

# **The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Orissa Rules, 1980**

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India

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### **Rule**

### **THE-INTER-STATE-MIGRANT-WORKMEN-REGULATION-OF-EMPLOYMENT of 1980**

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The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Orissa Rules, 1980Published vide Notification No. 13136-4W (b)-2/3-80-L.E., dated 3rd November, 1980, Orissa Gazette Extraordinary No. 1464/5.11.1980Notification No. 13136-IVW (b)-2/3-80-L.E., dated 3rd November, 1980. - Whereas the draft of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Orissa Rules, 1980, was published as required by Subsection (1) of Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979) in the extraordinary issue of the Gazette No. 1258, dated the 17th September, 1980, under the notification of the Government of Orissa in the Labour and Employment Department No. 11590, dated the 12th September, 1980;And whereas no objection or suggestion has been received by the State Government;Now, therefore, in exercise of the powers conferred by Section 35 of the said Act, the State Government do hereby make the following rules, namely :Chapter-I Preliminary

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

(1)These rules may be called the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Orissa Rules, 1980.(2)They shall come into force on the date of their publication in the Official Gazette.

## **2. Definitions.**

(1) In these rules, unless the subject or context otherwise requires—(a) "Act" means the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; (b) "Appellate Officer" means an Appellate Officer nominated by the State Government under Section 11; (c) "Chief Inspector" means the officer appointed as such by the Government with assignment of specific powers under the Act who shall also be deemed as an inspector under the Act; (d) "Form" means a Form appended to these rules; (e) "Inspector" means an Inspector appointed by the State Government under Section 20; (f) "Licensing Officer" means the Licensing Officer appointed by the State Government under Section 7; (g) "Migrant Workman" means an inter-State migrant workman as defined in Section 2; (h) "Registering Officer" means the Registering Officer appointed by the State Government under Section 3; (i) "Section" means a section of the Act; (j) "Specified Authority" means the authority specified by the State Government for the purpose of Sections 12 and 16. (2) All other words and expressions used in these rules but not defined therein shall have the meanings respectively assigned to them in the Act. Chapter-II

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

(1) The application for registration of an establishment shall be made in triplicate in Form I to the Registering Officer of the area in which the establishment sought to be registered is located. (2) The application shall be accompanied by a treasury receipt showing payment of the fees under the head of account specified under Rule 20 for the registration of the establishment. (3) The application shall be either personally delivered to the Registering Officer or sent to him by registered post. (4) On receipt of the application, the Registering Officer shall, after noting thereon the date of receipt by him of the application, give an acknowledgement to the applicant.

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

(1) Where the Registering Officer registers the establishment, he shall issue to the principal employer a certificate of registration in Form II. (2) The Registering Officer shall maintain a register in Form III showing the particulars of the establishments in relation to which certificates of registration are issued by him. (3) The concerned Registering Officer of the State wherein the Establishment is located shall, while issuing the certificate of registration to the principal employer of the establishment, send a copy of the relevant application made to him in Form I and an original copy of the said certificate of registration alongwith his recommendation, to the concerned Registering Officer of the State from where the migrant workers are proposed to be recruited. On receipt of the same, the Registering Officer of the latter State, shall record all particulars in this respect as contained in Form I and the certificate of registration, in a register. (4) If, in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the Registering Officer, within thirty days from the date when such change takes place, the particulars of, and the reasons for, such change, under intimation to the concerned Licensing Officer of the State from which migrant workers are to be recruited.

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

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

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

(1) Where, on receipt of the intimation referred to in Sub-rule (4) of Rule 4, the Registering Officer is satisfied that an amount higher than the amount, which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which, together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce receipt showing such deposit. (2) Where, on receipt of the intimation referred to in Sub-rule (4) of Rule 4, the Registering Officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change thus occurred : Provided that no such amendment shall affect anything done or any action taken or any right, obligation or liability acquired or Incurred before such amendment : Provided further that the Registering Officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

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

(1) Every application by a contractor for the grant of a licence for recruiting a person under Clause (a) of Sub-section (1) of Section 8 shall be made in triplicate in Form IV to the Licensing Officer having jurisdiction in relation to the area wherein recruitment is made. (2) Every application by a contractor for employing a migrant workman under Clause (b) of Sub-section (1) of Section 8 shall be made in Form V to the Licensing Officer having jurisdiction in relation to the area wherein the establishment is situated. (3) Every application for the grant of a licence under Sub-rule (1) or Sub-rule (2), shall be accompanied by a certificate of the principal employer in Form VI to the effect that he undertakes to be bound by all the provisions of the Act and the rules made thereunder so far as they are applicable to him in respect of the recruitment or employment of the migrant workmen, in respect of which the contractor is making the application alongwith a certified copy of the registration certificate of the principal employer. (4) Every such application shall be either personally delivered to the Licensing Officer concerned or sent to him by registered post. (5) On receipt of the application referred to in Sub-rule (1) or Sub-rule (2), the Licensing Officer concerned shall, after noting thereon the date of receipt of the application grant an acknowledgement to the applicant. (6) Every application referred to in Sub-rule (1) shall also be accompanied by a receipt obtained as required by Rule 20.

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

- In granting or refusing to grant a licence the Licensing Officer shall take the following matters into account, namely : (a) whether the applicant- (i) is a minor; or (ii) is of unsound mind and stands so declared by a competent Court; or (iii) is an undischarged insolvent; or (iv) has been convicted at any time during the period of five years immediately preceding the date of application, of an offence which, in the opinion of the State Government involves moral turpitude; (b) whether any order has been made in respect of the applicant under Sub-section (1) of Section 10, and if so, whether a period of three years has elapsed from the date of that order; (c) whether the fees for the application has been deposited at the rates specified in Rule 13 ; and (d) whether security, wherever necessary, has been deposited by the applicant at the rates specified in Sub-rule (1) of Rule 10.

## **9. Production of licence.**

(1) A contractor executing works under a contract in any establishment in a particular State by engagement of migrant workmen from another State shall produce the licence obtained by him to this effect from the concerned Licensing Officer of the State from which the migrant workmen would be recruited for engagement in the aforesaid establishment. (2) The local agents who supply migrant workmen to the contractors of the outside States and work either as sub-contractors or commission agents of such contractors, shall have also to obtain a licence from the concerned Licensing Officer of the State from which migrant workmen are recruited and drafted to outside State, on making an application in Form IV-A to the concerned Licensing Officer of the State from which migrant workmen are recruited. The fees payable by the agent for the purpose shall be equivalent to as provided under Sub-rule (2) of Rule 13.

## **10. Refusal to issue licence.**

(1) On receipt of the application from the contractor, and as soon as possible thereafter, the Licensing Officer shall investigate or cause investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and eligibility of the applicant for a licence. (2) (i) Where the Licensing Officer is of the opinion that the licence should not be issued, after affording reasonable opportunity to the applicant to be heard, he may make an order rejecting the application. (ii) The order shall record the reasons for the refusal and shall be communicated to the applicant.

## **11. Security.**

- [(1) Before the issue of a licence an amount of Rs. 100 (Rupees one hundred) for each of the workmen to be recruited/ employed as migrant workmen in respect of which the application for licence has been made shall be deposited by the contractor/local agent as security for due performance of the conditions of the licence.] [Substituted vide Orissa Gazette Extraordinary No. 663/29.4.1987-SRO No. 247/87/20.4.1987.] (2) Where the applicant for the licence was holding a licence in regard to another work and that licence had expired, the Licensing Officer, if he is of the

view that any amount out of the security, if any, deposited in respect of that licence is to be refunded to the applicant under Rule 17, he may, on an application made for that purpose in Form VII by the applicant, adjust the amount so as to be refunded towards the security, if any, required to be deposited in respect of the application for the new licence and the applicant need deposit, in such a case, only the balance amount, if any, after making such adjustment.

