

**THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND
CONDITIONS OF SERVICE) ACT, 1979**

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THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) CENTRAL RULES, 1980

**THE INTER-STATE MIGRANT WORKMEN
(REGULATION OF EMPLOYMENT AND
CONDITIONS OF SERVICE) ACT, 1979**

INTRODUCTION

In Orissa and in some other States the system of employment of Inter-State migrant labour known as Dadan Labour is in vogue. In Orissa Dadan Labour is recruited from various parts of the State through contractors or agents called *Sardars* or *Khatadars* for work outside the State in large construction projects. At the time of recruitment *Sardars* or *Khatadars* promise that wages calculated in piece-rate basis would be settled every month but usually this promise is never kept. Once the worker comes under the clutches of the contractor, he takes him to a far-off place on payment of railway fare only. No working hours are fixed for these workers and they have to work on all the days in a week under extremely bad working conditions. The provisions of the various labour laws are not being observed in their case and they are subjected to various malpractices. The question of protection and welfare of Dadan Labour was considered by the Twenty-eighth Session of the Labour Ministers' Conference held on 26th October 1976 at New Delhi. It was recommended to set up a Compact Committee to go into the whole question and to suggest measures for eliminating the abuses prevalent in the system. Accordingly in February, 1977 the Compact Committee was constituted and it recommended, *inter alia*, that a separate Central legislation may be enacted to regulate the employment of inter-State migrant workmen as it was felt that the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, even after necessary amendments, would not adequately take care of the variety of malpractices indulged in by the contractors, *Sardars* or *Khatadars*. The recommendations of the Compact Committee were examined in consultation with the State Government and the Ministries in the Government of India. Accordingly the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Bill, 1979 was introduced in the Parliament.

STATEMENT OF OBJECTS AND REASONS

The system of employment of inter-State migrant labour (known in Orissa as Dadan Labour) is an exploitative system prevalent in Orissa and in some other States. In Orissa, Dadan Labour is recruited from various parts of the State through contractors or agents called *Sardars/Khatadars* for work outside the State in large construction projects. This system lends itself to various abuses. Though the *Sardars* promise at the time of recruitment that wages calculated on piece-rate basis would be settled every month, the promise is not usually kept. Once the worker comes under the clutches of the contractor, he takes him to a far-off place on payment of railway fare only. No working hours are fixed for these workers and they have to work on all the days in a week under extremely bad working conditions. The provisions of the various labour laws are not being observed in their case and they are subjected to various malpractices.

2. The Twenty-eighth Session of the 'Labour Ministers' Conference (New Delhi, October 26, 1976) which considered the question of protection and welfare of Dadan Labour recommended the setting up of a small Compact Committee to go into the whole question and to suggest measures for eliminating the abuses prevalent in this system. The inter-State

migrant workmen are generally illiterate, unorganised and have normally to work under extremely adverse conditions and in view of these hardships, some administrative and legislative arrangements both in the State from where they are recruited and also in the State where they are engaged for work are necessary to secure effective protection against their exploitation. The Compact Committee which was constituted in February, 1977, therefore, recommended the enactment of a separate Central legislation to regulate the employment of inter-State migrant workmen as it was felt that the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, even after necessary amendments would not adequately take care of the variety of malpractices indulged in by the contractors/*Sardars/Khatadars, etc.*, and the facilities required to be provided to these workmen in view of the peculiar circumstances in which they have to work.

3. The recommendations of the Compact Committee have been examined in consultation with the State Governments and the Ministries of the Government of India and the suggestions made by them have been taken into account in formulating the proposals for legislation. The main features of the Bill are as follows:-

- (i) The proposed legislation will apply to every establishment in which five or more inter-State migrant workmen are employed or were employed on any day of the preceding twelve months. It will also apply to every contractor who employs or employed five or more inter-State migrant workmen on any day of the preceding twelve months.
- (ii) The establishment proposing to employ inter-State migrant workmen will be required to be registered with registering officers appointed under the Central Government or the State Governments, as the case may be, depending on whether the establishment falls under the Central sphere or State sphere. Likewise, every contractor who proposes to recruit or employ inter-State migrant workmen will be required to obtain a licence from the specified authority both of the State to which the workman belongs (home State) and the State in which he is proposed to be employed (host State).
- (iii) The contractor will be required to furnish particulars regarding the workmen in the form to be prescribed by rules to the specified authority of both the home State and the host State. The contractor will also be required to issue to every workman employed by him, a pass book containing the details of the employment.
- (iv) Specific guidelines have been indicated regarding the wages payable to inter-State migrant workman and he is required to be paid wages from the date of his recruitment.
- (v) The inter-State migrant workman will be entitled to a displacement allowance and a journey allowance in addition to his wages.
- (vi) The amenities that are required to be provided to the workmen would include provision of suitable residential accommodation, adequate medical facilities, protective clothing to suit varying climatic conditions and suitable conditions of work taking into account that they have migrated from another State.
- (vii) Inspectors will be appointed by the appropriate Government to see that the provisions of the legislation are being complied with. In addition, power has been given to the State Government of the home State to appoint, after consultation with the Government of the host State, inspectors for visiting the establishments wherein workmen from the former State are employed to see whether the provisions of the legislation are being complied with in the case of such workmen.

- (viii) The inter-State migrant workman may raise an industrial dispute arising out of his employment either in the host State or in the home State after his return to that State after the completion of the contract of employment. He will also be permitted to apply for the transfer of proceedings in relation to an industrial dispute pending before an authority in the host State to the corresponding authority in the Home State on the ground that he has returned to the State after the completion of his contract.
- (ix) Deterrent punishments have been proposed for the contravention of the provisions of the legislation.

ACT 30 OF 1979

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Bill, 1979 was passed by both the Houses of Parliament. It got the assent of the President on 11th June, 1979 and came on the Statute Book as THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979 (30 of 1979).

**THE INTER-STATE MIGRANT WORKMEN
(REGULATION OF EMPLOYMENT AND
CONDITIONS OF SERVICE) ACT, 1979**
(30 of 1979)

[11th June, 1979]

An Act to regulate the employment of inter-State migrant workmen and to provide for their conditions of service and for matters connected therewith.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1. Short title, extent, commencement and application.- (1) This Act may be called the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that if the Central Government considers it necessary or expedient so to do in the public interest, it may postpone or relax, to such extent as may be specified in such notification, the operation of all or any of the provisions of this Act in any State or States for such period not extending beyond one year from the date on which this Act comes into force.

(4) It applies-

(a) to every establishment in which five or more inter-State migrant workmen (whether or not in addition to other workmen) are employed or who were employed on any day of the preceding twelve months;

(b) to every contractor who employs or who employed five or more inter-State migrant workmen (whether or not in addition to other workmen) on any day of the preceding twelve months.

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

(a) "Appropriate Government" means,-

(i) in relation to-

(1) any establishment pertaining to any industry carried on by or under the authority of the Central Government or pertaining to any such controlled industry as may be specified in this behalf by the Central Government; or

(2) any establishment of any railway, Cantonment Board, major port, mine or oil-field; or

- (3) any establishment of a banking or insurance company the Central Government;
- (ii) in relation to any other establishment, the Government of the State in which that other establishment is situated;
- (b) "contractor", in relation to an establishment, means a person who undertakes (whether as an independent contractor, agent, employee or otherwise) to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, by the employment of workmen or to supply workmen to the establishment, and includes a sub-contractor, *Khatadar*, *Sardar*, agent or any other person, by whatever name called, who recruits or employs workmen;
- (c) "controlled industry" means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;
- (d) "establishment" means-
- (i) any office or department of the Government or a local authority; or
 - (ii) any place where any industry, trade, business, manufacture or occupation is carried on;
- (e) "inter-State migrant workman" means any person who is recruited by or through a contractor in one State under an agreement or other arrangement for employment in an establishment in another State, whether with or without the knowledge of the principal employer in relation to such establishment;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "principal employer" means,-
- (i) in relation to any office or department of the Government or a local authority, the head of that office, department or authority or such other officer as the Government or the local authority, as the case may be, may specify in this behalf;
 - (ii) in relation to a factory, the owner or occupier of the factory and where a person has been named as the manager of the factory under the Factories Act, 1948 (63 of 1948), the person so named;
 - (iii) in relation to amine, the owner or agent of the mine and where a person has been named as the manager of the mine, the person so named;
 - (iv) in relation to any other establishment, any person responsible for the supervision and control of the establishment.
- Explanation.*-For the purposes of sub-clause (iii) of this clause, the expressions "mine", "owner" and "agent" shall have the meanings respectively assigned to them in clause (j), clause (e) and clause (c) of sub section (1) of section 2 of the Mines Act, 1952 (35 of 1952);
- (h) "recruitment" includes entering into any agreement or other arrangement for recruitment and all its grammatical variations and cognate expressions shall be construed accordingly;
- (i) "wages" shall have the meaning assigned to it in clause (vi) of section 2 of the Payment of Wages Act, 1936 (4 of 1936);

