

## CHAPTER - 16

### 16.1. FREQUENTLY ASKED QUESTIONS BY PUBLIC AND ANSWERS FOR THEM:

#### FREQUENTLY ASKED QUESTIONS

Labour Commissionerate

Q. What is Labour Welfare Society ?

A. This is a Society formed for the welfare of the Unorganised Sector Workers in Pondicherry.

Factory Inspectorate

Q. What are the statutes administered by the Boiler Inspector?

A. Inspector under the Indian Boilers Act and Factories Act.

Q. What is a steam test?

A. Testing the boiler with steam for its maximum working pressure, i.e., opening of safety valve.

Q. What is a hydraulic test?

A. Testing the boiler with water, for a pressure of one and half times of the boiler's maximum working pressure.

Q. To whom a boiler accident is to be reported?

A. To the Chief Inspector of Boilers, in writing within 24 hours.

Q. When a Boiler certificate is to be renewed?

A.

1. on expiry of the current certificate
2. before commencing operation of the boiler after an accident
3. if the boiler is transferred from any other state
4. for any structural alteration in the boiler

Q. What is a steam pipe?

A. Any pipe through which steam passes from a boiler to a prime mover or other user or both, if:-

1. the pressure at which steam passes through such pipe exceeds 3.5 kilograms per square centimetre above atmospheric pressure or
2. such pipe exceeds 254 millimetres in internal diameter.

Q. What is a feed pipe?

A. A feed pipe means any pipe or connected fitting wholly or partly under pressure through which feed water passes directly to a boiler and which does not form an integral part thereof.

Q. What is an Economiser?

A. An Economiser means any part of the feed pipe which is wholly or partially exposed to the action of flue gases for the purpose of recovery of waste heat.

Q. When a boiler comes under Indian Boiler Rules?

A. Any closed vessel exceeding 22.75 liters in capacity or heat surface of not more than 10 sqm. which is used expressly for generating steam under pressure and includes any monitoring or other fitting attached to such vessel which is wholly or partly under pressure when steam is shut off.

Q. What are the limitations of a second class and first class boiler attendants in the matter taking charge of a boiler?

A. A first class boiler attendant can take charges of one or more boilers, the total heating surface of which does not exceed 697 sq.mts. and for second class 139.35 sq.mts and for third class 18.58 sq.mts

Q. From where the information can be had regarding Statutory fees for boiler registration / renewal?

A. Details are available in the web site [www.pon.nic.in](http://www.pon.nic.in) / Pondicherry Boiler Rules, 1988 G.O.M.S.No.10/88 dt. 12.02.88.

Q. Is it possible to get extension of validity period of working certificate of a boiler?

A. No

Q. Is it possible to postpone the statutory inspection of boilers?

A. Yes

Q. Who has to prepare on site and off site emergency plan?

A.

On site emergency plan is required to be prepared by the occupier of MAH units and mock drill shall be conducted once in 6 months and report of the mock drill shall be forwarded to concerned authority.

Off site emergency plan is required to be prepared by District Collector or District Emergency Authority and conduct mock drill once in a year.

Q. What are the provisions for safety reports and safety audits?

A. Provisions for safety reports and safety audits are as under.

1. Occupier has to submit safety report in schedule -8 of Factories Act 1948 to the concerned authorities (only in case of quantities equal to or higher than or specified in schedule - 2 and 3)
2. safety report shall be prepared and submitted once in three years.
3. safety audit shall be carried out once in a year by independent person / agency.
4. Occupier shall submit audit report within 30 days along with comments and compliance of the comments.

Q. What are the duties of the occupier under CIMAH rule?

A. Duties of the occupier who has ultimate control of the factory are hereunder.

1. Identify the major accident hazard
2. take and provide evidence that the steps taken to prevent major accidents.
3. provide information training to the persons working on the site.
4. notify the major accidents in schedule -6 and also steps taken to prevent repetition of such occurrences.
5. notification of sites in schedule - 7 to the concerned authorities.
6. obtain or develop safety data sheet in schedule - 5 in respect of hazardous chemicals.

Q. What is the meaning of industrial activity and isolated storage?

A. Industrial Activity means

An operation of process carried out in an industrial installation referred to in schedule 4 involving or likely to involve one or more hazardous chemicals and includes on site storage or on site transport which is associated with that operation or process as the case may be and isolated storage means storage of hazardous chemical other than storage associated with an installation on the same site specified in schedule - 4 where that storage involves at least the quantities of that chemical set out in schedule -2.

Q. What is the meaning of Hazardous Chemicals ?

A. Hazardous Chemicals means

1. any chemical which satisfied any of the criteria laid down in part 1 of schedule 1 and also listed in column 2 of part II of Schedule I of CIMAH Rules.
2. Any chemical listed in Schedule II and III of CIMAH Rules.

Q. What are the guidelines for preparation of plans?

A. Plans are to be drawn to a metric scale by a qualified engineer / draftsman, duly signed by him and also by the applicant showing

1. Detailed building plan, elevation and sections of the proposed factory sheds layout and type of machines proposed to be installed in the particular shed with horse power, drawn to scale of 1:100 indicating correct plinth areas  
Note: Specify materials to be used for the construction of buildings and roofing.
2. Site plan drawn to a scale of 1:400 or 1:800 or 1:1200 showing length and breadth of the site, and also location of the road, which gives direct access to the site, indicating the width of the road. The site plan should indicate front, rear and side set-backs clearly along with extent of a site purchased for establishing the industry.

Standards norms for the building and installation of machinery;

Minimum height of the building in which the machinery / equipment is to be installed should not be less 3.66 meters in case of A.C. sheet roofing upto the rod level and 3.05 meters in case of RCC roofing.

There should be a clear moving space of 0.9 m (3 feet) from machine to machine to wall.

Ridge roof ventilator with an opening of 0.9 mtrs (3 feet) width and 0.6 m (2 feet) height shall be provided over the roofing of all the work halls. In case of north light glazing an air gap of at least 0.3 m (1 foot) should be provided between the top of glazing and the roof sheeting. Also the north light glazing should invariable face north.

The building should have masonry walls. If A.C. sheet or metal sheets are used as cladding they should be fixed in the form of louvres, vertical cladding is not permissible.

Size of doors and windows should not be less than 1.2 X 2.1 mts (4' X 7') and 0.9 x 1.5 mts (3' X 5') respectively. Ventilators should be 0.9 x 0.45 mts (3' X 1 ½'). The doors and windows should be so spaced that they should not be located at a distance of more than 3mts. (10 feet) from centre to centre. Opening should be at least 15% of floor area.

A minimum of two exits shall be provided to each of the manufacturing buildings. In the case of manufacturing buildings, godowns / stores good number of exits should be provided in such a manner to ensure that in case of emergency a person need not travel a distance of more than 30 mts to get out of the building.

Every factory shall be constructed with pucca masonry walls of bricks, stone or other suitable material. The roofing materials used shall be of non heat radiating and fire resistant type. Any other special requirements in respect of building specific to the manufacturing process should be implemented.

Mechanical exhaust arrangements, dust collection systems etc., should be provided wherever necessary.

The entrepreneurs should specifically note, while drawing up factory building plans, the following welfare facilities to be provided invariably in the factory.

1. If number of women workers are more than 30, provision for crèche for children of women workers.
2. If workers are more than 150, provision for resting shed and lunch room.
3. If workers are more than 250, provision for a canteen.
4. If workers are more than 500, provision for ambulance room.

If the unit is a hazardous industry attracting provisions of Manufacturing, Storage and Import of Hazardous Chemicals Rules, 1989, the details of hazardous processes, the maximum quantity of chemicals stored in the premises and data sheets of all chemicals, safety report and onsite emergency plans shall be enclosed to the application along with a "No Objection" certificate from the Pondicherry Pollution Control Committee.

Clearance from the Explosives Authorities is necessary wherever materials attracting the provisions of Explosives Act are handled processed.

Q. What are the statutes administered by this Inspectorate?

A. The following are the statutes administered by this Inspectorate:-

1. The Factories Act, 1948.
2. The Child Labour (Prohibition and Regulation) Act, 1986
3. The Payment of Wages Act, 1936
4. The Pondicherry Industrial Establishments (National and Festival Holidays) Act, 1964.
5. The Maternity Benefit Act, 1961
6. The Payment of Bonus Act, 1965
7. The Payment of Gratuity Act, 1972
8. Manufacture, Storage and Import of Hazardous Chemicals Rules 1989
9. Chemical Accidents (Emergency Planning, Preparedness and Response ) Rules 1996
10. Control on Industrial Major Accident Hazards Rules, 1992.

Q. What are dangerous manufacturing process / operations ?

A. The following operations when carried on in any factory are declared to be dangerous manufacturing process or operations under Rule 105 of Pondicherry Factory Rules 1964:-

1. Manufacture of aerated water and process incidental thereto.
2. Electrolytic plating or oxidation of metal article by use of an electrolyte containing chromic acid or other chromium compounds.
3. Manufacture and repaired of electric accumulators.

4. Glass manufacture.
5. Grinding or glazing of metals and processes incidental thereto.
6. Manufacture and treatment of lead and certain compounds of lead.
7. Generation of Gas from dangerous petroleum.
8. Cleaning or smoothing, roughening etc., of articles, by a jet of sand, metal shot, or grit or other abrasive propelled by blast of compressed air or steam.
9. Liming and tanning of rawhides and skins and process incidental thereto.
10. Cellulose spraying.
11. Graphite powdering and processes incidental thereto.
12. Certain lead process carried on in printing presses and type foundries.
13. Cashewnut processing.
14. Dyeing, stenciling and painting of mats, mattings and carpets in coir and fibre factories.
15. Handling and manipulation of corrosive substances.
16. Pottery and ceramic industry.
17. Handling and processing of asbestos, manufacture of any article of asbestos and other process of manufacture or otherwise in which asbestosis used in any form.
18. Chemical Works.
19. Manufacture or manipulation of carcinogenic dyes intermediates.
20. Process of extracting oils and fats from vegetable and animal sources in solvent extraction plants.
21. Manufacture or manipulation of benzene.
22. Carbon disulfide Plant.
23. Manipulation of stone or any other material containing free silica.
24. Highly flammable liquids and flammable compressed gases.
25. Manufacture or manipulation of dangerous pesticides.
26. Operations in foundries.
27. Operations involving high noise levels.
28. Manufacture or manipulation of manganese and its compounds.

Q. What are the dangerous machineries?

A. The following machinery as per Rule 56 are considered as dangerous machines

1. Power Press other than Hydraulic Presses.
2. Milling machines used in metal trades
3. Circular saws
4. Platen Printing presses.
5. Guillotine printing machines
6. Decorticator
7. Oil-exPELLer

Q. Which factories / operations / machines are considered to be hazardous?

A. The lists of the factories involving hazardous process are as follows:-

1. Ferrous Metallurgical Industries.
  - Integrated Iron and Steel
  - Ferro Alloys
  - Special Steels
2. Non-ferrous Metallurgical Industries
  - Primary Metallurgical Industries, namely, zinc, lead, copper, manganese and aluminium
3. Foundries (Ferrous and Non-ferrous)
  - Castings and forgings including cleaning or smoothening / roughening by sand and shot blasting
4. Coal (including coke) industries
  - Coal Lignite, coke, etc.
  - Fuel Gases (Including Coal Gas, Producer Gas, Water Gas)
5. Power Generating Industries
6. Pulp and paper (including paper products) industries
7. Fertilizer Industries.
  - Nitrogenous
  - Phosphatic
  - Mixed
8. Cement Industries
  - Portland Cement ( including slag cement, puzzolona cement and their products)
9. Petroleum Industries
  - Oil Refining
  - Lubricating Oils and Greases
10. Petro-Chemical Industries
11. Drugs and Pharmaceutical Industries,
  - Narcotics, Drugs and Pharmaceuticals
12. Fermentation Industries (Distilleries and Breweries)
13. Rubber (Synthetic Industries)
14. Paints and Pigment Industries
15. Leather Tanning Industries
16. Electro-plating Industries
17. Chemical Industries
  - Coke Oven By-products and Coal tar distillation products
  - Industrial Gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphur dioxide, nitrous oxide halogenated hydrocarbon, ozone, etc.
  - Industrial Carbon
  - Alkalies and Acids
  - Chromates and dichromates
  - Leads and its compounds
  - Electrochemicals (metallic sodium, potassium and magnesium, chlorates, perchlorates and peroxides)
  - Electro thermal produces (artificial abrasive, calcium carbide)
  - Nitrogenous Compounds (cyanides, cyanamides, and other nitrogenous compounds)
  - Phosphorous and its compounds

- Halogens and Halogenated compounds (Chlorine, Fluorine, Bromine and Iodine)
- Explosives (including industrial explosives and detonators and fuses)
- 18. Insecticides, Fungicides, Herbicides and other Pesticides Industries
- 19. Synthetic Resin and Plastics
- 20. Man-made Fiber (Cellulosic and non-cellulosic ) industry
- 21. Manufacture and repair of electrical accumulators
- 22. Glass and Ceramics
- 23. Grinding or glazing of metals
- 24. Manufacture, handling and processing of asbestos and its products
- 25. Extraction of oils and fats from vegetables and animal sources
- 26. Manufacture, handling and use of benzene and substances containing benzene
- 27. Manufacturing process and operations involving carbon disulphide
- 28. Dyes and Dyestuff including their intermediates
- 29. Highly flammable liquids and gases.

Q. What are the obligations of workers ?

A. Following are the obligation of a workers in a Factory:-

No worker in the factory

1. shall willfully interfere with or misuse any appliance, convenience or other thing provided in a factory for the purposes of securing the health, safety or welfare of the workers therein;
2. shall willfully and without reasonable cause do anything likely to endanger himself or others; and
3. shall willfully neglect to make use of any appliances or other thing provided in the factory for the purposes of securing the health or safety of the workers therein.

