

**THE TELANGANA INTER-STATE MIGRANT WORKMEN
(REGULATION OF EMPLOYMENT AND CONDITIONS OF
SERVICE) RULES, 1982**

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THE ¹TELANGANA INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 1982

[GO. Ms. No. 677 Labour, Employment, Nutrition and Technical Education (Lab-II), 21st September, 1982]

In exercise of the powers conferred by sub-section (I) of Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and conditions of Service) Act, 1979 (Central Act 30 of 1979) the Governor of Andhra Pradesh hereby makes the following rules the same have been previously published at pp. 42-101 of the Rules Supplement to Part I of the Andhra Pradesh Gazette No. 13 dated 10th June, 1982.

RULES

CHAPTER I

PRELIMINARY

1. Short Title and Commencement

- (1) These rules may be called The ²Telangana Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982.
- (2) They shall extend to and be in force in the whole of the State of ³Telangana.

2. Definitions

- (1) In these rules, unless the subject or context otherwise requires:
 - (a) "Act" means the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
 - (b) "Appellate Officer" means an appellate Officer nominated by the Government under sub-section (I) of Section 11;
 - (c) "Form" means a Form appended to these rules;
 - (d) "Government" means the Government of ⁴Telangana;
 - (e) "Inspector" means an inspector appointed by the Government under Section 20;
 - (f) "Licensing Officer" means the licensing officer appointed by the Government under Section 7;
 - ⁵[(f)(a) "License Fee" means the fee payable by a contractor for grant of license under section 8 and as notified by the Government from time to time.]
 - (g) "Migrant Workmen" means an inter-state migrant workman as defined VI Section 2;
 - (h) "registering officer" means the registering officer appointed by the Government under Section 3;
 - ⁶[(h)(a) "Registration Fee" means the fee payable by the Principal Employer of an establishment for grant of registration under section 4 and as notified by the Government from time to time.]

- (i) "rules" means rules made under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
 - (j) "section" means a Section of the Act;
 - (k) "specified authority" means the authority specified by the Government for purposes of Sections 12 and 16; and
- (2) All other words and expressions used in these Rules but not defined herein shall have the meanings respectively assigned to them in the Act.

CHAPTER II

3. Manner of making application for registration of establishments

- (1) The application for registration of an establishment shall be made in triplicate in Form I to the registering officer of the area in which the establishment sought to be registered is located.
- (2) The application shall be accompanied by a crossed demand draft ⁷[towards the Registration Fee] "drawn in favour of Registering Officer ⁸[]".
- (3) The application shall/either personally delivered to the registering officer or sent to him by registered post.
- (4) On receipt of the application, the registering officer, shall after noting thereon the date of receipt by him of the application, given an acknowledgement to the applicant.

4. Issue of certificate of registration

- (1) Where the registering officer registers the establishment, he shall issue to the principal employer a certificate of registration in Form 'II';
- (2) The registering officer shall maintain a register in Form III showing the particulars of the establishments in relation to which certificate of registration are issued by him.
- (3) If, in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal employer of the establishments 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.

5. Circumstances in which application for registration may be rejected

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

6. Amendment of certificate of registration

- (1) Where on receipt of the intimation under sub-rule (3) of rule 4. the registering Officer is satisfied that an amount higher than the amount which has been paid by the principal employer as fees for the registration of the establishment is payable,

he shall require such principal employer to deposit through a crossed demand draft a sum which, together with the amount already paid by such principal employer would be equal to such higher amount or less payable for the registration of the establishment.

