C. Defining inspection process: Common violations detected during inspection


Pertaining To Registration/ Licence
1. Building workers numbering 10 or more were found employed on /were employed during preceding 12 months without a valid certificate of registration. [Breach of Sec. 7]
2. Employer has not observed conditions of registration-[Breach of Rule 27]
3. Number of Workmen employed as building workers has exceeded the maximum number of workers as specified in the certificate of registration [Breach of Rule 27 (1)(b)]
4. The employer has not intimated change in the ownership or management within30 days or in the number of workers or conditions of work within 15 days to the Inspector-[Breach of Rule 27 (2) read with Sec. 7 (4)]

Pertaining To Notices
1. Copy of the certificate of registration not displayed at the workplace. –[Breach of Rule 27 (5)]
2. I] Notice containing the rates of wages, hours of work, wage periods, date of payment of wages and the names and addresses of inspector having jurisdiction in relation to the establishment and the date of payment of unpaid wages not displayed at the conspicuous place in English, Hindi and local language – [Breach of Rule 241(1) & 253]
   II] Copy of the notice mentioned in (1) above not sent to the inspector concerned –[Breach of Rule 241 (2)]

Notice Of Commencement/ Completion
1. Notices of commencement/completion of work in form IV not submitted/does not contain complete information/not submitted in time to the inspector. – [Breach of Rule 242 (1) & Rule 27 (3)]
2. Change in particulars of notice of commencement/completion not submitted to the Inspector within two days of occurrence of such change—[Breach of Rule 242 (2)]
3. Register of overtime in form XXII—[Breach of Rule 244 (1)]

Display of Abstract of The Act
1. The abstract of Act and rules made there under in English, Hindi and Language understood by majority of workers not displayed at the work site --- [Breach of Rule 244 (5)]
2. An employer did not display a notice showing the period of which wages are to be paid, place and time of disbursement, at a conspicuous place at construction site in English, Hindi and local language.— [Breach of Rule 255]

Pertaining to Return
1. The employer failed to send annual return for the year in form XXV in duplicate.[ Breach of Rule 245]
2. The employer did not send the annual return for year in time to the inspector i.e., not later than 15th of February following the end of each calendar year. – [Breach of Rule 245]
3. Copy of the annual return not sent to the inspector having jurisdiction.[ Beach of Rule 245]

Pertaining to Wages
1. Wages to the Building workers were not paid before the expiry of 7th/10th day after last day
of the wage period in respect of which the wages are payable, i.e.,--------[ Breach of Rule 254 (a)]

2. Wages to the building workers were not disbursed during working hours/at the time and place notified in advance and final payment of wages made within 48 hours of completion of work.—[Breach of Rule 254 ©]

Pertaining to Registers and Records

1. The employer failed to maintain register of building workers in Form XV at all/correctly— [Breach of Rule 243]
2. The employer failed to maintain the following registers/alternative combined register duly approved/similar register under Payment of Wages Act, Minimum Wages Act, Contract Labour. (R & A) Act/updated.
   i) Muster roll and wage registers in form XVI and XVII or a combined register of wages cum muster roll in form XVII. [Breach of Rule 244 (a)]
   ii) Registers of damage or loss, fine and advances in forms XIX, XX and XXI respectively. [Breach of Rule 244 (b)]
   iii) Registers of overtime in Form XXII. [Breach of Rule 244 (c)]
3. Signature/thumb impressions of the building workers against relevant entries in wage register or wages cum number roll register not obtained and entries not authenticated by him/his representative-[Breach of Rule 244 (2) ©]

Pertaining to Welfare and Health

1. The employer failed to provide latrine and urinals at the prescribed scale/of the prescribed type – [Breach of Rule 247]
2. The employer failed to provide canteen of the prescribed type though employing 250 or more building workers – [Breach of Rule 248 (1)]
3. The foodstuff and other items served in the canteen do not conform to the normal dietary habits of the building workers – [Breach of Rule 249]
4. Arrangements have not been made to supply tea & snacks to the building workers at their work places though canteen is located at 0.2 kms away from such work places – [Breach of Rule 250]
5. The foodstuffs, beverages and other items served in the canteen are not charged on no profit no loss basis/has included the expenditure on items specified in sub rule 2 of rule 251 in fixing the charges for the items served in the canteen – [Breach of Rule 251]
6. The employer failed to provide wholesome drinking water [Breach of Sec32]
7. The employer failed to provide crèche facility though 50 or more female building workers are employed. [Breach of Sec 35]
8. The employer failed to provide residential accommodation to building workers as per the prescribed given. [Breach of Sec 34]

Medical Facilities

1. Building workers employed in jobs having inherent risks and hazards are not periodically examined at intervals specified by Chief Inspector and in accordance with schedule VII of the rules –[ Breach of Rules 226 (a) (I) & (iii) ]
2. Operators of cranes, winches, letting appliances and transport equipment have not been medically examined at intervals specified by Chief Inspector and in accordance with schedule VII of the rules –[ Breach of Rules 226 (a) (ii) & (iii) ]
3. The building workers exposed to occupational health hazards not medically examined
for diagnosis of occupational diseases – [Breach of Rule 226(a) (iv)]
4. The building workers have been charged for the medical examination – [Breach of rule 226 (b)]
5. The building workers have not been issued medical certificate in respect of the medical examination/record of medical examination not maintained in form XII–[Breach of Rule 226 (c) & (d)]
6. The employer failed to provide for workers involved in hazardous processes as specified in schedule IX of the rules and occupational health centre (Mobile or static) services and facilities laid down in schedule of the rule in the occupational health centre/to appoint a medical officer with qualifications prescribed in schedule XI of the rules – [Breach of Rule 228. ]
7. No ambulance room is provided at the construction site nor an ambulance room is provided in a nearby hospital as per scale given in schedule IV of the Act.[Breach of Rule 229]
8. The record of cases of sickness and accidents treated at the ambulance room has not been maintained/produced before the inspector. [Breach of Rule 229(d) ]
10. The employer failed to ensure provision of sufficient number of stretchers at the construction site – [Breach of Rule 231]
11. The employer though employing 500 or more building workers failed to ensure provision of special medical service or occupational health service with functions specified. [Breach of Rule 232 (1) (a)]
12. The employer failed to ensure that the special medical or occupational health service collaborates with Labour department – [Breach of Rule 232 (1) & (c). ]
13. The employer failed to ensure that the special medical or occupational health service is headed by construction medical officer with adequate staff, laboratory and equipment – [Breach of Rule 231 (l) & (d)]
14. The special medical or occupation health service does not conform to the rule 229 (1) (d) – [Breach of Rule 231 (l) & (d)]
15. Requisite records are not maintained in the spl. Medical or health service/ information on the health of building workers and about nature and causes of occupational diseases not communicated to Chief Inspector–[Breach of Rule 232 (1) & (e)]
16. Employer failed to ensure that notice is sent to the inspector in form XIII about occurrence of occupational disease to building workers/construction medical officer sends the information regarding the workers suffering occupational diseases to Chief Inspector – [Breach of Rule 233. ]
17. Sufficient number of first aid boxes of specified type with articles specified in schedule III of the rules not maintained/provided –[Breach of Rule 234 (a)]
18. The employer has failed to ensure provision of essential lifesaving aids and appliances required to handle injuries specified in sub clauses (i) to (xii) in clause (a) of rule 235 to injured or sick building workers during their transit to hospital –[Breach of Rule 235 (b)]

Pertaining To Safety Organisation & Safety

1. The employer 500 or more building workers employer has failed to constitute a safety committee/has not constituted the safety committee as per sub rule (1) of rule 211/has not assigned the functions stipulated in sub rule (2) of the said rule –[Breach of Rule211 (1) & (2)]
2. The meetings of safety committee not called at regular intervals or at least once a month/the decisions/and recommendations of the committee have not been complied with –[Breach of Rule 211 (3) & (5)]

3. Though employing five hundred or more workers the employer has failed to appoint safety officers at the scale prescribed in schedule VIII of the rules –[ Breach of Rule 212]

