

# THE MIZORAM CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 2004

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## **THE MIZORAM CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 2004**

In exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act No. 37 of 1970), the Governor of Mizoram hereby makes the following rules, namely.

### **CHAPTER-I**

#### **1. Short title extent and commencement**

- (1) These rules may be called the Mizoram Contract Labour (Regulation and Abolition) Rules, 2004.
- (2) They shall extend to the whole of Mizoram.
- (3) They shall come into force on such date as the Government may, by notification official Gazette, appoint. (a) "Act" means the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970);
- (b) "Appellate Officer" means the Appellate Officer appointed 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 Mizoram;
- (h) "Official Gazette" means the Mizoram Gazette;
- (i) "Section" means a section of the Act.

#### **2. Definitions In these rules unless the context otherwise requires**

### **CHAPTER II**

#### **STATE ADVISORY BOARD**

##### **3. State Advisory Board.**

There shall be constituted a State Advisory Board by the Government. The State Advisory Board shall consist of the following members, namely:

- (a) a Chairman to be appointed by the Government;
- (b) the Labour Commissioner or in his absence Deputy Labour Commissioner/Assistant Labour Commissioner or any other Officer of the Labour Department nominated by the Government;
- (c) One person representing the Government to be appointed by the Government from amongst its officials;
- (d) Two persons representing the public and private sector respectively, to be appointed by the Government in consultation with such organisations as may be considered appropriate by the Government in this behalf;
- (e) Two persons representing contractor to whom the Act applies, to be appointed by the Government in consultation with such organisations, if any, of the contractors as may be considered appropriate by the Government in this behalf;
- (f) Four representatives of Trade Union connected with establishments and contractors to whom the Act applies, to be appointed by the Government after consultation with such organisations, if any, of the employees representing the respective interest as may be considered appropriate by the Government.

##### **4. Terms of Office**

- (1) The Official members of the Board including the Chairman shall hold office for a term as may be decided by the Government.
- (2) A non-official member of the Board 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 such member shall, notwithstanding the expiry of the said period of three years, continue to hold office until his successor is nominated.

(3) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

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

## **5. Resignation**

A non-official member may resign his office by letter addressed to the Chairman of the Board and his office shall be deemed full vacant from the date on which his resignation is accepted by the Chairman.

## **6. Cessation of membership**

If any non-official member of the Board 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 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**

(1) A person shall be disqualified for being re-appointed as 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 any question arises as to whether a disqualification has been incurred under sub-rule (1), the decision of the Government thereon shall be final.

## **8. Removal from membership**

The Government may remove from Office any member of the Board, if in its opinion such a member has ceased to represent the interest which he purports to represent on the Board:

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

## **9. Vacancy**

When a vacancy occurs, or is likely to occur in the membership of the Board, the Chairman shall immediately submit a report to the Government. The Government shall then take steps to fill the vacancy aforesaid.

## **10. Staff**

(1) The Government may appoint a Secretary to the Board and such other as it may think necessary and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) The Secretary shall be the Chief Executive Officer of the Board. He may attend the meetings of the Board but shall not be entitled to vote at such meetings.

(3) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings; and shall take necessary measures to carry out the decisions of the Board.

#### **11. Traveling Allowance**

(1) The traveling allowance of an official member shall be governed by the rules applicable to him for journeys performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official member of the Board shall be paid traveling allowance for attending the meeting of the Board at the rates of actual cost of travelling, and daily allowances shall be calculated at the daily rate as may be determined by the Government from time to time by order.

#### **12. Disposal of Business**

(1) All business shall be considered at a meeting of the Board and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes, the Chairman shall have a casting vote:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by scouring written opinion of the members.

Provided further that no decision on any question, which is referred under the preceding provision shall be taken, unless supported by not less than a two-third majority of the members.

(2) Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

#### **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. If the Chairman is absent from any meeting, the members present shall elect one of the members to preside over the meetings and the member so elected shall at that meeting exercise all the powers of the Chairman.

