

**THE HARYANA CONTRACT LABOUR  
(REGULATION AND ABOLITION) RULES, 1975**

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## **THE HARYANA CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 1975**

No. G.S.R. 184/C.A. 37/70/S. 35/75, dated the 9th December, 1975.- In exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970) and with reference to the Haryana Government Labour Department Notification No. G.S.R. 116/C.A. 37/70/S.35/74, dated the 27th September, 1974, the Governor of Haryana, hereby makes the following rules, namely:-

### **CHAPTER I**

#### **1. Short title**

These rules may be called the Haryana Contract Labour (Regulation and Abolition) Rules, 1975.

#### **2. Definitions**

Section 35:- 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 15;
- (c) "State Board or Board" means the State Advisory Contract Labour Board constituted under Section 4;
- (d) "Chairman" means a 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) "Government" means the Government of the State of Haryana;
- (h) "Inspector" means an Inspector appointed under sub-section (1) of Section 28; and
- (i) "Section" means a section of the Act.

### **CHAPTER II STATE BOARD**

#### **3. <sup>1</sup>[Constitution of the Board**

Section 4:- The State Board shall consist of the following members:-

- (a) A Chairman to be appointed by the Government;
- (b) The Labour Commissioner, Haryana, ex officio;
- (c) One person representing the Public Works Department of the Government to be appointed by the Government;
- (d) Four persons, two representing the principal employers and two representing the contractors to whom this Act applies to be appointed by the Government after

consultation with such organization, if any, of the employers and the contractors by the Government;

- (e) Five persons representing the employees of the contractors to whom this Act applies to be appointed after consultation with such organizations, if any, of the employees representing the respective interests recognized by the Government.]

#### **4. Term of office**

Section 4:-

- (1) The Chairman of the Board shall hold office for a period of three years from the date of his appointment.
- (2) The members of the Board, referred to in clause (c) of rule 3, shall hold office during the pleasure of the Government.
- (3) The members of the Board referred to in clause (d) and (e) of rule 3 shall hold office for a period of three years from the date of their appointment:

Provided that such member shall continue to hold such office till the appointment of his successor.

- (4) If a member is unable to attend a meeting of the Board, the State Government or the body which appointed or nominated him may by notice in writing and signed on its behalf and by such member and addressed to the chairman nominate a substitute (member) who shall have all the rights of a member in respect of that meeting and any decision taken at the meeting shall be binding on the said body.

#### **5. Resignation**

Section 4:- A member of the Board, not being an ex-officio member, may resign his office by a letter signed by him and addressed to the Government and on such resignation being accepted by the Government, his office shall fall vacant.

#### **6. Cessation of membership**

Section 4:- 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, he shall cease to be member of the Board:

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

#### **7. Disqualification of membership**

Section 4:-

- (1) A person shall be disqualified for being appointed, and for continuing 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 convicted of an offence which, in the opinion of the Government involves moral turpitude.

(2) If a question arises as to whether a disqualification has been incurred under sub-rule (1) or not, the decision of the Government shall be final.

## **8. Removal from membership**

Section 4:- The Government may remove from office any member of the Board, if in its opinion such a member has ceased to represent the interest which he purports to represent on the Board :

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

## **9. Vacancy**

Section 4:-

(1) When a vacancy occurs or is likely to occur in the membership of the Board, the Chairman shall submit a report to the Government and on receipt of such report, the Government shall take steps to fill the vacancy.

(2) If any vacancy occurs in the membership of the Board t}' any reason whatsoever, the vacancy caused thereby shall be filled by the Government by making an appointment from amongst the category of persons to which such members belonged and the persons so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

## **10. Staff**

Section 35(1):-

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

(2) 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 Government.

(3) The Secretary shall-

(i) assist the Chairman in convening meeting of the Board; and

(ii) attends the meetings but shall not be entitled to vote at such meetings;

(iii) keep a record of minutes of such meeting; and

(iv) take necessary measures to carry out the decisions taken at the meetings of the Board.

## **11. Allowance payable to members**

Section 4(3):-

(1) The payment of travelling allowance and daily allowance of an official member shall be payable according to the rules applicable to him and shall be paid by authority paying his salary.

- (2) Each non-official member of the Board shall be entitled to draw travelling allowance and daily allowance for any journey performed by him in connection with the performance of his duties at the rates admissible to a Grade-I officer of the Haryana Government.

