

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

Shram Shakti Bhavan,
New Delhi-110001
Dated:- January 23, 2013

OFFICE MEMORANDUM

**Subject: 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 principal 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. The Act also provides for prohibition of employment of contract labour where a 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 licence before engagement of contract labour in the establishments. The Act & 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 department and contractor.

The Act also provides for penal 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 of any rules made thereunder prohibiting, restricting or regulating the employment of contract labour, or contravenes any condition of a licence 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 additional 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. Other offences 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.

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 principal employers and contractors are violating the provisions of Act & Rules.

In view of 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.


(B.K Sanwariya)

Chief Labour Commissioner

To

Department of Revenue,
(Kind Attn: Shri Sumit Bose, Finance Secretary),
Ministry of Finance,
North Block,
New Delhi.