- (2) Where, on receipt of the intimation referred to in sub rule (3) or rule 4, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change thus occurred:

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

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

7. Application for licence

- (1) Every application by a contractor for the grant of licence for recruiting a person under clause (a) of sub-section (1) of Section 8 shall be made in triplicate, in Form IV to the licensing officer having jurisdiction in relation to the area wherein recruitment is made.
- (2) Every application by a contractor for employing a migrant workman under clause (b) of sub-section (1) of Section 8 shall be made, in Form V to the licensing officer having jurisdiction in relation to the area wherein the establishment is situated.
- (3)
- (i) Every application for the grant of a licence under sub-rule (1) or sub-rule (2), shall be accompanied by a certificate of the principal employer in Form VI to the effect that he undertakes to be bound by all the provisions of the Act and rules so far as they are applicable to him in respect of the re-recruitment or employment of the migrant workmen, in respect of which the contractor is making the application.
- (ii) Every such application shall be either personally delivered to the licensing officer concerned or sent to him by registered post.
- (4) On receipt of the application referred to in sub-rule (1) or sub-rule (2), the licensing officer concerned, shall, after noting thereon the date of receipt of the application, grant an acknowledgement to the applicant.
- (5) Every application referred to in sub-rule (1) ⁹[or sub-rule (2)] shall also be accompanied by the receipt obtained as required by rule 19.

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

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

- (a) Whether the applicant
- (i) is a minor; or
- (ii) is of unsound mind and stands so declared by a competent court;

- (iii) is an undischarged insolvent, or
 - (iv) has been convicted at any time during the period of five years immediately preceding the date of application of an offence which, in the opinion of the Government. involves moral turpitude;
- (b) Whether any order has been made in respect of the applicant under sub-section (1) of Section 10, and if so, whether a period of three years has lapsed from the date of that order:
 - (c) Whether the ¹⁰[license fee has been deposited] and
 - (d) Whether security, wherever necessary, has been deposited by the applicant as specified in sub-rule (1) of Rule 10.

9. Refusal to issue licence

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

10. Security

- (1) Where the licensing officer is satisfied in accordance with the procedure laid down in the proviso to sub-section (2) of Section 8 that any person who has applied for or who has been issued a licence should furnish security for due performance of the conditions of licence, he shall prepare an estimate of the amount needed to provide for recruitment or employment of migrant workmen on the basis of the factors specified in sub-section (3) of the said section and after considering solvency of such person, determine the amount of the security to be furnished by such person, which shall not exceed forty per cent of the amount estimated by him.
- (2) Where the applicant for the licence was holding a licence in regard to another work and that licence had expired, the licensing officer, if he is of the view that any amount out of the security, if any, deposited in respect of that licence is to be refund to the applicant under Rule 17, he may on an application made for that purpose in Form VII by the applicant adjust the amount so to be refund towards security, if any, required to be deposited in respect of the application or new licence and the applicant need deposit in such a case, only the balance amount, if any, after making such adjustment.

11. Form and terms and conditions of licence

- (1) Every licence issued under sub-section (1) of Section 8 shall be in Form VIII.

- (2) Every licence granted under sub-rule (1) or renewed under sub-rule (4) of Rule 14 shall be subject to the following conditions, namely:
- (i) The licence shall be non-transferable;
 - (ii) the terms and conditions of the agreement or arrangement under which the migrant workmen are recruited or employed;
 - (iii) the maximum number of migrant workmen necessary to be recruited or employed per day shall be;
 - (iv) in the rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 for such employment and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed;
 - (v) save as provided in these rules the fees paid for the issue or as the case may be, for renewal of licence shall be non-refundable;
 - (vi)(vi)
 - (a) in case where the migrant workmen recruited or employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work;

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Commissioner of Labour, ¹¹Telangana, whose decision thereon shall be final.
 - (b) in other cases, the wage rates, holidays, hours of work and condition of service of the migrant workmen recruited or employed by the Contractor shall be such as prescribed in these rules.
 - (vii) every migrant workmen shall be entitled to allowances, benefits facilities, etc., as prescribed in the Act and the rules;
 - (viii) no female migrant workmen shall be employed by any contractor helm 6 A.M. or after 7.P.M

Provided that this clause shall not apply to the employment of female migrant workman in pit head bath croches and canteens and midwives and nurses in hospitals and dispensaries.
 - (ix) the contractor shall notify any change in the number of migrant workmen or the conditions of work to the licensing officer.
 - (x) the contractor shall comply with all the provisions of the Act and the Rules.
 - (xi) a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed.
 - (xii) the period for which the licence shall be valid.

