दिनांक 20.02.2020

प्रमुख ...

मुकाम/प्र० ...

...CPO/NG...

COS/Ruling

भारत सरकार/ GOVERNMENT OF INDIA
रेल मंत्रालय/ MINISTRY OF RAILWAYS
(रेलवे बोर्ड) / (RAILWAY BOARD)

No. 2017/E(LL)/AT/CNR/33

RBE No.20/2020

New Delhi, dated:18.02.2020

कार्यालय महाप्रबन्धक (कार्मिक)
पूर्वोत्तर रेलवे, गोरखपुर
प्रचारित
ई०पी०सं० 50-01
क्रमांक सं० 16/2020
पत्र सं० E/310/1/Part-7/IV
दिनांक 28/02/2020
वे महाप्रबन्धक (कार्मिक)

The General Managers,
All Zonal Railways, PUs,
Metro Kolkata and RDSO Lucknow

Sub: C&AG's Report ~~No. 19 of 2018 on "Compliance to Statutory~~ requirements in engagement of contract labour by Indian Railways".

Ref: i) Board's letters No.2017/E(LL)/AT/Misc/Channels- CAG/2016-17 dated 07.12.2017, 30.01.2019 and the Board (MS)'s D.O. letter of same number dated 09.12.2019.
ii) Board's letter No. E(LL)70AT/CNR/1-3 dated 15.10.1971.
iii) Board's letter No. 2018/E(LL)/AT/CNR/3 dated 24.01.2018.

Attention is drawn to the referred letter dated 07.12.2017 whereby chapter-wise comments on Audit observation on C&AG's Report No. 19 of 2018 were sought from Railways concerned. Thereafter, this report on "Compliance to statutory requirements in engagement of contract labour by Indian Railways" for the year ended March 2017 was finalized and laid on the table in Lok Sabha & Rajya Sabha on 8th January, 2019. Full report may be downloaded from *https://cag.gov.in/content/report-no19-2018-compliance-statutory-requirements-engagement-contract-labour-indian*. Afterwards, this Report was selected by Parliamentary Committee i.e "Public Accounts Committee" (PAC) (2019-20) for examination. In this connection, PAC has already studied working of few Zonal Railways during their study visit of ER, SER, Kolkata Metro, ECoR, CR, WR, SR and SWR during year 2019-20.

2. Attention of the Railways is also drawn to the provisions in regard to nominations of "Principal Employer" as contained in Board's letter No. E(LL)70AT/CNR/1-3 dated 15.10.1971 and also to the directions contained in Board's letter No. 2018/E(LL)/AT/CNR/3 dated 24.01.2018 and other relevant instructions issued by Civil Engineering directorate to ensure that all the relevant statutory and other related provisions are strictly complied with.

3. However, C&AG has pointed out many violations/irregularities/non-compliances of statutory provisions governing contract labour. These violations etc. are summarized as Annexure-1 to this letter. It can be gleaned from the Annexure that as many as fifteen types of

महाप्रबन्धक कार्यालय
पूर्वोत्तर रेलवे, गोरखपुर
दिनांक - 20-2-2020

अनुभाग
अनुविभाग
अनुभाग
अनुविभाग

मरेप्र/इज्जत
मरेप्र/लख.
मरेप्र/वारा.
अनुकोटी

पत्रिका
अनुभाग
अनुभाग
मुख्यालय

non-compliances etc. have been detected by C&AG's auditors. Railways should go through these infractions and strive to ensure that these are not repeated.

4. Furthermore, in order to facilitate compliance of statutory provisions by the designated Principal Employers as well as by the contractors, the following controls/measures have been recommended by C&AG in Para 7.2 of the said Audit Report:-

i) Preparation of estimates for labour component may be done duly taking into account the minimum wages fixed by Central/State Government from time to time plus additional amount of contribution required to be made by the contractors towards 'Employees' Provident Fund' (EPF), 'Employee State Insurance Corporation' (ESIC) and any other related cost.

ii) A comprehensive list of conditions towards ensuring compliance to statutory provisions relating to labour laws may be included in the tender documents/General Conditions of Contracts/Special Conditions of Contract, including penalties for non-compliance. The tender documents should include terms and conditions relating to timely payments of wages due, amenities for labour, safety of labour, etc.

iii) Contracts may be awarded to contractors/agencies who have been registered with the Labour Department, EPFO and ESIC etc.

iv) Principal Employers for the various Departments of the organisation may be identified and nominated. A comprehensive list of responsibilities for Principal Employers may be issued as a checklist for the Principal Employers.

v) A mechanism may be put in place for effective monitoring by Principal Employers such as forming a dedicated cell/team, which will be entrusted with the overall responsibility for enforcement of Labour laws compliances in the organisation. These teams should be given powers to inspect work sites and records for checking compliance and also give a go-ahead before payments are made to the contractors. Detailed checklists for such inspections should also be issued.

vi) A mandatory list of documents may be prescribed for submission by the contractor, without which the contractors' bills should not be processed. A comprehensive checklist may also be prescribed for checking of compliances before passing of contractors' bills.

vii) For the contracts which are already in progress, Railway Administrations of all

Zonal Railways may consider directing the Principal Employers in various contracts to examine the number of contract labour under their jurisdiction in preceding 12 months for all the contractors, determine if they are required to register themselves with the prescribed authorities under the Acts and get themselves registered with the prescribed authorities, where required.

