

**Gi Group  
India**



# Compliance Newsletter

**We take privilege in sharing with you August' 2021 edition of our monthly Compliance Newsletter. The newsletter will help you stay updated with the latest regulatory changes, notifications and amendments.**



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Dear Reader,

In this edition of our monthly Compliance Newsletter, we bring to you the latest Minimum Wages revisions notifications from the states of Maharashtra and Assam.

Further, we have also appended the notifications and amendments released in the month of August '2021. Some of the important announcements under section are EPFO Launches drive to promote Employee E-nomination, The Amendments under the Madhya Pradesh Child Labour (Prohibition & Regulation) Rules, 1993, Settlement of Death Cases under PF to be made within 3 working days

Read further to know more!

Best Regards,

Gi Group

## Minimum Wages Revisions

### Maharashtra Minimum Wages Notification

The Government of Maharashtra has released revised Variable Dearness Allowance (VDA) effective from 1st July 2021 which will be valid till 31 December 2021. With the increase in VDA, the revised minimum wages is as under. Please refer the notification enclosed for more details:

State: Maharashtra						
Effective Date: 01/07/2021						
Nature of Employment: Shops & Establishment						
Class of Employment	Zone	Basic Per Month	VDA Per Month	HRA Per Month (5% of Basic +VDA)	Total Per Day	Total Per Month (Basic + VDA+ HRA)
Unskilled	I	10021	1430	573	462.44	12024
	II	9425	1430	543	438.38	11398
	III	8828	1430	513	414.27	10771
Semi-Skilled	I	10856	1430	614	496.17	12900
	II	10260	1430	585	472.10	12275
	III	9664	1430	555	448.03	11649
Skilled	I	11632	1430	653	527.50	13715
	II	11036	1430	623	503.43	13089
	III	10440	1430	594	479.37	12464

## Assam Minimum Wages Notification

The Government of Assam has released revised Variable Dearness Allowance (VDA) effective from 1st June 2021. With the increase in VDA, the revised minimum wages is as under. Please refer the notification enclosed for more details:

<u>State: Assam</u>			
<u>Effective Date: 01/06/2021</u>			
<u>Category: 98 Scheduled Employments</u>			
Class of Employment	Basic	VDA	Total Minimum Wages
Unskilled	7200	1746.3	8946.3
Semi-Skilled/Unskilled Supervisory	8400	2037.7	10437.7
Skilled/clerical	10500	2547.6	13047.6
Highly Skilled	13500	3274.8	16774.8

### EPFO Launches drive to promote Employee E-nomination

EPFO vide circular No. Pension-3/E-nomination Monitoring Cell/pt.(35734)/1770 has directed all field offices to pursue members to file e-nomination under subject known as Bharat Ka Amrit Mahotsav. In this regard, members who do not have ready access to desktop/mobile may be facilitated by the concerned field office for getting their nomination filed online when they visit the office. Hence, employers are requested to make note of the above and facilitate filing e-nomination for their employees. Detailed process for E-nomination appended herewith.

Please refer to the circular appended herewith for more details.

### EPFO Notifies guidelines for Employers for KYC update of members

EPFO vide circular has notified employers "Guideline for Rectification of Details for KYC Update of Member and Proof of Documents required for availing services". Employers has been requested to follow the prescribed guidelines subject to submission of correct proof of documents and records to enable the member to update the KYC and to avail the benefit of online settlement and EPFO services.

Further, it has also been notified that complete change in the member profile cannot allowed in the normal course through online or offline process except in extreme situations wherein employer can prove that the member name has been changed following the due process prescribed by law or if there has been erroneous upload of member data by the employer following which the employer has to produce documentary evidence of the member and after due verification, will be considered for correction.

The details of the requirement of certain documents to be submitted by the Employer and the Member under various heads for rectification of details for KYC update under various conditions can be found on the attachment. Hence, Employer has been requested to make note of the same and also notify their members who wish to rectify their profile for KYC update for availing services and settlement under EPFO.

Please refer to the circular appended herewith for more details.

## **ESIC Introduces COVID-19 Relief Scheme for the benefit of Insured Person**

ESIC vide notification No.N-12/13/1/2019-P&D has introduced COVID-19 relief scheme for the insured person who are considered to be "Employee" working in a factory or establishments as defined under the Employees State Insurance Act , 1948. The scheme has formulated certain eligibility conditions to avail the benefit:

- (1) The Insured Person who died due to Covid-19 disease must have been registered on the ESIC online portal at least 3 months prior to the death of diagnosis of COVID-19 disease resulting in his/her death.
- (2) The deceased insured person must have been in employment on the date of diagnosis of COVID-19 disease and contribution for at least 70 days should have been paid or payable in respect of him or her during the period of maximum one year immediately preceding the diagnosis of COVID-19 diseases resulting in death.

The scheme as mentioned shall be effective from 24th March, 2020 for the period of two years. The minimum relief under this Scheme shall be Rs. 1800/- per month. Please refer to the notifications appended herewith for more details.

## **Auto Renewal of Registration under the Andhra Pradesh Shops & Establishments Act, 1988**

The Government of Andhra Pradesh, Department of Labour and Employment vide notification no.G.O.Ms.No.11 in order to enhance Ease Of Doing Business and minimize regulatory compliance burden has introduced "Auto renewal of registration certificate" under shops and establishments subject to submission of self-certification and payment of online fee.

Hence, Employer registered under the Act in the State of Andhra Pradesh may make note of the above and avail the facility of auto renewal of registration certificate and utilize the facility accordingly.

Please refer to the notifications appended herewith for more details.

### The Manipur Shops & Establishments (Regulation of Employment & Conditions of Service) Ordinance, 2021

Governor of Manipur has promulgated ordinance on The Manipur Shops & Establishments (Regulation of Employment & Conditions of Service) Ordinance, 2021. Following are the salient features of the ordinance:

- (i) It shall apply to all shops and establishments employing 10 or more workers
- (ii) It shall repeal the Manipur Shops & Establishments Act, 1972.

Please refer to the notifications appended herewith for more details.

### The Amendments under the Madhya Pradesh Child Labour (Prohibition & Regulation) Rules, 1993

Government of Madhya Pradesh vide notification no.1036-183-2018-A-XVI has amended The Madhya Pradesh Child Labour (Prohibition & Regulation) Rules, 1993. Following are the salient features of the amendment:

- (1) Inserted a new provision towards awareness on prohibition of employment of child and adolescents in contravention to Act, child to held his family without affecting education, child to work as an artist, hours of work for an adolescent person, payment of amount to child or adolescents for labour rehabilitation fund, person who are capable of filing complaints, provision towards compounding an offence, duties of magistrate and inspector, periodical inspection and monitoring.
- (2) New provision also include liability of producer for involving a child in audio-visual production or any commercial event and producer for such activity shall furnish Form C to the district magistrate for approval.
- (3) Replaced the previous rule towards certificate of age and included the following:
  - a) Mandated that employer shall produce a certificate of age received from the appropriate medical authority to the Inspector on demand.
  - b) The appropriate medical authority while examining an adolescents shall consider details such as Aadhar card, the date of birth certificate, birth certificate of adolescents given by a corporations or a Municipal Authority or a Panchayat.

Please refer to the notifications appended herewith for more details.

### The Labour Welfare Fund (Gujarat) (Amendment) Rules, 2021

Government of Gujarat vide notification No:-KHR/2021/106/GWB/122021/7942 1/M(2) has removed the provision towards maintenance of register in Form A under The Labour Welfare Fund (Gujarat) Rules,1962. Please refer to the notifications appended herewith for more details.



### **Submission of Information on Accidents in Factories on Online System**

Government of Maharashtra vide notification no.24/2021 dated 26/08/2021 has developed an online system to ensure timely receipt of information on accident in the factory. In case of fire, air leak, explosion or any other accident in factories, all manufacturers are advised to fill the details in Form No.24 or 24-A of the Accident Reporting System, which could be found on the Directorate's website i.e. [www.mahadish.in](http://www.mahadish.in) and should be submitted with the signature of the Occupant/Manager of the Factory to the concerned office of the directorate within the prescribed time. Hence all manufacturers, Occupiers/Managers of the Factories are requested to keep note of the above. Please refer to the notifications appended herewith for more details.

### **Settlement of Death Cases under PF to be made within 3 working days**

The Central Provident Fund Commissioner (CPFC) vide circular number Pension-I/Misc/death claims/2020 dated 23/08/2021 has desired to comply with the service standards set in the Citizen's Charter of EPFO. In view of this, it has been advised the following:

1. To ensure that pension cases in general and death cases in particular are settled within 3 working days.
2. In all death cases of monthly pension, PPOs be generated and dispatched to banks not later than 7 days of receipt of claims.

Please refer to the circular appended herewith for more details.

### **Relief to establishments from levy of penal damages for delay in deposit of dues & filing of ECR for the month of May 2021**

The EPFO vide circular number C-I/MISC./Pandemic Relief/2021/Vol-I dated 31/08/2021 has directed its field officers that delay in filing of ECRs for the wage month May 2021 for which the statutory due date is 15<sup>th</sup> June 2021 only in respect of EPF members due to non-seeding of Aadhar in the UANs should not be presumed as employer's default and to appreciate each case in its own fact under Section 14B of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952. Please refer to the circular appended herewith for more details.

### **Enforcement of Provisions towards ESIC in Mayiladuthurai, Vellore and Ariyalur Districts of Tamil Nadu**

ESIC vide notification S.O. 3528(E) has implemented the following provisions with effect from 1<sup>st</sup> September, 2021 in all the areas of Mayiladuthurai, Vellore and Ariyalur State of Tamil Nadu:

1. Chapter IV related to Contribution
2. Chapter V related to Benefits
3. Chapter VI related to Adjudication Of Disputes and Claims

Please refer the notification appended herewith for more details.

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कामगार आयुक्त यांचे कार्यालय,  
"कामगार भवन" ई - ब्लॉक, सी-२०,  
वांद्रे-कुर्ला संकुल, वांद्रे (पू),  
मुंबई - ४०० ०५१.  
दिनांक - ०४.०८.२०२१

क्र.प्रा.वि./कि.वे.अ/वि.भ./२०२१(२)/कार्या-१०/६५०६ किमान वेतन अधिनियम, १९४८ अंतर्गत खालील अनुसूचित उद्योगातील कामगारांकरिता विशेष भत्त्याची रक्कम दि. ०१.०७.२०२१ ते दि. ३१.१२.२०२१ या कालावधीकरिता जाहीर करण्यात येत आहे.

अ. क्र.	अनुसूचित उद्योगाचे नाव	सर्व परिमंडळांकरिता विशेष भत्त्याची रक्कम	कालावधी
१	२	३	४
१	मुंबई उच्च न्यायालयाच्या न्यायवादीच्या आस्थापनातील अधिवक्ते किंवा न्यायवादी यांचा अधिसंघ संस्था व विधी व्यवसायाच्या संबंधित आस्थापनेतील कामधंदा	५,४८८/-	प्रती महिना
२	मोटार दुरुस्ती कार्यशाळा उद्योग	६,३००/-	प्रती महिना
३	बेकरी उद्योग	३,३५४/-	प्रती महिना
४	कापूस पिंजणे व दाबणे उद्योग	५,९०६/-	प्रती महिना
५	कापड रंगविणे, छपाई उद्योग	६,९९५/-	प्रती महिना
६	काजू प्रक्रिया उद्योग	३,४५६/-	प्रती महिना
७	कागदी, गवती पुड्यापासून खोकी तयार करणारा उद्योग	५,४७०/-	प्रती महिना
८	रासायनिक खते बनविणारा उद्योग	६,०७८/-	प्रती महिना
९	कॅन्टीन आणि क्लब उद्योग	५,२६४/-	प्रती महिना
१०	सिमंट व सिमंटवर आधारित उद्योग	५,४८६/-	प्रती महिना
११	रस्ते तयार करणे, देखरेख करणे, बांधकाम उद्योग	६,६७४/-	प्रती महिना
१२	चित्रपट प्रदर्शनाचा उद्योग	५,६२४/-	प्रती महिना
१३	सायकल यांत्रिकी कार्यशाळेतील कामधंदा	५,८०१/-	प्रती महिना
१४	दवाखाना उद्योग	५,४५२/-	प्रती महिना
१५	औषधी द्रव्ये व औषध बनविणारा उद्योग	५,२६४/-	प्रती महिना
१६	दुग्धशाल्य (डेअरी) उद्योग	६,९८८/-	प्रती महिना
१७	लिखाणाच्या वह्या बनविणारा उद्योग	४,९३६/-	प्रती महिना
१८	खाण्याचा तंबाखू उद्योग	५,३१०/-	प्रती महिना
१९	अभियांत्रिकी उद्योग	५,२६४/-	प्रती महिना
२०	कारखाने अधिनियम, १९४८ च्या कलम २ पोट कलम (एम) या व्याख्येतील कारखाने	१,०००/-	प्रती महिना
२१	शाईपेन व बॉलपेन बनविणारा उद्योग	६,७१०/-	प्रती महिना
२२	चित्रपट निर्मिती उद्योग	६,६३०/-	प्रती महिना
२३	काच बल्ब बनविणारा उद्योग	५,२६४/-	प्रती महिना
२४	काच उद्योग	५,२६४/-	प्रती महिना
२५	निवासी हॉटेल व उपहारगृह उद्योग	५,२६४/-	प्रती महिना
२६	केश कर्तनालय उद्योग	५,२६४/-	प्रती महिना
२७	रूग्णालय उद्योग	६,०५५/-	प्रती महिना
२८	बर्फ व शितपेय बनविणारा उद्योग	५,३८९/-	प्रती महिना
२९	मद्य उत्पादनातील रोजगार	३,६८०/-	प्रती महिना
३०	धोबीकाम उद्योग	५,२६४/-	प्रती महिना
३१	चष्मा चौकटी बनविणारा उद्योग	५,९६७/-	प्रती महिना
३२	तेल गिरणी उद्योग	३,६१२/-	प्रती महिना
३३	कागद व कागदी पुड्या बनविणारा उद्योग	५,९५१/-	प्रती महिना
३४	प्लास्टिक उद्योग	५,८०१/-	प्रती महिना
३५	पेंट व वॉर्निश बनविणारा उद्योग	५,२६४/-	प्रती महिना

३६	पांहे, चुरमुरे व कुरमुरे बनविणारा उद्योग	६,१९५/-	प्रती महिना
३७	यंत्रमाग उद्योग	४,४६६/-	प्रती महिना
३८	मुद्रण उद्योग	५,४८६/-	प्रती महिना
३९	सार्वजनिक मोटार वाहनूक उद्योग	६,१९५/-	प्रती महिना
४०	तयार कपडे बनविणारा उद्योग	५,४५२/-	प्रती महिना
४१	रबर उद्योग	५,२६४/-	प्रती महिना
४२	भात, पीठ व डाळ गिरणीतील उद्योग	६,१९५/-	प्रती महिना
४३	रबरी फुगे बनविणारा उद्योग	६,१९५/-	प्रती महिना
४४	पोलादी सामान बनविणारा उद्योग	५,२६४/-	प्रती महिना
४५	सिद्ध उद्योग	५,०५०/-	प्रती महिना
४६	दगड फोडणे व खडी करणे उद्योग	३,०४२/-	प्रती महिना
४७	सौंदर्य प्रसाधने व सावण बनविणारा उद्योग	५,२६४/-	प्रती महिना
४८	दुकाने व व्यापारी आस्थापना उद्योग	१,४३०/-	प्रती महिना
४९	सफाईगार व मेहतर कामधंदा	३,९७८/-	प्रती महिना
५०	लाकूट कटाई उद्योग	२,९८४/-	प्रती महिना
५१	कातडी कमावणे व चामड्याच्या वस्तू तयार करणे	३,८८८/-	प्रती महिना
५२	धानूची भांडी बनविणारा उद्योग	६,०१६/-	प्रती महिना
५३	लाकडी फोटो चौकट बनविणारा उद्योग	५,२६४/-	प्रती महिना
५४	लाकडी फर्निचर बनविणारा उद्योग	५,२६४/-	प्रती महिना
५५	घड्याळाचे पट्टे बनविणारा उद्योग	६,१९५/-	प्रती महिना
५६	हातमाग उद्योग	३,३१२/-	प्रती महिना
५७	मातीची भांडी बनविणारा उद्योग	३,३१२/-	प्रती महिना
५८	वन व वनशास्त्र विषयक रोजगार	५,६९३/-	प्रती महिना
५९	चांदी उद्योग	६,०७८/-	प्रती महिना
६०	तंबाखू (बिडी) उद्योग	२,६६०/-	प्रती महिना
६१	स्थानिक स्वराज्य संस्था अ) ग्रामपंचायत ब) ग्रामपंचायत वगडून	८०६/- ६,१६०/-	प्रती महिना प्रती महिना
६२	रंग व रसायने बनविणारा उद्योग	३,८६४/-	प्रती महिना
६३	विटा व कौले बनविण्याच्या कारखान्यातील कामधंदा	३,७४४/-	प्रती महिना
६४	म्हशी किंवा गाई किंवा दोन्ही जेथे दूध काढण्यासाठी, स्वच्छ करण्यासाठी, चारा घालण्यासाठी आणि इतर सर्व अनुषंगिक प्रक्रियासाठी ठेवण्यात येतात, अशा कोणत्याही जागेतील कामधंदा (तबेला)	३,६००/-	प्रती महिना
६५	मिठागरातील कामधंदा	५,८०१/-	प्रती महिना
६६	शेतकी कामधंदा	२,६२२/-	प्रती महिना
६७	कांदे साफ करणे उद्योग	९६/-	प्रती दिन

विशेष भत्त्याची रक्कम सर्व परिमंडळाकरिता प्रत्येक अनुसूचित उद्योगासमोर दर्शाविण्यात आली आहे.



