

The Contract Labour (Regulation and Abolition) Act, 1970

CONTENTS

Sections

Pages

CHAPTER I PRELIMINARY

- | | |
|--|---|
| 1. Short title, extent, commencement and application | 3 |
| 2. Definitions | 6 |

CHAPTER II THE ADVISORY BOARDS

- | | |
|---|----|
| 3. Central Advisory Board | 11 |
| 4. State Advisory Board | 12 |
| 5. Power to constitute committees | 12 |

CHAPTER III REGISTRATION OF ESTABLISHMENTS EMPLOYING CONTRACT LABOUR

- | | |
|--|----|
| 6. Appointment of registering officers | 13 |
| 7. Registration of certain establishments | 13 |
| 8. Revocation of registration in certain cases | 14 |
| 9. Effect of non-registration | 14 |
| 10. Prohibition of employment of contract labour | 15 |

CHAPTER IV LICENSING OF CONTRACTORS

- | | |
|--|----|
| 11. Appointment of licensing officers | 20 |
| 12. Licensing of contractors | 21 |
| 13. Grant of licences | 22 |
| 14. Revocation, suspension and amendment of licences | 22 |
| 15. Appeal | 23 |

CHAPTER V WELFARE AND HEALTH OF CONTRACT LABOUR

- | | |
|----------------------|----|
| 16. Canteens | 23 |
| 17. Rest-rooms | 23 |

<i>Sections</i>	<i>Pages</i>
18. Other facilities	24
19. First-aid facilities	24
20. Liability of principal employer in certain cases	24
21. Responsibility for payment of wages	25
CHAPTER VI	
PENALTIES AND PROCEDURE	
22. Obstructions	26
23. Contravention of provisions regarding employment of contract labour	26
24. Other offences	27
25. Offences by companies	27
26. Cognizance of offences	30
27. Limitation of prosecutions	30
CHAPTER VII	
MISCELLANEOUS	
28. Inspecting staff	30
29. Registers and other records to be maintained	31
30. Effect of laws and agreements inconsistent with this Act	32
31. Power to exempt in special cases	32
32. Protection of action taken under this Act	33
33. Power to give directions	33
34. Power to remove difficulties	33
35. Power to make rules	33
Central Government Notifications	36

The Contract Labour (Regulation and Abolition) Act, 1970¹

[Act 37 of 1970]

[5th September, 1970]

An Act to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:

CHAPTER I PRELIMINARY

1. Short title, extent, commencement and application.—(1) This Act may be called the Contract Labour (Regulation and Abolition) Act, 1970.

(2) It extends to the whole of India.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

(4) It applies—

- (a) to every establishment in which twenty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour;
- (b) to every contractor who employs or who employed on any day of the preceding twelve months twenty or more workmen:

Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment or contractor employing such number of workmen less than twenty as may be specified in the notification.

(5) (a) It shall not apply to establishments in which work only of an intermittent or casual nature is performed.

(b) If a question arises whether work performed in an establishment is of an intermittent or casual nature, the appropriate Government shall decide that question after consultation with the Central Board or, as the case may be, a State Board, and its decision shall be final.

1. Received the assent of the President on 5th Sept., 1970 and published in Gaz. of India, Extra., Pt. II, S. I, dt. Sept. 7, 1970, pp. 301-316.

2. 10-2-1971 [Vide G.S.R. 190, dt. 1-2-1971].

Explanation.—For the purpose of this sub-section, work performed in an establishment shall not be deemed to be of an intermittent nature—

- (i) if it was performed for more than one hundred and twenty days in the preceding twelve months, or
- (ii) if it is of a seasonal character and is performed for more than sixty days in a year.

See also Labour Laws (Simplification of Procedure for Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 (Act 51 of 1988).

STATE AMENDMENTS

ASSAM.—(i) In its application to the State of Assam, in Section 1, in sub-section (4), in clause (a), in the first time, for the word “twenty” appearing in between the words “which” and “or more”, the word “fifty” shall be *substituted*.

(ii) In clause (b), in the proviso, in fourth line, for the word “twenty”, appearing in between the words “than” and “as may”, the word “fifty” shall be *substituted*. [*Vide* Assam Act 13 of 2021, S. 2 (w.r.e.f. 3-6-2020)]

BIHAR.—In its application to the State of Bihar, sub-Section (4) of Section 1 shall be amended as follows:—

- (i) in clause (a), for the word “twenty”, the word “fifty” shall be *substituted*, and
- (ii) in clause (b), for the word “twenty”, the word “fifty” shall be *substituted* and in the proviso of sub-section (4) of Section 1 of the Act, for the word “twenty”, the word “fifty” shall be *substituted*. [*Vide* Bihar Act No. 17 of 2020, dated 18-11-2020]

GOA.—In its application to the State of Goa, in Section 1, in sub-section (4), for the word “twenty”, wherever it occurs, the word “fifty” shall be *substituted*. [*Vide* Goa Act No. 18 of 2020, S. 2 (w.r.e.f. 26-6-2020)]

GUJARAT.—In its application to the State of Gujarat, in Section 1, in sub-section (4),—

- (i) in clause (a), for the word “twenty”, the word “fifty” shall be *substituted*;
- (ii) in clause (b), for the word “twenty”, the word “fifty” shall be *substituted*;
- (iii) in the proviso, for the word “twenty”, the word “fifty” shall be *substituted*. [*Vide* Gujarat Act 2 of 2021, S. 2 (w.r.e.f. 20-7-2020)]

HARYANA.—In its application to the State of Haryana, in sub-section (4) of Section 1—

- (i) in clause (a), for the word “twenty”, the word “fifty” shall be *substituted*; and
- (ii) in clause (b), for the word “twenty”, the word “fifty” shall be *substituted*. [*Vide* Haryana Act No. 26 of 2017, S. 2]

HIMACHAL PRADESH.—In its application to the State of Himachal Pradesh, in Section 1, in sub-section 4, for the word “twenty” wherever occurs, the word “thirty” shall be *substituted*. [*Vide* Himachal Pradesh Act 1 of 2022, S. 2 (w.r.e.f. 9-7-2020)]

KARNATAKA.—In its application to the State of Karnataka, in Section 1, in sub-section (4) in item (a) for the words “twenty or more”, the words “fifty or more”, shall be *substituted*. [*Vide* Karnataka Ordinance No. 15 of 2020, S. 4, dated 31-7-2020]

MADHYA PRADESH.—In its application to the State of Madhya Pradesh, in Section 1, in sub-section (4),—

- (i) in clause (a), for the words “twenty or more workmen”, the words “fifty or more workmen” shall be *substituted*;
- (ii) in clause (b), for the words “twenty or more workmen”, the words “fifty or more workmen” shall be *substituted*.

- (iii) in proviso, for the words “workmen less than twenty”, the words “workmen less than fifty” shall be *substituted*. [Vide Madhya Pradesh Ordinance No. 8 of 2020, S. 6, dated 20-8-2020 (w.e.f. 20-8-2020)]

MAHARASHTRA.—(1) In its application to the State of Maharashtra, in Section 1, in sub-section (5), after clause (b), the following clause shall be *added*, namely:—

“(c) Notwithstanding anything contained in clause (b) or any other provisions of this Act, the work performed or carried out in the area of Special Economic Zone (declared as such by the Government of India), which is of ancillary nature such as canteen, gardening, cleaning, security, courier services, transport of raw material and finished products, or loading and unloading of goods within the premises of a factory or establishments which are declared 100 per cent export units by Government, required to achieve the objective of a principal establishment in the said area, shall be deemed to be of temporary and intermittent nature irrespective of the period of performance of the work by the workers in such ancillary establishments.” [Vide Mah. Act 13 of 2006, S. 2].

(2) In its application to the State of Maharashtra, in Section 1, in sub-section (4),—

- (a) in clause (a), for the words “twenty or more workmen” the words “fifty or more workmen” shall be *substituted*;
- (b) in clause (b), for the words “twenty or more workmen” the words “fifty or more workmen” shall be *substituted*;
- (c) in the proviso, for the words “less than twenty” the words “less than fifty” shall be *substituted*; [Vide Mah. Act 2 of 2017, S. 2 (w.e.f. 5-1-2017)]

PUNJAB.—In its application to the State of Punjab, in Section 1, in sub-section (4), in clauses (a), (b) and the proviso thereunder, for the word “twenty”, the word “fifty” shall be *substituted*. [Vide Contract Labour (Regulation and Abolition) (Punjab Amendment) Ordinance, 2020, S. 2, dated 11-8-2020 (w.e.f. the date to be notified)]

RAJASTHAN.—In its application to the State of Rajasthan, in Section (1), in sub-section (4), the following shall be *substituted*, namely—

“(4) It applies—

- (a) to every establishment in which fifty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour;
- (b) to every contractor who employs or who employed on any day of the preceding twelve months fifty or more workmen:

Provided that the State Government may, after giving not less than two months’ notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment or contractor employing such number of workmen less than fifty as may be specified in the notification.”. [Vide Rajasthan Act 19 of 2014, S. 2 (w.e.f. 11-11-2014)]

TRIPURA.—In its application to the whole State of Tripura, the Contract Labour (Regulation and Abolition) Act, 1970 shall not apply to any establishment or class of establishment or any class of contractors where less than fifty (50) workmen are employed or were employed. [Vide Noti. No. F. 16(8)-LAB/ENF/CL/2008/3854-61, dated 3-7-2020 and will remain in force for a period of 1000 (One Thousand) days or till further order whichever is earlier.]

Union Territory of Jammu and Kashmir.—In its application to the Union Territory of Jammu and Kashmir, in Section 1, in sub-section (4), in clause (a), for the word “twenty”, *substitute* the word “forty”. [Vide S.O. 3465(E), dated 5-10-2020 (w.e.f. 5-10-2020)].

Union Territory of Ladakh.—In its application to the Union Territory of Ladakh — Same as that of UT of Jammu and Kashmir. [Vide S.O. 3774(E), dated 23-10-2020].

UTTAR PRADESH.—In its application to the State of Uttar Pradesh, in Section 1, for sub-section (4) the following sub-section shall be *substituted*—

“(4) It applies—

- (a) to every establishment in which fifty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour;
- (b) to every contractor who employs or who employed on any day of the preceding twelve months fifty or more workmen:

Provided that the State Government may, after giving not less than two month's notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment or contractor employing such number of workmen less than fifty as may be specified in the notification.”. [Vide U.P. Act 14 of 1986, S. 2, dt. 10-1-1986]

CASE LAW ► Constitutional validity.—Application of the Act to pending construction works does not amount to unreasonable restriction on the right under Article 19(1)(g). The whole statute is constitutional and valid. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596 : 1974 SCC (L&S) 252.

Act does not violate Articles 14 and 15. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596, 603: 1974 SCC (L&S) 252.

► **Applicability.**—Where the dispute relates to service conditions of the workmen engaged in the factory canteen maintained by the company and there is no question of abolition of contract labour, the dispute can be referred to the Industrial Tribunal for adjudication. *Indian Explosives Ltd. v. State of U.P.*, (1981) 1 LJ 423 (All HC).

The Act applies to the Government also and is not confined to private employers. *BHEL Workers' Association v. Union of India*, (1985) 1 SCC 630 : 1985 SCC (L&S) 371.

► **Interpretation of the Act.**—The Act, being a beneficial piece of legislation, ought to receive the widest possible interpretation in regard to the words used therein. *Secretary v. Suresh*, (1999) 3 SCC 601.

Act is a beneficial statute but a statute although may be construed in favour of the beneficiary but only to the extent such benefit is intended to be conferred and not beyond the same. *K. Butchi Reddy v. CAT, Hyderabad*, (2001) 1 LJ 1443 : (2001) 2 Cur LR 49 : 2001 LLR 436 (AP)(DB).

The expression “regulation” has to be read not as contra public interest but in public interest. *Secretary v. Suresh*, (1999) 3 SCC 601.

► **Sub-section (4): “Twenty or more workmen”.**—This expression does not cover a partner, even if receiving wages. *Regional Director, E.S.I.C. v. Ramanuja Match Industries*, (1985) 1 SCC 218 : 1985 SCC (L&S) 213.

► **Section 1(4)(a) and (b) proviso: Conditional legislation.**—The proviso is in the nature of conditional legislation. *Asia (P) Ltd., Bangalore v. Union of India*, (1999) 1 LJ 1239 : (1999) 2 LLN 838 (Karn).

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

³[(a) “appropriate Government” means,—

- (i) in relation to an establishment in respect of which the appropriate Government under the Industrial Disputes Act, 1947 (14 of 1947), is the Central Government, the Central Government;
- (ii) in relation to any other establishment, the Government of the State in which that other establishment is situate;]

CASE LAW ► Appropriate Government.—For Air India the appropriate authority is the Central Government. *United Labour Union v. Union of India*, (1991) 1 LLJ 89 : (1991) 1 Cur LR 363 (Bom).

Appropriate Government in respect of International Airports Authority for the purpose of Section 2(1) (a) of the Contract Labour Act is the Central Government. *Indian Airports Employees Union v. International Airports Authority of India*, (1996) 1 Cur LR 347 : (1995) 2 LLN 943 : 1995 Lab IC 1890 (Bom)(DB).

(b) a workman shall be deemed to be employed as “contract labour” in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer;

CASE LAW ► “Contract labour”, meaning.—Contract labourers, though falling within the restricted definition of employees under the Act, do not thereby become employees of the establishment. *Singareni Collieries v. K. Posham*, (1989) 2 CLR 414 : 1990 Lab IC 405 (AP)(DB).

Worker means any person employed in connection with the work of any establishment. *Barat Fritz Werner Ltd. v. State of Karnataka*, (2001) 4 SCC 498.

Contract labour engaged in a work other than that specified in clause 6(b) of Form I or Column 3 in Form II ceases to be contract labour. (1985) 2 LLN 169 (Mad)(DB) : (1985) 1 LLJ 492.

A permanent employee of the contractor who could be placed at different establishments at the choice of the contractor, could not be called to be a contract labour. *Basanta Kumar Mohanty v. State of Orissa*, (1992) 2 LLJ 190 : (1992) 2 Cur LR 712 (Ori).

Workers employed by a licensee for its own benefit are not contract labour, *International Airport Authority of India v. International Air Cargo Workers' Union*, (2009) 13 SCC 374.

► **Employed in or in connection with the work of the establishment.**—The expression ‘employed in or in connection with the work of the establishment’ does not mean that the operation assigned to the workman must be a part of, or incidental to, the work performed by the principal employer. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596 : 1974 SCC (L&S) 252.

(c) “contractor”, in relation to an establishment, means a person who undertakes to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, through contract labour or who supplies contract labour for any work of the establishment and includes a sub-contractor;

CASE LAW ► “Contractor”, who is.—Contractor engaged for construction of building is covered by Section 2(1)(c). *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596 : 1974 SCC (L&S) 252.

