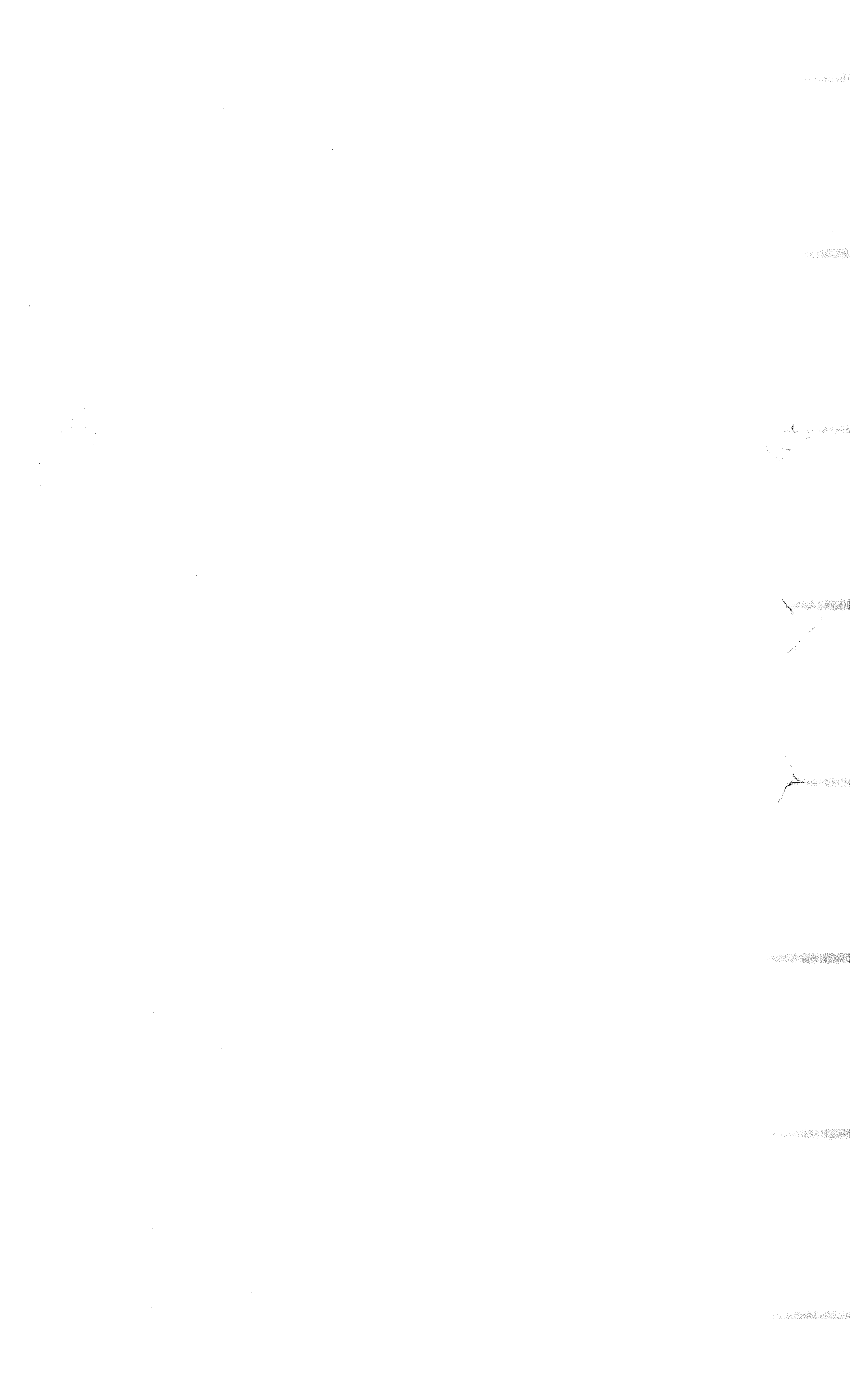


A&N ISLANDS INTER STATE MIGRANT
WORKMEN (R.E.&C.S.)RULES,1983



अण्डमान तथा
ANDAMAN AND



निकोबार राजप
NICOBAR GAZI

असाधारण
EXTRAORDINARY
प्रसिद्धि के द्वारा
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ANDAMAN AND NICOBAR ADMINISTRATION

SECRETARIAT

NOTIFICATION

Port Blair, dated the 26th April, 1983.

No.285/38/79-96/80-HER.—Whereas draft of Andaman and Nicobar Islands Inter State Workmen (Regulation of Employment and Conditions of Service) Rules, 1982 was published, as per Sub-Section (1) of Section 35 of the Inter State Migrant Workmen (Regulation of Employment and of Service) Act, 1979, with the Andaman and Nicobar Administration's Notification No. 54/79-1 dated 23rd March, 1982 in the Andaman and Nicobar Gazette Extraordinary Issue No. 47 dated 2 1982, inviting objections or suggestions from all persons likely to be affected thereby before the expiry days from the date of publication of the said Notification in the Official Gazette;

And Whereas copies of the said Official Gazette were made available to the public on March, 1982;

And Whereas no objections or suggestions were received from the public on the said date Administration;

Now, therefore, in exercise of the powers conferred by Section 35 of the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 read with the Notification No 3/80-LW dated 14th July, 1982 of the Govt of India, in the Ministry of Labour, the Lt. Governor (for) A & N Islands hereby makes the following rules, namely:—

THE ANDAMAN AND NICOBAR ISLANDS INTER STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 1983.

CHAPTER—I

Preliminary

1. Short title and commencement:—(1) These rules may be called the Andaman and Nicobar Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1983

(2) They shall come into force on the date of their publication in the Official Gazette

2. Definitions:—In these rules unless the subject or context otherwise requires,

(a) "Act" means the Inter-State Migrant Workmen (Regulation of Employment and of Service) Act, 1979

(b) "Appellate Officer" means an appellate officer nominated by the Andaman and Nicobar Administration under Section 11;

(c) "Labour Commissioner" means an officer as such appointed by the Andaman and Nicobar Administration.

(d) "Form" means a form appended to these rules;

(e) "Inspector" means an inspector appointed by the Andaman and Nicobar Administration under Section 20;

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- (f) "Licensing Officer" means the licensing Officer appointed by the Andaman and Nicobar Administration under Section 7;
- (g) "Migrant Workman" means an inter-State migrant workman as defined in section 2;
- (h) "Registering Officer" means the registering Officer appointed by the Andaman and Nicobar Administration under Section 3;
- (i) "Section" means a section of the Act;
- (j) "Specified authority" means the authority specified by the Andaman and Nicobar Administration for the purposes of Section 12 and 16;
- (k) "All other words and expressions used in these rules but not defined therein shall have meanings respectively assigned to them in the Act."

CHAPTER—II

Registration Of Establishments

3. Manner Of Making Application For Registration Of Establishments:—

- (1) The application for registration of an establishment 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) The application shall be accompanied by a Treasury receipt showing payment of the fees for the registration of the establishment.
- (3) The application shall be either personally delivered to the registering officer or sent to him by registered post.
- (4) On receipt of the application, the registering officer shall after noting thereon the date of receipt by him of the application, give an acknowledgement to the applicant.

4. Issue of certificate of registration:—

- (1) Where the registering officer registers an establishment, he shall issue to the principal employer a certificate of registration in Form II.
- (2) The registering officer shall maintain a register in Form III showing the particulars of the establishments in relation to which certificates of registration are issued by him.
- (3) 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. Circumstances 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 take 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 (3) of rule 4, registering officer is satisfied that an amount higher than the amount which has been paid by principal employer as fees for the registration of the establishment 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 establishments and to produce receipt showing such deposit.

- (2) Where, on receipt of the intimation referred to in sub-rule (3) 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.

Provided further that the registering officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

7. Application For 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 duplicate in form IV to the licensing officer having jurisdiction in relation to the area where in such 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 the licensing officer having jurisdiction in relation to the area wherein in the establishment is situated.

- (3) (1) Every application for grant of a licence under sub-rule (1) or sub-rule (2) shall be accompanied by a 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 for employment of the migrant workman, in respect of which the contractor is making the application.

(2) Every such application shall be either personally delivered to the licensing officer concerned or sent to him by registered post.

(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, grant an acknowledgement to the applicant.