(शैलेंद्र व. पांडे)  
कामगार उप आयुक्त, (प्रा.वि.), मुंबई  
व सक्षम प्राधिकारी,  
किमान वतन अधिनियम, १९४८



19/8/2021

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GOVERNMENT OF ASSAM  
LABOUR WELFARE DEPARTMENT : : LABOUR (RC) BRANCH  
JANATA BHAWAN: DISPUR : GUWAHATI - 6

**ORDER BY THE GOVERNOR**  
**NOTIFICATION**

Dated Dispur, the 18<sup>th</sup> Aug/2021.

NO.GLR.503/81/Pt-II/8 : Pursuant to the Notification NO.GLR(RC)59/2008/Pt-I/141, dated 07-11-2020, the rates of VDA to be paid to the scheduled employees of the following employments are fixed on the basis of 100% rise on average all India Consumer Price Index for Industrial Workers for the period June 2020 to Nov/2020 (on CPI points average 339.16 base 2001=100).

And whereas the CPI number on 2001 series has raised by 4.17 points over the average CPI points 343.33 of Dec/2020 to May/2021.

Now, it is hereby notified that the following VDA shall be payable to the Sales Promotion Establishment as specified in Schedule given below **w.e.f. 01-06-2021.**

**TABLE**

“EMPLOYMENT IN BAKERY, BREWERIES & DISTILLERY, BLACK SMITH, BISCUIT MANUFACTURING, FILM (PRODUCTION, DISTRIBUTION & EXHIBITION) INDUSTRY, CARPENTRY & MASONRY, CANTEEN & CLUBS, CO-OPERATIVE CONSUMERS SOCIETIES, CLEANERS, COACHING ACADEMICS INCLUDING NURSING AND ENGLISH MEDIUM SCHOOLS AND TECHNICAL INSTITUTES, EARTH CUTTING, EARTH REMOVING. EARTH FILLING AND EARTH LEVELLING OPERATION, FRUIT PRESERVATION, GOLD SMITH, HAIR CUTTING SALOON, GRASS CUTTING & WOOD CUTTING, L.P.GAS DISTRIBUTION, OIL & GAS DRILLING WORKERS, PREMISES WHEREIN COWS AND BUFFALOES OR BOTH ARE KEPT FOR MILKING, FEEDING & ALL OTHER SIMILAR PROCESSES, PRINTING AND DYING CLOTHES, PATHOLOGICAL LABORATORIES, PRIVATE TRANSPORT, PETROL PUMP WORKERS, PRIVATE HOSPITALS, READYMADE GARMENTS, SHOPS, COMMERCIAL ESTABLISHMENT COVERED BY THE SCHEDULE, SHOP AND COMMERCIAL ESTABLISHMENTS, EATING HOUSE AND RESTAURANTS, SMALL SELLING COOKED FOOD STAFF, TRANSPORTATION, MARKETING AND DISTRIBUTION OF PETROLEUM PRODUCTS, TAILORING INDUSTRIES, THEATRES, TUBE-WELL SINKING WORKERS, HELPERS & WELDERS (MINOR ENGINEERING), EDIBLE OIL WORKERS, HOTEL, RESTAURANTS AND EATING HOUSES COVERED BY THE SCHEDULED EMPLOYMENTS (SHOPS & COMMERCIAL ESTABLISHMENT, EATING HOUSES AND RESTAURANTS)”

“EMPLOYMENT IN BAKERY, AGARBATI, ASBESTOS CEMENT FACTORIES, ALUMINIUM INDUSTRIES, AGAR WOOD INDUSTRIES, BEVERAGES MANUFACTORIES AND VENDING ESTABLISHMENT, BEEDI MAKING, BRICK MAKING AND BRICK KILN, BOUGHT TEA LEAF FACTORY, COTTON TEXTILE MILLS, CEMENT BASED INDUSTRY, CHAKKI MILLS, CHEMICAL & PHARMACEUTICAL INDUSTRIES, CANDLE MANUFACTURING, COFFEE & RUBBER PLANTATIONS, ENGINEERING INDUSTRY INCLUDING MOTOR GARAGES, FLOUR MILLS, FOOD PROCESSING, GOLD AND SILVER ORNAMENTS AND OTHER ARTICLES OF ARTISTIC DESIGN MANUFACTURING, PAN MASALA AND GUTKHA MANUFACTURING INDUSTRIES, HANDICRAFTS, ICE CREAM AND ICE-CANDY MANUFACTURING AND VENDING ESTABLISHMENT, ICE FACTORY AND COLD STORAGE, JUTE BAILING INDUSTRIES, JUTE MILLS, MATCH MANUFACTURING, METAL ROLLING, RE-ROLLING INDUSTRY (FERROUS AND NON-FERROUS), MOTOR BODY BUILDING, PLYWOOD INDUSTRIES, PAPER INDUSTRIES, POTTERY INDUSTRIES, PHOTO & PICTURE FRAME MANUFACTURING, POULTRY & CATTLE FEED MANUFACTURING, RUBBER PROCESSING AND RUBBER MANUFACTURING, RICE & OIL MILLS, SAW MILLS SOAP MAKING INDUSTRIES, SUGAR INDUSTRIES, TRUNK & BUCKET MANUFACTURING, TILES MANUFACTURING, TANNERIES & LEATHER MANUFACTURING”.

12/108/21

19 AUG 2021

"EMPLOYMENT IN AGRICULTURE, CONTRACTORS ESTT. OF THE FOREST, DEPARTMENT, CO-OPERATIVE MARKETING SOCIETIES, CO-OPERATIVE BANK (OTHER THAN CO-OPERATIVE CENTRAL BANK & APEX), CONSTRUCTION OR MAINTANCE OF (1) ROADS OR BUILDING OPERATION & (2) STONE BREAKING AND STONE CRUSHING, DISPENSARIES, EMPLOYEES IN ELECTRICITY BOARD, FISHING, CASUAL / MUSTER ROLL WORKERS IN FLOOD CONTROL DEPARTMENT, FORESTRY & TIMBERING OPERATION, HYDRO ELECTRIC PROJECT, HANDLOOM WEAVING ESTT., HORTICULTURE OPERATION, CASUAL / MUSTER ROLL WORKERS IN IRRIGATION DEPARTMENT, KHADI & VILLAGE INDUSTRY, MUNICIPALITIES & TOWN COMMITTEES, PUBLIC MOTOR TRANSPORT INCLUDING ASTC, PRINTING PRESS, CASUAL / MUSTER ROLL WORKERS EMPLOYED IN PUBLIC HEALTH DEPARTMENT, PAULTRY & DAIRY FARM, STEAMERGHAT, SMALL SCALE INDUSTRIES, SEASONAL SPRAY SQUADS OF NMEP UNDER H&FW DEPTT., SERICULTURE OPERATION)"

Category of Employees/ Workers	Wage per day	Wages per month	Previous VDAs cumulated	New VDA per month	Wages per month
Unskilled workers	Rs.240/-	Rs.7200/-	Rs.1657.80	Rs.88.50	Rs.8946.30
Semi Skilled/ unskilled Supervisory	Rs.280/-	Rs.8400/-	Rs.1934.50	Rs.103.20	Rs.10,437.70
Skilled Workers /Clerical Workers	Rs.350/-	Rs.10500/-	Rs.2418.60	Rs.129.00	Rs.13,047.60
Highly skilled Workers	Rs.450/-	Rs.13500/-	Rs.3108.90	Rs.165.90	Rs.16,774.80

Sd/-(Dr. J. B. Ekka, IAS)

Principal Secretary to the Govt. of Assam  
Labour Welfare Department.

Dated Dispur, the 18<sup>th</sup> Aug/2021.

MEM.GLR.503/81/Pt-II/8 -A,

Copy to :-

1. The PPS to the Hon'ble Chief Minister, Assam, Dispur, Guwahati- 6 for kind appraisal of the Hon'ble Chief Minister.
2. The P.S. to the Chief Secretary, Assam, Dispur, Guwahati- 6 for kind appraisal of the Chief Secretary.
3. The P.S. to Principal Secretary, Labour and Welfare Department, Dispur, Guwahati- 6 for kind appraisal of the Addl. Chief Secretary.
4. The Labour Commissioner, Assam, Gopinath Nagar, Guwahati- 16 for n/a.
5. The Deputy Director and Publisher Assam Govt. Press, Bamunimaidan, Guwahati- 21 with request to publish the notification in the Extraordinary issue of Assam Gazette and to send 100 spare copies thereof to this Department urgently.
6. All ALCs / LOs / LIs concerned.
7. The Director of Information & Public Relation, Assam, Dispur, Last Gate, Guwahati- 6 with a requested to publish the notification as News Item in the local Daily Newspapers.
8. The Workers' / Employers' Associations for Information.

By order etc,

Deputy Secy. to the Govt. of Assam,  
Labour Welfare Department.

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कर्मचारी भविष्य निधि संगठन  
EMPLOYEES' PROVIDENT FUND ORGANISATION

श्रम एवं रोजगार मंत्रालय, भारत सरकार  
MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA  
मुख्य कार्यालय/Head Office

भविष्य निधि भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली-110066  
Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi-110066  
Website: [www.epfindia.gov.in](http://www.epfindia.gov.in), [www.epfindia.nic.in](http://www.epfindia.nic.in)



No. : Pension-3/E-nomination Monitoring Cell/pt.(35734) / 1770

Dated: - - -

To

✓ All Addl. Central P.F. Commissioners,  
Zonal Offices

23 AUG 2021

**Subject:** - Filing of e-nominations under Bharat Ka Amrit Mahotasav (BKAM) – commemorating 75<sup>th</sup> Anniversary of India's Independence -Regarding.

Madam/Sir,

Please refer to Pension division's emails dated 09.04.2021, 19.07.2021 and 30.07.2021 on the above subject wherein all field offices were directed to start a drive for persuading members to file e-nominations. The members who do not have ready access to desktop/mobile may be facilitated by the concerned field office for getting their nomination filed online when they visit the office.

2. In this regard, many offices have taken good steps for subscribers which may be replicated in other offices. (Reference email dated 19.07.2021 sent from rc.pension@epfindia.gov.in)
3. CPFC has directed that all field offices make all efforts to maximize the number of e-nominations filed on a daily basis so as to complete this exercise in respect of all members at the earliest and has given a target of 5,000 e-nominations to be filed every week in each Zone .
4. It is once requested to make the Employers and their employees understand the importance and need of filing e-nomination online.
5. The progress made by in this area of work is being reviewed every Monday in Senior Officers Meeting by CPFC. Ministry of Labour & Employment is also being apprised of the progress made in this regard. Accordingly, it is requested that result oriented efforts may be made to achieve the above target.

[This issues with the approval of ACC-HQ(Pension)]

Yours faithfully,

*Vishal Agarwal*  
23.08.2021  
(Vishal Agarwal)  
Regional PF Commissioner-I(Pension)



தொழிலாளர் வருங்கால வைப்புநிதி நிறுவனம்

**कर्मचारी भविष्य निधि संगठन**

EMPLOYEES' PROVIDENT FUND ORGANISATION

श्रम एवं रोजगार मंत्रालय - भारत सरकार

Ministry of Labour & Employment - Government of India

क्षेत्रीय कार्यालय, चेन्नै (दक्षिण)/ REGIONAL OFFICE, CHENNAI (South),

37, रायपेट्टाहाई रोड, चेन्नै- 600 014/ 37, Royapettah High Road, Chennai - 600 014

ई. मेल/ Email: [ro.chennai2@epfindia.gov.in](mailto:ro.chennai2@epfindia.gov.in) Website: [www.epfindia.gov.in](http://www.epfindia.gov.in)

Dear Employer,

You are aware that EPFO has introduced online filing of ECR during 2010 and you are also aware that all the details in respect of employees are filed by you without the intervention of EPFO. Most of the Employers have filed the members basic details correctly and their employees had benefitted from online settlement and other EPFO services.

Some employers have filed incorrect details and now it has become an issue to the members while filing online claims and for availing services. EPFO has several times issued circulars and within its limitation, it permitted certain corrections subject to the submission of correct proof of documents and records to enable the member to update the KYC. A complete change in the member profile cannot be allowed in the normal course through online or offline process except in extreme situations wherein you can prove that the member name has been changed following the due process prescribed by law or there has been an erroneous upload of member data by you, on production of documentary evidence by you and member and after verification, it will be considered for correction.

Head Office vide Sr. no 217(Web circular) dated 12/02/2021 has specified certain documents to be submitted by the Employer and Employee as follows: -

1. Please note that if there are more than 2 fields corrections, or complete member name corrections and/or his Father name corrections, then, the request of Joint declaration should be submitted manually to the EPF field office directly across the counter.
2. If there are only spelling corrections, expansion of initials in members name and change in date of birth, then, it can be submitted online with documentary proof.

The documents to be submitted for each and every cases are mentioned below for your easy understanding.:-



Sl. No.	Category	Documents to be submitted	Classification of Online submission/ offline submission
1.	<p>If the correction is related to expanding the name /surname from abbreviation to full name or vice versa, without changing the first letter, if ,after the correction, the pronunciation of the name doesn't change.</p> <p>Ex.:- R. Kumar to Rakesh Kumar</p> <p>V. S. Ramesh to Vijay Sankar Ramesh</p>	<p>Aadhaar card and Joint declaration is enough</p>	<p>Minor correction ( Can be submitted online)</p>
2	<p>If the father name or husband name is inserted as middle name in Aadhaar.</p> <p>Ex.:- Sunitha Kumar to Sunitha Ramesh Kumar</p>	<p>Aadhaar card and Joint declaration is enough</p>	<p>Minor correction (Can be submitted online)</p>
3	<p>If it involves only change in surname of female employees after marriage.</p> <p>Ex.:- From Sunitha Mohan to Sunitha Ramesh</p>	<p>Aadhaar card and Joint declaration is enough</p>	<p>Minor correction ( Can be submitted online)</p>
4.	<p>For entire name change</p> <p>Ex. R. Kumar to Suresh Kumar</p>	<p>Aadhaar card ,</p> <p>Employer to submit the following documents duly attested.</p> <p>- copy of Employee appt order,</p> <p>- salary slip,</p>	<p>Major cases (should be submitted offline only)</p>

		<ul style="list-style-type: none"> <li>- Explanation as to how the error occurred,</li> <li>- employee register,</li> <li>- increment order,</li> <li>- any application made to EPF Office to correct wrong name in Form 23(PF Slip) on the basis of which employer is certifying the change request.</li> <li>- Bank statement on which salary credited</li> </ul>	<p>The employer will be asked to produce original records for verification.</p>
5	<p>For entire name change and more than two field corrections, in respect of closed establishments, the applicant will be asked to produce the evidence as above in column no</p>	<p><b>For Date of Birth:</b></p> <p>Copy of Aadhaar, School TC, or Birth certificate or Any other Government documents where Date of Birth is mentioned or PAN Card or ESI id card</p> <p><b>For Name correction :</b></p> <p>The applicant have to submit the following documents duly attested.</p> <ul style="list-style-type: none"> <li>- copy of Employee appointment order,</li> <li>- salary slip,</li> </ul>	<p>The employee will be asked to produce original records for verification</p>

		<ul style="list-style-type: none"> <li>- Explanation as to how the error occurred,</li> <li>- employee register,</li> <li>- increment order,</li> <li>- any application made to EPF Office to correct wrong name in Form 23(PF Slip) on the basis of which employee is requesting the change</li> <li>- Bank statement on which salary credited</li> </ul>	
6	Date of Birth correction, if less than 3 years	Copy of Aadhar is enough	Minor cases be submitted on line.
7	Correction in date of birth for more than 3 years	Copy of Aadhaar, School TC, or Birth certificate or Any other Government documents where Date of Birth is mentioned or PAN Card or ESI id card	Can be submitted online duly uploading the mentioned documents.

The above type of cases are illustrative and if the approving authority feels required, such other records can also be asked or verify through area Enforcement Officer.

Yours faithfully,

  
(P. HANG SING)

Regional PF Commissioner

Encl.:- Head Office circular.