## **12. Disposal of business**

Section 4(3):- 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 paper to every member for opinion, and the questions shall be disposed of in accordance with the decision of the majority:

Provided that in the case of equality of votes, the Chairman shall have a second or a casting vote.

**Explanation:-** "Chairman" for the purpose of this rule shall include Chairman nominated under rule 13 to preside over a meeting.

## **13. Meetings**

Section 4(3):-

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

## **14. Notice of meetings and list of business**

Section 4(3):-

- (1) Seven days' notice of the proposed meeting shall be given to the members.
- (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**

Section 4(3) - No business shall be transacted at any meeting unless at least five members are present:

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

## **16. Committee of the Board**

Section 5:-

- (1)
  - (i) The board may constitute such committee for such purpose or purposes as it may think fit.



- (ii) While constituting a committee the board may nominate one of its member to be Chairman of that Committee.
- (2) The Committee shall meet at such time and places as the Chairman of the 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 members of the committee shall be paid the allowances in accordance with the provision of rule 11.

### **CHAPTER III REGISTRATION AND LICENCING**

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

Section 7:-

- (1) The application referred to in sub-section (1) of Section 7 in respect of establishment in existence prior to the commencement of these rules shall be made in triplicate in Form I within 30 days of the commencement of these rules and for establishments which come into existence after enforcement of these rules within 15 days after coming into existence to the registering officer having jurisdiction in that area.
- (2) The application shall be accompanied by treasury receipt in token of the payment of fees for the registration of the establishment.
- (3) Every 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 recording there in the date of receipt by him of the application, grant an acknowledgement to the applicant.

#### **18. Grant of certificate of registration**

Section 7:-

- (1) The certificate of registration granted under sub-section (2) of Section 7 shall be in **Form 2**.
- (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 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 3** showing the particulars of establishment in relation to which certificate of registration have-been issued by him.

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

## 19. Circumstances under which application for registration may be rejected

### Section 7

- (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 respect.
- (2) If the principal employer, on being required by the Registering Officer to amend his application omits or fails to do so, the Registering Officer shall reject the application.

## 20. Amendment of Certificate of registration

### Section 7:-

- (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 deposit.
- (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 3**, he shall amend the said register accordingly:

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 3** unless the appropriate fees have been deposited by principal employer.

## 21. Application for a licence

### Section 12:-

- (1) Every application by a contractor for the grant of a licence shall be made in triplicate in **Form 4**, to the licensing officer of the area in which the establishment in relation to which he is the contractor, is located.
- (2) Every application for the grant of a licence shall be accompanied by a certificate by the principal employer in **Form 5** 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.

- (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, the licensing officer shall, after recording therein the date of receipt of the application, grant an acknowledgement to the applicant.
- (5) Every application shall also be accompanied by a treasury receipt showing-
  - (i) the deposit of the security at the rates specified in rule 24; and
  - (ii) the payment of the fees at the rates specified in rule 26(2).

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

Section 13:- 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 period of five years immediately preceding the date of application) of an offence which in the opinion of the Government, involves moral turpitude;
- (b) whether there is an order of the Government or an award of settlement for the abolition of Contract Labour in the establishment in relation to which the applicant is a contractor; 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 security has been deposited by the applicant at the rates specified in rule 24;
- (e) whether the fees for the application have been deposited at the rates specified in rule 26(2).

## **23. Grant of refusal of licence**

Section 13:-

- (1) On receipt of the application, the licensing officer shall make such enquiry as he considers necessary to satisfy himself about the eligibility of the applicant for a licence.
- (2) Where the licensing officer is of the opinion that the licence should be granted, he shall, after affording a reasonable opportunity to the applicant to be heard make an order rejecting the application and communicate the same to the applicant.

## **24. Security**

Section 12:- 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 for compliance with the provisions of the act and the rules made thereunder:

Provided that where the contractor is a cooperative society, the amount deposited as security shall be at the rate of Rs. 5 for each of the workman to be employed as contract labour.

#### <sup>2</sup>[24-A. Security Deposits

The amount of security or the balance amount required to be deposited under rule 24 or rule 24-8 as the case may be, shall be deposited in the treasury under the head of account "843- Civil Deposits-Deposits under various Central and State Acts-Deposits under the Contract Labour (Regulation and Abolition) Act, 1970.