4. Notice of accident causing loss of life [including of accident which subsequently resulted in death] or disabling a building worker for a period of 48 hours or more not sent within 4 hours or 72 hours respectively to DLC © and authority under Sec. 39, the board, the Chief Inspector and next of kins of the Building worker concerned – [Breach of rule 213 (1) & (4)]

5. Notice of accident, which is either fatal [including of accident which subsequently resulted in death] or disabled a worker from work for more than 10 days not also sent to I/C of nearest police station and to Distt. Magistrate/SDM –[ Breach of Rule 213 (2) & (4)]

6. A dangerous occurrence mentioned in sub rule (5) of rule 213 not reported to authority under Sec. 39 to Inspector – [Breach of Rule 213 (7)]

7. Though there was collapse of lifting appliance, the place of occurrence was not kept undisturbed – [Breach of Rule 213 (6)]

8. A report on accident resulting in death or disablement not sent in form XIV to Chief Inspector authority under Sec. 39 and the board subsequent to notice – [Breach of Rule 213 (7)]

9. The employer did not provide the following head protection and other protective apparel as required. [Breach of Rule 47]

10. 
   a) Fifty or more building workers are employed in the establishment but the Employer has not prepared Health and safety Policy duly approved by the Chief Inspector. [Breach of Rule 40(1)]
   b) A copy of such policy has not been sent to State Government.[Breach of Rule 40 (2)]
   c) A copy of such policy has not been displayed in Hindi and a local language understood by the majority of building workers at the construction site. [Breach of Rule 40 (4)]

11. The employer has not ensured the provision of Safety Belt. [Breach of Rule181]

12. The employer has not ensured the provision of Safety Net [Breach of Rule182]

13. The employer has not provided Fire Protection facility at the construction site as prescribed. [Breach of Rule 36]

14. 500 or more building workers are employed in the establishment but the employer has not ensured Emergency Action Plan.[Breach of Rule 37]

15. The Employer has not provided for Fencing of Motors.[Breach of Rule 38]

16. The employer has not ensured the provisions regarding Lifting and carrying of excessive weight [Breach of Rule 39]

17. The employer has not provided for Eye Protection [Breach of Rule 46]

18. The employer has not ensured provision for Vehicular Traffic [Breach of Rule 49]

19. The employer has not ensured the use of safety helmets and shoes.[Breach of Rule 55]

20. The employer has not ensured the adequate measure to building workers against the harmful effect of excessive noise or vibration at construction site. [Breach of Rule 37]

**Pertaining to Working Condition**

1. The building workers were allowed/asked work for more than 9 hrs a day or 48 hrs a week though asked to work for more than 9 hours a day or 48 hrs. a week were not paid wages in respect of extra work at double the rate – [Breach of Rule 237 (1) & (4)]

2. Workers were required to work continuously for more than 5 hours without an interval
of rest of at least half an hour – [Breach of Rule 237 (2)]

3. The spread over in respect of building workers including intervals of rest exceed 12 hours in a day – [Breach of Rule 237 (3)]

4. The building workers not allowed a weekly day or rest/a substituted weekly day of rest [Breach of Rule 238 (1) & (2)]

5. The substituted weekly day of rest not included in the week in which the substituted day or rest occurs – [Breach of Rule 238 (3)]

6. Wages in respect of the work done on a rest day not paid at the overtime rate – [Breach of Rule 238 (4)]

7. In case of night shift the building workers not given the weekly day of rest in accordance with rule 239 – [Breach of Rule 239 ]

8. The Conditions prescribed in respect of the classes of building workers specified in the sub Sec. (2) of Sec. 28 of the Act as mentioned below not observed.
   i] Such workers were allowed to work continuously for 15 hours a day.
   ii] Such workers were asked to work continuously for more than 14 days.
   iii] Though such workers were deprived of weekly day of rest [since asked to including intervals of rest of 60 hours in a week without a day of rest of 24 hours. work for continuously 14 days] not paid O. T. in respect of such weekly ret – [Breach of Rule 240(2)]

Service Certificate

1. Not issued service certificate to building workers on termination of their services in for XXIV—[Breach of Rule 244 (2) (b)]

Wage Slip/ Wage Book

1. The employer has not issued wage books in form XXIII to building workers employed by him – [Breach of Rule 244 (2) (a)]

Specific Irregularities regarding Building Workers under BOCW Act, 1996

1. The Contractor failed to make payment of compensation / made short payment of compensation in the case of death/ disablement of building worker, it was the liability of the Employer to make the payment of compensation in full or unpaid balance due in accordance with the provisions of Employees Compensation Act, 1923 and he may recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor. But the Employer also failed to do so. [Breach of Section 45(2)]

Obstructing the Inspector

1. Obstructions were created in discharge of duties by the inspector/ Refusal or wilfully neglect were made to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [Breach of Section 49].

Other irregularities

Pertaining to Registration/Licence
1. Contract Labour numbering were found employed on / were employed during preceding 12 months without obtaining valid certificate of Registration, [Breach of Section 7 read with Sec. 9]
2. The following changes in respect of particulars specified in the Certificate of Registration have not been intimated at all/within the prescribed time limit to the Registering Officer, [Breach of Rule 18(4)]

Pertaining to Notices
1. The notices showing the following were not displayed/amended in conspicuous places at the establishment. [Breach of Rule 81(1) (i)]
   a. The Rates of Wages in English/Hindi/local language.
   b. The Hours of Work in English/Hindi/local language.
   c. The date of Payment in English/Hindi/local language.
   d. The Wage period in English/Hindi/local language.
   e. Names and addresses of the Inspectors having jurisdiction in English/Hindi/local language.
   f. Date of payment of un-paid wages in English/Hindi/local language.
2. A copy each of the notice displayed has not been sent to the Inspector as required/the changes in the notices displayed have not been sent to the Inspector as required, [Breach of Rule 81(2)]

Notice of Commencement/Completion
1. Failed to intimate the date of commencement/completion in respect of the contractors engaged within 15 days of the commencement/completion of the work in Form VI B to the Inspector. [Breach of Rule 81(3)]

Pertaining to Returns
1- Annual Return [in duplicate] for the year ending was not submitted in Form XXV – [Breach of Rule 82(2)]
2- Annual Return [in duplicate] for the year ending was not submitted within time limit i.e., before 15th Feb following the end of the year. [Breach of Rule 82(2)]

Pertaining to Wages
1- During Inspection of Contractor, Sri/M/s .................. at .............. it is observed that Contractor failed to make payment of wages/paid less wages as per Annexure though the statutory time limit for payment of wages by the contractor to the contract labour has already lapsed. The PE also failed to make payment to the contract labour [Breach of Rule Sec.21(4).
2. The Principal Employer failed to ensure the presence of his authorised representative at the place and time of disbursement of wages to workmen by the Contractor.[Breach of Rule 72]
3. Authorised representative of the Principal Employer has not recorded a Certificate under his signature as required under Rule, 72. [Breach of Rule, 73]

Pertaining to Register and Records
1. Register of contractors in Form XII has not been maintained at all/ correctly. [ Breach of Rule 74]
2. The following registers and records required to be maintained under the Act or the Rules were not produced on demand,[ Breach of Rule 80(4)] (a) (b)
Pertaining to Welfare and Health
1. The Principal Employer failed to provide at all/failed to provide within time limit the following prescribed welfare amenities which the Contractor Shri M/S .............................................................. engaged in the work of .............................................................. failed to provide within the prescribed limit. [Breach of Sec 20(1) of the Act]

Medical Facilities
1. The Principal Employer failed to provide at all/failed to provide within time limit following prescribed health amenities which the Contractor Shri/M/S.............................................................. engaged in the work of .............................................................. failed to provide originally. [Breach of Section 20(1) of the Act]

Specific Irregularities regarding contract labour(R & A) Act, 1970 & Bihar Rules, 1972

Prohibition of Contract Labour
1. The Appropriate Government i.e., Central Government by gazette notification No................................................ has prohibited the employment of contract labour in the work in the establishment of ......................... the contract labour has still been engaged in that work in the establishment. [Breach of Section 10]

Pertaining to Furnishing Information/ Statistics
1. The Principal Employer failed to furnish the following statistics in relation to contract Labour through the same was called for. [Breach of Rule 83(1) read with Section 24 of the Act]

i) Exact no. of contractors ii) exact no. of contract workers iii) exact no. of staff/officers strength (male/female) in the roll of the company iv) copy of the registration certificate.

