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SHORT NOTES ON IMPORTANT CENTRAL LABOUR LEGISLATIONS

Topics/Acts included:

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EMPLOYEES' PROVIDENT FUNDS & MISC. PROVISIONS ACT, 1952 & THE SCHEMES

Object of the Act

To provide wider terminal benefits to the Workers on completion of their employment.

Applicability

Every specified factory OR establishment in which 20 or more persons are employed. Any factory or Establishment can also voluntarily cover under the Act, even if the number of employees are less than 20.

Eligibility

- Any person who is employed for work of an establishment or employed through contractor in or in connection with the work of an establishment and drawing salary upto Rs.6,500/- p.m. (Basic + DA).
- Any disabled employee appointed after 1.4.2008 drawing salary upto Rs.25,000/-
- Any international worker (irrespective of salary limit)

Payment of Contribution

- The employer shall pay the contribution payable to the EPF, DLI and Employees' Pension Fund in respect of the member of the Employees' Pension Fund employed by him directly by or through a contractor.
- It shall be the responsibility of the principal employer to pay the contributions payable to the EPF, DLI and Employees' Pension Fund by himself in respect of the employees directly employed by him and also in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor.

Rates of Contribution

- Employer - 12%
- Employee - 12%
- Govt. - 1.16%

SCHEME	EMPLOYEE'S	EMPLOYER'S	CENTRAL GOVT'S
Provident Fund Scheme	12%	Amount > 8.33% (in case where contribution is 12% of 10%) 10% (in case of certain Establishments as per details given earlier)	NIL
Insurance Scheme	NIL	0.5	NIL
Pension Scheme	NIL	8.33% (Diverted out of Provident Fund (12))	1.16%

- The employer also will pay administrative charges @ **1.11%** on maximum limit of Rs.6500 whereas an exempted establishment will pay inspection charges @ **0.005%** on the total wages paid.

Benefits

- Withdrawal of accumulated amount with interest on exit from employment.
- Advances in severely restricted circumstances like buying house, marriage/education, etc.
- Pension to the employees under Employees' Pension Scheme a
- Insurance under Employees' Deposit Linked Insurance Scheme.

Damages on Delayed Payment

- Less than 2 months@ 5% per annum
- Two months and above but less than upto four months @10% per annum
- Four months and above but less than upto six months @ 15% per annum
- Six months and above@ 25% per annum
- Simple Interest @12% p.a. on delayed payment of contribution.

Penal Provision

- For contraventions of Provisions of the Act, imprisonment upto 3 years and fine upto Rs.10,000/-.
- For repeated contraventions of the Act, imprisonment upto 5 years and fine upto Rs.25,000/-.

EMPLOYEES' STATE INSURANCE ACT, 1948 & SCHEME

Object of the Act

To provide social insurance for the employees.

Applicability of the Act & Scheme

Is extended in area-wise to factories employing 10 or more persons and establishments employing 20 or more person.

Coverage of employees

Employees drawing gross wages **upto Rs.15000/-** per month, engaged either directly or through contractor

Rate of Contribution of the wages

Employers' **4.75%**

Employees' **1.75%**

Manner and Time Limit for making Payment of contribution

The total amount of contribution (employee's share and employer's share) is to be deposited with the authorised bank through a challan in the prescribed form in quadruplicate on or before 21st of month following the calendar month in which the wages fall due.

Benefits to the employees under the Act

Medical, sickness, extended sickness for certain diseases, enhanced sickness, dependents maternity, besides funeral expenses, rehabilitation allowance, medical benefit to insured person and his or her spouse.

WAGES FOR ESI CONTRIBUTIONS

To be deemed as wages

- Basic pay
- Dearness allowance
- House rent allowance
- City compensatory allowance
- Overtime wages (but not to be taken into account for determining the coverage of an employee)
- Payment for day of rest

- Production incentive
- Bonus other than statutory bonus
- Night shift allowance
- Heat, Gas & Dust allowance
- Payment for unsubstituted holidays
- Meal/food allowance
- Suspension allowance
- Lay off compensation
- Children education allowance (not being reimbursement for actual tuition fee)

NOT to be deemed as wages

- Contribution paid by the employer to any pension/provident fund or under ESI Act.
- Sum paid to defray special expenses entailed by the nature of employment – Daily allowance paid for the period spent on tour.
- Gratuity payable on discharge.
- Pay in lieu of notice of retrenchment compensation
- Benefits paid under the ESI Scheme.
- Encashment of leave
- Payment of Inam which does not form part of the terms of employment.
- Washing allowance
- Conveyance Amount towards reimbursement for duty related journey

Contribution period

1st April to 30th September.

1st October to 31st March

Contribution period

If the person joined insurance employment for the first time, say on 5th January, his first contribution period will be from 5th January to 31st March and his corresponding first benefit will be from 5th October to 31st December.

Penal Provision

- For contraventions of Provisions of the Act, imprisonment upto 2 years and fine upto Rs.5,000/-.
- For repeated contraventions of the Act, imprisonment upto 5 years and fine upto Rs.25,000/-.

