

GOVERNMENT OF MADHYA PRADESH  
DEPARTMENT OF LABOUR  
BHOPAL, the.....2025

S.No.F01/05/2020/A-16:- The following draft rules, which the State Government proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (35 of 2020) and in proposed supersession of-

- 1.The Madhya Pradesh Industrial Disputed Rules, 1957; and
- 2.The Madhya Pradesh Trade Union Regulations 1961; and
- 3.The Madhya Pradesh Industrial Employment (Standing Orders) Rules, 1963

Made by the State Government in exercise of the powers conferred by the Industrial Disputes Act, 1947 (14 of 1947), the Trade Unions Act, 1926 (16 of 1926) which are repealed by section 104 of the said Industrial Relations Code, 2020 and the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (26 of 1961), which is to be repealed by the State Government, as the case may be, except as respects things done or omitted to be done before such supersession, is hereby, notified, as required by sub-section (1) of said section 99, for information of all persons likely to be affected thereby and notice is, hereby, given that the said draft rules will be taken into consideration after the expiry of a period of 45 days from the date on which the copies of the official Gazette in which this notification is published are made available to the public.

Objections and suggestions, if any, may be addressed to Deputy Secretary to the Government of Madhya Pradesh, Department of Labour, Mantralaya, Vallabh Bhawan, Bhopal or by email to- [pslabour@mp.gov.in](mailto:pslabour@mp.gov.in).

Objections and suggestions, which may be received from any person or organization with respect to the said draft rules before expiry of the period specified above, will be considered by Government, namely:-

**RULES**  
**CHAPTER - I**

**PRELIMINARY**

**1. Short title, application and commencement-**(i) These rules may be called The Madhya Pradesh Industrial Relation Rules, 2026.

(ii) These rules shall extend to whole State of Madhya Pradesh in respect to the industrial establishments and matters for which the State Government is the appropriate Government.

(iii) They shall come into force on the date of their publication in the Official Gazette of Madhya Pradesh.

**1A. Definition.**-(1) In these rules, unless the context otherwise requires,-

- (a) "Code" means the Industrial Relations Code, 2020 (35 OF 2020);
- (b) "section" means the section of the Code;
- (c) "electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;

(2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have the same meaning as assigned to them respectively in the Code.

**2. Written Agreement for the settlement before the Conciliation Officer under clause (zi) of Section 2.** - The Agreement under clause (zi) of Section 2 for written agreement between the employer and worker shall be in the form specified in **Form-I** and shall be signed by the parties in the agreement and a copy thereof shall be sent to the concerned Conciliation Officer.

## **CHAPTER II**

### **BI-PARTITE FORUMS**

**3. Constitution of Works Committee etc. under Section 3.-** (1) Every employer to whom an order made by the **Labour Commissioner** under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee in the manner as is specified in the following sub-rules:-

(2) The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the sections, shops or departments of the establishment:

Provided that the total number of members of the Works Committee shall not exceed twenty:

Provided further that the number of representatives of the worker in the Works Committee shall not be less than the number of representatives of the employer therein.

(3) Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.

(4) (a) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to how many of the workers are members of such Trade Union; and

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner or any other officer nominated by him, not below the rank of a Labour Officer, in writing, who shall, after hearing the parties, shall decide the matter and his decision shall be final.

(5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the Committee in following two groups, namely:-

(a) registered Trade Union may choose their representatives as members for works committee in the proportion of their membership.

(b) where there is no registered Trade union, workers may choose amongst themselves representatives for works committee.

(6) (a) The Works Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint-Secretary. The Secretary and the Joint-Secretary shall be elected every year.

(b) the Chairman shall be nominated by the employer from amongst the employer's representatives on the Works Committee and he shall, as far as possible, be the head of the industrial relations;

(c) the Vice-Chairman shall be elected by the members, on the Works Committee representing the workers, from amongst themselves:

Provided that in the event of equality of votes in the election of the Vice- Chairman, the matter shall be decided by draw of a lot:

(d) the Works Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the worker and vice versa:

Provided that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the worker for two consecutive years:

Provided further that the representatives of the employer shall not take part in the election of the Secretary or Joint Secretary, as the case may be, from amongst the representatives of the worker and only the representatives of the worker shall be entitled to vote in such elections.

(e) In any election under clause (d), in the event of equality of votes, the matter shall be decided by a draw of lot.

(7)(a) the term of office of the representatives on the Works Committee other than a member chosen to fill a casual vacancy shall be two years;

(b) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor;

(c) A member who without obtaining leave from the Works Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.

(8) In the event of worker's representative ceasing to be a member under clause (c) of sub-rule (7) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule from the same group to which the member vacating the seat belonged.

(9) The Works Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee.

(10)(a) the Works Committee may meet as often as necessary.

(b) the Works Committee shall at its first meeting regulate its own procedure.

(c) Meeting of the Works Committee shall be called within three days of a notice to the Chairman mentioning the reasons for such meeting therein, if such notice is signed by at least half of the representatives of the committee.

(11)(a) the employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide all necessary facilities to the Works Committee and to the members thereof for carrying out the work of the Works Committee. The Works Committee

shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representative of the worker shall be deemed to be on duty while attending the meeting;

(b) the Secretary of the Works Committee may with the prior concurrence of the Chairman, put up notice regarding the meeting and work of the Works Committee on the notice board of the industrial establishment.

**4. Manner of choosing members from the employers and the workers for Grievance Redressal Committee under sub-section (2) of section 4.** - The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.

(2) The representatives of the employer shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with or associated with the working of the industrial establishment, preferably the heads of major departments of the industrial establishment.

(3) The representatives of the workers shall be chosen by the registered Trade Union and where a negotiating council exists, such representatives shall be chosen in the same proportion as the Trade Unions are respectively represented in the negotiating council. In case where there is no registered Trade union or negotiating council, the member may be chosen by the workers of the industrial establishment:

Provided that there shall be adequate representation of women workers in the Grievance Redressal Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.

Provided further that the tenure of the members of the Grievance Redressal Committee shall be co-terminus with the tenure of the members of the registered Trade Union;

Provided further also that in the absence of registered Trade Union, the tenure of members of Grievance Redressal Committee shall be for a period of two years from the date of the constitution of the Grievance Redressal Committee.

(4) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –

(a) How many of the workers are members of such Trade Union;

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner, or any other officer nominated in writing, by the Labour Commissioner, not below the rank of Labour Officer, who shall, after hearing the parties, shall decide the matter and his decision shall be final.

(5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the committee by following two groups, namely:-

(a) registered Trade Union may choose their representative as members for Grievance Redressal Committee in the proportion of their membership.

(b) such workers those who are not member of registered Trade Union, may choose amongst themselves representatives for the Grievance Redressal Committee.

**5. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of section 4.**-Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of

grievances and relief sought. Such application may also be sent electronically or by speed post or registered post. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.

**6. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to the conciliation officer under sub-section (8) of section 4.-** Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application electronically or by registered post or speed post within the period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer through the Trade Union, of which he is a member or otherwise.

Provided that in case of manual receipt of such application through registered post or speed post, the conciliation officer shall get the same digitized and enter the particulars of the application in the online mechanism under intimation to the concerned worker.

### **CHAPTER - III**

#### **TRADE UNIONS**

**7. Payment of subscription by members to Trade Union under sub-section (f) of Section 7 and sub section (4) of Section 15 -**

(1) Registered Trade Union may collect the subscription from its members, office bearers or from others, as provided under the rules approved by the Registrar on monthly, quarterly, half yearly or yearly basis subject to such amount as prescribed under sub-section (2) .

(2) The payment of a minimum subscription by members of the Trade Union shall be as provided under the rules of the trade union approved by the Registrar but shall not be less than :-

- (a) Twenty Rupees per annum for rural workers;
  - (b) Thirty Rupees per annum for workers in other unorganised sectors; and
  - (c) Fifty Rupees per annum for workers in any other case,
- or as may be fixed by the state government from time to time.

**8. Manner of Annual audit under sub- section (j) of section 7:-**

(1) Save as provided in sub-rule (2), (3), (4) and (5) of this rule, the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor having the qualifications prescribed in sub-section (1) of Section 226 of the Indian Companies Act, 1956 (1 of 1956).

(2) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st December, exceed 2000, the annual audit of the accounts may be conducted-

- (a) by any auditor authorised by the State Government to examine public accounts; or
- (b) by any person who, having held an appointment under the Government in any audit or accounts department, is in receipt of a pension of not less than **Rs. 5000 per mensem**; or
- (c) by a Chartered Accountant.

(3) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st day of December, exceed 1,000 the annual audit of the accounts may be conducted-

- (a) by any two persons holding office as a Member of Corporation, a Municipality, a Jila or Janpad Panchayat, or

- (b) by any person who, having held an appointment under the Government in any audit or accounts department, is in receipt of a pension from the Government of not less than Rs. 5000 a month, or
- (c) by any auditor appointed to conduct the audit of Co-operative Societies by the Government or by the Registrar of Co-operative Societies or by any co-operative organisation recognised by the Government for this purpose.

(4) Where the membership of a registered Trade Union did not at any time, during the year ending on the 31st December exceed 250, the annual audit of the accounts may be conducted by any two ordinary members of such registered Trade Union who were not on the executive during the period to which the accounts pertain.

(5) Where the registered Trade Union is a federation of Trade Unions and the number of such unions affiliated to it at any time during the year ending on the 31st December, did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it has not, at any time, during the year had a membership of more than 2,000, 1,000 or 250 respectively.

**(6) Disqualification of auditors.** - Notwithstanding anything contained in these rules, no person who, at any time, during the year for which the accounts are to be audited, was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that union.

**(7) Accessibility to the books of accounts.** - The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to in **Form II**, indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, not, supported by vouchers or not in accordance with the Code. The particulars given in the statement shall indicate-

- (a) every payment which appears to be unauthorised by the rules of the registered Trade Union concerned or contrary to the provisions of the Act;
- (b) the amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person;
- (c) the amount of any sum which ought to have been, but is not brought to account by any person.

**9. Manner of amendment and variation in rules of Trade Unions and dissolution of Trade Unions under sub section (k) and (l) of Section 7:-**(1) When a registered Trade Union is dissolved, notice of the dissolution or any amendment and variation in rules shall be sent to the Registrar in **Form III**.

(2) On receiving copy of notice under sub - rule (1) any amendment or variation made in the rules of a Trade Union under sub - section (k) of Section 7, the Registrar shall, unless he has reason to believe that the amendment or variation in the rules has not been made in the manner provided by the rules of the Trade Union or unless the amendment or variation in the rules is not in accordance with the provisions of the Code, register the amendment or variation in the rules in a register to be maintained for this purpose and shall notify the fact that he has done so to the secretary of the Trade Union

(3) On receiving copy of notice under sub - rule (1) dissolution under sub - section (l) of Section 7, the Registrar shall, unless he has reason to believe that the dissolution of Trade Union has not been made in the manner provided by the Code, register the dissolution of Trade Union in a register to be maintained for this purpose and shall notify the fact that he has done so to the secretary of the Trade Union.

(4) The fee payable shall be Rs. Fifty or as may be fixed by the State Government time to time and shall be deposited electronically in the appropriate head of accounts of the Government.

#### **10. Registration of Trade Union and cancellation thereof under Section 8 and 9:-**

**(1) Form of application for registration.** - Every application for registration of a Trade Union shall be made in **Form IV** electronically or otherwise along with receipt of fee and such other documents as required under Section 9 the Industrial Relations Code, 2020.

(2) An affidavit shall be attached with the application filed for registration and cancellation of registration under sub rule (1) by the applicant in the **Form V**.

**(3) Evidence to prove authority to make application-** Upon an application for the registration of a trade union, the Registrar may require from the applicants such evidence, as may seem to be necessary to show that the applicants have been duly authorised to make the application on behalf of the Trade Union and the other particulars in **Form -VI**.

**(4). Fees for registration.** - The fee payable for registration of a Trade Union shall be Rs. One Hundred or as may be fixed by the state government time to time by and shall be paid electronically in the appropriate head of accounts of the State Government.

**(5) Form of register.** - The register of Trade Unions by the Registrar shall be maintained electronically or otherwise in **Form VII**.

**(6) Form of certificate.** - The certificate of registration in **Form VIII** shall be issued electronically or otherwise by the Registrar after due verification of the information and particulars submitted with the application, either by himself or through any other officer authorised by him and found proper. The certificate shall be issued by the Registrar within thirty days from the date of application received otherwise the registration shall be deemed to be issued if no decision is taken and communicated electronically or through registered post or speed post on such application by the Registrar within thirty days.

**(7) Form of application for withdrawal or cancellation.** - Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent electronically or through registered post or speed post to the Registrar in **Form IX** along with a receipt of fee of Rs One Hundred or as may be fixed by the government time to time, to be paid electronically in the appropriate head of accounts. The Registrar may require from the applicants such evidence, as may seem to be necessary, to show that the applicants have been duly authorised to make the application on behalf of the Trade Union.

**(8) Verification and Grant of application.** - The Registrar, on receiving an application for registration, withdrawal or cancellation of registration; shall, before granting such application, verify that the application was approved in a general meeting of the Trade Union, or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose, the Registrar may call for such further particulars as he may deem necessary and may examine any officer of the union.

**11. Appeal against non-registration or cancellation of registration under Section 10:-**The appeal against the order of the Registrar shall be filed by any aggrieved person within **sixty** days of the date of receipt of the order to the Industrial Tribunal by filing an application mentioning the causes of the appeal accompanied with a certified copy of the order of the Registrar.

**12. Communication to trade union and change in its registration particulars by the Registrar and by Trade Union to Registrar under Section 11:-**

(1) All communication and notices to a registered trade unions shall be sent electronically or otherwise to Trade union by the Registrar to the approved postal address and e mail address as mentioned in the register.

(2) All communication and notices by a registered trade union with respect to any change in any particulars of trade unions or its rules or office bearers or membership falling below 10 percent or one hundred, whichever is less, shall be sent electronically or by registered post or by speed post to the Registrar to his official postal address or e-mail address within thirty days from such date of such change or event.

(3) On receiving a copy electronically or otherwise of any communication made as mentioned under sub rule (2), the Registrar shall, unless he has reason to believe that such communication has not been made in the manner provided by the rules of the Trade Union unless, such communication or alteration or change is not in accordance with the provisions of the Act, register such communication or change or alteration in a register to be maintained for this purpose and shall notify the fact that he has done so, to the Secretary of the Trade Union in the manner prescribed under sub rule (1) .

(4) The fee payable for such communication or alteration of rules shall be Rs.Fifty or as may be fixed by the government time to time and be paid electronically in the appropriate head of accounts of the state government for each set of alterations made at one time.

**13. Matters on which negotiating union and negotiating council may negotiate under sub section (1) and (2) of Section 14:-**

(1) Negotiating union or negotiating council shall be entitled to negotiate with the employer or employers with respect to all or any of the following matters, namely:-

- (i) All matters pertaining to Third Schedule to the Industrial Relations Code, 2020.
- (ii) All matters pertaining to discharge or dismissal or termination of workman.
- (iii) All matters pertaining to strike and lockout.
- (iv) All matters pertaining to lay -off, retrenchment of workers and closure of establishment.

(2) If there is only one Trade Union in an Industrial Establishment, which is having membership of thirty percent or more workers of that Establishment, such union shall be entitled to negotiate with the employer under the provisions of sub rule (1).

**Manner of verification of workers of negotiating union under sub section (3) of Section 14:-**

The Registrar shall verify the membership of a trade union, on an application made by such union or industrial establishment in **Form X** for declaring the union as Negotiating Union for the industrial establishment either by the method of physical verification either in Registrar's presence or in presence of any Officer authorised by him or on the basis of verification of payment of subscription to the trade union by the members. For this a notice by the Registrar shall be served at least 7 days in advance to all the workers and the employer indicating the date and time and place for such verification. On the report of such verification, The Registrar shall pass an order within 15 days of such verification and communicate electronically or otherwise to such union and the employer and a copy shall also be displayed on the notice board of the industrial establishment. The Registrar shall enter the name of such union in the records as Negotiating union for the industrial establishment. The Industrial Establishment shall recognise such trade union as Negotiating Union for the establishment.

**(4) Manner of verification of workers of negotiating council under sub section (4) of Section 14:-**

The Registrar shall verify the membership of a trade union, on an application made by the Industrial Establishment in **Form X** for deciding the union to be taken in the Negotiating Council either by the method of physical verification either in Registrar's presence or in presence of any Officer authorised by him or on the basis of verification of payment of subscription to the trade union by the members. For this a notice by The Registrar shall be served at least 7 days in advance to all the workers and the employer indicating the date and time and place for such verification. On



the report of such verification, The Registrar shall pass an order within 15 days of such verification and communicate electronically or otherwise to such union and the employer and a copy shall also be displayed on the notice board of the industrial establishment. The Registrar shall enter the name of such union in the records as member of Negotiating council for the industrial establishment. The Industrial Establishment shall recognise such trade union as member of Negotiating Council for the establishment.

(5) The list of Negotiating Unions and members of Negotiating Council referred to in Section 14 and verified under sub rule (3) ,(4) or (5) shall be maintained in **FormXI** by the Registrar.

**(6) Facilities to be provided to Negotiating Union or Negotiating Council under sub section (7) of Section 14:-**

**(i) Right of holding discussions on the premises of the undertaking with employees.** - The officers of Negotiating Union or member unions of Negotiating Council shall have the right and shall be permitted by the employer, to hold discussions on the premises of the undertaking with the employees concerned who are the members of such union:

Provided that-

- (a) the union shall intimate, in advance to the employer the name or names of the officer or officers authorised for the purposes and the name of the department or departments in which the members concerned are employed; and
- (b) the discussions shall be held in such manner as not to interfere with the working of the undertaking.
- (c) such rights as mentioned in clause (a) and (b) of the union shall be subject to changes as prescribed by the State Government time to time by general or specific order.

**(ii) Right of holding discussions on the premises of the undertaking with with the employer.** - The officers of an Negotiating Union or member unions of Negotiating Council shall have the right to meet the employer or any person appointed by him for the purpose and discuss with him the grievances of its members employed in his undertaking subject to the following conditions, namely :-

- (a) the discussion shall ordinarily be held on two days in a week during such working hours as may be fixed by the employer and the union except in urgent cases when it may be held on any day and at any time by previous appointment;
- (b) the union shall ordinarily communicate, in advance, the nature of the grievances which it desires to discuss;
- (c) the name of the officer or member authorised in this behalf shall either be communicated to the employer in advance or such officer shall carry a letter of authority.

**(iii) Collections of sums on the premises of the undertakings by certain officers of Negotiating Unions.** - Every officer of the negotiation union and such members of the union as have completed at least six months of membership and been authorised by the President in this behalf shall, subject to the following conditions, be entitled to collect sums as per rules of trade union payable by its members on the premises of an undertaking where wages are paid to them-

- (a) the name or names of the officer, officers, or members, authorised in this behalf shall be intimated in advance to the employer and changes, if any, therein shall be communicated to the employer at least 24 hours before the date of collection;
- (b) the officers and members visiting the undertaking for this purpose shall carry a letter of authority;
- (c) no coercion or force shall be used on any employee;

- (d) the collection shall be made without causing hindrance to the staff of the undertaking or interference in the management's work;
- (e) not more than 10 employees at a time shall be allowed together at the place where such sums are collected;
- (f) collections shall be made on the usual pay day or days and the subsequent three days and the day on which unclaimed wages are paid.

**(iv). Putting up notice boards of the Negotiating Unions in the undertaking.** - President of the Negotiating union or an office bearer authorised by the President or General Secretary shall be entitled to put up or cause to be put up a notice board or electronic notice board outside the time-keeper's office or at any other conspicuous place mutually agreed upon between the employer and the union and affix notices therein during the hours the undertaking is open:  
Provided that-

- (a) the notice board to be put up shall be of a reasonable size;
- (b) the notices to be affixed shall be signed either by the President, the Vice-President when carrying on the duties of the President during this absence, the General Secretary, the Secretary, and
- (c) such notices shall relate to lawful activities of the union and shall not be of an offensive or provocative nature.