Obstructing the Inspector
1. Obstructions were created in discharge of duties by the inspector/ Refusal or wilfully neglect were done to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [Breach of Section 22]

Other Irregularities
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Pertaining to Registration/ Licence
1. Executing contract work through contract labour numbering effect from /during the period without obtaining a licence. [Breach of Sec12 (1)]

2. Executing Contract work through contract labour numbering…… on……………………which exceeds the maximum number specified in the licence i.e…………………………[Breach of Rule, 25(2)(ii)]

**Pertaining to Notices**

1. The notices showing the following were not displayed/amended [Breach of Rule 81(1)(i)]
   a. The Rates of Wages in English/Hindi/ local language.
   b. The Hours of Work in English/Hindi/ local language.
   c. The date of Payment in English/Hindi/ local language.
   d. The Wage period in English/Hindi/ local language.
   e. Names and addresses of the Inspectors having jurisdiction in English/Hindi/ local language.
   f. Date of payment of un-paid wages in English/Hindi/ local language.

2 (i) Copy of each of the notices displayed have not been sent to the Inspector [Breach of Rule, 81(2) ]
   (ii) Notices showing wage period and the place and time of disbursement of wages have not been displayed at the work place and a copy of the said notices has not been sent to the Principal Employer under acknowledgement.[ Breach of Rule,71]
   (iii) Copy of the license has not been displayed at the place of work. [Breach of Rule, 25(2)]

**Notice of Commencement/ Completion**

1. Intimation about the Commencement/Completion of contract work has not been submitted to the Inspector in Form VI-A within 15 days. [Breach of Rule,.25(2)(viii)]

**Display of Abstract of Act**

1. An abstract of Act & Rules in the Form approved by the Commissioner of Labour has not been displayed in English/Hindi and in the local language. [Breach of Rule, 79]

**Pertaining to Returns**

1. The employer failed to send half yearly return for the period in form XXIV. [Breach of Rule 82(1)]

2. The employer did not send the half yearly return for the period in form XXIV in time i.e., not later than 30 days from the close of the half year. [Breach of Rule 82(1)]

**Pertaining to Wages**

1. Contractor has not ensured the presence of the representative authorized by the Principal Employer at the time of the disbursement of wages. [Breach of Rule, 72]

2. Contractor has not ensured the payment of wages to the contract labour before the expiry of 7th /10th day, after last day of the wage period in respect of which the wages are payable, i.e.,[Breach of Rule 65]

**Pertaining to Register and Records**

1. Register of persons employed in Form XIII has not been maintained at all/ correctly [Breach of Rule,75 read with Rule,80(1)]
2. Following Registers have not been maintained at all/ correctly.[Breach of Rule 78]
   i. Muster Roll in form XVI
   ii. Register of Wages in Form XVII.
   iii. Register of wages – cum – Muster Roll in form XVIII of the wage period is fortnight or less.
   iv. Register of deduction for damage and loss in Form XX.
   v. Register of fine in form XXI.
   vi. Register of advance in form XXII. vii. Register Overtime in Form XXIII.
3. (i) Contractor has not obtained the signature or thumb impression of the worker concerned against the entries relating to them on the Register of wages or Muster Roll – cum-Wage Register. [Breach of Rule 78(2)(C)]
   [ii] Contractor has not ensured the authentication of entries in Register of Wages or Muster Roll-cum-
   Wage Register by way of the initials of the contractor or his authorized representative [Breach of Rule
   78(2) (C)]
   [iii] Contractor has not ensured the entries in Register of Wages or Muster Roll-cum-Wage Register duly certified by the authorized representative of the Principle Employer as required by Rule 73
   [Breach of Rule 78(2) (C)]

Pertaining to Welfare and Health
1. Welfare facilities regarding whole some drinking water, Latrine and Urinals and washing facilities has not been provided. [Breach Sec.18 Read with Rule, 40 & 51 to 57]
2. The contractor did not provide crèche facility though 20 or more women are employed as contract labour.[Breach of Rule 25(2)(vi)]
3. The contractor failed to provide canteen facility though 100 or more contract labours are employed in the establishment in which the work is likely to continue for six months or more within 60 days of the commencement of the employment. [Breach of Rule 42]
4. The contractor failed to provide rest-rooms to contract labours who are required to halt at night in connection with the working of the establishment and the employment of migrant workmen is likely to continue for three months or more within 15 days of the commencement of employment in the establishment. [Breach of Rule 41]

Medical Facilities
1. First Aid facilities have not been provided as per specification laid down under Rule – 59 [Breach of 
   Section 19 read with Rules,58 to 61]

Pertaining to Working Condition
1. Contractor has not issued Employment Card in Form XIV to each worker within three days of his employment. [Breach of Rule, 76(i)]
2. Employment Card has not been maintained up to date and any change in particulars etc. has no been entered therein. [Breach of Rule, 76(ii)]
3. Contractor has not adhered to to service conditions specified by Labour Commissioner issued under Rule 25. Specify the clauses violated:

Service Certificate
1. The contractor has not issued service certificate in Form XV to the workman whose services have been terminated. [Breach of Rule 77]

Wage Slip/Wage Book
1. Wage slips in Form XIX is not being issued to the workmen at least a day prior to the disbursement of wages although wage period is more than a week, [Breach of Rule, 78(2)(b)]

Specific Irregularities regarding Contract Labour (R & A) Act, 1970 & Jharkhand Rules, 1972

Prohibition of contract labour

1. The Appropriate Government i.e., Jharkhand Government by gazette notification No. has prohibited the employment of contract labour in the work in the establishment of ................., the contract labour has still been engaged in that work in that establishment. [Breach of Section 10]

Similar Wages for Same and Similar Kind of Work

1. It is observed that the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the Principal employer of the establishment, but the wage rates, holidays, hours of work and other conditions of service of the workmen or the contractor are not the same as applicable to the workmen directly employed by the Principal Employer of the establishment on the same or similar kind of work. [Breach of Rule 25(2)(v)(a)]

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<th>Contract labour</th>
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<td>1. Wage rates</td>
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<td>4. Other conditions of service</td>
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Obstructing the Inspector

1. Obstructions were created in discharge of duties by the inspector/ Refusal or willfully neglect were done to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [Breach of Section 22]

Other irregularities

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4. Inter-State Migrant Workmen (RE & CS) Act, 1979 & Jharkhand Rules, 1980 (PRINCIPAL EMPLOYER)

Pertaining to Registration/ Licence

1. Interstate Migrant workmen numbering 5 or more are employed/were employed during the preceding 12 months without obtaining a valid certificate of Registration. [Breach of Section 6]
2. The following changes in respect of particulars specified in the Certificate of Registration have not been intimated at all/within the prescribed time limit (i.e. 30 days when such changes take place) to the Registering Officer, [Breach of Rule 4(3)]

Pertaining to Notices

1. A Notice showing the wage period, place and time of disbursement of wages was not displayed at the place of work and its copy not sent by the contractor to the Principal Employer under acknowledgement [Breach of Rule 33]
2. Notices showing the rates of wages, hours of work, wage period, dates of payment of wages, name and addresses of Inspectors having jurisdiction and date of payment of unpaid wages were not displayed at a conspicuous place at the establishment/ work site in Hindi, English & language understood by majority of workers, [Breach of Rule 55(1)(i)]
3. A Copy of the licence has not been displayed prominently at the premises where Migrant workmen are employed, [Breach of Rule 11(2) (xii)]

Display of Abstract of Act

1. An abstract of the Rules as approved by the Labour Commissioner was not displayed in Hindi, English & a language spoken by the majority of the migrant workmen, [Breach of Rule 54]

Pertaining to Returns

1. Annual Return (in duplicate) for the year ending was not submitted in Form XXIV [-Breach of Rule 56(2)]
2. Annual Return [in duplicate] for the year ending was not submitted within time limit i.e., before 15th Feb following the end of the year. [Breach of Rule 56(2)]