#### **14. Notice of meetings and list of business**

(1) Notice shall be given to every member of the time and place fixed for each ordinary meeting at least fifteen days before such meeting and each member shall be furnished with a list of business to be transacted at the meeting.

Provided that in the case of an emergent meeting, notice of at least seven days shall be given to every member.

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

#### **15. Quorum**

No business shall be transacted at any meeting unless at least one-third of the members and at least one representative each of the categories (d) – (f) as mentioned in rule 3 is present.

Provided that if at any meeting less than one-third of the total number of members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of original meeting informing the members present and giving meeting notice to the other members of the Board that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not and it shall there upon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

## **16. Committees of the Board**

- (1) The Board may constitute such committee and for such purposes as it may think fit.
- (2) While constituting the Committee, the Board may nominate one of its members to be the Chairman of the Committee.
- (3) Every 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 be transaction of business at its meetings as it may decide upon, within express approval of the Board.
- (4) The provision 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 and shall contain the particulars specified in sub-rule (2) of Rule 18.
- (2) The application referred to in sub-rule (1) shall be accompanied by a treasury receipt showing payment of the fees for the registration of the establishment, as provided in sub-rule (1) of rule 26.
- (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 nothing thereon the date of receipt by him of the application, grant an acknowledgement to the applicant.

#### **18. Grant of certificate of registration**

- (1) The Certificate of Registration granted under sub-section (2) of section 7 shall be in Form II.
- (2) Every Certificate of Registration granted under sub-section (2) of Section 7 shall contain the following particulars namely:
  - (a) The name and address of the establishment;
  - (b) The maximum number of workmen to be employed as contract labour in the establishment;
  - (c) The type of business, trade, industry, manufacture or occupation, which is carried on in the establishment;
  - (d) Such other particulars as may be relevant to the employment of contract labour in the establishment.

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

(4) If in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the registering officer, within thirty days from the date when such change takes place, the particulars of, and the reasons, for such change.

#### **19. Circumstances in which application for registration may be rejected**

- (1) If any application for registration is not complete in all respects, the registering officer shall require the principal employer to amend the application so as to make it complete in all respects.
- (2) If the Principal employer, on being required by the registering officer to amend his application for registration, omits or fails to do so, the registering officer shall reject the application for registration.

## **20. Amendment of certificate of registration**

(1) Where, on receipt of the intimation under sub-rule (4) of rule 18, the registering officer is satisfied that an amount higher than the amount which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to 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 office is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change, which has occurred.

Provided that no such amendment shall affect anything done or any action taken or any right, obligation or liability acquired or incurred before such amendment.

Provided further that the registering officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

(3) The application for the amendment of a certificate of registration shall be accompanied by:

- (i) A statement indicating the nature of the amendment required;
- (ii) A statement showing the change in particulars already furnished in the application for registration under rule 17 which necessitates the amendment;
- (iii) A treasury receipt showing that the appropriate fee for the amendment of the certificate of registration has been paid in the local treasury; and
- (iv) The certificate of registration originally issued.

(4) The fee for the amendment of the certificate of registration shall be rupees five in addition to the amount, if any, by which the fee that would have been payable, if the certificate of registration had been originally issued in the amended form exceeds the fee originally paid for the certificate of registration.

## **21. Application for a license**

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

(2) Every application for the grant of a license 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) Every such application shall be either personally delivered to the licensing officer or sent to him by registered post.

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

(5) Every application referred to in sub-rule (1) shall also be accompanied by a treasury receipt showing:

- (a) The deposit of the security at the rates specified in rule 24, and
- (b) The payment of the fees at the rates specified in rule 26.

## **22. Matters to be taken into account in granting or refusing a license**

In granting or refusing to grant a license, 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, is the opinion of the Government, involved moral turpitude;

(b) Whether there is an order of the appropriate Government or an award or settlement for the abolition of contract labour in respect of the particular type of work in the establishment for which the applicant is a contractor;

(c) Whether any order has been made in respect of the applicant under sub-section (1) of section 14, and, if so, whether a period of three years has elapsed from the date of that order;

(d) Whether the fees for the application have been deposited at the rate specified in sub-rule (2) of rule 26, and

(e) Whether security has been deposited by the applicant at the rate specified in rule 24.

