THE INTER – STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) (TAMIL NADU) RULES, 1983

[G. O. Ms. No. 2154, Labour, 12th September 1983 (Avani 27, Ruthrothkari, Thiruvalluvar Aandu 2014).]

[1]**No. S.R.O. A-219 (a)/83.** –Whereas the draft of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983 was published as required by sub-section (1) of section 35 of the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) at pages 225 – 276 of Part III—Section (1) (a) of the Tamil Nadu Government Gazette, dated the 25th May 1983, as Notification No. S.R.O. A/123/83, dated the 2nd March, 1983;

And whereas, no objection or suggestion has been received by the State Government;

Now, therefore, in exercise of the powers conferred by section 35 of the said Act the State Government hereby makes the following rules, namely:--

RULES

CHAPTER I

PRELIMINARY

1.Short title.—These rules may be called the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983.

2.Definitions.—In these rules unless the context otherwise requires,--

(a) ―Act‖ means Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979);

(b) ―Appellate Officer‖ means an appellate officer nominated by the Government under section 11;

(c) ―Commissioner of Labour‖ means an officer as such appointed by the Government; (d) ―Form‖ means a form appended to these rules;

[1] Vide the Tamil Nadu Government Gazette. Extraordinary, Pt. III, Sec. 1(a), dated the 12th September, 1983, at p.1.

(e)―Government ― means the Government of Tamil Nadu;

(f) ―Inspector‖ means an Inspector appointed by the Government under section 20; (g) ―licensing officer‖ means the licensing officer appointed by the Government under section 7;

(h) ―migrant workman‖ means an inter-State migrant workman as defined in section 2; (i)―registering officer‖ means a registering officer appointed by the Government under section 3;

(j) ―section‖ means a section of the Act;

(k) ―specified authority‖ means the authority specified by the Government for the purposes of sections 12 and 16;

(l) all other words and expressions used in these rules but not defined therein shall have the meanings respectively assigned to them in the Act.

CHAPTER II

REGISTRATION OF ESTABLISHMENTS EMPLOYING INTER-STATE MIGRANT WORKMEN

3.Manner of making application for registration of establishments.—

(1) The application for registration of an establishment referred to in sub-section (1) of section 4 shall be made in triplicate, in

Form I, to the registering officer of the area in which the establishment sought to be registered is located.

(2) Such application shall be accompanied by a treasury receipt [1][or by proof of online payment through the online portal of the Directorate of the Industrial Safety and Health or proof of online payment through online portal of the Commissionerate of Labour] showing the payment of fees for the registration of the establishment.

[2][(3) Every application referred to in sub-rule (1) shall be made through online portal of the Directorate of Industrial Safety and Health or through online portal of the Commissionerate of Labour or personally delivered to the registering officer concerned or sent to him by registered post].

(4) On receipt of the application referred to in sub-rule (1), the registering officer shall, after noting therein the date of receipt by him of the application, give an acknowledgement to the applicant.

4.Issue of certificate of registration.—

(1)The certificate of registration issued under sub-section (2) of section 4 shall be in

Form II.

(2) Every certificate of registration issued under sub-section (2) of section 4 shall contain the following particulars, namely:-

(a) the name and address of the establishment;

(b) the maximum number of migrant workmen to be employed in the establishment;

(c) the type of business, trade, industry, manufacture or occupation which is carried on in the establishment; and

(d) Such other particulars as may be relevant to the employment of migrant workmen in the establishment.

1. Ins. by G.O.Ms. No. 137, Labour and Employment, dated the 10th October 2018.

2. Sub. by G.O.Ms. No. 137, Labour and Employment, dated the 10th October 2018.

Form III showing the particulars of establishments in relation to which certificates of registration have been issued by him.

(4) If, in relation to an establishment, there is any change in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the registering officer, within thirty days from the date when such change takes place, the particulars of, and the reasons for, such change.

5.Circumstance in which application for registration may be rejected.—

(1)If any application for registration is not complete in all respects the registering officer shall require the principal employer to amend the application so as to make it complete in all respects.

(2) If the principal employer, on being required by the registering officer to amend his application for registration, omits or fails to do so, the registering officer shall reject the application for registration.

6. Amendment of certificate of registration.—

(1) Where on receipt of the intimation under sub-rule (4) of rule 4, the registering officer is satisfied that an amount higher than the amount which has been paid by the principal employer as fees for the registration of the establishments is payable, he shall require such principal employer to deposit a sum which, together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce receipt showing such deposit.

(2)Where, on receipt of the intimation referred to in sub-rule (4), of rule 4, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in

Form III, he shall amend the said register and record therein the change thus occurred:

Provided that no such amendment shall affect anything done or any action taken or any right, obligation or liability acquired or incurred before such amendment:

Form III unless the appropriate fees have been deposited by the principal employer.

(3)The application for the amendment of a certificate of registration shall be accompanied by—

(i)a statement indicating the nature of amendment required;

(ii)a statement showing the change in particulars already furnished in the application for registration under rule 3 which necessitates the amendment; (iii)a treasury receipt showing that the appropriate fee for the amendment of the certificate of registration has been paid in the local treasury; and

(iv)the certificate of registration originally issued.

(4) The fee for the amendment of the certificate of registration shall be [1][five hundred rupees] in addition to the amount, if any, by which the fee that would have been payable, if the certificate of registration had been originally issued in the amended form exceeds the fee originally paid for the certificate of registration.

CHAPTER III

LICENSING OF CONTRACTORS

7.Application for a licence.—

(1)Every application by a contractor for the grant of a licence for recruiting a person under clause (a) of sub-section (1) of section 8 shall be made in triplicate in

Form IV to the licensing officer having jurisdiction in relation to the area wherein recruitment is made.

(2)Every application by a contractor for employing a migrant workman under clause (b) of sub-section (1) of section 8 shall be made in Form V to the licensing officer having jurisdiction in relation to the area wherein the establishment is situated.

(3) (a) Every application for the grant of a licence under sub-rule (1) or sub-rule (2), shall be accompanied by the certificate of the principal employer in

Form VI to the effect that he undertakes to be bound by all the provisions of the Act and the rules made thereunder so far as they are applicable to him in respect of the recruitment or employment of the migrant workmen, in respect of which the contractor is making the application.

2[(b) Every such application shall be made through online portal of the Directorate of Industrial Safety and Health or shall be made through online portal of the Commissionerate of Labour or personally delivered to the licensing officer concerned or sent to him by registered post].

1. Subs. by G.O. Ms. No. 3, Labour and Employment, dated the 6th January, 2015.

2. Subs. by G.O. Ms. No. 137, Labour and Employment, dated the 10th October, 2018.

(4)On receipt of the application referred to in sub-rule (1) or sub-rule (2), the licensing officer concerned shall, after noting thereon the date of receipt of the application, give an acknowledgement to the applicant.

(5)Every application referred to in sub-rule (1) or sub-rule (2) shall also be accompanied by the receipt obtained as required by rule 20 1[or by proof of online payment through online portal of the Directorate of Industrial Safety and Health or proof of online payment through online portal of the Commissionerate of Labour].

8.Matters to be taken into account in granting or refusing a license.—In granting or refusing to grant a licence the licensing officer shall take the following matters into account, namely:-

(a)Whether the applicant

(i)is a minor, or

(ii)is of unsound mind and stands so declared by a competent court, or

(iii)is an undischarged insolvent, or

(iv)

has been convicted (at any time during the period of five years immediately preceding the date of application) of an offence, which, in the opinion of the Government, involves moral turpitude;

(b)whether any order has been made in respect of the applicant under sub-section (1) of section 10 and, if so, whether a period of three years has elapsed from the date of that order;

(c)whether the fee for the application has been deposited at the rates specified in rule 12; and

(d)whether security, wherever necessary, has been deposited by the applicant at the rates specified in sub-rule (1) of rule 10.

9.Grant or refusal of licence.—

(1)The licensing officer shall make such enquiry as he considers necessary to satisfy himself about the eligibility of the applicant for a licence.

(2)The licensing officer shall pass orders within thirty days from the date of receipt of the application, either granting or refusing the licence applied for.

(3)(i) Where the licensing officer is of opinion that licence should not be granted, he shall, after affording reasonable opportunity to the applicant to be heard, make an order rejecting the application.

(ii) The licensing officer shall record the reasons for the refusal and shall communicate the order to the applicant.

(4)If no order is passed within the time specified in sub-rule (2) the licence shall be deemed to have been granted.