#### **14. Objects on which general funds may be spent under sub section (1) of Section 15 -**

**(1)** The general funds of a registered Trade Union shall not be spent on any other objects other than that of the following, namely;-

- (a) the payment of salaries, allowance and expenses to office bearers of the Trade Union;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) the prosecution of defence of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution of defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such any rights arising out of the relations of any members with his employer or with a person whom the member employs;
- (d) the conduct of Trade Disputes on behalf of the Trade Union or any member thereof;
- (e) the compensation of members for loss arising out of trade disputes;
- (f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness accident or unemployment;
- (h) the provisions of educational, social or religious benefits for the members (including the payments of the expenses or funeral or religious ceremonies for deceased members) or for the dependants of members;
- (i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;

(j) the payment is in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contribution to any cause intended to benefit the workmen in general, provided that the expenditure in respect of such contribution in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and

(k) subject to any conditions contained in the notification, any other objects notified by the state government in the Official Gazette.

**(2) Composition of separate fund under sub section (2) of Section 15:-**

(1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in the Code.

(2) The objects referred to in sub-section (1) are: -

(a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the Constitution or of any local authority, before, during, or after the election in connection with his candidature or election; or

(b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c) the maintenance of any person who is a member of any legislative body constituted under the Constitution or of any local authority; or

(d) the registration of electors or the election of a candidate for any legislative body constituted under the Constitution or for any local authority; or

(e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

**15. Manner of making application for adjudication before the Tribunal under sub section (1) of Section 22:-**

The application before the Industrial Tribunal shall be filed within thirty days of occurrence of any dispute as provided under Section 22 or any such order of the Registrar passed in relation to such dispute along with the relevant copies of the documents related to such dispute or order and mentioning the cause of such dispute and the Tribunal shall give an opportunity of hearing to all concerned parties and shall pass the order within forty five days.

**16. Manner of amalgamation and change of name of trade union and sending it to the Registrar thereof under sub section (2) and (3) of Section 24:-**

**(1) Amalgamation of Trade Unions-Form of notice. -**

(i) Notice of every amalgamation shall be sent to the Registrar electronically or by registered post or by speed post in duplicate in **Form XII** by the applicant trade union.

(ii) When the Registrar registers the amalgamation, he shall certify under his signature of such amalgamation and issue the certificate electronically or by the registered post or by speed post to all the concerned trade unions and shall make entry in all appropriate records of such amalgamation.

(iii) The notice of any change of the name of the Trade Union shall be sent to the Registrar electronically or by registered post or by speed post in **Form XIII**.

(iv) When the Registrar registers a change of name, he shall certify under his signature of such change of name of the Trade Union and shall issue the certificate to the applicant Trade Union and shall make entry in all appropriate records of such change of name.

(v) Where the head office of the amalgamated trade union is situated in a different state, notice of every amalgamation shall be addressed to the Registrar of that and sent by registered post or by speed post in duplicate in Form XII by the applicant trade union.

**17. Distribution of funds of the trade union on dissolution under sub section (2) of Section 25:-** Where it is necessary for the Registrar, under sub-section (2) of Section 25, to distribute the funds of a registered Trade Union which has been dissolved, he shall divide the funds among the members in proportion to the amounts contributed by them by way of subscription during their membership.

**18. Annual Return (General Statement) of trade union under sub section (1) of Section 26:-**

(i) The general statement to be furnished under Section 26 shall be submitted to the Registrar electronically or by registered post or by speed post by the **31st day of July** in each year and shall be in **Form XIV**.

(ii) The audit of the general statement shall be done in the manner prescribed under Rule 8 of these rules.

(iii) Upon a written demand by the Registrar, report of any audit done under these rules shall be presented by the trade union before the Registrar within such time limit as directed by the Registrar.

(iv) The Registrar may ask from the trade union in writing any other particulars about the general statement and the audit report, as he deems fit, for ascertaining the facts mentioned in such general statement and audit report.

**19. Recognition of Trade Unions at State Level under sub section (2) of Section 27:-**

**(1)** Application shall be filed in **FORM XV** by the Trade Union or federation of The Trade Unions to the State Government or the Officer authorised by the State Government in this regard by the notification.

**(2)** The State Government or the officer authorized shall, after due enquiry, as it deems fit, decide such application within sixty days of its receipt and send the copy of the decision to the applicant with a copy to the Labour Commissioner and the Registrar.

**(3)** If any dispute arises in relation to such recognition, The State Government or the Officer authorised by the State Government in this regard, shall refer the dispute to the Industrial Tribunal. The Industrial Tribunal shall, after giving opportunity of hearing to the applicant and going through the relevant records of the case, decide the appeal within forty five days and the order shall be binding upon the parties.

## **CHAPTER IV**

### **STANDING ORDERS**

**20. Manner of forwarding information to certifying officer under sub-section (3) of section 30.**-(1)If the employer adopts the model standing order of the Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.

(2)On receipt of information in sub-rule (1) the certifying officer within a period of thirty days from such receipt may give his observation that the employer is required to include certain provisions which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted and shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification within a period of thirty days from the date of the receipt of such direction and ask for compliance report only in respect of provisions which the certifying officer seeks to get so amended and such report shall be sent electronically by the employer.

(3) If no observation is made by certifying officer within a period of thirty days of the receipt of the information as specified in sub-rule (1) and (2), then, the standing order shall be deemed to have been adopted by the employer.

**21.** Where there is no such Trade Union and negotiating union or negotiating council, as is referred to in clause (i) of said sub-section (5) of Section 30, then, the certifying officer shall direct the workers to choose three representatives within seven days from the date of such order. The name of these representatives shall be sent to the Conciliation Officer for verification, to whom he shall, upon their being chosen, forward a copy of the standing order requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within fifteen days from the receipt of the notice.

**22. Manner of authentication of certified standing orders under sub-section (8) of section 30.**-Standing orders or modification in the standing orders, certified in pursuance of sub-section (8) of section 30 or the copies of the order of the appellate authority under sub-section (1) of section 33 shall be authenticated by the certifying officer or the appellate authority, as the case maybe, and shall be sent electronically within a week to all concerned, but there shall not be any requirement of certification in cases of deemed certification under sub-section (3) of section 30 and in cases where the employer has got certified the adoption of model standing orders.

**23. Statement to be accompanied with draft standing orders under sub-section (9) of section 30.**-A statement to be accompanied with-

(i) draft standing order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of Trade union to which such workers belong; and

(ii) draft modification in the existing standing orders, shall contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

**24. Conditions for submission of draft standing orders in similar establishment under sub-section (10) of section 30.**-In cases of group of employer engaged in similar industrial establishment may submit a joint draft standing order under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade Unions, negotiating union or negotiating council, if any.

Provided that the joint draft standing orders, in cases of group of employers engaged in similar industrial establishments, will be drafted and submitted to the Labour Commissioner who shall, in consultation with the concerned certifying officers, certify or refuse to certify the said joint draft standing order, after recording reasons therefor.

**25. Manner of disposal of appeal by appellate authority under section 32:-**

(1) An employer or Trade Union or negotiating union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 shall within 60 days of the receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically or otherwise to the appellate authority.

(2) the appellate authority shall fix a date for the hearing of the appeal and direct notice thereof to be given to the appellant and;

(a) where the appeal is filed by the employer or a worker, to Trade Union of the workers of the industrial establishment or to the representative body of the workers concerned;

(b) where the appeal is filed by a Trade Union, to the employer and all other Trade Unions of the workers of the industrial establishment; and

(c) Where the appeal is filed by the representative of the workers, to the employer and the Trade Union/s, if any, and any other worker whom the appellate authority joins as a party to the appeal.

(3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(4) The appellate authority may at any stage of the proceeding call for any evidence, if it considers necessary for the disposal of the appeal.

(5) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.

**26. The language and the manner of maintaining standing order under sub-section (1) and (2) of section 33.**-(1) The standing order finally certified by certifying officer shall be sent electronically or otherwise except in the case of deemed certification under section 30.

(2) The text of the standing order as finally certified or deemed to have been certified or adopted model standing order under this Chapter shall be maintained by the employer in Hindi and English.

**27. Register for final certified copy of Standing Order under section 34.-** (1) The certifying officer shall maintain electronically a register of all standing orders certified or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, inter-alia, containing the details of –

- (a) the unique number assigned to each standing order;
- (b) name of industrial establishment;
- (c) nature of industrial establishment;
- (d) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;
- (e) the areas of the operation of the industrial establishment; and
- (f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.

(2) The certifying officer shall furnish a copy thereof to any person applying for certified standing orders or deemed certified standing orders, as the case may be, on payment of two rupees per page or as fixed by the State Government time to time by notification electronically to the appropriate head of accounts of the State Government.

**28. Application for modification of Standing Order under sub-section (2) of section 35.-** The application for modification of an existing standing order under sub-section (2) of section 35 shall be submitted electronically or otherwise and contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provisions of standing order in force, and proposed modifications therein, reasons thereof and the details of registered Trade union(s) operating therein, and such statement shall be signed by a person authorized by the industrial establishment or undertaking. Such application shall be dealt in the same manner as provided under rule 22 to 27 of these rules.

## ***CHAPTER - V***

### **NOTICE OF CHANGE**

**29. The manner of giving of notice for change proposed to be effected under clause (i) of section 40.-** (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form-XVI** to such worker affected by such change.

(2) The notice referred in sub-rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment and the office of the concerned Manager of the industrial establishment:

Provided that where there is a registered Trade Union or registered Trade Unions relating to the industrial establishment a copy of such notice shall also be served on the Secretary of such Trade Union or each of the Secretaries of such Unions, as the case may be.

## **CHAPTER - VI**

### **VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION**

**30. Form of arbitration agreement and the manner thereof under sub-section (3) of section 42.** - (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in **Form-XVII** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

(2) The Arbitration Agreement referred to in sub-rule (1) shall be signed.-

(i) In case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the corporation authorized for such purposes;

(ii) In the case of the workers by the officer of the registered Trade Union authorized in this behalf or by three representatives of the workers duly authorized in this behalf at a meeting of the concerned workers held for such purpose;

(i) In the case of an individual worker, an individual worker by the worker himself or by an officer of registered Trade Union of which the worker is a member:

Explanation.-(1) In this rule, the expression 'officer' means any officer of a registered Trade Union or an association of the employer authorized for such purpose;

(2) In this rule 'officer' means any of the following officers, namely:-

- a) the President;
- b) the Vice-President;
- c) the Secretary (including the General Secretary);
- d) a Joint Secretary; and
- e) any other officer of the Trade Union authorized in this behalf by the President and Secretary of the union.

**31. Manner of issue of notification under sub-section (5) of section 42.**- Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette and electronically for the information of the employers and workers who are not parties to the arbitration agreement but are concerned in the dispute and they may present their case before the arbitrator or arbitrators appointed for such purpose.

**32. Manner of choosing representatives of workers where there is no Trade Union under sub-section (5) of section 42.**- Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators in pursuance of clause (c) of the proviso to sub-section (5) of section 42, shall be chosen by a resolution passed by the majority of concerned workers in **Form-XVIII** authorizing therein to represent the case. Such workers shall be bound by the acts of representatives who have been authorized to represent before the arbitrator or arbitrators, as the case may be.

## **CHAPTER - VII**

### **MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES**



- 33. Manner of filling up of the vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and condition of Judicial Member of the Industrial Tribunal of the State** (hereinafter in these rules referred to as the Industrial Tribunal) **under sub-section (4) and (5) of Section 44.-**
- (1) The qualification for appointment of the Judicial Member of the Industrial Tribunal (hereinafter in this chapter referred to as the judicial Member) shall be as provided in sub-section (4) of section 44.
  - (2) The Judicial member shall be appointed by the State Government on the recommendation of a Search Cum Selection Committee (SCSC) specified in sub-rule (3).
  - (3) The Search Cum Selection Committee shall comprise the following members, namely: -
    - (i) **Chief Justice of High Court of Madhya Pradesh or a Judge of High court of MP Nominated by Chief Justice as Chairperson**, and
    - (ii) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Labour -Member.
    - (iii) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Law -Member.
    - (iv) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Industry -Member.
  - (4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirement of the Industrial Tribunal recommend a panel of two or three persons as it deems fit for appointment to each post.
  - (5) No appointment of a Judicial Member shall be declared invalid merely by reason of a vacancy or absence of any member in the Search-cum-Selection Committee.
  - (6) A Judicial Member shall hold office for a term of **five years from the date on which he enters upon his office or till he attains the age of sixty-seven years**, whichever is earlier.
  - (7) In case of casual vacancy in the office of Judicial Member, the State Government shall appoint the Judicial Member of the other Industrial Tribunal to officiate as Judicial Member.
  - (8) (a) A Judicial Member shall be paid a salary of Rupees 2,25,000/- per month and shall be entitled to draw allowances as are admissible to an officer of the State Government holding Group A post carrying the same pay;  
(b) In case of appointment of retired High Court Judge, his pay shall be reduced by the gross amount of pension drawn by him.
  - (9) (a) In case of serving High Court Judges, the service rendered in the Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which they belong, and they shall be governed by the provisions of General Provident Fund Rules and the rules for pension applicable to them.  
(b) In the case of retired High Court Judges, they shall be entitled to join the Contributory Provident Fund Scheme as per rules during the period of their

re-employment and additional gratuity shall not be paid for the service rendered in the Industrial Tribunal.

- (10) A Judicial Member shall be entitled for house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay **or may be allotted a suitable government accommodation.**
- (11) (a) In case of serving High Court Judges, leave shall be admissible as admissible to the serving High Court Judges;  
(b) In case of retired Judges, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
- (12) (a) The State Government shall be the leave sanctioning authority for the Judicial Member.  
(b) The State Government shall be the sanctioning authority for foreign travel to the Judicial Member.
- (13) State Government Health Scheme facilities as admissible to High Court Judges and Judicial Officers or an officer of the State Government holding Group A post carrying the same pay shall be applicable.
- (14) (a) Travelling allowance to a Judicial member shall be admissible as per entitlement of an officer of the State Government holding Group A post carrying the same pay.  
(b) In case of retired High Court Judges, transfer travelling allowance for joining the Industrial Tribunal from hometown to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (15) A Judicial Member shall be entitled to leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (16) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (17) No person shall be appointed as Judicial Member unless he is declared medically fit by an authority specified by the State Government on this behalf.
- (18) (a) If a written and verifiable complaint is received by **the High Court**, alleging any definite charge of misbehavior or incapacity to perform the functions as Judicial Member, it shall make a preliminary scrutiny of such complaint;  
(b) If on preliminary scrutiny, **the High Court** is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Judicial Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry.  
(c) The Search-Cum-Selection Committee shall complete the inquiry within six months' time or such further time as may be specified by **the High Court**;  
(d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to **the High Court** stating therein its findings and

the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit;

**The High Court shall consider the report and forward the matter to the State Government.**

- (e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

- (19) A Judicial Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the State Government:

Provided that the Judicial Member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

- (20) (a) The State Government shall, on the recommendation of Search-Cum-Selection Committee, remove from office any Judicial Member, who, -
- (a) has been adjudged as an insolvent; or
  - (b) has been convicted of an offence which involves moral turpitude; or
  - (c) has become physically or mentally incapable of acting as such a Judicial Member; or
  - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Judicial Member; or
  - (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where a Judicial Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

- (21) Every person appointed as Judicial Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in the **Form-XIX** annexed to these rules.
- (22) Matter relating to the terms and conditions of services of the Judicial Member with respect to which no express provisions have been made in these rules, shall be referred by the Industrial Tribunal to the State Government and the decision of the State Government **subject to the approval of the High Court** thereon shall be binding.

- (23) The State Government shall have the power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

**Note – (1) “Present Chairman of Industrial Tribunal, Madhya Pradesh, Hon’ble Justice Shri Sunil Kumar Awasthi will continue as Chairman till remaining period**

of his tenure on same prevailing terms and conditions regarding service conditions and establishment.”

**34. “34. Manner of filling up of the vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and condition of Administrative Member of the Industrial Tribunal under sub-section (4) and (5) of section 44.-**

- (1) The qualification for appointment of the Administrative Member of the Industrial Tribunal (hereinafter in this chapter referred to as Administrative Member) shall be such as given in sub-section (4) and proviso therein of section 44.
- (2) (a) The Administrative Member shall be appointed by the State Government on the recommendation of a Search Cum Selection Committee (SCSC) specified in sub-rule (3) of this rule.
- (3) The Search Cum Selection Committee shall comprise the following members, namely:-
  - (i) **Chief Justice of High Court of Madhya Pradesh or a Judge of High court of MP Nominated by Chief Justice as Chairperson,** and
  - (ii) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Labour -Member.
  - (iii) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of General Administration -Member.
  - (iv) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Industry -Member.
- (4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as experience keeping in view of the requirement of the Industrial Tribunal and recommend a panel of two or three persons as it deems fit for appointment to said post.
- (5) No appointment of Administrative Member shall be declared invalid merely by reason of one vacancy or absence of any Member in the Search-cum-Selection Committee.
- (6) An administrative Member shall hold office **for a term of five years or till he attains the age of sixty seven years,** whichever is earlier.
- (7) In case of casual vacancy in the office of Administrative Member, the State Government shall appoint the Administrative Member of the other State Industrial Tribunal to officiate as Administrative Member.
- (8) The Administrative Member shall be paid a salary of Rupees 2,25,000/- per month and shall be entitled to draw allowances as are admissible to an officer of the State holding Group A post carrying the same pay. In case of retired Government Officer, his pay shall be reduced by the gross amount of pension drawn by him.
- (9) (a) In case of serving Government Officer, the service rendered in Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service which he belongs and shall be governed by the prevalent Provident Fund Rules in the state.  
(b) In the case of retired Government Officers, they shall be entitled to join Contributory Provident Fund Scheme as per extant rules during

- period of their re-employment. Additional gratuity shall not be admissible for the service rendered by the Administrative Member in the Industrial Tribunals.
- (10) Administrative Member shall be entitled for house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay or may be allotted to suitable government accommodation.
- (11) (a) In case of serving Government Officer, leave shall be admissible in accordance with the extant rules of the service which he belongs.
- (b) In case of retired Government Officers, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
- (12) (a) The State Government shall be the leave sanctioning authority for the Member.
- (b) The State Government shall be the sanctioning authority for foreign travel to the Administrative Member.
- (13) State Government Health Scheme facilities as admissible to an officer of the State Government holding Group A post carrying the same pay shall be applicable.
- (14) (a) Travelling allowance to an Administrative Member shall be admissible as per entitlement an officer of the State Government holding Group A post carrying the same pay;
- (b) In case of retired Government Officer, transfer travelling allowance for joining the State Industrial Tribunal from hometown to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (15) An Administrative Member shall be entitled for leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (16) An Administrative Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (17) No person shall be appointed as an Administrative Member, unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (18) (a) If a written and verifiable complaint is received by the High Court, alleging any definite charge of misbehaviour or incapacity to perform the functions as Administrative Member, it shall make a preliminary scrutiny of such complaint.
- (b) If on preliminary scrutiny, the High Court is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of an Administrative Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry.
- (c) The Search-Cum-Selection Committee shall complete the inquiry within six months' time, or such further time as may be specified by the High Court;
- (d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the High Court stating therein its findings and the reasons

thereof on each of the charges separately with such observations on the whole case as it may think fit.

**The High Court shall consider the report and forward the matter to the State Government.**

(e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

(19) An Administrative Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the State Government:

Provided that the Administrative Member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

(20) The State Government shall, on the recommendation of the Search-Cum-Selection Committee, remove from office any Administrative Member, who-

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as an Administrative Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where an Administrative Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

(21) Every person appointed as Administrative Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the **Form-XX** annexed to these rules.

(22) Matter relating to the terms and conditions of services of the Administrative Member with respect to which no express provisions has been made in these rules, shall be referred by the State Industrial Tribunal to the State Government, and the decision of the State Government **subject to the approval of the High Court** thereon shall be binding.

