter 087, Labour and Employment (f) fees under Contract Labour (Regulation and Abolition) Act, 1970 and a receipt obtained which shall be submitted with the application or the memorandum of appeal as the case may.]

37A. Refund of fees

(1) Where an application for the grant of a certificate of registration or for the grant or renewal of a licence or for the grant of a duplicate copy of a certificate of registration or of a licence is rejected, or an application for amendment of a certificate of registration or of a licence is not allowed, the fees paid in respect thereof shall be refunded to the applicant by the registering officer or, as the case may be, by the licensing officer.

(2) Where any application as is referred to in sub-rule (1) is granted, any amount paid by the applicant in excess of the prescribed fees shall be refunded:

Provided that, where any such excess amount of fees is paid at the time of renewal of a licence, such amount may be adjusted against the fees for the next renewal of the licence].

38. Copies

Copies of the order of the Registering Officer, Licensing Officer or as the case may be the Appellate Officer can be obtained on payment of rupees two for each order and on an application specifying the date of the order, made to the officer concerned.

CHAPTER V

Welfare and Health of Contract Labour

39. 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 within sixty days of the coming into force of the rules in the case of existing establishments, and within thirty days of the commencement of the employment of contract labour in new establishments provide and maintain rest rooms or other suitable alternative accommodation as may be required by the Commissioner of Labour and the scale of accommodation and facilities shall be such as may be specified by the Commissioner of Labour:

Provided that where the principal employer of an establishment is required to provide rest rooms for the workers directly employed by him in accordance with the provisions of the Factories Act, any arrangements made by the contractor with the principal employer for the use of the rest rooms by the workmen employed by the contractor shall be considered as due compliance of the provisions of this clause:

Provided further that such arrangements are according to the standards prescribed in the Factories Act and the Rules framed thereunder.

(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 thirty days of the expiry of the period laid down in the said sub-rule.

40. 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, the

contractor shall 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 establishments provide canteen or canteens as may be required by the Commissioner of Labour and the construction, accommodation, furniture and foodstuffs and the pricing thereof, shall be such as may be specified by the Commissioner of Labour:

Provided that where the employer of the establishment is required under the Factories Act to provide for the workers directly employed by him canteen or canteens, any arrangements made by the contractor with the principal employer so that the canteen shall also be available to the workers employed by the contractor shall be considered as due compliance of the provisions of this clause:

Provided further that such arrangements are according to the standards prescribed in the Factories Act and the Rules framed thereunder.

(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.

(4) 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.

41. Latrines and Urinals

(1) The contractor shall provide in every establishment coming within the scope of the Act at least one latrine for every 20 persons upto the first 100, and one for every 30 thereafter.

(2) Every latrine shall be under cover and so partitioned as to secure privacy and shall have a proper door and fastenings.

(3) 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.

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

(4) There shall be at least one urinal for male workers upto fifty and one more for female workers upto fifty employed at a time.

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

(6)

(i) The latrines and urinals shall be adequately lighted and shall be maintained in a good sanitary condition at all times.

(ii) Latrines and urinals other than those connected with a flush sewage system shall comply with the requirements of the public health authorities.

(7) Water shall be provided by the means of tap or otherwise in or near the latrines and urinals so as to be conveniently accessible.

(8) Nothing in sub-rule (1) to (7) shall apply where the principal employer of an establishment as required under the Factories Act has provided latrines and urinals for the workers directly employed by him and the contractor has arranged with the principal employer for use of these latrines and urinals for workmen employed by the contractor.

(9) If the contractor fails to provide the latrines and urinals or make arrangements as prescribed in this rule within sixty days of the of coming into force of these rules in the case of the existing establishments and within thirty days of the commencement of employment of contract labour in the case of new establishments, the same shall be provided by the principal employer within thirty days of the expiry of the period of sixty days given to by the contractor.

42. Washing facilities

(1) In every establishment coming within the scope of the Act the contractor shall provide and maintain adequate and suitable facilities for washing 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 and clean and hygienic condition.

(4) The washing facilities shall include the provisions of adequate number of buckets and tumblers or mugs and water supply at the rate of 20 litres a day for each workmen employed.

