

GOVERNMENT OF WEST BENGAL
LABOUR DEPARTMENT
NOTIFICATION

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No. 4412-LW-LW/1A-24 (A)/79. 6th December 1982. In exercise of the power conferred by section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules;

RULES
CHAPTER-I
PRELIMINARY

Short title, extent and commencement

1. (1) These rules may be called the West Bengal Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1981.

(2) These rules shall extend to the whole of West Bengal.

(3) They shall come into force on the date of their publication in the "Calcutta Gazette".

Definitions

2. (1) In these rules, unless the subject or context otherwise requires;

(a) "the Act" means the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979);

(b) "appellate officer" means an appellate officer nominated by the State Government under section 11;

(c) "form" means a form appended to these rules;

(d) "inspector" means an inspector appointed by the State Government under section 20;

(e) "licensing officer" means the licensing officer appointed by the State Government under section 7;

(f) "migrant workman" means an inter-State migrant workman as defined in section 2;

(g) "registering officer" means a registering officer appointed by the State Government under section 3;

(h) "section" means a section of the Act;

(i) "specified authority" means the authority specified by the State Government for the purposes of sections 12 and 16;

(2) Words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

CHAPTER-II

REGISTRATION OF ESTABLISHMENTS AND ISSUE OF LICENCE

Manner of making application for registration of establishments

3. (1) The application for registration of an establishment shall be made in triplicate in Form I to the registering officer of the area in which the establishment sought to be registered is located.

(2) The application shall be accompanied by a treasury receipt showing payment of the fees for the registration of the establishment.

(3) The application shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application, the registering officer shall, after noting thereon the date of receipt by him of the application, give an acknowledgement to the applicant.

Issue of certificate of registration

4. (1) Where the registering officer registers the establishment, he shall issue to the principal employer a certificate of registration in Form II.

(2) The registering officer shall maintain a register in Form III showing the particulars of the establishments in relation to which certificates of registration have been issued by him.

(3) The concerned registering officer of the State wherein the establishment is located shall, while issuing the certificate of registration to the principal employer of the establishment, send a copy of the relevant application made to him in Form I and an original copy of the said certificate of registration along with his recommendation, to the concerned registering officer of the State from where the migrant workers are proposed to be recruited. On receipt of the same, the registering officer of the latter State, shall record all particulars in this respect as contained in Form I and the certificate of registration, in a register.

(4) If, in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the registering officer, within thirty days from the date when such change takes place, the particulars of, and the reasons for such change, under intimation to the concerned Licensing Officer of the State from which migrant workers are to be recruited.

Amendment of certificate of registration

5. (1) Where, on receipt of the intimation referred to in sub-rule (4) of rule 4, the registering officer is satisfied that an amount higher than the amount, which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which, together with the amount already paid by such principal employer,

would be equal to such higher amount of fees payable for the registration of the establishment and to produce receipt showing such deposit.

(2) Where, on receipt of the intimation referred to in sub-rule (4) of rule 4, the registering officer is satisfied that there has been 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 registering officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

Application for licence

6. (1) Every application by a contractor for the grant of a licence for recruiting a person under clause (a) of sub-section (1) of section 8 shall be made in triplicate in Form IV to the licensing officer having jurisdiction in relation to the area wherein recruitment is made.

(2) Every application by a contractor for employing a migrant workman under clause (b) of sub-section (1) of section 8 shall be made in Form V to the licensing officer having jurisdiction in relation to the area wherein the establishment is situated.

(3) Every application for the grant of a licence under sub-rule (1) or sub-rule (2), shall be accompanied by a certificate of the principal employer in Form VI to the effect that he shall be bound by all the provisions of the Act and the rules made thereunder so far as they are applicable to him in respect of the recruitment or employment of the migrant workmen, in respect of which the contractor is making, the application along with certified copy of the registration certificate of the principal employer.

(4) Every such application shall be either personally delivered to the licensing officer concerned or sent to him by registered post.

(5) On receipt of the application referred to in sub-rule (1) or sub-rule (2), the licensing officer concerned shall grant an acknowledgement to the applicant.

(6) Every application referred to in sub-rule (1) shall also be accompanied by a receipt [obtained as required by rule 20], showing the payment of the licence fee and the security deposit, where necessary.

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

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

(a) whether the applicant

(i) is a minor, or

- (ii) is of unsound mind and stands so declared by a competent court, or
 - (iii) is an undischarged insolvent, or
 - (iv) has been convicted at any time during the period of five years immediately preceding the date of application, of an offence which, in the opinion of the State Government, involves moral turpitude ;
- (b) whether any order has been made in respect of the applicant under sub-section (1) of section 10, and if so, whether a period of three years has lapsed from the date of that order ;
 - (c) whether the fees for the application has been deposited at the rates specified in rule 11 ; and
 - (d) whether security, wherever necessary, has been deposited by the applicant at the rates specified in sub-rule 9 ;

Investigation in respect of application for licence

8. (1) On receipt of the application from the contractor, and as soon as possible thereafter, the licensing officer shall investigate or cause an investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and eligibility of the applicant for a licence.

- (2) (i) Where the licensing officer is of opinion that the licence shall 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.

Security

9. (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 shall furnish security for the due performance of the conditions of the 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 the solvency of such person determine the amount of the security to be furnished by such person, which shall not exceed forty percent of the amount estimated by him.

(2) Where the applicant for the licence was holding a licence in regard to another work and that the said licence had expired, the licensing officer, if he is of the view that any amount out of the security, if any, deposited in respect of that licence is to be refunded to the applicant under rule 15, he may, on an application made for that purpose in Form VII by the applicant adjust the amount to be refunded towards the security, if any, required to be deposited in respect of the application for the new licence and the applicant need deposit in such a case, only the balance amount, if any, after making such adjustment.

Forms and terms and conditions of licence

10. (1) Every licence issued, under sub-section (1) of section 8 shall be in Form VIII. The licence shall remain valid till the end of the calendar year during which it is issued and may be renewed for a further period of one year from the date of expiry of the licence, in the manner laid down in rule 13.