FACTORIES ACT, 1948

Applicability of the Act

To any premises where manufacturing activities are carried out with the aid of power and where 10 or more workers are/were working OR where manufacturing activities are carried out without the aid of power and where 20 or more workers are/were working.

Employer to ensure health of workers pertaining to

- Cleanliness Disposal of wastes and effluents
- Ventilation and temperature dust and fume
- Overcrowding Artificial humidification Lighting
- Drinking water Spittoons.

Safety Measures

- Facing of machinery
- Work on near machinery in motion.
- Employment prohibition of young persons on dangerous machines.
- Striking gear and devices for cutting off power.
- Self-acting machines.
- Casing of new machinery.
- Prohibition of employment of women and children near cotton-openers.
- Hoists and lifts.

Working Hours, Spread Over & Overtime of Adults

- Weekly hours not more than 48 hours.
- Daily hours, not more than 9 hours.
- Intervals for rest at least ½ hour on working for 5 hours.
- Spreadover not more than 10½ hours.
- Overlapping shifts prohibited.
- Extra wages for overtime double than normal rate of wages.
- Restrictions on employment of women before 6AM and beyond 7 PM.

Welfare Measures

- Washing facilities
- Facilities for storing and drying clothing
- Facilities for sitting
- First-aid appliances – one first aid box not less than one for every 150 workers.
- Canteens when there are 250 or more workers.
- Shelters, rest rooms and lunch rooms when there are 150 or more workers.
- Creches when there are 30 or more women workers.
- Welfare office when there are 500 or more workers.

Employment of Young Persons

- Prohibition of employment of young children i.e. below 14 years.
- Adolescent workers (15 to 18 years of age) are permitted with less working hours and special conditions.

Annual Leave with Wages

A worker having worked for 240 days @ one day for every 20 days of working.

Penal Provision

- For contraventions of Provisions of the Act, imprisonment upto 7 years or fine upto Rs.2,00,000/-.
- For continuous contraventions of the Act, imprisonment upto 10 year and/or fine upto Rs.5,000/- per day

INDUSTRIAL DISPUTES ACT, 1947

Object of the Act

Provisions for investigation and settlement of industrial disputes and for certain other purposes.

Important Definition

Industry – has attained wider meaning than defined except for domestic employment, covers from shops with nominal employees to big industrial units.

Workman – Includes almost all category of employees, except person doing Managerial and Administrative work, and also Supervisors earning wages more than Rs.10,000/- p.m.

Machinery to deal with Disputes

Works Committee–Joint Committee with equal number of employers and employees' representatives for discussion of certain common problems.

Conciliation–is an attempt by Govt. Official in helping to settle the disputes.

Adjudication – Labour Court, Industrial Tribunal or National Tribunal to hear and decide the dispute.

Persons Bound by Settlement

- When in the course of conciliation proceedings etc., all persons working or joining subsequently.
- Otherwise than in course of conciliation, upon the parties to the settlement.

Period of Operation of Settlements and Awards

- A settlement for a period as agreed by the parties, or
- Period of six months on signing of settlement.
- An award for one year after its enforcement.

Conditions for Laying off

Failure, refusal or inability of an employer to provide work due to

- Shortage of coal, power or raw material.
- Accumulation of stocks.
- Breakdown of machinery.
- Natural calamity.

Lay off Compensation

Payment of wages except for intervening weekly holiday compensation 50% of total or basic wages and DA for a period of lay off upto maximum 45 days in a year.

Notice of Change

21 days notice to be given by an employer to workmen about changing the conditions of service as provided in IVth Schedule.

Prohibition of strikes & lock out

- Without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking.
- Within fourteen days of giving such notice.
- Before the expiry of the date of strike specified in any such notice as aforesaid.
- During the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.
- During the pendency of conciliation proceedings before a Board and seven days after the conclusion of such proceedings.
- During the pendency of proceedings before a Labour Court, Tribunal or National Tribunal and two months, after the conclusion of such proceedings.
- During the pendency of arbitration proceedings before an arbitrator and two months after the conclusion of such proceedings, where a notification has been issued under Sub-Section(3A) of section 10A
- During any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award.

Prior Permission from the Govt.

When there are more than 100 workmen (in UP 300 or more) during proceeding 12 months, prior permission to be obtained by the Employer for Lay Off, Retrenchment or Closure.

Retrenchment of Workmen Compensation & Conditions

No employees who has worked for **240 days in a year shall not be retrenched unless paid/given:**

- Retrenchment compensation @ 15 days' wages for every completed year of service.
- Given One month's notice or wages in lieu thereof.
- Reasons for retrenchment
- Complying with principle of 'last come first go'.

Notice for Closure of an Undertaking

- 60 days' notice to the authorities for intended closure in prescribed form, when there are minimum 50 workers and less than 100 workers.
- To apply for Prior permission from Govt. atleast 90 days before the intended closure, when there are 100 or more workmen during preceding 12 months (in UP 300 or more workmen)

Penal Provision

- For breach of provisions of the Act, the employer shall be punishable with imprisonment upto 6 months and/or fine not exceeding Rs.5,000/-.
- On continuity of offence fine upto Rs.200/- per day.