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

(1) Every licence issued, under Sub-section (1) of Section 8 shall be in Form VIII and in Form VIII-A, in respect of local agents. The licence shall remain valid till the end of the calendar year from the date of expiry of the licence, in the manner as laid down in Rule 15. (2) Every licence granted or renewed under Sub-rule (1) shall be subject to the following conditions, namely : (i) the licence shall be non-transferable; (ii) the terms and conditions of the agreement or arrangement under which the migrant workman is recruited or employed; (iii) the number of migrant workmen recruited or employed; (iv) the number of workmen recruited or employed as migrant workmen in the establishment shall not on any day, exceed the maximum number specified in condition (iii); (v) the rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948, for such employment and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed; (vi) save as provided in these rules, the fees paid for the issue, or, as the case may be, for renewal of licences shall be non-refundable; (vii) (a) in cases where the migrant workmen recruited or employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work; Provided that in the case of any disagreement with regard to type of work, the same shall be decided by the Labour Commissioner of the State whose decision thereon shall be final; (b) in other cases, the wage rates, holidays, hours of work and, conditions of service of the migrant workmen recruited or employed by the contractor shall be such as prescribed in these rules; (viii) every migrant workman shall be entitled to allowances, benefits, facilities, etc., as prescribed in these rules; (ix) no female migrant workman shall be employed by any contractor before 6 a. m. or after 7 p. m. : Provided that this clause shall not apply to the employment of female migrant workmen in pit head baths, creches and canteens and midwives and nurses in hospitals and dispensaries; (x) the contractor shall notify any change in the number of migrant workmen or the condition of work to the Licensing Officer; (xi) the contractor shall comply with all the provisions of the Act and these rules; (xii) a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed; (xiii) the period for which the licence shall be valid.

## **13. [ Fees. [Substituted vide Orissa Gazette Extraordinary No. 532 dated 30.3.2005.]**

(1) The fees to be paid for the grant of certificate of registration of an establishment under Section 4 shall be as specified below If the number of migrant workmen proposed to be employed in the establishment on any day

(a) is 5, but does not exceed 20	Rs.400.00
(b) exceeds 20, but does not exceed 50	Rs. 1,000.00
(c) exceeds 50, but does not exceeds 100	Rs.2,000.00
(d) exceeds 100, but does not exceed 200	Rs.4,000.00
(e) exceeds 200, but does not exceed 400	Rs.8,000.00
(f) exceeds 400, but does not exceed 800	Rs.12,000.00
(g) exceeds 800, but does not exceed 1000	Rs.13,000.00
(h) exceeds 1000	Rs.20,000.00

(2)The fees to be paid for the grant of licence under Section 8 shall be as specified belowIf the number of migrant workmen proposed to be employed by the contractor on any day

(a) is 5, but does not exceed 20	Rs.200.00
(b) exceeds 20, but does not exceed 50	Rs.400.00
(c) exceeds 50, but does not exceeds 100	Rs.800.00
(d) exceeds 100, but does not exceed 200	Rs.1,600.00
(e) exceeds 200, but does not exceed 400	Rs.3,200.00
(f) exceeds 400, but does not exceed 750	Rs.4,000.00
(g) exceeds 750, but does not exceed 1000	Rs.5,000.00
(h) exceeds 1,000 but does not exceed 2,000	Rs.6,800.00
(i) exceeds 2,000	Rs.10,000.00]

#### **14. Amendment of the licence.**

(1)A licence issued under Rule 11 or renewed under Rule 15 may, for good and sufficient reasons, be amended by the Licensing Officer.(2)The contractor who desires to have the licence amended shall submit to the Licensing Officer an application stating the nature of amendment and reasons therefor.(3)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 fee originally paid for the licence.(4)On the applicant furnishing the requisite receipt, the licence shall be amended according to the orders of the Licensing Officer.(5)Where the application for amendment is refused, the Licensing Officer shall record the reasons for such refusal and communicate the same to the applicant.

#### **15. Renewal of licence.**

(1)Every contractor may apply to the Licensing Officer for renewal of the licence.(2)The application shall be in Form IX in triplicate and shall be made not less than thirty days before the date on which the licence expires, and if the application is so made, the 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 deems fit, the payment of such excess fee.

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

- Where a certificate of registration or licence granted or renewed under the preceding rules has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of fees of [sixty rupees] [Substituted vide Orissa Gazette Extraordinary No. 532 dated 30.3.2005.].

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

(1) On expiry of the period of licence the contractor may, if he does not intend to have his licence renewed and get the security amount adjusted in respect of his fresh application for licence in terms of Sub-rule (2) of Rule 11, make an application to the Licensing Officer for the refund of the security, if any, deposited by him under Rule 11. (2) If the Licensing Officer is satisfied that there is no breach of the conditions of licence or there is no order under Section 10 for the forfeiture of security or any portion thereof, he shall direct the refund of the security to the applicant. (3) If there is any order directing the forfeiture of the whole or any part of the security, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the applicant. (4) The application for refund shall, as far as possible, be disposed of within sixty days of the receipt of the application.

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

(1) Every appeal under Section 11 shall be Preferred in the form of a memorandum signed by the appellant or his authorised agent and presented to the Appellate Officer in person or sent to him by registered post. (2) The memorandum shall be accompanied by a certified copy of the order and a treasury receipt showing payment of [one hundred and fifty rupees] [Substituted vide Orissa Gazette Extraordinary No. 532 dated 30.3.2005.]. (3) The memorandum shall set forth precisely and under distinct heads the grounds of appeal to the order appealed from. (4) Where the memorandum of appeal does not comply with the provisions of Sub-rule (2) it may be rejected or returned to the appellant for the Purpose of being amended within the time to be fixed by the Appellate Order. (5) Where the Appellate Officer rejects the memorandum of appeal under Sub-rule (4) he shall record the reasons for such rejection and communicate the same to the appellant. (6) Where the memorandum of appeal is in order, the Appellate Officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the register of appeals kept for the purpose. (7) When the appeal has been admitted, the Appellate Officer shall send a notice to the Registering Officer or the Licensing Officer, as the case may be, from whose order the appeal has been preferred. The Registering Officer or, as the case may be, the Licensing Officer shall thereupon send the record of the case to Appellate Officer. (8) On receipt of the record under Sub-rule (7) the Appellate Officer shall send a notice to the appellant to appear before him on Such date, time and place, as may be specified in the notice, for the hearing of the appeal. (9) If on the date fixed for the hearing, the appellant does not appear, the Appellate Officer may dismiss the appeal for default of appearance of the appellant. (10) Where an appeal has been dismissed under Sub-rule (9), the

appellant may apply to the Appellate Officer for the readmission of the appeal, and where it is proved that he was prevented by any sufficient cause from appealing when appeal was called on for hearing, the Appellate Officer shall restore the appeal on its original number.(11)An application under Sub-rule (10) shall, unless the Appellate Officer extend the time for sufficient reason, be made within thirty days of the date of dismissal.(12)If the appellant is present when the appeal is called on for hearing, the Appellate Officer shall proceed to hear the appellant or authorised agent, and any other person summoned by him for the purpose, and pronounce judgement on the appeal either confirming, reversing or modifying the order appealed from.(13)The judgement of the Appellate Officer under Sub-rule (12) shall state the points for determination, decisions thereon and the reasons for the decisions.(14)The order shall be communicated to the appellant and a copy thereon shall be sent to the Registering Officer or the Licensing Officer, as the case may be, from whose order the appeal has been preferred.

## **19. Obtaining of copies of orders.**

- A copy of the order of the Registering Officer, Licensing Officer or Appellate Officer may be obtained on payment of fees of [rupees thirty] [Substituted vide Orissa Gazette Extraordinary No. 532 dated 30.3.2005.] per copy of each order on application specifying the date and other particulars of the order, made to the officer concerned.

