

SOUTH EASTRN RAILWAY

The Representative of Sr.DSTE/Co/CKP i.e. Works-in-charge nominated for a specific work in the Letter of Acceptance will oversee Compliance of Labour Rules i.e. CLRA Rules and other rules.

The Main aspects are given below:-

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| Compliance of Various Labour Laws & Acts (including re-enactments/ amendments/ modifications thereof) is the responsibility of the Contractor. Some of which are mentioned below:- | |
| i) | The Payments of Wages Act 1936 |
| ii) | The Factory Act 1948 |
| iii) | The Workmen Compensation Act 1923 |
| iv) | The Employees Provident Fund Act and Miscellaneous Act 1952 |
| v) | The Contract Labour (Regulation and Abolition) Act 1970 and Rules 1971 |
| vi) | The Payment of Bonus Act 1965 |
| vii) | The Payment of Gratuity 1972 |
| viii) | The Equal Remuneration Act 1976 |
| ix) | The Employees State Insurance Act 1948 |
| x) | The Industrial Disputes Act 1947 |
| xi) | The Employment of Children Act 1938 |
| xii) | The Motor Vehicles Act 1988 along with GSRM 728-E dated 18/10/98 |
| xiii) | The Hours of Employment Regulations |
| xiv) | Regulations of Employment and Welfare Act 1969 |
| Besides the above, following activities are prescribed. | |
| A) | Maintenance of Daily Labour Register:- |
| | For each contract site one register should be maintained containing therein the number of labour deployed by the contractor. This register should be signed jointly by the representatives of the Principal Employer and the Contractor. |
| B) | Inspection of Register of wages: |
| | The authorized representative should verify the Register of Wages or Register of Wages-cum-Muster Roll to see that the wages have been paid to the labour. Railway Board vide letter No. E(LL)2015/ PNM/ AIRF/I dated 20.10.2015 has stipulated that payment to contract labourers should be made through bank/cheques. Therefore, the Principal Employer should ensure through his representatives that - |
| (i) | Payment to the contract labourers is made through Bank/Cheques. For this purpose, he should scrutinize the Bank Statement/RTGS/NEFT Statement sent to Banks for payment to the labourers' bank account; |

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| (ii) | The Register of Wages or Register of Wages-cum-Muster Roll has the Bank Account Number, Name of the Bank and IFSC of the Bank along with the names of the Laourers. | |
| (iii) | He has to see that the labourers' signature/thumb impression is taken against their name for each month's payment | |
| (iv) | Pay slips are given to the labours. | |
| (v) | He should record a certificate in the following form in the Wages or Register of Wages-cum-Muster Roll | |
| | <i>"Certified that the amount shown in column No has been paid to the workman concerned through Bank to the Account No. of the labourers/cheques drawn in his names"</i> | |
| (vi) | The representative of Principal Employer should inspect the registers and submit a report to him every month, after certifying the payment of wages and also verifying that the EPF and ESI deposits have been made through bank challan to the respective authorities. | |
| (vii) | Imposition of Penalty: | |
| | The violation of Labour Laws viz. Contractor Labour (Regulation & Abolition) Act, 1970 & Central Rules, 1971 made thereunder or other applicable Labour Laws under the jurisdiction should attract following penalties in addition to the penalties imposed by Statutory Authorities in terms of applicable Acts/Rules:- | |
| | Delay in payment of dues to any workmen | <i>Rs. 100/- per day per workman.</i> |
| | Non-Compliance of any other provision of labour Laws, pointed out by Employer/ Engineer or their representative. | <i>Rs. 5,000/- each non-compliance informed, in writing under the contract.</i> |
| viii) | The decision of Engineer with regard to the merits of imposition of penalty, determination of non-compliance and amount of penalty shall be final and binding on Contractor. The 'Contract' under this sub-clause shall include any workmen employed by Contractor working within premises of Works at Employer's establishment whether directly or through Sub-Contractor etc. | |
| (ix) | Registers and other records to be maintained (Rule 74 of CLRA Rule 1971): | |
| | Every Principal Employer shall maintain in respect of each contract, a register of contractor in Form-XII as given in the CLRA Rules 1971. | |
| (C) | Responsibilities of Contractor | |
| (i) | Declaration by the Principal Employer in the tender document regarding the maximum number of labours to be deployed in the contract on any single day will be final. Applicability of the prevalent labours laws, some of which are mentioned below, in the contract will be guided by that declaration. | |

