

***The Orissa Contract Labour (Regulation and Abolition) Rules, 1975**

Notification SRO No. 277/75, dated the 9th May, 1975 - In exercise of the powers conferred by Section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Act No. 37 of 1970), the State Government hereby make the following rules, the same having been published as required by Sub-sec. (1) thereof, namely :

CHAPTER - I

1. Short title - (1) These rules may be called the Orissa Contract Labour (Regulation and Abolition) Rules, 1975.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions - In these rules, unless the subject or context otherwise requires -

- (a) **"Act"** means the Contract Labour (Regulation and Abolition) Act, 1970;
- (b) **"Appellate Officer"** means the Appellate Officer nominated by the State Government under Sub-sec. (1) of Section 15;
- (c) **"Chairman"** means the Chairman of the Board;
- (d) **"Committee"** means a Committee constituted under Sub-sec. (1) of Section 5;
- (e) **"Form"** means a form appended to these rules;
- (f) **"Section"** means a section of the Act;
- (g) **"State Board"** means the State Advisory Contract Labour Board constituted under Sub-sec. (1) of Section 4.

CASE LAW :

The object of the Act is to regulate and to improve the conditions of service of contract labour and not merely to abolish contract labour : AIR 1972 SC 1942.

CHAPTER - II

State Board

3. The Board shall consist of the following members :

- (a) Chairman to be appointed by the State Government;
- (b) The Labour Commissioner, Orissa, *ex officio*;
- (c) The person representing the State Government to be appointed by the Government from amongst its officials;
- (d) Four persons, one representing the employees in public sector and three representing the employees in private sector/contractors to whom the Act applies, to be appointed by the State Government after consultation with such organisations, if any, of the employees and the contractors as may be recognised by the State Government;
- (e) Four persons, one representing the employees, in public sector undertaking and three contractors to whom the Act applies, to be appointed by the State Government after consultation with such

organisations, if any, of employees representing the respective interest as may be recognised by the State Government.

4. Terms of Office - (1) The Chairman of the Board shall hold office as such for a period of three years from the date of which, the appointment is first notified in the Official Gazette.

(2) Each of the members of the Board referred to in Clause (c) of Rule 3, shall hold office as such during the pleasure of the Governor.

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

Provided that where the successor of any such member has not been notified in the *Official Gazette* on or before the expiry of the said period of three years, such member shall notwithstanding the expiry of the period of his office, continue to hold such office until the appointment of his successor has been notified in the *Official Gazette*.

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

6. Cessation of membership - If any member of the Board not being an *ex officio* member, fails to attend three consecutive meetings of the Board, without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Board :

Provided that the State Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Board, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Board.

7. Disqualification for membership - (1) A person shall be disqualified for being appointed, and for being a member of the Board -

- (i) if he is of unsound mind and stands so declared by a competent Court; or
- (ii) if he is an undischarged insolvent; or
- (iii) if he has been or is convicted of an offence which, in the opinion of the State Government, involves moral turpitude.

(2) If a question arises as to whether disqualification has been incurred under Sub-rule (1), the State Government shall decide the same.

8. Removal from membership - The State Government may remove from office any member of the Board, if in its opinion such a member has ceased to represent the interest which he purports to represent on the Board:

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

9. Vacancy - When a vacancy occurs or is likely to occur in the membership of the Board, the Chairman shall submit a report to the State Government and on receipt of such report, the State Government shall take step to fill the vacancy, by making an appointment from amongst the category of persons to which the person vacating membership belonged and the person appointed shall hold office for the remainder of the term of the office of the member in whose place he is appointed.

10. Staff - (1)(i) The State Government may appoint one of its officials as Secretary to the Board and appoint such other staff as it may think necessary to enable the Board to carry out its functions.

(ii) The salaries and allowances payable to the staff and the other conditions of service of such staff shall be such as may be decided by the State Government.

(2) The Secretary -

- (i) shall assist the Chairman in convening meetings of the Board;
- (ii) may attend the meetings but shall not be entitled to vote at such meetings;
- (iii) shall keep a record of the minutes of such meetings; and
- (iv) shall take necessary measures to carry out the decisions taken at the meetings of the Board.

11. Allowances of members - (1) The travelling allowances of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official members of the Board shall be paid travelling allowances and daily allowance for attending the meeting of the Board as per rules framed by the State Government from time to time.

12. Disposal of business - Every question which the Board is required to take into consideration shall be considered at a meeting or if the Chairman so directs, by sending the necessary papers to every member for opinion and the question shall be disposed of in accordance with the decision of the majority :

Provided that in the case of equality of voters, the Chairman shall have a casting vote.

Explanation - "Chairman for the purpose of this Rule shall include the Chairman elected under Sub-rule (2) of Rule 13 to preside over a meeting."

13. Meetings - (1) The Board shall meet at such places and times as may be specified by the Chairman.

(2) The Chairman shall preside over every meeting of the Board at which he is present and in his absence a member elected by those present at the meeting shall preside over such meeting.

14. Notice of meetings and list of business - (1) Ordinarily seven days' notice shall be given to the members of a proposed meeting.

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

15. Quorum - No business shall be transacted in any meeting unless at least five members are present :

Provided that if at any meeting less than five members are present, the Chairman may adjourn the meeting to another date informing member present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the meeting irrespective of the members attending.

16. Committees of the Board - (1) (i) The Board may constitute such committees and for such purpose or purposes as it may think fit.

(ii) While constituting the Committee the Board may nominate one of its members to be the Chairman of the Committee.

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

(3) The provisions of Rule 11 shall apply to the members of the Committee for attending the meeting of the committee as they apply to the members of the Board.

CHAPTER - III

Registration and licensing

17. Manner of making application for registration of establishment

(1) The application referred to in Sub-sec. (1) of Section 7 shall be made in triplicate in Form No. 1 to the registering officer of the area which the establishment sought to be registered is located.

(2) The application referred to in Sub-rule (1) shall be accompanied by a treasury receipt showing payment of the fees for the registration of the establishment.