### **23. Grant of refusal of license**

(1) The licensing Officer shall make such enquiry, as he considers necessary to satisfy himself about the eligibility of the applicant for a license.

(2) The licensing officer shall pass orders within 60 days from the date of receipt of the application, either granting or refusing the license applied for.

(3)

(a) Where the licensing officer is of opinion that license should not be granted he shall after according reasonable opportunity to the applicant to be heard make an order rejecting the application.

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

(4) If no order is passed within the time specified in sub-rule (2) it shall be deemed that the license has been granted.

### **24. Security**

Before a license is issued, an amount calculated at the rate of Rs. 30 for each of the workmen to be employed as contract labour, in respect of which the application for license has been made, shall be deposited by the contractor in the local treasury.

Under the following head:

“8443 (9)” – Civil deposit:

Deposit under various Central and State Acts deposit under contract labour (Regulation & Abolition) Act 1970.

Provided that where the contractor is a Co-operative Society, the amount deposited as security shall be at the rate of Rs. 5 for each of the workmen to be employed as contract labour.

### **25. Forms and terms and condition of license**

(1) Every license granted under rule 23 shall be in Form VI.

(2) Every license granted under rule 23 or renewed under rule 29 shall be subject to the following conditions; namely:

(a) The license shall be non-transferable;

(b) The number of workmen employed as contract labour in the establishment shall not, on any day exceed the maximum number specified in the licence;

(c) 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;



(d) The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (Central

Act II of 1948), for such employment where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed;

(e)

(i) In cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the 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;

(ii) In other cases, the hours of the work and conditions of service of the workmen of the contractors shall be such as may be specified in this behalf by the Labour commissioner.

Explanation: While determining the hours of work and other conditions of service under (ii) above, the Commissioner of Labour shall have due regard to the hours of work and other conditions of service obtaining in similar employment.

(f)

(i) In every establishment where fifty 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.

(ii) One of such rooms shall be used as a playroom for the children and the other as bedroom for the children;

(iii) 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;

(iv) The standard of construction and maintenance of the crèches shall be such as may be specified in this behalf by the Labour Commissioner; and

(v) The licence shall notify any change in the number of workmen or the conditions of work.

## 26. 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:

(a)	Is 20	Rs. 20
(b)	Exceeds 20 but does not exceed 50	Rs. 50
(c)	Exceeds 50 but does not exceed 100	Rs. 100
(d)	Exceeds 100 but does not exceed 200	Rs. 200

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(e)	Exceeds 200 but does not exceed 400	Rs. 400
(f)	Exceeds 400	Rs. 500

(2) The fees to be paid for the grant or renewal of a license under section 12 shall be as specified below, namely:

Rs. P.		
(a)	Is 20	5.00
(b)	Exceeds 20 but does not exceed 50	12.00
(c)	Exceeds 50 but does not exceed 100	25.00
(d)	Exceeds 100 but does not exceed 200	50.00
(e)	Exceeds 200 but does not exceed 400	100.00
(f)	Exceeds 400	125.00

## 27. Validity of the licence

Every licence granted under rule 23 or renewed under rule 29 shall remain in force for twelve months from the date it is granted or renewed.

## 28. Amendment of the licence

- (1) A licence granted or renewed under the Act and these rules may be amended by the Licensing Officer on an application from the contractor.
- (2) the application for the amendment of a licence shall be accompanied by:
  - (a) A statement indicating the nature of the amendment required;
  - (b) A statement showing the change in particulars already furnished in Form IV under rule 21 which necessitates the application for amendment;
  - (c) A treasury receipt showing that the appropriate fee for the amendment of licence has been paid in the local treasury; and
  - (d) The licence originally granted.
- (3) The fee for the amendment of licence shall be five rupees plus the amount that would have been payable if the licence had originally been issued in the amended form deducting the fees originally paid for the licence.
- (4) An application for the amendment of the licence shall be dealt with by the Licensing Officer in the same manner as an application for grant of licence.
- (5) Where the application for amendment is refused. The licensing officer shall record the reasons for such refusal and communicate the same to the applicant.

