

**The 7<sup>th</sup> October, 1985**

**No. LABOUR. 191/83/44.**— In exercise of the powers conferred by sub-section (1) of Section 135 of the Inter-State Migrant Workmen (Regulation of Employment Conditions of Service) Act, 1979 (Central Act, 30 of 1979), the Government of Meghalaya hereby makes the Meghalaya Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1985, after previous notice of its intention to do so was published in the Gazette of Meghalaya, dated 20<sup>th</sup> June, 1985 vide Notification No. Labour, 191/83/39, dated 1<sup>st</sup> February, 1985.

## **CHAPTER — I**

### Preliminary

- 1. Short title, extent and commencement** — (1) These Rules may be called the Meghalaya Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1985.  
(2) These rules shall extend to the whole of Meghalaya.  
(3) They shall come into force on the date of their publication in the official Gazette of Meghalaya.
  
- 2. Definitions** —
  - (1) In these rules, unless the subject or context otherwise requires —
    - (a) “Act” means the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) ;
    - (b) “Appellate Officer” means an appellate officer nominated by the State Government under Section II of the Act ;
    - (c) “Form” means form appended to these rules ;
    - (d) “Inspector” means an inspector appointed by the State Government under Section 20 of the Act ;
    - (e) “Labour Commissioner” means an officer as such appointed by the State Government ;
    - (f) “Licensing Officer” means the licensing officer appointed by the State Government under Section 7 of the Act ;
    - (g) “Migrant Workmen” means an inter-state migrant workman as defined in Section 2 of the Act ;
    - (h) “Registering Officer” means the registering officer appointed by the State Government under Section 3 of the Act ;
    - (i) “Section” means a section of the Act ;
    - (j) “Specified Authority” means the authority specified by the State Government for the purpose of Sections 12 and 16 of the Act ;
  - (2) All other words and expressions used in these rules but not defined therein shall have the meanings respectively assigned to them in the Act.

## **CHAPTER — II**

### **3. Application for Registration of Establishment** —

- (1) Every application for registration under Section 4 of the Act by the Principal employer of an establishment referred to in Sub-clause (ii) of clause (a) of sub-section (1) of Section 2 of the Act shall be made in triplicate in Form I to the Registering Officer of the area in which the establishment sought to be registered is situated.

- (2) The application shall be accompanied by a Treasury Challan showing payment of all relevant fees prescribed under these rules.
- (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 the 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 establishment in relation to which certificate of registration are issued by him.
- (3) If, in relation to an establishment, there is any change in the particulars specified in that certificate of registration, the principal employer of the establishment shall intimate to the registering officer, within 30 days from, the date when such change takes place, the particulars of and the reasons for such change, under intimation to the concerned Licensing Officer of the State from which migrant workmen are to be recruited or have been recruited.

**5. Circumstances in which application for registration may be rejected —**

- (1) If any application for registration is not completed in all respects, the registering officer shall require the principal employer to amend the application so as to make it complete in all respects.
- (2) If the principal employer, on being required by the registering officer to amend his application for registering, 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, the registering officer is satisfied that an amount higher than the amount, which has been paid by the 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 if already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment 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 licence for recruiting any person in the State for the purpose of employing him in any establishment situated in another State under clause (a) (ii) of sub-section (i) of Section 8 shall be made in triplicate in Form IV to the Licensing Officer having jurisdiction in relation to the area wherein the recruitment is made.

- (2) Every application by a Contractor for employing as workmen in any establishment within the State, persons from another State under clause (b) (ii) of sub-section (1) of section 8 shall be made in Form V to the Licensing Officer having jurisdiction in relation to the area wherein the establishment is situated.
- (3) (i) Every application for the 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 or employment of the workman, in respect of which the contractor is making the application along with certified copy of the registration certificate of the principal employer.
- (ii) 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 the receipt of payment of all relevant fees prescribe under these rules.

**8. Matters 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 account and where the application is for licence, under sub-rule (2) of Rule 7 also the matters mentioned under Clauses (c), (f) & (g), namely :—

- (a) Whether the applicant —
  - (i) is a minor, or
  - (ii) is of unsound mind and stands declared by a competent court, or
  - (iii) is an undischarged insolvent, or
  - (iv) has been convicted at anytime during the period of five years immediately preceding the date of application, of an offence which, in the opinion of the State Government, involves moral turpitude;
  - <sup>1</sup>**[(v) is a citizen of India within the meaning of Article 5 of the Constitution of India, or**
  - (vi) is involved in any criminal case and is pending at the time of making the application or**
  - (vii) 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 State Government, involves moral turpitude or in connection with other criminal case.]**
- (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 the order;
- (c) Whether the fees for the application has been deposited at the rates specified in Rule 12;
- (d) Whether security, whenever necessary, has been deposited by the applicant at the rates specified in sub-rule (1) of Rule 10;
- (e) Whether the establishment actually requires the employment of inter-state migrant workman and, if so, the extent of the actual requirement;
- (f) Whether local person or persons from other parts of the State are available or not for employment in the establishment; and
- (g) Whether the employment of inter-state migrant workman will be in the interest or otherwise of the people of the State specially of the Scheduled Tribes, Scheduled Castes or Backward Classes.