Pertaining to Wages

1. During Inspection of Contractor, Sri/ M/s --------at--------it is observed that Contractor failed to make payment of wages/paid less wages as per Annexure though the statutory time limit for payment of wages by the contractor to the migrant workmen has already lapsed. The PE also failed to make the payment to the migrant workmen [Breach of Rule Sec.17 (4) and Rule 28]
2. The Principal Employer failed to ensure the presence of his authorised representative at the place and time of disbursement of wages to workmen paid by the Contractor. [Breach of Section 17(2) read with rule 34]
3. Authorised representative of the Principal Employer has not recorded a Certificate under his signature as required [Breach of Rule Section 17(2) read with rule 35]
4. PE failed to make the payment of the displacement allowance to the migrant workmen in the event of failure of the Contractor to make such payment as required under Sec 14. [Breach of Sec18]
5. PE failed to make the payment of the journey allowance to the migrant workmen in the event of
failure of the Contractor to make such payment as required under Sec 15 [Breach of Sec 18]

Pertaining to Register and records
1. Register of contractors in Form XII has not been maintained at all/ correctly. [Breach of Rule 48]
2. Register of Migrant Workmen in Form XIII has not been maintained at all/ correctly [Breach of Rule 49]
3. The following registers and records required to be maintained under the Act or the Rules were not produced on demand, [Breach of Rule 53(4)] (a) (b)

Pertaining to Welfare and Health
1. The Principal Employer failed to provide at all/failed to provide within time limit following prescribed welfare amenities which the Contractor Shri/M/s engaged in the work of failed to provide originally. [Breach of Rule 46 read with section 18 of the Act]
2. The Principal Employer failed to provide at all/failed to provide within time limit Displacement Allowance amounting to Rs. which the Contractor Shri/M/s engaged in the work of failed to provide originally [Breach of Rule 46 read with section 14 of the Act]
3. The Principal Employer failed to provide at all/failed to provide within time limit Journey Allowance amounting to Rs. which the Contractor Shri/M/s engaged in the work of failed to provide originally [Breach of Rule 46 read with section 15 of the Act]
4. The Principal Employer failed to provide at all/failed to provide within time limit the facility of rest room which the Contractor Shri/M/s engaged in the work of failed to provide originally as per Rule 40(1). [Breach of Rule 40(2)]
5. The Principal Employer failed to provide at all/failed to provide within time limit the facility of residential accommodation which the Contractor Shri/M/s engaged in the work of failed to provide originally as per the specifications given in Rule 45(1),(2),(3),(4). [Breach of Rule 45(5)]

Pertaining to Safety Organisation and Safety
1. Protective clothing not provided. [Breach of Rule 38]

Pertaining to Working Condition
1. The particulars regarding recruitment and employment of Migrant workmen were not submitted in form X. [Breach of Rule 21 with section 12(1)(a)]
2. A pass -book affixed with a passport size photograph of the workmen and indicating the other particulars as required under Section 12(1)(b) read with Rule 23(1) was not issued to the migrant workmen. [Breach of rule 23(1) read with Section 12(1)(b)]
3. Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman is in the following manner less favourable than those obtaining in the establishment or in similar employment in the area in which the establishment is located. [Breach of Rule 36]

Service Certificate
1. The following Migrant workmen were not issued service certificate in form XIV at though their service were terminated [Breach of Section 16 & Rule 50]

Other irregularities
5. Inter-State Migrant Workmen (RE & CS) Act, 1979 & Jharkhand Rules, 1980 (CONTRACTOR)

Pertaining to Registration and Licence
1. Inter-State Migrant workmen numbering 5 or more were employed w.e.f.……without obtaining a valid licence as required under Section 8(1) (b).

Pertaining to Notices
1. A Notice showing the wage period, place and time of disbursement of wages was not displayed at the place of work and its copy not sent by the contractor to the Principal Employer under acknowledgement.[Breach of Rule 33]

2. Notices showing the rates of wages, hours of work, wage period, dates of payment of wages, name and addresses of Inspectors having jurisdiction and date of payment of unpaid wages were not displayed at a conspicuous place at the establishment/work site in Hindi, English & language understood by majority of workers.[Breach of Rule 55(1)(i)]

3. A Copy of the license has not been displayed prominently at the premises where Migrant workmen are employed.[Breach of Rule 11(2) (xii)]

Display of Abstract of Act
1. An abstract of the Rules as approved by the Labour Commissioner was not displayed in Hindi, English & a language spoken by the majority of the migrant workmen, [Breach of Rule 54]

Pertaining to Returns
1. The employer failed to send half yearly return for the period in form XXIII. [Breach of Rule 56(1)]
2. The employer did not send the half yearly return for the period in form XXIII in time i.e., not later than 30 days from the close of the half year. [Breach of Rule 56(1)]

Pertaining to Wages
1. Contractor has not ensured the presence of the representative authorized by the Principal Employer at the time of the disbursement of wages [Breach of section 17(3)]
2. Contractor has not ensured the payment of wages to the contract labour before the expiry of 7th/10th day after last day of the wage period in respect of which the wages are payable, i.e-------- [Breach of Rule 28]
3. Displacement allowance of a sum shown below against each workman was not paid to the following migrant workmen. [Breach of Sec. 14]

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Migrant workmen and his address</th>
<th>Presentaddress</th>
<th>Amount</th>
</tr>
</thead>
</table>

4. Journey allowance of a sum shown below against each workman was not paid to the following migrant workmen. Breach of Sec. 15.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Migrant workmen and his address</th>
<th>Presentaddress</th>
<th>Amount</th>
</tr>
</thead>
</table>
5. Following migrant workmen were not given same wages as are being given to other workmen. 
Breach of Section 13(1)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name and address of workers</th>
<th>Category</th>
<th>Wages actually paid</th>
<th>Wages of the other workers</th>
<th>Difference</th>
</tr>
</thead>
</table>

Pertaining to Register and Records
1. Register of Migrant Workmen in Form XIII has not been maintained at all/ correctly[Breach of Rule 49 and Section 23]
2. Displacement-cum-Outward Journey Allowances Sheet has not been maintained in Form XV.[Breach of Rule 51(1) and section 23]
3. Entries in the Displacement-cum-Outward Journey Allowances Sheet have not been authenticated by the Contractor.[Breach of Rule 51(2) and section 23]
4. Return Journey Allowances Register in Form XVI has not been maintained.[Breach of Rule 51(1) and section 23]
5. Entries in the Return Journey Allowances Register have not been authenticated by the Contractor. [Breach of Rule 51(2) and section 23]
6. Following Registers have not been maintained at all. 
   i. Muster Roll in form XVII. [Breach of Rule 52(2) (a) and section 23]
   ii. Register of Wages in Form XVIII. [Breach of Rule 52(2) (a) and section 23]
   iii. Register of deductions Form XIX. [Breach of Rule, 52(2) © and section 23]
   iv. Register of fine in form XX [Breach of Rule, 52(2) (d) and section 23]
   v. Register of advance in form XXI [Breach of Rule, 52(2) (f) and section 23]
   vi. Register Overtime in Form XXII. [Breach of Rule, 52(2) (e) and section 23]

7. (i) Contractor has not obtained the signature or thumb impression of the migrant workmen concerned against the entries relating to him on the Register of wages. [Breach of Rule 52(2)(b)]
   (ii) Contractor has not ensured the authentication of entries in Register of Wages by way of signature of the contractor or his authorized representative. [Breach of Rule 52(2)(b)]

Pertaining to Welfare and Health
1. The contractor failed to provide following facilities within seven days of the commencement of the employment in the establishment
   (a) Wholesome Drinking water [Breach of Rule 39]
   (b) Sufficient no. of Latrine & Urinals [Breach of Rule 39/42] (c) Washing facilities [Breach of Rule 39]
2. The contractor failed to provide Displacement Allowance to migrant workmen amounting to Rs..<br> [Breach of Section 14]
3. The contractor failed to provide Journey Allowance to workmen amounting to Rs..<br> [Breach of Section 15] migrant
4. The contractor failed to provide crêche facility though 20 or more women are employed as migrant workmen in the establishment in which the work is likely to continue for three months or more within 15 days of the commencement of the employment. [Breach of Rule 44]
5. The contractor failed to provide canteen facility though 100 or more migrant workmen are
employed in the establishment in which the work is likely to continue for six months or more within 60 days of the commencement of the employment. [Breach of Rule 41]

6. The contractor failed to provide rest-rooms for migrant workmen who are required to halt at night in connection with the working of the establishment and the employment of migrant workmen is likely to continue for three months or more within 15 days of the commencement of employment in the establishment. [Breach of Rule 40]

7. The contractor failed to provide residential accommodation to migrant workmen as per the specification given in rule 45 within 15 days of the commencement of employment in the establishment. [Breach of Rule 45]

8. The contractor failed to provide following protective clothing to migrant workmen. [Breach of Rule 38]
   i) One woollen coat and one woollen trousers once in two years where temperature falls below 20 degree centigrade.
   ii) Additionally one woollen overcoat where temperature falls below 5 degree centigrade.