26/8/21



# भारत का राजपत्र

## The Gazette of India

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असाधारण  
EXTRAORDINARY

भाग III—खण्ड 4  
PART III—Section 4

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

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नई दिल्ली, शुक्रवार, अगस्त 13, 2021/श्रावण 22, 1943  
NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943

कर्मचारी राज्य बीमा निगम

अधिसूचना

नई दिल्ली, 11 अगस्त, 2021

सं. एन-12/13/1/2019 यो.एवं वि.—जबकि क.रा.बी.निगम कोविड-19 राहत योजना अधिसूचित करने हेतु भारत का राजपत्र असाधारण भाग-III खंड 4 क्रम सं. 245, दिनांक 18.06.2021 में मसौदा अधिसूचना प्रकाशित की गई थी जिसमें इससे प्रभावित हो सकने वाले संभावित सभी व्यक्तियों से अधिसूचना प्रकाशन की तिथि से तीस दिनों की अवधि के भीतर आपत्तियाँ तथा सुझाव आमंत्रित किए गए थे।

और जबकि, उक्त राजपत्र अधिसूचना दिनांक 18.06.2021 को जनता को उपलब्ध करा दी गई थीं;

और प्राप्त सुझावों पर विचार किया गया था;

इसलिए अब कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 97 की उपधारा (1) के तहत इसमें प्रदत्त शक्तियों का प्रयोग करते हुए, अधिनियम की धारा 19 के तहत बीमाकृत व्यक्तियों, जो क.रा.बी. अधिनियम की धारा 2(9) के तहत कर्मचारी हैं; हेतु कल्याणकारी उपाय के रूप में कर्मचारी राज्य बीमा निगम 'एसिक कोविड-19 राहत योजना' को एतद्वारा अधिसूचित करता है जिसके तहत कोविड-19 से बीमाकृत व्यक्ति की मृत्यु हो जाने के मामले में; बीमाकृत व्यक्ति के पात्र आश्रित परिवार सदस्यों को सीधे ही उनके बैंक खातों में आवधिक भुगतान किए जाएंगे।

### 2. योजना की पात्रता शर्तें निम्नानुसार हैं :-

क. बीमाकृत व्यक्ति जिसकी मृत्यु कोविड-19 रोग के कारण हुई है, उसे कोविड-19 रोग जिसके परिणामस्वरूप उसकी मृत्यु हुई है, के निदान की तिथि से कम से कम तीन माह पूर्व क.रा.बी.निगम पोर्टल पर पंजीकृत हो चुका होना चाहिए।

ख. मृतक बीमाकृत व्यक्ति को कोविड-19 रोग के निदान की तिथि पर रोजगार में होना चाहिए और कोविड-19 रोग जिसके परिणामस्वरूप उसकी मृत्यु हुई के निदान के ठीक पिछले अधिकतम एक वर्ष की अवधि के दौरान उसके सम्बन्ध में कम से कम 70 दिनों के लिए अंशदान का भुगतान किया गया हो अथवा देय हो।

3. कोविड-19 के कारण मृत्यु की स्थिति में, बीमाकृत व्यक्ति के निम्नलिखित संबंधी योजना के अंतर्गत आवधिक भुगतान प्राप्त करने के पात्र होंगे :-

- i. विवाहिती, धर्मज अथवा दत्तक पुत्र जिसने अभी पच्चीस वर्ष की आयु प्राप्त नहीं की है, अविवाहित धर्मज अथवा दत्तक पुत्री;
- ii. विधवा माता
- iii. यदि बीमाकृत व्यक्ति पर उसकी मृत्यु के समय पूर्णतः आश्रित हो, धर्मज अथवा दत्तक पुत्र अथवा पुत्री जिसने पच्चीस वर्ष की आयु प्राप्त कर ली हो और अशक्त हो।
- iv. यदि मृतक बीमाकृत व्यक्ति का/की विवाहिती अथवा धर्मज अथवा दत्तक संतान अथवा विधवा माता नहीं है तो निम्नलिखित संबंधी यदि पूर्णतः अथवा अंशतः बीमाकृत व्यक्ति की मृत्यु के समय उसके अर्जन पर आश्रित हों :-
  - क. विधवा माता के अलावा अन्य माता-पिता।
  - ख. अवयस्क अधर्मज पुत्र, अविवाहिती अधर्मज पुत्री अथवा धर्मज या दत्तक या अधर्मज पुत्री यदि विवाहित हो और अवयस्क हो अथवा यदि विधवा हो तथा अवयस्क हो।
  - ग. अवयस्क भाई अथवा अविवाहित बहन अथवा विधवा बहन यदि अवयस्क हो,
  - घ. विधवा बहू,
  - ङ. पूर्वमृत पुत्र की अवयस्क संतान
  - च. पूर्वमृत पुत्री की अवयस्क संतान, जहां संतान के माता-पिता जीवित न हों, अथवा
  - छ. दादा-दादी यदि बीमाकृत व्यक्ति के माता-पिता जीवित न हों।

4. मृतक बीमाकृत व्यक्ति की औसत दैनिक मजदूरी का 90%, जिसे राहत की पूर्ण दर कहा जाएगा, कोविड-19 बीमारी के कारण मृतक बीमाकृत व्यक्ति के आश्रितजनों को उसका भुगतान निम्नानुसार तरीके से किया जाएगा:-

- i. जीवनकाल के दौरान विवाहिती को पूर्ण दर के तीन बटा पांच के समतुल्य राशि। यदि उसकी दो अथवा उससे अधिक विधवाएँ हों तो पूर्वकथित अनुसार विवाहिती को देय राशि उन विधवाओं के बीच समान रूप से विभाजित की जाएगी।
- ii. प्रत्येक वैध अथवा दत्तक पुत्र के लिए पच्चीस वर्ष का होने तक पूर्ण दर के दो बटे पांच भाग के समतुल्य राशि। धर्मज अथवा दत्तक पुत्र यदि अशक्त हो तथा वह बीमाकृत व्यक्ति की मृत्यु के समय उसकी आय पर पूर्णतः आश्रित हो, तो उस स्थिति में उस पुत्र की अशक्तता स्थिति बने रहने तक उसे राहत का भुगतान किया जाना जारी रहेगा;
- iii. प्रत्येक धर्मज अथवा दत्तक अविवाहित पुत्री के लिए पूर्ण दर के दो बटे पांच भाग के समतुल्य राशि। धर्मज अथवा दत्तक पुत्री यदि अशक्त हो तथा वह बीमाकृत व्यक्ति की मृत्यु के समय उसकी आय पर पूर्णतः आश्रित हो, तो उस स्थिति में उस पुत्री की अशक्तता स्थिति बने रहने तक उसे राहत का भुगतान किया जाना जारी रहेगा।
- iv. जीवनकाल के दौरान विधवा माता के लिए पूर्ण दर के दो बटा पांच भाग के समतुल्य राशि।
- v. यदि मृतक व्यक्ति के विवाहिती, धर्मज अथवा दत्तक संतानों और विधवा माता के बीच योजना के अंतर्गत वितरित राहत की कुल राशि, पूर्वोक्त के अनुसार किसी भी समय पूर्ण दर से अधिक होती है तो प्रत्येक आश्रितजनों के भाग में से राशि आनुपातिक रूप से कम की जाएगी ताकि उन्हें देय कुल राशि, पूर्ण दर पर राशि से अधिक न हो।

vi. यदि मृतक व्यक्ति के पीछे उसकी विवाहिती अथवा धर्मज या दत्तक संतान अथवा विधवा माता नहीं हों तो अन्य आश्रितजनों को निम्नानुसार राहत देय होगी: -

(क) विधवा माता के अलावा अन्य माता-पिता अथवा दादा-दादी को जीवनकाल के लिए, पूर्ण दर के तीन बटा दसवां भाग के समतुल्य राशि और यदि विधवा माता के अलावा दो अथवा अधिक माता-पिता या दादा-दादी हों तो विधवा माता के अलावा माता-पिता अथवा दादा-दादी को पूर्वोक्त के अनुसार राशि समान रूप से उनके बीच विभाजित होगी।

(ख) किसी अन्य—

(i) पुरुष आश्रितजन के लिए- उसके अठारह वर्ष की आयु प्राप्ति तक,

(ii) महिला आश्रितजन के लिए- अठारह वर्ष की आयु प्राप्ति अथवा उसके विवाह, जो भी पहले हो तक, अथवा यदि वह विधवा हो, तो उसके अठारह वर्ष की प्राप्ति अथवा पुनःविवाह, जो भी पहले हो, तक पूर्ण दर के दो बटे पांच भाग के समतुल्य राशि और यदि (ख) के अंतर्गत आश्रितजन एक से अधिक हो तो देय राशि सभी को बराबर विभाजित की जाएगी।

5. योजना, दिनांक 24.03.2020 से दो वर्षों की अवधि के लिए प्रभावी होगी।

6. योजना के अंतर्गत न्यूनतम राहत रुपये 1800/- प्रतिमाह होगी।

एस. बिस्वास, बीमा आयुक्त (यो.एवं वि.)

[विज्ञापन-III/4/असा./194/2021-22]

## EMPLOYEE'S STATE INSURANCE CORPORATION NOTIFICATION

New Delhi, the 11th August, 2021

**No. N-12/13/1/2019-P&D.**—Whereas draft notification to further notify the ESIC COVID-19 Relief Scheme was published in the Gazette of India EXTRAORDINARY Part III Section 4 Sl. No 245 dated 18.06.2021 for inviting objections and suggestions from all persons likely to be affected thereby till the expiry of period of thirty days on which the notification was published;

And whereas, the said Gazette notification was made available to the public on 18.06.2021;

And suggestion received were considered;

Now, therefore in exercise of the powers conferred upon sub-section (1) of Section 97 of the Employees' State Insurance Act 1948 (34 of 1948), the Employees' State Insurance Corporation, do hereby notifies ESIC COVID-19 RELIEF SCHEME under Section 19 of the Act as a welfare measure for the Insured Persons who are employees under Section 2(9) of the ESI Act under which in case of death of IP due to COVID-19, the eligible dependant family members of IP will be paid periodic payments directly to their bank accounts.

2. Eligibility conditions of the scheme are as under: -

- The IP who died due to COVID-19 disease must have been registered on the ESIC online portal at least three months prior to the date of diagnosis of COVID-19 disease resulting in his/ her death.
- The deceased IP must have been in employment on the date of diagnosis of COVID-19 disease and contributions for at least 70 days should have been paid or payable in respect of him/ her during a period of maximum one year immediately preceding the diagnosis of COVID-19 disease resulting in death.

3. In case of death of the IP due to COVID-19, the following relatives of the deceased IP shall be eligible to receive periodical payments under the scheme:-

- spouse, a legitimate or adopted son who has not attained the age of twenty- five years, an unmarried legitimate or adopted daughter;
- a widowed mother.
- if wholly dependent on the earnings of the insured person at the time of his death, a legitimate or adopted son or daughter who has attained the age of twenty-five years and is infirm.

- iv. In case the deceased IP does not leave spouse or legitimate or adopted child or widowed mother then the following relatives, if wholly or in part dependant on the earnings of the Insured Person at the time of his death:-
  - a) a parent other than a widowed mother,
  - b) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or adopted or illegitimate if married and a minor or if widowed and a minor,
  - c) a minor brother or an unmarried sister or a widowed sister if a minor,
  - d) a widowed daughter-in-law,
  - e) a minor child of a pre-deceased son,
  - f) a minor child of a pre-deceased daughter where no parent of the child is alive, or
  - g) a paternal grand-parent if no parent of the insured person is alive.
4. 90 % of the average daily wages of the deceased IP, which will be called as full rate of the relief, will be paid to the dependants of the IP who died due to COVID-19 disease in the manner as under: -
  - i. to the spouse during life, an amount equivalent to three-fifths of the full rate. If there are two or more widows, the amount payable to the spouse as aforesaid shall be divided equally between the widows;
  - ii. to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains the age of twenty-five years. In the case of a legitimate or adopted son who is infirm and is wholly dependent on the earnings of the insured person at the time of his death, the relief shall continue to be paid while the infirmity lasts;
  - iii. to each legitimate or adopted unmarried daughter, an amount equivalent to two-fifths of the full rate. In the case of legitimate or adopted daughter who is infirm and is wholly dependent on the earnings of the insured person at the time of his death, the relief shall continue to be paid while the infirmity lasts.
  - iv. to the widowed mother during life an amount equivalent to two-fifths of the full rate.
  - v. If the total of the relief distributed under the scheme among the spouse, legitimate or adopted children and widowed mother of the deceased person as aforesaid exceeds at any time the full rate, the share of each of these dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of relief at the full rate.
  - vi. In case the deceased person does not leave spouse or legitimate or adopted child or widowed mother the relief shall be payable to other dependants as follows: -
    - a) To a parent other than the widowed mother or grand-parent, for life, at an amount equivalent to three-tenths of the full rate and if there are two or more parents (other than widowed mother) or grand-parents the amount payable to the parents (other than widowed mother) or grand-parents as aforesaid shall be equally divided between them.
    - b) to any other — (i) male dependant, until he attains the age of eighteen years,  
(ii) female dependant, until she attains the age of eighteen years or until marriage, whichever is earlier or if widowed, until she attains eighteen years of age or re-marriage, whichever is earlier at an amount equivalent to two-tenths of the full rate and if there be more than one dependant under (b) the amount payable shall be distributed equally.
5. The Scheme shall be effective for a period of two years w.e.f. 24.03.2020.
6. The minimum relief under the scheme shall be Rs 1800/- per month.

S. BISWAS, Insurance Commissioner (P&D)

[ADVT.-III/4/Exty./194/2021-22]



ఆంధ్రప్రదేశ్ రాజపత్రము

**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

**PART I EXTRAORDINARY**

No.433

AMARAVATI, SATURDAY, AUGUST 14, 2021

G.353

**NOTIFICATIONS BY GOVERNMENT**

--X--

**LABOUR FACTORIES BOILERS & INSURANCE  
MEDICAL SERVICES DEPARTMENT**  
**(Lab-I)**

EASE OF DOING BUSINESS (EoDB) - LABOUR DEPARTMENT - DPIIT - GOVERNMENT OF INDIA - MINIMIZING REGULATORY COMPLIANCE BURDEN - INTRODUCING AUTO RENEWALS OF REGISTRATION UNDER THE ANDHRA PRADESH SHOPS AND ESTABLISHMENTS ACT, 1988 (ACT NO.20 OF 1988) AFTER SUBMISSION OF SELF CERTIFICATION AND PAYMENT OF FEE ONLINE INSTEAD OF EXEMPTION FROM RENEWAL OF REGISTRATIONS.

**[G.O.Ms.No.11, Labour Factories Boilers & Insurance Medical Services (Lab-I),  
13<sup>th</sup> August, 2021.]**

**NOTIFICATION**

In exercise of powers conferred under sub-section 4 of section 73 of the Andhra Pradesh Shops and Establishments Act, 1988 (Act No.20 of 1988) the Government hereby amend in terms of regulatory impact assessment and use of technology, section 4 read with rules 3(4), 3(5), 3(6) and 3(7) of the Andhra Pradesh Shops and Establishments Act, 1988 and Rules, 1990, Auto renewal of Registration under Shops and Commercial Establishments on submission of self certification and payment of fee online introduced instead of exemption from renewal of Registrations under the Andhra Pradesh Shops and Establishments Act, 1988 in the State.

**G. ANANTHA RAMU,**

*Special Chief Secretary to Government (FAC).*



# MANIPUR



# GAZETTE

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 89

Imphal,

Wednesday, August 4, 2021

(Savana 13, 1943)

GOVERNMENT OF MANIPUR  
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, July 2, 2021

No. 2/26/2020-Leg/L: The following Ordinance promulgated by the Governor of Manipur on 29-06-2021 is hereby published in the Manipur Gazette Extra-ordinary for general information:

THE MANIPUR SHOPS AND ESTABLISHMENTS (REGULATION OF  
EMPLOYMENT AND CONDITIONS OF SERVICE) ORDINANCE, 2021

(Manipur Ordinance No. 1 of 2021)

Promulgated by the Governor of Manipur after obtaining previous instructions from the President of India in the Seventy-second Year of the Republic of India.

An  
Ordinance

*to amend and consolidate the laws relating to regulation of employment and other conditions of service of workers employed in shops and establishments and for matters connected therewith or incidental thereto.*

Whereas, the Legislative Assembly of Manipur is not in session and the Governor of Manipur is satisfied that circumstances exist which render it necessary for her to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Manipur is pleased to promulgate the following Ordinance, namely:-

## CHAPTER I PRELIMINARY

1. (1) This Ordinance may be called the Manipur Shops and Establishments (Regulation of Employment and Conditions of Service) Ordinance, 2021. *Short title, application and commencement.*
  - (2) It shall apply to the shops and establishments employing ten or more workers.
  - (3) It shall come into force at once.
2. In this Ordinance, unless the context otherwise requires :- *Definitions*
  - a) "Chief Facilitator" means the Chief Facilitator appointed as such under sub-section(1) of section 17;
  - (b) "day" means a period of twenty-four hours beginning at mid night;

(c) "employer" means an owner or a person who has ultimate control over the affairs of a shop or an establishment, and includes –

- (i) in the case of a firm or association of individuals, a partner or member of the firm or association;
- (ii) in the case of a company, a director of the company;
- (iii) in the case of a shop or an establishment owned or controlled by the Central Government or a State Government or local authority, the person or persons appointed to manage the affairs of such shop or establishment by the Central Government or the State Government or local authority, as the case may be;

(d) "establishment" means any premises, not being the premises of a factory or a shop,

- (i) wherein any trade, business, manufacture, or any work in connection with, or incidental or ancillary thereto, or any journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or produce exchange, is carried on; or
- (ii) which is used as theatre, cinema or for any other public amusement or entertainment,

to whom the provisions of the Factories Act, 1948 (63 of 1948), Working Journalists and Other Newspaper Employees(Conditions of Service) Misc. Provisions Act, 1955 (45 of 1955), Motor Transport Workers Act, 1961 (27 of 1961) , Contract Labour (Regulation & Abolition) Act, 1970 (37 of 1970), Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976), Inter-State-Migrant Workmen(Regulation of Employment & Conditions of Service) Act, 1979 (30 of 1979) ,and Building and Other Construction Workers(Regulation of Employment & Conditions of Service) Act, 1996 ( 27 of 1996) does not apply;

(e) "notification" means a notification published in the Official Gazette;

(f) "prescribed" means prescribed by rules made under this Ordinance;

(g) "shop" means any premises where goods are sold, either by retail or wholesale or where services are rendered to customers, and includes an office, a store-room, go-down, warehouse or workhouse or work place for distribution or packaging or repackaging or finished goods is carried on; but does not include a shop attached to a factory where persons employed in such shop are allowed the benefits provided under the Factories Act, 1948(63 of 1948);

(h) "State Government" means the State Government of Manipur.