(j) "workman" means any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person-

- (i) who is employed mainly in a managerial or administration capacity; or
- (ii) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem, or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

COMMENTS

(i) The expressions "mine", "owner" and "agent" have the same meanings as respectively assigned to them in clause (j), clause (1) and clause(c) of sub-section (1) of section 2 of the Mines Act, 1952. Clause (j), (1) and (c) of the Mines Act, 1952 are as under:

(j) "Mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes,-

- (i) all borings, bore holes, oil wells and accessory crude conditioning plants, including the pipe conveying mineral oil within the oil fields;
- (ii) all shafts, in or adjacent to and belonging to a mine, whether in course of being sunk or not;
- (iii) all levels and inclined planes in the course of being driven;
- (iv) all open cast workings;
- (v) all conveyors or aerial rope way provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;
- (vi) all adits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belongings to a mine;
- (vii) all protective works being carried out in or adjacent to a mine;
- (viii) all workshops and stores situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;
- (ix) all power stations, transformer sub-stations, convert or stations, rectifier stations and storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;
- (x) any premises for the time being used or depositing sand or other material for use in amine or for depositing refuse from a mine or in which any operations in connection with such sand, refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine;
- (xi) any premises in or adjacent to and belonging to a mine on which any process ancillary to the getting, dressing or preparations for sale of minerals or of coke is being carried on;

(1) "Owner", when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof and in the case of a mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine, subject it to any lease, grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor or sub-lessee for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;

(c) "agent", when used in relation to a mine, means every person, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the management, control, supervision or direction of the mine or of any part thereof;

(ii) "Wages" have the same meaning as assigned to it in clause (vi) of section 2 of the Payment of Wages Act, 1936. Clause (vi) of section 2 of the Payment of Wages Act, 1936 is as under:

(vi) "wages" means all remuneration (whether by way of salary, allowances, or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes-

- (a) any remuneration payable under any award or settlement between the parties or order of a court;
- (b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;
- (c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);
- (d) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made;
- (e) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force,

but does not include-

- (1) any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court;
- (2) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by general or special order of the State Government;
- (3) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;
- (4) any travelling allowance or the value of any travelling concession;
- (5) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or
- (6) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d).

CHAPTER II
**REGISTRATION OF ESTABLISHMENT EMPLOYING
INTER-STATE MIGRANT WORKMEN**

3. Appointment of registering officers.- The appropriate Government may, by order notified in the Official Gazette,-

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

COMMENTS

The appropriate Government may, by notification in the Official Gazette, appoint registering officers and define their respective limits of jurisdiction and powers under the Act.

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

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

(2) Within one month after the receipt of an application for registration under sub-section (1), the registering officer shall,-

- (a) if the application is complete in all respects, register the establishment and issue to the principal employer of the establishment a certificate of registration in the prescribed form; and
- (b) if the application is not so complete, return the application to the principal employer of the establishment.

(3) Where within a period of one month after the receipt of an application for registration of an establishment under sub-section (1), the registering officer does not grant under clause (a) of sub-section (2) the certificate of registration applied for and does not return the application under clause (b) of that sub-section, the registering officer shall, within fifteen days of the receipt of an application in this behalf, from the principal employer, register the establishment and issue to the principal employer a certificate of registration in the prescribed form.

COMMENTS

An application for registration of an establishment must be moved by the principal employer thereof within such period as the appropriate Government may, by notification in the Official Gazette, fix in that behalf, and in such form and manner and on payment of such fees as may be prescribed.

5. Revocation of registration in certain cases.- If the registering officer is satisfied, either on a reference made to him in this behalf or otherwise, that the registration of any establishment has been obtained by misrepresentation or suppression of any material fact or that for any other reason, the registration has become useless or ineffective and, therefore, employer of the establishment to be heard and with the previous approval of the appropriate Government, revoke by order in writing the registration on and communicate the order to the principal employer:

Provided that where the registering officer considers it necessary so to do for any special reasons, he may, pending such revocation, by order suspend the operation of the certificate of registration for such period as may be specified in the order and serve, by registered post, such order along with a statement of the reasons on the principal employer and such order shall take effect on the date on which such service is effected.

COMMENTS

The registering officer may revoke the registration of any defaulting establishment after giving an opportunity to the principal employer thereof to be heard and with the prior approval of the appropriate Government.

6. Prohibition against employment of inter-State migrant workmen without registration.- No principal employer of an establishment to which this Act applies shall employ inter-State migrant workmen in the establishment unless a certificate of registration in respect of such establishment issued under this Act is in force:

Provided that nothing in this section shall apply to any establishment in respect of which an application for registration made within the period fixed, whether originally or on extension under sub-section (1) of section 4 is pending before a registering officer and for the purposes of this proviso, an application to which the provisions of sub-section (3) of section 4 apply shall be deemed to be pending before the registering officer concerned till certificate of registration is issued in accordance with the provisions of that sub section.

COMMENTS

Employment of inter-State migrant workmen in any establishment is prohibited unless it is duly registered under this Act.

CHAPTER III
LICENSING OF CONTRACTORS

7. Appointment of licensing officers.- The appropriate Government, by order notified in the Official Gazette,-

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

COMMENTS

The appropriate Government may, by notification in the Official Gazette, appoint licensing officers and define their respective limits of jurisdiction and powers under this Act.

8. Licensing of contractors.- (1) With effect from such date as the appropriate Government may, by notification in the Official Gazette, appoint, no contractor to whom Act applies shall,-

- (a) recruit any person in a State for the purpose of employing him in any establishment, situated in another State, except under and in accordance with a licence issued in that behalf,-
 - (i) if such establishment is an establishment referred to in sub-clause (i) of clause (a) of sub-section (1) of section 2, by the licensing officer appointed by the Central Government who has jurisdiction in relation to the area wherein the recruitment is made;
 - (ii) if such establishment is an establishment referred to in sub-clause (ii) of clause (a) of sub-section (1) of section 2, by the licensing officer appointed by the State Government who has jurisdiction in relation to the area wherein the recruitment is made;
- (b) employ as workmen for the execution of any work in any establishment in any State, persons from another State (whether or not in addition to other workmen) except under and in accordance with a licence issued in that behalf,-

- (i) if such establishment is an establishment referred to in sub-clause (i) of clause (a) of sub-section (1) of section 2, by the licensing officer appointed by the Central Government who has jurisdiction in relation to the area wherein the establishment is situated;
- (ii) if such establishment is an establishment referred to in sub-clause (ii) of clause (a) of sub-section (1) of section 2, by the licensing officer appointed by the State Government who has jurisdiction in relation to the area wherein the establishment is situated.

(2) Subject to the provisions of this Act, a licence under sub-section (1) may contain such conditions including, in particular, the terms and conditions of the agreement or other arrangement under which the workmen will be recruited, the remuneration payable, hours of work, fixation of wages and other essential amenities in respect of the inter-State migrant workmen, as the appropriate Government may deem fit to impose in accordance with the rules, if any, made under section, 35 and shall be issued on payment of such fees as may be prescribed:

Provided that if for any special reasons, the licensing officer is satisfied that it is necessary to require any person who has applied for, or who has been issued, a licence to furnish any, security for the due performance of the conditions of the licence, he may, after communicating such reasons to such person and giving him an opportunity to represent his case, determine in accordance with the rules made in this behalf the security which shall be furnished by such person for obtaining or, as the case may be, for continuing to hold the licence.

(3) The security which may be required to be furnished under the proviso to sub-section (2) shall be reasonable and the rules for the purposes of the said proviso shall, on the basis of the number of workmen employed, the wages payable to them, the facilities which shall be afforded to them and other relevant factors provide for the norms with reference to which such security may be determined.

9. Grant of licences. (1) Every application for the grant of a licence under sub-section (1) of section 8 shall be made in the prescribed form and shall contain the particulars regarding the location of the establishment, the nature of process, operation or work for which inter-State migrant workmen are to be employed and such other particulars as may be prescribed.

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

(3) A licence granted under section 8, shall be valid for the period specified therein and maybe renewed from time to time for such period and on payment of such fees and on such conditions as may be prescribed.

COMMENTS

The licensing officer may investigate in respect of an application by following such procedure as may be prescribed.