(2) Every licence granted or renewed under sub-rule (1) shall be subject to the following conditions, namely :

- (i) the licence shall be non-transferable ;
- (ii) the terms and conditions of the agreement or arrangement under which the migrant workman is recruited or employed as are specified in the Act and in the rules made thereunder ;
- (iii) the number of migrant workmen recruited or employed shall not, on any day, exceed the maximum number specified in the licence, during any calendar year ;
- (iv) the number of workmen recruited or employed as migrant workmen in the establishment shall not on any day, exceed the maximum number specified in condition (iii) ;
- (v) the rates of wages payable to the migrant workmen by the contractor shall not be less than rates prescribed under the Minimum Wages Act, 1948, (11 of 1948), for such employment and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed ;
- (vi) save as provided in these rules, the fees paid for the issue, or as the case may be, for renewal of licences shall be non-refundable ;
- (vii) (a) in cases where the migrant workmen recruited or employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment of 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, West Bengal whose decision thereon shall be final ;
- (b) in other cases, the wage rates, holidays, hours of work and conditions of service of the migrant workmen recruited or employed by the contractor shall be such as contained in these rules ;
- (viii) every migrant workmen shall be entitled to allowances, benefits, facilities, etc., as provided in the Act, and in these rules ;
- (ix) no female migrant workman shall be employed by any contractor before 6 a. m. or after 7 p.m. :

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

- (x) the contractor shall notify any change in the number of migrant workmen or the condition of work to the licensing officer;
- (xi) the contractor shall comply with all the provisions of the Act, and these rules ;
- (xii) a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed ;
- (xiii) the period for which the licence shall be valid.

Fees

11. (1) The fees to be paid for the registration of an establishment under section 4 shall be as specified below :

If the number of migrant workmen proposed to be employed in the establishment on any day—

| | | | | Rupees |
|-----|----------------------------------|----------|----------|--------|
| (a) | is 5 or more but does not exceed | 20 | 30.00 | |
| (b) | exceeds 20 but does not exceed | 50 | 75.00 | |
| (c) | exceeds 50 but does not exceed | 100 | 150.00 | |
| (d) | exceeds 100 but does not exceed | 200 | 300.00 | |
| (e) | exceeds 200 but does not exceed | 400 | 600.00 | |
| (f) | exceeds 400 but does not exceed | 800 | 900.00 | |
| (g) | exceeds 800 but does not exceed | 1,000 | 1,000.00 | |
| (h) | exceeds 1,000 | 1,500.00 | | |

(2) The fees to be paid for the grant of licence under section 9 shall be as specified below :

If the number of migrant workmen recruited or employed by the contractor on any day—

| | | | | Rupees |
|-----|-----------------------------------|-------|--------|--------|
| (a) | is 5 or more but does not exceed | 20 | 10.00 | |
| (b) | exceeds 20 but does not exceed | 50 | 20.00 | |
| (c) | exceeds 50 but does not exceed | 100 | 40.00 | |
| (d) | exceeds 100 but does not exceed | 200 | 80.00 | |
| (e) | exceeds 200 but does not exceed | 400 | 160.00 | |
| (f) | exceeds 400 but does not exceed | 750 | 200.00 | |
| (g) | exceeds 750 but does not exceed | 1,000 | 250.00 | |
| (h) | exceeds 1,000 but does not exceed | 2,000 | 350.00 | |
| (i) | exceeds 2,000 | | 500.00 | |

Amendment of the licence

12. (1) A licence issued under sub-section (1) of section 8 or renewed under rule 13 may, for good and sufficient reasons, be varied or 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 the reasons [thereof] therefor.

(3) If the licensing officer allows the application he shall require the applicant to furnish a treasury receipt for the amount, if any, by which the fees that would have been payable if the licence had been originally issued in the amended form exceeds the fee originally paid for the licence.

(4) On the applicant furnishing the licensing receipt, the licence shall be amended according to the orders of the licensing officer.

(5) Where the application for amendment is refused, the licensing officer shall record the reasons for such refusal and communicate the same to the applicant.

Renewal of licence

13. (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 for renewal of the licence [shall be 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 percent, in excess of the fee ordinarily payable for the licence shall be payable for such renewal ;

Provided further that [in case of] 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 payment of such excess fee.

Issue of duplicate certificate of registration or licence

14. Where a certificate of registration or a licence granted or renewed under the preceding rules has been lost, defaced or accidentally destroyed, duplicate thereof may be granted on payment of a fee of ten rupees.

Refund of security

15. (1) On the expiry of the period of licence the contractor may, if he does not intend to have his licence renewed and get the security amount adjusted in respect of his fresh application for licence in terms of sub-rule (2) of rule 9, make an application to the licensing officer for the refund of the security, if any, deposited by him under rule 9.

(2) If the licensing officer is satisfied that there has been no breach of the conditions of licence or there is no order under section 10 for the forfeiture of security or any portion thereof, he shall direct the refund of the security to the applicant.

(3) If there is any order directing the forfeiture of the whole or any part of the security, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the applicant.

(4) The application for refund shall, as far as possible, be disposed of within sixty days of the receipt of the application.

Appeals and procedure

16. (1) Every appeal under section 11 shall be preferred in the form of a memorandum signed by the appellant or his authorised agent and presented to the appellate officer in person or sent to him by registered post.

(2) The memorandum shall be accompanied by a certified copy of the order and a treasury receipt showing payment of twenty rupees.

(3) The memorandum shall set-forth precisely and under distinct heads the grounds of appeal to the order appealed from.

(4) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) it may be rejected or returned to the appellant for the purpose of being amended within the time to be fixed by the appellate officer.

(5) Where the appellate officer rejects the memorandum of appeal under sub-rule (4) he shall record the reasons for such rejection and communicate the same to the appellant.

(6) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the register of appeals kept for the purpose.