**Medical Facilities**
1. Medical/First Aid facilities have not been provided as per specification laid down under Rule 37 – [Breach of Section 16 read with Rules 37]

**Pertaining to Safety Organisation & Safety**
Protective clothing not provided. [Breach of Rule 38]

**Pertaining to Working Conditions**
1. The particulars regarding recruitment and employment of Migrant workmen were not submitted in form X. [Breach of Rule 21 with section 12(1)(a)]
2. A pass -book affixed with a passport size photograph of the workmen and indicating the other particulars as required under Section 12(1)(b) read with Rule 23(1) was not issued to the migrant workmen. [Breach of rule 23(1) read with Section 12(1)(b)]
3. Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman is in the following manner less favourable than those obtaining in the establishment or in similar employment in the area in which the establishment is located. [Breach of Rule 36]

**Service Certificate**
1. The following Migrant workmen were not issued service certificate in form XIV at though their service were terminated [Breach of Section 16 & Rule 50]

**Similar Wages for same and similar kind of Work**
1. It is observed that the wage rates, holidays, hours of work and other conditions of service of the interstate migrant workmen working in the establishment are not the same as to other workmen in the establishment performing same or similar kind of work. [Breach of Section 13]

<table>
<thead>
<tr>
<th></th>
<th>Migrant workmen</th>
<th>Other workmen</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Wage rates</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>holidays</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Hours of work</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Other conditions of service</td>
<td></td>
</tr>
</tbody>
</table>
Other irregularities


Pertaining to Notice

1. The following notices were not displayed at the main entrance of the establishment and at its office:[Breach of Rule 22] - (I)
   a. Notice containing minimum rates of Wages in Hindi and in local language.
   b. Name and address of Inspector in Hindi and in local language.

Display of Abstract of Act

1. The abstract of the Act and Rules made there under in Hindi/local language was not displayed at the main entrance of the establishment and in its office.[Breach of Rule 22] -(2)

Pertaining to Returns

1. Annual return in Form III for the year _____ has not been submitted. [Breach of Rule 21 (4-A)]
2. Annual return in Form III for the year _____ has not been submitted before 1

Pertaining to Wages

(1) In the cases detailed below the wages were paid after the expiry of the statutory time limit
[Breach of Rule 21(1)]

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Establishment</th>
<th>Category of Employees</th>
<th>No. of Employees</th>
<th>Wage period</th>
<th>Due date of payment</th>
<th>Date of actual payment</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

(2) In the cases detailed below, the workers have not yet received their wages though the statutory time limit has expired [Breach of Rule 21] – (I) (a) (b)

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Establishment</th>
<th>Category/Section of employees</th>
<th>No. of Employees</th>
<th>Wage period[s] for which wages not paid</th>
<th>Amount of wages due</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Where the delay in payment is over one month full particulars of employees, viz., name designation, address, amount due and the wage period, etc., should be noted on a separate sheet which will form an enclosure to the claim application to be filed immediately after the expiry of the notice period given to the employer.
(3) The persons noted below were paid their wages at a rate less than the minimum rate of wages fixed for their respective categories [Breach of Section 12] - (I)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of employee</th>
<th>Address of employee</th>
<th>Category</th>
<th>Wage Period</th>
<th>No. of days of attendance</th>
<th>Minimum Rate of wages</th>
<th>Rate of wages actually paid</th>
<th>Amount of wages paid</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

(4) The employees were paid their wages on..............................................which was a holiday, [Breach of Rule 21] – (I) (iv)

(5) Weekly day of rest was not allowed and **overtime wages** not paid for rest day the following employees [Breach of Rule 23]- (I)

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name and address of the employee</th>
<th>Category of employees</th>
<th>Date of weekly rest day for which overtime wages is payable</th>
<th>Rates of wages</th>
<th>Amount of wages to be paid</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

(6) Wages were not paid for the weekly rest days/substituted rest day in the cases detailed below:, [Breach of Rule 23] - (2)

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Category/section</th>
<th>Date in respect of which wages for weekly rest day not paid</th>
<th>No. of employees</th>
<th>Average daily wage</th>
<th>Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

(7) In the following cases workers were employed in [Breach of Rule 24] - (I)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category/section of employees</th>
<th>Particulars of infringement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

(8) In the following cases **overtime wages** were not paid in accordance with Rules 25, [Breach of Rule 25] - (I)

<table>
<thead>
<tr>
<th>S No.</th>
<th>Name of the employee</th>
<th>Category</th>
<th>Wage Period</th>
<th>Rates of Wages</th>
<th>Extra hours Worked</th>
<th>Overtime Worked</th>
<th>Overtime due</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Pertaining to Register and Records**
1. Muster Roll in Form V is not maintained at all/ correctly and kept at the work spot. [Breach of Rule 26(5)]
2. Attendance of each person employed in the establishment is not recorded daily in that Form within 3 hours of the commencement of work shift. [Breach of Rule 26(5)]
3. Register of wages in Form X is not maintained at all/correctly [Breach of Rule 26(1)]
4. Register of Overtime in Form IV is not maintained at all/correctly. [Breach of Rule 25(2)]
5. Register of fine in Form I is not maintained at all/correctly. [Breach of Rule 21(4)]
6. Register of deduction for damage or loss in Form II is not maintained at all/correctly. [Breach of Rule 21(4)]
7. A quittance of employees were not obtained on wage register. [Breach of Rule 26(3)]

8. Entries in the wage register have not been authenticated by the employer or any person authorised by him. [Breach of Rule 26(4)]

**Pertaining to Deduction**

(1) In the cases detailed below fines were imposed unauthorisedly. [Breach of Rules 21(3) and 21(4)]

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of employee</th>
<th>Address of employee</th>
<th>Category</th>
<th>Wage Period</th>
<th>Amount objected to</th>
<th>Reasons for objection</th>
</tr>
</thead>
</table>

(2) In the following cases of deductions were made unauthorisedly. [Breach of Rule 21(2) and Rule 21(4)]

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of employee</th>
<th>Category</th>
<th>Wage Period</th>
<th>Nature and amount of Deduction</th>
<th>Reason for objection</th>
</tr>
</thead>
</table>

**Wage Slip/Wage Book**

1. Wage slips in form XI are not issued by the employer at least a day prior disbursement of wages. [Breach of Rule 26(2)]
2. A quittance of employees were not obtained on wage slips. [Breach of Rule 26(3)]
3. Entries in the wage slips have not been authenticated. [Breach of Rule 26(4)]

**Other irregularities**

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**Pertaining to Identity Card of employee**

1. Identity card of employees in Form-XIII has not been given [Breach of Rule- 26(5-A) read with sec. 18(1) of Minimum Wages Act, 1948].
2. Service Certificate in Form-XIV has not been given in case of termination of employment [Breach of Rule-26(5-B) read with sec. 18 (1) of Minimum Wages Act, 1948]
7. Payment of Wages Jharkhand Rules 1937

Display of Abstract of Act

1. The abstract of the Act & Rules made there under in form v in English & in Hindi or in the language understood by majority of persons was not displayed. [Breach of Rule 22 read with Sec.25 of payment of wages Act 1936]

Pertaining to Returns

1. Annual Return in Form IV for the year........................................ was not submitted at all.[Breach of Rule 18]
2. Annual Return in Form IV for the year was submitted late on........................................to ........................ [Breach of Rule 18]

PERTAINING TO WAGES

1. The wages to the employed person were not paid before the expiry of 7th/10th day after last day of the wage period in respect of which the wages are payable, i.e.,-----[Breach of section 5]

2. The under mentioned employees have not been paid their wages so far even though the statutory time limit has expired [Breach of Sec. 5]

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of workers</th>
<th>Category / Section of employees</th>
<th>No. of employees</th>
<th>Wage period for which wages were not paid</th>
<th>Amount of wages due</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N:B Where the delay in payment is over one month, full particulars of employees, viz. name, address, designation, amount due and the wage period etc. should the noted on a separate sheet which will form an enclosure to the claim application to be filed immediately after the expiry of the notice period given to the employer.

