

S.N. 65

Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)

No.E(LL)70AT/CNR/1-3

New Delhi, dated 15.10.1971.

The General Managers,
All Indian Railways,
C.L.W., D.L.W. & I.C.F.

Re: Application of the provisions of
the Contract labour (Regulation
and Abolition) Act, 1970 and the
rules framed thereunder to contract
labour on Railways.

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Reference is invited to the instructions contained in D.O. letters No.60/289/15/Fuel dated 19.7.68 and No.E(LL)70AT/CNR/1-1 dated 5.6.70 from the Chairman, Railway Board wherein you were advised that pending the passing by the Parliament of the Contract Labour (Regulation & Abolition) Bill and until the area of prohibition of contract working was defined, it would be impolitic for Railways to change over to contract work any regular item of work which they had traditionally handled departmentally over long periods.

2. The Contract Labour (Regulation & Abolition) Act, 1970 as well as the Contract Labour (Regulation and Abolition) Central Rules, 1971 are now to come into force from 10th February 1971. The Ministry of Labour and Employment have issued four Notifications on 21.7.71 notifying the appointment of the officers of the Central Industrial Relations Machinery as the "Registration Officers"; "Licensing Officers"; "Appellate Authorities" and "Inspectors" under the Act. A copy each of the Act, the Rules and the four Notifications is enclosed. Though this Act does not envisage altogether abolition of contract labour in any establishment or industry, certain criteria have been laid down in Section 10 of the Act for prohibition of such employment. However, the question of abolition of contract system in any of the non seasonal works on the Railways with reference to the above provisions will be taken up and decided by the Ministry of Labour and Employment in the case of Railways in consultation with the Central Advisory Contract Labour Board to be constituted under the Act as and when occasions arise and the Railways will be advised of the decisions in due course.

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In the meanwhile, so far as the present system of employment of contract labour for various types of work on Railways is concerned, the Railways as the "principal employer" of contract labour engaged in different departments are required to comply with the relevant provisions made in the Act and the Rules relating to the registration of each establishment on payment of prescribed registration fees; provision of certain basic amenities and ensuring the payment of wages to labour in cases of failures of contractors concerned, submission of prescribed registers and returns etc.

For proper implementation of the provisions of the Act and the Rules it has been decided by the Board as under:

- (a) The Divisional Officers in Divisions, Senior Mechanical Engineers, Deputy Chief Mechanical Engineers or Works Managers (as the case may be) in respect of workshops, District Controller of Stores in respect of Stores Depots, Executive Engineers in respect of constructions, Heads of Departments in respect of contracts directly controlled by Headquarters may be nominated as "Principal employer" and they will be held answerable for fulfilling the requirements of the Act and the Rules as representatives of the railway establishments under their administrative control.
- (b) Nucleus staff for all the "Principal employers" in a Divisional office, as a central cell, who have a sizeable number of contracts such as the Engineering officers and Commercial officers may if necessary be sanctioned after obtaining Board's prior approval.
- (c) Expenditure on registration of establishments etc. may also be incurred by the Railways.

3. The Board desire that while their decision referred to in para 1 above that departmental work now being done for non seasonal work should under no circumstances be switched over to contract labour

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should be adhered to by the Railways until further orders, they should at the same time take necessary immediate steps to examine carefully in consultation with the departmental heads concerned including the FA & CAOs the statutory provisions of the aforesaid Act and the Central Rules and ensure that all the relevant provisions are strictly complied with so far as the prevalent system of employment of contract labour for various types of work on Railways are concerned.

Please acknowledge receipt.

P.S. Mahadevan

(P.S. Mahadevan)

Encl:6

Addl. Director, Establishment.

Copy to Fuel, E(Coop), TG II, M(W), WI, WII, R.S. & F(E)I Branches of Board's office. It is requested that the question of suitably amending the existing contracts or Standard Agreements in the light of the provisions of the aforesaid Act and the Rules may be considered by them immediately.