Q. What are the responsibilities of an Occupier?

A.

1. Every occupier shall ensure, so far as is reasonable practicable, the health, safety and welfare of all workers while they are at work in the work in the factory.
2. Without prejudice to the generality of the provisions of sub section (1), the matters to which such duty extends, shall include:-
  1. the provision and maintenance of plant and systems of work in the factory that are safe and without risks to health;
  2. the arrangements in the factory for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
  3. the provision of such information, instruction, training and supervision as are necessary to ensure the health and safety of all workers at work;



4. the maintenance of all places of work in the factory in a condition that is safe and without risks to health and the provision and maintenance of such means of access to, and egress from, such places as are safe and without such risks.
  5. the provision, maintenance or monitoring of such working environment in the factory for the workers that is safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.
3. Except in such cases as may be prescribed, every occupier shall prepare, and as often as may be appropriate, revise, a written statement of his general policy with respect to the health and safety of the workers at work and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision thereof to the notice of all the workers in such manner as may be prescribed.

Q. Which are the notices to be displayed?

A.

1. Notice of Period of Work for adult worker - Form 11
2. Abstract of the Factories Act, 1948.
3. Cautionary Notice (For Chemicals)
4. name and addresses of Factory Inspector incharge with phone numbers.
5. List of Weekly Holidays.
6. Abstract of the Payment of Wages Act, 1923
7. Abstract of the Maternity Benefit Act, 1961.
8. Size of room and number of persons employed thereon.
9. Form V - National and Festival Holidays

Q. Which are the returns to be submitted Factories engaging less than 20 workers?

A. Core Return in Form A is to be submitted on or before 15th February.

Q. Which are the returns to be submitted by factories engaging more than 20 workers?

A.

1. Annual return Form 19 to be submitted on or before 31st January.
2. Annual return - Leave with wages Form 21 to be submitted on or before 31st January
3. Annual return - Compensatory Holidays Form 22 to be submitted on or before 31st January
4. Annual Return - Canteen Form 29 to be submitted on or before 31st January
5. Annual Return - Crèche Form 30 to be submitted on or before 31st January
6. Annual Return - Shelters, Restrooms and lunch rooms Form 31 to be submitted on or before 31st January

7. Annual Return - Accidents Form 32 to be submitted on or before 31st January
8. Half-Yearly Return - Form 20 to be submitted on or before 31st July.

Q. What are the requirements for the approval of the plans?

A. An application shall be made in Form No. 1-C which shall be accompanied by the following documents

1. flow chart of the manufacturing process supplemented by a brief description of the process in its various stages
2. plans in triplicate drawn to the scale (1:100) showing
  1. the site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains etc.,
  2. the plan elevation and necessary cross-section of the various buildings, indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the plant and machinery, aisles and passage ways
  3. for chemical factories material safety data sheet (M.S.D.S.) of all the chemical used
  4. provisions for the safe disposal of the solid, liquid and gaseous waste arising out of the processes carried out in premises.
  5. permission letter from the local authorities and NOC wherever it is necessary.
  6. copy of provisional registration from Industries Department.
  7. Registered lease / sale deed for the premises.
  8. detail of the constitution of the firm i.e., partnership deed in case of partnership, memorandum and article of association in case of limited or private limited firm and copy of office bearer and constitution in case of co-operative sector.
  9. NOC from other partners / directors nominating the occupier.

### **Rules:**

Q. Is there any provision for prolong sickness after delivery?

A. Where a woman suffers illness arising out of her pregnancy, miscarriage, premature birth of a child or delivery, she shall be allowed in addition to above leave with wages for maximum one month.

Q. Is there any restriction by employer / pregnant woman for employment?

A.

1. No woman shall work in any establishment during the 6 weeks immediately following the day of delivery or miscarriage.
2. No employer shall knowingly employ a woman in any establishment during 6 weeks immediately following the day of her delivery or miscarriage.

Q. What is the mode of payment?

A. Maternity benefits is payable in advance for 6 weeks by the employer on production of the proof that woman is pregnant and other 6 weeks payment shall be made within 48 hours on production of the proof that the woman has delivered a child. On death of woman, it will be paid to her nominee. If woman dies during the period that the maternity benefit shall be paid only for day upto and including the day of death. If child survives, than the benefit for the period for 6 weeks shall be paid. If child also dies during the said period, than the benefits upto and including the day of death of child shall be paid to nominee.

Q. What is the eligibility for maternity benefit?

A. She should have actually worked in the establishment in a period not less than 160 days in the preceding 12 months and not covered under E.S.I.C.

Q. Whether nursing breaks given to mother? If yes, what is the duration?

A. After returning on duty the woman shall be allowed for two breaks each of 15 minutes duration for nursing the child on and above the regular interval until the child attains the age of 15 months.

Q. What are the maternity benefits to the pregnant woman?

A. Maternity benefits to the pregnant woman are as under

1. leave for 6 weeks before and 6 weeks after the date of delivery or miscarriage.
2. medical bonus

### PAYMENT OF WAGES ACT AND RULES

Q. What is the time limit of Payment of Wages ?

A. Before 7th of the subsequent month where less than 1000 employees are employed and before 10th where more than 1000 employees are employed.

Q. Who shall be an inspector for the purpose of the Act?

A.

1. An inspector appointed under Section 8(1) of the Factories Act.
2. All Labour Officers and Assistant Inspector of Labour.

Q. Which types of deduction may be made from wages? Or what is legal deduction?

A.

1. Fines
2. Absence from duty
3. Damage to or loss of goods loss of money by the employed person.
4. House accommodation.

5. amenities or service supplied by the employer.
6. recovery of advances or over payment of wages, recovery of loans, house building loans and the interest due in respect thereof.
7. income tax payable by the employed person
8. deduction required to be made by order of court or competent authority.
  1. provident fund with written authorization of employed person, President / Secretary of registered trade union of which the employed person is member.
  2. national defence fund and defence saving scheme approved by state government.
9. payment to co-operative societies or schemes of insurance maintained by the Indian Post office.
10. with the written authorization of the employed person
  1. premium of his LIC policy.
  2. contribution to fund constituted by the employer or a registered trade union for welfare scheme of his family.
  3. fees payable for the membership of any registered trade union.
11. insurance premium on Fidelity Guarantee Bonds.
12. Losses sustained by railway administration on account of acceptance by the employed person of counterfeit of base coins or forged currency notes.
13. losses sustained by a railway administration on account of the failure of the employed person to invoice, to bill, to collect the appropriate charges like, freight, damage, wharfage and carnage or in respect of sale of food in catering establishments , or sale of commodities in grain
14. losses sustained by a railway administration on account of any rebates or refunds
15. Written authorization of the employed person for contribution to a Prime Minister's National Relief Fund or such other fund, notified by the Central Government.

Q. What is Wages?

A. All remuneration by way of salary and allowances in terms of money to a person employed in respect of his work done during employment which includes

1. remuneration payable under any award or settlement or order of court.
2. remuneration in respect of overtime work, holidays, leave period.
3. additional remuneration called a bonus or by any other name.
4. sum by termination of employment of the person.
5. any sum to which person employed is entitled under any scheme formed under law.

But does not include:-

1. bonus (whether a scheme of profit sharing) which does not form part of remuneration payable under the terms of employment or which is not payable under any award or order of court.
2. Value of house accommodation, supply of light, water, medical attendance of other amenity
3. Contribution paid by the employer, provident fund, and the interest accrued there on.
4. travelling allowance or travelling concession.
5. special expenses entitled by the nature of his employment.
6. gratuity payable on the termination of employment.

Q. What is the limit of pay for the application of this Act?

A. Wages payable to employed person shall not exceed rupees six thousand five hundred a month.

### EMPLOYMENT EXCHANGE

Q. When will my name be sponsored?

A. Your name will be sponsored according to the seniority of your registration and qualification required by the Employer as and when vacancies are notified to the Employment Exchange.

Q. What is the purpose for continuing renewal after crossing the age limit?

A. Sometimes the age limit prescribed by the Government may be relaxed by the employer for certain recruitment / job when a candidate was not sponsored even once.

Q. What is the procedure for cancellation of employment registration?

A. If the registrant fail to renew the Employment Identity Card within the stipulated time, the cancellation certificate will be issued at the request of the registrant, when he want to register his name with the Employment Exchange of some other states.

Q. What is Validity Period for Registering caste certificates?

A. The OBC Certificate is valid for one year from the date of issue and the SC/ST Certificate is valid for three years from the date of issue.

Q. What is the procedure for renewal?

A. A registrant has to renew registration on the month due (once in every three years). In case of failure to renew, Government has permitted a grace period of 17 months. If the candidate fails to renew the card within the stipulated time, the Employment Card will automatically lapse. Renewal can also be done through postal services.

Q. Transfer of employment registration from other region and vice versa, is there any change in the seniority?

A. There is no change in the seniority.

Q. What is the minimum age for fresh registration?

A. Minimum age for fresh registration is 14 years.

Q. After crossing the age limit, without getting any opportunities, is there any age relaxation given by the Government for over aged candidates?

A. The over aged candidates not even sponsored once may be sponsored by the Employment Exchange for the vacancies notified by a Government Department. The concerned Department may obtain age relaxation in such case.

Q. What are the procedures for transferring the employment registration from other exchange and vice versa?

A. Candidate should submit an application giving new residential address and the name of the Employment Exchange where the registration is to be transferred along with the proof of the residence (5 Years residence in the state) namely ration card.

Q. What kind of experience will be registered to the SSLC failed candidates?

A. Dhobi, Cook, Gardner, Nursing Attendant, Animal Attendant etc.

Q. What kind of experience will be registered to the SSLC passed candidates?

A. Lab Attendant, Lift operator etc.

Q. What is the age limit for the employment opportunities for general category, OBC category and SC Category etc.?

A. General 18 to 32 years

OBC 18 to 35 years

SC-ST 18 to 37 Years.

PH - 18 to 42 Years.

MSM - 18 to 37 years

Widow - 18 to 37 Years.

Q. What is the procedure for fresh registration and certificates required for registration?

A. Anyone above 14 years of age and residing within the jurisdiction of Union Territory of Pondicherry is eligible for registering their names in the Employment Exchange. They should produce all the original certificates of educational qualifications and proof of residence issued by the relevant authorities of Revenue Department or Ration Card.



## 16.2. ACHIEVEMENTS OF THE LABOUR DEPARTMENT FOR THE PAST THREE YEARS:-

- To provide social security to the unorganized labourers in the Union Territory, a Society viz., Pondicherry Unorganized Labourers' Welfare society was formed. Till date 4775 unorganized labourers have been enrolled as beneficiaries in the society and welfare benefits to the tune of Rs.40,55,539/- have been extended.
- For the welfare of the Building and Other Construction Workers, a board viz., "Pondicherry Building and Other Construction Workers Welfare Board" have been established. So far 6000 workers were enrolled as beneficiaries and welfare benefits to the tune of Rs.60,05,220/- have been extended.
- Minimum Wages for workers of Agriculture, Public Motor Transport, Building Operations, Shops and Establishments and Rice Mill, Flour Mill and Dhall Mills were revised/fixed. Further preliminary notification fixing/revising minimum wages in the field of Employment in Oil Mills; Handloom Weaving; Electronics Industry; Plastic Industry; Chemical Industry; Detergent Industry; Paper and paper products Manufacturing Industry have been issued.
- New ESI Dispensaries were opened at Thirubuvanai and Sedarapet
- To maintain industrial harmony between employers and employees "Good Industrial Relation Awards" have been instituted and Awards are given every year.
- New Rural Labour Welfare Centers were opened at Palloor, Mahe and Sedarapet, Pondicherry.
- The Employment Exchange, Pondicherry has been accorded first place in the country along with Gujarat and Chandigarh in rendering good public service during the year 2004 -05.
- Under Apprenticeship Training Scheme Engineering Graduates and Diploma holders were selected and placed in the Government Departments and Private sector Industries for apprenticeship training. Training was given to 348 Engineering Graduates and 3280 ITI trained persons during the past 4 years.
- Under Craftsman Training Scheme, 3261 trainees had undergone training in 20 different multi-skill trades in Govt. I.T.I. Evening classes for Industrial Workers in the trades of Electrician, Fitter and Wireman have been introduced in G.I.T.I.(Men), Pondicherry and 307 candidates were benefited under this scheme.



- A new trade of "Electronics Mechanic" has been introduced in Netaji Subash Chandra Bose Govt. ITI, Yanam.
- The Government ITI (Men), Mettupalayam, Pondicherry has been selected as one of the Centre of Excellence by the Ministry of Labour, Government of India, New Delhi to train candidates in Plastic processing sectors and courses will be commenced during August, 05
- Employment Oriented Vocational Training Centre for Physically Challenged Persons at Government ITI for Women, Netaji Subash Chandrabose Salai, Pondicherry was started on 10.11.2004.
- The Labour Department has taken all endeavors in employment generation by placing I.T.I Trainees in various companies located not only in the Union Territory of Pondicherry but also in other parts of the country. As a result of the efforts taken, 265 I.T.I trained people got placement.
- The Official web site of the Labour Department viz [www.pondicherrylabour.org](http://www.pondicherrylabour.org) was launched on 1.6.2004 for transparent administration.