1. Ins. by G.O. Ms. No. 137, Labour and Employment, dated the 10th October, 2018.

10.Security.—(1) Where the licensing officer is satisfied in accordance with the procedure laid down in the proviso to sub-section (2) of section 8, that any person who has applied for or who has been issued a licence should furnish security for the due performance of the conditions of the licence he shall prepare an estimate of the amount needed to provide for recruitment or employment of migrant workmen on the basis of the factors specified in sub-section (3) of the said section and after considering the solvency of such person, determine the amount of the security to be furnished by such person, which shall not exceed forty per cent. of the amount estimated by him.

(2) Where the applicant for the licence was holding a licence in regard to another work and that licence had expired, the licensing officer, if he is of the view that any amount out of the security, if any, deposited in respect of that licence is to be refunded to the applicant under Rule 17, he may on an application made for that purpose in

Form VII by the applicant adjust the amount so as to be refunded towards the security, if any, required to be deposited in respect of the application for the new licence and the applicant need deposit, in such a case, only the balance amount, if any, after making such adjustment.

(3) The amount of security deposit shall be paid in the local treasury under the head of account, ―K. Deposits and Advances‖ (b) Deposits not bearing interest. 843. Civil Deposits AN Security Deposits AA Security Deposits 01 Deposits for the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Tamil Nadu Rules, 1983 DPC—843C---- ANAA 0108---843----ANAA---0103‖.

11.Forms and terms and conditions of licence.—(1)Every licence issued under sub-section (1) of section 8 shall be in Form VIII.

(2) Every licence granted under sub-rule (1) or renewed under rule 15 shall be subject to the following conditions, namely:-

(i)The licence shall be non-transferable;

(ii)the terms and conditions of the agreement or the arrangement under which the migrant workman is recruited or employed;

(iii)the number of migrant workmen recruited or employed;

(iv)the number of workmen recruited or employed as migrant workmen in the establishment shall not on any day, exceed the maximum number specified in condition (iii);

(v)the rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (Central Act XI of 1948) for such employment and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed;

(vi)save as provided in these rules the fees paid for the issue or as the case may be for renewal of licence shall be non-refundable;

(vii)(a) in cases where the migrant workmen recruited or 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 migrant 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:

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Commissioner of Labour whose decision thereon shall be final;

(b) in other cases, the wage rates, holidays, hours of work and conditions of service of the migrant workmen recruited or employed by the contractor shall be such as prescribes in these Rules;

(viii)every migrant workman shall be entitled to allowances, benefits, facilities,etc., as prescribed in the Act and the Rules;

(ix) no female migrant workman shall be employed by any contractor before 6 A.M. or after 7 P.M.:

Provided that this clause shall not apply to the employment of female migrant workmen in Pit head Baths, Creches and canteens and Midwives and who are nurses in hospitals and dispensaries;

(x)the contractor shall notify any change in the number of migrant workmen or the conditions of work to the licensing officer;

(xi)the contractor shall comply with all the provisions of the Act and the Rules; (xii)a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed;

(xiii)the period for which the licence shall be valid;

[1][(xiv) any change in the number of migrant workmen shall be notified to the licensing officer within seven days of such change.]

[1] Added by G.O. Ms. No. 1880, Labour and Employment dated the 27th October, 1989.

12.Fees.— (1) The fees for the grant of certificate of registration of an establishment under sub-section (1) of section 4 shall be as specified below:-

If the number of migrant workmen proposed to be employed in the establishment on any day—[1][

	Rs. P
(a)is 5 but does not exceed 50	2,500.00
(b)exceeds 50 but does not exceed 100	5,000.00
(c)exceeds 100 but does not exceed 200	10,000.00
(d)exceeds 200	20,000.00

(2) The fees to be paid for grant or renewal of a licence under section 8 shall be as specified below:-

If the number of workmen employed by the contractor on any day—

	Rs. P
(a)is 5 but does not exceed 50	2,500.00
(b)exceeds 50 but does not exceed 100	5,000.00
(c)exceeds 100 but does not exceed 200	10,000.00
(d)exceeds 200	20,000.00

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13. Validity of the licencee.—Every licence granted under rule 9 or renewed under rule 15 shall remain in force up to 31st December of the year for which the licence is granted or renewed.

14.Amendment of the licence.—(1) A licence granted under Rule 9 or renewed under the rule 15 may, for good and sufficient reasons, be amended by the licensing officer on an application from the contractor.

(2) The application for the amendment of a licence shall be accompanied by—

(i)a statement indicating the nature of the amendment and reasons therefor; (ii)a treasury receipt showing that the appropriate fee for the amendment of licence has been paid in the local treasury; and

(iii) the licence originally granted.

(3) The fee for the amendment of licence shall be 2[five hundred rupees] plus the amount that would have been payable if the licence had originally been issued in the amended

form deducting the fees already paid for the grant of licence.

_____ 1. Subs. by G.O. Ms. No. 3, Labour and Employment, dated the 6th January, 2015.

2. Subs. by G.O. Ms. No.3, Labour and Employment, dated the 6th January, 2015.

(4) An application for the amendment of the licence shall be dealt with by the Licensing Officer in the same manner as as application for grant of licence.

(5) Where the application for amendment is refused, the licensing officer shall record the reasons for such refusal and communicate the same to the contractor.

15.Renewal of licence.—(1) Every contractor may apply to the licensing officer for renewal of the licence.

Form IX in triplicate and shall be made not less than thirty days before the date on which the licence expires, and if the application is so made the licence shall be deemed to have been renewed until such date when the licence is renewed.

1[(2A) The application referred to in sub-rule(2) shall be made through online portal of the Directorate of Industrial Safety and Health, or through online portal of the Commissionerate of Labour or personally delivered to the licensing officer concerned or sent to him by registered post.

Provided that such application shall be accompanied by a treasury receipt or by proof of online payment through the online portal of the Directorate of Industrial Safety and Health or proof of online payment through online portal of the Commissionerate of Labour, evidencing the payment of appropriate fee.].

(3) The fees chargeable for renewal of the licence shall be same as for the grant thereof: Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of twenty-five per cent. in excess of the fee ordinarily payable for the licence shall be payable for such renewal:

Provided further that in case where the licensing officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the contractor, he may reduce or remit as he deems fit the payment of such excess fee.

16. Issue of duplicate certificate of registration or licence.-- (1) Where a certificate of registration or a licence granted under rule 9, or renewed under rule 15 is lost, stolen, defaced or destroyed, the principal employer or the contractor shall forthwith report the matter to the Registering officer or the Licensing Officer, as the case may be, by whom the registration certificate or licence was issued or as the case may be, last renewed and may make an application to that officer for the issue of a duplicate registration certificate or a licence.

(2) The fee for the grant of a duplicate registration certificate/ licence shall be 2[Five hundred rupees].The application for the grant of duplicate registration certificate or licence shall be accompanied by a treasury receipt for the above amount.

(3) On receipt of the application the registering officer or the licensing officer concerned shall furnish to the applicant a duplicate copy of the certificate of registration or licence duly stamped _duplicate‘ in red ink.

_____ 1. Ins. by. G.O. Ms. No. 137, Labour and Employment, dated the 10th October, 2018.

2. Subs. by. G.O. Ms. No. 3, Labour and Employment, dated the 6th January, 2015.

17. Refund of security.-- (1) (a) On the expiry of the period of licence the contractor may if he does not intend to have his licence renewed or get the security amount adjusted in respect of his fresh application for licence in terms of sub-rule (2) of Rule 10, make an application to the licensing officer for the refund of the security, if any, deposited by him under Rule 10.

(b) If the licensing officer is satisfied that there is no breach of the conditions of licence or there is no order under section 10 for the forfeiture of security or any portion thereof, he shall direct the refund of the security to the applicant.

(2) If there is any order directing the forfeiture of the whole or any part of the security, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the applicant.

(3) The application for refund shall as far as possible, be disposed of within sixty days of the receipt of the application.

18.Appeals and procedure.—(1) Every appeal under section 11 shall be prepared in the form of a memorandum signed by the appellant or his authorised agent and presented to the appellate officer in person or sent to him by registered post.

(2) The memorandum shall set forth precisely the grounds of appeal under distinct heads.

(3) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) it may be rejected or returned to the appellant for the purpose of being amended within a time to be fixed by the appellate officer.

(4) Where the appellate officer rejects the memorandum of appeal under sub-rule (3), he shall record the reasons for such rejection and communicate the same to the appellant.

(5) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the register of appeals kept for the purpose.

