

# The Rajasthan Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Rules, 1981

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**The Rajasthan Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1981**

**NOTIFICATION**

Jaipur, September 22, 1981

G. S. R. 62.—Whereas certain draft of the Rajasthan Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1981 were published at pages 13 (1)-13(51) of the Rajasthan Gazette Part-3 (Kh) dated 2-7-1981 with the notification of the Government of Rajasthan, Labour Department under even number dated 2-7-1981 for inviting objections or suggestions from all persons likely to be affected thereby within forty five days and no objections or suggestions have received from any person.

Now, therefore, in exercise of the powers conferred by Section-35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979), the State Government hereby makes the following Rules, namely:

## **CHAPTER I**

### **PRELIMINARY**

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

- 1 (1) These rules may be called the Rajasthan Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1981.
- 2 (2) They shall come into force on the date of their publication in the official Gazette.

#### **2. Definitions**

In these rules unless the subject or context otherwise requires:

- (a) "Act" means the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979);
- (b) "Appellate Officer" means an Appellate Officer nominated by the State Government under section 11;
- (c) "Form" means a form appended to these rules;
- (d) "inspector" means an inspector appointed by the State Government under section 20;
- (e) "licensing officer" means the licensing officer appointed by the State Government under section 7;
- (f) "migrant workman" means an inter-state migrant workman as defined in section 2;
- (g) "Regional Joint/Deputy/Assistant Labour Commissioner" means an Officer appointed as such by the State Government of Rajasthan;
- (h) "registering officer" means the registering officer appointed by the State Government under section 3.
- (i) "section " means a section of the Act;
- (j) "Specified Authority" means the authority specified by the State Government for the purposes of sections 12 and 16; and
- (k) all other words and expressions used in these rules but not defined therein shall have the meanings respectively assigned to the in the Act.

## **CHAPTER II**

### **3. Manner of making application for registration of establishments**

- 1 (1) The application for registration of an establishment shall be made in triplicate. in Form I to the registering officer of the area in which the establishment sought to be registered is located.
- 2 (2) The application shall be accompanied by a crossed demand draft showing payment of the fees for the registration of the establishment.
- 3 (3) The application shall be either personally delivered to the registering officer' or sent to him by registered post.
- 4 (4) On receipt of the application, the registering officer shall, after noting thereon the date of receipt by him of the application, given an acknowledgement to the applicant.

### **4. Issue of certificate of registration**

- 1 (1) Where the registering officer registers the establishment, he shall issue to the principal employer a certificate of registration in Form II.
- 2 (2) The registering officer shall maintain a register in Form III showing the particulars of the establishment in relation to which certificates of registration are issued by him.

3 (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 thirty days from the date when such change takes place, the particulars of, and the reasons for, such change.

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

1 (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 (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.

#### **6. Amendment of certificate of registration**

1 (1) Where on receipt of the intimation under sub-rule (3) of rule 4, the registering officer is satisfied that an amount higher than the amount, which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which, together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce receipt showing such deposit.

1 (2) Where, on receipt of the intimation referred to in sub-rule (3) Of rule 4, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change thus occurred:

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

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

#### **7. Application for a licence**

1 (1) Every application for the grant of the licence for recruiting a person under clause (a) of sub-section (1) of section 8 shall be made in triplicate, in Form IV to the licensing officer having jurisdiction in relation to the area wherein recruitment is made.

2 (2) Every application by a contractor for employing a migrant workman under clause (b) of sub-section (1) of section 8 shall be made, in Form V to the licensing officer having jurisdiction in relation to the area wherein the establishment is situated.

3 (3)

4 (i) Every application for the grant of a licence under sub-rule (1) or sub-rule (2), shall be accompanied by a certificate of the principal employment in Form VI to the effects that he undertakes to be bound by all the provisions of the Act and the rules made thereunder so far as they are applicable to him in respect of the recruitment or employment of the migrant workmen in respect of which the contractor is making the application.

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

6 (4) On receipt of the application referred to in sub-rule (1) or sub-rule (2), the licensing officer concerned shall after noting thereon the date of receipt of the application, grant an acknowledgement to the applicant.

7 (5) Every application referred to in sub-rule (1) shall also be accompanied by the receipt obtained as required by rule 20,

## **8. Matters to be taken into account in granting or refusing a licence**

In granting or refusing to grant a licence the licensing officer 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 court, or

(iii) is an undischarged insolvent, or

i (iv) has been convicted at any time during the period of the years immediately preceding the date of application, of an offence which, in the opinion of the State involves moral turpitude.

ii (b) whether any order has been made in respect of the applicant under sub-section (1) of section 10, and, if so, whether the period of three years has elapsed from the date of that order;

iii (c) whether the fees for the application has been deposited at the rates specified in rule 12; and

iv (d) whether security, wherever necessary, has been applicant at the rates specified in sub-rule (1) of rule 10.