(5) Every application referred to in sub-rule (1) shall also be accompanied by a receipt obtained as required by rule 20.

8. Matter To Be Taken Into Account In Granting Or Refusing A Licence:
In granting or refusing to grant a licence the licensing officer shall take the following matters into accounts 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 Central 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 fees 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. Refusal to issue licence :—On receipt of the application from the contractor, and as soon as possible thereafter, the Licensing Officer shall investigate or cause investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and the eligibility of the applicant for a licence.

- (2) (i) Where the Licensing Officer is of the opinion that the licence should not be issued, he shall after affording reasonable opportunity to the applicant for being heard, made an order rejecting the application.
- (ii) The order shall record the reasons for the refusal and shall be communicated to the applicant.

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 percent 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 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.

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 arrangement or the arrangement under which the migrant workmen 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, 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 issue, or as the case may be for renewal of licence shall be non-refundable ;
- (vii) (a) in case 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 dis-agreement with regard to the type of work, the same shall be decided by the Labour Commissioner whose decision thereon shall be final.

- (b) in other cases, the wage rates, holidays, hour of work and conditions of service of the migrant workmen recruited or employed by the contractor shall be such as prescribed in these rules
- (viii) every migrant workmen 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 workman in pit head Baths, Creaches and canteens and Midwives and 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 all the premises where the migrant workmen are employed.

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

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

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

(a) is 5 but does not exceed 20	Rs. 30/-
(b) exceed 20 but does not exceed 50	Rs. 75/-
(c) exceeds 50 but does not exceed 100	Rs. 150/-
(d) exceeds 100 but does not exceed 200	Rs. 300/-
(e) exceeds 200 but does not exceed 400	Rs. 600/-
(f) exceed 400	Rs. 750/-

(2) The fees to be paid for the grant of licence under Section 7 shall be as specified below:—
if the number of migrant workmen recruited or employed by the contractor on any day.

	Rs.	Ps.
(a) is 5 but does not exceed 20	10.00	
(b) exceeds 20 but does not exceed 50	20.00	
(c) exceeds 50 but does not exceed 100	40.00	
(d) exceeds 100 but does not exceed 200	80.00	
(e) exceeds 200 but does not exceed 400	160.00	
(f) exceeds 400	200.00	

13. Amendment of the licences: (1) A licence issued under Rule 11 or renewed under Rule 15 may for good and sufficient reasons be amended by the Licensing officer.

2. The contractor who desires to have the licence amended shall submit to the licensing officer application stating the nature of amendment and reasons therefor.

(3) (i) If the licensing officer allows the application he shall require the applicant to furnish treasury receipt for the amount, if any, by which the fees that would have been payable if the licence had been payable if the licence had been originally issued in the amended form exceeds the fee originally paid for licence.

(ii) on the applicant furnishing the requisite receipt, the licence shall be amended according to orders of the licensing officer.

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

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

(2) The application shall be in 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 where the renewed licence is issued.

(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 25% 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 application is due to unavoidable circumstances beyond the control of the contractor, he may reduce or waive as he deems fit the payment of such excess fee.

15. Period of renewal of the licence:—Every licence renewed under this rule 15 shall remain in force for a further period of twelve months from the date of the order of renewal.

16. Issue of duplicate certificate of registration of licence:—Where a certificate or registration of licence granted or renewed under the preceding rules has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of fees Rs 10.

17. Refund of security:—(1) (i) On 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 security, if any deposited by him under Rule 10.

(ii) If the licensing officer is satisfied that there is no breach of the conditions of licence or that 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 from the receipt of the application.

18. Appeals and procedure:—(1) (i) Every appeal under section 11 shall be preferred 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.

(ii) The memorandum shall be accompanied by a certified copy of the order and a treasury receipt for Rs. 25.

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

(3) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) it shall 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) (i) 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 of the Appellate Officer.

(ii) 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) (i) 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.

(ii) An application under clause (i) shall, unless the Appellate officer extends the time for sufficient reason, be made within thirty days of the date of dismissal.

(9) (i) 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 judgement on the appeal either confirming, reversing or modifying the order appealed from.

(ii) The judgement of the Appellate Officer shall state the points for determination, decisions thereon and to the reasons for the decisions.

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

19. Obtaining of Copies of orders :—A copy of the order of the registering officer, licensing officer or appellate officer may be obtained 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) The payment of the various fees relating to registration, licensing and security deposits shall be made through a treasury receipt drawn in favour of the concerned departmental officer and payable at the station at which he is stationed along with a Treasury Challan duly filled in indicating the relevant head of account creditable to the concerned Pay and Accounts Office.

2. The heads of accounts under which the receipts relating to the fees for registration, licensing and appeals etc. shall be credited will be 'B-Non-Tax Revenue-087 Labour and Employment Receipts under A & N Islands Inter-State Migrant workmen (Regulation and condition of service) Rules-1983. The Security deposits are to be booked under the head Deposits Advances-(b). Deposits not bearing interest 843-Civil Deposits-Security Deposits.

CHAPTER III

Duties of the Contractor

21. Particulars of migrant workman :—(1) Every contractor shall furnish to the specified authorities the particulars regarding recruitment and employment of migrant workmen in Form X.

(2) The particulars shall be either personally delivered by the contractor to the concerned specified authorities or sent to them 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 homestate of the migrant workman on the expiry of the period of employment and also on his :—

(a) termination of service before the expiry of period of employment for any reason whatsoever;

(b) being incapacitated for further employments on account of injury or continued ill-health duly certified as such by a registered medical practitioner;

(c) cassation 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-fulfilment of terms and conditions of his employment by the contractor.

23. Pass Book :—(1) In the pass book referred to in clause (4) of sub-section (1) of section 12 the following additional particulars shall be indicated namely :—

(a) the date of recruitment.

(b) the date of employment.

(c) Wage period, total attendance/unit of work done (in respect of piece-rated migrant workman) total wages earned/deductions if any made/not 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).

(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 or such other speedy mode of communications to the specified authorities of both the States and also the next of the kind 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 kin of the migrant workman, under mentioned 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;
- (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 of the time of occurrence of the accident.

24. RETURN AND REPORT: Every contractor shall furnish a return regarding migrant workmen who have ceased to be employed in Form XI, to the specified authorities concerned either personally or by registered post so as to reach them not later than 15 days from the date the migrant workman ceases to be employed.

CHAPTER IV

WAGES

25. RATE 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 workman directly employed by him in that establishment or the minimum rate of wages notified by the Andaman and Nicobar Administration under the Minimum Wages Act, 1948 for the same or similar type of work performed by workman in any scheduled employment in the area in which the establishment is located, or the rates of wages payable to the workman 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 Labour Commissioner 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 tenth day 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 by the contractor on working day at the work premises and during the working time and on a date notified in advance and in case the work is completed before the expiry of final payments shall be made within forty eight hours of the last working day.

31. PERSONS TO WHOM WAGES SHOULD BE PAID:—Wages due to every migrant workman shall be paid to him direct or to other persons duly authorised by him in this behalf.

32. KIND OF PAYMENT:—All wages shall be paid in current coin or in currency or in both. Wages shall be paid without an deduction of any kind except those specified by the Central Government or Andaman and Nicobar Administration by general or special order in this behalf or permissible under the payment of wages act, 1936.

33. NOTICE OF PAYMENT:—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 acknowledgment.

34. REQUIREMENT OF PRESENCE OF AUTHORISED REPRESENTATIVE WHEN PAYMENT IS MADE:—The principal employer shall ensure the presence of his authorised representative at the place and 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 REGARDING PAYMENT:—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-sum-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 V

Medical and other facilities to be provided to migrant workmen:

36. HOLIDAY HOURS OF WORK AND OTHER CONDITIONS OF SERVICE:—(1) Holidays, hours of work including extra wages over time work done and other conditions of service of migrant workman shall not be less favourable than those obtaining in the 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, hours of work including extra wages for overtime work done and other conditions of service to a migrant workman and clause (a) of sub-section (1) of section 13, the same shall be decided by the Labour Commissioner whose decision shall be final.

37. Medical facilities : (1) The contractor shall ensure provision 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 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 a migrant workman or any of his family members at station 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 thereon.

