



FileNo. NESTS/Civil/EMRSOrder/140/2021-22

Dated: 23.05.2023

To,

**CMD/MD/CEO,**  
**B&R/MANIDCO/MTDC/TCIL/WAPCOS/NPCC/HSCL/EPIL**

Sub.: **Regarding issuance of Form-III from the Principal Employer to the Contractor for obtaining labor license.**

Ref.:

- i. BandR/51198/EMRS/JH/416 dtd. 12.05.2023.
- ii. B&R Jharkhand letter no. B&R/51198/EMRS/JH/401 dtd. 15.04.2023.

Dear Sir/Madam,

Kind attention is invited towards the subject cited above.

2. In this context, following clauses of various Acts/Rules, Forms, etc are reproduced:

**Contract Labour (Regulation and Abolition) Act, 1970:**

**Clause 2- Definitions.** "Principal employer" means-

(iv) in any other establishment, any person responsible for the supervision and control of the establishment.

**Clause 20- Liability of principal employer in certain cases-**

1. If any amenity required to be provided under Section 16, Section 17, Section 18 or Section 19 for the benefit of the contract labour employed in an establishment is not provided by the contractor within the time prescribed therefore, such amenity shall be provided by the **principal employer** within such time as may be prescribed.
2. All expenses incurred by the **principal employer** in providing the amenity may be recovered by the principal employer from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

**Clause 21- Responsibility for payment of wages.-**

- (1) A contractor shall be responsible for payment of wages to each worker employed by him as contract labour and such wages shall be paid before the expiry of such period as may be prescribed.
- (2) Every **principal employer** shall nominate a representative duly authorised by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner as may be prescribed.
- (3) It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorised representative of the principal employer.
- (4) In case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid

balance due, as the case may be, to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor any contract as a debt payable by the contractor.

**Clause 29- Registers and other records to be maintained. -**

(1) Every principal employer and every contractor shall maintain such registers and records giving such particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour and such other particulars in such form as may be prescribed.

(2) Every principal employer and every contractor shall keep exhibited in such manner as may be prescribed within the premises of the establishment where the contract labour is employed, notices in the prescribed form containing particulars about the hours of work, nature of duty and such other information as may be prescribed.

**Chapter- VI- Wages (of THE CONTRACT LABOUR (REGULATION AND ABOLITION) CENTRAL RULES, 1971:**

72- The principal employer shall ensure the presence of his authorized representative at the place and time of disbursement of wages by the contractor to workmen and it shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorised representative.

73- The authorised representative of the principal employer shall record under his signature a certificate at the end of the entries in the Register of Wages or the <sup>13</sup>[Register of Wage-cum-Muster Roll], as the case may be, in the following form:

Certified that the amount shown in column No has been paid to the workman concerned in my presence on ... at ...

**Chapter-VII-REGISTERS AND RECORDS AND COLLECTION OF STATISTICS.**

74- **Registers of contractors-** Every principal employer shall maintain in respect of each registered establishment a register of contractors in Form XII.

**78- Muster Roll, Wages Register, Deduction Register and Overtime Register.-**

(c) Every contractor shall obtain the signature or thumb-impression of the worker concerned against the entries relating to him on the Register of Wages or Muster Roll-cum-Wages Register, as the case may be, and the entries shall be authenticated by the initials of the contractor or his authorised representatives and shall also be duly certified by the authorised representative of the principal employer in the manner provided in Rule 73.

81- (3) Every principal employer shall, within fifteen days of the commencement or completion of each contract work under each contractor, submit a return to the Inspector, appointed under Section 28 of the Act, intimating the actual dates of the commencement or, as the case may be, completion of such contract work, in Form VI-B.]

82- **Returns.-** (2) Every principal employer of a registered establishment shall send annually a return in Form XXV (in duplicate) so as to reach the Registering Officer concerned not later than the 15th February following the end of the year to which it relates.

**FORM - III** to be issued by the Principal Employer has certificate as under:

"I have engaged the applicant (Name of Contractor) as a contractor in my establishment for the work of (C/o EMRS at ..... ) to be carried out from ..... to ..... " xxx



3. NESTS has not engaged the Contractor directly. Therefore, NESTS is not in a position to mention in the Form III that it has engaged the Contractor.

4. Every Contract Agreement between PSU and Contractor has clause/s vide which contractor has to submit register of payment of wages to the Engineer-in-Charge every month twice for verification of the wages paid. It is unfeasible for NESTS to check/control/supervise/monitor/review, etc details of the wages paid by the Contractor to the labourers employed/engaged at the site.

5. From the excerpts of the various Acts/Rules/Forms mentioned above, it has been made clear that NESTS cannot be the Principal Employer. PSU has directly engaged the Contractor. It has direct control on the site for supervision/maintenance of labour registers along with taking care of the grievances of the labourers engaged/employed at the site. It can also act in case of default of the contractor. **Thus, PSU shall be the Principal Employer.**

In view of the above stated position, any request to NESTS, in future or pending at present, regarding issuance of Form-III from the Principal Employer to the Contractor for obtaining labor license shall not be entertained. **And Form-III Issued earlier in the above context to be treated as null & void.**

This issues with the approval of Competent Authority.

Yours sincerely,



(Gourav Sharma),  
Asstt. Commissioner, NESTS

**Copy to:**

1. PS to the Principal Secretary/Secretary/Nodal Officer of EMRS Works of the Tribal Welfare/Development Department of the State Government concerned please;
2. Nodal Officer of the EMRS Works of the PSU concerned;
3. PS to Commissioner, NESTS;
4. PS to Addl. Commissioner, NESTS;
5. Guard File.



