

## Procedure for Inspection of the Contract Labour (Regulation and Abolition) Act, 1970

### Computerized online allocation of inspectors on the basis of risk

Step	Inspection Format	Timelines
Computerized allocation of establishments to the concerned inspectors on the basis of risk – The same establishment will not be consecutively allotted to an inspector	-----	First Week of the month
Joint Synchronized Visit of the inspectors to the Unit/establishment	-----	Within one month
Inspection of unit/establishment site	Standard Inspection Report format	-----
Discussion with the workers and the employer	-----	-----
Verification of the records	Standard Inspection Report format	-----
Online Submitting/ Uploading of the report by all the inspectors visiting the unit/establishment with a Unique number which can be accessed online by the employer	Standard Inspection Report format	24 hours from the time of completion of inspection of the Unit/establishment

Particulars of the Establishment and Employer to be filled during the joint inspection:

Contract Labour (R & A) Act, 1970 & Bihar Rules, 1972 (PRINCIPAL EMPLOYER)

1. Name & location of the Estt.	
2. Name & full address of the principle employer	As addressee
3. Nature of Work	
4. No. and Date of Certificate of Registration	
5. Amount of Registration Fee paid	--
6.(I) No. of workmen employed directly on the date of inspection:	Male – Female – Total –
(II) Maximum No. of workmen employed through Contractors on any day in the preceding 12 months:	Male – Female – Total –
(III) No. of Contractors through whom Employed	
7. Name & address of the Principal Employer's representative present during inspection	

Contract Labour (R & A) Act, 1970 & Bihar Rules, 1972 (Contractor)

1. Name & Location of Contract work:-	
2. Name & Present address of the Contractor(S).	
3. Nature of work in which Contract Labour is Employed	
4. Permanent address of the Contractor:-	
5. Date of Commencement of the Contract work:-	
6 Probable date of Completion of the contract Work	
7 .No. of workers employed on the date of inspection	Male– Female– Total–
8. Max. No. of workman employed on any date in the preceding 12 months	Male– Female– Total–
9. No. & date of Licence	
4. Amount of Licence fee paid	
5. Amount paid as Security:	
6. Name & address of the P.E.	
13. No. & date of the Certificate of Regd. Of the Principal Employer.	
7. Name, Designation and address of the person responsible for supervision and control of the Contractor's estt.	As at Sl. No. 12
15. Name, Designation & address of the Contractor's Representative present during Inspection.	
16 Registers, Records and documents checked.	

## STATEMENT OF WORKERS

Sl. No.	Name of Workers	Father's Name	Permanent Address (Compulsory)	Present Address & Phone no.	Date of Joining	Nature of Work	Category	Rate of wages	Signature/ thumb impression	Remarks

\*\*The form filled by the individual inspectors may vary.

## Inspection Check List for the Inspectors and Employers:

Contract Labour (R & A) Act, 1970 & Jharkhand Rules, 1972 (PRINCIPAL EMPLOYER)	
PERTAINING TO REGISTRATION /LICENCE	
✓	Contract Labour numbering_____ were found employed on / were employed during preceding 12 months without obtaining valid certificate of Registration, [Breach of Section 7 read with Sec. 9.]
✓	The following changes in respect of particulars specified in the Certificate of Registration have not been intimated at all/within the prescribed time limit to the Registering Officer, [Breach of Rule 18(4).] (a) (b)
PERTAINING TO NOTICES	
✓	The notices showing the following were not displayed/amended in conspicuous places at the establishment. [Breach of Rule 81(1) (i).] a. The Rates of Wages in English/Hindi/local language. b. The Hours of Work in English/Hindi/ local language. c. The date of Payment in English/Hindi/ local language. d. The Wage period in English/Hindi/ local language. e. Names and addresses of the Inspectors having jurisdiction in English/Hindi/ local language. f. Date of payment of un-paid wages in English/Hindi/ local language.
✓	A copy each of the notice displayed has not been sent to the Inspector as required/the changes in the notices displayed have not been sent to the Inspector as required, [Breach of Rule 81(2).]
NOTICE OF COMMENCEMENT/COMPLETION	
✓	Failed to intimate the date of commencement/completion in respect of the contractors engaged within 15 days of the commencement/completion of the work in Form VIB to the Inspector. [Breach of Rule 81(3)]
PERTAINING TO RETURNS	
✓	Annual Return [in duplicate] for the year ending ___was not submitted in Form XXV – [Breach of Rule 82(2)].
✓	Annual Return [in duplicate] for the year ending ___was not submitted within time limit i.e. before 15th Feb following the end of the year. [Breach of Rule 82(2).]
PERTAINING TO WAGES	
✓	During Inspection of Contractor, Sri/M/s ..... at ..... it is observed that Contractor failed to make payment of wages/paid less wages as per Annexure though the statutory time limit for payment of wages by the contractor to the contract labour has already lapsed. The PE also failed to make payment to the contract labour [Breach of Rule Sec.21(4).