## **9. Refusal to issue licence**

1 (1) On receipt of the application from the Contractor, and as soon as possible thereafter, the Licensing Officer shall investigate or cause investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and the applicant for a licence.

2 (2)

3 (i) Where Licensing Officer is of the opinion, that licence should not be issued, he shall after affording reasonable opportunity to the applicant to be heard, make an order rejecting the application.

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

## **10. Security**

1 (1) Where the Licensing Officer is satisfied, in accordance with the procedure laid down in the proviso to sub-section (2) of section 8, that any person who has applied for or who has been issued a licence should furnish security for the due performance of the conditions of the licence, he shall prepare an estimate of the amount needed to provide for recruitment or employment of migrant workmen on the basis of the factors specified in sub-section (3) of the said section and after considering the solvency of such person, determine the amount of the security to be furnished by such person, which shall not exceed forty percent of the amount estimated by him.

2 (2) Where the applicant for the licence was holding a licence in regard to another work and that licence had expired, the Licensing Officer, if he is of the view that any amount out of the security, if any, deposited in respect of that licence is to be refunded to the applicant under rule 17, he may on an application made for that purpose in Form VII by the applicant adjust the amount so to be refunded towards the security, if any, required to be deposited in respect of the application for the new licence and the applicant need deposit, in such a case, only the balance amount, if any, after making such adjustment.

## **11. Forms and terms and conditions of licence**

1 (1) Every licence issued under sub-section (1) of Section 8 shall be in Form VIII.

2 (2) Every licence granted under sub-rule (1) or renewed under rule 15 shall be subject to the following conditions, namely:

i (i) The licence shall be non-transferable;

- ii (ii) The terms and conditions of the agreement or arrangement or the arrangement under which the migrant workmen is recruited or employed;
- iii (iii) The number of migrant workmen recruited or employed;
- iv (iv) The number of workmen recruited or employed as migrant workmen in the establishment shall not, on any day, exceed the maximum number specified in condition (iii);
- v (v) The rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948, for such employment and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed;
- vi (vi) Save as provided in these Rules the fees paid for the issue, or as the case may be for renewal of licence shall be non-refundable;
- vii (vii)
- viii (a) In case where the migrant workmen recruited or employed by the contractor perform the same or similar kind of work as the workmen directly employed by the Principal Employer of the establishment, the wage rates, holidays, hours of work and other contractor of service of the migrant workmen of the contractor shall be the same as applicable to the establishment on the same or similar kind of work;

Provided that in the case of any dis-agreement with regards to the type of work the same shall be decided by the Joint Labour Commissioner (Headquarters) whose decision thereon shall be final;

(b) In other cases, the wage rates, holidays, hours of work and conditions of service of the migrant workmen recruited or employed by the Contractor shall be such as prescribed in these Rules.

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

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

Provided that this clause shall not apply to the employment of female migrant workmen in Pit Head Baths, Creches and Canteens and midwives and Nurses in hospitals and dispensaries.

- i (x) the Contractor shall notify any change in the number of migrant workmen or the conditions of work to the Licensing Officer.
- ii (xi) the Contractor shall comply with all the provisions of the Act and the Rules;
- iii (xii) a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed;
- iv (xiii) the period for which the licence shall be valid.

## 12. Fees

1 (1) The fees to be paid for the grant of certificate of registration of an establishment under section 4 shall be as specified below:

If the number of migrant workmen proposed to be employed in the establishment on any day:

Rs. Ps.		
Is 5 but does not exceed 20	30.00	
(b)	Exceeds 20 but does not exceed 50	75.00
(c)	exceed 50 but does not exceed 100	150.00
(d)	exceed 100 but does not exceed 200	300.00

(e)	exceed 200 but does not exceed 400	600.00
(f)	Exceed 400	750.00

1 (2) The fees to be paid for the grant of licence under section shall be as specified below:

If the number of migrant workmen recruited or employed by the contractor on any day:

Rs. Ps.		
(a)	is 5 but does not exceed 20	10.00
(b)	exceed 20 but does not exceed 50	20.00
(c)	exceed 50 but does not exceed 100	40.00
(d)	exceed 100 but does not exceed 200	80.00
(e)	exceed 200 but does not exceed 400	160.00
(f)	exceed 400	200.00

### 13. Amendment of the Licence

1 (1) A licence issued under rule 11 or renewed under Rule 15 may, for good and sufficient reasons be amended by the Licensing Officer.

