

The Bihar Contract Labour (Regulation and Abolition) Rules, 1972

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Rule

THE-BIHAR-CONTRACT-LABOUR-REGULATION-AND-ABOLITION-RU of 1972

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1. [Amended by THE CONTRACT LABOUR (REGULATION AND ABOLITION) (BIHAR AMENDMENT) ACT, 2020 (Act 17 of 2020) on 18 November 2020]

The Bihar Contract Labour (Regulation and Abolition) Rules, 1972Published vide Notification No. S.O. 1114, dated 2nd November, 1972, Published in Bihar Gazette (Extraordinary), dated 6th December, 1972S.O.1114, dated 2nd November, 1972. - In exercise of the power conferred by Section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Act 37 of 1970) the Governor of Bihar is pleased to make the following rules the same having been previously published as required by sub-section (1) of the said section, namely:-

Chapter I

1. Short title and commencement.

(1)These Rules may be called the Bihar Contract Labour (Regulation and Abolition) Rules, 1972.(2)They shall [come into force] [Came into force on 15.3.1973, vide S.O. 305, dated 5th March, 1973.] on the date of their publication in the Official Gazette.

2. Definitions.

- In these Rules, unless the subject or context otherwise requires-(a)"Act" means the Contract Labour (Regulation and Abolition) Act, 1970;(b)"Appellate Officer" means the Appellate Officer

appointed by the State Government under sub-section (1) of Section 5;(c)"Board" means the State Advisory Contract Labour Board constituted under Section 4;(d)"Chairman" means the Chairman of the Board;(e)"Committee" means a Committee constituted under sub-section (1) of Section 5;(f)"Form" means a form appended to these Rules;(g)"Section" means a section of the Act.

Chapter II

State Board

3. The Board shall consist of the following members.

(a)a Chairman to be appointed by the State Government;(b)the Commissioner of Labour, Bihar, ex officio or in his absence any other officer nominated by the State Government in that behalf;(c)One person representing the department of the State Government to be appointed by that Government from amongst its officials;(d)Two persons representing the principal employers and two representing the contractors to whom the Act applies to be appointed by the State Government after consultation with the organisations, if any of the principal employers or the contractors as may be recognised by the State Government;(e)Two persons representing the employees of the principal employers and two representing the employees of the contractors to whom the Act applies to be appointed by the State Government after consultation with such organisations of workmen as may be recognised by the State Government.

4. Term of office.

(1)The Chairman of the Board and each of the members referred to in clauses (d) and (e) of Rule 3, shall hold office as such for a period of three years commencing from the date on which his appointment is first notified in the Official Gazette:Provided that where the successor of any such member has not been notified in the Official Gazette on or before the expiry of the said period of three years, such members shall, notwithstanding the expiry of the period of his office continue to hold such office until the appointment of his successor has been notified in the Official Gazette.(2)Each of the members of the Board referred to in clause (c) of Rule 3 shall hold office as such during the pleasure of the Governor.

5. [Resignation. [Substituted by S.O. 1940, dated 15th December, 1976, published in Bihar Gazette, Part II, dated December 22, 1976 pp. 1969-70.]

- (i) A member of the Board not being an ex officio member may resign his office by a letter in writing addressed to the State Government,(ii)The office of such a member shall fall vacant from the date on which his resignation is accepted by the State Government or on the expiry of thirty days from the date of receipt of the letter of resignation by the Government whichever is earlier.]- Note. - Old Rule 5 runs as under:

"5. Resignation.- A member of the Board, not being an ex officio member, may resign his office by a

letter in writing addressed to the State Government with a copy thereof, to the Chairman and on such resignation being accepted by the Government, his office shall fall vacant on the date on which such resignation is accepted."

6. Cessation of membership.

- If any member of the Board, not being an ex officio member, fails to attend three consecutive meetings of the Board, without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Board: Provided that the State Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Board, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Board.

7. Disqualification for membership.

(1) A person shall be disqualified for being re-appointed, and for being a member of the Board-(i) if he is of unsound mind and stands so declared by a competent Court; or (ii) if he is an undischarged insolvent; or (iii) if he has been or is convicted of an offence which, in the opinion of the State Government, involves moral turpitude. (2) If a question arises as to whether a disqualification has been incurred under sub-rule (1) the State Government, shall decide the same.

8. Removal from membership.

- The State Government may remove from office any member of the Board, if in its opinion such a member has ceased to represent the interest which he purports to represent on the Board: Provided that no such member shall be removed unless a reasonable opinion is given to him of making any representation against the proposed action.

9. Vacancy.

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

10. Staff.

(1) (i) The State Government may appoint one of its officials as Secretary to the Board and appoint such other staff as it may think necessary to enable the Board to carry out its functions. (ii) The salaries and allowances payable to the staff and the other conditions of service of such staff shall be such as may be decided by the State Government. (2) The Secretary-(i) shall assist the Chairman in convening meetings of the Board; (ii) may attend the meetings but shall not be entitled to vote at such meetings; (iii) shall keep a record of the minutes of such meetings; and (iv) shall take necessary

measures to carry out the decisions taken at the meetings of the Board.

11. Allowance of members.

(1)The travelling allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.(2)The non-official members of the Board shall be paid travelling allowance for attending the meeting of the Board at such rates as are admissible to Grade I Officers of the State Government and daily allowance shall be calculated at the maximum rate admissible to Grade I Officers of the State Government.

12. Disposal of business.

- Every question which the Board is required to take into consideration shall be considered at a meeting or, if the Chairman so directs, by sending the necessary papers to every member for opinion, and the question shall be disposed of in accordance with the decisions of the majority:Provided that in the case of equality of votes, the Chairman shall have a second or a casting vote.Explanations. - "Chairman" for the purposes of this rule, shall include the Chairman nominated under Rule 13 to preside over a meeting.

13. Meetings.

(1)The Board shall meet at least twice a year at such places and times as may be specified by the Chairman.(2)The Chairman shall preside over every meeting of the Board at which he is present and in his absence nominate a member of the Board to preside over such meeting.

14. Notice of meetings and list of business.

(1)Ordinarily seven days' notice shall be given to the members of a proposed meeting.(2)No business which is not on the list of business for a meeting shall be considered at that meeting without the permission of the Chairman.

15. Quorum.

- No business shall be transacted at any meeting unless at least one-third of the members of whom at least one representing the employers and one representing the employees are present:Provided that if at any meeting either less than one-third of the members are present or there is no member representing the employers and the employees present, the Chairman may adjourn the meeting to a date not later than seven days from the date of that meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number or class of members present.