✓	The Principal Employer failed to ensure the presence of his authorised representative at the place and time of disbursement of wages to workmen by the Contractor. [Breach of Rule 72.]
✓	Authorised representative of the Principal Employer has not recorded a Certificate under his signature as required under Rule, 72. [Breach of Rule, 73.]
<b>PERTAINING TO REGISTER AND RECORDS</b>	
✓	Register of contractors in Form XII has not been maintained at all/ correctly. [Breach of Rule 74.]
✓	The following registers and records required to be maintained under the Act or the Rules were not produced on demand, [Breach of Rule 80(4)] (a) (b)
<b>PERTAINING TO WELFARE AND HEALTH</b>	
✓	The Principal Employer failed to provide at all/failed to provide within time limit the following prescribed welfare amenities which the Contractor Shri M/S ..... engaged in the work of ..... failed to provide within the prescribed [Breach of Sec 20(1) of the Act.]
<b>MEDICAL FACILITIES</b>	
✓	The Principal Employer failed to provide at all/failed to provide within time limit following prescribed health amenities which the Contractor Shri/M/S..... engaged in the work of ..... failed to provide originally. [Breach of Section 20(1) of the Acr]
<b>Specific Irregularities regarding contract labour(R &amp; A) Act, 1970 &amp; Jharkhand Rules, 1972</b>	
<b>Prohibition of contract labour</b>	
✓	The Appropriate Government i.e. Central Government by gazette notification No..... has prohibited the employment of contract labour in the ..... work in the establishment of ..... the contract labour has still been engaged in that work in that establishment. [Breach of Section 10]
<b>PERTAINING TO FURNISHING INFORMATION/STATISTICS</b>	
✓	The Principal Employer failed to furnish the following statistics in relation to contract Labour through the same was called for. [Breach of Rule 83(1) read with Section 24 of the Act.]
✓	Exact no. of contractors ii) exact no. of contract workers iii) exact no. of staff/officers strength (male/female) in the roll of the company iv) copy of the registration certificate.
<b>OBSTRUCTING THE INSPECTOR</b>	
✓	Obstructions were created in discharge of duties by the inspector/ Refusal or willfully neglect were done to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [Breach of Section 22.]

**Contract Labour (R & A) Act, 1970 & Jharkhand Rules, 1972 (CONTRACTOR)**

**PERTAINING TO REGISTRATION/LICENCE**

- ✓ Executing contract work through contract labour numbering \_\_\_\_\_  
With effect from \_\_\_\_\_/during the period \_\_\_\_\_ to  
\_\_\_\_\_ without obtaining a licence. [Breach of Sec12 (1).]
- ✓ Executing Contract work through contract labour numbering.....  
on.....which exceeds the maximum number specified in the licence  
i.e.....[.Breach of Rule, 25(2)(ii).]