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1. *Inserted vide No.LBG.211/88/Pt.11/357 dated 28th July, 2011, published in the Gazette of Meghalaya as the Meghalaya Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) (Amendment) Rules, 2011.*

**9. Investigation in respect of application for Licence and Refusal to issue licence —**

- (1) 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 to be heard, make 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 provision 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 per cent of the amount estimated by him.
- (2) Where the applicant for the licence was holding a licence in regard to another work and licence had expired, the Licensing Officer, if he is of the view that any amount out of 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 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 under sub-section (1) of Section 8 granted under these rules shall be in Form VIII and shall remain valid for a period specified thereat but not beyond twelve months from the date of the order granting the licence,  
<sup>2</sup>**[Provided that no licence shall be granted to the contractor for a period exceeding 179 days at a time subject to usual renewal.]**
- (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 under which the migrant workmen is recruited or employed are as specified in the Act and in the rules made thereunder;
  - (iii) the number of migrant workmen recruited or employed shall not, on any day, exceed the maximum number specified in the licence, during the calendar year;
  - (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 (Act No. XI of 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 the issue, or as the case may be, for renewal of licence shall be non-refundable;

2. *Inserted vide LBG-211/88/286 dated 12th August, 1999, published in the Gazette of Meghalaya as the Meghalaya Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Amendment Rules, 1999.*

(vii) (a) in cases 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 if the establishment, the wage rates, holidays, hours of work and other conditions of services 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 kinds of work

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

- (b) in other cases, the wage rates, holidays, hours 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 provided in the Act and in these rules;
- (ix) no female migrant workmen shall be employed by any contractor before 6 A.M, or after 7 P.M.;
- (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 Rules;
- (xii) a copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed;
- (xiii) the period for which the licence shall be valid.

**12. Fees — <sup>3</sup>[(1) The fees to be paid for the grant of certificate of registration of an establishment under section 4 shall be as specified below :—**

**Rs. 6.00 (Rupees six) per head day for duration of the work,**

**(2) The fees to be paid for the grant of licence under section 8 shall be as specified below —**

**Rs. 6.00 (Rupees six) per head day for duration of the work,]**

**<sup>4</sup>[(3) No licence and Registration shall be granted to any contractor and to any principal employer respectively who wants to engage 200 or more migrant workmen except with the prior approval of the Licensing and Registration Officer, if the works relate to scheme involving major State sponsored projects which are time bound as regards execution and completion”.]**

**13. Amendment of the Licence —**

- (1) A licence issued under Rule 11 or renewed under Rule 14 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 an application stating the nature of amendment and reasons thereof.
- (3) If the Licensing Officer allows the application, he shall require the applicant to furnish a Treasury receipt for the amount, if any, by which the fees that would have been payable if the licence had been originally issued in the amended form exceeds the fee originally paid for the licence.

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3. *Substituted vide No.LBG.211/88/Pt.11/397 dated 23rd September, 2011, published in the Gazette of Meghalaya as the Meghalaya Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) (Second Amendment) Rules, 2011.*

4. *Inserted vide LBG-211/88/286 dated 12th August, 1999, published in the Gazette of Meghalaya as the Meghalaya Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Amendment Rules, 1999.*

- (4) On the applicant furnishing the requisite receipt, the licence shall be amended according to the orders of the licensing officer.
- (5) 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 application for renewal of a licence granted under these rules shall be made to the Licensing Officer in Form IX in triplicate and shall be made not less than 30 (thirty) days before the date on which the licence expires.
- (2) In granting of or refusing grant of renewal of licence, the Licensing Officer shall take into consideration the matters mentioned in Rule 8 and as have arisen subsequent to the grant of the licence.
- (3) Every order of refusal for grant of renewal of licence shall record reasons thereof and comments to the applicant.
- (4) The fees chargeable for renewal of a licence shall be the 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 twenty-five per cent in excess of the fees originally 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 the application is due to unavoidable circumstances beyond the control of the contractor, he may reduce or remit as he deems fit the payment of such excess fee.

**15. Period of renewal of the licence —** Every licence renewed under rules shall remain in force for a further period mentioned therein but not exceeding twelve months from the date of order of renewal.

**16. Issue of duplicate certificate of registration or licence —** Where a certificate of registration or a licence granted or renewal under the preceding rule has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of a fee of <sup>5</sup>[**Rs. 100.00 (Rupees one hundred).**]

**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 his 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 there is 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 of the receipt of the application.

