



GOVERNMENT OF ASSAM
OFFICE OF THE LABOUR COMMISSIONER: ASSAM
GUWAHATI-16

No. LE. 52/2015/11368

Dated Guwahati the 18th October, 2016.

CIRCULAR

The Commissionerate of Labour, Assam lays string emphasis on Labour Reforms for creating an Industrial friendly conducive labour environment. With a view to "Ease of Doing Business" increasing transparency and accountability on the system of inspection and to enable the entrepreneurs to focus on the core issue of business, the Commissionerate of Labour, Assam hereby provides an option of "Self Certification Scheme" for labour related compliance of routine nature in the State.

Resolution

After careful consideration the Commissionerate of Labour, Assam is pleased to introduce a "Self Certification-cum-Consolidated Annual Return Scheme" which seeks to streamline compliance by industrial establishments located in the State, while ensuring a more effective system for compliance with Labour Laws. The details of the aforesaid scheme are as under:

1.0 Introduction: To perform a statutory duty cast on the Inspectors appointed under various laws in Assam and the Inspectors are required to visit various establishments on regular basis. With increased awareness among Employers and Employees in various establishments, it has been represented to the Government that employers themselves can discharge the responsibility of enforcing various laws in their respective establishments. The employers can also suo-moto certify the fact of correct **compliance of the provisions** of various laws. The Government of Assam lays strong emphasis on reforms for creating a conducive working environment for the workers in various establishments. It is also the endeavour of the Government to increase transparency in the system of inspection so as to enable the employees as well as employers to focus on the core issues of their businesses.

Taking these facts into consideration, the Government of Assam proposed to introduce a Self-Certification -cum- Consolidated Annual Return Scheme, 2016. The self- certification scheme aims at making the employer or an entrepreneur a conscious and truthful citizen and law abiding person who is willing to take care of the interests of the workers and employees by following the laws as applicable and enable the Government Department/s to effectively protect the interest of the workers as well as the employers and entrepreneurs and create a friendly environment and relationship between the Government and the employers and entrepreneurs.

2.0 Objective: The objective of the scheme is to curtail un-necessary visits of the Government officials for inspection of those units/establishments who opt for this scheme without compromising on the safety, health, welfare and social security of workers/employees and allow them to submit consolidated returns under various laws. At the same time, ensure and enable Ease of Doing Business in the State and Make in Assam.

3.0 Scope of the Scheme : The Scheme is open to all shops/establishments/factories, tea/coffee/rubber plantations etc. in the State except those factories in which there is use, storage, handling or processing of hazardous chemicals, which are toxic or highly inflammable or explosive or process wherein such a substance is likely to be generated or discharged. This Scheme will apply only to those shops/establishments/factories etc. which opt to join the Scheme by applying for the same as prescribed forms, fees etc.

4.0 Procedure : This Scheme shall be optional and any employer/ entrepreneur/occupier can opt for this Scheme. The employer/ entrepreneur/occupier of the establishment covered under the scheme shall apply for self certification to the concerned authority that is the District Head of the Commissionerate who is a member of the "CAIU" in the prescribed Annexure-1 along with details as per Annexure-1(a). The employer/ entrepreneur/occupier is also required to give and undertaking/self declaration in Annexure-1 (b) attached with the scheme. Any discrepancy in the application or enclosures shall be communicated to the applicant within 30 days from the receipt of the application in the Office of the District Head (A.L.Cs/L.Os) of the Labour Department. In case no discrepancy is so communicated, the applicant shall deem to have been enrolled under the above Scheme.

