

**10**

**STANDING COMMITTEE ON LABOUR  
(2005-06)**

**(FOURTEENTH LOK SABHA)**

**MINISTRY OF LABOUR AND EMPLOYMENT**

**The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005.**

**TENTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

**December 2005/Agrahayana 1927 (Saka)**

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**Presented to Lok Sabha on 20 December 2005**

**Laid in Rajya Sabha on 20 December 2005**



**LOK SABHA SECRETARIAT  
NEW DELHI**

**December 2005/Agrahayana 1927 (Saka)**



**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR  
(2005-2006)**

**Shri Suravaram Sudhakar Reddy – CHAIRMAN**

**MEMBERS**

**LOK SABHA**

2. Shri Furkan Ansari
3. Shri Joachim Baxla
4. Shri Santasri Chatterjee
5. Shri Munawwar Hassan Chaudhary
6. Shri Sukhdev Singh Dhindsa
7. Shri Thawar Chand Gehlot
8. Dr. Satyanarayan Jatiya
9. Shri Virendra Kumar
10. Smt. Sushila Kerketta
11. Shri Rajesh Kumar Manjhi
12. Shri Ananta Nayak
13. Shri Bassangouda Patil (Yatnal)
14. Shri Lal Mani Prasad
15. Shri Chandradev Prasad Rajbhar
16. Shri Mohan Rawale
17. Dr. Dhan Singh Rawat
18. Shri Chandra Pratap Singh
19. Smt. C.S. Sujatha
20. Shri Parasnath Yadav
21. Vacant

**RAJYA SABHA**

22. Shri Gandhi Azad
23. Shri Lekhraj Bachani
24. Shri Jayanta Bhattacharya
25. Shri Debabrata Biswas
26. Ms. Pramila Bohidar
27. Shri Rudra Narayan Pany
28. Shri K. Chandran Pillai
29. Shri Dilip Ray
30. Vacant
31. Vacant

**SECRETARIAT**

1. Shri John Joseph - Secretary
2. Shri N.K. Sapra - Joint Secretary
3. Shri R.S. Misra - Deputy Secretary
4. Shri N.K. Pandey - Under Secretary
5. Shri S.K. Saxena - Assistant Director

## REPORT

I, the Chairman of the Standing Committee on Labour having been authorised by the Committee to submit the report on their behalf present this Tenth Report on the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005 of the Ministry of Labour and Employment.

2. The Bill was introduced in Rajya Sabha on 22 August 2005 and was referred to the Committee on 30 August 2005 by the Hon'ble Speaker, Lok Sabha under Rule 331E(b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report within three months from the date of reference i.e. 30 August 2005. The Bill seeks to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 and certain other labour laws.

3. The Committee at their sitting held on 5 October 2005 took evidence of the representatives of the Ministry of Labour and Employment on the provisions of the Bill.

4. The Committee at their sitting held on 18 October 2005, decided to invite comments/suggestions on the provisions of the Bill from the Employees and Employers Groups. As the extant Bill needs thorough and threadbare consideration taking into account all shades of opinion, the Committee, therefore, decided to seek extension of time up to 30 January 2005 for finalisation of their report. Hon'ble Speaker granted an extension of time upto 30 January 2006 for finalizing the report.

5. In response to the request, some of the Central Trade Unions viz., AITUC, CITU, HMS, INTUC, BMS and All India Central Council of Trade Unions – **Employees Group** and Confederation of Indian Industry, ASSOCHAM, Federation of Indian Chambers of Commerce and Industry and All India Organisation of Employers - **Employers Group** furnished their comments/suggestions on the clauses of the Bill. The Committee considered these comments/suggestions at their sitting held on 28 November 2005.

6. In their comments/suggestions, the Central Trade Unions have stated that they were not in favour of the Bill, as the proposed amendments would pave the way for further exploitation of workers. They were, therefore, unable to comprehend how the Government had proceeded to frame and introduce the Bill without holding consultations with them in this respect. Although the Employers Group had appreciated the initiatives taken by the Government, they had also shown their reservations on some of the clauses of the Bill.

7. The Committee wish to express their thanks to the Central Trade Unions/Employers Group for placing before them their comments/suggestions on the clauses of the Bill.

8. The Committee also wish to express their thanks to the officers of the Ministry of Labour and Employment for placing before them detailed written notes on the subject and for furnishing the desired information in connection with the examination of the Bill.

9. The Report was considered and adopted by the Committee at their sitting held on 15 December 2005.

10. The observations of the Committee with regard to the proposed amendments in the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 are detailed in the succeeding paragraph.

**11. The Committee express their dismay that the Government have not shown any seriousness before bringing the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005 in the Parliament as they have neither consulted the Employees Group nor the Employers Group. The Committee are of the view that the laws should be made simple in order to be more effective so that the interests of the workers are protected but the proposed amendments in the instant Bill seem overwhelmingly in favour of employers. The Committee note that not only the Central Trade Unions but the Employers Group have also shown their reservations on some of the clauses of the Bill. The Committee, therefore, desire that the Bill should be returned to the Government with the request to hold discussions with the Employees and Employers Groups before reaching any consensus on reforming labour laws.**

**Suravaram Sudhakar Reddy**

**NEW DELHI;  
16 December 2005  
25 Agrahayana 1927 (Saka)**

***Chairman,*  
Standing Committee on Labour**

As Introduced in The Rajya Sabha  
on 22nd August, 2005.

Bill No. LXXXV of 2005

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

A

BILL

*to amend the Labour Laws (Exemption from Furnishing  
Returns and Maintaining Registers by Certain  
Establishments) Act, 1988 and other Inforce Imps.*

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

CHAPTER I  
PRELIMINARY

1. (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.

Short title and  
commencement

## CHAPTER II

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

Amendment or  
long title.

2. In the long title to the Labour Laws 51 or 1988.  
(Exemption from Furnishing Returns and Maintaining  
Registers by Certain Establishments) Act, 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.

Insertion or new  
section 1A.

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

Application.

"1A. (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."

Amendment or  
section 2.

4. 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:

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

(*eb*) "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.

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

"4. (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.

Substitution  
Of new section  
for section 4

1. Exemption from  
furnishing returns or  
maintaining of  
registers  
required under  
labour laws

(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 sub-section (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. 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."

Exemption from  
the requirements  
of displaying of  
abstracts of Acts  
and rules.

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.

Amendment of  
section 6.

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

'7. (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 m sessIO n 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 onl y in such modified form or be of no effect, as the case may be; so, however, that any stich modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

8. 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.

*Explmwticm.* - 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

Substitution of  
new sections for  
section 7 and 8

Power to  
amend the  
Schedules

Power to  
exempt

port or a mine or oil field, means the Central Government and in other cases, the State Government' .

Substitution of new Schedules for First Schedule and Second Schedule.

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

### CHAPTER III

#### AMENDMENTS TO THE WEEKLY HOLIDAYS ACT, 1942

Substitution of new sections for section 9.

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

Penalties.

"9. 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 subsection (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.

Obstructions.

9A. 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

1948, 11 of 1948 10. For section 22A of the Minimum Wages Act, the following section shall be substituted, namely:

"22A. 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

Substitution  
nt.-w section  
Section 22A

General  
provision f.  
punishmen  
other "fien,

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,

(*n*) 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

Amendment of  
section 95.

**11.** In section 95 of the Factories Act, 1948, for the 63 of 1948, 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

(*n*) 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

69 OF 1951 12. In section 33 of the Plantations Labour Act, 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:

"Amendment of section 33

"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

45 d 1955 13. In section 18 of the Working journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955,

Amendment of section 18.