(3) Every application referred to in Sub-rule (1) shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application referred to in Sub-rule (1) the registering officer shall, after noting thereon the date of receipt by him of the application, grant an acknowledgment to the applicant.

18. Grant of certificate of registration - (1) The certificate of registration granted under Sub-sec. (2) of Section 7 shall be in Form II.

(2) Every certificate of registration granted under Sub-sec. (2) of Section 7, shall contain the following particulars, namely :

- (a) the name and address of the establishment;
- (b) the maximum number of workmen to be employed as contract labour in the establishment;
- (c) the type of business, trade, industry, manufacture or occupation which is carried on in the establishment; and
- (d) such other particulars as may be relevant to the employment of contract labour in the establishment.

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

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

19. Circumstances in which application for registration may be rejected

(1) If an 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 by a date to be specified by the registering officer.

(2) If the principal employer, on being required by the registering officer to amend his application for registration, omits or fails to do so by the date prescribed, the registering officer shall reject the application for registration.

20. Amendment of certificate of registration - (1) Where, on receipt of the intimation under Sub-rule (4) of Rule 18, the registering officer is

satisfied that an amount higher than the amount which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce treasury receipt showing such deposit.

(2) Where, on receipt of the intimation referred to in Sub-rule (4) of Rule 8, 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 which has occurred:

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

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

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

(2) Every application for the grant of a licence shall be accompanied by a certificate by the principal employer in Form V to the effect that the applicant has employed him as a contractor in relation to his establishment and that he undertakes to be bound by all the provisions of the Act and the rules made thereunder in so far as the provisions are applicable to him as principal employer in respect of the employment of contract labour by the applicant.

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

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

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

- (i) the deposit of the security at the rate specified in Rule 24; and
- (ii) the payment of the fees at the rate specified in Rule 26.

22. Matters to be taken into account in granting or refusing a licence

- In granting or refusing to grant a licence, the licensing officer shall take the following matters into account, namely :

(a) whether the applicant -

- (i) is a minor; or
- (ii) is of unsound mind and stands so declared by a competent Court; or
- (iii) is an undischarged insolvent;
- (iv) has been convicted (at any time during a period of five years immediately preceding the date of application) of an offence which in the opinion of the State Government involves moral turpitude;

- (b) whether there is an order of the appropriate Government or an award or settlement for the abolition of contract labour in respect of particular type of work in the establishment in relation to which the applicant is a contractor;
- (c) whether an order has been made in respect of the applicant under Sub-sec. (1) of Section 14 and if so, whether period of three years has elapsed from the date of that order;
- (d) whether the fees for the application have been deposited at the rates specified in Rule 26; and
- (e) whether security has been deposited by the applicant at the rates specified in Rule 24.

23. Refusal to grant licence - (1) On receipt of the application, as soon as possible thereafter, the licensing officer shall make such enquiry as he considers necessary to satisfy himself about the eligibility of the applicant for a licence.

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

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

24. Security - Before a licence is issued, an amount calculated at the rate of '[Rs. 100 (Rupees one hundred)] for each of the workmen to be employed as contract labour, in respect of which the application for licence has been made shall be deposited by the contractor for the due performance of the conditions of the licence and compliance with the provisions of the Act or the rules made thereunder.

²[**24-A. Head of the account** - The security money to be deposited under Rule 24 shall be paid in the local treasury under the head of account, "K Deposits and Advances (b) Deposits not bearing interest-843-Civil Deposits under various Central and State Acts - (a) Deposits under the Orissa Contract Labour (Regulation and Abolition) Rules, 1975" both in receipt and payment side.

25. Forms and terms and conditions of licence - Every licence granted under Sub-sec. (1) of Section 12 shall begin Form VI.

(2) Every licence granted under Sub-rule (1) or renewed under Rule 20 shall be subject to the following conditions, namely :

- (i) the licence shall be non-transferable;
- (ii) the number of workmen employed as contract labour in the establishment shall not, on any day, exceed the maximum number specified in the licence;
- (iii) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the licence shall be non refundable;
- (iv) the rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (11 of 1948), for such employment where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed;

1. Substituted vide O.G.E. No. 550 dated 2.4.2005.

2. Inserted vide SRO No. 642/18.6.1976.

- (v) (a) in cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hour of works and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment 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 Labour Commissioner, Orissa, whose decision shall be final;

- (b) in other cases, the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the Labour Commissioner, Orissa.

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

- (vi) (a) in every establishment where twenty or more women are ordinarily employed as contract labour, there shall be provided two rooms of reasonable dimensions of the use of their children under the age of six years;
- (b) one of such rooms shall be used as a play-room for the children and the other as bed-room for the children;
- (c) the contractor shall supply adequate number of toys and games in the play-room and sufficient number of cots and beddings in the sleeping room;
- (d) the standard of construction and maintenance of the creches shall be such as may be specified in this behalf by the Labour Commissioner, Orissa;
- (vii) the licensee shall notify any change in the number of workmen or the conditions of work to the licensing officer.

26. Fees - ²[(1) The fees to be paid for the grant of certificate of registration under Sec. 7 shall be as specified below :

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

	Rs.
(a) 20	Rs. 400
(b) between 21 to 50	Rs. 1,000
(c) between 51 to 100	Rs. 2,000
(d) between 101 to 200	Rs. 4,000
(e) between 201 to 400	Rs. 8,000
(f) 401 and above	Rs. 10,000

(2) The fees to be paid for the grant of a licence under Sec. 12 shall be as specified below :

1. Substituted vide O.G.E. No. 550 dated 2.4.2005.
2. Substituted vide Orissa Gazette Ext. No. 161/15.2.1991-Notifn., SRO No. 75/91/2.2.1991.

If the number of workmen employed by the Contractor in any day is-

	Rs.
(a) 20	'[200]
(b) between 21 to 50	'[500]
(c) between 51 to 100	'[1,000]
(d) between 101 to 200	'[2,000]
(e) between 201 to 400	'[4,000]
(f) 401 and above	'[5,000]

27. Validity of the licence - Every licence granted under Rule 25 or renewed under Rule 29 shall remain in force for twelve months from the date it is granted or renewed.