(i) "wages" means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment , express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes ----

- (i) any remuneration payable under any award or settlement between the parties or under any order of a court or tribunal;

(ii) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;

(iii) any additional remuneration payable under the terms of employment whether called a bonus or by any other name);

(iv) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions;

(v) any sum to which the person employed is entitled under any scheme framed under any law, for the time being in force; and

(vi) house rent allowance, but does not include-

(a) any bonus, which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or under any order of a court;

(b) the value of any accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;

(c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;

(d) any travelling allowance or the value of any travelling concession;

(e) any sum paid to the employed person to defray special expenses entailed to him by the nature of his employment; or

(f) any gratuity payable on the termination of employment in cases other than those specified in sub-clause(iv);

(j) "Wages-Period" in relation to the payment of wages of a worker , means a wages - period fixed by an employer under this Ordinance in respect of such worker.

(k) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Facilitator;

(l) "worker" means any person (except an apprentice under the Apprentice Act, 1961 (53 of 1961) employed to do any manual, unskilled, skilled, technical, operational or clerical work for hire or reward, whether the terms of employment be express or implied.

(m) "year" means a period of twelve months of the Gregorian Calendar commencing from the first day of January.

3. (1) The provisions of this Ordinance shall not apply to –
- (a) a worker occupying position of confidential, managerial or supervisory character in a shop or in an establishment;
  - (b) a worker whose work is inherently intermittent;
  - (c) any shop or establishment run by the Union or State Government or the local authority;
  - (d) any office of the Reserve Bank of India;
  - (e) an establishment used for the treatment or care of the sick, infirm, destitute or mentally unfit;

Act not to apply to certain persons and premises.

- (f) a member of the family of any employer,
  - (g) such other shops, establishments, or worker of such classes of any of them as the State Government may by notification in the Official Gazette exempt from the application of all or any of the provisions of this Ordinance.
- (2) A list of the workers referred to in clause (a) of sub-section (1) shall be displayed on the website of the shop or establishment and in absence of the website at a conspicuous place in the shop or establishment and a copy thereof shall be sent to the Facilitator.

4. Nothing contained in this Ordinance shall adversely affect any right or privilege to which any worker is entitled, under any law, award, agreement contract, custom or usage for the time being in force.

Certain rights and privileges not to be affected

## **CHAPTER II**

### **REGISTRATION AND ISSUE OF LABOUR IDENTIFICATION NUMBER**

5. (1) On the commencement of this Ordinance, every employer of a shop or an establishment employing ten or more workers, shall get his shop or establishment registered under this Ordinance within a period of six months from the date of such commencement or the date on which such shop or establishment comes into existence and obtain a Labour Identification Number. The registration shall be valid for one calendar year. Every employer of the registered shop or establishment shall get the registration of his shop or establishment renewed for every calendar year. A certificate of registration or renewal of registration, as the case may be, containing such particulars in such form as may be prescribed shall be issued to the employer applies for registration or renewal of registration.

Registration of Shops and Establishments and issue of labour identification number

(2) Every employer of shop or establishment, employing ten or more workers, shall make an application for registration of his shop or establishment or renewal of registration of his shop or establishment to such authority and in such form and manner as may be prescribed.

(3) The fees payable for registration or for renewal of registration shall be such as may be prescribed.

(4) The authority referred to in sub-section (2) shall, on receipt of an application under sub-section (2) register the shop or establishment and issue it a Labour Identification Number in such form as may be prescribed.

(5) Notwithstanding anything in this section, the shops and establishments registered under the provisions of the Employees State Insurance Act, 1948 (34 of 1948) or the Employees Provident Fund (Miscellaneous Provisions) Act, 1952(19 of 1952) or any rules, regulations or scheme made thereunder shall be deemed to be registered for the purposes of this Ordinance:

Provided that such shops and establishments shall, within a period of six months from the commencement of this Ordinance, obtain a Labour Identification Number in such manner as may be prescribed.

### CHAPTER III DUTIES OF EMPLOYER

6. (1) No woman worker shall be discriminated against in matters of recruitment, training, transfers or promotions or wages.

*Prohibition of  
discrimination  
against  
woman worker*

(2) No woman shall be required or allowed to work in a shop or establishment except between the hours of 6 a.m. and 9 p.m. :

Provided that where the State Government or any person, authorized by it in this behalf, is satisfied that the provision of shelter, rest room, night crèche, ladies' toilet, adequate protection of their dignity, honour and safety, protection from sexual harassment, and their transportation from the shop or establishment to the door step of their residence exist in such shop or establishment, it may, by notification, after obtaining the consent of the woman worker, allow her to work between 9 p.m. and 6.a.m. subject to such conditions as may be specified in the notification.

(3) Subject to the provisions of the other laws as applicable to a shop or an every employer shall fix a wages-period in respect of which wages shall be payable to the worker :

Provided that the employer may fix different wages-period for different worker of different classes of workers and that no wages-period shall exceed one month.

(4) Subject to the provisions of the other laws applicable to a shop or an establishment every employer shall pay wages payable to the workers employed in a shop or an establishment before the expiry of the seventh day after the last day of the wages-period in respect of which the wages are payable to the workers at the rates not less than the rates prescribed for the Scheduled Employment in the Minimum Wages Act, 1949( 20 of 1948) where applicable to shop or an establishment and where the rate have been fixed by agreement ,settlement or award, not less than the rates so fixed:

Provided that in case a worker is absent until such expiry, the wages shall be paid with a period of three working days from the days on which he attend for work again.

(5) Where the service of a worker is terminated by or on behalf of the employer, where, it is terminated on account of the closure of a shop or an establishment for any reason other than a weekly or other recognized holiday every employer shall pay wages payable to a worker before the expiry of the second working day from the day on which service of the worker is terminated.

(6) Every employer shall pay wages of worker direct to the worker or to other person authorized by him in this behalf in current coin or currency or in both on a working day near the place of working during working hours.

7. (1) Every employer shall take such measures relating to the health and safety (including cleanliness, lighting, ventilation and prevention of fire) of the workers as may be prescribed.

*Health and  
safety of  
workers*

(2) Every employer shall be responsible for providing constant and adequate supervision of the workers employed in the shop or establishment and to ensure the compliance with the rules relating to health and safety made under sub-section (1) and for taking steps necessary to prevent accidents.

8. (1) No adult worker shall be required or allowed to work in a shop or establishment for more than forty-eight hours in any week and nine hours a day and no worker shall be asked to work continuously for more than five hours unless he has been given a break of not less than half an hour:

*Fixing of hours of  
work and spread  
over.*

Provided that the working hours or of weekly rest may be relaxed in case of work of urgent nature with the previous permission of the Facilitator.

(2) The total number of hours of work in a shift including the rest interval shall not exceed ten and half hours in any shop or establishment and in case a worker is entrusted with intermittent nature of work or urgent work, the spread over shall not exceed twelve hours.

(3) Any working hour beyond nine hours a day or forty-eight hours a week shall be treated as overtime and the total number of overtime hours shall not exceed one hundred and twenty five hours in a period of three months.

(4) The State Government shall make rules to,---

(a) subject to sub-section (1), fix the number of hours of work which shall constitute a normal working day for the workers employed in the shop or establishment, inclusive of one or more specified intervals;

(b) provide for a day of rest in every period of seven days which shall be allowed to all the workers employed in the shop or establishment and for the payment of remuneration in respect of such days of rest.

(5) The provisions of sub-sections (1) and (2) shall, in relation to the following class of workers employed in such shop or establishment, apply only to such extent, and subject to such conditions, as may be prescribed, namely -

- a) workers engaged on urgent work, or in any emergency which could not have been foreseen or prevented;
- b) workers engaged in the nature of preparatory or complementary work which must necessarily be carried on outside the normal hours of work laid down in the rules;
- c) Workers engaged in any work which for technical reasons has to be completed before the day is over;
- d) workers engaged in a work which cannot be carried on except at times dependent on the irregular action for natural forces; and
- e) highly skilled workers (such as workers working in the establishments of Information Technology, Bio-Technology and Research and Development Divisions)

9. Where any worker is required to work on any day in excess of nine hours and forty-eight hours in a week, he shall be entitled to wages at the rate of twice his ordinary rate of wages or such higher amount as may be prescribed.

Wages for  
overtime work

10. (1) A department or any section of a department of the shop or establishment may work in more than one shift at the discretion of the employer and if more than one shift is worked, the worker may be required to work in any shift at the discretion of the employer.

Shift working  
and rest

(2) A shop or an establishment may work on all days in a week subject to the condition that every worker shall be allowed weekly holiday of at least twenty-four consecutive hours of rest.

(3) If a worker is denied weekly holiday, the compensatory leave in lieu thereof shall be given within two months of such weekly holiday.

(4) The period and hours of work in a week for all classes of workers in such shift shall be informed to all workers in writing and shall be sent to the Facilitator electronically or otherwise.

(5) Where a worker is required to work on a day or rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.

## CHAPTER IV LEAVE AND HOLIDAYS

11. (1) Every worker shall be allowed a weekly holiday with wages:

Provided that the State Government may, by notification, fix different days as weekly holiday for different class of shops and establishments or areas.

Annual leave,  
casual and  
sick leave  
and other  
holidays

(2) Every worker shall be entitled to eight days' casual leave with wages in every calendar year which shall be credited into the account of the worker on a quarterly basis.

(3) Every worker who has worked for a period of two hundred and forty days or more in a shop or establishment during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of one day for every twenty days of work performed by him during the previous calendar year.

(4) Every worker shall be permitted to accumulate earned leave up to a maximum of forty-five days.

(5) Where the employer refuses to sanction the leave due when applied fifteen days in advance, then the worker shall have a right to encash the leave in excess of forty-five days:

Provided that if a worker is entitled to leave under this section, is discharged by his employer before he has been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment on account of retirement, resignation, death or permanent disability, the employer shall pay him full wages for the period of leave due to him.

(6) A worker shall be entitled to eight paid festival holidays in a calendar year, namely, the Independence Day, Republic Day and Gandhi Jayanti and five such other festival holidays as may be agreed to between the employer and the workers, before the commencement of the year.

(7) For the purpose of sub-section (3)-

- (a) any day of lay-off, by agreement or contract or as permissible under the model standing orders or standing order certified under Industrial Employment (Standing Orders) Act, 1946;
- (b) in the case of a female worker, the maternity leave under the provisions of the Maternity Benefits Act, 1961;
- (c) the leave earned in the year prior to that in which the leave is availed, or
- (d) the absence of the worker due to temporary disablement caused by accident arising out of and in the course of his employment,

shall be deemed to be days on which the worker has worked in a shop or establishment for the purpose of computation of the period of two hundred and forty days or more, but shall not earn leave for these days.

(8) The leave admissible under sub-section (3) shall be exclusive of all holidays, whether occurring during or at either end of the period of leave.

**CHAPTER V  
WELFARE PROVISIONS**

12. Every employer shall make effective arrangements to provide and maintain at suitable points conveniently situated for all persons employed in the shop or establishment, a sufficient supply of wholesome drinking water.

Drinking waters.

13. Every employer shall provide sufficient latrine and urinal for male and female as may be prescribed which shall be so conveniently situated as may be accessible for the workers employed in the shop or establishment:

Latrines and Urinals.

Provided that several employers may provide common facilities, in case it is not possible in a shop or establishment due to constraint in space or otherwise.

14. In every shop or establishment wherein thirty or more woman workers or fifty or more workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms as crèche for the use of children of such woman workers:

Crèche facility.

Provided that if a group of shops establishments, so decide to provide a common crèche within a radius of one kilometre, then, the same shall be permitted by the Chief Facilitator, by an order, subject to such conditions as may be specified in the order.

15. Every employer shall provide at the place of work first-aid facilities as may prescribed.

First-aid.

16. The State Government shall require the employer to provide and maintain in the shop or establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers:

Canteen.

Provided that a group of shops or establishments, so decide to provide a common canteen, then the same shall be permitted by the Chief Facilitator by an order, subject to such conditions as may be specified in the order.

**CHAPTER VI  
FACILITATORS AND THEIR POWERS AND FUNCTIONS**

17. (1) The State Government may, by notification, appoint such persons as possess the prescribed qualification to be Facilitator for the purpose of this Ordinance and may assign to them such local limits as it may think fit :

Appointment of Chief Facilitator and Facilitators and their powers.

Provided that the State Government may, by notification, appoint a Chief Facilitator who shall, in addition to the powers conferred on a Chief Facilitator under this Ordinance, exercise the powers of a Facilitator throughout the State.

(2) The State Government may prescribe a scheme for inspection of shops and establishments which shall provide for generation of a web-based inspection schedule.



(3) Every Facilitator and Chief Facilitator appointed under sub-section (1) shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the State Government may specify in this behalf.

(4) Subject to such conditions as may be prescribed, a Facilitator may, within the local limits for which he is appointed—

- (i) advise the employers and workers and provide them such information as may be considered necessary for complying with the provisions of this Ordinance effectively;
- (ii) inspect the shop or establishment in accordance with the scheme for inspection referred to in sub-section (2) and may-
  - (a) examine any person who is found in any premises of the shop or establishment and whom, the Facilitator has reasonable cause to believe, is a worker of the shop or establishment;
  - (b) require any person to give any information, which is in his power to give with respect to the names and addresses of the persons;
  - (c) search, seize or take copies of such register, record of wages or notices or portions thereof as the Facilitator may consider relevant in respect of an offence under this Ordinance and which the Facilitator has reason to believe has been committed by the employer;
  - (d) bring to the notice of the State Government defects or abuses not covered by the law for the time being in force; and
  - (e) exercise such other powers as may be prescribed :

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

(5) Any person required to produce any document or to give any information required by a Facilitator under sub-section (4) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

(6) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure under sub-clause(c) of clause(ii) of sub-section (4) as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.

## **CHAPTER VII RECORDS AND RETURNS**

18. (1) Subject to the relevant provisions of the Labour Laws (Simplification of Procedure for Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 (51 of 1988) as applicable to his shop or establishment every employer shall maintain such registers and records as may be prescribed.

*Maintenance of register and records*

(2) The records may be maintained electronically or manually:

Provided that at the time of inspection by Facilitator, a hard copy of such records if demanded, shall be submitted duly signed by the employer.

19. Every employer of a shop or an establishment shall furnish an annual return, in such form and manner (including electronic form), to such authority as may be prescribed.

*Annual Return*

## **CHAPTER VIII OFFENCE AND PENALTIES**

20.(1) Whoever contravenes the provisions of this Ordinance or the rules made thereunder shall be punishable with fine which may extend to two lakh rupees and in the case of a continuing contravention, with an additional fine which may extend to two thousand rupees for every day during which such contravention continues:

*Penalty for contravention of provisions of this Act*

Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.

(2) If any person who has been convicted of any offence punishable under sub-section (1) is again guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees.

21. Save as is otherwise expressly provided in this Ordinance, where an employer on being held guilty of contravention of any of the provisions of this Ordinance or any rules made there under which has resulted in an accident causing serious bodily injury or death of a worker, shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than two lakh rupees which may be extended to five lakh rupees or with both.

*Penalty for contravention of the provisions of this Act which resulted in accident*

22. (1) Whoever wilfully obstructs a Facilitator in exercise of any powers conferred on him by or under this Ordinance or refuses or wilfully neglects to afford the Facilitator any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Ordinance in relation to a shop or an establishment, shall be punishable with fine which extend to two lakh rupees.

*Penalty for obstructions refusal to provide register etc.*

(2) Whoever wilfully refuses to produce on the demand of a Facilitator any register or other document kept in pursuance of this Ordinance or the rules made thereunder or prevents or attempts to prevent or does anything which he has reason to believe to prevent any person from appearing before, or being examined by, a Facilitator acting in pursuance

of this duties under this Ordinance, shall be punishable with fine which may extend to two lakh rupees.

Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.

23. (1) No Court shall take cognizance of any offence punishable under this Ordinance and the rules made thereunder unless a complaint in respect thereof is made by the Facilitator within three months of the date on which the alleged commission of the offence came to the knowledge of the Facilitator and a complaint is filed in the regard thereby:

*Cognizance  
of offences*

Provided that where the offence consists of disobeying a written order made by a Facilitator, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

(2) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Ordinance or the rules made thereunder.

24. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Ordinance, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted officer, as the State Government may, by notification, specify, for a sum of fifty per cent. of maximum fine provided for such offence, in the manner as may be prescribed.

*Compounding  
of offences*

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date –

- (a) of commission of a similar offence which was earlier compounded;
- (b) of commission of similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-subsection (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the State Government.

(4) Every application for the compounding of an offence shall be made in such form and manner as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty percent of the maximum fine provided for the offence, in addition to such fine.

(8) No offence punishable under the provisions of this Ordinance shall be compounded except under and in accordance with the provisions of this section.

## **CHAPTER IX**

### **Application and non-application of certain Acts**

*Application of other Acts*

#### **25. Employees' Compensation Act, 1923 to apply to worker.**

The provisions of the Employees' Compensation Act, 1923 (8 of 1923) and if the rules made thereunder shall, mutatis mutandis apply to every worker in a shop or an establishment.

#### **26. Limited application of the Payment of Wages Act, 1936.**

(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (4 of 1936) herein referred to as the said Act, the State Government may, by notification in the official gazette, direct that subject to the provisions of section 2 of the said Act or any of the provisions thereof or of the rules made thereunder shall apply to all or any class of workers of such shops or establishments as may be mentioned in that notification.

(2) On the application of the provisions of the said Act to any shop or establishment under sub-section (1), the facilitator appointed under this Act shall be deemed to be the Inspector for the purposes of the enforcement of the provisions of the said Act within the local limit of his jurisdiction.

#### **27. Non-application of Weekly Holidays Act, 1942.**

On and from the date on which this Act comes into force in respect of a shop or an establishment, the Weekly Holidays Act, 1942 ( 18 of 1942 ) shall cease to apply to any shop or an establishment.

## **CHAPTER X**

### **MISCELLANEOUS**

28. No suit, prosecution or other legal proceeding shall lie against any public servant or any other person in the service of the Central Government or the State Government, acting under direction of any such public servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Ordinance or of any rule made thereunder.

*Protection of action taken in good faith*

29. The State Government or any officer empowered in this behalf may, by notification, exempt from the operation of all or any provisions of this Ordinance for any period it is considered, any shop or establishment or class thereof or any employer or worker or class of employers or workers to whom this Ordinance applies on such terms and conditions as it may think fit.

*Power to grant exemptions*

30. The provisions of this Ordinance shall be in addition to, and not in derogation of the provisions of any other law (which are not specified at chapter IX) for the time being in force.

*Application of other laws not barred*

31. (1) The State Government may, by notification, make rules for carrying out the provisions of this Ordinance.

Power to  
make  
Rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the authority to which and the form and manner in which an application shall be made under sub-section (2), the form of Labour Identification Number under sub-section (3), and the manner of obtaining Labour Identification Number under sub-section (4), of section 5;

(b) the measures to be taken by the employer relating to the health and safety (including cleanliness, lighting, ventilation and prevention of fire) of the workers under sub-section (1) of section 7;

(c) the matters to be provided by rules under sub-section (4) of section 8;

(d) the condition subject to which the provisions of sub-section (1) and (2) of section 8 shall apply to certain class of workers under sub-section (5) of that section;

(e) rate of higher amount of wages under section 9;

(f) the provisions of sufficient latrine and urinals under section 13 and the provision of first-aid facility under section 15;

(g) the qualifications of Facilitators under sub-section (1), conditions subject to which a Facilitator shall exercise his powers under sub-section (4), and other powers exercisable by him under sub-clause (e) of clause (ii) of sub-section (4), of section 17;

(h) the registers and records to be maintained by the employers under sub-section (1) of section 18;

(i) the form and manner (including electronic form) for furnishing of annual return and the authority to such returns shall be furnished under section 19;

(j) the manner of compounding of offences under sub-section (1), and form and manner for making application for such compounding under sub-section (4), of section 24;

(k) Any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the State Government under this Ordinance shall be laid, as soon as may be after it is made, before the House of the State Legislature.

32. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Power to  
remove  
difficulties

Provided that no order shall be made under this section after the expiry of two years from the date of the commencement of this Ordinance.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

33. (1) The Manipur Shops and Establishments Act, 1972 (Manipur Act No. 4 of 1973) is hereby, repealed.

*Repeal  
and  
saving*

(2) Notwithstanding the repeal of the Act under sub-section (1), anything done or any action taken under the said Act shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Ordinance.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clause Act, 1897 with regard to the effect of repeals.

Imphal, 29th June, 2021

**NAJMA HEPTULLA**  
Governor of Manipur.

**NUNGSHITOMBI ATHOKPAM**  
Secretary (Law),  
Government of Manipur.

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# मध्यप्रदेश राजपत्र

## ( असाधारण )

### प्राधिकार से प्रकाशित

क्रमांक 311]

भोपाल, सोमवार, दिनांक 2 अगस्त 2021—श्रावण 11, शक 1943

#### श्रम विभाग

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 2 अगस्त 2021

क्र. 1036-183-2018-ए-सोलह.—बालक और कुमार श्रम (प्रतिषेध और विनियमन) अधिनियम, 1986 की धारा 18 की उप-धारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार, एतद्वारा मध्यप्रदेश बालक एवं कुमार श्रम (प्रतिषेध और विनियमन) नियम, 1993 में निम्नलिखित संशोधन करती है, जो उक्त अधिनियम की धारा 18 की उप-धारा (1) द्वारा अपेक्षित किए गये अनुसार मध्यप्रदेश राजपत्र (असाधारण) दिनांक 8 जनवरी 2021 में पूर्व में प्रकाशित किये जा चुके हैं, अर्थात्:—

#### “संशोधन”

उक्त नियमों में,—

1. नियम 1 में, उप-नियम (1) में, शब्द “बाल श्रम” के स्थान पर शब्द “बालक और कुमार श्रम” शब्द स्थापित किए जाएं;
2. नियम 2 में,—
  - (1) खण्ड (क) के स्थान पर, निम्नलिखित खण्ड स्थापित किया जाए, अर्थात्:—

“(क) “अधिनियम” से अभिप्रेत है बालक और कुमार श्रम (प्रतिषेध और विनियम) अधिनियम, 1986 (1986 का 61).
  - (2) खण्ड (घ) के पश्चात् निम्नलिखित खण्ड अन्तःस्थापित किया जाए, अर्थात्:—

(घक) “निधि” से अभिप्रेत है अधिनियम की धारा 14 ख की उप-धारा (1) के अधीन गठित बालक और कुमार पुनर्वास निधि;

(घख) "निरीक्षक" से अभिप्रेत है धारा 17 के अधीन राज्य सरकार द्वारा नियुक्त निरीक्षक;

(घग) "नगर पालिका" से अभिप्रेत है संविधान के अनुच्छेद 243थ के अधीन गठित स्व-शासन की कोई संस्था;

(घघ) "पंचायत" से अभिप्रेत है संविधान के अनुच्छेद 243 ख के अधीन गठित पंचायत.

(3) नियम 2 के खण्ड (च) में शब्द 'युवा व्यक्ति', के स्थान पर, शब्द 'कुमार' तथा शब्द "कारखाना अधिनियम, 1948 (1948 का 63), के स्थान पर, शब्द "बालक और कुमार श्रम (प्रतिषेध और विनियमन) संशोधन अधिनियम, 2016 (2016 का 35)" स्थापित किये जाएं.

(4) खण्ड (च) के पश्चात्, निम्नलिखित खण्ड अंतःस्थापित किये जाये अर्थात्:—

"(छ) इन नियमों में प्रयुक्त शब्दों और अधिव्यक्तियों के, जो इसमें परिभाषित नहीं किए गए हैं, और अधिनियम में परिभाषित किये गये हैं वही अर्थ होंगे जो अधिनियम में उनके लिये समनुदेशित किये गये हैं.

3. नियम 2 के पश्चात्, निम्नलिखित नियम अंतःस्थापित किए जाएं, अर्थात्:—

"2क. अधिनियम के उल्लंघन में बालकों और कुमारों के नियोजन के प्रतिषेध पर जागरूकता—राज्य सरकार यह सुनिश्चित करने के लिए, कि अधिनियम के उपबंधों के उल्लंघन में बालकों और किशोरों को नियोजित न किया जाए या उन्हें किसी व्यवसाय या प्रक्रिया में कार्य करने के लिए अनुज्ञात न किया जाए, समुचित उपायों के माध्यम से,—

(क) लोक और पारंपरिक माध्यम तथा जनसंपर्क के माध्यम का उपयोग करके लोक जागरूकता अभियानों का प्रबंध करेगी जिसके अंतर्गत दूरदर्शन, रेडियो, इंटरनेट और प्रिंट मीडिया का उपयोग सम्मिलित है ताकि जनसाधारण जिसके अंतर्गत नियोजक तथा बालक और कुमार जिन्हें अधिनियम के उपबंधों के उल्लंघन में नियोजित किया गया हो सम्मिलित है को अधिनियम के उपबंधों के बारे में जागरूक किया जाए तथा जिसके द्वारा नियोक्ताओं या अन्य व्यक्तियों को बालकों और कुमारों को अधिनियम के उपबंधों के उल्लंघन में किसी व्यवसाय या प्रक्रिया में नियोजित करने से हतोत्साहित किया जा सके;

(ख) अधिनियम के उपबंधों के उल्लंघन में बालकों या कुमारों के नियोजन के उपक्रम या घटनाओं की रिपोर्टिंग को, राज्य सरकार द्वारा विनिर्दिष्ट प्राधिकारियों से संपर्क के आसानी से उपलब्ध साधनों को विकसित तथा विज्ञापित करके, बढ़ावा देगी;

(ग) अधिनियम, इन नियमों के उपबंधों और उनसे संबंधित किसी अन्य सूचना का संभव सीमा तक मुख्य बस स्टेशनों, टोल प्लाजा, अन्य लोक स्थानों, जिसके अंतर्गत शॉपिंग सेंटर, बाजार, सिनेमा हॉल, होटल, अस्पताल, पंचायत कार्यालय, पुलिस स्टेशन, औद्योगिक क्षेत्र, विद्यालय, शैक्षणिक संस्थाएं, न्यायालय परिसर तथा अधिनियम के अधीन प्राधिकृत सभी प्राधिकारियों के कार्यालय सम्मिलित हैं, में प्रदर्शन करेगी;

(घ) समुचित माध्यम से विद्यालय शिक्षा में शिक्षण सामग्री और पाठ्यक्रम में अधिनियम के उपबंधों के समावेश को बढ़ावा देगी; और

(ङ) प्रशिक्षण को समावेश करने और अधिनियम के उपबंधों पर संग्राह्य सामग्री तथा पुलिस, न्यायिक तथा सिविल सेवा अकादमियों, शिक्षक प्रशिक्षण तथा पुनश्चर्या पाठ्यक्रमों में इसके अतिरिक्त विभिन्न हितधारकों के उत्तरदायित्वों को बढ़ावा देगी तथा अन्य सुसंगत हितधारकों, जिसमें पंचायत सदस्य, चिकित्सक तथा राज्य सरकार के संबंधित अधिकारी सम्मिलित हैं, के लिए सुग्राहीकरण कार्यक्रमों की व्यवस्था करेगी.



2ख. बालक का शिक्षा को प्रभावित किए बिना अपने परिवार की सहायता करना.—(1) धारा 3 के उपबंधों के अधीन रहते हुए कोई बालक किसी भी रीति में अपनी विद्यालयीन शिक्षा को प्रभावित किए बिना,—

(क) अपने परिवार के उद्यम में अपने परिवार की इस शर्त के अधीन रहते हुए सहायता कर सकेगा, कि ऐसी सहायता,—

- (एक) अधिनियम की अनुसूची के भाग क एवं भाग ख में सूचीबद्ध किसी परिसंकटमय व्यवसाय या प्रक्रिया में नहीं होगी;
- (दो) विनिर्माण, उत्पादन, आपूर्ति या खुदरा श्रृंखला के किसी स्तर पर कोई कार्य या व्यवसाय या प्रक्रिया सम्मिलित नहीं होगी, जो बालक या उसके परिवार या परिवार के उद्यम के लिए पारिश्रमिक प्रदान करती हो;
- (तीन) उसके परिवार या परिवार उद्यम सहायता करने के लिए वहां अनुज्ञात किया जाएगा, जहां परिवार अधिभोगी हैं;
- (चार) वह विद्यालय समय के दौरान और सायं 7 बजे और प्रातः 8 बजे के बीच कोई कार्य नहीं करेगा;
- (पांच) वह सहायता के ऐसे कार्य में नियोजित नहीं होगा, जो बालक की शिक्षा के अधिकार या विद्यालय में उसकी उपस्थिति के साथ हस्तक्षेप करती हो या उसमें बाधा डालती हो या जो क्रियाकलापों को सम्मिलित करते हुए उसकी शिक्षा को प्रतिकूल रूप से प्रभावित करती हो, जिसके अंतर्गत ऐसे क्रियाकलाप जिन्हें संपूर्ण शिक्षा से अलग नहीं किया जा सकता है जैसे गृह कार्य या अन्य अतिरिक्त पाठ्यक्रम गतिविधियां हैं, जो उसे विद्यालय में सौंपी गई हैं;
- (छह) बिना विश्राम के सतत् रूप से किसी कार्य में नियोजित नहीं होगा, जो उसे थका दें और उसके स्वास्थ्य और मस्तिष्क को तरोताजा करने के लिए विश्राम अनुज्ञात किया जाएगा तथा कोई बालक एक दिन में विश्राम की अवधि को सम्मिलित न करते हुए तीन घंटे से ज्यादा के लिए सहायता नहीं करेगा;
- (सात) किसी बालक का किसी वयस्क या कुमार के स्थान पर उसके परिवार या परिवार के उद्यम की सहायता के लिए रखा जाना सम्मिलित नहीं है; और
- (आठ) तत्समय प्रवृत्त किसी अन्य विधि के उल्लंघन में नहीं होगी;

(ख) अपने परिवार की मदद या सहायता ऐसी रीति में करना, जो किसी व्यवसाय, संकर्म, पेशे, विनिर्माण या कारबार या किसी संदाय या बालक को फायदें या किसी अन्य व्यक्ति की मदद के लिए, जो बालक पर नियंत्रण रखता है, के लिए है तथा जो बालक की वृद्धि, शिक्षा और समग्र विकास के लिए हानिकारक नहीं है।

स्पष्टीकरण 1. इस नियम के प्रयोजनों के लिए, केवल—

- (क) बालक का सगा भाई और बहन;
- (ख) बालक के माता-पिता द्वारा विधिपूर्वक गोद लेने के माध्यम से बालक का भाई या बहन; और
- (ग) बालक के माता-पिता के सगे भाई और बहन, को बालक के परिवार में सम्मिलित किया जाएगा।

स्पष्टीकरण 2.—स्पष्टीकरण 1 के प्रयोजनों के लिए, एतद्वारा यह स्पष्ट किया जाता है कि प्रारंभतः इस संबंध में कोई संदेह कि व्यक्ति सगा भाई या बहन है, को, यथास्थिति, संबंधित नगरपालिका या पंचायत द्वारा जारी ऐसे व्यक्ति की वंशावली या राज्य सरकार के संबंधित प्राधिकारी द्वारा जारी किसी अन्य विधिक दस्तावेज की जांच कर के दूर किया जा सकेगा।

(2) जहां विद्यालय में शिक्षा प्राप्त कर रहा कोई बालक विद्यालय के प्राचार्य या प्रधानाध्यापक या मुख्याध्यापक को बिना किसी संसूचना के लगातार तीस दिन के लिए अनुपस्थित रहता है तो प्राचार्य या प्रधानाध्यापक सूचना के लिए

ऐसी अनुपस्थिति की संसूचना नियम 8 के उप-नियम (1) के खंड (एक) में निर्दिष्ट संबंधित नोडल अधिकारी को देगा।