PAYMENT OF BONUS ACT, 1965

Object of the Act

To provide certain statutory right to the employees to share the profit of the employer.

Applicability of Act

Every factory where in **10** or more persons are employed and Other establishments in which **20** or more persons are employed on any day during an accounting year.

Certain States like Maharashtra has made this Act applicable to all the Establishments employing minimum 10 employees.

Exemption for newly set up Establishments

Newly set up establishment is exempted from paying bonus for the initial 5 years, provided no profit is made during these years. If the employer derives profit in any of the first five years, he has to pay bonus for that year.

Eligibility for Bonus

- Employees (other than Apprentice) drawing salary (basic + DA) upto Rs.10,000/- p.m.
- An employee will be entitled only when he has worked for **30** working days in that financial year.

Benefits

- Minimum Bonus is 8.33% of total salary earnings (basic + DA) for the financial year. (Calculation to be done as if the maximum salary were Rs.3,500/- p.m.)
- Maximum bonus is 20%

Disqualification & Deduction of Bonus

On dismissal of an employee for

- Fraud; or
- riotous or violent behaviour while on the premises of the establishment; **or**
- theft, misappropriation or sabotage of any property of the establishment **or**
- Misconduct of causing financial loss to the Employer to the extent that bonus can be deducted for that year.

Time Limit for Payment of Bonus

Within 8 months from the close of accounting year.

Set-off and Set-on

As per Schedule IV. Sec. 15

Maintenance of Registers and Records

- A register showing the computation of the **allocable surplus , in Form 'A'**.
- A register showing the **set-on and set-off** of the allocable surplus, in form 'B'.
- A register showing the details of **the amount of bonus paid, in Form 'C'**

Filing of Return.

Annual Return to be filed in form 'D' to the concerned Authority.

Penal Provision

For breach of provisions of the Act, the employer shall be punishable with imprisonment upto 6 months and/or fine not exceeding Rs.1,000.

PAYMENT OF GRATUITY ACT, 1972

Object of the Act

To provide certain reward to the employees for a long meritorious service, at the end of their services.

Applicability

Every factory, mine, oil field, plantation, port, railways, shop or establishment employing 10 or more employees

Once Act applies, it continues to apply even if employment strength falls below 10.

Eligibility

- Any person employed on wages/salary (irrespective of designation) and completed 5 years of continuous service (except in case of death), shall be eligible for gratuity at the end of their services.

Benefits

- 15 days wages (basic + DA) for every completed year of service.
- Maximum gratuity payable is Rs.10,00,000/-

Calculation Method

$$\text{Gratuity} = \frac{\text{Monthly salary}}{26} \times 15 \text{ days} \times \text{No. of year of service}$$

Forfeiture of Gratuity

Gratuity can be forfeited on termination of an employee

- for moral turpitude or riotous or disorderly behaviour.
- Wholly or partially for wilfully causing loss, destruction of property etc.

Display of Notice

Certain notices & abstract of Act are to be displayed at conspicuous place at the main entrance in English language or the language understood by majority of employees of the factory/establishment.

Nomination

To be obtained by employer after expiry of one year's service, in Form 'F'

Penal Provision

- Imprisonment upto 2 years or fine upto Rs.20,000 for avoiding to make payment by making false statement or representation.
- For other contraventions of the Act, imprisonment upto one year and/or fine upto Rs.10,000/-

PAYMENT OF WAGES ACT, 1936

Object of the Act

The main object of the Act is to regulate the payment of wages of certain classes of employed persons, avoid unnecessary delay in the payment of wages and to prevent unauthorised deductions from the wages.

Applicability of Act

- Factories, industrial Establishments, Tramway service or motor transport service, Air transport service, Dock, Wharf or Jetty, Inland vessel, Mine, quarry or oil-field Plantation, Workshop, construction activities or other establishment etc.
- In the state of Maharashtra the Act is extended to Shops & commercial establishments.

Coverage of Employees

The employees drawing average wage upto Rs.10,000/- p.m.

Time of payment of wages

The wages of every person employed be paid:

- When less than 1000 persons are employed shall be paid before the expiry of the 7th day of the following month.
- When more than 1000 workers, before the expiry of the 10th day of the following month.

Mode of Payment of Wages

- All wages shall be paid in current coins or currency notes or in both.
- After obtaining the authorization, either by cheque or by crediting the wages in employee's bank Account
- Wages exceeding Rs.3000/- to be paid by cheque/through bank (Applicable in Maharashtra only)

Fines as prescribed by

- Not to imposed unless the employer is given an opportunity to show cause To record in the register (Sec.8)

Deduction from wages

Deductions such as, fine, deduction for amenities and services supplied by the employer, advances paid, over payment of wages, loan, granted for house-building or other purposes, income tax payable, in pursuance of the order of the Court, PF contributions, cooperative societies, premium for Life Insurance, contribution to any fund constituted by employer or a trade union, recovery of losses, ESI contributions etc. can be made from the wages, in accordance with Section 7.