3. In the cases mentioned below wages were paid after the expiry of the statutory time limit laid down in Section 5,[Breach of Sec 5]

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name of workers</th>
<th>Category / Section of employees</th>
<th>No. of employees</th>
<th>Date by which wages were payable</th>
<th>Date on which wages were actually paid</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Pertaining to Register and Records

1. Maintenance of Registers:
(a) Not maintained in prescribed form. [Breach of Section 13-A(1)]
(b) Not preserved for 3 year [Breach of section 13-A (2)]
(c) Not produced on demand [Breach of Section 14(4)(d)]

3. In the Register of Fines.
(a) List of Acts and Omissions not entered at the beginning [Breach of Rule 3(2)]
(b) The approved purpose on which fines fund may be expended not entered at the beginning [Breach of Rule 3(3)].

Pertaining to Deduction

1. In the cases detailed below, fines were imposed unauthorisedly [Breach of Section 8-(1) of the Act read with Rule 13]

2.

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Name of employee</th>
<th>Address of employee</th>
<th>Category</th>
<th>Wage period</th>
<th>Amount objected to</th>
<th>Reasons for objection</th>
</tr>
</thead>
</table>

3. In the cases detailed below, deductions for damage or loss were made unauthorisedly. [Breach of Section 10(1) of the Act Read with Rule 14]

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Name of employee</th>
<th>Address of employee</th>
<th>Category</th>
<th>Wage period</th>
<th>Amount objected to</th>
<th>Reasons for objection</th>
</tr>
</thead>
</table>

4. In the following cases, recovery of advance made before employment unauthorisedly.[Breach of Section 12(a) and 12(b) read with Rule 17]:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Employee</th>
<th>Category</th>
<th>Reason for Objection</th>
</tr>
</thead>
</table>

5. In the following cases unauthorised deductions were made from the wages of employee [Breach of Section 9/11/12A/13]

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Employee</th>
<th>Category</th>
<th>Amount of deduction</th>
<th>Reason for deduction</th>
</tr>
</thead>
</table>

Others Irregularities

Pertaining to Notice

1. The notice in English and in Hindi and in a local language understood by majority of employees showing in bold letters the name of the officer, with designation, authorized by the employer to receive on his behalf the notice under the Act or the Rules, has not been displayed conspicuously at or near the main entrance of the establishment.[Breach of Rule 4(1)]
2. Fresh notice required to be displayed in lieu of illegible notice/notice requiring change has not been displayed-[Breach of Rule 4(2)]

Notice of Commencement/Completion

1. Notice of opening of the establishment in Form “A” has not submitted to the controlling authority of the area, though statutory time limit of 30 days has already expired – [Breach of Rule 3(1)]
2. Notice of change in form “B” intimating the change in the name & address of employer or business has not been submitted to the Controlling Authority of the area even though a period of 30 days has expired-[Breach of Rule 3(2)]
3. Notice of Closure in Form “C” intimating the intention of closure of the business has not been submitted to the controlling authority at least sixty days before the closure.[Breach of Rule 3(3)]

Display of Abstract of the Act
1. An Abstract of the Act & Rules in Form “U” has not been displayed at a conspicuous place at or near the main entrance of the establishment in English & Hindi – [Breach of Rule 20]

Pertaining to Register and Records
1. In the following cases, duplicate copy of the nomination in form “F” duly attested by the employer (As token of the recording of the nomination) has not been returned to employee-[Breach of Rule 6(2)]

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Employee</th>
<th>Designation of Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Details of personnel resigned/ retired/ died/disable during the last 3 years, their gratuity entitlement and amount of gratuity paid to them with date as per their entitlement was not provided on demand.[Breach of Section 7B (a)]

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name &amp; designation of the personnel</th>
<th>Date of Joining</th>
<th>Date of separation</th>
<th>Last salary Drawn</th>
<th>Amount of gratuity, if paid</th>
<th>Date of payment of gratuity, if paid</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

1 Specific provisions regarding Payment of Gratuity Act, 1972 & Jharkhand Rules, 1972

1. Payment of Gratuity:
(I) In the following cases, the employer failed to determine the amount of gratuity and give notice in writing to the persons to whom gratuity is payable and also to the controlling authority – [Breach of Sec.7 (2)]

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the persons</th>
<th>Employees</th>
<th>Remarks</th>
</tr>
</thead>
</table>

(II) In the following cases, the employer has failed to issue notice in form “L”/form “M” as the case may be to the applicant employee within 15 days of receipt of application endorsing copy to the controlling Authority – [Breach of Rule b(1)]

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the persons</th>
<th>Employees</th>
<th>Remarks</th>
</tr>
</thead>
</table>

(III) In the following case the amount of gratuity paid to the persons falls short by the sum indicated below against each person – [Breach of Sec.4(2)]

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of the person</th>
<th>Date of employment</th>
<th>Date of termination</th>
<th>Total No. of complete years of wages last drawn</th>
<th>Rates of wages last drawn</th>
<th>Amount of gratuity payable</th>
<th>Amount of gratuity actually paid</th>
<th>Difference</th>
<th>Remarks</th>
</tr>
</thead>
</table>

2. There was delay in paying the gratuity to the following personnel and owing to this interest admissible was not paid to the following officials/officers [Breach of Section 7(3A)]

Other irregularities

........................................................................................................................................................................................................

........................................................................................................................................................................................................


Display of Abstract of the Act

1. The Abstract of the Act & Maternity Benefit (Mines & Circus) Rules in Form K is not found displayed in English & Hindi [Breach of Rule 15 read with Section 19]

Pertaining to Returns

1. Annual Returns in Form L, M, N, and O has not been submitted at all to the competent Authority. [Breach of Rule 16]

2. Annual Returns in Form L, M, N, and O has been submitted within the stipulated time limit to the competent Authority. [Breach of Rule 16]
Pertaining to Registers and Records
1. Muster Roll in Form A is not maintained/ Produced for inspection as required. [Breach of Rule 3 & sec.20]

Pertaining to Welfare and Health
1. Nursing breaks have not been given as per Section 11-[Breach of Rule 6]
2. leave for miscarriage has not been given [Breach of Sec 9]
3. Leave for illness has not been given [Breach of Sect 10]
4. Payment of maternity benefit has not been given to the following women workers [Breach of Sec7]
5. Payment of medical bonus has not been paid to the following women workers,[Breach of Sec 8]

Obstructing the Inspector
1. failed to produce register or document in his custody kept in pursuance of this Act or the rules made there under or conceals or prevents any person from appearing before or being examined by the Inspector. [Breach of Section 22]

Other irregularities


Pertaining to Prohibition of Employment of Children
1. Following Child/ Children found employed in occupation specified in Part A of the schedule/Processes specified in Part B of the Schedule. [Breach of Section3]

Display of Abstract of the Act
1. Notice containing Abstract of Section 3 and section 14 in English and local language not displayed. [Breach of Section 12]

Pertaining to Register and Records
1. Register in respect of Children employed or permitted to work was not maintained at all. [Breach of Rule 16]
2. Register in respect of children employed or permitted to work was not maintained in form ‘A’ /was maintained in Form A but the following columns were missing. [Breach of Rule 16 read with section 11 of the Act].

Pertaining to Working Condition
1. The following children were required/permitted to work for.................hours, whereas...........permitted hours are prescribed for this establishment under..............Act/Rules. [Breach of section 7(1) of the Act]
2. The period of work of the following children inclusive of interval for rest is spread over more than six hours (including the time spend on waiting). [Breach of section 7(3)]
3. The period of the work of the following children exceeds three hours without and interval for rest for one hour. [Breach of section 7(2)]
4. Child labour found working between 7.00 PM and 8 A.M. (Breach of Rule 7 (4)).