12. ¹²[x x x]**13. Amendment of licence**

- (1) A licence issued under Rule II or renewed under sub-rule (4) of Rule 14 may, for good and sufficient reasons be amended by the licensing officer.
- (2) The contractor who desires to have the licence amended shall submit to the licensing officer an application stating the nature of amendment and reasons therefor.
- (3)
 - (i) if the licensing officer allows the application he shall require the applicant to furnish; a crossed demand draft for the amount, if any, by which the fees that would have been payable if the licence had been originally issued in the amended Form exceeds the fee originally paid for the licence.
 - (ii) on the applicant furnishing the requisite receipt. the licence shall be amended according to the orders of the licensing officer.
- (4) Where the application or amendment is refused the licensing officer shall record the reasons for such refusal and communicate the same to the applicant.

14. Renewal of licence

- (1) Every contractor may apply to the licensing officer for renewal of the licence.
- (2) The application shall be in Form IX in triplicate and shall be made not less than thirty days before the date on which the licence expires. and if the application is so made the licence shall be deemed to have been renewed until such date when the renewed licence is issued.
- (3) The fees chargeable for renewal of the licence shall be the same as for the grant thereof;

Provided that if the application for renewal is not received within the time specified in sub-rule (2) a fee of twenty-five per cent, in excess of the fees 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 circumstance and beyond the control of the contractor, he may reduce or remit as he deems at the payment of such excess fee.
- (4) Period of renewal of the licence: Every licence renewed under the rule shall remain in force for a further period of twelve months from the date of order of renewal.

15. Issue of duplicate certificate of registration of licence

When certificate of registration or licence granted or renewed under the precede of rules has been lost, defaced or accidentally destroyed a duplicate there may be granted on payment of fees of ¹³[Rs. 100/-].

16. Refund of security deposit

- (1)

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

17. Appeals and procedure

- (1)
 - (i) Every appeal under Section 11 shall be preferred in the form of a memorandum signed by the applicant or his authorised agent and presented to the appellate officer in person or sent to him by registered post.
 - (ii) the memorandum shall be accompanied by a certified copy of the order and a crossed demand draft for Rs. 25/-.
- (2) The memorandum shall set forth precisely and under distinct heads the grounds of appeal to the order appealed from.
- (3) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) it may be rejected or/returned to the appellant for the purpose of being amended-within a time to be fixed by the appellate officer.
- (4) Where the appellate officer rejects the memorandum of appeal under sub-rule (3) he shall record the reasons for such rejection and communicate the same to the appellant.
- (5) Where the memorandum of appeal is in order the Appellate Officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the register Of appeals kept for the purpose in Form-X.
- (6)
 - (i) When the appeal has been admitted, the appellate officer shall send a notice to the registering officer, or the licensing officer, as the case may be, from whose order the appeal has been preferred. The registering officer or as the case may be, the licensing officer shall thereupon send the record of the case to the appellate officer.
 - (ii) On receipt of the record the appellate officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for hearing of the appeal.

- (7) 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.
- (8)
- (i) Where an appeal has been dismissed under sub-rule (7), the appellant may apply to the appellate officer for re-admission of the appeal and where it is proved that he was prevented by any sufficient cause from appearing when appeal was called on for hearing, the appellate officer shall restore the appeal on its original number.
 - (ii) An application under clause (i) shall, unless the appellate officer extend the time for sufficient reasons, be made within thirty days of the date of dismissal.
- (9)
- (i) If the appellant is present when the appeal is called on for hearing the appellate officer shall proceed to hear the appellant, or his authorised agent and any other person summoned by him for the purpose, and pronounced judgment, on the appeal either confirming reversing or modifying the order appealed from.
 - (ii) The judgment of the appellate officer shall state the points for determination, the decision thereon and the reasons for the decision.
 - (iii) The order shall be communicated to the appellant and a copy thereof shall be sent to the registering officer or the licensing officer, as the case may be, from whose order the appeal has been preferred.