16. Committee of the Board.

(1)(i)The Board may constitute such committees and for such purposes as it may think fit.(ii)While constituting the Committees the Board may nominate one of its members to be the Chairman of the Committee.(2)[(i) The Committee shall meet at such times and places as the Chairman of the said Committee may decide.(ii)The provisions of Rules 12, 13 (2), 14 and 15 shall apply to the Committee for transaction of business at its meetings as they apply to the Board.]Note. - Old sub-rule (2) of Rule 16 runs as under:[Substituted by S.O. 1940, dated 15th December, 1976.]

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

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

Chapter III

Registration and Licensing

17. Manner of making application for registration of establishment.

(1)The application referred to in sub-section (1) of Section 7 shall be made in triplicate in Form 1 to the registering officer of the area in which the establishment sought to be registered is located.(2)The application referred to in sub-rule (1), shall be accompanied by a treasury receipt showing payment of the fees for the registration of the establishment.(3)Every application referred to in sub-rule (1) shall be either personally delivered to the registering officer or sent to him by registered post.(4)On receipt of the application referred to in sub-rule (1) the registering officer shall, after noting thereon the date of receipt by him of the application, grant an acknowledgement to the applicant.

18. Grant of certificate of registration.

(1)The certificate of registration under sub-section (2) of Section 7 shall be granted within sixty days of the receipt of the application by the registering officer and shall be in Form 11.(2)Every certificate of registration granted under sub-section (2) of Section 7 shall contain the following particulars, namely:-(a)the name and address of the establishment;(b)the maximum number of workmen to be employed as contract labour in the establishment;(c)the type of business, trade, industry, manufacture or occupation which is carried on in the establishment;(d)such other particulars as may be relevant to the employment of contract labour in the establishment.(3)The registering officer shall maintain a register in Form III showing the particulars of establishments in relation to which certificates of registration have been issued by him.(4)If, in relation to an establishment, there is any change in the particular 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.

19. 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.

20. Amendment of certificate of registration.

(1) Where on receipt of the intimation under sub-rule (4) of Rule 18, the registering officer is satisfied that an amount higher than the amount which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce the treasury receipt showing such credit. (2) Where on receipt of the intimation referred to in sub-rule (4) of Rule 18 the registering officer is satisfied that there has occurred a change in the particulars of the establishment as entered in the register in Form III, he shall amend the said register and record therein the change which has occurred: Provided that no such amendment shall affect anything done or any action taken or any rights, obligation or liability acquired or incurred before such amendment: Provided further that the registering officer shall not carry out any amendment in the register in Form III, unless the appropriate fees have been deposited by the principal employer.

21. Application for a licence.

(1) Every application by a contractor for the grant of a licence shall be made in triplicate, in Form IV, to the licensing officer of the area in which the establishment, in relation to which the contractor, is located. (2) Every application for the grant of a licence shall be accompanied by a certificate by the principal employer in Form V to the effect that the applicant has been employed by him as a contractor in relation to his establishment and that he undertakes to be bound by all the provisions of the Act and the Rules made thereunder in so far as the provisions are applicable to him as principal employer in respect of the employment of contract labour by the applicant. (3) Every such application shall be either personally delivered to the licensing officer or sent to him by registered post. (4) On receipt of the application referred to in sub-rule (1), the licensing officer shall, after noting thereon, the date of receipt of the application, grant an acknowledgment to the applicant. (5) Every application referred to in sub-rule (1) shall also be accompanied by a treasury receipt showing—(i) [Omitted by S.O. 1940, dated 15th December, 1976.] Note. - Old clause (1) of sub-rule (5) of Rule 21 runs as under:

"(i) the deposit of the security at the dates specified in Rule 24, and" (ii) the payment of the fees at the dates specified in Rule 6.

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

- In granting or refusing to grant a licence, the licensing officer shall take the following matters into account, namely:-(a)whether the applicant-(i)is a minor, or(ii)is of unsound mind and stands so declared by a competent court, or(iii)[Omitted by S.O. 1940, dated 15th December, 1976.][Note. - Old sub-rule (iii) of Rule 22 runs as under:

"(iii) is an undischarged insolvent, or"

(iv)has been convicted (at any time during a period of five years immediately preceeding the date of application) of an offence, involving moral turpitude;(b)whether there is an order of the appropriate Government or an award of settlement for the abolition of contract labour in respect of the particular type of work in the establishment for which the applicant is a contractor;(c)whether any order has been made in respect of the applicant under sub-section (1) of Section 14, and, if so, whether a period of three years has elapsed from the date of that order;(d)whether the fees for the application have been deposited at the rates specified in Rule 26; and(e)whether security has been deposited by the applicant at the rates specified in Rule 24.

23. Refusal to grant licence.

(1)On receipt of the application from the contractor and as soon as possible thereafter, the Licensing Officer shall investigate or cause investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and the eligibility of the applicant for a licence. [Substituted by S.O. 1940, dated 15th December, 1976.][Note. - Old sub-rule (1) of Rule 23 runs as under:

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

(2)(i)Where the licensing officer is of opinion that the licence should not be granted, he shall, after affording reasonable opportunity to the applicant to be heard, make order rejecting the application.(ii)The order shall record the reasons for the refusal and shall be communicated to the applicant.

24. Security.

- [Omitted by S.O. 1940, dated 15th December, 1976.][Note. - Old Rule 24 runs as under:

24.Security.- (1) Before a licence is issued an amount calculated at the rate of Rs. 30 for each of the workman to be employed as contract labour in respect of which the application for licence has been made, shall be deposited by the contractor for due performance of the conditions of the licence and compliance with the provisions of the Act or the Rules made thereunder.(2) The amount of security deposit shall be paid in the local treasury under the head of account "Section T-Deposits and Advance-Part III-Deposits not bearing interest-(c) Other Deposits-Accounts-Departmental and

Judicial Deposits-Civil Deposits-Deposits under Contract Labour (Regulation and Abolition) Act, 1970."

