

**Violation of guidelines for contract workers**

342. SHRI HUSAIN DALWAI : Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether Government in the past issued guidelines for contract workers;
- (b) if so, the details of these guidelines;
- (c) how far these have been implemented by Ministries/Departments/Public Sector Undertakings (PSUs); and
- (d) whether Government proposes to deal with violation of these guidelines?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI VISHNU DEO SAI) : (a) and (b) Yes, a letter was issued to Secretaries of all Ministries/Departments of Government of India on January 23, 2013 by the Chief Labour Commissioner (Central) for compliance of certain provisions of the Contract Labour (Regulation & Abolition) Act, 1970 and Central Rules made thereunder, a copy of which is given in Statement (*See below*).

(c) and (d) Yes, Office of the Regional Labour Commissioner (Central), New Delhi has conducted inspections of Principal employers and Contractors in various Ministries and Departments in the recent past. Wherever violations were detected action has been initiated by filing prosecutions in the appropriate court.

The enforcement details of various labour laws for the year 2013-14 in respect of Central Sphere is given in Statement.

[Refer to the Statement Appended to the Answer to USQ No. 338, Part (c) and (a)]

**Statement**

File No. 14(113) Misc. RLC (Coord.)/2012

Government of India

Ministry of Labour and Employment

Office of the Chief Labour Commissioner

Shram Shakti Bhavan,

New Delhi-110001

Dated :- January 23, 2013

**Office Memorandum**

**Subject :** Engagement of workers through Contractors by the Ministries and Departments of Central Government.

It has been noticed in the recent past that a large number of workers are being engaged on contract by various central Government Ministries and Departments. Parliament

Questions have been received in this regard apart from various complaints relating to non-compliance of various provision of law. These include wages and social security benefits flowing out of various legislations.

Similarly in cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work.

You may be aware that Government has enacted the Contract Labour (Regulation and Abolition) Act, 1970 and central rules made thereunder which provide regulation of contract labour in the establishments. The Act also provides for prohibition of employment of contract labour where a notification is issued under Section 10. So far 82 Notifications have been issued. This Act casts obligation on employing departments to register their establishments under the Act before the authority notified by the Central Government, the contractors have also to obtain licence before engagement of contract labour in the establishments. The Act & Rules provide for certain facilities to be provided to the contract workers engaged in the establishments and also to maintain registers and records, to issue wages slips and employment cards to the contract workers by the employing department and contractor.

The Act also provides for penal action against the defaulters. The relevant Sections are as under:-

**Section 23. Contravention of provisions regarding employment of contract labour.-** Whoever contravenes any provision of this Act or of any rules made thereunder prohibiting, restricting or regulating the employment of contract labour, or contravenes any provision of this Act or of any rules made thereunder prohibiting, restricting or regulating the employment of contract labour, or contravenes any condition of a licence granted under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, and in the case of continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention. Provide penalty for Contravention of provisions regarding employment of contract labour shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

**Section 24 Other offences.-** If any person contravenes any of the provisions of this Act or any rules made thereunder for which no other penalty is elsewhere provided, he shall

be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. Provide penalty for contravention of Other offences shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

It is also noticed that some establishments are engaging contract workers in the employments which have been prohibited under section 10 of the Contract Labour (Regulation and Abolition) Act, 1970. Some principal employers and contractors are violating the provisions of Act & Rules.

In view of above, the employing departments are hereby notified to ensure the compliance of the provisions of the Act & Rules in all establishments including PSU'S under them.

(B.K Sanwariya)  
Chief Labour Commissioner ©

To

Secretaries to the Govt. of India  
(All Ministries/Departments)

Copy of kind information to :

- (i) PPS to Secretary, MOL&E
- (ii) PPS to DG (L.W.)/A.S.
- (iii) PPS to CLC ©
- (iv) All Regional Head Dy. CLC©/RLC's
- (v) All Officers in CLC Hq.

**Handing over State Insurance Scheme to ESIC in Maharashtra**

†343. SHRI RAMDAS ATHAWALE : Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether Central Government has received any request from the State Government of Maharashtra regarding handing over of employees state insurance scheme to the Employee's State Insurance Corporation;
- (b) if so, the details thereof as on date;
- (c) the latest status of this proposal and the reasons for delay; and
- (d) by when this proposal is proposed to be finalized?

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†Original notice of the question was received in Hindi.