Pertaining to Health and Safety
1. Proper cleanliness system of disposal of wastes and Effluents, Ventilation and Temperature, Dust and Fumes, Artificial humidification Lighting, drinking water, Laterines and urinals, spittoon, fencing of machinery etc. taken care of as per rule 17 (Breach of Rule 17).
2. Male Child worker found to be lifting more than 14 kg and female worker more than 12 kgs (Breach of Rule 17 (18))
3. Certificate of Age of Persons in employment in any of the occupation set forth in Part A of the schedule or in any workshop of Part B not produced from the appropriate Medical Authorities. (Breach of Rule 19)

Other irregularities


1. Register showing computation of allocable surplus is not at all maintained/ not kept in form ‘A’ as the cols. No…………are missing. [Breach of Rule 4(a)]
2. Register showing set on and set off is not at all maintained/ not at all maintained/ not kept in form ‘B’ as cols. No…………are missing. [Breach of Rule 4(b)]
3. Register showing payment of bonus to employees for the accounting year ending on………………is not at all maintained/ not kept in form ‘C’ as Cols. No…………are missing. [Breach of Rule 4(c)]

Pertaining to Returns
1. Annual Return in Form ‘D’ has not been sent to the Inspector for the accounting year ending on 31 March 20… within 30 days after the expiry of the time limit as specified in section 19 of payment of Bonus Act- [Breach of Rule 5]

Specific Irregularities regarding payment of Bonus Act,1965
1. The employees noted below were paid less than proportionate bonus. [Breach of section 13]
2. Customary/interim bonus has not been adjusted properly in the following cases.[Breach of Sec 17]
3. The following employees have not been paid bonus for the accounting year [Breach of Section 8]
4. Employees have not been paid bonus though the statutory time limit under section 19(a) 19(b) has expired. [Breach of Section 19(a) 19(b)]
5. In the following cases bonus was paid after expiry of the statutory time limit as provided.[Breach of section 19(a) (b)]
6. Working days have not been correctly computed for the A/c year in as much as account has not been taken of the following days, in the case detailed below [Breach of Sec 14]
7. Accounting year was changed without previous permission in writing of the authority.[Breach of Sec. 2(1)(iii)(b)]

Pertaining to Furnishing Information/Statistics
i. The details of computation of bonus was not furnished on demand though the same was called for. [Breach of section 27(2)]
ii. The following books, accounts, registers, documents were not produced during the course of inspection, even though their production was demanded.[Breach of Section27(4)]

Other Irregularities


Pertaining to Registers and Records
1. The register in Form ‘D’ has not been maintained at all. [Breach of section 8 read with Rule 6]

Specific Irregularities regarding equal remuneration Act, 1976 & Central Rules,1976

1. The following workers was / were paid remuneration at less rates as compared to the rates paid to workers of opposite sex for performing the same work or work of similar nature. The difference in wages as details should be paid immediately to the concerned person.[Breach of section 4(1)].

2. The rates of remuneration of the following workmen has been reduced with effect from to equate them with the workmen of opposite sex. This should be restored forth with the difference paid back to the concerned workmen. [Breach of section 4(2)]

3. The following cases, the workmen / workers are discriminated against while making recruitment. [Breach of Section 5]

PERTAINING TO FURNISHING INFORMATION/STATISTICS

1. Details of the salary with component in respect of all employees not produced on demand.[Breach of Section 9 (2) (b)]

Other irregularities


13. The Beedi & Cigar Worker (Conditions of Employment) Act, 1966

Pertaining to Registration/ Licence
1. Employer use the place or premises as an industrial premises without a valid licence issued under the Act. [Breach of Section 3]
2. Employer has not observed condition of licence. [Breach of Section 4, Rule 3]
3. Renewal of Licence issued under the Act [Breach of Rule 4 and Section 4 ]
4. Form and terms & conditions of renewal of licence
   (1) Licence under section 4 is not in Form II [Breach of Rule 5]
   (2) Conditions of licence:
      i. the manufacturing process not carried on, in that part of the Industrial Premises specified for the purpose of licence [Breach of Rule 5(2)(i)]
      ii. Maximum number of employee employed more than specified in the licence [Breach of Sec. 5(2)(ii)]
      iii. Power driven machinery not specified in Licence being used in manufacture process. [Breach of Sec. 5(2)(iii)]
      iv. Structured alterations made in any building on such premises without the prior permission in writing of the competent authority [Breach of Sec 5(2)(iv)]

Pertaining to Welfare and Health
1. Industrial premises not kept clean and free from effuvia arising from any drain, privy or other nuisance [Breach of Sec. 8, Rule 10 (a)(b)(c)]
2. Record of date of white washing, colour washing, varnishing, painting & cleaning not maintained by the employer in a register in Form III. [Breach of Rule 10(2)]
3. Industrial Premises didnot maintain prescribed standards of lighting, ventilation and temperature. [Breach of Sec. 9 & Rule 11]
4. Separate Latrine & urinal accommodation not provided in every industrial premises for male & female employee. [Breach of Sec. 12 & Rule 12, 13]
5. Provision of Construction and maintenance of drainage system Industrial Premises not followed. [Breach of Rule 16]
6. Washing facilities not provided and maintained in the industrial premises for both male & female employee. [Breach of Rule 18(1), 18(2)]
7. In every Industrial premises where more than 30 (thirty) female employees are employed crèches not provided in the mentioned standards. [Breach of Sec. 14, Rule 19]
8. Industrial premises didnot provide, prescribed First Aid facilities. [Breach of Sec. 14, Rule 20]
9. The employer didnot provide and maintain canteen in every industrial premises wherein not less than 250 employees are ordinarily employed. [Breach of Sec. 16, Rule 2]

PERTAINING TO WORKING CONDITION OF AN EMPLOYEE
1. Employee was found working or allowed to work in the industrial premises for more than nine hours in a day or for more than 48 hours. [Breach of Sec. 17]
2. Employer didnot exhibit a notice in Form IV specifying clearly the daily hours of work, intervals of rest & weekly holiday. [Breach of Rule 22]
3. Employer didnot maintain a register showing the hours of work including overtime in Form V. [Breach of Rule 22(2)]
4. Employer didnot keep up to date register in Form VI of employee’s employed in his Industrial
5. The Employer didnot maintain an up to date register in Form VII for the home workers. [Breach of Rule 24(2)]

6. The Employer didnot provide each employee (including home workers) a Leave Book in Form VI or Form VII [Breach of Rule 25(1)]

7. In case where Raw materials supplied to home worker at his home, the wages due to him were not being paid at his home. [Breach of Rule 30]

Pertaining to Safety
(1) In Industrial Premises, the employer didnot provide adequate fire fighting equipment. [Breach of Rule 31]

Pertaining to Return
(1) The employer didnot send Monthly return in Form XI & Annual return in Form XII on or before 30 April. [Breach of Rule 32]

Pertaining to Registers and Records
1. Employer didnot maintain a muster roll in Form XIII [Breach of Rule 33(1)]
2. Employer didnot provide log book to the ‘home workers’ in Form XIV [Breach of Rule 33(2)]
3. Employer didnot maintain a home worker employment register in Form XV [Breach of Rule 33(3)]
4. Employer didnot maintain/produce a visitor’s book in which an Inspector visiting the premises may record his remarks. [Breach of Rule 33(4)]
5. Employer didnot maintain a register of overtime work in Form XVI [Breach of Rule 33(5)]
6. Record of outside work, under subsection 2 of section 29 not maintained by the employer. [Breach of Sec. 29(2), Rule 34]
7. Every employer didnot furnish information required by Inspector: [Breach of Rule 35(1)]

Display of Abstract of the Act
(1) An abstract of Act and the Rules made thereunder shall be displayed in some conspicuous part of every Industrial Premises. [Breach of Rule 33(6)]

Pertaining to Registration
a) Whether the establishment is registered under the Act (Related to section 6 and Rule 3 (1) of Rules).
b) Whether registration certificate was displayed as per rule 3(b)
c) Whether the details furnished in form- I and Form IV was incorrect. This is punishable under Rule-8
d) Whether any change has occurred in information furnished in Registration Certificate.
e) Whether ownership of establishment has undergone a change. If yes then whether as per rule
f) Whether the establishment has been found closed. If yes then whether the information of closure
   of establishment in Form V, as prescribed under Rule 9, was given or not?
g) Whether the registration certificate was amended as per rule 10.

