

# The Rajasthan P.W.D. Contractor's Labour Regulations, 1966

RAJASTHAN

India

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### THE-RAJASTHAN-P-W-D-CONTRACTOR-S-LABOUR-REGULATIONS-1966

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The Rajasthan P.W.D. Contractor's Labour Regulations, 1966 Published vide order No. F. 2(7) FD/Exp-111 /64, dated 7th June, 1966 Irrigation Department Jaipur Copy of order No. F. 2(7) FD/Exp-111 /64, dated Jaipur the 7th June, 1966 from the Financial Commissioner and Secretary to Government copy to the Chief Engineer irrigation, Rajasthan Jaipur and others. Order Sub. - The Rajasthan Public Works Department Contractor's Labour Regulations. In exercise of powers under sub-clause (c) of Clause 38 of Appendix XI of the public works Financial & Accounts (Second Edition) the Governor is pleased to make the following Regulation and he is further pleased to order that these Regulations shall be added as an annexure to the said Appendix XI:-

#### 1. Short title.

- These regulations may be called "The Rajasthan Public works Department Contractor's Labour Regulation", 1966.

#### 2. Definitions.

- In these regulation unless otherwise expressed or indicated the following words and expressions shall have the meaning here by assigned to them respectively that is to say-(a)'Labour' means workers employed by a Rajasthan P.W.D. contractor direct indirectly through a sub-contractor other or person by an agent on his behalf.(b)'Fair wage' means minimum wages for time or piece works fixed or revised by the State Government under the Minimum wages Act, 1948.(c)'Contractor' shall include every person whether a Sub-contractor or Head man or Agent employing labour on the work taken on contract.(d)'Wages' shall have the same meaning as defined in the payment of wages Act and includes time and piece rate wages.

### **3. Display of notice Regarding Wages.**

- The contractor shall (a) Before he commences his work on contract display and correctly maintain and continue to display and in conspicuous places on the work notices in English and correctly maintain in Hindi by the majority or the workers giving the rate of wages which have been certified by the executive Engineer, the Superintending Engineer, The Chief Engineer or Labour Commissioner, as fair wages and the hours of works for which such wages are earned and (b) send a copy of such notices to the Certifying Officers.

### **4. Payment of Wages.**

(a)Wages due to every worker shall be paid to him direct.(b)All wages shall be paid current coin or currency or in both.

### **5. Fixation of Wage Period.**

(a)The contractors shall fix the wage periods in respect of which few wages shall be payable.(b)No wage period shall exceed one month.(c)Wages of every workman employed on the contract shall be paid before the expiry of ten days after the last day of the wage period in respect of which the wages are payable.(d)When the 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 succeeding the one of which his employment is terminated.(e)All payments of the wages shall be made on a working day except when the work is completed before day of expiry of the wages period in which case final payment shall be made within 48 hours of the last working day.Note.- The term working day means a day on which the labour is in progress.

### **6. Wages book and Wage slips etc.**

- (i) The Contractor shall maintain a v/age book of each worker in such form as may be convenient but the same shall include the following particulars:-(a)Rate of daily or monthly wages.(b)Nature of work on which employed.(c)Total number of days worked during each wage period.(d)Total amount payable for the work during each wage period.(e)All deductions made from the wage with an indication in each case of ground for which the deduction is made.(f)Wages actually paid for each wage period.(ii)The contractor shall also maintain wage slip for each worker employed on the work.(iii)The Executive Engineer may grant an exemption from the maintenance of the wage books and wage slip to a contractor who in its opinion may not directly or indirectly employ more than 50 persons on the work.