28. Amendment of the licence - (1) A licence issued under Rule 25 or renewed under Rule 29 may, for good and sufficient reasons, be amended by the licensing officer.

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

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

(ii) On the applicant furnishing the requisite treasury receipt the licence shall be amended according to the orders of the licensing officer.

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

29. Renewal of licence - (1) Every contractor shall apply to the licensing officer for renewal for the licence.

(2) Every such application shall be in Form VII in triplicate and shall be made not less than thirty days before the date on which the licence expires, and if the application is so made, the licence shall be deemed to have been renewed until such date when the renewed licence is issued.

(3) The fees chargeable for renewal of the licence shall be the same as for the grant thereof :

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

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

30. Issue of duplicate certificate of registration of licence - Where a certificate of registration or a licence granted or renewed under the preceding rule has been lost, defaced or accidentally destroyed a duplicate may be granted on payment of fees of '[rupees one hundred.]

31. Refund of security - (1) On expiry of the period of licence the contractor may, if he does not intend to have his licence renewed, make an application to the licensing officer for the refund of security deposited by him under Rule 24.

(ii) If the licensing officer is satisfied that there is no breach of the conditions of licence of there is no order under Sec. 14 for the forfeiture of security of any person thereof, he shall direct the refund of the security to the applicant.

(2) ²[The security deposit so forfeited, shall be credited under the head of account - "087-Labour and Employment-(c) fees under Orissa Contract Labour (Regulation and Abolition) Rules"].

(3) Any application for refund shall, as far as possible, be disposed of within 68 days of the receipt of the application.

CHAPTER - IV

Appeals and Procedure

32. (1)(i) Every appeal under Sub-sec. (1) of Section 15 shall be preferred in the form of a memorandum signed by the applicant or his authorised agent and presented to the appellate officer in person or sent to him by registered post.

(ii) The memorandum shall be accompanied by a certified copy of the order appealed from and treasury receipt of '1[rupees one hundred and fifty.]

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

33. (1) Where the memorandum of appeal does not comply with the provisions of Sub-rule (2) of Rule 32 may be rejected or returned to appellant for the purpose of being amended within a time to be fixed by the appellate officer.

(2) Where the appellate officer rejects the memorandum under Sub-rule (1) he shall record the reason for such rejection and communicate the order to the applicant.

(3) Where the memorandum of appeal is in order the appellate officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in book to be kept for the purpose called the Register of Appeals.

(4)(i) When the appeal has been admitted, the appellate officer shall send the notice of the appeal to the registering officer or the licensing office, as the case may be, from whose order the appeal has been preferred and the registering officer or the licensing officer shall send the record of the case to the appellate officer.

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

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

35.(i) Where an appeal has been dismissed under Rule 34 the appellant may apply to the appellate officer for the re-admission of the appeal, and

1. Substituted vide O.G.E. No. 550 dated 2.4.2005.

2. Substituted vide SRO No. 642/76/18.6.1976.

where it is proved that he was prevented any sufficient cause from appearing when the appeal was called on for hearing the appellate officer shall restore the appeal on its original number.

(ii) Such an application shall, unless the appellate officer extends the time sufficient reason, be made within 30 days of the date of dismissal.

36. (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 this purpose, and pronounce judgment on the appeal, either conforming, reversing or varying the order appealed from.

(ii) The judgment of the appellate officer shall state the points for determination of the decisions thereon and 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 from whose order the appeal has been preferred.

37. Payment of fees - Unless otherwise provided in these rules, all fees to be paid under these rules shall be paid in the local treasury under the head of account "087-Labour and Employment-(c)Fees under Contract Labour (Regulation and Abolition) Rules" and a receipt obtained which shall be submitted with the application or the memorandum of appeal, as the case may be.

38. Copies - Copy of the order of the revising officer, licensing officer or the appellate officer may be obtained on payment of fees of rupees '[rupees twenty] for each order on application specifying the date and other particulars of the order, made to the officer concerned.

CHAPTER - V

Welfare and health of contract labour

39. (1) The facilities required to be provided under Secs. 18 and 19 of the Act, namely, sufficient supply of wholesome drinking water, a sufficient number of latrines and urinals, washing facilities and first aid facilities shall be provided by the contractor in the case of the existing establishments within thirty days of the commencement of those rules and in the case of new establishments within thirty days of the commencement of the employment of contract labour therein.

(2) If any of the facility mentioned in Sub-rule (1) is not provided by the contractor within the period prescribed, the same shall be provided by the principal employer within thirty days of the expiry of the period laid down in the said Sub-rule.

40. Rest-rooms - (1) In every place wherein contract labour is required to halt at night in connection with the working of the establishment to which the Act applies and in which employment of contract labour is likely to continue for three months or more, the contractor shall provide rest rooms or other suitable alternative accommodation within fifteen days of the coming into force of the rules in the case of existing establishments and within fifteen days of the commencement of the employment of contract labour in new establishments.

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

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

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

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

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

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

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

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

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

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

(ii) The floor and inside walls 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 kitchen shall be lime-washed every four months.

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

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

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

CASE LAW :

Rule 42 - The rule has been made under Sec. 16(2) of the Act - Provisions under - Not unreasonable for canteen - To have a canteen is not impracticable : AIR 1974 SC 960.

43. (1) The dining hall shall accommodate at a time at least thirty per cent of the contract about working at a time.

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

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

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

(4) Sufficient tables, stools, chairs or benches shall be available for the number of dinners to be accompanied as prescribed in Sub-rule (1).

44. (1)(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) Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.

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

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

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

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

46. The charges for foodstuff, beverages and any other item served in the canteen shall be based on no-profit no-loss and shall be conspicuously displayed in the canteen.