### 16.3. INFORMATION RELATING TO EMPLOYMENT EXCHANGE:-

#### DETAILS OF REGISTRATION OF GENERAL / SC/ST / SELF-EMPLOYMENT DURING THE YEAR 2005-06.

| Sl. No. | Category | No. of candidates in the Live Register at the Beginning of the year | No. of candidates Registered during the year | Total No. of candidates in the Live Register at the end of the year |
|---------|----------|---|--|---|
| 01      | General  | 1,63,389  | 19,585                                       | 1,70,838  |
| 02      | SC & ST  | 19,119 SC 90 ST   | 1,037 SC 3 ST                                | 20,113 SC 89 ST   |
| 03      | P.H.     | 2,946   | 225  | 3,171   |
| 04      | S.E.     | 2,000   | 41   | 2,041   |

#### DETAILS OF VACANCIES NOTIFIED:-

| Details of Vacancies notified and the Number of candidates sponsored category – wise: |           |                               |   |        |        |         |        |               |        |                             |
|---|-----------|-------------------------------|---|--------|--------|---------|--------|---------------|--------|-----------------------------|
| Sl.No (1)   | Year (2)  | No. of Vacancies Notified (3) | No. of Candidates sponsored category – wise : |        |        |         |        |               |        | No. of Candidates Sponsored |
|   |           |                               | General (4)                                   | SC (5) | ST (6) | OBC (7) | PH (8) | Ex-Servicemen |        |                             |
| 01  | 2005-2006 | 2,962                         | 12,398  | 5,340  | 16     | 19,847  | 980    | 12            | 38,593 |                             |

#### Details of notification received:

| Sl. No | Year      | No of. notification received | No. of notification cleared |
|--------|-----------|------------------------------|-----------------------------|
| 01     | 2005-2006 | 346                          | 346                         |

#### Registration and Placement

| Year (1) | Number of fresh registration (2) | Number of Vacancies notified (3) | Percentage of vacancies notified to fresh Registration (4) | Number of Placement effected (5) | Percentage of Col.5 to col.3 (6) |
|----------|----------------------------------|----------------------------------|--|----------------------------------|----------------------------------|
| 2005     | 18,462                           | 2,710                            | 14.67  | 690                              | 25.46                            |

## BIRD'S EYE VIEW

### BIRDS EYE VIEW OF TRAINING PROVIDED THROUGH G.I.T.I.'S BY THE LABOUR DEPARTMENT

#### (DISTRIBUTION OF TRADES TAUGHT REGION - WISE AND INSTITUTION - WISE)

| Sl. No. | Name of the Trade                         | Type of Trade<br>Engg/<br>Non Engg | Regions/ Institutions / Number of Trainees |                     |                                      |                     |  |                     |                                |                     |                                   |                     |                                    |                     |                                    |                     |
|---------|---|------------------------------------|--|---------------------|--------------------------------------|---------------------|--|---------------------|--------------------------------|---------------------|-----------------------------------|---------------------|------------------------------------|---------------------|------------------------------------|---------------------|
|         |   |                                    | Pondicherry Region                         |                     |                                      |                     |  |                     | Karaikal Region                |                     |                                   |                     | Mahe Region                        |                     | Yanam Region                       |                     |
|         |   |                                    | Govt. I.T.I. (Men),<br>Pondicherry         |                     | Govt. I.T.I. (Women),<br>Pondicherry |                     | Govt. I.T.I. (Nettapakkam),<br>Pondicherry |                     | Govt. I.T.I. (Men)<br>Karaikal |                     | Govt. I.T.I. (Women),<br>Karaikal |                     | Rajiv Gandhi Govt. I.T.I.,<br>Mahe |                     | N.S.C. Bose Govt. I.T.I.,<br>Yanam |                     |
|         |   |                                    | No. of Units                               | Sanctioned Strength | No. of Units                         | Sanctioned Strength | No. of Units                               | Sanctioned Strength | No. of Units                   | Sanctioned Strength | No. of Units                      | Sanctioned Strength | No. of Units                       | Sanctioned Strength | No. of Units                       | Sanctioned Strength |
| 1       | 2   | 3                                  | 4  | 5                   | 6                                    | 7                   | 8  | 9                   | 10                             | 11                  | 12                                | 13                  | 14                                 | 15                  | 16                                 | 17                  |
| 1       | Fitter                                    | Engg.                              | 6  | 96                  | -                                    | -                   | 2  | 32                  | 5                              | 80                  | -                                 | -                   | 1                                  | 16                  | 1                                  | 16                  |
| 2       | Mechanic Motor Vehicle                    | Engg.                              | 4  | 64                  | -                                    | -                   | -  | -                   | 2                              | 32                  | -                                 | -                   | -                                  | -                   | 1                                  | 16                  |
| 3       | Wireman                                   | Engg.                              | 2  | 32                  | -                                    | -                   | -  | -                   | 3                              | 48                  | -                                 | -                   | -                                  | -                   | -                                  | -                   |
| 4       | Electrician                               | Engg.                              | 2  | 32                  | -                                    | -                   | 2  | 32                  | 3                              | 48                  | -                                 | -                   | 1                                  | 16                  | 1                                  | 16                  |
| 5       | Mechanic Refrigeration & Air Conditioning | Engg.                              | 3  | 48                  | -                                    | -                   | -  | -                   | 2                              | 32                  | -                                 | -                   | -                                  | -                   | -                                  | -                   |
| 6       | Electronic Mechanic                       | Engg.                              | 2  | 32                  | 2                                    | 32                  | -  | -                   | 1                              | 16                  | -                                 | -                   | -                                  | -                   | 1                                  | 16                  |
| 7       | Draughtsman Civil                         | Engg.                              | 1  | 16                  | 1                                    | 16                  | -  | -                   | -                              | -                   | 1                                 | 16                  | 1                                  | 16                  | -                                  | -                   |

|    |   |       |   |    |   |    |   |   |   |    |   |    |   |   |   |   |
|----|---|-------|---|----|---|----|---|---|---|----|---|----|---|---|---|---|
| 8  | Information Technology & Electronics System Maintenance | Engg. | 1 | 16 | 1 | 16 | - | - | 1 | 16 | - | -  | - | - | - | - |
| 9. | Turner  | Engg. | - | -  | - | -  | - | - | 2 | 24 | - | -  | - | - | - | - |
| 10 | Instrument Mechanic                                     | Engg. | - | -  | - | -  | - | - | 2 | 32 | - | -  | - | - | - | - |
| 11 | Machinist   | Engg. | - | -  | - | -  | - | - | 2 | 24 | - | -  | - | - | - | - |
| 12 | Computer Operator & Programming Assistant               | Engg. | 1 | 20 | 1 | 20 | - | - | 1 | 20 | 1 | 20 | - | - | - | - |
| 13 | Mason (Building Constructor)                            | Engg. | 1 | 16 | - | -  | - | - | 1 | 16 | - | -  | - | - | - | - |

| 1  | 2                           | 3     | 4 | 5  | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
|----|-----------------------------|-------|---|----|---|---|---|---|----|----|----|----|----|----|----|----|
| 14 | Plastic Processing Operator | Engg. | 1 | 16 | - | - | - | - | -  | -  | -  | -  | -  | -  | -  | -  |
| 15 | Mechanic (Diesel)           | Engg. | - | -  | - | - | - | - | 2  | 32 | -  | -  | -  | -  | -  | -  |

|    |                              |           |    |     |   |     |   |    |    |     |   |     |   |    |   |    |
|----|------------------------------|-----------|----|-----|---|-----|---|----|----|-----|---|-----|---|----|---|----|
| 16 | Welder                       | Engg.     | 1  | 12  | - | -   | - | -  | 1  | 12  | - | -   | - | -  | - | -  |
| 17 | Desk Top Publishing Operator | Engg      | -  | -   | 1 | 16  | - | -  | -  | -   | - | -   | - | -  | - | -  |
| 18 | Cutting & Tailoring          | Non-Engg  | -  | -   | 2 | 32  | 1 | 16 | -  | -   | 3 | 48  | - | -  | - | -  |
| 19 | Stenography (English)        | Non-Engg  | -  | -   | 1 | 16  | - | -  | 1  | 16  | - | -   | - | -  | - | -  |
| 20 | Secretarial Practice         | Non-Engg. | -  | -   | 1 | 16  | - | -  | -  | -   | 1 | 16  | - | -  | - | -  |
|    | Total                        |           | 23 | 384 | 9 | 148 | 5 | 80 | 29 | 448 | 6 | 100 | 4 | 64 | 5 | 80 |

Total No. of Trades : 20

Total No. of Units : 81

Total No. of Trainees : 1304

**PRIVATE INDUSTRIAL TRAINING CENTRES, PONDICHERRY.**

**PRIVATE INDUSTRIAL TRAINING CENTRES, PONDICHERRY**

| Sl. No. | Trade       | Type of Trade | Worth ITC, Pondicherry year of Starting 1982 |              | Pondicherry ITC, Pondicherry year of starting 1991 |              | Rajiv Memorial ITC, Pondicherry year starting 1991 |              | V.T. Kathavarayan ITC, Moolakulam, Pondicherry year of starting 1994 |              | Jai Amman ITC, Mathikrishnapuram Pondicherry year of starting 1994 |              | Indira Gandhi ITC, Thirukkanur, Pondicherry |              |
|---------|-------------|---------------|--|--------------|--|--------------|--|--------------|--|--------------|--|--------------|---|--------------|
|         |             |               | Engg/ Non-Engg                               | No. of units | Sanc-tioned Strength                               | No. of units | Sanc-tioned Strength                               | No. of units | Sanc-tioned Strength   | No. of units | Sanc-tioned Strength   | No. of units | Sanc-tioned Strength                        | No. of units |
| (1)     | (2)         | (3)           | (4)  | (5)          | (6)  | (7)          | (8)  | (9)          | (10)   | (11)         | (12)   | (13)         | (14)  | (15)         |
| 01.     | Fitter      | Engg.         | -  | -            | 1+1  | 32           | 1+1  | 32           | -  | -            | -  | -            | -   | -            |
| 02.     | Wireman     | Engg.         | -  | -            | 1+1  | 32           | -  | -            | 1+1  | 32           | 1+1  | 32           | 1+1   | 32           |
| 03.     | Electrician | Engg.         | -  | -            | 1+1  | 32           | 1+1  | 32           | 1+1  | 32           | 1+1  | 32           | 1+1   | 32           |
| 04.     | Turner      | Engg.         | 1+1  | 24           | -  | -            | -  | -            | -  | -            | -  | -            | -   | -            |
|         |             | Total         | 2  | 24           | 6  | 96           | 4  | 64           | 4  | 64           | 4  | 64           | 4   | 64           |

Total No. of Trades : 4

Total No. of Units : 24

Total No. of Trainees : 376



#### 16.4. INFORMATION RELATING TO I.T.I.s

Name of training programme with brief description

Craftsmen Training Scheme was introduced by the Government of India in 1950 to ensure a steady flow of skilled workers in different trades for the domestic industry, to raise quantitatively and qualitatively the industrial production by systematic training, to reduce unemployment among the educated youth by providing them employable training, to cultivate and nurture a technical and industrial attitude in the minds of the younger generation. The Scheme, the most important in the field of vocational training, has been shaping craftsmen to meet the existing as well as future manpower need, through the vast network of ITIs in the various States / Union Territories in the country. The day-to-day administration of ITIs under the Craftsmen Training Scheme was transferred to the State Governments / Union Territory Administrations with effect from the year 1956.

- Time period for Training programme / Scheme - Prospectus enclosed

Objective of training

To ensure a steady flow of skilled workers in different trades for the industry  
To raise the quality and quantity of industrial production by systematic training of workers; and  
To reduce unemployment among the educated youth by equipping them for suitable industrial employment

- Physical and Financial Targets (Last Year)- 771 trainees trained
- Eligibility for training - See prospectus
- Prequisite for training (If any) - ---
- Financial and other form of help (If any) - ---
- Description of help (Mention the amount of
- Financial help, if any)
- Procedure of giving help - ---



- Contact Information for applying - Government I.T.Is
- Application Fee (Wherever applicable) - Rs.10/-
- Other Fees (Wherever applicable) - Caution Money Deposit Rs.50/-
- Application Form (In case the application is - Printed form available at ITI made on plain paper, please mention the details which the applicant has to provide)
  - List of enclosures / documents - T.C., Caste Certificate, Mark Sheet
  - Format of enclosures / documents - ---
  - Procedure of application - Every year in the month of June
  - Selection Procedure- As per merit & reservation of seats
  - Time Table of training programme - ---  
(In case available)
  - Process to inform the trainee about the ----  
training schedule
  - Arrangement made by the Public Authority Wide publicity will be made for creating public awareness about the through leading local newspapers training programmes and A.I.R. & Doordarshan
  - List of beneficiary of the training programme at various level like district level, block level etc.

## **16.5 GIST OF MAJOR LABOUR LAWS:-**

### **INDUSTRIAL DISPUTES ACT, 1947:-**

#### **INTRODUCTION**

The Industrial Disputes Act, 1947 is an important social legislation enacted to provide for investigation and settlement of Industrial Disputes and for maintaining industrial harmony. It is an Act enacted to ensure speedy justice to both employers and workmen and to advance the progress of the industry by bringing about Harmony and cordial relationship between the parties. The Act also enumerates the contingencies as to when a strike or lock-out can be lawfully resorted to, when they can be declared illegal., conditions for laying-off retrenching, discharging or dismissing a workman; circumstances under which an Industrial Establishment can be closed down and several other matters related to industrial employees and the employers.

#### **WHAT IS AN INDUSTRIAL DISPUTE?**

Section 2(k) of the Industrial Disputes Act, 1947 defines an 'industrial dispute' as any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms and conditions of employment of any person. An 'industrial dispute' must necessarily be a dispute in an industry.

#### **CONSTITUTION OF LABOUR COURTS/INDUSTRIAL TRIBUNALS**

The Government of Pondicherry has constituted 3 Labour Courts one each for Pondicherry / Yanam, Karaikal and Mahe regions as envisaged under Section 7 of the Industrial Disputes Act, 1947. One Industrial Tribunal has also been constituted as provided under Section 7A of the Act.