viii) In works, where the applicability of the CLRA, 1970 on the contractor is established, the contractor may be directed to apply for license from the Labour Commissioner. If he fails to do so, Labour Commissioner may be informed, so as to take necessary punitive action against the contractor.

ix) Joint Procedure Orders should be issued by Zonal Railways, clearly indicating obligations of Principal Employers, functions of the designated nominee of Principal Employer, functions of paying authorities and the functions relating to filing of relevant returns with the prescribed authorities.

x) In all ongoing contracts, the short payments, short deduction and short contribution may be identified, verified and amounts short-paid/not paid may be paid to the concerned contract labour by the Railway administration as per the provisions of Acts. The amounts so paid should be recovered from the contractors, where applicable.

xi) Railways may encourage the contractors to follow provisions of the EPF & MPA, 1952 and EPFS, 1952 and effectively avail of the incentives under the newly introduced 'Pradhanmantri Rojgar Protsahan Yojana' to promote recruitment of unemployed persons and bring into books the informal employees.

xii) Railways may consider putting in place an effective control mechanism through Internal Audit and/or inter-disciplinary teams to monitor compliance of statutory requirements. Measures may also be taken for creating awareness amongst various levels of Railway officers on the issue.

5. The Railway administrations/PUs should take note of all the aforementioned recommendations for strict compliance.

6. Recommendation at para 4(iii) above shall be enforced only in such cases where such registration is required as per prevailing law.

7. In this regard, Civil Engineering Directorate has also issued following important supplementary instructions. These too should be strictly implemented so as to avoid violation of applicable labour laws.

(i) Board's letter No.2012/CE-I/CT/O/22 dated 14.12.2012.
(ii) Board's letter No.2018/CE-I/CT/4 dated 17.10.2018 (Shramikkalyan Portal)
(iii) Board's letter No.2017/CE-I/CT/8/GCC/Committee dated 05.11.2018.
(iv) Board's letter No.2018/CE-1/CT/37/GCC/Policy dated 06.09.2019. (General Conditions of Contract)

8. This issues with the approval of Board.

9. Please acknowledge receipt.

DA: As above.

18/2/2020

(Alok Kumar)
Executive Director Estt.(IR)
Railway Board

Annexure

Annexure to Board's letter No. 2017/E(LL)/AT/CNR/33 dated 18.02.2020 regarding Selection of subjects for examination by Parliament's "Public Accounts Committee" (PAC) (2019-20) during the current year.

Instances of inadequate compliance as well as non-compliance to statutory provisions governing contract Labour out of **463** contracts over nine Zonal Railways/PUs noticed by C&AG office.

(I) Number of contractors showing compliance/non-compliance to the provisions of CLRA, 1970 and CLRR, 1971 regarding registration of Principal Employers (PEs), submission of required returns to Labour office and provisions of amenities at work place by the contractors;

(i)	PEs NOT registered itself with the Labour department:	323
(ii)	PEs NOT submitted returns to the Labour department:	380 (Records not made available to Audit:71)
(iii)	Contractors submitted returns to the labour department	285 (Records not made available to Audit:177)
(iv)	Provision of rest rooms NOT available	7
(v)	Provision of basic amenities i.e drinking water urinals etc.	Records not made available to Audit:100

(II) Statement showing position of contracts having requisite License of Labour office before commencement of contract;

(i)	Number of contracts where license was NOT obtained by the contractor	172
(ii)	Number of contracts where records were NOT made available to Audit	207

(III) Details of payments made to the workmen in selected contracts;

(i)	Number of contracts where payment was NOT made in the presence of Railway representatives	111 (Records not made available to Audit:212
(ii)	Notices regarding payment of wages sent by contractor to PE NOT available on record	463
(iii)	Directive/procedure for ensuring due payment to workmen and communication to PE in case of short payment with consequential	463

	recoveries from contractor not found	
(iv)	Nomination of authorized representative to be present at the time of disbursement of wages not seen	463

(IV) Details of payment of wages to labour;

(i)	Number of contracts where payment of wages made in cash	169 (Records were not made available to Audit: 212)

(V) Details of notice displayed by the contractor:

(i)	Number of contracts where notices were not displayed	225 (Records were not made available to Audit: 99)

(VI) Statement showing Position of maintenance of Attendance/wages registers by Contractor;

(i)	Number of contracts where muster roll/attendance register were NOT maintained	112 (Records were not made available to Audit Not available:187)
(ii)	Number of contracts where wages register were NOT maintained:	156 (Records were not made available to Audit Not available:185)
(iii)	Number of contracts where register of deduction were NOT maintained	262 (Records were not made available to Audit: 198)
(iv)	Number of contracts where register of overtime was NOT maintained	261 (Records were not made available to Audit: 198)
(v)	Number of contracts where register of fine was NOT maintained	263 (Records were not made available to Audit: 198)
(vi)	Number of contracts where register of advances were NOT maintained	263 (Records were not made available to Audit: 198)
(vii)	Number of contracts where wages slip was NOT maintained	246 (Records were not made available to Audit: 199)

(VII) Compliance of Minimum Wages Act, 1948 by the contractors;

(i)	Number of contracts where minimum wages NOT paid	129 (Records were not made

	i.e short paid	available to Audit: 229)