2 (2) The contractor who desires to have the licence amended shall submit to the Licensing Officer an application stating the nature of amendment and reasons therefor.

3 (3)

4 (i) If the licensing officer allows the application he shall require the applicant to furnish a crossed demand draft for the amount if any, by which the fees that would have been payable if the licence had been originally issued in the amended form exceeds the fee originally paid for the licence.

5 (ii) on the applicant furnishing the requisite receipt, the licence shall be amended according to the orders of the Licensing Officer.

6 (4) Where the application for amendment is refused, the licensing Officer shall record the reasons for such refusal and communicate the same to the applicant.

### 14. Renewal of licence

1 (1) Every contractor may apply to the Licensing Officer for renewal of the licence.

2 (2) The application shall be in Form IX in triplicate and shall be made no 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 (3) The fees chargeable for renewal of the licence shall be the same as for the grant thereof:

Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of twenty-five per cent in excess of the fee ordinarily payable for the licence shall be payable for such renewal:

Provided further that in case where the Licensing Officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the contractor, he may reduce remit as he deems fit the payment of such excess fee.

#### **15. Period of renewal of the licence**

Every licence renewed under this rule 15 shall remain in force for a further period of twelve months from the date of the order of renewal.

#### **16. Issue of duplicate certificate of registration or licence**

Where a certificate or registration or licence granted or renewed under the preceding Rules has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of fees of Rs. 10/-.

#### **17. Refund of security**

1 (1)

2 (i) On expiry of the period of licence the contractor may, if he does not intend to have his licence renewed or get the security amount adjusted in respect of his fresh application for licence in terms of sub-rule (2) of rule 10 make an application to the Licensing Officer for the refund of the security, if any deposited by him under rule 10.

3 (ii) If the Licensing Officer is satisfied that there is no breach of the conditions of licence or there is no order under section 10 for the forfeiture of any portion thereof, he shall direct the refund of the security to the applicant.

4 (2) If there is any order directing the forfeiture of the whole or any part of the security, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the applicant.

5 (3) The application for refund shall as far as possible, be disposed of within sixty days of the receipt of the application.

#### **18. Appeals and procedure**

1 (1)

2 (i) Every appeal under section 11 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.

3 (ii) The memorandum shall be accompanied by a certified copy of the order and a crossed demand draft for Rs. 25/-.

4 (2) The memorandum shall set forth precisely the grounds of appeal to the order appealed from.

5 (3) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) it may be rejected or returned to the appellant for the purpose of being amended within a time fixed by the Appellate Officer.

6 (4) Where the appellate officer rejects the memorandum of appeal under sub-rule (3), he shall record the reasons for such rejection and communicate the same to the appellant.

7 (5) Where the memorandum of appeal is in orders, the appellate officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the register of appeals kept for the purpose.

8 (6)

9 (i) When the appeal has been admitted, the appellate officer shall send a notice to the Registering Officer or the Licensing Officer, as the case may be, from whose order the appeal has been preferred. The Registering Officer or as the case may be, the Licensing Officer shall thereupon send the record of the appellate officer.

10 (ii) On receipt of the record the appellate officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal.

11 (7) If on the date fixed for the hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellant.

12 (8)

13 (i) Where an appeal has been dismissed under sub-rule (7), the appeal may apply to the appellate officer for re-admission of the appeal, and where it is proved that he was prevented by any sufficient cause from appearing when appeal was called on for hearing, the appellate officer shall restore the appeal on its original number.

14 (ii) An application under clause (i) shall, unless the appellate officer extend the time for sufficient reason, be made within thirty days of the date of dismissal.

15 (9)

16 (i) If the appellant is present when the appeal is called on for hearing, the appellate officer shall proceed to hear the appellant or his authorised agent and any other

i person summoned by him for the purpose, and pronounce judgment on the appeal either confirming, reversing or modifying the order appealed from.

ii (ii) The judgment of the appellate officer shall state the points for determination, decisions thereon and the reasons for the decisions.

iii (iii) The order shall be communicated to the appellant and a copy there of shall be sent to the registering officer or the licensing officer, as the case may be, from whose order the appeal has been preferred.

### **19. Obtaining of copies of order**

A copy of the order of the registering officer, Licensing Officer or appellate officer may be obtained on payment of fees of Rs2/- per copy of each order on application specified the date and other particulars of the order, made to the officer concerned.

### **20. Payment of fees and security deposits**

1 (1) The payment of the various fees relating to registration, licensing and security deposits shall be made through a crossed Demand Draft drawn in favour of the concerned Licensing/Registering Officer and payable at the station at which he is stationed along with a Treasury Challan duly filled in indicating the relevant head of account creditable to the accounts of the Labour Department.