18. Obtaining of copies of orders

A copy of the order of the registering officer, licensing officer or appellate officer may be obtained on payment of fee Rs. 2 per copy of each order on application specifying the date and other particulars of the order made to the officer concerned.

19. Payment of fees and security deposits

- (1) The payment of the various fees relating to registration, licensing and security deposits shall be made through crossed demand draft drawn in favour of the concerned departmental officer and payable at the station at which he stationed along with a treasury challan only filled in indicating the relevant head of account creditable to the accounts of the concerned Pay and Accounts Officer.
- (2) The heads of accounts under which the receipts, relating to the Ices for registration, licensing and appeals, etc., shall be credited will be "B' - Nori-Tax Revenue-08 Labour and Employment Receipts under the Inter-State Migrant Workmen (Regulation and Conditions of Service) State Rules," The Security deposits are to be booked under the Head.

"K-Deposits and Advances

(b) Deposits not bearing interest.

843 Civil Deposit,

Mil. 32 Deposits under various Central and State Acts.

SH. (01) Deposits under Labour Act".

CHAPTER III

DUTIES OF THE CONTRACTOR

20. Particulars of Migrant Workman

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

21. Return fare

The contractor shall pay to the migrant workman the return fare from the place of employment to the place of residence in the home-state of the migrant workman on the expiry of the period of employment and also on his

- (a) termination of service before the expiry of the period of employment, for any reason what-so-ever.
- (b) being incapacitated for further employments on account of injury or contained ill-health duly certified as such by a registered medical practitioner;
- (c) cessation of work in the establishment which is not due to any fault on the part of the migrant workman; and
- (d) resignation from service on account of non-fulfilment of terms and conditions of his employment by the contractor.

22. Pass Book

- (1) In the pass book referred to in Section 12, the following additional particulars shall be indicated, namely:
 - (a) the date of recruitment;
 - (b) the date of employment;
 - (c) total attendance/unit of work done (in respect of piece-rated migrant workman total wages earned/educations, if any, made net amount paid and signature of contractor or his duly authorise representative with date; These entries shall be made separately in respect of each wage period within three days from the date of payment); and
 - (d) name and address of the next kinds of migrant workman.
- (2) In case of total accident or serious bodily injury to any migrant. workman, the contractor shall immediately send telegrams to the specified authorities of both the States and also the next kinds of the migrant workman intimating death or the nature of serious bodily injury sustained by the migrant workman, as the case may be, date, place and nature of accidents. The contractor shall further send written report in regard to the following particulars to the specified authorities concerned and the next kind of the migrant workman by registered post within 24 hours or the occurrence of the accident;
 - (i) Name of the migrant workman;

- (ii) Date, place and nature of accident;
 - (iii) Condition of the migrant workman (if alive);
 - (iv) Action taken by the contractor principal employer
 - (v) Remarks.
- (3) If the contractor fails to send the telegraphic intimation and or written report as required under sub-rule (2), the principal employer shall comply with the requirements of sub-rule (2) as early as possible but in any case not later than 48 hours of the time of occurrence of the accident.

23. Return- and report

Every contractor shall furnish a return regarding migrant workman who have ceased to be employed in Form XII to the specified authorities concerned either personally or by registered post so as to reach them not later than fifteen days from the date of the migrant workman ceases to be employed.

CHAPTER IV

WAGES AND ALLOWANCES

24. Rate of wages

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

Provided that if there is any dispute in this regard or with regard to applicability of wage rates to a migrant workman under sub-clause (b) of sub-section (I) of Section 13, the same shall be decided by the Commissioner of Labour, Andhra, Pradesh, whose decision shall be final.

25. Wage period

The contractor shall fix wage periods in respect of which wages shall be payable. No wage period shall exceed one month.