**2ग. बालक का कलाकार के रूप में कार्य करना.—**

- (1) धारा 3 के उपबंधों के अध्यधीन रहते हुए बालक को निम्नलिखित शर्तों के अध्यधीन रहते हुए कलाकार के रूप में कार्य करने के लिए अनुज्ञात किया जा सकेगा, अर्थात्:—
- (क) किसी बालक को एक दिन में पाँच घंटे से ज्यादा कार्य करने के लिए और बिना किसी विश्राम के तीन घंटों से अनधिक के लिए कार्य करने के लिए अनुज्ञात नहीं किया जाएगा;
- (ख) किसी श्रव्य-दृश्य कार्यक्रम या किसी वाणिज्यिक समारोह, जिसमें बालक की भागीदारी अंतर्बलित हैं, का निर्माता बालक की सहभागिता को केवल उस जिले के जिला मजिस्ट्रेट से जिसमें उस कार्यक्रमलाप को किया जाना है अनुज्ञा प्राप्त करने के पश्चात् ही शामिल करेगा और जिला मजिस्ट्रेट को कार्यक्रम को आरंभ करने से पूर्व प्ररूप 'ग' में एक वचनबंध तथा बालक सहभागियों, यथास्थिति, माता-पिता या संरक्षक की सहमति, प्रोडक्शन या समारोह से व्यष्टिक का नाम, जो बालक की सुरक्षा और संरक्षा के लिए उत्तरदायी हैं, की सूची प्रस्तुत करेगा और यह सुनिश्चित करेगा कि उसकी फिल्म और दूरदर्शन कार्यक्रमों की स्क्रीनिंग इस डिस्कलेमर को विनिर्दिष्ट करते हुए की जाएगी कि यदि किसी बालक को शूटिंग में नियोजित किया गया है तो यह सुनिश्चित करने के लिए कि शूटिंग की समस्त प्रक्रिया के दौरान बालक का दुरुपयोग, अनदेखी या उत्पीड़न नहीं हो के लिए सभी उपाय किए गए हैं;
- (ग) खंड (ख) में निर्दिष्ट वचनबंध 6 मास के लिए विधिमाम्य होगा और उसमें ऐसे प्रयोजन के लिए समय-समय पर राज्य सरकार द्वारा जारी मार्गदर्शक सिद्धांतों तथा संरक्षण नीतियों के अनुरूप बालक की शिक्षा, सुरक्षा, संरक्षा तथा बाल शोषण की रिपोर्ट करने के लिए उपबंधों का स्पष्ट कथन होगा, जिसके अंतर्गत—
- (एक) बालक के शारीरिक और मानसिक स्वास्थ्य के लिए सुविधाओं को सुनिश्चित करना;
- (दो) बालक के लिए समयबद्ध पोषक आहार;
- (तीन) दैनिक आवश्यकताओं के लिए पर्याप्त आपूर्ति के साथ सुरक्षित, स्वच्छ आश्रय; और
- (चार) बालकों के संरक्षण के लिए तत्समय प्रवृत्त सभी विधियों का अनुपालन, को सम्मिलित करते हुए उनकी शिक्षा, देखरेख और संरक्षण तथा यौन अपराधों से सुरक्षा के लिए अधिकार;
- (घ) बालक की शिक्षा के लिए समुचित सुविधाओं का प्रबंध किया जाएगा, ताकि यह सुनिश्चित किया जा सके कि विद्यालय में पाठों की निरंतरता बनी रहे और किसी बालक को 27 दिन से अधिक के लिए लगातार कार्य करने के लिए अनुज्ञात नहीं किया जाएगा;
- (ङ) समारोह या कार्यक्रम के लिए अधिकतम 5 बालकों के लिए एक उत्तरदायी व्यक्ति की नियुक्ति की जाएगी ताकि बालक की सुरक्षा, देखरेख और सर्वोत्तम हित सुनिश्चित किए जा सकें;
- (च) बालक द्वारा कार्यक्रम या समारोह से अर्जित आय के कम से कम बीस प्रतिशत को सीधे किसी राष्ट्रीयकृत बैंक में बालक के नाम से नियत जमा खाते में जमा किया जाएगा जिसको बालक के वयस्क होने पर बालक को प्रत्यय किया जा सकेगा; और
- (छ) किसी बालक को उसकी इच्छा और सहमति के विरुद्ध किसी श्रव्य-दृश्य और क्रीड़ा कार्यक्रमलाप, जिसके अंतर्गत अनौपचारिक मनोरंजन कार्यक्रमलाप को सम्मिलित करते हुए में भाग लेने के लिए बाध्य नहीं किया जाएगा।
- (2) धारा 3 की उप-धारा (2) के स्पष्टीकरण के खंड (ग) के प्रयोजनों के लिए उसमें अंतर्विष्ट "अन्य ऐसा कार्यक्रमलाप" पद से निम्नलिखित अभिप्रेत होगा—
- (एक) कोई कार्यक्रमलाप, जिसमें बालक किसी खेल प्रतिस्पर्धा या समारोह या ऐसी खेल प्रतिस्पर्धा या समारोह के लिए प्रशिक्षण में स्वयं भाग ले रहा है;

- (दो) रियल्टीशो, क्विज शो, टेलेंट शो को सम्मिलित करते हुए दूरदर्शन पर सिनेमा और डाक्यूमेंटरी प्रदर्शन, रेडियो तथा किसी कोई अन्य माध्यम है;
- (तीन) नाटक, सीरियल;
- (चार) किसी कार्यक्रम या समारोह में एंकर के रूप में भागीदारी; और
- (पांच) कोई अन्य कलात्मक अभिनय, जिसे राज्य सरकार विशिष्ट मामलों में अनुज्ञात करे, जिसके अंतर्गत, धनीय फायदे के लिए स्ट्रीट प्रदर्शन सम्मिलित नहीं हैं।

4. नियम 3 में, उप-नियम (1) में, शब्द "बालक श्रम" के स्थान पर, शब्द "बालक और कुमार श्रम" स्थापित किए जाएं.
5. नियम 4 के स्थान पर, निम्नलिखित नियम स्थापित किया जाए, अर्थात्:—

**“4. आयु का प्रमाण-पत्र.—**

- (1) जहां निरीक्षक को यह आशंका है कि किसी कुमार को ऐसे व्यवसाय या प्रसंस्करणों में नियोजित किया गया है जिनमें उसे अधिनियम की धारा 3 क के अधीन नियोजित किया जाना प्रतिषिद्ध है, वहां वह ऐसे कुमार के नियोजक से यह अपेक्षा कर सकेगा कि वह समुचित चिकित्सा प्राधिकारी से आयु का प्रमाण-पत्र निरीक्षक को प्रस्तुत करे.
- (2) समुचित चिकित्सा प्राधिकारी, उप-धारा (1) के अधीन आयु का प्रमाण-पत्र जारी करने के लिए कुमार की परीक्षा करते समय:—
  - (एक) कुमार का आधार कार्ड, और उसके अभाव में;
  - (दो) विद्यालय से जन्म की तारीख का प्रमाण-पत्र या, कुमार से संबद्ध परीक्षा बोर्ड से जारी मैट्रिकुलेशन या समतुल्य प्रमाण-पत्र, यदि उपलब्ध हों और उसके अभाव में;
  - (तीन) निगम या नगरपालिक प्राधिकारी या पंचायत द्वारा दिए गए कुमार का जन्म प्रमाण-पत्र पर विचार करेगा; और खंड (एक) से खंड (तीन) में, विनिर्दिष्ट रीति के अभाव में ही, अस्थिविकास परीक्षण या किसी अन्य नवीनतम चिकित्सीय आयु अवधारण परीक्षण के माध्यम से ऐसे चिकित्सा प्राधिकारी द्वारा आयु अवधारित की जाएगी.
- (3) अस्थिविकास परीक्षण या कोई अन्य नवीनतम चिकित्सीय आयु अवधारण परीक्षण श्रम आयुक्त से अनिम्न पदश्रेणी के समुचित प्राधिकारी, जैसा कि राज्य सरकार द्वारा इस निमित्त विनिर्दिष्ट किया जाए, के आदेश पर संचालित किया जाएगा और ऐसा अवधारण, ऐसे आदेश की तारीख से पन्द्रह दिन के भीतर पूरा किया जाएगा.
- (4) उप-नियम (1) में निर्दिष्ट आयु का प्रमाण-पत्र प्ररूप "ख" में जारी किया जाएगा.
- (5) आयु प्रमाण-पत्र के जारी किए जाने के लिए चिकित्सा प्राधिकारी को संदेय प्रभार वही होंगे जैसे कि राज्य सरकार द्वारा उनके चिकित्सा बोर्डों के लिए विनिर्दिष्ट किए जाएं.
- (6) चिकित्सा प्राधिकारी को संदेय प्रभार उस कुमार के नियोजक द्वारा वहन किए जाएंगे जिसकी आयु इस नियम के अधीन अवधारित की जाती है.

स्पष्टीकरण:—इस नियम के प्रयोजन के लिए,—

- (एक) "चिकित्सा प्राधिकारी" से अभिप्रेत है ऐसा कोई सरकारी, चिकित्सक, जो किसी जिले के सहायक शल्य चिकित्सक से अनिम्न पदश्रेणी का न हो या कर्मचारी राज्य बीमा औषधालय या अस्पतालों में नियोजित समतुल्य पंक्ति का नियमित चिकित्सक;
- (दो) "कुमार" से अभिप्रेत है अधिनियम की धारा 2 के खंड (एक) में यथा परिभाषित कुमार."

6. नियम 4 जो पश्चात्, निम्नलिखित नियम, अंतःस्थापित किए जाएं, अर्थात्:—

“4क. कार्य के घंटे—धारा 7 के उपबंधों के अधीन रहते हुए, किसी कुमार से किसी स्थापन में कार्य के उतने घंटों से अधिक कार्य करने की अपेक्षा नहीं होगी या अनुज्ञात नहीं किया जाएगा जितने कि ऐसी स्थापन में कुमार के कार्य के घंटों को विनियमित करने के लिए तत्समय प्रवृत्त विधि के अधीन अनुज्ञेय है.

5. बालक या कुमार को बालक और कुमार श्रम पुनर्वास निधि में से रकम का संदाय.—

- (1) धारा 14 ख की उप-धारा (3) के अधीन बालक और कुमार श्रम पुनर्वास निधि में, यथास्थिति, प्रत्यय, जमा या विनिधान की गई निधि और उस पर उद्भूत ब्याज का उस बालक या कुमार को निम्नलिखित रीति में संदाय किया जाएगा जिसके पक्ष में ऐसी रकम का प्रत्यय किया गया है; अर्थात्:—
- (एक) अधिकारिता रखने वाला निरीक्षक या नोडल अधिकारी अपने पर्यवेक्षण के अधीन सुनिश्चित करेगा कि ऐसे बालक या कुमार का एक खाता किसी राष्ट्रीयकृत बैंक में खोला गया है और, उस बैंक को सूचित करेगा जिसमें निधि की रकम को जमा की गयी है यथास्थिति, धारा 14 ख की उप-धारा (3) के अधीन निधि की रकम का विनिधान करने के लिए अधिकारी उत्तरदायी होगा;
- (दो) बालक या कुमार के पक्ष में निधि की समानुपाती रकम पर उद्भूत ब्याज को निरीक्षक की जानकारी के अधीन बैंक या रकम का विनिधान करने वाले उत्तरदायी अधिकारी द्वारा यथास्थिति, बालक या कुमार के खाते में प्रत्येक छह माह में अंतरित किया जाएगा;
- (तीन) अठारह वर्ष की आयु पूरी कर लेता है, तब, यथासंभव शीघ्र तुरन्त या तीन मास की अवधि के भीतर, बालक के पक्ष में उस पर उद्भूत ब्याज, जिसमें बैंक में शेष ब्याज या धारा 14 ख की उप-धारा (3) के अधीन इस प्रकार विनिधान किया गया शेष भी है, के साथ जमा की गई, निक्षेप की गई या विनिधान की गई कुल रकम, यथास्थिति, बालक या कुमार के उक्त बैंक खाते में अंतरित की जाएगी; और
- (चार) निरीक्षक संबंधित बालक या कुमार की उसकी पहचान करने के लिए पर्याप्त विशिष्टियों, के साथ खंड (दो) और खंड (तीन) के अधीन अंतरित रकम की एक रिपोर्ट तैयार करेगा तथा वार्षिक रिपोर्ट की एक प्रति सूचनार्थ श्रम आयुक्त की जानकारी के लिए भेजेगा.
- (2) अधिनियम के उपबंधों के उल्लंघन के लिए बालक या कुमार के पक्ष में न्यायालय के आदेश या निर्णय के अनुसरण में जुर्माने के माध्यम से या अपराधों के शमन के लिए वसूल की गई कोई रकम भी निधि में जमा की जाएगी और ऐसे आदेश या निर्णय के अनुसार व्यय की जाएगी.

6. वह व्यक्ति जो परिवाद दर्ज कर सकता है.—कोई व्यक्ति किसी अपराध के किए जाने के लिए अधिनियम के अधीन परिवाद दायर कर सकेगा जिसमें सम्मिलित है विद्यालय के शिक्षक तथा विद्यालय प्रबंध समिति के प्रतिनिधि, बालक संरक्षण समिति, पंचायत या नगरपालिका, जो उस दशा में, परिवाद दायर करने के लिए संवेदनशील होगा कि उसके अपने-अपने विद्यालय के छात्रों में से कोई इस अधिनियम के उपबंधों के उल्लंघन में नियोजित किया जाता है.

7. अपराधों के शमन करने की रीति.—(1) कोई अभियुक्त व्यक्ति,—

(एक) जो धारा 14 की उप-धारा (3) के अधीन पहली बार कोई अपराध करता है; या

(दो) जो माता-पिता या संरक्षक होते हुए, उक्त धारा के अधीन अपराध करता है,

धारा 14घ की उप-धारा (1) के अधीन अपराध का प्रशमन करने की अधिकारिता रखने वाले जिला मजिस्ट्रेट को आवेदन प्रस्तुत करेगा.

(2) जिला मजिस्ट्रेट उप-नियम (1) के अधीन प्रस्तुत किए गए आवेदन पर अभियुक्त व्यक्ति और संबंधित निरीक्षक को सुनवाई के पश्चात्, आवेदन का निपटारा करेगा और यदि आवेदन अनुज्ञात कर दिया जाता है तो निम्नलिखित के अध्यक्षीन रहते हुए प्रशमन करने का प्रमाण-पत्र जारी करेगा—

(एक) ऐसे प्रमाण-पत्र में विनिर्दिष्ट समय के भीतर, ऐसे अपराध के लिए उपबंधित अधिकतम जुर्माने के पचास प्रतिशत की राशि का संदाय; या

(दो) खंड (एक) के अधीन विनिर्दिष्ट प्रशमनकारी रकम के साथ ऐसे अपराध के लिए उपबंधित अधिकतम जुर्माने के पच्चीस प्रतिशत की अतिरिक्त राशि का संदाय, यदि अभियुक्त उक्त खंड के अधीन विनिर्दिष्ट समय के भीतर प्रशमनकारी रकम का संदाय करने में असफल रहता है और ऐसा विलंबित संदाय जिला मजिस्ट्रेट द्वारा यथाविनिर्दिष्ट की जाने वाली और अवधि, जो उस खंड में विनिर्दिष्ट अवधि से अधिक नहीं होगी, के भीतर किया जाएगा.

- (3) शमनकारी रकम अभियुक्त व्यक्ति द्वारा राज्य सरकार को संदत्त की जाएगी.
- (4) यदि अभियुक्त व्यक्ति उप-नियम (2) के अधीन प्रशमनकारी रकम का संदाय करने में असफल रहता है, तो, कार्यवाही धारा 14घ की उप-धारा (2) के अधीन विनिर्दिष्ट किए गए अनुसार जारी रहेगी.
8. जिला मजिस्ट्रेट के कर्तव्य—(1) जिला मजिस्ट्रेट—
- (एक) नोडल अधिकारियों के रूप में ज्ञात होने वाले उसके अधीनस्थ ऐसे अधिकारियों को, जो वह आवश्यक समझे, विनिर्दिष्ट करेगा, जो धारा 17 क के अधीन राज्य सरकार द्वारा उसको प्रदत्त और अधिरोपित जिला मजिस्ट्रेट की सभी या किन्हीं शक्तियों का प्रयोग करेंगे और सभी या किन्हीं कर्तव्यों का पालन करेंगे;
- (दो) नोडल अधिकारी को अधीनस्थ अधिकारी के रूप में उसकी अधिकारिता की स्थानीय सीमाओं के भीतर उसके द्वारा प्रयोग की जाने वाली ऐसी शक्तियों और पालन किए जाने वाले कर्तव्यों जो वह समुचित समझे, को समनुदेशित करेगा.
- (तीन) किसी जिले में निम्नलिखित से मिलकर बनने वाले कार्यबल के अध्यक्ष के रूप में अध्यक्षता करेगा:—
- (क) जिला मजिस्ट्रेट द्वारा यथा नामनिर्दिष्ट उसकी अधिकारिता की स्थानीय सीमाओं के प्रयोजनों के लिए धारा 17 के अधीन नियुक्त निरीक्षक;
- (ख) उसकी अधिकारिता की स्थानीय सीमाओं के प्रयोजनों के लिए पुलिस अधीक्षक;
- (ग) उसकी अधिकारिता की स्थानीय सीमाओं के प्रयोजनों के लिए अपर जिला मजिस्ट्रेट;
- (घ) उसकी अधिकारिता की स्थानीय सीमाओं के प्रयोजनों के लिए खंड (एक) के अधीन निर्दिष्ट नोडल अधिकारी;
- (ङ) उसकी अधिकारिता की स्थानीय सीमाओं के प्रयोजनों के लिए राज्य सरकार श्रम कार्यालय का जिला या संभागीय कार्यालय प्रमुख;
- (च) दो वर्ष की अवधि के लिए चक्रानुक्रमी आधार पर जिले में नियोजित बालकों के बचाव और पुनर्वास में अन्तर्वलित प्रत्येक स्वैच्छिक संगठन से दो प्रतिनिधि;
- (छ) जिला न्यायाधीश द्वारा नामनिर्दिष्ट किए जाने वाले जिला विधिक सेवा प्राधिकरण का एक प्रतिनिधि;
- (ज) जिले की एन्टीट्रेफिकिंग यूनिट का एक सदस्य;
- (झ) जिले की बाल कल्याण समिति का अध्यक्ष;
- (ञ) महिला और बाल विकास से संबंधित भारत सरकार के मंत्रालय की एकीकृत बालक संरक्षण योजना के अधीन जिले में जिला बाल संरक्षण अधिकारी;
- (ट) जिला शिक्षा अधिकारी;
- (ठ) राष्ट्रीय बाल श्रम परियोजना का परियोजना निदेशक या जिला मजिस्ट्रेट द्वारा नाम निर्दिष्ट किया गया कोई अन्य व्यक्ति;
- (ड) कार्य बाल का सचिव खंड (एक) में निर्दिष्ट कोई नोडल अधिकारी होगा और अध्यक्ष द्वारा नामनिर्दिष्ट किया जाएगा;

