

**GOVERNMENT OF TRIPURA
LABOUR DEPARTMENT.**

No. F.27(131)-LAB/LGW/2015(P-1)/4680-92

Dated, Agartala, the 28th April, 2016.

NOTIFICATION

Sub: Self-Certification Scheme - under various Labour Laws.

1. **INTRODUCTION :** - This Self Certification Scheme aims at making the employer or an entrepreneur a conscious and truthful citizen and law abiding person who is willing to take care of all interests of the workers and employees by following all the Labour laws as applicable and enable the Directorate of Labour to effectively protect the interest of the workers as well as the employers and entrepreneurs and create a friendly and safe environment for the workers and relationship between the Employer and the Employees. It is also the endeavor of the Government to increased transparency in the system of inspections so as to enable the Establishment to focus on the core issues of the business.
2. **OBJECTIVE :** - The objectives of this Self Certification Scheme is to reduce visits of Government officials for inspection of those units who opt for this Scheme however without compromising on the safety, health, social security and welfare of the workers as provided under the various labour enactments. And also to ensure & enable ease of doing business in the State of Tripura.
3. **SCOPE OF THE SCHEME :** - This scheme is open to all shops/factories/ establishments etc. which opt to join the scheme in prescribed format, except those units wherein hazardous chemical & hazardous substances are used for any manufacturing process, as per first schedule of the Factories Act, 1948 and as per Rule-160 of Tripura Factories Rules, 2007 prescribing dangerous operations.
4. **PROCEDURE :** - This Scheme shall be optional and any employer or entrepreneur can opt for this Scheme and apply to the office of Labour Commissioner, Government of Tripura, in the prescribed proforma. Any discrepancy in the application or enclosures shall be communicated to the applicant within 15 days from the receipt of the application. In case no discrepancy is so communicated, the applicant shall be deemed to have been enrolled under the Self-Certification Scheme.
5. **VALIDITY OF SCHEME :** - Once opted for the Scheme, the same shall be valid for five years. After the successful compliance under the Self-Certification for five years, the occupier / employer shall have option either to remain covered under the Self-Certification Scheme or opt out of the Scheme. The option must be exercised in written before the concerned authority of Labour Directorate. In case the employer/entrepreneur/occupier successfully completes five years under the Scheme and during any inspection carried out, if no violation of the Act is detected, the security so deposited shall be refunded. No interest shall be payable on the security so deposited.
6. **a). Processing Fee :** - Every occupier/proprietor/partner/Director/employer/principal employer / contractor who intends to opt for Self Certification Scheme shall pay processing fee as prescribed below along with the prescribed form of application at Annexure -I and documents / papers as shown at Annexure -II.

Sl. No.	No. of workers	Processing fee (Rs.)
1	1 to 20	2000.00
2	21 to 50	4000.00
3	51 to 100	6000.00
4	101 and above	10,000.00

The processing fee shall be deposited by the Treasury challan.

b). **Undertaking** : - An undertaking, as at Annexure - III on a non Judicial stamp paper of Rs.50.00 should be given by the applicant along with the application for enrollment under the scheme.

7. **AMOUNT OF SECURITY TO BE DEPOSITED** : -

Any occupier who opts for the Scheme shall deposit security money through Treasury challan, as prescribed below : -

Sl. No.	No. of workers	Security money (Rs.)
1	1 to 20	5000.00
2	21 to 50	15,000.00
3	51 to 100	20,000.00
4	101 and above	30,000.00

8. **FORFEITURE OF SECURITY DEPOSIT** : - In case any occupier withdraws prematurely from the Scheme i.e. before 5 years or fails to follow the terms and conditions of the Self Certification Scheme or fails to abide by any undertaking given by him or any violation of the Act is detected then security so deposited shall be forfeited to the Government and in case of violation of the Act, further necessary action as per the law shall be initiated and he will cease to continue under the Scheme. However, there will be no bar on fresh inclusion in the Scheme if applied afresh.

9. **LABOUR LAWS FOR WHICH THE SCHEME IS VALID** : - This Self Certification Scheme shall be valid for following Acts and Rules made thereunder as applicable to the concerned employer/entrepreneur/occupier :

- (i) The Payment of Wages Act, 1936 and Rules framed there under.
- (ii) The Minimum Wages Act, 1948 and Rules framed there under.
- (iii) The Contract Labour (Regulation & Abolition) Act, 1970 and Rules framed thereunder.