(23) The State Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.”

**35. Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.-**

(1)(i) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer on receipt of such application shall examine the application and if he finds that the dispute pertains to the jurisdiction of the state government shall register the dispute and issue first notice in writing to the parties concerned declaring his intention to commence conciliation proceedings.

(ii) the employer and the workers' representative in the first meeting shall submit their respective statement in the matter of said dispute.

(iii) the Conciliation Officer shall hold the conciliation proceedings for the purpose of bringing about a settlement of the dispute and may do all such reasonable things fit for the purpose of inducing the parties to come to a fair and amicable settlement.

(2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report on official Labour Portal of the Department of Labour, Government of Madhya Pradesh within seven days from the date on which the conciliation proceedings are concluded and made available on the said Labour Portal.

(3) The report referred to in sub-rule (2) shall be accessible to the parties concerned on the said Labour Portal.

(4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.

(5) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in **Form-XXI**, before the Tribunal within ninety days from the date of the report under sub-rule (2) through the labour portal or by registered post or speed post.

(6) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent electronically or by registered post or speed post for service on each of the opposite parties in the dispute.

(7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.

(8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.

(9) Evidence shall be recorded either in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal or the National Industrial Tribunal, as the case may be, shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Tribunal or National Industrial Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

(10) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.

(11) The Tribunal shall not ordinarily grant an adjournment for a period exceeding a week at a time, but not in any case more than three adjournments in all, at the instance of the parties to the dispute, shall be granted:

Provided that the Tribunal for reasons to be recorded in writing, grant an adjournment exceeding a week at a time but not in any case more than three adjournments, at the instance of any one of the parties to the dispute, shall be granted.

(12) In case any party defaults or fails to appear at any stage, the Tribunal may proceed with the case ex-parte, and decide the application in the absence of the defaulting party:

Provided that the Tribunal may on the application of either party filed before the submission of the award, revoke the order that the case shall proceed ex- parte, if it is satisfied that the absence of the party was on justifiable grounds, and proceed further to decide the matter as contested.

(13) The Tribunal shall communicate its Award electronically or otherwise to the parties concerned and the Conciliation Officer of the Appropriate Government within one month from the date of the pronouncement of the award.

(14) The Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (1 of 1974).

(15) Where assessors are appointed to advise a Tribunal under sub-section (5) of section 49 in relation to proceeding before it, the Tribunal shall obtain the advice of such assessors, but such advice shall not be binding on such Tribunals.

(16) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically in the Tribunal in the following manner, namely :-

- (a) fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal or National Tribunal shall be charged at the rate of Rs. Two per page or fixed by the State Government, time to time by notification.
- (b) For certifying a copy of any such award or order or document, a fee of Rs. Two per page or fixed by the Appropriate Government time to time by notification, shall be payable
- (c) Copying and certifying fees shall be payable electronically.



(d) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.

(17) The representatives of the parties appearing before a Tribunal shall have the right of examination, cross-examination and of addressing the Tribunal, when evidence has been called.

(18) The proceedings before Tribunal shall be held in open court:

Provided that the Tribunal may direct any proceeding before it to be held by video conferencing.

Provided further that Tribunal may at any stage direct that any witness shall be examined or its proceedings be held in-camera.

## **CHAPTER - VIII**

### **STRIKES AND LOCK-OUTS**

**36. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under sub-section(4) of section 62.** - The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in **Form-XXII** which shall be duly signed by the Secretary and five elected representatives of the registered Trade Union, which is either a negotiating union or member trade union of the negotiating council relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned conciliation officer, Labour Commissioner and the State Government.

**37. Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62.** –

(1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in **Form-XXIII** to the General Secretary or Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned conciliation officer, Labour Commissioner and the State Government electronically or otherwise. The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

(2) If the employer of an industrial establishment receives from any person employed by him any notice of strike as referred to in sub-section (1) of section 62 then he shall within five days from the date of receiving of such notice, intimate the same electronically or otherwise to the concerned conciliation officer and Labour Commissioner

(3) If the employer gives to any person employed by him a notice of lock-out, then he shall within five days from the date of such notice, intimate electronically or otherwise the same to the concerned conciliation officer and the Labour Commissioner.

## **CHAPTER - IX**

### **LAY-OFF, RETRENCHMENT AND CLOSURE**

**38. Manner of serving notice before retrenchment of the worker under clause (c) of section 70.** - If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of such retrenchment, in **Form-XXIV** to the Conciliation

Officer, State Government and the Labour Commissioner through e-mail or by registered or speed post.

**39. Manner of giving an opportunity for re-employment to the retrenched workers under Section 72.-** Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall offer an opportunity at least **15 days** before by registered post or speed post and through e-mail to such retrenched workers who are citizens of India with a copy to the Conciliation Officer and the Labour Commissioner through e-mail or by registered or speed post. If such workers give their willingness for employment, then, the employer shall give them preference over other persons in filling up of such vacancy.

**40. Manner of serving notice by the employer for intended closure under sub-section (1) of section 74.** — If an employer intends to close down an industrial establishment he shall give notice of such closure in **Form-XXV** to the State Government and a copy thereof to the concerned Labour Commissioner and Conciliation Officer by e-mail or registered post or speed post.

## **CHAPTER - X**

### **SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS**

**41. Manner of making application to the State Government by the employer for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of section 78.-** An application for permission under sub-section (1) of section 78 shall be made by the employer to the State government or an officer authorized by it in this regard in **Form-XXVI** stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned and the Conciliation Officer electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

**42. Manner for applying for permission from the State Government to continue the lay-off under sub-section (3) of section 78.-** The employer shall in case of an industrial establishment being a mine specified in sub-section (3) of section 78 where the workers (other than Badli workers or casual workers) have been laid-off under sub-section (1) of section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the State Government or an officer authorised by it in **Form-XXVI** in this regard electronically and by registered or speed post with a copy to the Labour Commissioner and the Conciliation Officer for permission to continue the lay-off specifying the number of days; intimating the number of workers to be laid off, the total number of workers employed in the industrial establishment, the date of layoff and the reasons for continuation of such layoff.

**43. Time-limit for review under sub-section (7) of section 78.-** The State Government or an Officer authorised by it may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-

section (4) of the section 78 within a period of thirty days from the date on which such order is made.

**44. Manner of making application to the State Government by the employer for the intended retrenchment and manner of serving copy of such application to workers under sub-section (2) of section 79.**-An application for permission referred to in sub-section (1) of section 79 shall be made by the employer to the State Government or an officer authorized by it in **Form-XXVII** stating clearly therein the reasons for the intended retrenchment electronically and a copy of such application shall also be sent to workers, the Labour Commissioner and the concerned Conciliation Officer electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

**45. Time-limit for review under sub-section (6) of section 79:-** The State Government or an Officer authorised by it may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79 within a period of thirty days from the date on which such order is made.

**46. Manner of making application to the State Government by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers under sub-section (1) of section 80.**-An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise in **Form-XXVIII** for prior permission at least ninety days before the date on which intended closure is to become effective to the State Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers and the Labour Commissioner and the Conciliation Officer electronically and by registered post or speed post.

**47. Time-limit for review under sub-section (5) of section 80.**- The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80 within a period of thirty days from the date on which such order is made.

## **CHAPTER - XI**

### **WORKER RE-SKILLING FUND**

**48. Manner of getting funds from other sources under sub-section (2)(b) of section 83-** The government may, by notification, impose fee, cess, fine or levy any other undisbursed or unclaimed amount from such sources, as it thinks fit, for contribution to the Fund and decide the procedure and rate of such contribution to the fund.

**Sub Rule-1 Manner of utilization of fund under sub-section (3) of section 83-** Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent

to fifteen days of last drawn wages of such retrenched worker or workers in the account provided by the State Government. Name of the account shall be displayed on the website/labour portal of the Labour Department maintained by the State Government. The fund so received shall be transferred by the State Government to each worker or workers' account electronically within forty five days of receipt of funds from the employer. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective accounts.

## **CHAPTER - XII**

### **OFFENCES AND PENALTIES**

#### **49. Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and the manner of making application for the compounding of an offence specified under sub-section (4) of section 89.-**

(1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the compounding officer), shall in the offences in which prosecution is not instituted, if the compounding officer is of the opinion that any offence under the Code for which the compounding is permissible under section 89, he shall send a notice through Labour Portal to the accused in **Form XXIX** consisting of three parts. In **part I** of such Form, the compounding officer shall inter-alia specify the name of the offender and his other particulars, the details of the offence and in which section the offence has been committed, the compounding amount required to be paid towards the composition of the offence. **Part II** of the Form shall specify the consequences if the offence is not compounded and **part III** of the Form shall contain the application to be filed by the accused if he desires to compound the offence. Each notice shall have a continuous unique number containing alphabets or numeric and other details such as officer sending notice, year, place, type of inspection for the purpose of easy identification.

(2) The accused to whom the notice referred to in sub-rule (1) is served, may send the **part III** of the Form duly filled by him to the compounding officer electronically and deposit the compounding amount electronically, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.

(3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow composition of the offence by the compounding officer in accordance with provisions of section 89.

(4) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and-

(a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and

(b) if the offence is compounded after institution of prosecution under sub-rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed as if no prosecution had been launched and will proceed in accordance with composition as under clause (a) and intimate the composition of offence to the

competent Court in which the prosecution is pending and after receiving such intimation, the Court shall discharge the accused and close the prosecution.

(5) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

## **CHAPTER - XIII**

### **MISCELLANEOUS**

#### **50. Protected workers under sub-section (3) and (4) of section 90:—**

(1) Every registered Trade Union connected with an industrial establishment, to which the Code applies, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of the Union who are employed in that establishment and who, in the opinion of the Union should be recognised as "protected workers". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

(2) The employer shall, subject to sub-section (3) and sub-section (4) of section 90, recognise such workers to be "protected workers" for the purposes of section 90 and communicate to the Union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workers recognised as protected workers for the period of twelve months from the date of such communication.

(3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment, under sub-section (4) of section (90), the employer shall recognise as protected workers only such maximum number of workers:

Provided that where there is more than one registered Trade Union in the industrial establishment, the maximum number shall be so distributed by the employer among the Unions that the numbers of recognised protected workers in individual Unions bear practicably by the same proportion to one another as the membership figures of the Unions. The employer shall in that case intimate in writing to the President or the Secretary of the each concerned Union the number of protected workers allotted to it:

Provided further that where the number of protected workers allotted to a Union under this sub-rule falls short of the number of officers of the Union seeking protection, the union shall be entitled to select the officers to be recognised as protected workers. Such selection shall be made by the Union and communicated to the employer within five days of the receipt of the employer's letter in this regard.

(4) When a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of "protected workers" under this rule, the dispute shall be referred to the Assistant Labour Commissioner concerned, whose decision thereon shall be final.

#### **51. Manner of making complaint by an aggrieved worker under section 91-**

(i) Every complaint under section 91 of the Code shall be made electronically and by registered post or speed post in **Form-XXX** and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.

(ii) Every complaint under sub-rule (1) shall be verified by the worker making the complaint or by authorized representative of the worker proved to the satisfaction of the conciliation officer, arbitrator or Tribunal to be acquainted with the facts of the case.

**52. Manner of authorization of worker for representing in any proceeding under sub-section (1) of section 94-**Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed may be authorized by such worker to represent him in any proceeding under the Code relating to a dispute in which the worker is a party in **Form-XXXI**.

**53. Manner of authorization of employer for representing in any proceeding under sub-section (2) of Section 94-** Where the employer, is not a member of any association of employers, may authorize in **Form-XXXII** an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged to represent him in any proceeding under the Code relating to a dispute in which the employer is a party.

By order and in the name of the Governor of Madhya Pradesh

(-----)

Principal Secretary to the Government of Madhya Pradesh

\*\*\*

### **Form - I**

(See Rule 2)

(Memorandum of settlement arrived at during conciliation/ or settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding)

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties / Authorised Representatives Of the Parties

\*Signature of Conciliation Officer

In case the settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding the copy of the memorandum shall be marked to the concerned Labour Commissioner .

## Form II

*(see sub rule (7) of Rule 8)*

### Auditors' Declaration

The undersigned having had access to till the books and accounts of the.....and having examined the foregoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto and also certify that the.....had properly maintained its membership register and its accounts and the members had paid their membership subscription Rs..... nP .....to the.....as shown in the foregoing statement of the general fund account of the trade union, subject to the remarks, if any, appended hereto.

(1) Auditor

(2) Auditor

**Note :-** Each Auditor should state below his signature in what capacity with reference to Rule 18 he is qualified to audit the trade union's accounts.

## Form III

*(see sub rule (1) of Rule 9)*

### Notice of the Dissolution or amendment in rules of a Trade Union

Name of trade union.....

Registration number.....

Dated the.....day of..... 19.....

To,

The Registrar of Trade Unions,

Madhya Pradesh,

Notice is hereby given that the above-mentioned trade union was dissolved in pursuance of the Rules thereof on the ..... day of ..... 19.....

or

Notice is hereby given that the following rules of the trade union given under Schedule I are proposed to be amended in pursuance of the Rules thereof on the ..... day of ..... 19.....

We have been duly authorised by the union to forward this notice on its behalf, such authorisation consisting of a resolution passed at a general meeting on the\* ..... day of..... 20....., copy of which is enclosed.

(Signed)1.....

2.....

3.....

4.....

5.....

6.....

7.....

8.....

\*Here insert the date, or, if there was no such resolution, state in which other way the authorisation was given.

### Schedule I

#### AMENDMENT IN RULES

The amendment in the Rules for the matters detailed in column (1) and (2) are given in column (3) as follows :-

	Matter (1)	Original Rules (2)	Amendment proposed (3)
1.	Name of Union.	.....	
2.	The whole of the object for which the union has been established.	.....	
3.	The whole of the purposes for which the general funds of the union shall be applicable.	.....	
4.	The maintenance of a list of members.	.....	
5.	The facilities provided for the inspection of the list of members by officers and members.	.....	
6.	The admission of ordinary members.	.....	
7.	The admission of honorary or temporary members.	.....	
8.	The conditions under which members are entitled to benefits assured by the Rules.	.....	
9.	The conditions under which fines or forfeitures can be imposed or varied	.....	
10.	The manner in which the Rules shall be amended, varied or rescinded.	.....	



11.	The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	.....	
12.	The safe custody of the funds.	.....	

Signature of the Applicant/s

#### Form IV

[See sub rule (1) of Rule 10 ]

#### Application for Registration of Trade Unions

Name of the Trade Union.....

Address.....

Dated the..... day of..... 19.....

1. This application is made by the persons who names are subscribed at the foot hereof.
2. The name under which it is proposed that the 'Trade Union on behalf of which this application is made shall registered, is.....as set forth in Rule No.....A copy of the resolution approving the name of the union passed in a meeting of.....on.....is enclosed.
3. The address of the head office of the union to which all communications and notices may be addressed, is.....
4. The.....Union came into existence on the.....day of..... 19.....
5. The union is a union of employers/workers engaged in the.....industry or/..... Professions /or..... (Establishment) and has.....members.
6. The particulars required by Section 8 of the Industrial Relations Code, 2020, are given in Schedule I. A copy of the manner and proceedings of appointment/election as officers of the unions is enclosed.
7. The particulars given in Schedule II show the provision made in Rules for the matters detained in Section 7 of the Industrial Relations Code, 2020. A copy of the resolution passed in a meeting of the.....on.....approving the Rules is enclosed.
8. (To be struck out in the case of unions which have not been in existence for one year before the date of application).

The particulars required by Section 8 of the Industrial Relations Code, 2020, are given in Schedule III.

9. Two copies of the Rules of the union are attached to this application duly subscribing the names of seven or more members as required under Section 6 of the Industrial Relations Code, 2020.
10. The balance of the General Fund Account of the Trade Union on the day of registration is Rs..... P.....
11. We have been duly authorised by the Trade Union to make this application on its behalf such authorisation consisting of\*.....

Name	Occupation	Address	Signature
------	------------	---------	-----------

(1)	(2)	(3)	(4)

\*State here whether the authority to make this application was made by a resolution of a general meeting of the Trade Union or if not, in what other way it was given.

To,  
The Registrar of Trade Unions,  
Madhya Pradesh

### Schedule I

List of Officers Name of the Trade Union.....

Serial No.	Office held in the Union	Name	Age	Occupation	Address
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
etc.					

### Schedule II

#### Reference to Rules

The numbers of the Rules making provisions for the several matters detailed in column (1) are given in column (2) before :-

	Matter (1)	Number of Rules (2)
1.	Name of Union.	.....
2.	The whole of the object for which the union has been established.	.....
3.	The whole of the purposes for which the general funds of the union shall be applicable.	.....
4.	The maintenance of a list of members.	.....
5.	The facilities provided for the inspection of the list of members by officers and members.	.....
6.	The admission of ordinary members.	.....
7.	The admission of honorary or temporary members.	.....
8.	The conditions under which members are entitled to benefits assured by the Rules.	.....
9.	The conditions under which fines or forfeitures can be imposed or varied	.....
10.	The manner in which the Rules shall be amended, varied or rescinded.	.....
11.	The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	.....
12.	The safe custody of the funds.	.....
13.	The annual audit to the accounts.	.....

14.	The facilities for the inspection of the account books by officers and members.	.....
15.	The manner in which the union may be dissolved.	.....

### Schedule III

(This need not be filled in if the union came into existence less than one year before the date of application for registration)

*Statement of Liabilities and Assets on the..... day of..... 19.....*

Liabilities	Rs. P.	Assets	Rs. P.
(1)	(2)	(3)	(4)
Amount of general fund...		Cash-	
Amount of political fund...		In hands of Treasury	
Loans from...		In hands of Secretary...	
Debts due to...		In hands of-	
Other liabilities (to be specified)		In the Bank	
		In the Bank	
		Securities as per list below :-	
		Unpaid subscriptions due loans to-	
		Immovable property	
		Goods and furniture	
		Others assets (to be specified)	
		.....	.....
Total liabilities.....		Total assets.....	

### List of Securities

Particulars	Face Value	Cost price	Market value
(1)	(2)	(3)	(4).
		(Signed)	1.
			2.
			3.
			4.
			5.
			6.
			7.

### FORM – V

*(See sub-rule (2) of Rule 10)*

#### Format of AFFIDAVIT

*(On appropriate Court Fee Stamp)*

I, ....., son/daughter of **Shri** ....., resident of .....,  
by occupation ....., aged ..... years,

**do hereby solemnly affirm and state on oath as under** That on date ....., a General Body Meeting of the employees/workmen engaged in ..... area of ..... **industry/establishment** was duly convened and held under the chairmanship of **Shri** .....

- **That** in the said General Body Meeting, ..... (**name of the union**) was duly constituted/formed.
- **That** in the same meeting, a resolution was unanimously passed to apply for **registration / cancellation of registration** of the said union under the provisions of the **Industrial Relations Code, 2020**.
- **That** for the purpose of submitting the application for registration / cancellation of registration, the following persons were duly authorized by resolution passed in the General Body Meeting held on date .....

S. No.	Name (Father's Name)	Age	Designation in Industry	Name of Industry
1.				
2.				
3.				
4.				
5.				
6.				

- All the above-named authorized persons were working in the said industry on the posts mentioned against their respective names on the date of authorization, continue to be in service as on date, and are authorised members of the said union.
- General Body Meeting held on date....., the Constitution/Bye-laws of the union were duly approved and adopted, and on date ....., the Executive Committee of the union was duly elected in accordance with the said Constitution.
- The aforesaid authorized persons have signed the application for registration / cancellation of registration in my presence. To the best of my knowledge and belief, the particulars stated in the application, as well as the membership list enclosed therewith, are true, correct and complete, and nothing material has been concealed therefrom.

**Applicant**

#### VERIFICATION

I..... do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, and that no part of the same is false and nothing material has been concealed therefrom.

**Applicant**

### Form VI (see sub rule (3) of Rule 10) List of Officers of Trade Union

(1) List of Officers Name of the Trade Union.....