#### 24-B. Adjustment of security deposits in certain cases

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 of the security deposited in respect of that licence is to be directed to be refunded to the applicant under rule 31, may, on an application made for that purpose in Form 6 C by the applicant, adjust the amount so to be refunded towards the security 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 amounts if any, after making such adjustment.]

#### 25. Terms and Conditions of licence

Section 12:- Every licence granted under sub-section (1) of Section 12 shall be in **Form 6** and shall be subject to the following conditions namely:-

- (i) the licence shall be non-transferable;
- (ii) the number of workmen employed as contract labour in the establishment shall not, on any day, exceed the maximum number specified in the licence;
- (iii) save as provided in these rules, the fees paid for the grant or as the case may be, for renewal of the licence shall be non-refundable;
- (iv) the rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (Central Act XI 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)(v)
  - (a) in case 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 Labour Commissioner Haryana, whose decision shall be final:

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

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

(vi)(vi)

- (a) in every establishment where twenty or more women are ordinarily employed a contract labour, there will be provided two rooms of
- (b) reasonable dimensions for the use of their children under the age of six years;
- (c) one of such rooms shall be used as a play-room for the children and the other as bed room for the children;
- (d) the contractor shall supply adequate number of toys and games in the play-room and sufficient number of cots and bedding in the sleeping-rooms;
- (e) the standard of construction and maintenance of the crèches shall be such as may be specified in this behalf by the Labour Commissioner;
- (vii) the licence shall notify any change in the number of workmen or the conditions of work to the licensing officer;
- (viii) <sup>3</sup>[The licence shall, within a period of fifteen days of the commencement and completion of each contract work, submit a return to the Inspector appointed under Section 28 of the Act intimating the actual dates of the commencement or, as the case may be, completion of such contract work in **Form 6-A**.
- (ix) No female contract labour shall be employed by any Contractor before 6.00 A.M. or after 7.00 P.M. provided that this clause shall not apply to the employment of women in pithead baths, crèches and canteens and as to mid-wives and nurses in hospitals and dispensaries.
- (x) A copy of the licence shall be displayed prominently at the premises where the contract work is being carried on.]

## 26. Fees

### Section 13

- (1) The fees to be paid for the grant of certificate of registration under Section 7 shall be as specified below:-

If the number of workmen proposed to be employed on contract by the principal employer and the contractor on any one day-

(a)	is 20 or less	Rs. 20
(b)	exceeds 20 but does not exceed 50	Rs. 50

(c)	exceed 50 but does not exceed 100	Rs. 100
(d)	exceed 100 but does not exceed 200	Rs. 200
(e)	exceed 200 but does not exceed 400	Rs. 400
(f)	exceed 400	Rs. 500

- (2) The fees to be paid for the grant of renewal of licence under Section 12 shall be specified below:-

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

(a)	is 20 or less	Rs. 5
(b)	exceeds 20 but does not exceed 50	Rs. 12.50
(c)	exceed 50 but does not exceed 100	Rs. 25
(d)	exceed 100 but does not exceed 200	Rs. 50
(e)	exceed 200 but does not exceed 400	Rs. 100
(f)	exceed 400	Rs. 125

## 27. <sup>4</sup>[Validity of the licence

Section 13:- Every licence granted or renewed shall remain in force upto the 31st December of the year for which the licence is granted or renewed.]

## 28. Amendment of the licence

Section 14:-

- (1) A licence issued under rule 25 or renewed under rule 20 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 thereof.
- (3)(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 in token of the payment of the fee, the licence shall be amended by 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

Section 13(3):-

- (1) Every contractor shall make an application to the licensing officer for renewal of the licence thirty days before its date of expiry.
- (2) Every such application shall be made in **Form 7** in triplicate, 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 laid down in sub-rule (2) of rule 26:

Provided that if the application for renewal is not received within the time specified in sub-rule (1) penalty amounting to 25 per cent of the fee ordinarily payable for the licence shall also be payable for 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 the penalty.

## 30. Issue of duplicate certificate of registration or licence

Sections 7, 13:- 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 a fee of rupees five.

## 31. Refund of Security

Section 14:-

- (1) On the 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.
- (2) 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.
- (3) 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 the balance, if any shall be refunded to the applicant.
- (4) Any application for refund shall, as far as possible, be disposed of within sixty days of the application.

