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NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

DRAFT AMENDMENTS TO THE TAMIL NADU FACTORIES RULES

[G.O. Ms. No. 145, Dated: 31.08.2017, ஹேவிளம்பி, ஆவணி 15, திருவள்ளூர் ஆண்டு 2048.]

No.SRO A-40(b-1)/2017.—The following draft of amendments to the Tamil Nadu Factories Rules, 1950 which it is proposed to be made in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act LXIII of 1948) is hereby published for information of all persons likely to be affected thereby as required by section 115 of the said Act.

2. Notice is hereby given that the draft amendments will be taken into consideration after the expiry of forty-five days from the date of publication of this notification in the Tamil Nadu Government Gazette and that any objection or suggestion, which may be received from any person with respect thereto, before the expiry of the aforesaid period, will be considered by the Government of Tamil Nadu. Objection and suggestion, if any, should be addressed in duplicate to the Principal Secretary to Government, Labour and Employment Department, Secretariat, Fort.St.George, Chennai-600 009, through the Director of Industrial Safety and Health, 47/1- SIDCO Industrial Estate, Guindy, Chennai-600 032.

DRAFT AMENDMENTS.

In the said Rules,—

(1) in rule 3, in sub-rule (2), for the expression "in Form No.1 in triplicate.", the expression "in Form No.1 through online portal of Directorate of Industrial Safety and Health." shall be substituted;

(2) in rule 4,—

- (a) in sub-rule (2), for the expression "in Form No.2 in triplicate.", the expression "in Form No.2 through the Online Portal of Directorate of Industrial Safety and Health." shall be substituted;
- (b) in sub-rule (3), after the expression "Deputy Chief Inspector of Factories of the region" the expression "or by online payment through online portal of Directorate of Industrial Safety and Health." shall be inserted;
- (c) in sub-rule (6A), for the expression "five consecutive calendar years", the expression "ten consecutive calendar years," shall be substituted;

(3) in rule 6, in sub-rule (2), after the expression "Deputy Chief Inspector of Factories of the region", the expression "or by online payment through online portal of Directorate of Industrial Safety and Health." shall be added;

(4) in rule 7,—

- (a) in sub-rule (2), for the expression "in Form No.2 in triplicate", the expression "in Form No.2 through online portal of Directorate of Industrial Safety and Health" shall be substituted;
- (b) in the second proviso to sub-rule (3), for the expression "five consecutive calendar years", the expression "ten consecutive calendar years" shall be substituted;

(5) in rule 11, in sub-rule (1), after the expression "Deputy Chief Inspector of Factories of the region:", the expression "or by online payment through online portal of Directorate of Industrial Safety and Health:" shall be added;

(6) in rule 56-B,—

- (a) in sub-rule (1), after the expression "Deputy Chief Inspector of Factories", the expression "through online portal of Directorate of Industrial Safety and Health." shall be added;
- (b) in sub-rule (3), after the expression "Deputy Chief Inspector of Factories", the expression "or by online payment through online portal of Directorate of Industrial Safety and Health." shall be inserted;

(7) in rule 100, for the expression "The Manager of every factory shall furnish to the Inspector, the following returns, namely:-", the expression "The Manager of every factory shall furnish to the Inspector through online portal of Directorate of Industrial Safety and Health, the following returns, namely:-", shall be substituted;

(8) in FORM NO. 22,—

- (a) in clause 11, in sub-clauses (i) and (ii), for the expression "not more than Rs.18,000/- per month", the expression "not more than the monthly salary specified by the Central Government under sub-section (6) of section 1 of the Payment of Wages Act, 1936 (Central Act IV of 1936)" shall respectively be substituted;
- (b) after clause 13, the following clauses, shall be added, namely;

"14. Inter-state Migrant Workmen:

Name and address of contractors	
Period of contract	
Nature of work	
Maximum number of migrant workmen employed by each contractor	
Number of days worked	
Number of man-days worked	

15. Conferment of Permanent Status to workmen:

Total Number of workmen employed in the factory	
Number of non-permanent workmen who have completed 480 days of service during the calendar year ending 31st December	
Number of workmen made permanent during the calendar year ending 31st December	
Number of workmen yet to be made permanent as on 1st January	
Reasons for delay	

MANGAT RAM SHARMA
Principal Secretary to Government (FAC)

AMENDMENTS TO THE TAMIL NADU BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 2006.

[G.O. Ms. No. 148, Labour and Employment (I2), 31st August 2017, ஆவணி 15, ஹேலிளம்பி, திருவள்ளூர் ஆண்டு 2048.]

No.SRO A-40(b-2)/2017.—In exercise of the powers conferred by section 62 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996) and in consultation with the expert committee, the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Building and other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2006.