- (2) उप-नियम (1) के खंड (तीन में निर्दिष्ट कार्यबल प्रत्येक दो मास में कम से कम एक बार बैठक करेगा और उपलब्ध समय, तत्समय प्रवृत्त विधि के अनुसार छापामारी का बिन्दु, योजना की गोपनीयता, समय-समय पर श्रम आयुक्त द्वारा जारी बचाव और प्रत्यावर्तन के लिए मार्गदर्शी सिद्धांतों के अनुसार पीड़ितों और साक्षियों का संरक्षण तथा अंतरिम अनुतोष को ध्यान में रखते हुए बचाव कार्य संचालित करने की व्यापक कार्रवाई योजना बनाएगा और कार्य बल केन्द्र/राज्य सरकार द्वारा ऐसे प्रयोजन के लिए सृजित पोर्टल पर ऐसी बैठक के कार्यवृत्त को भी अपलोड कराएगा।
- (3) उप-नियम (1) में निर्दिष्ट कर्तव्यों के अलावा, जिला मजिस्ट्रेट नोडल अधिकारियों के माध्यम से सुनिश्चित करेगा कि बालक और कुमार, जो अधिनियम के उपबंधों का उल्लंघन करके नियोजित किए जाते हैं, बचाए जाते हैं तथा उन्हें—

(क) निम्नलिखित के उपबंधों के अनुसार पुनर्वसित किया जाएगा

- (एक) किशोर न्याय (बालकों की देख-रेख और संरक्षण) अधिनियम, 2015 (2016 का 2) तथा उसके अधीन बनाए गए नियम;
- (दो) बंधित श्रम पद्धति (उत्सादन) अधिनियम, 1976 (1976 का 19);
- (तीन) केन्द्रीय बंधित श्रमिक पुनर्वास सेक्टर स्कीम, 2106;
- (चार) कोई राष्ट्रीय बालक श्रम परियोजना ;
- (पांच) तत्समय प्रवृत्त कोई अन्य विधि या योजना, जिसके अधीन ऐसे बालकों या कुमारों को पुनर्वसित किया जाए; और निम्नलिखित के अध्याधीन—
- (क) सक्षम अधिकारिता के न्यायालय के निर्देश, यदि कोई हो;
- (ख) इस संबंध में समय-समय पर केन्द्र सरकार, राज्य सरकार या श्रम आयुक्त द्वारा जारी किए गए बचाव और प्रत्यावर्तन के लिए मार्गदर्शी सिद्धांत।

9. निरीक्षकों के कर्तव्य.—धारा 17 के अधीन राज्य सरकार द्वारा नियुक्त कोई निरीक्षक, अधिनियम के उपबंधों का अनुपालन सुनिश्चित करने के प्रयोजनों के लिए—

- (एक) राज्य सरकार या श्रम आयुक्त द्वारा समय-समय पर जारी निरीक्षण के सन्निधियों का अनुपालन करेगा;
- (दो) राज्य सरकार या श्रम आयुक्त द्वारा समय-समय पर इस अधिनियम के उपबंधों का अनुपालन सुनिश्चित करने के प्रयोजनों के लिए जारी अनुदेशों का अनुपालन करेगा; और
- (तीन) इस अधिनियम के उपबंधों का पालन सुनिश्चित करने के प्रयोजन के लिए उसके द्वारा किए गए निरीक्षण तथा ऐसे प्रयोजनों के लिए उसके द्वारा की गई कार्रवाई के बारे में श्रम आयुक्त को मासिक रिपोर्ट करेगा।

10. आवधिक निरीक्षण और मॉनीटर करना—राज्य सरकार धारा 17 के उपबंधों को कार्यान्वित करने के लिए मॉनीटर करने तथा निरीक्षण की प्रणाली सृजित करेगी, जिसमें निम्नलिखित सम्मिलित होंगे—

- (एक) उन स्थानों का निरीक्षक द्वारा संचालित किए जाने वाले आवधिक निरीक्षण की संख्या, जिन स्थानों पर बालकों के नियोजन प्रतिषिद्ध हैं और परिसंकटमय व्यवसायों या प्रसंस्करण किए जाते हैं;
- (दो) ऐसे अन्तरालों, जिन पर निरीक्षक श्रम आयुक्त को खंड (एक) के अधीन निरीक्षण की विषय-वस्तु से संबंधित उसको प्राप्त हुई शिकायतों तथा तत्पश्चात् उसके द्वारा की गई कार्रवाई के ब्यौरों की रिपोर्ट करेगा;
- (तीन) निम्नलिखित का इलेक्ट्रॉनिक रूप से या अन्यथा अभिलेख का रखा जाना—
- (क) अधिनियम के उपबंधों के उल्लंघन में कार्य करते हुए पाए गए बालक और कुमार जिसमें ऐसे बालक भी हैं जो इस अधिनियम के उल्लंघन में परिवार या परिवार उद्यमों में लगे हुए पाए जाते हैं;
- (ख) शमन किए गए अपराधों की संख्या और ब्यौरे;
- (ग) अधिरोपित और वसूल की गई शमनकारी रकम के ब्यौरे ; और
- (घ) अधिनियम के अधीन बालकों और किशारों को प्रदान की गई पुनर्वास सेवाओं के ब्यौरे.”
8. प्ररूप क में, शब्द “बालक का नाम” के स्थान पर, “बालक और कुमार” शब्द रखे जाएं,
9. प्ररूप ख के पश्चात् निम्नलिखित प्ररूप स्थापित किया जाए, अर्थात्:—

“प्रारूप ग”

[नियम 2 ग (1) (ख) (1) देखिए]

बालक और कुमार श्रम (प्रतिषेध और विनियमन) नियम 1993

मैं ..... निर्माता ..... का श्रव्य-दृश्य मीडिया प्रस्तुतीकरण या आयोजक ..... वाणिज्यिक आयोजन का निर्माता हूँ जिसमें निम्नलिखित बच्चा/बच्चे भाग ले रहे हैं, अर्थात्:—

अनुक्रमांक	बालक/बालकों के नाम	माता पिता/संरक्षक का नाम	पता
(1)	(2)	(3)	(4)

एतद्वारा यह वचन देता हूँ कि ..... आयोजन (आयोजन को विनिर्दिष्ट करे) में ऊपर उल्लिखित बालकों के शामिल होने के दौरान, बालक और कुमार श्रम (प्रतिषेध एवं विनियमन) अधिनियम, 1986 (1986 का 61) और मध्यप्रदेश बालक और कुमार श्रम (प्रतिषेध एवं विनियम) नियम, 2018 के किसी उपबंध का उल्लंघन नहीं होगा और बालकों को शारीरिक और मानसिक स्वास्थ्य तथा अन्य अपेक्षाओं को पूरा ध्यान रखा ताकि वह/उन्हें कोई असुविधा न हो. मैं यह भी वचन देता हूँ कि आयोजन के दौरान बालकों के संरक्षण, जिसके अन्तर्गत उनके शिक्षा के अधिकार, देखभाल और संरक्षण, लैंगिक अपराधों के विरुद्ध विधिक उपबंध भी हैं, के लिये तत्समय प्रवृत्त लागू सभी विधियों का अनुपालन किया जाएगा.

तारीख .....

No. 1036-183-2018-A-XVI.—In exercise of the powers conferred by sub-section (1) of Section 18 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986) the State Government, hereby, makes the following amendments in the Madhya Pradesh Child Labour (Prohibition and Regulation) Rules, 1993, the same having been previously published in the Madhya Pradesh Gazette (Extra-Ordinary) dated 8th January, 2021 as required by sub-section (1) of Section 18 of the said Act, namely :—

#### AMENDMENTS

In the said rules,—

(1) in rule 1, in sub-rule (1), for the words "Child Labour", the words "Child and Adolescent Labour" shall be substituted;

(2) in Rule 2,—

(1) for clause (a), the following clause shall be substituted, namely :—

“(a) 'Act' means the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986);

(2) After clause (d), the following clauses shall be inserted, namely :—

“(da) 'Fund' means the Child and Adolescent Rehabilitation Fund constituted under sub-section (1) of Section 14B of the Act;

(db) 'Inspector' means the Inspector appointed by the State Government under section 17;

(dc) 'Municipality' means an institution of self Government constituted under article 243 Q of the Constitution;

(dd) 'Panchayat' means a Panchayat constituted under article 243B of the Constitution;”;

(3) In clause (f) of rule 2, for the words "Young Person", the word 'Adolescent' and for the words "the Factories Act (No. 63 of 1948)", the words "the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 (No 35 of 2016)" shall be substituted.

(4) After clause (f), the following clause shall be inserted, namely:—

“(g) words and expressions used in these rules, but not defined therein and defined in the Act, shall have the same meanings as assigned to them in the Act.”.

3. After rule 2, the following rules shall be inserted, namely:—

“2A. Awareness on prohibition of employment of child and adolescents in contravention to Act.—

The State Government, to ensure that the children and adolescents are not loyed or Permitted to work in any occupation or process in contravention to the provisions of the Act, through appropriate measures, shall.-

(a) arrange public awareness campaigns using folk and traditional media and mass media including television, radio, internet based application and the print media to make the general public, including the employers and the children and adolescents who may be employed in contravention to the provisions of the Act, aware about the provisions of the Act, and thereby discourage employers or other persons from engaging children and adolescents in any occupation or process in contravention of the provisions of the Act;

(b) promote reporting of enterprises or instances of employment of children or adolescents in contravention to the provisions of the Act, by developing and advertising easily accessible means of communication to authorities specified by the State Government;



- (c) display to the possible extent the provisions of the Act, these rules and any other information relating thereto in major bus stations, toll plazas and other public places including shopping centres, markets, cinema halls, hotels, hospitals, panchayat offices, police stations, industrial areas, schools, educational Institutions, court complexes, and offices of all authorities authorised under the Act;
- (d) promote through appropriate method the inclusion of the provisions of the Act in learning material and syllabus in school education; and
- (e) promote inclusion of training and sensitisation material on the provisions of the Act and the responsibilities of various stakeholders thereto, in police, judicial and civil service academies, teachers training and refresher courses and arrange sensitisation programmes for other relevant stakeholders including panchayat members, doctors and concerned officials of State Government.

**2B. Child to help his family without affecting education.-**

- (1) Subject to the provisions of Section 3, a child may, without affecting his school education, in any manner,-
  - (a) help his family in his family enterprise, subject to the condition that such help,-
    - (i) shall not be in any hazardous occupation or process listed in Part A and Part B of the Schedule to the Act;
    - (ii) shall not include work or occupation or process at any stage of the manufacturing, production, supply or retail chain that is remunerative for the child or his family or the family enterprise;
    - (iii) shall only be allowed to help in his family, or in a family enterprise, where his family is the occupier;
    - (iv) shall not perform any tasks during school hours and between 7 p.m. and 8. a.m.;
    - (v) shall not be engaged in such tasks of helping which hinders or interferes with the right to education of the child, or his attendance in the school, or which may adversely affect his education including activities which are inseparably associated to complete education such as homework or any extra-curricular activity assigned to him by the school;
    - (vi) shall not be engaged in any task continuously without rest which may make him tired and shall be allowed to take rest to refresh his health and mind, and a child shall not help for more than three hours excluding the period of rest in a day;
    - (vii) shall not include in any way substitution of the child for an adult or adolescent while helping his family or family enterprise; and
    - (viii) shall not be in contravention to any other law for the time being in force;
  - (b) aid or assist his family in such manner which is not incidental to any occupation, work profession, manufacture or business, or for any payment or benefit to the child or any other person exercising control over the child, and which is not detrimental to the growth education and overall development of the child.

**Explanation 1.-** For the purposes of this rule, only—

- (a) biological brother and sister of the child;
- (b) brother or sister of the child through lawful adoption by parents of the child; and
- (c) biological brother and sister of parents of the child,

shall be included for comprising the family of a child.

**Explanation 2.-** For the purposes of Explanation 1, it is hereby clarified that preliminarily, any doubt as to whether a person is a biological brother or sister, may be removed by examining the pedigree of such person issued by the concerned Municipality or Panchayat, as the case may be, or any other legal document issued by concerned authority of the State Government.

2. Where a child receiving education in a school remains absent consecutively for thirty days without intimation to the Principal or Head Master of the school, then, the Principal or Head Master shall report such absence to the concerned nodal officer referred to in clause (i) of sub-rule (1) of rule 8 for information.

**2C. Child to work as an artist.-**

- (1) Subject to the provisions of Section 3, a child may be allowed to work as an artist subject to the following conditions, namely :—
- (a) No child shall be allowed to work for more than five hours in a day, and for not more than three hours without rest;
- (b) Any producer of any audio-visual media production or any commercial event involving the participation of a child, shall involve a child in participation only after obtaining the permission from the District Magistrate of the district where the activity is to be performed, and shall furnish to the District Magistrate before starting the activity an undertaking in Form C and the list of child participants, consent of parents or guardian, as the case may be, name of the individual from the production or event who shall be responsible for the safety and security of the child, and ensure that all screening of this films and television programmes shall be made with a disclaimer specifying that if any child has been engaged in the shooting, then, all the measures were taken to ensure that there has been no abuse, neglect or exploitation of such child during the entire process of the shooting;
- (c) The undertaking referred to in clause (b) shall be valid for six months and shall clearly state the provisions for education, safety, security and reporting of child abuse in consonance with the guidelines and protection policies issued by the State Government from time to time for such purpose including-
- (i) ensuring facilities for physical and mental health of the child;
- (ii) timely nutritional diet of the child;
- (iii) safe, clean shelter with sufficient provisions for daily necessities; and
- (iv) compliance to all laws applicable for the time being in force for the protection of children, including their right to education, care and protection, and against sexual offences;
- (d) appropriate facilities for education of the child to be arranged so as to ensure that there is no discontinuity from his lessons in school and on child shall be allowed to work consecutively for more than twenty-seven days;
- (e) one responsible person be appointed for maximum of five children for the production or event, so as to ensure the protection, care and best interest of the child;
- (f) at least twenty per cent, of the income earned by the child from the production of event to be directly deposited in a fixed deposit account in a nationalised bank in the name of the child which may be credited to the child on attaining majority; and
- (g) no child shall be made to participate in any audio visual and sports activity including informal entertainment activity against his will and consent.

- (2) For the purposes of clause (c) to the Explanation to sub-section (2) of section 3, the expression "such other activity" contained therein, shall mean.—
- (i) any activity where the child himself is participating in a sports competition or event or training for such sports competition or event;
  - (ii) cinema any documentary shows on television including reality shows, quiz shows, talent shows, radio and any programme in or any other media;
  - (iii) drama serials;
  - (iv) participation as anchor of a show or events; and
  - (v) any other artistic performances which the State Government permits in individual cases, which shall not include street performance for monetary gain."
4. In rule 3, in sub-rule (1), for the words "Child Labour", the words "Child and adolescent Labour" shall be substituted.
5. For rule 4, the following rules shall be substituted, namely :-

**"4. Certificate of age.—**

- (1) Where an Inspector has an apprehension that any adolescent has been employed in any of the occupation or processes in which he is prohibited to be employed under section 3A of the Act, he may require the employer of such adolescent to produce to the Inspector a certificate of age from the appropriate medical authority;
- (2) The appropriate medical authority shall, while examining an adolescent for issuing the certificate of age under sub-rule (1), take into account.—
  - (i) The Aadhar card of the adolescent, and in the absence thereof;
  - (ii) the date of birth certificate from school or the matriculation or equivalent certificate from the concerned examination Board of the adolescent, if available, and in the absence thereof;
  - (iii) the birth certificate of the adolescent given by a Corporation or a Municipal Authority or a Panchayat;

and only in the absence of any of the methods specified in clauses (i) to (iii), the age shall be determined by such medical authority through an ossification test or any other latest medical age determination test.
- (3) The ossification test or any other latest medical age determination test shall be conducted on the order of the appropriate authority not below the rank of Labour Commissioner, as may be specified by the State Government in this behalf, and such determination shall be completed within fifteen days from the date of such order.
- (4) The certificate of age referred to in sub-rule (1) shall be issued in Form B.
- (5) The charges payable to the medical authority for the issue of the certificate of age shall be same as specified by the State Government for their Medical Boards.
- (6) The charges payable to the medical authority shall be borne by the employer of the adolescent whose age is determined under this rule.

**Explanation:** For the purposes of this rule,-

- (i) "medical authority" means a Government medical doctor not below the rank of an Assistant Surgeon of a District or a regular doctor of equivalent rank employed in Employees State insurance dispensaries or hospitals;
- (ii) "adolescent" means an adolescent as defined in clause (i) of Section 2 of the Act.