## 32. Grant of temporary certificate of registration and licence

Section 7 and 13:-

- (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 temporary certificate of registration or 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 temporary certificate of registration or licence shall be made in triplicate in Form 1 or Form 4, 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 within a period of fifteen days and is of a nature which is to 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 2 or a licence in Form 6, 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 for refusal shall be recorded by the registering officer, or the licensing officer as the case may be
- (5) On the expiry of the validity of the registration certificate the establishment shall not employ in the establishment 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 specified below:-

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

(a)	exceeds 20 but does not exceed 50	Rs 10
(b)	exceeds 50 but does not exceed 200	Rs 20
(c)	exceed 200	Rs 30

- (7) The fees to be paid for the grant of a licence under sub-rule (3) shall be as specified below:-

(a)	exceeds 20 but does not exceed 50	Rs 5
(b)	exceeds 50 but does not exceed 200	Rs 20
(c)	exceed 200	Rs 30

- (8) The provisions of rules 22 and 23 shall apply to the refusal or grant of licence under sub-rule (4) and sub-rule (3), respectively.



## CHAPTER IV APPEALS AND PROCEDURE

### 33. Appeal

Section 15:-

- (1) Every appeal under sub-section (1) of Section 15 shall be preferred in the form of a memorandum signed by the applicant or his authorized agent and presented to the appellate officers in person or sent to him by registered post.
- (2) The memorandum shall be accompanied by a certified copy of the order appealed from and a treasury receipt often rupees.
- (3) The memorandum shall set forth concisely and under distinct heads the grounds of appeal.

### 34. Proceeding on Appeal

Section 15:-

- (1) Where the memorandum of appeal does not comply with the provisions of rule 33, it may be returned to the applicant for the purpose of being amended within a time to be fixed by the appellate officer.
- (2) If the memorandum is not so amended within the time fixed, the appellate officer shall reject the memorandum. After recording the reasons for such rejection, he shall communicate the order to the applicant.
- (3) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in a book to be kept for the purpose called the register of appeals.
- (4)(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, from whose order the appeal has been preferred and the registering officer or the licensing officer shall send the record of the case to the appellate officer.
  - (ii) On receipt of the record, the appellate-officer, shall send a notice to the applicant to appear before him at such date and lime so specified in the notice for the hearing appeal.

### 35. Dismissal in default

Section I 5:-If on the date fixed for hearing the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellant.

### 36. Restoration of Appeal

Section 15:-

- (1) Where an appeal has been dismissed under rule 35, the appellant may apply to the appellate officer for the readmission of the appeal, and where it is proved that he was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal on its original number.

- (2) Such an application shall, unless the appellate officer extends the time for sufficient reason, be made within thirty days of the date of dismissal.

### **37. Decision of Appeal**

Section 15:-

- (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 authorized agent and any other person summoned by him for this purpose, and pronounce judgment on the appeal, either confirming, reversing or varying the order appealed from.
- (2) The judgment 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**

Section 35(c):- All fees paid under these rules shall be paid in the local treasury under the head of account "230-Labour and Employment 106

Registration and renewal fee under Contract Labour (Regulation and Abolition) Act, 1970" and receipt obtained which shall be submitted with the application or the memorandum of appeal as the case may be.

### **39. Copies**

Section 35(l):- Copies of the order of the registering officer, licensing officer or the appellate officer may be obtained on payment of a fee of Rs. two for each order provided an application for obtaining such copies is made to the officer concerned, specifying the date and other particulars of the order.

## **CHAPTER V WELFARE AND HEALTH OF CONTRACT LABOUR**

### **40. Facilities**

Sections 18 and 19:-

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

#### 41. Rest room

##### Section 17:-

- (1) In every place wherein contract labour is required to halt at night in connection with the work of the establishment to which the Act applies and in which employment of contract labour is likely to continue for ninety days or more, the contractor shall provide and maintain rest rooms or other suitable alternative accommodation sufficient enough to accommodate 25% of the contract labour on duty at night. Such accommodation shall be provided within 15 days of the commencement of the rules in case of existing establishment and within 15 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 contractor within the period specified the principal employer shall provide the same within a period of fifteen days of the expiry of the period laid down in sub-rule (1).
- (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 for the circulation of fresh air and arrangement for sufficient lighting shall also be made.
- (5) The rest room or rooms or other suitable alternative accommodation shall be of such dimensions so as to provide at least floor area of 1 metre x 1 metre for each person making use of the rest room.
- (6) The rest room or rooms or other suitable alternative accommodation shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth, hard and impervious surface.
- (7) The rest room or other suitable alternative accommodation shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