Serial No.	Office held in the Union	Name	Age	Occupation	Address
(1)	(2)	(3)	(4)	(5)	(6)

1					
2					
3					
...					
etc.					

(2) Attach certified copy of the resolution passed about the authorisation of the applicant/s.

**Form VII**  
(See sub rule (5) of Rule 10)  
**Register of Trade Unions**

Name of the Union	Address of office	Date of registration	Name of present Office Bearers	Number of Members	Date of Cancellation	Date of dissolution	Date of amalgamation	Name of the trade union with which amalgamated	Date of change in office bearers
1	2	3	4	5	6	7	8	9	10

Date of change in rules	any other information	remarks
11	12	13

Signature of Registrar

**Form VIII**  
[See sub rule (6) of Rule 10]  
**Certificate of Registration of Trade Union**  
**Office of the Registrar of Trade Unions**  
**Government of Madhya Pradesh,**

1. Registration No.....

2. Name of Trade Union.....

It is hereby certified that the.....has been registered under the Industrial Relations Code, 2020 on this day of. ....20.....

(Signature) (SEAL)

*Registrar of Trade Unions*

**Form IX**

[See sub rule (7) of Rule 10]

**Request to Withdraw or Cancel Certificate of Registration**

Name of Trade Union.....  
Registration Number.....  
Address.....  
Dated.....the.....day of.....20.....  
To,

The Registrar of Trade Unions,

Government of Madhya Pradesh,

The above-mentioned trade union desires that its certificate of registration under the Industrial Relations Code, 2020, may be withdrawn (or cancelled) as at the general meeting\* duly held on ..... day of.....20.... it was resolved as follows :-

(Here give the exact signed copy of the resolution)

(Signature)

\*If not at a general meeting, state in what manner the request has been determined upon.

**Form X**

(See sub rule (3) and (4) of Rule 13)

**Application for declaring the Trade Union as Negotiating Union or Member of the Negotiating council**

Name of the union.....  
Address.....  
Dated the .....day of..... 19....  
To.

The Registrar of Trade Unions,

Madhya Pradesh,

Dear Sir,

I beg to state that the above-mentioned Trade union is to be declared as Negotiating Union / as the member of Negotiating Council for the Industrial Establishment , namely -----, Address -----under sub section (3) / (4) of Section 14 of the Industrial Relations Code, 2020, and I request that it may be registered accordingly in the records of the Registrar. A copy of the particulars and other documents in this behalf signed by the authorised person is enclosed.

2. The union was registered on the ..... day of..... 20..., under Certificate No. ....issued by the Registrar of Trade Unions for Madhya Pradesh.

3. A copy of the rules of the Union is attached

4. The address of the head office of the union to which all the communications may be addressed is.....

5. The union has.....members in the.....the Industrial Establishment named above .....and represents.....per cent of the total number of employees employed in the the Industrial Establishment named.

Yours faithfully,  
Authorised Signatory.

(See sub rule (3) and (4) of Rule 13)

**Declaration of the Trade Union as Negotiating Union or Member of the Negotiating council  
Office of the Registrar of Trade Unions, Madhya Pradesh, Indore**

Name of Union.....

Entry No.....

It is hereby certified that the ..... Union has been declared as Negotiating Union / Member of the Negotiating council for the Industrial Establishment -----as provided under sub section (3) / (4) of section 14 of the Industrial Relations Code,2020 on this.....day of ..... 20....

Signature and Seal  
Registrar of Trade Unions,  
Madhya Pradesh

**Form XI**

(See sub rule (5) of Rule 13)

**Register of Negotiating Union or Member of the Negotiating council**

Sr No / entry no	Name of the Negotiating Union	Name of the member union of negotiating Council Negotiating Union	Address of office	Date of registration	Name of present Office Bearers	Number of Members	Name of the Industrial Establishmen t	Address of the Industrial Establishmen t	Total number of workers which are members of the Trade Unions	Percentage of workers which are members of The Negotiating Union / Member of Negotiating Council	Date of declar ation by the Regis trar
1	2	3	4	5	6	7	8	9	10	11	12

Any other information	Reamrk
13	14

Signature and Seal  
Registrar of Trade Unions,  
Madhya Pradesh



### Notice of Amalgamation of Trade Unions

A. Name of registered trade union.....

B. Number of registration.....

Serial No.	Name of the Trade Union	Registration number	Address
(1)	(2)	(3)	(4)
1			
2			
3			

C. Dated the.....day of.....19.....

To,

The Registrar of Trade Unions,

Madhya Pradesh,

Notice is hereby given that in accordance with the requirements of Section 24 of the Industrial Relations Code 2020, the members of each of the above-mentioned trade unions have resolved to become amalgamated together as one trade union. Copies of the resolution approving the amalgamation are enclosed.

And that the following are the terms of the said amalgamation.

(State the terms)

And that it is intended that the trade union shall henceforth be called the.....

Accompanying this notice is a copy of the Rules intended to be henceforth adopted by the amalgamated trade union.

(To be signed by seven members and the Secretary of each trade union)

(Signed)

1. .... Secretary

2. ....

3. ....

4. ....

5. ....

6. ....

7. ....

Members

### Form XIII

(See clause (iii) of sub rule (1) of Rule 16 )

### Notice of Change of Name

Name of trade union already registered.....

Registration number.....

Address.....

Dated this.....day of.....19.....

To,

The Registrar of Trade Unions,

Madhya Pradesh,

Notice is hereby given that the provisions of Section 24 of the Industrial relations Code, 2020, having been complied with the name of the above mentioned trade union has been changed to.....

The consent of the members was obtained by\*

(Signed) 1..... Secretary

2..... Member

3..... Member

4..... Member

5..... Member

6..... Member

7..... Member

8..... Member

\*i.e., by referendum; resolution of a general meeting, etc. If the procedure followed is covered by rule, quote number of the rule.

#### **Form XIV**

(See clause (i) of Rule 18)

#### ***Part A***

**Annual Return (General Statement) prescribed under Section 26 of the Industrial Relations Code, 2020**

1. Name of Trade union  
.....
2. Address.....
3. Registered Head  
Office.....
4. No. and date of certificate of Registration  
No.....date.....
5. To which category of industry the union belongs ? viz., the .....  
public sector or private sector.
6. Under whose jurisdiction the above-mentioned Industry falls ? .....  
viz., whether Central Government or State Government.
7. Is the union affiliated to any All India Body ? If so, state its .....No.....  
name and affiliation number.
8. Affiliation fee..... Rs. .... nP. ...
9. Number and date of payment of affiliation fee to the All India Body. Receipt No.  
.....date.....
10. Number of the members of the Working Committee. ....
11. Number of outsider members, if any, in the Working Committee. ....
12. Name of the industry to which the union belongs. ....
13. Details about the jurisdiction of the union. ....
14. Monthly subscription for the members. ....
15. (This information need not be given by federations of trade unions) :-
  - (a) Number of members on books at the beginning of the year .....  
year
  - (b) Number of members admitted during the year .....  
Total of (a) and (b)
  - (c) Number of members leaving the union during the year .....  
Balance by deduction from the .....  
Total of (a) and (b)
  - (d) Total number of members on books at the end of the year  
(i.e., on 31st March):-  
Males.....  
Females.....  
Total.....
  - (e) Number of members contributing to political fund. ....
  - (f) Number of members paying their subscription for the whole year. ....
16. Return to be made by federations of trade unions :-
  - (a) Number of unions affiliated at the beginning of the year. ....
  - (b) Number of unions joining during the current year. ....
  - (c) Number of unions disaffiliated during the year. ....
  - (d) Number of unions affiliated at the end of the year. ....
  - (e) Membership fee realised from the affiliated unions. Rs.....nP.....

- (f) Number of affiliated unions from whom membership fee .....  
was received during the year.
- (g) Number of affiliated unions contributing to political .....  
fund.
- (h) Number of members of affiliated unions. Males.....  
Females.....  
Total.....

**Note :-** Information in regard to-

1. (a) Columns 1 to 13 of Part A of this statement to be filled in by both the categories, i.e., unions and federations.
- (b) Columns 14 and 15 to be filled in only by the trade unions, not by federations.
- (c) Column No. 16 to be filled in only by the federations.
2. A copy of the rules of the trade union corrected up to the date of despatch thereof to be enclosed with the statements of annual return.

**Part B**  
**General Fund Account**

Income			Expenditure		
Sr	Details	Rs.nP	Sr	Details	Rs.nP
1.	Balance at the beginning of the year.		1.	Salaries, allowances and expenses of offices.	
2.	Subscription received from members as per the following details : -		2.	Salaries, allowances and other expenses of the establishment	
	(a) Subscription received for the current year.		3.	Auditors fees.....	
	(b) Subscription in arrears for the current year -		4.	Legal expenses.....	
	(1) Subscription in arrears for 3 months or less.		5.	Expenses in conducting trade disputes.	
	(2) Subscription in arrears for 6 months or more than 6 months.		6.	Compensation paid to members for loss arising out of trade disputes	
	(c) Subscription in arrears for more than one year		7.	Funeral, old age, sickness, unemployment benefits, etc.	
	Total .....		8.	Educational social and religious benefits.	
3.	Donations.		9.	Cost of publishing periodicals	
4.	Interest on investments		10.	Rents, rates and taxes	
5.	Sales of periodicals, books and rules, etc.		11.	Stationery, printing and postage.	
6.	Income from miscellaneous sources (to be specified).		12.	Expenses incurred under Industrial Relations Code, 2020.	
			13.	Other expenses (to be specified)-	

(1).....		(1).....	
(2).....		(2).....	
(3).....		(3).....	
(4).....		(4) .....	
(5).....		Total expenditure.....	
(6).....			
		Balance at the end of the year.....	
Total.....		Total.....	

Treasurer

### Part C

#### Statement of Liabilities and Assets of Trade Union

On..... 20.....

LiabilitiesAssets

Details	Rs. nP.	Details.	Rs.nP
1 Amount of general fund ....		1. Cash	
2 Amount of political fund ....		(a) In hands of the Treasurer	
3 Loans from ...		(b) In hands of the Secretary or other person to be named.	
		2. In the Bank .....	
4 Arrears to be paid -		3. Securities (as per list in Part D)	
		4. Unpaid subscription due [as shown in Part B in columns (b) and (c)]	
5 Other liabilities (to be specified)-			
(1).....		(a) Amount of the current year's subscription	
(2).....		(b) Amount of the last year's subscription	
(3).....		5. Loans	
(4).....		(a) Officers	
		(b) Members	
		(c) Others	
		6. Immovable property	
		7. Goods and furniture -	

			(a)	Of the current year	
			(b)	Of the last year	
		8.	Other assets		
	Total.....			Total.....	

**Part D**

**List of Securities**

Particulars	Pace Value	Cost Price	Market price at date on which accounts have been made up	Deposited with
(1)	(2)	(3)	(4)	(5)

**Part E**

**Political Fund Account**

IncomeExpenditure

Details		Rs. nP.		Details	RsnP
1.	Balance at the beginning of the year		1.	Payments made on objects specified in Section 16 (2) of the Indian Trade Unions Act, 1926	
2.	Contributions from members		2.	Expenses of management (to be fully specified)	
				Total .....	
				Balance at the end of the year	
	Total	.....		Total	.....

**Part F**

**Auditors' Declaration**

The undersigned having had access to till the books and accounts of the.....and having examined the foregoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto and also certify that the.....had properly maintained its membership register and its accounts and the members had paid their membership subscription Rs..... nP .....to the.....as shown in the foregoing statement of the general fund account of the trade union, subject to the remarks, if any, appended hereto.

(1) Auditor

(2) Auditor

**Note :-** Each Auditor should state below his signature in what capacity with reference to Regulation 18 he is qualified to audit the trade union's accounts.

**Part G**

**Officers appointed by election or nomination**

Name	Date of birth	Home Address	Occupation	Office held in the union	Whether by election or nomination	Date on which appointment in column (5) was taken up
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**Part H**

The following changes of officers have been made during the year

**Officers relinquishing office**

No.	Name	Office	Date of relinquishing office
(1)	(2)	(3)	(4)

**Form XV**

(See sub rule (1) of Rule 19)

**Application for recognition as the State Level Trade Union**

Name of the Trade union/ Federation Of Trade Unions.....

Address.....

Dated the .....day of..... 19....

To.

The Principal Secretary or Authorised Officer (Designation)  
Government of Madhya Pradesh, Department of Labour/  
-----

Dear Sir,

I beg to state that at the general meeting of the members/at the meeting of the executive of the above-mentioned Trade union/ Federation Of Trade Unions which was held at.....on the day of..... 20...., it was resolved that the union should apply to you for recognition as State Level Trade Union under sub section (2) of Section 27 of the Industrial Relations Code, 2020, for the. A copy of the resolution in this behalf signed by the President/ General Secretary of the union is enclosed.

2. The TradeUnion/ Federation of Trade Unions is duly registered on the ..... day of.....year ..., under Certificate No. ....issued by the Registrar of Trade Unions for Madhya Pradesh.

3. A copy of the rules of the TradeUnion/ Federation of Trade Unions is attached.

4. The address of the head office of the TradeUnion/ Federation of Trade Unions to which all the communications may be addressed is.....

5. The TradeUnion/ Federation of Trade Unions has affiliation of other Trade Unions in the state, list of such trade unions and their addresses, registration details and membership etc. is attached herewith.

6. The TradeUnion/ Federation of Trade Unions has total .....members (number) in the state (District Wise, Trade Union wise membership)

Yours faithfully,

Name and Designation  
General Secretary/Secretary.

**FORM - XVI**  
**(See Rule 29)**

**(Notice of change of service conditions of workers proposed by an employer)**

Name of employer.....

Address.....

Dated the .....day of ..... 20.....

In accordance with section 40 of the Industrial Relation Code,2020, I/We hereby give notice to all concerned that it is my/our intention to effect the change/changes specified in the annexure, with effect from ..... in the conditions of service applicable to workers in respect of the matters specified in the Third Schedule to this code

Signature.....

Designation .....

### **ANNEXURE**

(Here specify the change/changes intended to be effected)

Copy forwarded to:

1. The Secretary of registered Trade Union, if any.
2. Labour commissioner.
3. Concerned Conciliation Officer.

### **FORM - XVII**

#### **(Agreement for voluntary arbitration )**

**(See sub rule (1) of Rule 30)**

#### **BETWEEN**

.....Name of the parties representing employer (s)

And

.....Representing worker

It is hereby agreed between the parties to refer the following dispute to the arbitration of ..... [here specify the name(s) and address(es) of the arbitrator (s).

- (i) Specific matters in dispute.
- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.
- (iii) Name of the worker in case he himself is involved in the dispute or the name of the union, if any, representing the worker or workers in question.
- (iv) Total number of workers employed in the undertaking affected.
- (v) Estimated number of workers affected or likely to be affected by the dispute.

\*We further agree that the majority decision of the arbitrators) shall be binding on us in case the arbitrator(s) are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator (s) shall make his (their) award within a period of ..... (here specify the period agreed upon by the parties) from the date of publication of this agreement in the Official Gazette by the central Government or within such further time as is extended by mutual agreement between us in writing. In case, the award is not made within the period afore mentioned, the reference to the arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitrator.



Signature of the parties Representing employer] Representing worker/ workers.

Witnesses

1. ....

2. ....

Copy to: (i) The Principal Secretary to the Government of Madhya Pradesh, Department of Labour

(ii) Labour commissioner

(ii).The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned].

### **FORM–XVIII**

**(See Rule 32)**

(Authorization by a worker, group of worker, employer, group of employer to be represented in a proceeding before the authority under this Code).

Before the Authority  
(Here mention the authority concerned)

In the matter of:..... (mention the name of the proceeding )

.....workers

Versus .....Employer

I/we hereby authorise Shri / Sarvashri (if representatives are more than one)

1.....2.....3..... to represent me/us in the above matter.

Dated this.....day of.....20.....

Signature of person(s) nominating the representative(s)

Address Accepted

### **FORM- XIX**

**(See sub Rule (21) of Rule 33)**

#### **Form of Oath of Office for Judicial Member of State Industrial Tribunal**

I, -----, having been appointed as Judicial Member of Industrial Tribunal..... (Name of the Tribunal) do solemnly affirm/ do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Judicial Member of

Industrial Tribunal -----(Name of the Tribunal) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

(Signature)

Place:

Date:

**FORM- XX**

**(See sub Rule (21) of Rule 34)**

**Form of Oath of Office for Administrative Member of State Industrial Tribunal**

I, -----, having been appointed as Administrative Member of Industrial Tribunal..... (Name of the Tribunal) do solemnly affirm/ do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Administrative Member of Industrial Tribunal ----- (Name of the Tribunal) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

(Signature)

Place:

Date:

**FORM – XXI**

**(See sub rule (5) of Rule35)**

**(Application to be submitted before the Tribunal in the matter not settled  
by the Conciliation Officer )**

Before..... (here mention the name of the Tribunal having jurisdiction over the area)

In the matter of: .....(Mention the details of the matter)

..... Applicant  
 Address.....  
 Versus  
 ..... Opposite party (ies)  
 Address.....

The above mentioned applicant begs to state as follows :-

(Here set out the relevant facts and circumstances of the case).

The applicant prays that the instant dispute may please be admitted for adjudication and request to pass appropriate Award.

Date .....

Place .....

Signature

**Form - XXII**

**(See Rule 36)**

**(Notice of Strike to be given by the Trade Union(Name of Union)/ Group of Workers)**

Name of five elected representatives of workers.....

Dated the.....day of.....20.....

To  
 (The name of the employer).  
 Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 62 of the Industrial Relation code I/We hereby give you notice that I propose to call a strike / we propose to go on strike on .....20....., for the reasons explained in the annexure.

Yours faithfully,

ANNEXURE  
 Statement of the Case.

(Secretary of the Union)  
 Five representatives of the  
 workers duly elected at a meeting  
 held on..... (date),  
 vide resolution attached.]

Copy to;1.Labour Commissioner  
 2. Conciliation Officer of the concerned area

**FORM- XXIII**

**(See sub rule (1) of Rule 37)**

**(Notice of Lock-out to be given by an employer of an industrial establishment)**

Name of employer .....

Address.....

Dated the.....day of.....20.....

Signature.....  
Designation.....

1.	Statement of reasons
	information attached must be verified

- (1) The Secretary of the Registered Union, if any
- (2) Principal Secretary, Govt Of MP , Dept of Labour ,BHOPAL
- (3) Conciliation officer .....
- (4) Labour Commissioner

**Form - XXIV**  
**(See Rule 38)**

**(Notice of Intimation of Retrenchment to be given by an employer to the State Government)**

[In cases of Part I, the prior notice of intimation should be served thirty days before the commencement of retrenchment and in cases of Part II, i.e., closure, prior notice of intimation of sixty days is required to be given before the commencement of closure]

Name of Industrial Establishment or Undertaking or  
Employer.....LabourIndexNo.  
Address.....  
Dated .....(DD/MM/YYYY).

To,  
The Principal Secretary/ Secretary to the Government of Madhya Pradesh,  
Department of Labour , Bhopal

Sir,

**Part - I**  
**(Retrenchment)**

1. Under section 70 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/we have decided to retrench (number of workers)..... workers with effect from.....(DD/MM/YYYY). the list of workers and other details of their service and payments are enclosed in the **Annexure I** and the reasons for retrenchment explained in the **Annexure II**.
2. The workers concerned have been given on the.....(DD/MM/YYYY) one month's notice in writing as required.  
or  
The worker(s) have been given on the.....(DD/MM/YYYY) one month's pay in lieu of notice as required.
3. The total number of workers employed in the industrial establishment/undertaking are .....and the total number of those who are being retrenched are.....The list is enclosed.
4. I / We declare that I/we have / shall pay all the dues to the workers before the expiry of the notice period as per section 75 / section 70 of this Code.
5. I / We declare that there is no case in any Court of Law pending about this matter.
6. I / We declare that all the information in this notice and annexure and the list are correct to the best of my / our knowledge and I / We shall remain responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

**ANNEXURE I**

Sr	UAN/ CMPFO	Name of the worker	Category Highly Skilled/S killed/ Semi/Un skilled	Date of Appointment with Employer	Wages on the date of applicat ion	Total payable wages , compensation and other dues(Head wise details)	Date of payment of wages , compensation and other dues(Head wise details)	Remarks

## ANNEXURE II

### Statement of Reasons for retrenchment

1.