Maximum Deductions

- The maximum permissible deductions is 50% of the wages
- In the event of deduction include payment to co-operative societies, the maximum permissible deduction is 75% of the wages.

Penal Provision

- Penalties for breach of provisions are from Rs.200/- to Rs.1000/-.
- Repeat offences attract 1 month to 6 months imprisonment and fine from Rs.500/- to Rs.3000/-
- Delayed wage payments attract penalty f Rs.100/- per day

MATERNITY BENEFIT ACT, 1961

Object of the Act

To protect the dignity of motherhood and to provide certain benefits to women employees at the time of child-birth.

Coverage of the Act

Upon all women employees either employed directly or through contractor employed in mines, factories, plantations and also in other establishments if the State Government so decides. Also applicable to every shop or establishment in which ten or more persons are employed.

Conditions for eligibility of benefits

Women indulging temporary of unmarried are eligible for maternity benefit when she is expecting a child and has worked for her employer for at least 80 days in the 12 months immediately proceeding the date of her expected delivery.

This Act shall not be applicable when and where ESI Act is applicable.

Benefits

- Leave with average pay for six weeks before the delivery.
- Leave with average pay for six weeks after the delivery.
- A medical bonus of Rs.3500/- if the employer does not provide free medical care to the woman.
- An additional leave with pay up to one month if the woman shows proof of illness due to the pregnancy, delivery, miscarriage, or premature birth.
- In case of miscarriage, six weeks leave with average pay from the date of miscarriage.

Non Cash Benefits/Privilege

- Light work for ten weeks (six weeks plus one month) before the date of her expected delivery, if she asks for it.
- Two nursing breaks in the course of her daily work until the child is 15 months old.
- No discharge or dismissal while she is on maternity leave.
- No change to her disadvantage in any of the conditions of her employment while on maternity leave.
- Pregnant women discharged or dismissed may still claim maternity benefit from the employer.

Exception : Women dismissed for gross misconduct lose their right under the Act for Maternity Benefit

Maintenance of Registers and Records

Every employer shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed by Rules.

Penal Provision

For breach of provisions of the Act, the employer shall be punishable with imprisonment upto one year and/or fine not exceeding Rs.5,000.

MINIMUM WAGES ACT, 1948

Object of the Act

To fix minimum rates of wages in certain category of employments & industries.

Applicability of Act

- The Act will applicable to certain schedule of employment in respect of which Minimum rates of wages have been fixed by the Act.
- It applicable to employees directly employed or employed through contractors, in such schedule of Industry.

Fixation of Minimum Rates of Wages

- The appropriate government to fix minimum rates of wages from time to time for various industries/schedule of employments.

Procedure for fixing and revising Minimum Rates of Wages

Appointing Committee issue of Notification etc.

Composition of Committee

Representation of employer and employee in schedule employer in equal number and independent persons not exceeding 1/3rd or its total number one such person to be appointed by the Chairman.

Payment of Minimum Rates of Wages

Employer to pay to every employee engaged in schedule employment at a rate not less than minimum rates of wages as fixed by Notification by not making deduction other than prescribed.

Minimum time rate wages for piece work

Not less than minimum rates wages as fixed.

Overtime

For Over time work, the wages to be paid at double the normal rate. (1½ times or for agriculture labour)

Maintenance of registers and records

- Annual Returns
- Register for Overtime
- Register of Wages
- Wages slip
- Muster Roll

Penal Provision

For breach of provisions of the Act, the employer shall be punishable with imprisonment upto 6 months and/or fine upto Rs.500/-.

EMPLOYEE'S COMPENSATION ACT, 1923

Object of the Act

This Act earlier known as "Workmen's Compensation Act is introduced as a kind of Social Security Scheme for the workmen who suffer employment injury, occupational decease etc.

Applicability

To those employers employing persons listed in Schedule II of the Act and to whom ESI Act, not applicable.

Coverage of Workmen

All workers irrespective of their status or salaries either directly or through contractor or a person recruited to work abroad.

Eligibility

- Any workman who is injured by accident arising out of and in the course of his employment OR contracts occupational disease peculiar to his occupation.

Benefits

- In case of **death** results from injury, 50% of monthly wages X relevant factor OR Rs.1,20,000/- whichever is more.
- In case of Permanent total **disablement** resulted from the injury, 60% of monthly wages X relevant factor OR Rs.1,40,000/- whichever is more
- Where permanent , partial disablement or temporary disablement results from injurty, as per prescribed schedule.
- In case of death funeral expenses of Rs.5,000/-
- Relevant factor is based on the age of workman
- For the purpose of calculation of compensation, the monthly salary ceiling is Rs.8000/-, as per Central Govt. Notification dated 31.05.2010.
- In the event of death or in the event of any dispute, the compensation to be deposited with the Commissioner within one month.

When an employee is not liable for compensation

- In respect of any injury which does result in the total or partial disablement of the workman for a period exceeding three days.
- In respect of any injury, not resulting in death or permanent total disablement caused by an accident which is directly attributable to-
- The workman having been at the time thereof under the influence of drink or drugs, or
- Willful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
- Willful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman.