43. Other facilities

(1) The facilities required to be provided under sections 18 and 19, namely sufficient supply of wholesome drinking water, a sufficient number of latrines and urinals, washing and first-aid facilities, shall be provided by the contractor in the case of the existing establishment within sixty days of the commencement of these rules and in the case of new establishments within thirty 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 prescribed period the same shall be provided by the principal employer within thirty days of the expiry of that period.

44. First-Aid boxes

(1) In every establishment coming within the scope of, the Act the contractor shall provide and maintain, so as to be readily accessible during all working hours, First- Aid boxes at the rate of not less than one box for every 150 contract labour or part thereof ordinarily employed.

(2) The First-Aid box shall be marked distinctively with a red- cross on a white background 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 burn 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 of scissors.
- (x) 1 copy of the first-aid leaflet issued by the Director General, Factory Advise Service and Labour Institute, Government of India.
- (xi) A bottle containing 100 tablets (each of 5 grams) of aspirin.
- (xii) Ointment for burns.
- (xiii) A bottle of suitable surgical antiseptic solution.

B. For establishments in which the number of contract labour exceed fifty-Each First-Aid box shall contain the following equipments:-

- (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 nil.) bottle containing a two per cent alcoholic solution iodine.
- (vii) 1 (60 nil.) 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 of scissors.
- (xii) 1 copy of the first-aid leaflet issued by the Director General, Factory Advise Service and Labour Institute, Government of India.
- (xiii) A bottle containing 100 tablets (each of 5 grams) of aspirin.
- (xiv) Ointment of burns.
- (xv) A bottle of a suitable surgical antiseptic solution.

(3) Adequate arrangement shall be made of immediate recoupment of the equipment, when necessary.

(4) Nothing except the prescribed contents shall be kept in the First-Aid Box.

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

(6) 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

45. Wage period

The contractor shall fix wage periods in respect of which wages shall be payable, and no wage period shall exceed one month.

46. Payment of Wages, how made

Wages of every worker shall be paid within three days from the end of the wage period in case the wage period is one week or a fortnight and in all other cases before the expiry of the tenth or the seventh day from the end of the wage period according to the number of workers employed in such establishments does or does not exceed a thousand.

47. Payment of wages on termination

Where 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 day succeeding the one on which his employment is terminated.

48. Payment to be made on working day

All payments of wages shall be made on a working day at the work site and during working time and on a date notified in advance. 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.

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

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

51. Wages to be paid without deduction

Wages shall be paid without any deduction of any kind except those permissible under the Payment of Wages Act, 1936 (4 of 1936).

52. Provisions of Rules 45 to 51 not to apply where other Acts apply

Nothing contained in Rules 45 to 51 shall apply to wages of contract labour in any employment to which the Payment of Wages Act or the Minimum Wages Act, as the case may be, apply and the time and conditions of payment of wages and deductions

permissible from wages in respect of workmen employed by the contractor in such employment shall be governed by the provisions of the Payment of Wages Act or the Minimum Wages Act, as the case may be and Rules made thereunder.

53. Display of notice showing wage period etc.

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 acknowledgement.

54. Entries regarding payment of wages, etc. to be made in Register

(1) Entries denoting the time and place of payment of wages and the payments actually made shall be made in the register of wages simultaneously as the payments are made.

(2) The authorised representative of the principal employer shall affix his initials against each entry and further record a certificate at the end of the entries in the following form:-

"Certified that the amount shown in column No..... has been paid to the workman concerned in my presence.

CHAPTER VII

Register and Records and Collection of Statistics

55. Register of contractors

Every principal employer shall maintain in respect of each registered establishment a register of contractors in Form No. VIII.

56. 23[***]**

57. 24[Identity Card.]

(1) Every contractor shall issue an ²⁵[identity card] in Form No.X to each worker on the first day of the employment of the worker.

(2) The contractor shall ensure that the worker carries his ²⁶[identity card] with him when employed on work.