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5. *Substituted vide No.LBG.211/88/Pt.11/397 dated 23rd September, 2011, published in the Gazette of Meghalaya as the Meghalaya Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) (Second Amendment) Rules, 2011.*

## 18. Appeals and procedure —

- (1) (i) Every appeal under Section 11 shall be preferred in the form of a memorandum signed by the applicant 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 certificate copy of the order and a Treasury Challan for Rs. 25.
- (2) The memorandum shall set forth precisely and under distinct heads the grounds for appeal to the order appealed from.
- (3) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) it may 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 to the Appellate Officer.  
(ii) On receipt of the record, the Appellate Officers 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 extend 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 or 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 point for determination, decisions thereon and 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 or orders — A copy of the order of the Registering Officer, Licensing Officer or Appellate Officer may be obtained on payment of fees of **6[Rs. 50.00 (Rupees fifty)]** per copy of each order on application specifying the date and other particulars of the order made to the Officer concerned.

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6. *Substituted vide No.LBG.211/88/Pt.11/397 dated 23rd September, 2011, published in the Gazette of Meghalaya as the Meghalaya Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) (Second Amendment) Rules, 2011.*

**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 Challan crediting the Fees to the head of accounts specified in this behalf.
- (2) The head of accounts under which the receipts relating to the fees for registration, licensing, and the appeals etc, shall be credited will be:
  - (a) 0230 — Labour and Employment - Registration including Licence fees under the Inter-State Migrant Workmen Rules, 1985.
  - (b) 8443 — Civil Deposit - Security Deposits under the Inter-State Migrant Workmen Rules, 1985.

**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 Inter-State Migrant Workman in Form X.
- (2) The particulars shall be either personally delivered by the contractor to the concerned specified authorities or sent to them by the Registered Post.

<sup>7</sup>[(3) **The District Magistrate/ Additional District Magistrate and the Superintendent of Police are competent local authority to issue documentary proofs or certificates.]**

**22. Return fare —** The contractor shall pay to the Inter-State migrant workman the return fare from the place of employment to the place of residence in the home State of the workman on the expiry of the period of employment and also on his —

- (a) Termination of service before the expiry of the 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) Cessation of work in the establishment which is not due to any fault on the part of the migrant workmen; 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 separately in respect of each wage period within three days from the date of payment.
  - (a) The date of recruitment;
  - (b) The date of employment;
  - (c) Total attendance/ Unit of work done (in respect of piece rated migrant workman) total wages earned/ deductions if any made/ net amount paid and signature of contractor or his duly authorised representative with date; and
  - (d) Name and address of the next of kins of the Inter-State migrant workman.

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7. *Inserted vide No.LBG.211/88/Pt.11/357 dated 28th July, 2011, published in the Gazette of Meghalaya as the Meghalaya Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) (Amendment) Rules, 2011.*



(2) In case of the fatal accident or serious bodily injury to any migrant workman the contractor shall immediately send telegrams to the specified authorities of both the State and also the next of the kins 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 migrant workman, undermentioned particulars by register post within twenty four 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) Any other information.

(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 forty-eight hours of time of the occurrence of the accident.

<sup>8</sup>[(4) **Employment cards —**

- (i) **Every contractor shall issue an employment card in form XXV to each worker within three days of the employment of the worker.**
- (ii) **The card shall be maintained upto date and any change in the particulars shall be entered therein.]**

**24. Return and Report —** Every contractor shall furnish a return regarding Inter-State migrant workman who has ceased to be employed, in Form XI to the specified authorities concerned either personally or by registered post to as to reach them not later than fifteen 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 lowest category of workman directly employed by him in that establishment or the Minimum rates of wages notified by the State Government under the Minimum Wages Act, 1948 (II of 1848), for the same or similar type of work performed by a 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 of 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 wages 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 of the State whose decision shall be final.

**26. Wages Period —** The contractor shall fix wage period in respect of which wage shall be payable.

**27.** No wage period shall exceed one month.

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8. *Inserted vide LBG-211/88/286 dated 12th August, 1999, published in the Gazette of Meghalaya as the Meghalaya Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Amendment Rules, 1999.*

**28. Payment of Wages** — The wages of any migrant workman in an establishment by a contractor where less than one thousand workman are employed shall be paid before the expiry of the seventh day and in other cases before the expiry of the tenth day of the following month.

**29. Payment of wages on termination of employment** — Where the employment of any migrant workman is terminated by or on behalf of 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** —

- (1) All payments of wages shall be made by the contractor on a 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 the wage period, final payments shall be made within forty-eight hours of the last working day.
- (2) Wages due to every migrant workman shall be paid to him direct/ or to any persons duly authorised by him in this behalf.
- (3) All wages shall be paid in current coin or in currency or in both. Wages shall be paid without any deduction of any kind except those specified by the State Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936 (4 of 1936).
- (4) 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 acknowledgement.
- (5) 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 duty of the contractor to ensure the disbursement of wages in the presence of such authorised representative.
- (6) The authorised representative of the principal employer shall record under his signature certificate at the end of all the entries in the register of wages or the wages-cum-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 — IV**

##### Medical and other facilities to be provided to migrant workman.

**31. Holidays, hours of work and other condition of service** —

- (1) Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman shall not be less favourable than those obtaining in that 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 under clause (a) of sub-section (1) of Section 13 the same shall be decided by the Labour Commissioner whose decision shall be final.

