

**Self Certification – cum- Consolidated Annual
Return Scheme Under the Labour Laws
(Gujarat Amendment) Act, 2015.**

**Government of Gujarat
Labour and Employment Department
Resolution No.: LBL/192015/897992/M (3),
Sachivalaya, Gandhinagar.
Date: 31st March, 2016.**

RESOLUTION

Preamble:

Gujarat is the leading developing State and to fulfill the aim of “Make in India” and “Start Up India” concept of the Central Government, the State has strongly emphasized on the Reforms in the Labour Laws for creating industrial friendly atmosphere and conducive Labour Environment with increasing transparency in the system of Labour Inspections and also aiming at elimination of Inspector Raj, without compromising the economic and welfare interests of the workers.

Therefore, the Gujarat State has amended various labour laws as, the Labour Laws (Gujarat Amendment) Act, 2015, which includes the Self Certification and submission of Consolidated Annual Returns applicable to following five (5) Labour laws, as amended, as follows;

- 1) Section-18A of the Minimum Wages Act, 1948
- 2) Section-111AA of the Factories Act, 1948
- 3) Section-26A of the Payment of Bonus Act-1965
- 4) Section-10B of the Payment of Gratuity Act. 1972
- 5) Section-29A of the Contract Labour (Regulation and Abolition) Act, 1970.

Objective:

The objective of the Self-Certification-cum-Consolidated Annual Return, is to curtail unnecessary visits of the Government officials for inspection of units covered under the amendment, without compromising on the safety, health, social security and welfare of the workers and facilitates submission of Consolidated Annual Return in lieu of various returns under different labour laws.

Applicability, Validity and Procedure of the Scheme:

1. The 'Self-Certification-cum-Consolidated Annual Return Scheme' shall be applicable to every employer who have employed 50 or more employees in an establishment registered either under;
 - the Factories Act, 1948 or,
 - the Contract Labour (Regulation and Abolition) Act, 1970.
2. The Scheme shall apply from the date of issue of this Resolution.
3. Every such employer shall submit online application on E-Shram Seva web portal on the web site of the Commissioner of Labour (www.col.gujarat.gov.in) with all annexure and the documents in prescribed form (**Annexure: I**) as prescribed by the Government to the Assistant Commissioner of Labour of the district of the establishment and a copy of the same to the District head of the office of the Director of Industrial Safety and Health.
4. The 'Self-Certification-cum-Consolidated Annual Return Scheme' shall not be applicable to the following factories registered under the Factories Act, 1948,
 - (A) All the classes of factories wherein any of the operations declared to be "**dangerous operation**" under the rule 102 of Gujarat Factories Rules, 1963, are carried on or ordinarily so carried on, with or without the aid of power.
 - (B) All classes of factories wherein any of the "**dangerous machines**" mentioned in schedule to rule 54 of the Gujarat Factories Rules, 1963, are being used with the aid of power, or ordinarily so used.
 - (C) All the classes of the factories involving "**hazardous processes**" mentioned under section 2(cb) of the Factories Act, 1948 (The First Schedule of the Factories Act, 1948).
5. Every employer who is covered under this scheme shall continue to be governed under it, even if, the number of employees subsequently reduced to less than 50.
6. The responsibilities of the employer under different labour laws as given in the List (Annexure- IV) shall have to be fulfilled by the every applicant employer. The list of responsibilities and obligations under the different labour laws are illustrative and not exhaustive.
7. The scheme shall be optional for every employer who has employed less than 50 employees in an establishment registered, either under the


Factories Act, 1948 or the Contract Labour (Regulation and Abolition) Act, 1970. Every such employer shall submit their application, to the Assistant Commissioner of Labour of the district of the establishment and a copy of the same to the District head of the office of the Director of Industrial Safety and Health, online in E-Shram Seva web portal on the web site of the Commissioner of Labour (www.col.gujarat.gov.in) with all annexure and documents as prescribed by the Government.

8. The employer of Factories and other Establishments which are covered under the Scheme and whose application is sanctioned by the Commissioner of Labour under the Scheme and submitting necessary annual returns, as prescribed in the Scheme, to the Assistant Commissioner of Labour and complying with the provisions of Labour Laws, shall be exempted from the routine inspections by the authorities appointed under the five labour laws, from the date of sanction of his application, subject to regular filing of annual returns in Annexure-V and also there should not be any complaint received by the authorities for breach any Labour laws, against such registered Establishment.
9. After sanctioning of the application under this Scheme, the concerned Employer/Entrepreneur/Establishment shall file the Consolidated Annual Return in the prescribed Performa as given at **Annexure- V** along with the required documents and information. The return can be filed on line on www.col.gujarat.gov.in in E-Shram Seva web portal, between 1st of January and before 1st of March of every year.
10. In the case, where any establishment registered under this Scheme, do not file the said Consolidated Annual Return or if any complaint for violation of any Labour laws, is received by the authorities, the penal actions as prescribed under the said Labour Laws, shall be initiated against such establishments.
11. Every year random inspections of the establishments, who have been registered under this Scheme, will be carried out as may be decided by the concerned HOD/Labour and Employment Department.
12. The Registration of the establishments who have registered under the Voluntary Self Certification Scheme, as per the GR No. FAC / 2003 / 3043/M-3, dtd.05.12.2003 of this Department and have valid-live Registration Number, as on date of issue of this resolution, their Registration stands CANCELLED. They will have to re-register themselves under this new Scheme, as per the provisions of this GR, if it is applicable to them.
13. The amount of Security Deposit, if any pending with the Government, will be refunded on written request for refund along with the proof of payment of deposit, the original certificate and the proof of application for new registration (if applicable), to the Deputy Commissioner of Labour.

14. The Scheme of Voluntary Self Certification - cum – Annual Return, as published by the Labour and Employment Department, GR dtd.05.12.2003, No.: FAC/2003/3043/M-3, stands cancelled from the date of issue of this GR.
15. Due to implementation of the provisions, as amended by the Labour Laws (Gujarat Amendment) Act, 2015, for the Self Certification and Consolidated Annual Return, the rules under above 5 Labour Laws, conflicting with any provisions under this GR, are being amended to that effect and will be issued separately.

By Order and in the name of Governor of Gujarat,

Annexures: I to V.


(R. H. Vasava)
Deputy Secretary to Government

To:-

1. The Commissioner of Labour, Gujarat State, Gandhinagar.
2. The Director, Industrial Safety and Health, Gujarat State, Ahmedabad.
- ✓ 3. The Deputy Commissioner of Labour, Ahmedabad/Surat/Vadodara/Rajkot.
4. The Joint Director, Industrial Safety and Health, Ahmedabad/Surat/Vadodara/Rajkot.
5. The Deputy Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar.
6. The Under Secretary, Legislative & Parliamentary Affairs Department, Sachivalaya, Gandhinagar.
7. The Branch Select file.
8. The Deputy Section Officer Select file.