26. Payment of Wages

The wages of every migrant workman in an establishment by a contractor where less than 1000 workmen are employed shall he paid before the expiry of the seventh day and in other cases before the expiry of tenth day of every month.

27. Payment on termination

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

28. Mode of payment

- (1) All payments of wages shall be made by the contractor 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 for eight hours of the last working day.
- (2) Wages due to every migrant workman shall be paid to him direct or to other persons duly authorised by him in this behalf.
- (3) All wages shall be paid in current coin or in currency or in both. Wages shall be paid without any deduction of any kind except those specified by the Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936.
- (4) 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.
- (5) The principal employer shall ensure the presence of his authorised representative at the place and time of disbursement of wages by the contractor to the migrant workman and it shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorised representative.
- (6) The authorised representative of the principal employer shall record under his signature, a certificate at the end of all entries in the register of wages or the wages-cum-muster roll, as the case may be, in the Form XIII.

CHAPTER V

MEDICAL AND OTHER FACILITIES TO BE PROVIDED TO THE MIGRANT WORKMEN

29. Holiday hours of work and other conditions of service

- (1) Holiday, hours of work including extra wages for over time work done and other conditions of service of migrant workman shall not be less favourable than those obtaining in that establishment or in similar employments in the area in which the establishment is located, as the case may be.
- (2) Where there is any dispute in this regard or with regard to applicability of holidays, hours of work including extra wages for over time work done and other conditions of service to a migrant workman under clause (a) of sub-section (1) of Section 13, the same shall be decided by the Commissioner of Labour, ¹⁴Telangana, whose decision shall be final.

30. Medical facilities

- (1) The contractor shall ensure provision of suitable and adequate medical facilities for outdoor treatment to the workman free of cost for treatment of any ailment from which the migrant workman or any member of his family may suffer during this employment in the establishment or to meet any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a migrant

workman from market on the basis of the prescription issued by any doctor provided by the contractor or the principal employer, as the case may be. or any registered medical practitioner, the cost of such medicine shall be reimbursed by the contractor to the migrant Workman concerned within a period of seven days from the date of presentation of the bill by the migrant workman.

- (2) In the event of migrant workman or any of his family members suffering from any ailment requiring hospitalisation during his employment in the establishment, the contractor shall promptly arrange for the hospitalisation of the migrant workman or the concerned member of his family. The contractor shall bear entire expenses on treatment, hospital charges (including diet), if any, and travel expenses for the petitioner from the place of his/ her residence to the hospital and back.
- (3) Every contractor shall provide and maintain so as to readily accessible during all working hours first-aid boxes at the rate of not less than one box for one hundred and fifty workmen or part thereof.
- (4) The first-aid box, shall be distinctly marked with a Red cross on a white ground and shall contain the following equipment, namely;
 - (a) In the establishments in which number of migrant workmen employed does not exceed fifty, each first-aid box shall contain the following equipment namely:
 - (i) 6 small sterilised dressings;
 - (ii) 3 medium size sterilised dressings;
 - (iii) 3 large size sterilised dressings;
 - (iv) 3 large sterilised bum dressings;
 - (v) 1 (30 ml) bottle containing a two percent alcoholic solution of iodine;
 - (vi) 1 (30 ml) bottle containing salvolatile having the dose and mode of administration indicate 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 leaf-let 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 bums; and
 - (xiii) A bottle of suitable surgical antiseptic solution.
 - (b) for establishments in which the number of migrant workmen exceeds fifty each first-aid box shall contain the following equipment namely:
 - (i) 12 small sterilised dressings;
 - (ii) 6 Medium size sterilised dressings;
 - (iii) 6 Large size sterilised dressings;