### 32. Medical facilities —

- (1) The contractor shall ensure provision of suitable and adequate medical facilities of 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 or to meet any preventive measure against epidemic or any virus infection. Wherever 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 bill by the migrant workman.
- (2) In the event of migrant workman or any of his family members suffering from any ailment requiring hospitalisation during his employment in the establishment, the contractor shall promptly arrange for the hospitalization 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 thereof.
- (4) The first-aid box shall be distinctly marked with a Red Cross on a white ground and shall contain the following equipment namely —
  - (a) For the establishments in which number of migrant workmen employed does not exceed fifty, each first-aid box shall contain the following equipment —
    - (i) six small sterilised dressings,
    - (ii) three medium size sterilized dressings,
    - (iii) three large size sterilized dressings,
    - (iv) three large sterilized burn dressings,
    - (v) one (30 ml.) bottle containing a two per cent alcoholic solution of Iodine.
    - (vi) one (30 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label.
    - (vii) one snake-bite lancet.
    - (viii) one (30 gms) bottle of potassium permanganate crystals.
    - (ix) one pair of scissors.
    - (x) one copy of the first-aid leaflet issued by the Director General, Factory Advice Service and Labour Institute, Government of India.
    - (xi) a bottle containing one hundred tablets (each of five grams 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 equipment —
    - (i) twelve small sterilized dressings.
    - (ii) six medium size sterilized dressings.
    - (iii) six large size sterilized dressings.
    - (iv) six large size sterilized Burn dressings.
    - (v) six (15 gms.) packets sterilized cotton wool.
    - (vi) one (80 ml.) bottle containing a two per cent alcoholic solution of Iodine.
    - (vii) one (60 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label
    - (viii) one roll adhesive plaster.

- (ix) a snake-bite lancet.
  - (x) One (30 grms.) bottle of potassium permanganate crystals.
  - (xi) one pair of scissors.
  - (xii) one copy of the first-aid leaflet issued by the Director General, Factory Advisory Service and Labour Institutes, Government of India.
  - (xiii) A bottle containing one hundred tablets (each of five grams) of aspirin.
  - (xiv) Ointment for burns and
  - (xv) A bottle of a suitable surgical antiseptic solution.
- (5) Adequate arrangements shall be made for immediate recoupment 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 under the charge of a responsible person who shall always be readily available during 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 workman is one hundred and fifty or more.

**33. Protective clothing —**

- (1) The contractor shall provide to every migrant workman where the temperature falls below twenty degree centigrade, protective clothing consisting of one woollen coat and one woollen trousers once in two years:  
Provided that where the temperature falls below five degree centigrade, one woollen over coat 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 workman before onset of winter season in the area where the establishment is located or on the 30<sup>th</sup> day of September, whichever is earlier.

**34. 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 workman at the establishment in the case of existing establishment 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 workman 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).

**35. 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 continue for three months or more, the contractor shall provide and maintain rest rooms or other suitable alternative accommodation within fifty 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 establishment.
- (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 rooms, or other suitable alternative accommodation shall be of such dimension 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.

**36. Canteens —**

- (1) In every establishment wherein work regarding the employment of migrant workman is likely to continue for six months and wherein migrant workmen numbering one hundred or more are ordinary employed an 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 establishments, and within sixty days of the commencement of the employment of migrant workmen in the case of new establishments.
- (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 walls 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 every four months.
- (6) (i) The precincts of the canteen shall be maintained in a 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 be not less than one square metre per dinner to be accommodated as specified in Sub-rule (7).
- (9) (i) A portion of the 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 clean and hygienic condition.
- (12) (i) Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.  
(ii) A service counter, if provided shall have a top of smooth and impervious material.  
(iii) Suitable facilities including and 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 food-stuffs, and other articles served in the canteen the following items shall not be taken into consideration as expenditure, namely —
  - (a) The rent for the land and buildings.
  - (b) The depreciation and maintenance charges for the building and equipment provided for in the canteen.
  - (c) The cost of purchase, repairs and replacement of equipments including furniture, crockery, cutlery and utensils.
  - (d) The wage charge and other charges incurred for lighting and ventilation.
  - (e) The interest on the amounts spent on the provision 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 or any other person to audit the accounts, if he is satisfied that it is not feasible to appoint a registered Accountant and Auditor in view of the site or the location of the canteen.

### **37. Latrines and urinals —**

- (1) Latrines shall be provided in every establishment on the following scale namely —
  - (a) Where females are employed, there shall be at least one latrine for every 25 females.
  - (b) 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 every 30 thereafter.
- (2) Every latrine be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.
- (3) (i) Where workers of both the sexes are employed there shall be displayed outside each block of latrine and urinal a notice in the language understood by the majority of the workers 'For Men only' or '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.
- (4) 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 exceeds 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 there of thereafter.
- (5) The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.
- (6) (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.
- (7) Water shall be provided by means of tap or otherwise so as to be conveniently accessible in or near the latrines and urinals.