2

-----

Copy to :

1. To the Labour Commissioner
2. Conciliation Officer of the concerned area

### Form - XXV

### (See Rule 40)

### (Notice of Intimation of Closure to be given by an employer to the State Government)

[In cases of Part I, the prior notice of intimation should be served sixty days before the commencement of closure.]

Name of Industrial Establishment or Undertaking or Employer..... Labour  
Index ..... No.

.....Address.....

.....

Dated .....(DD/MM/YYYY).

To,

The Principal Secretary/ Secretary to the Government of Madhya Pradesh,  
Department of Labour , Bhopal

Sir,

### Part - I (Closure)

1. Under sub-section (1) of section 74 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/we have decided to close down..... (name of the industrial establishment or undertaking or employer) with effect from.....(DD/MM/YYYY).The list of affected workers and other details of their service and payments are enclose in the **Annexure I** and the reasons for closure explained in the **Annexure II**.
2. The number of workers whose services would come to an end on account of the closure of the industrial establishment or undertaking are..... (number of workers) and they have been duly intimated .
3. Number of workers ..... (Attach the list)  
Category and designation ..... of  
workers,who have been affected due to closure.  
I/We hereby declare that all the worker/workers concerned has/have been/will be paid compensation due to them under section 75 of this Code before or on the date of expiry of the notice period as per **Annexure II**.
4. I / We declare that there is no case in any Court of Law pending about this matter.
5. I / We declare that all the information in this notice and annexure and the list are correct to the best of my / our knowledge and I / We shall remain responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

Yours faithfully,

(Name & Designation of the employer/Authorised Representative)

ANNEXURE I

Sr	UAN/ CMPFO	Name of the worker	Category Highly Skilled/S killed/ Semi/Un skilled	Date of Appointment with Employer	Wages on the date of applicat ion	Total payable wages , compensation and other dues(Head wise details)	Date of payment of wages , compensation and other dues(Head wise details)	Remarks

ANNEXURE II

Statement of Reasons for closure with reference to Rule 25 and Rule 27 and Form VIII.

1.

2.

----

Copy to :

**3. To the Labour Commissioner**

**4. Conciliation Officer of the concerned area**

**FORM – XXVI**  
**(See Rule 41 and 42)**

[Form of application for permission of **Lay-off or for continuation of lay-off** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be presented 15 days prior to lay-off / from the end of last lay-off]

To,  
The Principal Secretary/ Secretary to the Government of Madhya Pradesh / Authorised Officer,  
Department of Labour, Bhopal

Sir,  
Name of Industrial Establishment or Undertaking or Employer..... Labour  
Index No.

.....Address.....  
.....

Dated .....(DD/MM/YYYY).

1. Under Section 78 of the Industrial Relations Code, 2020, I/we hereby apply for “permission to lay-off/ continue to lay-off.....workers (indicate number in figures and words) out of total of.....workers (indicate number in figures and words) employed in my/our establishment with effect from(DD/MM/YYYY).List and other details of service and Payments of laid off workers is attached in the **Annexure I**. The reasons for lay off/ continuation of lay off and other details are set out in the **Annexure-II**

2. The workers concerned have been given\* notice in writing as required under section 79.

or

The worker concerned have not\* been given notice separately since the retrenchment is under an agreement (copy of which is enclosed) as provided in the proviso to the said clause.

3. All Such workers permitted to be laid-off due to closure shall be paid such compensation, to which they are entitled under section 67, read with section 78(10), or, 79(9) or, 80(8) respectively of this Code as per the details given below in the Annexure.

4. I / We declare that there is no case in any Court of Law pending about this matter.

5. I / We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I / We shall be responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

Yours faithfully,  
(Signature)

(\*Strike off which is not applicable)

#### ANNEXURE I

Sr	UAN/ CMPFO	Name of the worker	Category Highly Skilled/S killed/ Semi/Un skilled	Date of Appointment with Employer	Wages on the date of intimati on	Total payable wages , compensation and other dues(Head wise details)	Date of payment of wages , compensation and other dues(Head wise details)	Remarks

#### ANNEXURE II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector/Foreign majority company /joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a private limited company/ partnership firm or proprietorship firm	Attach details
3.	(a) MCA number	
	(b) GSTN number	
	(c) Registration number of the labour department	
4.	(i) Annual production, item wise for pre-ceding three years- (ii) Production figures, month-wise, for the preceding twelve months,	Attach details Attach details
5.	Balance sheets, profit and loss accounts and audit reports for the last three years.	Attach details



6.	Names of the inter-connected companies or companies under the same management.	Attach details
7.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periodsof such lay-offs/ the number of workmen involved in each such lay-off/ continuation of lay off	Attach details
8.	Any other relevant details which have bearing on lay-off	Attach details
9.	Statement of reasons for lay off with documentary evidence	Attach details

**A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Officer of the area.**

**FORM – XXVII**  
**(See Rule 44)**

[Form of application for permission of **Retrenchment** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be submitted sixty days before the retrenchment ]

To,

The Principal Secretary/ Secretary to the Government of Madhya Pradesh,  
Department of Labour,  
Bhopal

Sir,

1. Under sub-section (2) of section 79 of the Industrial Relation Code 2020, I/we hereby apply for permission for proposed retrenchment of.....workers(indicate number in figures and words) with effect from(DD/MM/YYYY).List and other details of service and Payments of retrenched workers is attached in the **Annexure I**. The reasonsfor retrenchment and other details are set out in the **Annexure-II**

2. The workers concerned have been given\* notice in writing as required under clause (a) of sub-section (1) of section 79. The worker concerned have not\* been given notice since the retrenchment is under an agreement (copy of which is enclosed) as provided in the proviso to the said clause.

3. All Such workers permitted to be retrenchedshall be paid such compensationto which they are entitled under section 79 of this Code and all other dues, as per the details given below in the Annexure I.

4. I / We declare that there is no case in any Court of Law pending about this matter.

5. I / We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I / We shall be responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

Permission is solicited for the retrenchment of the workers of the said establishment .

Yours faithfully,  
(Signature)

(\*Strike off which is not applicable)

( \*\* The application for permission in case of closure must be given at least 90 days before of the intended closure )

## ANNEXURE I

Sr	UAN/ CMPFO	Name of the worker	Category Highly Skilled/S killed/ Semi/Un skilled	Date of Appointment with Employer	Wages on the date of intimati on	Total payable wages , compensation and other dues(Head wise details)	Proposed Date of payment of wages , compensation and other dues(Head wise details)	Remarks

## ANNEXURE II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector/Foreign majority company /joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a private limited company/ partnership firm or proprietorship firm	Attach details
3.	(a) MCA number	Attach details
	(b) GSTN number	
	(c) Registration number of the labour department	
4.	(i) Annual production, item wise for pre-ceding three years-	Attach details
	(ii) Production figures, month-wise, for the preceding twelve months,	Attach details
5.	Balance sheets, profit and loss accounts and audit reports for the last three years.	Attach details
6.	Names of the inter-connected companies or companies under the same management.	Attach details
7.	Details of Retrenchment resorted to in the last three years (other than the Retrenchment for which permission is sought), including the periods of such Retrenchment the number of workmen involved in each such Retrenchment	Attach details
8.	Any other relevant details which have bearing retrenchment	Attach details
9.	Statement of reasons for retrenchment with documentary evidence	Attach details

**A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Officer of the area.**

**FORM – XXVIII**  
**(See Rule 46)**

[Form of application for permission of **Closure** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies]

To,  
The Principal Secretary/ Secretary to the Government of Madhya Pradesh,  
Department of Labour,  
Bhopal

Sir,

1. Under section 80(1) of the Industrial Relation Code, 2020, I / we hereby inform you that I/we propose to **\*\*close down the undertaking specified below of (name of the industrial establishment). with effect from (DD/MM/YYYY).**List and other details of service and Payments of affected workers due to closure is attached in the **Annexure I**. The reasons for closure and other details are set out in the **Annexure-II**

2. The workers concerned have been given notice in writing as required under clause (a) of sub-section (1) of section 79.

3. All Such workers affected by closure shall be paid such compensation, to which they are entitled under section 79 of this Code and all other dues as per the details given below in the Annexure I.

4. I / We declare that there is no case in any Court of Law pending about this matter.

5. I / We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I / We shall be responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

Permission is solicited for the closure of the said establishment .

Yours faithfully,  
(Signature)

(\*Strike off which is not applicable)

( \*\* The application for permission in case of closure must be given at least 90 days before of the intended closure )

#### ANNEXURE I

Sr	UAN/ CMPFO	Name of the worker	Category Highly Skilled/S killed/ Semi/Un skilled	Date of Appointment with Employer	Wages on the date of intimati on	Total payable wages , compensation and other dues(Head wise details)	Proposed Date of payment of wages , compensation and other dues(Head wise details)	Remarks

## ANNEXURE II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector/Foreign majority company /joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a private limited company/ partnership firm or proprietorship firm	
3.	(a) MCA number	
	(b) GSTN number	
	(c) Registration number of the labour department	
4.	(a) *Names and identification number of the affected workers proposed to be affected by closure.	The identification number UAN of EPFO under SS Code.
5.	(i) Annual production, item wise for pre-ceding three years-	Attach details
	(ii) Production figures, month-wise, for the preceding twelve months,	Attach details
6.	Balance sheets, profit and loss accounts and audit reports for the last three years.	To be annexed
7.	Net worth of the company	Attach details
8.	Names of the inter-connected companies or companies under the same management.	Attach details
9.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment / continuation of lay off	Attach details
10	Statement of reasons for closure with documentary evidence	Attach details
11	Any other relevant details which have bearing on Closure.	Attach details

**A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Officer of the area.**

**FORM – XXIX**

(See Rule 49)

**(Notice to the Employer who committed an offence for the first time under this code, for compounding of offence under sub-section (4) of section 89)**

**The undersigned and the Compounding Officer under sub-section 1 of section 89 of the Industrial Relation Code, 2020 hereby intimates that the allegation has been made against you for committing offence for the violation of various provision of this Code as per the details given below;-**

**PART - I**

1. Name and Address of the offender Employer- .....
2. Address of the Establishment .....
3. Particulars of the offence -----  
.....
4. Section of the Code under which the offence is committed-----  
.....
5. Compounding amount required to be paid towards composition of the offence.....

**PART – II**

You are advised to deposit the above mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per section 89 (1) of the Industrial Relation Code, 2020, along with an application dully filled in part – III of this notice.

In case you fail to deposit the said amount within the specified time, no further opportunity shall be given and necessary direction for filing of prosecution under section ----- shall be issued.

(Signature of the Compounding Officer)

Date:

Place:

**PART – III**

**Application under sub-section (4) of section 89 for compounding of offence**

1. Name of applicant (name of the employer who committed the offence under the Industrial Relation Code 2020 to be mentioned).....
2. Address of the applicant .....
3. Particulars of the offence  
.....  
.....  
.....
4. Section of the Code under which the offence has been committed  
.....
5. Details of the compounding amount deposited (electronically generated receipt to be attached).....

6. Details of the prosecution, if filed for the violation of above mentioned offences may be given .....

7. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence

.....  
.....  
.....  
.....

8. Any other information which the applicant desires to provide

.....  
.....  
.....  
.....

Dated:

Place:Applicant

(Name and signature)

**FORM –XXX**

**(See Rule 51)**

(Complaint under Section 91 of the Industrial Relation Code, 2020)

Before the Conciliation officer/ Arbitrator/ Tribunal or, National Tribunal -----,

In the matter of :..... Reference No.....

A.....

Complainant(s);

Address:

Versus

B.....

Opposite Party(ies).

Address:

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have beengUILTY of a contravention of the provisions of section 90 of the Industrial Relation Code,2020, as shown below:

(Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the Management is challenged.)

The complainant(s) accordingly prays/pray that the Conciliation officer/ Arbitrator/ Industrial Tribunal or National Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of .the complaint and its annexure required under rule 91 of the Industrial Relation Code are submitted herewith.

Dated this.....day of.....20..... Signature of the Complainant(s)

Verification

I do solemnly declare that what is stated in paragraph..... above is true to my

knowledge and that what is stated in paragraphs..... above is stated upon information received and believed by me to be true. This verification is signed by me at..... on .....day of.....20.....

Signature  
or Thumb impression of the person verifying.

**FORM –XXXI**

**(See Rule 52)**

(Manner of authorisation of worker for representation under Section 94 of the Industrial Relation Code, 2020)

To,  
The Authority (name -----)  
Address -----  
-----

I(name of the applicant)----- hereby authorise Shri -----  
-----, holding the post of executive/ Office bearer (name of the post) -----in The  
Trade Union (name of the trade union)-----bearing registration  
number----- to represent me (name of the applicant) ----- employed  
in (name of the establishment and address)----- in the matter as  
mentioned below:-

Details of the Matter :-

Signature and name and address of the applicant

**FORM –XXXII**

**(See Rule 53)**

(Manner of authorisation of employer for representation under Section 94 of the Industrial Relation Code, 2020)

To,  
The Authority (name -----)  
Address -----  
-----

I (name of the applicant)-----, designation -----  
----- and name & address of the industrial establishment -----  
----- hereby authorise  
Shri -----, holding the post of (name of the post) -----in The  
Establishment / Association of Employers (name of the establishment or Association of  
Employers and address)----- in the matter as mentioned below:-

Details of the Matter :-

Signature and name and address of the applicant

**Government of Madhya Pradesh**  
**Department of Labour**  
**Notification**

Bhopal, the ....., 2024

S.No.----- The following draft rules which the State Government proposes to make in exercise of the powers conferred by section 133 and 135 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) and in supersession of the

1. The Madhya Pradesh Factories Rules, 1962;
2. The Madhya Pradesh Building and Other Construction Workers (Regulation of Employment and Condition of Services) Rules, 2002;
3. The Madhya Pradesh Control of Industrial Major Accident Hazard rules, 1999
4. The Contract Labour (Regulation and Abolition) (Madhya Pradesh) Rules, 1973;
5. The Madhya Pradesh Beedi and Cigar workers (Condition of Employment) Rules, 1968
6. The Madhya Pradesh Motor Transport workers Rules, 1963
7. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Madhya Pradesh Rules, 1981, except as respects things done or omitted to be done before such supersession, are hereby published as required by sub-section (1) of Section 133 and sub-section (1) of section 135, for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of 45 days from the date on which copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Deputy Secretary to the Government of Madhya Pradesh, Ministry of Labour, Vallabh Bhawan, Bhopal or by email (dslabourmp@mp.gov.in and dihsindore@mp.gov.in) the objections and suggestions should be sent in a proforma containing columns (i) specifying the name and address of the persons and organizations and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub-rule proposed to be submitted and the reasons therefore;

Objections and suggestions, which may be received from any person or organization with respect to the said draft of rules before expiry of a period of 45 days, specified above, shall be considered by the State Government.



## CHAPTER- I PRELIMINARY

**1. Short title, extent and commencement :** (1) These rules may be called the Occupational Safety, Health and Working Conditions (Madhya Pradesh) Rules, 2026.

(2) They extend to whole of the Madhya Pradesh .

(3) They shall apply to any establishment in relation to which appropriate Government is the State Government under the Code.

(4) They shall come into force on the date of their final publication in the Official Gazette.

**2. Definitions.**—(1) In these rules unless there is anything repugnant in the subject or context:—

(a) "*appendix*" means an appendix appended to these rules;

(b) "*approved*" means approved in writing by the Chief Inspector cum facilitator or the officer notified by the State Government in this regard as the case may be;

(c) "*Board*" means the Board as and where relevant under section 17 of Code.

(d) "*Calendar year*" means the period of twelve months beginning with the first day of January in any year;

(e) "*casual leave*" means leave to cover casual absence of the employees from duty for personal reasons;

(f) "*Child*" shall have the same meaning as assigned to it in clause (ia) of section 2 of Child and Adolescent (Prohibition and Regulation) Act, 1986.

(g) "*Code*" means the Occupational Safety, Health and Working Conditions Code, 2020 (No. 37 of 2020);

(h) "*department*" means Labour department, Government of Madhya Pradesh;

(i) "*District Magistrate*", in relation to any establishment, means the District Magistrate who is vested with the executive powers of maintaining law and order in the revenue district in which the establishment is situated: Provided that in case of a establishment, which is situated partly in one district and partly in another, the District Magistrate for the purpose shall be the District Magistrate authorised in this behalf by the State Government;

(j) "*Hazardous substance*" :- (1) The Chemicals which are described under Schedule 1, Part-1 and Part-2 appended to these rules, or any other such substances which central Government or State Government may notify time to time.

(k) "*Labour Commissioner*" means an officer as such or in the capacity of Additional Labour Commissioner appointed by the State Government;

(l) "*lokseva guarantee adhiniyam*" means Loksevaon ke pradan ki guarantee Adhiniyam, 2010;

- (m) "*manager*" means a person nominated or appointed as such by the occupier of the factory.
- (n) "*national standards*" means standards as approved by the Bureau of Indian Standards and in the absence of such standards, the standards approved by the State Government for a specific purpose;
- (o) "*official portal*" means Shram Seva Portal or official web portal of Labour Department, Government of Madhya Pradesh with any other name.
- (p) "*plant or equipment*" includes any plant, equipment, gear, machinery, apparatus or appliance, or any part thereof;
- (q) "*Power*" means electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency;
- (r) "*pressure*" means air pressure in bars above atmospheric pressure;
- (s) "*pressure plant*" means the pressure vessel along with its piping and other fittings operated at a pressure greater than the atmospheric pressure;
- (t) "*prime mover*" means any engine, motor or other appliance which generates or otherwise provides power;
- (u) "*Public Health Authority*" means the Local Health Officer having jurisdiction over the area;
- (v) "*Qualified Nurse*" means a person who possesses a qualification in nursing recognized under the Indian Nursing Council Code, 1947, and who is registered with the Madhya Pradesh Nurses registration Council, or a similar registered body of any other State in India.
- (w) "*responsible person*" means a person appointed by the employer to be responsible for the performance of specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of such duty or duties;
- (x) "*Registering Officer*" means the registering officer appointed by State government for the purpose of different sections of the Code and these rules;
- (y) "*section*" means a section of the Code;
- (z) "*schedule*" means a Schedule appended to these rules;
- (za) "*workplace*" means all places where building workers are required to be present or to go for work and which are under the control of an employer.

(2) All other words and expressions used herein but not defined and defined in the Occupational Safety, Health and Working Conditions Code, 2020 shall have the meaning respectively assigned to them in that Code.

(3). **Income from other sources under clause (x) of sub-section (1) of section 2** -For the purposes of clause (x) of sub-section (1) of section 2, the criteria for income from such sources means the income for the dependents as prescribed by State Government by general or special orders, from time to time .

## **CHAPTER-II** **Registration**

### **[Rules prescribed under Section 3 and Section 79]**

#### **3. Approval of plans and registration of establishments -**

##### **(A) Approval of plans of Factorie (Under section 79)-**

(1) No building or structure for a factory be constructed, reconstructed, extended or taken into use as a factory or part of a factory unless previous permission in writing is obtained from the chief inspector cum facilitator. Online application for such permission shall be made on Official portal to the chief inspector cum facilitator which shall be accompanied by the following documents:-

(a) Form No. 1 duly filled in by the applicant.

(b) The process flow diagram of manufacturing process supplemented by a brief description of process indicating the names of raw materials, intermediates and finished products with their inventories. In the case of chemical substances, their chemical names and storage quantities shall be mentioned;

(c) Plans (PDF file of drawings prepared by computer aided design) showing – (i) the site of the factory and immediate surrounding including adjacent buildings and other structures, roads, drains, etc. drawn to a scale not less than 1:500.