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

(1)The payment of the various fees relating to registration, licensing and security deposits shall be made through treasury chalan after depositing the amount under the appropriate head of account.(2)The head of account under which the receipts relating to the fees for registration, licensing and appeals, etc. shall be credited with "B-Non-Tax Revenue-087-Labour and Employment-Receipts under Labour Laws-Fees under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) State Rules, 1980". The security deposits are to be booked under the head "Deposits Advances -(b)-Deposits not bearing interest-843-Civil Deposit -Security Deposits."Chapter-III Duties of the contractor

## **21. Particulars of migrant workmen.**

(1)Every contractor shall furnish to the specified authorities the particulars regarding recruitment and employment of migrant workmen in Form X.(2)The particulars shall be either personally delivered by the contractor to the concerned specified authorities or sent to them by registered post.

## **22. Return fare.**

- The contractor shall pay to the migrant workman the return fare from the place of employment to the place of residence in the home-State of the migrant workman on the expiry of the period of employment and also on his -(a)termination of service before the expiry of the period of employment for any reason whatsoever;(b)being incapacitated for further employments on account



of injury or continued ill health duly certified as such by a registered medical practitioner;(c)cessation of work in the establishment which is not due to any fault on the part of the migrant workman ; and(d)resignation from service on account of non-fulfilment of terms and conditions of his employment by the contractor.

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

(1)In the pass book referred to in Clause (b) of Subsection (1) of Section 12, the following additional particulars shall be indicated, namely :(a)the date of recruitment;(b)the date of employment;(c)wage period, total attendance/unit of work done (in respect of piece-rated migrant workman) total wage, earned, deductions, if any, made/net amount paid and signature of contractor or his duly authorised representative with date ; and(These entries shall be made separately in respect of each wage period within three days from the date of payment).(d)name and address of the next of kins of migrant workman.(2)In case of fatal accident or serious bodily injury to any migrant workman, the contractor shall immediately send telegrams to the specified authorities of both the States and also the next of the kins of the migrant workman intimating death or the nature of serious bodily injury sustained by the migrant workman, as the case may be, date, place and reasons of accident. The contractor shall further send written report to the specified authorities concerned and the next of kin of the migrant workman, the undermentioned particulars, by registered post within twenty-four hours of the occurrence of the accident-(i)Name of the migrant workman;(ii)Date, place, nature and reasons of the accident with clear indication as to whether it occurred in course of employment;(iii)Condition of the migrant workman (if alive);(iv)Action taken by the contractor/principal employer;(v)Death certificate from a Medical Officer of the nearest Government Hospital, if dead(vi)Remarks.(3)If the contractor fails to send the telegraphic intimation and/or written report as required under Sub-rule (2), the principal employer shall comply with the requirements of Sub-rule (2), as earlier as possible but in any case not later than forty-eight hours of the time of occurrence of the accident.

### **24. Return and report.**

- Every contractor shall furnish a return regarding migrant workman who have ceased to be employed, in Form XI, with detailed reasons for such cessation of work to the specified authorities either personally or by registered post so as to reach them not later than fifteen days from the date the migrant workman ceases to be employed.

### **25. Rate of wages.**

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

similar kind of work in that establishment in the State in which the establishment is located, whichever is higher :Provided that if there is any dispute in this regard to applicability of wage rates to a migrant workman under Clause (b) of Sub-section (1) of Section 13, the same shall be decided by the Labour Commissioner of the State whose decision shall be final.

## **26. Wage periods.**

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

## **27.**

No wage period shall exceed one month.

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

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

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

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

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

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

## **31.**

Wages due to every migrant workman shall be paid to him direct or to other persons duly authorised by him in this behalf, in accordance with the provisions contained in Rules 34 and 35.

## **32.**

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

**33.**

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

**34.**

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

**35.**

The authorised representative of the principal employer shall record under his signature (indicating his name and designation (within brackets) a certificate at the end of all the entries in the register of wages or the wages-cum-muster roll, as the case may be, in the following form : "Certified that the amount shown in Column No.....has been paid to the migrant workman concerned in my presence on....."Chapter-V Medical and other facilities to be provided to migrant workmen

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

(1)Holidays including weekly holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman shall not be less favourable than those obtaining in that establishment or in similar employments in the area in which the establishment is located, as the case may be.(2)Where there is any dispute in this regard or with regard to applicability of holidays including weekly holidays, hours of work including extra wages for overtime Work done and other conditions of service to a migrant workman under Clause (a) of Sub-section (1) of Section 13, the same shall be decided by the Labour Commissioner of the State whose decision shall be final.

**37. Medical facilities.**

(1)The contractor shall ensure provision of suitable and adequate medical facilities for outdoor treatment to the migrant workman free of cost for treatment of any ailment from which the migrant workman or any member of his family may suffer during his employment in the establishment or to meet any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a migrant workman from market on the basis of the prescription issued by any doctor provided by the contractor or the principal employer, as the case may be, or any registered medical practitioner, the cost of such medicine shall be reimbursed by the contractor to the migrant workman concerned within a period of seven days from the date of presentation of the bill by the migrant workman.(2)In the event of migrant workman or any of his family members suffering from

any ailment requiring hospitalisation during his employment in the establishment, the contractor shall promptly arrange for the hospitalisation of the migrant workman or the concerned member of his family. The contractor shall bear entire expenses on treatment, hospital charges (including diet), if any, and travel expenses for the patient from the place of his/her residence to the hospital and back.(3)Every contractor shall provide and maintain so as to be readily accessible during all working hours first-aid boxes at the rate of not less than one box for one hundred and fifty workmen or part thereof.(4)The first-aid box shall be distinctly marked with a red cross on a white ground and shall contain the following equipments, namely : (a)For the establishments in which number of migrant workman employed does not exceed fifty, each first-aid box shall contain the following equipments : (i)Six small sterilized dressings; (ii)Three medium size sterilized dressings; (iii)Three large size sterilized dressings; (iv)Three large sterilized burn dressings; (v)One (30 ml.) bottle containing a two per cent alcoholic solution of iodine; (vi)One (50 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label; (vii)One snake-bite lancet; (viii)One (30 gms.) bottle of potassium permanganate crystals; (ix)One pair scissors; (x)One copy of the first-aid leaflet issued by the Director General, Factory Advice Service and Labour Institutes, Government of India; (xi)A bottle containing one hundred tablets (each of five grains) of aspirin; (xii)Ointment for burns; and (xiii)A bottle of suitable surgical anti-septic solution. (b)For establishments in which the number of migrant workman exceeds fifty, each first-aid box shall contain the following equipments : (i)Twelve small sterilized dressings; (ii)Six medium size sterilized dressings; (iii)Six large size sterilized dressings ; (iv)Six large size sterilized burn dressings; (v)Six (15 gms.) packets sterilized cotton wool; (vi)One (60 ml.) bottle containing a two per cent alcoholic solution of iodine; (vii)One (60 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label; (viii)One roll of adhesive plaster; (ix)a snake-bite lancet; (x)One (30 grams) bottle of potassium permanganate crystals; (xi)One pair of scissors; (xii)One copy of the first-aid leaflets issued by the Director General of Factory, Advisory Service and Labour Institute, Government of India; (xiii)A bottle containing one hundred tablets (each of five grains) of aspirin; (xiv)Ointment for burns; and (xv)A bottle of a suitable surgical anti-septic solution.(5)Adequate arrangements shall be made for immediate recoupment when necessary.(6)Nothing except the contents mentioned in Sub-rule (4) shall be kept in the first-aid box.(7)The first-aid box shall be in charge of a responsible person shall always be readily available during the working hours of the establishment.(8)The person in charge of the first-aid box shall be a person trained in first-aid treatment in establishments where the number of migrant workmen is one hundred and fifty or more.