25. Forms and terms and conditions of licence.

(1) Every licence granted under sub-section (1) of Section 12 shall be in Form VI. (2) Every licence granted under sub-rule (1) or renewed under Rule 29 shall be subject to the following conditions, namely:-(i) the licence shall be non-transferable; (ii) the number of workmen employed as contract labour in the establishment shall not, on any day, exceed the maximum number specified in the licence; (iii) save as provided in these Rules, the fees paid for the grant, or as the case may be, for renewal of the licence, shall be non-refundable; (iv) the rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed under Minimum Wages Act, 1948 (11 of 1948), for such employment where applicable and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed; (v) (a) In case the workman is employed by the contractor in production or maintenance jobs which are not permanent in industrial establishments, the workman will be paid the same wages and allowed the same facilities in respect of leave, holidays and hours of work, as are allowed to the workman employed directly by the said establishment for same or similar jobs. If there is disagreement about "the same or similar nature of jobs", the matter will be referred to the Commissioner of Labour whose decision shall be final. (b) In other cases the wages-rates, holidays, hours of work and condition of service of the workmen of the contractor shall be such as may be specified in this behalf by the Commissioner of Labour, Bihar; Explanation. - While determining wage-rate, holidays, hours of work and other conditions of service under (b) above, the Commissioner of Labour, Bihar, shall have due regard to the wage-rates, hours of work and other conditions of service obtaining in similar employments. (vi) (a) in every establishment where twenty or more women are ordinarily employed as contract labour, there shall be provided two rooms of reasonable dimensions for the use of their children under the age of six years; (b) one of the such rooms shall be used as a play-rooms for the children and the other as bedrooms for the children; (c) the contractor shall supply adequate number of toys and games in the play-room and sufficient number of cots and bed dings in the sleeping-room; (d) the standard of construction and maintenance of the creches shall be such as may be specified in this behalf by the Commissioner of Labour, Bihar; (vii) the licence shall notify any change in the number of workmen or the conditions of work to the licensing officer; (viii) [The licensee shall within seven days of the commencement of the contract work, intimate to the Inspector, the actual date of such commencement.] [Inserted by S.O. 1940, dated 15th December, 1976.]

26. [Fees. [New data table for Fees Substituted vide S.O. 323, dated 30th November, 1992 [Published in Bihar Gazette (Extraordinary) dated 30.11.1992]]

(1) The fees to be paid for the grant of a certificate of registration under Section 7 shall be as specified below, namely:- If the number of workmen proposed to be employed on contract on any day:-

Rs.

- (a) exceeds 10 but does not exceed 20 - 120
- (b) exceeds 20 but does not exceed 50 - 300
- (c) exceeds 50 but does not exceed 100 - 600
- (d) exceeds 100 but does not exceed 200 - 1200
- (e) exceeds 200 but does not exceed 400 - 2400
- (f) exceeds 400 - 3,000

(2) The fees to be paid for the grant of a licence under Section 12 shall be as specified below:-If the number of workmen employed by the contractor on any day-

Rs.

- (a) exceeds 10 but does not exceed 20 - 40
- (b) exceeds 20 but does not exceed 50 - 100
- (c) exceeds 50 but does not exceed 100 - 200
- (d) exceeds 100 but does not exceed 200 - 400
- (e) exceeds 200 but does not exceed 400 - 800
- (f) exceeds 400 - 1,000]

27. [Validity of the licence. [Inserted by S.O. 1940, dated 15th December, 1976.]

- Every licence granted under Rule 25 renewed under Rule 29, as the case may be, shall remain in force for twelve months from the date it is granted or renewed or till the actual date of completion of the contract, whichever is earlier.]Note. - Old Rule 27 runs as under:

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

28. Amendment of the licence.

(1) A licence issued under Rule 25 or renewed under Rule 29 may, for good and sufficient reasons, be amended by the licensing officer. (2) The contractor who desires to have the licence amended shall submit to the licensing officer an application stating the nature of the amendment and reasons therefor. (3) (i) If the licensing officer allows the application, he shall require the applicant to furnish a treasury receipt for the amount, if any, by which the fees that would have been payable if the licence had been originally issued in the amended form exceeds the fees originally paid for the licence. (ii) On the applicant furnishing the requisite treasury receipt the licence shall be amended according to the orders of the licensing officer. (4) Where the application for amendment is refused, the licensing officer shall record the reasons for such refusal and communicate the same to the applicant.

29. Renewal of licence.

(1) Every contractor shall apply to the licensing officer for renewal of the licence. (2) Every such application shall be in Form VII in triplicate and shall be made not less than thirty days before the

date on which the licence expires, and if the application is so made, the licence shall be deemed to have been renewed until such date when the renewed licence is issued.(3)The fees chargeable for renewal of the licence shall be the same as for the grant thereof:Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of 25 per cent in excess of the fee ordinarily payable for the licence shall be payable for such renewal:Provided further that in case where the licensing officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the contractor, he may reduce or remit as he thinks fit the payment of such excess fee.

30. Issue of duplicate certificate of registration or licence.

- Where a certificate of registration or a licence granted or renewed under the preceding rules has been lost, defaced or accidentally destroyed, a duplicate may be granted on payment of fees of rupees five.

31.

[Omitted by S.O. 1940, dated 15th December, 1976.].Note. - Old Rule 31 runs as under:

"31. Refund of security - (1) (i) On expiry of the period of licence the contractor may, if he does not intend to have his licence renewed make an application to the licensing officer for the refund of the security deposited by him under Rule 24.(ii) If the licensing officer is satisfied that there is no breach of the conditions of licence or there is no order under Section 14 for the forfeiture of security or any portion thereof, he shall direct the refund of the security to the applicant.(2) If there is any order directing the forfeiture of any portion of the security the amount to be forfeited shall be deducted from the security deposit, and balance, if any, refunded to the applicant.(3) Any application for refund shall, as far as possible, be disposed of within 60 days of the receipt of the application."

32. Grant of temporary certificate of registration and licence.

(1)Where conditions arise in an establishment requiring the employment of contract labour immediately and such employment is estimated to last for not more than fifteen days, the principal employer of the establishment or the contractor, as the case may be, may apply for a certificate of temporary registration of licence to the registering officer or the licensing officer, as the case may be, having jurisdiction over the area in which the establishment is situated.(2)The application for such certificate of temporary registration or licence shall be made in triplicate in Forms VIII and X respectively and shall be accompanied by a treasury receipt or a crossed postal order drawn in favour of the appropriate registering or licensing officer, as the case may be, showing the payment of appropriate fees and in the case of licence the appropriate amount of security also.(3)On receipt of the application complete in all respects and on being satisfied either on affidavit by the applicant or otherwise that the work in respect of which the application has been made would be finished in a period of fifteen days and was of a nature which could not be carried out immediately, the registering officer or the licensing officer, as the case may be, shall forthwith grant a certificate of

registration in Form IX or a licence in Form XI, as the case may be, for a period of not more than fifteen days.(4)Where a certificate of registration or licence is not granted, the reasons therefor shall be recorded by the registering officer or the licensing officer, as the case may be.(5)On expiry of the validity of the registration certificate the establishment shall cease to employ in the establishment the contract labour in respect of which the certificate was given.(6)[The fees to be paid for the grant of the certificate of registration under sub-rule (3) shall be as specified below :-If the number of workmen proposed to be employed on contract on any day-

Rs.

- (a) exceeds 10 but does not exceed 20 - 40
- (b) exceeds 20 but does not exceed 50 - 80
- (c) exceeds 50 but does not exceed 100 - 120
- (d) exceeds 200 - 240

(7)The fees to be paid for the grant of a licence under sub-rule (3) shall be as specified below:-If the number of workmen proposed to be employed by the contractor on any day-

Rs.