(ii) Detail drawings which include plan, elevation and necessary cross sectional elevations of the various buildings and structures including all relevant details relating to natural lighting, ventilation and means of escape in case of emergency. The plans shall also clearly indicate the lay-out of the plant and machinery, position of aisles and passage-ways, the latrines and urinals and other sanitary provisions and shall be drawn to a scale not less than 1:100;

(e) particulars in connection with the maximum number of workers to be employed in each work room, together with the area of ventilating openings and cubic space available per worker to be employed in each room;

(f) Particulars in connection with other requirements of the code and the rules and the Schedule thereunder applicable to the proposed factory;

(g) such other particulars as the Chief Inspector cum facilitator may require to visualisesituation of the safety in factories covered under section 2(za) and section 82 of the Code.

(2) The plan of a factory shall be decided within such period as prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam,2010” for such service ,as amended from time to time.

(3)If the Chief Inspector cum facilitator is satisfied that the plans are in consonance with therequirements of rules he may order for approving the plans subject to such conditions, if any,as he may specify for fulfilment of the requirements. Such plans that are approved within in the time limit given in sub-rule (2) shall be issued under digital signature by Chief Inspector cum facilitator who shall send online the copy of digitally signed plan and its approval letter to the applicant on the same day and also inform the applicant on his e-mail address and his registered mobile number on the same day.

(4). No manufacturing process shall be started or carried on in any building, or part of a building until a certificate of stability of the building, or part of building in **Form No.2** signed by a competent person recognised under **Rules** has been delivered online to the Chief Inspector cum facilitator and accepted by him.

#### **(B) Registration (Under section 3):-**

##### **(I) Registration of factories -**

(1) The employer seeking registration for a factory not already registered shall apply electronically in **Form-3** on Official Portal of Department by giving details about the factory, and uploading documentsrelated to Registration of the Factory along with Copy of treasury challan /e-challan or otherwise as proof of payment of registration fee prescribed in schedule II appended to the rules. The Form shall be signed digitally or in any other manner as may be required on the portal. Theapplicant shall be responsible for veracity of all information submitted in the application.

Provided that the State government mayamend schedule of fee for registrationby general or special order.

(2) As soon as the plan, as per rule-3-A is approved , the Chief Inspector-cum-Facilitator may, on application being made to him under rule 3(B)(I) (1) ,register the factory and issue a certificate of registrationin **Form-4**electronically within such period as Prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam,2010” for such service ,as amended from time to time, if the application is complete in all respect but not later than seven working days from the date of submission of complete application, failing which such Factory shall be deemed to have been registered and the certificate of registration shall be auto generated.

Provided that certificate of registration may be issued subject to compliance with such conditions as are specified in the certificate.

## **(II) Registration of Plantation-**

(1) The employer seeking registration for an establishment relating to plantation not already registered shall apply electronically in **Form-3** on the Official Portal by giving details about the establishment, and uploading documents related to Registration of the establishment along with Copy of treasury challan /e-challan or otherwise as proof of payment of registration fee prescribed in schedule II appended to the rules. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.

Provided that the State government may amend schedule of fee for registration by general or special order.

(2) The registering officer may, on application being made to him under sub-rule (1), register the establishment and issue a certificate of registration in **Form-4** electronically within such period as Prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam, 2010” for such service, as amended from time to time, if the application is complete in all respect but not later than seven working days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated.

Provided that certificate of registration may be issued subject to compliance with such conditions as are specified in the certificate.

## **(III) Registration of Motor Transport Undertaking:-**

(1) The employer seeking registration for an establishment relating to motor transport undertaking not already registered shall apply electronically in **Form-3** on the Official Portal by giving details about the establishment, and uploading documents related to Registration of the establishment along with Copy of treasury challan /e-challan or otherwise as proof of payment of registration fee prescribed in schedule II appended to the rules. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all submitted in the application information

Provided that the State government may amend schedule of fee for registration by general or special order.

(2) The registering officer may, on application being made to him under sub-rule (1), register the establishment and issue a certificate of registration in **Form-4** electronically within such period as Prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam, 2010” for such service, as amended from time to time, if the application is complete in all respect but not later than seven working days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:

Provided that where an undertaking has units operating in more than one State, the employer of the undertaking shall apply for registration to the registering officer of the State in which its Headquarters Office is located. Further provided that certificate of registration may be issued subject to compliance with such conditions as are specified in the certificate.

#### **(IV) Registration of industrial premises for *beedi* and cigar work :-**

(1) The employer seeking registration for an establishment relating to *beedi* and cigar work not already registered shall apply electronically in **Form-3** on the Official Portal by giving details about the establishment, and uploading documents related to Registration of the establishment along with Copy of treasury challan /e-challan or otherwise as proof of payment of registration fee prescribed in schedule II appended to the rules. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all submitted in the application information.

Provided that the State government may amend schedule of fee for registration by general or special order.

(2) The registering officer may, on application being made to him under sub-rule (1), register the establishment and issue a certificate of registration in **Form-4** electronically within such period as Prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam, 2010” for such service, as amended from time to time, if the application is complete in all respect but not later than seven working days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated.

Provided that certificate of registration may be issued subject to compliance with such conditions as are specified in the certificate.

#### **(V) Registration of audio-visual Production :-**



(1) Every producer seeking registration for an establishment relating to audio -visual production not already registered shall apply electronically in **Form-3** on the Official Portal by giving details about the establishment, and uploading documents related to Registration of the establishment along with Copy of treasury challan /e-challan or otherwise as proof of payment of registration fee prescribed in schedule II appended to the rules. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.

Provided that the State government may amend schedule of fee for registration by general or special order.

(2) The registering officer may, on application being made to him under sub-rule (1), register the establishment and issue a certificate of registration in **Form-4** electronically within such period as Prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam, 2010” for such service, as amended from time to time, if the application is complete in all respect but not later than seven working days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated.

Provided that certificate of registration may be issued subject to compliance with such conditions as are specified in the certificate.

#### **(VI) Registration of building and other construction work-**

(1) The employer seeking registration for an establishment relating to building and other construction work not already registered shall apply electronically in **Form-3** on the Official Portal by giving details about the establishment, and uploading documents related to Registration of the establishment along with Copy of treasury challan /e-challan or otherwise as proof of payment of registration fee prescribed in schedule II appended to the rules. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.

Provided that the State government may amend schedule of fee for registration by general or special order.

(2) The registering officer may, on application being made to him under sub-rule (1), register the establishment and issue a certificate of registration in **Form-4** electronically within such period as Prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam, 2010” for such service, as amended from time to time, if the application is complete in all respect but not later than seven working days from the date of submission of complete

application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:

Provided that in exceptional circumstances the State Government may, for such period, by notification, dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole of India, and submission of application in the form so provided, may be allowed.

Provided that certificate of registration may be issued subject to compliance with such conditions as are specified in the certificate.

#### **(VII) Registration of Contract work:-**

(1) Every person seeking registration for an establishment relating to contract work not already registered shall apply electronically in **Form-3** on the Official Portal by giving details about the establishment, and uploading documents related to Registration of the establishment along with Copy of treasury challan /e-challan or otherwise as proof of payment of registration fee prescribed in schedule II appended to the rules. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.

Provided that the State government may amend schedule of fee for registration by general or special order.

(2) The registering officer may, on application being made to him under sub-rule (1), register the establishment and issue a certificate of registration in **Form-4** electronically within such period as Prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam, 2010” for such service, as amended from time to time, if the application is complete in all respect but not later than seven working days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:

Provided that certificate of registration may be issued subject to compliance with such conditions as are specified in the certificate.

**(4) Late fees:** Where an employer has not submitted its application for registration within 60 days as required under sub-section(1) of section 3, he shall submit the application for registration along with late fee as under as notified from time to time :

Period of Delay	Late fee-Percentage of Fees
Upto 30 days	5%
Upto 60 days	25%
After 60 days	Additional 1% for every day



(5) The registering officer under the Code may direct the employer who fails to comply with the requirements of sub-rule (1) of clause 3(B)(I) or 3(B)(II) or 3(B)(III) or 3(B)(IV) or 3(B)(V) or 3(B)(VI) or 3(B)(VII) to do so within the time stated therein and such employer shall, thereupon comply with the instruction issued by the officer in this behalf.

(6) In exceptional circumstances the State Government may, for such period, by notification, dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole of State, and submission of application in the form so provided, may be allowed.

(7) The certificate of registration shall be non-transferable and a copy of the certificate of registration shall be displayed in the premises of the establishment at the conspicuous place in hard copy or electronically.

(8) The employer in respect of an establishment already registered under any other central labour law for the time being in force shall, update the registration particulars on the Official Portal, within six months from the date on which the Code comes into force.

(9) Any registration obtained by providing wrong information shall be liable to be cancelled provided that establishment has been given an opportunity to show cause, electronically or by registered post, as to why the certificate of registration should not be cancelled.

(10) The employer shall quote the Registration Number on all documents prepared or completed by him in connection with the Code or the Rules or the Regulations or the Scheme, as the case may be, and in all correspondence with the office concerned.

(11) Any change in the ownership, management or any particular furnished in Registration Form submitted on the specified portal, shall be updated on the portal by the employer within thirty days of such change.

(12) The employer of an establishment to which the provisions of the Code apply and whose business activities are in process of closure, may apply for cancellation of registration online on the Official Portal after giving complete details of the dues payable under the Central Labour Codes:

Provided that no such application for cancellation of registration shall be entertained unless the employer has furnished all statutory returns, paid all statutory dues under the Central labour Codes and any other Central labour law in force in accordance with the law applicable for the time being and submitted a self-certification to that effect along with the application.

(13) The registering officer shall maintain a register of establishment electronically in **Form-5** showing the particulars of establishment in relation to which certificates of registration have been issued by him.

(14) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment or as the case may be,

the work is to be executed, intimating the actual date of the commencement, completion of work and cessation of establishment, as the case may be, in **Form-6** annexed to these rules electronically and the same shall be auto-shared to Employees' Provident Fund Organisation (EPFO) and Employees' State Insurance Corporation (ESIC).

**(15) Credit of fees.** - All fees payable under these rules shall be credited into the Government treasury under the State head of the account notified in this regard.

**16. Appeal under Section 4.-** (i) The employer aggrieved by the order of Registering Officer, may appeal against such order before the appellate officer appointed by the State Government for such purpose within thirty days from the date of receipt by him of such order, electronically.

(ii) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal in electronic form to be kept for the purpose called the register of appeals.

(iii) When the appeal has been admitted, the appellate officer shall send the notice of the appeal to the registering officer, against whose order the appeal has been preferred and the registering officer shall thereupon send the records of the case to the appellate officer online electronically.

(iv) On receipt of the appeal, the appellate officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal electronically or by registered post.

(v) If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellants by sending the copy of the order to the applicant electronically.

(vi) Where an appeal has been dismissed, the appellant may apply electronically to the appellate officer for the restoration of the appeal within thirty days from the date of receipt of the order and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal.

(vii) The order of the Appellate Officer shall be communicated electronically or by registered post to the appellant and copy thereof shall be sent to the registering officer against whose order the appeal has been preferred and shall be disposed of within a period of thirty days from the date of receipt of appeal.

**17. Saving for Pending Cases.** - Nothing contained in Rules shall affect the grant, renewal, transfer or amendment of licence pending at the time when these rules come into force. Such cases of grant, renewal, transfer or amendment shall be dealt with in accordance with the rules in force at the time of the commencement of these rules.

**18. Notice by employer of commencement and cessation of operation  
[Rule prescribed under Section-5]**

The employer of every establishment shall within thirty days of the commencement or cessation of operation, submit to the Registering Officer in **Form 6**, electronically and the notice of cessation of operation shall be enclosed with a certificate that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

**CHAPTER-III**  
**Duties of Employers and Employees**

**Rules prescribed under Section-6**

**(19). Annual health Examination under clause (c) of subsection (1). -**

Every employer of factory , building and other construction work, beedi and cigar work, plantation , motor transport undertaking shall arrange to conduct free of cost, medical examination for every worker annually i.e. within 120 days from the commencement of the every calendar year who has completed 30 years of age. The medical examination shall be conducted by a qualified medical practitioner as per proforma in the **Form-7**. The Medical Certificate shall be submitted by the qualified medical practitioner to the concerned employer and employee.

**(20)Letter of appointment to employee under clause (f) of subsection (1)**

**:-**No employee shall be employed in any establishment unless he has been issued a letter of appointment in the prescribed format as appended to this Rule:

Provided that, an employee who has not been issued an appointment letter containing the required particulars, shall be issued an appointment letter within three months of coming into force of this rule.

Format

- (i) Name of employee:
- (ii) Father's name:
- (iii) Aadhar number:
- (iv) Labour Identification Number (LIN) of the establishment:
- (v) Universal Account Number (UAN)/Insurance Number (ESIC):
- (vi) Designation:
- (vii) Category of skill:

- (viii) Date of joining:
- (ix) Wages, Basic Pay & Dearness Allowance:
- (x) Other allowance including accommodation whichever is/are applicable:
- (xi) Avenue for achieving higher wages/higher position:
- (xii) Applicability of social security EPFO and ESIC benefits applicable:
- (xiii) Health check-up:
- (xiv) Broad Nature of duties to be performed:
- (xv) Any other information:

Signature  
Occupier/manager

### **Rules prescribed under Section-10**

#### **21. Notice of accidents and dangerous occurrences under sub section (1) of section 10 and 11**

(1) Where at any place in an establishment which is a factory, building and other construction work, plantation, beedi and cigar works an accident occurs which results in the death of any person, the employer of the establishment shall forthwith send a notice thereof in **Form-8** electronically and inform by telephone to the Inspector-cum Facilitator and Chief Inspector-cum Facilitator and District Magistrate or Sub-divisional Officer, the officer-in-charge of the nearest police station; and the family members /kin of the injured or deceased person.

(2) Where at any place in an establishment which is a factory, building and other construction work, plantation, beedi and cigar works an accident occurs which results in bodily injury by reason of which the person injured is prevented from working for a period of forty eight hours or more immediately following the accident, the employer or occupier or manager of the establishment shall forthwith send a notice in Form-8 within twelve hours after the completion of forty eight hours, electronically to the Inspector-cum-Facilitator.

(3) Wherein an establishment there is any dangerous occurrence as specified in the schedule annexed hereto, whether causing any bodily injury or disability or not, a notice in Form-8 shall within twelve hours be sent to:

- (a) The Inspector-cum-facilitator;
- (b) District Magistrate or Sub-divisional Officer;

Provided that if in the case of an accident or dangerous occurrence, death occurs to any person injured by such accident or dangerous occurrence after the notices and reports referred to in the foregoing sub-rules have been sent, the employer or occupier or manager of the establishment shall forthwith send a notice thereof by telephone and electronically to the authorities and persons mentioned in sub-rules (1) and (2) and also have this information confirmed

in writing within 12 hours of the death. Provided further that, if the period of disability from working for 48 hours or more referred to in sub-rule (2) does not occur immediately following the accident, or the dangerous occurrence, but later, or occurs in more than one spell, the report referred to shall be sent to the Inspector-cum-Facilitator in the prescribed form within 24 Hours following the hours when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours.

## **SCHEDULE**

The following classes of dangerous occurrences, whether or not they are attended by personal injury or disablement, namely:-

- (i) Bursting, of any *lifting appliance* or pipeline or equipment containing petroleum, steam, compressed air or other substance at a pressure greater than the atmospheric pressure;
- (ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.
- (iii) Explosion, explosion due to explosives, fire, leakage or release of harmful toxic gases, bursting out, leakage or escape of any molten metal, or hot liquid or gas causing bodily injury to any person or damage to any room or place in which persons are employed;
- (iv) Explosion of a receiver or container used for the storage at pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.
- (v) collapse or failure of lifting appliances or hoist or conveyors or other similar equipment for handling building or construction material or breakage or failure of rope, chain or loose gears; overturning of cranes used in building or other construction work; falling of objects from height;
- (vi) collapse of any wall, floor, gallery, roof bridge, tunnel, chimney, wall, building or subsidence of soil or any other structure, platform, staging, scaffolding or any means of access including formwork; contact work, excavation and collapse of transmission;
- (vii) Spillage or leakage of hazardous substances and damage to their container;
- (viii) collapse, capsizing, toppling or collision of transport equipment within the establishment;
- (ix) fall from height of any excavation, loading or transport machinery;
- (x) an instantaneous failure of a pillar, part of a pillar or several pillars of coal (i.e., a 'bump') in working below ground;

- (xi) a rock-burst in working belowground; a premature collapse of any part of the working;
- (xii) a breakage, fracture or failure of an essential part of any machine or apparatus whereby the safety of persons may be endangered;
- (xiii) a slide causing injury to any person, damage to any machinery, or interruption of normal mining operations;
- (xiv) failure of dump or side in opencast working; a blowout;
- (xv) a failure of any structure or installation whereby the safety of persons may be endangered; or spark generated due to electrical flash-over causing burn injury to any person;
- (xvi) a major uncontrolled emission of petroleum or chemical spillage;

**22. Notice of disease under sub-section (1) and (2) of Section 12.- (1)** A notice in the following format shall be sent forthwith electronically, to the Inspector-Cum Facilitator or Chief Inspector-cum-facilitator, by the employer or occupier or manager of an establishment in which there occurs any disease as notified under the Third Schedule of the Code.

**NOTICE OF DISEASE**

- (1) Name of establishment:
- (2) Nature of establishment:
- (3) Details of Patient:
  - (a) Name of Patient:
  - (b) Works number of Patient:
  - (c) Address of Patient:
- (d) Precise occupation of patient:
- (4) Nature of disease from which patient is suffering:
- (5) Date of Detection of Disease:
- (6) Details of Medical Practitioner:
- (7) Has the case been reported to the Medical Officer :

Signature of employer /occupier / manager

Date:

**(2)** If any qualified medical practitioner attends on a person who is or has been employed in an establishment and who is or is believed by the qualified medical practitioner to be suffering from any disease specified in the Third Schedule, the qualified medical practitioner shall without delay send a report in writing to the office of the Chief Inspector-cum Facilitator stating-

- (a) the name and full postal address of the patient,
- (b) the disease from which he believes the patient to be suffering, and
- (c) the name and address of the establishment in which the patient is or was last employed.

### **Rules prescribed under Section 13 and 14**

**23. Duties of employee under clause (d) and (g) of Section 13.-** If an employee comes to know that of any unsafe or unhealthy condition in the establishment, he shall report to the employer, health and safety representative or safety officer, as soon as practicable, electronically or in writing or telephonically.

**24. Rights of Employee under sub-section (3) of Section 14.-** On receipt of information from the employee relating to the existence of an imminent danger to their safety and health, the employer shall take immediate remedial action in this regard. The employer whether satisfied or not, shall send a report forthwith of such actions taken, to the Inspector-cum-facilitator electronically or by registered post or speed post.

### **CHAPTER IV (Occupational Safety and health) Rules prescribed under Section 17**

#### **Rule 25. State Occupational Safety and health advisory Board**

**(1)** For the purpose of section 17 of the Code the State Occupational, Safety and Health Advisory Board shall consist of :-

I. Additional Chief Secretary /Principal Secretary/Secretary Labour, Government of Madhya Pradesh- Chairman,*ex officio*.

II. Chairman, Madhya Pradesh Pollution Control Board, Bhopal-Member,*ex officio*.

III. Additional Chief Secretary /Principal Secretary/Secretary, Department of Industrial Policy and Investment Promotion, Government of Madhya Pradesh- Member,*ex officio*.