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

- (a) a licence granted under section 8 has been obtained by misrepresentation or suppression of any material fact, or

- (b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity to be heard, by order in writing, revoke the licence or forfeit the security furnished by him under the proviso to sub-section (2) of section 8 or any part thereof and communicate the order to the holder of the licence:

Provided that where the licensing officer considers it necessary so to do for special reasons, he may, pending such revocation or forfeiture, by order, suspend the operation of the licence for such period as may be specified in the order and serve, by registered post, such order along with a statement of the reasons on the holder of the licence and such order shall take effect on the date on which such service is effected.

- (2) Subject to any rules that may be made in this behalf, the licensing officer may vary or amend a licence granted under section 8.

COMMENTS

The licensing officer may revoke, suspend and amend the licence after giving the licensed holder an opportunity to be heard.

11. Appeal.- (1) Any person aggrieved by an order made under section 4, section 5, section 8 or section 10 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to an appellate officer who shall be a person nominated in this behalf by the appropriate Government:

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

COMMENTS

Any person aggrieved by an order made under sections 4, 5, 8, and 10 may within thirty days from the knowledge of such order, prefer an appeal to an appellate officer nominated by the appropriate Government in this behalf. Sufficient cause have to be given for condonation of delay in filing the appeal in statutory time under this Act.

CHAPTER IV **DUTIES AND OBLIGATIONS OF CONTRACTORS**

12. Duties of contractors.- (1) It shall be the duty of every contractor-

- (a) to furnish such particulars and in such form as may be prescribed, to the specified authority in the State from which an inter-State migrant workman is recruited and in the State in which such workman is employed, within fifteen days from the date of recruitment, or, as the case may be, the date of employment, and where any change occurs in any of the particulars so furnished such change shall be notified to the specified authorities of both the States;

- (b) to issue to every inter-State migrant workman, a pass book affixed with a passport size photograph of the workman and indicating in Hindi and English languages, and where the language of the workman is not Hindi or English, also in the language of the workman,-

- (i) the name and place of the establishment wherein the workman is employed;

- (ii) the period of employment;
 - (iii) the proposed rates and modes of payment of wages;
 - (iv) the displacement allowance payable;
 - (v) the return fare payable to the workman on the expiry of the period of his employment and in such contingencies as may be prescribed and in such other contingencies as may be specified in the contract of employment;
 - (vi) deductions made; and
 - (vii) such other particulars as may be prescribed;
- (c) to furnish in respect of every inter-State migrant workman who ceases to be employed, a return in such form and in such manner as may be prescribed, to the specified authority in the State from which he is recruited and in the State in which he is employed, which shall include a declaration that all the wages and other dues payable to the workman and the fare for the return journey back to his State have been paid.

(2) The contractor shall maintain the pass book referred to in sub-section (1) up-to-date and cause it to be retained with the inter-State migrant workman concerned.

Explanation.-For the purposes of this section and section 16 "specified authority" means such authority as may be specified by the appropriate Government in this behalf.

CHAPTER V WAGES WELFARE AND OTHER FACILITIES TO BE PROVIDED TO INTER-STATE MIGRANT WORKMEN

13. Wage rates and other conditions of service of inter-State migrant workmen.- (1) The wage rates, holidays, hours of work and other conditions of service of an inter-State migrant workman shall,-

- (a) in a case where such workman performs in any establishment, the same or similar kind of work as is being performed by any other workman in that establishment, be the same as those applicable to such other workman; and
- (b) in any other case, be such as may be prescribed by the appropriate Government:

Provided that an inter-State migrant workman shall in no case be paid less than the wages fixed under the Minimum Wages Act, 1948 (41 of 1948).

(2) Notwithstanding anything contained in any other law for the time being in force, wages payable to an inter-State migrant workmen under this section shall be paid in cash.

COMMENTS

(i) Section 13 deals with the wage rates, holidays, hours of work and other conditions of service of inter-State migrant workmen.

(ii) An inter-State migrant workman shall in no case be paid less than the wages fixed under the Minimum Wages Act, 1948.

(iii) Wages payable to an inter-State migrant workman/under this section shall be paid in 'cash' and not in any other manner/form.

14. Displacement allowance.- (1) There shall be paid by the contractor to every inter-State migrant workman at the time of recruitment, a displacement allowance equal to fifty per cent. of the monthly wages payable to him or seventy-five rupees, whichever is higher

(2) The amount paid to a workman as displacement allowance under sub-section (1) shall not be refundable and shall be in addition to the wages or other amount payable to him.

COMMENTS

Every inter-State migrant workman is entitled to a displacement allowance at the time of recruitment, which may be either seventy-five rupees or half of the monthly wages payable to him, whichever is higher.

15. Journey allowance etc.-A journey allowance of a sum not less than the fare from the place of residence of the inter-State migrant workman in his State to the place of work in the other State shall be payable by the contractor to the workman both for the outward and return journeys and such workman shall be entitled to payment of wages during the period of such journeys as if he were on duty.

COMMENTS

Every inter-State migrant workman is entitled to payment of wages during the period of journey on duty and is also entitled to 'journey allowance' for outward and return journeys from the place of residence in his State to the place of work in the other State.

16. Other facilities.- It shall be the duty of every contractor employing inter-State migrant workmen in connection with the work of an establishment to which this Act applies,-

- (a) to ensure regular payment of wages to such workmen;
- (b) to ensure equal pay for equal work irrespective of sex;
- (c) to ensure suitable conditions of work to such workmen having regard to the fact that they are required to work in a State different from their own State;
- (d) to provide and maintain suitable residential accommodation to such workmen during the period of their employment;
- (e) to provide the prescribed medical facilities to the workmen, free of charge;
- (f) to provide such protective clothing to the workmen as may be prescribed; and
- (g) in case of fatal accident or serious bodily injury to any such workman, to report to the specified authorities of both the States and also the next of kin of the workman.

17. Responsibility for payment of wages.- (1) A contractor shall be responsible for payment of wages to each inter-State migrant workman employed by him and such wages shall be paid before the expiry of such period as may be prescribed.

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

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

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

18. Liability of principal employer in certain cases. -(1) If any allowance required to be paid under section 14 or section 15 to an inter-State 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 workman, such allowance shall be paid, or, as the case may be, the facility shall be provided, by the principal employer within such time as may be prescribed.

(2) All the allowances paid by the principal employer or all the expenses incurred by him in providing the facility referred to in sub-section (1) may be recovered by him from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

19. Past liabilities.- It shall be the duty of every contractor and every principal employer to ensure that any loan given by such contractor or principal employer to any inter-State migrant workman does not remain outstanding after the completion of the period of employment of such workman under the said contractor or, as the case may be, in the establishment of such principal employer and accordingly every obligation of an inter-State migrant workman to repay any debt obtained by him during the period of his employment from the contractor or the principal employer and remaining unsatisfied before the completion of such period shall, on such completion, be deemed to have been extinguished and no suit or other proceeding shall lie in any court or before any authority for the recovery of such debt or any part thereof.

CHAPTER VI **INSPECTING STAFF**

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

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

(a) if he has reason to believe that any inter-State migrant workmen are employed in any premises or place, enter, at all reasonable hours, with such assistants (if any), being persons in the service of the Government or any local or other public authority as he thinks fit, such premises or place for the purpose of-

(i) satisfying himself whether the provisions of this Act in relation to the payment of wages, conditions of service, or facilities to be provided to such workmen are being complied with;

(ii) examining any register or record or notices required to be kept or exhibited by the provisions of this Act or the rules made thereunder, and requiring the production thereof for inspection;

(b) examine any person found in any such premises or place for the purpose of determining whether such person is an inter-State migrant workman;

(c) require any person giving out work to any workman, to give any information, which is in his power to give, with respect to the names and addresses of the persons to, for and from whom the work is given out or received, and with respect to the payments to be made for the work;

(d) seize or take copies of such register, record of wages, or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by a principal employer or contractor, and

(e) exercise such other powers as may be prescribed.

(3) Notwithstanding anything contained in sub-sections (1) and (2), if a State Government considers it necessary for the purpose of satisfying itself that the provisions of this Act are being complied with in respect of any workmen belonging to that State and employed in an establishment situated in another State, it may, by order in writing, appoint such persons, being persons in the service of that Government, for the exercise of such of the powers mentioned in sub-section (2), as may be specified in that order:

Provided that no such order shall be issued without the concurrence of the Government of the State in which such workmen are employed or where the establishment is an establishment referred to in sub-clause (i) of clause (a) of sub-section (1) of section 2, without the concurrence of the Central Government.

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

(5) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.

CHAPTER VII **MISCELLANEOUS**

21. Inter-State migrant workmen to be deemed to be in employment from date of recruitment for the purposes of certain enactments.- For the purposes of the enactments specified in the Schedule, an inter-State migrant workman shall, on and from the date of his recruitment, be deemed to be employed and actually worked in the establishment or, as the case may be, the first establishment in connection with the work of which he is employed.

