

TO BE INTRODUCED IN THE RAJYA SABHA

**THE LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS AND  
MAINTAINING REGISTERS BY CERTAIN ESTABLISHMENTS) AMENDMENT AND  
MISCELLANEOUS PROVISIONS BILL, 2005**

[Bill No. LXXXV of 2005]

A

**BILL**

*to amend **the Labour Laws (Exemption from Furnishing Returns and Maintaining of Registers by certain Establishments)** Act, 1988 and **certain other labour laws.***

*be it enacted **by** Parliament in **the** Fifty-sixth Year of **the** Republic of India as follows:--*

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**CHAPTER I**

**PRELIMINARY**

**1. Short title and commencement:**

(1) This Act may be called **the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendment and Miscellaneous Provisions Act, 2005.**

(2) It shall come into force on such date as **the** Central Government may, **by** notification in **the** Official Gazette, appoint.

## CHAPTER II

### AMENDMENTS TO THE LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS AND MAINTAINING REGISTERS BY CERTAIN ESTABLISHMENTS) ACT, 1988

#### 2. Amendment of long title:

In the long title to the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988(51 of 1988) (hereinafter referred to as the principal Act), for the words "establishments" employing a small number of persons", the words "certain establishments" shall be substituted.

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#### 3. Insertion of new section 1A:

After section 1 of the principal Act, the following section shall be inserted, namely:--

**"1A. Application:** (1) This Act shall, in the first instance, be applicable to every establishment in which not more than five hundred persons are employed or were employed on any day of the preceding twelve months.

(2) The Central Government may, by notification in the Official Gazette, extend the provisions of this Act, with effect from such date as may be specified in the notification, to any other establishment in which more than five hundred persons are employed, or were employed on any day of the preceding twelve months."

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#### 4. Amendment of section 2:

In section 2 of the principal Act,--

(i) in clause (c), for the words "Second Schedule", the words "Third Schedule" shall be substituted;

(ii) after clause (c), the following clauses shall be inserted, namely:--

'(ca) "inspector" means an inspector appointed by the appropriate Government under the relevant provisions of the Scheduled Act;

(cb) "other establishment" means an establishment in which not less than twenty persons are employed or were employed on any day of the preceding twelve months;';

(iii) in clause (e), the words "not less than ten and" shall be omitted;

(iv) clause (f) shall be omitted.

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#### 5. Substitutions of new section for section 4:

For section 4 of the principal Act, the following sections shall be substituted, namely:--

**"4. Exemption from furnishing returns or maintaining of returns and registers required under certain labour laws:** (1) Notwithstanding anything contained in a Scheduled Act, on and from the commencement of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Act, 2005, it shall not be necessary for an employer in relation to any small establishment or other establishment to which a Scheduled Act applies to furnish the returns or to maintain the registers required to be furnished or maintained under that Scheduled Act:

Provided that such employer--

(a) furnishes, in lieu of such returns, an annual return in Form I;

and

(b) maintains, in lieu of such **registers**,--

(i) a register of persons employed-cum-employment card in Form II, and

(ii) a consolidated muster roll-cum-wage register in Form III,

at **the** work spot:

Provided further that every such employer of other establishment shall continue to maintain or issue or both maintain and issue such wage slips, employment cards and wage books and any other record as enumerated in **the** Second Schedule.

(2) **The** annual return in Form I and **the registers** in Forms II and III and wage slips, wage books and other records, as enumerated in **the** Second Schedule, may be maintained **by** an employer on a computer, computer floppy, diskette or other electronic media:

Provided that a print out of such **returns, registers**, books and records or a portion thereof is made available to **the** inspector on demand.

(3) **The** employer or **the** person responsible to furnish **the** annual return in Form I or any other return enumerated in **the** Second Schedule may furnish it to **the** Inspector or any other authority prescribed under **the** Scheduled Acts through electronic mail if **the** Inspector or **the** authority has **the** facility to receive such electronic mail.

(4) Save as provided in sub-section (1), all other **provisions** of a Scheduled Act, including, in particular, **the** inspection of **the registers by**, and **furnishing** of their copies to, **the** authorities under that Act, shall apply to **the returns and registers** required to be furnished or maintained under this Act as they apply to **the returns and registers** under that Scheduled Act.

(5) Where an employer in respect of an establishment referred to in sub-section (1), or notified under sub-section (2), of section 1A, to whom a Scheduled Act applies, furnishes **returns** or maintains **the registers** as provided in **the** proviso to subsection (1), nothing contained in that Scheduled Act shall render him liable to any penalty for his failure to furnish any return or to maintain any register under that Scheduled Act.