IV. Labour Commissioner, Government of Madhya Pradesh-Member,*ex officio*.

V. Commissioner, Health, Govt of Madhya Pradesh- Member, *ex officio*

VI. Chief inspector-cum-Facilitator, Government of Madhya Pradesh- Member,*ex officio*.

VII. Director, Geology and Mining Department, Government of Madhya Pradesh- Member *ex officio*.

VIII. Secretary, Madhya Pradesh Building and Other Construction Workers Welfare Board- Member,*ex officio*.

XI. Secretary, MP Urban / Rural Unorganized Workers Welfare Board- Member,*ex officio*

- X. Secretary, Madhya Pradesh Labour Welfare Board- Member ,*ex officio*  
XI. Director, ESICS, Govt of Madhya Pradesh- Member ,*ex officio*  
XII. Five representative of employers- Members  
XIII. Five representative of employees- Members  
XIV. Five eminent persons connected with field of Occupational Safety and health- Member  
XV. Deputy Secretary Labour- Member Secretary, *ex officio*  
Members referred to in clause XII, XIII, XIV as above shall be nominated by Government of Madhya Pradesh.

**(2) Term of Office.**— The terms of office of members as referred in clause XII, XIII, XIV of sub rule (1) shall be three years

**(3)** Procedure for nomination of members and discharge of their functions shall be prescribed by the State Government.

**(4) Resignation.**— (a) A member of the State board, not being an *ex officio* member, may resign his office by a letter in writing addressed to the Chairperson of the State Board.

(b) The seat of such a member shall fall vacant from the date on which his resignation is accepted by the state Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by the State Government which is earlier.

(c) A member appointed to fill a casual vacancy, arising due to death, resignation or otherwise of the member shall hold office for the remaining period of the tenure of office of the member in whose place he is appointed.

**(5) Cessation of membership.**— If any member of the State board, not being an *ex-officio* member, fails to attend three consecutive meetings of the State board, without obtaining the leave sanctioned by the Chairperson of such State board for such absence, he shall cease to be a member of State board.

Provided that the State Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of State Board.

**(6) Disqualification for membership.**— A person shall be disqualified for being a member of the State Board—

- (i) if he is of unsound mind and stands so declared by a competent authority;
- (ii) if he is an un-discharged insolvent; or
- (iii) if he has been convicted for an offence, having a penalty of imprisonment of three months or more;

**(7) Removal from membership.**— The State Government may remove any member of the State Board, if in its opinion such member has ceased to represent the interest which he purports to represent on such State Board:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making a representation against the proposed action under this rule.



**(8) Travelling Allowance for members.-** (i) the travelling allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(ii) the non-official members of the State Board shall be paid travelling allowance for attending the meeting of the State Board at such places as per the guidelines of Finance Department.

**(9) Meeting of the Board and Quorum.-** (1) The State Board may meet as often as necessary.

Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

(2) No business shall be transacted at any meeting unless at least 6 members are present, Provided that if at any meeting less than 6 members are present the Chairperson may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is a prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is of urgent nature, notice of not less than three days shall be deemed sufficient.

(3). The meeting of the State Occupational Safety and health advisory Board shall be conducted at least once in a year.

**10. Chairperson to preside at meetings.—**The Chairperson shall preside over all meetings of the Board, and if the Chairperson is, for any reason, unable to attend a meeting of the Board, any member nominated by the Chairperson in this behalf, and in the absence of such nomination, any other member elected by the members present from amongst themselves at the meeting, shall preside at the meeting.

**11. Minutes of meetings.—**The proceedings of each meeting of the Board shall be recorded and circulated to all members after approval by the Chairperson as soon after the meeting as possible, subject to confirmation in the next meeting of the Board. After such confirmation, they shall be recorded in a Minute Book, which shall be kept for permanent record.

**12. Allowances payable to Non-official members.—**Every non-official member shall be paid travelling allowance and daily allowance for attending meetings of the Board and its sub-committees at rates admissible to Class I officers of the State Government.

- 13. Appointment of Secretary, other Officers and Staff.**— (1) The Board may, with the prior concurrence of the State Government, appoint an officer not below the rank of a Class I officer as Secretary of the Board.
- (2) The Board may, with approval of state government, appoint such other officers and employees as it may consider necessary for the efficient discharge of its functions;

**Rule 26 under section 21**

**26.Collection of Statistics**

The employer shall submit the details of occupational safety and Health statistics electronically on web portal designated for the purpose.

**Rule prescribed under Section-22(1)**

**27. Safety Committee. –**

(1) In every factory, building and other construction works, Beedi and Cigar work and Plantation -

- (a) wherein five hundred or more workers are ordinarily employed;or
- (b) a factory carries on “hazardous process” as defined under section 2 (za) of the Code;or
- (c) a factory carries on any process or operations declared to be “dangerous operations” under section 82 of the Code;

there shall be a Safety Committee :

Provided that factories declared under Section 81 of the Code situated in a particular area and carrying out “hazardous process” or “dangerous operations” of similar nature, , shall have a common Safety Committee for them with the prior approval of Chief Inspector cum facilitator for the purpose this rule. The area of common safety committee shall be decided by Chief Inspector cum facilitator. Chief Inspector cum facilitator shall facilitate formation of safety committee.

(2) The tenure of the safety committee shall be for three years. The safety committee shall meet atleast once in everyquarter

(3) The representative of the workers shall be chosen by the registered trade Union. In case where there is noregistered trade union the members may be chosen by the workers of the establishment.

Provided that there shall be adequate representation of the women workers in the committee.

(4) Safety Committee shall have the right to be adequately and suitably informed of –

- (a) potential safety and health hazards to which the workers may be exposed at workplace;

- (b) data on accidents as well as data resulting from surveillance of the working environment and of the health of employees, conducted at such establishments.
- (5) The owner, employer, occupier, agent or manager shall, within a period of 15 days from the date of receipt of the recommendations of the Safety Committee shall take action to implement the recommendations.

**28. Composition of Safety Committee.-** (1) The representatives of the management on Safety Committee, shall consist of –

- (a) A senior official, who by his position in the organisation can contribute effectively to the functioning of the Committee, shall be the Chairman;
- (b) A Safety Officer and Medical Officer wherever available and the Safety Officer in such a case shall be the Secretary of the Committee ; and
- (c) A representative each from the production, maintenance and purchase departments.

(d) In case of common safety committee, minimum one employee from each factory shall be nominated by the occupier.

(2) The workers' representatives on the Safety Committee referred to in sub-rule (1) shall be chosen by the workers.

(3) The minutes of the meeting of the Safety Committee referred to in sub-rule (1) shall be recorded.

(4) Safety Committee shall have the right to be adequately and suitably informed of –

(a) potential safety and health hazards to which the workers may be exposed at workplace;

(b) data on accidents as well as data resulting from surveillance of the working environment and of the health of workers exposed to hazardous substances.

(5) Function and duties of the Safety Committee referred to in sub-rule (1) shall include –

(a) assisting and cooperating with the management in achieving the aims and objectives outlined in the "Safety and Health Policy";

(b) dealing with all matters concerning health, safety and environment and to arrive at practicable solutions to problems encountered;

(c) creating safety awareness amongst all workers;

(d) undertaking educational, training and promotional activities;

(e) discussing reports on safety, environmental and occupational health surveys, safety audits, risk assessment, emergency and disaster management plans and implementation of the recommendations made in the reports;

(f) looking into the matters likely to cause danger to the safety and health of the workers and suggest corrective measures; and

(g) reviewing the implementation of the recommendations made by it.

**29. Functions of Safety Committee.—** The functions of the Committee shall be-

- (a) to discuss remedial measures against the unsafe conditions and practices in the establishment as pointed out in the reports of worker's representative brought to the notice of the Committee and make appropriate recommendations;
- (b) to discuss the report of inquiry into accident, dangerous occurrences etc., and make appropriate recommendations;
- (c) to formulate and implement appropriate Safety campaign based on analysis of accidents and dangerous occurrences;
- (d) to serve as a forum for communication on Safety and occupational health matters; and
- (e) to discuss the standard operating procedures (SOP) prepared for different plant, equipment, installations and methods at the establishment and make appropriate recommendations.

**30. Qualification of Safety Officer -** (1) A person shall not be eligible for appointment as a Safety Officer unless he-

- (i) Possesses recognised degree in any branch of engineering or technology and has had practical experience of working in a establishment or in construction work, as the case may be, a supervisory capacity for a period of not less than 2 years; or a recognised degree in physics or chemistry and has had practical experience of working in establishment in a supervisory capacity for a period of not less than 5 years; or a recognised diploma in any branch of engineering or technology and has had practical experience of working in a establishment in construction work, in a supervisory capacity for a period of not less than 6 years;
- (ii) Possesses a degree or diploma in the industrial safety recognised by the State Government in this behalf; and
- (iii) Has adequate knowledge of the language spoken by majority of the workers in the region in which the establishment where he is to be appointed is situated.

(2) Notwithstanding the provisions contained in clauses (i) and (ii) sub-rule (1), any person who possesses a recognised degree or diploma in engineering or technology and has had experience of less than 5 years in a department of the Central or State Government which deals with the administration of the Occupational safety, health and working conditions Code ,2020; or Possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years, (full time) in training education consultancy or research in the field of accidents prevention in industry or in any institution, shall also be eligible for appointment as Safety Officer :

Provided that the Chief Inspector cum facilitator may, subject to such conditions as he may specify, grant exemption from the requirements of this sub rule, if in his opinion, a suitable person possessing the necessary qualifications and experience; is not available for appointment .

**31. Duties of Safety Officer.** - The duties of a Safety Officer shall be to advice and assist the establishment management in the fulfilment of its obligations, statutory otherwise concerning prevention of personal injuries and maintaining a safe working environment. These duties shall include the following namely :-

- (i) to advice the concerned departments in planning and organising measures necessary for the effective control or personal injuries;
- (ii) to advise on safety aspects in all job studies and to carry out detailed job safety of selected jobs;
- (iii) to check and evaluate the effectiveness of the action taken or proposed to betaken by concerned department to prevent personal injuries;
- (iv) to advise the purchase and stores departments in ensuring high quality and availability of personal protective equipment;
- (v) to advise on matter related to carrying out plant safety inspections;
- (vi) to render advise on matters related to reporting and investigation of industrial accidents diseases;
- (vii) to investigate selected accidents.
- (viii) to investigate the cases of industrial diseases contracted ,dangerous occurrence reportable under rules .
- (ix) to advise on the maintenance of such records as are necessary relating to accidents, dangerous occurrences and industrial diseases;
- (x) to promote setting up of safety committees and act as advisor to such committees;
- (xi) to organise in association with the concerned departments, campaigns, contests and other activities will develop and maintain the interest of the workers in establishing and maintaining safe conditions of work and procedures; and
- (xii) to design and conduct either independently or in collaboration with the training department suitable training and educational programmes for the prevention of personal injuries.

**32. Facilities to be provided to Safety Officers.-** The employer of the establishment shall provide each Safety Officer with such facilities equipment and information as are necessary to enable him to discharge his duties effectively.

**33. Prohibition on performance of other Duties.** - No Safety Officer shall be required or permitted to do any work which is inconsistent with of department to the performance of the duties prescribed in Rule 31.

**34.Number of Safety Officers.-** In every establishment where appointing of Safety officer is mandatory shall appoint safety officers, as laid down in the scale given below :

(A) For Factories

Sr.No.	Employment	Number of Safety officers
1.	500 to 1000 workers	One safety officer
2.	1001 to 2000 workers	Two safety officers
3.	2001 to 5000 workers	Three safety officers
4.	5001 to 10000 workers	Four safety officers

(B) For factories carrying on Hazardous process

Sr.No.	Employment	Number of Safety officers
1.	250 to 500 workers	One safety officer
2.	501 to 1000 workers	Two safety officers
3.	1001 to 2000 workers	Three safety officers
4.	2001 to 5000 workers	Four safety officers
5.	5001 to 10000	Five safety officers

(C) For Building or other construction work

Sr.No.	Employment	Number of Safety officers
1.	250 to 500 workers	One safety officer
2.	501 to 1000 workers	Two safety officers
3.	1001 to 2000 workers	Three safety officers
4.	2001 to 5000 workers	Four safety officers
5.	5001 to 10000	Five safety officers

Provided that for employment above 10000 workers one additional safety officer shall be appointed for every additional 5000 workers or part thereof.

Any appointment, when made, shall be notified to the Inspector cum facilitator having jurisdiction in the area, giving full details of the qualifications, terms and conditions of service of such safety officers.

## CHAPTER V

### Hours of work and annual leave with wages

**35. Daily and weekly working hours under clause (b) of sub-section (1) of Section 25.-**

(1) No worker shall be required or allowed to work in an establishment for more than forty eight hours in any week.

(2) the period of work of a worker shall be so arranged that inclusive of his intervals for rest, shall not spread over formore than twelve hours in a day.

(3) the period of works of workers shall not exceed **six hours** and that no worker shall work for more than six hours before he has had an interval for rest of atleast half an hour.

(4) the working hours in a day may be modified subject to sub-rules (1), (2) and (3), so that the total number ofworking hours in a week shall be so fixed and followed.

**36. Interruption period allowed in running time under Explanation (a) of sub-section (1) of Section 25.-** Amaximum of fifteen minutes interruption shall be allowed any time during which the running of the transport vehicleis interrupted.

**37. Working hours of working journalist under sub-section (2) of Section 25.-**(1) The provisions under this ruleshall apply to working journalist but not apply to editors, or to correspondents, reporters or news photographers (2) Notwithstanding anything contained in sub-rule (1) the following provisions shall apply to every correspondent,reporter or news photographer stationed at the place at which the newspaper establishment (in relation to which any such person is employed) is situated, namely:

(a) Subject to such agreement as may be arrived at either collectively or individually between the parties concerned,every such correspondent, reporter or news photographer shall, once he enters upon duty on any day, be deemed to be on duty throughout that day till he finishes all the work assigned to him during that day:

Provided that if such correspondent, reporter or news photographer has had at his disposal for rest anyinterval or intervals for a total period of two hours or less between any two or more assignments of work, heshall not be deemed to be on duty during such period:

Provided further that where the total period of such interval or intervals exceeds two hours, he shall bedeemed to be on duty during the period which is in excess of the said period of two hours.

(b) Any period of working in excess of thirty-six hours during any week, which shall be considered as a unit of workfor the purposes of this sub-rule, shall be compensated by rest during the succeeding week and shall be given inone or more spells of not less than three hours each:

Provided that where the aggregate of the excess hours worked falls short of three hours, the duration of restshall be limited only to such excess.

**38. Normal working day for working journalist.** - The number of hours which shall constitute a normal workingday for a working journalist exclusive of the time for meals shall exceed six hours per day in the case of a day shift and five and a half hours per day in the case of a night shift and no working journalist shall ordinarily be required or allowed to work for longer than the number of hours constituting a normal working day.

**39. Interval for rest for working journalist.** -Subject to such agreement as may be arrived at between a newspaper establishment and working journalists employed in that establishment, the periods of work for working journalist shall be so fixed that no working journalist shall work for more than four hours in the case of a day shift and three hours in the case of a night shift before he had an interval of rest, in the case of the day shift for one hour, and in the case of the night shift for half an hour.

**40. Compensation for overtime work.** -When a working journalist work for more than six hours on any day in the case of a day shift and more than five and a half-hours in the case of a night shift, he shall, in respect of that overtime work, be compensated in the form of hours of rest equal in number to the hours for which he has worked overtime.

**41. Conditions governing night shifts.** -No working journalist shall be employed on a night shift continuously for more than one week at a time or for more than one week in any period of fourteen days.

**42. Interval preceding change of shift.** -In the case of change of shift from night to day shift or vice versa, there shall be an interval of not less than twenty-four consecutive hours between the two shifts and in the case of a change from

one day shift to another day shift or from one night shift to another night shift there shall be interval of not less than twelve consecutive hours.

Provided that no such interval may be allowed if such interval either coincides with or falls within, the interval enjoyed by a working journalist under sub-section (2) of Section 25 of the Code.

**43. Number of holidays in a year for sales promotion employee or working journalist.** -A working journalist or Sales promotion employee shall be entitled to ten holidays in a calendar year.

**44. Compensatory holidays for sales promotion employee or working journalist.** -If a working journalist or Sales promotion employee is required to attend on a holiday, a compensatory holiday shall be given to him, within thirty

days immediately following the holiday, on a day mutually agreed upon by him and his employer.

**45. Wages for holidays.** - A working journalist or Sales promotion employee shall be entitled to wages on all holidays as if he was on duty.

**46. Wages for weekly day of rest.** -



A working journalist and Sales promotion shall be entitled to wages for the weekly day of rest as if he was on duty.

**47. Competent officers.** -Every newspaper establishment may designate one or more officers in that establishment as competent officers for the purposes of rules under this Chapter.

**48. Procedure for availing leave by working journalist or sales promotion employee .-** (1) A working journalist or sales promotion employee who desire to obtain leave shall apply in writing to the competent officer of the establishment. (2) Application for leave under sub-rule (1), other than casual leave, leave on medical certificate and quarantine leave, shall be made not less than one month before the date of commencement of leave, except in urgent or unforeseen circumstances.

(3) If leave is refused or postponed, the competent officer of the establishment shall record the reasons for such refusal or postponement, as the case may be, and send a copy of the order to the working journalist or sales promotion employee as the case may be.

(4) Holidays, other than weekly days of rest, shall not be prefixed or suffixed to any leave without the prior sanction of the competent officer of the establishment.

(5) A holiday including a weekly rest day, intervening during any leave granted under these rules, shall form part of the period of leave.

**49. Recall a working journalist or sales promotion employee before expiry of leave.** -(1) A newspaper establishment may recall a working journalist or sales promotion employee on leave, if that establishment considers it necessary to do so. In the event of such recall, such working journalist or sales promotion employee shall be entitled to travelling allowance, if at the time of recall he is spending his leave at a place other than his headquarters.

(2) The travelling allowance, which shall be paid to a working journalist under sub rule (1) shall be determined in accordance with the rules of the establishment governing travelling allowance for journeys undertaken by the working journalists or sales promotion employee in the course of their duties.

**50. Production of medical certificate of fitness before resumption of duty.** -A working journalist or sales promotion employee who has availed himself of leave for reasons of health may, before he resumes duty, be required by his employer to produce a medical certificate of fitness from the qualified medical practitioner or medical officer who issued the medical certificate.

**51. Designation of Medical Officer.** -Every establishment employing working journalist or sales promotion employee may designate one or more qualified medical practitioners in conformance with Section 42 of the Code.

**52. Earned leave.** -(1) A working journalist or sales promotion employee shall be entitled to earned leave on full wages for a period not less than one month for every eleven months spent on duty.

Provided that he shall cease to earn further such leave when the earned leave due amounts to ninety days.

(2) The period spent on duty shall include the weekly days of rest, holidays, casual leave and quarantine leave.

**53. Wages during earned leave.** - A working journalist or sales promotion employee on earned leave shall draw wages equal to his average monthly wages earned during the period of twelve complete months spent on duty, or if the period is less than twelve complete months, during the entire such period, immediately preceding the month in which the leave commences.

**54. Cash compensation for earned leave not availed of.**-(1) When a working journalist or sales promotion employee voluntarily relinquishes his post or retires from service on reaching the age of superannuation, he shall be entitled to cash compensation for earned leave not availed of up to a maximum of thirty days :

Provided that a working journalist or sales promotion employee who has been refused earned leave due to him shall be entitled to get cash compensation for the earned leave so refused:

Provided further that in the case of a working journalist who dies while in service and who has not availed himself of the earned leave due to him immediately preceding the date of his death, his heirs shall be entitled to cash compensation for the leave not so availed of.

(2) When a working journalist's or sales promotion employee's services are terminated for any reason whatsoever, other than as punishment inflicted by way of disciplinary action, he shall be entitled to cash compensation for earned leave not availed of up to a maximum of ninety days.

(3) Such cash compensation shall not be less than the amount of wages due to a working journalist or sales promotion employee for the period of leave not availed of, the relevant wage being that which would have been payable to him had he actually proceeded on leave on the day immediately preceding the occurrence of any of the events specified in sub-rule (1) or (2), as the case may be.

**55. Leave on medical certificate.** -

(1) A working journalist or sales promotion employee shall be entitled to leave on medical certificate on one-half of the wages at the rate of not less than one month for every eighteen months of service:

Provided that he shall cease to earn such leave when the leave on medical certificate amounts to ninety days.