#### 42. Canteen

##### Section 2:-

- (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, a canteen shall be provided by the contractor for the use of such contract labour within sixty days of the date of coming into force of the rules in the case of the existing establishment and within sixty days of the commencement of the employment of contract labour in the case of new establishments.
- (2) If the contractor fails to provide the canteen within the time specified in sub-rule (1), 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.

**43. Facilities to be provided in canteen**

Section 16:-

(1) The canteen shall consist of at least dining hall, kitchen, storeroom and pantry. Washing places shall be provided separately for workers and for canteen employees.

(2)

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

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

Provided that the inside walls of the 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 collection and disposal of garbage.

**44. Accommodation in dining hall**

Section 16(1):-

(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 not be less than one square meter for every person to be accommodated as prescribed in sub-rule (1).

(3)(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 persons to be accommodated as prescribed in sub-rule (1).

**45. Equipment in canteen**

Section 16:-

(1)

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

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

(2)

- (i) suitable clean clothes for the employees serving in the canteen shall also be provided.
- (ii) A service counter, if provided, shall, have a top of smooth and impervious material.

#### **46. Price to be displayed**

Section 16:- The charges for foodstuffs, beverages and any other item, served in the canteen shall be on no-profit no-loss basis and shall be conspicuously displayed in the canteen.

#### **47. Food stuffs to be served**

Section 16:- The food stuffs and other items to be served in the canteen shall be in conformity with the normal habits of the contract labour.

#### **48. Calculation of prices**

Section 16:- In assessing the price of all 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 equipment provided for in the canteen;
- (c) the cost of purchase, repairs and replacement of equipment's including furniture, crockery, cutlery and utensils;
- (d) the water charges and other charges incurred for lighting and ventilation;
- (e) the interest on the amounts spent on the provision and maintenance of furniture and equipment provided for in the canteen.

#### **49. Production of books and accounts**

Section 16:- The books of accounts and registers and other documents used in connection with the running of the canteen shall be produced on demand before an Inspector.

#### **50. Audit of canteen account**

Section 16:- The accounts pertaining to the canteen shall be audited once in every 12 months by chartered accountants:

Provided that the Labour Commissioner, Haryana, may approve any other person to audit the accounts, if he is satisfied that it is not feasible to appoint a chartered accountant in view of the site or the location of the canteen.

#### **51. Latrines and urinals**

Section 18:- 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 or less females;
- (b) where males are employed, there shall be at least one latrine; for every 25 or less 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, upto the first one hundred and one for every 50 thereafter.

## **52. Privacy of latrines**

Section 18:- Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.

## **53. Display of sign on latrines and urinals**

Section 18:-

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

## **54. Provision for urinals**

Section 18:- There shall be at least one urinal for male workers upto 50 and one for female workers upto 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 upto the first 500 and one for every 100 or part thereof thereafter.

## **55. Situation of latrines and urinals**

Section 18:-

- (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 sewerage system shall comply with the requirements of the public health authorities.

## **56. Provision of water for the latrines and urinals**

Section 18:- Water shall be made available by means of tap or otherwise so as to be conveniently accessible in or near the latrine and urinal.

## **57. Washing facilities**

Section 18:- 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.

- (1) Separate and adequate screening facilities shall be provided for the use of male and female workers.
- (2) Such facilities shall be conveniently accessible and shall be kept in a clean and hygienic condition.

#### **58. First aid facilities**

Section 19:- 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 scale of not less than one box for 150 contract labour or part thereof ordinarily employed.