### **7. Fines and Deductions which may be made from wages.**

(1)The wages of worker shall be paid to without any deduction of any kind except those authorised namely the following:-(a)Fines.(b)Deductions for absence from duty i.e. from the place where by the terms of his employment he is required to work. The amount of deduction shall be in proportion to

the period for which he was absent.(c)Deductions for damages to or loss of goods expressly entrusted to the employed person for custody or for loss or any other deductions of money which he is required to account for where such damage losses are directly attributable to his neglect or default.(1-A) The Rajasthan Government may from time to time allow deduction other than those specified in clause 1 above.(2)No fines shall be imposed on working and on deductions for damage or loss shall be made until worker has been given an opportunity of showing cause against each fine or deduction.(3)The total amount of fines which may be imposed in any one wage period on a worker shall not exceed an amount equal to three paise in a rupee of the wage payable to him in respect of that wage period.(4)No fine imposed on any workers shall be recovered from him by installments or after the expiry of 60 days from the date on which it was imposed.

## **8. Register of Fines etc.**

- The Contractor shall maintain a register of fines and deductions for damage or loss. Such register shall mention the reason for which fine was imposed or deductions for damage loss was made.The Contractor shall maintain both English and local Indian Languages list approved by the Labour Commissioner clearly stating the acts and commission for which penalty of fine may be imposed on a workman and display it in a good condition in a conspicuous place on the work.

## **9. Preservation of Register.**

- The wage register, the wage card and the register of fines deduction required to be maintained under these regulations shall be preserved for 11 months after the date to the last entry made in them.

## **10. Powers of Labour Welfare Officers to make investigation and Enquiry.**

- The Labour Welfare Officer or any other person authorised by the State Government on their behalf shall have power to make inquiries with a view to ascertaining and enforcing due and proper observations of the fair wage clause and provisions of the regulation. He shall investigate into any complaint regarding default made by the contractor or sub- contractor in regard to such provisions.

## **11. Report of Labour welfare officer.**

- The Labour welfare officer or other authorised shall submit a report of the result of his investigation of enquiry to the Executive Engineer concerned indicating the event if any to which the default has been committed with a note that necessary deductions from the contractors bill be made and the wage and other dues be paid to the labour concerned. In case an appeal is made by contractor under Clause 12 of these regulations will be made by the Executive Engineer after the labour commissioner has given decision on appeal.

## **12. Appeal against decision of L.W.O.**

- Any person aggrieved by the decision and recommendation of the Labour welfare officer or other persons so authorised may appeal against such decision to the Labour Commissioner within 30 days from the date of decision forwarding simultaneously a copy of his appeal to Executive Engineer concerned but subject to such appeal the decision of the officer shall be final and binding upon the contractor.

### **12A. Legal practitioners restricted.**

- No party shall be allowed to be represented by a lawyer during any investigation, enquiry, appeal or any other proceedings.

## **13. Inspection of wage books & slips.**

- The Contractor shall allow inspection of the wage book and wage slip and register of fines and deduction to any of his agent at a convenient time and place after due notice is received or to the Labour welfare officer or any other person authorised by the State Government on his behalf.

## **14. Submission of Returns.**

- The Contractor shall submit periodical returns as may be specified from time to time.

## **15. Amendments.**

- The State Government may, from time to time add to or amend these regulations and on any question as to the application interpretation or effect of those regulations the decision of the Labour Commissioner to the Government of Rajasthan or any other person authorised by the State Government in that behalf shall be final.

## **of Fair Wage to be Given by The Executive Engineer**

List of Acts and Omission for Which Fine Can be Imposed:-

**1. Willful insubordination or disobedience whether alone or in combination with another.**

**2. The fraud or dishonesty in connection with contractor's business or property of the Rajasthan PWD.**

- 3. Taking or giving bribes or any illegal gratification.**
- 4. Habitual late attendance.**
- 5. Drunkenness, fighting, riotous or disorderly or indecent behaviour.**
- 6. Habitual negligence.**
- 7. Smoking near or around the where combustible or other materials are stocked.**
- 8. Habitual indiscipline.**
- 9. Causing damage to work in progress or to property of the Rajasthan PWD or the contractor.**
- 10. Sleeping on duty.**
- 11. Malingering or slowing down work.**
- 12. Giving of false information regarding name, age, father's name.**
- 13. Habitual loss of wage cards supplied by the employers.**
- 14. Unauthorised use employer's property or manufacturing or making of unauthorised articles at the work places.**
- 15. Bad workmanship in construction and maintenance by skilled workers which is not approved by the department and for which contractors are compelled to undertake rectification.**
- 16. Marking false some plans and, or misleading statement.**
- 17. Engaging in trade within the premises of the employers.**
- 18. Any delinquency of business affairs of the employers.**