47. In arriving at the prices of the foodstuff and other articles served in the canteens the following items shall not be taken into consideration as expenditure, namely :

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

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

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

Provided that the Labour Commissioner, Orissa 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.

50. Latrines and urinals - Latrines shall be provided in every establishment coming within the scope of the Act on the following scale, namely :

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

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

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

52. (1) Where workers of both sexes are employed, there shall be displayed outside each block of latrine and urinal a notice in the language understood by the majority of the workers "For Men only" or "Women only", as the case may be.

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

53. There shall be at least one urinal for male workers up to 50 and one for female workers up to 50 employed at a time :

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

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

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

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

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

56. Washing facilities - (1) In every establishment coming within the scope of the Act adequate and suitable facilities for washing shall be provided and maintained for the use of contract labour employed therein.

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

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

57. First-aid facilities - In every establishment coming within the scope of the Act there shall be provided and maintained so as to be readily accessible during all working hours first-aid boxes at the rate of not less than one box for 150 contract labour or part thereof ordinarily employed.

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

- A. For establishments in which the number of contract labour employed does not exceed fifty, each first-aid box shall contain the following equipments :
- (i) 6 small sterilized dressings,
 - (ii) 3 medium size sterilized dressings;
 - (iii) 3 large size sterilized dressings;
 - (iv) 1 (30 ml.) bottle containing a two per cent alcoholic solution of iodine.
 - (v) 3 large sterilized burn dressings;
 - (vi) 1 (30 ml.) bottle containing sal-volatile 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;
 - (xiii) a bottle of suitable surgical anti-septic solution.
- B. For establishments in which the number of contract labour exceeds fifty - each first-aid box shall contain the following equipments :
- (i) 12 small sterilized dressings;
 - (ii) 6 medium size sterilized dressings;
 - (iii) 6 large sterilized dressings;
 - (iv) 6 large sterilized burn dressings;
 - (v) 6 (15 gms.) packet sterilized cotton wool;
 - (vi) 1 (60 ml.) bottle containing a two per cent alcoholic solution of iodine;
 - (vii) 1 (60 ml.) bottle containing sal-valotile having the dose and mode of administration indicated on the label;
 - (viii) 1 roll of adhesive plaster;
 - (ix) A snake-bite lancet;
 - (x) 1 (30 gms.) bottle of potassium permanganate crystals;
 - (xi) 1 pair scissors;
 - (xii) 1 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;
 - (xv) a bottle of a suitable surgical anti-septic solution.

(2) Adequate arrangement shall be made for immediate recoupment of the equipment when necessary.

59. Nothing except the prescribed contents shall be kept in the first-aid box.

60. The First-aid box shall be kept in charge of a separate responsible person who shall always be readily available during the working hours of the establishment.

61. A person in charge of the first-aid box shall be a person trained in first-aid treatment in establishment where the number of contract labour employed is 150 or more.

CHAPTER - VI

Wages

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

63. No wage period shall exceed one month.

64. The wages of every person employed as contract labour on wage period of one week or a fortnight shall be paid within three days from the end of the wage period and in all other cases the wages shall be paid before expiry of the seventh day in case of establishments where less than one thousand such persons are employed and before the tenth day in establishments where one thousand or more persons are employed, as the case may be.

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

66. All payments of wages shall be made on a working day at the work site and during the working time and on a date notified in advance. In case the work is completed before the expiry of the wage period, final payment shall be made within 48 hours of the last working day.

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

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

69. Wages shall be paid without any deductions of any kind except those specified by the State Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936 (4 of 1936).

70. A notice showing the wage period and the place and time of disbursement of wages shall be displayed at the place of work and copy sent by the contractor to the principal employer under acknowledgment.

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

72. The authorised representative of the principal employer shall record under his signature a certificate at the end of the entries in the Register of Wages or the Wage-cum-Muster Roll, as the case may be, in the following form :

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

CHAPTER - VII

Registers and records and collection of statistics

73. Register of contractor - Every principal employer shall maintain in respect of each registered establishment a register of contractors in Form VII.

74. Register of persons employed - Every contractor shall maintain in respect of each registered establishment where he employs contract labour and register in Form IX.

75. Employment card - (1) Every contractor shall issue an employment card in Form X to each worker within 3 days of the employment of the worker.

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

76. Service Certificate - On termination of employment for any reason whatsoever the contractor shall issue to the workmen whose service have been terminated a Service Certificate in Form XI.

77. Muster Roll, Wages Registers, Deduction Register and Overtime Register - (1) In respect of establishments which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the rules made thereunder, or the Minimum Wages Act, 1948 (11 of 1948) or the rules made thereunder, the following registers and records required to be maintained by the contractor as an employer under those Acts and the rules made thereunder shall be deemed to be registers and records to be maintained by the contractor under these rules :

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

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

- (a) Every contractor shall maintain a Muster-Roll Register and a Register of Wages in Form XII and Form XIII respectively :

Provided that a combined Muster Roll-cum-Wages Register in Form XIV shall be maintained by the contractor where the wage period is a fortnight or less.

- (b) Where the wage period is one week or more the contractor shall issue wage slips in Form XV to the workers at least a day prior to the disbursement of wages.
- (c) Signature or thumb impression of every worker on the register of wages or wages-cum-muster roll, as the case may be, shall be obtained and entries therein, shall be authenticated by the initials of the contractor or his representative, and duly certified by the authorised representative of the principal employer as required by Rule 72.
- (d) Register of deductions, fines and advances, registers of deduction for damage or loss, register of fines and register of advances shall be maintained by every contractor in Form XVI, XVII and XVIII respectively.

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

(3) Notwithstanding anything contained in these rules where a combined or alternative form is sought to be used by the contractors 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 provisional approval of the Labour Commissioner, Orissa.

78. Every contractor shall display an abstract of the Act and rules in English '[in the language spoken by the majority of workers] in such form as may be approved by the Labour Commissioner, Orissa.

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

(2) Such registers shall be maintained legibly in English or '[Oriya.]