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

(a) for the establishments in which number of migrant workman employed does not exceed fifty, each first-aid box shall contain the following equipment :—

- (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 (30 ml) bottle containing a two per cent alcoholic solution of iodine ;
- (vi) 1 (30 ml) bottle containing salvolatic having the dose 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 Institutes, Government of India ;
- (xi) A bottle containing 100 tablets (each of 5 grains) of aspirin ;
- (xii) Ointment for burns ; and
- (xiii) A bottle of suitable surgical antiseptic solution.

(b) For establishments in which the number of migrant workman exceeds fifty each first-aid box shall contain the following equipments :—

- (i) 12 small sterilized dressings ;
- (ii) 6 medium size sterilized dressings ;
- (iii) 6 large sized sterilized dressings ;
- (iv) 6 large size sterilized burn dressings ;
- (v) 6 (15 gms) packets sterilized cotton wools ;
- (vi) 1 (60 ml) bottle containing a two per cent alcoholic solution of iodine ;
- (vii) 1 (60 ml) bottle containing salvolatic having the dose 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 of Factory Advisely Service and Labour Institutes, Government of India ;
- (xiii) A bottle containing 100 tablets (each of 5 grains) of a aspirine ;
- (xiv) Ointment for burns ; and

(xv) A bottle of a suitable surgical antiseptic solution,

(5) Adequate arrangements shall be made for immediate recoument 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 falls below 20 degree centigrade, protective clothing consisting of one woollen coat and one woollen trossers once in two years.

Provided that where the temperature falls below 5 degree centegrade 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 workmen 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 establishment, within seven days of the commencement of employment of migrant workmen therein.

(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 be 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 establishment, 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 provisions 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 room, rooms or other suitable alternative accommodation shall be of such dimensions so as to provide at least a floor area of 1.1 square metre for each person.

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

(7) The rest rooms, or other suitable accommodation 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 and 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 establishment, and within sixty days of the commencement of the employment of migrant workmen in the case of new establishment.

(2) If the contractor fails to provide canteen within the time laid down, the same shall be provided by the principal employer within sixty days of the expiry of the time allowed to the contractor.

(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 dining 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 material and inside wall 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 or colour-washed every 4 months.

(6) (i) The precincts of the canteen shall be maintained in the clean and sanitary condition.

(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.

(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 area occupied by the service counter and any furniture except tables and chairs shall not be less than one square metre per dinner to be accommodated as specified in sub-rule (7).

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

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

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

(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.

THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE APRIL, 26 1983.

- (12) (i) Suitable clean cloths 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:—
- The rent for the land and buildings;
 - The depreciation and maintenance charges for the building and equipment provided for the canteen;
 - The cost of purchase, repairs and replacement of equipments including furniture, crockery, cutlery and utensils;
 - The water charges and other charges incurred for lighting and ventilation;
 - The interest on the amounts spent on the revision and maintenance of furniture and equipment provided for in the canteen.
- (16) The books of accounts and registers and other documents used 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 every twelve months by registered Accountants and Auditors;

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

42. Latrines and urinals:— Latrines shall be provided in every establishment on the following scale, namely:—

- where females are employed, there shall be at least one latrine for every 25 females;
- 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 190, it shall be sufficient if there is one latrine for 25 males or females, as the case may be, upto the first 100, and one for every 30 thereafter.

- Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have proper door and fastenings.
- (i) where workers of both sexes are employed, there shall be displayed outside each block of latrine and a urinal a notice in the language understood by the majority of the workers "For Men only" and "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.
- There shall be at least one urinal for male workers upto 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, exceed, 500 it shall be sufficient if there is one urinal for every fifty females upto the first 500 and one for every 100 or part thereof thereafter.

- The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.
- (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.
- Water shall be provided by means of tap or otherwise so as to be conveniently accessible in or near the latrine and urinals.

43. Washing facilities:

- In every establishment

- (2) Separate and adequate screening facilities shall be provided for the use of male and female migrant workman.
- (3) such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

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 workmen as migrant workmen in new establishment.

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

(3) If the contractor fails to provide the creche within the time laid down, the same shall be provided by the Principal Employer within fifteen days of the expiry of the time allowed to the contractor.

(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 arts and beddings in the sleeping room.

(5) The creche shall be so constructed as to afford adequate protection against heat, damps, 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 workmen:

(i) 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

(ii) 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 8.5 sq. meters for each such migrant workmen making the barrack, a verandah and adequate additional space for cooking food as well as one common sanitary latrine and one 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 employment of migrant workmen 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 the bathrooms provided therein shall be kept in a clean and sanitary condition at all time.

(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 laid down in the said rule.

(6) If there is any dispute or disagreement regarding suitability or adequacy of provision of any of the amenities referred to in sub-rule (1) to (4) the same shall be decided by the Labour Commissioner 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 workmen employed in an establishment, to which the Act applies, is not paid by the contractor or if any facility specified in section 16 is not provided for the benefits of such migrant workmen, 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 except where otherwise provided for in the relevant 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 the principal employer, as the case may be, has already provided any facility relating to supply of wholesome drinking water or rest-rooms or latrines or urinals or washing, canteen or creche 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 VI

REGISTERS AND RECORDS : COLLECTION OF STATISTICS

48. Register 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 he employs migrant workman a register in Form XIII.

50. Service Certificate : On termination of employment for any reason whatsoever the contractor shall issue to the migrant workmen whose services 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 allowances sheet in Form XV and return journey allowance register in Form XVI respectively.

(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, deductions register and overtime register : (1) In respect of establishments which are governed by the Payment of Wages Act, 1936 and the rules made thereunder or the Minimum Wages Act, 1948, and the rules made thereunder, or Contract Labour (Regulation and Abolition) Act, 1970, and the rules made thereunder, the following registers and records required to be maintained by the contractor as employer under those 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 fine;
- (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 Forms XVII and Form XVIII respectively ;
- (b) Signature or thumb impression of every migrant workman on the register of wages shall be obtained and entered therein shall be authenticated by the signature of the contractor or his authorised representative, and duly certified by the authorised representative of the principal employer as required by Rule 35 ;
- (c) Register of deduction, register of fines and register of advances : Register of deductions 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 register of overtime in Form XXII.

(3) Notwithstanding anything contained in these rules where a combined or alternative form is sought to be used for the contractor to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder or any other laws or regulations or in case 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 Labour Commissioner.

53. Maintenance and preservation of registers : (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 or the nearest convenient building within the precincts of the work 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 Hindi.

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

(4) All the registers, records and notices maintained under the Act or rules shall be produced on demand before the Inspector or Labour Commissioner or any other authority under the Act or any person authorised in that behalf by the Andaman and Nicobar Administration.

(5) Where no deduction or fine has been imposed or no overtime has been worked 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 XX and XXI respectively.

54. Display of an abstract of the Act and the Rules : Every contractor shall display an abstract of the Act and the rules in English and Hindi and in the language spoken by majority of migrant workmen in such form as may be approved by the Labour Commissioner.

55. Notices : (1) (i) 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 English and in Hindi 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.

(ii) The notices 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 officer concerned not later than thirty days from the close of the half year.

NOTE: Half year for the purpose of this rule means "a period of six months commencing from 1st January and 1st July 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 Feb, following the end of the year to which it relates.

57. The Labour Commissioner or the Inspector or any other authority under the Act shall have power to call for any information or statistics in relation to migrant workman 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 VII

LEGAL AID TO MIGRANT WORKMAN

58. Legal Aid: On receipt of 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 or Authority under section 20 of the Minimum Wages Act, 1948 or appropriate Labour Court under section 33C (2) of the Industrial Disputes Act, 1947 or Commissioner of workmen's Compensation under the Workmen's Compensation Act, 1923, in which the migrant workman or legal heir is a party, the specified authority concerned, if he is satisfied, may with the prior approval of Labour Commissioner 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.

FORM 1

[(See Rule 3 (1)]

Application For Registration Of Establishments Employing Migrant Workman

1. Name and location of the establishment

2. Postal address of the establishment

3. Full name and address of the principal employer (furnish with Father's/Husband's name in the case of individuals)

4. Name and addresses of the directors/particular partners (in case of companies and firms)

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

6. Nature of work carried on in the establishment

7. Particulars of contractors and migrant workman

(a) Names and address of contractors

(b) Nature of work for which, migrant workman are to be recruited or are employed

(c) Maximum number of migrant workman to be employed on any day through each contractor

(d) Estimated date and commencement of work under each contractor

(e) Estimated date of termination of employment of migrant workman under each contractor

8. Particulars of fees deposited (Name of the Bank, Amount, number and date) No. of receipt and date.

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

NOTE: The application should be accompanied by the Treasury receipt for the requisite fee.

