

The Orissa Gazette

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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 2nd January 2009

No. 21-LL-II-CL-4/08/L.E.— The following draft of certain rules further to amend the Orissa Contract Labour (Regulation and Abolition) Rules, 1975 which the State Government propose to make in exercise of the powers conferred by section 35 of the contract Labour (Regulation and Abolition) Act, 1970 (Act No. 37 of 1970) is hereby published as required by sub-section(1) of the said section for information of all persons likely to be affected thereby ; and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of a period of forty-five days from the date of publication of this notification in the *Orissa Gazette*.

Any objection or suggestion which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the State Government.

DRAFT

1. (1) These rules may be called the Orissa Contract Labour (Regulation and Abolition) Amendment Rules, 2008.

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

2. In the Orissa Contract Labour (Regulation and Abolition) Rules, 1975 (hereinafter referred to as the said rules), in rule 72, for the words, comma and inverted “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 wages number has been paid to the workman concerned in my presenceat, the words “Combined Muster Roll in Form XII” shall be substituted.

3. In the said rules, in rule 77, -

(i) for the marginal heading "Muster Roll, Wages Registers, Deduction Register and Overtime Register", the words and comma "Combined Muster Roll and Wages Register, Combined Register of fine deduction and common register overtime working and payment" shall be substituted;

(ii) in sub-rule (1), for different Registers and Records specified against items "(a) to (f)", the following Registers shall be substituted, namely:—

- (a) *Combined Muster Roll and Register of Wage.*
- (b) *Combined Register of Fine Deduction.*
- (c) *Combined Register of Overtime Working and Payment";*
- (d) *In sub-rule (2),*

(a) for clause (a) including the provisions thereto, the following clause shall be substituted, namely:—

"(a) Every Contractor shall maintain a Combined Muster Roll-cum-Register of Wages in Form XII.";

(b) in clause (c), the words and comma "Register of Wages or Wage-cum-Muster Roll, as the case may be" shall be substituted by the words and numerical "Combined Register of Muster Roll-cum-Registers of Wages in Form XII.";

(c) for clause (d), the following clause shall be substituted, namely: —

"(d) the Register of Fine, Deduction and Advances shall be maintained by every contractor in Combined Register of Fine etc. in Form XVI"; and

(d) for clause (e), the following clause shall be substituted, namely: —

"(e) A Combined Register of Overtime Working and Payment shall be maintained by every Contractor in Form XIX to record therein the number of hours and wages paid for overtime work, if any.".

5. In the said rules, in rule 81, for sub-rule (1) alongwith "Note" there under, the following sub-rule and "Note" shall be substituted, namely: —

"(1) Every Contractor shall send yearly return in Form A.R. (in duplicate) so as to reach the licencing officer concerned not later than 30 days from the close of the year.

Note – the "year" for the purpose of this rule means, a period of 12 months commencing from the first January of every year."

6. In the said rules, for Forms “XII”, “XIII” and “XIV”, the following Form shall be substituted, namely: —

“Form XII
[See rule 77 (2) (a)]
-----”

7. In the said rules, for Form “XVI”, “XVII” and “XVIII”, the following Form shall be substituted, namely: —

“Form XVI
[See rule 77 (2) (d)]
-----”

8. In the said rules, for Form “XIX”, the following Form shall be substituted, namely: —

“Form XIX
[See rule 77 (2) (e)]
-----”

9. In the said rules, for Form “XXI”, the following Form shall be substituted, namely: —

“Form XIX
Combined Annual Return
[See rule 81 (2)]
-----”

10. In the said rules, after Form “XXI”, the following Form shall be inserted, namely: —

“Form XII
[See rule 83 (1)]
-----”

By order of the Governor,

JAGAR SINGH

Commissioner-cum-Secretary to Government

“ Form- XII**Appendix – 2 (a)****COMBINED MUSTER ROLL-CUM-REGISTER OF WAGES*****[See rule 72 and rule 77 (2)]***

Under Rule 104 of Orissa Factories Rules, 1950

Under Rule 26(5) of Orissa Minimum Wages Rules, 1954.

Under Rule 26(1) of Orissa Minimum Wages Rules, 1954.

Under Rule 33(1) of Orissa Beedi & Cigar Workers (Condition of employment) Rules, 1969.

Under Rule 239(1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.

Under Rule 239 (1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.

Under Rule 239(1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.

Under Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980.

Under Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980

(Register of payment) of Orissa Shops and Commercial Establishment Rules, 1958.