Business beyond prescribed hours
1. Whether establishment was open before 8 am/ after 10 pm. Which is violation of Sec. 7?
2. Whether goods were being sold before opening and after closing hours. This is violation of Section 8.

Pertaining to Service condition of workers
a) Whether the days of weekly holiday of workers was displayed in form VII. If not then, it is
   violation of Rule 12.
b) Whether the working hours of employees was displayed in form VIII. If not then this is violation of Rule 13.
c) Whether the desired information pertaining to all working employees in form VII and VIII was
   displayed. If not then this is violation of Rule 12 and 13.
d) Whether the required notices as per Rule 32 were displayed in legible form at the main entrance
   of the establishment.
e) Whether the employees working in establishment are given holidays as per details furnished in
   form VII are being followed. This is violation of Rule 12.
f) Whether all the employees working in establishment been given service card as per section
   12(B) and Rule 12(A).

Pertaining to employment of children
10. Whether employees having less than 14 years of age were found working. This is violation of
    Section 13.
11. Whether any child/adolescent/women was working before 8 am or after 10pm at night which is
    violation of section 14.
12. Whether workers working in the establishment who work as entitled in form VIII works as made to
    work at a time which areas not their hour of work. Whether the workers have separated that they are
    made to work continuous by for five hour able in total for rest which is violation of section 10.

Miscellaneous
13. Following employees are not being paid wages and overtime wages which is violation of section
21/23
14. Inspection book was not kept as per rule 29. Not produced when demanded which is violation of
Sec 33(1) 33(2)
15. As provided by Act and rules following registers were not maintained. Not produced when demanded which is violation of section 33(1) 33(2)
a) Leave with wages register in Form IX as per rule 14.
b) Register of wages and overtime payment in form X as per rule 17.
c) Register of fines and deductions in Form XI as per Rule 19.
16. Sufficient provision was not made for safe and clean drinking water and place of water distribution was not clean which is (Breach of Rule 36.)

1. Pertaining to Registration

1. Motor transport workers numbering 2 or more were found employed on/ were employed during preceding 12 months without a valid certificate of registration. [Breach of Sec.3(1)]
2. Employer had not renewed of certificate of registration of motor transport undertaking for current year. [Breach of Rule 6]
3. The employer had not amended of certificate of registration within 30 days of the day when come of amendment (regarding……………………………………)
[Breach of Sec. 7(2)]

2. Pertaining to Facilities to be Afforded to Inspector

1. The employer did not afford the chief inspector/ inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act. (Breach of sec-6)

3. Pertaining to Welfare and Health

1. The employer failed to provide canteen of the prescribed type though employing 100 or more motor transport workers. [Breach of Rule 2]
2. The employer had not submitted plans and site plan of the building to be constructed or adopted for use as a canteen for the approval of the chief inspector. [(rule 17 (2)]
3. The canteen building was situated at a distance not more than 50 feet from latrine, urinal or other sources of dust. [(Breach of rule-17 (3)]
4. The canteen building was not constructed in accordance with the approved plan. [(Breach of rule-17 (4)]
5. The floor and inside walls upto a height of 4 feet from the floor was not made of smooth and impervious material.[(Breach of rule-17 (5)]
6. The doors and windows of canteen building was not fly proof construction and adequate ventilation. [Breach of rule-17 (6)]
7. The canteen and the precincts thereof were not maintained in a clean and sanitary condition. [Breach of rule-17 (9)]
8. The canteen was not equipped with sufficient utensil, crockery, cutlery, furniture etc. [Breach of rule-19 (1)]
9. The furniture, utensils and other equipment were not maintained in a clean and hygienic condition. [Breach of rule-19 (2)]
10. Food, drink and other items served in the canteen was not sold on a non - profit basis. [(Breach of rule-19 (1)]
11. The change per portion of food stuff, beverages and other items served in the canteen were not conspicuously displayed in the canteen. [Breach of rule-20 (2)]
12. Proper accounts, pertaining to the canteen was not maintained.[Breach of rule-21 (1)]
13. All books of accounts registers or any other documents used in canteen with the running of a canteen was not produced on demand before inspector.[Breach of rule-21 (1)]
14. The employer had not Constituted a Canteen Managing Committee. [(Breach of rule-22]
15. The employed failed to provide and maintain of rest room for the use of motor transport workers.
[Breach of sec-9 (1) and rule 23]
16. The employer failed to provide free of cost uniforms and raincoats to Drivers, Conductors Traffic inspectors and Ticket examiners as specified in schedule I of the rule. [Breach of sec-10 and rule 24]
17. The employer failed to provide an allowance for washing of uniforms / adequate arrangements for the washing of uniforms. [Breach of sec-10 and rule 24(2)]
18. The employer failed to provide dispensary for motor transport workers at the operating centre/halting station. [Breach of sec-11 and rule 25(1)]
19. The employer failed to provide and maintain first aid boxes equipped with the prescribed contents in every transport vehicle and operating centre/halting station. [Breach of sec-12 and rule 25(1)]
20. The employer having less than 250 motor transport workers failed to provide first aid boxes or cupboards equipped with prescribed contents and arrange incharge of an employee of undertaking trained in first aid. [Breach of sec 11 and rule 25(4)]

4. Pertaining to Hours and Limitation of Employment

1. The employer allowed or required to works for more than eight hours in a day and forty eight hours in any week without approval of chief inspector. [Breach of sec-13]
2. The employer had employed adolescent between the hours of 10 p.m to 6 a.m. [Breach of sec-14(b)]
3. The employer had engaged adolescent continuously more than 6 hours without giving half an hour rest. [Breach of sec-14 (a)]
4. The employer failed to provide half an hour rest to adult motor transport worker in a day. [Breach of sec-15 (1)]
5. The employer engaged motor transport workers more than twelve hours in a day with rest. [Breach of sec-16 (2)]
6. The employer failed to arrange hour of work of motor transport worker in maximum two spells on any day. [Breach of sec-17]
7. Notice of hours of work in proper formate (form v) was not displayed and correctly maintained by the employer. [Breach of sec-18(1)] and rules 28(2)]
8. Motor transport workers had not provided for a day of rest in every period of seven days. [Breach of sec-19 (1) and rules 29(1)]
9. The employer had not allowed compensatory day of rest within the month by which motor transport workers are deprived of any of the days of rest. [Breach of sec-20 and rule 30(1)]

5. Employment of Young Person

1. The employer had allowed a child in a capacity in the motor transport undertaking. [Breach of sec-21]
2. Adolescent had allowed to work in motor transport undertaking without a certificate of fitness. [Breach of sec-22(a)]

6. Wages and Leave

1. The employer of motor transport undertaking, had not paid overtime wages at prescribed rate. [Breach of sec-26(1) and rule 31]
2. The employer had not allowed leave with wages of entitled motor transport workers. [Breach of sec-28 (1).]
3. The leave allowed to a motor transport worker under sec 27, but the employer had not paid wages at the rate of equal to daily average wages. [Breach of sec-27].
4. The employer had not paid in advance to a motor transport worker who had been allowed leave for more than four days under sec 27. [Breach of sec-28 (2)]

7. Pertaining to Maintain Registers

1. The employer had not maintained a register of leave with wages in form no. VII. [Breach of rule 33-(1)]
2. The employer had not provided to each worker a leave book in form VIII. [Breach of rules 34]
3. The employer failed to maintain a Register of workers in form IX [Breach of rules 35]
4. The employer failed to maintained muster roll in form X [Breach of Rule36]
5. The employer failed to maintained overtime muster roll in form XI [Breach of Rule37]
6. The employer had not provide individual control book to each motor transport worker in form XII [Breach of Rule 38]
7. The employer failed to maintain original copies of the individual Control Book inseparate files for each motor transport worker. [Breach of Rule 38(2)]
8. The employer hadnot furnished annual return in form XIII to inspector [Breach of rule -39]