2 (2) The heads of accounts under which the receipts relating to the fees for registration, licensing, appeals and security deposits shall be credited will be the following head:

“087—Labour and Employment

(ii) –Other Receipt

(iii) –Other Deferent Receipt”

### **CHAPTER III**

#### **DUTIES OF THE CONTRACTOR**

##### **21. Particulars of migrant workman**

1 (1) Every contractor shall furnish to the specified authorities the particular regarding recruitment and employment of migrant workmen in form X.

2 (2) The particulars shall be either personally delivered by the contractor to the concerned specified authorities or sent to them by registered post.

##### **22. Return fare**

The contractor shall pay to the migrant workman the return fare from the place of employment to the place residence in the home-State of the migrant workman on the expiry of the period of employment and also on his:

(a) termination of service before the expiry of the period of employment for any reason whatsoever;

(b) being incapacitated for further employment on account of injury or continued ill-health duly certified as such by a registered medical practioner;

(c) cessation of work in the establishment which is not due to any fault on the migrant workman; and

(d) resignation from service on account of non-fulfilment of terms and conditions of his employment by the contractor.

##### **23. Pass book**

1 (1) In the pass book referred to in clause (4) of sub-section (1) of section 12, the following additional particulars shall be indicated, namely:

2 (a) the date of recruitment;

3 (b) the date of employment;

4 (c) “wage period”, total attendance/unit of work done (in respect of piece-rated migrant workman) total wages earned/deductions if any made/net amount paid and signature of contractor or his duly authorised representative with date; and

(These entries shall be made separately in respect of each wage period within three days from the date of payment).

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

(2) In case of fatal accident or serious bodily injury to any mi-grant workman, the contractor shall immediately send telegrams to the specified authorities of both the States and also the next of the kins of the migrant workman intimating death or the nature of serious bodily injury sustained by the migrant workman, as the case may be, date, place and nature of accident, The contractor shall further send written report to the specified authorities concerned and the next

of the kins of the migrant workman, undermentioned particulars, by registered post within 24 hours of the occurrence of the accident:

- (i) Name of the migrant workman;
- (ii) Date, place and nature of accident;
- (iii) Condition of the migrant workman (if alive);
- (iv) Action taken by the contractor/principal employer;
- (v) Remarks.

(3) If the contractor fails to send the telegraphic intimation and/ or written report as required under sub-rule (2), the principal employer shall comply with the requirements of sub-rule (2) as early as possible but in any case not later than 4 hours of the time of occurrence of the accident.

#### **24. Return**

Every contractor shall furnish a return regarding migrant workmen who have ceased to be employed in Form XI to the specified authorities concerned either personally or by registered post so as to reach them not later than 15 days from the date the migrant workman ceases to be employed.

### **CHAPTER IV**

#### **WAGES**

##### **25. Rates of wages**

The rate of wages of a migrant workman in an establishment where he is required to work which is neither same nor of similar kind as is being performed by any other workmen in that establishment shall not be less than the rates of wages paid by the principal employer to a workman in the lowest category of workman directly employed by him in that establishment of the minimum rates of wages notified by the State Government under the Minimum Wages Act, 1948 for the same or similar type of work performed by workmen in any scheduled employment in the area in which the establishment is located, or the rates of wages payable to the workmen for performing same or similar kind of work in that establishment in the State in which the establishment is located, whichever is higher:

Provided that if there is any dispute in this regard or with regard to applicability of wage rates to a migrant workman under sub-clause (b) of sub-section (1) of section 13, the same shall be decided by the Joint Labour Commissioner (Headquarters) whose decision shall be final.

##### **26. Wage period**

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

##### **27. No wage period shall exceed one month.**

##### **28. Payment of wages**

The wages of every migrant workman in an establishment by a contractor where less than 1000 workmen are employed shall be paid before the expiry of the seventh day and in other cases before the expiry of tenth day every month.

##### **29. Payment on termination**

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

### **30. Mode of payment**

All payments of wages shall be made by the contractor on working day at the work premises and during the working time and on a date notified in advance and in case the work is completed before the expiry of the wage period the final payments shall be made within forty eight hours of the last working day.

### **31. Wages to whom payable**

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

### **32. Wages to be paid in current coin or in currency**

All wages shall be paid in current coin or in currency or in both wages shall be paid without any deduction of any kind except those specified by the State Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936.

### **33. Notice of disbursement of Wages**

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 be sent by the Contractor to the Principal Employer under acknowledgement.