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| (ii) | In dealing with labour and employees, the Contractor and his Sub-Contractors (inclusive of Sub-Contractor and Petty Contractors) shall comply fully with all laws and statutory regulations pertaining to engagement, payment and upkeep of the labour in India. |
| (iii) | <div style="border: 1px solid black; padding: 2px;"> Registration (Rule 21): </div> <p>The contractor should apply for Registration to Labour Commission of the area in Form-IV of Contract Labour (Regulation & Abolition) Central Rules, 1971. The contractor must renew his license from time to time. Copy of the registration certificates received/ renewed from time to time, should be sent to Principal Employer. The Principal Employer should send a copy thereof to the associate Accounts.</p> |
| (iv) | <div style="border: 1px solid black; padding: 2px;"> Intimation of commencement and completion of work to Labour Commissioner (Rule 25(2)(viii) of the CLRR 1971): </div> <p>The contractor shall within fifteen days of commencement and completion of the work, submit a return to the Labour ommissioner's office intimating the actual date of commencement and completion of the work in Form-VIA.</p> |
| (v) | <div style="border: 1px solid black; padding: 2px;"> Display at the worksite: </div> <div style="border: 1px solid black; padding: 2px;"> (a)License [Rule 25(2)(ix)]: </div> <p>The contractor shall display the labour licence prominently at the work place.</p> <div style="border: 1px solid black; padding: 2px;"> (b) Abstract of CLRA Act & Rules (Rule 79): </div> <p>The contractor shall display an abstract of the Act and Rules in English, Hindi and local language.</p> <div style="border: 1px solid black; padding: 2px;"> (c) Notices showing rates of wages, hours of work, wage period, dates of payment of wages, names and address of labour Inspector and date of unpaid wages (Rule 81(1): </div> <p>These should be displayed in English, Hindi and local language at the worksite</p> |
| (vi) | <div style="border: 1px solid black; padding: 2px;"> Registers to be maintained by the contractors (Rule 75 & 78 of CLRA Rules 1971): </div> <p>Every contractor shall, in respect of each contract with Railway, where he engages contract labour shall maintain the following registers:</p> <p>(a) Register of persons employed (Form-XII).</p> <p>(b) Muster Roll and a Register of Wages-cum-Muster Roll (Form-XVII)</p> <p>(c) Register of Deduction for damage or loss, Register of Fines and Register of Advances in Form-XX, XXI and XXII, respectively.</p> <p>(d) Register of Overtime in Form-XXIII recording therein the number of hours of and wages paid for overtime work if any.</p> <p>(e) Wage slips for the contract labours (Form-XIX)</p> <p># Contractor must preserve all registers and other records in original for a period of three calendar years from the date of last entry therein (<i>Rule 80</i>)</p> |

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| (vii) | <p>Daily Labour Register:</p> <p>For each contract site one register shall be maintained containing therein the number of labour deployed by the contractor. This register shall be signed jointly by the authorized representatives of the Principal Employer and the Contractor.</p> <p>The Contractor will ensure to open bank accounts for each worker employed by him and his sub-contractors and all the payments to workers will be released through bank accounts.</p> <p>The Contractor shall ensure the registration of all his eligible workers, inclusive of Sub-Contractor and Petty Contractors, with BOCW (Building and Other Construction Workers) Board.</p> | | |
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| (viii) | <p>Compliance with Minimum Wages Act & Minimum Wages Rules:</p> <p>The contractor must comply with all the provisions of Minimum Wages Act and Minimum Wages Rules. However, special emphasis is made in respect of the following provisions, the compliance of which would be specifically monitored.</p> | | |
| | (a) The wages must be paid within 7 days after the expiry of wage period. | | |
| | (b) Any deductions made from the wages, in terms of the provisions of MWR (Rule 21 (2) must be with the written consent of the labour. | | |
| | (c) Labour must be given mandatory weekly one day of rest and minimum wage for the rest day should also be paid. In other words, monthly wages would be worked out for 30 days with weekly day of rest included. | | |
| (ix) | <p>EPF and ESI Registration and making contribution:</p> <p>Under EPF Act and ESI Act, the contractor has to register itself in the respective offices and get the EPF and ESI nos. for his labour. He has to obtain UAN (Universal Account Number) for each of his employees. He has to make the following deductions and deposits out of his labour's wages along with employer's share:</p> | | |
| Category | Recovery/Deposit | Share | Payment to the authorities |
| Provident Fund | 12% of B.Pay + DA | By employee's pay | By 15 th of the following month for the preceding wage period |
| | 12% of B.Pay + DA | By employer | |
| | 1.16% of B.Pay + DA | Administrative charge by employer | |
| Insurance | 3.25% of B.Pay + DA | By employer | By 15 th of the following month for the preceding wage period. |
| | 0.75% of B.Pay + DA | By employee's pay | |

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| | The contractor has to submit a monthly report of deposit of EPF and ESI in respect of his labour to the Principal Employer. If any shortfall is noticed, the amount will be recovered from the contractor's running bill and be deposited with the respective authorities. | |
| (x) | Welfare and Health of contract labour (Chapter-V of CLRA Rules 1971): | |
| | Contractor should ensure the availability of the following items at the place of work within seven days of commencement of work: (a) Sufficient supply of wholesome drinking water; (b) Sufficient no. of urinals and latrines, washing facility and first- aid facility. The availability of these facilities will be verified by the Principal Employer's representative. If the facilities are not available, the Principal Employer should provide the same and recover the cost of such provision from the bills of the contractor. To further improve on health & hygiene the contractor may be asked to make provision for bio-toilets in lieu of the conventional toilets. | |
| (xi) | Periodical Returns (Rule 82): | |
| | Every contractor shall submit half-yearly return in Form-XX.IV (in duplicate) to reach the Licensing Officer not later than 30 days from the close of the half year (i.e. by 1 st July and 1 st Jan for the preceding half year). He should send a copy of the return to Principal Officer. | |
| (xii) | Provision of Penalty | |
| | The violation of Labour Laws viz. Contractor Labour (Regulation & Abolition) Act, 1970 & Central Rules, 1971 made thereunder or other applicable Labour Laws under the jurisdiction should attract following penalties in addition to the penalties imposed by Statutory Authorities in terms of applicable Acts/Rules:- | |
| | Delay in payment of dues to any workmen | <i>Rs. 100/- per day per workman.</i> |
| | Non-Compliance of any other provision of labour Laws, pointed out by Employer/ Engineer or their representative | <i>Rs. 5,000/- each non-compliance informed, in writing under the contract.</i> |
| | The decision of Engineer with regard to the merits of imposition of penalty, determination of non-compliance and amount of penalty shall be final and binding on the Contractor. The 'Contract' under this sub-clause shall include any workmen employed by Contractor working within premises of Works at Employer's establishment whether directly or through Sub-Contractor, etc. The contractor will be under obligation to show the statutory records, registers and various amenities of the labour to be maintained by him to the Principal Employer or his representative(s) as and when required by the former. | |