

THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) KARNATAKA RULES, 1981

GSR 63, dated 1-4-1982.—Whereas, the draft of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Karnataka Rules, 1982 was published as required by sub-section (1) of Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) in Notification No. SWL 94 LBW 80, dated 24th October, 1981 in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 31st October, 1981 calling for objections and suggestions from persons likely to be affected thereby on or before 20th December, 1981;

And the said Gazette were made available to the public on 31st October, 1981;

And whereas, no objections or suggestions were received in respect of the said draft rules.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979), the Government of Karnataka hereby makes the following rules, namely,—

CHAPTER 1

1. Short title and commencement.—(1) These rules may be called the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Karnataka Rules, 1981.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.—(1) In these rules unless the subject or context otherwise required.—

- (a) "Act" means the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- (b) "Appellate Officer" means an Appellate Officer nominated by the State Government under Section 11;

1. Published in the Karnataka Gazette, Extraordinary, dated 13-4-1982, No. 306, Part-IV-2-C(i) by Notification No. SWL 94 LBW 80, dated 1-4-1982.

- (c) "**Chief Inspector**" means the Commissioner of Labour in Karnataka appointed as such by the State Government;
- (d) "**Deputy Labour Commissioner**" means an Officer as such appointed by the State Government;
- (e) "**Form**" means a form appended to these rules;
- (f) "**Inspector**" means an Inspector appointed by the State Government under Section 20 and includes the Chief Inspector;
- (g) "**Licensing Officer**" means the licensing Officer appointed by the State Government under Section 7;
- (h) "**Migrant Workman**" means an Inter-State Migrant Workman as defined in Section 2;
- (i) "**Registering Officer**" means the registering officer appointed by the State Government under Section 3;
- (j) "**Section**" means a section of the Act;
- (k) "**Specified Authority**" means the authority specified by the State Government for the purposes of Section 12 and 16.

(2) All other words and expressions used in these rules, but not defined therein shall have the meanings respectively assigned to them in the Act.

CHAPTER II

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

(2) The application shall be accompanied by a Treasury Challan showing payment of the fees to the Head of Account specified for the registration of the establishment.

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

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

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

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

(3) If, in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal

employer of the establishment shall intimate to the registering officer, within thirty days from the date when such change takes place, the particulars of and the reasons for, such change.

5. Circumstances in which application for registration may be rejected.—(1) If any application for registration is not complete in all respects, the registering officer shall require the principal employer to amend the application so as to make it complete in all respects.

(2) If the principal employer, on being required by the registering officer to amend his application for registration, omits or fails to do so, the registering officer shall reject the application for registration.

6. Amendment of certificate of registration.—(1) Whereon receipt of the intimation under sub-rule (3) of Rule 4, the registering officer is satisfied that an amount higher than the amount, which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce a receipt showing such deposit.

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

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

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

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

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

(3) (i) Every application for the grant of a licence under sub-rule (1) or sub-rule (2), shall be accompanied by a certificate of the principal employer in Form VI to the effect that he undertakes to be bound by all the provision of the Act and the rules made thereunder so far as they are applicable to him in respect of the recruitment, or employment of the

migrant workmen, in respect of which the contractor is making the application.

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

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

(5) Every application referred to in sub-rule (1) shall also be accompanied by a treasury challan obtained as required under Rule 20.

8. Matters to be taken into account in granting or refusing a licence in granting or refusing to grant a licence, the licensing officer shall take the following matters into account, namely:—

- (a) Whether the applicant:—

- (i) is a minor; or
- (ii) is of unsound mind and stands so declared by a Competent Court; or
- (iii) is an undischarged insolvent; or
- (iv) has been convicted at any time during the period of five years immediately proceeding the date of application, of an offence which in the opinion of the State Government, involves moral turpitude.

- (b) Whether any order has been made in respect of the applicant under sub-section (1) of Section 10 of the Act, and if so, whether a period of three years has elapsed from the date of that order;

- (c) Whether the fees for the application has been deposited by the applicant at the rates specified in sub-rule (1) of Rule 10.