### **34. Wages to be disbursed for presence of authorised representative**

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

### **35. Payment of wages to be certified by the authorised representative**

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

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

## **CHAPTER V**

### **MEDICAL AND OTHER FACILITIES TO BE PROVIDED TO MIGRANT WORKMAN**

#### **36. Holidays hours of work and other conditions of service**

1 (1) Holiday, hours of work including extra wages of overtime work done and other conditions of service of migrant workmen shall not be less favourable than those obtaining in that establishment or in similar employments in the area in which the establishment is located, as the case may be.

2 (2) Where there is any dispute in this regard or with regard to applicability of holidays, hours of work including extra wages for overtime work done and other conditions of service to a migrant workman under clause (a) of sub-section (1) of section 13, the same shall be decided by the Joint Commissioner (Headquarters) whose decision shall be final.

#### **37. Medical facilities**

1 (1) The contractor shall ensure provision of suitable and adequate medical facilities for outdoor treatment to the migrant workman free of cost for treatment of any ailment from which the migrant workmen or any member of his family may suffer during his employment in

the establishment or to meet any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a migrant workman from market on the basis of the prescription issued by any Doctor provided by the contractor or the principal employer, as the case may be, or any registered medical practitioner, the cost of such medicine shall be reimbursed by the contractor to the migrant workman concerned within a period of seven days from the date of presentation of the bill by the migrant workman.

2 (2) In the event of migrant workman or any of his family members suffering from any ailment requiring hospitalisation during his employment in the establishment, the contractor shall promptly arrange for the hospitalisation of the migrant workman or the concerned member of his family. The contractor shall bear entire expenses on

1 treatment, hospital charges (including diet), if any. and travel expenses for the patient from the place of his/her residence to the hospital and back.

2 (3) Every contractor shall provide and maintain so as to be readily accessible during all working hours first-aid boxes at the rates of not less than one box for one hundred and fifty workmen or part thereof.

3 (4) The first-aid box shall be distinctly marked with a Redcross on a white ground and shall contain the following equipment, namely:

4 (a) from the establishments in which number of migrant workmen employed does not exceed fifty, each first-aid box shall contain the following equipments:

5 (i) 6 small sterilized dressings;

6 (ii) 3 medium size sterilized dressings;

7 (iii) 3 large size sterilized dressings;

8 (iv) 3 large sterilized burn dressings;

9 (v) 1(30 ml.) bottle containing a two per cent alcoholic solution of iodine

10 (vi) 1(30 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label;

11 (vii) 1 snake-bite lancet

12 (viii) 1 (30 ems) bottle of potassium permanganate crystals;

13 (ix) 1 pair of scissors;

14 (x) 1 copy of the first-aid leaflet issued by the, Director-General, Factory Advice Service and Labour Institutes, Government of India;

15 (xi) A bottle containing 100 tablets each of 5 grains) of aspirin;

16 (xii) Ointment for burns; and

17 (xiii) A bottle of suitable surgical antiseptic solution.

18 (b) For establishments in which the number of migrant workmen exceeds fifty, each first-aid box shall contain the following equipments:

19 (i) 12 small sterilized dressings;

20 (ii) 6 medium size sterilized dressings;

21 (iii) 6 large size sterilized dressings;

22 (iv) 6 large size sterilized burn dressings;

23 (v) 6 (15 grams) packets sterilized cotton wool;

24 (vi) 1 (80 ml.) bottle containing a two per cent alcoholic solution of iodine;

- 25 (vii) 1 (60 ml.) bottle containing salvolatile having the dose and m of administration indicated on the label;
- 26 (viii) 1 roll of adhesive plasters;
- 27 (ix) a snake-bite lancet;
- i (x) 1 (30 grams) bottle of potassium permanganate crystals;
- ii (xi) 1 pair of scissors;
- iii (xii) 1 copy of the first-aid leaflet issued by the Director-General of Factory Advisory Service and Labour Institutes, Government of India.
- iv (xiii) A bottle containing 100 tablets (each of 5 grains) of aspirin;
- v (xiv) Ointment for burns; and
- vi (xv) A bottle of a suitable surgical antiseptic solution.
- vii (5) Adequate arrangements shall be made for immediate recoument when necessary.
- viii (6) Nothing except the contents mentioned in sub-rule (4) shall be kept in the first-aid box.
- ix (7) The first-aid box shall be in charge of a responsible person who shall always be readily available during the working hours of the establishment.
- x (8) The person Incharge of the first-aid box shall be a person trained in first-aid treatment, in establishments where the number of migrant workmen is one hundred and fifty or more.