Report of accident

Report of fatal Accident and Serious Injury within 7 days to the Commissioner (not application when ESI Act applies).

Bar upon contracting out

- Any workman relinquishing his right for personal injury not permissible.
- Bar of benefit under other enactments :- When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

Penal Provision

In case of default by employer - 50% of the compensation amount + interest to be

paid to the workman or his dependents as

the case may be.

Other offences attract fine upto Rs.5000/-

CONTRACT LABOUR (REGULARATION & ABOLITION) ACT, 1970

Object of the Act

To regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.

Applicability

- Every establishment in which 20 or more workmen are employed or were employed on any day of the preceding 12 months as contract labour.
- Every contractor who employs or who employed on any day of the preceding twelve months 20 or more workmen.

Registration of Establishment

Every Principal employer employing 20 or more workers through the contractor has to register with the Authority by paying prescribed fees.

Licensing of Contractor

- Every Contractor engaging 20 or more workers should obtain License from the Authority by required fees and keeping specified Security Deposit.
- The License is issued for specified period.

Prohibition of Employment of Contract Labour

Only by the appropriate Government through issue of notification after consultation with the Board (and not Courts) can order the prohibition of employment of contract labour.

Welfare measures to be taken by the Contractor

- Canteen facility (if workers are 100 or more)
- First Aid facilities.
- Rest Rooms
- Drinking water, latrines and washing facilities.

Liability of Principal Employer

- To ensure provision for canteen, restrooms, sufficient supply of drinking water, latrines and urinals, washing facilities.
- Principal employer entitled to recover from the contractor for providing such amenities or to make deductions from amount payable.

Registers of Contractors

By Principal employer

- To maintain a register of contractor in respect of every establishment in prescribed form.

By Contractor

- Maintain Muster Roll and a Register of Wages in Form XVI and Form XVII respectively when combined.
- Register or wage-cum-Muster Roll in **prescribed** Form
- Register of Deductions for damage or loss.
- Register or Fines
- Register of Advances
- Register of Overtime
- To issue wage slips to the workmen at least a day prior to the disbursement of wages.
- Obtain the signature or thumb impression of the worker concerned against the entries relating to him on the Register of wages or Muster Roll-Cum-Wages Register.
- When covered by Payment of Wages Act, register and records to be maintained under the rules
- To display an abstract of the act and Rules in English and Hindi and in the language spoken by the Majority of workers in such forms as may be approved by appropriate authority.
 - To display notices showing rates of wages, hours of work, wage period, dates of payment, names and addresses of the inspector and to send copy to the inspector and any change forthwith
 - To issue an employment card to each worker in prescribed form.
 - To issue service certificate to every workman on his termination in prescribed form.

Penal Provision

- For contraventions of Provisions of the Act, imprisonment upto 3 months or fine upto Rs.1,000/-.
- For continuous contraventions of the Act, fine of Rs.100/- per day

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1961

Object of the Act

To standardize the service conditions of the workmen employed in any industrial establishment. The Act lay down uniformity in the service conditions of the employees in Industrial Establishments, so that the employer and the employees know in clear manner their rights and obligations.

Applicability of the Act

- Every industrial establishment wherein 100 or more employees are employed. In many States like Maharashtra, the Act is made applicable if the number of employees is 50 or more.
- There are some establishments where this Act is not Applicable such as any establishment/industry covered by Bombay Industrial Relations Act, 1946, M.P. Industrial Employment (Standing Orders) Act, 1961 & Industrial Establishments employing persons covered by Civil Service Rules.

Matters to be provided in Standing orders

- Classification of workmen, e.g., whether permanent, temporary, apprentices, probationers, or badlis. Manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates.
- Shift working.
- Attendance and late coming.
- Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.
- Requirement to enter premises by certain gates, and liability to search.
- Closing and re-opening of sections of the industrial establishments, and temporary stoppages of work and the right and liabilities of the employer and workmen arising therefrom.
- Termination of employment, and the notice thereof to be given by employer and workmen.
- Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.

Additional Matters

- Service Record
- Token tickets,
- Record of age,
- Fixing Age of retirement
- Medical Examination
- Secrecy
- Exclusive Service

Submissions of Draft Standing Orders

The employer has to submit draft Standing orders for certification within six months from the date when the Act becomes applicable to an industrial establishment.

Temporary Application of Model Standing Orders

Till the certification is done by the Certifying Officer, the Model Standing orders provided by the Rules shall be applicable to the Establishment.

Procedure for Certification of Standing Orders

- The Draft Standing Order to be submitted to the Certifying Officer.
- The Certifying Officer has to forward a copy of draft standing orders to the trade union or in the absence of union, to the workmen of the industry.
- The trade union or the other representatives, as the case may be, are to be heard. (Sec.5)
- After hearing both the parties and after making necessary changes and amendment, the Certifying Officer shall certify the Standing order.

Date of commencement of Operation of Standing Orders

On the date of expiry of 30 days from certification or on the expiry of 7 days from the Appellate order if any passed.

Display of Standing Orders

The certified Standing Orders should be displayed in English language or in the language understood by majority of workmen on a notice board at or near the entrance of the Establishment.