**4A. Exemption from the requirements of displaying of abstracts of Acts and rules:** Notwithstanding anything contained in a Scheduled Act, on and **from the** commencement of **the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Act, 2005**, it shall not be necessary for an employer, in relation to an establishment to which **the** Scheduled Act applies, to display abstracts of Acts and of **the** rules framed thereunder."

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## **6. Amendment of section 6:**

In section 6 of **the** principal Act, in clause (a), for **the** words "with fine which may extend to rupees five thousand", **the** words "with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both" shall be substituted.

## **7. Substitution of new sections for sections 7 and 8:**

For sections 7 and 8 of **the** principal Act, **the** following sections shall be substituted, namely:--

**'7. Power to amend the schedules:** (1) **The** Central Government may, if it is

of opinion that it is expedient so to do, **by** notification in **the** Official Gazette, amend any Schedule and thereupon such Schedule shall, subject to **the provisions** of sub-section (2), be deemed to have been amended accordingly.

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before **the** expiry of **the** session immediately following **the** session or **the** successive sessions aforesaid, both Houses agree in making any modification in **the** notification or both Houses agree that **the** notification should not be made, **the** notification shall thereafter have effect only in such modified form or be of no effect, as **the** case may be; so, however, that any such modification or annulment shall be without prejudice to **the** validity of anything previously done under that notification.

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## **8. Power to exempt:**

**The** appropriate Government or any authority duly authorised **by the** appropriate Government may, **by** order, exempt any establishment **from the** requirement of maintenance of any register or records or **furnishing** of any return under this Act if that Government or **the** authority authorised **by** it is satisfied that an alternative mechanism or method of maintenance of record, electronically or otherwise exists or any arrangement which is introduced in an establishment meets **the** requirements of **the** concerned register or record or **furnishing** of any return or notice to **the** concerned authorities.

Explanation.--For **the** purposes of this section, "appropriate Government", in relation to an establishment, under **the** control of **the** Central Government or a railway administration or major port or a mine or oil field, means **the** Central Government and in other cases, **the** State Government.'.

## **8. Substitution of new Schedules for First Schedule and Second Schedule:**

For **the** First Schedule and **the** Second Schedule to **the** principal Act, **the** Schedules specified in **the** Schedule shall be substituted.

AMENDMENTS TO THE WEEKLY HOLIDAYS ACT, 1942

9. Substitution of new sections for section 9:

For section 9 of the Weekly Holidays Act, 1942(18 of 1942), the following sections shall be substituted, namely:--

**"9. Penalties:**In the event of any contravention of the provisions of section 3 or of section 4 or of a requirement imposed by a notification under sub-section (1) of section 5 or of section 6, the proprietor or other person responsible for the management of the establishment in which such contravention takes place shall be punishable with fine which may extend, in the case of the first offence, to ten thousand rupees, and, in the case of a second or subsequent offence, to twenty-five thousand rupees.

**9A, Obstructions:** Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, inquiry or investigation authorised by or under this Act in relation to an establishment to which, or a contractor to whom, this Act applies, shall, on conviction, be punishable,--

(a) in the case of the first conviction with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both:

Provided that if any person wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does any thing which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall, on conviction, be punishable,--

(a) in the case of the first conviction, with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER IV

### AMENDMENTS TO THE MINIMUM WAGES ACT, 1948

#### 10. Substitution of new section for section 22A:

For section 22A of the Minimum Wages Act, 1948, the following section shall be substituted, namely:--

**"22A. General provision for punishment of other offences:** Any employer who contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided for such contravention by this Act, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both:

Provided that if any person wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall, on conviction, be punishable,--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER V

### AMENDMENTS TO THE FACTORIES ACT, 1948

#### 11. Amendment of section 95:

In section 95 of the Factories Act, 1948(63 of 1948), for the words "shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both", the following shall be substituted, namely:-

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER VI

### AMENDMENTS TO THE PLANTATIONS LABOUR ACT, 1951

#### 12. Amendment of section 33:

In section 33 of the Plantations Labour Act, 1951(69 of 1951), in sub-sections (1) and (2), for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."