(VIII) Details of short payment of weekly rest to labour by the contractors:

(i)	Number of contracts where short payment of weekly rest noticed	62
(ii)	Number of contracts where short payment towards weekly rest remained unascertained	42 (Records were not made available to Audit: 239)

(IX) Details of payment of overtime for working on rest day (i.e double payment working on rest day):

(i)	Number of contracts where neither rest day provided nor double payment for working on rest day made by contractor	49
(ii)	Number of contracts where records relating to working on rest day were not made available to audit	268

(IX) Details of short payment to contract labour for working more than nine hours in a day;

(i)	Number of contracts where overtime for working more than nine hours on any day @ double the normal rate was not provided	30
(ii)	Number of contracts where overtime for working of more than nine hours on any day @ double the normal rate, record was not made available to audit.	240

(IX) Statement showing the position of contracts where PF code obtained:

(i)	Number of contracts where records regarding availability of PF code not made available to Audit by Railway Administration	431
(ii)	Responsibility of contractors	a) PF records were not found on record:96 b) Records were not made available to Audit: 321

(X) Statement showing Deduction/Non deduction/short deduction of Employees Provident Fund;

(i)	Contracts where short PF deduction made	22
(ii)	Contracts where no PF deduction made	103

(iii)	Contracts where records not made available	306

(XI) Details of contribution/short contribution/non-contribution to Employees Provident Fund;

(i)	Number of contracts where PF contribution was short	24
(ii)	Number of contracts where no PF contribution was made	104
(iii)	Number of contracts where records were not made available to audit.	306

(XII) Details of deduction of contribution to ESI from employee;

(i)	Number of contracts where there was a short deduction of ESI contribution from the employee	12
(ii)	Number of contracts where no deduction of ESI contribution was made from the employees	**80**
(iii)	Number of contracts for which no records were made available to audit	**302**

(XIII) Statement showing the position of contracts where contribution of employer to ESI made;

(i)	Number of contracts where employer's contribution was made short	10
(ii)	Number of contracts where employer's contribution were NOT made at all	88
(iii)	Number of contracts for which no records were made available to Audit	335

(XIV) Contracts where number of labour to be engaged were estimated;

(i)	Number of contracts where the number of labour to be engaged NOT estimated	140
(ii)	Number of contracts where records NOT made available to Audit	133

(XV) Statement showing estimation of labour and material separately;

(i)	Number of contracts where records relating to number of labour to be engaged considered in estimate NOT made available to Audit.	133
(ii)	Number of contracts where estimate of labour and material with other components found short	71

*****

S.N.65

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

No.E(LL)70AT/CNR/1-3 New Delhi, dated 15.10.1971.

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

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

....

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

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

...2/-

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

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

(a) The Divisional Officers in Divisions, Senior Mechanical Engineers, Deputy Chief Mechanical Engineers or Works Managers (as the case may be) in respect of workshops, District Controller of Stores in respect of Stores Depots, Executive Engineers in respect of constructions, Heads of Departments in respect of contracts directly controlled by Headquarters may be nominated as "Principal employer" and they will be held answerable for fulfilling the requirements of the Act and the Rules as representatives of the railway establishments under their administrative control.

(b) Nucleus staff for all the "Principal employers" in a Divisional office, as a central cell, who have a sizeable number of contracts such as the Engineering officers and Commercial officers may if necessary be sanctioned after obtaining Board's prior approval.

(c) Expenditure on registration of establishments etc. may also be incurred by the Railways.

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

.....3/-

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

Please acknowledge receipt.

(P.S.Mahadevan)
Addl. Director, Establishment.

Encl:6

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

भारत सरकार Government Of India
रेल मंत्रालय Ministry Of Railways
(रेलवे बोर्ड) (Railway Board)

No. 2012/CE-I/CT/O/22 New Delhi, Dated 14.12.2012

Addressed To :
(As per Mailing List 'A' Attached).

Sub : Application of the provisions of "Employees Provident Fund & Miscellaneous Provisions Act, 1952"; "Employees' Pension Scheme, 1995" and "Employees Deposit Linked Insurance Scheme, 1976" to Railways' contracts.

1. Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (hereinafter called the 'Act') was enacted as a measure of social welfare legislation.

2. The Contractors engaged in various contracts deploying workers across Indian Railways come under the purview of the Act. As per Section 1(3), read with Section 16 of the Act, being the principal employer, even though Indian Railways are not covered under the Act, the Contractors working with Indian Railways are covered under the provisions of the Act. The relevant provisions of the EPF Act and its Scheme on liabilities and duties of the principal employer are enclosed as Annexure-II.

3. With a view for enabling Railways in implementation of the provisions of the Act, Ministry of Railways have decided that the following contents shall be added as Clause 55-B to the General Conditions of Contract, as per Addendum & Corrigendum Slip (ACS) enclosed as Annexure-I :

"**Clause 55-B to GCC : Provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952** :

The Contractor shall comply with the provisions of Para 30 and 36-B of the Employees Provident Fund Scheme, 1952; Para 3 and 4 of Employees' Pension Scheme, 1995; and Para 7 and 8 of Employees Deposit Linked Insurance Scheme, 1976; as modified from time to time, wherever applicable and shall also indemnify the Railway from and against any claims under the aforesaid Act and the Rules".