### **38. Protective clothing.**

(1)The contractor shall provide to every migrant workman where the temperature falls below twenty degree centigrade protective clothing consisting of one woollen coat and one woollen trouser once in two years : Provided that where the temperature falls below five degree centigrade one woollen over coat shall also be provided to the migrant workman once in three years.(2)The protective clothing shall be provided by the contractor to every migrant workman before onset of winter season in the area where the establishment is located or on the 30th day of September whichever is earlier.

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

- ( 1) The contractor shall provide sufficient quantity of wholesome drinking water, sufficient number of sanitary latrines and urinals and washing facilities for the migrant workmen at the establishment in the case of new establishments within seven days of the commencement of employment of migrant workmen therein and in case of existing establishments within seven days of commencement of these rules.(2)If any of the facilities is not provided by the contractor within the specified period, the same shall be provided by the principal employer within seven days of the expiry of the period specified in Sub-rule (1).

### **40. Rest rooms.**

(1)In every place where migrant workmen are required to halt at night in connection with the working of the establishment and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain rest rooms or other suitable alternative accommodation within fifteen days of the coming into force of these rules in case of the existing establishments and within fifteen days of the commencement of the employment of migrant workmen in the case of new establishments.(2)If the amenity is not provided by the contractor within the specified period, the principal employer shall provide the same within a period of fifteen days of the expiry of the period specified in Sub-rule (1).(3)Separate rooms shall be provided for female migrant workmen.(4)Effective and suitable provisions shall be made in every room for securing and maintaining adequate ventilation by circulation of fresh air, and there shall also be provided and maintained sufficient and suitable natural and artificial lighting.(5)The rest room or other suitable alternative accommodations shall be of such dimensions so as to provide at least a floor area of 1.1 square metre for each person.(6)The rest room, rooms or other suitable alternative accommodation shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.(7)The rest room or other suitable accommodations shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

### **41. Canteens.**

(1)In every establishment wherein works regarding the employment of migrant workmen is likely to continue for six months and wherein migrant workmen numbering one hundred or more are ordinarily employed, an adequate canteen shall be provided by the contractor for the use of such migrant workmen within sixty days of the date of coming into force of these rules in the case of the existing establishments, and within sixty days of the commencement of the employment of migrant workmen in the case of new establishments.(2)If the contractor fails to provide canteen within the time laid down, the same shall be provided by the principal employer, within sixty days of the expiry of the time allowed to the contractor.(3)The canteen shall be maintained by the contractor or principal employer, as the case may be, in an efficient manner.(4)The canteen shall consist of at least a dining hall, kitchen, storeroom, pantry and washing places separately for migrant workmen and for utensils.(5)The canteen shall be sufficiently lighted at all times when any person has access to it.(6)The floor of the canteen shall be made of smooth and impervious material and inside walls

shall be lime-washed or colour washed at least once in each year :Provided that the inside walls of the kitchen shall be lime-washed every four months.The precincts of the canteen shall be maintained in a clean and sanitary condition.(7)Waste water of the canteen shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance and suitable arrangements shall be made for the collection and disposal of garbage.The drinking-hall shall accommodate at a time at least thirty per cent of the migrant workmen working at a time.(8)The floor area of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than one square metre per diner to be accommodated as specified in Sub-rule (7).(9)A portion of the dining-hall and service counter shall be partitioned off and reserved for women migrant workmen in proportion to their number.(10)Washing place for women in the dining-hall shall be separate and screened to secure privacy.(11)Sufficient tables, stools, chairs or benches shall be available for the diners to be accommodated as specified in Sub-rule (7).(12)There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen.(13)The furniture, utensils and other equipments of the canteen shall be maintained in a clean and hygienic condition.(14)Suitable clean clothes for the employees, serving in the canteen shall also be provided and maintained.(15)A service counter, if provided in the canteen, shall have top of smooth and impervious material.(16)Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipments of the canteen.(17)The food-stuffs and other items to be served in the canteen shall be in conformity with the normal habits of the migrant workmen.(18)The charges for meals, other food-stuffs, beverages and any other items served in the canteen shall be based on no-profit no-loss basis and shall be conspicuously displayed in the canteen.(19)In arriving at the prices of food-stuffs and other articles served in the canteen the following items shall not be taken into consideration as expenditure, namely :(a)The rent for the land and buildings;(b)The depreciation and maintenance charges for the building and equipments provided for in the canteen;(c)The cost of purchase, repairs and replacement of equipments including furniture, crockery, cutlery and utensils;(d)The water charges and other charges incurred for lighting and ventilation;(e)The interest on the amounts spent on the provision and maintenance of furniture and equipment provided for in the canteen.(20)The books of accounts and registers and other documents used in connection with the running of the canteen shall be produced on demand to an Inspector.(21)The accounts pertaining to the canteen shall be audited once every twelve months by registered Accountants and Auditors :Provided that the Labour Commissioner of the State may approve of any other person to audit the accounts if he is satisfied that it is not feasible to appoint a registered Accountant and Auditor in view of the site or the location of the canteen.

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

(1)Latrines shall be provided in every establishment on the following scale, namely :(a)where females are employed, there shall be at least one latrine for every twenty-five females;(b)where males are employed, there shall be at least one latrine for every twenty-five males :Provided that where the number of males or females exceeds one hundred and ninety, it shall be sufficient if there is one latrine for twenty-five males or females, as the case may be, up to the first one hundred and one for every thirty thereafter.(2)Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.(3)Where workers of both sexes are

employed there shall be displayed outside each block of latrine and urinal a notice in the language understood by the majority of the workers 'For Men only' or 'For Women only', as the case may be. Such notice shall also bear the figure of a man or of a woman, as the case may be.(4)There shall be at least one urinal for male workers up to fifty and one for female up to fifty employed at a time :Provided that where the number of male or female workmen, as the case may be, exceeds five hundred it shall be sufficient if there is one urinal for every fifty females up to the five hundred and one for every one hundred or part thereof thereafter. ,(5)The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.(6)The latrines and urinals shall be adequately lighted and shall be maintained in a clean and sanitary condition at all times.(7)Latrines and urinals other than those connected with a flush sewage system shall comply with the requirements of the public health authorities.(8)Water shall be provided by the means of tap or otherwise so as to be conveniently accessible in or near the latrine and urinals.

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

(1)In every establishment adequate and suitable facilities for washing shall be provided and maintained for the use of migrant workmen employed therein.(2)Separate and adequate screening facilities shall be provided for the use of male and female migrant workmen.(3)Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

### **44. Creche.**

(1)In every establishment where twenty or more female workmen are ordinarily employed as migrant workmen and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain two rooms of reasonable dimensions for the use of their children under the age of six years, within fifteen days of the coming into force of these rules, in case of existing establishment, and within fifteen days of the commencement of the employment of not less than twenty women as migrant workmen in new establishments.(2)One of such rooms shall be used as play-room for the children and the other as bed room for the children.(3)If the contractor fails to provide the creche within the time laid down, the same shall be provided by the principal employer within fifteen days of the expiry of the time allowed to the contractor.(4)The contractor or the principal employer, as the case may be, shall supply adequate number of toys and games in the play-room and sufficient number of cots and beddings in the sleeping room.(5)The creche shall be so constructed as to afford adequate protection against heat, damp, wind, rain and shall have smooth, hard and impervious floor surface,.(6)The creche shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.(7)Effective and suitable provisions shall be made in every room of the creche for securing and maintaining adequate ventilation by circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.