- (a) exceeds 10 but does not exceed 20 - 20
- (b) exceeds 20 but does not exceed 50 - 80
- (c) exceeds 50 but does not exceed 100 - 140
- (d) exceeds 200 - 240

[New data table for Fees Substituted vide S.O. 323, dated 30th November, 1992 [Published in Bihar Gazette (Extraordinary) dated 30.11.1992]](8)The provision of Rule 23 and Rule 24 shall apply to the refusal to grant licence or to grant licence under sub-rule (4) and sub-rule (3) respectively.

Chapter IV

Appeals and Procedure

33.

(1)(i)Every appeal under sub-section (1) of Section 15 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.(ii)The memorandum shall be accompanied by a certified copy of the order appealed from and a treasury receipt for Rs. 10.(2)The memorandum shall set forth concisely and under distinct heads the grounds of appeal to the order appealed from.

34.

(1)Where the memorandum of appeal does not comply with the provisions of sub-rule (2) of Rule 53, it may be rejected or returned to appellant for the purpose of being amended within a time to be fixed by the Appellate Officer.(2)Where the Appellate Officer rejects the memorandum under sub-rule (1) he shall record the reason for such rejection, and communicate the order to the

appellant.(3)Where the memorandum of appeal is in order the Appellate Officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in a book to be kept for the purpose called the Register of Appeals.(4)(i)When the appeal has been admitted the Appellate Officer shall send the notice of the appeal to the Registering Officer or the Licensing Officer as the case may be, on whose order the appeal has been preferred and the Registering Officer or the Licensing Officer shall send the record of the case to the Appellate Officer within a period of one month.(ii)On receipt of the record the Appellate Officer shall send notice to the appellant to appear before him at such date and time as may be specified in the notice for the hearing of the appeal.

35.

If on the date fixed for hearing, the appellant or his authorised agent does not appear, the Appellate Officer may decide the appeal in absence of the appellant or his authorised agent.

36.

(i)Where an appeal has been dismissed under Rule 35 the appellant may apply to the Appellate Officer for the re-admission of the appeal, and where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Appellate Officer shall restore the appeal on its original number.(ii)Such an application shall, unless the Appellate Officer extends the time for sufficient reasons, be made within 30 days of the date of dismissal.

37.

(1)If the appellant is present when the appeal is called on for hearing, the Appellate Officer shall proceed to hear the appellant or his authorised agent and any other person summoned by him for this purpose, and pronounce judgement on the appeal either confirming, reversing or varying the order appealed from.(2)The judgement of the Appellate Officer shall state the points for determination, the decisions thereon and the reasons for the decisions.(3)The order shall be communicated to the appellant and copy thereof shall be sent to the Registering Officer or the Licensing Officer from whose order the appeal has been preferred.

38. [Payment of fees. [Substituted by S.O. 1940, dated 15th December, 1976.]

- Unless provided in these Rules all fees to be paid under these Rules shall be paid in the local Treasury under the head '6087'- Labour and Employment-Fees under the Contract Labour (Regulation and Abolition) Act, 1970.]Note. - Old Rule 38 runs as under:

38. Payment of fees.- Unless otherwise provided in these Rules all fee to be paid under these Rules shall be paid in the local treasury under the head of account "XXXII (A)-Miscellaneous-Social and Development Organisation-Labour and Employment-Fees under the Contract Labour (Regulation and Abolition) Rule, 1971. etc."

39. Copies.

- Copy of the order of the Registering Officer, Licensing Officer or the Appellate Officer may be obtained on payment of fees of rupees two for each order on application specifying the date and other particulars of the order made to the officer concerned.

Chapter V

Welfare and Health of Contract Labour

40.

(1)The facilities required to be provided under Sections 18 and 19 of the Act, namely, sufficient supply of wholesome drinking water, a sufficient number of latrines and urinals, washing facilities and first-aid facilities shall be provided by the contractor in the case of the existing establishments within seven days of the commencement of these Rules and in the case of new establishment within seven days of the commencement of the employment of contract labour therein.(2)If any of the facilities mentioned in sub-rule (1) is not provided by the contractor within the period prescribed, the same shall be provided by the principal employer within seven days of the expiry of the period laid down in the said sub-rule.

41. Rest-rooms.

(1)In every place wherein contract labour is required to halt at night in connection with the working of the establishment to which the Act applies and which employment of contract labour is likely to continue for 3 months or more, the contractor shall provide and maintain rest-rooms or other suitable alternative accommodation within fifteen days of the coming into force of the rules in the case of existing establishments, and within fifteen days of the commencement of the employment of contract labour in new establishments.(2)If the amenity referred to in sub-rule (1) is not provided by the contract or within the period prescribed, the principal employer shall provide the same within a period of fifteen days of the expiry of the period laid down in the said sub-rule.(3)Separate rooms shall be provided for women employees.(4)Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.(5)[The rest-room or rooms or other suitable alternative accommodation shall be of such dimensions so as to provide at least a floor area of 110 square centimetres for each person making use of the rest room and the accommodation shall not be less than for ten per cent of the number of workers employed at any onetime.] [Substituted by S.O. 1940, dated 15th December, 1976.]Note. - Old sub-rule (5) of Rule 41 runs as under:

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

(6)The rest-room or rooms or other suitable alternative accommodation shall be so constructed as to afford adequate protection against heat, wind, rain, and shall have smooth, hard and impervious floor surface.(7)The rest-room or other suitable alternative accommodation shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

42. Canteens.

(1)In every establishment to which the Act applies and wherein work regarding the employment of contract labour is likely to continue for six months and wherein contract labour numbering one hundred or more are ordinarily employed, an adequate canteen shall be provided by the contractor for the use of such contract labour within sixty days of the date of coming into force of the Rules in the case of the establishments and within 60 days of the commencement of the employment of contract labour in the case of new establishments.(2)If the contractor fails to provide the canteen within the time laid down, the same shall be provide 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.

43.

(1)The canteen shall consist of at least a dining-hall, kitchen, storeroom, pantry and washing places separately for workers and for utensils.(2)(i)The canteen shall be sufficiently lighted at all time when any person has access to it.(ii)The floor shall be made of smooth and impervious material and inside walls shall be lime-washed or colour-washed, at least once in each year:Provide that the inside walls of kitchen shall be lime-washed every four months.(3)(i)The precincts of the canteen shall be maintained in a clean and sanitary condition.(ii)Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance.(iii)Suitable arrangements shall be made for the collection and disposal of garbage.

44.

