

EASTERN RAILWAY

No. E.250/0/Vol.III

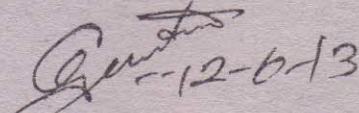
Kolkata, 4th June 2013.

ALL CONCERNED,

Sub: Enforcement of Contract labour (R&A) Act, 1970 & Rules, 1971 framed thereunder.

The following copy of Railway Board's letter no.2013/ E (LL)/AT/CNR/8 dated 26.02.2013 (RBE.No.16/2013) is forwarded herewith for information, guidance and necessary action.

DA: As above.


(G. Bandopadhyaya)
Asstt Personnel Officer /R
for Chief Personnel Officer.

Copy of Railway Board's letter No. 2013/ E (LL)/AT/CNR/8 dated 26.02.2013 (RBE.No.16/2013) addressed to General Managers, All Indian Railways and Others.

Sub: Enforcement of Contract labour (R&A) Act, 1970 & Rules, 1971 framed thereunder.

The ministry of Labour and Employment has observed that a large number of workers are being engaged on contract basis by various Central Government Ministries and Departments which violates some Acts and Rules Parliament Questions have been received in this regard apart from various complaints relating to non-compliance of various provisions of law. These include wages and social security benefits flowing out of various legislations. A copy of Office Memorandum No. 14 (113) Misc.RLC (Coord)/2012 dated 23.01.2013 received from the Ministry of Labour and employment is enclosed herewith.

Ministry of Railways desires that Railway should ensure better and effective compliance of the provisions of all the labour enactments including the Contract Labour (R&A) Act, 1970/Rules, 1971 framed there under strictly to avoid violation or complaints by Central Industrial Relations Machinery Officials.

File No.14 (113) Misc.RLC (COORD.)/2012
Government of India
Ministry of Labour and Employment
Office of the Chief Labour Commissioner

Dated, 23.01.2013

OFFICE MEMORANDUM

Engagement of workers through Contractors by the Ministries
and Departments of Central Government.

It has been noticed in the recent past that a large number of workers are being engaged on contract by various central government Ministries and Departments. Parliament Questions have been received in this regard apart from various complaints relating to non-compliance of various provisions of law. These include wages and social security benefits flowing out of various legislations.

Similarly in cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principle employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the 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.

You may be aware that government has enacted the Contract labour (regulation and Abolition) Act, 1970 and central rules made thereunder which provide regulation of contract labour in the establishments. This Act also provides for prohibition of employment of contract labour where notification is issued under section 10. So far 82 notifications have been issued. This Act casts obligation on employing departments to register their establishments under the Act before the authority notified by the Central Government, the contractors have also to obtain license before engagement of contract labour in the establishments. The Act and Rules provide for certain facilities to be provided to the contract workers engaged in the establishments and also to maintain registers and records, to issue wages slips and employment cards to the contract workers by the employing departments and contractor.

Contd.....2

The Act also provides for panel action against the defaulters. The relevant Sections are as under:-

Section.23.Contravention of Provisions regarding employment of contract labour

Whoever contravenes any provision of this Act or if any rules made thereunder prohibiting, restricting or regulating the employment of contract labour, or contravenes any condition of a license 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 continuing contravention with an addition a fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention provide penalty for Contravention of provisions regarding employment of contract labour 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.

Section.24.Other Offences:

If any person contravenes any of the provisions of this Act or 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 provide penalty for Contravention of other offences shall be punishable with imprisonment for a term which extend to three months or with fine which may extend to one thousand rupees, or with both.

It is also noticed that some establishments are engaging contract workers in the employments which have been prohibited under Section 10 of the Contract labour (Regulation and abolition) Act, 1970. Some principle employers and contractors are violating the provisions of Act & Rules.

In view of the above, the employing departments are hereby notified to ensure the compliance of the provisions of the Act & Rules in all establishments including PSU's under them.