#### **REFERENCE OF DISPUTE FOR ADJUDICATION**

If a dispute is not settled by negotiations or conciliation and the parties are not interested for voluntary arbitration, the government may at its discretion or on an application made by the parties to the dispute representing the majority, separately or jointly, refer the dispute to the Labour Court or Industrial tribunal for adjudication as per Section 10(c)/10(d) as the case may be. An order of reference shall specify the period within which the award is to be submitted to the Government. The award received from the Labour Court / Tribunal shall then be published by the Government in the Official Gazette as stipulated under Section 17(1) and will come into force on expiry of 30 days from the date of publication. The Award shall be binding on both the employer and employees. The award of the Labour Court or Tribunal shall be final and not appealable. However a writ petition before the High

Court and thereafter an appeal before the Supreme Court can be filed.

## CLOSURE

An employer who intends to close down an Industrial undertaking wherein 50 workmen or more but less than 100 are employed or were employed during the preceding 12 months has to serve a notice to the Government in "Form Q" atleast 60 days before the date of intended closure stating the reasons for the proposed closure as laid down under Section 25 FFA of the Industrial Disputes Act, 1947.

In respect of an Industrial undertaking employing 100 or more workmen on an average in the preceding 12 months, the employer has to obtain prior approval of the Government at least 90 days before the date of intended closure by giving an application in Form QA to Secretary to Government (Labour) as stipulated under Section 25(O)(1) of the Industrial Disputes Act, 1947. A copy of the application shall be served simultaneously on the representatives of the workmen also.

The Government shall grant such approval, if it is satisfied with regard to the 'genuineness and adequacy of the reasons' stated for closure, the interests of the general public and all other relevant factors. The Government will communicate the Order within 60- days from the date of application for closure by the employer.

## RETRENCHMENT

Under clause (c) of Sub-Section (1) of Section 25 N, in respect of an industrial establishment employing 100 or more workmen on an average in the preceding 12 months, the employer has to obtain prior approval of the Government atleast 60 days before the date of intended retrenchment by giving an application in Form PA to secretary to Government (Labour), Pondicherry

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until

1. the workman has been given one month's notice in writing indicating the reason for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
2. the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay ( for every completed year of continuous service) or any part thereof in excess of six months; and
3. Notice in [Form P](#) is served on the Secretary to Government (Labour), Pondicherry.

The employer is also required to serve three months' notice of his intention to

retrench the workman with reasons for the same, to every workman who is being so retrenched. Alternatively, the employer may pay wages for the period of the notice, in lieu thereof.

## LAY-OFF

An employee is said to have been laid-off on any day, if the employer fails, refuses or is unable to provide him employment on that day within two hours of his presenting himself for work at the normal appointed time, on account of shortage of coal, power or raw materials, or accumulation of stocks or break-down of machinery or natural calamity or for any such other reason. The expression "any other reason" should be constructed to mean reason similar or analogous to the preceding reasons.

Under rule 75A of the Industrial Disputes Act, 1947, where more than 50 and less than 100 workmen on an average per working day have been employed in the preceding calendar month in an industrial establishment which are not of seasonal nature, the employer is required to give a notice of lay-off of workers in Form O-1 within 7 days of such lay-off. Notice of withdrawal of lay-off is also to be given in Form O-2 within 7 days of such withdrawal.

In case of factories, mines and plantation establishments employing 100 or more workers, on an average per working day in the preceding 12 months, (excluding seasonal establishment), the employer cannot lay-off any workman without obtaining prior approval of the Government, except when such lay-off is due to shortage of power or natural calamity. Permission can be obtained by submitting an application in Form O-3 to Secretary to Government (Labour) within 60 days before the commencement of lay-off stating the reasons for the intended lay-off as provided under Chapter V of the Industrial Disputes Act, 1947. A copy of the application should be served simultaneously on the workmen also. The procedures to be observed for lay-off, retrenchment, transfer and closure of an undertaking is tabulated below.

| Number of workers | Retrenchment  | Lay-off        | Closure   | Transfer of undertaking   |
|-------------------|---|----------------|---|---|
| 1 to 49           | (a) One month's notice to workman or wages in lieu.<br>(b) Payment of 15 days wages for every completed | Not applicable | (a) One month's notice to workman or wages in lieu.<br>(b) Payment of 15 days | (a) One month's Notice to workman or wages in lieu.<br>(b) Payment of 15 days wages for every |

|               |   |   |  |                                     |
|---------------|---|---|--|-------------------------------------|
|               | given to the Government<br>(d) Principle of   |   | service.   | compensation required if service is |
|               | Last come, First Go to be adopted   |   |  | continued.                          |
| 50 to 99      | Same as above   | (a) Declaring lay-off by pasting on a notice board, either for all or for a section of workers.<br>(b) Payment of 50% of Basic Wages and D.A payable to the worker concerned.<br>(c) Commencement and termination of Lay-off to be intimated to the Government within 7 days such commencement and termination. | (a) and (b) as above.(c) 60 days notice to Government required.                    | Same as above                       |
| 100 and above | (a) Three month's notice to workman or wages in lieu.<br>(b) 60 days notice to Government seeking | (a) 60 days notice to Government seeking permission.<br>(b) Simultaneous notice to  | (a) 90 days notice to Government seeking permission.<br>(b) Simultaneous notice to | Same as above.                      |

|   |   |  |
|---|---|--|
| permission<br>(c) On grant of<br>permission,<br>Payment of 15<br>days wages for<br>every completed<br>year of<br>continuous<br>service. | workmen.<br>(c) On grant of<br>permission<br>payment of<br>50% of Basic<br>Wages and<br>D.A. payable to<br>the worker<br>concerned. | workmen.<br>(c) On grant<br>of<br>permission<br>payment of<br>15 days<br>wages for<br>every<br>completed<br>years of<br>continuous<br>service. |
|---|---|--|

## RECOVERY OF MONEY DUE FROM AN EMPLOYER

As per Section 33-C of the Industrial Disputes Act, 1947 where any money is due to a workman from an employer under a settlement or an award or under the provisions of (Chapter VA or Chapter VB) the workman himself or any other person authorised by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the appropriate government for the recovery of the money due to him, and if the appropriate government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrears of land revenue.

### Forms under the Industrial Disputes Act, 1947

| Sl.No. | Purpose  | Forms                  |
|--------|--|------------------------|
| 1.     | Application for the reference of an Industrial Dispute   | <a href="#">Form A</a> |
| 2.     | Notice of Change of service conditions proposed by an Employer   | <a href="#">Form E</a> |
| 3.     | Authorisation of Representatives to attend Conciliation  | <a href="#">Form F</a> |
| 4.     | Progress Report on constitution and functioning of works committee for the half year ending 30 <sup>th</sup> June/31st December. | Form GI                |
| 5.     | Form for Memorandum of Settlement  | <a href="#">Form H</a> |
| 6.     | Complaint under Section 33A of the Industrial Disputes Act, 1947.  | Form I                 |
| 7.     | Application seeking permission under Section 33  | Form J                 |
| 8.     | Application seeking approval for the action taken sub-section (2) of Section 33  | <a href="#">Form K</a> |
| 9.     | Application to claim the dues from the Employer by the Employee  | <a href="#">Form K</a> |
| 10.    | Form of Notice of strike to be given by Union / Workmen in a   | <a href="#">Form L</a> |

|     |   |                        |
|-----|---|------------------------|
|     | public utility service  |                        |
| 11. | Form of Notice of Lock-Out to be given by an employer carrying on a public utility service  | <a href="#">Form M</a> |
| 12. | Form of Report of strike or lock-out in a public utility service  | Form N                 |
| 13. | Form of Intimation of Lay-Off under Rule 75-A of the Industrial Disputes Act, 1947.   | Form 01                |
| 14. | Intimation at the end of lay-off.   | Form 02                |
| 15. | Form of application for permission to lay-off / to continue the lay-off of workman in Industrial establishment to which provision of Chapter VB of the Industrial Disputes Act, 1947 is applicable. | Form 03                |
| 16. | Form of notice of Retrenchment to be given by an employer under Clause (c) of Section 25F of the Industrial Disputes Act, 1947 (See Rule 76)  | <a href="#">Form P</a> |
| 17. | Form of Notice for permission for retrenchment of workmen to be given by an employer under Clause (c) of Sub-section (1) of Section 25N of the Industrial Disputes Act, 1947 (See Rule 76A(1))      | Form PA                |
| 18. | Form of Notice of Closure to be given by an employer under section 25FFA of the I.D. Act, 1947.   | Form Q                 |
| 19. | Form of Notice for Permission of Closure to be given by an employer under sub-section 25 O of the Industrial Disputes Act, 1947.  | Form QA                |

#### APPOINTMENT OF CONCILIATION OFFICERS.

Section 4 of the Industrial Disputes Act, 1947 confers power upon the Government to appoint Conciliation Officers by notification in the official gazette, for a specified area or for one or more specified industries for the purpose of mediating in and promoting settlement of industrial disputes. The Labour Officer (Conciliation) and the Assistant Inspectors of Labour have been notified and appointed as Conciliation Officers.

#### Section 4

1. The appropriate government may, by notification in the Official Gazette, appoint such number of persons, as it thinks fit to be conciliation officers, charged with the duty of mediating in and promoting the settlement of industrial disputes.
2. A conciliation officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and either

permanently or for a limited period.

## PROCEDURE AND POWERS OF CONCILIATION OFFICERS

Section 11 (2) of the Industrial Disputes Act, 1947 prescribing the powers of the Conciliation Officers states that, such officer may, for the purpose of inquiry into existing or apprehended industrial dispute, after giving reasonable notice enter the premises occupied by an industrial establishment to which the dispute relates.

### Section 11 (2)

A Conciliation Officer or a member of a board (or court or the Presiding Officer of a Labour Court, Tribunal or National Tribunal) may for the purpose of inquiry into any existing or apprehended industrial dispute, after giving reasonable notice, enter the premises occupied by any establishment to which the dispute relates

### Section 11 (4)

A Conciliation Officer may enforce the attendance of any person for the purpose of examination of such person or call for and inspect any document which he has ground for considering to be relevant to the industrial dispute or to be necessary for the purpose of verifying the implementation of any award or carrying out duty imposed on him under this Act, and for the aforesaid purposes, the Conciliation Officer shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of enforcing the attendance of any person and examining him or of compelling the production of documents.

### Section 11 (6)

All Conciliation Officers, members of a Board or Court and the Presiding Officers of a Labour Court, Tribunal or National Tribunal shall be deemed to be Public servants within the meaning of section 21 of the India Penal Code (45 of 1860).

## DUTIES OF CONCILIATION OFFICERS :-

Section 12 of the Industrial Disputes Act, 1947 prescribes the duties of Conciliation Officers. If the employer and the workmen fail to arrive at a settlement through negotiations, the Conciliation Officer may intervene as a mediator, endeavour to reconcile the differences of opinion and help the labour and management in achieving a successful settlement. Intervention by the Conciliation Officer is mandatory in case an industrial dispute has arisen in a public utility service and a notice of strike or lockout (under section 22) has been served.

The Conciliation Officer shall, for the purpose of bringing about a settlement of dispute, without delay, investigate the dispute and all matters affecting the merits



and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

The Conciliation Officer shall send a report of proceedings to the Government, as to whether the settlement has been achieved or not, within fourteen days of the commencement of the conciliation proceedings or within such extended time as may be allowed and in the prescribed manner. If a settlement is arrived at as a result of conciliation proceedings a memorandum of settlement is worked out and it becomes binding on all the parties concerned for a period agreed upon. If no settlement is arrived at, the Conciliation Officer shall, as soon as practicable after the close of investigation, send a full report to the Government, setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, and the reasons on account of which a settlement could not be reached.

## Section 12

1. Where any industrial dispute exists or is apprehended, the conciliation officer may, or where the dispute relates to public utility service and a notice under section 22 has been given, shall, hold conciliation proceedings in the prescribed manner.
2. The conciliation officer shall, for the purpose of bringing about a settlement of the dispute, without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.
3. If a settlement of the dispute or of any of the matters, in dispute is arrived at in the course of the conciliation proceedings the conciliation officer shall send a report thereof to the appropriate government (or an officer authorized in this behalf by the appropriate government) together with a memorandum of the settlement signed by the parties to the dispute.
4. If no such settlement is arrived at, the conciliation officer shall as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which in his opinion, a settlement could not be arrived at.
5. If, on a consideration of the report referred to in sub-section (4), the appropriate government is satisfied that there is a case for reference to a Board. (Labour Court, Tribunal or National Tribunal), it may make such reference. Where the appropriate -government does not make such a reference it shall record and communicate to the parties concerned its reasons therefor.

6. A report under this section shall be submitted within fourteen days of the commencement of the conciliation proceedings or within such shorter Period as may be fixed by the appropriate government.

(PROVIDED that, [ subject to the approval of the conciliation officer] the time for the submission of the report may be extended such period as may be agreed upon in writing by all the parties to the dispute.)

(N.B.: In Pondicherry, the time limit of sixty days has been fixed from the commencement of the conciliation proceedings, by the Government)

### The Settlement

A settlement arrived at , in the course of conciliation proceedings comes into operation -

1. on such date as is agreed upon by the parties to the dispute: and
2. where no such date is agreed upon, on the date on which the memorandum of settlement is signed by the parties to the dispute.

The settlement shall be binding -

1. for the period agreed upon by the parties: and
2. where no such period is agreed upon, for a period of six months from the date on which the memorandum of settlement is signed.