### **38. Protective clothing**

1 (1) The contractor shall provide to every migrant workman where the temperature falls below 20 degree centigrade, protective clothing consisting of one woollen coat and one woollen trousers once in two years:

Provided that where the temperature falls below 5 degree centigrades one woollen overcoat shall also be provided to the migrant work man once in three years.

1 (2) The protective clothing shall be provided by the contractor to every migrant workman before onset of winter season in the area where the establishment is located or on the 30th day of September, whichever is earlier.

### **39. Drinking water latrines urinals and washing facilities**

1 (1) The Contractor shall provide sufficient quantity of wholesome drinking water, sufficient number of sanitary latrines and urinals, washing facilities for the migrant workmen at the establishment, in the case of existing establishments within seven days of the commencement of these rules, and in case of new establishment, within seven days of the commencement of employment of migrant workmen therein.

2 (2) If any of the facilities is not provided by the contractor wit, the specified period, the same shall be provided by the principal employer within seven days of the expiry of the period specified in sub-rule (1).

### **40. Rest rooms**

1 (1) In every place where migrant workmen are required to halt at night in connection with the working of the establishment and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain rest rooms or other suitable alternative accommodation within fifteen coming into force of the rules in case of the existing establishments, and within fifteen

1 days of the commencement of the employment of migrant workmen in the case of new establishments.

2 (2) If the amenity is not provided by the contractor within the specified period, the principal employer shall provide the same within a period of fifteen days of the expiry of the period specified in sub-rule (1).

3 (3) Separate rooms shall be provided for female migrant workmen.

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

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

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

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

#### **41. Canteens**

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

2 (2) If the contractor fails to provide canteen within the time laid down, the same shall be provided by the principal employer, sixty days of the expiry of the time allowed to the Contractor.

3 (3) The canteen shall be maintained by the contractor or principal employer, as the case may be, in an efficient manner.

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

5 (5)

6 (1) The canteen shall be sufficiently lighted at all time, when any person has access to it.

7 (2) The floor shall be made of smooth and impervious material and inside walls shall be once in each year:

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

- 1 (6)
- 2 (i) The precincts of the canteen shall be maintained in a clean and sanitary condition.
- 3 (ii) Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance.
- 4 (iii) suitable arrangements shall be made for the collection and disposal of garbage.
- 5 (7) The dining hall shall accommodate at a time at least 30 per cent of the migrant workmen working at a time.
- 6 (8) The floor area of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than one square metre per diner to be accommodated as specified in sub-rule (7).
- 7 (9)
- 8 (i) A portion of the dining hall and service counter shall be partitioned off and reserved for women migrant workmen in proportion to their number.
- 9 (ii) Washing places for women shall be separate and screened to secure privacy.
- 10 (10) Sufficient tables, stools, chairs or benches shall be available for the diners to be accommodated as specified in sub-rule (7).
- 11 (11)
- 12 (i) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen.
- 13 (ii) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition.
- 14 (12)
- 15 (i) Suitable clean cloths for the employees serving in the canteen shall also be provided and maintained.
- 16 (ii) A service counter, if provided, shall have top of smooth and impervious material.
- 17 (iii) Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipments.
- 18 (13) The foodstuffs and other item to be served in the canteen shall be in conformity with the normal habits of the migrant workmen.
- 19 (14) The charges for meals, other foodstuffs, beverages other kerns served in the canteen shall be based on no-profit, no-loss basis and shall be conspicuously displayed in the canteen.
- 20 (15) In arriving at the prices of foodstuffs and other articles served in the canteen the following items shall not be taken into consideration as expenditure, namely:
- 21 (a) The rent for the land and buildings;
- (b) The depreciation and maintenance charges for the building and equipment provided for in the canteen;
- (c) The cost of purchase, repairs and replacement of equipments including furniture, crockery, cutlery and utensils;
- (d) The water charges and other charges incurred for lighting and ventilation;
- (e) The interest on the amounts spent on the provision and maintenance of furniture and equipment provided for in the canteen.

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

(17) The accounts pertaining to the canteen shall be audited once in every twelve months by registered accountants and auditors;

Provided that the Jt. Labour Commissioner (Headquarter) may approve any other person to audit the account, if he is satisfied that it is not feasible to appoint a registered accountant and auditor in view of the site or the location of the canteen.

#### **42. Latrines and urinals**

- 1 (1) Latrines shall provide in every establishment on the following scale, namely:
- 2 (a) Where females are employed, there shall be at least one latrine for every 25 females;
- 3 (b) Where males are employed, there shall be at least one latrine for every 25 males:

Provided that where the number of males or exceed 190, it shall be sufficient if there is one latrine for 25 males or females, as the case may be, upto the first 100, and one for every 30 thereafter.