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

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

(5) Where no deduction or fine has been imposed or no overtime has been worked during any wage period, a "nil" entry shall be made across the body of the register and the end of the wage period indicating also in precise terms the wage period to which the "nil" entry relates, in the respective registers maintained in Forms XVI, XVII and XIX respectively.

80. (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.

81. (1) Every contractor shall send half-yearly return in Form XX (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 the 1st July of every year."

(2) Every principal employer of a registered establishment shall send annually a return in Form XXI (in duplicate) so as to reach the registering

officer concerned not later than the 15th February, following the end of the year to which it relates.

82. (1) The Board, Committee, Labour Commissioner, Orissa or any other authority under the Act shall have power to call for any information or statistics in relation to contract labour from any contractor or principal employer at any time by an order in writing.

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

FORM I

[See Rule 17(1)]

Application for registration of establishments employing contract labour

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 name in the case of individual).....
4. Full name and address of the manager or person responsible for the supervision and control of the establishment.....
5. Particulars of contractors and contract labour.....

Name and address of contractors	Nature of work in which contract labour is employed or is to be employed	Maximum No. of contract labour to be employed on any day through each contractor	Estimated date of termination of employment of contract labour
(1)	(2)	(3)	(4)
1.			
2.			
3.			

6. Particulars of treasury receipt enclosed.....

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

Time and date of receipt of application with treasury receipt No. and date :

Principal Employer (seal and stamp)
Office of the Registering Officer
Signature of Registering Officer

FORM II

[See Rule 18(1)]

Certificate of Registration

No.....

Office of the Registering Officer

A certificate of registration containing the following particulars is hereby granted under Sub-sec.(2) of Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder to :

Name and address of the contractor	Nature of work in which contract labour is employed or is to be employed	Maximum number of contract labour to be employed on any day through each contractor	Estimated date of termination of employment of contract labour
(1)	(2)	(3)	(4)

Date.....

Signature of Registering Officer with seal

FORM III

[See Rule 18(1)]

Register of Establishment

Particulars of contractor and contract labour

Serial No.	Registration certificate No.	Name and address of the establishment registered	Name of the principal employer and his address	Total of workmen directly employed	Name and address of contractor	Nature of work in which contract labour is employed or is to be employed	Maximum number of contract labour to be employed on any day through each contractor	Estimated date of termination of employment of contract labour	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM IV**[See Rule 21(1)]****Application for Licence**

1. Name and address of the contractor (including Father's Name).....
2. Particulars of establishments where contract labour is to be employed.....

Name and address of the Establishment	No. and date of certificate of registration of establishment under the Act	Name and address of the principal employer	Nature of process-operation or work in which establishment is engaged	Nature of process, operation of work for which contract labour is to be employed in the establishment	Duration of the proposed contract work (give proposed date of commencing and ending)	Name and address of the agent or Manager or contract or at the work establishment	Maximum No. of employees proposed to be employed as contract labour in the establishment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

3. Whether the contractor has worked in any other establishment within this past five years (if so, details of the principal employer, establishments and nature of work).....
4. The estimated value of contract work....
5. Number and date of the treasury receipt enclosed....

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 treasury receipt and a certificate in Form V from each of the principal employers (To be filled in office of the Licensing Officer).

Date of receipt of the application with chalan for fees/security deposit

Signature of the Licensing Officer

FORM V**[See Rule 21(2)]****Form of certificate by Principal Employer**

Certified that I have engaged the applicant as a contractor in my establishment. I undertake to be bound by all the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, and the Contract Labour (Regulation and Abolition) Rules, 1975 in respect of the employment of contract labour by the applicant in my establishment.

Place :

Date :

Signature of Principal Employer
Name and address of establishment

FORM VI

[See Rule 25(1)]

Office of Licensing Officer

Licence No..... Dated..... Fee paid Rs.....

Licence

Licence is hereby granted to under Sec. 12(1) of the Contract Labour (Regulation and Abolition) Act, 1970, subject to the condition specified in Annexure.

The licence shall remain in force till..... date

Signature and seal of the
Licensing Officer

Date of expiry

Date of Renewal

Renewal (Rule 29)

Fee paid for renewal

- 1.
- 2.
- 3.

Signature and seal of the
Licensing Officer
Date.....

ANNEXURE

The licence is subject to the following conditions :

1. The licence shall be non-transferable.
2. The number of workmen employed as contract labour in the establishment shall not, on any day exceed.....
3. Except as provided in the rules the fees paid for the grant, or as the case may be, renewal of the licence shall be non-refundable.
4. The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed for the schedule of employment under the Minimum Wages Act, 1948, where applicable and where the rates have been fixed by agreement, settlement or award, not less than the rates fixed.
5. In case where the workmen employed by the contractor perform the same kind of work as the workmen directly employed by the principal employer of the establishment, the hours of work and other conditions of workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment.
6. In other cases the hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the Labour Commissioner (Orissa).
7. In every establishment where twenty or more women are ordinarily employed as contract labour there shall be provided two rooms of reasonable dimensions for the use of their children under the age of six years. One of such rooms would be used as a play-room for the children and the other as

bed-rooms for the children. For this purpose the contractor shall supply adequate number of toys and games in the play-room and sufficient number of cots and beddings in the sleeping room.

The standard of construction and maintenance of the creches may be such as may be specified in this behalf by the Labour Commissioner (Orissa).

8. The licensee shall notify and change in the number of workmen or the conditions of work to the Licensing Officer.

FORM VII

[See Rule 23(2)]

Application for renewal of licenses

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 treasury receipt enclosed....

Place :

Signature of the applicant

Date :

(To be filled in office of the Licensing Officer)

Date of receipt of the application with treasury receipt number and date

Signature of the Licensing Officer

FORM VIII

[See Rule 73]

PART I

Register of Particulars of Contractors

1. Name and address of the principal employer.....
2. Name and address of the establishment.....

Period of contract

Serial No.	Name and address of contractor	Name of work on contractor	Location of contract work	From	To	Amount/Value of contract work	Maximum number of workmen employed on contract	Security deposits with the principal employer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

PART II

Progress of contract work

Name of Contractor.....