The settlement shall remain binding for a further period until the expiry of two months from the date on which a notice in writing for termination of the settlement is given by any one party to the other party or parties

### PROTECTION OF WORKMEN DURING PENDENCY OF CONCILIATION PROCEEDINGS

During pendency of any conciliation proceedings before a Conciliation Officer in respect of any dispute, no employer can alter the conditions of service to the prejudice of the workmen concerned with the dispute or dismiss or punish any such workmen without obtaining written permission of the authority concerned.

### OBLIGATIONS OF EMPLOYERS

1. Not to make any change in the service condition of the workmen without giving a notice prescribed under Section 9A
2. To assist the Conciliation Officer in resolving any dispute.
3. To implement all agreements, settlements and Awards.
4. To maintain a muster-roll of the workmen employed in the establishment, even

at the time when workmen have been laid-off, and to ensure that the names of the workmen who present themselves for work at the appointed hours, are entered therein.

5. Not to declare, support or finance an illegal lock-out, in the establishment.
6. Not to lay-off or retrench any workmen or close down any undertaking, without obtaining prior approval of the Government if so required.
7. To pay lay-off, retrenchment and closure compensation, compensation to workmen for illegal lock-out, as prescribed under the provisions of the Act.
8. Not to indulge in unfair labour practices.

## OBLIGATIONS OF EMPLOYEES

1. To assist and co-operate with the Conciliation Officer in resolving any industrial dispute.
2. Not to participate in, support or finance an illegal strike.
3. To abide by all agreements, settlements and Awards.
4. Not to indulge in unfair labour practices.

## OFFENCES AND PENALTIES

### OFFENCES

### PENALTIES

- |   |  |
|---|--|
| 1. Any employer who resorts to lay-off or retrenches workman without obtaining prior permission from the Government.  | Imprisonment upto one month or fine upto Rs. 1000/- or both  |
| 2. Closure of an undertaking without obtaining prior approval of the Government.  | Imprisonment upto six months or fine upto Rs.5000/- or both  |
| 3. Closure of an undertaking in contravention of an order refusing to grant permission for closure, or non-compliance of an order continuing offence a further fine | Imprisonment upto one year or fine upto Rs.5000/- or both. In case of a further fine                 |
| 4. Closure of an undertaking without giving notice to the workman under FFA.  | Imprisonment upto six months or fine upto Rs.5000/- or both  |
| 5. Any workmen who participates or acts in furtherance of an illegal strike   | Imprisonment upto one month or fine upto Rs.50 or both   |
| 6. An employer who declares an illegal lock-out or acts in furtherance of the same.   | Imprisonment upto one month or fine upto Rs. 1000/- or both  |
| 7. Any person who instigates or incites another person to take part in or finances any illegal strike or lock out, or commits                                       | Imprisonment upto six months or fine upto Rs.1000- or both.  |
| 8. Any person who commits a breach of any settlement or award binding on him.   | Imprisonment upto six months or fine or both. In case of a continuing breach an additional fine upto |

|   |   |
|---|---|
| settlement or award binding on him.   | or both. In case of a continuing breach an additional fine upto Rs.200/- per day. |
| 9. Any person who willfully discloses any information which is declared to the Confidential under section 21. | Imprisonment upto six months or fine upto Rs. 1000/- or both                      |
| 10. Contravention of any other provision of the Act or the rules made there under                             | Fine upto Rs. 100/-   |

## **INDUSTRIAL EMPLOYMENT (Standing Orders) ACT, 1946:-**

### **APPLICATION AND OBJECT**

Section (1) of the industrial employment (standing orders) Act, 1946 stipulates that the Act applies to every industrial establishment wherein 100 or more workmen are employed or were employed on any day of the preceding 12 months. The Act requires the employers to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them.

### **VOLUNTARY APPLICATION OF THE ACT**

A Notification was issued vide G.O.Ms.No.5/2003/Lab/L dated 13.2.2003 and published in the Official Gazette No.15 dated 13.2.2003 for extending the Act to industrial establishments employing less than 100 workmen in which the employers voluntarily apply for certification of Standing Orders.

### **APPLICATION AND CERTIFICATION**

As per section 3 of the Act, within six months from the date on which the Act applies to an industrial establishment, the employer shall submit the application for certification of Standing Orders in Form I (Appendix A) enclosing 5 copies of draft Standing Orders proposed for certification. The draft shall provide only for those matters set out in the Schedule to the Act. A statement containing the following particulars shall also be enclosed.

1. Total number employed,
2. Number of permanent workmen,
3. Number of temporary workmen,
4. Number of casual workmen,
5. Number of probationers,

6. Number of apprentices,
7. Name of the trade union or trade unions, if any, to which the workmen belong.

A group of employers in similar industrial establishments may submit a joint draft Standing Orders for certification.

On receipt of draft Standing Orders the Certifying Officer will forward the draft to the trade union of the establishment and where no such trade union exists, to the representatives of workmen elected in a meeting convened by the Certifying Officer.

The Trade Unions or the representatives of workmen, as the case may be, will be required to give their objection to the draft within 15 days from the date of its receipt. Thereafter, opportunity of being heard will be given to the parties and the Certifying Officer after ascertaining as to whether the draft is in conformity to the Model Standing Orders in so far as is practicable and adjudicating upon its fairness and reasonableness will make an order in writing on the modification or addition required to the draft. In terms of the said order, the Certifying Officer will certify the Standing Orders and forward the same to the parties.

#### APPEAL

An appeal on the order of the Certifying Officer will lie in the Labour Court, Pondicherry and the appeal has to be filed within 30 days from the date on which copies of certified Standing Orders are sent.

The appellate authority may either confirm the certified Standing Orders or amend by making modifications thereof or additions thereto, as may be necessary. The certified Standing Orders come into operation with effect from the 30th day from the day on which its copies are sent to the parties or from the 7th day on which the appellate order is served on the parties. From the date on which the Act becomes applicable and ending with the date on which the certified Standing Orders come into operation the Model Standing Orders are temporarily applicable.

The certified Standing Orders shall be posted in a notice-board at a conspicuous place of the establishment and shall be kept in a legible condition.

The parties may apply for modification of the certified Standing Orders on expiry of 6 months from the date of certification or last modification. However with the consent of the parties such modification can be made before the expiry of 6 months. The procedure for applying for modification is the same as that of applying for certification of the first Standing Orders.

#### PENALTY

1. As per section 13(1) penalty will be levied for failure to submit the draft

Standing Order and for modifying the Standing Orders without prior approval of Certifying Officer - Fine upto Rs.5000 and in case of a continuing offence a further fine upto Rs.200/- per day.

2. Contravention of the Certified Standing Orders - Fine upto Rs.100/- and in case of continuing offence a further fine upto Rs.25/- per day.

APPENDIX A  
Form I

To

The Certifying Officer

Sir,

Under the provisions of Section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft Standing Orders proposed by me for adoption \_\_\_\_\_ in \_\_\_\_\_ (Name) \_\_\_\_\_ (Place) \_\_\_\_\_ (Postal address) an industrial establishment owned/controlled by me, with the request that these orders may be certified under the term of the Act. I also enclose a statement giving the particulars prescribed in Rule 5 of the Industrial Employment (Standing Orders) Central Rules, 1946.

Employer/Manager

**THE PAYMENT OF THE BONUS ACT, 1965:-**

Section 1 (3) of the Act applies to every factory and every other establishment in which twenty or more persons are employed on any day during an accounting year. The Act provides for payment of bonus to persons employed in a factory and other establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith.

Every employee who has worked in the establishment for not less than 30 working days in an accounting year will be eligible for bonus. The Minimum Bonus under Section 10 payable is 8.33% of the salary or wage earned by an employee during the accounting year and the maximum bonus under Section 11 payable is 20% thereof. The bonus shall be payable within a period of eight months from the close of accounting year. Where there is a dispute regarding payment of bonus the bonus shall be paid within a month from the date on which the award become enforceable or the settlement comes into operation. Where any dispute is raised over non-payment of bonus under Section 22

the same will be referred to the Conciliation Officer for arriving at a settlement and if no settlement is arrived the dispute will be referred to Labour Court / Industrial Tribunal for adjudication.

If no dispute exists over payment of bonus and there is only delay in payment, then the concerned establishment will be directed to pay the bonus and on non-compliance prosecution proceeding will be initiated.

#### PENALTY

Any person who contravenes the provision of the Act, shall be punishable for imprisonment, which may extend to six months or fine of Rs. 1,000/- or both.

### THE PAYMENT OF GRATUITY ACT, 1972:-

#### WHAT IS GRATUITY?

Gratuity is a sort of an award which an employer pays out of his gratitude, to an employee for his long and meritorious services, at the time of his retirement or termination of his services. Payment of gratuity is, however, compulsory for employers in certain units and establishments to which the Payment of Gratuity Act applies.

#### OBJECTIVES

The Payment of Gratuity Act, 1972 envisages to **provide a retirement benefit to the workmen** who have rendered long and unblemished service to the employer, and have thus contributed to the prosperity of the employer.

#### SCOPE AND COVERAGE

As per Section 1 (3), this Act is applicable to-

1. every factory
2. every shop or establishment governed by the Shops and Establishments Act of that State, in which 10 or more persons are employed, or were employed on any day of the preceding 12 months.

#### EMPLOYEES ENTITLED

As per section 4 of the Act, every employee (other than an apprentice) irrespective of his wages is entitled to receive gratuity after he has rendered continuous service for 5 years or more. Gratuity is payable at the time of termination of his services, either (i) on superannuation, or (ii) on retirement or resignation, or (iii) on death or disablement due to accident or disease. Termination of services includes

retrenchment. However, the condition of 5 years continuous service is not necessary if services are terminated due to death or disablement.

In case of death of the employee, gratuity payable to him is to be paid to his nominee, and if no nomination has been made, then to his heirs.

The application for claiming gratuity may be filed in Form N within 90 days from the date of cause of action and any delay may be condoned by the Controlling Authority with sufficient cause. The legal heirs of the deceased may submit application in [Form 'K'](#) to the Controlling Authority.

#### AUTHORITY UNDER THE ACT:

The Labour Officer (Enforcement) is Controlling Authority for Pondicherry and Yanam regions and the Labour Officer Karaikal for Karaikal and Mahe regions.

The Deputy Labour Commissioner, Pondicherry functions as Appellate authority under the Act

#### MEMORANDUM OF APPEAL

1. The memorandum of appeal under sub section (7) of the Act shall be submitted to the appellate authority with a copy thereof to the opposite party and the controlling authority either through delivery in person or under registered post acknowledgment due.
2. The Memorandum of appeal shall contain the facts of the case, the decision of the controlling authority, the grounds of appeal and the relief sought.
3. There shall be appended to the Memorandum of appeal a certified copy of the finding of the controlling authority and direction for payment of gratuity.
4. On receipt of the copy of Memorandum of appeal, the controlling authority shall forward records of the case to the appellate authority.
5. Within 14 days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments on each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.
6. The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal and a copy thereof shall be sent to the controlling authority returning his records of the case.



7. The controlling authority shall, on receipt of the decision of the appellate authority make necessary entry in the records of the case maintained in Form "Q" under sub-rule (1) of rule 16.
8. On receipt of the decision of the appellate authority the controlling authority shall, if required under that decision modify his direction for payment of gratuity and issue a notice to the employer concerned in Form "S" specifying the modified amount payable and directing payment thereof the applicant, under intimation to the controlling authority within fifteen days of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be, and to the appellate authority.

Any person aggrieved by an order of the Controlling Authority may within 60 days from the date of receipt of order prefer an appeal to the Appellate Authority.

#### CALCULATION OF GRATUITY (Section 7 of the Act)

In case of non-seasonal establishment-

Gratuity payable = 15 days' wages \* No. of completed years of service (part of a year in excess of 6 months is counted as one year)

In case of seasonal establishment-

Gratuity payable = 7 days wages \* No. of seasons for which employed.

#### MAXIMUM GRATUITY

The amount of gratuity payable should not exceed Rs.3,50,000 in any case.

#### THE PAYMENT OF WAGES ACT, 1936

##### OBJECTIVES

The Payment of Wages Act, 1936 was enacted with the object of (i) regulating payment of wages, imposition of fines and deductions from wages, and (ii) eliminating all malpractices by laying down wage periods and time and mode of payment of wages. The Act, therefore, ensures payment of wages in a particular form at regular intervals without unauthorised deductions.

##### SCOPE AND COVERAGE

As per Section 1(4), the Act applies to any factory, and railway establishment and industrial or other establishment, like tramway service, motor transport service, air transport service, dock, wharf, jetty, inland vessel, mine, quarry, oilfield, plantation, workshop or other establishment producing, adapting or manufacturing any article, establishments engaged in construction, development and maintenance of buildings, roads, bridges or canals, navigation, irrigation or supply of water, generation, transmission and distribution of electricity/power and any other establishment notified by the Central or a State Government.

## EMPLOYEES ENTITLED

The Act is applicable to the employees receiving wages below Rs.6,500 p.m. Persons employed in a railway establishment, either directly or through a contractor, are also covered under the Act.

## AUTHORITY

The Deputy Labour Commissioner is the authority under the Payment of Wages Act in respect of Pondicherry, Mahe and Yanam regions and Labour Officer Karaikal in respect of Karaikal regions.

## TIME OF PAYMENT

Every employer / manager should make timely payment of wages. If the number of persons employed in an establishment is less than 1000, then wages must be paid within 7 days of the expiry of the wage period, and in other cases within 10 days of the expiry of the wage period.

Where the employment of any person is being terminated, his wages should be paid within 2 days of the date of termination.

## THE TRADE UNIONS ACT, 1926

### OBJECTIVES

The Trade Unions Act, 1926 provides for registration of trade unions (including association of employers) with a view to render lawful organisation of labour to enable collective bargaining. The Act also confers on a registered trade union certain protection and privileges.