22. Provisions regarding industrial disputes in relation to inter-State migrant workmen.-

(1) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), any dispute or difference in connection with the employment or non-employment or the terms of employment or the conditions of labour, of an inter-State migrant workman (hereafter in this section referred to as the industrial dispute), may,-

(a) if the industrial dispute is relatable to an establishment referred to in sub-clause (i) of clause (a) of sub-section (1) of section 2, be referred under the provisions of the said Act, by the Central Government to any of the authorities referred to in Chapter of that Act (hereafter in this section referred to as the said authorities),-

(i) in the State wherein the establishment is situated;

(ii) in the State wherein the recruitment of such workman was made if he makes an application in that behalf to that Government on the ground that he has returned to that State after the completion of his employment;

(b) if the industrial dispute is relatable to an establishment referred to in sub-clause (ii) of clause (a) of sub-section (1) of section 2,-

- (i) be referred under the provisions of the said Act, by the Government of the State wherein the establishment is situated, to any of the said authorities in that State; or
- (ii) be referred under the provisions of the said Act, by the Government of the State wherein the recruitment of such workman was made to any of the said authorities in that State, if he makes an application in that behalf to that Government on the ground that he has returned to that State after the completion of his employment:

Provided that-

- (a) no application referred to in sub-clause (ii) of clause (a) or sub-clause (ii) of clause (b) shall be entertained after the expiry of a period of six months from the date of his return to the State wherein the recruitment was made after the completion of his employment, unless the Government concerned is satisfied that the applicant was prevented by sufficient cause from making the application within that period;
- (b) no reference under the said sub-clause (ii) of clause (b) shall be made except after obtaining the concurrence of the Government of the State wherein the establishment concerned is situated.

(2) Without prejudice to the provisions of section 338 of the Industrial Disputes Act, 1947 (14 of 1947), where during the pendency of any proceeding in respect of an industrial dispute under that Act before any of the said authorities in the State wherein the establishment is situated, an application is made to that authority by an inter-State migrant workman for the transfer of such proceeding to a corresponding authority in the State wherein his recruitment was made on the ground that he has returned to that State after the completion of his employment, that authority shall forward the application to the Central Government, or, as the case may be, to the Government of the State wherein such recruitment was made and transfer such proceeding in the prescribed manner to such authority as may be specified in this behalf by that Government:

Provided that in a case where no authority has been specified by the Government concerned within the prescribed period, the authority before which the proceeding is pending shall, on a request being made by the inter-State migrant workman and after obtaining the previous approval of the Government which referred the dispute to that authority, forward such proceeding to the Government concerned for reference of such dispute to an authority in the State wherein such recruitment was made.

(3) Without prejudice to the provisions of sub-section (2), if the Central Government is satisfied that it is expedient in the interests of justice so to do, it may, by order in writing and for reasons to be stated therein, withdraw any proceeding in respect of any industrial dispute

relating to an inter-State migrant workman pending before an authority in the State in which the establishment concerned is situated and transfer the same to such authority in the State wherein the recruitment of such workman was made as may be specified in the order.

(4) The authority to which any proceeding is transferred under this section may proceed either *de novo* or from the stage at which it was so transferred.

23. Registers and other records to be maintained.- (1) Every principal employer and every contractor shall maintain such registers and records giving such particulars of the inter-State migrant workmen employed, the nature of work performed by such workmen, the rates of wages paid to the workmen and such other particulars in such form as may be prescribed.

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

24. Obstructions.- (1) Whoever obstructs an inspector or a person appointed under sub-section (3) of section 20 (hereinafter referred to as the authorised person) in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector or authorised person any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act in relation to an establishment to which, or a contractor to whom, this Act applies, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

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

25. Contravention of provisions regarding employment of inter-State migrant workmen.- Whoever contravenes any provisions of this Act or of any rules made there under regulating the employment of inter State migrant workmen, or contravenes any condition of a licence granted under this Act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

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

27. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation. -For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

28. Cognizance of offences.- No court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of, an inspector or authorised person and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

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

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

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

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

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

31. Power to exempt in special cases.- The appropriate Government may, by notification in the Official Gazette and subject to such conditions and restrictions, if any, and for such period or periods as may be specified in the notification, direct that all or any of the provisions of this Act or the rules made thereunder shall not apply to or in relation to any establishment or class of establishments or any contractor or class of contractors or any inter-State migrant workmen in such establishments or class of such workmen, if that Government is satisfied that it is just and proper so to do having regard to the methods of recruitment and the conditions of employment in such establishment or class of establishments and all other relevant circumstances.

32. Protection of action taken under Act.- (1) No suit, prosecution or other legal proceedings shall lie against any registering officer, licensing officer or any other employee of the Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

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

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

34. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date on which this Act comes into force.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

35. Power to make rules.- (1) The appropriate Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the form and manner in which an application for the registration of an establishment may be made under section 4, the fees payable thereon and the form of a certificate of registration issued under that section;
- (b) the form in which an application for the grant or renewal of a licence may be made under section 9 and the particulars it may contain;
- (c) the manner in which an investigation is to be made in respect of an application for the grant of a licence and the matters to be taken into account in granting or refusing a licence;
- (d) the form of a licence which may be granted or renewed under this Act, the conditions subject to which the licence may be granted or renewed, the fees payable for the grant or renewal of a licence and the security, if any, required to be furnished for the performance of the conditions of the licence;
- (e) the circumstances under which licence may be varied or amended under section 10;
- (f) the form and the manner in which appeals may be filed under section 11 and the procedure to be followed by appellate officers in disposing of the appeals;
- (g) the wage rates, holidays, hours of work and other conditions of service which an inter-State migrant workman is entitled under section 13;
- (h) the period within which wages payable to inter-State migrant workmen should be paid by the contractor under sub-section (1) of section 17 and the manner of certification of such payment under sub-section (2) thereof;
- (i) the time within which allowances or facilities required by this Act to be provided and maintained may be so provided by the contractor and in case of default on the part of the contractor, by the principal employer under section 18;
- (j) the powers that may be exercised by inspectors under section 20;
- (k) the form of registers and records to be maintained, and the particulars and information to be contained in notices to be exhibited, by the principal employers and contractors under section 23 ;
- (l) the manner of submission of returns, and the forms in which, and the authorities to which, such returns may be submitted;
- (m) legal aid to inter-State migrant workmen;
- (n) any other matter which is required to be, or may be, prescribed under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified

form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

36. Repeals and saving.- (1) The Orissa Dadan Labour (Control and Regulation) Act, 1975 (Orissa Act 42 of 1975) and any law corresponding to this Act, in force in any State, shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Act or law so repealed shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue to be in force accordingly until superseded by anything done or any action taken under this Act.

THE SCHEDULE
(See section 21)

1. The Workmen's Compensation Act, 1923 (8 of 1923).
 2. The Payment of Wages Act, 1936 (4 of 1936).
 3. The Industrial Disputes Act, 1947 (14 of 1947).
 4. The Employees' State Insurance Act, 1948 (34 of 1948).
 5. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).
 6. The Maternity Benefit Act, 1961 (53 of 1961).
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**THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT. AND
CONDITIONS OF SERVICE) CENTRAL
RULES, 1980¹**

Whereas certain draft of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 were published at pages 1122-1161 of the Gazette of India, Part II, Section 3, Sub-section (i), dated the 17th May, 1980 with the notification of the Government of India in the Ministry of Labour No. G.S.R. 566, dated the 6th May, 1980 for inviting objections or suggestions from all persons likely to be affected there by till the 2nd July, 1980 and whereas objections or suggestions received from public have been considered by the Central Government. 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 (30 of 1979), the Central Government hereby makes the following Rules, namely:-

CHAPTER I

1. Short title and commencement.- (1) These rules may be called the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980.

(2) They shall come into force from the Second day of October, 1980.

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;
- (b) "Appellate Officer" means an appellate officer nominated by the Central Government under section 11;
- (c) "Deputy Chief Labour Commissioner (Central)" means an officer as such appointed by the Central Government;
- (d) "Form" means a form appended to these rules;
- (e) "Inspector" means an Inspector appointed by the Central Government under section 20;
- (f) "Licensing Officer". means the licensing officer appointed by the Central Government under section 7;
- (g) "migrant workman" means an inter-State migrant workman as defined in section 2;
- (h) "registering officer" means the registering officer appointed by the Central Government under section 3;
- (i) "section" means a section of the Act;
- (j) "specified authority" means the authority specified by the Central 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 them in the Act.