(Daily record of works & orders relating to compensating Leave and Deduction from wages of Orissa Shops and Commercial Establishment) Rules, 1958.

Under Rule 36 of Orissa Motor Transport Workers Rules, 1966.

Under Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975.

Under Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975.

Under Rule 9 of Orissa Industrial Employment (N&F) H. Rules, 1972.

Name & Address of the
Factory / Establishment

Name & Address of the
Contractor (if any)
Place of work

Name & Address of the
Principal employer
Month / Year

Sl. No.	1. Name of employees 2. Father/Husband name	Sex M/F	Date of Birth	Emp. No./ Sl.No. in register of employees	Degn./ Deptt.	Date of joining	ESI No.	PF No.	ATTENDANCE Units of work done(if piece rated)							No. of payable days Total Units of work done	Name of N&F Holiday for which wages have been paid
									1	2	3	4	5	6	7		
									8	9	10	11	12	13	14		
									15	16	17	18	19	20	21		
									22	23	24	25	26	27	28		
									29	30	31						

Month & Year

EARNINGS										DEDUCTIONS													
Basic	DA / VDA	HRA	Conv. Allow.	Med. Allow.	ATT/ bonus	Spl. All	OT	Misc. Earnings	Others	Total	ESI	PF	PT	TDS	Socy.	Insurance	Sal. Adv.	Fine	Damage	Others	Total	Net payable	Date of payment

Complete Signature of the Employer/ Principal Employer/ Authorized Signature .

“ Form-XVI

COMBINED REGISTER OF FINES, DEDUCTIONS FOR DAMAGE OR LOSS AND ADVANCES*[See rule 77 (2) (d)]*

Under Rule 21 (4) of Orissa Minimum Wages Rules, 1954

Under Rule, 78 (d) (fine), 77 (22) (d) (dedu.), 77 (2) (d) (adv.) of Orissa Contract Labour (R & A) Rules, 1975.

Under Rule 3 (1) (fine), 4 (deductions) and 17 (3) (advances) of Orissa Payment of Wages Rules, 1936.

Under Rule 52 (2) C of Orissa I.S.M.W (RE & CS) Rules, 1980.

Under Rule-239 (1) (b) of Orissa Building other Construction Workers (RE & CS) Rules, 2002.

Sl. No	Name of the Employee / Father's / Husband's name	Designation Emp. No./ Sl. No. in register of employees	Nature & date of offence for which fine imposed	Date and particulars of damages/ loss caused	Whether worker showed cause against fine or deductions	Amount of the fine imposed/ deduction made	Date & purpose for which advance was made	Amount of advance made & purpose thereof.	No. of installments granted for repayment of fines/ deductions/ advances	Wages period and rate of wages payable	Date of recovery of fine/deduction/ advance		Remarks
											First Installment	Last Installment	

Signature of the Employer/Principal Employer/Authorized signatory

“ FORM-XXI

[see rule 32]

COMBINED ANNUAL RETURNS

[See rule 81 (2)]

- (i) Under Rule - 101(I) Orissa Factories Rules, 1950
 - (ii) Under Rule - 81 (I) Form XXI, Rule-81(2) Orissa Contract Labour (R&A) Rule-1975
 - (iii) Under Rule-21 (4-A) Orissa Minimum Wages Rules - 1954
 - (iv) Under Rule-18, Orissa Payment of Wages Rules-1936
 - (v) Under Rule-5, Payment of Bonus Rules, 1975 (Central)
 - (vi) Under Rule-28, Orissa Shops and Commercial Rules - 1958
 - (vii) Under Rule-39, Orissa Motor Transport Workers Rules, 1966
 - (viii) Under Rule-16, Orissa Maternity Benefit Rules, 1966
 - (ix) Under Rule-8,O.I.E (N&A) II Rules, 1972
 - (x) Under Rule 240, Orissa Building and Other Construction Workers (RECS), Rules-2002
 - (xi) Under Rule 56(2) of Orissa InterState Migration Workers (RECS) Rules, 1980
- A. GENERAL PARTICULARS -

1(a)Name and full address of the Factory / Establishment (including Building and Other Construction of Work / Motor Transport undertakings)

	Factory / Establishment	Regd./Administrative/Head Office
Name		
Address		
Tel :-		
Fax:-		
E-mail:-		
Website:-		

(b) Name and Residential address of the Proprietor / Partner / Directors / Employer/ Principal / Employer / Occupier. (tick which ever is applicable).

Sl. No.	Name Father's Name	Designation	Residential Address	Tel/Mobile/E-mail

(c) Name and Residential address of the Person responsible for the day to day conduct and control of business.