### SCOPE AND COVERAGE

As per section 1 (2) the act extends to the whole of India and it applies to all kinds of

unions of workers and associations of employers which aim at regularising the Labour Management relations. As per section 2(h) of the Act, a 'trade union' is a combination, whether temporary or permanent, formed for regulating the relations not only between workmen and employers but also between workmen and workmen or between employers and employers. Besides, a trade union may be formed for imposing restrictions on the conduct of any trade or business.

#### ADMINISTRATIVE AUTHORITY

The Commissioner of Labour of this Union Territory of Pondicherry functions as the Registrar of Trade Union for the purpose of the Act.

#### MEANING OF TRADE UNION

In common parlance, a trade union connotes an association of workers in a particular trade or industry. As per section 2(u), a trade union means any combination, whether temporary or permanent, formed primarily to regulate the relations between workmen and employers, or workmen and workmen, or employers and employers and for imposing any restrictive conditions on the conduct of any trade or business. Further, any federation of 2 or more trade unions shall also be a trade union.

#### REGISTRATION OF TRADE UNIONS

Registration of a trade union is not compulsory but is desirable since a registered trade union enjoys certain rights and privileges under the Act.

As per section 4 of the Act minimum seven workers of an establishment (or seven employers) can form a trade union and apply to the Registrar for its registration. Provided that no Trade Union of workmen shall be registered unless at least ten per cent or one hundred of the workmen, whichever is less, engaged or employed in the establishment or industry with which it is connected are the members of such Trade Union on the date of making of application for registration. The application for registration should be in the prescribed form and accompanied by the prescribed fee, a copy of the rules of the union signed by atleast 7 members and a statement containing - (a) the names, addresses and occupations of the members making the application, (b) the name of the trade union and the address of its head office, and (c) the title, name, age, address and occupation of its office-bearers. If the union has been in existence for more than a year, then a statement of its assets and liabilities in the prescribed form, should also be submitted along with the application.

The executive committee/office-bearers of the union should be constituted in accordance with the provisions of the Act.

As per section 6 of the Act, the rules of the trade union should clearly mention its name and objects, the purpose for which its funds can be used, provision for

maintenance of a list of members, procedure for admission of ordinary, honorary or temporary members, rate of subscription (being not less than Rs.0.25 p.m. per member), procedure for amending or rescinding rules, manner of appointing Executive Committee and other office-bearers, safe custody of funds, audit and inspection of account books, procedure for dissolution of the union and changing its union.

The Registrar may call for further information for satisfying himself that the application is complete and is in accordance with the provisions of sections 5 and 6 and that the proposed name of the union does not resemble with the name of any other existing trade union.

On being satisfied with all the requirements, the Registrar shall register the trade union and issue a certificate of registration, which shall be a conclusive evidence of its registration.(Section 9)

#### APPOINTMENT OF OFFICE-BEARERS

Section 22 stipulates that at least 50% of the office-bearers of a union (in the case of organized sector atleast one-third) should be actually engaged or employed in the industry with which the trade union is concerned, and the remaining 50% (or less) can be outsiders such as lawyers, politicians, social workers, etc. For being appointed as an office-bearer or executive of a registered trade union, a person must have-

1. Attained the age of 18 years; and
2. Not been convicted of any offence involving moral turpitude and sentenced to imprisonment, or a period of atleast 5 years has elapsed since his release.

#### CANCELLATION OF REGISTRATION

As per section 10 the Registrar can withdraw or cancel registration of a trade union on an application being made for its cancellation or by giving atleast 2 months notice under any of the following circumstances-

1. if registration has been obtained by fraud or mistake
2. if the union has ceased to exist
3. if it has wilfully contravened any of the provisions of the Act or
4. if any rule which is required under Section 6, has been deleted

#### DISSOLUTION OF TRADE UNION

Section 27 provides that a registered trade union can be dissolved in accordance with the rules of the union. A notice of dissolution signed by any seven members and the Secretary of the Union should be sent to the Registrar within 14 days of the dissolution. On being satisfied, the Registrar shall register the notice and the union shall stand dissolved from that date. The funds of the union shall be divided by the

Registrar amongst its members in the manner prescribed under the rules of the union or as laid down by the Government.

## AMALGAMATION OF TRADE UNIONS

Under section 24 any registered trade union may amalgamate with any other union(s), provided that atleast 50% of the members of each such union record their votes and atleast 60% of votes so recorded are in favour of amalgamation. A notice of amalgamation signed by the Secretary and atleast 7 members of each amalgamating union, should be sent to the Registrar, and the amalgamation shall be in operation after the Registrar registers the notice.

## THE WORKMEN'S COMPENSATION ACT, 1923

### INTRODUCTION

The growing complexity of industry in our country, with the increasing use of machinery and consequent danger to workmen, along with the comparative poverty renders it advisable that they should be protected as far as possible from hardship arising on account of accidents. The Workmen's Compensation Act, 1923 provides for payment of compensation to the workmen who suffer injury by accident.

### OBJECTIVES

The Workmen's Compensation Act, 1923, aims to provide workmen and/or their dependents some relief in case of accidents arising out of and in the course of employment and causing either death or disablement of workmen.

### SCOPE AND COVERAGE

As per Section 1, the Act extends to the whole of India and it applies to railways and other transport establishments, factories, establishments engaged in making, altering, repairing, adapting, transport or sale of any article, mines, docks, establishments engaged in constructions, fire-brigade, plantations, oilfields and other employments listed in Schedule II of the Act. The Workmen's Compensation (Amendment) Act, 1995, has extended the scope of the Act to cover workers of newspaper establishments, drivers, cleaners, etc. working in connection with, motor vehicle, workers employed by Indian companies abroad, persons engaged in spraying or dusting of insecticides or pesticides in agricultural operations, mechanised harvesting and thrashing, horticultural operations and doing other mechanical jobs.

### EMPLOYERS LIABILITY FOR COMPENSATION

1. As per Section 3 of the Act, if a worker suffered personal injury by accidents arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of the Act.
2. To submit a statement to the Commissioner (within 30 days of receiving the notice) in the prescribed form, giving the circumstances attending the death of a workman as result of an accident and indicating whether he is liable to deposit any compensation for the same.
3. To submit accident report to the Commissioner in the prescribed form within 7 days of the accident, which results in death of a workman or a serious bodily injury to a workman.

In case, where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment to the extent of liability which he accepts and such payment shall be deposited with the Commissioner or make it to the workmen as the case may be without prejudice to the right of a workmen.

### WORKERS LIABILITY

The claim application should be made to the Commissioner of Workmen's Compensation in Form VIII, IX, X and XI appended to the Workmen's Compensation (Pondicherry) Rules, 1964 within two years from the date of occurrence of the accident.

The Commissioner of Labour functions as Commissioner for Workmen's Compensation for the whole UT of Pondicherry. The Deputy Labour Commissioner of Pondicherry has been declared as Additional Commissioner for Workmen's Compensation in respect of Pondicherry/Mahe/Yanam regions.

The Labour Officer, Karaikal has been declared as Additional Commissioner for Workmen's Compensation in respect of Karaikal region.

### EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952

The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 applies to every factory engaged in any industry specified in Schedule - I of the Act and in which 20 or more persons are employed and to other establishments like road motor transport establishments, hotels, restaurant cinema theatres, hospitals etc. as notified by Central Government in the Official Gazette.

The Act provides for the institution of compulsory Provident Fund, Pension Fund and

Deposit Linked insurance Fund for the benefit of the employees in factories and other establishments

The Act provides for three schemes viz.,

1. Employees' Provident Fund Scheme, 1952
2. Employees' Pension Scheme, 1995
3. Employees' Deposit Linked Insurance Scheme, 1976

#### EMPLOYEES' PROVIDENT FUND SCHEME, 1952

An employee who is in receipt of pay upto Rs.6500/-p.m. is eligible for membership of the Fund from the very date of joining an establishment. The present rate of contribution is 12 percent/10 percent of the monthly wages of the subscribers. The funds of the EPFO are invested as per the pattern of investment notified by the Govt. of India from time to time. Upto 31.3.1995, the Reserve Bank of India was managing the investment portfolio for the EPFO. From 1.4.1995, the State Bank of India has been appointed the portfolio manager. The investment decisions are taken with maximum emphasis on safety & security of the fund, optimum return, sound commercial judgement and ensuring that funds don't remain idle. The rate of interest on EPF accumulations is decided every year keeping in view the projected income and the interest liability of the EPFO for that financial year.

#### EMPLOYEES' PENSION SCHEME, 1995

Although Provident Fund was an effective social protection measure for old age and survivorship benefit, in the event of premature death of an employee, the accumulations in the P.F was not found to be sufficient to render adequate and long term protection to his family. This led to the introduction of employees' Family Scheme, 1971 with effect from 1.3.1971. Under this scheme, family members, of the employees who died in harness, were given monthly family pension. A portion of the contribution to provident fund of the employee and the employer, namely, 1-1/6 % of wages was diverted to this fund and central government also contributed 1-1/6% of the wages. The benefit under this scheme was immensely improved with introduction of Employees' Pension Scheme, 1995 with effect from 16.11.1995, which was conceived as 'Benefit-defined-social-insurance-scheme' formulated on the basis of actuarial principles. This scheme aims at providing economic sustenance during old age and survivorship coverage to the member and his family. This scheme is funded by diverting 8.33% of the wages of the employees out of the employers' contributions to the Provident Fund. The Central Government continues to contribute at the rate of 1-1/6% of the wages of the employees. The benefits under the old scheme remained protected and continued in the EPS, 1995.

#### EMPLOYEES' DEPOSIT LINKED INSURANCE SCHEME, 1976

The third scheme, namely Employees' Deposit Linked Insurance Scheme, 1976 came into force with effect from 1.8.1976. The scheme is supported by a nominal contribution by the employers i.e.0.5% of the pay of the employee. No contribution is payable by the employee. On the death of a member while in service, the person entitled to receive the provident fund accumulation is paid and additional amount equal to the average balance in the provident fund account of the deceased during the preceding 12 months. At the inception of the scheme, maximum amount of benefit payable was Rs.10,000/-. This benefit has been progressively enhanced to Rs.25,000/- with effect from 1.3.1990, to Rs.35,000/- with effect from 1.4.1993 and to Rs.60,000/- from 24.6.2000, subject to certain conditions.

Complaints received from workers over settlement of EPF dues are forwarded to the EPF Sub - Regional Office for speedy redressal. The Labour Commissionerate also co-ordinates with the EPF Office to ensure that the Public Sector Undertakings who should be model employers are voluntarily discharging their dues to the workers and EPF Organisation.

A Regional Committee of Employees' Provident Fund has been constituted for the Union Territory of Pondicherry with Secretary (Labour) as Chairman so as to tender advice on all matters connected with the administration of the EPF Scheme.

## EMPLOYEES STATE INSURANCE ACT, 1948

### INTRODUCTION

Employees' State Insurance Scheme of India came into being through the promulgation of the ESI Act, 1948, by the Parliament. Obviously this was the first major social security programme launched with the dawn of independence and at a time when the country hardly had any industrial base worth the name. The Scheme thus introduced was tailored to provide medical care besides cash benefits in certain contingencies such as sickness, temporary or permanent disablement, maternity or death due to employment injury to the workforce in the organised sector. With the implementation of the Scheme in February, 1952 at just two centres in the country, namely Delhi and Kanpur and a limited coverage of about 1.2 lakh employees, the Scheme nevertheless was a prelude to the rapid industrialisation that followed in successive years through imaginative planning resulting in large scale deployment of manpower in this fast developing sector of activity.

### APPLICABILITY OF THE ESI ACT



## Section 2 (12)

I. The ESI Act, (1948) applies to the following categories of factories and establishments in the implemented areas:-

1. Non-seasonal factories using power and employing ten(10) or more persons
2. Non-seasonal and non-power using factories and establishments employing twenty (20) or more persons.

The "appropriate Government" is empowered to extend the provisions of the ESI Act to various classes of establishment, industrial, commercial, agricultural or otherwise.

II. A factory or establishment once covered under the ESI Act, remains covered even if the number of employees at any later stage falls short of the stipulated number of 10/20 employees or the manufacturing process therein ceases to be carried on with the aid of power.

III. The Act, however, does not apply to workers engaged in mining operations, railway running sheds and seasonal factories as defined under the Act.

## INTRODUCTION OF ESI SCHEME IN U.T. OF PONDICHERRY

The ESI Scheme was introduced in Pondicherry Region on 2.10.1966. It was extended to Mahe on 15.8.70 to Karaikal on 19.5.76 and to Yanam on 28.10.94. An agreement between the UT of Pondicherry and the ESI Corporation has been made on 11.5.70 for administration of the scheme.

## FINANCE

The ESI Scheme is mainly financed by contributions raised from employees covered under the scheme and their employers, as a fixed percentage of wages. As of now, the rates of contribution are:-

Rule No. 51 of ESI (Central) Rule 1950.

1. Employees' Contribution : 1.75 percent of wages
2. Employers' Contribution : 4.75 percent of wages

Rule No. 52 of ESI (Central) Rule 1950.

Employees' earning upto Rs.40/- a day as wages are exempted from payment of their part of contribution.

## ORGANISATION

E.S.I. Corporation has its National Headquarters Office at New Delhi, Regional Office in each of the State and a number of local offices throughout the country. A Regional Office for U.T. of Pondicherry was started on 4.8.2003 and is presently functioning at Regional Office, Chennai. In addition, two local offices are functioning at Gandhi Nagar and Mudaliarpet. The ESI scheme is being implemented through Labour Department in this Union Territory. However the Health care is provided through the Directorate of Health and Family Welfare Services.