6. After rule 4, the following rules shall be inserted, namely :-

**"4A. Hours of Work.-** Subject to the provisions of Section 7, no adolescent shall be required or permitted to work in an establishment in excess of such number of hours of work as is permissible under the law for the time being in force regulating the hours of work of the adolescent in such establishment.

5. **Payment of amount to child or adolescent from and out of Child and Adolescent Labour Rehabilitation Fund.-**

- (1) The amount credited, deposited or invested, as the case may be, under sub-section (3) of section 14B to the Child and Adolescent Labour Rehabilitation Fund and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited in the following manner, namely :-
    - (i) the Inspector or the nodal officer having jurisdiction shall under his supervision, ensure that an account of such child or adolescent is opened in a nationalized bank and inform the bank in which the amount of the Fund is deposited or, as the case may be, to the officer responsible to invest the amount of the Fund under sub-section (3) of Section 14B;
    - (ii) the interest accrued on the proportionate amount of the Fund in favour of the child or adolescent shall be transferred every six months to the account of the child or adolescent, as the case may be, by the bank or officer responsible to invest the amount under information to the Inspector;
    - (iii) when the concerned child or adolescent completes the age of eighteen years, then, as soon as may be possible forthwith or within a period of three months, the total amount credited, deposited or invested in favour of the child along with interest accrued thereon remaining in the bank or remaining so invested under sub-section (3) of Section 14B, shall be transferred to the said bank account of child or adolescent, as the case may be; and
    - (iv) the inspector shall prepare a report of the amount transferred under clause (ii) and clause (iii) with particulars of the concerned child or adolescent sufficient to identify him and send a copy of the report annually to the labour Commissioner for information.
  - (2) Any amount recovered by way of fine or for composition of offences in pursuance of an order or judgment of a Court in favour of a child or adolescent for the contravention of the provisions of the Act, shall also be deposited in the Fund and shall be spent in accordance with such order or judgment.
6. **Persons who may file complaint .—** Any person may file a complaint under the Act for commission of any offence include school teachers and representatives from school management committee, child protection committee, panchayat or municipality, who shall be sensitised to file complaint, in the event that any of students in their respective schools is employed in contravention to the provisions of the Act.

**7. Manner of compounding of offences.-****(1) An accused person,-**

- (i) who commits an offence for the first time under sub-section (3) of Section 14; or
- (ii) who being parent or a guardian, commits an offence under the said section;

may file an application to the District Magistrate having jurisdiction for compounding the offence under sub-section (1) of Section 14D.

**(2) The District Magistrate shall after hearing the accused person and the inspector concerned on an application filed under sub-rule (1), dispose of such application, and if the application is allowed, issue the certificate of compounding, subject to-**

- (i) the payment of a sum of fifty percent of the maximum fine provided for such offence within a period to be specified in such certificate; or
- (ii) the payment of an additional sum of twenty-five percent of the maximum fine provided for such offence together with the compounding amount specified under clause (i), if the accused person fails to pay the compounding amount under the said clause within the specified period, and such delayed payment shall be made within a further period as may be specified by the District Magistrate, which shall not exceed the period specified in that clause.

**(3) The Compounding amount shall be paid by the accused person to the State Government.****(4) if the accused person fails to pay the compounding amount under sub-rule (2), then, the proceeding shall be continued as specified under sub-section (2) of Section 14D.****8. Duties of District magistrate.- (1) The District Magistrate shall-**

- (i) specify such officers subordinate to him, as he considers necessary, to be called nodal officers nominated as such by the Labour Commissioner, who shall exercise all or any of the powers and perform all or any of the duties of the District Magistrate conferred and imposed on him by the State government under Section 17A;
- (ii) assign such powers and duties, as he thinks appropriate, to a nodal officer to be exercised and performed by him within his local limits of jurisdiction as subordinate officer;
- (iii) preside over as chairperson of the Task Force to be formed in a district consisting of—
  - (a) inspector appointed under Section 17 for the purposes of his local limits of jurisdiction, as nominated by the District Magistrate;
  - (b) Superintendent of Police for the purposes of his local limits of jurisdiction;
  - (c) Additional District Magistrate for the purposes of his local limits of jurisdiction;
  - (d) nodal officer referred to under clause (i) for the purposes of his local limits of jurisdiction;
  - (e) Head of the office of District or Divisional Labour office of the State Government for the purposes of his local limits of jurisdiction;
  - (f) two representatives each from a voluntary organisation involved in rescue and rehabilitation of employed children in the district on rotation basis for a period of two years;
  - (g) a representative of the District Legal Services Authority to be nominated by the District Judge;

- (h) a member of the District Anti-trafficking Unit;
- (i) Chairperson of the Child Welfare Committee of the District;
- (j) District Child Protection Officer in the District under the integrated Child Protection Scheme of the Ministry of the Government of India dealing with Women and Child development.;
- (k) District Education Officer;
- (l) Project Director of National child Labour Project or any other person nominated by the District magistrate;
- (m) Secretary of the Task Force shall be any of the nodal officers referred to in clause (i) and nominated by the Chairperson.
- (2) The Task Force referred to in clause (iii) of sub-rule (1) shall meet at least once in two months and shall make a comprehensive action plan for conducting the rescue operation, taking into account the time available, point of raid in accordance with the law for the time being in force, confidentiality of the plan, protection of victims and witnesses and the interim relief, in accordance with the guidelines for rescue and repatriation issued by the Labour Commissioner from time to time, and the Task Force shall also cause to upload the minutes of such meeting on the portal created for such purpose by the Central Government.
- (3) In addition to the duties referred to in sub-rule (1), the District Magistrate shall ensure through nodal officers that the children and adolescents who are employed in contravention of the provisions of the Act are rescued and shall be rehabilitated-
- (a) in accordance with the provisions of-
- (i) the Juvenile justice (Care and Protection of Children ) Act, 2015 (2 of 2016) and the rules made thereunder;
- (ii) the Bonded Labour, System (Abolition) Act, 1976 (19 of 1976);
- (iii) the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016;
- (iv) any National Child Labour Project;
- (v) any other law or scheme for the time being in force under which such children or adolescents may be rehabilitated and subject to.—
- (i) the directions, If any of a court of competent Jurisdiction ;
- (ii) the guidelines for rescue and repatriation issued by the Central Government or State Government or Labour Commissioner from time to time in this regard.
9. **Duties of Inspectors.**—An Inspector appointed by the State Government under Section 17, for the purposes of securing compliance with the provisions of the Act, shall—
- (i) comply with the norms of inspection issued by the State Government or Labour Commissioner from time to time,
- (ii) comply with the instructions issued by the State Government Or Labour commissioner from time to time for the purposes of securing the compliance with the provisions of the Act; and
- (iii) report to the Labour commissioner monthly regarding the inspection made by him for the purposes of securing the compliance with the provisions of the Act and the action taken by

- him for such purposes.
10. **Periodical inspection and monitoring.**—The State Government shall create a system of monitoring and inspection for carrying into effect the provisions of Section 17, which may include—
- (i) the number of periodical inspection to be conducted by the Inspector of the places at which the employment of children is prohibited and hazardous occupations or Processes are carried out;
  - (ii) the intervals at which an inspector shall report to the Labour Commissioner complaints received to him relating to the subject matter of inspection under clause (i) and the details of action taken by him thereafter;
  - (iii) maintenance of record electronically or otherwise of—
    - (a) children and adolescent found to be working in contravention of the provisions of the Act including children who are found to be engaged in family or family enterprises in contravention of the Act;
    - (b) number and details of the offences compounded;
    - (c) details of compounding amount imposed and recovered; and
    - (d) details of rehabilitation services provided to children and adolescents under the Act.”.
8. In Form-A, in column (2), for the words “Name of child” the words “Name of child or adolescent” shall be substituted.
9. After Form-B, the following Form shall be inserted, namely:—

**“Form C”**

[See Rule 2C (1) (b)1]

Child and Adolescent Labour (Prohibition and Regulation) Rules, 1993

I .....producer of ..... an audio visual media production or organiser of ..... a commercial event, involving the participation of the following child/children, namely—

S.No (1)	Name of the child/children (2)	Parents/Guardian's Name (3)	Address (4)
-------------	-----------------------------------	--------------------------------	----------------

do hear by undertake that in the course of the involvement of the above mentioned child /children in the event ..... (specify the event), there shall be no violation of any of the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986) and the Madhya Pradesh Child and Adolescent Labour (Prohibition and Regulation) Rules, 2018 and full care shall be taken of the physical and mental health and other requirements of the child/children, so that he/they feel no inconvenience. I also undertake that during the event, all laws applicable for the time being in force for the protection of children, including their right to education, care and protection, and legal provisions against sexual offences will be complied.

Date .....

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
छोटे सिंह, उपसचिव.

## NOTIFICATION

Labour and Employment Department  
Sachivalaya, Gandhinagar.  
Dated the 11<sup>th</sup> August, 2021.

Gujarat  
Labour  
Welfare  
Fund Act,  
1953.

No:-KHR/2021/106/GWB/122021/79421/M(2):-WHEREAS certain draft rules were published as required by **sub-section (1)** of section 19 of the Gujarat Labour Welfare Fund Act, 1953 (Bom. XL of 1953) at page 122-1 in the Gujarat Government Gazette, Extraordinary, Part IV-B, dated the 17<sup>th</sup> May 2021 under Government Notification, Labour and Employment Department No. **KHR/ 2021/ 38/ GWB/ 122021/79421/M(2) dated 4<sup>th</sup> May 2021** inviting objection or suggestion from all persons likely to be affected thereby, within a period of Thirty days from the date of publication of the said notification in the *Official Gazette*;

AND WHEREAS, no objection or suggestion has been received by the Government in respect of the said draft notification;

NOW, THEREFORE in exercise of the powers conferred by clause (i) of sub-section (2) of section 19 of the Gujarat Labour Welfare Fund Act, 1953 (Bom.XL of 1953), the Government of Gujarat hereby makes the following rules further to amend the Labour Welfare Fund (Gujarat) Rules, 1962 namely:-

Gujarat  
Labour  
Welfare  
Fund Act,  
1953.

1. These rules may be called the Labour Welfare Fund (Gujarat) (Amendment) Rules, 2021.
2. In the Labour Welfare Fund (Gujarat) Rules, 1962, —
  - (i) in rule 3-AA, in sub-rule (1), clause (a) shall be deleted;
  - (ii) in the Appendix, Form 'A' shall be deleted.

By order and in the name of the Governor of Gujarat,



(R.C. Jadeja)

Deputy Secretary to Government.



To

The Manager, Government Central Press, Gandhinagar

- with a request to publish this notification in the Extra-Ordinary Gujarat Government Gazette Part IV-B.

Copy to:-

1. The Director of Labour, Udyog Bhavan, Gandhinagar
2. The Gujarat Labour Welfare Board, Ahmedabad
3. The Legislative & Parliamentary Affairs Department, Sachivalaya, Gandhinagar – with a request to publish a Gujarati version of this notification in the Extra-Ordinary Gujarat Government Gazette Part IV-B.
4. IT Cell, Labour and Employment Department – with a request to upload it on department website
5. Deputy Section Officer Select file
6. Branch Select file

महाराष्ट्र शासन

औद्योगिक सुरक्षा व आरोग्य संचालनालय



कामगार भवन- ५ या मजला, ई-ब्लॉक, सी-२०, रिझर्व बँकेच्या समोर, वांद्रे -कुर्ला संकुल,  
वांद्रे (पूर्व), मुंबई -४०० ०५९, दूरध्वनी क्र. २६५७२५०४/०५/२२/५८, फॅक्स नं. २६५७२४७४,  
ईमेल: dirdish.mum-mh@gov.in website : www.mahadish.in

क्र. संऔसुवआ/अपघात/ ६०९८/४.

दिनांक :- 26 AUG 2021

परिपत्रक क्र. १४/२०२१.

विषय : कारखान्यात होणाऱ्या अपघातांची माहिती ऑन लाईन प्रणालीवर सादर  
करण्याबाबत.

कारखान्यात होणाऱ्या अपघातांची माहिती संचालनालयास वेळेवर प्राप्त होण्याकरीता  
संचालनालयाने ऑनलाईन प्रणाली विकसित केली आहे. तरी सर्व कारखानदारांना सूचित करण्यात येते की,  
आपल्या कारखान्यात आग, वायुगळती, स्फोट किंवा इतर कोणताही अपघात झाल्यास, त्याची सविस्तर  
माहिती संचालनालयाच्या [www.mahadish.in](http://www.mahadish.in) या संकेतस्थळावरील online services या मुख्य  
शिर्षकाखालील Accidet Reporting System मधील नमुना क्र.२४ किंवा २४-ए मध्ये विहित मुदतीत सादर  
करावी. तसेच सदर नमुना क्र. २४ किंवा २४-ए ची print कारखान्याच्या भोगवटादार / ध्वनस्थापकाच्या  
स्वाक्षरीसह संचालनालयाच्या संबंधित कार्यालयात विहित वेळेत जमा करावा.

(सु.प्र. राजेश)

संचालक,

औद्योगिक सुरक्षा व आरोग्य,

महाराष्ट्र राज्य, मुंबई.

प्रत माहितीकरीता सादर,

- १) सर्व अपर / सह संचालक / उप संचालक, औद्योगिक सुरक्षा व आरोग्य, महाराष्ट्र राज्य.
- २) सर्व नोंदणीकृत कारखाने.
- ३) शाखा क्र. ८.



कर्मचारी भविष्य निधि संघठन  
EMPLOYEES' PROVIDENT FUND ORGANISATION  
भवन १४, भीकानजी कामा प्लेस, नई दिल्ली-११००६६  
MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA  
मुख्य कार्यालय/Head Office  
भविष्य निधि भवन, १४, भीकानजी कामा प्लेस, नई दिल्ली-११००६६  
Bhavishya Nidhi Bhawan, 14, Bhikanji Cama Place, New Delhi-110066  
Website: www.epfindia.gov.in, www.epfindia.nic.in



Pension-I/Misc/death claims/2020

Date: 23.08.2021

To,

All Addl. CPFCs (Zonal Offices),

All Regional PF Commissioners / OICs (Regional Offices)

**Sub: Death cases to be settled within 3 working days- regarding.**

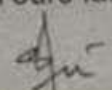
Madam / Sir,

CPFC has desired to comply with the service standards set in the Citizens' Charter of EPFO. It is advised to ensure that pension cases in general and death cases in particular are settled within 03 days. In all death cases of monthly pension, PPOs be generated and dispatched to banks not later than 7 days of receipt of the claim.

It is emphasized that all necessary steps should be taken to ensure settlement of death cases on priority by taking personal interest to facilitate the poor widows/other claimants in death cases.

This is issued with the approval of ACC (HQ) Pension.

Yours faithfully,

  
(Animesh Mishra)

Addl. CPFC (Pension)



कर्मचारी भविष्य निधि संगठन  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**  
(Ministry of Labour & Employment, Govt. of India)  
मुख्य कार्यालय / Head Office  
भविष्य निधि भवन, 14-भोकाजी कामा प्लेस, नई दिल्ली-110 066.  
Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

No. C-I/MISC./Pandemic Relief/2021/Vol-I/

Date: 31.08.21

To,

All ACC in charge of Zones,  
All RPFCs in-charge of ROs,  
All OICs of District Offices

Subject: Relief to establishments covered under EPF & MP Act, 1952 from levy of penal damages for delay in deposit of dues / filing of ECR for wage month May, 2021 in r/o EPF members due to non- seeding of Aadhaar in the UANs

Sir / Madam,

The Field Offices are advised that delay in filing of ECRs for wage month of May, 2021 statutorily due on or before 15.06.2021 only in respect of EPF members due to non-seeding of Aadhaar in the UANs should not be presumed as employer's default and to appreciate each case in its own facts under Section 14B of the EPF & MP Act, 1952.

(This issues with the approval of the Central PF Commissioner)

Yours faithfully,

Encl: As above

(Jag Mohan)

Addl. CPFC (HQRS.) (Compliance, Legal & Recovery)



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-31082021-229308  
CG-DL-E-31082021-229308

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, मंगलवार, अगस्त 31, 2021/भाद्र 9, 1943

No. 3238]

NEW DELHI, TUESDAY, AUGUST 31, 2021/BHADRA 9, 1943

श्रम और रोजगार मंत्रालय

अधिसूचना

नई दिल्ली, 31 अगस्त, 2021

**का.आ. 3528(अ).**—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 1 सितम्बर, 2021 को उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो गई हैं) और अध्याय 5 और अध्याय 6 (धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त हो गई हैं) के उपबंध तमिलनाडु राज्य के मयिलादुथुरै, वेल्लूर एवं अरियलूर जिलों के (पहले से कार्यान्वित किये गये क्षेत्रों के अतिरिक्त) सम्पूर्ण क्षेत्रों में प्रवृत्त होने की तारीख नियत करती है।

[फा. सं. एस-38013/06/2021-एस.एस.1]

विभा भल्ला, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 31st August, 2021

**S.O. 3528(E).**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1<sup>st</sup> day of September, 2021 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the entire area of Mayiladuthurai, Vellore and Ariyalur districts in the State of Tamil Nadu, in addition to the already implemented area in the district.

[F. No. S-38013/06/2021-SS.I]

VIBHA BHALLA, Jt. Secy.

4818 GI/2021