

NOTIFICATION REGARDING AMENDMENT IN THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE)

/ 38 ft. Q. fra-r\$. 30-05-2001." 201] 10 2021—.719, 1942 9 2021 10—06/2020/16.— 1979 (1979 30) \$1 35 GINT gg zrâ) 1981 1. 3 qq, q-râ, "3. (2) (3) a-I-r-ä-« (1) q-rq-â, a-qqsréFT l" F) (1) qq, 3T2fiq•.— 401 402 3. 4. 5. 6. 7. 8. 2021 V) "q-g "\$—iie "øâq d' I @ (1) GTâ, 0TQ4iq•.— @ (4) 012TM:— (g.) (5) epfi•.— '(5) (1) (2) 10 12 q-rgvrr l" 9 (2) @r) qq, a-T2âq.— 10 (1) q-râ, øæfq•.— qq, fig \$1 @ (2) (âR8) apiq•.— 10 2021 \$1 \$1 15 9. 13 402 (1) 10. 11. 12. 13. (2) "31\$-rq•q * ' 3 @ (3) (w) vrqe" AR, GIRT ' (TD (4) ' 'an-a-qi ' 3 (1) 14 15 20 I 8 qq, qü, apxfq•.— 8 11(1) 1979 8(1) gâ, t. 3. 1. 2. 1948 Q, &fi, g, a-ti fig 2: 402 (2) 4. 5. 6. 7. 8. 2021 GINT 6 7 e-â --0 \$1 Trg 8, •q—xfiq. 9 2021 10—06/2020/16.— 348 (3) m. 10—6/2020/16, Atal Nagar, the 9th February 2021 NOTIFICATION No. 10—06/2020/16. — The following amendment in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Chhattisgarh rules, 1981, which the State Government in exercise of the power conferred by Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979):- AMENDMENT In the said rules, 1



2. For rule 3, the following shall be substituted, namely:- "3.Manner of making application for registering of establishment.- (1) The application shall be made online to the registration officer in



Form I on the Shramik Seva Suvidha Portal of the Labour Department of the Government of Chhattisgarh in which the establishment sought to be registered is located. (2) The payment of fees for the registration of the specified establishment shall be made by e-payment. (3) On submission of application referred to in sub-rule (1) by the applicant, an automated acknowledgement shall be generated electronically on the specified web-portal." In rule 4,- 2021 (a) for sub-rule (1), the following shall be substituted, namely:- 402 (3) 3. 4. "(1) On submission of application under the sub-rule (1) and (2) of rule 3, if the registering officer registers the establishment, a certificate of registration generated electronically to the principal employer in Form 11 shall be issued." (b) for sub-rule (3), the following shall be substituted, namely:- "(3) If in relation to an establishment, there is any change in the particulars specified in the certificate, Principal Employer of the establishment shall intimate to the registration officer online on the web portal specified within fifteen days from the date when such change takes place, the particulars of, and the reason for, such change." In sub-rule (1) of rule 5, after the words "the application" and before the words "so as to make", the words "directed online on specified web portal" shall be inserted. In sub-rule (1) of rule 6,- (i) after the words "he shall require such principal employer to deposit a sum", the words "by e-payment" shall be inserted; (ii) the words "and to produce receipt showing such deposit" shall be omitted



**5. In rule 7,- (a) for sub-rule (I), the following shall be substituted, namely:- "(1) Every application
by a contractor for the recruitment of any migrant worker shall be made online in**



Form IV to the Shramik Seva Portal of Labour Department of the Government of Chhattisgarh to the licensing officer of area in which the establishment is located." (b) for sub-rule(2), the following shall be substituted, namely:- "(2) Every application by a contractor for the employment of any migrant worker shall be made online in application Form V to the Shramik Seva Portal of Labour Department of the Government of Chhattisgarh to the licensing officer of area in which the establishment is located. " (c) in sub-rule (3),- (1) in clause (i), for the words "accompanied by a", the words "made by uploading a copy of the" shall be inserted. (2) clause (ii) shall be omitted. (d) for sub-rule (4), the following shall be substituted, namely:- "(4) On submission of the application referred to in sub-rule (1) or (2) by the applicant, an automated acknowledgement shall be generated electronically on the specified web-portal in sub-rule (1) of rule 3." (e) for sub-rule (5), the following shall be substituted, namely:- "(5) The deposit of security at the rates specified in rule IO referred to and the payment of fees at the rates specified in rule 12 in respect of application referred to in sub-rule (1) or (2) shall be made by e-payment." 6. For clause (ii) of sub-rule (2) of rule 9, the following shall be substituted, namely:- "(ii) The order shall record the reasons for refusal and shall be communicated to the applicant online through Shramik Sewa Portal of Labour Department of the Government of Chhattisgarh." 7. After sub-rule (1) of rule IO, the following shall be inserted, namely:- "(I-A) Where the applicant holds a license in regard of another work and that license has expired, the licensing officer, if he is of the view that any amount out of the security deposited in respect of that license is to be directed to be refunded to the applicant under rule 31, on an online application made for that purpose in Form VII annexed, by the applicant, he shall adjust the amount so to be refunded towards the security required to be deposited online for the new license and the applicant shall be required to deposit, in such a case, only the balance amount, if any, after making such adjustment, through e-payment only." 8. 9. 10. 11. 12. 13. 402 (4) dated 10 2021 In rule 11,- (a) (b) in sub-rule (1), after the words and figure "in Form VIII", the words "generated electronically" shall be inserted; for clause (xiii) of sub-rule (2), the following shall be substituted, namely:- "(xiii) Licence shall be valid for the work period". In situation where of period of issued license extends for more than one year, the list of recruited and employed migrant workers shall be uploaded by the contractor in the Portal of Labour Department every year within 15 days before completion of one year." In rule 13,- (a) in sub-rule (2), for the words "to the licensing officer", the words, brackets and figures "online on the specified web-portal in sub-rule (1) of rule 3" shall be inserted; (b) in clause (i) of sub-rule (3), for the words "a crossed demand draft for", the words "by e- payment" shall be inserted; (c) in sub-rule (4), after the words "to the applicant", the words, brackets and figures "online through the specified web-portal in sub-rule (1) of rule 3" shall be inserted. Rule 14 shall be omitted Rule 15 shall be omitted. Rule 20 shall be omitted. For Form V III, the following shall be substituted, namely:- "FORM VIII [See Rule 11 Government of Chhattisgarh, Office of Licensing Officer Licence No Fee paid Rs Licence 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). Annexure The licence is subject to the following conditions :- 1. The licence shall be non-transferable. Signature and seal of Licensing Officer 2. 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

3. 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. 4. (a) In cases where the migrant workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the Principal Employer of the establishment the wage rates, holidays, hours of work and other conditions of service of the migrant workmen of the contractor shall be 2021 402 (5) 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 disagreement with regard to the type of work, the same shall be decided by the Labour Commissioner whose decision shall be final; (b) in other cases the wage rates, holidays, hours of work and conditions of service of the migrant workmen of the contractor shall be such as prescribed in these rules

5. Every migrant workmen shall be entitled to allowances, benefits, facilities, etc., as prescribed in the Act and these rules

6. No female migrant workmen 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 workmen in Pit head Baths, Creches and Canteens and as Midwives and Nurses in hospitals and dispensaries

7. The contractor shall notify any change in the number of migrant workmen or the conditions of work to the licensing officer

8. The contractor shall comply with all the provisions of the Act and these rules

9. A copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed.By order and in the name of the Governor of Chhattisgarh, RENUKA SRIVASTAV, Deputy Secretary. - 2021.