**19. Collection or canvassing for the collection of any money within the premises of an establishment unless authorised by the employer.**

**20. Holding meeting inside the premises without previous sanction of the employer.**

**21. Threatening or intimidating any workman or employee during the working hours within the premises.**

C.P.W.D. Safety Code  
Safety Code (i) Suitable scaffolds should be provided for workman for all works that cannot be safely be done from the grounds, or from solid construction except such short period work as can be done safely from ladders. When a ladder is used an extra Mazdoor shall be engaged for holding the ladder and if the ladder is used for carrying materials as well, suitable footholds and handholds shall be provided on the ladder and the ladder shall be given an inclination not steeper than  $\frac{1}{4}$  to  $(\frac{1}{4}$  horizontal and 1 vertical). (ii) Scaffolding or staging more than 12 ft. above the ground or floor, swung or suspended from an overhead support or erected with stationary support shall have a guard rails properly attached, bolted, braced and otherwise secured at least 3 feet high above the floor platform of such scaffolding to staging and extending along the entire length of the outside the ends thereof with only such opening as may be necessary for the delivery of the materials. Such scaffolding or staging shall be fastened as to prevent it from swaying from the building or structure. (iii) Working Platform, Gangways and Stairways should be so constructed that they should not sag unduly or unequally, and if the height of the platform of the Gangway or the Stairway is more than 12 feet above ground level and for floor level, they should be closely boarded, should have adequate width and should be suitably fenced, as described in (ii) above. (iv) Every opening in the floor of a building or in a working platform be provided with suitable means to prevent the fall of persons or materials by providing suitable fencing or railing whose minimum height shall be 3'-0". (v) Safe means of access shall be provided to all working platform and other working places. Every ladder shall be securely fixed. No portable signal ladder shall be over 30 feet in length, while the width between side rails in rung ladder shall in no case be less than 11½" for ladder upto and including 10 ft. in length. For longer ladders this width should be increased at ¼" for each additional foot of length, uniform step spacing shall not exceed 12". Adequate precautions shall be taken to prevent danger from electrical equipment. No material on any of the sites of work shall be so stacked or placed as to cause danger or inconvenience to any person or the public. The contractor shall also provide all necessary fencing and lights to protect the public from accident and shall be bound to bear the expenses of defence of every suit, action on other precautions at law that may be brought by any persons for injury sustained owing to neglect of the above precautions and to pay any damages and costs which may be awarded in any such suit, action on proceeding to any such person or which may with consent of the be paid to compromise any claims by any such person. (vi) Excavation and Trenching All trenches, four feet or more in depth, shall at all times be supplied with at least one ladder for each 100 feet in length or fraction thereof. Ladder shall be extended from bottom of the trench to at least 3' above the surface of the ground. The sides of the trenches which are 5' or more in depth shall be stopped back so give suitable slope or securely held by timber bracing so as to avoid the danger of sides to collapse. The excavated materials shall not be