#### SHARE OF EXPENDITURE ON MEDICAL CARE

For the purpose of sharing expenditure, the ESI Corporation with effect from 1.4.70 prescribed the maximum per capita ceiling on total expenditure on medical benefits. The ceiling has been periodically revised upwards and the current ceiling with effect from 1.4.99 is Rs.600/- per IPS family unit per annum. The State Governments share of expenditure on provision of medical benefit to ESI beneficiaries is fixed at 12.5% within the above ceiling amount. Amount spent in excess of the ceiling is, however, borne by the State Government concerned.

#### WAGE CEILING

Rule No. 53 of ESI (Central) Rule 1950.

Employees of covered units and establishments drawing wages upto Rs.10,000/- per month come under the purview of the ESI Act, 1948 for availing multi-dimensional social security benefits.

#### EXTENSION OF ESI BENEFITS

Rule No. 54-60 of ESI (Central) Rule 1950.

The ESI Corporation has published the ESI Medical manual which serves as guidelines in implementation of ESI Scheme. The following types of ESI benefits have been extended to the insured employees and the family members under ESI Scheme:

- i) Medical Benefits - for self & dependents
- ii) Sickness benefits - for self
- iii) Maternity benefits - for self
- iv) Disablement benefits
  - a) Temporary Disablement - for self
  - b) Permanent Disablement - for self
- v) Dependants' Benefits - for dependents in case of death of IP due

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
|                                 |   | to employment injury           |
| vi) Funeral expenses            | - | for self                       |
| vii) Rehabilitation allowance   | - | for self                       |
| viii) Vocational Rehabilitation | - | for self                       |
| ix) Old age medicare            | - | for self and spouse            |
| x) Medical bonus                | - | for insured women and IPs wife |

#### ACTIVITIES OF ESI SCHEME IN UNION TERRITORY OF PONDICHERRY

1. Under the ESI Scheme, 14 full time Dispensaries, 1 part time dispensaries and 1 ESI Hospital with 75 beds and full equipped operation theatre are providing medicare to the ESI beneficiaries.
2. At present, the strength of insured person and family members in Union Territory of Pondicherry as on March, 2006 are as under.

| Region                | IPs    | Family Members |
|-----------------------|--------|----------------|
| a) Pondicherry Region | 43,672 | 1,14,437       |
| b) Karaikal Region    | 7,932  | 22,209         |
| c) Mahe Region        | 1,103  | 3,088          |
| d) Yanam Region       | 3,036  | 8,500          |
| Total                 | 55,743 | 1,48,234       |

#### REIMBURSEMENT BOOKED DURING 2004-2005

| NATURE OF CLAIM  | INSURED PERSONS | AMOUNT      |
|------------------|-----------------|-------------|
| SPECTACLES       | 742             | 3,19,235/-  |
| SPECIALITY       | 1015            | 4,78,252/-  |
| SUPER SPECIALITY | 66              | 36,45,542/- |
| TOTAL            | 1823            | 44,43,029/- |

#### REIMBURSEMENT BOOKED DURING 2005-2006

| NATURE OF CLAIM  | INSURED PERSONS | AMOUNT (Rs.) |
|------------------|-----------------|--------------|
| SUPER SPECIALITY | 72              | 42,17,455/-  |
| OTHER TREATMENT  | 2170            | 9,78,552/-   |
| TOTAL            | 2242            | 51,96,007/-  |

## EQUAL REMUNERATION ACT, 1976:-

This Act provides for the payment of equal remuneration to men and women workers and for the prevention of discrimination on the ground of sex against women in the matter of employment.

Duty of the employer is to pay equal remuneration to men and women workers for the same work or work of similar nature. Labour Officer (Enforcement) and Assistant Inspectors of Labour are declared as Inspectors under this Act to enforce the statutory provisions.

## MINIMUM WAGES ACT, 1948 AND RULES THEREUNDER

In the region of Pondicherry, minimum wages are notified to various category of employees of a scheduled employment and the employer should pay the prescribed minimum wages to their employees under this Act. The object of this Act is to provide the minimum rates of wages in certain employment. Labour Officer (Enforcement) is the enforcing authority under this Act in the region of Pondicherry, Mahe and Yanam and Labour Officer, Karaikal in Karaikal region. The Deputy Labour Commissioner Labour Officers, Assistant Inspectors of Labour, Joint Chief Inspector of Factories & Boilers, Inspector of Factories and Assistant Inspector of Factories and are declared as Inspectors under this Act to enforce the statutory provisions under this Act.

IN PONDICHERRY REGION, FOR THE FOLLOWING SCHEDULED EMPLOYMENT, THE MINIMUM WAGES HAVE BEEN FIXED BY THE GOVERNMENT:-

1. Under the Pondicherry Shops and Establishment Act, the employees Minimum Wages are fixed under [G.O. Ms.No.32/2002/Lab/9](#), dated 26/09/2002.
2. Minimum rates of Wages for employment in Rice Mill, Flour Mill or Dhal Mill have been fixed and draft G.O.Ms.No.14/2003/Lab/4, dated 13/5/2003 was issued.
3. Minimum rates of Wages for employment in Public Motor Transport was fixed and draft [G.O. Ms.No.17/2002/Lab/9](#), dt.23.5.2003 was issued.
4. Minimum rates of wages have been fixed for employment in building operation and draft [G.O. Ms.No.20/2002/Lab/9](#), dated 10/6/2003 was issued.
5. Minimum rates of wages for Handloom Workers was fixed and draft [G.O.Ms.No.22/AIL/Lab/4/03](#), dated 30/06/2003 was issued.
6. Minimum rate of Wages for agriculture workers have been fixed and final notification issued in [G.O.Ms.No.22/Lab/2002/G](#), dated 21/6/2002.

7. Floor level Minimum rates of wages for contract workers employed in various industries been fixed vide Circular issued in No.228/A1/Lab/G/02, dated 22/11/2002.

Under this Act, Inspectors are appointed under Section 19 of this Act to enforce the statutory provision of this Act and empowered to enter, examine, seize the required documents and to launch prosecution for any violation and contravention under this Act.

The Forms prescribed under this Act, are detailed below:

|   |   |             |
|---|---|-------------|
| Register of Fines   | - | Form No.I   |
| Register of Deduction for Damages   | - | Form No.II  |
| Annual Return   | - | Form No.III |
| Register for Overtime   | - | Form No.IV  |
| Muster Roll   | - | Form No.V   |
| Form of Application by an employee under Section 20(2) for getting Minimum Wages to the Court | - | Form No.VI  |
| Penalty   |   |             |

As per Section 22 of the Act, any person violating the provisions shall be punished with imprisonment which may extend to 6 months or fine which may extend upto Rs.500/- or both.

### **MOTOR TRANSPORT WORKERS ACT, 1961:-**

Under Motor Transport Workers Act, 1961 the employers are required to apply under Section 3 of this Act in Form-1, IV and VII(A) in duplicate to the Labour Officer (Enforcement) and may obtain a certificate of registration. In the Pondicherry Region Assistant Inspector of Labour is the Registering Officer under this Act. Labour Officer (Enforcement), Assistant Inspector of Labour are Inspectors under this Act. Deputy Labour Commissioner is the Chief Inspector to all Pondicherry, Karaikal, Mahe and Yanam Region. The employer may renew the registration certificate in Form-I and V in duplicate. The Inspectors appointed under Section 4 of this Act may inspect the Establishment at any time and required for production of any Registration or documents if necessary. They have to enforce health and welfare measures and regulate working hours, wages, leave and over-time. The Inspectors have to enforce whether the Minimum Wages have been paid to the Motor Transport Employees notified under G.O.Ms.No.17/2002/Lab1G, dated 23/6/2003. No children should be allowed to work under Section 21 and fitness certificates under Section 23 to be obtained of this act. The employer should maintain the required records pertaining to

attendance, Wage, Over-time, Annual leave with wages, etc.

The prescribed fee structure as follows:

|                                 |           |
|---------------------------------|-----------|
| Five and above but less than 10 | Rs.25.00  |
| 10 and above but less than 20   | Rs.50.00  |
| 20 and above but less than 50   | Rs.100.00 |
| 50 and above but less than 100  | Rs.250.00 |
| 100 and above                   | Rs.500.00 |

The prescribed necessary forms under this Act are enclosed herewith.

### **THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976:-**

#### **OBJECTIVES**

This Act seeks to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people. It is an attempt on the part of the State to extend an umbrella of protection over the poor and needy workmen who may accept any terms for pledging their labour in order to stave off hunger and destitution.

#### **BONDED LABOUR OR BONDED LABOUR SYSTEM**

Section 2 (e) of the Act defines "bonded labour" as any labour or service rendered under the bonded labour system and "bonded labour system" as the system of forced, or partly forced labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that, (i) in consideration of an advance obtained by him or by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or (ii) in pursuance of any customary or social obligation, or (iii) in pursuance of an obligation devolving on him by succession, or (iv) for any economic consideration, received by him or by any of his lineal ascendants or descendants, or (v) by reason of his birth in any particular caste or community.

#### **ABOLITION OF BONDED LABOUR SYSTEM**

The Act abolished the bonded labour system in the country and every bonded labourer stood freed and discharged from any obligation to render any bonded service. The Act also prohibits (I) making of any advance by any person under or in pursuance of, the bonded labour system, and (ii) compelling any person to render any bonded labour or

other form of forced labour.

## CONSTITUTION OF VIGILANCE COMMITTEES

The vigilance committee under district level for the whole union territory of Pondicherry and four such committees at Sub-Divisional level for Pondicherry, Karaikal, Mahe and Yanam regions have been constituted on 22.1.97 to have strict control and to keep constant vigil so that there may not be any Bonded Labour in the Union Territory of Pondicherry.

## CONDUCT OF SURVEY

Though the phenomenon of the bonded labour system is completely absent in the Union Territory of Pondicherry, this administration conducted an intensive survey during the year 1996 for the identification of Bonded Labour in all the four regions of this Union Territory viz., Pondicherry, Karaikal, Mahe and Yanam. On the basis of the survey conducted and study made in all the four regions of this Union Territory, it was brought out that no bonded labour is prevalent in the Union Territory of Pondicherry.

However, voluntary agencies have been requested to keep vigil on the incidence of Bonded Labour and report, if they come across any such cases to the District Magistrate. A media coverage is being arranged by the Committees, especially in rural areas by exhibiting slides in Cinema Theatres/Cable TVs. etc., generating public awareness about the evils of Bonded Labour System and its eradication.

## THE CHILD LABOUR (PROHIBITION & REGULATION) ACT, 1986

Under the direction of the Hon. Supreme Court of India, the Labour Officer (Enforcement) is enforcing the statutory provision of this Act. No child who has not completed the age of 14 shall be permitted to work in the establishment as defined in the act including shop, commercial, workshop, Firm, Residential hotel, Restaurant, Theater and other place of public amusement of entertainment. The Labour Officer (Enforcement) and Asst. Inspectors of Labour are declared as Inspectors under this Act.

## THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970:-

### DEFINITION AND OBJECTIVES

The Contract Labour (Regulation & Abolition) Act of 1970, aims at regulating employment of contract labour so as to place it at par with labour employed directly,

with regard to working conditions and certain other benefits available under labour laws. The Act empowers the appropriate Government to prohibit employment of contract labour in any process, operation or other work in any establishment keeping in view

1. the conditions of work and benefits provided for the contract labour in that establishment,
2. whether the process, operation or other work is incidental to or necessary for the work of that establishment and
3. whether it is of perennial nature.

## SCOPE AND COVERAGE

As per Section 1(4)

It applies to:-

1. every establishment wherein 20 or more workmen are or were employed on any day of the preceding 12 months as contract labour, and
2. every contractor who employs or employed on any day of the preceding 12 months, 20 or more workmen.

## EMPLOYEES ENTITLED

Section 2 (i) of the Act, covers every workman employed in or in connection with any work of the establishment, by or through a contractor, with or without the knowledge of the principal employer but excludes persons employed in managerial or administrative capacity, persons employed as supervisors and receiving wages exceeding Rs.1600 p.m.

## REGISTRATION OF ESTABLISHMENTS

As per Section 7 of the Act, The principal employer should apply for registration of his establishment with the Registering Officer (The Deputy Labour Commissioner, Pondicherry), in the prescribed Form I along with the prescribed fee. On being satisfied with the application the Registering Officer shall issue a registration certificate. The certificate is liable to be cancelled if it has been obtained by misrepresentation of facts or if it has become useless. The Deputy Labour Commissioner, Labour Department, Pondicherry has been declared as the Registering Officer under the Act.

## FEES

The fees to be paid for the grant of a certificate of registration under Section 7 shall



be as specified below, namely:-

If the number of workmen proposed to be employed on contract on any day-

- a is 20 -- 20
- b exceeds 20 but does not exceed 50 -- 50
- c exceeds 50 but does not exceed 100 -- 100
- d exceeds 100 but does not exceed 200 -- 200
- e exceeds 200 but does not exceed 400 -- 400
- f exceeds 400 -- 500

#### CONSTITUTION OF THE ADVISORY BOARD

The Pondicherry State Contract Labour Advisory Board was constituted on 22nd June, 1984 under Section 4 of the Contract Labour (Regulation & Abolition) Act, 1970. Subsequently the board was reconstituted during the year 1989 and 1993. Now the board was reconstituted vide G.O.Ms.No.31/Lab/G/2002 dt. 3rd September, 2002 for a period of 3 years.

#### PAYMENT OF WAGES

The Contractor is responsible for payment of wages under Section 2 of the Act and liable to make regular and timely payment of wages to the contract labour, in presence of an authorised representative of the principal employer.