‘Contractor’ is one who supplies contract labour to an establishment undertaking to produce a given result for it. He hires labour in connection with the work of an establishment. *State of Gujarat v. Vogue Garments*, (1983) 1 LLJ 255 : 1983 Lab IC 129 (Guj HC).

Sub-contractors or ‘piece wagers’ are ‘contractors’. *Labourers Working on Salal Hydro Project v. State of J&K*, (1983) 2 SCC 181.

Thekedar or Jamadar in a stone quarry is a contractor. Workers recruited by him are entitled to the benefits of the Act. *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161 : 1984 SCC (L&S) 389.

Where a person undertook to collect and manufacture quarry products for and on behalf of the Railways by engaging workmen to carry out his contract works under the Railway establishment, the workmen employed by him for such work are to be deemed as “contract labour” as provided under Section 2(1)(b). The supply of such quarry products would produce a given result for the establishment. Thus, he fulfils all requirements of a “contractor” under Section 2(1)(c) and, therefore, is obliged to take licence under Section 12(1). *H.C. Bathra v. Union of India*, 1976 Lab IC 1199 (Gau).

Airport Authority of India having overall control of airport, Delhi International Airport (P) Ltd. meets definition of “contractor” under Section 2(1)(c), 1970 Act, *Delhi International Airport (P) Ltd. v. Union of India*, (2011) 12 SCC 449.

- (d) “controlled industry” means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of the State of Andhra Pradesh the following clause (dd) has been inserted by Andhra Pradesh Act 10 of 2003, S. 2 (w.e.f. 22-8-2003):

“(dd) ‘Core Activity of an establishment’ means any activity for which the establishment is set up and includes any activity which is essential or necessary to the core activity, but does not include,—

- (1) Sanitation works, including Sweeping, Cleaning, Dusting and Collection and disposal of all kinds of waste;
- (2) Watch and ward services including security service;
- (3) Canteen and Catering services;
- (4) Loading and Unloading Operations;
- (5) Running of Hospitals, Educational & Training Institutions, Guest Houses, Clubs and the like where they are in the nature of support services of an Establishment;
- (6) Courier Services which are in nature of support services of an Establishment;
- (7) Civil and other constructional works, including maintenance;
- (8) Gardening and maintenance of Lawns etc.;
- (9) Housekeeping and laundry services etc., where they are in nature of support services of an Establishment;
- (10) Transport services including Ambulance Services;
- (11) Any activity of intermittent nature even if that constitutes a core activity of an Establishment, and
- (12) Any other activity which is incidental to the core activity;

Provided that the above activities by themselves are not the ‘Core Activities’ of such establishment.”

- (e) “establishment” means—

- (i) any office or department of the Government or a local authority, or
- (ii) any place where any industry, trade, business, manufacture or occupation is carried on;

CASE LAW ▶ “Establishment”, what is.—A ship or vessel in which repair work is carried on is a place and an “establishment” within the meaning of Section 2(1)(e)(ii). The work site or place may or may not belong to the principal employer, but that will not stand in the way of application of the Act or in holding that a particular place or work site where industry, trade, business, manufacture or occupation is carried on is not an establishment. *Lionel Edwards Ltd. v. Labour Enforcement Officer*, (1977) 51 FJR 199 (Cal).

Any object for the time being covering the surface and where industry, trade, business, manufacture or occupation is carried on would be a place under Section 2(1)(e)(ii). A ship anchored or berthed in a port would be a work site and the workmen employed for loading and unloading of the cargo, security, repairs to the ship would be all in connection with the business or trade. The dock in which a ship may be berthed is controlled by the Port Authorities and the ship owners' agents would be unable to provide facilities for canteens, rest-rooms, etc. But these defects cannot be a ground for totally excluding a ship in a port from the ambit of "establishment". *Lionel Edwards Ltd. v. Labour Enforcement Officer*, (1978) 53 FJR 416 (Cal DB).

Food Corporation of India's regional offices and their warehouses, godowns, etc. in the States constitute establishments within Section 2(1)(e) where trade of the corporation is being carried on. Such establishments are not covered by the expression "pertaining to any industry carried on by or under the authority of Central Government" in Section 2(1)(a)(1)(i). Hence, residuary clause 1(a)(2) being applicable, 'appropriate Government' in relation to such establishments would be the State Government. *Workers' Union v. Food Corporation of India*, (1985) 2 SCC 294 : 1985 SCC (L&S) 456.

Pune Cantonment Board is an 'establishment'. *Poona Cantonment Board v. S.K. Das*, (1993) 2 LLJ 487 : 1993 Lab IC 1462 (Bom).

Residential quarters of a bank are not covered by the definition of 'establishment'. *Powar v. Labour Enforcement Officer (C)*, (1993) 1 LLJ 521 : (1993) 66 FLR 833 (Ker) : (1992) 2 Cur LR 593 (Ker).

Airport Authority of India clearly cannot be considered a local authority as it is charged with managing airports throughout India. AAI also cannot be considered an "office or department of the Government". The AAI Act makes clear that AAI must, in certain circumstances, obtain approval from the Central Government, thereby implying that AAI is not itself the Central Government. Therefore, "establishment" in Section 2(1)(e), 1970 Act in this case cannot refer to "any office or department of the Government or a local authority", it must refer to a "place where any industry, trade, business, manufacture or occupation is carried on". There could be multiple establishments at the airport, *Delhi International Airport (P) Ltd. v. Union of India*, (2011) 12 SCC 449.

Definition of "establishment" includes private entities also, *Delhi International Airport (P) Ltd. v. Union of India*, (2011) 12 SCC 449.

An Association does not come within the purview of an 'establishment' under the Act, persons employed by the Association cannot be characterized as workman under the Act. The Apartment Owners Association is an Association created for the benefit of the Members of the Association and the so called workmen employed by the Association are rendering only personal services to the Members of the Association. To attract the provisions of the Act, the essential ingredients of an 'establishment' as set out in Section 2(e) of the Act which contemplates that the activities must be commercial in nature, carried on by the office or Department of the Government or the Local Authority must be satisfied. In the absence of such satisfaction, respondent insisting for compliance of the procedures prescribed under the Act is wholly unsustainable, *Rachana Gopinath v. State of Karnataka*, 2016 SCC OnLine Kar 8348 : ILR 2016 KAR 4239.

(f) "prescribed" means prescribed by rules made under this Act;

(g) "principal employer" means—

- (i) in relation to any office or department of the Government or a local authority, the head of that office or department or such other officer as the Government or the local authority, as the case may be, may specify in this behalf,

- (ii) in a factory, the owner or occupier of the factory and where a person has been named as the manager of the factory under the Factories Act, 1948 (63 of 1948), the person so named.

NOTES ▶ The word "occupier" has been defined in Section 2(n) of the Factories Act, 1948 as under:

"Occupier" of a factory means the person who has ultimate control over the affairs of the factory, and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory.

- (iii) in a mine, the owner or agent of the mine and where a person has been named as the manager of the mine, the person so named,
- (iv) in any other establishment, any person responsible for the supervision and control of the establishment.

Explanation.—For the purpose of sub-clause (iii) of this clause, the expressions "mine", "owner" and "agent" shall have the meanings respectively assigned to them in clause (j), clause (l) and clause (c) of sub-section (1) of Section 2 of the Mines Act, 1952 (35 of 1952);

- (h) "wages" shall have the meaning assigned to it in clause (vi) of Section 2 of the Payment of Wages Act, 1936 (4 of 1936);
- (i) "workman" means any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person—
 - (A) who is employed mainly in a managerial or administrative capacity; or
 - (B) who, being employed in a supervisory capacity draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature; or
 - (C) who is an out-worker, that is to say, a person to whom any articles and materials are given out by or on behalf of the principal employer to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of the principal employer and the process is to be carried out either in the home of the out-worker or in some other premises, not being premises under the control and management of the principal employer.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

CASE LAW ▶ Nature of work.—The fact that the work of the contractor is away from the establishment does not take it out of "work of any establishment" in Section 2(d)(c).—Construction of building for the principal employer at a new place is "work of that establishment".—Expression "work of an establishment"

used in the definition of “workmen” or “contractor” is not the same as the expression “other work in any establishment” in Section 10.—*Workman need not be doing work same as or incidental to that of principal employer. Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596 : 1973 SCC (L&S) 252.

A person mainly doing supervisory work and incidentally or for a fraction of time doing some clerical work would be treated to be employed in a supervisory capacity. But if the main work is clerical mere doing of some supervisory duties incidentally or as a fraction of the main work would not convert his employment into one in supervisory capacity. *Burmah Shell Oil Storage v. Burmah Shell Management*, (1970) 3 SCC 378.

► **Workman, who is.**—The essential condition of a person being a workman is that he should be employed to do the work in that industry. *Workmen v. Food Corporation of India*, (1985) 2 SCC 136 : 1985 SCC (L&S) 420.

Appellant-company has allocated work covered under prohibited category to a private contractor for a period of more than one year. Workmen employed by private contractor claimed to be treated as workmen of appellant-company. No fault can be found with direction given by Single Judge, calling upon the appellant to inquire into that aspect and to take appropriate decision as per law. However, if decision of appellant in respect of any worker allegedly engaged by private contractor is in negative, it would be open to said workman or Union to espouse his cause by way of industrial dispute, *Western Coalfields Ltd. v. Samyukt Koyla Mazdoor Sangh*, 2015 SCC OnLine MP 7430 : (2016) 2 MP LJ 217.

► **“Employer” — Inference.**—It must be established, inter alia, that work performed by contract labour was ordinarily part of work performed by regular employees, *BHEL v. Mahendra Prasad Jakhmola*, (2019) 13 SCC 82.

CHAPTER II THE ADVISORY BOARDS

3. Central Advisory Board.—(1) The Central Government shall, as soon as may be, constitute a Board to be called the Central Advisory Contract Labour Board (hereinafter referred to as the Central Board) to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned to it under this Act.

(2) The Central Board shall consist of—

- (a) a Chairman to be appointed by the Central Government;
- (b) the Chief Labour Commissioner (Central), *ex officio*;
- (c) such number of members, not exceeding seventeen but not less than eleven, as the Central Government may nominate to represent that Government, the Railways, the coal industry, the mining industry, the contractors, the workmen and any other interests which, in the opinion of the Central Government, ought to be represented on the Central Board.

(3) The number of persons to be appointed as members from each of the categories specified in sub-section (2), the term of office and other conditions of service of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Central Board shall be such as may be prescribed:

Provided that the number of members nominated to represent the workmen shall not be less than the number of members nominated to represent the principal employers and the contractors.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh Sections 3 to 5 omitted by A.P. Act 10 of 2003, S. 3 (w.e.f. 22-8-2003).

CASE LAW ► Advice of the Board.—The advice of the Board is not binding on the Government. See *State of A.P. v. Narayana Velur Beedi Mfg. Factory*, (1973) 4 SCC 178 : 1973 SCC (L&S) 369, a case under the Minimum Wages Act, 1948.

► Cessation of membership of Board.—A member of the Central Board does not cease to be a member as soon as he ceases to represent the interest which he purports to represent on the Board. *J.P. Gupta v. Union of India*, 1981 Lab IC 641 (Pat HC).

4. State Advisory Board.—(1) The State Government may constitute a Board to be called the State Advisory Contract Labour Board (hereinafter referred to as the State Board) to advise the State Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned to it under this Act.

(2) The State Board shall consist of—

- (a) a Chairman to be appointed by the State Government;
- (b) the Labour Commissioner, *ex officio*, or in his absence any other officer nominated by the State Government in that behalf;
- (c) such number of members, not exceeding eleven but not less than nine, as the State Government may nominate to represent that Government, the industry, the contractors, the workmen and any other interests which, in the opinion of the State Government, ought to be represented on the State Board.

(3) The number of persons to be appointed as members from each of the categories specified in sub-section (2), the term of office and other conditions of service of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the State Board shall be such as may be prescribed:

Provided that the number of members nominated to represent the workmen shall not be less than the number of members nominated to represent the principal employers and the contractors.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh Sections 3 to 5 omitted by A.P. Act 10 of 2003, S. 3 (w.e.f. 22-8-2003).

5. Power to constitute committees.—(1) The Central Board or the State Board, as the case may be, may constitute such committees and for such purpose or purposes as it may think fit.

(2) The committee constituted under sub-section (1) shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

(3) The members of a committee shall be paid such fees and allowances for attending its meetings as may be prescribed:

Provided that no fees shall be payable to a member who is an officer of Government or of any corporation established by any law for the time being in force.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh Sections 3 to 5 omitted by A.P. Act 10 of 2003, S. 3 (w.e.f. 22-8-2003).

CHAPTER III

REGISTRATION OF ESTABLISHMENTS EMPLOYING CONTRACT LABOUR

6. Appointment of registering officers.—The appropriate Government may, by an order notified in the Official Gazette—

- (a) appoint such persons, being Gazetted Officers of Government, as it thinks fit to be registering officers for the purposes of this chapter; and
- (b) define the limits, within which a registering officer shall exercise the powers conferred on him by or under this Act.

7. Registration of certain establishments.—(1) Every principal employer of an establishment to which this Act applies shall, within such period as the appropriate Government may, by notification in the Official Gazette, fix in this behalf with respect to establishments generally or with respect to any class of them, make an application to the registering officer in the prescribed manner for registration of the establishment:

Provided that the registering officer may entertain any such application for registration after expiry of the period fixed in this behalf, if the registering officer is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) If the application for registration is complete in all respects, the registering officer shall register the establishment and issue to the principal employer of the establishment a certificate of registration containing such particulars as may be prescribed.

STATE AMENDMENTS

HARYANA.—In its application to the State of Haryana, in sub-section (1) of Section 7—

- (i) in the proviso, for the sign “.” existing at the end, the sign “:” shall be *substituted*; and
- (ii) after the existing proviso, the following proviso shall be *added*, namely:—

“Provided further that the appropriate Government may, by notification in the Official Gazette, impose such further conditions, as may be deemed necessary, at the time of registration of an establishment or class of establishments for the proper administration of the Act and for prevention of misuse of employment of contract labour.” [Vide Haryana Act No. 26 of 2017, S. 3]

MADHYA PRADESH.—In its application to the State of Madhya Pradesh, in Section 7, after subsection (2), the following new sub-section shall be *inserted*, namely:—

“(3) Upon submission of an application complete in all respects, in accordance with sub-section (1), the establishment in respect of which such application is made shall be deemed to be duly registered if the registering officer fails to pass an order either granting or refusing or objecting to grant or amend the registration within a period of 30 days from the date of submission of application.” [Vide: M.P. Act 21 of 2015, S. 7(i), (w.e.f. 27-11-2015).]

UTTAR PRADESH.—In its application to the State of Uttar Pradesh, in Section 7, after sub-section (2) the following sub-section shall be *inserted*, namely—

“(3) On submission of application in all respect the registering officer shall grant or refuse to grant or object to grant registration within one day from the date of submission of application and in such manner as may be prescribed. On the expiration of the said period the registration shall be deemed to be granted.