1.	<i>Vide</i> G.S.R. 514 (E), dated 11th August, 1980.
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CHAPTER II

3. Manner of making application for registration of establishment.- (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) The application shall be accompanied by a crossed demand draft showing payment of the fees for the registration of the establishment.

(3) The application shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application, the registering officer shall, after noting thereon the date of receipt by him of the application, give an acknowledgement to the applicant.

4. Issue of certificate of registration.- (1) Where the registering officer registers of establishment, he shall issue to the principal employer a certificate of registration in Form II.

(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) 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 the registration 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 applicants 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 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) Where on receipt of the intimation 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 showing such deposit.

(2) Where, on receipt of the intimation referred to in ¹[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:

1.	Subs. by G.S.R. 53(E), dated 4th February, 1984.
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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.

7. Application for a licence.- (1) Every application by a contractor for the grant of a 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 the recruitment is made.

(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) (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 employer in Form VI to the effect that he undertakes to be bound by all the provisions of the Act and the rules made there under 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.

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

(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.

(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 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 the period of five years immediately preceding the date of application, of an offence which, in the opinion of the Central Government involves moral turpitude;

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

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

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

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

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

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

10. Security.- ¹[(1) Where the Licensing Officer is satisfied 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 all the amounts needed to provide for recruitment or employment of migrant workmen on the basis of the following factors, namely:-

- (i) Wages equivalent to one wage period payable under clause (v) of sub-rule (2) of rule 11, read with rule 25,
- (ii) Provision of medical facilities under rule 37,
- (iii) Provision of protective clothing under rule 38, wherever applicable,
- (iv) Provision of drinking water, latrines, urinals, and washing facilities under rule 39 read with rules 42 and 43,
- (v) Provision of rest rooms under rule 40, wherever applicable,
- (vi) Provision of canteens under rule 41, wherever applicable ,
- (vii) Provision of crèche under rule 44, wherever applicable,
- (viii) Provision of residential accommodation under rule 45,
- (ix) Journey allowance under section 15,
- (x) Number of migrant workmen employed or recruited, and
- (xi) Duration of work.

(2) The Licensing Officer shall determine the amount of the security to be furnished by such person, after considering the solvency of such person, not exceeding 40 percent of the amount estimated by him in accordance with sub-rule (1) above]

²[(3)] Where the applicant for 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 the 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.

1.	Subs. by G.S.R. 316(E) dated 25th February, 1986 (w.e.f. 25-2-1986).
2.	Re-numbered by G.S.R. 316(E), dated 25th February, 1986 (w.e.f. 25-2-1986).

11. Forms and terms and conditions of licence:- (1) Every licence issued under sub-section (1) of section 8 shall be in Form VII

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

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

- (ii) the terms and conditions of the agreement or arrangement or the arrangement under which the migrant workman is recruited or employed;
- (iii) the number of migrant workmen recruited or employed;
- (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 conditions (iii);
- (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, 1984, for such employment and where the rates have been fixed by the agreement, settlement or award, not less than the rates so fixed;
- (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) (a) in cases 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 conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the Principal Employer of the establishment on the same or similar kind of work:
Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Deputy Chief Labour Commissioner (Central) ¹[***];
(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 workman shall be entitled to allowances, benefits, facilities, etc., as prescribed in the Act and the Rules;
- (ix) no female migrant workman 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, Crèches and canteens and Midwives and Nurses in hospitals and dispensaries;
- (x) the contractor shall notify any change in the number of migrant workmen or the conditions of work to the licensing officer;
- (xi) the contractor shall comply with all the provisions of the Act and the Rules;
- (xii) a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed;
- (xiii) the period for which the licence shall be valid;

1.	Omitted by G.S.R. 316(E) dated 25th February, 1986 (w.e.f. 25-2-1986).
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¹[(xiv) any change in the number of migrant workmen shall be notified to the licensing officer within seven days of this change.]

²[**12 Fees.**- (1) The fees to be paid for the grant of certificate of registration of an establishment under section 7, shall be as specified below:

If the number of migrant workmen proposed to be employed in the establishments on any day,

(a) is 5 and not exceeding 20

Rs. 60

(b) exceeding 20 and upto 50	Rs.	150
(c) exceeding 50 and upto 100	Rs.	300
(d) exceeding 100 and upto 200	Rs.	600
(e) exceeding 200 and upto 400	Rs.	1,200
(f) exceeding 400	Rs.	1,500

(2) The fees to be paid for grant of licence under section 7 shall be as specified below:-

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

(a) is 5 and not exceeding 20	Rs.	15
(b) exceeding 20 and upto 50	Rs.	40
(c) exceeding 50 and upto 100	Rs.	80
(d) exceeding 100 and upto 200	Rs.	150
(e) exceeding 200 and upto 400	Rs.	300
(f) exceeding 400	Rs.	400].

13. Amendment of the licence.- (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) The contractor who desires to have the licence amended shall submit to the licensing officer an application stating the nature of amendment and reasons there for.

(3) (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.

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

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

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

(2) The application shall be in Form IX 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 shall be deemed to have been renewed until such date when the renewed licence is issued.

1.	Ins. by G.S.R. 932(E), dated 25th November, 1987.
2.	Subs. by G.S.R. 514, dated 29th June, 1989.

(3) The fees chargeable for renewal of the licence shall be 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 or 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 month from the date of the order of renewal.

16. Issue of duplicate certificate of registration or licence.- Where a certificate of 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 ¹[Rs.20.00].

17. Refund of security.- (1) (i) On expiry of the period of licence the contractor may, if he does not intend to have his licence renewed 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.

(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 security or any portion thereof, he shall direct the refund of the security to the applicant.

(2) If there is any order directing the forfeiture of 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.

(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) (i) Every appeal under section 11 shall be prepared in the form of a memorandum signed by the appellant or his authorised agent and presented to the Appellate Officer in person or sent to him by registered post.

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

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

(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 to be fixed by the Appellate Officer .

(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.

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

1. Subs. by G.S.R. 514, dated 29th June, 1989.

(6) (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 there upon send the record of the case to the Appellate Officer.

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

(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.

(8) (i) Where an appeal has been dismissed under sub- rule (7), the appellant 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.

(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

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

(ii) The judgement of the Appellate Officer shall state the points for determination, decisions thereon the reasons for the decisions.

(iii) The order shall be communicated to the appellant and a copy thereof 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 orders.- A copy of the order of the Registering Officer, licensing Officer or Appellate Officer may be obtained on payment of fees of ¹[Rs. 500] per copy of each order on application specifying the date and other particulars of the order, made to the officer concerned.

20 Payment of fees and security deposits.- (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 departmental 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 concerned Pay and Accounts Office.

(2) The heads of accounts under which the receipt relating to the fees for registration, licensing and appeals, etc. shall be credited will be "B-Non-Tax Revenue-087 Labour and Employment-Receipts under the Inter-State Migrant Workmen (Regulations and Conditions of Service) Central Rules, 1980". The Security Deposits are to be booked under the head "Deposits Advances- (b) Deposits not bearing interest-843-Civil-Deposits-Security Deposits.

1.	Subs. by G.S.R. 514, dated 29 th June. 1989.
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CHAPTER III
DUTIES OF THE CONTRACTOR

21. Particulars of migrant workman.- (1) Every contractor shall furnish to the specified authorities the particulars regarding recruiting and employment of migrant workmen in Form X.

(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 of 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 practitioner;
- (c) cessation of work in the establishment which is not due to any fault on the part of 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) In the pass book referred to in clause (4) sub-section (1) of section 12, the following additional particulars shall be indicated namely

- (a) the date of recruitment;
- (b) the date of employment;
- (c) 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 migrant 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, under mentioned 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 48 hours of the time of occurrence of the accident.

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

CHAPTER IV **WAGES**

25. Rate 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 workman in that establishment shall not be less than the rate of wages paid by the principal employer to a workman in the lowest category of workmen directly employed by him in that establishment or the minimum rates of wages notified by the Central 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 rate to a migrant workman under sub-clause (b) of sub-section (1) of section 13, the same shall be decided by the Deputy Chief Labour Commissioner (Central) ¹[***].

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 or 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 final payments, shall be made within forty-eight hours of the last working day.

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

32. 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 Central Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936.

1.	Omitted by G.S.R. 316(E), dated 25th February, 1986 (w.e.f. 25-2-1986).
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33. A notice showing the wages period and the place and time of disbursement of wages shall be displayed at the place of work and a copy sent by the Contractor to the Principal Employer under acknowledgement.

34. 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 workman; and it shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorised representative.

35. The authorised representative of the principal employer shall order under his signature a certificate 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 concern 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) Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman shall not be less favourable than those obtaining in that establishment or in similar employment in the area in which the establishment is located, as the case may be.