**38. Washing facilities —**

- (1) In every establishment adequate and suitable facilities for washing shall be provided and maintained for the use of migrant workmen employed therein.
- (2) Separate and adequate screening facilities shall be provided for the use of male and female migrant workmen.
- (3) Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

**39. Creches —**

- (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 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 women as migrant workmen in new establishments.
- (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 contractors fail to provide the crèche 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 cots and bedding in the sleeping room.
- (5) The crèche shall be so constructed as to afford adequate protection against heat, dampness, wind, rain and shall have smooth, hard and impervious floor surface.
- (6) The crèche 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 crèche 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.

**40. 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 barrack so as to accommodate one room having at least a floor area of 10 square metres, a veranda and adequate additional covered space for cooking food as well as one common sanitary, one common bath-room 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 areas of not less than 6.5 square metres for each such migrant workmen making use of the barrack, veranda and adequate additional covered space for cooking food as well as more common bathroom for every ten such migrant workmen.

Within fifteen days of coming into force of the rules in the case of the existing establishment and within fifteen days of commencement of the employment of migrant workmen in the new establishment.

- (2) Every quarter and the barracks 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 bathrooms provided therein shall be kept in a clean and sanitary condition at all times.
- (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 expiry of the period laid down in the said sub-rule.
- (6) If there is any dispute or disagreement regarding suitability or adequacy or provision of any of the amenities referred to in sub-rules (1) to (4) the same shall be decided by Labour Commissioner (State) whose decision shall be final.

**41. Liability of the principal employer in certain case** — If any allowance required to be paid under Section 14 or Section 15 to a migrant workman employed in an establishment to which this Act applies is not paid by the contractor or if any facility specified in Section 16 is not provided for the benefit of such migrant workman, 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 hospitalization as the case may be, the principal employer shall provide the same immediately on the failure of the contractor to do so.

**42. Relaxation in certain cases** — If the contractor or principal employer, as the case may be, has already provided any facility relating to supply of wholesome drinking water or rest-rooms or latrines and urinals or washing, canteen or crèche or first-aid as required under the Act applicable to the establishment and the same is considered adequate and also available for use by the migrant workmen, that facility, shall be deemed to be provided for under these rules.

## **CHAPTER — VI**

### Registers and Record Collection of Statistics

**43. Registers of contractors** — Every principal employer shall maintain in respect of each registered of each establishment a register of contractor in Form XII.

**44. Register of persons employed** — Every principal employer and contractor shall maintain in respect of each establishment where the employ migrant workman a register in Form XIII.

**45. Service certificate** — On termination of employment or any reason whatsoever the contractor shall issue to the migrant workman whose services has been terminated a service certificate in Form XIV.

**46. Displacement-cum-outward journey allowances sheet and return journey allowance register** —

- (1) Every contractor shall maintain displacement-cum-outward journey allowances required to be paid under Section 14 and 15 in Form XV and register for return journey as required to be paid under Section 15 in Form XVI.
- (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.



**47. Muster roll, wages register, deductions register and overtime register —**

- (1) In respect of establishments which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the rules made thereunder or the Minimum Wages Act, 1948 (11 of 1948) and the rules made thereunder or Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and the rules made thereunder the following registers and records required to be maintained by the contractor as employer under those Acts and the 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 fines,
  - (e) register of overtime,
  - (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 Form XVII & XVIII respectively.
  - (b) Signature or thumb impression of every migrant workman on the register of wages shall be obtained and entries therein shall be authenticated by the signature of the contractor or his authorised representative and duly certified by authorised representative of the principal employer as required by sub-rule (1) of Rule 30.
  - (c) Register of deduction, register of fines and register of advance — Register of deduction for damage or loss, register of fines and register of advances shall be maintained by every contractor in Form XIX, XX & 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 regulation or in case where mechanised pay rules are introduced for better administration, alternative suitable form or forms in lieu of any of the form prescribed under these rules, may be used when the previous approval of the Labour Commissioner.

**48. 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 upto-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a 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 or any regional language and in the language understood by the majority of the migrant workmen engaged in the work.
- (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 State Government.
- (5) Where no deduction has been made or no 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 Form XIX & XX & XXI respectively.

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

**50. Notices** —

- (i) Notices showing the rate of wages, hour of work, wage periods, dates of payment of wages, names and address of the Inspectors having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and in Hindi and in local language understood by the majority of workers in conspicuous place at the establishment and 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.
- (iii) A copy of the notice shall be sent to the Inspector having jurisdiction and whenever any changes occur, the same shall be communicated to him forthwith.

**51. 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 day from the close of the half year.  
Note — Half year for the purpose of this rule means a period of six months commencing from 1<sup>st</sup> January and in 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 fifteenth of February following the end of the year to which it relates.

**52. Other information or statistics** —

- (1) The Labour Commissioner or the Inspector or any other authority under the Act shall have powers to call for at any time any information or statistics in relation to migrant workman from any contractor or principal employer by an order in writing.
- (2) Any person called upon to furnish the information of statistics under sub-rule (1) shall be legally bound to do so.