5.0 Processing Fee :

Every employer/entrepreneur who intends to opt for this Scheme shall pay processing fee as prescribed below:

No. of Workers	Shops and Commercial Establishments (In Rupees)
Shops/Establishments having employees upto 20 nos.	2,500
Shops/Establishments having employees 21 to 50 nos.	5,000
Shops/Establishments having employees 51 to 100 nos.	7,500
Shops/Establishments having employees 101 to 500 nos.	12,500
Shops/Establishments having employees 501 and above	15,000

6.0 Security Deposit :

Any employer/entrepreneur who opts for the Scheme shall deposit an amount as Security as prescribed below:

No. of Workers	Shops and Commercial Establishments (In Rupees)
Shops/Establishments having employees upto 20 nos.	15,000
Shops/Establishment shaving employees 21 to 50 nos.	30,000
Shops/Establishment shaving employees 51 to 100 nos.	50,000
Shops/Establishment shaving employees 101 to 500 nos.	75,000
Shops/Establishments having employees 501 and above	1,00,000

- It is to be noted that opening of Bank Account in favour of the concerned authority (head of office / drawing and disbursing officer) for the purpose of processing fee, security deposit and penalty is subject to sanction of the Finance Department.*

7.0 Filing of Return : After being enrolled for the said Scheme, the concerned employer/entrepreneur/occupier shall file the Self-Certification Return in the prescribed given at Annexure-2 along with the required documents and information in Annexure-2(a). The return can be filed to the District Authority/Zonal Authority between 1st of January and 30th of January every year on any working day between 10.30 A.M. and 4.30 P.M.

8.0 Validity of the Scheme : Once opted for the Scheme, the same shall be valid for three (3) years and the employer/ entrepreneur/occupier shall file annual return as prescribed. After the successful compliance under the Scheme for three (3) years, the employer/ entrepreneur/occupier shall have option either to remain covered under the Scheme or opt out of the scheme. The option must be exercised in writing to be made before the concerned authority {The District Head (A.L.Cs/L.Os) of the Labour Department}. In case the employer/ entrepreneur/occupier successfully completes three(3) years under the Scheme and during any inspection carried out, if no violations of law (s) is detected the security so deposited shall be refunded. No interest shall be payable on the security deposited. However, the employer/entrepreneur will be free to withdraw from the Scheme at any time before completion of three (3) years by informing the District Authority/Zonal Authority concerned in this regard. In case of premature withdrawal from the Scheme, the security deposit paid at the time of registration shall be forfeited.

9.0 Whom to apply : Under the above Scheme, the application for inclusion under the Scheme shall be made in triplicate as per Annexure-1.1(a)& 1(b) addressed to the Concerned Authority {The District Head (A.L.Cs/L.Os) of the Labour Department} with a copy to the Commissioner of Labour, Assam and the Area Inspector. Similarly, the Return to be filed in Annexure- 2 & 2(a) shall also be filed in triplicate complete in all respect along with relevant documents addressed to the Concerned Authority {The District Head (A.L.Cs/L.Os) of the Labour Department} with a copy to the Commissioner of Labour, Assam and the Area Inspector. The return in Annexure-2 & 2(a) needs to be filed within the prescribed time limit as per the Scheme. The date shall mean the date on which application or Return is received in the office of Concerned Authority {The District Head(A.L.Cs/L.Os) of the Labour Department}.

NOTE: The amount of security in the shape of account payee bank draft in the name Concerned Authority {The District Head (A.L.Cs/L.Os)of the Labour Department} shall be attached with the application (Annexure-1).

10.0 Inspection Procedure under the Scheme : With regards to the proposed validity of the scheme for 3 years not more than 33% per cent of the units covered under the Scheme shall be picked up randomly for inspection once in a year and which shall be carried out only once regarding the implementation of all the laws to which this Scheme applies. Once inspected,

the same unit is not likely to be inspected in the same year or in next 2 years provided that no specific violation of terms, conditions, undertaking given and laws by the employer/entrepreneur/occupier is brought to notice in writing to the Concerned Authority {The District Head (A.L.Cs/L.Os) of the Labour Department}. However the Concerned Authority {The District Heads (A.L.Cs/L.Os) of the Labour Department} shall be competent to order inspection at any time.

A random inspection list of units shall be prepared by the concerned authority {the District Heads (A.L.Cs/L.Os) of the Labour Department} and normally the inspection of those units will take place in a year where specifically ordered by the concerned authority {the District Heads (A.L.Cs/L.Os) himself/herself}.

The inspection will be under all the Labour Law(s) applicable under the scheme and the report should be submitted to the concerned authority {The District Heads of the Labour Department (A.L.Cs/L.Os)} with copies to the CAIU and should also be uploaded in the departmental website within 72 working hours of inspection.