(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 Deputy Chief Labour Commissioner (Central) ¹[***].

37. Medical facilities.- (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 workman 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 ²[including the fee upto Rs.10 per consultation], 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) 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 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.

1.	Omitted by G.S.R. 316(E), dated 25 th February, 1986 (w.e.f. 25-2-1986).
2.	Ins. by G.SR. 22(E), dated 14 th January, 1991 (w.e.f.4-1-1991).

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

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

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

- (i) 6 small sterilized dressings;
- (ii) 3 medium size sterilized dressings;
- (iii) 3 large size sterilized dressings;
- (iv) 3 large sterilized burn dressings;
- (v) 1 (30 ml.) bottle containing a two per cent alcoholic solution of iodine;
- (vi) 1 (30 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label;
- (vii) 1 snake-bite lancet;
- (viii) 1 (30 gms.) bottle of potassium permanganate crystals;
- (ix) 1 pair scissors;
- (x) 1 copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institute, Government of India;
- (xi) a bottle containing 100 tablets (each of 5 grains) of aspirin;
- (xii) ointment for burns; and
- (xiii) a bottle of suitable surgical antiseptic solution.

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

- (i) 12 small sterilized dressings;
- (ii) 6 medium size sterilized dressings;
- (iii) 6 large size sterilized dressings;
- (iv) 6 large size sterilized burn dressings;
- (v) 6 (15 gms.) packets sterilized cotton wool;
- (vi) 1 (80 ml.) bottle containing a two per cent alcoholic solution of iodine;
- (vii) 1 (60 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label;
- (viii) 1 roll of adhesive plaster;
- (ix) 1 snake-bite lancet;
- (x) 1 (30 gms.) bottle of potassium permanganate crystals;
- (xi) 1 pair scissors;
- (xii) J copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institute, Government of India;

- (xiii) a bottle containing 100 tablets (each of 5 grains) of aspirin;
- (xiv) ointment for burns; and
- (xv) a bottle of suitable surgical antiseptic solution.

(5) Adequate arrangements shall be made for immediate recoupment when necessary.

(6) Nothing except the contents mentioned in sub-rule (4) shall be kept in the first-aid box.

(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.

(8) The person in-charge 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) 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 centigrade a woollen overcoat shall also be provided to the migrant workmen once in three years.

(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) 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 commencement of these rules, and in case of new establishment, within seven days of the commencement of employment of migrant workmen therein.

(2) If any of the facilities is not provided by the contractor within 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) 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 days of the coming into force of the rules in case of the existing establishments, and within fifteen days of the commencement of the employment of migrant workmen in the case of new establishments.

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

(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 be provided and maintained sufficient and suitable natural and artificial lighting.

(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 meter for each person.

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

41. Canteens.- (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 the case of the existing establishments, and within sixty days of the commencement of the employment of migrant workmen in the case of new establishments.

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

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

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

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

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

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

(6) (i) The precincts of the canteen shall be maintained in a clean and sanitary condition.

(ii) Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance.

(iii) Suitable arrangements shall be made for the collection and disposal of garbage.

(7) The dining hall shall accommodate at a time at least 30 per cent of the migrant workmen working at a time.

(8) The floor area of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs shall not be less than one square meter per dinner to be accommodated as specified in sub-rule (7).

(9) (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 .

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

(10) Sufficient tables, stools, chairs or benches shall be available for the dinners to be accommodated as specified in sub-rule (7).

(11) (i) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen.

(ii) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition.

(12) (i) Suitable clean clothes for the employees serving in the canteen shall be provided and maintained.

(ii) A service counter, if provided, shall have top of smooth and impervious material.

(iii) Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

(13) The foodstuffs and other items to be served in the canteen shall be in conformity; with the normal habits of the migrant workmen.

(14) The charges for meals, other foodstuffs, beverages and other items served in the canteen shall be based on no-profit, no-loss basis and shall be conspicuously displayed in the canteen.

(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:-

- (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 equipment's 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 an Inspector.

(17) The accounts pertaining to the canteen shall be audited once every twelve months by registered Accountants and Auditors:

Provided that the Deputy Chief Labour Commissioner (Central) may approve of any other person to audit the accounts, if he is satisfied that it is not feasible to appoint a registered Accountant and Auditor in view of the site or the location of the canteen.

42. Latrines and urinals.- (1) Latrines shall be provided in every establishment 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 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.

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

(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.

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

(4) There shall be at least one urinal for male workers upto fifty and one 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 females upto the first 500 and one for every 100 or part thereof thereafter.

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

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

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

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

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

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

44. Creche.- (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) One of such rooms shall be used as playroom for the children and the other as bedroom for the children.

(3) If the contractor fails to provide the crèche within the time laid down, the same shall be provided by the Principal Employer within fifteen days of the expiry of the time allowed to the Contractor.

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

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

(7) Effective and suitable provisions shall be made in every room of the crèche 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) The contractor shall provide to every migrant workman-

- (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 meters, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine, one common bathroom for every three such quarters; and
- (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 meters 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 establishment.

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

(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.

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

(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.

(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 by Deputy Chief Labour Commissioner Central ¹[***].

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 urgent medical attention or hospitalisation as the case may be, the principal employer shall provided the same immediately on the failure of the contractor to do so.

1. Omitted by G.S.R. 316(E), dated 25th February, 1986 (w.e.f. 25-2-1986).
--

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 restrooms or latrines and urinals or washing, canteen or crèche 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 **XIV**.

51. Displacement-cum-outward journey allowances sheet and return journey allowances register.- ¹[(1) Every contractor shall maintain displacement-cum-outward journey allowance sheet in Form **XV** and return journey allowance register in Form **XVI**.]

(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 representative.

52. Muster roll, wages register, deductions register and overtime register.- (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 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 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 fines;
- (e) register of overtime;
- (f) register of advances.

(2) In respect of establishment 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 Register and a Register of Wages in Forms **XVII** and **XVIII** respectively.

1.	Subs. by G.S.R. 932(E), dated 25 th November, 1987.
----	--

- (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 signature of 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 deduction, 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 Form **XIX**, **XX** and **XXI** respectively.
- (d) Every contractor shall maintain register of overtime 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 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 Deputy Chief Labour Commissioner (Central).

53. Maintenance and preservation of registers.- (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 of the nearest convenient building within the precincts of the work place or at a place, if any, specified by the Inspector on the specific request made by the contractor in this behalf.

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

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

(4) All the registers, records and notices maintained under the Act or Rules shall be produced on demand before the Inspector or Deputy Chief Labour Commissioner (Central) or any other authority under the Act or any person authorised in that behalf by the Central Government.

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

54. Display of an abstract of the Act and the Rules.- Every contractor shall display an abstract of the Act and the rules in English and Hindi and in language spoken by majority of migrant workmen in such form as may be approved by the Deputy Chief Labour Commissioner (Central).

55. Notices.- (1) (i) Notices showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and addresses of the Inspectors having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and in Hindi and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor, as the case may be.

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

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

56. Periodical returns.- (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 the 1st January and 1st July every year".

(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) The Deputy Chief Labour Commissioner (Central) or the Inspector or any other authority under the Act 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) 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 workmen or in the event of his death, from next of his kin 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 Deputy Chief Labour Commissioner (Central) 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.

¹[*CHAPTER VIII*

APPEAL

59. (1) Any person aggrieved by an order made under proviso to clause (vii) of sub-rule (2) of rule 11, rule 25, sub-rule (2) of rule 36, and sub-rule (6) of rule 45, within 30 days from the date of which order is communicated to him, may prefer an appeal to the Chief Labour Commissioner (Central):

Provided that the Chief Labour Commissioner (Central) may entertain the appeal after the expiry of the period of 30 days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-rule (1), the Chief Labour Commissioner (Central) shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.]