- (iv) 6 Large size sterilised burn dressings;
 - (v) 6 (15 grams) packers sterilised cotton wool;
 - (vi) 1 (80 ml) bottle containing a two percent 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 grams) bottle of potassium permanganate crystals.
 - (xi) 1 pair scissors;
 - (xii) 1 copy of the first-aid leaf-let issued by the Director General Factory Advisory Service and Labour Institute, Government of India;
 - (xiii) a bottle containing 100 tablets (each of 5 grains) of aspirin
 - (xiv) ointment for burns; and
 - (xv) a bottle of a suitable surgical antiseptic solution.
- (5) Adequate arrangements shall be made for immediate recoupment when necessary.
- (6) Nothing except the contents mentioned in sub-rule (4) shall be kept in the first-aid box.
- (7) The first-aid box shall be in-charge of a responsible person who shall always be readily available during the working hours of the establishment.
- (8) The person in-charge of the first-aid box shall be a person trained in first aid treatment, in establishment where the number of migrant workman is one hundred and fifty or more.

Provided that where the temperature falls below five degrees centigrade woollen overcoat shall also be provided to the migrant workmen once in three years.

located or on the 30th day of September, whichever is earlier.

31. Drinking water, latrines, urinals and washing facilities

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

32. Rest rooms

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

33. Canteens

- (1) In every establishment wherein work regarding the employment of migrant workmen is likely to continue for six months and wherein migrant workmen numbering one hundred or more are ordinarily employed an adequate canteen shall be provided by the contractor for the use of such migrant workmen within sixty days of the date of coining into force of the rules in the case of the existing establishments, and within sixty days of commencement of the employment of migrant workmen in the case of new establishments.
- (2) If the contractor fails to provide canteen within the time limit specified, the same shall be provided by the principal employer, within sixty days of the time allowed to the contractor.
- (3) The canteen shall be maintained by the contractor or principal employer as the case may be in an efficient manner.
- (4) The canteen shall consist of atleast a dining hall, kitchen, store-room pantry and washing places separately for migrant workmen and for utensils.
- (5)
 - (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 each year:
Provided that the inside walls of the kitchen shall be lime-washed for every four months.
- (6)
 - (i) The precincts of the canteen shall be maintained in a clean and sanitary condition.
 - (ii) Waste water shall be carried away in suitably 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.
- (7) The dining hall accommodate at a time at least 30 per cent of the migrant workmen working at a time.
- (8) The floor area of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than one square meter per dinner to be accommodated as specified in sub-rule (7).
- (9)
 - (i) A portion of the dining hall and service counter shall be partitioned off and reserved for women migrant workmen in proportion to their number.
 - (ii) Washing places for women shall be separate and screened to secure - privacy.
- (10) Sufficient tables, stools, chairs or benches shall be available for dinners to be accommodated as specified in sub-rule (7).
- (11)
 - (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 conditions.
- (12)
 - (i) Suitable clean clothes for the employees serving in the canteen shall 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.
- (13) The foodstuffs and other items to be served in the canteen shall be in conformity with the normal habits of the migrant workmen.

- (14) The charges for meals, other foodstuffs, beverages and any other items served in the canteen shall be based, on no profit; no loss basis and shall be conspicuously displayed in the canteen.
- (15) In arriving at the prices of food-stuffs, and other articles served in the canteen the following items shall not be taken into consideration as expenditure, namely:
- (a) The rent for the land and buildings;
 - (b) The depreciation and maintenance charges for the building and equipment provided for in the canteen;
 - (c) The cost of purchase, repairs and replacement of equipments including furniture, crockery, cutlery and utensils;
 - (d) The water charges and other charges incurred for lighting and ventilation.
 - (e) The interest on the amounts spent on the provision and maintenance of furniture and equipment provided for in the canteen.
- (16) The account books and registers and other documents used in connection with the running of the canteen shall be produced on demand to an Inspector.
- (17) The accounts pertaining to the canteen shall be audited once in every twelve months by registered Accountants and Auditors:

Provided that the Commissioner of Labour, 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.