The establishment which does not desire to opt for the scheme will be inspected as per present notified inspections schemes.

The employer/entrepreneur/occupier will have to obtain and renew the shops and establishment and any other mandatory certificate of registration and licenses as required under the provisions of law irrespective of the scheme.

11.0 Laws for which the Scheme is valid:

The Scheme shall be valid for the following Acts and Rules made thereunder as applicable to the concerned employers/entrepreneurs:

- I. Payment of Wages Act, 1936 and the rules made there under as amended from time to time.
- II. Minimum Wages Act, 1948 and the rules made there under as amended from time to time.
- III. Contract Labour (Regulation & Abolition) Act, 1970 and rules made there under as amended from time to time.

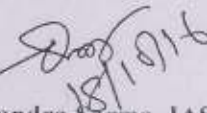
- IV. Maternity Benefit Act, 1961 and rules made there under as amended from time to time.
- V. Payment of Bonus Act, 1965 and Rules made there under as amended from time to time.
- VI. Payment of Gratuity Act, 1972 and rules made there under as amended from time to time.
- VII. The Equal Remuneration Act, 1976 and rules made there under as amended from time to time.
- VIII. Industrial Employment (Standing Orders) Act, 1976 and rules made there under as amended from time to time.
- IX. Assam Shops and Establishment Act, 1971 and rules made there under as amended from time to time.
- X. The Building and Other Construction (RE&CS) Act, 1996 and rules made there under as amended from time to time.
- XI. The Interstate Migrant Workers (RE &CS) Act, 1979 1996 and rules made there under as amended from time to time.
- XII. The Child Labour (Prohibition & Regulation) Act, 1986 and rules made there under as amended from time to time
- XIII. The Plantations Labour Act, 1951 and rules made there under as amended from time to time
- XIV. The Sales Promotion Employees Act, 1979 and rules made there under as amended from time to time.
- XV. The Beedi & Cigar Workers (Regulation of Employment and Condition of Service) Act, 1979 and rules made there under as amended from time to time.
- XVI. The Motor Transport Workers Act, 1961 and rules made there under as amended from time to time.
- XVII. The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and rules made there under as amended from time to time.
- XVIII. The Bonded Labour System (Abolition) Act, 1976 and rules made there under as amended from time to time.

12.0 Penalty : Any employer/entrepreneur who fails to comply with the conditions or undertaking in the self certification given under the Scheme shall on conviction be punishable with fine of Rs. 2,00,000 (Rupees Two Lakh) which may extend to Rs. 5,00,000 (Rupees Five Lakh) and shall be removed from the purview of the Scheme.

13.0 FORFEITURE OF SECURITY DEPOSIT : In case any employer/ entrepreneur/occupier withdraws prematurely from the Scheme i.e. before three (3) years or fails to follow the terms and conditions of the Scheme or fails to file return in time under this Scheme or fails to abide by any undertaking given by him or any violation of law(s) is detected than security so deposited shall be forfeited and in case the violation of laws, further necessary action as per the law will be initiated and he will cease to continue under the Scheme. However, there will be no bar on fresh inclusion in the Scheme if applied afresh.

14.0 Power to the State Government to amend : The State Government may amend or review or add any items in the Scheme

Apparently, the above mentioned subject does not involved amendment in any related Acts & Rules. If it observed in future that, amendment of any Acts or Rules is required to give effect to the notification, it will be done accordingly. The notification will be modify/cancelled accordingly.



(Shri Tapan Chandra Sarma, IAS),
Commissioner of Labour, Assam,
Gopinathnagar, Guwahati-16.

Memo No. L.E. 52/2015/11369-75 .

Dated Guwahati the 18th October, 2016.