(1)The dining-hall shall accommodate at a time at least 30 per cent of the contract labour working at a time.(2)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 dinner to be accommodated as prescribed in sub-rule (1).(3)(i)A portion of the dining-hall and service counter shall be partitioned-off and reserved for women workers in proportion to their number.(ii)Washing places for women shall be separate and screened to secure privacy.(4)Sufficient tables, stools, chairs or benches shall be available for the number of diners to be accommodated as prescribed in sub-rule (1).

45.

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

other equipment shall be maintained in a clean and hygienic condition.(2)(i)Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.(ii)A service counter, if provided, shall have top of smooth and impervious material.(iii)Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

46.

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

47.

The charges for foodstuffs, beverages and any other items served in the canteen shall be based on 'no-profit-no-loss' and shall be conspicuously displayed in the canteen.

48.

In arriving at the prices of foodstuffs and other articles served in the canteen, the following items shall not be taken into consideration as expenditure, namely:-(a)the rent for the land and building;(b)the depreciation and maintenance charges for the building and equipment provided for in the canteen;(c)the cost of purchase, repairs and replacement of equipment including furniture, 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 in the canteen.

49.

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

50.

The accounts pertaining to the canteen shall be audited once every 12 months by registered accountants and auditors:Provided that the Commissioner of Labour, Bihar, 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.

51. Latrine and urinals.

- Latrines shall be provided in every establishment coming within the scope of the Act on the following scale, namely,-(a)where females are employed, there shall be at least one latrine for every 25 females;(b)where males are employed, there shall be at least one latrine for every 25 males:Provided that where the number of males or females exceeds 100, it shall be sufficient if there

is one latrine for every 25 males or females, as the case may be, up to the first 100 and one for every 50 thereafter.

52.

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

53.

(1)Where workers of both sexes are employed, there shall be displayed outside each block of latrine and urinal a notice in the language understood by the majority of the workers "For Men Only" or "For Women Only" as the case may be.(2)The notice shall also bear the figure of a man or of a woman, as the case may be.

54.

There shall be at least one urinal for male workers up to 50 and one for female workers up to 50 employed at a time:Provided that where the number of male or female workmen, as the case may be, exceeds 500 it shall be sufficient if there is one urinal for every 50 males or females up to the first 500 and one for every 100 or part thereof thereafter.

55.

(1)The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.(2)(i)The latrines and urinals shall be adequately lighted and shall be maintained in a clean and sanitary condition at all times.(ii)Latrines and urinals other than those connected with a flush sewage system shall comply with the requirements of the public health authorities.

56.

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

57. Washing facilities.

(1)In every establishment coming within the scope of the Act, adequate and suitable facilities for washing shall be provided and maintained for the use of contract labour employed therein.(2)Separate and adequate screening facilities shall be provided for the use of male and female workers.(3)Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

58. First-aid facilities.

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

59.

(1) The first-aid box shall be distinctively marked with a red cross on a white ground and shall contain the following equipments, namely:-A. For establishments in which the number of contract labour employed does not exceed fifty-Each first-aid box shall contain the following equipment:-(i)6 small sterilized dressings;(ii)3 medium size sterilized dressings;(iii)3 large size sterilized dressings;(iv)3 large size sterilized burn dressings;(v)1 (30 ml.) bottle containing a two per cent alcoholic solution of iodine;(vi)1 (30 ml.) bottle containing sal volatile having the dose and mode of administration indicated on the label;(vii)1 snake-bite lancet;(viii)1 (30 gms.) bottle of potassium permanganate crystals;(ix)1 pair scissors;(x)1 copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institutes, Government of India;(xi)A bottle containing 100 tablets (each of 5 grains) of aspirin;(xii)Ointment for burns;(xiii)A bottle of suitable surgical antiseptic solution.B. For establishments in which the number of contract labour exceeds fifty-Each first-aid box shall contain the following equipment:-(i)12 small sterilized dressings.(ii)6 medium size sterilized dressings.(iii)6 large size sterilized dressings.(iv)6 large size sterilized burn dressings.(v)6 (15 gms.) packet sterilized cotton wool.(vi)1 (60 ml.) bottle containing a two per cent alcoholic solution of iodine.(vii)1 (60 ml.) bottle containing sal volatile having the dose and mode of administration indicated on the label.(viii)1 roll of adhesive plaster.(ix)A snake-bite lancet.(x)1 (30 gms.) bottle of potassium permanganate crystals.(xi)1 pair scissors.(xii)1 copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institutes, Government of India.(xiii)A bottle containing 100 tablets (each of 5 grains) of aspirin.(xiv)Ointment for burns.(xv)A bottle of a suitable surgical antiseptic solution.(2) Adequate arrangements shall be made for immediate recoupment of the equipment when necessary.

60.

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

61.

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

62.

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

Chapter VI

Wages

63.

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

64.

No wage period shall exceed one month.

65.

The wage of every person employed as contract labour in an establishment or by a contractor where less than one thousand such persons are employed shall be paid before the expiry of the seventh day and in other cases before the expiry of tenth day after the last day of wage period in respect of which the wages are payable.

66.

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

67.

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

68.

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

69.

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

70.

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

71.

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.

72.

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

73.

The authorised representative of the principal employer shall record under his signature a certificate at the end of the entries in the Register of Wages or the 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 workman concerned in my presence on.....at....."

Chapter VII

Register and Records and Collection of Statistics

74. Register of contractors.

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

75. Register of persons employed.

- Every contractor shall maintain in respect of each registered establishment where he employs contract labour a register in Form XIII.

76. Employment card.

- (i) Every contractor shall issue an employment card in Form XIV to each worker within three days of the employment of the worker. (ii) The card shall be maintained up to date and any change in the

particulars shall be entered therein.

77. Service certificate.

- On termination of employment for any reason whatsoever, the contractor shall issue to the workman whose services have been terminated a Service Certificate in Form XV.

78. Muster Roll, Wages Registers, Deduction Register and Overtime Register.

(1) In respect of establishments which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the Rules made thereunder, or the Minimum Wages Act, 1948 (II of 1948) or the Rules made thereunder, the following registers and records required to be maintained by the contractor as employer under those Acts and the Rules made thereunder shall be deemed to be registers and records to be maintained by contractor under these Rules:-(a) Muster Roll; (b) Register of Wages; (c) Register of Deductions; (d) Register of Overtime; (e) Register of Fines; and (f) Register of Advances. (2) In respect of establishments not covered under sub-rule (1) the following provisions shall apply, namely:-(a) Every contractor shall maintain a Muster Roll Register and a Register of Wages in Form XVI and in Form XVII respectively: Provided that a combined Muster Roll-cum-Wages Register in Form XVIII shall be maintained by the contractor where the wage period is a fortnight or less. (b) Where the wage period is one week or more the contractor shall issue wages slips in Form XXI to the workers at least a day prior to the disbursement of wages. (c) Signature or thumb-impression of every worker on the Register of Wages or Wages-cum-Muster roll, as the case may be, shall be obtained and entries therein shall be authenticated by the initials of the contractor or his representative and duly certified by the authorised representative of the principal employer as required by Rules 73. (d) Register of Deduction, Fines and Advances. - Registers of Deductions for damage or loss, Register of Fines and Register of Advances shall be maintained by every contractor in Forms XX, XXI and XXII respectively. (e) Register of Overtime. - A Register of Overtime shall be maintained by every contractor in Form XXIII to record therein number of hours and wages paid for overtime work, if any. (3) Notwithstanding anything contained in these Rules, where a combined or alternative form is sought to be used by the contractor to avoid duplication of work for compliance with the provisions of any other Act or the Rules framed thereunder or any other laws or regulations or in cases where mechanised pay rolls are introduced for better administration, alternative suitable form or forms in lieu of any of the forms prescribed under these Rules, may be used with the previous approval of the Commissioner of Labour, Bihar.