Nature of work.....

Wage-period	Maximum number of workmen employed by the contractor during the wage period	Total amount of wages earned by the workmen	Amount actually disbursed on pay day
(1)	(2)	(3)	(4)

FORM IX
[See Rule 74]

Register of workmen employed by contractor

Name and address of contractor..... Name and address of establishment under which contract is carried on.....
 Nature and location of work..... Name and address of principal employer.....

Serial No.	Name and surname of workmen	Age and sex	Father's/Husband's name	Nature of employment/ designation	Permanent home address of workmen (village and Tahasil/ Taluk and district)	Present address	Date of commencement of employment	Date of termination of employment	Signature or thumb impression	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM X
[See Rule 75]

Employment Card

Name and address of contractor..... Name and address of establishment in/
 under which contract is carried on.....
 Nature and location of work..... Name and address of principal employer.....

Name of the workman	Sl. No. of the register of workmen employed	Nature of employment/ designation	Wage rate (with particulars of unit, in case of place work	Wages period	Period of employment	Remarks	Signature of contractor
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FORM XI

[See Rule 76]

Service Certificate

Name and address of contractor.....

Nature and location of work.....

Name and address of the workman.....

Age or date of birth.....

Identification marks.....

Father's/Husband's name.....

Name and address of establishment
in/under which contract is carried
on.....Name and address of principal
employer.....

Serial No.	Total period for which employed		Actual number of days worked	Nature of work done	Rate of wages (with particulars of unit in case of piece work)	Total wages earned by workman during the period	Total deduction made, if any	Total wages actually paid	Remarks
	From	To							
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Signature of Contractor

FORM XII

[See Rule 77(2)(a)]

Muster Roll

Name and address of contractor

Name and address of establishment
in/under which contract is carried on.....

Nature and location of work

Name and address of principal
employer.....

For the month of

Serial No.	Name of workman	Father's / Husband's name	Sex	Dates						Remarks
				1	2	3	4	5	6	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		(10)

FORM XIII

[See Rule 77(2)(a)]

Register of wages

Name and address of contractor.....	Name and address of establishment in/under which contract is carried on
Nature and location of work.....	Name and address of principal employer.....
	Wage period-Fortnightly/Monthly

Amount of wages earned

Serial No.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
Name of workman		Serial No. in the Register of workmen employed by contractor	Designation/Nature of work done	No. of days worked	Wages rate	Units of work done	Price rate	Basic Wages	Dearness allowance	Overtime	Other cash payments indicating nature of payment	Total	Total deduction	Net amount paid	Time and date of payment	Place of payment	Signature/thumb impression of employees	Initial of contractor or his representative	Initial of authorised representative of principal employer	

[See Rule 78(2)(a)]

Form of Register of Wage-cum-Muster Roll

Name and address of contractor.....

Nature and location of work.....

Name and address of establishment in/under which contract is carried on

Name and address of principal employer.....

Wage period-Weekly

From..... To.....

Serial No.	Sl. No. in Register of workmen employed by contractor	Name of employees	Designation/Nature of work	Daily attendance/units worked 1234567	Total attendances/units of work done	Daily rate of wages/piece rate	Basic wages	D.A.	Overtime	Other cash payment	(Nature of payment to be indicated)	Total deduction	Net amount paid	Time and date of payment	Place of payment	Signature/thumb impression of workmen	Initials of contractor or his representative	Initials of authorised or principal employer
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	

FORM XV

[See Rule 77(2)(b)]

Wages slip

Name and address of contractor..... Name and address of establishment in/under which contract is carried on.....
 Nature and location of work.....
 Father's name of the workman..... Name and address of principal employees.....
 For the week/fortnight/Month Sex and identification token/ticket No.....

No. of days worked	Rate of daily wages/piece rate	No. of units worked in case of piece rate workers	Dates on which overtime worked	Overtime hours and amount of overtime wages	Gross wages payable	Deductions, if any	Actual wages paid	Signature of the contractor or his representative
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM XVI

[See Rule 77(2)(d)]

Register of deductions for damage or loss

Name and address of contractor..... Name and address of establishment in/under which contract is carried on.....
 Nature and location of work..... Name and address of principal employer.....

Serial No.	Name of workman	Father's/Husband's name	Designation	Particulars of damages/loss	Date of damage	Whether worker showed cause against deduction	Name of person in whose presence employee's explanation was heard	Amount of deduction imposed	No. of instalments	Date of Recovery		Remarks
										First instalment	Last instalment	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

FORM XVII
[See Rule 78(d)]
Register of Fines

Name and address of contractor.....	Name and address of establishment in/under which contract is carried on....
Nature and location of work.....	Name and address of principal employer.....

Serial No.	Name of workman woman	Father's/Husband's name	Designation	Act/Omission for which fine imposed	Date of offence	Whether employer showed cause against fine	Name of person in whose presence employee's explanation was heard (in case of contractor)	Rate of wages	Date of wages	Amount of fine imposed	Date on which fine realised	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

Register of advances

Serial No.

~ Name

• Earnings during a wage period

✓ Purpose(s) for which advance made

Amount of instalments repaid with date of postponement granted

01 Date on which total amount paid

Signature or thumb impression of the worker

FORM XIX

[See Rule 77(2)(c)]

Register of Overtime

Name and address of contractor..... Name and address of principal employer.....
 Nature and location of work..... Name and address of establishment in/under which contract is carried on

Serial No.	Name of workman	Father's/Husband's name	Sex	Designation and Department	Date on which overtime on work was put in	Wages of overtime on each occasion	Total overtime worked or production in case of piece rates	Normal hours	Normal rate	Overtime rate	Normal earnings	Overtime earnings	Total earnings	Date on which overtime payment made
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

FORM XX**[See Rule 81(1)]****Return to be sent by the contractor to Licensing Officer for the half year ending.....**