## **CHAPTER — VII**

**53. Legal aid to migrant workman** — Legal aid on receipt of a 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 proceeding 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 for Workmen Compensation under the Workmen's Compensation Act, 1923, in which the migrant workman or his legal heir is a party, the specified authority concerned if he is satisfied, may with the prior approval of the Labour Commissioner of the State, engage an Advocate to conduct the relevant proceedings on behalf of migrant workman or his legal heir as the case may be, and meet all legal expenses in this regard.

## **CHAPTER — VIII**

### Powers of Inspectors

**54. Exercise of Power by an Inspectors** — An Inspector shall exercise all or any of the Powers conferred by or under these rules.

**FORM — I**

[See Rule (3)]

Application for registration of establishments employing migrant workmen.

1. Name and location of the establishments.
2. Postal address of the establishment.
3. Full name and address of the principal employer (furnish father's/ husband's name in the case of individuals).
4. Name and address of the Director/ particular partners (in case of companies and firms).
5. Full name and address of the Manager or person responsible for the supervision and control of the establishment.
6. Nature of work carried on in the establishment.
7. (1) Whether the principal employer holds a trading/ business license granted by District Council (This does not apply to principal employer referred to in sub-clause (1) of clause (g) of sub-section (3) of Section 2 of the Act).  
(2) If the answer to (1) above is in the affirmative : Furnish following particulars —
  - (a) Name of District Council granting the licence.
  - (b) No. and date of the licence.
  - (c) Period of validity of licence.  
(3) If the answer to (1) above is in the negative, furnish reasons thereof.
8. Particulars of the contractors and migrant workmen.
  - (a) Names and addresses of the contractor.
  - (b) Nature of work for which migrant workmen are to be recruited or are employed.
  - (c) Maximum number of migrant workmen to be employed on any day through each contractor.
  - (d) Estimated date of commencement and termination of work under each contractor.
  - (e) Estimated date of termination of the employment of migrant workmen under each contractor.
9. Particulars and Treasury Challan (original Treasury receipt of be enclosed) (Name of the Treasury, Amount Number and Date). I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Date of receipt of application.

Principal of Employer,  
Seal and Stamp,  
Office of the Registering Officer

**FORM — II**  
[See Rule 4 (1)]  
Certificate of Registration

Date .....

**GOVERNMENT OF MEGHALAYA**  
**Office of the Registering Officer**

A certificate containing the following particulars is hereby granted under Clause (a) of sub-section (2) of section 4 of the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979 and the rules made thereunder to .....

1. Nature of work carried on in the establishment.
2. Name and addresses of the contractors.
3. Name of work for which migrant workmen are to be employed or a re-employed.
4. Maximum number of migrant workmen to be employed on any day through each contractor.
5. Other particulars relevant to the employment of migrant workmen.
  - (i)
  - (ii)

Signature of Registering Officer,  
with Seal



**FORM— IV**

[See Rule 7 (1)]

Application for licence for recruitment

1. Name and address of the contractor (including father's/ husband's name in case of individuals)
2. Date of birth and age (in case of individuals)
3. (1) Whether the contractor holds a trading/ business licence granted by District Council.  
(2) If the answer to (1) above is in the affirmative, furnish following particulars —
  - (a) Name of District Council granting the licence.
  - (b) No. and date of licence.
  - (c) Period of validity of the licence.
- (3) If the answer to (1) above is in the negative, furnish reasons thereof.
4. 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, along with a certified copy thereof and the particulars in Form I.
  - (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 of the work site.
  - (d) Maximum number of migrant workmen proposed to be employed in the establishment on any dated.
  - (e) Names and addresses of the Directors/ Partners (in case of companies and firms).
  - (f) Names and addresses of the persons 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 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 detail of the principal employer establishment and nature of work.
8. Whether a certificate by the principal employer in Form VI is enclosed.
9. Amount of licence fee paid (with No. and date of Treasury Receipts).
10. Amount of security deposit, if any.

**Declaration** — I hereby declare that the details given above are correct to the best of my knowledge and behalf.

Place \_\_\_\_\_

Date \_\_\_\_\_

Signature of the Applicant  
(Contractor)

**Note** — The application should be accompanied by a Treasury Challan showing the payment of the prescribed Licence fee and security deposit, if any and a certificate in Form VI from the Principal Employer.

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(To be filled in the Office of the Licensing Officer),  
Date of receipt of the application with Treasury Challan for fees.

Signature of Licensing Officer

**FORM — V**

[See Rule 7 (2)]

**Application for Licence for employment**

1. Name and address of the contractor (including Father's/ Husband's name in case of individuals).
2. Date of birth and age (in case of individuals).
  - (1) Whether applicant holds a trading/ business licence granted by his District Council.
  - (2) If the answer to (1) above is in the affirmative, furnish following particulars —
    - (a) Name of District Council granting licence.
    - (b) No. and date of the licence.
    - (c) Period of validity of the licence.
- 2A. Place of Birth, Village, Post Office, Police Station, District, State.
- 2B. (a) Whether the applicant is a citizen of India within the meaning of Article 5 of the Constitution of India.
  - (b) Whether any criminal case is pending at the time of making application.
  - (c) Whether convicted in connection with a criminal case at any time during the period of five years immediately preceding the date of application.
3. If the answer to (1) above is in the negative, further reason thereof.
4. 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.
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 (given 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) Minimum number of migrant workmen proposed to be employed in the establishment or any date.
  - (e) Names and addresses of the Directors/ Partners (in case of companies and firms).
  - (f) Names and addresses of the persons 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 proceeding five years. If so, give the details.
7. 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.
8. Whether the contractor has worked in any other establishment within the past five years. If so give details or the principal employer, establishment and nature of work.
9. Whether a certificate by the principal employer in Form VI is enclosed.
10. Amount of security deposit, if any.
11. Amount of security deposit, if any.