(6) (a) When the appeal has been admitted, the appellate officer shall send a notice to the Registering Officer or the Licensing Officer, as the case may be, from whose order the appeal has been preferred. The Registering officer or as the case may be, the Licensing Officer shall thereupon send the record of the case to the appellate officer.

(b) On receipt of the record the appellate officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal.

(7) If on the date fixed for the hearing the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellant.

(8) (a) Where an appeal has been dismissed under sub-rule (7), the appellant may apply to the appellate officer for re-admission of the appeal, and where it is proved that he was prevented by any sufficient cause from appearing when appeal was called on for hearing, the appellate officer shall restore the appeal on its original number.

(b) An application under clause (i) shall, unless the appellate officer extend the time for sufficient reasons, be made within thirty days of the date of dismissal.

(9) (a) If the appellant is present when the appeal is called on for hearing, the appellate officer shall proceed to hear the appellant or his authorised agent and any other person summoned by him for the purpose, and pronounce judgment on the appeal either confirming, reversing or modifying the order appealed from.

(b) The judgement of the appellate officer shall state the points for determination, decisions thereon and the reasons for the decisions.

(c) The order shall be communicated to the appellant and a copy therof shall be sent to the registering officer or the licensing officer, as the case may be, from whose order the appeal has been perferred.

19.Obtaining of copies of orders.—A Copy of the order of the registering officer, licensing officer, or appellate officer may be optained on payment of fees of Rs. 2 per copy of each order on application specifying the date and other particulars of the order, made to the officer concerned.

20.Payment of fees and security deposits.—(1) All fees relating to registration, licensing and Security Deposits shall be paid into the local treasuries under the Head of Account ―087. Labour and Employment—AG other Receipts—10 Receipts under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Tamil Nadu Rules, 1983 D.P.C. 087A—AGAA—1000‖ and receipt obtained shall be submitted with the application for registration certificate or licence as the case may be, or Memorandum of appeal.

CHAPTER IV

DUTIES OF THE CONTRACOTR

21.Particulars of migrant workman.—(1) Every contractor shall furnish the particulars regarding recruitment and employment of migrant workmen in

Form No. X to the Inspectors specified below:-

(i)In respect of factories covered under the Factories Act. 1948 (Central Act LXIII of 1948). — Inspector of Factories notified under the Factories

(ii)In respect of plantations covered under the Plantations Labour Act, 1951 (Central Act 1948 (Central Act LXIII of 1948). — Inspector of Plantations concerned notified under the Plantations Labour Act, 1951 (Central Act Act LXIX of 1951). LXIX of 1951).

(iii)In respect of other establishments not covered, items (i) and (ii) above. — Inspector of Labour Concerned notified under the Tamil Nadu Weights and Measures (Enforcement) Act, 1958 (Tamil Nadu Act 20 of 1958).

(2) The particulars shall be either personally delivered by the contractor to the concerned Inspector or sent to him by registered post.

22. Return Fare.—The Contractor shall pay to the migrant workman the return fare from the place of employment to the place of residence in the home-State of the migrant workman on the expiry of the period of employment and also on his:-

(a)termination of service before the expiry of the period of employment for any reason whatsoever;
(b)being incapacitated for further employment on account of injury or continued ill-health duly certified as such by a registered medical practitioner;
(c)cessation of work in the establishment which is not due to any fault on the part of the migrant workman; and
(d)Resignation from service on account of non-fulfillment of terms and conditions of his employment by the contractor.

23. Pass Book.—(1) In the pass book referred to in clause (b) of sub-section (1) of section 12, the following additional particulars shall be provided, namely:--

(a) the date of recruitment;
(b)the date of employment;
(c)wage period, total attendance/unit or work done (in respect of piece-rated migrant workman) total wages earned/deductions, if any, made/net amount paid and signature of contractor or his duly authorised representative with date; and these entries shall be made separately in respect of each wage period within three days from the date of payment; and
(d)name and address of the next of kins of migrant workman.

(2) In case of fatal accident or serious bodily injury to any migrant workman, the contractor shall immediately send telegrams to the specified authorities of both the States and also the next of the kins of the migrant workman intimating death or the nature of serious bodily injury sustained by the migrant workman, as the case may be, date, place and nature of accident. The contractor shall further send written report to the specified authorities concerned and the next of the kins of the migrant workman, undermentioned particulars, by registered post, within 24 hours of the occurrence of the accident:--

(i)Name of the migrant workman;
(ii)Date, place and nature of accident;
(iii)Condition of the migrant workman (if alive);
(iv)Action taken by the contractor/principal employer; and (v)Remarks.

(3) If the contractor fails to send the telegraphic intimation and/or written report as required under sub-rule (2), the principal employer shall comply with the requirements of sub-rule (2) as early as possible but in any case not later than 48 hours from the time of occurrence of the accident.

Form XI regarding the migrant workmen who have ceased to be employed either personally or by registered post so as to reach them not later than 15 days from the date of the migrant workman ceased to be employed.

CHAPTER V

WAGES

25. Rates of Wages.—The rate of wages of a migrant workman in an establishment where he is required to work which is neither same nor of similar kind as is being performed by any other workman in that establishment shall not be less than the rate of wages paid by the principal employer to a workman in the lowest category of workmen directly employed by him in that establishment or the minimum rates of wages notified by the Government under the Minimum Wages Act, 1948 (Central Act XI of 1948) for the same or similar type of work performed by workmen in any scheduled

employment in the area in which the establishment is located or the rates of wages payable to the workmen for performing same or similar kind of work in that establishment in the State in which the establishment is located whichever is higher:

Provided that if there is any dispute in this regard or with regard to applicability of wage rates to a migrant workman under sub-clause (b) of sub-section (1) of section 13, the same shall be decided by the Commissioner of Labour whose decision shall be final.

26. Wage-period.—The contractor shall fix wage periods in respect of which wages shall be payable.

27. Limit of wage-period.-- No wage period shall exceed one month.

28. Payment of wages.—The wages of every migrant workman in an establishment by a contractor where less than 1000 workmen are employed shall be paid before the expiry of the seventh day and in other cases before the expiry of the tenth day of every month.

29. Payment on termination.—Where the employment of any migrant workman is terminated by or on behalf of the contractor, the wages earned by the migrant workman shall be paid before the expiry of the second working day from the day on which his employment is terminated.

30. Mode of payment.—All payments of wages, shall be made on working day at the work site and during the working time and on a date notified in advance. In case the work is completed before the expiry of the wage-period, final payment shall be made within forty-eight hours of the last working day.

31. Payment to authorised persons.—Wages due to every migrant workman shall be paid to him direct or to other persons duly authorised by him in this behalf.

32. The mode of payment and deduction of wages.—All wages shall be paid in current coin or in currency or in both. Wages shall be paid without any deduction of any kind except those specified by the Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936 (Central Act IV of 1936).

33. Particulars regarding the disbursement of wages to be displayed.—A notice showing the wage period and the place and time of disbursement of wages shall be displayed at the place of work and a copy sent by the Contractor to the Principal Employer under acknowledgement.

34. The presence of authorised representative at the time of disbursement of wages.—The principal employer shall ensure the presence of his authorised representative at the time of disbursement of wages by the contractor to the migrant workman and it shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorised representative.

35. Certificate of the authorised representative.—The authorised representative of the principal employer shall record under his signature a certificate at the end of all the entries in the 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 No.

has been made to the migrant workman concerned in my presence on ……‖.

CHAPTER VI

MEDICAL AND OTHER FACILITIES TO BE PROVIDED TO MIGRANT WORKMEN

36. Holidays, hours of work and other conditions of service.—(1) Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman shall not less favourable than those obtaining in that establishment or in similar employments in the area in which the establishment is located, as the case may be.

(2) Where there is any dispute in this regard or with regard to applicability of holidays, hoursof work including extra wages for overtime work done and other conditions of/ service to a migrant workman under clause (a) of sub-section (1) of section 13, the same shall be decided by the Commissioner of Labour whose decision shall be final.

37. Medical facilities.—(1) The contractor shall ensure provisions of suitable and adequate medical facilities for outdoor treatment to the migrant workman free of cost for treatment of any ailment from which the migrant workman or any member of his family may suffer during his employment in the establishment or to meet any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a migrant workman from market on the basis of the prescription issued by any Doctor provided by the contractor or the principal employer, as the case may be, or any registered medical practitioner, the cost of such medicine shall be reimbursed by the contractor to the migrant workman concerned within a period of seven days from the date of presentation of the bill by the migrant workman.