9. Refusal to issue licence.—(1) On receipt of the application from the Contractor, and as soon as possible thereafter, the Licensing Officer, shall investigate or cause investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and the eligibility of the applicant for a licence.

- (2) (i) Where the licensing officer is of the opinion that the licence should not be issued, he shall, after affording reasonable opportunity to the applicant to be heard, make an order rejecting the application.

- (ii) The order shall record the reasons for the refusal and shall be communicated to the applicant.

10. Security.—(1) Where the licensing officer is satisfied in accordance with the procedure, laid down in the proviso to sub-section (2) of Section 8, that any person who has applied for or who has been issued a licence should furnish security for due performance of the conditions of the licence, he shall prepare an estimate of the amount needed to provide for recruitment or employment of migrant workmen on the basis of the factors specified in sub-section (3) of the said section and after considering the solvency of such person, determine the amount of the security to be furnished by such person, which shall not exceed forty per cent of the amount estimated by him.

(2) Where the applicant for the licence was holding a licence in regard to another work and that licence has expired, the licensing officer, if he is of the view that any amount out of the security, if any, deposited in respect of that licence is to be refunded to the applicant under Rule 17, he may on an application made for that purpose in Form VII by the applicant adjust the amount so to be refunded towards the security, if any, required to be deposited in respect of the application for the new licence and the applicant need deposit, in such a case, only the balance amount, if any, after making such adjustment.

11. Forms and terms and conditions of licence.—(1) Every licence issued under sub-section (1) of Section 8 shall be in Form VIII.

(2) Every licence granted under sub-rule (1) or renewed under Rule 15, shall be subject to the following conditions, namely:—

- (i) the licence shall be non-transferable;
- (ii) the number of workmen recruited or employed as migrant workmen in the establishment shall not on any day exceed the maximum number, specified in the licence;
- (iii) the rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948, for such employment and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed;
- (iv) save as provided in these Rules, the fees paid for the issue, or as the case may be for renewal of licence shall be non-refundable;
- (v) (a) in cases where the migrant workmen recruited or employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work.

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Deputy Labour Commissioner of the area concerned whose decision thereon shall be final;

- (b) in other cases, the wage rates, holidays, hours of work and conditions of service of the migrant workmen recruited or employed by the contractor shall be such as prescribed in these Rules;
- (iv) every migrant workman shall be entitled to allowances, benefits, facilities, etc., as prescribed in the Act and the Rules;
- (vii) no female migrant workman shall be employed by any contractor before 6 a.m. or after 7 p.m.:

Provided that this clause shall not apply to the employment of female migrant workman in Pit Head Baths, Creches and canteens and Mid-wives and Nurses in hospitals and dispensaries.

- (viii) the contractor shall notify any change in the number of migrant workmen or conditions of work to the licensing officer;
- (ix) the contractor shall comply with all provisions of the Act and the Rules;
- (x) a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed;
- (xi) the licence shall be valid for a period of one year.

12. Fees.—(1) The fees to be paid for grant of certificate of registration of an establishment under Section 4 shall be as specified below:—

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

	Rs. Ps.
(a) is 5 but does not exceed 20	30.00
(b) exceeds 20 but does not exceed 50	75.00
(c) exceeds 50 but does not exceed 100	150.00
(d) exceeds 100 but does not exceed 200	300.00
(e) exceeds 200 but does not exceed 400	600.00
(f) exceeds 400	750.00

(2) The fees to be paid for the grant of licence under Section 7 shall be as specified below:—

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

(a) is 5 but does not exceed 20	10.00
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(b)	exceeds 20 but does not exceed 50	20.00
(c)	exceeds 50 but does not exceed 100	40.00
(d)	exceeds 100 but does not exceed 200	80.00
(e)	exceeds 200 but does not exceed 400	160.00
(f)	exceeds 400	200.00

13. Amendment of the licence.—(1) A licence issued under Rule 11 or renewed under Rule 15 may, for good and sufficient reasons be amended by the licensing officer.