#### REGISTERS TO BE MAINTAINED BY THE PRINCIPAL EMPLOYER

As per Section 29 of the Act, the principal employer and the contractor should maintain such registers and records containing particulars of contract labour, nature of work performed, rates of wages paid and other prescribed particulars.

The employer and contractor should also send the prescribed returns to the Registering Officer or the Licensing Officer.

The employer and the contractor should exhibit in the premises of the establishment, notices containing hours of work, wage period, nature of duty and other prescribed particulars.

inquiry or investigation, or failure to produce registers or documents before an inspector for inspection.

- (2) As per Section 23 employing contract Imprisonment upto 3 months or fine labour in contravention of the upto Rs.1000 or both. In case of a provisions of the Act or violating any continuing offence, additional fine upto condition of the registration Rs.100 per day. certificate or license.
- (3) As per Section 24 contravention of Imprisonment upto 3 months or fine any other provision of the Act or the upto Rs.1000 or both. rules made thereunder.

### Licensing Officer under the Contract Labour (Regulation & Abolition) Act, 1970

Under the Contract Labour (Regulation and Abolition) Act, 1970 and Rules 1973 the Labour Officer (Enforcement) had been declared as Licensing Officer to issue license to the registered contractors under section 11 of the said Act.. To grant License under Section 13 the licensing officer may ensure that whether the Principal Employer has obtained certificate of registration required under Section 7 Rule 18 of the Act / Rule. To obtain License, every Contractor under this Act and Rules should submit an application to the Labour Officer (Enforcement) in FORM - IV in triplicate under Section 12(1) along with a certificate issued by the Principal Employer in FORM-V as per section 21(2) of the Rules and a treasury receipt towards the remittance of Security Deposit of Rs.30/- per head (under Rule 24, which will be refunded at the time of surrender of licence) and the payment of Licence fee at the rates prescribed to Rule 21. The Contractor is required to give declaration and undertaking that the notified minimum wages should be paid to the Contract Labourers. The following persons cannot be deemed to be a contractor under this act and rules:

A minor, person of unsound mind and person convicted by a Competent Court or convicted (at any time during the period of five years) any order of abolishment of contract Labour etc.

On receipt of the application, the Licensing Officer shall investigate in respect the particulars furnished in application in FORM-IV to assess the eligibility of the applicant for issuing Licence. If the licensing officer is not satisfied for the reasons stated under Section 14 may refuse to grant license.

Aggrieved by this order appeal may be preferred under Section 15 within 30 days from the date of order. Commissioner of Labour is the appellate authority under Rule

23.

On specification of the application in FORM-I the Licensing Officer will issue a licence under Section 13 in Form VI under rule 25(1) of the Act and Rules. The number of workmen employed as Contract Labour shall not exceed the maximum number specified to the Licence. No female contract Labour shall be employed before 6.00 a.m. or after 7.00 p.m. The licence shall be renewed under Section 13(3) Rule 29 of the Act read with the FORM-VII which is valid for one year from the date of issue of license and as per Rule 27, thirty days before the period of expiry. The application for temporary licence shall be made in FORM-VIII of Contract Labour for a period of not more than fifteen days. The Licensing Officer Under Section 14 of the Act is empowered to revoke / suspend and amend the license granted under Section 12. A licence issued under Rule 25 may be amended by the Licensing Officer for good and sufficient reasons. An employment card in FORM-XIV may be issued to each contract worker.

A contractor can obtain a temporary license in FORM XII under Rule 32(2). The Inspectors appointed under this Act would enforce all the statutory provisions and conduct inspections periodically. The Contractor should maintain and produce the following registers at the time of inspection The Principal Employer should maintain Register of Contractors in FORM XII under Rule 74

Under this Act and rules framed thereunder every Contractor should send a half yearly return to the licensing officer in FORM XXIV under Rule 82(1).

The facilities like sufficient supply of drinking water, latrines and urinals, washing facilities and first aid facilities shall be provided by the contractor under section 18 and 19 under of the Act Notice showing the rate of wages, hours of work, wage periods, dates of payment of wages, name of the Inspector having jurisdiction shall be displayed in English and in regional language..

The prescribed fee structure for the grant of Licence under section 12 is as follows:

|                                |    |             |
|--------------------------------|----|-------------|
| 1. No. of workmen is 20        | .. | Rs. 5/-     |
| 2. More than 20 but below 50   | .. | Rs. 12.50/- |
| 3. More than 50 but below 100  | .. | Rs. 25/-    |
| 4. More than 100 but below 200 | .. | Rs. 50/-    |
| 5. More than 200 but below 400 | .. | Rs.100/-    |
| 6. 400 and above               | .. | Rs.125/-    |

The necessary prescribed FORMS / Statement under this Act are as follows:-

1. FORM XIII under Rule 75, Register of Persons employed
2. FORM XIV Rule 76, Register of workmen

3. FORM XV Rule 74, Service Register
4. FORM XVI, for Muster Roll
5. FORM XVII Rule 78(1), Register of Wages
6. FORM XIX Rule 78 (2)(b), Wage slip
7. FORM XXI under Rule 78(ii), Register of Fines
8. FORM XX, Register of damage or loss
9. FORM XXIII under Rule 78 (1) (d). Register of over time

### **FACTORIES ACT, 1948:-**

The Factories Act, 1948 is a comprehensive piece of legislation covering all aspects relating to factories including approval, licensing and registration of factories, the inspecting authorities under the Act, health, safety, welfare, working hours, employment of adults and young children, annual leave and penalties

In section 2 (m), a factory has been defined as any premises including the precincts thereof-

1. whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or
2. whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on.

Under Section 85 of the act, the state government has been vested with the powers to apply the act to certain premises wherein

1. The number of persons employed therein is less than ten, if working with the aid of power and less than twenty if working without the aid of power, or
2. The persons working therein are not employed by the owner thereof but are working with the permission of, or under agreement with, such owner.

Accordingly considering the potentiality of danger involved, this administration have notified 41 manufacturing process to be covered under the Factories Act, 1948 in the year 1989 vide G.O. Ms. No. 35/89-Lab/G dated 12th June 1989.

### **SALIENT FEATURES OF THE FACTORIES ACT, 1948**

#### **(a) Health**

Section 11 to 20 deals with the health of workers in the work place defining the

various parameters in maintaining the cleanliness, disposal of effluent, standard of lightening, noise levels, latrines, etc.,

#### (b) Safety

Section 21 to 41 deals with the safety provisions. Fencing of machineries, restriction of women and children in certain type of process, testing of pressure plants, hoists and lifts, lifting machineries, chains, ropes and lifting tackles by competent persons, appointment of safety officers etc., are explained.

#### (c) Welfare

Section 42 to 50 specifies the necessity for welfare of workers such as washing facilities, first aid appliances, rest room, crèches, canteen, appointment of welfare officers, etc.,

#### (d) Provision relating to Hazardous Process

**Section 41(A) to 41(H) deals various special provisions for factories wherein hazardous process are carried on.** Here compulsory disclosure of information by the occupier to the workers as well as to the public, permissible limit of exposure of chemicals and toxic substance, workers participation in safety management etc, are prescribed.

#### (e) Working Hours

Section 51 to 66 handles the restriction of working hours such as weekly hours, weekly holidays, compensatory holidays, night shifts, over time, etc.,

#### (f) Employment of Young Persons

Section 67 to 77 explains the working conditions of young persons, regarding the certificate of fitness reduced working hours etc.

#### (g) Annual Leave with wages

Section 78 to 84 deals with the leave eligibility for a worker

#### (h) Penalty and Procedure

Section 92 to 106A deals with the penalty provisions. For any contravention of the provisions of this act, or of any rules made there under, the occupier and the manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to 2 Years or with fine which may extend to 1 lakh rupees or with both.

List of Industries involving hazardous process under Section 2 (cb) of the Factories Act, 1948

1. Ferrous Metallurgical Industries.
  - Integrated Iron and Steel
  - Ferro Alloys
  - Special Steels
2. Non-ferrous Metallurgical Industries
  - Primary Metallurgical Industries, namely, zinc, lead, copper, manganese and aluminum
3. Foundries (Ferrous and Non-ferrous)
  - Castings and forgings including cleaning or smoothening / roughening by sand and shot blasting
4. Coal (including coke) industries
  - Coal Lignite, coke, etc.
  - Fuel Gases (Including Coal Gas, Producer Gas, Water Gas)
5. Power Generating Industries
6. Pulp and paper (including paper products) industries
7. Fertilizer Industries.
  - Nitrogenous
  - Phosphatic
  - Mixed
8. Cement Industries
  - Portland Cement ( including slag cement, puzzolona cement and their products)
9. Petroleum Industries
  - Oil Refining
  - Lubricating Oils and Greases
10. Petro-Chemical Industries
11. Drugs and Pharmaceutical Industries,
  - Narcotics, Drugs and Pharmaceuticals
12. Fermentation Industries (Distilleries and Breweries)
13. Rubber (Synthetic Industries)
14. Paints and Pigment Industries
15. Leather Tanning Industries
16. Electro-plating Industries
17. Chemical Industries
  - Coke Oven By-products and Coal tar distillation products
  - Industrial Gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphur dioxide, nitrous oxide halogenated hydrocarbon, ozone, etc.
  - Industrial Carbon
  - Alkalies and Acids
  - Chromates and dichromates

- Leads and its compounds
- Electrochemicals (metallic sodium, potassium and magnesium, chlorates, perchlorates and peroxides)
- Electro thermal produces (artificial abrasive, calcium carbide)
- Nitrogenous Compounds (cyanides, cyanamides, and other nitrogenous compounds)
- Phosphorous and its compounds
- Halogens and Halogenated compounds (Chlorine, Fluorine, Bromine and Iodine)
- Explosives (including industrial explosives and detonators and fuses) - Hazardous Manufacture and Process

18. Insecticides, Fungicides, Herbicides and other Pesticides Industries

19. Synthetic Resin and Plastics

20. Man-made Fiber (Cellulosic and non-cellulosic ) industry

21. Manufacture and repair of electrical accumulators

22. Glass and Ceramics

23. Grinding or glazing of metals

24. Manufacture, handling and processing of asbestos and its products

25. Extraction of oils and fats from vegetables and animal sources

26. Manufacture, handling and use of benzene and substances containing benzene

27. Manufacturing process and operations involving carbon disulphide

28. Dyes and Dyestuff including their intermediates

29. Highly flammable liquids and gases.

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**THE PONDICHERRY SHOPS & ESTABLISHMENTS ACT, 1964.**

The procedure for obtaining registration certificate under the Shops and Establishments Act, 1964 is as follows:

An employer seeking registration of his establishment shall send a statement in Form-I as prescribed under the Pondicherry Shops and Establishment Rules, 1964 within 30 days from the date of commencement of the shop/establishment to the concerned area Inspector. The fees to be paid together with the statement are as specified below:

| No. of works | Amount |
|--------------|--------|
|--------------|--------|

|                                    | In Rs. |
|------------------------------------|--------|
| Does not exceed 10                 | 10.00  |
| Exceeds 10 but does not exceed 20  | 20.00  |
| Exceeds 20 but does not exceed 50  | 50.00  |
| Exceeds 50 but does not exceed 100 | 100.00 |
| Exceeds 100                        | 250.00 |

Renewal of a registration Certificate : Before the date of expiry of the registration certificate.

Fees for Renewal of Registration Certificate: Same as specified for Registration.

Licensing Officer : Assistant Inspectors of Labour, Pondicherry.

Appellate Authority : Commissioner of Labour, Pondicherry.

Opening Hours of the Shops and Commercial Establishments are from 6.00 A.M. to 10.00 P.M. and 8.00 A.M. to 10.00 P.M. respectively.

Opening hours of Theatres : From 1.00 P.M. to 1.30 A.M. on ordinary days. On Saturdays and Public Holidays the opening and closing hours of Theatres or place of public amusement or entertainment : From 9.00 A.M. to 1.30 A.M.

The Theatre owners who seek exemption under the Act for the conduct of special shows are required to submit an application of the Labour Officer (Enforcement), Pondicherry, at least seven clear working days (excluding public holidays) before the date for which such exemption is required.



## THE PONDICHERRY CATERING ESTABLISHMENT ACT, 1964:-

The procedure for registration of Catering Establishments is as follows:

The employer seeking registration of Catering Establishments shall furnish a statement in Form I prescribed under the Pondicherry Catering Establishments Rules, 1964 together with the fees to the concerned Inspector for registration. The fees specified for registration are as follows:

| Number of Workmen                  | Fees<br>(in Rs.) |
|------------------------------------|------------------|
| Does not exceed 10                 | 10.00            |
| Exceeds 10 but does not exceed 20  | 20.00            |
| Exceeds 20 but does not exceed 50  | 50.00            |
| Exceeds 50 but does not exceed 100 | 100.00           |
| Exceeds 100                        | 250.00           |

Renewal of Registration Certificate: Before the date of expiry of Registration Certificate.

Fees for Renewal of : Same as specified.

Registration Certificate for Registration.

Licensing Officer : Assistant Inspectors of Labour, Pondicherry.

Appellate Authority : Labour Officer (Enforcement), Pondicherry.

**THE PONDICHERRY INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) ACT, 1964:-**

As per the provisions of the Pondicherry Industrial Establishment (National & Festival Holidays) Act, 1964 and the rules framed there under it is the statutory obligation on the part of the employer to allow every employee eight holidays in each calendar year i.e. five national holidays on 26<sup>th</sup> January, 1<sup>st</sup> May, 15<sup>th</sup> August, 16<sup>th</sup> August, 2<sup>nd</sup> October and three other festival holidays.

Every employer is required to send to the concerned area Inspector a statement in Form V specifying the National & Festival holidays to be allowed to each

employee before the commencement of the calendar year in which the holidays are to be allowed.

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