4. This issues with the concurrence of the Finance Directorate of Ministry of Railways.

Please acknowledge receipt.

संलग्नक/उपरोक्तानुसार

14.12.12
(आलोक कुमार)
कार्यकारी निदेशक/सिविल इंजीनियरिंग(जी)/रेलवे बोर्ड

No. 2012/CE-I/CT/O/22 New Delhi, Dated 14.12.2012

Copy forwarded for information to :

1. The FA&CAOs, All Indian Railways.
2. The Deputy Comptroller & Audit General of India (Railways), Room No. 224, Rail Bhawan, New Delhi.

For Financial Commissioner/ Railways

Annexure-I

भारत सरकार Government Of India
रेल मंत्रालय Ministry Of Railways
(रेलवे बोर्ड) (Railway Board)

Addendum & Corrigendum Slip (ACS) to General Conditions of Contract

{Ref : Railway Board's letter no. 2012/CE-I/CT/O/22, dated 14.12.2012}

"Clause 55-B to GCC : Provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952 :

The Contractor shall comply with the provisions of Para 30 & 36-B of the Employees Provident Fund Scheme, 1952; Para 3 & 4 of Employees' Pension Scheme, 1995; and Para 7 & 8 of Employees Deposit Linked Insurance Scheme, 1976; as modified from time to time through enactment of "Employees Provident Fund & Miscellaneous Provisions Act, 1952, wherever applicable and shall also indemnify the Railway from and against any claims under the aforesaid Act and the Rules".

Employees' Provident Fund Scheme, 1952 :

30. Payment Of Contributions :

(1) The employer shall, in the first instance, pay both the contribution payable by himself (in this Scheme referred to as the employer's contribution) and also, on behalf of the member employed by him directly or by or through a contractor, the contribution payable by such member (in this Scheme referred to as the member's contribution).

(2) In respect of employees employed by or through a contractor, the contractor shall recover the contribution payable by such employee (in this Scheme referred to as the member's contribution) and shall pay to the principal employer the amount of member's contribution so deducted together with an equal amount of contribution (in this Scheme referred to as the employer's contribution) and also administrative charges.

(3) It shall be the responsibility of the principal employer to pay both the contribution payable by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor and also administrative charges.

(Explanation : For the purposes of this paragraph, the expression "administrative charges" means such percentage of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concessions admissible thereon) for the time being payable to the employees other than an excluded employee, and in respect of which Provident Fund Contribution are payable as the Central Government may, in consultation with the Central Board and having regard to the resources of the Fund for meeting its normal administrative expenses fix.)

36-B. Duties of Contractors :

Every contractor shall, within seven days of the close of every month, submit to the principal employer a statement showing the recoveries of contributions in respect of employees employed by or through him and shall also furnish to him such information as the principal employer is required to furnish under the provisions of the Scheme to the Commissioner.

Employees' Pension Scheme, 1995 :

Para 3(1) : From and out of the contributions payable by the employer in each month under Section 6 of the "Act" or under the rules of the Provident Fund of the establishment which is exempted either under clauses (a) and (b) of sub-section (1) of Section 17 of the Act or whose employees are exempted under either paragraph 27 or paragraph 27-A of the Employees' Provident Fund Scheme, 1952, a part of contribution representing 8.33 per cent of the Employee's pay shall be remitted by the employer to the Employees' Pension fund within 15 days of the close of every month by a separate bank draft or cheque on account of the Employees' Pension Fund contribution in such manner as may be specified in this behalf by the Commissioner. The cost of the remittance, if any, shall be borne by the employer.

Para 3(2) : The Central Government shall also contribute at the rate of 1.16 per cent of the pay of the members of the Employees' Pension Scheme and credit the contribution to the Employees' Pension Fund :

Provided that where the pay of the member exceeds Rs. 6,500 (Rupees Six thousand and five hundred) per month, the contribution payable by the employer and the Central Government be limited to the amount payable on his pay of Rs. 6,500 (Rupees Six thousand and five hundred) only.

Para 4 : Payment of Contribution :

(1) The employer shall pay the contribution payable to the Employees' Pension Fund in respect of each member employed by him directly or by or through a contractor.

(2) It shall be the responsibility of the principal employer to pay the contributions payable to the Employees' Pension Fund by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor.

Employees' Deposit Linked Insurance Scheme, 1976 :

Para 7 : Contribution :

(1) The contribution payable by the employer and the Central Government under sub-section (2) and sub-section (3) of Section 6-C of the Act, shall be calculated on the basis of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance, if any, actually drawn during the whole month whether paid on daily, weekly, fortnightly or monthly basis.

Provided that where the monthly pay of an employee exceeds six thousand five hundred rupees, the contribution payable in respect of him by the employer and the Central Government shall be limited to the amounts payable on a monthly pay of six thousand five hundred rupees including dearness allowance, retaining allowance (if any) and cash value of food concession.

Para 8 : Mode of Payment of Contribution :

(1) The contribution by the employer shall be remitted by him together with administrative charges at such rate as the Central Government may fix from time to time under sub-section 4 of Section 6-C of the Act, to the Insurance Fund within fifteen days of the close of every month by a separate bank draft or cheque or by remittance in cash in such manner as may be specified in this behalf by the Commissioner. The cost of remittance, if any, shall be borne by the employer.