(2) The contractor who desire to have the licence amended shall submit to the licensing officer an application stating the nature of amendment and reasons therefor.

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

(ii) On the applicant furnishing the requisite challan, the licence shall be amended according to the orders of the licensing officer.

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

14. Renewal of licences.—(1) Every contractor may apply to the licensing officer for renewal of the licences.

(2) The application shall be in Form IX in triplicate and shall be made not less than thirty days before the date on which the licence expires, and if the application is so made the licence shall be deemed to have been renewed until such date when the renewed licence is issued.

(3) The fees chargeable for renewal of the licence shall be same as for the grant thereof.

Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of twenty-five per cent in excess of the fee ordinarily payable for the licence shall be payable for such renewal.

Provided further that in case where the licensing officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the contractor, he may reduce or remit as he deems fit the payment of such excess fee.

15. Period of renewal of the licence.—Every licence renewed under Rule 14 shall remain in force for a further period of twelve months from the date of the order of renewal.

16. Issue of duplicate certificate of registration or licence.—Where a certificate of registration or licence granted or renewed under the preceding Rules has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of fee of Rs. 10.

17. Refund of security.—(1) (i) On expiry of the period of licence the contractor may, if he does not intend to have his licence renewed or get the security amount adjusted in respect of his fresh application for licence in terms of sub-rule (2) of Rule 10, make an application to the licensing officer for these fund of the security, if any, deposited by him under Rule 10.

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

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

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

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

(ii) The memorandum shall be accompanied by a certified copy of the order and a treasury challan for Rs. 25.

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

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

(4) Where the Appellate Officer rejects the memorandum of appeal under sub-rule (3) he shall record the reasons for such rejection and communicate the same to the appellant.

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

(6) (i) When the appeal has been admitted, the Appellate Officer shall send a notice to the Registering Officer or the licensing officer as the case may be from whose order the appeal has been preferred. The Registering Officer or as the case

may be the Licensing Officer shall thereupon send the record of the case to the appellate officer.

- (ii) On receipt of the record, the Appellate Officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal.

(7) If on the date fixed for the hearing, the appellant does not appear, the Appellate Officer may dismiss the appeal for default of appearance of the appellant.

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

19. Obtaining of copies of orders.—A copy of the order of the Registering Officer, Licensing Officer or Appellate Officer may be obtained on payment of fees of Rs. 2 per copy of each order on application specifying the date and other particulars of the order made to the officer concerned.

20. Payment of fees and security deposits.—(1) The payment of various fees relating to registration, licensing, security deposit and other matters, shall be made through a treasury challan crediting the fees to the head of account specified in this behalf.

(2) The heads of accounts under which the receipts relating to the fees for registration, licensing and appeals, etc., shall be credited will be:

"087, Labour and Employment

I Receipts under Labour Laws.

6 Other Receipts — I other items".

CHAPTER III Duties of the Contractor

21. Particular of migrant workmen.—Every contractor furnish to the specified authorities the particulars, regarding recruitment and employment of migrant workmen in Form X.

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

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

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

23. Pass Book.—(1) In the pass book referred to in clause (4) of sub-section (1) of Section 12, the following additional particulars shall be indicated namely.—

- (a) the date of recruitment;
- (b) the date of employment;
- (c) total attendance/unit of work done in respect of piece rated migrant workman/total wages earned/deductions if any made/net amount paid and signature of contractor or his duly authorised representative with date; and these entries shall be made separately in respect of each wage period within three days from the date of payment;
- (d) name and address of the next of kins of migrant workman.