Name	Residential Address	Tel/Mobile/E-mail

(d) Name and Residential address of the occupier and Mgr. As named under the Factories Act, 1948.

Sl. No.	Name	Designation	Residential Address	Tel/Mobile/E-mail

2. Date of commencement of Manufacturing/Business/Establishment/Factories/ Construction of Works.

2(A) Nature / Type of Industries /Establishments.

2(B) Particulars of Products Manufactured/Services Rendered.

Name of the Product/Services	Annual Installed capacity	Quantity Manufactured	Percentage achieved	Value

3. Registration and License

Regn. No. License No.

- (a) Factories Act, 1948
- (b) Contract Labour (R&A) Act, 1970
- (c) O.S and C.E. Act, 1956
- (d) ISMW (R&CE) Act, 1979
- (e) M.T.W. Act, 1961
- (f) Building and Other Construction Workers (RECS) Act, 1996

4. No. of Workmen / Employees/ Employed.

Sl. No.	Category	Male	Female	Adolescent/ Adult	Child	Total No. of Employees
1	Un-skilled					
2	Semi-skilled					
3	Skilled					
4	Highly skilled					
5	ITI / Diploma					
6	Degree-Engg.					
7	Executive					
8	Probationer / Trainees					

5. Particulars of Employment / Payment in Factories / Estts. / Motor Transport Undertakings / Building Construction of Work.

(a)

No of Person on Roll as on 1st January	No. of Person on Roll as on 31st December	No. of days Factory / Estt/Building & Other Construction Works / Carried on	No. of days Factory/Estt/ Closed	No. of Mandays worked during the year	No. of man-hours worked including O.T. during the year	Total Amount of salary / wage paid including O.T. wages & allowances

(b) Average Number of Employment during the year :

Men	Women	Total

(c) No. of employees discharged/dismitted/terminated/retrrenched/resigned or retired during the year.

Men	Women	Total

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

	No. of Employees involved	Total Amount of deduction made
1. Fines		
2. Damages / Loss		
3. Breach of Contract		
4. Others		
5. Total		

**In respect of the Factories Act / Orissa Shops & Commercial Establishment Act,1956/
Orissa Industrial Establishment (National & Festival) Holidays Act,1972.**

7. Particulars of Earned Leave with Wages / National Festival Holidays with Wages.

Total No. of Persons employed		No. of Employees eligible for Earned Leave	No. of employees availed/granted Earned Leave	No. of employees paid wages/ salary in lieu of Earned Leave	No. of Person who were paid wages for the NFIT (separate figure for each day may be furnished)
1. Man					(i) 26th January
2. Woman					(ii) 1st May
					(iii) 15th August
					(iv) 2nd October
					(v)
					(vi)
					(vii)
					(viii)

In respect of Payment of Bonus

8. Payment of Bonus paid during the year

Name of the Accounting year	Total No. of employees	No. of Employees eligible for Bonus	Percentage of Bonus / <i>Ex-gratia</i> declared	Total amount of Bouns / <i>Ex-gratia</i> paid	Date of Payment
1	2	3	4	5	6

Relating to the Factories Act

9. Does the Factory carry on hazardous process under section-2(cd) dangerous operation U/s 87 of Factories Act. 1948.

- If Yes..... Yes /No
- (i) Whether Health and Safety Policy prepared and published Yes /No
- (ii) Whether occupational Health Centre provided Yes /No
- (iii) Whether Medical Officer appointed Yes /No
- (iv) Whether Ambulance Van provided Yes /No
- (v) Average no. of persons employed daily in hazardous process / dangerous operation Yes /No

10. Safety and Welfare Officers:—**(a)**

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Sec-40(B) of Factories Act.		
(ii) Welfare Officers as per Sec-49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Sec-45(A)	Yes / No
(ii)	Canteen as per Sec-46(l)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Sec- 48(i)	Yes / No
(v)	Shelters, Rest Rooms and Lunch Room as per Sec-47(l)	Yes / No

11. Particulars of Accidents, Man's days lost and others:—

(i)	Total no. of accidents that have taken place in the year.
(ii)	Number of employees involved in such accidents:- (a) Male (b) Female
(iii)	Total number of man' days lost in such accident
(iv)	No. of employees returned to work within 48 hours of the accident
(v)	No. of employees returned to work after 48 hours of the accident (Reportable accident)
	(a) Without Permanent /Partial/ Total Disablement
	(b) With Permanent / Partial / Total Disablement
(vi)	Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