- 1 (2) Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.
- 2 (3)
- 3 (i) Where workers of both sexes are employed there shall be displayed outside each block of latrine and urinal a notice in the language understood by the majority of the workers 'For Men only' or 'For Women only' as the case may be.
- 4 (ii) The notice shall also bear the figure of a man or of a woman as the case may be.
- 5 (4) There shall be at least one urinal for male workers upto fifty and one for female upto fifty employed at a time:

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

- 1 (5) The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.
- 1 (6)
- 2 (i) The latrines and urinals shall be adequately lighted and shall be maintained in a clean and sanitary conditions at all times.
- 3 (ii) Latrines and urinals other than those connected with a flush sewage system shall comply with the requirements of the public health, authorities.
- 4 (7) Water shall be provided by the means of tap or otherwise so as to be conveniently accessible in or near the latrines and urinals.

#### **43. Washing facilities**

- 1 (1) In every establishment adequate and suitable facilities for washing shall be provided and maintained for the use of migrant Workmen employed therein.

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

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

#### **44. Creches**

1 (1) In every establishment where 20 or more workmen are ordinarily employed as migrant workmen and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain two rooms of reasonable dimensions for the use of their children under the age of six years, within fifteen days of the coming into force of the rules, in case of existing establishment, and within fifteen days of the commencement of the employment of not less than twenty women as migrant workmen in new establishments.

2 (2) One of such rooms shall be used as play room for the children and the other as bedroom for the children.

3 (3) If the contractor fails to provide creches within the time limit specified the same shall be provided by the principal employer within fifteen days of the expiry of the time allowed to the contractor.

4 (4) The contractor or the principal employer, as the case may be, shall supply adequate number of toys and games in the play rooms and sufficient number of cots and beddings in the sleeping room.

5 (5) The creches shall be so constructed as to afford adequate protection against heat, damp, wind, rain and shall have smooth, hard and impervious floor surface.

6 (6) The creche shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

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

#### **45. Residential accommodation**

1 (1) The contractor shall provide to every migrant workman:

2 (i) in case he is accompanied by any other Member of his family a suitable barrack so as to accommodate one room having at least a floor area of 10 square metres, a verandah and adequate additional covered space for cooking food and as well as one common sanitary latrine, one common bathroom for every three such quarters:

3 (ii) in case he is unaccompanied by any other member of his family; a suitable barrack so as to accommodate not more than ten such migrant workmen, having at least a floor area of not less than 6.5 square metre for each such migrant workman making use of the barrack, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine and one common bathroom for every ten such migrant workmen;

within fifteen days of coming into force of the rules in the case of the existing establishments and within fifteen days of the commencement of the employment of migrant workmen in new establishments.

1 (2) Every quarter and the barrack shall be so constructed so to afford adequate ventilation, protection against heat, wind, rain and shall have smooth hard and impervious floor-surface.

2 (3) The quarters or the barracks, as the case may be, shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

3 (4) The area in which the quarters and/or the barracks are located as well as the latrines and the bathrooms provided therein shall be kept in a clean and sanitary condition at all times.

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

5 (6) If there is any dispute or disagreement regarding suitability or adequacy of provision of any of the amenities referred to in sub-rules (1) to (4) the same shall be decided by the Commissioner of Labour, whose decision shall be final.

#### **46. Liability of the principal employer in certain cases**

If any allowance required to be paid under Section 14 or Section 15 to a migrant workman employed in an establishment to which this Act applies, is not paid by the contractor or if any facility specified in Section 16 is not provided for the benefit of such migrant workman, such allowance shall be paid, or as the case may be, the facility shall be provided, by the principal employer within fifteen days of the expiry of the time allowed to the contractor under the rules except where otherwise provided for in the relevant rules;

Provided that in case of ailment requiring medical attention or hospitalisation, as the case may be, the principal employer shall provide the same immediately on the failure of the contractor to do so.

#### **47. Relaxation in certain cases**

If the contractor or principal employer, as the case may be, has already provided any facility relating to supply of wholesome drinking water or rest-rooms or latrines and urinals or washing, or canteen or creche, or first-aid as required under any Act applicable to the establishment and the same is adequate and also available for use for the migrant workmen, that facility shall be deemed to be provided for under these rules.

### **CHAPTER VI**

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

##### **48. Registers of contractors**

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

##### **49. Register of persons employed**

Every principal employer and contractor shall maintain in respect of each establishment where he employs migrant workmen, a register in Form XIII.

##### **50. Service Certificate**

On termination of employment for any reason whatsoever, the contractor shall issue to the migrant workman whose services have been terminated, a service certificate in Form XVI.