- (iv) The Maternity Benefit Act, 1961 and Rules framed there under.
- (v) The Payment of Bonus Act, 1965 and Rules framed there under.
- (vi) The Payment of Gratuity Act, 1972 and Rules framed there under.
- (vii) The Equal Remuneration Act, 1976 and Rules framed there under.
- (viii) Tripura Shops & Establishment Act, 1970 and Rules framed there under.
- (ix) The Inter-State Migrant Workmen (RECS) Act, 1979 and Rules framed there under.
- (x) The Beedi & Cigar Workers (Conditions of Employment) Act, 1966 and the rules made there under.
- (xi) The Motor Transport Workers Act, 1961 and Rules framed there under.
- (xii) The Child labour (Prohibition & Regulation) Act, and Rules framed there under.

10. **WHOM TO APPLY :** - Under the Self Certification Scheme, the application for inclusion shall be addressed to the Labour Commissioner, Agartala, Tripura. The date shall mean the date on which application is received in the O/o Labour Commissioner. After the web-enabling services of the labour Directorate are made operational, the application shall be submitted online on the Directorate Website. Till the beginning of online services, application may be submitted directly to the O/o Labour Commissioner.

11. **INSPECTION PROCEDURE UNDER THE SCHEME : -**

Under the Self Certification Scheme, not more than 20% of the units/establishments so covered under the scheme shall be picked up randomly for inspection once in a year and which shall be carried out only once regarding the implementation of all the labour enactments to which this scheme applies. Once inspected the same units/establishments is not likely to be inspected in the next 5 years provided that no specific violation of terms, conditions, Laws and undertaking given by the employer/entrepreneur/occupier is brought to notice. However, on specific complaints, accidents, dangerous occurrences, inspection shall be conducted only after authorization from Labour Commissioner at any time.

The Shops/Establishments which are not desiring to opt for the scheme will be inspected as per the directorate inspection policy.

The copy of scheme along with all prescribed proforma shall be available on the web site of Labour Directorate. Application shall be made in the proforma attached with the scheme.

12. **Filing of Self-Certification-Cum-Consolidated Annual Returns : -**

After getting enrolled for the scheme, the concerned occupier / proprietor/ partner / director/ principal employer / contractor shall file Self Certification cum Consolidated Annual returns in the format prescribed in Annexure - IV along with required supporting documents / information with copy to the concerned District Labour Officer. This return shall be filed on or before 30th April of each financial year on any working day. On failure to submit the return within the prescribed time limit,

the occupier/proprietor/partner/director/employer/principal employer/contractor will cease to be the member under the Self Certification Scheme.

13. Clarification and Interpretation :

In case of any doubt or dispute regarding the provision of this Scheme, only the State Govt. shall be competent to clarify or interpret these and such clarification or interpretation shall be final binding upon all concerned.

14. Power to amend & repeal any or all provisions :

Notwithstanding anything contained in any of the provision of this Self Certification Scheme, the State Government may, at any time-

- a). Make any amendment to this Scheme or repeal it, but the Scheme already extended or covered for any such establishment shall not be affected by any such amendment or repeal.
- b). Issue guidelines or instructions to facilitate implementation, to remove anomalies and to clarify the implementations of the provisions of this Scheme.

15. This notification shall come into force with effect from 1st May, 2016.

By order of the Governor,

S.K. DAS
Addl. Secretary to the
Govt. of Tripura.

APPLICATION FORM FOR SELF CERTIFICATE

ANNEXURE - I

From
M/S...

To
The Labour Commissioner
Government of Tripura
Labour Directorate,
Jacksongate, Agartala

Sub: Application for registration to be covered under Self Certificate-Cum-Consolidated Annual return Scheme under various labour laws being implemented by the Labour Directorate as per terms and condition of the Scheme.

Sir,

I / We have gone through the above mentioned scheme and have understood the same. I / We wish to be covered under the self certification scheme. As such I / We request you to kindly issue me / us necessary registration under the Scheme. The necessary information and documents, as required under the scheme, are enclosed. I / We undertake to abide by all terms and conditions of the scheme. It is also certified that I / We am / are competent and duly authorized to make any statement or provide any information to any Central / State Government agency on behalf of this Shop / Establishment named.....

Kindly issue the necessary approval at the earliest.

Encl : Authority letter

Yours Faithfully,

(Name & address of the applicant)

ANNEXURE - II

LIST OF DOCUMENTS TO BE ATTACHED WITH ANNEXURE I

- 1) Name & address of the establishment with e-mail, telephone No. mobile/fax No. etc. with registration under Shop

 - 2) No. of workers employed
 - i) Permanent
 - ii) Temporary
 - iii) Contract labour
 - iv) Casual labour

 - 3) Registration No. and date along with attested copy of registration under the Tripura Shops & Establishment Act, 1970, if applicable.