(2) It shall be the responsibility of the employer to pay the contribution payable by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor.

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LIST "A"

1. General Managers, All Indian Railways & Production Units.
1a. General Manager (Con), N.F. Railway, Guwahati.
2. Principal Chief Engineers, All Indian Railways.
3. Chief Administrative Officers (Con), All Indian Railways. (Except N.F. Railway)
4. Chief Vigilance Officers, All Indian Railways.

Copy to:

(A)

1. CAO/CAO(R), COFMOW, Tilak Bridge, New Delhi-110002.
2. CAO/CAO(R), Diesel Locomotive .Works,Patiala(Punjab).
3. CAO, Rail Coach Factory/Rae bareli Project, Kishanganj, Delhi- 7

(B)

1. Director General, RDSO, Manak Nagar, Lucknow-226011.
2. Principal, Railway Staff College, Vadodara-390004
3. Chief Commissioner of Railway Safety, Ashoka Road, Lucknow-226001.

(C)

1. Director, IRICEN, Rail Path, Pune. Pin-411001 (Maharashtra).
2. Director, IRIEEN, P.B.No.-233, Nasik Road-422101 (Maharashtra).
3. Director, IRISET, Taa Naka Road, Lalla Guda , Secunderabad-500017
4. Director, IRIMEE, Jamalpur Distt., Jamalpur - 811214. (Bihar)
5. Director, IRITM, Saraswati Residential Estate, IRITM Campus, Manak Nagar Lucknow.

(D)

1. MD, DMRC, Metro Bhawan, 13, Fire Bridge Lane, Barakhamba Road, New Delhi-110 001.
2. MD, CONCOR, Concor Bhawan, C-3, Mathura Road, Opp. Apollo Hospital, New Delhi- 110076.
3. IRCON International Limited, C-4, District Centre, Saket, New Delhi- 110017
4. MD, RITES Ltd., RITES Bhawan, Plot No.1, Sector-29, Gurgaon, Haryana-122001
5. MD, RVNL, August Kranti Bhawan,Plot No.25, 1st Floor, Bhikaji Cama Place, New Delhi-110066
6. MD, MRVC Ltd., Churchgate Station Bldg, Mumbai- 400020
7. MD, KONKAN Railway Corporation Ltd, Rail Bhawan, New Delhi-110001.
8. MD, DFCCIL, 5th Floor, Pragati Maidan Metro Station Building Complex, New Delhi-110001
9. MD, RLDA, Near Safdarjung Railway Station, Moti Bagh, Phase-I, New Delhi- 110021
10. RCF, Rae Bareilly, Kishan Ganj, Delhi.
11. CME, IROFAF, 12th Floor, Core-1, Scope Minar, Distt. Centre, Laxmi Nagar, Delhi- 110092
12. CAO, Indian Railways (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.

(E)

1. General Secretary, IRCA, DRM Office, New Delhi.
2. General Secretary, AIRF, Rail Bhawan, New Delhi.
3. General Secretary, NFIR, Rail Bhawan, New Delhi.
4. General Secretary, IRPOF, Rail Bhawan, New Delhi.
5. General Secretary, FROA, Rail Bhawan, New Delhi.
6. General Secretary, AIRPA, Rail Bhawan, New Delhi.
7. General Secretary, AISC&STREA, Room no. 7, Rail Bhawan, New Delhi.
8. The Secretary, RBSS, Group (A) Officers Association, Rail Bhawan.
9. The Secretary, RBSS, Group (B) Officers Association, Rail Bhawan.
10. The Secretary, RBMSA, Rail Bhawan.
11. The Secretary, Railway Board , Group (D) Employees Association, Rail Bhawan.

Copy to:

CRB, FC, ME, ML, MS, MM, MT, Secy., AM(CE), AM(WORKS), AM(PLG.) AM(STAFF), AM(Mech.), AM(Elec.), AM(PU), AM(Tele), AM(Sig.), AM(Traffic), AM(F), AM(B), Adv.(Projects), Adv.(L&A), Adv.(Vig.), Adv(Rates), AM(Stores), AM(IT), AM(T&C), AM(Comml.) DG(RHS), DG(RPF), EDTK(M), EDTK(MC), EDTK(P), EDW(Plg.), EDME(Track), EDCE(B&S), EDCF(RC&F), EDF(X)-I, EDF(X)II, DF(X)-II, ED(W), EDCE(P), ED(PROJECT), ED(L&A)-I, ED(L&A)-II, EDVE, ED/DM, ED(Safety), ED(Sig.), ED(Tele), EDRS(G), ED(E&R)EDEE(Dev.), EDEE(G), EDEE(RS), EDRE(P), EDRE(S&T), EDE, EDE(N), EDE(Res.), EDFE, EDPC, ED(Accounts), ED(T&MPP), EDE(GC), EDME(CHG), EDME(F), EDME(Dev.),EDME(W), ED(Plg.), ED(CHG), EDRS(P), EDRS(S), EDF(S), ED(FC), EDPM, EDPG, EDTC(R), EDTT(F), EDTT(M), EDTT(S), EDV(S), EDV(T). DCE(B&S), DCE(P), Dir(L&A), JS(Conf.), JS(G), JS(P), LA, Eco.(Adv.) F(X)I, II, Vig.III, Vig.(Conf.), L&A, Track I & II, Telecom, Signal, RS(G), & Electrical Branches of Rly. Board.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2018/E(LI)/AT/CNR/3 **dated : 24.01.2018**

The General Manager
All Indian Railways and PUs
(as per standard list)

Sub: Compliance to statutory provisions of applicable Labour Laws relating to "Contract Labour" hired by Railways either directly or through Contractors.