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

(1)The contractor shall provide to every migrant workman -(i)in case he is accompanied by any other member of his family, a suitable quarter consisting of minimum one room having at least a

floor area of 10 Square Metres, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine, one common bathroom for every three such quarters; and(ii)in case he is unaccompanied by any other member of his family, a suitable barrack so as to accommodate not more than ten such migrant workman, having a floor area of not less than 6.5 square metres for each such migrant workman making use of the barrack, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine and one common bathroom for every such migrant workmen. Within fifteen days of coming into force of the rules in the case of the existing establishments and within fifteen days of the commencement of the employment of migrant workmen in new establishments.(2)Every quarter and the barrack shall be so constructed as to afford adequate ventilation, protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.(3)The quarters or the barracks, as the case may be, shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.(4)The area in which the quarters and/or the barracks are located as well as the latrines and the bathrooms provided therein shall be kept in a clean and sanitary condition at all times.(5)If the amenities referred to in Sub-rule (1) are not provided by the contractor within the period prescribed, the principal employer shall provide the same within a period of fifteen days of the expiry of the period laid down in the said sub-rule.(6)If there is any dispute or disagreement regarding suitability or adequacy of provision of any of the amenities referred to in Sub-rules (1) to (4), the same shall be decided by the Labour Commissioner of the State whose decision shall be final.

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

- If any allowance required to be paid under Section 14 or Section 15 to a migrant workman employed in an establishment to which this Act applies is not paid by the contractor or if any facility specified in Section 16 is not provided for the benefit of such migrant workman, such allowance shall be paid, or as the case may be, the facility shall be provided by the principal employer within fifteen days or the expiry of the time allowed to the contractor under the sub-rules except where otherwise provided for in the relevant rules :Provided that in case of ailment requiring urgent medical attention or hospitalisation, as the case may be, the principal employer shall provide the same immediately on the failure of the contractor to do so.

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

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

#### **48. Register of contractors.**

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



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

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

#### **50. Service certificate.**

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

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

(1) Every contractor shall maintain a sheet for payment of displacement-cum-outward journey allowances as required to be paid under Sections 14 and 15 in Form XV, and a register for return journey allowances as required to be paid under Section 15 in Form XVI. (2) Entries in the sheet and the register required to be maintained under Sub-rule (1) shall be authenticated by the contractor or his duly authorised representative.

#### **52. Muster roll, wages register, deductions register and over-time register.**

(1) In respect of establishments which are governed by the Payment of Wages Act, 1936 and the rules made thereunder or the Minimum Wages Act, 1948 and the rules made thereunder, or Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder the following registers and records required to be maintained by the contractor as employer under those Acts and rules shall be deemed to be registers and records to be maintained by the contractor under these rules ;(a) Muster Roll; (b) Register of wages; (c) Register of deductions; (d) Register of fines; (e) Register of over-time; (f) Register of advances. (2) In respect of establishments not covered by any of the Acts or the rules referred to in Sub-rule (1) the following provisions shall apply, namely: (a) Every contractor shall maintain a Muster Roll Register and Register of Wages in Forms XVII and Forms XVIII, respectively; (b) Signature or thumb impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the signature of the contractor or his authorised representative, and duly certified by the authorised representative of the principal employer as required by Rule 35; (c) Register of deductions, register of fines and register of advances - Register of deductions for damage or loss, register of fines and register of advances shall be maintained by every contractor in Forms XIX, XX and XXI respectively; (d) Every contractor shall maintain register of over-time in Form XXII. (3) Notwithstanding anything contained in these rules where a combined or alternative form is sought to be used for the contractor to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder or any other laws or regulations or in case where mechanised pay rolls are introduced for better administration, alternative suitable Form or Forms in lieu of any of the Forms prescribed under these rules, may be used with the previous approval of the Labour Commissioner of the State.

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

(1) All registers and other records required to be maintained under the Act and rules shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a place, if any, specified by the Inspector on the specific request made by the contractor in this behalf. (2) All the registers shall be maintained legibly in English or Hindi and in the language understood by majority of the migrant workmen engaged in the works. (3) All the registers and other records shall be preserved in original for a period of three calendar years from the date of last entry made therein. (4) All the registers, records and notices maintained under the Act or rules shall be produced on demand before the Inspector or Labour Commissioner of the State 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 over-time has been worked during any wage period a 'NIL' entry shall be made across the body of the register at the end of every wage period indicating also in precise terms the wage period to which the 'NIL' entry relates in the respective registers maintained in Forms XIX, XX and XXI respectively.

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

- Every contractor shall display an abstract of the Act and these rules in English or Hindi and in the language spoken by majority of migrant workmen in such Form as may be approved by the Labour Commissioner of the State.

### **55. Notices.**

(1) Notices showing the rules of wages, hours of work, wage periods, weekly holidays, 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 or in Hindi and in the 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. (2) The notices shall be correctly maintained in a clean and legible condition. (3) A copy of the notices shall be sent to the Inspector and whenever any changes occur, the same shall be communicated to him within seven days of effecting such changes at the latest.

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

(1) Every contractor shall send half-yearly return in Form XXIII, in duplicate so as to reach the Licensing Officers 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 in January and in July every year. (2) Every principal employer of a registered establishment shall send annually a return in Form XXIV, in duplicate so as to reach the Registering Officer concerned not later than the 15th February following the end of the year, to which it relates, with a copy thereof sent to the Registering Officer of the State from which migrant workers have been, drafted and

engaged in the establishment during the period in question.

## **57.**

(1)The Labour Commissioner or the Chief Inspector or any other authority appointed under the Act by the Government of the State from which the migrant workmen have been recruited shall have powers to call for any information or statistics in relation to the migrant workmen so drafted, from the contractor or the principal employer in that State in which the migrant workmen have been engaged at any time by an order in writing.(2)Any person called upon to furnish the information under Sub-rule (1) shall be legally bound to do so.Chapter-VII Legal aid to migrant workmen

## **58. Legal aid.**

- On receipt of a written application from migrant workmen or in the event of his death, from next of his kin for providing legal aid in relation to any proceeding before the authority under Section 5 of the Payment of Wages Act, 1936 or authority under Section 20 of the Minimum Wages Act, 1948 or appropriate Labour Court under Sub-section (2) of Section 33-C of the Industrial Disputes Act, 1947 or Commissioner for Workmen's Compensation Act, 1923 in which the migrant workman or his legal heir or dependent is a party during stay of the migrant workman in the area in which the work place is located or after his return to the home-State, the specified authority concerned in such case, if he is satisfied, may with the approval of the Labour Commissioner of the State, engage an Advocate to conduct the relevant proceedings in the concerned Court on behalf of the migrant workman or his legal heir or dependent and meet all legal expenses in this regard,Chapter-VIII Appointment, powers and duties of Chief Inspector

## **59.**

(1)The State Government may, by notification, appoint a Chief Inspector who shall be the chief executive authority for the purpose of carrying out the provisions of the Act.(2)In addition to any powers conferred on the Chief Inspector by or under these rules he may exercise all or any of the powers of an Inspector.

## **60.**

(1)The Chief Inspector appointed under Sub-rule (1) of Rule 59 shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.(2)No prosecution under the Act shall be instituted except with the previous sanction of the Chief Inspector.Form-I[See Rule 3 (1)]Application for registration of establishment employing migrant workmen-

## **1. Name and location of the establishment.....**

**2. Postal address of the establishment.....**

**3. Full name and address of the principal employer (furnish father's/husband's name in the case of Individuals).....**

**4. Names and addresses of the Directors/Particulars of partners (in case of companies and firms).....**

**5. Full name and address of the Manager of person responsible for the supervision and control of the establishment.....**

**5A. Number and date of registration of the establishment under the Contract Labour (Regulation and Abolition) Act, 1970.....**

**6. Nature of work carried on in the establishment.....**

**7. Particulars of contractors and migrant workmen-**

(a)Names and addresses of contractors.....(b)Nature of work for which migrant workmen are to be recruited or are employed.....(c)Maximum number of migrant workmen to be employed on any day through each contractor.....(d)Estimated date and commencement of work under each contractor.(e)Estimated date of termination of employment of migrant workmen under each contractor.....

**8. Particulars of treasury receipts (Original treasury receipts to be enclosed) name of the Treasury, amount, number and date.....**

I hereby declare that the particulars given above are true to the best of my knowledge and belief.Principal EmployerSeal and stampsOffice of the Registering OfficerDate of receipt of applicationForm-II[See Rule 4 (1)]Certificate of registrationDate.....Government of OrissaOffice of the Registering OfficerA certificate of registration containing the following particulars is hereby granted under Clause (a) of Sub-section (2) of Section 4 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the rules made thereunder to.....