(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

(n) 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

Amendment of  
section 29.

14. In section 29 of the Motor Transport Workers Act, 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

Amendment of  
section 28.

15. In section 28 of the Payment of Bonus Act, 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

(11) 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

(12) 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 X

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

12 of 1966. 16. In section 32 of the Beedi and Cigar Workers (Conditions of Employment) Act, 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

(n) 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

(13) 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".

17. In section 33 of the Beedi and Cigar Workers Act.

(n) 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

Amendment.  
Section 12

Amendment  
Section 33

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

(I) 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

37 of )970. 18. In section 22 of the Contract Labour (Regulation and Abolition) Act, 1970, in sub-sections (1) and (7), 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:

Anl'ndm('ntof  
"tion 22.

"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

)1 of 1976. 1,9. In section 9 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (hereafter in this Chapter referred to as the Sales Promotion Employees Act), the words and figure" or section 7" shall be omitted.

Amendment  
section 9.

Insertion of new  
section 9A.

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

Obstruction.

"9A. 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,

(n) 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,

(n) 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

## A "IENDMEI"TS TO THE EQUAL REMUNERATION ACT, 1976

25 of 1976.

21. In section 10 of the Equal Remuneration Act, 1976,

Anwdrment ..  
... (dnn In

(0) 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

(0) 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." ;

(1) 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

(0) 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

(1) 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

Amendment of  
section 24.

22. In section 24 of the Inter-State Migrant 30 of 1979. Workmen (Regulation of Employment and Conditions of Service) Act, 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

Amendment of  
section 14.

23. In section 14 of the Dock Workers (Safety, 54 of 1986. Health and Welfare) Act, 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

Amendment of  
section 14.

24. In section 14 of the Child Labour (Prohibition 61 of 1986. and Regulation) Act, 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

(17i m the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which mav 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 hut 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

27 of 1996. 25. In section 49 of the Building and Other  
Construction Workers (Regulation of Employment and  
Conditions of Service) Act, 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

(n) in the case of the first conviction, with imprisonment for a term which may extend to three months or with fine which mav 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,".

THE SCHEDULE  
[See section 8]  
THE FIRST  
SCHEDULE

[See section 2(d)]

1. The Payment of Wages Act, 1936 (4 of 1936).
2. The Weekly Holidays Act, 1942 (18 of 1942).
3. The Minimum Wages Act, 1948 (11 of 1948).
4. The Factories Act, 1948 (63 of 1948).
5. The Plantations Labour Act, 1951 (69 of 1951).
6. The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).
7. The Motor Transport Workers Act, 1961 (27 of 1961).
8. The Payment of Bonus Act, 1965(21 of 1965).
9. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966).
10. The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).
11. The Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).
12. The Equal Remuneration Act, 1976 (25 of 1976).
13. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979).
14. The Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986)
15. The Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986).
16. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996).



THE SECOND SCHEDULE

[See Section -4 (i)]

WAGE SLIPS, WAGE BOOKS AND OTHER RECORDS WHICH MAY BE MAINTAINED IN COMPUTER FLOPPIES, DISKETTES OR OTHER ELECTRONIC MEDIA

1. Wage slips prescribed in the rules made under sections 18 and 30 of the Minimum Wages Act, 1948 (11 of 1948).
2. Slips relating to measurement of the amount of work done piece-rated worker required to be issued under the rules made under sections 13 A and 26 of the Payment of Wages Act, 1936 (4 of 1936).
3. Wage Book and Service Certificate as prescribed by the rules made under section 62 of the Building and Other Construction Work (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1936).
4. Record of Eye Examination, Humidity Registers, Register of Workers employed for work on or near machinery in motion, Register containing details of Examination of Hoists and Lifts, Register Pressure Plant / Pressure Vessel Register of Examination of G Holders, Health Register, Register of Accidents and Dangerous Occurrence and other records to be maintained under the Factory Rules made under sections 12, 13, 21, 26, 28, 29, 31, 34, 35, 38, 41, 85, ~ 88A and 89 of the Factories Act, 1948 (63 of 1948).
5. Return to be submitted by the Contractor to the Licensing Officer and register of contractors to be maintained by the Principal Employer pursuant to the rules made under section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).
6. Registers prescribed by the rules made in pursuance of clause (4) section 2, sections 15, 17 and 18 of the Payment of Bonus Act, 1965 (21 of 1965).
7. Monthly return by an employer to the competent authority specifying the quantity of tobacco released by the Central Excise Department and the number of beedi and cigar or both manufactured in him and the register of work for the wetting or cutting of beedi or tobacco leaves by employees outside the industrial premises prescribed by the rules made under section 44 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966).
8. Register of periodical test and examination and certificates thereof to be maintained under Regulations 41, 47, 49 and 51 of the Dock Workers (Safety, Health and Welfare) Regulations, 1990 made under section 21 of the Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986).

THE THIRD SCHEDULE  
[See section 2 (c)]

FORM I [See section 4(1)]

ANNUAL RETURN

(To be furnished to the Inspector or the authority specified for this purpose under the respective Scheduled Act before the 31st January of the following year)

(ending 31st December)

1. Name of the establishment, its postal address, telephone number, FAX number, e-mail address and location
  
2. Name and postal address of the employer
  
3. Name and address of principal employer, if the employer is a contractor
  4. Name of the Manager responsible for supervision and control
    - (i) Name of business, industry, trade or occupation carried on by the employer
    - (ii) Date of commencement of the business, industry, trade or occupation
  
5. Employer's number under Employees State Insurance/  
Employees Provident Fund/Welfare Fund/PAN No., if any\_
  
6. Maximum number of workers employed on any day during the year to which this return relates to:

Category	High Skilled	Skilled	Semi-skilled	Un-skilled
----------	--------------	---------	--------------	------------

Male

Female

Children (those who have not completed 18 years of age)

Total

7. Average number of workers employed during the year. 8. Total number of mandays worked during the year.

9. Number of workers during the year

(a) Retrenched

(b) Resigned (c)

Terminated

10. Retrenchment compensation and terminal benefits paid (provide information completely in respect of each worker) \_

11. Mandays lost during the year on account of

(a) Strike

(b) Lockout

(c) Fatal accidents

(d) Non-fatal accidents

12. Reasons for strike or lockout

13. Total wages paid (wages and overtime to be shown separately)

14. Total amount of deductions from wages made: 15.

Number of accidents during the year:

Reported to Inspector of  
Factories/Dock Safety

Reported to  
Employees'  
State  
Insurance  
Corporation

Reported to Workmen's Othe  
Compensation  
Commissioner

Fatal Non-  
fatal

16. Compensation paid under the Workmen's Compensation AI 1923 (8 of 1923) during the year\_ \_\_\_\_

(i) Fatal accidents

(ii) Non-fatal accidents

17. Bonus\*

(a) Number of employees eligible for bonus:

- (b) Percentage of bonus declared and number of employees who were paid bonus:
- (c) Amount payable as bonus:
- (d) Total amount of bonus actually paid and date of payment:

Signature of the Manager/Employer  
with full name in capital letters

Place:

Date:

ANNEXURE TO FORM 1\*

Name and address of the Contractor	Period of contract From to	Nature of work	Maximum Number of number of days worked workers employed by each contractor		Number of mandays worked
1	2	3	4	5	6

\*Delete, if not applicable.