Applicant may submit his application on departmental web portal along with necessary documents and payment of fee. In such case if the application is complete in all respect and the applicant is eligible, automatic registration shall be granted by the web portal and registration certificate be sent through e-mail:

Provided that if the registration is obtained by misrepresentation of fact or concealment of fact or on the basis of forged document then such registration shall be deemed null and void and can be cancelled by registering officer and legal action shall be taken against applicant.” [Vide U.P. Act 14 of 2018, S. 3, dt. 10-1-2018]

CASE LAW ► Effect of non-registration.—Violation of Sections 7 and 12 by the principal employer or by the contractor attracts penal provisions of Sections 23 and 25 but does not have the effect of rendering the contract labour, employees of the principal employer. *Dena Nath v. National Fertilisers Ltd.*, (1992) 1 SCC 695 : 1992 SCC (L&S) 349. Overruling *Workmen v. Best & Crompton Engineering Ltd.*, (1985) 2 LLN 169 : (1985) 1 LLJ 492 (Mad)(DB) and *United Labour Union v. Union of India*, (1990) 1 LLN 565 : (1990) 60 FLR 686 (Bom).

8. Revocation of registration in certain cases.—If the registering officer is satisfied, either on a reference made to him in this behalf or otherwise, that the registration of any establishment has been obtained by misrepresentation or suppression of any material fact, or that for any other reason the registration has become useless or ineffective and, therefore requires to be revoked, the registering officer may, after giving an opportunity to the principal employer of the establishment to be heard and with the previous approval of the appropriate Government, revoke the registration.

9. Effect of non-registration.—No principal employer of an establishment, to which this Act applies, shall—

- (a) in the case of an establishment required to be registered under Section 7, but which has not been registered within the time fixed for the purpose under that section,
- (b) in the case of an establishment the registration in respect of which has been revoked under Section 8,

employ contract labour in the establishment after the expiry of the period referred to in clause (a) or after the revocation of registration referred to in clause (b), as the case may be.

10. Prohibition of employment of contract labour.—(1) Notwithstanding anything contained in this Act, the appropriate Government may, after consultation with the Central Board or, as the case may be, a State Board, prohibit, by notification in the Official Gazette, employment of contract labour in any process, operation or other work in any establishment.

(2) Before issuing any notification under sub-section (1) in relation to an establishment, the appropriate Government shall have regard to the conditions of work and benefits provided for the contract labour in that establishment and other relevant factors, such as—

- (a) whether the process, operation or other work is incidental to, or necessary for the industry, trade, business, manufacture or occupation that is carried on in the establishment;
- (b) whether it is of perennial nature, that is to say, it is of sufficient duration having regard to the nature of industry, trade, business, manufacture or occupation carried on in that establishment;
- (c) whether it is done ordinarily through regular workmen in that establishment or an establishment similar thereto;
- (d) whether it is sufficient to employ considerable number of whole-time workmen.

Explanation.—If a question arises whether any process or operation or other work is of perennial nature, the decision of the appropriate Government thereon shall be final.

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of the State of Andhra Pradesh, Section 10 has been *substituted* by the following Section by A.P. Act 10 of 2003, S. 4 (w.e.f. 22-8-2003):

“10. *Prohibition of employment of Contract Labour.*—(1) Notwithstanding anything contained in this Act, employment of Contract Labour in Core Activities of any establishment is prohibited:

Provided that the Principal employer may engage Contract Labour or a Contractor to any core activity, if

- (a) the normal functioning of the establishments is such that the activity is ordinarily done through Contractors, or
 - (b) the activities are such that they do not require full time workers for the major portion of the working hours in a day or for longer periods as the case may be;
 - (c) any sudden increase of volume of work in the core activity which needs to be accomplished in a specified time;
- (2) Designated Authority:—
- (a) The ‘Appropriate Government’ may by notification in the Official Gazette appoint a designated authority to advise them on the question whether any activity of a given establishment is a core activity or otherwise;
 - (b) If a question arises as to whether any activity of an establishment is a core activity or otherwise the aggrieved party may make an application in such a form and manner as may be prescribed, to the appropriate Government for decision;
 - (c) The appropriate Government may refer any question by itself or such application made to them by any aggrieved party as prescribed in clause (b), as the case may be,

to the designated authority, which on the basis of relevant material in its possession, or after making such an enquiry as deemed fit shall forward the report to the appropriate Government, within a prescribed period and thereafter the appropriate Government shall decide the question within the prescribed period."

MAHARASHTRA.—In Section 10 of the principal Act, in sub-section (1), after the words "Notwithstanding anything contained in this Act," the words "but, subject to the provisions of clause (c) of sub-section (5) of Section 1," shall be *inserted*. [*Vide* Mah. Act 13 of 2006, S. 3]

CASE LAW ► Applicability.—Applicability of Section 10 is not restricted to establishments employing workmen in the strength specified in Section 1(4). *S.B. Deshmukh v. State*, (1986) 1 LLN 601 (Bom) : 1986 Lab IC 204.

Para 125(b) of the Constitution Bench judgment in the *SAIL case*, (2001) 7 SCC 1 used the plural word "establishments". A corporation may therefore have more than one establishments. It requires serious consideration whether in the absence of any valid notification abolishing contract labour, the same could be held binding on other establishments. *Food Corpn. of India v. Pala Ram*, (2008) 14 SCC 32.

The CLRA Act, 1970 is not applicable after issuance of prohibition notification under Section 10(1) for determining minimum wages payable to erstwhile contract labourers. Minimum wages in such circumstances could be claimed under Minimum Wages Act, 1948 in independent proceedings, *SAIL v. Jaggu*, (2019) 7 SCC 658.

► **Applicability of doctrine of "lifting of the veil".**—The doctrine of "lifting of the veil," although came to be recognised in corporate jurisprudence, held, can be applied to find out whether the labourers employed by the alleged contractor were really the employees of the establishment. *Secretary v. Suresh*, (1999) 3 SCC 601.

► **Power of appropriate government.**—The appropriate Government's power under Section 10 is not curtailed or ineffectuated by Section 119 of the Factories Act, 1948. *Govt. of A.P. v. Bhadrachalam Paper Boards Ltd.*, (1989) 1 LLN 338 : 1989 Lab IC 1467 (AP)(DP).

Only appropriate government can abolish contract labour and not the High Court. *Cipla Ltd. v. Maharashtra General Kamgar Union*, (2001) 3 SCC 101 : 2001 SCC (L&S) 520.

For the purpose of exercising jurisdiction under Section 10 of the 1970 Act, the appropriate Government is required to apply its mind. Its order may be an administrative one but the same would not be beyond the pale of judicial review. It must, therefore, apply its mind before making a reference on the basis of the materials placed before it by the workmen and/or management, as the case may be. While doing so, it may be inappropriate for the same authority on the basis of the materials that a notification under Section 10(1)(d) of the 1947 Act be issued, although it stands judicially determined that the workmen were employed by the contractor. The State exercises administrative power both in relation to abolition of contract labour in terms of Section 10 of the 1970 Act as also in relation to making a reference for industrial adjudication to a Labour Court or a Tribunal under Section 10(1)(d) of the 1947 Act. While issuing a notification under the 1970 Act, the State would have to proceed on the basis that the principal employer had appointed contractors and such appointments are valid in law, but while referring a dispute for industrial adjudication, validity of appointment of the contractor would itself be an issue as the State must prima facie satisfy itself that there exists a dispute as to whether the workmen are in fact not employed by the contractor but by the management. *Steel Authority of India Ltd. v. Union of India*, (2006) 12 SCC 233 : (2007) 1 SCC (L&S) 630.

Provincial Govt. has exclusive jurisdiction in regard to prohibition of employment of contract labour. Industrial Tribunal cannot issue directions to an establishment to abolish contract labour w.e.f. a date after coming into force of the Act. *Vegoils (P) Ltd. v. Workmen*, (1971) 2 SCC 724.

Continuation of contract labour can be abolished by the appropriate Government and not by the Labour Court. *Hari Shankar Sharma v. Artificial Mfg. Corpn. of India*, (1997) 2 Cur LR 631 : (1997) 76 FLR 838 (All).

Only the appropriate Government can abolish the contract labour system and its decision can be challenged before Industrial Tribunal. *Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat v. Hind Mazdoor Sabha*, (1995) 5 SCC 27 : 1995 SCC (L&S) 1166.

► **Notifications issued under this section.**—The notification prohibiting engagement of contract labour in respect of sweepers and scavengers in an establishment employing 50 or more workmen will be valid. *Bharat Heavy Electricals v. Govt. of Tamil Nadu*, (1997) 3 LLN 495 (Mad)(DB).

A notification issued under Section 10 can cover establishments more than one. *Dalmia Cement Bharat Ltd. v. Government of India*, (1991) 1 LLN 406 (Mad)(DB); *Zenith Industrial Services v. Union of India*, (1989) 2 Cur LR 402 (Ori)(DB).

A notification under Section 10(1) can be issued even in respect of a single establishment. *National Organic Chemical Industries Ltd. v. State*, (1989) 2 LLN 816 : 58 FLR 123.

Contract labour engaged for the work of perennial nature can be prohibited by a notification by appropriate Government. *All India General Mazdoor Trade Union (Regd.) v. Delhi Administration*, 1995 Supp (3) SCC 579 : 1995 SCC (L&S) 1420.

Noti. dt. 26-7-2004 under Section 10(1) prohibiting contract labour for trolley retrievals in establishments of Airports Authority of India (AAI) and other specified airports applicable to AAI and Delhi International Airport (P) Ltd., *Delhi International Airport (P) Ltd. v. Union of India*, (2011) 12 SCC 449.

The effect of notification issued under Section 10(1) cannot be taken away by a circular. There has to be a fresh notification if earlier policy is to be changed. *Food Corpn. of India v. Pala Ram*, (2008) 14 SCC 32.

When notification is applicable to establishments falling in a particular category, the fact that separate notification is not issued will not make impact on the action of Government in the issuing of a notification. *Barat Fritz Werner Ltd. v. State of Karnataka*, (2001) 4 SCC 498.

Mere fact of abolition of contract labour in sweeping and scavenging in certain specific industries, held, would not by itself the issuance of a common notification abolishing contract labour for the said purpose in all the industries. *L&T McNeil Ltd. v. Govt. of T.N.*, (2001) 3 SCC 170 : 2001 SCC (L&S) 550.

Notification under Section 10(1) dt. 7-7-2005 prohibiting employment of contract labour, issued in respect of respondent Port Trust, after due consideration by Advisory Boards based on report of Committee constituted under Section 5, as per statutory scheme. However, by impugned order Division Bench of High Court permitting respondent Port Trust, as one-time exception, assignment of work on contractual basis to RITES, another Central Government Organisation. There was no justification for Division Bench of High Court to carve out such exception and to rationalise such assignment of contract merely on ground that it is another Central Government organisation. High Court clearly exceeded its jurisdiction in passing impugned order. Order of Division Bench set aside and earlier order of Single Judge dismissing writ petition challenging validity of Notification dt. 7-7-2005, restored, *Baleshwar Rajbanshi v. Port Trust of Calcutta*, (2013) 4 SCC 258 : (2013) 2 SCC (L&S) 263.

► **Violation of prohibition notification issued under Section 10(1) — Effect.**—Principal employer is under no obligation to absorb contract labour on issuance of prohibition notification in absence of any such stipulation in CLRA Act providing for automatic absorption, *SAIL v. Ispat Khadan Janta Mazdoor Union*, (2019) 7 SCC 440.

► **Consultation with the Board.**—Consultation does not mean concurrence. Where on the question of prohibition of employment on contract labour the State Board recorded diverse views of the representatives of various interests but without reaching any decision recommended that the Government should take a decision in the matter, held, the requirement of consultation stood satisfied. *L&T McNeil Ltd. v. Govt. of T.N.*, (2001) 3 SCC 170 : 2001 SCC (L&S) 550.

Requirement of consultation with Advisory Board under Section 10(1) does not mean that the Board's advice is binding on the Government. Hence, even assuming that the Advisory Board's proceedings were inconclusive, that will not materially affect the decision of the Government. *Barat Fritz Werner Ltd. v. State of Karnataka*, (2001) 4 SCC 498.

The Central Government's consultation with the Board is a condition precedent to the issuance of a notification under Section 10. *Zenith Industrial Services v. Union of India*, (1989) 2 LLN 647 : (1990) 1 LLJ 38 : (1989) 2 Cur LR 402 (Ori)(DB).

► **"Other work in any establishment".**—The words 'other work in any establishment' in Section 10 are to be construed as *ejusdem generis*. The said expression is not synonymous with the expression 'in connection with the work of an establishment' occurring in Section 2(1)(b). *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596 : 1974 SCC (L&S) 252.

► **Prohibition envisaged in Section 10(1).**—Residential quarters of a bank are not an establishment within the meaning of Section 2(e). Hence, the prohibition envisaged in Section 10(1) is not attracted to employment of contract labour in such residential quarters. *Powar v. Labour Enforcement Officer (C)*, (1993) 1 LLJ 521 : (1993) 66 FLR 833 : (1992) 2 Cur LR 593 (Ker).

The expression 'shall have regard to', occurring in Section 10(2), only implies a guidance and not a fetter. *State of Karnataka v. Ranganatha Reddy*, (1977) 4 SCC 471.

► **Absorption of the contract labour.**—Industrial Tribunal can also direct the principal employer for absorption of the contract labour on abolition of the system. *Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat v. Hind Mazdoor Sabha*, (1995) 5 SCC 27 : 1995 SCC (L&S) 1166.

Where parcel porters working as contract labour in railway stations filing a writ for implementation of Supreme Court's previous orders directing their absorption as regular employees in the Railways and grant of consequential benefits, it was held that burden of proving the claim of continuous working rests on the claimants for which they are required to furnish concrete proof and reliable documents. Labour Commissioner directed to file a fresh report with an opportunity to the respondents to scrutinise the claims and cross-examine the petitioners. Hence, direction passed to implement the Labour Commissioner's fresh report. *A.I. Rly. Parcel & Goods Porters' Union v. Union of India*, (2003) 11 SCC 590 : 2004 SCC (L&S) 100 : (2003) 6 SLR 16.

Absorption of contract labourers cannot be automatic and it is not for the court to give such directions. *Municipal Corpn. of Greater Mumbai v. K.V. Shramik Sangh*, (2002) 4 SCC 609, following *Steel Authority of India Ltd. v. National Union Waterfront Workers*, (2001) 7 SCC 1 : 2001 SCC (L&S) 1121.

