

WESTERN RAILWAY

P.S.No.16/2013

Headquarter Office,
Churchgate, Mumbai-20

No. E(HER)526/7 Vol.IV

Date: 19.03.2013


To,
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WREU-GTR / WRMS-BCT.
C/- GS-All India SC/ST Rly Employees. Assn,'W' Zone, Mumbai
C/- GS-All India OBC Rly Empl. Assn, Mumbai.

Sub: Enforcement of Contract Labour (R&A) Act-1970 & Rules, 1971 framed thereunder.

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A copy of Railway Board's letter No.2013-E(LL)/AT/CNR/8 dt.26/02/2013 is sent herewith for information, guidance and necessary action.

Encl: As above.


(S.B. Marshale) 19/3/13
For General Manager(E)



RBE No. 16 /2013

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2013/ E (LL)/AT/CNR/ 8

New Delhi dated 26 -02-2013

W

The General Managers,
All Zonal Railways, PSUs, Metro Railway, Kolkata.
CORE, Allahabad, RDSO, Lucknow.
The General Manager, Railway Staff College, Vadodra.
The General Managers, IRIEEN, Nasik, IRIMEE, Jamalpur, IRICEN,
Pune, IRISSET, Secunderabad, IRITEM, Lucknow, CAMTECH, Gwalior.
The CAO, COFMOW, Tilak Bridge, New Delhi.
The Vice Chairman, Rail Land Development Authority (RLDA), Motibagh-I,
Near Safderjung Railway Station, New Delhi -110021.
The Managing Director , Container Corporation of India Ltd., Concor
Bhavan, C-3, Mathura Road, Opp, Apollo Hospital, New Delhi-110076.
The Managing Director, IRCON. International Ltd., Palika Bhavan, R.K.
Puram, Sector -13, New Delhi.
The Managing Director , Indian Railway Catering & Tourism Corporation
Ltd., Corporate Office, 9th Floor Bank of Baroda Building, 16 Parliament
Street , New Delhi.
The Managing Director, Indian Railway Finance Corporation Ltd., NBCC
Place, Bhisma Pitamah Marg, Pragati Vihar, Lodhi Road, New Delhi.
The Managing Director, Konkon Railway Corporation Ltd., 3 Rail House,
Panchsheel , Sector -23, CBD, Belapur, Navi Mumbai.
The Managing Director, Mumbai Rail Vikas Corporation Ltd., D-44. P.B.
Colaba, Mumbai.
The Managing Director, Rail Vikas Nigam Ltd., 34 S.P. Marg, New Delhi.
The Managing Director Raitel Corporation of India Ltd., 10 th Floor, Bank
of Baroda Building, 16 Parliament Street, New Delhi.
The Managing Director, RITES Ltd., RITES Bhavan, Plot No.1, Sector-29,
Gurgaon.
The Managing Director Dedicated Freight Corridor Corporation of India
Ltd., Metro Station Building, Pragati Maidan, New Delhi.

Sub: Enforcement of Contract Labour (R&A) Act, 1970 & Rules, 1971
framed thereunder.

The Ministry of Labour and Employment has observed that a large
number of workers are being engaged on contract basis by various
Central Government Ministries and Departments which violates some Acts

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ABO (R&T)

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08/3/2013

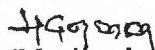
अमप्र	मुप्रअ (नि)	मुसाप्र	मुपप्र	प्रमुई	मुयाई	मुबिई	विसमुलेअ	मुसंदूई	बनि	मुचिनि	वउमप्र	मुकाअ	मुसंअ	मुमुआ	मुजसंअ	रमप्र (आ)	सचिव
AGM	CAO(C)	CCM	COM	PCE	CME	CEE	FA & CAO	CSTE	COS	CMD	SDGM	CPO	CSO	CSC	CPRO	DGM(G)	SECY

and Rules. Parliaments Questions have been received in this regard apart from various complaints relating to non-compliance of various provisions of law. These include wages and social security benefits flowing out of various legislations. A copy of Office Memorandum No. 14(113) Misc. RLC (Coord)/2012 dated 23.01.2013 received from the Ministry of Labour and Employment is enclosed herewith.

Ministry of Railways desires that Railway should ensure better and effective compliance of the provisions of all the labour enactments including the Contract Labour (R&A) Act, 1970 / Rules, 1971 framed there under strictly to avoid violation or complaints by Central Industrial Relations Machinery Officials.

Please acknowledge receipt.

DA: As above.


(Madan Lal)
Director Establishment (LL)

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं. 2013/ई (एलएल)/एटी/सीएनआर/8

नई दिल्ली, दिनांक 26-02-2013

महाप्रबंधक,

सभी क्षेत्रीय रेलें, उत्पादन इकाइयां, मेट्रो रेलवे, कोलकाता।

कोर, इलाहाबाद, अ.अ.मा.सं., लखनऊ।

महाप्रबंधक, रेलवे स्टाफ कॉलेज, वडोदरा।

महाप्रबंधक, इरीन, नासिक, इरिमी, जमालपुर, इरिसेन, पुणे,

इरिसेट, सिकंदराबाद, आईआरआईटीएम, लखनऊ, केमटेक, ग्वालियर।

मुख्य प्रशासनिक अधिकारी, कॉफमो, तिलक ब्रिज, नई दिल्ली।

उपाध्यक्ष, रेल भूमि विकास प्राधिकरण, मोतीबाग-1, सफदरगंज रेलवे स्टेशन के पास, नई दिल्ली-110021.