(2) In case of fatal accident or serious bodily injury to any migrant workman, the contractor shall immediately send telegrams to the specified authorities of both the States and also the next of kin of the migrant workman intimating death or the nature of serious bodily injury sustained by the migrant workman, as the case may be, date, place and nature of accident. The contractor shall further send a written report to the specified authorities concerned and also to the next of kin of

the migrant workman, containing the undermentioned particulars, by registered post within 24 hours of the occurrence of the accident.—

- (i) Name of the migrant workman;
- (ii) Date, place and nature of accident;
- (iii) Condition of the migrant workman (if alive);
- (iv) Action taken by the contractor/principal employer;
- (v) Remarks.

(3) If the contractor fails to send the telegraphic intimation and/or written report as required under sub-rule (2) the principal employer shall comply with the requirements of sub-rule (2) as early as possible but in any case not later than 48 hours of the time of occurrence of the accident.

24. Return and Report.—Every contractor shall furnish a return regarding migrant workmen who have ceased to be employed in Form XI to the specified authorities concerned either personally or by registered post so as to reach them not later than 15 days from the date of the migrant workman ceases to be employed.

CHAPTER IV

Wages

25. Rate of Wages.—The rate of wages of a migrant workman in an establishment where he is required to perform work which is neither the same nor similar in nature to work as is being performed by any other workman in that establishment or the minimum rates of wages notified by the State Government under the Minimum Wages Act, 1948 for the same or similar type of work performed by workmen in any scheduled employment in the area in which the establishment is located, or the rates of wages payable to the workmen for performing same or similar kind of work in that establishment in the State in which the establishment is located, whichever is higher.

Provided that if there is any dispute in this regard or with regard to applicability of wage rates to a migrant workman under sub-clause (b) of sub-section (1) of Section 13—the same shall be decided by the Deputy Labour Commissioner of the area concerned, whose decision shall be final.

26. Wage period.—The contractor shall fix wage periods in respect of which wages shall be payable.

No wage period shall exceed one month.

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

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

29. Mode of Payment.—(1) All payment of wages shall be made by the contractor on a working day at the work premises and during the working time and on a date notified in advance and in case the work is completed before the expiry of final payments shall be made within forty eight hours of the last working day.

(2) Wages due to every migrant workman shall be paid to him direct or to other persons duly authorised by him in this behalf.

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

(4) A notice showing the wage period and the place and time of disbursement of wages shall be displayed at the place of work and a copy sent by the Contractor to the principal employer under acknowledgement.

(5) The principal employer shall ensure the presence of his authorised representative at the place and time of disbursement of wages by the contractor to the migrant workman and it shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorised representative.

(6) The authorised representative of the principal employer shall record under his signature a certificate at the end of all the entries in the register of wages or the wages-cum-muster roll as the case may be in the following form.—

"Certified that the amount shown in column No.
has been made to the migrant workman concerned in my presence on
."

CHAPTER V

Medical and other facilities to be provided to migrant workman

30. Holidays, hours of work and other conditions of service.—(1) Holidays, hours of work including extra wages for over time work done and other conditions of service of migrant workman shall not be less favourable than those obtaining in the establishment or in similar employment in the area in which the establishment is located, as the case may be.

(2) Where there is any dispute in this regard or with regard to applicability of holidays, hours or work including extra wages for over

time work done and other conditions of service to a migrant workman under clause (a) of sub-section (1) of Section 13, the same shall be decided by the Deputy Labour Commissioner of the area concerned whose decision shall be final.

31. Medical facilities.—(1) The contractor shall provide suitable and adequate medical facilities for out door treatment to the migrant workman free of cost, for treat of any ailment from which the migrant workman or any member of his family may suffer during his employment and take any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a migrant workman from the market on the basis of the prescription issued by any Doctor provided by the contractor or the principal employer as the case may be or any registered medical practitioner, the cost of such medicine shall be reimbursed by the contractor to the migrant workman concerned within a period of seven days from the date of presentation of the bill by the migrant workman.

(2) In the event of migrant workman or any of his family members suffering from any ailment requiring hospitalisation during concerned member of his family. The contractor shall bear the entire expenses on treatment, hospital charges (including diet) if any, and travel expenses for the patient from the place of his/her residence to the hospital and back.