On issuance of a prohibition notification under Section 10(1), the principal employer cannot be required to absorb the contract labour. *Steel Authority of India Ltd. v. National Union Waterfront Workers*, (2001) 7 SCC

1 : 2001 SCC (L&S) 1121, overruling prospectively *Air India Statutory Corpn. v. United Labour Union*, (1997) 9 SCC 377 : 1997 SCC (L&S) 1344, relying on *Hussainbhai v. Alath Factory Thezhilali Union*, (1978) 4 SCC 257 : 1978 SCC (L&S) 506; *Indian Petrochemicals Corpn. Ltd. v. Shramik Sena*, (1999) 6 SCC 439 : 1999 SCC (L&S) 1138. See also *Oil and Natural Gas Corporation Ltd. v. Petroleum Employees' Union*, 2003 Lab IC 544 : (2003) 1 Cur LR 157 (Bom)(DB).

By virtue of the prohibition of contract labour by notification under Section 10(1) of the Act, no automatic absorption of the contract labour was ordered. *Nitinkumar Nathalal Joshi v. O.N.G.C. Ltd.*, (2002) 3 SCC 433 : 2002 SCC (L&S) 440.

► **Abolition of contract labour.**—This Act is a complete code by itself. It not only provides for regulation of contract labour but also abolition thereof. Neither the Labour Court nor the writ court could determine the question as to whether the contract should be abolished or not, the same being within the exclusive domain of the appropriate Government. A decision in that behalf undoubtedly is required to be taken upon following the procedure laid down in sub-section (1) of Section 10 of the 1947 Act. *Steel Authority of India Ltd. v. Union of India*, (2006) 12 SCC 233 : (2007) 1 SCC (L&S) 630.

An industrial dispute can be raised for abolition of contract labour system even by the workman of principal employer and for appropriate service conditions by the workman of the contractor. *Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat v. Hind Mazdoor Sabha*, (1995) 5 SCC 27 : 1995 SCC (L&S) 1166.

Supreme Court cannot, under Article 32 of the Constitution order for abolition of contract labour system in any establishment. *BHEL Workers' Assn. v. Union of India*, (1985) 1 SCC 630 : 1985 SCC (L&S) 371.

Neither the Act nor the rules provide that upon abolition of contract labour, such labour should be directly absorbed by the principal employer. *A.P. Dairy Development Coop. Federation v. K. Ramulu*, (1989) 2 LJ 312 : 58 FLR 685 (AP)(DB).

The Central Government should bear in mind the mandate not only of the Contract Labour (Regulation and Abolition) Act, 1970 in perpetuating a contract labour, particularly, when the job is of the perennial and permanent nature such as sweeping and cleaning the premises, but also, importantly, the Government of India cannot ignore the mandate of Article 39(b) and (c) of the Constitution of India and the Judgments of the Hon'ble Supreme Court interpreting the same, *Janavadi General Kamgar Mazdoor Union v. Central Institute of Fisheries Education*, 2017 SCC OnLine Bom 4703.

► **Issue of writs.**—In *Workers' Union v. Food Corporation of India*, (1985) 2 SCC 294 : 1985 SCC (L&S) 456, in the absence of sufficient material, the Supreme Court refused to issue a writ of mandamus to the appropriate Government to extend the benefits of the Act to the workers employed as contract labour in various establishments of the Food Corporation of India. However, it issued appropriate directions to the State Governments concerned to constitute committees under Section 5 to make necessary enquiry and to submit report as to whether it would be possible to abolish contract labour in the corporation altogether.

► **Contract Labourers: Rights of.**—The Supreme Court in *SAIL case*, (2001) 7 SCC 1, only recognized existing right and not any future right. Such a right should be existing on the date of the judgment in *SAIL* i.e. 30-8-2001, and not thereafter. Any decision rendered thereafter could not confer a right much less any other right. *Food Corpn. of India v. Pala Ram*, (2008) 14 SCC 32.

Contract labour is entitled to the same wages, holidays, hours of work and conditions of service as applicable to workmen directly employed by the principal employer on the same or similar kind of work.

BHEL Workers' Assn. v. Union of India, (1985) 1 SCC 630 : 1985 SCC (L&S) 371. See also *M.R. Mazdoor Sangh v. Indian Oil Corpn. Ltd.*, (1991) 2 SCC 176 : 1991 SCC (L&S) 533.

► **Regularisation of contract labour.**—Where in discharge of a statutory obligation of maintaining a canteen in an establishment the principal employer availed the services of a contractor, it was held that the contract labour would indeed be the employees of the principal employer and that such cases do not relate to or depend upon abolition of contract labour. *Mishra Dhatu Nigam Ltd. v. M. Venkataiah*, (2003) 7 SCC 488, explaining *Steel Authority of India Ltd. v. National Union Waterfront Workers*, (2001) 7 SCC 1 : 2001 SCC (L&S) 1121.

Regularisation of employees of statutory canteens with attendant benefits, held is to be granted by the employer only to eligible employees as per directions of High Court. *National Thermal Power Corpn. Ltd. v. Karri Pothuraju*, (2003) 7 SCC 384 : 2003 SCC (L&S) 1053 : (2003) 5 SLR 97, following *Steel Authority of India Ltd. v. National Union Waterfront Workers*, 2001 SCC (L&S) 1121; *VST Industries Ltd. v. Workers Union*, (2001) 1 SCC 298 : 2001 SCC (L&S) 227; *Saraspur Mills Co. Ltd. v. Ramanlal Chimanlal*, (1974) 3 SCC 66 : 1973 SCC (L&S) 410, affirming *Karri Pothuraju v. National Thermal Power Corpn. Ltd.*, (1997) 1 Andh LT 97.

Where the contract employees, who were trained electricians, employed in the sub-station to maintain supply of electricity, claiming regularisation of their services under the Engineering Department of the Administration, the question whether a particular contract is genuine, sham or camouflage held, can only be determined by the industrial forum since it involves a finding as to the inter se relationship between the administration, the contractor and the contract employees. *Ram Singh v. Union Territory, Chandigarh*, (2004) 1 SCC 126.

Contract labourers of cleaning catering establishments and pantry cars in Western Railway directed to be regularised. See *Munna Khan v. Union of India*, 1989 Supp (2) SCC 99 : 1989 SCC (L&S) 567.

As temporary employees (security guards and security supervisors) concerned appointed directly by Corporation on monthly salary basis completed 240 days of service in a calendar year from date of memorandum of appointment issued to each one of the workmen concerned in the Year 1988. Said appointments were made as a stopgap arrangement as government policy to depute CISF personnel into security posts was awaiting sanction from Central Government. Said workers, held, entitled to regularisation, *ONGC v. Petroleum Coal Labour Union*, (2015) 6 SCC 494 : (2015) 2 SCC (L&S) 290.

► **Reference under Industrial Disputes Act.**—The appropriate Government can refuse to make a reference under Section 10 of the Industrial Disputes Act, 1947 in respect of a demand regulated by the Contract Labour (Regulation and Abolition) Act. *Philips Workers' Union v. State of Maharashtra*, (1986) 2 LLN 124 (Bom) : (1987) 2 LLJ 91.

Although Section 2(s) of the Industrial Disputes Act, 1947, as amended in 1958 by the State of Rajasthan, covers contract labour, the Contract Labour (Regulation & Abolition) Act, 1970 takes away the power of the State Government to make reference, under Section 10 of the Industrial Disputes Act, of disputes relating to contract labour covered by the 1970 Act. *Delhi Cloth and General Mills Co. Ltd. v. State of Rajasthan*, (1993) 2 LLJ 1014 (Raj).

CHAPTER IV

LICENSING OF CONTRACTORS

11. Appointment of licensing officers.—The appropriate Government may, by an order notified in the Official Gazette,—

- (a) appoint such persons, being Gazetted Officers of Government, as it thinks fit to be licensing officers for the purposes of this chapter; and
- (b) define the limits, within which a licensing officer shall exercise the powers conferred on licensing officers by or under this Act.

12. Licensing of contractors.—(1) With effect from such date as the appropriate Government may, by notification in the Official Gazette, appoint no contractor to whom this Act applies, shall undertake or execute any work through contract labour except under and in accordance with a licence issued in that behalf by the licensing officer.

(2) Subject to the provisions of this Act, a licence under sub-section (1) may contain such conditions including, in particular, conditions as to hours of work, fixation of wages and other essential amenities in respect of contract labour as the appropriate Government may deem fit to impose in accordance with the rules, if any, made under Section 35 and shall be issued on payment of such fees and on the deposit of such sum, if any, as security for the due performance of the conditions as may be prescribed.

CASE LAW ▶ Failure to obtain licence.—Sub-contractors or 'piece wagers' are equally responsible for obtaining licences and implementing the provisions of the Act and the rules. Execution of a work in a government project by piece wagers through workers employed by them either directly or through khatedars must be in accordance with the licence obtained under Section 12(1). Failure to obtain licence will amount to a criminal offence under Sections 16 to 21 read with Rules 41 to 62 of the rules. *Labourers Working on Salal Hydro Project v. State of J&K*, (1983) 2 SCC 181 : 1981 SCC (L&S) 289 : (1983) 1 LLJ 494.

Where a firm under an agreement undertook the work of holding and storage of another company's materials and for that purpose utilised the services of some labourers employed through sirdars, the firm, its partners and employees could not be prosecuted for not obtaining licence under Section 12 as the firm is an "establishment" within the meaning of Section 2(1)(e)(ii) and not the company's contractor. Assuming the partners and employees of the firm or any of them were principal employers, they could not be both contractors and principal employers in relation to the same establishment. Moreover, each of the sirdars was a contractor within the meaning of the Act in relation to the firm i.e. the establishment. The workmen concerned having been supplied through the medium of sirdars, neither the firm nor the partners nor the employees could be deemed to be a contractor in relation to the said workmen. Their liability to take out a licence cannot, therefore, arise. *Feroze Sons v. B.C. Basu*, (1979) 54 FJR 158 (Cal).

Section 12 imposed a liability not to undertake or execute any work through contract labour without licence, a liability which continued until the licence was obtained and its requirement was complied with. It was an act which continued. Undertaking or executing any work through contract labour without a licence, therefore, constituted a fresh offence every day on which it continued. *Padam Prasad Jain v. State of Bihar*, 1978 Lab IC 145.

Violation of Section 12 by the contractor attracts penal provisions of Sections 23 and 25 but does not have the effect of rendering the contract labour, employees of the principal employer. *Dena Nath v. National Fertilisers Ltd.*, (1992) 1 SCC 695 : 1992 SCC (L&S) 349. Overruling *Workmen v. Best & Crompton Engineering Ltd.*, (1985) 1 LLJ 492 : (1985) 2 LLN 169 (Mad)(DB) and *United Labour Union v. Union of India*, (1990) 1 LLN 565 : (1990) 60 FLR 686 (Bom).

13. Grant of licences.—(1) Every application for the grant of a licence under sub-section (1) of Section 12 shall be made in the prescribed form and shall contain the particulars regarding the location of the establishment, the nature of process, operation or work for which contract labour is to employed and such other particulars as may be prescribed.

(2) The licensing officer may make such investigation in respect of the application received under sub-section (1) and in making any such investigation the licensing officer shall follow such procedure as may be prescribed.

(3) A licence granted under this Chapter shall be valid for the period specified therein and may be renewed from time to time for such period and on payment of such fees and on such conditions as may be prescribed.

STATE AMENDMENTS

MADHYA PRADESH.—In its application to the State of Madhya Pradesh, in Section 13, after sub-section (3), the following new sub-section shall be *added*, namely:—

“(4) Upon submission of an application complete in all respects in accordance with sub-section (1), the contractor in relation to an establishment in respect of which such application is made shall be deemed to be duly licensed if the licensing officer fails to pass an order either granting or refusing or objecting to grant or renew or amend the license within a period of 30 days from the date of submission of application.” [Vide M.P. Act 21 of 2015, S. 7(ii) (w.e.f. 27-11-2015)]

UTTAR PRADESH.—In its application to the State of Uttar Pradesh, in Section 13, after sub-section (3) the following sub-section shall be *inserted*, namely—

“(4) If an application for licenses is complete in all respects and the licensing officer fails to make any order within a period of one day then it shall be deemed that the licence has been granted to him.” [Vide U.P. Act 14 of 2018, S. 4, dt. 10-1-2018]

14. Revocation, suspension and amendment of licences.—(1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

- (a) a licence granted under Section 12 has been obtained by misrepresentation or suppression of any material fact, or
- (b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence or forfeit the sum, if any, or any portion thereof deposited as security for the due performance of the conditions subject to which the licence has been granted.

(2) Subject to any rules that may be made in this behalf, the licensing officer may vary or amend a licence granted under Section 12.

CASE LAW ► Constitutional validity.—Licensing officer under Section 14 is not a court. Provisions of this section do not violate Articles 14 and 19(1)(f), *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

15. Appeal.—(1) Any person aggrieved by an order made under Section 7, Section 8, Section 12 or Section 14 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to an appellate officer who shall be a person nominated in this behalf by the appropriate Government:

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving the appellant an opportunity of being heard dispose of the appeal as expeditiously as possible.

CHAPTER V

WELFARE AND HEALTH OF CONTRACT LABOUR

16. Canteens.—(1) The appropriate Government may make rules requiring that in every establishment—

- (a) to which this Act applies,
- (b) wherein work requiring employment of contract labour is likely to continue for such period as may be prescribed, and
- (c) wherein contract labour numbering one hundred or more is ordinarily employed by a contractor,

one or more canteens shall be provided and maintained by the contractor for the use of such contract labour.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the date by which the canteens shall be provided;
- (b) the number of canteens that shall be provided, and the standards in respect of construction, accommodation, furniture and other equipment of the canteens; and
- (c) the foodstuffs which may be served therein and the charges which may be made therefor.

CASE LAW ► Reasonability.—Provisions, held, are not unreasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596 : 1974 SCC (L&S) 252.

17. Rest-rooms.—(1) In every place wherein contract labour is required to halt at night in connection with the work of an establishment—

- (a) to which this Act applies, and
- (b) in which work requiring employment of contract labour is likely to continue for such period as may be prescribed,

there shall be provided and maintained by the contractor for the use of the contract labour such number of rest-rooms or such other suitable alternative accommodation within such time as may be prescribed.

(2) The rest-rooms or the alternative accommodation to be provided under sub-section (1) shall be sufficiently lighted and ventilated and shall be maintained in a clean and comfortable condition.

CASE LAW ► Reasonability.—Provisions, held, are not unreasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

18. Other facilities.—It shall be the duty of every contractor employing contract labour in connection with the work of an establishment to which this Act applies, to provide and maintain—

- (a) a sufficient supply of wholesome drinking water for the contract labour at convenient places;
- (b) a sufficient number of latrines and urinals of the prescribed types so situated as to be convenient and accessible to the contract labour in the establishment; and
- (c) washing facilities.

CASE LAW ► Reasonability.—Provisions under this section are reasonable. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

19. First-aid facilities.—There shall be provided and maintained by the contractor so as to be readily accessible during all working hours a first-aid box equipped with the prescribed contents at every place where contract labour is employed by him.