Principal Employer
and Stamp.

Date of receipt of application

Office of the Registering Officer

FORM II

[(See Rule 4 (1))]

Certificate of registration.

Date:

Andaman and Nicobar Administration
Office of the Registering Officer

A certificate of registration containing the following particulars is hereby granted under clause (a) of section (2) of section 4 of the Inter-State Migrant Workmen (Regulation of employment and conditions of work) Act, 1979 and the rules made thereunder to

1. Nature of work carried on the establishment.
2. Names and addresses of contractors.
3. Nature and work for which migrant workmen are to be employed or are employed.
4. Maximum number of migrant workmen to be employed on any day through each contractors.
5. Other particulars relevant to the employment of migrant workmen.

(i)

(ii)

Signature of Registering
Officer with seal

FORM III

[(See Rule 4 (2))]

Register of Establishments

Registration No. & date	Name & address of the establishment registered	Name of the Principal Employer & his addresses	Type of business, trade industry manufacture or occupation which is carried on in the establishment	Maximum No. of Migrant workmen directly employed on any day.
2	3	4	5	6

Particulars of Contractor and Inter-State Migrant Workmen.

Name and address of contractor	Nature of work for which migrant workmen are to be recruited or are employed.	Maximum No. of migrant workmen employed on any day through a contractor.	Probable duration of employment of migrant workmen	Remarks
7	8	9	10	11

FORM IV

[See Rule 7 (1)]

APPLICATION FOR LICENCE FOR RECRUITMENT

1. Name and address of the contractor (including his father's/husband's name in case of individuals)
2. Date of birth and age (in case of individuals)
3. Particulars of establishment where migrant workmen are to be employed
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 work in 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;
6. 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(s) 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 other 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 V is enclosed.
10. Amount of licence fee paid, No. and date of Treasury Receipt.
11. Amount of security deposit, if any, No. and date of Treasury Receipt.

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

Place

Signature of the applicant (contractor)

Date

Note: The application should be accompanied by the Treasury Receipt showing the payment of the licence fee and security deposit, if any and a certificate in Form V from the Principal Employer.

(To be filled in the office of the Licencing Officer)
Date and receipt of the application with Treasury Receipt for fees.

Signature of the Licencing Officer.

FORM V

[See Rule 7 (2)]

Application for licence for employment

1. Name and address of the Contractor (including his father's/husband's name in case of individuals).
2. Date of birth and age (in case of individuals)
3. Particulars 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 the migrant workmen;
 - (a) Nature of work in 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) Name and addresses of the Director/Partners (in case of companies and firms)
 - (f) Name(s) and address(s) 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
offence with
details.

6. Whether
for revoking
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7. Whether
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8. Whether
Form V is

9. Amount
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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.

8. Whether a certificate by the principal employer in Form V is enclosed

9. Amount of licence fee paid No. and date of Treasury receipt.

10. Amount of security deposit, if any, No. and date of Treasury receipt.

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

Place:

Signature of the Applicant.
(Contractor)

Date:

Note: The application should be accompanied by a Treasury receipt showing the payment of the prescribed fee and security deposits, 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 receipt 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, and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of service) 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 VIII

[See Rule 19 (2)]

Application for adjustment of Security Deposit.

Name and address of the Contractor	No. and date of application for fresh licence.	Date of expiry of previous licence.	Whether the previous licence of contractor was suspended/revoked.
1	2	3	4

No. and date of the crossed demand draft/Treasury receipt of security deposit in respect of the previous licence.	Amount of previous security deposit.	Amount of security deposit fresh licence.
5	6	7

No. and date of crossed demand draft of the balance security deposit deposited with the fresh application.	No. and date of certificate of registration of the establishment in relation to which the fresh licence is applied for.	Name and address of the employer.
8	9	10

Particulars of fresh application
11

Remarks
12

Place:

Signature of applicant

Date:

FORM VIII

[See Rule 11 (1)]

ANDAMAN AND NICOBAR ADMINISTRATION

Office of Licensing Officer.

Licence No _____ Dated _____ Licence Fee paid Rs.

Licence is hereby granted to _____ Under section 8 (1) of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 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.		

Date.....

Signature and seal of the Licensing Officer.

ANNEXURE

The licence is subject to the following conditions:

- The Licence shall be non-transferable.
- 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.
- Save as provided in the Andaman and Nicobar Islands Inter-State Migrant Workman (Regulation of Employment and Conditions of service) rules the fees paid for the grant, or as the case may be, for renewal of licence shall be non-refundable.
- 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, for such employment where applicable, and where the rates have been fixed by agreement settlement or award, not less than the rates so fixed.
- (a) In cases where the migrant workman 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 wages 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 of the same or of similar kind of work;

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

(b) In other cases the wages rates, holidays, hours of work and conditions of service of the migrant workmen of the contractor shall be such as prescribed in the Andaman and Nicobar Islands Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules.

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

7. No female migrant workman shall be employed by any contractor before 6 am or after 7 pm.

Provided that this clause shall not apply to the employment of female migrant workman in Pit h 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 condition of to the licensing officer.

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

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

FORM IX

[(See Rule 14 (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 the Treasury receipt 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 receipt No. and date.

Signature of the Licensing officer.

FORM X

[See Rule 21 (1)]

(Form in which to furnish particulars in respect of recruitment and employment of migrant workman/workmen as prescribed under sub-rule (1) of Rule 21 to the authorities specified under the explanation below sub-section (2) of Section 12 Inter-State Migrant workmen (Regulation of Employment and Conditions of Services Act, 1979).

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 ;

Sl. No.	Name of migrant workmen	Father's/Husband's Name	Sex	Age	Permanent home address	Name & address of the next of kin of migrant workman	Place & address of residence in the home State	Amount of dispalement allowance paid
1	2	3	4	5	6	7	8	9

Amount of outward journey allowance paid	Amount of wages for outward journey period paid	Nature of job required to be performed	Date of recruitment	Date of employment	Details of rates of wages and other allowances payable	period of contract of employment	Details of other service conditions	R E M A R K S
10	11	12	13	14	15	16	17	18

Signature of Contactor or his authorised representative :

Date

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 such State.

FORM XI

(See Rule 24)

(Return to be sent by the contractor to the authorities specified under explanation below sub-section (2) of Section 12 of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

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;

Sl. No.	Name of migrant workmen	Father's/Husband's name	Sex	Designation	Age	Permanent home address indicating the state	Place and address of residence in home State	Date of employment	Date when cease to be employed	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	
Total Days worked.		Details of rates of wages and other allowances paid.				Amount of displacement allowance paid.	Amount of outward journey allowance & wages for outward journey paid.	Amount returned if wages for outward journey paid.	Amount of wages for return journey paid.	
11.		12.				13.	14.	15.	16.	
Total wages paid.	Details of compensation and other allowances.	Amount of deductions, if any.		Amount of advance, if any paid.		Amount of advance, if any recovered.		Remainder		
16.	17.	18.		19.		20.		21.		

DECLARATION

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

Signature of the Contractor or his authorised representative

Place:.....

Date:.....

Submitted to:

(1)

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

(2)

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

Copy forwarded to:

(The Principal Employer)

Signature of the Contractor authorised representative:

Date:

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

FORM XII

(See Rule 48)

Register of Contractors

- (1) Name and address of the Principal Employer:
- (2) Name and address of the establishment:

Sl. No.	Name and address of contractor	Nature of work on contract	Location of contract work	Period of Contract		Maximum No. of migrant workmen employed by contractor.
				From	To	

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:

Sl. No.	Name and surname of migrant workmen	Age and sex	Father's/Husband's name	Nature of employment designation	Permanent Home address of migrant workmen (village and Tahsil/Tafuk and District)	
1	2	3	4	5	6	
7	Local address	Date of Commencement of employment.	Signature or thumb impression of migrant workman.	Date of termination of employment.	Reason for termination	Remarks.
		8	9	10	11	12

Signature of Contractor or his authorised representative

FORM XIV
(See Rule 50)
Service Certificate

Name and address of Contractor:
Nature and location of work:
Name and address of the migrant workman:
Age or Date of birth:
Identification Marks:
Father's/Husband's Name:

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

Sl. No.	Total period for which employed		Nature of work done	Rate of wages (with particulars of unit in case of piece-work).	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:

Sl. No.	Name of the migrant workmen.	Father's/Husband's name	Permanent home address indicating the State.	Place & address of residence in the home State	Designation	Rate of Wages payable in a month.	Place of recruitment.	Place of work with address indicating the State.	
1	2	3	4	5	6	7	8	9	10
11	Port/Stat/ Bus stand nearest to the place of residence.	Port/bus stand nearest to the place of work.	Date and time of commencement of journey from the place of residence.	Expected date and time of arrival at the place of work.	Details of modes of journeys from the place of residence in the home state to the place of work.	Amount of bus fare and/or second class train fare/ship fare and/or other journey expenses separately as per the modes of journeys indicated in Col. 15.			