1. Added by G.S.R. 316(E). dated 25 th February, 1986 (w.e.f. 25-2-1986).
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FORM I
[See rule 3(1)]

Application for registration of establishments employing migrant workmen

1. Name and location of the establishment.
2. Postal Address of the establishment.
3. Full name and address of the principal employer (furnish father's/husband's name in the case of individuals).
4. Names and addresses of the directors/particular partners (in case of companies and firms).
5. Full name and address of the Manager or person responsible for the supervision and control of the establishment.
6. Nature of work carried on in the establishment.
7. Particulars of contractors and migrant workmen.
 - (a) Names and addresses of contractors.
 - (b) Nature of work for which migrant workmen are to be recruited or are employed.
 - (c) Maximum number of migrant workmen to be employed on any day through each contractor.
 - (d) Establishment date and commencement of work under each contractor.
 - (e) Estimated date of termination of employment of migrant workmen under each contractor.
8. Particulars of crossed demand draft _____ (Name of the Bank, Amount, Number and Date)

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

Principal Employer
Seal and Stamp
office of the Registering Officer

Date of receipt of application:

FORM II

[See rule 4 (1)]

Certificate of registration

Date _____

GOVERNMENT OF INDIA

Office of the Registering Officer

A certificate of registration containing the following particulars is hereby granted under clause (a) of sub-section (2) of section 4 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the rules made thereunder to _____

1. Nature of work carried on in the establishment.
2. Names and addresses of the contractors.
3. Nature of work for which migrant workmen are to be employed or are employed.
4. Maximum number of migrant workmen to be employed on any day through each contractor.
5. Other particulars relevant to the employment of migrant workmen.
 - (i)
 - (ii)

*Signature of Registering
Officer with Seal*

FORM III

[See rule (2)]

FORM IV
[See rule 7 (1)]
Application for Licence for Recruitment

1. Name and address of the contractor (including his father's/ husband's name in case of individuals.)
2. Date of birth and age (in case of individuals)
3. Particulars of establishment where migrant workmen are to be employed:
 - (a) Name and address of the establishment;
 - (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment;
 - (c) Number and date of certificate of registration of the establishment under the Act;
 - (d) Name and address of the principal employer.
4. Particulars of migrant workmen:
 - (a) Nature of work in which migrant workmen are employed or are to be employed in the establishment.
 - (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending).
 - (c) Name and address of the agent or manager of the contractor at the work-site.
 - (d) Maximum number of migrant workmen proposed to be employed in the establishment on any date.
 - (e) Names and addresses of the directors/partners (in case of companies and firms).
 - (f) Name(s) and address(es) of the person(s) in charge of and responsible to the company/firm, for the conduct of the business of the company/firm, as the case may be.
5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.
6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.
7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishment, and nature of work.
8. Whether a certificate by the principal employer in Form **VI** is enclosed.
9. Amount of licence fee paid No. of crossed demand draft and date.
10. Amount of security deposit, if any.

Declaration

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

Place

Date

Signature of the Applicant
(Contractor)

NOTE.- The application should be accompanied by a crossed demand draft showing the payment of the prescribed licence fee and security deposit, if any and a certificate in Form V from the Principal Employer.

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

Date of receipt of the application with crossed demand draft for fees.

Signature of the Licensing Officer

FORM V

[See rule 7(2)]

Application for Licence for Employment

1. Name and address of the contractor (including his father's/ husband's name in case of individuals.)
2. Date of birth and age (in case of individuals)
3. Particulars of establishment where migrant workmen are to be employed:
 - (a) Name and address of the establishment;
 - (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment;
 - (c) Number and date of certificate of registration of the establishment under the Act;
 - (d) Name and address of the principal employer.
4. Particulars of migrant workmen:
 - (a) Nature of work in which migrant workmen are employed or are to be employed in the establishment.
 - (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending).
 - (c) Name and address of the agent or manager of the contractor at the work-site.
 - (d) Maximum number of migrant workmen proposed to be employed in the establishment on any date.
 - (e) Names and addresses of the Directors/Partners (in case of companies and, firms).
 - (f) Name(s) and address(es) of the person(s) in charge of and responsible to the company/firm for the conduct of the business of the company/firm, as the case may be.
5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.
6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.
7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishment, and nature of work.

8. Whether a certificate by the principal employer in Form VI is enclosed.

9. Amount of licence fee paid..... No. of crossed demand draft and date.

10. Amount of security deposit, if any.

Declaration

I hereby declare that the details given are correct to the best of my know ledge and belief.

Place:

Date:

*Signature of the Applicant
(Contractor)*

NOTE: The application should be accompanied by a crossed demand draft showing the payment of the prescribed fee and security deposit, if any certificate in Form VI from the principal employer.

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

Date of receipt of the application with crossed demand draft for fees.

Signature of the Licensing Officer

FORM VI

[See rule 7(3)]

Form of certificate by principal employer

Certified that I have engaged the applicant (Name of the contractor) as a contractor in my establishment. I undertake to be bound by all the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1980 in so far as the provisions are applicable to me in respect of the employment of migrant workmen by the applicant in my establishment.

Place:

Signature of Principal Employer

Date:

Name and address of establishment

FORM VII

[See rule 10(2)]

Application for adjustment of Security Deposit

Name and address of the contractor	Number and date of application for fresh licence	Date of Expiry of previous licence	Whether the previous licence of the contractor was suspended or revoked	Number and date of the crossed demand draft of security deposit in respect of the previous licence	Amount of previous security deposit.
(1)	(2)	(3)	(4)	(5)	(6)

Amount of security deposit for fresh licence	Number and date of crossed demand draft of the balance security deposit with the fresh application	number and date of certificate of registration of the establishment in relation to which the fresh licence is applied for	Name and address of the principal employer	Particular of fresh application	Remarks
(7)	(8)	(9)	(10)	(11)	(12)

Place:
applicant
Date:

Signature of

FORM VIII
[See rule 11 (1)]
GOVERNMENT OF INDIA
Office of Licensing Officer

Licence No.
Rs.

Dated

Fee paid

LICENCE

Licence is hereby granted to..... under section 8(1) of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 subject to the conditions specified in the annexure.

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

3. The licence shall remain in force till (date to be indicated).
Signature and Seal of Licensing Officer.

RENEWAL
(See rule 14)

Date of renewal
expiry.

Fee paid for renewal

Date of

1.

2.

3.

Date:
Officer.

Signature and Seal of Licensing

ANNEXURE

The licence is subject to the following conditions:-

1. The licence shall be non-transferable.

2. The number of workmen employed as migrant workmen in the establishment shall not, on any day, exceed the maximum number specified in the application for licence.

3. Save as provided in these rules the fees paid for the grant or as the case may be, for renewal of licence shall be non-refundable.

4. 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 where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

5. (a) In case where the migrant workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work:

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Deputy Chief Labour Commissioner (Central) whose decision shall be final;

(b) in other cases the wage rates, holidays, hours of work, and conditions of service of the migrant workmen of the contractor shall be such as prescribed in these rules.

6. Every migrant workmen shall be entitled to allowances benefits, facilities, etc., as prescribed in the Act and these rules.

7. No female migrant workman 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, crèches and canteens and as midwives and nurses in hospitals and dispensaries.

8. The contractor shall notify any change in the number of migrant workmen or the conditions of work to the Licensing Officer.

9. The contractor shall comply with all the provisions of the Act and these Rules.

10. A copy of licence shall be displayed prominently at the premises where the migrant workmen are employed.

FORM IX

[See rule 15(2)]

Application for Renewal of Licence

1. Name and address of the contractor.
2. Number and date of the Licence.
3. Date of expiry of the previous licence.

4. Whether the licence of the Contractor was suspended or revoked.

5. Number and date of the crossed demand draft enclosed.

Place:

Signature of the Applicant

Date:

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

Date of receipt of the application with crossed demand draft No. and date.

Signature of the Licensing Officer

FORM X
(See rule 21)

[Form in which to furnish particulars in respect of recruitment and employment of migrant workman/workmen as prescribed under sub-rule (1) of rule 21, to the authorities specified under the Explanation below sub-section (2) of section 12 of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.]

1. Name and address of the contractor.
2. Name and address of the sub-contractor through whom recruitment has been made.
3. Name and address of the establishment.
4. Name and address of the Principal Employer.
5. Name of the State in which the place of work is located.
6. Name of the State in which recruitment was made.

Serial Number	Name of migrant workmen	Father's/Husband's Name	sex	Age	Permanent home address	Name and address of the next of kin of the migrant workman	Place and address of residence in the home state	Amount of displacement allowance paid	Amount of outward journey allowance paid	Amount of wages for outward journey period paid	Nature of job Required to be performed.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Date of recruitment	Date of employment	Detail of rates of wages and other allowances payable	Period of contract of employment	Detail of other service conditions	Remarks

(13)	(14)	(15)	(16)	(17)	(18)

*Signature of Contractor or his
authorised representative*

Date:

Submitted to

(1)
.....

(Specified authority in the State from which the migrant workman/workmen is/are employed).

(2).....
.....

(Specified authority in the State in which migrant workman/workmen has/have been recruited.)

Copy forwarded to

.....

(The Principal Employer)

*Signature of the Contractor or his
authorised representative.*

Date:

NOTE: In case where migrant workmen concerned have been recruited from more than one State, separate returns shall be submitted in respect of each such State.

FORM XI
(See rule 24)

[Return to be sent by the contractor to the authorities specified under Explanation below sub-section (2) of section 12 of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.]