Copy to:-

1. The Private Secretary of the Hon'ble Minister of Labour & Employment, Assam, Dispur, Ghy-6 for kind of appraisal of the Hon'ble Minister.
2. The Private Secretary of the Addl. Chief Secretary to the Govt. of Assam, Labour & Employment, Dispur, Ghy-6 for kind appraisal of the Addl. Chief Secretary.
3. The Private Secretary of the Principal Secretary to the Govt. of Assam, Industries & Commerce Dept., Dispur, Ghy-6 for kind appraisal of the Principal Secretary.
4. Addl. Labour Commissioner, Assam, for information & necessary action.
5. All Deputy Labour Commissioners, Assam, for information & necessary action.
6. All Asst. Labour Commissioners/Labour Officers/Labour Inspectors, for information & necessary action.
7. Office file.


(Shri Tapan Chandra Sarma, IAS),
Commissioner of Labour, Assam,
Gopinathnagar, Guwahati-16.

Annexure : 1

**Application Form for Self-Certification
(to be submitted in duplicate)**

To.....
.....

Sub: Application for Registration under Self-Certification -Cum- Consolidated Annual
Return Scheme of Assam, 2016.

Sir,

In response to the Govt. Notification No :.....
dtd..... regarding Self Certification and have understood the same. I/We wish
to be covered under the same, as such I/We request you kindly to issue me/us necessary
approval for the same. The necessary information and other supporting documents, as
required under the scheme, are enclosed as per Check list provided under the scheme. I/We
undertake to abide by all terms and conditions of the scheme. It is also certified that I/We are
competent & duly authorized to make any statement or provide any information to
central/state Government agency on behalf of this establishment/enterprise.

Kindly issue the necessary Registration at the earliest.

Yours faithfully

(Full signature with Seal of the applicant)

Enclosure:

- (i) Annexure: I.a: Check list
- (ii) Annexure: I.b: Undertaking in form of Affidavit

Acknowledgement Slip

This is to acknowledge that an application regarding Self-Certification has been
received by the undersigned from M/S
(Full address in Capital letter) and the same has been entered and the office receipt register at
Sl. No. dtd..... Any further correspondence in future in
this regard may be done by stating this Sr. No.

Authorized Signatories

Annexure : I.a

Check list of Documents to be provided with Annexure : I

(to be submitted in duplicate)

1	Name and address of the establishment with Phone & Fax No, e-mail, etc with Registration no under Shops/Factory, etc	
2	Name and address of the proprietor/ Partner/ Director/ Employer, etc with contact number/email.	
3	Name and Residential address of Manager or person responsible for supervision or control of the shops/establishment/factory with telephone/mobile/fax no/ email	
4	Date of commencement of the shop/ establishment/ factory	
5	Nature of activity: Manufacturing/Processing/Service/ Trading	
6	No. of Workers employed	
	(1) Permanent	
	(2) Temporary	
	(3) Contract Labour	
	(4) Casual Labour	
	(5) Women Workers	
7	Registration No. and date alongwith attested copy of registration under Factories Act, if applicable	
8	Registration No. and date alongwith attested copy of registration under Assam Shops and Establishment Act, 1971 if applicable	
9	Registration No. and date alongwith attested copy of registration under Contract Labour (Regulation and Abolition) Act, 1970 if applicable	
10	Registration No. and date alongwith attested copy of registration under The Interstate Migrant Workers (RE &CS) Act, 1979 , if applicable	

11	Registration No. and date alongwith attested copy of registration under The Building and Other Construction (RE&CS) Act. 1996, if applicable	
12	Registration No. and date alongwith attested copy of registration under The Plantations Labour Rules, 1956 if applicable	
13	License No. and date alongwith attested copy of license under Contract Labour (Regulation and Abolition) Act. 1970 if applicable	
14	List of Annual requirement Raw materials, if the factory is manufacturing or processing unit.	
15	List of Finish products with annual capacity, if the factory is manufacturing or processing unit.	
16	Details of Fee and security deposit under the scheme, photo copy of bank receipt.	

Note: In case any of the above is not being attached /provided, please give specific reason.

**(Signature of the Employer/ Occupier
/Contractor)**

Annexure : I.b

Undertaking in form of Affidavit

(To be filled by the occupier/manager/entrepreneur on a non-judicial stamp paper of Rs.10/-)

I S/O
R/O..... and Occupier/Proprietor/Partner/Director/Employer/Contractor
of M/s.....hereby state as under:

1. That I have applied for grant of coverage of shops/establishment/factory by the name M/s of situated at(complete address).....

under the Self-Certification-cum- consolidated Annual Return Scheme of Assam, 2016 as notified vide Notification No..... dtd.....

