

MOST IMMEDIATE

**P. AMUDHA, I.A.S.,
SECRETARY TO GOVERNMENT**



**Labour and Employment
Department,
Secretariat, Chennai-9.**

**Phone : 25670472 (O)
Fax : 25679739**

D.O. Letter No.6892/H2/2017-4, Dated: 03.05.2017

Dear Sir,

Sub: Start-up India Action Plan – Enhancing the start-up eco system in India – Action taken report – Furnished.

- Ref:
1. From Thiru. Shankar Aggarwal, I.A.S., Secretary to Government of India, Ministry of Labour and Employment, New Delhi D.O No.Z-13025/39/2015-LR Cell dated 12.01.2016. and 3.3.2016
 2. From Thiru. S.K. Tripathi, Under Secretary to Government of India, Ministry of Labour and Employment, New Delhi No.Z-13025/39/2015-LRC dated 20.07.2016.
 3. From Thiru.Heeralal Samariya I.A.S., Additional Secretary to Government, Ministry of Labour and Employment D.O. No.Z-13025/39/2015 LR Cell, dated 06.04.2017 address to the Chief Secretary, Government of Tamil Nadu, Secretariat.

I am to refer to the letters cited and to state that in the Government of India D.O Letter 3rd cited it has been advised as follows:

(i) For the first year of setting up of the Start-ups such establishments may not be inspected under any of the following 6 Labour Laws and these start-ups may be asked to submit an on-line self declaration:

- The Building & Other Construction Workers [Regulation of Employment & Conditions of Service] Act, 1996
- The Inter-State Migrant Workmen [Regulation of Employment & Conditions of Service] Act, 1979
- The Contract Labour [Regulation & Abolition] Act, 1970
- The Employees' Provident Funds & Miscellaneous Provisions Act, 1952

p.t.o.,

JS(MW)

27/05/17

US(SKT)
16/5/17

SO(LRC)
16/5

Bh. Suresh

Additional Secretary (L&E)
Dy. No. 3.10.981
Date 12/05/2017

11/5/17

- The Employees' State Insurance Act, 1948
- The Payment of Gratuity Act, 1972

(ii) Further, the Start-ups may be allowed to submit self certified returns under the above said Acts and from the second year to fifth year from the setting up of the unit, such start-ups may be taken up for inspection only when very credible and verifiable complaint of violation is filed in writing and the approval has been obtained from at least one level senior to the inspecting officer.

2. In this regard I am to state that the above recommendation of Government of India except for Buildings and other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 is acceptable to this State Government and necessary instructions will be issued to the Heads of Departments for accepting Self-Certification for five years and inspections under the above Acts (except BoCW Act) may not be taken up for 5 years in the Start-ups.

3. Under the Building and other Construction workers (Regulation of Employment and Conditions of Service) Act 1996, the safety of workers has to be ensured within the construction period which may be less than five years. Therefore self-Certification for five years will not serve the purpose of Act, which is enacted to provide safety and protection to construction workers. So, the existing provision under the Act may be allowed to be continued.

Warm regards,

Yours Sincerely,

P. A. K.
3/5/17

To
✓ Thiru.Heeralal Samariya I.A.S.,
Additional Secretary to Government of India,
Ministry of Labour and Employment,
Government of India,
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110 119.