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:

Sl. No.	Name of the migrant workman.	Father's/Husband's name.	Permanent home address indicating the State.	Place and address of residence in the home State.
1.	2.	3.	4.	5.

Designation.	Rate of wages.	Place of work.	Railway Station/bus stand/Port nearest to the place of work.	Port/Railway station/bus stand nearest to the place of residence in the home State.
6.	7.	8.	9.	10.

Date and time of commencement of journey from the place of work.	Expected date and time of arrival at the residence in home State.	Expected modes of journey from the place of work to place of residence in the home State.	Amounts of ships fare/and or bus fare and/or second class train fare and/or other journey expenses, separately as per expected modes of journeys indicated in column No. 13.
11.	12.	13.	14.

Total of amounts indicated in column No. 16.	Amount of displacement allowance	Amount of outward journey allowance	Wages for outward journey period.	Total amount paid.	Date on Which paid.
17.	18. Ps.	19.	20.	21.	22.

Signature or thumb impression of the migrant workman.	Actual date and time of arrival at the place of work	Balance wages for outward journey if any, payable	Date of payment of the balance wages indicated in Col.	Signature or thumb impression of the migrant workman.	Remarks.
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 :

Total amounts indicated in Column No. 14.	Amount of return journey allowances.	Wages for return journey period.	Total amount paid.	Date on which paid.	Signature or thumb impression of the migrant workmen.	Remainder
15	16	17	18	19	20	21

*Indicate separately different modes of journeys.
 Note:--Entries are to be made against each individual inter-state migrant workman.
 Signature of the Contractor, his authorised representative
 Date :

FORM XVII
 (See Rule 52 (2) (a)
 Muster Roll

Name and address of Contractor : _____
 Nature and location of work : _____
 Name and address of establishment in/under which migrant workmen are employed: _____
 Name and address of Principal Employer: _____
 For the month of _____

Sl. No.	Name of migrant-workmen	Father's/Husband's Name	Sex	Date					Res.
				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 establishment in which inter-State migrant workmen employed: _____
 Name and address of Principal Employer: _____
 Wage period: _____

Sl. No.	Name of inter-State migrant workman	Serial No. in the register of workmen	Designation/nature of work	No. of days worked	Units of workdone	Daily rates wages/piece	Amount of wages earned			Deductions, if any (indicate nature)	Net amount paid	Signature/ thumb impression of inter-state migrant workman	Initials or authority representative	
							Basic wages	Dearness allowance	Overtime					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM XIX

(See Rule 52 (2) (c))

Register of Deductions for Damages or Loss

Name and Address of Contractor: _____
 Nature and location of work: _____
 Name and address of establishment in/under which inter-State migrant workmen are employed: _____
 Name and Address of Principal Employer: _____

Sl. No.	Name of inter-State migrant workman	Father's/Husband's Name	Designation/nature of employment	Particulars of damage or loss	Date of damage or loss	Whether inter-State migrant workman showed causes against deduction	Name of employee's nation was	Amount of deduction imposed	No. of instalments	Date of recovery		Remainder
										First Instalment	Last instalment	
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM XX
[See Rule 52 (2) (c)]
Register of Fines

Name and address of Contractor :
Nature and location of work :

Name and address of establishment
in/under which inter-State migrant
workmen are Employed :
Name and address of Principal Employer :

Sl. No.	Name of inter-State migrant workmen	Father's/Husband's name.	Designation/Nature of employment.	Act/Omission for which fine imposed.	Date of offence.	Whether inter-State migrant workman showed cause against fine.
1	2	3	4	5	6	7
	Name of person in whose presence employee's explanation was heard.		Wage periods and wages payable.	Amount of fine imposed.	Date on which fine realised.	Remarks.
	8	9	10	11	12	

FORM XXI
[See Rule 52 (2) (c)]
Register of Advances

Name and Address of Contractor :
Nature and location of work :

Name and address of establishment in/
under which inter-State migrant work-
men are employed :
Name and address of Principal Employer :

Sl. No.	Name of inter-State migrant workman.	Father's/Husband's name.	Nature of employment/Designation.	Wage period and wages payable.	Date and amount of advance given.	Proposes for which advance made.
1	2	3	4	5	6	7
	No. of instalments by which advance to be repaid.		Date and amount of each instalment repaid.	Date on which last instalment was repaid.	Remarks.	
	8	9	10	11		

FORM XXII
[See Rule 52 (2) (d)]
Register of Overtime:

Name and address of Contractor:
Nature and location of work:

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

Sl. No.	Name of inter-State migrant workmen	Father's/Husband's name.	Sex	Designation/nature of employment	Date on which overtime worked	Total overtime worked or production in case of piece-rated
1	2	3	4	5	6	7
	Normal rates of wages	Overtime rate of wages	Overtime earnings	Date on which over-time wages paid	Remarks	
	8	9	10	11	12	

FORM XXIII
[See Rule 56(1)]

Return to be sent by the Contractor to the Licencing Officer

Half Year Ending

- Name and address of the contractor;
- Name and address of the establishment;
- Name and address of the principal employer;
- Duration of contract; From To;
- No. of days during the half year on which
 - the establishment of the principal employer had worked.
 - the contractors' establishment 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) No. of man-hours 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 deductions from wages if any—
- | Men | Women | Children | Total |
|-----|-------|----------|-------|
|-----|-------|----------|-------|
11. Amount of displacement allowance paid.
- | Men | Women | Children | Total |
|-----|-------|----------|-------|
|-----|-------|----------|-------|
12. Amount of outward journey allowance 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 journey 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 the 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 person 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 workmen was employed.
7. Total number of mandays worked for by migrant workmen during the year.
8. Maximum number of workmen employed directly/ on any day during the year.
9. Total number of days during the year on which direct 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.

Principal Employer.

Place.....

ANNEXURE TO FORM

Name and address of the Contractor	Period of contract		Nature of work.	Maximum number of workers employed by each contractor.	No. of days worked.	No. of mandays worked.
	From	To				
1	2	3	4	5	6	7

By Order

Sd/-

(N.K.Nampoothiry
Assistant Secretary (HBR))

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

Published By Authority

सं० ९, पोर्ट ब्लेयर, शनिवार फरवरी ३, १९६८/माघ १४, १८८९.

No. 9, PORT BLAIR, SATURDAY FEB. 3, 1968/MAGHA 14, 1889.

ANDAMAN AND NICOBAR ADMINISTRATION
CHIEF COMMISSIONER'S SECRETARIAT

NOTIFICATION

Port Blair, the 3rd February 1968/Magha 14, 1889.

No. 17/68/F.12/3/61-LC.—In exercise of the powers conferred by Section 28(1) of the Maternity Benefit Act, 1961 (53 of 1961) read with Section 3(m) thereof, I, Mahabir Singh, Chief Commissioner, Andaman and Nicobar Islands, hereby make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely :—

RULES

1. **Short Title and Commencement :—**(1) These rules may be called the Andaman and Nicobar Islands Maternity Benefit Rules, 1968.

(2) They shall come into force at once.

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

(a) the " Act " means the Maternity Benefit Act, 1961 (53 of 1961);

(b) " Competent authority " means,—the Labour Commissioner of Andaman and Nicobar Islands;

(c) " Form " means a form appended to these rules;

(d) " Muster roll " means a muster roll maintained under rule 3;

(e) " Registered Medical Practitioner " means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;

(f) " Section " means a section of the Act;

All other words and expressions used hereinafter but not defined herein shall have the same meaning as respectively assigned to them in the Act.