79.

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

80.

(1) All Registers and other records required to be maintained under the Act and Rules, shall be maintained and complete up to date, and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work-place or at a place within a radius of three kilometres. (2) Such registers shall be maintained legibly in English or Hindi. (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 therein. (4) All the registers, records and notices maintained under the Act or Rules shall be produced on demand before the Inspector or any other authority under the Act or any person authorised in that behalf by the State Government. (5) Where no deduction of fine has been imposed or no overtime has been worked during any wages period, a 'nil' entry shall be made across the body of the register at the end of the wage period indicating also in precise terms the wage period to which the 'nil' entry relates, in the respective registers maintained in Forms XX, XXI and XXIII respectively.

81.

(1)(i) Notes showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and addresses of the Inspectors having jurisdiction and date of payment of unpaid wages, shall be displayed in English and in Hindi and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor, as the case may be. (ii) The notices shall be correctly maintained in a clean and legible condition. (2) A copy of the notice shall be sent to the Inspector and whenever any change occurs the same shall be communicated to him forthwith.

82.

(1) Every contractor shall send half-yearly return in Form XXIV (in duplicate) so as to reach the Licensing Officer concerned not later than 30 days from the close of the half-year. Note. - Half-year for the purpose of this rule means "a period of 6 months commencing from 1st January and 1st July of every year". (2) Every principal employer of a registered establishment shall send annually a return in Form XXV (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.

83.

(1) The Board, Committee, Commissioner of Labour, Bihar or the Inspector or any other authority under the Act shall have powers to call for any information of statistics in relation to contract labour from any contractor or principal employer at any time by an order in writing. (2) Any person called upon to furnish the information under sub-rule (1) shall be legally bound to do so. Form I [See Rule 17(1)] Application for Registration of Establishments Employing Contract Labour

1. Name and Location of the establishment.

2. Postal address of the establishment.

3. Full name and address of the Principal

Employer (furnish) father's name (in the case of individuals).

4. Full name and address of the Manager or person responsible for the supervision and control of the establishment.

5. Nature of work carried on in the establishment.

6. Particulars of contractors and contract labour-

(a) Name and address of contractors. (b) Nature of work in which contract labour is employed or is to be employed. (c) Maximum number of contract labour to be employed on any day through each contractor. (cc) [Estimated date of the commencement of work under each contractor] [Inserted by S.O. 1940, dated 15th December, 1976.], (d) Estimated date of termination of contract labour under each contractor.

7. Particulars of Treasury receipt enclosed (Name of the Treasury, amount and date).

I hereby declare that the particulars given above are true to the best of my knowledge and belief. Principal Employer. Seal of and Stamp Date of receipt of application. Office of the Registering Officer. Form II [See Rule 18(1)] Certificate of Registration Government of Bihar, Office of the Registering Officer A Certificate of Registration containing the following particulars is hereby granted under sub-section (2) of Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970, and the Rules framed thereunder to-

1. Nature of work carried on in the establishment.

2. Name and addresses of contractors.

3. Nature of work in which contract labour is employed or is to be employed.

4. Maximum number of contract labour to be employed on any day through each contractor.

5. Other particulars relevant to the employment of contract labour.

Signature of the Registering Officer with seal. Form III[See Rule 18(3)]Register of Establishments

Serial 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, manufacturers of occupation, which is carried on in the establishment	Total No. of worker directly employed
1	2	3	4	5	6

Particulars of Contractor and Contract Labour

Name and address of contractor	Nature of work in which contract labour is employed or is to be employed	Maximum No. of contract labour to be employed on any day	Probable duration of employment of contract labour	Remarks
1	2	3	4	5

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

1. Name and address of the contractor (including his father's name in case of individuals).

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

3. Particulars of establishments where contract labour is to be employed-

(a) Name and address of the establishment. (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment. (c) Number and date of Certificate of Registration of the establishment under the Act. (d) Name and address of the Principal Employer.

4. Particulars of contract labour-

(a) Nature of work in which contract labour is employed or is to be employed in the establishment. (b) Duration of the proposed contract work (give particulars of proposed date of manufacture of commencing and ending). (c) Name and address of the agent or manager or contractor at the worksite. (d) Maximum no. of contract labour proposed to be employed in the establishment on any date.

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 in respect of an earlier contract? If so, the date of such order.] [Substituted by S.O. 1940, date 15th December, 1976.]

Note. - Old Item 6 runs as under:

"(6) Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposit 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 last five years. If so, give details of the Principal Employer, Establishment and nature of work.

8. Whether a certificate of the Principal Employer in Form V enclosed.

9. Amount of licence fee paid, no. of Treasury challan and date.

10. [Omitted by S.O. 1940, date 15th December, 1976].

Note. - Old Item 10 runs as under:

"10. Amount of security deposit-Treasury receipt no. and date".

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 for the appropriate amount and a certificate in Form V from the Principal Employer. (To be filled in the office of the Licensing Officer) Date of receipt of the application with challan for fees/security deposit. Signature of the Licensing Officer Form V [See Rule 21(2)] Form of certificate by Principal Employer Certified that I have engaged the applicant (name of the Contractor) as a contractor in my establishment. I undertake to be bound by all the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 and the Bihar Contract Labour (Regulation and Abolition) Rules, 1972 in so far as the provisions are applicable to me in respect of the employment of contract labour by the applicant in my establishment. Place Signature of Principal employer Date Name and address of Establishment Form VI [See Rule 25(1)] Government of Bihar Office of the Licensing Officer

Licence No. Dated Fee paid Rs.

Licence is hereby granted to under Section 12(1) of the Contract Labour (Regulation and Abolition) Act, 1970, subject to the conditions specified in Annexure. The licence shall remain in force till Date Signature and seal of the Licensing Officer Renewal

(Rule 29)

Date of Renewal Fee paid for Renewal Date of expiry

- 1.
- 2.
- 3.