(2) In the event of migrant workman or any of his family members suffering from any ailment requiring hospitalisation during his employment, in the establishment the contractor shall promptly arrange for the hospitalisation of the migrant workman or the concerned member of his family. The contractor shall bear entire expenses on treatment, hospital charges (including diet), if any, and travel expenses for the patient from the place of his/her residence to the hospital and back.

(3) Every contractor shall provide and maintain so as to be readily accessible during all working hours first-aid boxes at the rate of not less than one box for one hundred and fifty workmen or part thereof.

(4) The first-aid box shall be distinctly marked with a Red Cross on a white ground and shall contain the following equipment, namely:--

(a)for the establishments in which number of migrant workmen employed does not exceed fifty,

(i) 6 small sterilized dressings;
(ii) 3 medium size sterilized dressings;
(iii) 3 large size sterilized dressings;
(iv) 3 large sterilized burn dressings;
(v) 1 (50 ml.) bottle containing a two per cent. alcoholic solution of iodine; (vi) 1 (50 ml.) bottle containing salvolatile having the does and mode of administration indicated on the label;
(vii)1 snake-bite lancet;
(viii)1 (30 gms.) bottle of Potassium permanganate crystals;
(ix) 1 pair of scissors;
(x) 1 copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institute, Government of India;
(xi) A bottle containing 100 tablets (each of 5 grains) of aspirin;
(xii)Ointment for burns;
(xiii)A bottle of suitable surgical antiseptic solution.
(xiv)Eye drops;
(xv)Six roller bandages of 10 cm.wide;
(xvi)Six roller bandages of 5 cm. wide;
(xvii)Six triangular bandages.

(b) For establishments in which the number of migrant workmen exceeds fifty, each first-aid box shall contain the following equipment:--

(i) 2 small sterilized dressings;
(ii) 6 medium size sterilized dressings;
(iii) 6 large size sterilized dressings;
(iv) 6 large size sterilized burn dressings;
(v) 6 (15 gms.) packets sterilized cotton wool;
(vi) 1 (60 ml.) bottle containing a two per cent. alcoholic solution of iodine;
(vii)1 (60 ml.) bottle containing salvolatile having the does and mode of administration indicated on the label;
(viii)1 roll of adhesive plaster;
(ix) a snake-bite lancet;
(x)1 (30 gms.) bottle of potassium permanganate crystals;
(xi)1 pair of scissors;
(xii)1 copy of the first-aid leaflet issued by the Director-General, Factory Advice Service and Labour Institute, Government of India;
(xiii)A bottle containing 100 tablets (each of 5 grams) of asprin;
(xiv)Ointment for burns;
(xv)A bottle of a suitable surgical antiseptic solution.
(xvi)Eye drops.
(xvii)Twelve roller bandages of 10cm. wide;
(xviii)Twelve roller bandages of 5 cm. wide;
(xix)Six triangular bandages.

(5) Adequate arrangements shall be made for immediate recoupment when necessary.

(6) Nothing except the contents mentioned in sub-rule (4) shall be kept in the first-aid box.

(7) The first- aid box shall be in charge of a responsible person who shall always be readily available during the working hours of the establishment.

(8) The person in-charge of the first-aid box shall be a person trained in first-aid treatment in establishments where the number of migrant workmen is one hundred and fifty or more.

38. Protective clothing.—(1) The contractor shall provide to every migrant workman where the temperature fall below 20 degree centigrade, protective clothing consisting of one woollen coat and one woollen trousers, woollen cap once in two years:

Provided that where the temperature falls below 5 degree centigrade an woollen overcoat shall also be provided to the migrant workman once in three years.

(2) The protective clothing shall be provided by the contractor to every migrant workman before onset of winter season in the area where the establishment is located or on the 30th day of September whichever is earlier.

39. Drinking water, latrines, urinals and washing facilities.—(1) The Contractor shall provide sufficient quantity of wholesome drinking water, sufficient number of sanitary latrines and urinals, washing facilities for the migrant workmen at the establishment in the case of existing establishments *within seven days*of the commencement of these rules, and in case of new establishments *within seven days* of the commencement of employment of migrant workmen thereon.

(2) If any of the facilities is not provided by the contractor within the specified period, the same shall be provided by the principal employer within seven days of the expiry of the period specified in sub-rule (1).

40. Rest rooms.—(1) In every place where migrant workmen are required to halt at night in connection with the working of the establishment and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain rest rooms or other suitable alternative accommodation within fifteen days of the coming into force of the rules in case of the existing establishments, and within fifteen days of the commencement of the employment of migrant workmen in the case of new establishments.

(2) If the amenity is not provided by the contractor within the specified period, the principal employer shall provide the same within a period of fifteen days of the expiry of the period specified in sub-rule(1).

(3) Separate rooms shall be provided for female migrant workmen.

(4) Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by circulation of fresh air, and there shall also be provided and maintained sufficient and suitable natural and artificial lighting.

(5) The rest rooms, or other suitable alternative accommodation shall be such dimensions so as to provide at least a floor area 1.1 square metre for each person.

(6) The rest room, rooms or other suitable alternative accommodations shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth and impervious floor surface.

(7) The rest rooms or other suitable accommodations shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

41. Canteens.—(1) In every establishment wherein work regarding the employment of migrant workmen is likely to continue for six months and wherein migrant workmen numbering one hundred or more are ordinarily employed an adequate canteen shall be provided by the contractor for the use of such migrant workmen within sixty days of the date of coming into force of the rules in the case of the existing establishments, and within sixty days of commencement of the employment of migrant workmen in the case of new establishments.

(2) If the contractor fails to provide canteen within the specified period the same shall be provided by the principal employer within sixty days of the expiry of the period specified in sub-rule (1).

(3) The canteen shall be maintained by the contractor or principal employer, as the case may be, in an efficient manner.

(4) The canteen shall consist of at least a dinning hall, kitchen, store-room, pantry and washing places separately for migrant workmen and for utensils.

(5) (i) The canteen shall be sufficiently lighted at all times when any person has access to it.

(ii) The floor shall be made of smooth and impervious materials and inside walls shall be lime-washed or colour-washed at least once in each year:

Provided that the inside walls of the kitchen shall be lime-washed every four months. (6) (i) The precincts of the canteen shall be maintained in a clean and sanitary conditions. (ii) Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as. to cause a nuisance.

(iii) Suitable arrangements shall be made for the collection and disposal of garbage. (iv)The canteen building shall be situated not less than 15.2 metres from any latrine, urinal or any other source of dust, smoke or abnoxious fumes.

(7) The dining hall shall accommodate at a time at least 30 per cent. of the migrant workmen working at a time.

(8) The floor area of the dining hall, excluding the areas occupied by the service counter and any furniture except tables and chairs shall be not less than one square metre per diner to be accommodated as specified in sub-rule (7).

(9) (i) A portion of the dining hall and service counter shall be partitioned off and reserved for women migrant in proportion to their number.

(ii) Washing places for women shall be separate and screened to secure privacy.

(10) (i) Sufficient tables, stools, chairs or benches shall be available for the diners to be accommodated as specified in sub-rule(7).

(ii) Wash basins with the adequate water-supply shall be provided in the dining hall for the use of workers.

(iii) Soaps and towels shall be provided at the washing places in the dining hall.

(11) (i) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen.

(ii) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition.

(12) (i) Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.

(ii) A service counter, if provided, shall have top of smooth and impervious material. (iii) Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

(13) The foodstuffs and other items to be served in the canteen shall be in conformity with the normal habits of the migrant workmen.

(14) The charges for meals, other foodstuffs, beverages and any other items served in the canteen shall be based on no-profit, no-loss basis and shall be conspicuously displayed in the canteen.

(15) In arriving at the prices of foodstuffs and other articles served in the canteen the following items shall not be taken into consideration as expenditure, namely:--

(a)The rent for the land and buildings;

(b)The depreciation and maintenance charges for the building and equipment provided for in the canteen;

(c)The cost of purchase, repairs and replacement of equipment including furniture, crockery, cutlery and utensils;

(d)The water charges and other charges incurred for lighting and ventilation; (e)The interest on the amount spend in the provisions and maintenance of furniture and equipment provided for in the canteen.

(16) The books of accounts and registers and other documents in connection with the running of the canteen shall be produced on demand to an Inspector.