34. Latrines and urinals

- (1) Latrines shall be provided in every establishment on the following scale, namely:
- (a) Where females are employed, there shall be atleast one latrine for every 25 females
 - (b) Where males are employed, there shall be atleast one latrine for every 25 males;
- Provided that where the number of males or females exceeds 190, it shall be sufficient if there is one latrine for 25 males or females as the ease may be upto the first 100 and one for every 50 thereafter.
- (2) Every latrine shall be under cover and so partitioned off as to - secure privacy, and shall have a proper door and fastenings.
- (3)
- (i) Where workers of both sexes are employed there shall be displayed outside each block of latrine 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 of a woman as the case may be.
- (4) There shall be at least one urinal for male workers upto fifty and one for female workers upto fifty 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 fifty Male and Female upto the first 500 and one for every 100 or part thereof thereafter.

- (5) The latrines and urinals shall be conveniently situated and access to workers at all times at the establishment.
- (6)
 - (i) The latrines and urinals shall be adequately lighted and shall be maintained in a clean and sanitary conditions 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.
- (7) Water shall be provided by the means of tap or otherwise so as to be conveniently accessible in or near the latrines and urinals.

35. Washing facilities

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

36. Creches

- (1) In every establishment where 20 or more workmen are ordinarily employed as migrant workmen and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain two rooms of reasonable dimensions for the use of their children under the age of six years, within fifteen days of the coming into force of the rules, in case of existing establishment, and within fifteen days of the commencement of the employment of not less than twenty women as migrant workmen in new establishments.
- (2) One of such rooms shall be used as play room for the children and the other as bedroom for the children.
- (3) If the contractor fails to provide creches within the time limit specified the same shall be provided by the principal employer within fifteen days of the expiry of the time allowed to the contractor.
- (4) The contractor or the principal employer, as the case may be, shall supply adequate number of toys and games in the play rooms and sufficient number of cots and beddings in the sleeping room.
- (5) The creches shall be so constructed as to afford adequate protection against heat, damp, wind, rain and shall have smooth, hard and impervious floor surface.
- (6) The creche shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

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

37. Residential accommodation

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

38. Liability of the principal employer in certain cases

If any allowance required to be paid under Section 14 or Section 15 to a migrant workman employed in an establishment to which this Act applies, is not paid by the contractor or if any facility specified in Section 16 is not provided for the benefit of such migrant workman, such allowance shall be paid, or as the case may be, the facility shall be provided, by the principal employer within fifteen days of the expiry of the time

allowed to the contractor under the rules except where otherwise provided for in the relevant rules;

Provided that in case of ailment requiring medical attention or hospitalisation, as the case may be, the principal employer shall provide the same immediately on the failure of the contractor to do so.

39. Relaxation in certain cases

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

CHAPTER VI

REGISTERS AND RECORDS - COLLECTION OF STATISTICS

40. Registers of contractors

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

41. Register of persons employed

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

42. Service Certificate

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

43. Displacement-cum-outward journey allowances sheet and return journey allowances register

- (1) Every contractor shall maintain displacement-cum-outward journey allowances sheet in Form XVII and return journey allowances register in Form XVIII.
- (2) Entries in the sheet and the register required to be maintained under sub-rule (1) shall be authenticated by the contractor or his duly authorised representatives.

44. Muster roll wages register deduction register and overtime register

- (1) In respect of establishments which are governed by the Payment of Wages Act, 1936 and the rules made thereunder or the Minimum Wages Act, 1948 and the rules made thereunder or the Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder, the following registers and records required to be maintained by the contractor as employed under those Acts and the rules, shall be deemed to be registers and records to be maintained by the contractor under these rules.
 - (a) Muster roll;
 - (b) register of wages;
 - (c) register of deductions;

- (d) register of deductions for damage or loss;
 - (e) register of fines;
 - (f) register of overtime;
 - (g) register of advances;
- (2) In respect of establishments not covered by any of the Acts or the rules referred to in sub-rule (1) the following provisions shall apply, namely:
- (a) Every contractor shall maintain a muster roll and a register of wages in Forms XX and XIX respectively;
 - (b) Signature or thumb impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the contractor or his authorised representative, and duly certified by the authorised representative of the principal employer as required by sub-rule (6) of rule 28.
 - (c) Register of deductions, register of fines and register of advances register of deductions for damage or loss, shall be maintained by every contractor in Forms XX, XXII, XXIII and XXIV respectively;
 - (d) Every contractor shall maintain a register of over-time in Form XXV.
- (3) Notwithstanding anything contained in these rules where a combined or alternative Form is sought to be used for the contractor to avoid duplication of work for compliance with the provisions of any other Act or 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 the Forms prescribed under these rules may be used with the previous approval of the Commissioner of Labour.