Maternity Benefit Act**12. (a) Rating to Maternity Benefits : —**

(i)	Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
(ii)	No. of women workers discharged / dismissed in the last 12 months.
(iii)	No. of women worker for whom pre-natal confinement and post-natal confinement.
(iv)	No. of women workers died.
	(a) Before delivery -
	(b) After delivery -

(b) Leave / additional leave details :—

Item	No. of women applied for leave	Leave sanctioned	Leave reject
(i) Mis-carriage			
(ii) Illness (additional leave under sec-10)			

(c) Maternity Benefit Paid :—

Item	No. of claim received	No. of leave sanctioned	No. of claims rejected	Total benefit paid in rupees
(i) Confinement				
(ii) Mis-carriage				
(iii) Illness				
(iv) Medical Bureaus				

Rating to Contract Labour (R&A) Act**13. (a) Contractor Labour**

Name & Address of the Contractor / Contractors	Period of contract From / To	Nature of work/ operation in which contract labour were employed Department.Section	No. of person employed	Maximum no. of contract workman employed on any day during the year	No. of days worked	No. of man days worked
(i)						
(ii)						
(iii)						
(iv)						
		Total				

(b) Whether contract has provided ?

- | | |
|----------------------|-----------|
| (i) Canteen | Yes / No. |
| (ii) Rest Room | Yes / No. |
| (iii) Drinking Water | Yes / No. |
| (iv) Creche | Yes / No. |
| (v) First Aid | Yes / No. |
| (vi) Remarks | Yes / No. |

Relating to Building and Other Construction Workers (RE & CS) Act.

14. Particulars of accident that took place during the year:—

(i)	The total No. of accident.
(ii)	The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost.
(iii)	The number of accidents resulting in disablement of building worker beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accident.
(iv)	The number of accidents resulting on permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident.
(v)	The number of accident resulting in deaths of building workers and the number of resultant deaths.

15. INTER STATE MIGRANT WORKMENT (RE & CS) ACT

In respect of Principal Employer :—

(i) Number of contractors who worked in the establishment during the year with details.

Name & Address of the Contractor	Period of Contract		Nature of work	Maximum number of workers supplied by each contractor	No. of days worked	No. of man days worked
	From	To				

16. Beedi and Cigar Workers (Condition of Employment) Act, 1966:—

(i) Average number of employees employed daily in the Industrial Premises : —

Men

Women

Young person

Male

Female

(ii) Average monthly number of home workers employed (i.e. who work in their homes)

(iii) Number of days worked in the year in the industrial establishment.

(iv) No. of employees who were granted leave during the calendar year.

- | | |
|--------------------------|---|
| Young persons | (a) employees in the Industries Premises. |
| | (b) employees in home. |
| Other than young Persons | (a) employees in the Industrial Premises |
| | (b) employed in home |

(v) Number of female employees who were given maternity benefit during the year

- | |
|--|
| (a) employees in the Industrial Premises |
| (b) employed in home “ |

Form-XXII

(to be submitted in Duplicate before
31st December for the preceding calendar year)

SELF CERTIFICATE FORMAT

[See rule 83(1)]

01. Name and Address of the Establishments. : —
02. Registration Number and Date (Section 4 Read with Rule 3 and 5) : —
03. Number of Employees Employed : —
- Male : —
- Female : —
- Total : —
04. Whether the Registration is Renewed (Section 4, Read with Rule 3 and 5) : —
05. Whether the prescribed Registers are maintained. (Section 38 Read with Rule 15) : —
06. Whether exemption for maintaining Computerized and alternative Forms are obtained. : —
07. Whether prescribed Hours of work Holidays, Leaves, Maternity Benefit is being implemented. (Section 7 to 10 and 27 and Rule 11) : —
08. Whether the Annual Returns are submitted (Rule 28) : —

CERTIFICATE

- (i) Certified that we have complied / are complying with all the provisions under Orissa Shops and Commercial Establishment Act, 1956 and the Orissa Shops and Commercial Establishment Rules, 1958 are made thereunder, in addition to those specifically mentioned above.
- (ii) We are the authorized persons to issue the above certificate and the above certificate is issued with full knowledge of the statue. We are jointly and severally responsible for any information found incorrect subsequently and liable for prosecution under provisions of the said Act and Rules made thereunder.

Signature of the Manager

Name :
 Designation :
 Date :
 Seal :
 Accepted :

Signature of the Occupier

Name :
 Designation :
 Date :
 Seal :
 Accepted :

Conveyed / Submitted to
 D.L.O. / A.L.C. / Dy. L.C.