AMENDMENTS

In the said Rules,-

(1) in rule 23, -

(a) in sub-rule (2), after the expression, "by a demand draft", the expression "or online payment through online portal of Directorate of Industrial Safety and Health," shall be inserted;

(b) for sub-rule (3) the following shall be substituted, namely:-

"(3) Every application referred to in sub-rule (1) shall be made through online portal of Directorate of Industrial Safety and Health or personally delivered to the Registering Officer or sent to him by registered post.";

(2) in rule 242, for the expression, "shall send annually a return relating to such establishment in duplicate in Form XXV under Schedule XIII to these rules", the expression "shall submit the Combined Annual Return in Form XXV under Schedule XIII to these rules, through online portal of Directorate of Industrial Safety and Health" shall be substituted;

(3) in Schedule XIII for Form XXV, the following Form shall be substituted, namely:-

"FORM XXV.

(See rule 242)

COMBINED ANNUAL RETURN OF EMPLOYER TO BE SENT TO THE REGISTERING OFFICER

Year ending 31st December

1. Full name and full address of the establishment of the building and other construction work (Place, Post Office, District)
2. Name and permanent address of the establishment
3. Name and address of the employer
4. Nature of building and other construction work carried on
5. Full name of the Manager or person responsible for supervision and control of the establishment
6. Number of building workers ordinarily employed
7. Total number of days during the year on which building workers were employed
8. Total number of man-days worked by building workers during the year
9. Maximum number of building workers employed on any day during the year
10. The number of accident that took place during the year as under:
 - (a) The total number of accidents.
 - (b) The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost.

- (c) The number of accidents resulting in disablement of building workers beyond 48 hours but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accidents.
- (d) The number of accidents resulting in permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accidents.
- (e) The number of accidents resulting in death of building workers and the number of resultant deaths.

The Chief Inspector or Inspectors appointed by the Government under the Act shall direct the owners of establishments registered under this Act, to send the copies of Annual Returns submitted by the employers of registered establishments in respect of the Government to the Chief Inspectors of Building and Other Construction Work of Inspections by virtue of provisions of Section 60 of the Act.

The Chief Inspector or Inspectors appointed under this Act by the Government shall direct the owners of such establishments as are registered under this Act by registering officers appointed by the Government to send copies of the Annual Returns to the Director General by virtue of provisions of Section 60 of the Act.

11. Change, if any, in the management of the establishment, its location, or any other particulars furnished to the Registering Officer in the application for Registration indicating also the dates.

12. (i) Particulars of Maternity Benefits:

	Number of Employees received	Total amount paid
Miscarriage		
Confinement		
Illness		
Medical Bonus		
Total		
(ii)	Number of women who gave notice under section 6 of the Maternity Benefit Act, 1961:	
(iii)	Number of women who were granted permission to absent on receipt of notice of confinement:	
(iv)	Claims for maternity benefit rejected:	Number Amount not paid
(v)	Claims for medical bonus rejected:	Number Amount not paid
(vi)	Cases in which leave for miscarriage was applied for but was rejected:	Number Amount not paid
(vii)	Cases in which additional leave for illness under section 10 was applied for but was rejected:	Number Amount not paid
(viii)	Cases in which payment was made to persons other the woman concerned:	Number Amount paid
(ix)	Women deprived of maternity benefit and/ or medical bonus under proviso to sub-section (2) of section 12 of the Maternity Benefit Act, 1961:	Number Amount not paid
(x)	Cases in which payment was made on the order of the Appellate Authority or Inspector:	Number Amount paid
(xi)	Number of cases where prenatal confinement and postnatal care was provided by the management free of charge under section 8 of the Maternity Benefit Act, 1961:	

13. (i) Particulars of Deductions made from Salary in respect of persons whose wages are not more than the wages specified by Central Government under sub-section (6) of section 1 of the Payment of Wages Act, 1936 (Central Act 4 of 1936) :-

	Number of employees involved	Total Amount of deductions made
Fines		
Damages/ Loss		
Breach of Contract		
Others		
Total		

(ii) Details of number of persons earning not more than the wages specified by Central Government under section 6 of the Payment of Wages Act, 1936 (Central Act 4 of 1936) :-

Men

Women:

Adolescent:

(iii) Details of money value concession paid (in Rupees):

(iv) Total wages including deductions under sub-section (2) of section 7 of the Payment of Wages Act, 1936 (Central Act 4 of 1936):-

Basic Wage.	Dearness Allowances.	Over time.	Non Profit sharing bonus.	Other allowances in cash.	Arrears of pay in respect of previous year paid during the year.	Total.

(v) Details of the remittances of Fines collected towards Tamil Nadu Labour Welfare Fund.

	Demand Draft No.	Date.	Bank.	Amount Rs.ps.
1st Quarter				
2nd Quarter				
3rd Quarter				
4th Quarter				

(vi) Total cash value of the wages paid in kind:

14. Payment of Bonus paid for the accounting year:

Number of employees eligible for Bonus.	Percentage of Bonus declared.	Total amount of Bonus paid.	Date of payment.

15. Contract Labour:

Names and addresses of contractors.	Period of contract.	Nature of work.	Number of days worked.	Number of man days worked.	Maximum number of workers employed by each contractor.

16. Inter-state Migrant Workmen:

Name and address of contractors	
Period of contract	
Nature of work	
Maximum number of migrant workmen employed by each contractor	
Number of days worked	
Number of man-days worked	

Place.....