**PERTAINING TO NOTICES**

- ✓ The notices showing the following were not displayed/amended [Breach of Rule 81(1)(i).]
- a . The Rates of Wages in English/Hindi/ local language.
  - b. The Hours of Work in English/Hindi/ local language.
  - c. The date of Payment in English/Hindi/ local language.
  - d. The Wage period in English/Hindi/ local language.
  - e. Names and addresses of the Inspectors having jurisdiction in English/Hindi/ local language.
  - f. Date of payment of un-paid wages in English/Hindi/ local language..
- ✓ (i) Copy of each of the notices displayed have not been sent to the Inspector [Breach of Rule, 81(2) ]
- (ii) Notices showing wage period and the place and time of disbursement of wages have not been displayed at the work place and a copy of the said notices has not been sent to the Principal Employer under acknowledgement.[ Breach of Rule,71.]
- (iii) Copy of the license has not been displayed at the place of work. [Breach of Rule, 25(2)] read with condition of License(IX).]

**NOTICE OF COMMENCEMENT/COMPLETION**

- ✓ Intimation about the Commencement/Completion of contract work has not been submitted to the Inspector in Form VI-A within 15 days. [Breach of Rule,.25(2)(viii).]

**DISPLAY OF ABSTRACT OF ACT**

- ✓ An abstract of Act & Rules in the Form approved by the Commissioner of Labour has not been displayed in English/Hindi and in the local language. [Breach of Rule, 79.]

**PERTAINING TO RETURNS**

- ✓ The employer failed to send half yearly return for the period \_\_\_\_\_ in form XXIV. [Breach of Rule 82(1)]

✓	The employer did not send the half yearly return for the period ____ in form XXIV in time i.e. not later than 30 days from the close of the half year.[ Breach of Rule 82(1)]
<b>PERTAINING TO WAGES</b>	
✓	Contractor has not ensured the presence of the representative authorized by the Principal Employer at the time of the disbursement of wages. [Breach of Rule, 72.]
✓	Contractor has not ensured the payment of wages to the contract labour before the expiry of 7th /10th day, after last day of the wage period in respect of which the wages are payable .i.e----- [Breach of Rule 65.]
<b>PERTAINING TO REGISTER AND RECORDS</b>	
✓	Register of persons employed in Form XIII has not been maintained at all/correctly [Breach of Rule,75 read with Rule,80(1).]
✓	Following Registers have not been maintained at all/ correctly.[ Breach of Rule 78] i. Muster Roll in form XVI ii. Register of Wages in Form XVII. iii. Register of wages – cum – Muster Roll in form XVIII of the wage period is fortnight or less. iv. Register of deduction for damage and loss in Form XX. v. Register of fine in form XXI. vi. Register of advance in form XXII. vii. Register Overtime in Form XXIII.
✓	(i) Contractor has not obtained the signature or thumb impression of the worker concerned against the entries relating to them on the Register of wages or Muster Roll – cum- Wage Register. [Breach of Rule 78(2)(C).] [ii] Contractor has not ensured the authentication of entries in Register of Wages or Muster Roll-cum-Wage Register by way of the initials of the contractor or his authorized representative [Breach of Rule 78(2) (C).] [iii] Contractor has not ensured the entries in Register of Wages or Muster Roll-cum-Wage Register duly certified by the authorized representative of the Principle Employer as required by Rule 73 [Breach of Rule 78(2) (C).]
<b>PERTAINING TO WELFARE AND HEALTH</b>	
✓	Welfare facilities regarding whole some drinking water, Latrine and Urinals and washing facilities has not been provided. [Breach Sec.18 Read with Rule, 40 & 51 to 57.]
✓	The contractor did not provide crèche facility though 20 or more women are employed as contract labour.[ Breach of Rule 25(2)(vi)]
✓	The contractor failed to provide canteen facility though 100 or more contract labours are employed in the establishment in which the work is likely to continue for six months or more within 60 days of the commencement of the employment. [Breach of Rule 42.]
✓	The contractor failed to provide rest-rooms to contract labours who are required to halt at night in connection with the working of the establishment and the employment of migrant workmen is likely to continue for three months or more within 15 days of the commencement of employment in the establishment. [Breach of Rule 41.]
<b>MEDICAL FACILITIES</b>	
✓	First Aid facilities have not been provided as per specification laid down under Rule – 59 [Breach of Section 19 read with Rules,58 to 61.]