3. **Muster Roll :—**(1) The employer of every establishment in which women are employed shall prepare and maintain a muster roll in Form 'A' and shall enter therein particulars of all women workers in the establishment;

(2) All entries in the muster roll shall be made in ink and maintained up-to-date and it shall always be available for inspection by the Inspector during working hours.

(3) The employer may enter in the muster roll such other particulars as may be required for any other purpose of the Act.

PRICE: RUPEE ONE AND TWENTY-FIVE Paise.

4. **Proof:**—(1) The fact that a woman is pregnant or has been delivered of a child or has undergone miscarriage or is suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall be proved by the production of a certificate to that effect,—

(a) from a Medical Officer of the Government Hospital in the Andaman and Nicobar Islands;

or
(b) from a Registered Medical Practitioner. The certificate shall be in Form "B".

(2) The fact that a woman has been confined may also be proved by the production of a certified extract from a birth register maintained under the provisions of any law for the time being in force or a certificate signed by a registered mid-wife.

(3) The fact that a woman has undergone miscarriage may also be proved by the production of a certificate signed by a registered mid-wife.

(4) The fact of death of a woman or a child may be proved by the production of a certificate to that effect in Form 'C' from any of the authorities referred to in Sub-rule (1) or by the production of a certified extract from a death register maintained under the provisions of any law for the time being in force.

(5) The certificate from a registered mid-wife be in Form 'D'.

5. (1) **Payment of maternity and other benefit:**—A woman employed in an establishment and entitled to maternity benefit shall give notice to her employer in Form 'E' and the employer shall make payment of the maternity benefit and any other amount due under the Act to the woman concerned, or, in case of her death before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of Section 5, to the person nominated by the woman in her notice in Form 'E' and in case there is no such nominee to her legal representative.

(2) In case of doubt, the maternity benefit or other amount due to a woman employed in an establishment shall be deposited by the employer, within two months of the date of death of the woman concerned with the Competent Authority who shall, after making necessary enquiries, pay it to the person who, in his opinion is entitled to receive it.

(3) Whenever the payment referred to in sub-rule (1) is made, a receipt shall be obtained by the employer in Form 'F' from the person to whom the payment is made. In cases falling under sub-rule (2), a receipt shall be given to the employer by the Competent Authority.

(4) The medical bonus shall be paid along with the second instalment of the maternity benefit.

(5) The maternity benefit or any other amount payable under Section 7 shall be paid within two months of the date of death of the woman entitled to receive such benefit or amount.

(6) The wages payable under Section 9 shall be paid to the woman entitled to receive such wages within forty-eight hours of production by her of the certificate in Form 'B' or Form 'D'.

(7) The wages payable under Section 10 shall be paid to the woman entitled to receive such wages within forty-eight hours.

6. **Break for nursing child:**—Each of the two breaks mentioned in Section 11 shall be of 15 minutes duration. An extra sufficient period depending upon the distance to be covered, shall be allowed for the purpose of journey to and from the creche or the place where the children are left by women while on duty, provided that such extra shall not be of less than 5 minutes and more than 15 minutes duration. If any dispute arises regarding such extra period, the matter shall be referred to the Competent Authority for decision.

7. **Duties and powers of the Competent Authority and Inspectors:**—(1) The Competent Authority shall be responsible for the administration of these rules throughout the Union Territory of Andaman and Nicobar Islands.

(2) Every Inspector shall discharge his duties within the area assigned to him by the Chief Commissioner and shall act under the supervision and control of the Competent Authority.

(3) Every Inspector shall at each inspection of an establishment see:

(a) whether due action has been taken on every notice given under Section 6;

(b) whether the Muster Roll prescribed under rule 3 is correctly maintained;

(c) whether there have been any cases of discharge or dismissal or notices of discharge or dismissal in contravention of the provisions of Section 12 since the last inspection;

(d) whether the provisions of sub-section (1) of Section 4, sub-sections (5) and (6) of Section 6, Sections 8, 9, 10, 11, 13 and 19 have been complied with and whether amounts due have been paid within the prescribed time;

(e) whether there have been any cases of deprivation of maternity benefit or medical bonus in contravention of sub-section (2) of Section 12; and

(f) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.

(4) Where an Inspector observes irregularities against the Act or these Rules, he shall issue orders in writing to the employer asking the latter to rectify the irregularities within a specified period and to report compliance to the Inspector.

8. **Acts which constitute gross misconduct:**—The following acts shall constitute gross misconduct for purpose of Section 12, namely:—

(a) wilful destruction of employer's goods or property;

(b) assaulting any superior or co-employee at the place of work;

- (c) Criminal offense involving moral turpitude resulting in conviction in a court of law;
- (d) Debt, fraud, or dishonesty in connection with the employer's business or property; and
- (e) Willful non-observance of safety measures or rules on the subject or willful interference with safety devices or with fire-fighting equipment.

9. Appeal under Section 12:—(1) An appeal under clause (b) of sub-section (2) of Section 12 shall be preferred to the Competent Authority in Form 'G'.

(2) The appeal may be made in writing and either handed over personally or sent under registered cover to the Competent Authority.

(3) When an appeal is received, the Competent Authority shall furnish a copy of the memorandum of appeal to the employer, call for his reply thereto and also ask him to produce documents connected with the issue of the appeal by a fixed date. The Competent Authority may ascertain further details if necessary, from the employer as well as from the woman. On considering the facts presented to him and ascertained by him, the Competent Authority shall give his decision. In case the employer fails to submit his reply or produce the required documents within the specified period, the Competent Authority may give his decision ex parte.

10. Complaint under Section 17:—(1) A complaint under sub-section (1) of Section 17 shall be made in writing in Form 'H' or 'I', as the case may be.

(2) When a complaint referred to in Section 17 is received by an Inspector, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under Section 17, as the case may be, immediately or within a specified period.

11. Appeal under Section 17:—(1) An appeal against the decision of the Inspector under sub-section (2) of Section 17, shall lie to the Competent Authority.

(2) The aggrieved person shall prefer an appeal in writing to the Competent Authority in Form 'J' and file other supporting documents.

(3) When an appeal is received the Competent Authority shall call from the Inspector before a fixed date, the record of the case. The Competent Authority shall, if necessary, also record the statements of the aggrieved person and of the Inspector and seek clarification if any is required.

(4) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the Competent Authority shall give his decision.

12. Supply of Forms:—The employer shall supply to every woman employed by him at her request free of cost copies of Form 'B', 'C', 'D', 'E', 'F', 'G', 'H', and 'I'.

13. Non-submission of notices, appeals or complaints in the prescribed forms:—NOTHING in Rules 5, 9 and 10 shall affect the right of a woman entitled to receive maternity benefit or any other amount due under the Act in a form, other than the prescribed form, the authority concerned may, within 15 days of the receipt of such notice, appeal or complaint require the woman to submit the notice, appeal or complaint, as the case may be, in the prescribed form.

Provided that where a notice, appeal or complaint under the said rules has been submitted by a woman entitled to receive maternity benefit or any other amount due under the Act in a form other than the prescribed form, the authority concerned may, within 15 days of the receipt of such notice, appeal or complaint require the woman to submit the notice, appeal or complaint, as the case may be in the prescribed form.

14. Records:—Records kept under the provisions of the Act and these Rules shall be preserved for a period of two years from the date of their preparation.

15. Abstract:—The abstract of the provisions of the Act and these Rules required to be exhibited under Section 10 shall be in Form 'K' and shall be exhibited in such manner as the Competent Authority may require.

16. Annual returns:—(1) The employer of every establishment shall on or before the 31st day of January in each year submit to the Competent Authority a return in each of the forms 'L', 'M', 'N', and 'O', giving information as to the particulars specified in respect of the preceding year.

(2) If the employer of an establishment to which the Act applies sells, abandons or discontinues the working of the establishment he shall, within one month of the date of sale or abandonment or four months of the date of discontinuance, as the case may be, submit to the Competent Authority a further return in each of the said forms in respect of the period between the end of the preceding year and the date of sale, abandonment or discontinuance.

1027

FORM 'A'

(See Rule 3)

Muster Roll

Name of Establishment.