 - 4) Registration No. and date along with attested copy of registration under the Contract Labour (Regulation & Abolition) Act, 1970 if applicable.

 - 5) Licence No. and date under the Contract Labour (Regulation & Abolition) Act, 1970 if applicable.
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- 6) Details of Fees & Security attached.
- 7) Name and address of the shops /establishment with telephone/mobile/ fax nos. and e-mail address if any.
- 8) Name and address of the occupier/ proprietor/partner/directors/employer/ principal employer/contractor with telephone/mobile/fax nos. and e-mail address if any.
- 9) Name and residential address of the manager or person responsible for supervision or control of the shops/ establishments/with telephone/mobile/ fax nos. and e-mail address if any.
- 10) Registration No./License No. & Date of commencement of the shops/ establishment.
- 11) Nature of industry / activity - manufacturing, Trading, Services.

Signature of Authorised Person.

Place :

Date :

UNDERTAKING

[To be filed by the Occupier/Proprietor/Partner/Director/Employer/Principal Employer/
Contractor on a Non-Judicial Stamp Paper of Rs.50]

I/We _____ S/o.Shri. _____
R/o _____ and
Occupier/Proprietor/Partner/Director/Employer/Principal Employer / Contractor
of M/s. _____ here by state as under.

That I/we have applied for grant of coverage of shops/establishment by the
name of _____
situated at [complete address of the shops/factory/establishment.] the Self Certification-cum-
Consolidated Annual Return Scheme of the Labour Directorate, Government of Tripura.

1. That I/we have gone through the Scheme and have fully understood the contents of this Scheme and undertake to abide by the same.
2. That it is declared that I/we are complying with and will continue to comply with all provisions of labour laws covered under this Scheme.
3. **I/We agree that in case of violation detected in my/our shops/ establishments/factories under the labour laws covered under the scheme during Self Certification period, I/ We will be responsible for the consequences. If any violation are detected during the course of inspection, it will be processed as per the provisions of the respective labour laws.**
4. I/we shall not engage or permit to engage any child labour and bonded labour in my/our establishment /shop.

PLACE :

DATE :

DEPONENT.

VERIFICATION

I/we, the above named deponents do hereby further solemnly affirm that the contents given above are true and correct to my/our knowledge.

PLACE :

DATE :

DEPONENT.

Enc.1. Annexure - I, Applicaton form,

2. Annexure - II [List of documents]

ANNEXURE - IV

FORM FOR SELF CERTIFICATION TO BE SUBMITTED BY OCCUPIER PROPRIETOR / PARTNER / DIRECTOR / EMPLOYER / PRINCIPAL EMPLOYER / CONTRACTOR FOR COMPLIANCE OF LABOUR LAWS.

I/we, Mr./Mrs./Miss. _____ hereby certify that I/we am/are the Occupier/Proprietor/Partner/Director/Employer/Principal Employer/Contractor of the shops/establishments/factory whose identification and general details are as follows. I/we hereby certify that my/our shops/establishments have fully and correctly complied with all the labour laws under the Scheme and the status of compliance of following labour laws and annual return of my/our shops/establishments/factory during the year _____ is as under.

- i. The Payment of Wages Act, 1936 and the Rules made there under,
- ii. The Minimum Wages Act, 1948 and the Rules made there under,
- iii. The Contract Labour [Regulation & Abolition] Act, 1970 and the Rules made there under,
- iv. The Maternity Benefit Act, 1961 and the Rules made there under,
- v. Payment of Bonus Act, 1965 and the Rules made there under,
- vi. Payment of Gratuity Act, 1972 and the Rules made there under,
- vii. Equal Remuneration Act, 1976 and the Rules made there under,
- viii. The Tripura Shops and Establishment Act, 1970 and the Rules made there under,
- ix. Inter State Migrant Workmen [Regulation of Employment and Conditions of Service] Act, 1979 and the Rules made there under,
- x. The Beedi & Cigar Workers (conditions of, Employment) Act, 1966 and the Rules made there under,
- xi. The Motor Transport Act, 1961 and the Rules made there under,
- xii. The Child Labour (Prohibition & Regulation) Act, 1986 and the Rules made there under,

Note: Whichever/Wherever not applicable, write N/A.