FORM II [See  
section 4(1)]

REG/STER OF PERSONS EMPLOYED-CUM-EMPLOYMENT

CARD

Name of the establishment, address, telephone number, FAX.  
number and e-mail address \_\_ \_\_\_\_\_

Location of work \_\_  
Name and address of Principal Employer if the employer is a Contractor-----

1. Name of workman/ employee 2.

Father's/Husband's name 3. Address

(i) Present

(ii) Permanent

4. Name and address of the nominee/next-of-kin

5. Designation/Category \_\_ \_\_\_\_\_

6. Date of Birth/ Age

7. Educational qualifications

8. Date of entry

9. Worker's ID No./ESI/EPF/L.W.F. No.

10. If the employed person is below 14 years, whether a certificate of  
age is maintained

11. Sex: Male or Female

12. Nationality

13. Date of termination of employment with reason

14. Signatures/ thumb impression of worker/employee

15. Signature of the employer / Authorised officer with designation ,

Signature of the Contract  
authorised representative  
of the Principal Employer:

FORM III  
[See proviso section 4 (1)]  
MUSTER ROLL-CUM-WAGE REGISTER

Name of the Establishment and address

Location of work

Name and address of Employer \_\_\_\_\_

Serial number	Name of the worker (ID No. if any/ and father's husband's name	Designation/ category / nature of work performed	Attendance (Dates of the month 1,2,.. to 31)	Leave due (Earned leave and other kinds of admissible leave)	Leave availed (Specify)	Wage rate/ payor piece rate/wages per unit	Other allowances, e.g. (a) Dearness Allowance (b) House Rent Allowance (d) Night Allowances (d) Displacement Allowance (e) Outward Journey Allowance
	10	11	12	13	14	15	16
Overtime worked number of hours in the month	Amount of overtime wages	Amount of advance and purpose of advance	Total/ gross earnings	Dp.uctions e.g. (a) Provident Fund (b) Advance (d) Employees' State Insurance (d) Other amount	Net amount payable (1 2 13)	Signature/ receipt of wages! allowances for column number 14	Remarks

Certificate by the Principal Employer This is to certify that the employer is a contractor, certify that the contractor shown in this register. has paid wages to workmen employed by him as

(d)  
(d)

Signature of Principal Employer/ Authorised Representative of Principal Employer

## STATEMENT OF OBJECTS AND REASONS

Parliament enacted from time to time a number of labour laws for regulating employment and conditions of service of workers. Whenever a new law was enacted, it prescribed certain registers to be maintained by the employers. Simultaneously, the laws also prescribed for furnishing of returns of various details by the employers to the concerned enforcing authorities. Over the years, the number of such registers to be maintained and the returns to be furnished by the employers under different labour laws has increased considerably. The (Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain establishments) Act, 1988 was enacted to provide for the (exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws. Small establishments were exempted from furnishing returns and maintaining registers under certain enactments mentioned in the first Schedule to the Act and instead they were required to furnish returns and maintain registers in the forms set out in the Second Schedule to the Act. However, over the years there have been persistent demand from various quarters to simplify the forms of various returns to be furnished and registers to be maintained by the employers under different labour laws. The Second National Commission on Labour has also recommended for simplification of the forms of returns and registers and extending them to all establishments irrespective of the number of employees. Accordingly, in line with the recommendations of the Second National Commission on Labour and to meet the demand from various quarters the Central Government constituted a Working Group to study and suggest the simplification of the forms and registers.

2. After considering the recommendations of the Working Group, it has been decided to amend the Act, inter-alia, to provide for the following:

(1) to simplify and rationalise the forms and registers specified in the Second Schedule to Act;

(2) to extend the applicability of the Act to establishments in which not more than 500 persons are employed or were employed on any day of the preceding twelve months and also to empower the Central Government to extend the applicability of the Act to establishments employing more than 500 persons by notification in the Official Gazette;

(3) to design computer-based forms and make provisions for transmitting the returns electronically;

(4) to amend the First Schedule to the Act (which specifies nine enactments) including therein seven more enactments so that the employers covered under all those sixteen enactments need to furnish or maintain only the common forms of returns or registers specified in the proposed Second and Third Schedules to the Act instead of under the individual Scheduled Acts;

(5) to prescribe penalties on a uniform basis for obstructions and non-maintenance of records and registers through amendments in all the sixteen enactments listed in the First Schedule to the Act except in case of the Payment of Wages Act, 1936 as a separate amending legislation in respect of the same is being considered by Parliament.

3. The Bill seeks to achieve the above objects. The notes on clauses explain the various provisions contained in the Bill.

K. CHANDRASEKHARA RAG

NEW DELHI;  
*The 1st August, 2005.*



*Notes on clauses*

*Clause 1.* - This clause provides for the short title and commencement of the proposed legislation. In order to enable the Central Government to take necessary steps for administrative preparedness, sub-clause (2) seeks to empower the Central Government to appoint, by notification in the Official Gazette, the date of commencement of the Bill, when enacted.

*Clause 2.* - The long title of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 clearly indicates the fact of exemption of employers in relation of establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws. It is proposed to amplify the scope of applicability of the Act to establishments employing not more than five hundred persons. It is also proposed to empower the Central Government to alter the said upper limit. It is accordingly, proposed to amend the long title of the Act *vide* clause 2 of the Bill.

*Clause 3.* - Sub-clause (1) of this clause seeks to insert a new section I A in the Act providing for the application of the Act. Subsection (1) of the proposed new section IA provides that the provisions of the Act would be applicable to establishments, which are employing or employed not more than five hundred persons on any day of the preceding twelve months from the reckoning date. Sub-clause (2) seeks to empower the Central Government to extend the provisions of the Act. by notification in the Official Gazette, to establishments employing more than five hundred workers on any day of the preceding twelve months from the reckoning date.

*Clause 4.* - This clause *inter alia* seeks to define the expressions "inspector" and " other establishment". It is proposed to clarify that the word "inspector" used in the Act shall refer to the inspector appointed by the appropriate Government under the relevant provisions of the concerned Scheduled Act. This definition is on the lines of the provisions of other labour laws.

*Clause 5.* - This clause seeks to substitute section 4 of the Act relating to exemption from returns and registers required under certain labour laws and also to insert a new section 4A in the Act relating to exemption from the requirement of displaying of abstracts of Acts and rules at work premises.

As per sub-section (1) of the proposed new Section 4, the employer of small and other establishments to which the Act applies is required to furnish, instead of furnishing returns under the Scheduled Acts, annual return in Form-I appended to the Third Schedule to the Act. Similarly they are required to maintain only a register of persons employed-cumemployment card in Form-II and a consolidated muster roll-cum-wage register in Form-III appended to the Third Schedule to the Act instead of various registers to be maintained under the Scheduled Acts. However, the employers of other establishments, *i.e.* establishments employing not less than twenty persons are required to continue to maintain wage books and issue wage slips and employment cards and other records enumerated in the Second Schedule. This will simplify the procedure and reduce the number of registers which the employers are required to maintain.

As per sub-section (2) of the proposed new section 4, the employers can maintain annual returns in Form-I and the registers in Forms-II and III and wage slips, wage books and other records in computers, computer floppies, diskette or other electronic media. However, the employer shall be required to give print outs to the inspector on demand.

Sub-section (3) of the proposed new section 4 seeks to apply the procedure laid down under the relevant Scheduled Act in the case of furnishing of returns and maintaining of registers under the Act.

Sub-section (5) of the proposed new section 4 seeks to provide and clarify that the employer who furnishes the returns and maintains the registers under the Act shall not be punished for non-furnishing of such returns and non-maintenance of such registers under the Scheduled Acts.

The proposed new section 4A seeks to exempt the employers of establishments to which the Scheduled Acts apply, from displaying abstracts of Acts and rules framed under those Acts.