**1. Nature of work carried on in the establishment.....**

**2. Names and addresses of contractors.....**

**3. Nature of work for which migrant workmen are to be employed or are employed.....**

**4. Maximum number of migrant workmen to be employed on any day through each contractor.....**

**5. Other particulars relevant to the employment of migrant workmen-**

(i)(ii)Signature of Registering Officerwith sealForm-III[See Rule 4(2)]Register of establishment

Sl. No.	Registration No. and date	Name and address of the establishment registered	Name of the principal employer and his address	Type of business, trade, industry, manufacture or occupation which is carried on by the establishment	Maximum number of migrant workmen directly employed on any day
1	2	3	4	5	6

Particulars of contractor and inter-State

Name and address of contractor	Nature of work for which migrant workmen are to be recruited or are employed	Maximum number of migrant workmen employed on any day through a contractor	Probable duration of employment of migrant workmen	Remarks
7	8	9	10	11

Form - IV[See Rule 7(1)]Application for licence for recruitment

**1. Name and address of the contractor (including his father's/husband's name in case of individuals) with No. and date of licence obtained by the contractor under Contract Labour (Regulation and Abolition) Act, 1970 from.....(Particulars of the authority to be mentioned here).....**

**2. Date of birth and age (in case of individuals).....**

**3. Particulars of establishment where migrant workmen are to be employed-**

(a)Name and address of the establishment.....(b)Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment.....(c)No. and date of

certificate of registration of the establishment under the Act, alongwith a certified copy thereof and the particulars in Form I.....(d)Name and address of the principal employer.....

#### **4. Particulars of migrant workmen-**

(a)Nature of work in which migrant workmen are employed or are to be employed in the establishment.....(b)Duration of the proposed contract work (give particulars of proposed date of commencing and ending).....(c)Name and address of the agent or manager of the contractor at the work-site.....(d)Maximum number of migrant workmen proposed to be employed in the establishment on any date.....(e)Names and addresses of the Directors/Partners (in case of companies and firms).....(f)Name(s) and addresses) of the person(s) in charge of and responsible to the company/firm for conduct of the business of the company/ firm, as the case may be.....

**5. Whether the contractor was convicted of any offence within the preceding five years, if so, give details.....**

**6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, date of such order.....**

**7. Whether the contractor has worked in any other establishment within the past five years, if so, give details of the principal employer, establishment and nature of work.....**

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

**9. Amount of licence fee paid**

(with No. and date of Treasury Receipt).....

**10. Amount of security, if any.....**

DeclarationI 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 Treasury Receipts showing the payment of the prescribed licence fee and security deposit, if any, and a certificate in Form VI from the principal employer.(To be filled in the office of the Licensing Officer)Date of receipt of the application with Treasury Receipts for fees.....Signature of the Licensing OfficerForm-IV-A[See Rule 9 (2)]Application for licence for recruitment of labourers by the agents for employment in contractor's establishments outside Orissa

**1. Name and permanent address of the agent (including his father's/husband's name in case of individuals) with age of the agent.**

**2. Date of birth and age (in case of individuals)-**

(a) Complete address of the recruiting office; (b) Name and address of the authorised nominee worker in absence of the nominee with his relation with the agent.

**3. Particulars of establishment where migrant workmen are to be employed.**

**4. (a) Name and address of the establishment.**

(b) Type of business, trade, industry, manufacture or occupation which is carried on in the establishment. (c) Number and date of certificate of registration of the establishment under the Act. (d) Name and address of the principal employer. (e) Name and address of the contractors to whom labourers are to be supplied during the year in question (with number and date of licence obtained under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. (f) Detailed address of the work-place. (g) Number and date of licence of the contractor of outside State obtained under the Contract Labour (Regulation and Abolition) Act, 1970 with particulars of the Licensing Officer.

**5. Particulars of migrant workmen-**

(a) Nature of work in which migrant workmen are employed or are to be employed in the establishment; (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending); (c) Name and address of the manager of the contractor at the work-site; (d) Maximum number of workmen proposed to be recruited and supplied to the contractor (s) by the agent during the year in question (with break-up of the number to be supplied to each contractor); (e) Areas with name of police-station and district from which labourers are to be recruited; (f) Name and address of the partner and managing partner or director of the contractor's firm (in case of companies or firms) to whom workmen are to be supplied.

**6. Whether the agent was convicted of any offence within the preceding five years. If so, give details.**

**7. Whether there was any order against the agent revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.**

**8. Areas with name of police-station and district from which the Dadan Labourers are proposed to be recruited.**

**9. Amount of licence fee, paid.**

(with No. and date or Treasury Receipt) Declaration I hereby declare that the details given above are correct to the best of my knowledge and belief. Place..... Date..... Signature of the agent (To be filled in the office of the Licensing Officer) Date of receipt of the application with crossed demand draft for fees..... Signature of the Licensing Officer Form-V [See Rule 7 (2)] Application for licence for employment

**1. Name and address of the contractor (including his father's/ husband's name in case of individuals) with No. and date of licence obtained by the contractor under the Contract Labour (Regulation and Abolition) Act, 1970 from.....[particulars of the authority to be mentioned here along with a copy of the licence issued under Section 8 (1) (a)].....**

**2. Date of birth and age (in case of individuals).....**

**3. Particulars of establishment where migrant workmen are to be employed-**

(a) Name and address of the establishment..... (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment..... (c) No. and date of registration of the establishment under the Act... (d) Name and address of the principal employer.....

**4. Particulars of migrant workmen-**

(a) Nature of work in which migrant workmen are employed or are to be employed in the establishment..... (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending)..... (c) Name and address of the agent or manager of the contractor at the work-site..... (d) Maximum number of migrant workmen proposed to be employed in the establishment on any date..... (e) Name and address of the directors/partners (in case of companies and firms)..... (f) Name(s) and address(es) of the person(s) in charge of and responsible to the company/firm for the conduct of the business of the company/ firm, as the case may be.....

**5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.....**



**6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.....**

**7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishment and nature of work.....**

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

**9. Amount of licence fee paid.....**

(with number and date of Treasury Receipt).....

**10. Amount of security deposit, if any.....**

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

Place..... Signature of the applicant

Date..... (Contractor)

Note - The application should be accompanied by a treasury receipt showing the payment of the prescribed fee and security deposit, if any, from the principal employer. (To be filled in the office of the Licensing Officer) Date of receipt of the application with treasury receipt for fees. Signature of the Licensing Officer Form-VI [See Rule 7 (3)] Form of certificate by principal employer Certified that I have engaged the applicant (name and address of the contractor) as a contractor in my establishment. I undertake to be bound by all the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Orissa Rules, 1980 in so far as the provisions are applicable to me in respect of the employment of migrant workmen by the applicant in my establishment.

Place..... Signature of principal employer

Date..... Name and address of establishment

Form-VII [See Rule 11(2)] Application for adjustment of security deposit

Name and address of the contractor	No. and date of application of fresh licence	Date of expiry of previous licence	Whether the previous licence of the contractor was suspended or revoked.	No. and date of the treasury receipt of security deposit in respect of the previous licence	Amount of previous security deposit
1	2	3	4	5	6

Amount of security deposit for the fresh licence.	No. and date of Treasury receipt of the balance deposited with the fresh application	No. and date of certificate, the establishment in relation to which the fresh licence is applied for	Name and address of Principal Employer	Particulars of fresh application	Remarks
7	8	9	10	11	12

Form-VIII[See Rule 12 (1)]LicenceOffice of the Licensing OfficerLicence No.....  
Dated..... Fee paid Rs.....Licence is hereby granted to.....(contractor) under  
Sub-section (1) of Section 8 of the Inter-State Migrant Workmen (Regulation of Employment and  
Conditions of Service) Act, 1979, subject to the conditions specified in the Annexure.