2. That I have gone through the Scheme and have fully understood the contents of the scheme and undertake to abide by the same.
3. That it is declared that I/we are complying and will continue to comply with all provisions of laws covered under the scheme.
4. That I agree that in case of violation detected under the laws covered under the scheme during the course of inspection, it will be processed as per provisions of the respective laws.
5. I shall not engage or permit to engage any child labour and bonded labour in my establishment/shop/factory.

Place:

Deponent

Date:

Verification

I, the above named deponent do hereby further solemnly affirm that the contents given above are true and correct to my knowledge.

Deponent

ANNEXURE : 2

Form for self certification and consolidated annual return to be submitted by the employer for compliance of labour laws.

I, Mr./Mrs/Miss.....hereby, certify that I am the occupier/employer/contractor of the establishment whose identification and general details are as follows:

I, hereby certify that the complete of compliance of following labour laws and annual information of my enterprise during the year..... is as under:-

- I. Payment of Wages Act, 1936 and the rules made there under as amended from time to time.
- II. Minimum Wages Act, 1948 and the rules made there under as amended from time to time.
- III. Contract Labour (Regulation & Abolition) Act, 1970 and rules made there under as amended from time to time.

- IV. Maternity Benefit Act, 1961 and rules made there under as amended from time to time.
- V. Payment of Bonus Act, 1965 and Rules made there under as amended from time to time.
- VI. Payment of Gratuity Act, 1972 and rules made there under as amended from time to time.
- VII. The Equal Remuneration Act, 1976 and rules made there under as amended from time to time.
- VIII. Industrial Employment (Standing Orders) Act, 1976 and rules made there under as amended from time to time.
- IX. Assam Shops and Establishment Act, 1971 and rules made there under as amended from time to time.
- X. The Building and Other Construction (RE&CS) Act, 1996 and rules made there under as amended from time to time.
- XI. The Interstate Migrant Workers (RE &CS) Act, 1979 1996 and rules made there under as amended from time to time.
- XII. The Child Labour (Prohibition & Regulation) Act, 1986 and rules made there under as amended from time to time
- XIII. The Plantations Labour Act, 1951 and rules made there under as amended from time to time
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- XVI. The Motor Transport Workers Act, 1961 and rules made there under as amended from time to time.
- XVII. The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and rules made there under as amended from time to time.
- XVIII. The Bonded Labour System (Abolition) Act, 1976 and rules made there under as amended from time to time.

Yours faithfully

(Full Signature of the Applicant with Seal)

ANNEXURE 2 (a)

1. Name and address of establishment
Telephone No. Mobile No.
2. Name and Residential address of the employer/occupier/contractor
Telephone No. Mobile No.
3. Name and Residential address of the Manager/Person/ responsible for supervision or control of the establishment.
Telephone No. Mobile No.
4. Registration no./license no. and year of commencement of business.
5. Nature of business activity carried on in the establishment.
6. Details of employees employed by the establishment.

Type of worker	Unskilled	Semiskilled	Skilled	Total	Male	Female
Direct						
Casual/Temporary						
Through Contractor						
Total						

Part A

My establishment covered under the Payment of Wages Act, 1936, Minimum Wages Act, 1948, Assam Shops & Establishment Act, 1971 and the State Rules made thereunder and all workers/office staff are paid wages/overtime wages as admissible and prescribed by the Government of Assam. I have maintain all the registers and records as required under the law.

- No. of days the Shop/Establishment worked in the year.
- No. of mandays work in the year.
- Maximum no. of employees employed in any day in the year.
- No. of Average employees employed in the year.
- No. of service cards issued for applicable.
- Total wages paid category wise Male Female

- Total fine imposed (if any)
- Total deduction (if any)

Part B

The Part A and Part B information to be furnished if the maximum number of employees employed on any day during the year under report exceed 5 (Five).