*Clause 6.* - This clause seeks to amend section 6 of the Act relating to penalty. It is observed that the penalty provided in the Act is not stringent or adequate enough for deterrent effect. It is, therefore, proposed to enhance the penalty for first conviction from " five thousand rupees", as at present, to "imprisonment, which may extend to three months or with fine which may extend to ten thousand rupees or with both".

*Clause 7.* - This clause seeks to substitute sections 7 and 8 of the Act. The proposed new section 7 empowers the Central Government to

.amend, the notification in the Official Gazette any Schedule to the Act. However, every notification issued under this section is required to be laid before each House of Parliament.

The proposed new section 8 empowers the appropriate Government or any authority duly authorised by such Government to exempt, by order, any establishment from the requirement of maintenance of any register or record if it is satisfied that suitable alternative arrangement has been introduced. The Explanation to this clause clarifies that "appropriate Government", in relation to an establishment under the control of the Central Government or a railway administration or major port or mine or oil field means the Central Government and in other cases, the State Government.

*Clause' 8.* - This clause seeks to revise the existing two Schedules of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 in the following manner:

(i) The First Schedule contains the names of the sixteen Scheduled Acts as against nine enactments as at present. The enactments now proposed to be added to the First Schedule are (i) the Motor Transport Workers Act, 1961, (ii) the Payment of Bonus Act, 1965, (iii) the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, (iv) the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, (v) the Dock Workers (Safety, Health and Welfare) Act, 1986, (vi) the Child Labour (Prohibition and Regulation) Act, 1986 and (vii) the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

(ii) The Second Schedule contains the details of those additional records, which will be maintained by the employers of other establishments, in different circumstances, in addition to those prescribed under the Third Schedule.

(iii) At present, the forms are now appended to the Second Schedule to the Act. It is proposed to revise the Forms and put them under the proposed Third Schedule.

*Clauses 9 to 24.* - One of the recommendations of the Second National Commission on Labour has been that the penalties prescribed under the different Labour laws should be enhanced to make them at par with those prescribed in the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act,

1988. Recently, the Department Related Parliamentary Standing Committee on Labour and Welfare, while examining the Payment of Wages (Amendment) Bill, 2002, also observed that the penalties and fines should be made more stringent in order to have a deterrent effect on those who violate the laws. It is, accordingly, proposed that the penalties for obstructions and non-maintenance of the records may be prescribed on a uniform basis in all the Scheduled Acts so that penalties for non-maintenance of records are uniform in the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 as well as in the Scheduled Acts. In case of a second or any subsequent conviction, penalty at a higher rate is proposed to be prescribed so that there is no apathy on the part of the employer to maintain registers or furnish returns as required by the law.

It is proposed that the penalty for a second or any subsequent conviction shall be imprisonment for a term, which shall not be less than one month, and may extend to six months or fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees, or with both. It is, therefore, proposed to lay down a uniform scale of penalty by amending all the Scheduled Acts, except the Payment of Wages Act, 1936 in respect of which separate legislation has been considered. Accordingly

(i) clause 9 of the Bill seeks to substitute section 9 relating to penalties of the Weekly Holidays Act, 1942;

(ii) clause 10 of the Bill seeks to substitute section 22A relating to general provisions for punishment of other offences of the Minimum Wages Act, 1948;

(iii) clause 11 of the Bill seeks to amend section 95 relating to penalty for obstructing inspector of the Factories Act, 1948;

(iv) clause 12 of the Bill seeks to amend section 33 relating to obstruction of the Plantations Labour Act, 1951;

(v) clause 13 of the Bill seeks to amend section 18 relating to penalty of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955;

(vi) clause 14 of the Bill seeks to amend section 29 relating to obstructions of the Motor Transport Workers Act, 1961;

(vii) clause 15 of the Bill seeks to amend section 28 relating to penalty of the Payment of Bonus Act, 1965;

*(viii)* clauses 16 and 17 of the Bill seek to amend sections 32 relating to penalty for obstructing inspector and 33 relating to general penalty for offence, respectively, of the Beedi and Cigar Workers (Condition of Employment) Act, 1966;

*(ix)* clause 18 seeks to amend section 22 relating to obstructions of the Contract Labour (Regulation and Abolition) Act, 1970;

*(x)* clause 19 of the Bill seeks to amend section 9 relating to penalty of the Sales Promotion Employees (Conditions of Service) Act, 1976 and clause 20 thereof seeks to insert a new section 9A relating to obstructions;

*(xi)* clause 21 seeks to amend section 10 relating to penalties of the Equal Remuneration Act, 1976;

*(xii)* clause 22 seeks to amend section 24 relating to obstructions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1996;

*(xiii)* clause 23 of the Bill seeks to amend section 14 relating to penalties of the Dock Workers (Safety, Health and Welfare) Act, 1986;

*(xiv)* clause 24 of the Bill seeks to amend section 14 relating to penalties of the Child Labour (Prohibition and Regulation) Act, 1986; and

*(XV)* clause 25 of the Bill seeks to amend section 49 relating to penalty for obstructions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill, *inter alia*, seeks to substitute section 7 of the Labour Laws (Exemption from Furnishing Returns and Maintaining of Registers by certain Establishments) Act, 1988 relating to power of Central Government to amend the Schedules. Sub-section (1) of the proposed new section 7 seeks to empower the Central Government to amend, by notification in the Official Gazette, any Schedule to the Act. Sub-section (2) of the said section requires that every notification issued under sub-section (1) shall be required to be laid before each House of Parliament.

2. The aforesaid matter relates to procedure of an administrative detail and it is not practicable to provide for it in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE LABOUR LAWS (EXEMPTION FROM  
FURNISHING RETURNS AND MAINTAINING REGISTERS BY  
CERTAIN ESTABLISHMENTS) ACT, 1988 (51 OF 1988)

An Act to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws.

2. In this Act, unless the context otherwise requires,

**Definition!-t.**

(c) "Form" means a Form specified in the Second Schedule;

(f) "small establishment" means an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months;

(j) "very small establishment" means an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months.

4. (1) On and from the commencement of this Act, it shall not be necessary for an employer in relation to any small establishment or very small 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:

**Exemption from  
returns and  
Registers  
required under  
ertain labour laws.**

Provided that such employer

(a) furnishes, in lieu of such returns, a Core Returns in Form A;

(b) maintains, in lieu of such registers,

(i) registers in Form B, Form C and Form D, in the case of small establishments; and

(ii) register in Form E, in the case of very small establishments:

Provided further that every such employer shall continue to

(a) issue wage slips in the Form prescribed in the Minimum Wages (Central) Rules, 1950 made under sections 18 and 30 of the Minimum

Wages Act, 1948 and slips relating to 11 of 1948.

measurement of the amount of work done by piece-rated workers required to be issued under the Payment of Wages (Mines) Rules, 1956 made under sections 13A and 26 of the Payment of

Wages Act, 1936; and

4 of

1936.

(b) file returns relating to accidents under sections 88 and 88A of the Factories Act, 1948

and sections 32A and 32B of the Plantations 63 of 1948.

Labour Act, 1951.

69 of

(2) 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.

(3) Where an employer in relation to a small establishment or very small establishment to which a Scheduled Act applies, furnishes returns or maintains the registers as provided in the proviso to sub-section-(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.