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

(4) The first-aid box shall be distinctly marked with a Red Cross on a white ground and shall contain the following equipment, namely:—

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

- (i) 6 small sterilised dressings;
- (ii) 3 medium size sterilised dressings;
- (iii) 3 large size sterilised dressings;
- (iv) 3 large sterilised burn dressings;
- (v) 1 (30 MI) bottle containing a two per cent alcoholic solution of iodine;
- (vi) 1 (30 MI) bottle containing salvolatile having the dose and mode of administration indicated on the label;
- (vii) 1 snake bite lancet;
- (viii) 1 (30 gms.) bottle of potassium permanganate crystals;
- (ix) 1 pair scissors;

- (x) 1 copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institutes, Government of India;
 - (xi) A bottle containing 100 tablets (each of 5 grains) of aspirin;
 - (xii) Ointment for burns; and
 - (xiii) A bottle of suitable surgical antiseptic solution.
- (b) For establishments in which the number of migrant workman exceeds fifty, each first-aid box shall contain the following equipment.—
- (i) 12 small sterilised dressings;
 - (ii) 6 medium size sterilised dressings;
 - (iii) 6 large size sterilised dressings;
 - (iv) 6 large size sterilised burn dressings;
 - (v) 6 (15 gms) packets sterilised cotton wool;
 - (vi) 1 (80 ml) bottle containing a two per cent alcoholic solution of iodine;
 - (vii) 1 (60 ml) bottle containing salvolalite having the dose and mode of administration indicated on the label;
 - (viii) 1 Roll of adhesive plaster;
 - (ix) a snake bite lancet;
 - (x) 1 (30 gms) bottle of potassium permanganate crystals;
 - (xi) 1 pair scissors;
 - (xii) 1 copy of the first-aid leaflet issued by the Director-General, Factory Advisory Service and Labour Institutes, Government of India;
 - (xiii) A bottle containing 100 tablets (each of 5 grains) of aspirin;
 - (xiv) Ointment for burns; and
 - (xv) A bottle of a suitable surgical antiseptic solution.

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

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

(7) The first-aid box shall be in-charge of a responsible persons who shall always be readily available during the working hours of the establishment.

(8) The person in-charge of the first-aid box shall be a person trained in first-aid treatment, in establishments where the number of migrant workman is one hundred and fifty or more.

32. Protective clothing.—(1) The contractor shall provide to every migrant workman where the temperature falls below 20 degree centigrade, protective clothing consisting of one woollen coat and one woollen trousers once in two years:

Provided that where the temperature falls below 5 degree centigrade, a woollen overcoat shall also be provided to the migrant workman once in three years.

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

33. Drinking water, latrines, urinals and washing facilities.—(1) The contractor shall provide sufficient quantity of wholesome drinking water, sufficient number of sanitary latrines and urinals, washing facilities for the migrant workman at the establishment, in the case of existing establishments within seven days of the commencement of these rules, and in case of new establishments within seven days of the commencement of employment of migrant workmen therein.

(2) If any of the facilities is not provided by the contractor within the specified period, the same shall be provided by the principal employer within seven days of the expiry of the period specified in sub-rule (1).

34. Rest rooms.—(1) In every place where migrant workmen are required to halt at night in connection with the working of the establishment and in which employment of migrant workman is likely to continue for three months or more, the contractor shall provide and maintain rest rooms or other suitable alternative accommodation within fifteen days of the coming into force of the rules in case of the existing establishments, and within fifteen days of the commencement of the employment of migrant workmen in the case of new establishments.

(2) If the amenity is not provided by the contractor within the specified period, the principal employer shall provide the same within a period of fifteen days of the expiry of the period specified in sub-rule (1).

(3) Separate rooms shall be provided for female migrant workmen.

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

(5) The rest rooms, or other suitable alternative accommodation shall be of such dimensions so as to provide at least floor area of 1.1 square meter for each person.

(6) The rest room, rooms or other suitable alternative accommodation shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.