- My Establishment is covered under the Payment of Bonus Act, 1965 and workers are paid Bonus. I have maintained records and registers as per the Act.
- Percentage of Bonus paid.
- No. of eligible beneficiaries.
- Total amount of Bonus paid.
- Date of payment.
- If Bonus not paid (Reasons thereof)

Part C

Part A, B & C are to be furnished if the Establishment has employed more than 9 (nine) no. of contract labour on any day during the year under report. (Details to be provided by the Principal Employer)

My Establishment is covered under the Contract Labour (Regulation & Abolition) Act, 1970 and the State Rules made thereunder and the workers are paid wages and overtime wages as prescribed by Govt. of Assam. I have maintained the records and registers as per the Act.

- Name and postal address of the contractor.
- Nature of work/operation of the contractor.
- Total No. of days during the year on which contract labour was employed.
- Total No. of mandays worked during the year by the contract labour.
- Total No. days during the year in which direct labour was employed.
- Total No. mandays worked by the direct labour.
- Change if any in the management of establishment, its location or any particulars furnished to the Registering Officer in the application for the registration (Details may be furnished with date of changes)

(Note:- In case the no. of contractors are more than 1 (one), the details of each contractors may be furnished in same columns in separate sheets).

Annual Return to be submitted by the Contractor(s)

Employing more than 9 (Nine) workers.

- Duration of contract (Numbers of days work during the year).
- Average No. of Contract labour worked in any day during the year.
- Details of
 - a. Working hours
 - b. Overtime work
 - c. Weekly holiday
 - d. Spread over
 - e. Weekly holiday paid or not
- No. of mandays work during the year Male Female Total
- Amount of wages paid.
- Amount of deduction from wages.
- The following has been provided
 - Canteen Yes/No
 - Rest Room Yes/No
 - Drinking water Yes/No
 - Creche Yes/No
 - First Aid Yes/No

Explanatory Note:-

1. The average no. of workers employed daily should be calculated by dividing the figures of mandays worked by no. of days work in the year. For seasonal establishment the average no. of workers employed during the working season and off season should be given separately.
2. Mandays work should be the aggregate no. of attendance of the workers covered under the Act, in all working days in reckoning attendance by the temporary as well as permanent workers employed should be counted and all employees should be included whether they are employed direct or under contractors

(Signature of the Employer/ Occupier/ Contractor)

ACKNOWLEDGEMENT SLIP

This is to acknowledge that annual return for the year.....under Self-Certification Scheme has been received by the undersigned from M/s.....(Full address in capital) and the same has been entered in the office receipt register at Sl. No..... Dtd..... Any further correspondence in future in

this regard may be done by stating this Sl. No.....maintained in the office of the undersigned.

Asst. Labour Commissioner/Labour Officer,

To the make the employers familiar about the scheme a list Guidelines is defined below:-

GUIDELINES TO THE EMPLOYERS UNDER DIFFERENT LABOUR LAWS FOR THE SELF CERTIFICATION SCHEME

The provisions of different labour laws given below are illustrative and not exhaustive and are meant for general guidance. (For details please refer to the respective Act and Rules framed thereunder)

❖ **The Minimum Wages Act, 1948 and the Rules framed thereunder.**

The employer has to-

- Pay the Minimum wages to the workers as notified by the Govt. of Assam from time to time.
- Fix and allow weekly day of rest/substitute day of rest.
- Fixation of no. of daily working hours in case of adult for
- In case of over time working to pay workmen at double the rate of their ordinary wage and to maintain a register of over time in prescribed form.
- To maintain the following records to produce the same for inspection to the inspecting authority.
 - a. Register of fine, register of deduction for damage or loss in prescribed forms both as late down under the rules.
 - b. Annual return in prescribed form.
 - c. Register of wages in prescribe form containing signature/thumb impression of the workmen.
 - d. Wage slip duly signed by employer in prescribed form.

- Display the following notice in English, Hindi and in a language as understood by the majority of the workers in the employment at the main entrance of the establishment and in the office in legible condition
 - a. Abstract of the Minimum Wages Act, 1948 and the rules made by the Govt. of Assam thereunder in prescribed form.
 - b. Name and address of the Inspector
 - c. The prevalent minimum wages as notified by the Govt.
- Authenticate the entries in the registered of wages and wages slips are authenticate by himself or by any person authorized by him in this behalf.
- Abide by the provisions of the Minimum Wages Act, 1948 and the rules framed thereunder by the Govt. of Assam from time to time.