Ref: (i) Board's letter No. E(LL)2005/AT/CNR/64 dated 10.11.2005
(ii) Board's letter No. E(LL)2005 AT/CNR/16 dated 29.08.2006
(iii) Board's letter No. 2012/CF-I/O/22 dated 14.12.2012
(iv) Board's letter No. E(LL) 2015/PNM/AIRF/1 dated 20.10.2015
(v) Board's letter No. 2016/E(LL)/AT/MW/1 dated 05.06.2017

Apropos the subject cited above. As the Railways are aware, Indian Railways executes a wide range of works for creation, repair and maintenance of its various assets including stations, coaches, wagons, coaching depots, locomotives, tracks, etc. Sometimes, Contracts are also entered for rendering services too. Some of these works/services are executed by way of outsourcing to external agencies. The external agencies (Contractors) work for the Railways and engage workmen towards execution of these contracts. A large number of these workmen are classifiable under the term 'Contract Labour'. It is to be noted that the statutory provisions of many beneficial legislations for protection of such 'Contract Labour' cast obligations both on the 'Contractors' as well as on relevant departmental heads of Zonal Railways, Divisions, Units etc. as "Principal Employer" (wherever defined in various Labour Laws).

2. One of the principal legislations for protection of contract labour is "Contract Labour (Regulation and Abolition) Act (CLRA), 1970" read with "Contract Labour (R&A) Rules, 1971". Moreover, attention is also drawn to few of the important legislations/provisions:-

(i) Minimum Wages Act (MWA), 1948 and Minimum Wages Rules (MWR), 1950, wherever applicable;

(ii) Employees' Provident Fund and Miscellaneous Provisions Act (EPF and MPA), 1952 and Employees' Provident Fund Scheme (EPFS), 1952, wherever applicable. It is to be noted that though as per Section 1(3), read with Section 16 of this Act, and notifications issued thereunder, the Indian Railways are not directly covered, however, Contractors working in Indian Railways are covered under the provisions of the Act. In this connection, para 2 of the Board's letter no. 2012/CE-I/CT/O/22 dated 14.12.2012 refers.

(iii) Employees' State Insurance Act (ESIA), 1948, Employees' State Insurance Rules (ESIR), 1950 and Employees' State Insurance (General) Regulations, 1950, wherever applicable;

(iv) The Employees' Compensation Act (ECA), 1923, wherever applicable;

(v) "General Conditions of Contract (GCC) of Indian Railways as amended vide Railway Board's letter No. 2012/CE-I/CT/O/22 dated 14.12.2012. These specifically lay down the

role and responsibility of the Zonal Railways etc. as **Principal Employer** under aforesaid Acts.

Hence, violation of any of aforesaid legislations/anyother **applicable Labour** Legislations would entail punitive/penal proceedings under relevant laws **against Contractors** as well as against Principal Employers.

3. However, it has been recently brought to the **notice of the Apex** level and Board that Contractors have been indulging in many irregularities **especially in payment** of wages to Contract Labour. It has also been brought to attention **that Contract Labour** employed in various Railway departments are not being paid Minimum **Wages as per the latest** Minimum Wages orders (w.e.f. 01.04.2017). It may be recalled that orders **of Ministry of Labour** and Employment on Minimum Wages have been circulated **vide Railway** Board's letter No. 2016/E(LL)/AT/MW/1 (RBE No. 50/2017) dated 05.06.2017. **Moreover**, recently, there has been allegations that some unscrupulous Contractors are **resorting to various stratagem** to deceitfully deprive Contract Labour of their rightful wages. Such **deceitful practices** include (i) Payment of less wages through cash; and (ii) forcibly grabbing, **beforehand, of ATM** Debit Cards of Contract Labour so that Contractors can withdraw, unauthorisedly, **part of the wages** (paid in the bank directly) received by Contract Labour. Non-payment **of minimum wages** to the workers is a criminal offence since it violates the statutory **provisions. In order** to curb/eliminate such malpractices, Railway Board have been repeatedly **issuing detailed instructions** on the subject matter. Some of these are cited in reference of this letter. **Keeping in view** of the fact violation of Minimum Wages Act, 1948 and related orders, deprive **Contract Labour** of their just and legal rights and also leads to violation of conditions of Contract (exposing Principal Employer to the risk of proceedings under these Acts), these unscrupulous **Contractors** are liable to be taken up under relevant punitive/penal proceedings. It is directed **that** whenever any complaint in this regard is received, stringent deterrent penal actions **should** be taken by following due procedure.