1. Serial Number.
2. Name of woman and her father's (or, if married husband's) name.
3. Date of appointment.
4. Nature of work.
5. Dates with month and year in which she is employed, laid off and not employed.

Month	No. of days employed.	No. of days laid off	No. of days not employed.	Remarks.
6. Date on which the woman gives notice under Section 6.				
7. Date of discharge/dismissal, if any.				
8. Date of production of proof of pregnancy under Section 6.				
9. Date of birth of child.				
10. Date of production of proof of delivery/miscarriage/death.				
11. Date of production of proof of illness referred to in Section 10.				
12. Date with the amount of maternity benefit paid in advance of expected delivery.				
13. Date with the amount of subsequent payment of maternity benefit.				
14. Date with the amount of bonus, if paid under Section 8.				
15. Date with the amount of wages paid on account of leave under Section 9.				
16. Date with the amount of wages paid on account of leave under Section 10 and period of leave granted.				
17. Name of the person nominated by the woman under Section 6.				
18. If the woman dies, the date of her death, the name of the person to whom maternity benefit and/or other amount was paid the amount thereof, and the date of payment.				
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.				
20. Signature of the employer of the establishment authenticating the entries in the muster roll.				
21. Remarks column for the use of the Inspector.				

FORM 'B'

[See Rule 4 (1)]

This is to certify that I examined _____ wife/daughter of _____
a woman employee in _____ (name of establishment on _____
(date) and found/cannot discover that she is pregnant and is expected to be delivered of a child
within (month and/days) from the above mentioned date/has undergone miscarriage/has been
delivered of a child on _____ (date) or is suffering from _____
_____ (date) from illness arising out of pregnancy/
delivery/premature birth of a child or miscarriage.

Date

Signature, qualifications and designation of Medical
Officer/Registered Medical Practitioner.

Definitions of "child" and "miscarriage" as in the Maternity Benefit Act, 1961.

1. "Child" includes a still-born child.

2. "Miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code.

FORM 'C'

[See Rule 4 (4)]

This is to certify that Smt. _____ wife/daughter of _____ employed in _____
(name of establishment) expired on _____ before/during/after confinement.

This child on _____ /survives her.

Dated

Signature, qualifications and designation of Medical
Officer/Registered Medical Practitioner.

FORM 'D'

[See Rule 4 (5)]

This is to certify that I examined _____ wife/daughter of _____
a woman employed in _____ (name of establishment) and found that she has been
delivered of child/has undergone miscarriage on _____ (date).

Dated

Signature of Registered mid-wife.

Definitions of "child" and "miscarriage" as in the Maternity Benefit Act, 1961.

1. "Child" includes a still-born child.

2. "Miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code.

FORM 'E'

[See Rule 5 (1)]

Notice under Section 6 of the Maternity Benefit Act, 1961.
(Name of Establishment).

I, (Name of woman) wife/daughter of

employed as at (Name of establishment), hereby

give notice that I expect to be confined within six weeks next following from the date of this notice/have given birth to a child on

(date) and shall be absent from work from (date) I shall not work in any establishment during the period for which I receive maternity benefit.

2. For the purpose of Section 7, I hereby nominate (here enter name and address of the nominee) to receive maternity benefit and/or any other amount due to me under the Act in case of my death.

Signature of an Attestor in case the woman is not able to sign and affixes thumb impression.

Signature or thumb impression of woman.

Dated

FORM 'F'
[See Rule 5 (3)]

Form of receipt of Maternity Benefit

To (Name of establishment).

I, the undersigned, a woman* employee/the nominee of woman employee/legal representative of

woman employee deceased in (name of

Establishment) at in District received maternity benefit and/or other

amount due under the Maternity Benefit Act, 1961, from the employer of the establishment referred

to above, as detailed below :—

Rs. being the first instalment of maternity benefit paid on.....

Rs. being the Second instalment of maternity benefit after..... delivery paid on.....

Rs. being the medical bonus under Section 8 of the Act paid on.....

Rs. being the wages for the leave period from to mentioned under Sec. 9 or 10.

*My/Her confinement/miscarriage took place on or I/She fell ill because of pregnancy, delivery, premature birth of a child or miscarriage on..... In consequence I her nominee/legal representative have received the aforesaid amounts prescribed in Sections 5, 8, 9 and 10 of the Maternity Benefit Act, 1961.

Signature or thumb impression of *Women employee or her nominee or legal representative.

Signature of an attesor in case the woman is not able to sign and affixes thumb impression.

Date

*Strike out unnecessary portion.

FORM 'G'

(See Rule 9)

To The competent Authority
appointed under the Maternity Benefit Act, 1961.
(Address)

Sir, I, the undersigned, woman employee of (Name of establishment and full address), having been wrongly deprived by the employer of maternity benefit or medical bonus or both (strike out unnecessary portion) for the reasons attached hereto, prefer this appeal under sub-section (2) of Section 12 and request that the said employer be ordered to pay the above mentioned amount to me. A copy of the order of the employer in this behalf is enclosed.

Signature or thumb impression of the woman.

Date.....

Signature of an attester in case the woman is not able to sign and affixes thumb impression.

FORM 'H'

(See Rule 9)

To The Inspector,
(Under the Maternity Benefit Act, 1961).

Sir, I, (Name of woman) employed in (Name and full address of establishment having fulfilled the conditions laid down in the Maternity Benefit Act, 1961 and the Rules thereunder am entitled to Rs. being maternity benefit and/or Rs. being the medical bonus or Rs. being wage for leave due under Sec. 9 and 10 but the same has been improperly withheld by the employer. He may, therefore, be directed to pay the amount to me.

Date

Signature or thumb impression of the woman.

Signature of an attester in case the woman is unable to sign and affixes thumb impression.

Full address of the woman.

*Strike out unnecessary portion.

FORM 'I'

(See Rule 10)

To The Inspector,
(Under the Maternity Benefit Act, 1961)

I, (name), a person nominated under Sec. 6 by or a legal representative of (name of woman) employed in (name and full address of establishment) have to complain that the said woman having fulfilled the conditions laid down in the Maternity Benefit Act, 1961 and the rules thereunder is entitled to Rs. being maternity benefit and/or Rs. being the medical bonus and/or Rs. being wages for leave due under Sec. 9 or 10 but the same has been improperly withheld by the employer. He may, therefore, be directed to pay the amount to me.

Signature or thumb impression of the nominee/legal representative.

Signature of an attester in case the nominee/legal representative is unable to sign and affixes thumb impression.

Full address of the nominee/legal representative.

FORM 'J'

(See Rule 11)

To

Sir,

Sir, Inspector, having directed under sub-section (2) of Section 17 to pay the Maternity Benefit or other amount being (nature of amount) to which (name of woman) is said to be entitled, I prefer this appeal under sub-section (3) of Section 17. In view of the facts mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is not entitled to the maternity benefit or the said amount and hence the decision of the Inspector in this behalf, copy of which is enclosed, may be set aside.

Signature of aggrieved person.
Full address.....

Dated.....

FORM 'K'

(See Rule 15)

(Abstract of the Maternity Benefit Act, 1961 and the rules made thereunder).

1. No employer shall knowingly employ a woman during the six weeks immediately following the day of her delivery of miscarriage and no woman shall work in any establishment during the said period.

2. No pregnant woman shall, on a request being by her in this behalf, be required by her employer to do during the period of one month immediately preceding the period of six weeks before the date of her expected delivery and also for any period during this period of six weeks for which she does not avail of leave of absence, any work which is of an arduous nature or which involves long hours of standing, or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.

3. (1) Subject to the provisions of the Act, every woman who has actually worked in an establishment of the employer from whom she claims maternity benefit for a period of not less than one hundred and sixty days, including the days during which she was laid off, shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of her average daily wages, or one rupee a day, whichever is higher, for the period of her actual absence not exceeding six weeks immediately preceding and including the day of her delivery and for the six weeks immediately following that day.

Provided further that where a woman dies during the period for which maternity benefit is payable to her, the benefit shall be payable only for the days upto and including the day of her death. However, where the woman having been delivered of a child, dies during her delivery or during the period of six weeks immediately following the date of her delivery, leaving behind in either case the child, the employer shall be liable for the payment of maternity benefit for the entire period of six weeks immediately following the day of delivery but if the child also dies during the said period, then, for the days upto and including the day of the death of the child.