placed within 5 feet of the edge of the trench of half of the trench, whichever is more. Cutting shall be done from top to bottom. Under no circumstances undermining or undercutting shall be done. (vii) Demolition Before any demolition work is commenced and also during the process of the work:-(a) All roads and open areas adjacent to the work site shall either be closed or suitably protected. (b) No electric cable or apparatus which is liable to be a source of danger over a cable or apparatus used by the operator shall remain electrically charged. (c) All practical steps shall be taken to prevent under danger to persons employed from risk of fire or explosion or flooring No floor, roof, or other part of the building, shall be so overloaded with debris or materials as to render it unsafe. (viii) All necessary personal safety equipments considered adequate by the Engineer-in-charge should be kept available for the use of persons employed on the site and maintained in a condition suitable for immediate use and the contractor should take adequate steps to ensure proper use of equipment by those concerned. (a) Workers employed on mixing Asphaltic materials Cement and lime mortars shall be provided with protective footwear and protective goggles. (b) Those engaged in white washing, and mixing or stacking of Cement bags or any materials which is injurious to the eye shall be provided with protective goggles. (c) Those engaged in welding works shall be provided with Welder's protective eye-shields. (d) Stone breakers shall be provided with protective goggles and protective clothing's and seated at sufficiently safe intervals. (e) When workers are employed in sewers and manholes, which are in use the contractor shall ensure that the Manhole covers opened and are ventilated at least for an hour before the workers are allowed to get into the Manholes and the Manholes so opened shall be cordoned off with suitable railing and provided with warning signals or boards to prevent accident to the public. (f) The contractor shall not employ men below the age of 18 and women on the work of painting with products containing leads in any form. Whenever men above the age of 18 are employed on the work of lead painting, the following precaution should be taken.

**1. No paint containing lead or lead products shall be used except in the form of paste or ready made paint.**

**2. Suitable face marks should be supplied for use by the workers when paint is applied in the form of spray or surface having lead paint dry rubbed and scraped.**

**3. Overalls shall be supplied by the contractor to the workmen and adequate facilities shall be provided to enable the working painters to wash during and cessation of work.**

(xi) When the work is done near any place where there is risk of drawing all necessary equipment should be provided and kept ready for use and all necessary steps taken for prompt rescue of any person in danger and adequate provision should be made for prompt first Aid treatment of all injuries likely to be sustained during the course of work. (x) Use of Hoisting Machines and tackle including their attachment anchorage and supports shall conform to use the following standard or conditions.

**1. (a) These shall be good mechanical construction sound material and adequate strength and free from patent defect and shall be kept in-good working order.**

(b)Every rope used in hoisting or lowering materials or as a means of suspensions shall be of durable quality and adequate strength and from patent defects.

**2. Every crane driver of hoisting appliances operator shall be properly qualified and no person under an age of 21 years should be incharge of any hoisting machine including any scaffold wind or give signals to the operator.**

**3. In case of every hoisting machine and or every chain ring hook truckle swivel and pully block used in hoisting or lowering or as means of suspensions the safe working load shall be ascertained by adequate means. Every hoisting machine and all gear referred to above shall be plainly marked with the safe working load. In case of a hoisting machine having a variable safe working load each safe working load of the conditions under which it is applicable shall be clearly indicated. No part of any machine or of any gear referred to above in this paragraph shall be loaded beyond the safe working load except for the purpose of testing.**

**4. In case of departmental machines, the safe working load shall be notified by the Electrical Engineer-in-charge. As regards contractors machines the contractor shall notify the safe working load of the machine to the Engineer-in-charge whenever he brings any machinery to site of work and get it verified by the Electrical Engineer concerned.**

(xi)Motors, Gearing Transmission, electric Wiring and other dangerous parts of holding appliance should be provided with efficient safeguards, hosting appliances should be provided with such means as will reduce to the minimum the risk of accidental decent of the load adequate precautions should be taken to minimum the risk of any part of a suspended load becoming accidentally displayed. When workers employed in insulating mats, wearing apparel such as Gloves, Sleeves and boots as may be necessary should be provided. The workers should not wear any rings watches and every keys or others materials which are good conductor of electricity.(xii)all scaffolds ladders and other safety devices mentioned or described herein shall be maintained in safe condition and no scaffold, ladder or equipment shall be altered or removed while it is in use. Adequate washing facilities shall be provided at or near places of works.(xiii)These safety provisions should be brought to the notice of all concerned by display on a Notice Board at a prominent place at the work spot the persons responsible for compliances of the Safety Code shall be named therein by the contractor.(xiv)To ensure effective enforcement of the rules and regulations relating to Safety



precautions the arrangement made by the contractor shall be open to inspection by the Labour Officer Engineer-in-charge of the department or their representatives.(xv)Notwithstanding the clause from (i) to (xiv) there is nothing in these to exempt the contractor, to exclude the operations of any other Act or Rule in force in the Republic of India.