#### **59. Contents of first aid box**

Section 19:- (1) The first aid box shall be distinctly marked with a red cross on a white ground and shall contain the following equipment, namely:-

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

**B. For establishment in which the number of contract labour employed does not exceed fifty**

Each First Aid box shall contain the following equipment:-

- (i) 12 small sterilized dressings;
- (ii) 6 medium size sterilized dressings;
- (iii) 6 large sterilized dressings;
- (iv) 6 large sterilized burn dressings;
- (v) 6 (15 gms.) packets sterilized cotton wool;

- (vi) 1 (60 ml.) bottle containing two per cent alcoholic solution of iodine;
- (vii) 1 (60 ml.) bottle containing salvolatile having, the dose and mode of administration indicated on the label;
- (viii) 1 roll of adhesive plaster;
- (ix) a snake-bite lancet;
- (x) 1 (30 gms.) bottle of potassium permanganate crystals;
- (xi) 1 pair of scissors;
- (xii) 1 copy of the first-aid leaflet issued by the Director General, Factory Advice Service and Labour Institute, Government of India;
- (xiii) a bottle containing 100 tablets (each of 5 grains) of aspirin;
- (xiv) Ointment for burns;
- (xv) a bottle of suitable surgical anti-septic solution.

#### **60. Recoupment of first-aid box**

Section 19.-Adequate arrangements shall be made for immediate recoupment of the equipment when necessary.

#### **61. Availability of first-aid box**

Section 19.-The first-aid box shall be kept in the charge of a responsible person who shall always be readily available, during the working hours of the establishment.

#### **62. Person Incharge to be a trained person**

Section 19:- A person incharge of the first-aid box shall be a person trained in first-aid treatment, in the establishment where the number of contract labour employed is 150 or more.

### **CHAPTER-VI WAGES**

#### **63. Fixing of period of wages**

Section 2:- The contractor shall fix wage period in respect of which wages shall be payable.

#### **64. Wage period not to exceed one month**

Section 21:- No wage period shall exceed one month.

#### **65. Payment of Wages**

Section 21:- The wages of every person employed as contract labour in an establishment by a contractor where less than 1,000 such persons are employed shall be paid before the expiry of the 7th day and in all other cases before the expiry of the 10th day after the last day of wage period in respect of which the wages are payable.



**66. Payment of Wages on termination**

Section 21:- Where employment of any worker is terminated by or on behalf of the contractor, the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated.

**67. Wages to be paid on working day**

Section 21:- All payments of wages shall be made on a working day at the work premises during the working hours and on a date notified in this behalf in advance. In case the work is completed before the expiry of the wage period, final payment shall be made within 48 hours of the last working day.

**68. Mode of payment of Wages**

Section 21:-

- (1) The wages due to every worker shall be paid to him direct to other person authorized by him in this behalf.
- (2) All wages shall be paid in current coin or currency or in both.

**69. Deductions from Wages**

Section 21:- The 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 (Central Act 4 of 1936).

**70. Display of notice of disbursement**

Section 21:- 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 thereof shall be sent by the contractor to the principal employer under acknowledgement.

**71. Payment to be made in the presence of the principal employer**

Section 21:- The principal employer shall ensure the presence of his authorized representative at the place and time of disbursement of wages by contractor to workmen. It shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorized representative.

**72. Entries be made in the register**

Section 21:-

- (1) Entries denoting the time and place of payment of wages and the payment actually made shall be made in the register of wages simultaneously as the payments are made.
- (2) The authorized representative of the principal employer shall record under his signature a certificate at the end of entries in the register of wages of the 'register of 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 REGISTERS AND RECORDS AND COLLECTION OF STATISTICS

### 73. Register of contractors

Section 29:- Every principal employer shall maintain in respect of each registered establishment a register of contractors and the progress of contract work in **Form 8**.

### 74. Register of persons employed

Section 29:- Every contractor shall maintain in respect of each registered establishment where he employs contract labour a register in **Form 9**.

### 75. Employment Card

Section 29:-

- (1) Every contractor shall issue an employment card in Form 10 to each worker on the first day of the employment of the work.
- (2) The card shall be maintained up to date and any change in the particulars should be entered therein.

### 76. Service Certificate

Section 29:- On the termination of employment for any reason whatsoever the contractor shall issue to the workman whose service have been terminated a service certificate in **Form 11**.

