

Where can be applied
to any establishment



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Where does it apply? This Act applies to the whole of India. It applies (a) to every establishment where twenty or more workmen are employed as contract labour and (b) to every contractor who employs or who employed on any day of the preceding twelve months twenty or more workmen.

However, the Act can be applied to any establishment or contractor employing even less than twenty workers, in case the appropriate Government gives a two months' notice by issuing a notification to this effect in the Official Gazette. Where it does not apply? The Contract Labour (Regulation and Abolition) Act, 1970 shall not apply to establishments in which work only of an intermittent or casual nature is performed.

Whether the work is of intermittent or casual nature shall be decided by the appropriate Government, in consultation with the Central Board or a State Board and its decision shall be final. Important Provisions of this Act 1.

Constitution of Advisory Boards: To advise the Central Government on matters relating to this Act, a Central Advisory Board is constituted. Similarly State Advisory Boards are also constituted.

The Central Advisory Boards and the State Advisory Boards have the powers to constitute committees for this purpose. 2. Registration of Establishments Employing Contract Labour: Every principal employer of an establishment to which this Act applies is required to apply for registration of the establishment with the registering officer as notified by the Government. If he fails to do so within the prescribed time fixed for this purpose, he cannot employ contract labour in the establishment, under the provisions of this Act. 3.

Prohibition of Employment of Contract Labour: The appropriate Government may, after consultation with the Central Board or a State Board, prohibit employment of contract labour in any process, operation or other work of any establishment, as per the provisions of this Act.

4. Licensing of Contractors: According to this Act, no contractor to whom this Act applies, shall undertake or execute any work through contract labour except and in accordance with a licence issued by the licencing officer. The licencing officer, according to the provisions of this Act, has the authority to revoke, suspend or amend the licence granted by him. The Act also contains provision for appeal by the contractor within thirty days from the receipt of order.

5. Welfare and Health of Contract Labour (a) Canteens: The Act also contains provisions for making rules that every establishment to which this Act applies, wherein contract labour is of 100 workmen or more, shall provide and maintain one or more canteens for the benefit of contract labour.

These rules may also provide for the date, number of canteens, standards in respect of construction, accommodation, furniture and other equipment and the foodstuffs as well as the charges.

(b) Rest-rooms: There is a provision for providing rest-rooms, or alternative accommodation by the contractor to the contract labour in establishments to which this Act applies and in which workers (contract labour) is required to halt at night in connection with the work. The rest-rooms or the alternative accommodation shall be provided and maintained by the contract. It shall be sufficiently lighted and ventilated and shall be maintained in a clean and comfortable condition, the Act lays down.

(c) Other facilities: The Act also provides for other facilities such as : (i) A sufficient supply of wholesome drinking water for the contract labour at convenient places; (ii) A sufficient number of latrines and urinals of the prescribed types so situated as to be convenient and within reach to the contract labour in the establishment; and (iii) Washing facilities. (d) First-aid facilities: The contractor is also required to provide and maintain first-aid facilities. These should be readily accessible during all working hours. A first-aid box having prescribed medicines, etc. should be available at the place of work for the benefit of the contract labour employed by him. (e) Liability of principal employer: In case a contractor does not provide any amenity for the benefit of contract labour, such amenity shall be provided by the principal employer (one who has given contract to the contractor).

The expenses on this account can be recovered by the principal employer, as per provisions of this Act. (f) Responsibility for payment of wages: The Act provides that 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 prescribed period. Representatives of the principal employer are required to certify that the wages have been paid in the prescribed manner. The contractor is required to pay the wages in the presence of the representatives of the principal employer.

If the contractor fails to make payment of wages within the prescribed time or makes short payment, then the principal employer shall be liable to make payment to the contract labour employed by the contractor and recover such amount from the contractor. 6. Penalties and Procedure: A penalty of imprisonment for a period up to three months or fine up to five hundred

rupees or both can be imposed on the person who obstructs an inspector in the discharge of his duties under this Act. Similar punishment can also be imposed on whoever willfully refused to produce documents required by the inspector. For contravention of provisions regarding employment of contract labour, imprisonment for term up to three months or a fine up to one thousand rupees or both can be imposed. If one continues contravention additional fine up to one hundred rupees for every day can be imposed under this Act.

7. Miscellaneous: In addition, the Act also provides for appointment of inspecting staff, registers and other records to be maintained, power to exempt in special cases, protection of action taken under this Act, power to give directions, power to remove difficulties and powers to make rules for carrying out the purposes of this Act.