**PERTAINING TO WORKING CONDITION**

✓	Contractor has not issued Employment Card in Form XIV to each worker within three days of his employment. [Breach of Rule, 76(i).]
✓	Employment Card has not been maintained up to date and any change in particulars etc. has no been entered therein. [Breach of Rule, 76(ii).]
✓	Contractor has not adhered to to service conditions specified by Labour Commissioner issued under Rule 25. Specify the clauses violated:  1  2

**SERVICE CERTIFICATE**

✓	The contractor has not issued service certificate in Form XV to the workman whose services have been terminated.[ Breach of Rule 77.]
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**WAGE SLIP/WAGE BOOK**

✓	Wage slips in Form XIX is not being issued to the workmen at least a day prior to the disbursement of wages although wage period is more than a week, [Breach of Rule, 78(2)(b).]
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**Specific Irregularities regarding Contract Labour (R & A) Act, 1970 & Jharkhand Rules, 1972**

**Prohibition of contract labour**

✓	The Appropriate Government i.e. Jharkhand Government by gazette notification..... No. .... has prohibited the employment of ..... contract labour in the work in the establishment of ....., the contract labour has still been engaged in that work in that establishment. [Breach of Section 10].
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**SIMILAR WAGES FOR SAME AND SIMILAR KIND OF WORK**

✓	It is observed that 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, but the wage rates, holidays, hours of work and other conditions of service of the workmen or the contractor are not the same as applicable to the workmen directly employed by the Principal Employer of the establishment on the same or similar kind of work. [Breach of Rule 25(2)(v)(a)]
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		<b>Contract labour</b>	<b>Direct workmen</b>
1.	Wage rates		
2.	holidays		
3.	Hours of work		
4.	Other conditions of service		

**OBSTRUCTING THE INSPECTOR**

✓ Obstructions were created in discharge of duties by the inspector/ Refusal or willfully neglect were done to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [Breach of Section 22.]

**PERTAINING TO REGISTER AND RECORDS**

✓ In the following cases, duplicate copy of the nomination in form “F” duly attested by the employer (As token of the recording of the nomination) has not been returned to employee-[Breach of Rule 6(2).]

Sl. No.

Name&amp; Designation of the Employees

✓ Details of personnel resigned/ retired/ died/disable during the last 3 years, their gratuity entitlement and amount of gratuity paid to them with date as per their entitlement was not provided on demand.[ Breach of Section 7B (a).]

Sl. No.	Name & designation of the personnel	Date of Joining	Date of separation	Last salary Drawn	Amount of gratuity, if paid	Date of payment of gratuity, if paid

**Other irregularities**

✓

✓

✓

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## Joint Inspection of Establishments to be conducted under the following labour laws:

- Payment of Wages Act, 1936 and the Rules
- Industrial Employment (Standing Order) Act, 1946 and Rules made
- Minimum Wages Act, 1948 and Rules
- The Jharkhand Shops & Establishment Act, 1953 and Rules
- Maternity Benefit Act, 1961 and Rules
- The Motor Transport Workers Act, 1961
- Payment of Bonus Act, 1965 and Rules
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- Contract Labour (Regulation & Abolition) Act, 1970 and Rules
- Payment of Gratuity Act, 1972 and Rules
- The Equal Remuneration Act, 1976 and Rules
- The Inter State migrant workmen (RECS) Act 1979 and Rules
- The Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 and Rules
- Child Labour (Prohibition and Regulation) Act 1986
- The Factories Act, 1948 and Rules