(17) The accounts pertaining to the canteen shall be audited once in every twelve months by registered Accountants and Auditors:

Provided that the Commissioner of Labour may approve of any other person to audit the accounts, if he is satisfied that it is not feasible to appoint a registered Accountant and Auditor in view of the site or the location of the canteen.

42. Laterines and urinals.—(1) Latrines shall be provided in every establishment on the following scale, namely:-

(a) Where females are employed, there shall be at least one latrine for every 25 females; (b) Where males are employed, there shall be at least one latrine for every 25 males:

Provided that where the number of males or females exceeds 100 it shall be sufficient if there is one latrine for every 25 males, or females as the case may be, upto the first 100, and one for every 50 thereafter.

(2) Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.

(3) (i) Where workmen of both sexes are employed there shall be displayed outside each block of latrine and urinals a notice in Tamil as well as in the language understood by the majority of the workmen _For Men only', or _For Women only', as the case may be.

(ii) The notice shall also bear the figure of a man or of a woman, as the case may be.

(4) There shall be at least one urinal for male workers up-to fifty and one for female upto fifty employed at a time:

Provided that where the number of male or female workmen, as the case may be, exceeds 500 it shall be sufficient if there is one urinal for every fifty males or females upto the first 500 and one for every 100 or part thereof thereafter.

(5) The latrines and urinals shall be conveniently situated and access to workers at all times at the establishments.

(6) (i) The latrines and urinals shall be adequately lighted and shall be maintained in a clean and sanitary condition at all times.

(ii) Latrines and urinals other than those connected with a flush sewage system shall comply with the requirements of the public health authorities.

(7) Where piped water-supply is available, a sufficient number of water taps conveniently accessible shall be provided in or near the latrines and urinals and where there is no continuous supply of water, water cisterns with cans shall be provided for washing purposes in or near such latrines and urinals.

43. Washing facilities.—(1) In every establishment adequate and suitable facilities for washing shall be provided and maintained for the use of migrant workmen employed therein.

(2) If female workers are employed, separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where males work or pass. The entrance to such facilities shall bear conspicuous notice in Tamil —For Women only‖. The notice shall bear picture of a woman.

(3) Such facilities shall be conveniently accessible and shall be kept in clean and hygienic conditions.

(4) The washing facilities shall include the provisions of adequate number of buckets and tumblers or mugs and water-supply at the rate of 20 litres a day for each workman employed.

44. Creche.—(1) In every establishment where 20 or more workmen are ordinarily employed as migrant workmen and in which employment of migrant workmen is likely to continue for three months or more, the contractor shall provide and maintain two rooms of reasonable dimensions for the use of their children under the age of six years within fifteen days of the coming into force of the rules, in case of existing establishment, and within fifteen days of the commencement of the employment of not less than twenty women as migrant workmen in new establishments.

(2) One of such rooms shall be used as play room for the children and the other as bed-room for the children.

(3) If the contractor fails to provide the creche within the specified period, the same shall be provided by the principal Employer within fifteen days of the expiry of the period specified in sub-rule (1).

(4) The contractor or the principal employer as the case may be, shall supply adequate number of toys and games in the play rooms and sufficient number of cots and beddings in the sleeping room.

(5) The creche shall be so constructed as to afford adequate protection against the heat, damp, wind, rain and shall have smooth, hard and impervious floor surface.

(6) The creche shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

(7) Effective and suitable provisions shall be made in every room of the creche for securing and maintaining adequate ventilation by circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.

45.Residential accommodation:-- (1) The contractor shall provide to every migrant workman:-

(a) in case he is accompanied by any other member of his family a suitable quarter consisting of minimum one room having at least a floor area of 10 square metres, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine, one common bathroom for every three such quarters: and

(b) in case he is unaccompanied by any other member of his family a suitable barrack so as to accommodate not more than ten such migrant workmen, having at least a floor area of not less than 6.5 square metres for each such migrant workman making use of the barrack, a verandah and adequate additional covered space for cooking food as well as one common sanitary latrine , common bathroom for every ten such migrant workmen within fifteen days of coming into force of the rules in the case of the existing establishments and within fifteen days of the commencement of the migrant workmen (sic.) in new establishments.

(2) Every quarter and the barrack shall be so constructed as to afford adequate ventilation, protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.

(3) The quarters or the barracks, as the case may be, shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

(4) The area in which the quarters and/or the barracks are located as well as the latrines and bathrooms provided therein shall be kept in a clean and sanitary condition at all times.

(5) If the amenities referred to in sub-rule (1) are not provided by the contractor within the period prescribed, the principal employer shall provide the same within a period of fifteen days of the expiry of the period specified in sub-rule (1).

(6) If there is any dispute or disagreement regarding suitability or adequacy of provision of any of the amenities referred to in sub-rules (1) to (4), the same shall be decided by the Commissioner of Labour whose decision shall be final.

46. Liability of the principal employer in certain cases.—IF any allowance required to be paid under section 14 or section 15 to a migrant workman employed in an establishment is not paid by the contractor or if any facility specified in section 16 is not provided for the benefit of such migrant workman, such allowance shall be paid, or, as the case may be, the facility shall be provided, by the principal employer within fifteen days of the expiry of the time allowed to the contractor under the rules:

Provided that in case of ailment requiring urgent medical attention or hospitalisation as the case may be, the principal employer shall provide the same immediately on the failure of the contractor to do so.

47. Relaxation in certain cases.—If the contractor or principal employer as the case may be, has already provided any facility relating to supply of wholesome drinking water or rest-rooms or latrines and urinals or washing, canteen or crèche or first-aid is required under any Act applicable to the establishment and the same is adequate and also available for use for the migrant workmen, that facility shall be deemed to be provided for under these rules.

CHAPTER VII

REGISTERS AND RECORDS-COLLECTION OF STATISTICS

48. Registers of Contractors.— every principal employer shall maintain in respect of each registered establishment a register of contractors in Form XII.

49. Register of persons employed.—Every principal employer and contractor shall maintain in respect of each establishment where they employ migrant workmen, a register in Form XIII.

50. Service Certificate.— On termination of employment for any reason whatsoever, the contractor shall issue to the migrant workman whose service has been terminated a service certificate in

Form XIV.

51. Displacement-cum-outward journey allowances sheet and return journey allowances register.—(1) Every contractor shall maintain displacement-cum-outward journey allowance sheet as required under section 14 in Form XV and return journey allowance register as required under section 15 in Form XVI.

(2) Entries in the sheet and the register required to be maintained under sub-rule (1) shall be authenticated by the contractor or his duly authorised representative.

52. Muster roll, wages register, deduction register and overtime register.—(1) In respect of establishments which are governed by the Payment of wages Act, 1936 (Central Act IV of 1936) and the rules made thereunder or the Minimum Wages Act, 1948 (Central Act XI of 1948) and the rules made thereunder, or Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 46 of 1970) and the rules made thereunder, the following registers and records required to be maintained by the contractor as employer under these Acts and Rules shall be deemed to be registers and records to be maintained by the contractor under these rules.

(a)Muster roll;
(b)register of wages;
(c)register of deductions;
(d)register of fines;
(e)register of overtime; and
(f)register of advances;

(2) In respect of establishments not covered by any of the Acts or the Rules referred to in sub-rule (1), the following provisions shall apply, namely:-

(a)Every contractor shall maintain a Muster Roll Register and a Register of Wages in Form XVII and Form XVIII respectively.

(b)Signature or thumb-impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the signature of the contractor or his authorised representative and duly certified by the authorised representatives of the principal employer as required by rule 35.

(c)Register of deduction for damage or loss, register of fines and register of advances shall be maintained by every contractor in Forms XIX, XX and XXI respectively.

(d)Every contractor shall maintain a register of overtime in Form XXII.

(3) Notwithstanding anything contained in these rules where a combined or an alternative form is sought to be used by the contractor to avoid duplication of work for compliance with the provisions of any other law or regulations or in cases where mechanised pay rolls are introduced for better administration, alternative suitable form or forms in lieu of any of the forms prescribed under these rules, may be used with the previous approval of the Commissioner of Labour.

53. Maintenance and preservation of register.—(1) All registers and other records required to be maintained under the Act and Rules, shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office of the nearest convenient building within the precincts of the workplace or at a place, if any, specified by the Inspector on the specific request made by the contractor in this behalf.

(2) All the registers shall be maintained legibly in English or Tamil.

(3) All the registers and other records shall be preserved in original for a period of 3 years from the date of last entry made therein.

(4) All the registers, records and notices maintained under the Act and Rules shall be produced on demand before the Inspector or any other authority under the Act or any person authorised in that behalf by the Government.