1. Name and address of the contractor...
2. Name and address of the principal employer.....
3. Name and address of the establishment.....
4. Duration of contract from to.....
5. No. of days during the half year on which contract labour was employed.....
6. Maximum number of contract labour employed on any day during the half year.....
 - Men.....
 - Women
 - Children
7.
 - (i) Normal hours of work per day...
 - (ii) (a) Whether weekly holiday observed...
 - (b) If so, whether it was paid for
 - (iii) Particulars of rest, interval and weekly spread over....
 - (iv) Rate of overtime wages....
 - (v) No. of man-hours of overtime worked during the half year....
8. Total number of man-days worked by
 - Men.....
 - Women
 - Children
9. Total amount of wages paid
 - Men.....
 - Women
 - Children
10. Total amount of deductions from wages, if any, effected -
 - Men.....
 - Women
 - Children
11. Whether the contractor has provided-
 - (i) Canteens ...
 - (ii) Rest-Rooms ...
 - (iii) Drinking Water ...
 - (iv) Creches ...
 - (v) First-aid

(If the answer is 'yes' state briefly standards provided)

Place

Date.....

Signature of the Contractor

FORM XXI

[See Rule 81 (2)]

Annual return of principal employer to be sent to the Registering Officer*Return for year ending the 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 person responsible for supervision and control of the establishment
4. Maximum number of workmen employed as contract labour on any day during the year....
5. Total number of days during the year on which contract labour was employed....
6. Total number of man-days worked by contract labour during the year....
7. Maximum number of workmen employed directly on any day during the year.....
8. Total number of days during the year on which directly-employed labour was employed....
9. Total number of man-days worked directly employed workmen....
10. Nature of work on which contract labour was employed
11. Amount of security deposits made by contractors (give contractor-wise)....
12. Amount of security deposits forfeited together with the names of contractor, if any....
13. Whether there is any change in the management of the establishment, its location or any other particulars furnished to Registering Officer in the form of application of registration at the time of registration, if so, from what date....

Place.....

Date.....

Principal Employer

ANNEXURE TO FORM

Name and address of the contractor	Period of contract		Nature of work	Maximum number of worker employed by each contractor	Number of days worked	Number of man days worked
	From	To				
(1)	(2)	(3)	(4)	(5)	(6)	(7)



***The Orissa Contract Labour (Regulation and Abolition) (Conditions of Service) Rules, 1975**

CONDITION OF SERVICE

In exercise of the powers conferred under Clause (b), Sub-rule (2) (v) of Rule 25 of the Orissa Contract Labour (Regulation and Abolition) Rules, 1975 the Labour Commissioner, Orissa hereby specified the following conditions of service, rates of wages, holidays and hours of work for the workmen employed by the contractors, who do not perform the same similar kind of work as the workmen directly employed directly employed by the principal employer of an establishment.

1. Employment Card - The contract labour employed by a contractor shall be provided with an Employment Card indicating therein the name of the workman, father's name, designation, date of appointment, his token number, wage rates and his residential address.

2. Hours of work - (a) No adult workman shall be required to work for more than 8 hours in any day and 48 hours in a week.

(b) No young person who has not completed 18 years of age shall be required to work for more than 7 hours in any day and 42 hours in a week.

3. Rest Interval - No workman shall be required to work for more than 5 hours in any day unless he/she has an interval of rest for at least half-an-hour.

4. Spread over - The period of work of any workman shall be so arranged that alongwith his interval of rest, it shall not spread over more than 10 hours in any day.

5. Weekly Holidays - Every workman shall be allowed a day of rest of one whole day in a week for which he shall receive payment equal to his average daily wages during the preceding week :

Provided that where a workman has not worked for all the days of work in a week he shall be entitled to proportionate payment for weekly rest day calculated on the basis of total wage earned during the week, i.e., total wages earned divided by six.

6. Extra wages for over-time - Where a contract labour is required to work for more than 9 hours in any day, or 48 hours in a week he shall in respect of over-time work be entitled to wages to double the ordinary rate of wages.

Explanation - The expression "Ordinary rate of Wages" means basic wages plus Dearness Allowance or the consolidated wage.

7. National and festival holidays - (1) Every workman employed by the contractor, shall be entitled to 8 holidays in a calendar year with wages which shall include 26th January, 15th August and 2nd October and 1st May. The remaining 4 holidays will be fixed by mutual discussion between the contractor and his labour each year by the end of November. The list of

holidays so decided shall be duly and prominently displayed by the contractor at the place of employment and a copy thereof shall be furnished to the Local Assistant Labour Officer/District Labour Officer by 5th December, each year.

(2) A workman would be entitled to the National and Festival holidays as per Sub-clause (1) if he has put at least 15 days of work during the calendar year and has been on rolls a day prior to the holiday.

(3) Where a workman who is entitled to the holiday is required or allowed to work on any holiday, he shall at his option be entitled to -

- (a) twice the wages, or
- (b) wages for such day and to avail himself of a substituted holiday with wages on one of the seven days immediately after the day on which he so works.

8. Leave with wages - (a) Every workman who has worked under a contractor during the calendar year shall be allowed leave with wages for number of days calculated at the rate of-

- (i) if an adult one day for every 20 days of actual work performed by him;
- (ii) if young person one day for every 15 days of actual work performed by him.

Explanation - For the purpose of calculation of period of actual work, weekly offs, festival holidays and other interruptions like lay-off shall be treated as service rendered.

- (b) Leave admissible under this clause shall be exclusive of all holidays whether occurring during or at either period of leave.
- (c) In calculating leave under this clause, fraction of leave of half-a-day or more shall be treated as one full day's leave and fraction of leave less than half-a-day shall be omitted :

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed 30 days in case of an adult worker and 40 days in case of a young person. The contractor shall pay the wages in lieu of unavailed leave wherever a contract labour quits the employment.

- (d) A workman may, at any time apply in writing to the contractor or his authorised representative not less than 7 days before the date on which he wishes his leave to begin take all the leave or any portion thereof allowable to him during the calendar year :

Provided further that, the number of times in which leave may be availed during any calendar year shall not exceed thrice.