(7) The rest rooms or other suitable accommodation shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

35. Canteens.—(1) In every establishment wherein work regarding the employment of migrant workmen is likely to continue for six months and wherein migrant workmen numbering one hundred or more are ordinarily employed an adequate canteen shall be provided by the contractor for the use of such migrant workmen, within sixty days of the date of coming into force of the rules, in the case of the existing establishments and within sixty days of the commencement of the employment of migrant workman in the case of new establishments.

(2) If the contractor fails to provide canteen within the time laid down, the same shall be provided by the principal employer within sixty days of the expiry of the time allowed to the contractor.

(3) The canteen shall be maintained by the contractor or principal employer as the case may be in an efficient manner.

(4) The canteen shall consist of atleast a dining hall, kitchen, store-room, pantry and washing places separately for migrant workmen and for utensils.

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

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

Provided that the inside walls of the kitchen shall be lime-washed every four months.

(6) (i) The precincts of the canteen shall be maintained in a clean and sanitary condition.

(ii) Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance.

(iii) Suitable arrangements shall be made for the collection and disposal to garbage.

(7) The dining hall shall accommodate at a time at least 30 per cent of the migrant workmen working at a time.

(8) The floor area of the dining hall excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than one square meter per diner to be accommodated as specified in sub-rule (7).

(9) (i) A portion of the dining hall and service counter shall be partitioned off and reserved for women migrant workmen in proportion to their number.

(ii) Washing places for women shall be separate and screened to secure privacy.

(10) Sufficient tables, stools, chairs or benches shall be available for the diners to be accommodated as specified in sub-rule (Y).

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

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

(12) (i) Suitable clean cloths for the employers, serving in the canteen shall also be provided and maintained.

(ii) A service counter, if provided, shall have top of smooth and impervious material.

(iii) Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

(13) The foodstuffs and other items to be served in the canteen shall be in conformity with the normal habits of the migrant workmen.

(14) The charges for meals, other foodstuff, beverages and any other items served in the canteen shall be based on no profit no loss basis and shall be conspicuously displayed in the canteen.

(15) In arriving at the prices of foodstuffs and other articles served in the canteen the following items shall not be taken into consideration as expenditure, namely,—

- (a) the rent for the land and buildings;
- (b) the depreciation and maintenance charges for the building and equipment provided for in the canteen;
- (c) the cost of purchase repairs and replacement of equipments including furniture, crockery, cutlery and utensils;
- (d) the water charges and other charges incurred for lighting and ventilation;
- (e) the interest on the amounts spent on the provisions and maintenance of furniture and equipment provided for in the canteen.

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

(17) The accounts pertaining to the canteen shall be audited once every twelve months by registered accountants and auditors:

Provided that the Deputy Labour Commissioner of the area concerned may approve of any other person to audit, the accounts if he is satisfied that it is not feasible to appoint a registered Accountant and Auditor in view of the site or location of the canteen.

36. Latrine and Urinals.—(1) Latrines shall be provided in every establishments on the following scales namely,—

- (a) where females are employed there shall be at least one latrine or every 25 females;
- (b) where males are employed there shall be at least one latrine for every 25 males;

Provided that where the number of males or females exceeds 190 it shall be sufficient if there is one latrine for 25 males or females, as the case may be upto the first 100, and one for every 30 thereafter.

(2) Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastening.

(3) (i) Where workers of both sexes are employed there shall be displayed outside each block of latrine and urinal, a notice in the language understood by the majority of the workers, "for Men only" or "for Women only", as the case may be.

(ii) The notice shall also bear the figure of a man or of a woman, as the case may be.

(4) There shall be at least one urinal for male workers upto fifty and one for female upto fifty employed at a time.

Provided that where the number of male or female workmen as the case may be, exceeds 500 it shall be sufficient if there is one urinal for every fifty females upto the first 500 and one for every 100 or part thereof, thereafter.

(5) The latrines and urinals shall be conveniently situated and access to workers at all times at the establishment.