(7) When the appeal has been admitted, the appellate officer shall send a notice to the registering officer or the licensing officer, as the case may be, from whose order the appeal has been preferred. The registering officer or, as the case may be, the licensing officer shall thereupon send the record of the case to appellate officer.

(8) On receipt of the record under sub-rule (7) the appellate officer shall send a notice to the appellant to appear before him on such date, time and place, as may be specified in the notice, for the hearing of the appeal.

(9) If on the date fixed for the hearing, the appellant or his authorised agent does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellant.

(10) Where an appeal has been dismissed under sub-rule (9), the appellant may apply to the appellate officer for the re-admission of the appeal, and where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the appellate officer shall restore the appeal on its original number.

(11) An application under sub-rule (10) shall, unless the appellate officer extends the time for sufficient reason, be made within thirty days of the date of dismissal.

(12) If the appellant or his authorised agent 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 pronounce judgement on the appeal either confirming, reversing or modifying the order appealed from.

(13) The judgement of the appellate officer under sub-rule (12) shall state the points for determination, decisions thereon and the reasons for the decisions.

(14) The order shall be communicated to the appellant or his authorised agent 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.

(15) A copy of the order of the appellate officer may be obtained on payment of Rs. 5 per copy for each order on application specifying the date and other particulars of the order, made to the officer concerned.

CHAPTER—III

DUTIES OF THE CONTRACTOR

Particulars of migrant workman

17. (1) Every contractor shall furnish to the specified authorities the particulars regarding recruitment and employment of migrant workman in Form X.

(2) The particulars shall be either personally delivered by the contractor to the concerned specified authorities or sent to them by registered post.

Return fare

18. The contractor shall pay to the migrant workman the return fare from the place of employment to the place of residence in home-State of the migrant workman on the expiry of the period of employment and also on—

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

Pass book

19. In the pass book referred to in clause (b) of sub-section (1) of section 12, the following additional particulars shall be indicated separately in respect of each wage period within three days from the date of payment :

- (a) the date of recruitment;
- (b) the date of employment;
- (c) wage period, total attendance/unit of work done (in respect of piece-rated migrant workmen), total wages earned/ deductions, if any made/ net amount paid and signature of contractor or his duly authorised representative with date; and
- (d) the name and address of the next of kin of migrant workman.

Return and report

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

CHAPTER-IV

WAGES

Rate of wages

21. The rate of wages of a migrant workman in an establishment where he is required to work which is neither the 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 (11 of 1948), for the same or similar type of work performed by workman in any scheduled employment in the area in which the establishment is located or the rates of wages payable to the workmen for performing the same or similar kind of work in that establishment in the State in which the establishment is located, whichever is higher.

Wage period

22. (1) The contractor shall fix wage periods in respect of which wages shall be payable.

(2) No wage period shall exceed one month.

Payment of wages

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

Payment of wages on termination of employment

24. 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.

Time and place of payment of wages

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

Wages may be paid to the person authorised

26. (1) Wages due to every migrant workman shall be paid to him direct or to any person duly authorised by him in this behalf.

(2) All wages shall be paid in current coin or in currency or in both. Wages shall be paid without any deduction of any kind except those specified by the State Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936 (4 of 1936).

Notice for disbursement of wages

27. A notice showing the wage period and the place and time of disbursement of wages shall be kept exhibited within the premises of the establishment where the migrant workmen are employed.

28. The authorised representative of the principal employer shall record under his signature (indicating his name and designation within bracket) a certificate at the end of all the entries in the register of wages or the wage-cum-muster roll, as the case may be, in the following form :

Certified that the amount shown in column No.....has been

CHAPTER-V

OTHER FACILITIES

Holidays, hours of work and other conditions of service

29. Holidays, hours of work and other conditions of service of migrant workmen specified in clause (a) of sub-section (1) of section 13 shall not be less favourable than those obtaining in the same or similar kind of work in that establishment or in similar employments in the area in which the establishment is located, as the case may be.

Medical facilities

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

issued by any physician 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) If during his employment a migrant workman or any of the members of the family of such workman requires hospitalisation, the contractor shall promptly arrange for the hospitalisation of the migrant workman or any member of his family. The contractor shall bear expenses on treatment, hospital charges (including diet), if any, and travel expenses for the patient from the place of his residence to the hospital and back.

(3) Every contractor shall provide and maintain so as to be readily accessible during all working hours first-aid boxes at the rate of not less than one box for one hundred and fifty workmen or part thereof.

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

(a) for the establishments in which number of migrant workmen employed does not exceed fifty, each first-aid box shall contain the following equipments :

- (i) six small sterilized dressings,
- (ii) three medium size sterilized dressings,
- (iii) three large size sterilized dressings,
- (iv) one (30 ml) bottle containing a two per cent alcoholic solution of iodine,
- (v) one (50 ml) bottle containing salvolatile having the dose and mode of administration indicated on the label,
- (vi) one snake-bite lancet,
- (vii) one (30 grams) bottle of potassium permanganate crystals,
- (viii) one pair of scissors,
- (ix) one copy of the first-aid leaflet issued by the Director-General of Factory Advice Service and Labour Institute, Government of India,
- (x) a bottle containing one hundred tablets (each of five grains) of aspirin,
- (xi) ointment for burns, and
- (xii) a bottle of suitable surgical anti-septic solution;

(b) for the establishments in which the number of migrant workmen exceeds fifty, each first-aid box shall contain the following equipments :

- (i) twelve small sterilized dressings,

- (ii) six medium size sterilized dressings,
- (iii) six large size sterilized dressings,
- (iv) six large size sterilized burn dressings,
- (v) six packets each of 15 grams sterilized cotton wool,
- (vi) one (60 ml) bottle containing a two per cent alcoholic solution of iodine,
- (vii) one (60 ml) bottle containing salvolatile having the dose and mode of administration indicated on the label,
- (viii) one roll of adhesive plaster,
- (ix) a snake-bite lancet,
- (x) one (30 grams) bottle of potassium permanganate crystals,
- (xi) one pair of scissors,
- (xii) one copy of the first-aid leaflet issued by the Director-General of Factory Advisory Service and Labour Institute, Government of India,
- (xiii) a bottle containing one hundred tablets (each of five grains) of aspirin,
- (xiv) ointment for burns, and
- (xv) a bottle of suitable surgical anti-septic solution.