2. The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of a certificate in Form 'B' stating that she is pregnant and is expected to be delivered of a child within six weeks of the date of production of the certificate, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of the certificate in Form 'B' or Form 'D' stating that she has been delivered of a child or production of a certified extract from a birth Register maintained under the provisions of any law for the time being in force.

4. (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act may give notice in writing in Form 'E' to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Act may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.

2. In the case of a woman who is pregnant, such notices shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.

3. Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery.

4. On receipt of the notice, the employer shall permit such women to absent herself from the establishment until the expiry of six weeks after the day of her delivery.

5. (1) Every woman entitled to maternity benefit under the Act shall also be entitled to receive from her employer a medical bonus of twenty-five rupees, if no pre-natal, confinement and post-natal care is provided for by the employer free of charge. The medical bonus shall be paid along with the second instalment of the maternity benefit.

2. In case of miscarriage, a woman shall on production of a certificate in Form 'B' or Form 'D' be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage. The wages shall be paid within 48 hours of production of the certificate in Form 'B' or Form 'D'.

3. A woman suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall, on production of a certificate in Form 'B', be entitled, in addition to the period of absence allowed to her on account of maternity or miscarriage, as the case may be, to leave with wages at the rate of maternity benefit for a maximum period of one month. The wages for the leave period shall be paid within 48 hours of the expiry of that period.

6. Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work two breaks of 15 minutes duration for nursing the child until the child attains the age of fifteen months. An extra sufficient period, depending upon the distance to be covered, shall be allowed for the purpose of the journey to and from the creche or the place where the children are left by woman while on duty, provided that such extra period shall not be less than 5 minutes and more than 15 minutes duration.

7. (1) When a woman absents herself from work in accordance with the provisions of the Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

2. (a) The discharge or dismissal of a woman at any time during her pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus shall not have the effect of depriving her of the maternity benefit or medical bonus.

Provided that where the dismissal is for one or more of the following acts, the employer may by order in writing communicated to the woman, deprive her of the maternity benefit, medical bonus or both.

- (i) wilful destruction of employer's goods or property;
- (ii) assaulting any superior or co-employees at the place of work;
- (iii) criminal offence involving moral turpitude resulting in conviction in a court of law;
- (iv) theft, fraud, or dishonesty in connection with the employer's business or property; and
- (v) wilful non-observance of safety measures or rules on the subject or wilful interference with safety devices or with fire-fighting equipment.

(b) Any woman deprived of maternity benefit or medical bonus or both, may, within sixty days from the date on which the order of such deprivation is communicated to her, appeal in Form 'G' to the Competent Authority and the decision of the Competent Authority on such appeal whether the woman should or should not be deprived of maternity benefit or medical bonus or both, shall be final.

8. If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of the Act, she shall forfeit her claim to the maternity benefit for such period.

9. (1) Any woman claiming that maternity benefit or any other amount to which she is entitled under the Act and any person claiming that payment due has been improperly withheld, may make a complaint to the Inspector in writing in Forms 'H' or 'I' as the case may be.

(2) The Inspector may, of his own motion or on receipt of a complaint in Forms 'H' or 'I' make an enquiry or cause an enquiry to be made and if satisfied that payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders.

(3) Any person aggrieved by the decision of inspector may, within thirty days from the date on which such decision is communicated to such person, appeal to the Competent Authority.

(4) The decision of the Competent Authority where an appeal has been preferred to him or of the inspector where no such appeal has been preferred, shall be final.

10. (a) The employer shall supply to every woman employed by him at her request free of cost copies of Forms 'B', 'C', 'D', 'E', 'F', 'G', 'H', and 'I'.

(b) The failure to submit a notice, appeal or complaint in the prescribed form will not affect the right of a woman entitled to receive maternity benefit or any other amount due under the Act. Where a notice, appeal or complaint has been received in a Form other than the prescribed Form the authority concerned shall within fifteen days of the receipt of such notice, appeal or complaint, require the woman to submit the notice, appeal or complaint, as the case may be in the prescribed form.

11. (a) (1) The employer of every establishment in which women are employed shall prepare and maintain a muster roll in Form 'A' and shall enter therein particulars of all women workers in the establishment.

(2) All entries in the muster roll shall be made in ink and maintained up-to-date and it shall always be available for inspection by the Inspector during working hours.

(b) The employer of every establishment shall on or before the 31st day of January in each year submit to the Competent Authority a return in each of the Forms 'M', 'N' and 'O' giving information as to the particulars specified in respect of the preceding year.

FORM 'L'

(See Rule 16)

Annual return for the year ending on the 31st December, 19

1. Name of the establishment.
2. Situation of the establishment.
Mouza.
District.
State.
3. Date of opening of the establishment.
4. Date of closing, if closed.
5. Postal address of the establishment.
6. Name of employer.
Postal address of employer.
7. Name of managing agent, if any.
Postal address of managing agent.
8. Name of Agent or representative of employer.
Postal address of representative of employer.
9. Name of Manager.
Postal address of Manager.
10. (a) Name of Medical Officer attached to the establishment.
(b) Qualification of Medical Officer attached to the establishment.
(c) Is he resident at the establishment?
(d) If a part-time employee, how often does he pay visits to the establishment?
11. (a) Is there any hospital at the establishment?
(b) If so, how many beds are provided for women employees?
(c) Is there a lady doctor?
(d) If so, what are her qualifications?
(e) Is there a qualified mid-wife?
(f) Has any crèche been provided?

Signature of employer.

Dated

FORM 'M'

(See Rule 16)

Employment, dismissal, payment of bonus, etc., of women for the year ending on
31st December, 19 . .

1. Establishment.
2. Aggregate number of women permanently or temporarily employed during the year.
3. Number of women who worked for a period of not less than one hundred and sixty days in twelve months immediately preceding the date of delivery.
4. Number of women who gave notice under Section 6.
5. Number of women who were granted permission to absent on receipt of notice of confinement.
6. Number of claims for maternity benefit paid.
7. Number of claims for maternity benefit rejected.
8. Number of cases where pre-natal, confinement and post-natal care was provided by the management free of charge (Section 8).
9. Number of claims for medical bonus paid (Section 8).
10. Number of claims for medical bonus rejected.
11. Number of cases in which leave for miscarriage was granted.
12. Number of cases in which leave for miscarriage was applied for but was rejected.
13. Number of cases in which additional leave for illness under Section 10 was granted.
14. Number of cases in which additional leave for illness under Section 10 was applied for but was rejected.
15. Number of women who died:
 - (a) before delivery.
 - (b) after delivery.
16. Number of cases in which payment was made to persons other than the women concerned.
17. Number of discharged or dismissed while working.
18. Number of women deprived of maternity benefit and/or medical bonus under proviso to sub-section (2) of Section 12.
19. Number of cases in which payment was made on the order of the competent Authority or Inspector.
20. Remarks.

N. B.— Full particulars of each case and reasons for the action taken under Serials 7, 10, 12, 14, 17 and 18 should be given in the Appendix below:—

Signature of employer.
Date.....

FORM 'N'

(See Rule 16)

Details of payment made during the year ending 31st December, 19

- | | |
|------------------------------|--------------|
| Name of person to whom paid. | Amount paid. |
|------------------------------|--------------|
- (1) Date of payment.
 - (2) Women employee.
 - (3) Nominee of the women.
 - (4) Legal representative of the woman.
 - (5) Amount for the period preceding date of expected delivery.
 - (6) Amount for the subsequent period.
 - (7) Under Section 8 of the Act.
 - (8) Under Section 9 of the Act.
 - (9) Under Section 10 of the Act.
 - (10) Number of women workers who absconded after receiving the first instalment of maternity benefit.
 - (11) Cases where claims were contested in a Court of law.
 - (12) Results of such cases.
 - (13) Remarks.

Signature of employer

Date.....

FORM 'O'

(See Rule 16)

Prosecution during the year ending 31st December, 19

Place of employment of the women employee.	No. of cases instituted.	No. of cases which resulted in conviction.	Remarks.

N. B. :- Reasons for prosecution should be given in full in the Appendix below :

Signature of employer

Date.....

MAHABIR SINGH

Chief Commissioner,

Andaman and Nicobar Islands.

By order and in the name of the Chief Commissioner.

B. O. ACHARI,

Asst. Secretary to the Chief Commissioner.