(6) (i) The latrines and urinals shall be adequately lighted and shall be maintained in clean and sanitary conditions at all times.

(ii) Latrines and urinals other than those connected with a flush sewerage system shall comply with the requirements of the public health authorities.

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

37. Washing facilities.—(1) In every establishments adequate and suitable facilities for washing shall be provided and maintained for the use of migrant workmen employed therein.

(2) Separate and adequate screening facilities shall be provided for the use of male and female migrant workmen.

(3) Such facilities shall be conveniently accessible and shall be kept in clear and hygienic condition.

38. Creche.—(1) In every establishment where 20 or more workmen are ordinarily employed as migrant workmen and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain two rooms of reasonable dimensions for the use of their children under the age of six years, within fifteen days of the coming into force of the rules, in case of existing establishment, and within fifteen days of the commencement of the employment of not less than twenty women as migrant workmen in new establishments.

(2) One of such rooms shall be used as play room for the children and the other as bedroom for the children.

(3) If the contractor fails to provide the creche within the time laid down, the same shall be provided by the principal employer within fifteen days of the expiry of the time allowed to the contractor.

(4) The contractor or the principal employer as the case may be, shall supply adequate number of toys and games in the play rooms and sufficient number of cots and beddings in the sleeping room.

(5) The creche shall be so constructed as to afford adequate protection against heat, damp, wind, rain and shall have smooth, hard and impervious floor surface.

(6) The creche shall be at convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

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

39. Residential accommodation.—(1) The contractor shall provide to every migrant workman.—

(i) in case he is accompanied by any other member of his family a suitable barrack so as to accommodate one room having at least a floor area of 10 square metres, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine, one common bathroom for every three such quarters, and

(ii) in case he is unaccompanied by any other member of his family a suitable barrack so as to accommodate not more

than ten such migrant workmen, having at least a floor area of not less than 6.5 square metres for each such migrant workman working use of the barrack, for cooking food as well as one common sanitary latrine and one common bathroom for every ten such migrant workmen, within fifteen days of coming into force of the rules in the case of the existing establishments and within fifteen days of the commencement of employment of migrant workmen in new establishments.

(2) Every quarter and the barrack shall be so constructed as to afford adequate ventilation, protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.

(3) The quarters or the barracks, as the case may be, shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

(4) The area in which the quarters and/or the barracks are located as well as the latrines and the bathrooms provided therein shall be kept clean and in sanitary condition at all times.

(5) If the amenities referred to in sub-rule (1) are not provided by the contractor within the period prescribed, the principal employer shall provide the same within a period of fifteen days of the expiry of the period laid down in the said sub-rule.

(6) If there is any dispute or disagreement regarding suitability or adequacy of provision of any of the amenities referred to in sub-rules (1) to (4) the same shall be decided by Deputy Labour Commissioner whose decision shall be final.

40. Liability of the principal employer in certain cases.—If any allowance required to be paid under Section 14 or Section 15 to a migrant workman employed in an establishment to which this Act applies is not paid by the contractor or if any facility specified in Section 16 is not provided for the benefit of such migrant workmen, such allowance shall be paid or, as the case may be, the facility shall be provided by the principal employer within fifteen days of the expiry of the time allowed to the contractor under the rules except where otherwise provided for in the relevant rules:

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

41. Relaxation in certain cases.—If the contractor or principal employer as the case may be, has already provided any facility relating to supply of wholesome drinking water or rest rooms or latrines and urinals or washing, canteen or creche or first-aid is required under any Act applicable to the establishment and the same is adequate and also

available for use for the migrant workmen, that facility shall be deemed to be provided for under these rules.

CHAPTER VI

Registers and Records-Collection of Statistics

42. Register of Contractors.—Every principal employer shall maintain in respect of each registered establishment a register of contractors in Form XII.

43. Register of persons employed.—Every principal employer and contractor shall maintain in respect of each establishment, where the employees migrant workman, a register in Form XIII.