6. Any employer who fails to comply with the on provisions of this Act shall, punishable conviction, be

(1) in the case of the first conviction, with fine which may extend to rupees five thousand; and

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

Power to  
amend form

(2) Any notification issued under sub-section (1) shall be laid before each House of Parliament, if it is sitting as soon as may be after the issue of the notification, and if it is not sitting; within seven days of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People, and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Power to  
remove  
difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

FIRST SCHEDULE

[See section 2(d)]

- (1) The Payment of Wages Act, 1936 (4 of 1936). (2) The Weekly Holidays Act, 1942 (18 of 1942). (3) The Minimum Wages Act, 1948 (11 of 1948).
- (4) The Factories Act, 1948 (63 of 1948).
- (5) The Plantations Labour Act, 1951 (69 of 1951).
- (6) The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).
- (7) The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970)
- (8) The Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).
- (9) The Equal Remuneration Act, 1976 (25 of 1976).

SECOND SCHEDULE

[See section 2(c)]

FORM A

[See Section 4 (1) proviso (a)]

CORE RETURNS

RETURN FOR THE YEAR ENDING 31 DECEMBER

*(To be furnished on or before the 15<sup>th</sup> February of the succeeding year by small establishments and very small establishments)*

1. (a) Name and postal address of the establishment. (b)

Name and residential address of the employer.

(c) Name and residential address of the Manager or person responsible for supervision and control of the establishment.

(d) Name of the principal employer in the case of a contractor's establishment.

(e) Date and postal address of the establishment

NATURE OF OPERATION/INDUSTRY/WORK CARRIED ON

2. (a) Number of days worked during the year.

(b) Number of mandays worked during the year.

(c) Daily hours of work.

(d) Day of weekly holiday.

3. (a) Average number of persons employed during the year. (i) Males.

(ii) Females.

(iii) Adolescents (those who have completed 14 years have not completed 18 years of age).

(iv) Children (those who have not completed 14 years of age)

(b) Maximum number of workers employed on, any day during year.

(c) Number of workers discharged, dismissed, retrenched or whose services were terminated during the year.

4. Rates of wages-categorywise.

(1) Males (2) Females (3) Adolescents (4) Children

5. Gross Wages paid:

(a) in cash.

(b) in kind.

6. Deductions:

(a) Fines.

(b) Deductions for damage or loss. (c)

Other deductions.

7. Number of workers who were granted leave with wages during the year.

8. Nature of Welfare amenities provided: Statutory (specify the Statute).

9. Does the establishment carry out any hazardous process or dangerous operation coming within the meaning of the Factories Act, 1948. If so, give particulars.

10. Number of Accidents:

(a) Fatal.

(b) Non-fatal.

11. Nature of safety measures provided as required under the Factories Act, 1948.

Signature of the employer with full name in: capitals.

Date. ....

Place .....

FORM B

See section 4(1) proviso (b)(i)

REGISTER OF WAGES REQUIRED TO BE MAINTAINED BY SMALL ESTABLISHMENTS

(To be maintained within seven days of the expiry of the wage period)

Name of Establishment \_\_\_\_\_  
Address (Local) \_\_\_\_\_

Name and address of employer \_\_\_\_\_  
Nature of work \_\_\_\_\_

(Form A)

Wage period

S.No. of the Establishment	Classification	Father's or husband's name	Total days	Wages earned	Basic	Dearness Allowance	Overtime	Bonus	Gratuity	Retirement benefits	Other	Total
10			11	12	13	14	15	16	17	18	19	20

Wage period	Total amount	Advances	Fines due to damage or loss	Provident Fund	Employees' Provident Fund	Other deductions	Net payable	Signatures	Remarks
21	22	23	24	25	26	27	28	29	30

- Notes: 1. In case of deduction of any advance taken by an employee, the employer shall also indicate therein the number of instalments paid/ total instalments by which advance is to be paid such as "5/20, 6/20", etc. The purpose of advance shall also be mentioned in the Remarks column.
2. In case of imposition of fines or deduction for damage or loss, the specific act or omission which the penalty has been imposed has to be indicated in the Remarks column. A certificate shall also be recorded in the said column to the effect that an opportunity to show cause was given to the employee concerned before imposition of fine or deduction.

Signature of the employer with full name in capitals.

Date: .....

Place: .....

**FORM C**

[See section 4(1) proviso (b)(i)]

MUSTER ROLL TO BE MAINTAINED BY SMALL ESTABLISHMENTS

Name of establishment Name and address of employer

Address (Local) Nature of work

(Permanent)				Wage period			
Serial Number	Name of the employe	Date of employment	Permanent address	Age or date of birth	Father's or husband's name	For the period ending..... Number of units of work done during.....	Total aU.n- dance
2	3	4	5	6	7	8	

Total overtime worked	Total production in case of piece-rated workers	Compensatory rest		Signature of Inspector with date	Remarks
		Brought forward from previous wage period	Given during the wage period		
9	10	11	12	13	14

- Notes :
1. In the case of daily-rated workers, the extent of overtime done on each occasion has to be reflected against each concerned date, such as "P/1" meaning "Present with one hour's overtime," "P/1-2" meaning "Present with one and a half hour's overtime", and so on.
  2. The number of units of work done by a piece-rated worker has to be noted for each day in the Register. In case of employment of any child/adolescent, the employer shall indicate the hours worked each day with intervals of rest.
  3. The compensatory rest availed by the worker has to be marked in the Register in red ink as 'CR'.
  4. Column 7 to be filled up on each working day and the remaining columns to be completed within seven days of the expiry of the wage period.

Signature of the employer with full name in capitals.

Date.....

Place.....

FORM (D)

[See section 4(1) proviso (1) (i) I

REGISTRATION OF EMPLOYERS UNDER THE EMPLOYMENT SECURITY ACT, 1948

EMPLOYMENT SECURITY - 1F-TS

Name and Address of the employer	Address of the establishment Local/Permanent	For the month of.....
S. No. of the	1. Name of the establishment 2. Nature of the business	1. Name of the establishment 2. Nature of the business

Signature of the Employer	Signature of the Authorized Officer	Signature of the Inspector	Signature of the Inspector	Signature of the Inspector
11	11	12	15	15

Not to be filled within seven days of the expiry of the calendar month.

Signature of the Employer with full name in capitals.

Date.....

Place.....

## FORM E

[See section 4(1) proviso (b)(ii)]

MONTHLY REGISTER OF MUSTER ROLL-CUM-WAGES REQUIRED TO BE  
MAINTAINED BY VERY SMALL ESTABLISHMENTS

Year .....

Month ..... or  
wage period  
(Where different) .....

Name of establishment ..... Name of  
employee ..... Nature of work ..... Father's name ..... Rate of  
..... Wage period ..... wages ..... Date of  
..... employment .....

Meal	From	To	Hours of work Rest	Intervallor and	work< i with the emp- loyer	Hours worked	Overtime Hours	Casual Wages ness leave availed during the month/ wage period	Privilege leave due	Leave availed	Signature of the employer	Remarks of the employer

Remuneration Due				Deductio ns			Net amount payment	Date of payment	Signature or thumb of Inspec- tor with signature of the employee if any, and dale			
Basic Overtime salar) or wage	Other allowance s, ifan)	Total	Fines and deductions on aC\{}unt of damage or loss by neglect or default	Other deduc- tions	Advance paid if, anv Dale Amount Total	ci payment						
15	16	17	18	19	20	21	22	23	24	25	26	27

Note: Columns 1 to 12 to be filled up on each working day and the remaining columns to be completed within seven days of the expiry of the wage period.

Signature of the employer with full name in capitals.

Signature.....

Place.....