1. Name and address of the Contractor.
2. Name and address of the sub-contractor through whom recruitment has been made
3. Name and address of the establishment.
4. Name and address of the principal Employer.

5. Name of the state in which the place of work is loaded.

6. Name of the state in which recruitment was made.

Serial No.	Name of migrant workman	Father's/Husband's name	Sex	Designation	Age	Permanent home address indicating the state	Place and address of residence in home state	Date of employment	Date on which ceased to be employed	Total days worked
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Detail of rates of wages and other allowances paid.	Amount of displacement allowances paid.	Amount of outward journey allowances and wages for outward journey paid	Amount of return journey allowances and wages for return journey paid	Total wages paid.	Details of compensation and other allowances.	Amount of deduction, if any	Amount of advance, if any paid	Amount of advance, if any recovered	Remarks.
(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)

Declaration

I/We hereby declare that all wages, other dues including displacement allowances, outward return journeys allowances and wages for journeys period payable to migrant workman/workmen named above by me/us have been paid by me/us to him/them.

Place:

Date:

Signature of the Contractor or his authorised representative

Submitted to

(1).....

(Specified authority in the State in which migrant workman/workmen is/are employed).

(2).....

(Specified authority in the State in which migrant workman/workmen has/have been recruited.)

Copy forwarded to

.....

	Number of migrant workmen		Contractor's Name	Occupation/Designation	Address of migrant workmen (Village and tahsil/Taluk and District)		Number of employment	Impression of migrant workmen	Duration of employment	Reason for termination	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Signature of Contractor or his authorised representative.

FORM XIV
(See rule 50)
Service Certificate

Name and address of Contractor.

Name and location of work.

Name and address of the migrant workmen.

Age or date of birth.

Identification marks.

Father's/Husband's name.

Name and address of establishment in/under which migrant workmen are employed.

Name and address of Principal Employer.

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

Signature of the Contractor or his authorised representative.

FORM XV
[See rule 51 (1)]
Displacement and outward journey allowance sheet

	ey indic ated in colu mn (15)												
(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)

NOTE:- Indicate separately different mode of journeys. Entries are to be made against each individual migrant workman.

*Signature of the Contractor or his
authorised representative.*

Date:

Form XVI
[See rule 51 (1)]
Return Journey Allowance Register

Name and address of the Contractor.

Name and address of the Principal Employer.

Name and address of the establishment.

Month and Year.

Serial No.	Name of the migrant workman	Father's/ Husband's Name	Permanent home address indicating the state	Place and address of residence in home state	Designation	Rate of wages	Place of work	Railway Station/ Bus Stand nearest to the place of work	Railway Station/ Bus Stand nearest to the place of residence in the home state	Date and Time of commencement of journey from the place of work
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Expected	*Expected	Amount	Total of	Amount	Wages for	Total	Date on	Signature	Remark
----------	-----------	--------	----------	--------	-----------	-------	---------	-----------	--------

date and time of arrival at the residence in the home State	ed of modes of journeys from the place of work to place of residence in the home State	of bus fare and/or second class train fare and/or other journey expenses separately as per expected modes of journey indicated in column (13)	amounts indicated in column No. (14)	of return journey allowance	return journey period	amount paid	which paid.	or thumb-impression of the migrant workman	s
(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)

*Indicate separately different modes of journey.

NOTE:-Entries are to be made against each individual inter-State migrant workman.

Signature of the Contractor or his authorised representative.

Date:

FORM XVII
[See rule 52(2) (a)]

Muster Roll

Name and address of Contractor.

Nature and location of work.

Name and address of establishment in/under which inter-state migrant workmen are employed.

Name and address of Principal Employer.

For the month of

Serial number	Name of migrant workman	Father's/ Husband's name	Sex.	Dates	Remarks

FORM XVIII
[See rule 52(2) (a)]

Register of Wages

Name and address of Contractor.

Nature and location of work.

Name and address of establishment in/under which inter-state migrant workmen are employed.

Name and address of Principal Employer.

Wage period

Serial No.	Name of inter-State migrant workman	Serial No. in the register of workman	Designation/nature of work	Number of days worked	Units of work done	Daily rate of wages /piece-rate	Amount of wages earned				Total.	Deduction, if any (indicate nature)	Net amount paid	Signature / Thumb-impression of Inter-State Migrant Workman	Initials of Contractor or his authorised representative
							Basic wages	Dearness allowance	Overtime	Other cash payments (nature of payment to be indicated)					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

FORM XIX
[See rule 52(2) (c)]

Register of deduction for damage or loss

Name and address of Contractor.

Nature and location of work.

Name and address of establishment in/under which inter-state migrant workmen are employed.

Name and address of Principal Employer.

Serial No.	Name of Inter-State migrant workman	Father/Husband's name	Designation/nature of employment	Particular of damage or loss	Date of damage or loss	Whether inter-state migrant workman showed cause against deduction	Name of person in whose presence employee's explanation was heard	Amount of deduction imposed	Date of recovery		Remarks
									Number of instalment First instalment	Last instalment	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

FORM XX
[See Rule 52(2) (c)]
Register of Fines

Name and address of Contractor.

Nature and location of work.

Name and address of establishment in/under which inter-state migrant workmen are employed.

Name and address of Principal Employer.

Serial No.	Name of Inter-State migrant workman	Father's/Husband's name	Designation/nature of employment	Act/Omission for which fine imposed	Date of offence	Whether inter-state migrant workman showed cause against fine	Name of person in whose presence employee's explanation was heard	Wages period and wages payable	Amount of fine imposed	Date which fine realised	Remarks

FORM XXI

FORM XXIII
[See rule 45 (1)]

Return 10 be sent by the Contractor to the Licensing Officer

Half-year ending

1. Name and address of the Contractor :
 2. Name and address of the establishment :
 3. Name and address of the Principal Employer :
 4. Duration of Contract: From.....
To.....
 5. Number of days during the half-year on which-
 - (a) the establishment of the Principal Employer had worked.....
 - (b) the contractor's establishment had worked.....
 6. Maximum number of inter-State migrant workmen employed on any day during the half-year:

Men	Women	Children	Total
-----	-------	----------	-------
 7. (i) Daily hours of work and spread over:
 - (ii) (a) Whether weekly holiday observed and on what day:
(b) If so, whether it was paid for:
 - (iii) Number of manhours of overtime worked:
 8. Number of mandays worked by:

Men	Women	Children
Total		
 9. Amount of wages paid:

Men	Women	Children
Total		
- NOTE:** Wages shall not include wages for periods of outward and return journeys.
10. Amount of deduction from wages if any:

Men	Women	Children	Total
-----	-------	----------	-------
 11. Amount of displacement allowance paid:

Men	Women	Children	Total
-----	-------	----------	-------
 12. Amount of outward journey allowance paid:

Men	Women	Children	Total
-----	-------	----------	-------
 13. Amount of wages for outward journeys period paid:

Men	Women	Children	Total
-----	-------	----------	-------
 14. Amount of return journeys allowance paid:

Men	Women	Children	Total
-----	-------	----------	-------

15. Amount of wages for return journeys period paid:

Men

Women

Children

Total

16. Whether the following have been provided:-

- (i) Residential accommodation;
- (ii) Protective clothing;
- (iii) Canteen;
- (iv) Rest room;
- (v) Latrine and urinals;
- (vi) Drinking water;
- (vii) Crèche
- (viii) Medical Facilities;
- (ix) First aid.

(If the answer is 'Yes', state briefly nature/standards provided).

Place:

Date:

Contractor

Signature

of

FORM XXIV
[See rule 56 (2)]

Annual return of Principal Employer to be sent to the Registering Officer.

Year ending 31st December.....

1. Full name and address of the Principal Employer:
2. Name of establishment:
 - (a) District:
 - (b) Postal Address:
 - (c) Nature of operation/industry/work carried on:
3. Full name of the Manager or persons responsible for supervision and control of the establishment.
4. Number of contractors who worked in the establishment during the year (Give details in Annexure).
5. Nature of work/operations on which migrant workman was employed.
6. Total number of days during the year on which migrant workman was employed.
7. Total number of mandays worked for by migrant workman during the year.
8. Maximum number of workmen employed directly on any day during the year.
9. Total number of days during the year on which direct labour was employed.
10. Total number of mandays worked by directly employed workmen.

11. Change, if any, in the management of the establishment, its location, or any other particulars furnished to the Registering Officer in the application for Registration indicating also the dates.

Place:

Date:

Principal Employer

Name and address of the contractor	Period of Contract		Nature of work	Maximum number of workers employed of each contractor	Number of days worked	Number of Mandays worked
	From	To				
(1)	(2)		(3)	(4)	(5)	(6)