DateSignature 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 contract labour in the establishment shall not, on any day, exceed-(3)Except as provided in the Rules the fees paid for the grant, or as the case may be, for renewal of the licence shall be non-refundable.(4)The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed for the Schedule of Employment under the Minimum wages Act, 1948, where applicable and where the rates have been fixed by agreement, settlement or award, not less than the rates fixed.(5)[In case workmen are employed by contractors in production or maintenance jobs which are not permanent in industrial establishments, the workmen will be paid the same wages and allowed the same facilities in respect of leave, holidays and hours of work, as are allowed to the workmen employed directly by the said establishment for the same or similar jobs. In case of disagreement about "the same or similar nature of jobs", the matter will be referred to the Commissioner of Labour whose decision shall be final".] [Substituted vide S.O. 610, dated 29th April, 1978. Published in Bihar Gazette (Extra-Ordinary) dated April 29, 1978.](6)in other cases the wage-rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the Commissioner of Labour, Bihar.(7)In every establishment where 20 or more women are ordinarily employed as contract labour there shall be provided 2 rooms of reasonable dimensions for the use of their children under the age of six years. One of such rooms would be used as a play-room for the children and the other as bedroom for the children. For this purpose the contractor shall supply adequate number of toys and games in the play-room and sufficient number of cots and beddings in the sleeping room. The standard of construction and maintenance of the creches may be such as may be specified in this behalf by the Commissioner of Labour, Bihar.(8)The licensee shall notify any change in the number of workmen or the conditions of work to the Licensing Officer.

Form VII[See Rule 29(2)]Application for Renewal of Licences

1. Name and address of the contractor.

2. Number and date of the licence.

3. Date of expiry of the previous licence.

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

5. No. and date of the treasury receipt enclosed.

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

of the Licensing Officer) Date of receipt of the application with Treasury Receipt no. and date. Signature of the Licensing Officer Form VIII [See Rule 32(2)] Application for Temporary Registration of Establishment employing Contract Labour

1. Name and locality of the establishment.

2. Postal address of the establishment.

3. Full name and address of the Principal employer.

(furnish father's name in the case of individuals).

4. Full name and address of the Manager or person responsible for supervisions and control of the establishment.

5. Nature of work carried on in the establishment.

6. Particulars of contract labour-

(a) Nature of work in which contract labour is to be employed and reasons for urgency. (b) Maximum number of contract labour to be employed on any day. (c) Estimated date of termination of employment of contract labour.

7. Particulars of treasury receipt or the crossed postal order enclosed.

I hereby declare that the particulars given above are true to the best of my knowledge and belief. Principal Employer Seal and Stamp Time and date of receipt of application with Treasury receipt or the Crossed Postal Order. Office of the Registering Officer Form IX [See Rule 32(3)] Certificate of Temporary Registration Dated Date of Expiry Date of Expiry Government of Bihar Office of the Licensing Officer A temporary Certificate of Registration containing the following particulars is hereby granted under sub-section (2) of Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970, and the rules made thereunder to valid from to

1. Nature of work carried on in the establishment.

2. Nature of work in which contract labour is to be employed.

3. Maximum number of contract labour to be employed on any day.

4. Other particulars relevant to the employment of contract labour.

Signature of Registering Officer, with seal Form X [See Rule 32(2)] Application for Temporary Licence

1. Name and address of the contractor (including his father's name in case of individuals).

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

3. Particulars of establishment where contract labour is 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) Name and address of the principal employer.

4. Particulars of contract labour-

(a) Nature of work in which contract labour is 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 contractor at the work-site. (d) Maximum number of contract labour proposed to be employed in the establishment on any day.

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 in respect of an earlier contract? If so, the date of such order.] [Substituted by S.O. 1940, dated 15th December, 1976]

Note. - Old Item 6 runs as under:

"(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. Amount of licence fee paid, no. of treasury challan or the crossed postal order and date.

9. [Omitted by S.O. 1940, dated 15th December, 1976]

Note. - Old Item 9 runs as under:

"9. Amount of security deposit, treasury, postal receipt or crossed order no. and date."

I hereby declare that the particulars given above are true to the best of my knowledge and belief. Place Signature of the applicant Date (Contractor) (To be filled in the office of the Licensing Officer) Date of receipt of the application with challan for fees [* * *] [The words 'Security deposit' omitted by S.O. 1940, dated 15th December, 1976.] Signature of the Licensing Officer Form XI [See Rule 32(3)] Government of Bihar Office of the Licensing Officer Licence No. Date Fee paid Rs.

Temporary Licence Signature of the Licensing Officer Expires on

Licence is hereby granted to under Section 12(2) of the Contract Labour (Regulation and Abolition) Act, 1970, subject to the conditions specified in The licence shall remain in force till Date Signature and seal of the Licensing Officer Annexure The licence is subject to the following conditions:-(1) The licence shall be non-transferable. (2) The number of workmen employed as contract labour in the establishment shall not, on any day, exceed. (3) Except as provided in the Rules the fees paid for the grant of the licence shall be non-refundable. (4) The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed for the Schedule of Employment under the Minimum Wages Act, 1948, where applicable, and where the rates have been fixed by agreement, settlement or awards, not less than the rates fixed. (5) In cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage-rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work provided that in the case of any disagreement with regard to the type of work the same shall be decided by the Commissioner of Labour, Bihar, whose decision shall be final. (6) In other cases the wage-rates, holidays, hours of work and condition of service of the workmen or the contractor shall be such as may be specified in this behalf by the Commissioner of Labour, Bihar. Form XII (See Rule 74) Register of Contractors

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 workmen employed by
------------	--------------------------------	----------------------------	---------------------------	--------------------	------------------------------------

1
2
3
4
5
6
7

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

Name and location of work
.....

Name and address of Principal Employer.....