20. Liability of principal employer in certain cases.—(1) If any amenity required to be provided under Section 16, Section 17, Section 18 or Section 19 for the benefit of the contract labour employed in an establishment is not provided by the contractor within the time prescribed therefor, such amenity shall be provided by the principal employer within such time as may be prescribed.

(2) All expenses incurred by the principal employer in providing the amenity may be recovered by the principal employer from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

CASE LAW ► Liability of principal employer.—Obligation to provide amenities conferred under the Act to the workers is on the principal employer. Government will be responsible for enforcement of those amenities where contractors engaged by it for executing its construction project fail to provide the amenities to its workers. Government's failure to perform its obligation amounts to violation of Article 21 and workers can enforce their right by writ petition under Article 32. *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235 : 1982 SCC (L&S) 275.

Contention that since products manufactured by appellant Company were picked up by purchasers by employing contract labour themselves, appellant Company cannot be said to be "principal employer" liable to be registered under the 1969 Act, rejected. Held, this is so since in application for registration under Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 (30 of 1969) Company had specifically admitted that it actually employed 30 workers itself through contractors. Hence, finding of State Government in its Order dt. 24-6-2008 that mathadi work was carried out

in Company by two cooperative societies who did the work by employing workers and were compensated by appellant Company calls for no interference, *Pepsico India Holding (P) Ltd. v. Grocery Market & Shops Board*, (2016) 4 SCC 493.

21. Responsibility for payment of wages.—(1) A contractor shall be responsible for payment of wages to each worker employed by him as contract labour and such wages shall be paid before the expiry of such period as may be prescribed.

(2) Every principal employer shall nominate a representative duly authorised by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner as may be prescribed.

(3) It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorised representative of the principal employer.

(4) In case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

CASE LAW ► Payment of wages.—Payment of wages including overtime wages, etc. must be made directly to the workers in full except with authorised statutory deductions, if any. Payment through khatedars after deducting any advance repayable by the workers to the khatedars or any messing charges, etc. was not proper. Due amounts could be recovered from the workers after paying full wages. *Labourers Working on Salal Hydro-Project v. State of J&K*, (1983) 2 SCC 181 : 1983 SCC (L&S) 289.

► Liability of principal employer.—The contract labour employed by the contractor can claim wages even from the principal employer under Section 21(4). *Indian Airlines v. Central Government Labour Court*, (1987) 2 LLN 111 (Del) : (1987) 2 LLJ 512 : (1987) 70 FJR 379.

A principal employer must compensate under-paid contract labour. *Hindustan Steel Works Construction Ltd. v. Commr. of Labour*, (1996) 10 SCC 599 : 1996 SCC (L&S) 1448.

Principal employer is liable to pay wages in case the contractor defaults and the term 'wages' includes balance or arrears thereof. *Senior Regional Manager, Food Corporation of India, Calcutta v. Tulsi Das Bauri*, (1997) 5 SCC 51 : 1997 SCC (L&S) 1111.

Where the contractor fails to make the payment of wages within the prescribed period make short payment, sub-section (4) provides that the principal employer shall be liable to make payment in full or the unpaid balance due to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor, *M.N.S. Rana v. Railway Board*, (2009) 120 FLR 579 (Del).

► Employer-Employee Relationship.—Principal employer cannot be said to control and supervise work of employee merely because he directs workmen "what to do" after contractor assigns employee to him since such supervision and control of principal employer is secondary in nature and is exercised only after workmen is assigned to him, *BHEL v. Mahendra Prasad Jakhmola*, (2019) 13 SCC 82.

CHAPTER VI

PENALTIES AND PROCEDURE

22. Obstructions.—(1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act in relation to an establishment to which, or a contractor to whom, this Act applies, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to five hundred rupees, or with both.

CASE LAW ► Wilfully, meaning of.—‘Wilfully’ means ‘intentionally or deliberately’, *Harnam Singh v. State*, (1976) 2 SCC 819, a case under Section 477-A of the Penal Code, 1860.

23. Contravention of provisions regarding employment of contract labour.—Whoever contravenes any provision of this Act or of any rules made thereunder prohibiting, restricting or regulating the employment of contract labour, or contravenes any condition of a licence granted under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

CASE LAW ► Violation of provisions.—Mere allegation of contravention is not sufficient. The complainant has to allege as to who are those persons who have contravened the prohibition of or restriction on the employment of contract labour. *J.P. Gupta v. Union of India*, 1981 Lab IC 641 (Pat HC).

Mere violation of a notification, issued under Section 10(1), would automatically attract Section 23. *Gowrisankaran K. v. Labour Enforcement Officer (Central), Chennai*, (2002) 1 LLJ 318 (Mad). But see *Indian Iron & Steel Co. v. State of Bihar*, (1987) 2 LLN 193 : 1986 Lab IC 2003 (Pat).

Mens rea is an ingredient of the offence under Section 23. *S.B. Deshmukh v. State*, (1986) 1 LLN 601 (Bom) : 1986 Lab IC 204.

► Provisions not violated.—In *AIR India Ltd. v. S. Gunahari*, 2015 SCC Online Bom 5835 : (2016) 1 Mah LJ 566, Petitioners entered into contract with foreign airlines in respect of ground handling of flights. As per Regulation 3 of Airports Authority of India (General Management, Entry for Ground Handling of Transport Services) Regulations, 2000, petitioners were authorised to enter into such contract. Since there is a specific legal sanction given to petitioners to enter into contract and therefore, they are clearly excluded from the provisions of Contract Labour (Regulation and Abolition) Act, 1970 and Contract Labour (Regulation and

Abolition) Central Rules, 1971. Thus there was no violation of provisions of Act of 1970 and Rules of 1971. Respondents cannot prosecute petitioners for carrying out ground handling activities legally permitted under Regulations.

24. Other offences.—If any person contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

CASE LAW ▶ Prosecution against Government company.—A Central Government company is not immune from being prosecuted under Section 24. *National Projects Constructors Corpn. Ltd. v. Labour Enforcement Officer*, (1991) 62 FLR 497 (Cal).

25. Offences by companies.—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

STATE AMENDMENT

SECTION 25-A

GOA.—In its application to the State of Goa, after Section 25, the following section shall be inserted, namely—

“25-A. *Compounding of offences.*—(1) Any offence punishable under sub-sections (1) and (2) of section 22 and Section 24 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the Official Gazette, specify in this behalf for the amount as specified in the table below.

TABLE

Number of workmen employed in establishment	Composition amount
--	--------------------

50 to 100	Rs 20000
101 to 500	Rs 35000
More than 500	Rs 50000

Provided that the State Government may, by notification in the Official Gazette, amend the composition amount specified in above Table:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged." [Vide Goa Act No. 18 of 2020, S. 3 (w.r.e.f. 26-6-2020)]

GUJARAT.—In its application to the State of Gujarat, after Section 25, the following section shall be inserted, namely—

"25-A. *Compounding of offences.*—(1) Any offence punishable under sub-sections (1) and (2) of Section 22 and Section 24 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the Official Gazette, specify in this behalf for such amount as specified in the Table below.

Table

Sections	Compounding amount	
2	3	
22(1), 22(2) and 24	Number of workmen employed in the establishment	Amount not exceeding
	1 to 50	₹ 7000
	51 to 100	₹ 10,000
	101 to 500	₹ 15, 000
	more than 500	₹ 20,000

Provided that the State Government may, by notification in the Official Gazette, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the principal employer or contractor, then seventy-five per cent of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008 (33 of 2008).

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged." [Vide. Guj. Act 29 of 2015, S. 20 (w.e.f. 1-1-2016)].

Union Territory of Jammu and Kashmir.—In its application to the Union Territory of Jammu and Kashmir, after Section 25, *insert*—

“25-A. *Compounding of offences.*—(1) Any offence punishable under sub-sections (1) and (2) of Section 22 and Section 24 may, either before or after the institution of the persecution, on an application by the alleged offender, be compounded by such officer or authority as the appropriate Government may by notification in the Official Gazette, specify in this behalf for such amount as specified in the Table below, namely:—

Sl. No.	Section	Compounding amount	
1	2	3	
1	22(1), 22(2) and 24	Number of workmen employed in the industry	Amount not exceeding
		1 to 50	Rs 5000
		51 to 100	Rs 8000
		101 to 500	Rs 12,000
		More than 500	Rs 16,000

Provided that the appropriate Government may, by notification in the Official Gazette, amend the compounding amount specified in the said Table:

Provided further that the offences of the same nature committed by the same offender for more than three occasions shall not be compoundable:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the principal employer or contractor, then seventy- five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if the employees are not identifiable, then the remaining amount shall be deposited in the manner as may be notified by the appropriate Government.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be released or discharged.” [Vide S.O. 3465(E), dated 5-10-2020 (w.e.f. 5-10-2020)].

Union Territory of Ladakh.—In its application to the Union Territory of Ladakh — Same as that of UT of Jammu and Kashmir. [Vide S.O. 3774(E), dated 23-10-2020].

UTTAR PRADESH.—In its application to the State of Uttar Pradesh, after Section 25 the following section shall be *inserted*, namely—

“25-A. (1) Any offence committed under this Act, punishable with fine or imprisonment up to six months or with both may, on an application of the accused person, either before or after institution of any prosecution, be compounded by such Competent Officer, as the State Government may by notification, specify for a sum of fifty per cent of the maximum fine provided for such offence, in such manner as may be prescribed:

Provided that the provision of compounding under this section shall be available only for commission of first offence.

(2) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

(3) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(4) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing to the notice of the court in which prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.”. [Vide U.P. Act 14 of 2018, S. 5, dt. 10-1-2018]

CASE LAW ▶ Prosecution of a company.—In absence of compliance with Section 25, person, though proprietor of the firm, cannot be prosecuted for an offence by such firm. *Indian Iron & Steel Co. v. State of Bihar*, (1987) 2 LLN 193 (Pat) : 1986 Lab IC 2003.

Prosecution of the company is not a condition precedent for the prosecution of its managing director and production manager. *Sheoratan Agarwal v. State of M.P.*, (1984) 4 SCC 352.

▶ **Liability of a person in charge.**—The liability of a person in charge of the company arises only when the contravention is by the company itself. *State of Madras v. C.V. Parekh*, (1970) 3 SCC 491.

26. Cognizance of offences.—No court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of, the inspector and no court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

27. Limitation of prosecutions.—No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint, thereof may be made within six months of the date on which the offence is alleged to have been committed.

CHAPTER VII MISCELLANEOUS

28. Inspecting staff.—(1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Subject to any rules made in this behalf, an inspector may, within the local limits for which he is appointed—

- (a) enter, at all reasonable hours, with such assistance (if any), being persons in the service of the Government or any local or other public authority as he thinks fit, any premises or place where contract labour is employed, for the purpose of examining any register or record or notices required to be kept or exhibited by or under this Act or rules made thereunder, and require the production thereof for inspection;
- (b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is a workman employed therein;

- (c) require any person giving out work and any workman, to give any information, which is in his power to give with respect to the names and addresses of the persons to, for and from whom the work is given out or received, and with respect to the payments to be made for the work;
- (d) seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or contractor; and
- (e) exercise such other powers as may be prescribed.

(3) Any information required to produce any document or thing or to give any information required by an inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of Section 175 and Section 176 of the Indian Penal Code, 1860 (45 of 1860).

(4) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, so far as may be, apply to any search or seizure under sub-section (2) as they apply to any search or seizure made under the authority of a warrant issued under Section 98 of the said Code.⁴

CASE LAW ► Detailed inspection.—Frequent, detailed and thorough inspection should be undertaken by senior officers for ensuring compliance with Section 21. *Labourers Working on Salal Hydro Project v. State of J&K*, (1983) 2 SCC 181. See also *Salal Hydro Electric Project v. State of J&K*, (1984) 3 SCC 538 : 1984 SCC (L&S) 577.

29. Registers and other records to be maintained.—(1) Every principal employer and every contractor shall maintain such registers and records giving such particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour and such other particulars in such form as may be prescribed.

(2) Every principal employer and every contractor shall keep exhibited in such manner as may be prescribed within the premises of the establishment where the contract labour is employed, notices in the prescribed form containing particulars about the hours of work, nature of duty and such other information as may be prescribed.

CASE LAW ► Forms prescribed under a scheme.—Forms prescribed under a scheme framed under an Act cannot abridge the Act or rules or directions made under the Act. *Life Insurance Corporation of India v. Escorts Ltd.*, (1986) 1 SCC 264.

STATE AMENDMENT

SECTION 29-A

GUJARAT.—In its application to the State of Gujarat, after Section 29, the following section shall be inserted, namely:—

“29-A. *Obligation of principal employer and Contractor.*—(1) Every principal employer or contractor in such class of establishments, as may be notified by the State Government, taking

4. CrPC, 1973, S. 94.

into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the principal employer or contractor for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any principal employer or contractor who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.” [Vide. Guj. Act 29 of 2015, S. 21 (w.e.f. 1-1-2016)].

30. Effect of laws and agreements inconsistent with this Act.—(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, or in any standing orders applicable to the establishment whether made before or after the commencement of the Act:

Provided that where under any such agreement, contract of service or standing orders the contract labour employed in the establishment are entitled to benefits in respect of any matter which are more favourable to them than those to which they would be entitled under this Act, the contract labour shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that they received benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed as precluding any such contract labour from entering into an agreement with the principal employer or the contractor, as the case may be, for granting them rights or privileges in respect of any matter which are more favourable to them than those to which they would be entitled under this Act.

CASE LAW ► Overriding effect of ID Act.—Provisions of the Act do not override the provisions of the Industrial Disputes Act, 1947. *Food Corporation of India Loading and Unloading Workers' Union v. Food Corporation of India*, 57 FLR (Sum) 1.

► Repugnancy between Central and State legislations.—Section 30(1) proviso of 1970 Act providing that despite provisions of 1970 Act being allegedly inconsistent with the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969, yet if contract labour employed in establishment were entitled to more favourable benefits than those entitled to under the 1970 Act, they continue to be entitled to more favourable benefit, notwithstanding that they also receive benefits in respect of other matters under Central Act, *Pepsico India Holding (P) Ltd. v. Grocery Market & Shops Board*, (2016) 4 SCC 493 : (2016) 1 SCC (L&S) 685.

31. Power to exempt in special cases.—The appropriate Government may, in the case of an emergency, direct, by notification in the Official Gazette, that subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, all or any of the provisions of this Act or the rules made thereunder shall not apply to any establishment or class of establishments or any class of contractors.

STATE AMENDMENT

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh, S. 31 has been substituted by A.P. Act 10 of 2003, S. 5 (w.e.f. 22-8-2003):

“31. *The power to exempt in special cases.*—(1) The appropriate Government may, in public interest, direct, by notification in the Official Gazette, that subject to such conditions and restrictions, if any, and for such period or periods, as may be specified in the notification, all or any of the provisions of this Act or the rules made thereunder shall not apply to any establishment or class of establishment or any class of contractors, as the case may be.