(5) Adequate arrangements shall be made for immediate recoupment when necessary.

(6) Nothing except the contents mentioned in sub-rule (4) shall be kept in the first-aid box.

(7) The first-aid box shall be under the 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 establishments where the number of migrant workmen is one hundred and fifty or more.

Protective clothing

31. (1) The contractor shall provide to every migrant workman where the temperature falls below twenty degree centigrade, protective clothing consisting of one woollen coat and one woollen trouser once in two years :

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

(2) The protective clothing shall be provided by the contractor to every migrant workman before onset of winter season in the area where the establishment is located or on the 30th day of September whichever is earlier.

Liability of the principal employer in certain cases

32. 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 :

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

CHAPTER-VI

REGISTERS AND RECORDS—COLLECTION OF STATISTICS

Registers of contractors

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

Registers of persons employed

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

Service certificate

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

Displacement-cum-outward journey allowance sheet and return journey allowances register

36. (1) Every contractor shall maintain a sheet for payment of displacement-cum-outward journey allowances required to be paid under sections 14 and 15 in Form XV, and a register for return journey allowance as required to be paid under section 15 in Form XVI.

(2) Entries in the sheet and the register required to be maintained under sub-rule (1) shall be authenticated by the contractor.

Muster roll, wages register, deduction register and overtime register

37. (1) In respect of establishments which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the rules made thereunder or the Minimum Wages Act, 1948 (11 of 1948) and the rules made thereunder, or the Contract Labour Regulation and Abolition Act, 1970 (37 of 1970) and the rules made thereunder, the following registers and records required to be maintained by the contractor as employer under these Acts and rules shall be deemed to be registers and records to be maintained by the contractor under these rules :

- (a) muster roll,
- (b) register of wages,
- (c) register of deductions,
- (d) register of fines,
- (e) register of overtime, and
- (f) register of advances.

(2) In respect of establishment not covered by any of the Acts or the rules referred to in sub-rule (1) the following provisions shall apply :—

- (a) every contractor shall maintain a muster roll register and register of wages in Forms XVII and Forms XVIII respectively;
- (b) signature or thumb impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the signature of the contractor, and duly certified by the authorised representative of the principal employer as required by rule 28 ;
- (c) register of deductions for damage or loss, register of fines and register of advances shall be maintained by every contractor in Form XIX, XX and XXI respectively ;
- (d) every contractor shall maintain register of overtime in Form XXII.

(3) Notwithstanding anything contained in these rules where a combined or alternative form is sought to be used for the contractor to avoid duplication of work for compliance and the provisions of any other Act or the rules framed thereunder or any other laws or regulations or in cases where mechanised pay rolls are introduced for better administration, alternative suitable Form or Forms in lieu of any of the Forms prescribed under these rules, may be used with the previous approval of the Labour Commissioner, West Bengal.

Maintenance and preservation of registers

38. (1) All registers and other records required to be maintained under the Act and the rules shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the workplace or at a place, if any specified by the inspector on the specific request made by the contractor in this behalf.

(2) All the registers shall be maintained legibly in English or Bengali and in the language understood by the majority of the migrant workmen engaged in the work.

(3) All the registers and other records shall be preserved in original for a period of three calendar years from the date of last entry made therein.

(4) All the registers, records and notices maintained under the Act or the rules made thereunder shall be produced on demand before the inspector or the

Labour Commissioner, West Bengal or any other authority under the Act or any person authorised in that behalf by the State Government.

(5) Where no deduction has been made or no fine has been imposed or no overtime has been worked during any wage period, a 'NIL' entry shall be made across the body of the register at the end of every wage period indicating also in precise terms the wage period to which the 'NIL' entry relates in the respective registers maintained in Forms XIX, XX and XXI respectively.

Display of an abstract of the Act and the rules

39. Every contractor shall display an abstract of the Act and these rules in English or Bengali and in the language spoken by the majority of migrant workmen.

Notices

40. (1) Notices showing the rates of wages, hours of work, wage periods, weekly holiday, 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 Bengali and in the language understood by the majority of migrant workmen in conspicuous places at the establishment and the work-site by the principal employer or the contractor, as the case may be.

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

(3) Copies of the notices shall be sent to the inspector having jurisdiction and whenever any change occurs, the same shall be communicated to him within seven days of effecting such changes.

Periodical returns

41. (1) Every contractor shall furnish in respect of every migrant workman who ceases to be employed a half-yearly return in Form XXIII, in duplicate so as to reach the specified authority in the State from which he is recruited and in the State in which he is employed not later than thirty days from the close of the half-year.

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

(2) Every principal employer of a registered establishment shall send annually a return in Form XXIV, in duplicate so as to reach the registering officer concerned not later than the 15th February following the end of the year, to which it relates, with a copy thereof sent to the registering officer of the State from which migrant workmen have been drafted and engaged in the establishment during the period in question.

Power of inspector to call for information in relation to the migrant workmen

42. (1) An inspector shall have powers to call for at any time by an order in writing any information or statistics in relation to the migrant workmen so

drafted, from the concerned contractor or the principal employer in that State in which the migrant workmen have been engaged.

(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

Legal Aid

43. On receipt of a written application from a migrant workman or in the event of his death, from next of his kin for providing legal aid in relation to any proceeding before the authority under section 15 of the Payment of Wages Act, 1936 or the authority under section 20 of the Minimum Wages Act, 1948 or appropriate Labour Court under sub-section (2) of section 33-C of the Industrial Disputes Act, 1947 or Commissioner for Workmen's Compensation under the Workmen's Compensation Act, 1923 in which the migrant workman or his legal heir or dependant is party during stay of migrant workman in the area in which the work-place is located or after his return to his home State, the authority concerned in such case, if he is satisfied, may with the approval of the Labour Commissioner of the State, engage an Advocate to conduct the relevant proceedings in the concerned Court on behalf of the migrant workman or his legal heir or dependant and meet all legal expenses in this regard.