(5) Where no deduction or fine has been imposed or where there has been no overtime, during any wage period, a _Nil‘ entry shall be made across the body of the register at the end of every wage period indicating also in precise terms the wage period to which the _Nil‘ entry relates in the respective registers maintained in Forms XIX and XX and XXI respectively.

54. Display of abstract of the Act and the Rules.— Every contractor shall display an abstract of the Act and rules in Tamil and English in such forms as may be notified by the Government.

55. Notices.—(1)(a) Notices showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and addresses of the Inspectors having jurisdiction and date of payment of unpaid wages, shall be displayed in Tamil and in English and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor, as the case may be.

(b) The notice shall be correctly maintained in a clean and legible condition.

(2) A copy of the notice shall be sent to the Inspector and whenever any changes occur, the same shall be communicated to him forthwith.

56. Periodical returns.—(1) Every contractor shall send half yearly return in Form XXIII (in duplicate) so as to reach the licensing officers concerned not later than thirty days from the close of the half year.

Explanation.—Half year for the purposes of this rule means a period of six months commencing from the 1st January and 1st July of every year.

(2) Every principal employer of a registered establishment shall send annually a return in Form XXIV (in duplicate) so as to reach the registering officer concerned not later than the 15th February following the end of the year to which it relates.

[1][Provided that no annual return in Form-XXIV need be sent by the Principal employer, if-

(a) a combined annual return in Form No XIII as required in rule 42 of the Tamil Nadu Catering Establishments Rules, 1959 is furnished; or

(b) a combined annual return in Form No XII as required in sub-rule (ii) of rule 35 of the Tamil Nadu Beedi and Cigar Workers (Conditions of Employment) Rules, 1968 is furnished; or (c) a combined annual return in Form No.28 as required in rule 83 of the Tamil Nadu Plantations Labour Rules, 1955 is furnished; or

(d) a combined annual return in Form No.XIX as required in rule 43 of the Tamil Nadu Motor Transport Workers Rules, 1965 is furnished.]

57. Power to call for information.—(1) The Labour Commissioner or the Inspector or any other authority under the Act shall have powers to call for any information or statistics in relation to migrant workmen from any contractor or principal employer at any time by an order in writing.

(2) Any person called upon to furnish the information under sub-rule (1) shall be legally bound to do so.

CHAPTER VIII
LEGAL AID TO MIGRANT WORKMAN

58. Legal aid.—On receipt of a written application from migrant workman or in the event of his death, from next of his kin for providing legal aid in relation to any proceedings before the Authority under section 15 of the Payment of Wages Act, 1936 (Central Act IV of 1936) or Authority under section 20 of the Minimum Wages Act, 1948 (Central Act XI of 1948) or appropriate Labour Court under section 33C (2) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) or Commissioner for Workmen‘s Compensation under the Workmen‘s Compensation Act, 1923 (Central Act VII of 1923), in which the migrant workman or his legal heir is a party, the specified authority concerned, if he is satisfied, may with the prior approval of the Commissioner of Labour engage an advocate to conduct the relevant proceedings on behalf of the migrant workman or his legal heir as the case may be and meet all legal expenses in this regard.

_____ 1. Ins. by.G.O.Ms.No.134, Labour and Employment, dated the 3rd October 2018.

FORM I

[See rule 3(1)]

Application for registration of establishments employing Migrant workmen

1. Name and location of the establishment.

2. Postal address of the establishment.

3. Full name and address of the principal employer (furnish father‘s/husband‘s name in the case of individuals).

4. Names and addresses of the directors/particular (sic.) partners (in case of companies and firms). 5. Full name and address of the Manager or person responsible for the supervision and control of the establishment.

6. Nature of the work carried on in the establishment.

7. Particulars of contractors and migrant workmen.

(a)Names and addresses of contractors.

(b)Nature of work for which migrant workmen are to be recruited or are employed.

(c)Maximum number of migrant workmen to be employed on any day through each contractor. (d)Establishment date and commencement of work under each contractor.

(e)Estimated date of termination of employment of migrant workmen under each contractor. 8. Particulars of Treasury Challan ------ (Name of the Treasury, Amount, Number and Date.

I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Principal Employer
Seal and Stamp
Office of the Registering Officer

Date of receipt of application:

_____

FORM II

[See rule 4(1)]

Certificate of registration

Date----------

GOVERNMENT OF TAMIL NADU

Office of the registering officer

A certificate of registration containing the following particulars is hereby granted under clause (a) of sub-section (2) of section 4 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) and the rules made thereunder to----------

1. Name and address of the establishment.

(a)Nature of work carried on in the establishment.

2. Names and addresses of contractors.

3. Nature of work for which migrant workers are to be employed or are employed.

4. Maximum number of migrant workmen to be employed on any day through each contractor. 5. Other particulars relevant to the employment of migrant workmen.

(i)
(ii)

Signature of Registering Officer with seal

_____

Particulars of Contractor and inter Sate migrant workmen

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Register of Establishments

[See rule 4(2)]

FORM IV

[See rule 7 (1)]

Application for Licence for recruitment

1. Name and address of the contractor (including his/her Father‘s/Husband‘s name in case of individuals).

2. Date of birth and age (in case of individuals).

3. Particulars regarding the location of the establishment.

4. (a) Name and address of the establishment:

(b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment;

(c) Number and date of certificate of registration of the establishment under the Act;

(d) Name and address of the principal employer;

5. Particulars of migrant workmen:

(a) Nature of operation of work for which migrant workmen are employed in the establishment.

(b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending).

(c) Name and address of the agent or manager of the contractor at the work-site.

(d) Maximum number of migrant workmen proposed to be employed in the establishment on any date.

(e) Names and addresses of the directors/partners (in case of companies and firms).

(f) Name(s) and address(es) of the person(s) in charge of and responsible to the company/firm, for the conduct of the business of the company/firm, as the case may be.

6. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.

7. Whether there was. any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.

8. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishment and nature of work.

9. Whether a certificate by the principal employer in

Form VI is enclosed.

10. Amount of licence fee paid—Treasury Challan number and date. 11. Amount of security deposit, if any.

Declaration

I hereby declare that the details given above are correct to the best of my knowledge and belief.

Place_____

Date_____

Signature of the Applicant (Contractor) NOTE: The application should be accompanied by a Treasury Challan, showing the payment of the prescribed licence fee and security deposit, if any and a certificate in

Form VI from the Principal Employer.

(To be filled in the office of the Licensing Officer)

Date of receipt of the application with Treasury Challan for fees.

Signature of the Licensing Officer _____

FORM V

[See rule 7 (2)]

Application for Licence for Employment

1. Name and address of the contractor (including his/her father‘s/husband‘s name in case of individuals).

2. Date of birth and age (in case of individuals).

3. Particulars regarding the location of establishment where migrant workmen are to be employed.

(a)Name and address of the establishment;
(b)Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment;
(c)Number and date of certificate of registration of the establishment under the Act;
(d)Name and address of the principal employer.

4. Particulars of migrant workmen.

(a)Nature of operation of work for which migrant workmen are employed or are to be employed in the establishment;
(b)Duration of the proposed contract work (give particulars of proposed date of commencing and ending);
(c)Name and address of the agent or manager of the contractor at the work site;
(d)Maximum number of migrant workmen proposed to be employed in the establishment on any date;
(e)Names and addresses of the Directors/Partners (in case of companies and firms);
(f)Name(s) and address(es) of the person(s) in-charge of and responsible to the company/ firm for the conduct of the business of the company/firm, as the case may be.

5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.

6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.

7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishment and nature of work.

Form VI is enclosed.

9. Amount of licence fee paid-Treasury Challan No. and date.

10. Amount of security deposit, if any.

DECLARATION

I hereby declare that the details given above are correct to the best of my knowledge and belief. Place:
Signature of the Applicant.

Date: (Contractor)

NOTE.—The application should be accompanied by a Treasury Challan showing the payment of the prescribed fee and security deposit, if any and a certificate in

Form VI from the principal employer.

(To be filled in the Office of the Licensing Officer) Date of receipt of the application with Treasury Challan for fees.

Signature of the Licensing Officer.

____

FORM VI

[See rule 7(3)]

Form of certificate by principal employer

Certified that I have engaged the applicant (Name of the Contractor) as a contractor in my establishment. I undertake to be bound by all the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Tamil Nadu Rules, 1983 in so far as the provisions are applicable to me in respect of the employment of migrant workmen by the applicant in my establishment.