## **29. Renewal of licence**

- (1) Every contractor shall apply to the licensing officer for renewal of the licence, before its validity expires.
- (2) Every such application shall be in Form VII in triplicate and shall be made not less than thirty days before the date on which the licence expires, and if the application is so made, the licence shall be deemed to have been renewed until such date when the renewed licence is issued.
- (3) The fees chargeable for renewal of the licence shall be the same as payable 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 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**

- (1) Where a certificate of registration or a licence granted or renewed under the proceeding rules is lost, stolen, defaced or destroyed the principal employer or the contractor shall forthwith report the matter to the Registration Officer or the Licensing Officer as the case may be by whom the registration certificate or licence was issued or as the case may be last renewed and may make an application to that officer for the issue of a duplicate registration certificate or a licence.
- (2) The fee for the grant of a duplicate certificate of registration/licence shall be Rs 5.
- (3) The application for the grant duplicate certificate of registration/licence shall be accompanied by a treasury receipt for the above amount.

(4) On receipt of the application, the Registration Officer or the Licensing Officer concerned shall furnish to the applicant a duplicate copy of the certificate registration/licence duly stamp 'duplicate' in red ink.

### **31. Refund of security**

(1) On expiry of the period of licence the contractor may, if he does not intend to have his licence renewed, make an application to the Licensing Officer for the refund of the security deposited by him under rule 24.

(2) If the Licensing Officer is satisfied that 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.

(3) 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.

### **32. Grant of temporary certificate of registration and licence**

(1) Where conditions arise in an establishment requiring the employment of contract labour immediately and such employment is estimated to last for not more than fifteen days, the principal employer of the establishment or the contractor, as the case may be, may apply for a temporary certificate of registration or licence to

the registering officer or the licensing officer, as the case may be, having jurisdiction over the area in which the establishment is situated.

(2) The application for such temporary certificate of registration or licence shall be made in triplicate in Form 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 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 the registering officer or the licensing officer, as the case may be, shall within three days grant a certificate or registration in Form X or a licence in Form XI, as the case may be, for a period of not more than fifteen days.

(4) Where a certificate of registration or licence is not granted the reasons therefore 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 contract labour in respect of which the certificate was given.

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

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

Rs. P.		
	Exceeds 20 but does not exceed 50	10.00

(a)		
(b)	Exceeds 50 but does not exceed 200	20.00
(c)	Exceeds 200	30.00

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

If the number of written to be employed by the contractor on any day:

Rs. P.		
(a)	Exceeds 20 but does not exceed 50	5.00
(b)	Exceeds 50 but does not exceed 200	20.00
(c)	Exceeds 200	30.00

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

#### **CHAPTER IV**

#### **APPEALS AND PROCEDURE**

##### **33. Procedure of submission of appeals**

- (1) Every appeal under sub-section (1) of section 15 shall be preferred in the Form of memorandum signed is the appellant or his authorized agent and presented to the Appellate Officer in person or sent to him by registered post.
- (2) The memorandum shall be accompanied by a certified copy of the order appealed from and a treasury receipt for rupees ten only.
- (3) The memorandum shall set forth concisely and under distinct heads the grounds of appeal to the order appealed from.
- (4) Any person aggrieved by an order under section 7, 8, 12, or 14 may, within 30 days from the date on which the order is communicated to him in writing and duly authenticated, prefer an appeal to the Labour Commissioner Mizoram, who shall be the Appellate Officer appointed under sub-section (1) of section 15 of the Act.