### 77. Muster-roll, Wages Registers, Deduction Registers and Overtime Register

Section 29:-

- (1) <sup>5</sup>[(a)
  - (a) Every contractor shall in respect of each work on which he engages Contract Labour:-
    - (i) maintain a Muster-Roll, and Register of Wages in **Forms 12 and 13** respectively;

Provided that a combined Register of Wage-cum-muster roll in Form 14 shall be maintained by the Contractor where the wage period is fortnight or less;

- (ii) maintain a Register of Deductions for damage or loss, Register of Fines and Register of Advances in **Form 16, Form 17 and Form 18**, respectively;
    - (iii) maintain a Register of Overtimes in **Form 19** recording therein the number of hours of, and wages paid for, overtime work, if any .
  - (b) Every contractor shall where the wage period is one week or more, issue wage slip in **Form 15**, to the workmen at least a day prior to the disbursement of wages;
  - (c) Every contractor shall obtain the signatures or thumb-impression of the workers concerned against the entries relating to him on the Register of Wages or Muster Roll-cum-Wages Register, as the case may be and the entries shall be authenticated by the initials of the contractor or his

authorized representative, and shall also be duly certified by the authorized representative of the principal employer in the manner provided in rule 72.

(d) In respect of establishments, which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the rules made thereunder, or the Minimum Wages Act, 1948 (11 of 1948) or the rules made thereunder, following registers and records required to be maintained by a contractor as employer under those Acts and the rules made thereunder shall be deemed to be registers and records to be maintained by the Contractor under those rules namely:-

- (a) Muster Roll.
- (b) Register of Wages.
- (c) Register of Deduction.
- (d) Register of Overtime.
- (e) Register of Advance.
- (f) Register of Fines.
- (g) Wage Slip.

(2) 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 mechanized 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, Haryana.

#### **78. Display of Act and Rules**

Section 29:- 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 Labour Commissioner.

#### **79. Record to be maintained at nearest place of work**

Section 29:-

- (1) All registers and other records required to be maintained under the Act and rules, unless otherwise provided for, shall be kept at the office or the nearest convenient building within the precincts of the work place or at a place within a radius of three kilometers.
- (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 registers, record and notices maintained under the Act or the rules made thereunder shall be produced on demand before the Inspector or any other

authority under the Act, or any person authorized in that behalf by the Government.

- (5) Where no deduction or fine has been imposed or no amount advanced or no overtime has been worked during any wage period, '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.

## 80. Display of notice

Section 29:-

- (1) Notices showing the rates of wages, hours of work, wage periods, dates of payment of wages, name and addresses of the Inspector having jurisdiction and date of payment of unpaid wage, shall be displayed in English, in Hindi and in the local language understood by the majority of the workers in conspicuous places at the establishment on 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 notice shall be sent to the inspector and whenever any change occur the same shall be communicated to him forthwith.

## 81. Submission of returns

Section 35(n):-

- (1) Every contractor shall send half yearly returns in **Form 20** (in duplicate) so as to reach the Licencing Officer concerned not later than Thirty days from the close of the half year.

**Note**-For the purpose of this rule half yearly means a period of 6 months commencing from the 1<sup>st</sup> January and 1<sup>st</sup> July of every year.

- (2) Every principal employer of a registered establishment shall send annually a return in Form 21 (in duplicate) so as to reach the registering officer concerned not later than the fifteenth February following the end of the year to which it relates.
- (3) <sup>6</sup>Every principal employer shall, within a period of fifteen days of the commencement and completion of each contract work under each contractor, submit a return to the Inspector appointed under Section 28 of the Act intimating the actual dates of the commencement or, as the case may be, completion of such contract work in Form 6-B.

## 82. Power to call for information

Section 35(o)-

- (1) the State Board, Committee, Labour Commissioner, the Inspector or any other authority authorized in this behalf under the Act shall have powers to call for any information or statistics in relation to contract labour from any contractor or principal employer at any time by an order in writing.

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

<sup>1</sup> Subs. vide Hr. Govt. Labour Dept. Noti. No. G.S.R.- 131/C.A.- 7/70/S.35/Amd.(2)/77, dated 15th July, 1977.

<sup>2</sup> Subs. vide Haryana Govt. Notification No. 11 (21)-79-4-Lab, dated -3-1980.

<sup>3</sup> Inserted vide Haryana Govt. Notification No 18239-4 Lab-77/30007 dated November, 1977.

<sup>4</sup> Subs vide Haryana Govt. Notification 11 (21)-79-4 Lab dated 4-3-1980.

<sup>5</sup> Subs vide Haryana Government Notification No. 11 (21)-79-4-Lab, dated 4-3-1980

<sup>6</sup> Inserted vidc Haryana Govt. Notification No. 18239 4 Lab-77/30007 dated November 1977.