

Maharashtra Notification No: CLA-10/2014/C.R.264/Lab-10 (01-Jun-15) Maharashtra Contract Labour (Regulation and Abolition) (First Amendment) Rules, 2015

No. CLA-10/2014/C.R.264/Lab-10.-- In exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Contract Labour (Regulation and Abolition) Rules, 1971, the same having been previously published as required by sub-section (1) of section 35 of the said Act, namely:-

1. These rules may be called the Maharashtra Contract Labour (Regulation and Abolition) (First Amendment) Rules, 2015.

2. In rule 21 of the Maharashtra Contract Labour (Regulation and Abolition) Rules, 1971 (hereinafter referred to as "the principal Rules"), the following sub-rule shall be added, namely:--

"(1A) Every application shall be accompanied by an undertaking in Form No. IV-A by the Contractor regarding the matters mentioned in clauses (a), (b) and (c) of rule 22 and other matter mentioned in rule 22."

3. In rule 23 of the principal Rules,--

(a) for sub rule (1), the following sub-rules shall be substituted, namely:--

"(1) On receipt of an application completed in all respect, the licensing officer shall issue a licence within seven working days, from the date of receipt of an application subject to the terms and conditions as may be specified in the licence. If the licence is not issued within the said seven working days, it shall be deemed to have been granted and the copy of the receipt of an application with copy of payment of fees shall be treated as licence.

(1A) The Government shall, from the date as may be notified by the Government in the *Official Gazette*, make available online the facility for application and issuance of registration of renewal certificate so that computer generated licence can be issued online. Online processing software shall be so designed to ensure that if order of rejecting the application is not communicated within the period stated in sub-rule (1), the receipt of online application attached with the copy of payment of fees online shall be deemed to be the licence for the purposes of the said Act.";

(b) for sub-rule (2), the following sub-rule shall be substituted, namely:--

"(2) After issuance of a licence or where the licence is deemed to have been issued, if licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that,--

(a) there is breach of any condition mentioned in the licence or in undertaking given as per sub-rule (1A) of the rule 21; or

(b) there is reason to take action under sub-section (1) or (2) of section 14, the licensing officer may, after giving the holder of licence an opportunity of showing cause, revoke or suspend or amend the licence as per the provision of the Act."

4. In the rule 24 of principal Rules,--

(i) for the figures "100" the figures "500" shall be substituted;

(ii) in the proviso, for the figures "50" the figures "250" shall be substituted.

5. In rule 25 of principal Rules, in sub-rules (2), in clause (viii), after the words "completion of each

contract works" the words "with list of contract workers" shall be added at the end.

6. For rule 26 of the principal Rules, the following rules shall be substituted, namely:--

"26. *Fees.*-- (1) The fees to be paid for the grant of a certificate of registration under section 7 shall be Rs. 5,000.

(2) The fees to be paid for the grant or renewal of a licence under section 12 shall be Rs. 5,000 per annum."

7. For rule 27 of the principal Rules, the following rules shall be substituted, namely:--

"27. *Validity of Licence.*-- Every licence granted under rule 23 or renewed under rule 29 shall remain in force till,--

(a) it is not revoked or suspended or amended by the licensing officer;

or

(b) the principal employer engages or proposes to engage contractor and contractor pays the fees per annum as prescribed in sub-rule (2) of rule 26."

8. In rule 29 of principal Rules, for sub-rule (1), the following sub-rules shall be substituted, namely:--

" (1) Every contractor shall apply to the licensing officer for renewal of a licence in Form No. VII in triplicate not less than 60 days before the date on which the licence expires. On receipt of an application completed in all respect, the licensing officer shall renew the licence within seven working days from the date of receipt of an application, subject to the terms and conditions as may be specified in the licence. If the licence is not renewed within the said seven working days, the licence shall be deemed to have been renewed and the copy of the receipt of an application for renewal with copy of payment of fees thereof shall be treated as renewal of licence.

(1A) The provision of sub-rule (1A) and (2) of rule 23 shall apply, *mutatis mutandis*, for the renewal of licence."

9. After Form No. IV appended to the principal Rules, the following shall be inserted, namely:--

"Form IV-A

[See Rule 21 (1A)]

Form fo undertaking

I, ----- Contractor, Appointed to carry out the contract work
in ----- establishment, hereby declare that,--

(a) (i) I am not a minor;

(ii) I am not of unsound mind and stand so declared by the competent court;

(iii) I am not an insolvent; or

(iv) I have not 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 Government, involves moral turpitude;

(b) There is no order of the Government or an award or settlement for the abolition of contract labour in respect of which particular type of work in the establishment for which I have applied as contractor;

(c) There is no order made in my respect under sub-section (1) of section 14 within the period of three years immediately preceding the date of application.

Place:

Date:

Signature of the Applicant (Contractor)."

By order and in the name of the Governor of Maharashtra,

Balasaheb Kolase,

Joint Secretary to Government.