(2) Where the operation of any of the provisions of this Act, under Section 31(1) has been excluded, such exclusion may at any time be revoked by the appropriate Government by subsequent notification in the Official Gazette.”

32. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceedings shall lie against any registering offices, licensing officer or any other government servant or against any member of the Central Board or the State Board, as the case may be, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

CASE LAW ► Scope.—The section cannot cover a case of a breach or an intended breach of the Act, *State of Gujarat v. Kansara Manilal Bhikhalal*, (1964) 2 LLJ 456 : AIR 1964 SC 1893.

33. Power to give directions.—The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

34. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

CASE LAW ► Nature.—Section 34 does not suffer from vice of excessive delegation, *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596.

35. Power to make rules.—(1) The appropriate Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

- (a) the number of persons to be appointed members representing various interests on the Central Board and the State Board, the term of their office and other conditions of service, the procedure to be followed in the discharge of their functions and the manner of filling vacancies;
- (b) the times and places of the meetings of any committee constituted under this Act, the procedure to be followed at such meetings including the quorum necessary for the transaction of business, and the fees and allowances that may be paid to the members of a committee;

STATE AMENDMENTS

ANDHRA PRADESH.—In its application to the whole of Andhra Pradesh, in Section 35, in sub-section (2), clauses (a) and (b) omitted by A.P. Act 10 of 2003, S. 6 (w.e.f. 22-8-2003).

- (c) the manner in which establishments may be registered under Section 7, the levy of a fee therefor and the form of certificate of registration;

CASE LAW ▶ Levy of fee.—Levy of fee by Central and State Govts. for registration, licence and renewal of licence does not amount to levy of tax. *Gammon India Ltd. v. Union of India*, (1974) 1 SCC 596 : 1974 SCC (L&S) 252.

- (d) the form of application for the grant or renewal of a licence under Section 13 and the particulars it may contain;
- (e) the manner in which an investigation is to be made in respect of an application for the grant of a licence and the matters to be taken into account in granting or refusing a licence;
- (f) the form of a licence which may be granted or renewed under Section 12 and the conditions subject to which the licence may be granted or renewed, the fees to be levied for the grant or renewal of a licence and the deposit of any sum as security for the performance of such conditions;
- (g) the circumstances under which licences may be varied or amended under Section 14;
- (h) the form and manner in which appeals may be filed under Section 15 and the procedure to be followed by appellate officers in disposing of the appeals;
- (i) the time within which facilities required by this Act to be provided and maintained may be so provided by the contractor and in case of default on the part of the contractor, by the principal employer;
- (j) the number and types of canteens, rest-rooms, latrines and urinals that should be provided and maintained;
- (k) the type of equipment that should be provided in the first-aid boxes;
- (l) the period within which wages payable to contract labour should be paid by the contractor under sub-section (1) of Section 21;
- (m) the form of registers and records to be maintained by principal employers and contractors;
- (n) the submission of returns, forms in which, and the authorities to which, such returns may be submitted;
- (o) the collection of any information or statistics in relation to contract labour; and
- (p) any other matter which has to be, or may be, prescribed under this Act.

(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the

rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

⁵[(4) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

STATE AMENDMENTS

MADHYA PRADESH.—M.P. Act 21 of 2015, Part X, Part XI and Sections 17 and 18 in this regard provide:

“PART X

EXEMPTION FROM MAINTAINING MULTIPLE REGISTERS SUBMISSION OF MULTIPLE RETURNS

17. Exemption from maintaining multiple registers and submission of multiple returns under certain Labour Laws in the State of Madhya Pradesh.—Notwithstanding anything contained in the provisions of the following Acts, namely—

- (i) Contract Labour (Regulation and Abolition) Act, 1970 (No. 37 of 1970);
- (ii) Equal Remuneration Act, 1976 (No. 25 of 1976);
- (iii) Factories Act, 1948 (No. 63 of 1948);
- (iv) Industrial Disputes Act, 1947 (No. 14 of 1947);
- (v) Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (No. 30 of 1979);
- (vi) Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 (No. 51 of 1988);
- (vii) Maternity Benefit Act, 1961 (No. 53 of 1961);
- (viii) Minimum Wages Act, 1948 (No. 11 of 1948);
- (ix) Motor Transport Workers Act, 1961 (No. 27 of 1961);
- (x) Payment of Bonus Act, 1965 (No. 21 of 1965);
- (xi) Payment of Gratuity Act, 1972 (No. 39 of 1972);
- (xii) Payment of Wages Act, 1936 (No. 4 of 1936);
- (xiii) Sales Promotion Employees (Conditions of Service) Act, 1976 (No. 11 of 1976);

the State Government by order may devise or notify forms for maintaining registers and records and furnishing returns by an employer or establishment in lieu of the forms prescribed under the said Acts and the rules made thereunder:

Provided that the State Government may allow the registers and records to be maintained in computerised or digital formats.

PART XI

MISCELLANEOUS PROVISIONS

18. Power to make rules.—(1) The State Government, subject to the condition of previous publication, may make rules for the purpose of giving effect to the provisions of this Act.

(2) All rules made under this Act shall, as soon as after they are made, be laid on the table of the Legislative Assembly.”

CENTRAL GOVERNMENT NOTIFICATIONS

(1)

Ministry of Labour and Employment, Noti. No. S.O. 2821(E), dated November 5, 2014, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 5th November, 2014, p. 2, No. 2251

In exercise of the powers conferred by Section 6 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), and in supersession of the Government of India, Ministry of Labour and Employment notification number S.O. 1250(E) dated the 2nd August, 2006, the Central Government hereby appoints the officers specified in column (2) of the Table below, being Gazetted Officers of Government, to be registering officers for the purpose of the said Act and the said officers shall exercise the powers conferred on him by or under the said Act, within the limits of their jurisdiction specified in column (3) of the said Table.

Table

Sl. No.	Officers	Jurisdiction
(1)	(2)	(3)
1.	Regional Labour Commissioners (Central) Jaipur, Bhopal, Lucknow, Ranchi, Jammu, Pune, Rourkela, Bellary, Vadodara, Vasco (Goa), Thiruvananthapuram, Dibrugarh, Visakhapatnam, Madurai and Bilaspur.	Whole of India
2.	All Assistant Labour Commissioners (Central)	Whole of India

(2)

Ministry of Labour and Rehabilitation (Department of Labour), Noti. No. S.O. 4589, dated November 20, 1984, published in 1985 CCL-III-77

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the works specified in the Schedule annexed hereto, in the Chromite, Magnesite, Gypsum and Mica Mines in the country, with immediate effect.

SCHEDULE

1. CHROMITE MINES

- (i) Over-burden excavation and removal;
- (ii) Drilling and Blasting;
- (iii) Raising of Ore; and
- (iv) Transportation of over-burden to dumps and Ore to stocking sites.

2. MAGNESITE MINES

- (i) Over-burden removal;
- (ii) Drilling and Blasting; and
- (iii) Raising of minerals.

3. GYPSUM MINES

- (i) Over-burden removal; and
- (ii) Mining/raising of mineral.

4. MICA MINES

- (i) Raising of mica;
- (ii) Drilling and Blasting;

- (iii) Dewatering of mines;
- (iv) Muck removal; and
- (v) Processing of mica.

(3)

Ministry of Labour, Noti. No. S.O. 553, dated February 4, 1987, published in 1987 CCL-III-374

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the works specified in the Schedule annexed hereto, in the fire-clay mines in the country, with effect from the date of publication of this notification in the Official Gazette.

THE SCHEDULE

- (i) Over-burden removal;
- (ii) Raising and stocking of fire-clay;
- (iii) Loading and transportation; and
- (iv) Dewatering of mines.

(4)

Ministry of Labour, Noti. No. S.O. 747(E), dated July 28, 1987, published in 1987 CCL-III-716

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the work of cleaning in catering establishments and pantry cars on Railways in the country, with effect from the date of publication of this notification in the Official Gazette.

(5)

Ministry of Labour, Noti. No. S.O. 2063, dated June 21, 1988, published in 1989 CCL-III-12

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and in supersession of the notification of the Government of India in the Ministry of Labour, Noti. No. S.O. 488, dated the 1st February, 1975, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 15th February, 1975, the Central Government after consultation with the Central Board, hereby prohibits employment of contract labour in the work specified in the Schedule annexed hereto in all coal mines in the country.

THE SCHEDULE

1. Raising or raising-cum-selling of coal;
2. Coal loading and unloading;
3. Over-burden removal and earth cutting;
4. Soft coke manufacturing;
5. Driving of stone drifts and miscellaneous stone cutting underground;

Provided that this notification shall not apply to the following categories:—

- (a) quarries in the North-East Coal Field which can only be worked for a few months every year due to heavy rainfall in the area;
- (b) quarries located by the side of the river in Punch valley and similar other patch deposits which can only be worked when the level of river has gone down and during non-rainy seasons;
- (c) loading coal when there is mechanical failure, failure of power or irregular supply of wagons by the Railways; and
- (d) cutting stone drifts/faults which cannot be detected in advance and are of short duration, say up to six months.

(6)

Ministry of Labour, Noti. No. S.O. 833(E), dated November 1, 1990, published in - the Gazette of India, Extra., Part II, Section 3(ii), dated 1st November, 1990, pp. 2-4

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the godowns and depots of the Food Corporation of India specified in the Schedule annexed hereto and in which the process, operation or work of handling of foodgrains, including their loading and unloading from any means of transport, storing and stacking, is carried on.

SCHEDULE

(For list see 1991 CCL-III-115)

(7)

Ministry of Labour, Noti. No. S.O. 3460, dated December 11, 1990, published in the Gazette of India, Part II, Section 3(ii), dated 22nd December, 1990, p. 5633

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of contract labour in the works/operations specified in the following Schedule, in the coal washery in the country, with effect from the date of publication of this notification in the Official Gazette.

SCHEDULE

- (i) Transport of middling; and
- (ii) Removal of slurry.

(8)

Ministry of Labour, Noti. No. S.O. 961(E), dated December 27, 1990, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 27th December, 1990, p. 2 [F. No. U-23013/33/86-LW]

In exercise of the powers conferred by sub-section (i) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits employment of contract labour in painting of signals and signal posts on Indian Railways except those which are part of construction activity consisting of new installations, remodelling, repairs and overhauling of signalling equipments and for emergent works not covered by routine maintenance.

(9)

Ministry of Labour, Noti. No. S.O. 319(E), dated May 8, 1991 published in the Gazette of India, Extra., Part II, Section 3(ii), dated 8th May, 1991, pp. 2-3

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, hereby prohibits the employment of Contract Labour in various processes, operations or other work areas in the major ports specified in the Schedule annexed hereto:

THE SCHEDULE

1. *Bombay Port Trust, Bombay.*—(i) In the area of routine repairs and maintenance of electrical and mechanical equipments owned by the Port Trust, except where such maintenance and repairs require special skills/special expertise or where the machinery is expensive and work is of occasional/intermittent nature or when works crop up simultaneously with other work for which existing complement of staff is not adequate.

(ii) In the area of sweeping and removal of garbage and ash from the docks and other port premises subject to the condition that it may be necessary to resort to contract labour periodically to supplement

the departmental labour for removing checks in drains, with specialised equipment with a view to prevent water-logging, inundation and flooding.

2. *Calcutta Port Trust, Calcutta.*—(i) In the area of maintenance and repairs of electrical and mechanical equipment owned by the Port Authorities.

(ii) In the area of diving work.

(iii) In the area of painting and chipping of vessels/crafts owned by the Port authorities.

3. *Madras Port Trust, Madras.*—(i) In the area of sweeping and removal of garbage except removal of ore spillage.

(ii) In Madras Port Trust Guest House for sweeping and cleaning of garbage.

(iii) In the area of painting and chipping of vessels/crafts owned by Port authorities.

4. *Visakhapatnam Port Trust, Visakhapatnam.*—(i) In the area of plumbing work, conservance, sanitation and gardening to be done at Guest House at Visakhapatnam and Guest Rooms at Hyderabad.

(ii) In the area of sweeping and removal of garbage and ash from the port premises and Dock area except the Fishing Harbour area.

(iii) In the area of maintenance and repair of electrical and mechanical equipment owned by Port authorities except rewinding of Generators/Ore Handling Plant which is not perennial in nature.

5. *Cochin Port Trust, Cochin.*—In the area of painting and chipping of vessels/crafts belonging to Cochin Port Trust.

6. *New Mangalore Port Trust, New Mangalore.*—In the area of maintenance and repair works of electrical and mechanical equipments excepting the work involving special skills and expertise.

7. *Paradip Port Trust, Paradip.*—In the Guest House of Paradip Port Trust for sweeping and cleaning garbage.

8. *Kandla Port Trust, Kandla.*—(i) In the area of sweeping and removal of garbage and ash from the Port area.

(ii) In the area of plumbing and gardening works, conservancy, sanitation, except plumbing and gardening works which form part of the new Schemes and have to be carried out through outside agency.

(iii) In the area of painting and chipping of crafts/vessels other than Dredger and shipping tugs of Kandla Port Trust.

(iv) In the Port Trust Guest House.

9. *Mormugao Port Trust, Mormugao.*—(i) In the area of routine maintenance and repair of electrical and mechanical equipment owned by the Port authorities.

(ii) In the Port Trust Guest House for sweeping and removal of garbage.

(iii) In the matters of minor chipping and painting of super structure of Port crafts carried out in port premises.

(10)

Ministry of Labour, Noti. No. S.O. 196(E), dated March 23, 1993, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 23rd March, 1993, p. 2, Sl. No. 176

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Board, and after having regard to the conditions of work and benefits provided for the Contract Labour hereby prohibits the employment of contract labour in works specified in the Schedule annexed hereto, in the Manganese Mines in the country with immediate effect.

SCHEDULE

1. Raising of mineral, its breaking, sizing and sorting;

2. Screening and jigging at mine site; and
3. Loading and unloading and transporting at mine site.

(11)

Ministry of Labour, Noti. No. S.O. 707, dated March 17, 1993, published in the Gazette of India, Part II, Section 3(ii), dated 3rd April, 1993, p. 1082

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby prohibits with effect from the date of publication of this notification the employment of contract labour in the works specified in the following Schedule, in the Limestone and Dolomite Mines in the country, namely:—

SCHEDULE

- (1) Raising of minerals including breaking, sizing, sorting of limestone/dolomite; and
- ⁶[(2) Loading and unloading of limestone and dolomite into and from trucks, dumpers, conveyers and transportation within mine site.]

(12)

Ministry of Labour, Noti. No. S.O. 142(E), dated March, 2, 1993, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 2nd March, 1993

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, and after having due regard to the conditions of work and benefits provided for contract labour in the establishment of the International Airports Authority of India and other factors as specified in sub-section (2) of the said section, hereby prohibits the employment of contract labour in the job of telephone operator in the establishment of the International Airports Authority of India.