45. Maintenance and preservation of registers

- (1) All registers and other records required to be maintained under the Act and rules, shall be maintained complete and up-to-date, and unless otherwise provided for shall be kept at an office or the nearest convenient building within precincts of the workplace or at a place, if any, specified by the Inspector on the specified request made by the contractor in this behalf.
- (2) All registers shall be maintained legibly in English or Telugu.
- (3) All registers and other records shall be preserved in original for a period of three calendar years from the date of last entry made therein.
- (4) All registers records and notices maintained under the Act or rules shall be produced on demand before the Inspector or Commissioner of Labour or any other authority under the Act or any person authorised in that behalf by the Government.
- (5) Where no deduction or fine or deduction for damage or loss has been made or 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 every 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, XXII and XXIV respectively.

46. Display of an abstract of the Act and rules

Every contractor shall display an abstract of the Act and the rules in English and Telugu and in the language spoken by majority of migrant workmen in Form XXVI.

47. Notices

(1)

(i) Notices showing the rates of wages, hours of work, wages 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 Telugu and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor as the case may be.

(ii) The notices shall be correctly maintained, in a clean and legible condition.

(2) A copy of the notice shall be sent to the Inspector and whenever any changes occur, the same shall be communicated to him forthwith.

48. Periodical returns

(1) Every contractor shall send half yearly return in Form XXVII (in duplicate) so as to reach the licensing officer concerned not later than thirty days from the close of the half year.

Note: Half year for the purpose of this rule means "a period of 'six months commencing from 1st January and 1st July every year".

(2) Every principal employer of a registered establishment shall send annually a return in Form XXVIII (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.

(3) ¹⁵[The Government may, by order, devise or notify consolidated forms for maintaining registers and records and furnishing reports and returns in lieu of the forms prescribed under these Rules:

Provided, that the Government may allow the registers and records to be maintained in computerized or digital formats.]

49. Powers

(1) The Commissioner of Labour or the Inspector or any other authority under the Act or rules shall have powers to call for any information or statistics in relation to migrant workmen 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.

CHAPTER VII

LEGAL AID TO MIGRANT WORKMEN

50. Legal aid

On receipt of a written application from migrant workman or in the event of his death, from next of his kin for providing legal aid in relation to any proceedings before the Authority under section 15 of the Payment of Wages Act, 1936 or Authority under Section 20 of the Minimum Wages Act, 1948 or, appropriate Labour Court under Section 33C (2) of the Industrial Disputes Act, 1947 or Commissioner for Workmen's Compensation under section 24 of the Workmen's Compensation Act, 1923, in which the migrant workman or his legal heir is a party, the specified authority concerned if he is satisfied may with the prior approval of the Commissioner of Labour ¹⁶Telangana, engage an advocate to conduct the relevant proceedings, on behalf of the migrant workman or his legal heir, as the case may be, and meet all legal expenses in this regard.

¹ Substituted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

² Substituted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

³ Substituted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

⁴ Substituted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

⁵ Inserted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

⁶ Inserted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

⁷ Substituted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

⁸ Deleted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

⁹ Inserted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

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¹² Omitted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

¹³ Substituted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

¹⁴ Substituted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

¹⁵ Added by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.

¹⁶ Substituted by "The Andhra Pradesh Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 (Telangana Adoption) Order, 2015" Noti. No. G.O.MS. No. 33, dated 14-12-2015.