Penal Provisions

- For contraventions of provisions of the Act, a fine upto Rs. 5000/- can be imposed.
- For repeated or continuous contravention of the Act, further fine of Rs. 200/- per day can be imposed

**Labour Welfare Fund rates for various States in India, where
Labour Welfare Fund Act is applicable**

Sr. No.	State	Employee Contribution	Employers Contribution	Total	Period-1	Period-2	Return Submission Date
1	Andhra Pradesh	2	5	7	Jan-Dec	-	By Jan. 30 th
2.	Delhi	0.75	2.25	3	Jan-June	July-Dec	15 th July & 15 th Jan
3.	Gujarat	3	6	9	Jan-June	July-Dec	15 th July & 15 th Jan
4.	Karnataka	3	6	9	Jan-Dec	-	By January 15 th
5.	Kerala	4	8	12	Jan-June	July-Dec	15 th July & 15 th Jan
6.	Maharashtra	12	36	48	Jan-June	July-Dec	15 th July & 15 th Jan
7.	Goa	5	15	20	Jan-June	July-Dec	15 th July & 15 th Jan
8.	Madhya Pradesh	6	18	24	Jan-June	July-Dec	15 th July & 15 th Jan
9.	Chhattisgarh	1	3	4	Jan-June	July-Dec	15 th July & 15 th Jan
10.	Punjab	2	4	6	Apr-Sept	Oct-Mar.	By 15 th Oct. & 15 th Apr.
11.	Haryana	5	10	15	Monthly	Monthly	Every Month
12.	Tamil Nadu A & N island	5	10	15	Jan-Dec	-	By January 30 th
13.	West Bengal	3	6	9	Jan-June	July-Dec	15 th July & 15 th Jan
14.	Chandigarh (UT)	1	2	3	Apr-Sept	Oct-Mar.	By 15 th Oct. & 15 th Apr.

**Professional Tax slabs of various States in India, where
Professional Tax is applicable**

Sr. No.	State & Salary Slab per month	P.Tax P.M.	Sr. No.	State & Salary Slab per month	P.Tax P.M.
1	Andhra Pradesh Upto Rs.5000/- Rs.5,001/- to Rs.6,000/- Rs.6,001/- to Rs.10,000/- Rs.10,001/- to Rs.15,000/- Rs.15,001/- to Rs.20,000/- Rs.20,001/- and above	Nil Rs.60/- Rs.80/- Rs.100/- Rs.150/- Rs.200/-	2.	Assam Less than Rs,3,499/- Rs.3,500/- but >Rs.4,999/- Rs.5,000/- but >Rs.6,999/- Rs.7,000/- but>Rs.8,999/- Rs.9,000/- and above	Nil Rs.30/- Rs.75/- Rs.110/- Rs.208/-
3.	Bihar (w.e.f. 27.5.2011)* Upto Rs.3,00,000 p.a. Rs.3,00,001/- to Rs.5,00,000/- Rs.5,00,001/- to Rs.10,00,000/- Rs.10,00,000/- and above *to be paid monthly	Nil Rs.1,000/- p.a. Rs.2,000/- p.a. Rs.2,500/- p.a.	4.	Gujarat Upto Rs.3,000/- Rs.3,001/- to Rs.6,000/- Rs.6,001/- to Rs.9,000/- Rs.9,001/- to Rs.12,000/- Rs.12,001/- and above	Nil Rs.20/- Rs.80/- Rs.150/- Rs.200/-
5.	Karnataka Rs.10,000/- to Rs.14,999/- Rs.15,001/- and above	Rs.150/- Rs.200/-	6.	Kerala Rs.2,000/- to Rs.2,999/- Rs.3,000/- to Rs.4,999/- Rs.5,000/- to Rs.7,499/- Rs.7,500/- to Rs.9,999/- Rs.10,000/- to Rs.12,499/- Rs.12,500/- to Rs.16,666/- Rs.16,668/- to Rs.20,883/- Rs.20,834/- and above	Rs.20/- Rs.30/- Rs.50/- Rs.75/- Rs.100/- Rs.125/- Rs.167.67 Rs.208.34
7.	Madhya Pradesh Upto Rs.10,000/- Rs.10,001/- to Rs.12,500/- Rs.12,501/- to Rs.15,000/- Rs.15,001 and above **Up to Feb. Rs.88 ## Up to Feb. Rs.208/-	Nil Rs.88/-** Rs.125/- Rs.208/-## Mar. Rs.87/- Mar. Rs.212/-	8.	Meghalaya Upto Rs.5,000/- Rs.5,001/- to Rs.5,417/- Rs.5,418/- to Rs.5,833/- Rs.5,834/- to Rs.6,250/- Rs.6,251/- to Rs.6,667/- Rs.6,668/- to Rs.7,500/- Rs.7,501/- to Rs.8,333/- Rs.8,334/- to Rs.10,000/- Rs.10,001/- to Rs.12,500/- Rs.12,501/- to Rs.16,667/- Rs.16,668/- to Rs.20,883/- Rs.20,834/- and above	Nil Rs.23/- Rs.25/- Rs.29/- Rs.32/- Rs.33/- Rs.35/- Rs.38/- Rs.42/- Rs.125/- Rs.167/- Rs.208/-
9.	Orissa Upto Rs.1,60,000/- p.a. Rs.1,60,001/- to Rs.3,00,000/- p.a. Rs.3,00,001/- p.a. and above	Nil Rs.125/- p.m. Rs.200/- p.m. & Rs.300/- in the 12 th Month	10.	Puducherry Rs.50/- to Rs.99/- Rs.100/- to Rs.199/- Rs.200/- to Rs.299/- Rs.300/- to Rs.499/- Rs.500/- to Rs.799/- Rs.800/- to Rs.999/- Rs.1,000/- to Rs.1,499/- Rs.1,500/- to Rs.1,999/- Rs.2,000/- to Rs.2,499/- Rs.2,500/- and above	Rs.0.17 Rs.0.33 Rs.0.67 Rs.1.00 Rs.2.00 Rs.4.00 Rs.8.00 Rs.13.00 Rs.17.00 Rs.21.00