EXTRACTS FROM THE WEEKLY HOLIDAYS ACT, 1942

(18 OF 1942)

9. In the event of any contravention of the provisions of section 3, of section 4, of a requirement imposed by notification under sub-section (1) of section 5, of section 6, or of the rules made under clause (C) of sub-section 2 of section 10, 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 twenty-five rupees, and, in the case of a second offence or subsequent offence, to two hundred and fifty rupees.

EXTRACT FROM THE MINIMUM WAGES ACT, 1948 (11 OF

1948)

22A. 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 with fine which may extend to five hundred rupees.

(General provision for punishment of other offences)

\* \* \* \* \*

---"

EXTRACT FROM THE FACTORIES ACT, 1948

(63 OF 1948)

\* \* \* \* \*

95. Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or of any rules made thereunder or conceals or prevents any worker in a factory from appearing before, or being examined by, an Inspector, shall be punishable with imprisonment for a term which

Penalty for obstructing Inspector

may extend to six months or with fine which may extend ten thousand rupees or with both.

EXTRACT FROM THE PLANTATIONS LABOUR ACT, 1951 (69 OF 1951)

### CHAPTER VII

#### PENALTIES AND PROCEDURE

Obstruction.

33. (1) 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, examination or inquiry authorised by or under this Act in relation to any plantation, 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.

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevent 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 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.

EXTRACT FROM THE WORKING JOURNALISTS AND OTHER NEWSPAPER EMPLOYEES (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 1955

(45 OF 1955)

Penalty.

18. (1) If any employer contravenes any of the provisions of this Act or any rule or order made

thereunder, he shall be punishable with fine which may extend to two hundred rupees.

(1A) Whoever, having been convicted of any offence under this Act, is again convicted of any offence involving the contravention of the same provision, shall be punishable with fine which may extend to five hundred rupees.

EXTRACT FROM THE MOTOR TRANSPORT WORKERS Act, 1961 (27 OF 1961)

## CHAPTER VIII

### PENALTIES AND PROCEDURE

29. (1) \*

\* (Jbstrudion....

(2) Whoever wilfully refuses to produce on the demand of any 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 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.

Extract from the Payment of Bonus Act, 1965 (21  
OF 1965)

28. If any person

Pendltv

(n) Contravenes any of the provisions of this Act  
or any rule made thereunder;  
or

(b) to whom a direction is given or a requisition is made under this Act fails to comply with the direction or requisition, he shall 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.

EXTRACTS FROM THE BEEDI AND CIGAR WORKERS  
(CONDITIONS OF EMPLOYMENT) ACT, 1966

(32 OF 1966)

Penalty for  
obstructing  
Inspector.

32. Whoever obstructs the Chief Inspector or an Inspector in the exercise of any powers conferred on him by or under this Act, or fails to produce on demand by the Chief Inspector or an Inspector any register or other document kept in his custody in pursuance of this Act or of any rules made thereunder, or conceals or prevents any employee in an industrial premises from appearing before or being examined by the Chief Inspector or an Inspector 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.

GCI11,,,,,1 penalty  
for offence,

33. (1) Save as otherwise expressly provided in this Act, any person who contravenes any of the provisions of this Act or of any rule made thereunder, or fails to pay wages or compensations in accordance with any order of the appellate authority passed under clause (b) of subsection (2) of section 31, shall, be punishable, for the first offence, 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.

(2) (a) Any employer who fails to reinstate any employee in accordance with the order of the appellate authority passed under clause (b) of sub-section (2) of section 31, shall be punishable with fine which may extend to two hundred and fifty rupees.

(h) Any employer, who, after having been convicted under clause (n), continues, after the date of such conviction, to fail to reinstate an employee in accordance with the order mentioned in that clause, shall be punishable, for each day of such default, with fine which may extend to twenty rupees.

EXTRACT FROM THE CONTRACT LABOUR  
(REGULATION AND ABOLITION) ACT, 1970  
(37 OF 1970)

CHAPTER VI

PENALTIES AND PROCEDURE

22. (1) Whoever obstructs an inspector in the discharge of his discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination, 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 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.

(2) Whoever 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 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.

EXTRACT FROM THE SALES PROMOTION EMPLOYEES (CONDITIONS  
OF SERVICE) ACT, 1976 (11 OF 1976)

Penalty.

9. If any employer contravenes the provisions of section 4 or section 5 or section 7 or any rules made under this Act, he shall be punishable with fine which may extend to one thousand rupees.

EXTRACT FROM THE EQUAL REMUNERATION ACT, 1976 (25 OF  
1976)

Penalties.

**10. (1)** If after the commencement of this Act, any employer, being required by or under the Act, so to do

(a) omits or fails to maintain any register or other document in relation to workers employed by him, or

(b) omits or fails to produce any register, muster-roll or other document relating to the employment of workers, or

(c) omits or refuses to give any evidence or prevents his agent, servant, or any other person in charge of the establishment, or any worker, from giving evidence, or

(d) omits or refuses to give any information,

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.

(3) If any person being required so to do, omits or refuses to produce to an Inspector any register or other document or to give any information, he shall be punishable with fine which may extend to five hundred rupees.

EXTRACT FROM THE INTER-STATE MIGRANT WORKMEN  
(REGULATIONS OF EMPLOYMENT AND CONDITION OF SERVICE)  
ACT, 1979 (30 OF 1979)

24. (1) Whoever obstructs an inspector or a person appointed under sub-section (3) of section 20 (hereinafter referred to as the authorised person) in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector or authorised person any reasonable facility for making any inspection, examination, 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 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.

(2) Whoever wilfully refuses to produce on the demand of any inspector or authorised person 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 any inspector or authorised person acting in pursuance of his duties under this Act, 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

EXTRACT FROM THE DOCK WORKERS (SAFETY, HEALTH AND  
WELFARE) ACT, 1986 (54 OF 1986)

14. (1) Whoever,

(n) wilfully obstructs an Inspector in exercise of any power conferred by or under this Act or fails to produce on demand by an Inspector any register or other documents kept in pursuance of the regulations or otherwise in connection with any

Penalties.

dock work or conceals or prevents or attempts to prevent any person from appearing before, or being examined by, an Inspector; or

(b) unless duly authorised or in case of necessity, removes any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing required to be provided by, or under, the regulations; or

(c) having in case of necessity removed any such fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary, shall be punishable with imprisonment for a term which may extend to six months, or with the fine which may extend to five thousand rupees, or with both.

“ “ “ “ “

EXTRACT FROM THE CHILD LABOUR (PROHIBITION AND  
REGULATION) ACT, 1986

(61 OF 1986)

“ “ “ “ “

PART IV

MISCELLANEOUS

“ “ “ “ “

Penalties.

14. (1) \*

(3) Whoever

(a) fails to give notice as required by section 9; or

(b) fails to maintain a register as required by section 11 or makes any false entry in any such register; or

(c) fails to display a notice containing an abstract of section 3 and this section as required by section 12; or

(d) fails to comply with or contravenes any other provisions of this Act or the rules made thereunder,



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.

EXTRACT FROM THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITION OF SERVICE) ACT, 1996

(27 m 1996)

49. (1) 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, examination, inquiry or investigation authorised by or under this Act in relation to an establishment 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.

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obstrLh:til)lb.

(2) Whoever 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 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.