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

58. 27[xxxxxxxxx]

59. Muster Roll, Wages, Registers, Deduction Register and Overtime Register

(1) In respect of establishments which are governed by the Payment of Wages Act and the rules made thereunder, or the Minimum Wages Act and the rules made thereunder, the following registers and records required to be maintained by the 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: -

(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 ²⁸[muster-roll-cum- wage register] as prescribed by sub-rule (i) of rule 27 of the Maharashtra Minimum Wages Rules, 1963]

²⁹[****]

(b) Every contractor shall issue ³⁰[attendance card-cum-wage slip as prescribed by sub-rule (2) of rule 27 of Maharashtra Minimum Wages Rules, 1963 to the workers];

(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 54;

31[(d) *****]

32[(e) *****]

60. Display of Act and Rules

Every contractor shall display an abstract of the Act and Rules in English, in Hindi or in Marathi in such Form as may be approved by the Commissioner of Labour.

61. Register to be kept handy

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

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

(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 Government.

62. Notice showing rates of wages etc. to be displayed

(1)

(i) Notices showing the wages, hours of work, wage periods, date of payment of wages, names and addresses of the inspectors having jurisdiction and date of payment of unpaid wage shall be displayed in English, in Hindi or in Marathi 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 notices shall be sent to the Inspector and whenever any changes occur the same shall be communicated to him forthwith.

(3) ³³[xxxxxxxxxxxxxx]

63. Submission of Returns

(1) ³⁴[xxxxxxxxxxxx]

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

64. Power of Board, Committee, etc., to call for information

(1) The Board, Committee, Commissioner of Labour 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.

1Ins by G.N. 18.9.1989

2Subs. By G.N. dt. 30.6.1975

3Subs. By G.N. dt. 30.6.1975

4Ins. ibid

5The word "and Form 1-A" del. By G.N. dt. 18.1.2003, MGG, Pt.I-L, Ext. dt.18.1.2003 p. 72.

6Ins. by G.N. dated 25.2.2011, MGG Pt.I-L, Ext. 25.2.2011

7The word "and Form IV-A" del. by G.N. dt. 18.1.2003 M.G.G. Pt. I-L, Ext. dt. 18.1.2003 p.73

8 Inserted by Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

9 Sub-rule (2A) del by G.n. dt 18.1.2003 M.G.G. Pt. I-L, Ext. dt. 18.1.2003 p.73

10 Sub. By Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

11 Inserted by Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

12 Inserted by Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

13Inserted by Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

14Added by G.N. dt. 21.11.1973

15Inserted by Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

16 Inserted by Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

17Added by the Maharashtra Contract Labour (regulation and Abolition) (Second amendment) Rules, 2003 dt. 2.12.2003

18Subs. by Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

19 Subs. By Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

20 Ins.By Maharashtra Notification No: CLA10/2014/C.R.264/Lab10 (01-Jun-15)

21Subs. By G.N. dt. 27.3.2001. M.G.G. Pt. I-L, Ext. dt.27.3.2001 p.216.

22Subs. By G.N dt. 27-3-2001. MGG Pt.I-L Ext dt. 27.3.2001 p.216

23Del by Maharashtra contract Labour (R&A) Amendment Rules, 2000 dt. 4.8.2000

24Sub. By Maharashtra Contract Labour (R&A) Amendment Rules, 2000 dt. 4.8.2000

25Sub. By Maharashtra Contract Labour (R&A) Amendment Rules, 2000 dt. 4.8.2000

26Sub. By Maharashtra Contract Labour (R&A) Amendment Rules, 2000 dt. 4.8.2000

27Del. By Maharashtra Contract Labour (R&A) (2nd Amendment) Rules, 2000 dt. 26.2.2001

28Subs. By Maharashtra Contract Labour (R&A) Amendment Rules, 2000 dt. 4.8.2000

29Proviso del. by Maharashtra Contract Labour (R&A) Amendment Rules, 2000 dt. 4.8.2000

30Subs. By Maharashtra Contract Labour (P&A) Amendment Rules, 2000 dt. 4.8.2000

31Del. by Maharashtra Contract Labour (R&A) Amendment Rules, 2000 dt. 4.8.2000.

32Del. by Maharashtra Contract Labour (R&A) Amendment Rules, 2000 dt. 4.8.2000.

33Del. by Maharashtra Contract Labour (R&A) (2nd Amendment) Rules, 2000 dt.26 2.2001.

34Del. by Maharashtra Contract Labour (R&A) (2nd Amendment) Rules, 2000 dt.26 2.2001.