❖ **The Payment of Wages Act, 1936 and the Rules framed thereunder-**

The employer has to-

- Fix the wages period which will not exceed one month.
- Pay the wages to the employed person on or before 7th of the presiding month.
- Pay the wages in current points/currency notes deduct from the wages of an employed person wages as per provisions after following the due procedure only.
- Deduct from the wages of an employed person wages as per provisions after following the due procedure only.
- Display the following notice in English, Hindi and in a language as understood by the majority of the workers in the employment at the main entrance of the establishment and in the office in legible condition
 - a. Maintain the following register
 - b. Register of fines
 - c. Register for deduction for damage or loss
 - d. Register of wages

❖ **The Payment of Bonus Act, 1965 and the Rules framed thereunder-**
(Application to only where 10 or more persons are employed on any day in the preceding 12 months the employer has to-

- Maintain in Form A the record in respect of computation of the Available Surplus in respect of any accounting year.
- Maintain the set on and set off allocable surplus in form B.
- Maintain the record of the bonus paid to the employees for any accounting year in form C.
- Submit Annual return in form D
- Pay the bonus to the employees within 8 months of the close of the accounting year.
- Produce the accounts books, registers or other documents whenever asked for inspection.

❖ **Contract Labour (Regulation & Abolition) Act, 1970 and the Rules framed thereunder-**

The contractor of the establishment shall provide the following facilities to the contract labour and in case of failure on the part of the contractor to do so the principal employer that is the establishment shall provide the same and may recover the expenses from the contractor as a debt payable by the contractor as let down under section 20 of the Act.

- Canteen Facilities as prescribed under rules.
- Rest rooms of suitable alternative accommodation to the contract labour.
- Other facilities, light, sufficient supply of wholesome drinking water at convenient places sufficient number of latrines and urinals of prescribed type, washing facilities Etc. as prescribed under rules.
- First Aid Facilities to be made available to the contract labour during all working hours with prescribed contents.
- Submit the annual return in prescribed form in duplicate to the registering officer not later than the prescribed date following the end of the year to which it relates.
- Maintain the register of contractors in prescribed form.
- Record certificate at the end of the entries in the register of wages indicating that the workmen concerned have been paid in his presents.

- In case the contractor fails to make payment of wages within the prescribed period or make short payment, the establishment shall be liable to make the payment of wages in full or the unpaid balance due as the case may be to the contract labour employed by the contractor.
- Comply with the orders of the Labour Commissioner, Assam issued under Rule. The Assam Shops and Establishment Act, 1971 and the Rules framed thereunder.
- Obtain Registration of the shop or commercial establishment as required under the Act, and also will get it amended form time to time change occurs in the particulars.
- Give service card to each employer in the prescribed format.
- Fix the weekly hours, weekly holidays, compensatory holidays, daily hours, interval for rest, spread over period as specified in the Act and the rules made thereunder. Fix the pay extra wages of over time as twice of the ordinary rates of wages.
- Maintain the following register
 - Attendance register
 - Inspection book
 - Leave with wages register.
 - Extra wages for overtime register.
 - Register of fines, register of deductions for damages/for loss in prescribed form and all other and all other registers as required under law.
- Give the annual leave with wages and other admissible leave as prescribed.
- Provide safe and hygiene working conditions as prescribed.
- Abide by all the provisions of the Assam Shops and Establishment Act, 1971 and the rules framed thereunder by the Govt. of Assam from time to time.

❖ **Payment of Gratuity Act, 1972 and the Rules framed thereunder:-**

(Applicable where five (5) or more persons are employed on any day in the preceding twelve months).

The employer has to:-

- Give a notice of opening in Prescribed Form to the Controlling Authority within 30 days.