**ANNEXURE-II**

**MINUTES OF THE FOURTH SITTING OF THE STANDING COMMITTEE ON LABOUR  
(2005-2006) HELD ON WEDNESDAY, 5 OCTOBER 2005.**

The Committee met from 1100 to 1430 hours in Room No. '139', Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Suravaram Sudhakar Reddy – CHAIRMAN**

**MEMBERS**

**LOK SABHA**

2. Shri Furkan Ansari
3. Shri Joachim Baxla
4. Shri Santasri Chatterjee
5. Shri Sukhdev Singh Dhindsa
6. Dr. Satyanarayan Jatiya
7. Shri Virendra Kumar
8. Smt. Sushila Kerketta
9. Shri Chandradev Prasad Rajbhar
10. Shri Mohan Rawale
11. Dr. Dhan Singh Rawat
12. Shri Chandra Pratap Singh
13. Smt. C.S. Sujatha

**RAJYA SABHA**

14. Shri Lekhraj Bachani
15. Ms. Pramila Bohidar
16. Shri Rudra Narayan Pany

**SECRETARIAT**

- |                     |   |                    |
|---------------------|---|--------------------|
| 1. Shri N.K. Sapra  | - | Joint Secretary    |
| 2. Shri R.S. Misra  | - | Deputy Secretary   |
| 3. Shri N.K. Pandey | - | Under Secretary    |
| 4. Shri S.K. Saxena | - | Assistant Director |

**I. REPRESENTATIVES OF THE MINISTRY OF LABOUR & EMPLOYMENT**

<b>Sl.No.</b>	<b>Name of the Officer</b>	<b>Designation</b>
<b>1.</b>	<b>Shri K.M. Sahni</b>	<b>Secretary (L&amp;E)</b>
<b>2.</b>	<b>Shri J.P. Singh</b>	<b>Additional Secretary (L&amp;E)</b>
<b>3.</b>	<b>Dr. H.N. Gupta</b>	<b>Labour &amp; Employment Adviser</b>
<b>4.</b>	<b>Smt. Rama Murali</b>	<b>Financial Adviser (L&amp;E)</b>
<b>5.</b>	<b>Shri K. Chandramouli</b>	<b>Joint Secretary</b>
<b>6.</b>	<b>Shri J.P. Pati</b>	<b>Joint Secretary</b>
<b>7.</b>	<b>Shri Manohar Lal</b>	<b>Joint Secretary (DGLW)</b>
<b>8.</b>	<b>Shri K.K. Mittal</b>	<b>Joint Secretary (DGE&amp;T)</b>
<b>9.</b>	<b>Shri Uday Kumar Verma</b>	<b>Director (V.V. Giri NLI)</b>
<b>10.</b>	<b>Shri S.K.Mukhopadhyay</b>	<b>Chief Labour Commissioner (Central)</b>
<b>11.</b>	<b>Dr. Ashok Sahu</b>	<b>Economic Adviser</b>
<b>12.</b>	<b>Dr. Harcharan Singh</b>	<b>Director</b>

**II REPRESENTATIVES OF THE MINISTRY OF LAW & JUSTICE**

<b>1.</b>	<b>Shri S.R. Dhaleta</b>	<b>Joint Secretary &amp; Legislative Counsel</b>
<b>2.</b>	<b>Shri R. Sreenivas</b>	<b>Additional Legislative Counsel</b>

2. At the outset, the Hon'ble Chairman welcomed the Members and officials of the Ministry of Labour and Employment and the Ministry of Law and Justice (Legislative Department) to the sitting of the Committee. He apprised them about "The Labour Laws (Exemption for Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005" which was introduced in Rajya Sabha on 22 August 2005 and was referred to the Committee by Hon'ble Speaker for examination and report within three months from the date of reference, i.e. 30 August 2005 in terms of Rule 331 E of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. Labour Secretary, while explaining the salient features of the proposed amendments in the Bill, inter-alia informed the Committee as under:-

- (1) The Act would be applicable to establishments employing upto 500 workers from the present level of 19;

- (2) The Central Government would be empowered to extend applicability of the Act, if need arises, to establishments employing more than 500 workers by way of notification;
- (3) All establishments are required to maintain only two registers (register of persons employed-cum-employment card and consolidated muster role-cum-wage register) and furnish one annual return.
- (4) Registers/records could be maintained in computers, floppy, diskette or other electronic media and return submitted through E-mail.
- (5) Employers would be exempted from displaying abstracts of the Acts and rules framed under the Scheduled Acts.
- (6) To increase the penalty in a uniform manner in all the Scheduled Acts (except the Payment of Wages Act, 1936).

[The Committee adjourned for Tea-Break at 1210 hrs. and reassembled at 1225 hrs.]

4. Thereafter, Labour Secretary briefed on the subject "Making Labour Markets Flexible". He informed the Committee that the main focus is on job creation. He also suggested the amendments in the Contract Labour (Regulation and Abolition) Act, 1970 and in the Industrial Disputes Act, 1947.

5. Members were, however, of the view that nothing could be suggested *suo-motu* on the proposed Labour Reforms in the country unless the same is referred to by Hon'ble Speaker, Lok Sabha to them for examination and report.

**( The witnesses then withdrew)**

A verbatim record of the evidence was kept.

6. Hon'ble Chairman then apprised the Members about the postponement of proposed tour of the Standing Committee to Kolkata, Chennai and Hyderabad which was scheduled to commence on 17 October 2005.

7. The Committee, thereafter, decided to meet again on 18 October 2005 to have general discussion on the provisions of the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005. Members were also informed that they might send their suggestions/amendments, if any, on the proposed Bill by 14 October 2005.

8. The Committee then adjourned to meet again at 1100 hrs. on Thursday 6 October 2005 to have a briefing by the representatives of the Ministry of Textiles on “The Central Silk Board (Amendment) Bill, 2005.

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**MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON LABOUR  
(2005-2006) HELD ON TUESDAY, 18 OCTOBER 2005.**

The Committee met from 1100 to 1400 hours in Committee Room `B', Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Suravaram Sudhakar Reddy – CHAIRMAN**

**MEMBERS**

**LOK SABHA**

2. Shri Furkan Ansari
3. Shri Joachim Baxla
4. Shri Santasri Chatterjee
5. Shri Thawar Chand Gehlot
6. Dr. Satyanarayan Jatiya
7. Shri Virendra Kumar
8. Shri Ananta Nayak
9. Shri Chandradev Prasad Rajbhar
10. Shri Chandra Pratap Singh
11. Smt. C.S. Sujatha

**RAJYA SABHA**

12. Shri Jayanta Bhattacharya
13. Ms. Pramila Bohidar
14. Shri Rudra Narayan Pany

**SECRETARIAT**

1. Shri N.K. Sapra - Joint Secretary
2. Shri R.S. Misra - Deputy Secretary
3. Shri N.K. Pandey - Under Secretary
4. Shri S.K. Saxena - Assistant Director

2. At the outset, the Hon'ble Chairman welcomed the Members to the sitting of the Committee and apprised them that (i) "The Labour Laws (Exemption for Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005" and (ii) "The Central Silk Board (Amendment) Bill, 2005" have been referred to the Standing Committee on Labour by Hon'ble Speaker for examination and report within three months from the date of reference i.e. 30 August and 12 September 2005 respectively of rule 331E of the Rule of Procedure and Conduct of Business in Lok Sabha.

3. The Committee then took up "The Labour Laws (Exemption for Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005" for discussion. While discussing on the clauses of the Bill, Members were of the view that the comments/suggestions of the Employers' and Employees' Groups might be invited before taking any final decision, as the Bill, if passed would have a lasting effect on the welfare of the labourers. The Committee, therefore, unanimously decided to make a request to Hon'ble Speaker to extend the time granted for finalisation of the report on the Bill for a further period of two months.

4. Thereafter, the Committee took up the Central Silk Board (Amendment) Bill, 2005 for discussion. The discussion over the proposed amendment Bill mainly centered around the protection to farmers, technical training and subsidized financial assistance to small and marginal farmers engaged in sericulture, nature and composition of the Silkworm Seed Committee and provision of grainages by the States for use of small and marginal farmers.