CHAPTER-VIII

POWERS OF INSPECTORS

Exercise of power by an inspector

44. An inspector shall exercise all or any of the powers conferred by or under these rules.

FORM-I

{See rule 3(1)}

Application for registration of establishment employing migrant workmen

1. Name and location of the establishment :
2. Postal address of the establishment :
3. Full name and address of the principal employer (furnish father's/ husband's name in the case of individuals) :
4. Names and addresses of the Directors/Particulars of Partners (in case of companies and firms);
5. Full name and address of the Manager or person responsible for the supervision and control of the establishment :

6. Number and date of registration of the establishment under the Contract Labour (Regulation and Abolition) Act, 1970 :
7. Nature of work carried on in the establishment :
8. Particulars of contractors and migrant workmen :
 - (a) Names and addresses of contractors :
 - (b) Nature of work for which migrant workmen are to be recruited or are employed :
 - (c) Maximum number of migrant workmen are to be employed on any day through each contractor :
 - (d) Estimated date and commencement of work under each contractor:
 - (e) Estimated date of termination of employment of migrant workmen under each contractor :
9. Particulars of Treasury receipts (Original Treasury Receipts to be enclosed) (Name of the Treasury, Amount, Number and Date).

I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Principal Employer
Seal and Stamp

Date of receipt of application.

Office of the Registering Officer.

FORM-II

[See rule 4(1)]

Certificate of Registration

Date.....

GOVERNMENT OF WEST BENGAL

Office of the Registering Officer

A Certificate of registration containing the following particulars is hereby granted under clause (a) of sub-section (2) of section 4 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and rules made thereunder to.....

1. Nature of work carried on in the establishment :
2. Names and addresses of contractors :
3. Nature of work for which migrant workmen are to be employed or are employed :
4. Maximum number of migrant workmen to be employed on any day through each contractor :
5. Other particulars relevant to the employment of migrant workmen :
 - (i)
 - (ii)

Signature of Registering Officer
with Seal

FORM-III

[See rule 4(2)]

Register of Establishments

| Sl. No. | Registration No. and date | Name and address of the establishment registered | Name of principal employer and his address | Type of trade, industry manufacture or occupation which is carried on by the establishment | Maximum number of migrant workmen directly employed on any day |
|--------------------------------|--|--|--|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |
| | | | | | |
| Name and address of contractor | Nature of work for which migrant workmen are to be recruited or are employed | Maximum number of migrant workmen employed on any day through a contractor | Probable duration of employment of migrant workmen | Remarks | |
| 7 | 8 | 9 | 10 | 11 | |

Particulars of contractor and Inter-State Migrant Workmen

FORM-IV

[See rule 6(1)]

Application for grant of licence for recruitment

1. Name and address of the contractor (including father's/husband's name in the case of individuals) with number and date of licence obtained by the contractor under Contract Labour (Regulation and Abolition) Act, 1970 from..... (particulars of the authority to be mentioned here) :
2. Date of birth and age (in case of individuals) :
3. Particulars of establishment where migrant workmen are to be employed—
 - (a) Name and address of the establishment :
 - (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment :
 - (c) Number and date of certificate of registration of the establishment under the Act, along with a certified copy thereof and the particulars in Form I :
 - (d) Name and address of the principal employer :
4. Particulars of migrant workmen—
 - (a) Nature of work in which migrant workmen are employed or are to be employed in the establishment :
 - (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending) :
 - (c) Name and address of the agent or manager of the contractor at the work-site;
 - (d) Maximum number of migrant workmen proposed to be employed in the establishment on any date :
 - (e) Names and addresses of the Directors/Partners (in case of companies and firms) :
 - (f) Name(s) and address(es) of the person(s) in charge of and responsible to the company/firm for conduct of the business of the company/firms, as the case may be :
5. Whether the contractor was convicted of any offence within the preceding five years, if so give details :
6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order :
7. Whether the contractor has worked in any other establishment within the past five years, if so, give details of the principal employer, establishment and nature of work :

8. Whether a certificate by the principal employer in Form VI is enclosed :
9. Amount of licence fee paid (with number and date of Treasury Receipt) :
10. Amount of security deposit, if any.

DECLARATION

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

Place.....

Signature of the Applicant

Date.....

(Contractor)

Note : The application shall be accompanied by Treasury Receipts showing the payment of the prescribed licence fee and security deposit, if any, and a certificate in Form VI from the principal employer.

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

Date of receipt of the application with Treasury Receipts for fees.

Signature of the Licensing Officer

FORM-V

[See rule 6(2)]

Application for Licence for Employment

1. Name and address of the Contractor (including father's/ husband's name in case of individuals) with number and date of licence obtained by the Contractor under the Contract Labour (Regulation and Abolition) Act, 1970 from"..... particulars of the authority to be mentioned here along with a copy of the licence issued under section 8(1) (a)
2. Date of birth and age (in case of individuals) :
3. Particulars of establishment where migrant workmen are to be employed—
 - (a) Name and address of the establishment :
 - (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment :
 - (c) Number and date of certificate of registration of the establishment under the Act :
 - (d) Name and address of the principal employer :
4. Particulars of migrant workmen—
 - (a) Nature of work in which migrant workmen are employed or are to be employed in the establishment :
 - (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending) :
 - (c) Name and address of the agent or manager of the contractor at the work-site :
 - (d) Maximum number of migrant workmen proposed to be employed in the establishment on any date :
 - (e) Names and addresses of the Directors/Partners (in case of companies and firms) :
 - (f) Name (s) and address (es) of the person(s) in charge of and responsible to the company/firm for the conduct of the business of the company/firm, as the case may be :
5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details :
6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order :
7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishment and nature of work :
8. Whether the certificate by the principal employer in Form VI is enclosed :
9. Amount of licence fee, paid (with number and date of Treasury Receipt) :
10. Amount of security deposit, if any :

DECLARATION

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

Place :

Date :

Signature of the Applicant
(Contractor)

Note : The application shall be accompanied by a Treasury Receipt, showing the payment of the prescribed licence fee and security deposit, if any, and a certificate in Form VI from the principal employer.