44. Service Certificate.—On termination of employment for any reason whatsoever, the contractor shall issue to the migrant workman whose services has been terminated, a services certificate in Form XIV.

45. Displacement-cum-outward journey allowances sheet and return journey allowances register.—(1) Every contractor shall maintain, displacement-cum-outward journey allowances sheet as required under sub-rule (2) of Rule 37 in Form XV and return journey allowance register as required under sub-rule (3) of Rule 37 in Form XVI.

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

46. Muster Roll, wages register, deduction register and over-time register.—(1) In respect of establishments which are governed by the Payment of Wages Act, 1936 and the rules made thereunder or the Minimum Wages Act, 1948 and the rules made thereunder or Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder the following registers and records to be maintained by the contractor as employer under these Acts and Rules shall be deemed to be registers and records to be maintained by the contractor under these Rules:

- (a) Muster Roll;
- (b) Register of Wages;
- (c) Register of deductions;
- (d) Register of fines;
- (e) Register of overtime;
- (f) Register of advances.

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

- (a) Every contractor shall maintain a Muster Roll Register and a Register of Wages in Forms XVII and Form XVIII respectively;

- (b) Signature or thumb impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the signature of the contractor or his authorised representative and duly certified by the authorised representative of the principal employer as required Rule 29(6).
- (c) **Register of deduction, register of fines, register of advance.**—Register of deductions for damage or loss, register of fines and register of advances shall be maintained by every contractor in Forms XIX, XX and XXI respectively.
- (d) Every contractor shall maintain register of overtime in Form XXII.

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

47. Maintenance and preservation of registers.—(1) All registers and other records required to be maintained under the Act and Rules, shall be maintained complete and upto date, and unless, otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a place, if any specified by the Inspector on the specific request made by the contractor in this behalf.

(2) All the registers shall be maintained legibly in English or Hindi.

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

(4) All the registers, records and notice maintained under the Act or Rules shall be produced on demand before the Inspector any other authority under the Act or any person authorised in that behalf by the State Government.

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

48. Display of an abstract of the Act and Rules.—Every contractor shall display an abstract of the Act and the Rules in English and Hindi and in the language spoken by majority of migrant workmen in such

Forms as may be approved by the Deputy Labour Commissioner of the area concerned.

49. Notices.—(1) (i) Notices showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and address of the Inspectors having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and in Hindi and in the local language understood by the majority of the workers in a conspicuous places at the establishment and the work-site by the principal employer or the contractor as the case may be.

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

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

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

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

(2) Every principal employer of a registered establishment shall send annually a return in Form XXIV (in duplicate) so as to reach the registering officer concerned not later than the 15th February, following the end of the year to which it relates.

51. (1) The Deputy Labour Commissioner or the Inspector or any other authority under the Act, shall have powers to call for any information or statistics in relation to migrant workmen from any contractor or principal employer at any time by an order in writing.

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

CHAPTER VII

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

FORM I*[See Rule 3(1)]***Application for registration of establishments employing
Migrant workmen**

1. Name and location of the establishment
2. Postal address of the establishment
3. Full name and address of the principal employer furnish father's/husband's name (in the case of individuals)
4. Names and address of the directors/particular partners (in case of companies and firms)
5. Full name and address of the Manager or person responsible for the supervision and control of the establishment
6. Nature of work carried on in the establishment
7. Particulars of contractors and migrant workmen.—
 - (a) Names and address of Contractors
 - (b) Nature of work for which migrant workmen are to be recruited or are employed
 - (c) Maximum number of migrant workmen to be employed on any day through each contractor
 - (d) Establishment date and commencement of work under each Contractor
 - (e) Estimated date of termination of employment of Migrant Workmen under each contractor

Particulars of treasury challan

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

Principal Employer
Seal and Stamp.

Office of the Registering Officer.

Date of receipt of application.

FORM II*[See Rule 4(1)]***Certificate of Registration**

Government of Karnataka

Office of the

Date