Sr. No.	State & Salary Slab per month	P.Tax P.M.	Sr. No.	State & Salary Slab per month	P.Tax P.M.
11.(a)	Tamil Nadu (Chennai City) **** Upto Rs.21,000/- Rs.21,001/- to Rs.30,000/- Rs.30,001/- to Rs.45,000/- Rs.45,001/- to Rs.60,000/- Rs.60,001/- to Rs.75,000/- Rs.75,001/- and above	Nil Rs.16.67 Rs.39.17 Rs.85.00 Rs.126.67 Rs.182.50	11.(b)	Tamil Nadu (Padi) Upto Rs.21,000/- Rs.21,001/- to Rs.30,000/- Rs.30,001/- to Rs.45,000/- Rs.45,001/- to Rs.60,000/- Rs.60,001/- to Rs.75,000/- Rs.75,001/- and above	Nil Rs.15.67 Rs.39.17 Rs.78.17 Rs.117.34 Rs.156.34
11.(c)	Tamil Nadu (Coimbatore) Upto Rs.21,000/- Rs.21,001/- to Rs.30,000/- Rs.30,001/- to Rs.45,000/- Rs.45,001/- to Rs.60,000/- Rs.60,001/- to Rs.75,000/- Rs.75,001/- and above	Nil Rs.15.67 Rs.39.17 Rs.78.17 Rs.117.34 Rs.156.34	11.(d)	Tamil Nadu (Salem) Upto Rs.21,000/- Rs.21,001/- to Rs.30,000/- Rs.30,001/- to Rs.45,000/- Rs.45,001/- to Rs.60,000/- Rs.60,001/- to Rs.75,000/- Rs.75,001/- and above	Nil Rs.16.84 Rs.42.34 Rs.84.50 Rs.126.84 Rs.169.00
11.(e)	Tamil Nadu (Padi) Upto Rs.21,000/- Rs.21,001/- to Rs.30,000/- Rs.30,001/- to Rs.45,000/- Rs.45,001/- to Rs.60,000/- Rs.60,001/- to Rs.75,000/- Rs.75,001/- and above	Nil Rs.16.34 Rs.41.17 Rs.81.34 Rs.122.34 Rs.162.50	12.	Tripura Upto Rs.2,500/- Rs.2,501/- to Rs.3,500/- Rs.3,501/- to Rs.4,500/- Rs.4,501/- to Rs.6,500/- Rs.6,501/- to Rs.10,000/- Rs.10,001/- to & above	Nil Rs.55/- Rs.85/- Rs.100/- Rs.140/- Rs.180/-
13.	West Bengal Upto Rs.1,500/- Rs.1,501/- to Rs.2,000/- Rs.2,001/- to Rs.3,000/- Rs.3,001/- to Rs.5,000/- Rs.5,001/- to Rs.6,000/- Rs.6,001/- to Rs.7,000/- Rs.7,001/- to Rs.8,000/- Rs.8,001/- to Rs.9,000/- Rs.9,001/- to Rs.15,000/- Rs.15,001/- to Rs.25,000/- Rs.25,001/- to Rs.40,000/- Rs.40,001/- and above	Nil Rs.18/- Rs.25/- Rs.30/- Rs.40/- Rs.45/- Rs.50/- Rs.90/- Rs.110/- Rs.130/- Rs.150/- Rs.200/-	14.	Mumbai Upto Rs.5,000/- Rs.5,001/- to Rs.10,000/- Rs.10,001 and above *To be paid in following manner : a) Rs.200/- p.m. except in the month of February b) Rs.300/- for the month of February	Nil Rs.175 p.m. Rs.2,500/- p.a*

**** For Tamil Nadu state salary slab shown is average half year income.

States where Professional tax is not applicable

Chattisgarh	Jharkhand	Haryana
Delhi	Punjab	Himachal Pradesh
Goa	Rajasthan	Uttaranchal
Uttar Pradesh		