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**Ref.** BandR/51198/EMRS/JH/416

**Date:** 12-05-2023.

To  
The Additional Commissioner,  
National Education Society for Tribal Students,  
Ministry of Tribal Affairs, Govt. of India,  
Jeevan Tara Building, Sansad Marg,  
New Delhi-110001.

**Sub:** Construction of 33 nos. Eklavya Model Residential Schools (EMRS) in the state of Odisha, Jharkhand & West Bengal.

**Reg.: Regarding Labour Identification number (LIN) and Registration number of Principal Employer in Form-III.**

**Ref:** - 1. 18015/09/2020-NESTS dated 11.09.2020 "Allotment of work for Construction of EMRS reg".  
2. MOU dt. 14.12.2022 between B AND R and NESTS.  
3. Our letter B&R/51198/EMRS/JH/401 dt. 15.04.2023.  
4. Our letter B&R/51198/EMRS/JH/410 dt. 11.05.2023.

Dear Sir,

This has reference to our previous letter ref no. B&R/51198/EMRS/JH/401 dt. 15.04.2023 wherein we requested your good self to issue us Form-III along with seal & signature of the issuing authority for obtaining labour license in respect of agencies deployed for execution of EMRS Gumla, Gopikander & Shikaripara and reminder letter ref no. B&R/51198/EMRS/JH/410 dt. 11.05.2023 regarding the same. In this regard, recently, we have received one request letter from one of our contractors engaged for execution of EMRS work in Odisha wherein they have informed us that Labour Identification number (LIN) and registration number of the principal employer i.e., NESTS, is missing from the issued form-III from your end due to which they are not able to obtain labour license from the concerned department. Further, please refer our letter B&R/51198/EMRS/JH/195 dt. 25.06.2022, wherein we informed you that one of our contractors engaged for the execution of EMRS work in Jharkhand also requested to provide principal employer labour license no. and in the

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0674-3570009,2572863/64  
GSTIN :21AABC3166E1ZB



absence of which they are not able to obtain labour license from the concerned department.

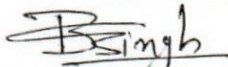
Hence, we once again request you to issue duly sealed & signed Form-III mentioned NESTS Labour Identification Number (LIN)/Labour license no. and registration number so that labour license may be obtained by the agencies.

This is for your further needful please.

Thanking you and assuring our best services.

Yours faithfully

For **Bridge & Roof Co. (I) Ltd.**



**(B K Singh)**

**DGM-East Coast (Co-Ord)**

Encl.: 1. Letter from M/S Junaid Enterprises and our letter no. B&R/51198/ EMRS/JH/195 dt. 25.06.2022.

**CC.:** 1. The Commissioner, NESTS (EMRS Division), MoTA, GoI.2. Shri A D P Keshri, Chief Technical Consultant, NESTS (EMRS Division), MoTA, GoI.



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Ref. B&R/51198/EMRS/JH/401

Date: 15.04.2023

To  
The Additional Commissioner,  
National Education Society for Tribal Students,  
Ministry of Tribal Affairs, Govt. of India,  
Jeevan Tara Building, Sansad Marg,  
New Delhi-110001

**Sub:** Construction of 16 nos. Eklavya Model Residential Schools (EMRS) in the state of Jharkhand & West Bengal.

**Reg.:** Issue of Form-III for obtaining labour license in respect of agencies deployed for execution of EMRS work in the state of Jharkhand.

**Ref:** - 1. 18015/09/2020-NESTS dated 11.09.2020 "Allotment of work for Construction of EMRS reg".  
2. MOU dt. 14.12.2022 between B&R and NESTS.  
3. Our previous letter no. "B&R/51198/EMRS/JH/332 dt. 17.01.2023".

Dear Sir,

This has reference to our earlier letters as mentioned under reference vide which we had requested to issue Form-III mentioning NESTS labour license number for obtaining labour license. In this regard, as discussed, enclosed please find revised Form-III in respect of agencies deployed for construction of EMRS Gumla, Shikaripara & Gopikander as detailed below: -

Sl. No.	Name of Agency	Name of EMRS	District
1.	M/S Buland Infra	EMRS Gumla	GUMLA
2.	M/S Shree Balaji Engicon Ltd.	EMRS Shikaripara	DUMKA
3.		EMRS Gopikander	

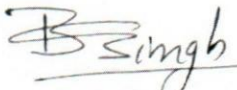
You are requested to issue revised Form-III along with seal and signature of the issuing authority for obtaining labour license.

This is for your further needful please.

Thanking you and assuring our best services.

Yours faithfully

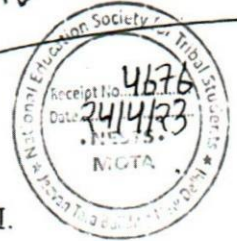
For **Bridge & Roof Co. (I) Ltd.**

  
(B K Singh)  
DGM-East Coast (Co-Ord)

**Encl:** 1. Revised Form-III for 03 (Three) nos. locations.

**CC:** 1. The Commissioner, NESTS (EMRS Division), MoTA, GoI.  
2. Shri A D P Keshri, Chief Engineer, NESTS (EMRS Division), MoTA, GoI.

JC (Admin)  JC (Civil)   
DC (Finance)  DC (Acad)   
Addl. Commissioner



FTS No. 2493 O/o Addl. Commr./NESTS  
Date 24.04.2023

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