**1. This licence is for doing the work of (nature of work to be indicated) in the establishment of (name of principal employer to be indicated) at (place of work to be indicated), by the migrant workmen recruited from.....(name of the police-station, district and State to be indicated) through Shri.....(name and address of the agent to be indicated).**

**2. The licence shall remain in force till the 31st December of.....(year in which issued to be mentioned here).**

Signature and seal of Licensing OfficerRenewal[See Rule 14]

Date of renewal Fee paid for renewal Date of expiry

1.2.3.

Date.....Signature and seal of theLicensing OfficerAnnexureThe licence is subject to the following conditions :

**1. The licence shall be non-transferable.**

**2. The number of workmen employed as migrant workmen in the establishment shall not, on any day exceed the maximum number specified in the licence, during the calendar year for which it is issued or last renewed.**

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

**4. The rates of wages payable to the migrant workmen by the, contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948, for such employment or for work of similar kind or nature and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.**

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

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Labour Commissioner of the State whose decision shall be final.(b)In other cases the wage rates, holidays, hours of work and conditions of service of the migrant workmen of the contractor shall be such as prescribed in these rules.

**6. Every migrant workman shall be entitled to allowance benefits, etc., as prescribed in the Act and these rules.**

**7. No female migrant workman shall be employed by any contractor before 6 a. m. or after 7 p. m. :**

Provided that this clause shall not apply to the employment of female migrant workman in pit head baths, creches and canteens and midwives and nurses in hospitals and dispensaries.

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

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

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

Form-VIII-A[See Rule 12 (1)]LicenceOffice of the LicensingOfficer Licence No.....  
Dated..... Fee paid Rs.....Licence is hereby granted to.....agent under Section 8 (1) of  
the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979,  
subject to the conditions specified in the Annexure.

**1. This licence is for doing the work of (nature of work to be indicated) in the establishment of principal employer and the contractor (name and address to be indicated) at.....(complete address of the place of work to be indicated), by the migrant workmen recruited from..... (name of the police station, district and State to be indicated).**

**2. The licence is meant for recruiting maximum number of.....(figure to be mentioned here) during the calendar years indicated in item 3 below.**

**3. The licence shall remain in force till the 31st December of.....(year in which issued to be mentioned here).**

Signature and seal of Licensing OfficerRenewal[See Rule 14]

Date of renewal	Fee paid for renewal	Date of expiry	Maximum number of migrant workmen to be recruited
(1)	(2)	(3)	(4)

1.2.3.

Dated.....Signature and seal of the Licensing OfficerAnnexureThe licence is subject to the following conditions :

**1. The licence shall be non-transferable.**

**2. The number of workmen employed as migrant workmen in the establishment shall not, on any day exceed the maximum number specified in the licence, during the calendar year for which it is issued or last renewed.**

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

**4. The rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948, for such employment or for work of similar kind or nature and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.**

**5. (a) In cases where the migrant workmen employed by the agent under a contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates,**

**holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be 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 of the State whose decision shall be final.(b)In other cases the wage rates, holidays, hours of work and conditions of service of the migrant workmen of the contractor recruited through his agent shall be such as prescribed in these rules.

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

**7. No female migrant workman shall be employed by any agent under any contractor before 6 a. m. or after 7 p. m. :**

Provided that this clause shall not apply to the employment of female migrant workman in pit head baths, creches and canteens and as midwives and nurses in hospitals and dispensaries.

**8. The agent shall notify any change in the name of the contractor(s), migrant workmen or the conditions of work, to the Licensing Officer.**

**9. The agent shall comply with all the provisions of the Act and these rules.**

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

**11. The name and address of all contractors with address of the work-place and the number of migrant workmen intended to be recruited for every contractor by the agent during every calendar year, shall be furnished by the agent with the application for renewal. Details of such particulars for every calendar year shall be entered and countersigned by the Licensing Officer on the reverse of the licence or renewal licence.**

Form - IX[See Rule 15 (2)]Application for renewal of licence

**1. Name and address of the contractor.....**



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

Copy forwarded to.....

(The principal employer)

Signature of the contractor or his authorised representative Date..... Note - In case where migrant workmen concerned have been recruited from more than one State, separate returns shall be submitted in respect of each such State. Form - XI [See Rule 24] Return to be sent by the contractor to the authorities specified under Explanation below Sub-section (2) of Section 12 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 Name and address of the Contractor - Name and address of the sub-contractor through whom recruitment has been made with number and date of licence obtained under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 from Licensing Officer of the State from which workmen are recruited. Name and address of the establishment..... Name and address of the principal employer..... Name of the State in which the place of work is located..... Name of the State in which recruitment was made.....

Serial No. Name of migrant workmen Father's/ Husband's Name Sex Designation Age

1 2 3 4 5 6

Permanent home address indicating the State	Place and address of residence in home State	Date of employment	Date on which ceased to be employed with reasons	Total days worked
7	8	9	10	11

Details of rates of wages and other allowances paid	Amount of displacement allowance paid	Amount of outward journey allowances, wages for outward journey paid	Amount of return journey allowance and wages for return journey paid	Total wages paid
12	13	14	15	16

Details of compensation and other allowances	Amount of deductions, if any	Amount of advance, if any, paid	Amount of advance, if any, recovered	Remarks
17	18	19	20	21

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

the contractor or his authorised representative Place.....Date.....Submitted to  
 -(1).....(Specified authority in the State in which migrant workman/workmen is/are  
 employed)(2).....(Specified authority in the State from which the migrant workman/workmen  
 has/have been recruited).Copy forwarded to.....(The principal employer)Signature of the  
 contractor or his authorised representativeNote - In case where migrant workmen concerned have  
 been recruited from more than one States, separate returns shall be submitted in respect of each  
 such State.Form-XII[See Rule 48]Register of contractor(1)Name and address of the principal  
 employer.....(2)Name and address of the establishment.....

Serial No.	Name and address of contractor	Nature of work on contract	Location of contract work	Period of contract	Maximum No. of migrant workmen employed by contractor	
From	To					
1	2	3	4	5	6	7

Form-XIII[See Rule 49]Register of workmen employed by contractor

Name and address of contractor ..... Name and address of establishment in/under which  
 migrantworkmen are employed .....

Name and address of the  
 establishment ..... Name and address of Principal Employer .....

Serial No.	Name and Surname of migrant workman	Age and sex	Father's/Husband's name	Nature of employment/ designation	Permanent home address of Migrant workmen (village and Tehsil/ Taluk and district
1	2	3	4	5	6

Local address	Date of commencement of employment	Signature or thumb impression of migrant workmen	Date of termination of employment	Reasons for termination	Remarks
7	8	9	10	11	12

Signature of contractor or his authorised representativeForm-XIV[See Rule 50]Service certificate

Name and address of contractor ..... Name and address of establishment in/under which  
 migrantworkmen are employed .....

Name and location of work .....

Name and address of the migrant  
 workman..... Name and address of Principal  
 Employer.....

Age or Date of Birth .....

Identification Marks .....

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

Serial No. Remarks



Total period for which employed		Nature of work done	Rate of wages (with particulars of Remarks until in case of piece-work		
From	To				
1	2	3	4	5	6

Signature of contractor or his authorised representative Form - XV [See Rule 51 (1)] Displacement and out ward journey allowance sheet

Name and address of contractor .....

Name and address of the Principal Employer .....

Name and address of the establishment .....

Month and year .....