1.	Name of Shops /Establishment, its postal address and location. Contact No., e-mail Id.	
2.	Name and address of Occupier/ Proprietor/Partner/Director/Employer/ Principal Employer/Contractor. Contact No., e-mail Id.	
3.	Name and address of the Principal Employer , if the employer is a contractor. Contact No., e-mail Id.	
4.	Name of the manager responsible for supervision and control, if the employer is a contractor. Contact No., e-mail Id.	
5.	(i) Nature of business, industry or trade or occupation carried on by the employer (ii) Date of commencement of business, industry, trade or occupation	
6.	Employer's No. ESI/EPP/Welfare Fund/ PAN No. if any.	
7.	No. of regular workers employed during the year.	

CATEGORY

	Highly Skilled	Skilled	Semi-skilled	Unskilled
Male				
Female				
Total				

8. The Tripura Shops and Establishments Act, 1970 and the Rules made there under -

a)	No of workers employed	
b)	Whether all workers were given leave with wages during the year.	
c)	Whether all workers were given holidays as per Section 5(1).	
d)	If holidays were not given as per Section 5(1) whether overtime wages and substitute holidays were given	

9. Payment of Wages Act, 1936 and the Rules made there under

a)	Date of payment		
b)	Total Wages paid.--		
	Category of workers.	No. of workers.	Amount paid in the financial year.
	Regular		
	Contract		
	Casual/Temporary		

10. Minimum Wages Act, 1948 and Rules, 1963 and the Rules made there under

a)	Schedule Employment & Zone		
b)	Wages paid. --		
	Category of workers.	Total No. of workers employed in the financial year.	Total wages paid in financial year
	Unskilled		
	Semi-skilled		
	Skilled		

11. Contractor Labour (Regulations and Abolition) Act, 1970 and the Rules made there under

a)	Registration No. of Principal Employer.	
b)	No. of contracts workers employed during the year, No. of contractors	
c)	No. of contractors who have obtained the licences.	
d)	Details in respect of each contractor	

Sl. No.	Name & Address of the contractor	Nature of work carried out	No. of contract labourers engaged	Duration of the contract	
				From	To

12. Maternity Benefit Act, 1961 and the Rules made there under

a)	No. of women who have claimed maternity benefit under Section 6	
b)	No. of women who were paid maternity benefit for actual birth/miscarriage leave benefit.	
c)	No. of women who were paid maternity benefit u/s 7	
d)	Total amount of maternity benefit paid.	
e)	Amount of medical benefits paid.	

13. Payment of Bonus Act, 1965 and the Rules made there under

a)	No. of employees benefited by bonus payment and total amount.	
b)	% of bonus as computed under the Act	
c)	Date of settlement/agreement, if any in respect of bonus	
d)	Date of payment.	
e)	If bonus is not paid, reasons thereof	

14. Payment of Gratuity Act, 1972 and the Rules made there under

a)	Amount of gratuity paid during the financial year.	
b)	No. of employees to whom the gratuity is paid.	
c)	If gratuity is not paid, reasons thereof.	

15. Equal Remuneration Act, 1976 and the Rules made there under

a)	No. of male/female doing similar nature of work.	
b)	Whether male/female workers paid equal wages for similar nature of work.	

16. Interstate Migrant Workmen [Regulation of Employment & Condition of Service] Act, 1979. and the Rules made there under (if applicable)

a)	No. of inter state migrant employed.	
b)	Duration of employment.	
c)	Nature of work.	
d)	Recruitment licence No. of parent State [photocopy may please be submitted]	

17. The Beedi & Cigar Workers (Conditions of Employment) Act, 1966. and the Rules made there under (if applicable)

a)	i)	Total No. of Beedi workers	
	ii)	Total No. of Factory workers	
	iii)	Total No. of Home workers	
	iv)	Total No. of Branches	
b)		Total amount disbursed against leave encashment	
c)		Total amount of earned leave paid to Beedi workers	

18. The Motor Transport Act, 1961. and the Rules made there under (if applicable)

a)	Total No. Of motor transport workers are engaged	
b)	Total wages disbursed	
c)	Total amount disbursed against wages	
d)	Total amount disbursed against leave encashment	

19. The Child Labour (Prohibition & Regulation) Act, 1986 and the Rules made there under

a)	Whether the establishment hazardous or not	
b)	Whether the Factory/Establishment engage any child labour	

Certified that the above information is correct as per available records and knowledge.

Date :-

Place:-

Full Signature
(Name & designation of Authorized
person of the Establishment)