- (e) Every employee for the period of leave allowed under this clause shall be paid at a rate equal to the daily average of his total full time earning for the days on which he worked during the month immediately preceding his leave exclusive of any overtime, but inclusive of Dearness Allowance, if any.
- (f) If a workman entitled to leave is discharged by the contractor before he has been allowed such leave, or if the leave applied for by such workman has been refused and if he quits his employment before he has been allowed the leave, the contractor shall pay to

the workman, the wages in respect of the period of unavailed leave within one week of his quitting.

- (g) If the existing leave facilities are more beneficial than those provided in this clause, the employee will continue to enjoy the existing facilities.

9. Restriction on employment of females - No female contract labour shall be required or allowed to work after 7 p.m. or before 6 a.m. :

Provided that Labour Commissioner may, by an order, in respect of any factory, group or class for description of factories/establishments vary limits laid under this clause. However no such variation shall authorise employment of any workman between 10 p.m. and 5 a.m.

10. Wages - (1) Where no rates of wages have statutorily been fixed for any category or class of workman the contractor shall pay wages not less than Rs. 10 per day to an unskilled workman Rs. 15 per day to a semi-skilled workman and Rs. 20 per day to skilled workman subject to revision, as may be notified by the Labour Commissioner, Orissa from time to time.

(2) If a question/dispute arises regarding classification of a particular workman or a class of workman the Labour Commissioner, Orissa shall decide that question/dispute and his decision, shall be final.

(3) If the statutory wages in force or wages fixed under any award or settlement one more beneficial to the workman, they will continue to be paid notwithstanding the rates of wages fixed under Rule 25(v)(b) of the Orissa Contract Labour (R. & A.) Rules, 1975.

(4) Where any category of employee is actually in receipt of higher rate of wages than those specified above, he/she shall continue to be paid such higher wages.

Explanation - (i) Where the monthly rate has been computed the daily rate shall be multiplied by 30 days.

(ii) Where the employees are being paid at piece rates, they shall not receive wages less than the wages provided in Clause (i) above.

11. Lay-off and Retrenchment, etc. - (1) Chapters V-A and V-B of the Industrial Disputes Act, 1947 regulating lay-off and retrenchments shall apply to contractor's establishments in which fifty or more workmen, on an average per working day have been employed in the preceding calendar month.

(2) In respect of contractor's establishments employing less than fifty contract labour on average per working day the following procedure shall be followed :

- (i) The contractor may at anytime on the event of fire catastrophe, break-down of machinery or stoppage of power supply, epidemics, civil commotion or other causes beyond his control stop work for any period or periods without notice.
- (ii) In the event of such stoppage during working hours, the workman affected shall be notified by notice put upon the notice board in a conspicuous place as soon as practicable, when the work will be resumed and whether they are to remain on leave, the place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of work stoppage.

If the period of detention does not exceed one hour the workman detained shall be entitled to receive wages for the whole-time during which they are detained as a result of the work stoppage. In case of piece rate workers, the average daily earnings for the previous week shall be taken to be the daily wages.

(iii) Where workmen are laid-off for short period, on account of failure of plant or due to temporary curtailment of production, the period of unemployment shall be treated as compulsory leave either with or without wages, as the case may be. When however the workmen leave to be laid off for an indefinite long period or the contract of work is completed their service may be terminated after giving them due notice or pay in lieu of notice.

(iv) The contractor may in the event of a strike affecting either wholly or partially any section or Department of the contract work lock out either wholly or partially such section or Department affected by such strike. The declaration of such lock-out shall be notified by a notice put on the notice board in the section or Department as soon as practicable. The workmen concerned shall also be notified by a general notice prior to lifting of lock-out, as to when the work will be resumed.

12. Procedure for termination of services - (1) No contractor shall without reasonable cause, terminate the services of a workman who has been in his employment continuously for a period of 30 days or more without giving such workman at least 3 days' notice in writing or wages in lieu thereof except for acts of misconduct.

(2) The following acts and omission shall be treated as misconduct on the part of a workman.

- (a) Wilful insubordination or disobedience whether alone or in combination with others of any lawful and reasonable order of superior;
- (b) Participating in an illegal strike, insisting others to strike work in contravention of the provisions of any law;
- (c) Theft, fraud or dishonesty in connection with the contractor's or Principal Employer's business or property;
- (d) Wilful starving down in performance, or abetment, or instigation thereof;
- (e) Habitual breach of any law applicable to the work place or any rule made thereunder;
- (f) Drunkenness, riotous or disorderly or indecent behaviour at the work place;
- (g) Habitual neglect of work or habitual negligence;
- (h) Wilful damage to work in progress;
- (i) Hoping meetings within the premises without prior permission of the employer;
- (j) Gambling within the premises of the work;
- (k) Violation of safety provisions/regulations applicable;
- (l) Sleeping while on duty;
- (m) Habitual late attendance.

Explanation - Continuous late attendance for 15 days would be treated as habitual late attendance.

- (n) Threatening, abusing or assaulting any superior or co-worker;
- (o) Habitual absence without leave application for more than 5 consecutive days or over-staying the sanctioned leave without sufficient grounds or proper or satisfactory explanation.

(3) A workman found guilty of misconduct may be punished with warning, fine, suspension for a period of 7 days without wages or dismissal.

(4) No order of punishment for misconduct shall be made except after holding a domestic inquiry against the workman following the principles of natural justice and finding him guilty, while awarding punishment, the gravity of the misconduct and past records of the workman shall be taken into consideration.

(5) If a workman absents himself for more than 5 continuous working days without leave application or making a representation to the contractor and without sufficient cause, his service shall be liable for termination without notice.

13. Maintenance of registers - Every contractor shall maintain relevant registers as prescribed under Rule 77 of the Orissa Contract Labour (Regulation and Abolition) Rules, 1975.

14. Bar on employment of child labour - No child, below the age of fifteen years shall be allowed to work as contract labour in any establishment.