प्रबंध निदेशक, कंटेनर कार्पोरेशन ऑफ इंडिया लि., कॉनकोर भवन, सी-3, मथुरा रोड, अपोलो अस्पताल के सामने, नई दिल्ली-110076.

प्रबंध निदेशक, इरकॉन इंटरनेशनल लि., पालिका भवन, आर.के. पुरम, सेक्टर 13, नई दिल्ली।

प्रबंध निदेशक, भारतीय रेल खानपान एवं पर्यटन निगम लिमिटेड, कॉरपोरेट ऑफिस, 9वां तल, बैंक ऑफ बड़ौदा बिल्डिंग, 16 संसद मार्ग, नई दिल्ली।

प्रबंध निदेशक, भारतीय रेल वित्त निगम लि. एनबीसीसी प्लेस, भीष्म पितामह मार्ग, प्रगति विहार, लोधी रोड, नई दिल्ली।

प्रबंध निदेशक कॉकण रेल निगम लि., 3 रेल हाऊस, पंचशील, सेक्टर-23, सीबीडी, बेलापुर, नवी मुंबई।

प्रबंध निदेशक, मुंबई रेल विकास निगम लि. डी-44, पी.बी. कोलाबा, मुंबई।

प्रबंध निदेशक, रेल विकास निगम लि. 34, एस. पी. मार्ग, नई दिल्ली।

प्रबंध निदेशक, भारतीय रेलटेल निगम लि., 10वां तल, बैंक ऑफ बड़ौदा बिल्डिंग, 16 संसद मार्ग, नई दिल्ली।

प्रबंध निदेशक, राइट्स लि., राइट्स भवन, प्लॉट नं. 1, सेक्टर-29, गुडगांव।

प्रबंध निदेशक, डेडिकेटेड फ्रेट कॉरिडोर कॉरपोरेशन ऑफ इंडिया लि., मेट्रो स्टेशन बिल्डिंग, प्रगति मैदान, नई दिल्ली।

विषय: ठेका श्रम (आर एण्ड ए) अधिनियम, 1970 और उसके तहत बनाए गए नियम, 1971 लागू करना।

श्रम एवं रोजगार मंत्रालय ने पाया है कि केंद्र सरकार के विभिन्न मंत्रालयों तथा विभागों द्वारा बड़ी संख्या में कामगारों को ठेका आधार पर काम पर लगाया जा रहा है जिसमें कुछ

अधिनियमों तथा नियमों का उल्लंघन किया जाता है। कानून के विभिन्न प्रावधानों का पालन न करने के संबंध में विभिन्न शिकायतें प्राप्त होने के अलावा इस बारे में संसद प्रश्न भी प्राप्त हुए हैं। इसमें विभिन्न कानूनों के अंतर्गत दी गई मजदूरी और सामाजिक सुरक्षा के लाभ शामिल हैं। श्रम एवं रोजगार मंत्रालय से प्राप्त 23.01.2013 के का.जा. सं. 14 (113) मिस. आरएलसी (कोर्ड)/2012 की प्रतिलिपि इस पत्र के साथ संलग्न है।

रेल मंत्रालय चाहता है कि रेलवे सभी श्रम अधिनियमों, जिसमें ठेका मजदूर (आरएंडए) अधिनियम, 1970 तथा उसके अंतर्गत बनाए गए नियम, 1971 शामिल हैं, के प्रावधानों का कड़ाई से बेहतर और प्रभावी अनुपालन सुनिश्चित करें ताकि इनका उल्लंघन न हो और केंद्रीय औद्योगिक संबंध तंत्र के कर्मचारियों द्वारा शिकायतें प्राप्त न की जाए।

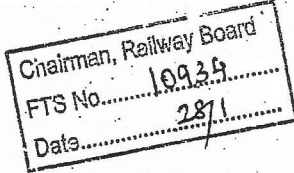
कृपया पावती दें।

संलग्न: यथोक्त।

मदन लाल
(मदन लाल)

निदेशक स्थापना (एलएल)

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

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

It has been noticed in the recent past that a large number of workers are being engaged on contract by various central Government Ministries and Departments. Parliament Questions have been received in this regard apart from various complaints relating to non-compliance of various provisions of law. These include wages and social security benefits flowing out of various legislations.

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

You may be aware that Government has enacted the Contract Labour (Regulation and Abolition) Act, 1970 and central rules made

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

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

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

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Section 24. Other offences.—If any person contravenes any of the provisions of this Act or any rules made thereunder for which no other penalty is elsewhere provided, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. Other offences shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

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

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


(B.K Sanwariya)

Chief Labour Commissioner©

To

Railway Board,
(Kind Attn: **Shri Vinay Mittal,Chairman**),
Rail Bhawan,
New Delhi.