The Committee were of the opinion that the report would be finalised on "The Central Silk Board (Amendment) Bill, 2005" after hearing the views of the farmers, reelers and weavers during the ensuing visit of the Committee to Bangalore and Hyderabad.

5. A reference was also made regarding the visit of the Swedish Parliamentary Delegation to India to meet the Hon'ble Chairman and Members of the Standing Committee to exchange their views on the issue of (i) Employment and Labour reforms in India in the context of globalisation and (ii) Unemployment and job losses due to BPO activities. The Committee expressed their view that since they would be meeting on Monday, 31 October 2005 to discuss future programme of the Committee, the request of the Swedish Parliamentary Delegation be acceded to meet them at 1130 hrs. on 31 October 2005.

**The Committee then adjourned.**

**MINUTES OF THE EIGHTH SITTING OF THE STANDING COMMITTEE ON LABOUR**  
**(2005-2006) HELD ON MONDAY, 28 NOVEMBER 2005.**

The Committee met from 1500 to 1600 hours in Committee Room 'D', Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Suravaram Sudhakar Reddy – CHAIRMAN**

**MEMBERS**

**LOK SABHA**

2. Shri Furkan Ansari
3. Shri Joachim Baxla
4. Shri Santasri Chatterjee
5. Shri Munawwar Hassan Chaudhary
6. Smt. Sushila Kerketta
9. Dr. Dhan Singh Rawat
10. Smt. C.S. Sujatha

**RAJYA SABHA**

11. Shri Gandhi Azad
12. Ms. Pramila Bohidar
11. Shri Rudra Narayan Pany

**SECRETARIAT**

- |                     |   |                    |
|---------------------|---|--------------------|
| 1. Shri N.K. Sapra  | - | Joint Secretary    |
| 2. Shri R.S. Misra  | - | Deputy Secretary   |
| 3. Shri N.K. Pandey | - | Under Secretary    |
| 4. Shri S.K. Saxena | - | Assistant Director |



2. At the outset, the Hon'ble Chairman welcomed the Members to the sitting of the Committee and apprised them that (i) "The Labour Laws (Exemption for Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005" and (ii) "The Central Silk Board (Amendment) Bill, 2005" had been referred to the Standing Committee on Labour by Hon'ble Speaker for examination and report within three months from the date of reference i.e. 30 August and 12 September 2005 respectively under rule 331E of the Rule of Procedure and Conduct of Business in Lok Sabha.

3. First of all, the Committee took up "The Labour Laws (Exemption for Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005" and were informed that H.S. had been kind enough to grant extension of time up to 30 January 2006 to invite comments/suggestions from the Employers and Employees Groups on the provisions of the Bill as the extant Bill needs thorough and threadbare consideration taking into account all shades of opinion.

4. The Committee were also informed that out of 26 organisations, which were asked to furnish their comments/suggestions on the provisions of the Bill, only 10 organisations had responded to this effect i.e. AITUC, CITU, HMS (combined), INTUC and BMS - Employees Group and Confederation of Indian Industry and ASSOCHAM - Employers Group. Other three organizations had sought extension of time for furnishing their comments/suggestions on the Bill and they had been asked to send the same by 1<sup>st</sup> December 2005.

5. Hon'ble Chairman also apprised the Committee that the Central Trade Unions are not in favour of the Bill and they are of the view that the proposed amendments would pave way for further exploitation of workers. They are, therefore, unable to comprehend how the Government have proceeded to frame and introduce the Bill without holding consultations with them in this respect. They have requested the Committee to send back the proposed Bill to the Government directing them to hold discussion with the Central Trade Unions and make efforts first to decide the direction and then reach a consensus on reforming labour laws. Although the Employers Group have appreciated the initiatives taken by the Government, they have shown their reservations on some of the clauses of the Bill.

6. The Committee, therefore, unanimously decided to send back the Bill to the Government with the request to hold discussion with the Central Trade Unions and other stakeholders on the provisions of the Bill before bringing the same to the Parliament.

7. The Committee then took up the Central Silk Board (Amendment) Bill, 2005. Hon'ble Chairman informed the Committee that they held informal discussion with the farmers, reelers, weavers and Central Silk Board during their recent study tour to Bangalore and Pochampalli in Andhra Pradesh. Seed farmers have opposed this Bill. They were of the view that this Bill is detrimental to the interests of the farmers and were of the opinion that the Karnataka Seed Act is quite in order. Response of the State Government of Karnataka also seems to be negative to the proposed amendment. It was informed during tour that the Bill had been circulated to the State Governments and their responses were awaited. In this regard the Committee decided that they might have further discussion with the representatives of the Ministry of Textiles and the Central Silk Board after they receive responses from the State Governments. As such, the Committee decided to request the Hon'ble Speaker to grant extension for a period of 3 months upto 12 march 2006 for the presentation of the Report on the Bill to both the Houses of Parliament.

8. The Committee also decided to hold their next sitting on 5 December 2005 to consider and adopt draft Reports of the Committee on Action Taken by the Government on their Fifth and Sixth Reports on Demands for Grants, 2005-06 relating to the Ministry of Labour and Employment and the Ministry of Textiles respectively.

**The Committee then adjourned.**

**MINUTES OF THE TENTH SITTING OF THE STANDING COMMITTEE ON LABOUR  
HELD ON 15 DECEMBER 2005.**

The Committee met from 1500 hrs. to 1600hrs. in Committee Room 'D'  
Parliament House Annexe, New Delhi.

**PRESENT**

**Shri Suravaram Sudhakar Reddy – CHAIRMAN**

**MEMBERS  
LOK SABHA**

2. Shri Joachim Baxla
3. Shri Santasri Chatterjee
4. Shri Thawar Chand Gehlot
5. Shri Virendra Kumar
6. Shri Lal Mani Prasad
13. Shri Chandradev Prasad Rajbhar
14. Smt. C.S. Sujatha

**RAJYA SABHA**

15. Shri Lekhraj Bachani
10. Shri K. Chandran Pillai

**SECRETARIAT**

- |                     |   |                    |
|---------------------|---|--------------------|
| 1. Shri N.K. Sapra  | - | Joint Secretary    |
| 2. Shri R.S. Misra  | - | Deputy Secretary   |
| 3. Shri N.K. Pandey | - | Under Secretary    |
| 4. Shri S.K. Saxena | - | Assistant Director |

2. At the outset, the Hon'ble Chairman welcomed the Members and apprised them about the two Draft Reports on "Development Schemes for Handloom Sector" and "The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005."

3. XX XX XX XX

4. The Committee then considered the draft Tenth Report on "The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2005." and adopted the same without any amendments.

5. The Committee authorized the Chairman to finalise the Reports and present the same to Parliament on their behalf.

6. XX XX XX XX

**The Committee then adjourned.**

**APPENDIX**

**LIST OF ORGANISATIONS WHICH HAVE FURNISHED THEIR COMMENTS/SUGGESTIONS ON THE PROVISIONS OF THE BILL.**

**EMPLOYEES GROUP**

1. United Trade Union Congress, Kolkata
2. All India Central Council of Trade Unions
3. Centre of Indian Trade Unions
4. Hind Mazdoor Sabha
5. Bharatiya Mazdoor Sangh
6. Indian National Trade Union Congress

**EMPLOYERS GROUP**

7. Confederation of Indian Industry
8. ASSOCHAM
9. Federation of Indian Chambers of Commerce and Industry
10. Council of Indian Employers
11. All India Organisation of Employers