- Give a notice in Prescribed Form to the Controlling Authority in case of any change in the name, address, employer or nature of business.
 - Give a notice in Prescribed Form to the Controlling Authority in case of close down business at least sixty days before the intended closure.
 - Ensure that a notice is displayed near the main entrance in bold letter in Hindi and in a language understood by at least one third of the employees specifying the name of the officer with designation authorized by the employer to receive on his behalf notice under the Acts or the Rules.
 - Ensure that the employees who have rendered continuous service for not less than five years are being paid/shall be paid gratuity on superannuation/retirement/resignation and the nominees of an employee who dies during the service are also being paid/shall be paid gratuity even though five years of service has not been rendered.
 - Ensure that the amount of gratuity is/shall be determined by the employer and the notice writing is/shall be given to the person to whom the gratuity is payable and also to the Controlling Authority.
 - Ensure that the amount of gratuity is/shall be paid within 30 days from the date it becomes payable as has been laid down under the Act and the Rules.
 - Ensure that an abstract of the Act and the Rules made thereunder in Prescribed Form in English and Hindi has been displayed at a conspicuous place.
- ❖ **The Maternity Benefits Act, 1961 and the Rules framed thereunder:-**
(Applicable where 5 or more person are employed on any day in the preceding twelve months.)
- The employer has to-
 - Ensure no women are being employed knowingly during the six weeks immediately following day of her delivery/miscarriage or medical termination of pregnancy.
 - Ensure that the maternity benefits at the rate of average daily wage for the period of her actual absence for delivery or twelve weeks whichever is less, is being paid to the women employees and in case of her death before receiving the maternity benefits the same shall be given to the person nominated by the said women.
 - Ensure that a medical bonus of two hundred and fifty rupees in also being given to the female employees in case the free of charge pre natal confinement and post natal care is not provided by the establishment.

- Ensure that a six weeks leave for miscarriage or medical termination of pregnancy is also being granted to the affected women employee.
 - Ensure that leave with wages for two weeks for tubectomy operation is granted to women employees.
 - Ensure that every woman who has delivered a child who returns to duty shall be allowed in the course of her daily work two breaks of twenty minutes duration for nursing the child until the child attains the age of 15 months.
 - Maintain the record of women employees of the establishment in Prescribed Form.
 - Exhibit an abstract of the Act and the Rules thereunder in Prescribed Form in the language of the locality at a conspicuous place in every part where the women are employed.
- ❖ **The Child labour (Prohibition and Regulation) Act, 1986 and the Rules framed thereunder:-**

Note : Child means a person who has not completed his fourteenth year of age.

- No child has been employed or permitted to work in any of the occupation set forth in part A of the schedule or in any workshop wherein any of the processes set forth in part B of the schedule is carried on.
- No child is permitted to work in the establishment for more than four and half hours of work on any day.
- The period of work of a child on each day has been so fixed that no period exceeds three hours and no child shall work for more than three hours before he has had an interval for rest for at least one hour and the spread over is not more than six hours including the time spent in waiting for work.
- No child has been permitted or required to work between 7.00 P.M. to 8.00 A.M. and not required or permitted to work overtime.
- Every child employed in an establishment has been allowed a weekly holiday.
- The notice to inspector as required u/s 9 (2) of the Act has been given containing the information as per section 9(1) of the Act.
- The record in prescribed form has been/shall be maintained.
- The notice containing abstracts of section 3 and 14 has been displayed at the place of work in local language and in English language.

- The health facilities and safety of child as required u/s 13 have been provided.
- All the provisions of the Act and the Rules are/shall be complied with.

❖ **The Beedi and Cigar workers (Conditions of Employment) Act, 1966 and the Rules framed thereunder:-**

- Employer use the place or premises as an industrial premises only with valid license issued under the Act.
- Employer has to observe condition of license.
- Industrial promise to be kept clean and free from effuvia arising from any drain, privy or other nuisance.
- Record of date of white washing, colour washing, varnishing, painting and cleaning to be maintained by the employer.
- Industrial premises to maintain prescribed standards of lighting, ventilation and temperature.
- Washing facilities to be provided and maintained in the industrial premises for both male and female employee.
- In Every industrial premises where more than 30 (thirty) female employees are employed crèches to be provided in the mentioned standards.
- In industrial premises the employer to provide adequate firefighting equipments.