(13)

Ministry of Labour, Noti. No. S.O. 648(E), dated September 8, 1994, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 8th September, 1994, pp. 2-3, No. 446

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby prohibits the employment of contract labour in various works, specified in the Schedule annexed hereto, in the establishments of the Oil and Natural Gas Commission in the country.

SCHEDULE

1. Fire Fighting (Fire Supervisor, Fireman, Fire Technician).
2. Typists.
3. Clerks (including Accounts Clerks).
4. Steno Typists/Stenographers.
5. Data Operators.
6. Computer Operators.
7. Store Keepers.
8. Boiler Operators.
9. Telephone Operators.
10. Attendants/Helpers/Peons.
11. Instrumentation Technician & Helpers.
12. Radio Operators.

6. Subs. by S.O. 477(E), dt. 4-7-1996.

13. Drivers (Wherever driving work is not done by hiring vehicles on contract but by vehicles owned by the Oil and Natural Gas Commission).

(14)

Ministry of Labour and Employment, Noti. No. S.O. 947(E), dated April 23, 2010, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 23rd April, 2010, pp. 3-4, No. 787

In exercise of the powers conferred under sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board and having regard to the conditions of work and benefits provided for the contract labour and other relevant factors enumerated in sub-section (2) of the said section, hereby prohibits the employment of contract labour in the works of loading, unloading, stacking, destacking, restacking, standardization, weighment, sweeping and cleaning in the godowns and depots of the Food Corporation of India as specified in the Schedule given below:

SCHEDULE

1. Food Corporation of India, Food Storage Depot, Shahjahanpur Roza, Uttar Pradesh.
2. Food Corporation of India, Food Storage Depot, Orai, Uttar Pradesh.
3. Food Corporation of India, Food Storage Depot, Gonda, Uttar Pradesh.
4. Food Corporation of India, Food Storage Depot, Etawah, Uttar Pradesh.
5. Food Corporation of India, Food Storage Depot, Banda, Uttar Pradesh.
6. Food Corporation of India, Food Storage Depot, Mahoba, Uttar Pradesh.
7. Food Corporation of India, Food Storage Depot, Sultanpur, Uttar Pradesh.
8. Food Corporation of India, Food Storage Depot, Deoria, Uttar Pradesh.
9. Food Corporation of India, Food Storage Depot, Jhansi, Uttar Pradesh.
10. Food Corporation of India, Food Storage Depot, Farukhabad, Uttar Pradesh.
11. Food Corporation of India, Food Storage Depot, Pratapgarh, Uttar Pradesh.
12. Food Corporation of India, Food Storage Depot, Nagrota, Himachal Pradesh.
13. Food Corporation of India, Food Storage Depot, Kullu, Himachal Pradesh.
14. Food Corporation of India, Food Storage Depot, Hamirpur, Himachal Pradesh.
15. Food Corporation of India, Food Storage Depot, Una, Himachal Pradesh.
16. Food Corporation of India, Food Storage Depot, Roorki, Uttarakhand.
17. Food Corporation of India, Food Storage Depot, Salem, Tamil Nadu.
18. Food Corporation of India, Food Storage Depot, Coimbatore, Tamil Nadu.
19. Food Corporation of India, Food Storage Depot, Chidambaram, Tamil Nadu.
20. Food Corporation of India, Food Storage Depot, Sanbannar Koil, Tamil Nadu.
21. Food Corporation of India, Food Storage Depot, Karikal, Tamil Nadu.
22. Food Corporation of India, Food Storage Depot, T.V. Koil, Tamil Nadu.
23. Food Corporation of India, Food Storage Depot, Puducherry.
24. Food Corporation of India, Food Storage Depot, Shimoga, Karnataka.
25. Food Corporation of India, Food Storage Depot, Bhadravathy, Karnataka.
26. Food Corporation of India, Food Storage Depot, Maddur, Karnataka.
27. Food Corporation of India, Food Storage Depot, Krisna Canal, Andhra Pradesh.
28. Food Corporation of India, Food Storage Depot, Peddapalli, Andhra Pradesh.
29. Food Corporation of India, Food Storage Depot, Palkol, Andhra Pradesh.
30. Food Corporation of India, Food Storage Depot, Kharar, Punjab.
31. Food Corporation of India, Food Storage Depot, Phagwara, Punjab.
32. Food Corporation of India, Food Storage Depot, Bariwala, Punjab.
33. Food Corporation of India, Food Storage Depot, Khamano, Punjab.
34. Food Corporation of India, Food Storage Depot, Sirhind, Punjab.
35. Food Corporation of India, Food Storage Depot, Tapa, Punjab.
36. Food Corporation of India, Food Storage Depot, Bhawanigarh, Punjab.
37. Food Corporation of India, Food Storage Depot, Dirba, Punjab.

38. Food Corporation of India, Food Storage Depot, Moonak, Punjab.
39. Food Corporation of India, Food Storage Depot, Khanauri, Punjab.
40. Food Corporation of India, Food Storage Depot, Dhanula, Punjab.
41. Food Corporation of India, Food Storage Depot, Sahnewai, Punjab.
42. Food Corporation of India, Food Storage Depot, Machhiwara, Punjab.
43. Food Corporation of India, Food Storage Depot, Rajkot, Punjab.
44. Food Corporation of India, Food Storage Depot, Maloud, Punjab.
45. Food Corporation of India, Food Storage Depot, Hathur, Punjab.
46. Food Corporation of India, Food Storage Depot, Bassi Pathana, Punjab.
47. Food Corporation of India, Food Storage Depot, Chinarthai, Punjab.
48. Food Corporation of India, Food Storage Depot, Morinda, Punjab.
49. Food Corporation of India, Food Storage Depot, Kurali, Punjab.
50. Food Corporation of India, Food Storage Depot, Chamkaur Sahib, Punjab.
51. Food Corporation of India, Food Storage Depot, Bhogpur, Punjab.
52. Food Corporation of India, Food Storage Depot, Apra, Punjab.
53. Food Corporation of India, Food Storage Depot, Maur Mandi, Punjab.
54. Food Corporation of India, Food Storage Depot, Bathinda, Punjab.
55. Food Corporation of India, Food Storage Depot, Ramamandi, Punjab.
56. Food Corporation of India, Food Storage Depot, Sanghol, Punjab.
57. Food Corporation of India, Food Storage Depot, Mahall Kalan, Punjab.
58. Food Corporation of India, Food Storage Depot, Bhikhi, Punjab.
59. Food Corporation of India, Food Storage Depot, Hoshiarpur, Punjab.
60. Food Corporation of India, Food Storage Depot, Garashankar, Punjab.

(15)

Ministry of Labour and Employment, Noti. No. S.O. 1009(E), dated May 6, 2011, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 6th May, 2011, p. 1, No. 819

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board and having regard to the conditions of work and benefits provided for the contract labour and other relevant factors enumerated in sub-section (2) of the said section, hereby prohibits the employment of contract labour in the job of security supervisors or guards in the establishment of Central Mechanical Engineering Research Institute (CMERI) Durgapur Burdwan, West Bengal.

(16)

Ministry of Labour and Employment, Noti. No. S.O. 3161(E), dated December 12, 2014, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 12th December, 2014, p. 1, No. 2531

In exercise of the powers conferred by sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, and having regard to the working conditions and benefits provided to contract labour and other relevant factors enumerated in sub-section (2) of Section 10 of the said Act, hereby prohibits the employment of contract labour in the job of (i) Sanitation Services (cleaning, sweeping and dusting), (ii) Security Services (Watch and ward of the institute) and (iii) Catering Services to the admitted patients in the establishment of Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh, with effect from the date of publication of this notification in the Official Gazette.

(17)

Ministry of Labour and Employment, Noti. No. S.O. 606(E), dated June 28, 2000, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 28th June, 2000, p. 1, No. 428

In exercise of the powers conferred by sub-section (10) of Section 11 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby prohibits the employment of contract labour in the works specified in the Scheduled annexed hereto, in the Eastern Railways with effect from the date of publication of this notification in the Official Gazette.

(18)

Ministry of Labour and Employment, Noti. No. S.O. 2823(E), dated November 5, 2014, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 5th November, 2014, p. 4, No. 2251

In exercise of the powers conferred by Section 11 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), and in supersession of the Government of India, Ministry of Labour and Employment notification Number S.O. 1251(E), dated the 2nd August, 2006, the Central Government hereby appoints the officers specified in column (2) of the Table below, being Gazetted Officers of Government, to be licensing officers for the purpose of the said Act and the said officers shall exercise the powers conferred on him by or under the said Act, within the limits of their jurisdiction specified in column (3) of the said Table.

TABLE

Sl. No.	Officers	Jurisdiction
(1)	(2)	(3)
1.	Regional Labour Commissioners (Central) Jaipur, Bhopal, Ranchi, Jammu, Pune, Rourkela, Bellary, Vadodara, Vasco (Goa), Thiruvananthapuram, Dibrugarh, Visakhapatnam, Madurai and Bīlāspur	Whole of India
2.	All Assistant Labour Commissioners (Central)	Whole of India

(19)

Ministry of Labour and Employment, Noti. No. S.O. 2822(E), dated November 5, 2014, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 5th November, 2014, p. 3, No. 2251

In exercise of the powers conferred by Section 15 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), and in supersession of the Government of India, Ministry of Labour and Employment notification number S.O. 1252(E), dated the 2nd August, 2006, the Central Government hereby nominates the officers specified in column (2) of the Table below, to be the appellate officers for the jurisdiction specified in column (3) of the said Table.

TABLE

Sl. No.	Officers	Jurisdiction
(1)	(2)	(3)
1.	All Deputy Chief Labour Commissioners (Central)	Whole of India
2.	All Regional Labour Commissioner (Central) except Regional Labour Commissioners (Central) Jaipur, Bhopal, Lucknow, Ranchi, Jammu, Pune, Rourkela, Bellary, Vadodara, Vasco (Goa),	Whole of India

Thiruvananthapuram, Dibrugarh, Visakhapatnam, Madurai and Bilaspur	-
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(20)

Ministry of Labour, Noti. No. S.O. 3451, dated November 30, 1987, published in the Gazette of India, Part II, Section 3(ii), dated 12th December, 1987, p. 4361

In exercise of the powers conferred by sub-section (1) of Section 28 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and in supersession of the notification of the Government of India in the Ministry of Labour, Noti. No. S.O. 2423, dated the 1st June, 1985, the Central Government hereby appoints the Officers mentioned in column (1) of the Schedule below, to be Inspectors who shall exercise the powers conferred on Inspectors by or under the said Act, having jurisdiction as specified in column (2) of the said Schedule.

SCHEDULE

Sl. No.	Officers	Jurisdiction
	(1)	(2)
1.	Chief Labour Commissioner (Central), New Delhi.	Whole of India
2.	Joint Chief Labour Commissioner (Central), New Delhi.	
3.	All Deputy Chief Labour Commissioners (Central).	
4.	All Regional Labour Commissioners (Central).	
5.	All Assistant Labour Commissioners (Central).	
6.	Chief Adviser (Labour Welfare) Office of the Chief Labour Commissioner (Central), New Delhi.	
7.	All Labour Enforcement Officers (Central).	

(21)

Ministry of Labour and Employment, Noti. No. S.O. 4098, dated December 29, 2017, published in the Gazette of India, Part II, Section 3(ii), dated 29th December, 2017

In exercise of the powers conferred by Section 31 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby exempts the Indian Railways, Wheel and Axle Plant, Yelahanka, Bengaluru from the applicability of notification of the Government of India in the Ministry of Labour and Employment number S.O. 162(E), dated the 10th March, 1999, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 10th March, 1999, in respect of employment of contract labour in the works specified in the Table to the said notification at serial number 6, namely, "Relining of electric arc furnace" for a period of three years on and from the date of publication of this notification in the Official Gazette, subject to the conditions that the regular workers performing the activity are not retrenched and that the contract workers are given at least the wages and other facilities as available to the lowest paid regular worker in the establishment.

(22)

Ministry of Labour and Employment, Noti. No. S.O. 5187(E), dated October 9, 2018 and published in the Gazette of India, Extra., Part II, Section 3(ii), dated 9th October, 2018, p. 2, No. 4002

In exercise of the powers conferred by Section 31 of the **Contract Labour (Regulation and Abolition) Act, 1970** (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby exempts Paradip Port Trust from the applicability of notification of the Government of India in the Ministry of Labour, number S.O. 640(E), dated the 4th July, 2001, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 4th July, 2001, in respect of employment of contract labour in the works or jobs of iron ore muck cleaning and spillage removal work in the iron ore handling plant of Paradip Port Trust (cleaning of iron ore muck and spillage generated while handling iron ore in conveyor system), for a period of two years with effect from the date of publication of this notification in the Official Gazette subject to the condition that the Paradip Port Trust establishment shall pay basic wages to the workers and the supervisors with other allowances as being paid to similarly placed workers working under the societies in the Chennai Port Trust or the Vizag Port Trust.

(23)

Ministry of Labour and Employment, Noti. No. S.O. 5186(E), dated October 9, 2018 and published in the Gazette of India, Extra., Part II, Section 3(ii), dated 9th October, 2018, p. 2, No. 4001

In exercise of the powers conferred by Section 31 of the **Contract Labour (Regulation and Abolition) Act, 1970** (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby, exempts the Post Graduate Institute of Medical Education and Research (PGIMER) from the applicability of notification of the Government of India in the Ministry of Labour, number S.O. 3161(E), dated the 12th December, 2014, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 12th December, 2014, in respect of employment of contract labour in the works and jobs of (i) sanitation services (cleaning, sweeping and dusting), (ii) security services (Watch and ward of the institute) and (iii) catering services to admitted patients in the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh, for a period of two years with effect from the date of publication of this notification in the Official Gazette subject to the conditions that the hospital management will ensure that the contract workers are paid wages and other facilities equal to the lowest paid regular worker performing similar work in the establishment in terms of sub-clause (a) of clause (v) of sub-rule (2) of Rule 25 of the Contract Labour (Regulation and Abolition) Rules, 1971 and the Board will have the right to inspect the establishment to ensure and check whether such wages and benefits are given and the above said conditions are implemented by the establishment.

(24)

Ministry of Labour and Employment, Noti. No. S.O. 5185(E), dated October 9, 2018 and published in the Gazette of India, Extra., Part II, Section 3(ii), dated 9th October, 2018, p. 1, No. 4000

In exercise of the powers conferred by Section 31 of the **Contract Labour (Regulation and Abolition) Act, 1970** (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby exempts Kolkata Port Trust from the applicability of notification of the Government of India in the Ministry of Labour and Employment, number S.O. 959(E), dated the 7th July, 2005, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 7th July, 2005, in respect of employment of contract labour in the works of sleeper, renewal of railway tracks, repairing, restoration and laying and linking of tracks for a further period of two years with effect from the 30th May, 2018 subject to the compliance of the conditions specified under sub-clause (a) of clause (v) of sub-rule (2) of Rule 25 of the Contract Labour (Regulation and Abolition) Central Rules, 1971.