## CHAPTER VII

### AMENDMENTS TO THE WORKING JOURNALISTS-AND OTHER NEWSPAPER EMPLOYEES (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 1955

#### 13. Amendment of section 18:

In section 18 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955(45 of 1955),--

(i) in sub-section (1), for the words "shall be punishable with fine which may extend to two hundred rupees", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.";

(ii) sub-section (1A) shall be omitted.

## CHAPTER VIII

### AMENDMENTS TO THE MOTOR TRANSPORT WORKERS ACT, 1961

#### 14. Amendment of Section 29:

In section 29 of the Motor Transport Workers Act, 1961(27 of 1961), in sub-section (2), for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER IX

### AMENDMENTS TO THE PAYMENT OF BONUS ACT, 1965

#### 15. Amendment of section 28:

In section 28 of the Payment of Bonus Act, 1965(21 of 1965) for the words "be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

**AMENDMENTS TO THE BEEDI AND CIGAR WORKERS (CONDITIONS OF  
EMPLOYMENT) ACT, 1966**

**16. Amendment of section 32:**

In section 32 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966(32 of 1966) (hereafter in this Chapter referred to as the Beedi and Cigar Workers Act), for the portion beginning with the words "shall be punishable with imprisonment" and ending with the words "or with both", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

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**17. Amendment of section 33:**

In section 33 of the Beedi and Cigar Workers Act,--

(a) in sub-section (1), for the words "with fine which may extend to two hundred and fifty rupees and for a second or any subsequent offence with imprisonment for a term which shall not be less than one month or more than six months or with fine which shall not be less than one hundred rupees or more than five hundred or with both", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.";

(b) in sub-section (2),--

(i) in clause (a), for the words "with fine which may extend to two hundred and fifty rupees", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.";

(ii) in clause (b), for the words "with fine which may extend to twenty

rupees", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER XI

### AMENDMENTS TO THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970

#### 18. Amendment of section 22:

In section 22 of the Contract Labour (Regulation and Abolition) Act, 1970(37 of 1970), in subsections (1) and (2), for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both", wherever they occur, the following shall be substituted, namely:--

"shall on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER XII

### AMENDMENTS TO THE SALES PROMOTION EMPLOYEES (CONDITIONS OF SERVICE) ACT, 1976

#### 19. Amendment of section 9:

In section 9 of the Sales Promotion Employees (Conditions of Service) Act, 1976(11 of 1976) (hereafter in this Chapter referred to as the Sales Promotion Employees Act), the words and figure "or section 7" shall be omitted.

#### 20. Insertion of new section 9A:

After section 9 of the Sales Promotion Employees Act, the following section shall be inserted, namely:--

**"9A. Obstructions:** Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, inquiry or investigation authorised by or under this Act in relation to an establishment to which, or a contractor to whom, this Act applies, shall, on conviction, be punishable,--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both:

Provided that if any person wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does any thing which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall, on conviction, be punishable,--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER XIII

### AMENDMENTS TO THE EQUAL REMUNERATION ACT, 1976

#### 21. Amendment of section 10:

In section 10 of the Equal Remuneration Act, 1976(25 of 1976),--

(a) in sub-section (1), for the words "he shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both", the following shall be substituted, namely:--

"he shall on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.";

(b) in sub-section (3), for the words "he shall be punishable with fine which may extend to five hundred rupees", the following shall be substituted, namely:--

"he shall on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both.".



## CHAPTER XIV

### AMENDMENTS TO THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979

#### 22. Amendment of section 24:

In section 24 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979(30 of 1979), in sub-sections (1) and (2), for the words "shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both, the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER XV

### AMENDMENTS TO THE DOCK WORKERS (SAFETY, HEALTH AND WELFARE) ACT, 1986

#### **23. Amendment of section 14:**

In section 14 of the Dock Workers (Safety, Health and Welfare) Act, 1986(54 of 1986), in sub-section (1), for the words "five thousand rupees", the words "twenty-five thousand rupees" shall be substituted.

## CHAPTER XVI

### AMENDMENTS TO THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

#### 24. Amendment of section 14:

In section 14 of the Child Labour (Prohibition and Regulation) Act, 1986(61 of 1986), in sub-section (3), for the words "shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees, or with both", the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."

## CHAPTER XVII

### AMENDMENTS TO THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

#### 25. Amendment of section 49:

In section 49 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996(27 of 1996), in sub-sections (1) and (2), for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both" wherever they occur, the following shall be substituted, namely:--

"shall, on conviction, be punishable--

(a) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both; and

(b) in the case of any second or subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both."