**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 Challan showing the payment of the prescribed fee and security deposit, if any and a certificate in Form VI from the Principal employer.

**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) Meghalaya Rule made thereunder in so far as the provisions are applicable to be in respect of the employment of migrant workmen by the applicant in my establishment.

Place .....

Signature of Principal employer

Name and address of Establishment

Date .....



**FORM — VII**

[See Rule 10 (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 the contractor was suspended or revoked	No. and date of the Treasury Challan of security deposit in respect of the previous licence	Amount of previous security deposit	Amount of security deposit for the fresh licence	No. and date of Treasury Challan 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 Principal employer	Particulars of fresh application	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Place .....

Date .....

Signature of Applicant

**FORM — VIII**  
 [See Rule 11 (1)]  
**GOVERNMENT OF MEGHALAYA**  
 Office of Licensing Officer

Licence No ..... Dated ..... Fee paid Rs .....

**LICENCE**

1. Licence is hereby granted to ..... (contractor) under section 8 (1) of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, subject to 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 by the migrant workmen recruited from ..... ( name of Police Station, District and State to be indicated) through Shri ..... (name and address of the Agent to be indicated) whose number shall not exceed .....
3. This licence shall remain in force till the 31<sup>st</sup> December of .....

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 Licensing  
 Officer

## ANNEXURE

The Licence is subject to the following conditions —

1. Licence shall be non-transferable
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. Save as provided in these rules the fees paid for the grant or as the case may be, for renewal of licence shall be non-transferable.
4. 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.
5. (a) In cases where the migrant workmen employed by the contractor perform the same or similar kind of workmen directly employed by the Principal Employer of the establishment, the wage rates, holidays, hours of the work and other conditions of service of the migrant workmen of the contractor shall be the same as applicable of 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 of the State 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 these rules.
6. Every migrant workman shall be entitled to allowances, benefits, facilities, etc., as prescribed in the Act and these Rules.
7. 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 workmen in pit head Baths, Creches and Canteens and as Midwives and Nurses in hospitals and dispensaries.
8. The Contractor shall notify any change in the numbers of migrant workmen or the conditions of work to the Licensing Officer.
9. The contractor shall comply with all the provisions of the Act and these Rules.
10. A copy of the licence shall be displayed prominently at the premises where the migrant workmen are employed.

**FORM — IX**  
[See Rule 15 (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 Treasury Receipt enclosed :

Place .....

Signature of the Applicant.

Date .....

(To be filled in the Office of the Licensing Officer),  
Date of receipt of application with Treasury Challan No. and date.

Signature of the Licensing Officer.

**FORM — X**  
[See Rule 21]

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

1. Name and address of the Contractor .....
- 1A. Place of Birth, Village, Post Office, Police Station, District, State.....
- 1B. Permanent Home Address, Documentary Proof or Certificate from competent Local Authority to be attached i.e. Deputy Commissioner/ Additional District Magistrate/ Superintendent of Police.....
- 1C. Whether the workman is a citizen of India within the meaning of Article 5 of the Constitution of India. If yes attach documentary proof, (EPIC/ Birth Certificate/ Ration Card etc. from the State of Origin).
- 1D. Whether the workman at any time was convicted in connection with a criminal case.....
- 1E. Whether any criminal case is pending against the workman at the time of making application.....
- 1F. If Answer to (1D) and (1E) is negative, a Certificate obtained from a competent local authority is to be attached.....
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 .....

Serial No.	Name of migrant workmen	Father's/ Husband's name	Sex	Age	Permanent Home Address	Name of members of his family accompanying the workman	Age	Their relationship to the workman	Name and address of the next of kind of the migrant workman	Place and address of residence in the Home State	Amount of displacement allowance paid	Amount of outward journey allowance paid	Amount of wages for outward journey period paid	Nature of job require 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	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

Signature of the Contractor 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 submit in respect of each such State.



Date on which ceased to employed	Total days worked	Details of rates of wages and other allowance paid	Amount of displacement allowance paid	Amount of outward journey allowances and wages for outward journey paid	Amount of return journey allowances and wages for return journey	Total wages paid	Details of compensation and other allowances	Amount of deduction, if any	Amount of advance, if any paid	Amount of advance, if any recovered	Remarks
13	14	15	16	17	18	19	20	21	22	23	24

### DECLARATION

I/ We hereby declared that all wages, other dues including displacement allowances outward return journeys allowances and wages for journeys period payable of migrant workman/ workmen names above and employed by me/ us have been paid by me/ us to him/ them.