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

Date of receipt of the application with Treasury Receipt for fees.

Signature of the Licensing Officer

FORM-VI

[See rule 6(3)]

Form for Certificate by Principal Employer

Certified that I have engaged the applicant (name and address of the contractor) as a contractor in my establishment. I undertake to be bound by all the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the West Bengal Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1981 in so far as the provisions are applicable to me in respect of the employment of migrant workmen by the applicant in my establishment.

Place :

Date :

Signature of principal employer

Name and address of
establishment

FORM VII

[See rule 9(2)]

Application for Adjustment of Security Deposit

| Name and address of the contractor | Number and date of application for fresh licence | Date of expiry of previous licence | Whether the previous licence of the contractor was suspended or revoked | Number and date of the Treasury Receipt of security deposit in respect of the previous licence | Amount of previous security deposit |
|------------------------------------|--|------------------------------------|---|--|-------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

| Amount of security deposit for the licence | Number and date of Treasury Receipt of the balance security deposited with the fresh application | Number and date of certificate of registration of the establishment in relation to which the fresh licence is applied for | Name and address of the principal employer | Particulars of fresh application | Remarks |
|--|--|---|--|----------------------------------|---------|
| 7 | 8 | 9 | 10 | 11 | 12 |

Place :

Signature of Applicant

Date :

FORM-VIII

[See rule 10(1)]

Office of the Licensing Officer

Licence No..... Dated..... Fee paid Rs.....

Licence

Licence is hereby granted to.....(contractor) under sub-section (1) of section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, subject to the conditions specified in the Annexure.

1. This licence is for doing the work of..... (nature of work to be indicated) in the establishment of..... (name of principal employer to be indicated) at.....(place of work to be indicated), by the migrant workmen recruited from..... (name.....) of the police-station, district and State to be indicated) through Shri.....(name and address of the Agent to be indicated) whose number shall not exceed
2. The licence shall remain in force till the 31 st December of (year in which issued to be mentioned here)

Signature and Seal of
Licensing Officer

RENEWAL

[See rule 12]

Date of renewal Fee paid for renewal Date of expiry

1.

2.

3.

Date :

Signature and Seal of the
Licensing Officer

ANNEXURE

The licence is subject to the following conditions :

1. The licence shall be non-transferable.
2. The number of workmen employed as migrant workmen in the establishment shall not, on any day exceed the maximum number specified in the licence, during the calendar year for which it is issued or last renewed.
3. Save as provided in these rules the fees paid for the grant, or as the case may be, for renewal of licence shall be non-refundable.
4. The rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948, for such employment or for work of similar kind or nature and where the rates have been fixed by agreement, settlement or award not less than the rates so fixed.
5. (a) In case where the migrant 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 migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work:
Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the labour Commissioner of the State whose decision shall be final.
- (b) In other cases the wage rates, holidays, hours of work and conditions of service of the migrant workmen of the contractor shall be such as prescribed in these rules.
6. Every migrant workman shall be entitled to allowances, benefits, facilities, etc., as prescribed in the Act and these rules.
7. No female migrant workman shall be employed by any contractor before 6 a.m. or after 7 p.m. :
Provided that this clause shall not apply to employment of female migrant workman in pit-head baths, creches and canteens and midwives and nurses in hospitals and dispensaries.
8. The contractor shall notify any change in the number of migrant workmen or the conditions of work to the Licensing Officer.
9. The contractor shall comply with all the provisions of the Act and these rules.
10. A copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed.

FORM IX

[See rule 13(2)]

Application for Renewal of Licence

1. Name and address of the contractor :
2. Number and date of the licence :
3. Date of expiry of the previous licence :
4. Whether the licence of the contractor was suspended or revoked:
5. Number and date of the Treasury Receipt enclosed :

Place.....

Signature of the Applicant

Date.....

(To be filled in the office of the Licensing Officer.)

Date of receipt of the application with Treasury Receipt
number and date.

Signature of the Licensing Officer

FORM X

[See rule 17(1)]

[From in which to furnish particulars in respect of recruitment and employment of migrant workman/workmen as prescribed under sub-rule (1) of rule 17 to the authorities specified under the explanation below subsection (2) of section 12 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979]

Name and address of the contractor.....

Name and address of the establishment.....

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

Name of the State in which the place of work is located.....

Name of the State in which recruitment was made.....

| Sl. No. | Name of migrant workman | Father's/ Husband's name | Sex | Age | Permanent home address | Name and address of the next of kin of the migrant workman | Place and address of residence in the home State | Amount of displacement allowance paid |
|---------|-------------------------|--------------------------|-----|-----|------------------------|--|--|---------------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |

| Amount of outward journey allowance paid | Amount of wages for outward journey period paid | Nature of job required to be performed | Date of recruitment | Date of employment | Details of rates of wages and other allowances payable | Period of contract of employment | Details of other service conditions | Remarks |
|--|---|--|---------------------|--------------------|--|----------------------------------|-------------------------------------|---------|
| (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) |

Signature of Contractor

Date.....

Submitted to—

- (1) (Specified authority in the State in which migrant workman/workmen is/are employed.)
- (2) (Specified authority in the State from which the migrant workman/workmen has/have been recruited.)

Copy forwarded to.....

(The Principal Employer)

Signature of the Contractor

Date.....

Note : In case where migrant workmen concerned have been recruited from more than one State, separate returns shall be submitted in respect of each such State.