Place: Signature of Principal Employer.

Date: Name and address of establishment.

_____

FORM VII

[See rule 10(2)]

Application for adjustment of Security Deposit

Particulars of fresh registration of the	Challan of security deposit in Treasury	Amount of previous security deposit.	Remarks.
(1)	(2)	(3)	(4)
Date of expiry of previous licence of the contractor which the fresh licence is applied for.	Number and date of the challan	Name and address of the principal employer.	(5)
Number and date of the licence.	Name and address of the contractor	Amount of security deposit for the balance security deposited with the fresh licence.	(6)
Whether the previous licence was suspended or revoked.	Number and date of application for fresh licence.	Number and date of Treasury Challan in respect of the balance security deposit.	Number and date of certificate of registration of the previous licence.

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(7) (8) (9) (10) (11) (12)

Place: Signature of the applicant. Date:

_____

FORM VIII

[See rule 11(1)]

GOVERNMENT OF TAMIL NADU

Office of the Licensing Officer

Licence No. Dated Fee paid Rs.

LICENCE

Licence is hereby granted to …….. under sub-section (1) of section 8 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979), subject to the conditions specified in the annexure.

2. This licence is for doing the work of (nature of work to be indicated) in the establishment of (name of principal employer to be indicated) at (place of work to be indicated).

3. The licence shall remain in force till (date to be indicated).

Signature and Seal of Licensing Officer.

RENEWAL

(*See* rule 14)

Date of renewal	Fee paid for renewal	Date of expiry. (1)
(2)	(3) 1.	
	2.	
	3.	

Date: *Signature and Seal of Licensing Officer.*

ANNEXURE

The licence is subject to the following conditions:-

1. The licence shall be non-transferable.

2. The number of workmen employed as migrant workmen in the establishment shall not, on any day, exceed the maximum number specified in the application for licence.

3. Save as provided in these rules the fees paid for the grant or as the case may be, for renewal of licence shall be non-refundable.

4. The rates of wages payable to the migrant workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (Central Act XI of 1948) for such employment where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

5. (a) In case where the migrant 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 migrant 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:

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by Commissioner of Labour whose decision shall be final;

(b) in other cases the wage rates, holidays, hours of work, and conditions of service of the migrant workmen of the contractor shall be such as prescribed in these rules.

6. Every migrant workmen shall be entitled to allowances benefits, facilities, etc., as prescribed in the Act and these rules.

7. No female migrant workman shall be employed by any contractor before 6 a.m. or after 7 p.m.:

Provided that this clause shall not apply to the employment of female migrant workmen in pit head baths, creches and canteens and as midwives and nurses in hospitals and dispensaries.

8. The contractor shall notify any change in the number of migrant workmen or the conditions of work to the Licensing Officer.

9. The contractor shall comply with all the provisions of the Act and these Rules.

10. A copy of licence shall be displayed prominently at the premises where the migrant workmen are employed.

———

FORM IX

[*See* rule 15(2)]

Application for Renewal of Licence

1. Name and address of the contractor.

2. Number and date of the Licence.

3. Date of expiry of the previous licence.

4. Whether the licence of the Contractor was suspended or revoked.

5. Number and date of Treasury Challan enclosed.

Place: *Signature of the Applicant* Date:

_____ (To be filled in the Office of the Licensing Officer)

Date of receipt of the application with treasury challan No. and date.

Signature of the Licensing Officer

_____

FORM X

[See rule 21(1)]

Particulars regarding the migrant workmen.

1. Name and address of the contractor.

2. Name and address of the sub-contractor through whom recruitment has been made. 3. Name and address of the establishment.

4. Name and address of the Principal Employer.

5. Name of the State in which the place of work is located.

6. Name of the State in which recruitment was made.

39

Serial number	Name of migrant workman.	Father's/Husband's name.	Permanent home address.	Place and address of residence in the home State.	Age.	Sex.	Nature of job required to be performed.	Amount of wages for outward journey and other allowances payable.	Date of employment.	Period of contract of employment.	Amount of displacement allowance paid.	Details of other service conditions.	Details of rates of wages/and allowance paid.	Date of recruitment.	Name and address of the next of the kin of the migrant workman.	Amount of outward journey journey period paid.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

Signature of Contractor or his

Date: authorised representative

Submitted to

(1) ……

……

(Specified authority in the State in which migrant workman/workmen is/are employed.)

(Specified authority in the State in which migrant workman/workmen has/have been recruited.)

Copy forwarded to

……

(The Principal Employer)

Signature of the Contractor or his authorised representative.

Date:

NOTE: In case where migrant workmen concerned have been recruited from more than one State, separate returns shall be submitted in respect of each such State.

———

FORM XI

(See rule 24)

Return to be sent by the contractor to the specified authorities

1.Name and address of the Contractor.

2.Name and address of sub-contractor through whom recruitment has been made.

3.Name and address of the establishment.

4.Name and address of the Principal Employer.

5.Name of the State in which the place of work is located.

6.Name of the State in which recruitment was made.

Serial Number	Name of migrant workman.	Father's/ Husband's Name.	Permanent home address	Age. Sex.	Designation.	Date of employment.	Place and address of residence in home State.	Date on which ceased to be employed	Amount of deductions if any.	Details of rates of wages and Details of compensati
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	

									on and outward journey paid.
									Amount of advance, if any
									Amount of return journey allowances and wages for return journey paid.
									Amount of advance if any recovered.
									Amount of displacement allowance paid.
									other allowances paid.
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

Declaration

I/We hereby declare that all the wages, other dues including displacement allowance, outward return journeys allowance and wages for journeys periods payable to the migrant workman/workmen named above and employed by me/us have been paid by me/us to him/them.

Place…….

Date……..

Signature of the Contractor or his authorised representative.

Submitted to

(1) ……

……

(Specified authority in the State in which migrant workman/workmen is/are employed.)

(2) ……..

……..

(Specified authority in the State from which the migrant workman/workmen has/have been recruited.)

Copy forwarded to

……

(The Principal Employer)

Signature of the Contractor or his authorised representative.

Date:

NOTE: In case where migrant workmen concerned have been recruited from more than one State, separate returns shall be submitted in respect of each State.

———

FORM XII

(See rule 48)

Register of Contractors

1.Name and address of the Principal Employer.

2.Name and address of the establishment.

Maximum number of migrant Nature of work on contr

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c
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Location of contract work.

Serial number.	Name and address of contractor.	Period of contract		Nature of work executed by contractor.	Number of workmen employed by contractor.	
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM XIII

(See rule 49)

Register of workmen employed by Contractor

Name and address of Contractor.

Name and address of the establishment.

Name and address of establishment in/under which migrant workmen are employed. Name and address of Principal Employer.

Name and surname of migrant workmen	migrant (Village and Tahsil, Taluk and District).	Permanent home address of	Date of commencement of employment.	Father's/Husband's name.	Reasons for termination.	Nature of employment.	Date of termination of employment.	impression of Migrant workman.	Signature or thumb-mark of workman.	Serial number.	Local Address.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Signature of Contractor or his authorised representative

———

FORM XIV

(See rule 50) Service Certificate

Name and address of Contractor.

Name and address of establishment in/under which migrant workmen are employed. Name and address of Principal Employer.

Nature and location of work.

Name and address of the migrant workman.

Age or date of birth.

Identification Marks.

Father‘s/Husband‘s name.

Total period for which Nature of work done.
particulars of unit in case of piece-

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Rat
e of wages (with
employed.
Serial number.
Remarks.
From
To

(1)	(2)	(3)	(4)	(5)	(6)

Signature of Contractor or his authorised representative.

———

FORM XV

[See Rule 51(1)]

Displacement and outward journey allowances sheet Name and address of the Contractor.

Name and address of the Principal Employer.

Name and address of the establishment.

Month and Year.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Name of the migrant workman.	Father's/Husband's name.	Permanent home address indicating the State.	Place of recruitment.	Name and address of the establishment nearest to the place of recruitment.	Designation.	Rate of wages.	Wages Payable.	Serial number.	Place and address of Railway Station/Bus stand column No.(15).	Place of work with address indicating the State. Expected date and time of commencement of journey from the place of residence in the home State to the place of residence.	Details of modes of journey and/or second class train fare indicated in column (10)	Total of amounts indicated in journeys indicated in column (11) from the place of residence.

Amounts of bus fare and/or arrival at the place of work.

Railway Station/Bus stand other journey expenses Date and time of allowance. work.