### **34. Rejection of appeal**

(1) Where the memorandum of appeal does not comply with the provisions of sub-rule (3) of rule 33 it may be rejected or returned to appellant for the purpose of being amended and filed 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 found 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) When the appeal has been admitted, the Appellate Officer shall issue notices of the appeal to the register officer or the licensing officer, as the case may be, from whose order the appeal has been preferred, cause due service of such notices and call for the records from them, and the Registering Officer or the Licensing Officer as the case may be shall send the record of the case to the Appellate Officer, and take all such other steps as may be necessary.

(5) On receipt of the record, the Appellate Officer shall issue, and cause due service of the appellant to appear before him at such date and time as may be specified in the notice for the hearing of the appeal.

### **35. Dismissal of appeals for non-appearance of appellant**

If on the date fixed for hearing, the Appellant fails, without sufficient cause, to appear, the Appellate Officer may dismiss the appeal for default of appearance of the appellant.

### **36. Restoration of appeals**

(a) Where an appeal has been dismissed under rule 35, the appellant may apply to the Appellate Officer for the restoration 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.

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

### **37. Decision on the appeal**

(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 authorized agent and any other person summoned by him for this purpose, and pronounce his decision on the appeal, either confirming, reversing or varying the order appealed from.

(2) The decision 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. Payment of fees**

Unless otherwise provided in these rules all fees to be paid under these rules shall be paid in the local treasury under the head of Account 0230 (106)- Labour & Employment fees under

contract Labour (Regulation & Abolition) Act, 1970 State and a receipt obtained which shall be submitted with the application or the memorandum of appeal as the case may be.

### **39. Copies**

Copies 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 to be filed by any of the parties to such appeal, specifying the date of the order, made to the Officer concerned.

## **CHAPTER V**

### **WELFARE AND HEALTH OF CONTRACT LABOUR**

#### **40. Facilities to be provided in the worksite**

(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 thirty days of the commencement of these rules and in the case of new establishment since the very time employment of contract labour therein

(2) If any of the facilities mentioned in sub-rule (1) is not provided by the contractor within the period prescribed, the same shall be provided by the principal employer within fifteen 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 days of the coming into force of the rules in the case of existing establishments, and within fifteen days of the commencement of the employment of contract labour in new establishment,

(2) If the amenity referred to in sub-rule (1) is not provided by the contractor within the period prescribed the principal employer shall provide the same within a period of fifteen days of the expiry of the period laid down in the said sub-rule.

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

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

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

(6) The rest room or rooms or other suitable alternative accommodation shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.

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



#### **42. Canteens**

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

(2) If the contractor fails to provide the canteen within the time laid down, the same shall be provided by the principal employer within six 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. Facilities to be provided in the canteen**

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

(2) The canteen shall be sufficiently lighted at all times, when any person has access to it.

(3) The floor and inside walls shall be made of smooth and impervious materials and inside walls shall be lime-washed or colour-washed at least once in each year:

Provided that the inside walls of the kitchen shall be lime-washed at every four months.

(4) The precincts of the canteen shall be maintained in a clean and sanitary condition;

(5) Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance or danger to the health of the nearby public as the contract labour;

(6) Suitable arrangements shall be made for the collection and disposal of garbage;

(7) The canteen building shall be situated not less than 15.2 metres from any latrine, urinal or any other source of dust, smoke or obnoxious fumes:

Provided that the Inspector may for the reasons to be recorded in writing, relax the provisions of this sub-rule subject to such conditions as may deem fit and may required the employer to take such measures to secure the essential purpose of this rule.

#### **44. Dining Hall**

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

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

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

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

- (5) Sufficient tables, stools, chairs or benches shall be available for the number of dinners to be accommodated as prescribed in sub-rule (1).
- (6) Wash basins with the adequate water supply shall be provided in the dinning hall for the use of the workers.
- (7) Soaps and towels shall be provided at the washing places in the dining hall.