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

1 (1) Every contractor shall maintain displacement-cum-outward journey allowances sheet in Form XV and return journey allowances register in Form XVI.

2 (2) Entries in the sheet and the register required to be maintained under sub-rule (1) shall be authenticated by the contractor or his duly authorised representatives.

## **52. Muster roll wages register deduction register and overtime register**

1 (1) In respect of establishments which are governed by the Payment of Wages Act, 1936 and the rules made thereunder or the Minimum Wages Act, 1948 and the rules made thereunder or the Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder, the following registers and records required to be maintained by the contractor as employed under those Acts and the rules, shall be deemed to be registers and records to be maintained by the contractor under these rules.

2 (a) Muster roll;

3 (b) register of wages;

4 (c) register of deductions;

5 (d) register of fines;

6 (e) register of overtime;

7 (f) register of advances;

8 (2) In respect of establishments not covered by any of the Acts or the rules referred to in sub-rule (1) the following provisions shall apply, namely:

(a) Every contractor shall maintain a muster roll and a register of wages in Forms XVII and XVIII respectively;

(b) Signature or thumb impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the contractor or his authorised representative, and duly certified by the authorised representative of the principal employer as required by rule 35;

(c) Register of deductions, register of fines and register of advances: Register of deductions for damage or loss, register of fines and register of advances shall be maintained by every contractor in Forms XIX, XX and XXIV respectively;

(d) Every contractor shall maintain a register of over-time in Form XXII.

(3) Notwithstanding anything contained in these rules where a combined or alternative Form is sought to be used for the contractor to avoid duplication of work for compliance with the provisions of any other Act or 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 wild the Forms prescribed under these rules may be used with the previous approval of the Joint Labour Commissioner (Headquarters).

## **53. Maintenance and preservation of registers**

1 (1) All registers and other records required to be maintained under the Act and rules, shall be maintained complete and up-to-date, and unless otherwise provided for shall be kept at an office or the nearest convenient building within precincts of the workplace or at a place, if any, specified by the Inspector on the specified request made by the contractor in this behalf.

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

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

4 (4) All registers records and notices maintained under the Act or rules shall be produced on demand before the Inspector or Joint Labour Commissioner (headquarters) or any other authority under the Act or any person authorised in that behalf by the State Government.

5 (5) Where no deduction or fine or deduction for imposed or no overtime has been worked during any wages period, a 'Nil' entry shall be made across the body of the register at the end of every wage period indicating also in precise terms the wage period to which the 'Nil' entry relates in the respective registers maintained in Forms XX, XXI, XXII and XXIV respectively.

#### **54. Display of an abstract of the Act and rules**

Every contractor shall display an abstract of the Act and the rules in English and Hindi and in the language spoken by majority of migrant workmen in such form as may be approved by the Joint Labour Commissioner (Headquarters).

#### **55. Notices**

1 (1)

2 (i) Notices showing the rates of wages, hours of work, wages periods, dates of payment of wages, names and addresses of the Inspectors having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and Hindi and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor as the case may be.

3 (ii) The notices shall be correctly maintained, in a clean and legible condition.

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

#### **56. Periodical returns**

1 (1) Every contractor shall send half yearly return in Form XXIII (in duplicate) so as to reach the licensing officer concerned not later than thirty days from the close of the half year.

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

1 (2) Every principal employer of a registered establishment shall send annually a return in Form XXIV (in duplicate) so as to reach the registering officer concerned not later than the 15th February following the end of the year to which it relates.

#### **57.**

1 (1) The Joint Labour Commissioner (headquarters) or the Regional Dy./Asstt. Commissioner or Inspector or any authority under the Act or rules shall have powers to call for any information or statistics in relation to migrant workmen from any contractor or principal employer at any time by an order in writing.

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

**CHAPTER VII**  
**LEGAL AID TO MIGRANT WORKMEN**

**58. Legal aid**

On receipt of a written application from migrant workman or in the event of his death; from next of his kins for providing legal aid in relation to any proceedings before the Authority under section 15 of the Payment of Wages Act, 1936 or Authority under Section 20 of the Minimum Wages Act, 1948 or, appropriate Labour Court under Section 33C (2) of the Industrial Disputes Act, 1947 or Commissioner for Workmen's Compensation under the Workmen's Compensation Act, 1923, in which the migrant workman or his legal heir is a party, the specified authority concerned if he is satisfied may with the prior approval of the Joint Labour Commissioner (headquarters) engage an advocate to conduct the relevant proceedings, on behalf of the migrant workman or his legal heir, as the case may be, and meet all legal expenses in this regard.