(12) (13) (14) (15) (16) (17) (18)

Actual date and time of arrival

Amount of outward journey

Wages for outward journey

Balance wages for outward Rate of wages.

balance wages indicated in Railway Station/Bus stand
impression of the migrant
impression of the migrant
Date of payment of the
journey if any payable.
at the place of work. Designation.

Date on which paid.

Signature or thumb-indicating the State.

Signature or thumb-Total amount paid.

column (25). nearest to the place of work.

allowance.

workman. Place and address of
workman.

Remarks.

period. Name of the migrant

(19) (20) (21) (22) (23) (24) (25) (26) (27) (28)

NOTE:- Indicate separately different mode of journeys. Entries are to be made against each individual migrant workman.

Signature of the Contractor or his authorised representative. Date:

_____

FORM XVI

[See rule 51(1)]

Return journey allowance Register Name and address of the Contractor.

Name and address of the Principal Employer.

Name and address of the establishment.

Month and year.

Residence in the home State.

Father's/Hus

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(1) (2) (3) (4) (5) (6) (7) (8) (9)

place of residence in the home

modes of journeys indicated in

(10)	(11)	(12)	(13)	(14)
second class train fare and/or impression of the migrant	residence in the home State.	Expected modes of journeys Date on which paid.	Amounts of bus fare and/or	from the place of the work.
commencement of journey	separately as per expected	Expected date and time of	Railway Station/Bus stand Total amounts indicated in	from the place of work to
arrival at the residence in	other journey expenses, Remarks.	nearest to the place of column No. (14).	Date and time of allowance.	column No. (13)
home State. Total amount paid.	State. Signature or thumb-			

(15)	(16)	(17)	(18)	(19)	(20)	(21)
Amount of return journey	Wages for return journey	workman.	period.			

*Indicate separately different modes of journey.

NOTE.-- Entries are to be made against each individual inter State migrant workman.

Signature of the Contractor or his authorised representative.

Date:

FORM XVII

[See rule 52(2) (a)]

Muster Roll Register

Name and address of Contractor.

Nature and location of work.

Name and address of the establishment in/under which migrant workmen are employed. Name and address of Principal Employer.

For the month of…….

Serial number.	Name of migrant workman.	Father‘s/Husband‘s name.	Sex.	Dates	Remarks
1	2	3	4	5	

FORM XVIII

[See rule 52(2) (a)]

Register of Wages Name and address of Contractor.

Nature and location of work.

Name and address of the establishment in/under which inter-State migrant workmen are employed. Name and address of Principal Employer.

Wage period.

49																
Daily rate of wages/piece-rate.																
Serial number in the register of workmen.	Designation/nature of work.	Name of Inter-State migrant workman.	Number of days worked.	units of work done.	Amount of wages earned										Signature/Thumb-impression of workman.	Other cash payments (nature of payment to be indicated).	Deductions, if any (indicate nature).			
					Basic wages.	Overtime.	Dearness allowance.	Total.										Net amount paid.	Initials of Contractor or his authorised representative.			
(1)	(2)	(3)	(4)	(5)	(6)			(7)							(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

FORM XIX

[See rule 52 (2) (c)]

Register of deductions for damage or loss Name and address of Contractor.

Name and address of establishment in/under which migrant workmen are employed. Name and address of Principal Employer.

Particulars of damage or loss.

Whether Inter-State migrant Name of Inter-State migrant F

father's/Husband's name.

Serial number.	Name of person in whose employment.	Date of damage or loss.	Designation/nature of workman.	Amount of deduction imposed.	Number of installments.	Last installment.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	

Date of recovery

against deduction.

workman showed cause explanation was heard.

Presence employee's

First instalment.

(8) (9) (10) (11) (12) (13)

———

FORM XX [See rule 52 (2) (c)]

Register of Fines

Name and address of Contractor.

Name and address of establishment in/under which Inter-State migrant workmen are employed. Nature and location of work.

Name and address of Principal employer.

(1)	(2)	(3)	(4)	(5)	(6)
Serial number.	Name of Inter-State migrant workman.	Father‘s/Husband‘s name.	Designation/nature of employment.	Date of offence.	Name of person in whose presence employee‘s Act/Omission for which fine imposed. Amount of fine imposed. Date on which fine realized.
	Whether Inter-State migrant workman has shown				

cause

Wage periods and wage explanation was heard. against fine.

Remarks.	payable.
(7)	(8)
	(9)
	(10)
	(11)
	(12)

FORM XXI

[See rule 52 (2) (c)]

Register of Advances Name and address of Contractor.

Name and address of establishment in/under which Inter-State migrant workmen are employed. Nature and location of work.

Name and address of Principal employer.

(1)	(2)	(3)	(4)	(5)	(6)
Serial number.	Name of Inter-State migrant workman.	Father‘s/Husband‘s name.	Employment/Designation Nature of work.	Wage period and wages payable.	Date and amount of advance given. Purpose(s) for which advance to be repaid. Number and amount of instalment by which advance is to be repaid.

be

repaid.

Number of instalments by Date and amount of each ins

tallment repaid.

Date on which last Remarks. made.

(7) (8) (9) (10) (11)

FORM XXII [See rule 52 (2) (d)]

Register of overtime

Name and address of Contractor.

Name and address of establishment in/under which migrant workmen are employed. Nature and location of work.

Name and address of Principal employer.

Serial number.	Name of Inter-State migrant workman.	Father‘s/Husband‘s name.	Designation/nature of employment.	Date on which overtime worked.	Total overtime work production in case of piece-work	Date on which overtime wage paid.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)		

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or

Overtime rate of wages.

Normal rates of wages.

Overtime earn

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(7) (8) (9) (10) (11) (12)

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FORM XXIII

[See Rule 56 (1)]

Return to be sent by the Contractor to the Licensing Officer

Half-year ending---------- 1.Name and address of the Contractor.

2.Name and address of the establishment.

3.Name and address of the Principal Employer.

4.Duration of Contract From_____To_____

5.Number of days during the half-year on which___

(a)the establishment of the Principal Employer had worked_____

(b)the Contractor‘s establishment had worked_____

6.Maximum number of Inter-State migrant workmen employed on any day during the half-year: Men Women Children Total

7.(i) Daily hours of work and spread over:

(ii) (a) Whether weekly holiday observed and on what day____

(b) if so, whether it was paid for:

(iii) Number of manhours of overtime worked.

_____

8.Number of mandays worked by

Men Women Children Total

9.Amount of wages paid

Men Women Children Total

Note.- Wages shall not include wages for periods of outward and return journeys.

10.Amount of deduction from wages if any—

Men Women Children Total 11.Amount of displacement allowance paid

Men Women Children Total

12.Amount of outward journey allowances paid:

Men Women Children Total 13.Amount of wages for outward journeys period paid.

Men Women Children Total 14.Amount of return journeys allowance paid.

Men Women Children Total 15.Amount of wages for return journeys period paid.

Men Women Children Total 16.Whether the following have been provided.

(i)Residential accommodation;
(ii)Protective clothing;
(iii)Canteen;
(iv)Rest room;
(v)Latrine and Urinals;
(vi)Drinking water;
(vii)Creche;
(viii)Medical facilities;
(ix)First Aid.

(If the answer is _Yes‘, state briefly nature/ standards provided).

Place:

Date: Signature of Contractor.

_____

FORM XXIV

[See Rule 56 (2)]

Annual return of Principal Employer to be sent to the Registering Officer.

Year ending 31st December.

1.Full name and address of the Principal Employer; 2.Name of establishment:

(a)District:

(b)Postal address:

(c)Nature of operation/industry/work carried on

3.Full name of the Manager or persons responsible for supervision and control of the establishment.

4.Number of contractors who worked in the establishment during the year (Give details in Annexure).

5.Nature of work/operations on which migrant workman was employed.

6.Total number of days during the year on which migrant workman was employed.

7.Total number of mandays worked by migrant workman during the year.

8.Maximum number of workmen employed directly on any day during the year.

9.Total number of mandays worked by directly labour was employed.

10.Total number of mandays worked by directly employed workmen.

11.Change, if any, in the management of the establishment, its location, or any other particulars furnished to the Registering Officer in the application for Registration indicating also the dates.

Place: Principa1 Employer.

Date:

Annexure to form

Name and address of the contractor.	Nature of work	Number of days	Maximum number of workers employed by each contractor.	Number of mandays	Period of contract

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worked.
worked.

From
To

(1)	(2)	(3)	(4)	(5)	(6)

_____