4. In view of the fact that the Contract Labour are engaged by various departments of Zonal Railways, PUs, etc., it is incumbent on the Principal Heads of the departments to put in place a robust mechanism so that no violation of labour laws takes place in their respective departments. It is, therefore, directed that if any such/other complaints are received, the guilty contractors should be black-listed and their Contract should be terminated following the due procedure, apart from initiating criminal proceedings against them with the help of Labour department officials. Since, non-compliance of terms and conditions of GCC entails violation of contractual obligations, any reluctance on the part of a contractor to award minimum wages to contract labour, for the period during which he had admittedly worked, is violative of contract conditions, illegal, unfair and violates the Fundamental right of the Right to Life. Therefore, the Railways are directed to ensure the compliance of the labour laws (particularly registration as Principal Employer, ensuring that Contractors have requisite license and ensuring other beneficial provisions) and related orders as well as to see that payment of minimum wages to the contract labour engaged directly (Such as Para-medical staff etc.) or through Contractors is ensured, both in letter and spirit.

Manju

(Manju)
Joint Director/E(LL)
Railway Board.

update (if required) and approve the details of LoA filled by contractor within 7 days of receipt of such request.

(d) After approval of LoA by Engineer, contractor shall fill the salient details of contract labours engaged in the contract and ensure updating of each wage payment to them on shramikkalyan portal on monthly basis.

(e) It shall be mandatory upon the contractor to ensure correct and prompt uploading of all salient details of engaged contractual labour & payments made thereof after each wage period.

B. While processing payment of any 'On Account bill' or 'Final bill' or release of 'Advances' or 'Performance Guarantee / Security deposit', contractor shall submit a certificate to the Engineer or Engineer's representatives that "I have uploaded the correct details of contract labours engaged in connection with this contract and payments made to them during the wage period in Railway's Shramikkalyan portal at 'www.shramikkalyan.indianrailways.gov.in' till ____Month, ____Year."

5. This issues with concurrence of Finance directorate of the Ministry of Railways.

(अनिल कुमार)
निदेशक/सिविल इंजीनियरिंग(जी)/रेलवे बोर्ड
[Rly: 030-47598, MTNL: 011-23047598]

No. 2018/CE-I/CT/4 **New Delhi, Dated 17.10.2018**

Copy forwarded for information to:

1. The PFAs, All Indian Railways.
2. The Deputy Comptroller & Auditor General of India (Railways), Room No. 224, Rail Bhawan, New Delhi.

For Financial Commissioner/Railways

भारत सरकार Government of India
रेल मंत्रालय Ministry of Railways
(रेलवे बोर्ड) (Railway Board)

No. 2018/CE-I/CT/4

New Delhi, Dated 17.10.2018

To,

As per list attached

Sub: Special Conditions of Contract for mandatory updation of Labour data on Railway's shramikkalyan portal by Contractor.

1. Clause 54 & 55 of Indian Railways General Conditions of Contract deals with Wages to labour and action in case of default of contractor to payment of wages.

2. In order to increase transparency in payment of Contract Labour wages and other payments, a web based e-application has been developed and hosted on website **www.shramikkalyan.indianrailways.gov.in.**

3. All contractors are required to upload details of their LoAs, engaged workmen, wage payment details, PF/ESI details, bonus details etc., on monthly basis. **The details so uploaded shall be available in public domain.**

4. In order to ensure prompt and proper uploading of details related to LoAs, engaged workmen, wage & other payment details, Railways/ PUs etc. shall introduce a special condition in their tender documents of the tenders to be called henceforth. The special condition is as under:

A. Contractor is to abide by the provisions of Payment of Wages act & Minimum Wages act in terms of clause 54 and 55 of Indian Railways General Condition of Contract. In order to ensure the same, an application has been developed and hosted on website 'www.shramikkalyan.indianrailways.gov.in'. Contractor shall register his firm/company etc. and upload requisite details of labour and their payment in this portal. These details shall be available in public domain. The Registration/ updation of Portal shall be done as under:

(a) Contractor shall apply for onetime registration of his company/firm etc. in the Shramikkalyan portal with requisite details subsequent to issue of Letter of Acceptance. Engineer shall approve the contractor's registration on the portal within 7 days of receipt of such request.

(b) Contractor once approved by any Engineer, can create password with login ID (PAN No.) for subsequent use of portal for all LoAs issued in his favour.

(c) The contractor once registered on the portal, shall provide details of his Letter of Acceptances (LoA) / Contract Agreements on shramikkalyan portal within 15 days of issue of any LoA for approval of concerned engineer. Engineer shall

भारत सरकार Government of India
रेल मंत्रालय Ministry of Railways
(रेलवे बोर्ड) (Railway Board)

No. 2017/CE-I/CT/8/GCC/Committee New Delhi, dated 05.11.2018

As per list attached

Sub: Indian Railways Standard General Conditions of Contract, November 2018

1. A committee of Executive Directors was constituted by Railway Board to examine and review the existing Indian Railways Standard General Conditions of Contract, July 2014. Based on the recommendations of the Committee, Board (ME, FC) has approved new Indian Railways Standard General Conditions of Contract, November 2018 (GCC, Nov 2018).

2. The GCC, Nov 2018 has been uploaded on Railway Board's website. It may be accessed through the path: www.indianrailways.gov.in/railwayboard >> "About Indian Railways" >> "Railway Board Directorates" >> "Civil Engineering" >> "Policy Matters" >> IR General Conditions of Contract, Nov 2018".