FORM XI

[See rule 20]

[Return to be sent by the contractor to the authorities specified under explanation below sub-section (2) of section 12 of the Inter-State Migrant Workmen (Regulation of Employment and conditions of Service) Act, 1979]

Name and address of the contractor.....

Name and address of the establishment.....

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

Name of the State in which the place of work is located.....

Name of the State in which recruitment was made.....

| Sl. No. | Name of migrant workmen | Father's/ Husband's name | Sex | Designation | Age | Permanent home address indicating the State |
|---------|-------------------------|--------------------------|-----|-------------|-----|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |

| Place and address of residence in home-State | Date of employment | Date on which ceased to be employed with reasons | Total days worked | Details of rates of wages and other allowances paid | Amount of displacement allowance paid | Amount of outward journey allowances, wages for outward journey paid |
|--|--------------------|--|-------------------|---|---------------------------------------|--|
| (8) | (9) | (10) | (11) | (12) | (13) | (14) |

| Amount of return journey allowance and wages for return journey paid | Total wages paid | Details of compensation and other allowances paid | Amount of deductions if any | Amount of advance, if any, paid | Amount of advance, if any, recovered | Remarks |
|--|------------------|---|-----------------------------|---------------------------------|--------------------------------------|---------|
| (15) | (16) | (17) | (18) | (19) | (20) | (21) |

DECLARATION

I/We hereby declare that all wages, other dues including displacement allowance, outward (return) journey allowances, return journey allowances and wages for journey periods payable to migrant workman/workmen named above and employed by me/us have been paid by me/us to him/her/them.

Place.....Signature of the Contractor

Date.....

(1) (Specified authority in the State
..... in which migrant workman/
..... workmen is/are employed.)

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

Copy forwarded to.....

.....

(The Principal Employer)

Signature of the Contractor

Note : In case where migrant workmen concerned have been recruited from more than one State, separate returns shall be submitted in respect of each State.

FORM XII

[See rule 33]

Register of Contractors

- (1) Name and address of the principal employer.....
(2) Name and address of the establishment

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

FORM XIII

[See rule 34]

Register of Workmen Employed by Principal Employer/Contractor

- (1) Name and address of Contractor.....
 (2) Name and address of the establishment

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

Name and address of principal employer.....

| Sl. No. | Name and surname of migrant workmen | Age and Sex | Father's/ Husband's name | Nature of employment designation | Permanent home address of migrant workmen (Village and Tahsil/Taluk and District) |
|---------------|-------------------------------------|--|-----------------------------------|----------------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| Local address | Date of commencement of employment | Signature or thumb impression of migrant workman | Date of termination of employment | Reasons for termination | Remarks |
| (7) | (8) | (9) | (10) | (11) | (12) |

Signature of Principal Employer/Contractor

FORM XIV

[See rule 35]

Service Certificate

Name and address of the contractor.....
Name and address of the establishment in/under which migrant workmen are employed.....
Name and address of the principal employer.....
Nature and location of work.....
Name and address of the migrant workman.....
Age or date of birth.....
Father's/Husband's name.....

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

Signature of Contractor

FORM XV

[See rule 36(1)]

Displacement-cum-Outward Journey Allowances Sheet

Name and address of the contractor.....

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

Name and address of the establishment.....

Month and year

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

| Wages payable in a month | Place of recruitment | Place of work with address indicating the State | Railway station/Bus stand nearest to the place of residence | Railway station/Bus stand nearest to the place of work | Date and time of commencement of journey from the place of residence | Expected date and time of arrival at the place of work |
|--------------------------|----------------------|---|---|--|--|--|
| (8) | (9) | (10) | (11) | (12) | (13) | (14) |

| Details of mode of journeys from the place of residence in the home State to the place of work | Amount of bus fare and/or second class train fare and/ or other journey expenses separately as per the mode of journeys indicated in column 15 | Total of amounts indicated in column No. 16 | Amount of displacement allowance | Amount of outward journey allowance | Wages for outward journey period | Total amount paid |
|--|--|---|----------------------------------|-------------------------------------|----------------------------------|-------------------|
| (15) | (16) | (17) | (18) | (19) | (20) | (21) |
| | | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. |

| Date on which paid | Signature or thumb impression of the migrant workman | Actual date and time of arrival at the place of work | Balance wages for outward journey, if any, payable | Date of payment of the balance wages indicated in column No. 25 | Signature or thumb impression of the migrant workman | Remarks |
|--------------------|--|--|--|---|--|---------|
| (22) | (23) | (24) | (25) | (26) | (27) | (28) |

Note : Indicate separately different mode of journeys. Entries are to be made against each individual migrant workman.

Signature of Contractor

Name and address of the contractor.....

FORM XVI

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

Name and address of the establishment.....

Month and year.....

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

| Place of work | Railway station/ Bus stand nearest to the place of work | Railway station/ Bus stand nearest to the place of residence in home | Date and time of commencement of journey from the place of work | Expected date and time of arrival at the residence in home-State | Expected mode of journeys from the place of work to place of residence in home-State | Amounts of bus fare and/ or second class train fare and or other journey expenses, separately as per expected mode of journeys indicated in column No. 13 |
|---------------|---|--|---|--|--|---|
| (8) | (9) | (10) | (11) | (12) | (13) | (14) |

| Total amounts indicated in column No. 14 | Amount of return journey allowance | Wages for return journey period | Total amount paid | Date on which paid | Signature or thumb impression of the migrant workman | Remarks |
|--|------------------------------------|---------------------------------|-------------------|--------------------|--|---------|
| (15) | (16) | (17) | (18) | (19) | (20) | (21) |

*Indicate separately different mode of journey.

Signature of Contractor
Date

Note: Entries are to be made against each individual inter-State migrant workman.