Place .....

Signature of the Contractor of his authorised representative

Date .....

Submitted to —

(1) .....

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

(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.

---


**Note** — In case where migrant workmen concerned gave been recruited from than one State separate returning shall be submitted in respect of each such State.



**FORM — XII**  
 (See Rule 43)  
 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	Name of work on contract	Location of contract work	Period of contract  From To	Maximum No of migrant workmen employed by contractor
1	2	3	4	5	6

**FORM — XIII**

(See Rule 44)

**Register of Workmen employed by Contractor**

Name and address of Contractor .....

Name and address of establishment in/ under which migrant workmen are employed .....

Name and address of the Establishment .....

Name and address of Principal Employer.....

Serial No.	Name and surname of migrant workmen	Age and Sex	Father's/ Husband's name	Nature of employment/ designation	Permanent Address of migrant workman villages and Tehsil/ Taluk and District.	Local address	Date of commencement of employment	Signature or thumb impression of migrant workman.	Date of termination of employment	Reason for termination	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Signature of Contractor or his authorised Representative

**FORM — XIV**  
(See Rule 45)  
Service Certificate

Name and address of Contractor .....

Nature and location of work .....

Name and address of migrant workmen .....

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 .....

Serial No.	Total period for		Nature of work done	Rate of wages (with particulars of unit in case of piece work)	Remarks
	From	To			
1	2	3	4	5	

Signature of Contractor or his authorised  
representative



16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
Date and time of Commencement of journey from the place of residence	Expected date and time of arrival at the place of work	Details modes of journeys from the place of residence in the home State to the place of work	Amount of Bus fare and/ of second Class train fare and/ or other journey expenses separately as per the modes of journey indicated in Col. 15	Total amounts indicated in Col. 16	Rs. } p }	Amount of displacement allowance	Amount of outward journey allowance	Wages for outward journey/ period	Total amount paid	Date on which paid	Signature or thumb impression of the migrant workman	Actual date and time or arrival at the place of work	Balance wages for outward journey payable	Date of payment of the balance wages indicated in Col. 25	Signature or thumb impression of the migrant workman	Remarks		

**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 .....



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 mode of journey from the place of work to place of residence in the home State	Amount of bus fare and/ or second class train fare and/ or other journey expenses separately as per expected modes of journey indicated Col. 13.	Total amounts indicated in Col. 14	Amount of return journey allowance	Wages for return journey period	Total amount paid	Date on which paid	Signature or thumb impression of the migrant workman	Remarks
14	15	16	17	18	19	20	21	22	23	24

Indicate separately different modes of journey

**Note** — Entries are to be made against each individual Inter-State migrant workman.

Signature of the Contractor or his  
Authorised representative.

Date .....















**FORM — XXIII**

[See Rule 51 (1)]

Return to be sent by the Contractor to the Licensing Officer

Half Year Ending .....

1. Name and address of the Contractor .....
2. Name and address of the Establishment .....
3. Name and address of the Principal Employer .....
4. Duration of Contract, From ..... to .....
5. No. of days during the half year on which
  - (a) The establishment of the principal employer had worked. ....
  - (b) The Contractor's establishment had 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 holidays observed and on what day —  
(b) If so, whether it is paid for —  
(iii) No. of man-hours of overtime worked —

8. Number of man days worked by —

Men	Women	Children	Total
-----	-------	----------	-------

9. Amount of wages paid —

Men	Women	Children	Total
-----	-------	----------	-------

**Note** — Wages shall not include wages for periods of outwards and return journey.

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 outwards journeys period paid —

Men	Women	Children	Total
-----	-------	----------	-------
14. Amount of return journeys allowance paid —

Men	Women	Children	Total
-----	-------	----------	-------
15. Amount of wages for return journeys 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) Medical facilities —
  - (viii) First Aids —

(If the answer is 'yes' state briefly nature/ standards provided)

It is hereby declared that all the wages and other dues payable to the workmen and the fare for the return journey back to his State have been paid.

Place .....

Signature of Contractor

Date .....

**FORM — XXIV**  
[See Rule 51 (2)]  
Annual Return of Principal Employer  
(to be sent to the Registering Officer)

Year ending 31<sup>st</sup> December .....

1. Full name and address of the Principal Employer —
2. Name of the 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 workmen 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 workman 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 —

Place .....

Principal Employer.

Date .....



**ANNEXURE TO FORM**

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

**FORM — XXV**  
**(See Rule 23 (4))**  
**Employment Card**

Name and address of Contractor .....

Name and Address of Establishment in/ under  
which contract is carried on .....

Nature of work and location of work .....

Name and address of principal employer .....

1. Name of the workman .....
2. Serial number in the register of workmen employed .....
3. Nature of employment/ designation.....
4. Wage rate with particulars of unit in case of piece work .....
5. Wage period.....
6. Tenure of employment.....
7. Remarks .....

Signature of Contractor