(25)

Ministry of Labour and Employment, Noti. No. S.O. 1610(E), dated April 18, 2019 and published in the Gazette of India, Extra., Part II, Section 3(ii), dated 18th April, 2019, pp. 1-2, No. 1428

In exercise of the powers conferred under sub-section (1) of Section 10 of the **Contract Labour (Regulation and Abolition) Act, 1970** (37 of 1970), the Central Government, in consultation with the Central Advisory Contract Labour Board, and having regard to the working conditions and benefits provided to contract labour and other relevant factors enumerated in sub-section (2) of Section 10 of the said Act, hereby prohibits the employment of contract labour in the jobs of Diesel Generator Operators, Electrician, Air Conditioner Operators and Lift Attendants in Radar Operation Area in the establishment of the Indira Gandhi International Airport, New Delhi, with effect from the date of publication of this notification in the Official Gazette.

(26)

Ministry of Labour and Employment, Noti. No. S.O. 1868(E), dated May 29, 2019 and published in the Gazette of India, Extra., Part II, Section 3(ii), dated 29th May, 2019, pp. 2-3, No. 1670

In exercise of the powers conferred by Section 31 of the **Contract Labour (Regulation and Abolition) Act, 1970** (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby exempts the Coal Blocks allotted to NTPC Limited namely, Pakri-Barwadih, Chatti-Bariatu and Chatti-Bariatu South, Kerandari, Dulanga, Talaipalli, Banai, Bhalumuda and Mandakini-B from the applicability of notification of the Government of India in the Ministry of Labour, number S.O. 2063, dated the 21st June, 1988, published in the Gazette of India, Part II, Section 3, sub-section (ii), in respect of employment of contract labour in the works specified in the Schedule to the said notification against Serial Numbers 1 to 3, for a period of five years subject to the following conditions namely:

- (i) the interest of the workmen engaged in the above mentioned works be protected;
- (ii) such workmen be paid wages and other benefits as per the recommendations of the High Powered Committee appointed by the Coal India Limited, Ministry of Coal, Government of India and the rates notified by the Coal India Limited from time to time;
- (iii) the Central Advisory Contract Labour Board will have the right to inspect the establishment to ensure and check whether such wages and benefits are given to such workers in NTPC Limited;
- (iv) the Management of NTPC Limited shall ensure that whenever there is a change of contract, existing contract workmen who are working may be given preference in employment by the incoming contractor, subject to satisfactory performance of duties;
- (v) the workmen working in jobs ancillary or incidental to coal mining works specified against Serial Numbers 1 to 3 of the Schedule to the said notification number S.O. 2063, dated the 21st June, 1988 shall get wages as determined by the High Powered Committee appointed by the Coal India Limited, Ministry of Coal, Government of India and the rates notified by the Coal India Limited from time to time;
- (vi) the contractor, as well as the Principal Employer, shall ensure payment of the said High Powered Committee wages, which increases every six months, and also other benefits as per the provisions of the Mines Act, 1952 (35 of 1952);
- (vii) the contract workers shall be covered under the provisions of the Payment of Gratuity Act, 1972 (39 of 1972); and
- (viii) the contract workers shall be paid bonus and leave with wages as per the provisions of the Mines Act, 1952 (35 of 1952).

(27)

Ministry of Labour and Employment, Noti. No. S.O. 3183(E), dated September 18, 2020 published in the Gazette of India, Extra., Part II, Section 3(ii), dated 18th September, 2020, p. 2, No. 2835

In exercise of the powers conferred by Section 31 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government hereby exempts Kolkata Port Trust from the applicability of notification of the Government of India in the Ministry of Labour and Employment number S.O. 959(E), dated the 7th July, 2005, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 7th July, 2005, in respect of employment of contract labour in the works of sleeper, renewal of railway tracks, repairing, restoration and laying and linking of tracks for a further period of two years with effect from the 30th May, 2020 subject to the compliance of the conditions specified under sub-clause (a) of clause (v) of sub-rule (2) of Rule 25 of the Contract Labour (Regulation and Abolition) Central Rules, 1971.

(28)

Ministry of Labour and Employment, Noti. No. S.O. 4045(E), dated November 11, 2020 published in the Gazette of India, Extra., Part II, Section 3(ii), dated 11th November, 2020, pp. 2-3, No. 3562

In exercise of the powers conferred by Section 31 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby exempts the Odisha Coal and Power Limited, Zone-A, Ground Floor, Fortune Towers, Chandrasekharapur, Bhubaneswar-751023 from the applicability of notification of the Government of India in the Ministry of Labour vide notification number S.O. 2063, dated the 21st June, 1988, published in the Gazette of India, Part II, Section 3, sub-section (ii), in respect of employment of contract labour in the works specified in the Schedule to the said notification against serial numbers 1, 2 and 3, for a period of three years subject to the following conditions, namely:—

- (a) the interest of the workmen engaged in the above mentioned works be protected;
- (b) such workmen be paid wages and other benefits as per the recommendations of the High Powered Committee appointed by the Coal India Limited, Ministry of Coal, Government of India and the rates notified by the Coal India Limited from time to time;
- (c) the Central Advisory Contract Labour Board will have the right to inspect the establishment to ensure and check whether such wages and benefits are given to such workers in Odisha Coal and Power Limited;
- (d) the Management of Odisha Coal and Power Limited shall ensure that whenever there is a change of contract, existing contract workmen who are working may be given preference in employment by the incoming contractor, subject to satisfactory performance of duties;
- (e) the workmen working in jobs ancillary or incidental to coal mining works specified against serial numbers 1, 2 and 3 of the Schedule to the said vide notification number S.O. 2063, dated the 21st June, 1988 shall get wages as determined by the High Powered Committee appointed by the Coal India Limited, Ministry of Coal, Government of India and the rates notified by the Coal India Limited from time to time;
- (f) the contractor, as well as the Principal Employer, shall ensure payment of the said High Powered Committee wages, which increases every six months, and also other benefits as per the provisions of the Mines Act, 1952 (35 of 1952);
- (g) the contract workers shall be covered under the provisions of the Payment of Gratuity Act, 1972 (39 of 1972); and
- (h) the contract workers shall be paid bonus and leave with wages as per the provisions of the Mines Act, 1952 (35 of 1952).

(29)

Ministry of Labour and Employment, Noti. No. S.O. 1259(E), dated March 18, 2021 published in the Gazette of India, Extra., Part II, Section 3(ii), dated 18th March, 2021, p. 2, No. 1167

In exercise of the powers conferred by Section 31 of the Contract Labour (Regulation and Abolition) Act, 1970(37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board, hereby, exempts the Post Graduate Institute of Medical Education and Research (PGIMER) from the applicability of notification of the Government of India in the Ministry of Labour number S.O. 3161(E), dated the 12th December, 2014, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 12th December, 2014, in respect of employment of contract labour in the works and jobs of (i) sanitation services (cleaning, sweeping and dusting), (ii) security services (Watch and ward of the institute) and (iii) catering services to admitted patients in the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh, for a further period of two years with effect from the date 9th October, 2020 subject to the conditions that the hospital management will ensure that the contract workers are paid wages and other facilities equal to the lowest paid regular worker performing similar work in the establishment in terms of sub-clause (a) of clause (v) of sub-rule (2) of Rule 25 of the Contract Labour (Regulation and Abolition) Rules, 1971 and the Board will have the right to inspect the establishment to ensure and check whether such wages and benefits are given and the above said conditions are implemented by the establishment.

(30)

Ministry of Labour and Employment, Noti. No. S.O. 4958(E), dated October 19, 2022 published in the Gazette of India, Extra., Part II, Section 3(ii), dated 20th October, 2022, pp. 4-6, No. 4746

In exercise of the powers conferred by Section 31 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government hereby exempts the godowns, depots and railheads of Food Corporation of India from the applicability of notifications of the Government of India in the Ministry of Labour and Employment number S.O. 497(E), dated the 29th June, 1989; S.O. 178(E), dated the 28th February, 1990; S.O. 691(E), dated the 7th September, 1990; S.O. 833(E), dated the 1st November, 1990; S.O. 883(E), dated the 22nd November, 1990; S.O. 966(E), dated the 31st December, 1990; S.O. 216(E), dated the 26th March, 1991; S.O. 227(E), dated the 27th March, 1991; S.O. 1121(E), dated the 12th November, 2001; S.O. 1085(E), dated the 3rd July, 2007; S.O. 947(E), dated the 23rd April, 2010; S.O. 278(E), dated the 7th February, 2011 and notification of the State Government of Haryana number 13(4) 84-Lab, dated the 29th November, 1985, in respect of employment of contract labour in different jobs further for a period of two years, with effect from the date of publication of this notification in the Official Gazette, and subject to compliance of the conditions specified under clause (iv) and (v) of sub-rule (2) of Rule 25 of the Contract Labour (Regulation and Abolition) Central Rules, 1971:

Provided that nothing contained in this notification shall apply to the depots, godowns and railheads of the Food Corporation of India specified in the Table herein below, namely:—

TABLE

Sl. No.	Description of depots, godowns and railheads
1	Food Corporation of India, ARDC Godown, Jagadhari, Haryana
2	Food Storage Depot, Food Corporation of India, Indri, Haryana
3	Food Storage Depot, Food Corporation of India, Jind, Haryana
4	Food Storage Depot, Food Corporation of India, Jundla, Haryana
5	Food Storage Depot, Food Corporation of India, Nissing, Haryana
6	Food Storage Depot, Food Corporation of India, Shahdra, Delhi

7	Food Storage Depot, Food Corporation of India, Sahibabad, District Ghaziabad, Uttar Pradesh
8	Food Storage Depot, Food Corporation of India, Hatia, District Ranchi, Jharkhand
9	Food Storage Depot, Food Corporation of India, Ghaziabad, Ghaziabad, Uttar Pradesh
10	Food Storage Depot, Food Corporation of India, Panki, District Kanpur, Uttar Pradesh
11	Food Storage Depot, Food Corporation of India, Kharda, District Calcutta, West Bengal
12	Food Storage Depot, Food Corporation of India, Asansol, (Gopalpur), Calcutta Docks, West Bengal
13	Food Storage Depot, Food Corporation of India, Durgapur, West Bengal
14	Food Storage Depot, Food Corporation of India, Suri, District Durgapur, West Bengal
15	Food Storage Depot, Food Corporation of India, Dalsinghsarai, District Darbhanga, Bihar
16	Food Storage Depot, Food Corporation of India, Silchar, Assam
17	Food Storage Depot, Food Corporation of India, Karimganj, District Silchar, Assam
18	Food Storage Depot, Food Corporation of India, Bongaigaon, District Kokrajhar, Assam
19	Food Storage Depot, Food Corporation of India, Nalbani, Assam
20	Food Storage Depot, Food Corporation of India, Manngudi, Tamil Nadu
21	Food Storage Depot, Food Corporation of India, Trichi, Tamil Nadu
22	Food Storage Depot, Food Corporation of India, Sagar, Madhya Pradesh
23	Food Storage Depot, Food Corporation of India, Chalai, Kerala
24	Food Storage Depot, Food Corporation of India, Shahad, Madhya Pradesh
25	Food Storage Depot, Food Corporation of India, Bina, Madhya Pradesh
26	Food Storage Depot, Food Corporation of India, Gadarwara, Madhya Pradesh
27	Food Storage Depot, Food Corporation of India, Kurnool, Andhra Pradesh
28	Food Storage Depot, Food Corporation of India, Palana, Gujrat
29	Food Storage Depot, Food Corporation of India, Mathurapur, West Bengal
30	Food Storage Depot, Food Corporation of India, Quilon, Kerala
31	Food Storage Depot, Food Corporation of India, Jalagaon, Maharashtra
32	Food Storage Depot, Food Corporation of India, Mahboobnagar, Central Warehousing Corporation, Andhra Pradesh
33	Food Storage Depot, Food Corporation of India, Raynapadu, Central Warehousing Corporation, Andhra Pradesh
34	Food Storage Depot, Food Corporation of India, Machilipatnam, Central Warehousing Corporation, Andhra Pradesh
35	Food Storage Depot, Food Corporation of India, Karim Nagar, Central Warehousing Corporation, Andhra Pradesh
36	Food Storage Depot, Food Corporation of India, Jagtial, SWC Andhra Pradesh

37	Food Storage Depot, Food Corporation of India, Nandyal, Central Warehousing Corporation, Andhra Pradesh
38	Food Storage Depot, Food Corporation of India, Bodhan, Central Warehousing Corporation, Andhra Pradesh
39	Food Storage Depot, Food Corporation of India, Sarangapur, Central Warehousing Corporation, Andhra Pradesh
40	Food Storage Depot, Food Corporation of India, Sangranasahib, Punjab
41	Food Storage Depot, Food Corporation of India, Roorkee, Uttarkhand
42	Food Storage Depot, Food Corporation of India, Moonak, Punjab
43	Food Storage Depot, Food Corporation of India, Bhikhi, Punjab
44	Food Storage Depot, Food Corporation of India, Rama, Mandi, Punjab
45	Food Storage Depot, Food Corporation of India, Maur, Mandi, Punjab
46	Food Storage Depot, Food Corporation of India, Dhanula, Punjab
47	Food Storage Depot, Food Corporation of India, Bariwala, Punjab
48	Food Storage Depot, Food Corporation of India, Bassi, Pathana, Punjab
49	Food Storage Depot, Food Corporation of India, Dirba, Punjab
50	Food Storage Depot, Food Corporation of India, Sultanpur, Uttar Pradesh
51	Food Storage Depot, Food Corporation of India, Deoria, Uttar Pradesh
52	Food Storage Depot, Food Corporation of India, Farrukhabad, Uttar Pradesh
53	Food Storage Depot, Food Corporation of India, Pratapgarh, Uttar Pradesh
54	Food Storage Depot, Food Corporation of India, Nagrota, Himachal Pradesh
55	Food Storage Depot, Food Corporation of India, Sanbannar, Koil, Tamilnadu
56	Food Storage Depot, Food Corporation of India, Shimoga, Karnataka
57	Food Storage Depot, Food Corporation of India, Shahabad, Kalan, Haryana
58	Food Storage Depot, Food Corporation of India, Ratia, Haryana
59	Food Storage Depot, Food Corporation of India, Jakhhal, Haryana
60	Food Storage Depot, Food Corporation of India, Hansi, Haryana
61	Food Storage Depot, Food Corporation of India, Naraingarh, Haryana
62	Food Corporation of India, Adampur Railway Siding, Haryana
63	Main Depot, Gnanapuram, Vishakhapatnam, Andhra Pradesh