#### **45. Equipment**

- (1) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteens;
- (2) Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.
- (3) The furniture utensils and other equipment shall be maintained in a clean and hygienic condition.
- (4) A service counter, if provided shall have a top of smooth and impervious materials.
- (5) Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

#### **46. Foodstuffs to be served**

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

#### **47. Prices to be displayed**

The charge per portion of foodstuff, beverages and any other items served in the canteen shall be based on no profit, no loss policy and shall be conspicuously displayed in the canteen.

#### **48. Conditions of running of canteen in respect of profit or loss**

The canteen shall be run on "no profit, no loss" basis provided that the following items should not be taken into consideration as expenditure, namely:

- (a) The rent for the land and buildings;
- (b) The depreciation and maintenance charges for the building and equipments provided for in the canteen;
- (c) The cost of purchase repairs and replacement of equipments including furniture, crockery, cutlery and utensils;
- (d) The water charges and other charges incurred for lighting and ventilation;
- (e) The interest on the amounts spent on the provision and maintenance of furniture and equipment provided for in the canteen.

#### **49. Books of Accounts and Registers**

The books of accounts, registers and other documents used in connection with the running of the canteen shall be produced on demand to an Inspector.

#### **50. Audit of Account Books and Register**

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

#### **51. Latrines**

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

- (a) Where females are employed, there shall be at least one latrine for every 25 females;
- (b) Where males are employed, there shall be at least one latrine for every 25 males:

Provided that where the number of males or females exceeds 100, it shall be sufficient if there is one latrine for every 25 males or females, as the case may be, upto the first 100, and one for every 50 thereafter.

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

(3)

(a) 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.

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

## **52. Urinals**

There shall be at least one urinal for male workers upto 50 and one for female workers upto 50 employed at a time:

Provided that where the number of male or female workmen, as the case may be, exceeds 500 it shall be sufficient if there is one urinal for every 50 males or females upto the first 500 and one for every 100 or part thereof thereafter.

## **53. Place of latrines and urinals**

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

(2)

(a) the latrines and urinals shall be adequately lighted and shall be maintained in a clean and sanitary condition at all times.

(b) Latrines and urinals other than those connected with a flush sewage system shall comply with the requirements

(3) Where piped water supply is available, a sufficient number of water taps conveniently accessible shall be provided in one near the latrines and urinals and where there is no continuous supply of water, water cistern with cans shall be provided for washing purpose in or near such latrines and urinals.

## **54. 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) If female workers are employed, separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where males work or pass. The entrance to such facilities shall bear conspicuous notice in English "For women only". The notice shall bear a picture of a woman.

- (3) Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.
- (4) The washing facilities shall include the provision of adequate number of buckets and tumblers or mugs and water supply at the rate of 20 litres a day for each workman employed.

### **55. First Aid Facilities**

(1) 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 or 150 contract labour or part thereof ordinarily employed.

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

(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 size sterilized burn dressings
- (v) 1 bottle containing 30-ml of salvolatile having the dose and mode administration indicate on the label.
- (vi) 1 bottle containing 30-ml of two percent alcoholic solution of Iodine.
- (vii) Snake bite lancet.
- (viii) 1 bottle containing 30-ml potassium permanganate crystals.
- (ix) 1 pair of 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.
- (xiv) Eye drops.
- (xv) Six roller bandages of 10 cm;
- (xvi) Six roller bandages of 5 cm;
- (xvii) Six triangular bandages.

(B) For establishment in which the number of contract labour exceeds fifty each first-aid box contains the following equipment, namely:

- (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 packets of 15 grams sterilized cotton wool.

(vi) 1 bottle containing 60 millilitres salvolatile having the dose and mode of administration indicated on the label.

(vii) 1 bottle containing 60 millilitres a two percent alcoholic solution of Iodine.

(viii) 1 roll of adhesive plaster.