FORM XVII
[See rule 37(2)(a)]
REGISTER

Name and address of contractor.....
Nature and location of work.....
Name and address of establishment in/under which migrant workmen are employed.....
Name and address of principal employer.....
For the month of.....

| Serial No. | Name of migrant workman | Father's/Husband's name | Sex | Dates | | | | | Remarks |
|------------|-------------------------|-------------------------|-----|-------|---|---|---|---|---------|
| | | | | 1 | 2 | 3 | 4 | 5 | |
| <hr/> | | | | | | | | | |
| <hr/> | | | | | | | | | |

FORM XVIII

[See rule 37(2)(a)]

Register of Wages

Name and address of contractor.....

Nature and location of work.....

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

Name and address of principal employer.....

Wage period.....

| Serial No. | Name of workman | Serial No. in the register of workman | Designation/nature of work | Number of days worked | Units of work done | Daily rate of wages/piece rate |
|------------|-----------------|---------------------------------------|----------------------------|-----------------------|--------------------|--------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |

Amount of wages earned

| Basic wages | Dearness allowances | Overtime | Other cash payments (Nature of payment to be indicated) | Total |
|-------------|---------------------|----------|--|-------|
| (8) | (9) | (10) | (11) | (12) |

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

FORM XIX

[See rule 37(2)(c)]

Register of Deductions for Damage or Loss

Name and address of contractor.....

Nature and location of work.....

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

| Serial No. | Name of inter-State migrant workman | Father's/ Husband's name. | Designation/ Nature of employment | Particulars of damage or loss | Date of damage or loss |
|------------|-------------------------------------|---------------------------|-----------------------------------|-------------------------------|------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |

| Whether inter-State migrant workman showed cause against deduction | Name of person in whose presence employee's explanation was heard | Amount of deduction imposed | Number of instalment | Date of recovery | |
|--|---|-----------------------------|----------------------|------------------|-----------------|
| | | | | First instalment | Last instalment |
| (7) | (8) | (9) | (10) | (11) | (12) |

FORM XX

[See rule 37(2)(c)]

Register of Fines

Name and address of contractor.....

Nature and location of work.....

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

| Serial No. | Name of inter-State migrant workman | Father's/ Husband's name | Designation/ Nature of employment | Act/Omission for which fine imposed | Date of offence |
|------------|-------------------------------------|--------------------------|-----------------------------------|-------------------------------------|-----------------|
| (1) | (2) | (3) | (4) | (5) | (6) |

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

FORM XXI

[See rule 37(2)(c)]

Register of Advances

Name and address of contractor.....

Nature and location of work.....

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

Name and address of principal employer.....

| Serial No. | Name of inter-State migrant workman | Father's/ Husband's name | Nature of employment/ Designation | Wage period and wages payable | Date and amount of advance given |
|------------|-------------------------------------|--------------------------|-----------------------------------|-------------------------------|----------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |

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

FORM XXII

[See rule 37(2)(d)]

Register of Overtime

Name and address of contractor.....

Nature and location of work.....

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

Name and address of principal employer.....

| Serial No. | Name of inter-State migrant workman | Father's/ Husband's name | Sex | Designation/ Nature of employments | Date on which overtime worked |
|------------|-------------------------------------|--------------------------|-----|------------------------------------|-------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |

| Total overtime worked or production in case of piece-rated | Normal rates of wages | Overtime rate of wages | Overtime earnings | Date on which overtime wage was paid | Remarks |
|--|-----------------------|------------------------|-------------------|--------------------------------------|---------|
| (7) | (8) | (9) | (10) | (11) | (12) |

FORM XXIII

[See rule 41(1)]

Return to be Sent by Contractor to the Specified Authority

Half-year ending.....

1. Name and address of the contractor
2. Name and address of the establishment
3. Name and address of the principal employer
4. Duration of contract .. From To
5. Number of days during the half-year on which—
 - (a) the establishment of the principal employer had worked
 - (b) the contractor's establishment had worked
6. Maximum number of inter-State migrant workmen employed on any day during the half-year.
7. (i) Daily hours of work and spread over Men Women Children Total
 - (ii) (a) whether weekly holiday observed and on what day
 - (b) if so, whether it was paid for
 - (iii) Number of manhours of overtime worked ..
8. Number of mandays worked by .. Men Women Children Total
9. Amount of Wages paid Men Women Children Total
10. Amount of deductions from wages, if any

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

11. Amount of displacement allowance paid Men Women Children Total
12. Amount of outward journey allowance paid Men Women Children Total
13. Amount of wages for outward journey period paid Men Women Children Total
14. Amount of return journey allowance paid Men Women Children Total
15. Amount of wages for return journey period paid Men Women Children Total
16. Whether the following have been provided : Men Women Children Total
 - (i) Residential accommodation
 - (ii) Protective clothing
 - (iii) Medical facilities
 - (iv) First-Aid

(If the answer is 'yes' state briefly nature/standards provided)

It is hereby declared that all the wages and other dues payable to the workmen and the fare for the return journey back to his State have been paid.

Place.....

Date.....

Signature of Contractor

FORM XXIV

[See rule 41(2)]

**Annual Return of Principal Employer to be Sent to the
Registering Officer**

1. Full name and address of the principal employer Year ending 31st December
2. Name of the establishment :
- (a) District
- (b) Postal address
- (c) Nature of the operation/industry/work carried on
3. Full name of the Manager or person responsible for supervision and control of the establishment
4. Number of contractors who worked in the establishment during the year (Give details in Annexure).. ..
5. Nature or work/operations in which migrant workman was employed ..
6. Total number of days during the year on which migrant workman was employed
7. Total number of mandays worked for by migrant workman during the year ..
8. Maximum number of workmen employed directly on any day during the year ..
9. Total number of days during the year on which direct labour was employed ..
10. Total number of mandays worked by directly employed workmen ..
11. Change, if any, in the management of the establishment, its location, or any other particulars furnished to the Registering Officer in the application for registration indicating also the dates

Place.....

Date.....

Principal Employer

Annexure to Form

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

By order of the Governor,

N. KRISHNAMURTI

Secy. to the Govt. of West Bengal