MONTHLY CHECKLIST FOR STATUTORY RETURNS UNDER VARIOUS LABOUR LAWS

Month & Last date	Name of the Statute	(Mah.)	Name of the Return / Compliance	To be Sent to
January				
15	The Employment Exchange (CNV) Act, 1959	ER-1	Quarterly Return	Asst. Employment Officer
15	The Mumbai Labour Welfare Fund Act, 1953	A-1	Statement of Contribution of Dec. alongwith Chq.	Welfare Commissioner,
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Schedule Bank
30	The Contract Labour (R&A) Act, 1970	XXIV	Half yearly Return By Contractor	Asst. Labour Commissioner
31	The Factories Act, 1948	27	Annual Return	Directorate of Industrial Safety & Health,
31	The Maternity Benefit Act, 1961	11	Annual Return	Directorate of Industrial Safety & Health, Government Labour Officer,
31	The National & Festival Holidays Act, 1963	V	Annual Return	
February				
1	The Minimum Wages Act, 1948	III	Annual Return	Labour Inspector,
15	The Contract Labour (R & A) Act, 1978	XXI	Annual Return - By Employer	Asst. Labour Commissioner
15	The Payment of Wages Act, 1936	V	Annual Return	Directorate of Industrial Safety & Health,
28	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank.
March				
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank.
April				
15	The Apprenticeship Act, 1961	APP-2	Half Yearly Return March ending	Dy. Apprenticeship Advisor
15	The Employment Exchange (CNV) Act, 1959	ER-1	Quarterly Return	Asst. Employment Officer
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank. Regional P.F. Commissioner
30	The Employees' Provident Fund Act, 1952	3A & 6A	Annual Individual Returns & Return of Contributions	Bandra/Malad/Thane
May				
12	The Employees' State Insurance Act, 1948	5	Summary of Contribution in quadruplicate a/w challans	ESI Regional Office, Lower Parel
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank
June				
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank

July				
15	The Employment Exchange (CNV) Act, 1959	ER-1	Quarterly Return	Asst. Employment Officer
15	The Factories Act, 1948	28	Half Yearly Return	Directorate of Industrial Safety & Health,
15	The Mumbai Labour Welfare Fund Act, 1953	A-1	Statement of Contribution of June	Welfare Commissioner,
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank
30	The Contract Labour (R&A) Act, 1970	XXIV	Half yearly Return By Contractor	Asst. Labour Commissioner
August				
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank
September				
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank
October				
15	The Apprenticeship Act, 1961	APP-2	Half Yearly Return Sept. ending	Dy. Apprenticeship Advisor
15	The Employment Exchange (CNV) Act, 1959	ER-1	Quarterly Return	Asst. Employment Officer
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank.
30	The Factories Act, 1948	3	Application for Renewal of Licence	Directorate of Industrial Safety & Health
31	The Contract Labour (R & A) Act, 1970	VII	Application for Renewal of licence	Commissioner of Labour
November				
12	The Employees' State Insurance Act, 1948	5	Summary of Contribution in quadruplicate a/w challans	ESI Regional Office, Lower Parel
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank.
30	The National & Festival Holidays Act, 1963 (N.A. where factory observed fix day as weekly off)	I & IV	Application for approval of holidays with list	Labour Officer,
December				
15	The Bombay Shops & Establishment Act, 1948	B	Renewal of Registration Certificate	Respective Municipal Ward Office
30	The Professional Tax Act, 1975	Form III	Monthly Return	Any Scheduled Bank.
30	The Payment of Bonus Act, 1965	D	Annual Return	Asst. Labour Commissioner

MONTHLY CHECKLIST/REMINDER FOR STATUTORY PAYMENT & SUBMISSION OF RETURNS OF OCCURRENCE

Time Limit	Name of the Statute	Form (Mah.)	Name of Return/ Compliance	To be Sent to
Every month 15th	The Employees Provident Fund Act, 1952	Challans	Remittance of Contributions	State Bank of India.
15th	The Employees Provident Fund Act, 1952	5, 10 & 12-A	Return of Employees qualifying/ leaving & monthly remittance statement.	Provident Fund office
21st	The Employees State Insurance Act, 1948	Challans	Remittance of Contributions	State Bank of India.
30th	The Profession Tax Act, 1975	Form 5	Monthly return	Asst. Professional Tax, Professional Tax Office
Immediately fatal/death & within 48 hrs. in case of minor	The Employees' State Insurance Act, 1948	12	Accident Report	E.S.I. Local Office/dispensary
Every month	The Apprenticeship Act, 1961	Printed Format	Bill for reimbursement	Dy. Apprenticeship Advisor
4 hours of occurrence	The Factories Act, 1948	24	Notice of Accident/dangerous occurrence	Directorate of Industrial Safety occurrence & Health.
12 hours of occurrence	The Factories Act, 1948	24	Report of Accident	Directorate of Industrial Safety occurrence & Health.
7 days of incident	The Employees' Compensation Act, 1923	EE	Report of Serious bodily injuries/fatal accidents	Commissioner of Workmen's Compensation Labour Office.
Bi-Annual	The Employment Exchange	ERII	Bi-Annual Return.	Asst. Employment Officer.