Serial No.	Name of the migrant workman	Father's/Husband name	Permanent home address indicating the State	Place and address of residence in the home State	Designation	Rate of wages
1	2	3	4	5	6	7

Wages payable in a month	Place of recruitment	Place of work with address indicating the State	Railway Station/Bus Stand nearest to the place of residence	Railway Station/Bus Stand nearest to the place of work	Date and time of commencement of journey from the place of residence
8	9	10	11	12	13

Expected date and time of arrival at the place of work	Details of modes of journeys from the place of residence in the home State to the place of work	Amount of bus fare and/or second class train fare and/or other journey expenses separately as per the modes of journey indicated in column 15	Total of amount indicated in column No. 16	Amount of displacement allowance	Amount of outward journey allowance	Wages for outward journey period
14	15	16	17	18	19	20
			Rs. p.		Rs. p.	

Total amount	Date on	Signature or thumb-impression	Actual date	Balance wages for	Date of payment	Signature or thumb impression	Remarks
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paid which of the and outward of the of the  
paid migrantworkman time of journey, if balance migrantworkman  
arrival any, payable indicated  
at the inColumn  
place No. 25  
ofwork

21 22 23 24 25 26 27 28

Rs. p.

Note - Indicate separately different mode of journeys. Entries are to be made against each individual migrant workman. Date.....Signature of the Contractor or his authorised representativeForm-XVI[See Rule 51 (1)]Return Journey Allowance Register

Name and address of contractor ..... Name and address of the establishment  
.....

Name and address of the Principal Employer ..... Month and year .....

Serial No.	Name of the migrant workman	Father's/husband's name	Permanent home address indicating the State	Place and address of residence in home State	Designation
1	2	3	4	5	6

Rate of wages	Place of work	Railway Station/ Bus Stand nearest to the place of work	Railway Station/ Bus Stand nearest to the place of residence in the home State	Date and time of commencement of journey from the place of work	Expected date & time of arrival at the residence in home State
7	8	9	10	11	12

*Expected modes of Journeys from the place of work to place of residence in the home State	Amounts of bus fare and/or second class trainfare and/or other journey expenses, separately as per expected modes of journeys indicated in Column No. 13	Total amounts indicated in Column No. 14	Amounts of return journey allowance
13	14	15	16

Wages for return journey period	Total amount paid	Date on which paid	Signature or thumb-impression of the migrantworkman	Remarks
17	18	19	20	21

\* Indicate separately different modes of journeySignature of the contractor or his authorised representativeNote - Entries are to be made against each individual inter-State migrant workman. Date.....Form - XVII[See Rule 52 (2) (a)]Muster Roll

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

Nature and location of work ..... Name and address of the Principal Employer .....

For the month of .....

Serial No.	Name of migrant workmen	Father's/Husband's name	Sex	Dates	Remarks
1	2	3	4	5	6

Form - XVIII[See Rule 52 (2) (a)]Register of wages

Name and address of contractor..... Name and address of establishment in/under which the migrantworkmen are employed .....

Nature and location of work..... Name and address of principal employer.....

Wage period.....

Serial No.	Name of the Inter-State migrant workman	Serial No. in the register of workman	Designation/ nature of work	Number of days worked	Units of work done
1	2	3	4	5	6

Daily rate of wages/ piece-rate Amount of wages earned

Basic wages	Dearness allowance	Overtime	Other cash payments (nature of payment to be indicated)	Total
7	8	9	10	11 12

Deductions if any (indicate nature)	Net amount paid	Signature/thumb impression of migrant workman	Initials of contractor or his authorised representative
13	14	15	16

Form - XIX[See Rule 52 (2) (c)]Register of deductions for damage or loss

Name and address of contractor..... Name and address of establishment in/under which the migrantworkmen are employed .....

Nature and location of work..... Name and address of principal employer .....

Serial No.	Name of Inter-State migrant workman	Father's/ husband's name	Designation/ nature of employment	Particulars of damage or loss	Date of Damage or loss
1	2	3	4	5	6

Whether migrant workman showed causes against deduction	Name of person in whose presence employees' explanation was heard	Amount of deduction imposed Rs.	Number of instalments	Date of recovery	
First instalment	Last instalment				
7	8	9	10	11	12

Form - XX[See Rule 52 (2) (c)]

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

Nature and location of work.....

Serial No.	Name of Inter-State migrant workman	Father's/ husband's name	Designation/ nature of employment	Act/omission for which fine imposed	Date of offence
1	2	3	4	5	6

Whether inter-state migrant workman showed causes against fine	Name of person in whose presence employee's explanation was heard	Wage period and wages payable	Amount of fine imposed	Date on which fine realised	Remarks
7	8	9	10	11	12

Form-XXI[See Rule 52 (2) (c)]

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

Nature and location of work..... Name and address of principal employer .....

Serial No.	Name of inter-state migrant workman	Father's/ husband's name	Nature of employment/ designation	Wage period and wages payable	Date and amount of advance given
1	2	3	4	5	6

Purpose(s) for which advance made	No. of instalments by which advance to be repaid	Date and amount of each instalment repaid	Date on which last instalment was repaid	Remarks
7	8	9	10	11

Form XXII[See Rule 52 (2) (d)]

Name and address of contractor.....		Name and address of establishment in/under which migrantworkmen are employed .....				
Nature and location of work.....		Name and address of principal employer .....				
Serial No.	Name of inter-State migrant workman	Father's/husband's name	Sex	Designation/nature of employment	Date on which overtime worked	
1	2	3	4	5	6	
Total overtime worked or production in case of price-rated		Normal rates of wages	Overtime rates of wages	Overtime earning	Date on which overtime wages paid	Remarks
7		8	9	10	11	12

Form - XXIII[See Rule 56 (1)]Return to be sent by the contractor to the Licensing OfficerHalf-year ending-

**1. Name and address of the contractor.....**

**2. Name and address of the establishment.....**

**3. Name and address of the principal employer.....**

**4. Duration of contract: From..... To.....**

**5. Number of days during the half-year on which-**

(a)the establishment of the principal employer had worked(b)the contractors' establishment had worked

**6. Maximum number of inter-State migrant workmen employed on any day during the half-year:**

Men Women Children Total

**7. (i) Daily hours of work and spread over.....**

(ii)(a)whether weekly holiday observed and on what day-(b)if so, whether it was paid for.....(iii)Number of man-hours of overtime worked.....

**8. Number of man-days worked by-**

Men Women Children Total

**9. Amount of wages paid-**

Men Women Children Total

Note. - Wages shall not include wages for periods of outward and return journeys.

**10. Amount of deductions from wages, if any-**

Men Women Children Total

**11. Amount of displacement allowance paid -**

Men Women Children Total

**12. Amount of outward journeys allowance paid-**

Men Women Children Total

**13. Amount of wages for outward journeys period paid-**

Men Women Children Total

**14. Amount of return journeys allowance paid-**

Men Women Children Total

**15. Amount of wages for return journeys period paid -**

Men Women Children Total

**16. Whether the following have been provided :**

(i)Residential accommodation;(ii)Protective clothing;(iii)Canteen;(iv)Rest-room;(v)Latrines and urinals;(vi)Drinking water;(vii)Creche;(viii)Medical facilities;(ix)First-aid.(if the answer is 'yes' state briefly nature/standards provided)Place.....Date.....Signature of contractorForm-XXIV[See Rule 56 (2)]Annual return of principal employer to be sent to the Registering OfficerYear ending 31st December.....

**1. Full name and address of the principal employer.....**

**2. Name of the establishment -**

(a)District.....(b)Postal address.....(c)Nature of the operation/industry/work carried on.....

**3. Full name of the Manager or person responsible for supervision and control of the establishment.....**

**4. Number of contractors who worked in the establishment during the year (give details in Annexure).....**

**5. Nature of work/operations in which migrant workman was employed.....**

**6. Total number of days during the year on which migrant workman was employed.....**

**7. Total number of man-days worked for by migrant workman during the year.....**

**8. Maximum number of workmen employed directly on any day, during the year.....**

**9. Total number of days during the year in which direct labour was employed.....**

**10. Total number of man-days worked by directly employed workmen.....**

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

Principal employerPlace.....Date.....Annexure to Form

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