Serial No.	Name and surname of workmen	Age and sex	Father's/ husband's name	Nature of employment/ designation	Permanent home address of workmen, village police station and district	Local address
1	2	3	4	5	6	7

Date of commencement of employment	Signature or thumb-impression of workmen	Date of termination of employment	Reasons for termination	Remarks
8	9	10	11	12

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

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

- 1. Name of the workmen.**
- 2. Sl. No. in the register of workmen employed.**
- 3. Nature of employment/designation.**
- 4. Wage-rates (with particulars of units, in case of piece-work).**
- 5. Wage period.**
- 6. Tenure of employment.**

7. Remarks.

Signature of Contractor Form XV (See Rule 77) Service Certificate

Name and address of contractor		Name and address of establishment in/ under which contract is carried on	
Nature of work and location of work		Name and address of workmen	
Age and date of birth		Identification mark Father's/ husband's name	

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

Signature Form XVI [See Rule 78(2)(a)] Muster Roll

Name and address of contractor		Name and address of establishment in/ under which contract is carried on	
Nature and location of work		Name and address of Principal Employer For the month of	

Serial No.	Name of workman	Father's/ husband's name	Sex	Dates	Remarks
1	2	3	4	5	
1	2	3	4	5	6

Form XVII [See Rule 78(2)(a)] Register of Wages

Name and address of contractor		Name and address of establishment in/ under which contract is carried on	
Nature and location of work		Name and address of Principal Employer Wage period : Monthly	

Serial No.	Name of workman	Serial No. in the Register of Workmen	Designation/ nature of work done	No. of days worked	Units 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

Deduction if any (indicate	Net amount	Signature/ thumb-impression of	Initials of contractor or his representative	Signature of the contractor or his
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nature) paid workmen representative
13 14 15 16 17

Form XVIII[See Rule 78(2)(a)]Form of Register of Wages-cum-Muster Roll

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

Nature and location of work Name and address of Principal Employer..... Wage period : Weekly/ Fortnightly From..... to

Serial No.	Serial No. in Register of Work	Name of employee	Designation, nature of work	Daily attendance/ worked	Total attendances unit of unit of work done	Daily rate of wages/ piece-rate
1	2	3				
1	2	3	4	5	6	7

Amount of wages earned

Basic wages	Dearness allowance	Overtime	Other cash payments (nature of payments to be indicated)	Total	Deduction, if any (indicate nature)	Net amount paid	Signature/ Thumb-impression of workmen	Initials of contractor or his representative
8	9	10	11	12	13	14	15	16

Form XIX[See Rule 78(2)(b)]Wage-slip

Name and address of contractor Name and father's/ husband's name or the workman.....

Nature and location of work For the work/ fortnight/ month ending.....

1. No. of days worked.

2. No. of units worked in case of piece-rate workers.

3. Rate of daily wages/piece-rate.

4. Amount of overtime wages.

5. Gross wages payable.

6. Deductions, if any.

7. Net amount of wages paid.

Initials of the Contractor or his RepresentativeForm XX[See Rule 78(2)(d)]Register of Deduction for Damage or Loss

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

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

Serial No.	Name of workmen	Father's/ husband's name	Designation/ nature of employment	Particulars of damage or loss	Date of damage or loss	Whether workman showed cause against deduction
1	2	3	4	5	6	7

Name of persons in whose presence employee's explanation was heard	Amount of deduction imposed	Date of recovery	No. of instalments	First instalment	Last instalment	Remarks
8	9	10	11	12	13	

Form XXI[See Rule 78(2)(d)]Register of Fines

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

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

Serial No.	Name of workman	Father's/ Husband's name	Designation/ nature of employment	Act/ Omissions for which fine imposed	Date of offence	Whether workman showed cause against fine
1	2	3	4	5	6	7

Name of persons in whose presence employee's explanation was heard	Wages periods and wages payable	Amount of fine imposed	Date on which fine realised	Remarks
8	9	10	11	12

Form XXII[See Rule 78(2)(d)]Register of Advances

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

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

Serial No.	Name	Father's/ Husband's	Nature of employment/	Wages period and wages	Date and amount of	Purpose(s) for which
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	name	designation	payable	advances given	advances made
1	2	3	4	5	6
7					
No. of instalments by which advance repaid	Date and amount of each instalment repaid		Date on which last instalment was repaid		Remarks
8	9		10		11

Form XXIII[See Rule 78(2)(e)]Register of Overtime

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

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

Serial No.	Name of workmen	Father's/ Husband's name	Sex	Designation/ nature of employment	Date on which overtime worked	Total overtime worked or production in case of piece-rate
1	2	3	4	5	6	7

Normal rate of wages	Overtime rate of wages	Overtime earnings	Date on which overtime wages paid	Remarks
8	9	10	11	12

Form XXV[See Rule 82(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 contractor's establishment worked.

6. Maximum number of contract labour employed on any day during the half year:-

Men/Women/Children-Total

7. (i) Daily hours of work and spreadover-

(ii)(a)whether weekly holiday observed and on what day-(b)If so, whether it was paid for-(iii)No. 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

10. Amount of deductions from wages if any - Men/ Women/ Children-Total

11. Whether the following having been provided-

(i)Canteen-(ii)Rest-Rooms-(iii)Drink water-(iv)Creches-(v)First-aid-(If the answer is 'yes' state briefly standards provided.)Signature of ContractorForm XXV[See Rule 82(2)]Annual Return of Principal Employer to be sent to the Registering OfficerYear ending 31st December -----

1. Full name address of the Principal Employer.

2. Name of Establishment-

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

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

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

5. Nature of work/operations on which contract labour was employed.

6. Total number of days during the year on which contract labour was employed.

7. Total number of man days worked by contract labour during the year:

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

9. Total number of days during the year on which direct labour was employed:

10. Total number of 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 EmployerAnnexure to Form

Name and address of the contractor	Period of contract	Nature of work	Maximum number of workers employed by eachcontractor	No. of days worked	No. of man days worked
From	To				
1	2	3	4	5	6
					7

NotificationsS.O. 218, dated 23rd February, 1978, published in Bihar Gazette, Extraordinary, dated February 23,1978. - In exercise of the powers conferred by sub-section (1) of Section 28 of the Contract Labour (Regulation and Abolition) Act, 1970 (Act 37 of 1970) and in partial modification of Labour and Employment Department's Notification no. S.O. 1134, dated the 10th August, 1977, the Governor of Bihar is pleased to appoint the officers mentioned in column 2 of the Schedule hereto annexed to be the Inspectors for the purposes of the said Act and to direct that the said officers shall exercise their functions within the local limits of their respective jurisdiction as mentioned in column 4 of the Schedule with the headquarters as shown in column 3 of the Schedule against the designation of the officers:-

Schedule

Serial No.	Designation of officers	Headquarters	Local limits of jurisdiction
1	2	3	4
1.	Deputy Commissioner of Labour, Bhagalpur	Bhagalpur	Bhagalpur and Kosi Divisions excluding Khagaria sub-divisionof Monghyr District.
2.	Assistant Commissioner of	Barauni	Darbhanga Division including Khagaria

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|----|---|-------------|---|
| | Labour, Barauni. | | subdivision of Monghyr District. |
| 3. | Assistant Commissioner of Labour, Muzaffarpur | Muzaffarpur | Tirhut Division. |
| 4. | Assistant Commissioner of Labour, Patna | Patna | Bhojpur, Nalanda and Nawadah Districts of Patna Division. |
| 5. | Assistant Commissioner of Labour, Dalmianagar | Dalmianagar | Rohtas, Aurangabad and Gaya Districts of Patna Division. |