- (ix) A snakebite lancet.
- (x) 1 bottle of 30 grams potassium permanganate crystals.
- (xi) 1 pair of scissors.
- (xii) One copy of the first-aid-box leaflet issued by the Director General, Factory Advice Service and Labour Institute, Government of India;
- (xiii) A bottle containing 100 tablets (each of 5 grams) of aspirin.
- (xiv) Ointment for burns.
- (xv) A bottle of a suitable surgical anti-septic solution.
- (xvi) Eye drops.
- (xvii) Twelve roller bandages of 10 cm. wide.
- (xviii) Twelve roller bandages of 5 cm. wide.
- (3) Adequate arrangement shall make for 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 responsible person who shall always be readily available during the working hours of the establishment.
- (6) There shall be a person in-charge of the First-Aid Box shall be a person trained in First-Aid treatment, in establishment where the number of contract labour employed is 150 or more.

## **CHAPTER VI**

### **WAGES**

#### **56. Wage period**

- (1) The contractor shall fix wage periods in respect of which wages shall be payable.
- (2) No wage period shall exceed one month.

#### **57. Payment of Wages**

- (1) 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 in all other cases before the expiry of the seventh day from the end of the wage period where the number of workers employed in such establishments does or does not exceed one thousand.
- (2) All payments of wages shall be made on a working day at the work site and during the 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.

- (3) Wages due to every worker shall be paid to him direct or to other person authorized by him in this behalf.
- (4) All wages shall be paid in current coin or currency or in both.
- (5) 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 (Central Act 4 of 1936).
- (6) 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 in the Principal Employer under acknowledgement.

(7) The Principal Employer shall ensure the presence of his authorized representative at the place and time of disbursement of wages by the contractor to workmen and it shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorized representatives.

(8) The authorized representative of the Principal Employer shall record under the signature of certificate at the end of the entries in the Register of Wages or the Wage-Cum-Muster Roll, as the case may be, in the following form:

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

(9) Where employment of any worker is terminated by or on behalf of a 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.

## **CHAPTER VII**

### **REGISTERS AND RECORDS AND COLLECTION OF STATISTICS**

#### **58. Register of contractors**

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

#### **59. Register of persons employed**

Every contractor shall maintain in respect of each registered establishment where he employs contract labour a register in Form XIII.

#### **60. Employment Card**

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

(b) The card shall be maintained upto date and any change in the particulars shall be entered therein.

(c) The contractor shall ensure that his workers produce their employment cards when coming to duty and take them back when leaving duty.

#### **61. Serving 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.

#### **62. Muster Roll, Wages Registers, Deduction Register etc.**

(1) In respect of Establishments which are governed by the Payment of Wages Act, 1936 (Central Act 4 of 1936), and the rules made thereunder the following register and records as required to be maintained by the contractor as employer under those Acts and the rules shall be deemed to be registers and records to be maintained by the contractor under these rules:

- (a) Muster Roll;
- (b) Register of Wages;
- (c) Register of Deductions;
- (d) Register of Overtime;
- (e) Register of fines;
- (f) Register of advances;

(2) In respect of establishment 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 and Form XVII respectively:

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

(b) Every contractor shall issue wages slips in Form XIX to the workers at last 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 authorized representative of the Principal Employer as required by rule 72.

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

(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.

### **63. Display of an abstract of the Act and Rules**

Every contractor shall display an abstract of the Act and rules in English and in the language spoken by majority of the workers and in such form as may be notified by the Government.

### **64. Maintenance of register and other records**

(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 workplace or at a place within a radius of three kilometres.

(2) Such registers shall be maintained legibly in a list or in the Language spoken by the majority of the workers.

(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 authorized in that behalf by the Government.

### **65. Display of notice for general information**

(1)

(a) Notices showing the rates of 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 and in the language spoken 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

(b) The notice shall be correctly maintained in a clean and legible condition.

(2) A copy of the notice shall be sent to the concerned Inspector and whenever any changes occur the same shall be communicated to him forthwith.

#### **66. Returns**

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

Explanation: "Half year" for the purpose of this rule means a period of 6 (six) months commencing from the 1st January and the 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 15th February following the end of the year to which it relates.

#### **67. Power to call for labour statistics and other information**

(1) The Board, Committee, Labour Commissioner or the Inspector or any 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 any order in writing.

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