3. The GCC, Nov 2018 shall be applicable to works contracts on Indian Railways with prospective effect.

4. This issues with the concurrence of Finance Directorate of Ministry of Railways.

Prem Sagar
05.11.18

(प्रेम सागर गुप्ता)
कार्यकारी निदेशक सिविल इंजी.(जी)/रेलवे बोर्ड
[Phone: 030-44803(Rly): 011-23383379(MTNL)]

No. 2017/CE-I/CT/8/GCC/Committee New Delhi, dated 05.11.2018

Copy forwarded for information to:

1. The Deputy Comptroller & Auditor General of India (Railways), Room No. 224, Rail Bhawan, New Delhi.
2. The PFAs, All Indian Railways

For Financial Commissioner/Railways

LIST FOR DISTRIBUTION (Letter No. 2017/CE-I/CT/8/GCC/Committee, dat
05.11.2018)

1. General Managers, All Indian Railways & Production Units.
1a. General Manager (Con), N.F. Railway, Guwahati.
1b. General Manager /CORE, Allahabad.
2. Principal Chief Engineers, All Indian Railways.
3. Chief Administrative Officers (Con), All Indian Railways.(Except N.F. Railway)
5. Chief Vigilance Officers, All Indian Railways.

(A)

1. CAO/CAO(R), COFMOW, Tilak Bridge, New Delhi.
2. CAO/CAO(R), Diesel Locomotive Works, Patiala(Punjab).
3. CAO, Rail Coach Factory/Rae Bareli Project, Kishanganj, Delhi -110007.

(B)

1. Director General, RDSO, Manak Nagar, Lucknow.
2. Director General, Railway Staff College, Vadodara
3. Director, IRICEN, Rail Path, Pune – 411 001 (Maharashtra).
4. Director, IRIEEN, PB No.-233, Nasik Road-422101 (Maharashtra)
5. Director, IRISET, Taa Naka Road, Lalla Guda, Secunderabad-500017.
6. Director, IRIMEE, Jamalpur Distt-Jamalpur, PIN-811214 (Bihar).
7. Director, IRITM, Sarswati Residential Estate, IRITM Campus, Manak Nagar, Lucknow.

(C)

1. MD, DMRC, Metro Bhawan, 13, Fire Bridge Lane, Barakhamba Road, New Delhi- 110 001,
2. MD, CONCOR, Concor Bhawan, C-3, Mathura Road, Opp. Apollo Hospital, New Delhi- 110076.
3. IRCON International Limited, C-4, District Centre, Saket, New Delhi- 110017
4. MD, RITES Ltd., RITES Bhawan, Plot No.1, Sector-29, Gurgaon.
5. MD, RVNL, August Kranti Bhawan,Plot No.25, 1st Floor, Bhikaji Cama Place, New Delhi.
6. MD, MRVC Ltd., Churchgate Station Bldg, Mumbai- 400020
7. MD, KONKAN Railway Corporation Ltd, Rail Bhawan, New Delhi-110001.
8. MD, DFCCIL, 5th Floor, Pragati Maidan Metro Station Building Complex, New Delhi-110001
9. MD, RLDA, Near Safdarjung Railway Station, Moti Bagh, Phase-I, New Delhi-110021
10. MD, CRIS, Chanakyapur, New Delhi.
11. CMD, RailTel Corporation of India Ltd. Plot No. 143, Institutional Area, Sector-44, Gurgaon – 122003.
12. RCF, Rae Bareilly, Kishan Ganj, Delhi-110007.
13. CME, IROAF, 12th Floor, Core-1, Scope Minar, Distt. Centre, Laxmi Nagar, Delhi- 110092
14. CAO (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.

(D)

1. General Secretary, IRCA, DRM Office, New Delhi.
2. General Secretary, AIRF, Rail Bhawan, New Delhi
3. General Secretary, NFIR, Rail Bhawan, New Delhi
4. General Secretary, IRPOF, Rail Bhawan, New Delhi

भारत सरकार Government of India
रेल मंत्रालय Ministry of Railways
(रेलवे बोर्ड) (Railway Board)

No. 2018/CE-I/CT/37/GCC/Policy New Delhi, dated 06.09.2019

As per list attached

Sub: Indian Railways Standard General Conditions of Contract

1. Railway Board had issued Indian Railways Standard General Conditions of Contract, Nov 2018 vide letter No. 2017/CE-I/CT/8/GCC/Committee, dated 05.11.2018. – F/A

2. Based on the feedback received from different zonal railways, a few provisions of above GCC have been further reviewed to expedite execution of works.

3. Board (ME, FC) has approved new Indian Railways Standard General Conditions of Contract, September 2019 (GCC, September 2019).

4. The GCC, September 2019 has been uploaded on Railway Board's website. It may be accessed through the path: www.indianrailways.gov.in/railwayboard >> "About Indian Railways" >> "Railway Board Directorates" >> "Civil Engineering" >> "Policy Matters" >> IR General Conditions of Contract, September 2019".

5. The GCC, September 2019 shall be applicable to works contracts on Indian Railways with prospective effect.

6. This issues with the concurrence of Finance Directorate of Ministry of Railways.

Prem Sagar
26.09.19.

(प्रेम सागर गुप्ता)
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[Phone: 030-44803(Rly): 011-23383379(MTNL)]

No. 2018/CE-I/CT/37/GCC/Policy New Delhi, dated 06.09.2019

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For Financial Commissioner/Railways