Employer.....".

Date.....

MANGAT RAM SHARMA,
Principal Secretary to Government (FAC)

DRAFT AMENDMENTS TO THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) TAMIL NADU RULES, 1983.

[G.O. Ms. No. 149, Labour and Employment (K2), 31st August 2017, ஆவணி 15. ஹேலிளம்பி. திருவள்ளூர் ஆண்டு 2048.]

No.SRO A-40(b-3)/2017.—The following draft of amendments to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) is hereby published as required by the said sub-section (1) of section 35 of the said Act.

2. Notice is hereby given that the draft amendment will be taken into consideration on or after the expiry of forty five days from the date of publication of this Notification in the Tamil Nadu Government Gazette. Any objections or suggestions which may be received from any person with respect thereto, before the expiry of the aforesaid period will be considered by the Government of Tamil Nadu. Objections or suggestions, if any, should be addressed to the Principal Secretary to Government (FAC), Labour and Employment Department, Secretariat, Chennai-600 009, through the Director of Industrial Safety and Health, 47/1, SIDCO Industrial Estate, Guindy, Chennai-600 032.

DRAFT AMENDMENTS

In the said Rules,-

(1) in rule 3,-

(a) in sub-rule (2), after the expression, "by a treasury receipt", the expression "or by online payment through the online portal of Directorate of Industrial Safety and Health" shall be inserted;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

"(3) Every application referred to in sub-rule (1) shall be made through online portal of Directorate of Industrial Safety and Health or personally delivered to the Registering Officer or sent to him by registered post.";

(2) in rule 7,-

(a) in sub-rule (3) for clause (b), the following clause shall be substituted, namely:-

"(b) Every application referred to in sub-rule (1) or sub-rule (2), shall be made through online portal of Directorate of Industrial Safety and Health or personally delivered to the Licensing Officer or sent to him by registered post.";

(b) in sub-rule (5), after the expression, "by rule 20", the expression "or by online payment through online portal of Directorate of Industrial Safety and Health" shall be added;

(3) in rule 15, after sub-rule (2), the following sub-rule shall be inserted, namely:-

"(2A) The application referred to in sub-rule (2) shall be made through online portal of Directorate of Industrial Safety and Health or personally delivered to the Licensing Officer or sent to him by registered post;

Provided that such application shall be accompanied by a treasury receipt or by online payment through the online portal of Directorate of Industrial Safety and Health, evidencing the payment of appropriate fee.";

MANGAT RAM SHARMA,
Principal Secretary to Government (FAC)

DRAFT AMENDMENTS TO THE TAMIL NADU CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 1975

[G.O. Ms. No. 150, Labour and Employment (H2), 31st August 2017, ஆவணி 15. ஹேவிஎம்பி, திருவள்ளூர் ஆண்டு 2048.]

No.SRO A-40(b-4)/2017.—The following draft of amendments to the Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975 which it is proposed to be made in exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), is hereby published for information of all persons likely to be affected thereby as required under sub-section (1) of section 35 of the said Act.

2. Notice is hereby given that the draft amendments will be taken into consideration after the expiry of forty five days from the date of publication of this notification in the *Tamil Nadu Government Gazette* and that any objections or suggestions which may be received from any person with respect thereto, before the aforesaid period of expiry, will be considered by the Government of Tamil Nadu. Objections and suggestions, if any, should be addressed in duplicate to the Secretary to Government, Labour and Employment Department, Chennai-600 009, through the Director of Industrial Safety and Health, 47/1- SIDCO Industrial Estate, Guindy, Chennai-600 032.

DRAFT AMENDMENTS

In the said Rules,-

(1) in rule 17,- (a) in sub-rule (2), after the expression, "by a treasury receipt", the expression "or online payment through online portal of Directorate of Industrial Safety and Health, " shall be inserted;

(b) for the sub-rule (3), the following sub-rule shall be substituted, namely:- " (3) Every application referred to in sub-rule (1) shall be made through online portal of Directorate of Industrial Safety and Health or personally delivered to the Registering Officer or sent to him by registered post.;"

(2) in rule 21,- (a) for sub-rule (3), the following sub-rule shall be substituted, namely:- (3) "Every such application referred to in sub-rule (1) shall be made through online portal of Directorate of Industrial Safety and Health or personally delivered to the licensing officer or sent to him by registered post.;"

(b) in sub-rule (5), after the expression, "by a treasury receipt", the expression, "or online payment through online portal of Directorate of Industrial Safety and Health," shall be inserted;

(3) in rule 29, after sub-rule (2), the following sub-rule shall be inserted, namely:-

"(2A) Every application referred to in sub-rule (2) shall be made through online portal of Directorate of Industrial Safety and Health or personally delivered to the licensing officer or sent to him by registered post:

Provided that such application shall be accompanied by a treasury receipt or online payment through online portal of Directorate of Industrial Safety and Health, evidencing the payment of appropriate fee."

MANGAT RAM SHARMA,
Principal Secretary to Government (FAC)