(2) Such medical certificate shall be from a medical officer: Provided that when a working journalist has proceeded to a place other than his headquarters with the permission of his employer and falls ill, he may produce a medical certificate from any registered medical officer:

Provided further that the employer may, when the qualified medical practitioner is not in the service of the Government, arrange at his own

expense, the medical examination of the working journalist or sales promotion employee concerned by any Medical Officer.

(3) Leave on medical certificate may be taken in continuation with earned leave provided that the total of duration earned leave and leave on medical certificate taken together shall not exceed a hundred and twenty days at any one time.

(4) A working journalist or sales promotion employee shall be entitled at his option to convert leave on medical certificate on one-half of the wages to half the amount of leave of full wages.

(5) The ceiling laid down in the provision to sub-rule (1) and sub-rule (3) on the accumulation and total duration of leave may be relaxed by the competent officer in the cases of working journalists or sales promotion employees suffering from lingering illness such as tuberculosis.

(6) Leave on medical certificate or converted leave on medical certificate referred to in sub-rules (1) and (4) may be granted to a working journalist at his request notwithstanding that earned leave is due to him.

**56. Quarantine leave.** -Quarantine leave on full wage shall be granted by the newspaper establishment on the certificate of the authorized medical practitioner designated as such under Section 42, for a period not exceeding twenty-one days or, in exceptional circumstances, thirty-days. Any leave necessary for quarantine purposes in excess of that period shall be adjusted against any other leave that may be due to the working journalist or sales promotion employee.

**57. Extraordinary leave.** -A working journalist or sales promotion employee who has no leave to his credit may be granted extraordinary leave without wages at the discretion of the newspaper establishment in which such working journalist or sales promotion employee is employed.

**58. Leave not due.** -A working journalist or sales promotion employee who has no leave to his credit may be granted at the discretion of the newspaper establishment in which such working journalist is employed.

**59. Study leave.** -A working journalist or sales promotion employee may be granted study leave with or without wages at the discretion of the newspaper establishment in which such working journalist or sales promotion employee is employed.

**60. Casual leave.** -(1) A working journalist or sales promotion employee shall be eligible for casual leave at the discretion of the newspaper establishment for fifteen days in a calendar year:

Provided that no more than five days' casual leave shall be taken at any one time and such leave shall not be combined with any other leave.

(2) Casual leave not availed of during a calendar year will not be carried forward to the following year.

**61. Weekly day of rest under sub-section (2) of Section 26.**

(1) For the purpose of section 26, there shall be posted up in a conspicuous place outside the office of every establishment a notice showing the weekly

day of rest. Where the weekly day of rest is not the same day for all persons employed in the establishment, the notice shall show the day of rest allowed to each relay, or set of persons or individual.

**62. Compensatory holidays.**-(1) Except in the case of worker engaged in any work which for technical reasons must be carried on continuously throughout the day, the compensatory holidays to be allowed under sub-section (3) of section 26 of the Code shall be so spaced that not more than two compensatory holidays are given in one week.

(2) The manager of the establishment shall display, on or before the end of the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of works prescribed under section 26 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.

(3) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

**63. Extra Wages for overtime under Section 27.**-(1) In pursuance of Section 27 of Code, where in an establishment a worker works for more than eight hours in any day or for more than forty-eight hours in any week, **or**

(a) for more than nine hours in any day when working for six days in a week; or

(b) for more than ten hours in any day when working for five days in a week; or

(c) for more than eleven and a half hours in any day when working for four days in a week; or

(d) works on paid holidays,

**he shall in respect of such overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.**

(2) In calculating overtime on any day, a fraction of an hour between 15 to 30 minutes shall be counted as 30 minutes and in case of more than 30 minutes it shall be rounded and shall be counted as an hour on actual basis.

(3) In calculating the wages or earnings in the case of a worker paid by the month, the daily wages shall be 1/26th of his monthly wages; and in the case of any other worker it shall be the daily wages or earnings as the case may be.

(4) the spread over for the workers shall exceed twelve hours in any one day under the following works and circumstances in factories, building or other construction, namely;

- (a) urgent repairs;
- (b) work in the nature of preparatory or complimentary work;
- (c) work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest;
- (d) work which for technical reasons must be carried on continuously;
- (e) engaged in making or supplying articles of prime necessity which must be made or supplied every day,
- (f) engaged in a process which cannot be carried on except during fixed seasons;
- (g) engaged in a process which cannot be carried on except at times dependent on the irregular action of natural forces;
- (h) engaged in an engine-rooms or boiler-houses or in attending to power-plant or transmission machinery;
- (i) engaged in process on account of the break-down of machinery;
- (j) engaged in the loading or unloading of railway wagons or lorries or trucks;
- (k) exceptional press of work and
- (l) engaged in any work, which is notified by the State Government or Central government in the Official Gazette as a work of national importance;

Provided that no worker shall be allowed to work overtime exceeding **one hundred and forty four** hours in any quarter of a year.

**64. Circumstances for exemption from restriction on double employment in factory under section 30.-** Except in the case of workers engaged in any work which for technical reasons, or for such reasons as may be allowed by the Chief Inspector-cum-Facilitator, must be carried on continuously throughout the day, no worker shall be required or allowed to work in any factory on any day on which he has already been working in any other similar factory."

**65. Notice of periods of work under sub-section (2) of Section 31.-** (1) The notice referred to in sub-section (2) of section 31 shall be displayed at conspicuous places on a notice board or electronic board and maintained in **Form-9** and copy of such notice shall be sent to Inspector-cum-facilitator electronically or by registered post.

## **CHAPTER VI**

### **MAINTENANCE OF REGISTERS, RECORDS AND RETURNS**

**( Rules under under Section 33).-**

**66. Maintenance and production of reports, registers and other records**  
Every employer shall-

- (a) maintain register of workers, wages, overtime, fine, deduction for damage or loss in **form** 10 electronically and shall be kept available at an office or the nearest convenient building within the precincts of the establishment;

(b) in case of manual registers and other records, be legibly entered in ink in English and Hindi or the language understood by a majority of the persons employed;

(c) be preserved in original for a period of three calendar year after the date of the last report or entry;

Provided that when the original record is lost or destroyed before the expiry of one year period, true copies thereof, if available, shall be preserved for the prescribed period;

(d) be produced, electronically or by registered post, on demand before the Chief Inspector-cum-facilitator or an Inspector-cum-facilitator or any person authorized in that behalf of the State Government.

**67. Display of notice board.**—Every employer shall cause to display at the conspicuous place of the workplace of the establishment under his control, notice showing the name and address of the establishment, hours of work, wage period, date of payment of such wages, details of accident and dangerous occurrence in the establishment for the last five years, name and address of the Inspector-cum-facilitator having jurisdiction to such establishment and date of payment of unpaid wages to such workers in English, Hindi and in the Local Language understood by the majority of the workers.

**68. Return.**— Every employer of an establishment shall send annually a return relating to such establishment in duplicate in **Form-11** to the Inspector-cum-facilitator having jurisdiction so as to reach him not later than 1st February following the end of each calendar year with a copy to Director General, Labour Bureau electronically.

**69. Register of accident and dangerous occurrences.**— The registers of accident and dangerous occurrences required by sub-clause (v) of clause (a) of section 33 of the Code shall be maintained in a **Form-12**.

**70. Register of leave with wages under clause (a) of section 33.**—

(1) The owner, agent or manager of every establishment shall maintain in respect of every employee thereof a record of leave with wages electronically or manually in **Form-13**.

(2) The register mentioned in sub- rule (1) shall be preserved for a period of two years after the last entry in them has been made and shall not be destroyed even after the expiry of that period unless it has been properly transferred to the new register.

## CHAPTER VII (Inspector cum facilitator etc.)

### Rules under section 34

**71.** Qualification for the post of Chief Inspector cum facilitator for various establishments shall be as per schedule III appended to these rules.

### **72. Powers and duties of Inspector-cum-facilitator-**

(1) Inspector-cum-Facilitator shall, after every inspection, as may be deemed necessary, issue prohibition or improvement notice pointing out the non-compliance of provisions of safety, health and working conditions under the Code, and rules and regulations framed thereunder, to the employer of the establishment.

(2) An Inspector-cum-Facilitator shall, at each inspection, ascertain to what extent any shortcomings notified at a previous inspection have been rectified and the notices previously issued have been complied with. His findings and any shortcomings which may come to light during the inspection, together with any order passed by him under the Code or the regulations made thereunder shall be recorded and maintained.

**(Rule under clause (x) of sub-section (1) of section 35)**

**73. Power to take samples of any articles or substances**

(1) An Inspector cum facilitator may at any time during the normal working hours of a establishment, after informing the employer, occupier or manager of the establishment or other person for the time being purporting to be in charge of the establishment, taken in the manner hereinafter provided a sufficient sample of any substance used or intended to be used in the establishment, such use being— (a) in the belief of the Inspector cum facilitator in contravention of any of the provisions of the Code or this rules made thereunder, or

(b) in the opinion of the Inspector cum facilitator likely to cause bodily injury to, or injury to the health of workers in the factory.

(2) Where the Inspector cum facilitator takes a sample under sub-rule (1), he shall, in the presence of the person informed under that sub- section unless such person wilfully absents himself, divide the sample into three portions and effectively seal and suitably mark them, and shall permit such person to add his own seal and mark thereto.

(3) The person informed as aforesaid shall, if the Inspector cum facilitator so requires, provide the appliance for dividing, sealing and marking the sample taken under this section.

(4) The Inspector cum facilitator shall- (a) forthwith give one portion of the sample to the person informed under sub-rule (1);

(b) forthwith send the second portion to a Government Analyst for analysis and report thereon;

(c) retain the third portion for production to the Court before which proceedings, if any, are instituted in respect of the substance.

(5) Any document purporting to be a report under the hand of any Government Analyst upon any substance submitted to him for analysis and report under this rule , may be used as evidence in any proceeding instituted in respect of the substance.

**(Rules under section 37)**

**74. Third party audit and certification-** (1) Labour Commissioner may recognise any person or institution , who are recognised by Chief Inspector cum facilitator as Competent Person or Institutes or possessing required qualification under Rules of the Occupational Safety, Health and Working Conditions (Madhya Pradesh) Rules, 2020 to inspect dangerous machines , hoist & lift , Lifting machines & Lifting Tools & pressure vessels , as Third party auditor /certifier for third party audit/certification of non hazardous category Factories employing up to fifty workers.

(2) Labour Commissioner on receipt of application in prescribed form shall register or reject such application after satisfying himself regarding qualification and experience of the applicant. Such application shall be disposed of either by issuing a certificate of third party auditor /certifier in the prescribed form or by rejecting the same specifying reason therefore within a period of 60 days.

(3) Certificate of recognition as third party shall be issued for such area and for such period as may be specified in certificate.

(4) The Labour Commissioner ,if he has reason to believe that a recognized person/Institution has rendered himself unfit for any reason, to be recorded in writing , may revoke person/Institution reorganised for third party certification after giving an opportunity to the third party certifier of being heard .

(5) Any person recognised for third party certification shall not be deemed to be a public servant within the meaning of The Indian Penal Code (45 of 1860) Explanation –For the purpose of this Rule ,an Institution Includes an organisation or agency .

(6) such factories which submit the audit/certification report carried out by a Third party authorised by Labour Commissioner of Madhya Pradesh regarding compliances of THE OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020 and Rules made there under to the Inspector cum facilitator having jurisdiction before 31st January every year, shall be exempted from routine inspection process,provided, Inspection of such factories shall only be carried out with the prior permission of Labour Commissioner, Madhya Pradesh in case of serious/fatal accident or complaint information thereto. The factories those fail to submit their compliance certification report before the prescribed deadline of 31st January of every year shall not be entitled for such exemption.

**75. manner of providing alternative employment under clause (d) of sub section A(1) of section 38**

(1) It shall be the duty of occupier to provide alternative employment to any person whose employment has been affected by an order under sub-clause (a) of sub-section (1) of section 38, if any other Factory of the same occupier exists within the radius of one hundred kilometer:



Provided that facility to commute to such other Factory and accommodation to affected persons shall be provided by the occupier. Provided further that if the whole or a part of Factory is fully closed by an order, than it shall be the duty of the occupier to pay wages to the affected person as per the Code of Wages, 2019(Central Act No.29 of 2019) for the number of the days for which the Factory remained closed.

(2) The alternative employment may be offered only when the period of employment affected by the order is fifteen days or more

(3) Such persons shall be given notice at least three days before the actual date of such order.

(4) The wages and other facilities shall not be affected to the detriment of such person .

#### **( Rules under sub-section (1) of Section 42)**

**76. Appointment of Medical Officer-**(a)The Medical Officer shall be a medical practitioner who possesses minimum MBBS degree from medical institute recognised by Medical Council of India/ National Medical Commission or Madhya Pradesh Medical Council.

(b) Medical practitioner having Diploma in Industrial health or equivalent post graduate certificate of training in industrial health shall be given preference.

**77. Duties of Medical Officer** -(1) On receipt of a reference under clause (c) sub section (2) of section 42 of the code, the Medical Officer shall, after giving prior notice regarding date, time and place for medical examination and upon examining the person sent for such examination, prepare the age and fitness certificate and deliver the same to the manager of the establishment concerned after retaining a copy thereof.

(2) The medical officer may seek opinion of specialists like radiologist, dentist and orthopaedic surgeon as the case may be, for the purpose of determination of age.

(3) Medical Officer shall carry out such examination and furnish such report as government may direct:

(a) for examination and certification of workers in an establishment in such dangerous occupation or processes as specified in First Schedule to the Code;

(b) for medical supervision of any establishment or class of establishment where cases of chronic occupational illness have occurred due to arduous nature of any process carried on or hazardous condition of work;

(c) in respect of any establishment or class of establishment or description of establishment in which operations involve any risk of injury to the health of any person or class of persons employed therein;

(d) to undertake occupational health survey for any or class of an establishment, where cases of illness have occurred or there is prevalence of diseases as prescribed in Third Schedule of the code.

(e) to assess the age and issue fitness of adolescent for employment in an establishment or class of establishment.

## CHAPTER –VIII

### (Special provisions on Women Employment)

**78.(under Section 43).Employment of Women in establishment - (1)** The following conditions shall be met for employment of women during night or before 6.00 a.m. and beyond 7.00 p.m in any day, namely:-

(1) It shall be mandatory to take written consent of women workers for working at night shift and employer shall ensure that women workers are employed in a batch of not less than five women.

(2) No women shall be employed against the maternity benefit provisions laid down under any other prevailing laws.

(3) Adequate transportation facilities shall be provided to women employees to pick-up and drop such employees at their residence.

(4) Employer shall provide safe and secure working conditions such that no women employee is disadvantaged in connection with her employment.

(5) The toilet, washroom, drinking, dining and rest room facilities should be available at the workplace where such women employees are employed and the passage to these facilities where women workers are required to go in connection with their work or otherwise in the premises and surroundings should be well-lit and under closed-circuit television (CCTV) surveillance.

(6) Women security guards shall be available at entry and exit point of work place.

(7) Wherever the factory provides boarding and lodging arrangements for the female workers, the same shall be kept exclusively for the women under the control of women wardens or supervisors.

(8) During night shift not less than 1/3rd of strength of the supervisors, shift-in-charge, foreman or other supervisory staff shall be women.

(9) There shall be not less than twelve consecutive hours of rest or gap between the last shifts and the night shift whenever a woman worker is changed from day shift to night shift and so also from night shift to day shift.

(10) The provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), as applicable to the establishments, shall be complied with.

**79.(under Section 44).-Adequate Safety of employment of women in dangerous operations :-** The State Government may declare by notification the class of establishments or factory and the scheme, and standards for safeguarding of women in hazardous process or in dangerous operations

## **CHAPTER IX – Special Provisions**

### **PART I - Contract labour**

**80. Qualification and Criteria of the Contractor under sub-section (1) of Section 47.-**For the purposes of obtaining license, the contractor as an entity or as an individual should not be an un-discharged insolvent or convicted any time during the last two years of an offence which is criminal in nature involving offences which are liable for punishment for more than three months of imprisonment.

**81. Conditions of License under sub-section (3) of section 47.- (1).**The contractor shall ensure that:

(a) the hours of work shall conform to the rules made under Section 25 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).

(b) the wages shall be paid in accordance with the Code on Wages, 2019 (29 of 2020).

(c) if the contract worker of the contractor is working at the premises of the principal employer then it shall be the responsibility of the principal employer to provide the facilities or amenities such as toilet, washroom, drinking water, bathing facilities if required, changing room, first aid box, Canteen and Crèche and

(d) all other facilities and entitlements shall be provided by the contractor.

(e) in case the contractor fails to make payment of minimum wages to the contract worker, then the Labour Commissioner or his representative, who shall cause such payment to be made to the contract workers who have not been paid out of the security deposit maintained under rule 85 including by invoking the bank guarantee; and

(f) he shall intimate within fifteen days of the receipt of a contract work order about the details the contract work order and in the manner as under rule 87.

**82. Form and manner of application for contractor license under of sub-section (1) of Section 48.-**Every application by a contractor for the grant of a license shall be made on-line electronically through official portal in **Form-16** to the licensing authority.

**83. Forms, terms and conditions of license.-** (1) Every license granted shall be in **Form-17**.

(2) Every license granted or renewed is subject to the following conditions, namely:—

(i) the license shall be non-transferable;

- (ii) the number of workers employed as contract labour by the contractor shall not, on any day, exceed the maximum number specified in the license;
- (iii) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the license shall be non-refundable;
- (iv) the rates of wages payable to the workers by the contractor shall not be less than the rates prescribed under the Code on Wages, 2019 and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

**84. Procedure for issue of license under sub-section (2) of section 48.-** (1)

Before a license is issued under any rule of these rules, bank guarantee for an amount calculated at the rate of Rupees one thousand for each of the worker to be employed as contract labour, in respect of which the application for license has been made, shall be deposited by the contractor for performance of the conditions of the license and compliance with the provisions of the Code or the rules made thereunder.

(2) Wherein the issued contract license had expired, based on the request of the applicant in Form, the Licensing Authority may adjust the security deposit in respect of his application for new license.

(3) The fees to be paid for the grant of a license shall be as notified by the State Government in the official gazette from time to time.

**85. Renewal of license under Section 48.-**(1) Every contractor shall apply electronically on official portal to the Licensing Authority for renewal of the license.

(2) Every such application shall be submitted on the said portal at least 30 days prior to expiry of license period but not before 90 days of such expiry of license.

(3) The security deposit and the fee chargeable for renewal of the license shall be the same as for the grant of license under rule 82.

Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty five per cent, shall be payable for such renewal.

(4) It shall be the responsibility of the authority concerned to renew license within 30 days.

**86. Refund of security deposit .-**(1) On expiry of the period of license the contractor may, if he does not intend to have his license renewed further, make an application electronically to the licensing authority for the refund of the security deposited by him (in form of bank guarantee) along with copy of licence and notice of completion of work and bank details in which amount is required to be refunded.

(2) If the Licensing Authority is satisfied that there is no breach of the conditions of license or there is no order for the forfeiture of security deposit

or any portion thereof, he shall direct the refund of the security deposit to the applicant.

(3) If there is any order directing the forfeiture of any portion of contractor's security deposit, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the contractor.

(4) Any application for refund shall, as far as possible, be disposed of within thirty days of the receipt of the application.

#### **87. Responsibility of contractor under sub-section (4) of Section 48.-**

(1) The rates of wages payable to the workers by the contractor shall not be less than the rates prescribed under the Code on Wages, 2019 (29 of 2019) and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

(2) In case where the worker employed by the contractor perform the same or similar kind of work as the worker directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workers of the contractor shall be the same as applicable to the workers directly employed by the principal employer of the establishment on the same or similar kind of work. In case of any dispute whether the work is of similar kind, the matter be referred to the Licensing Authority whose decision shall be final.

(3) In other cases the wage rates, holidays, hours of work and conditions of service of the workers of the contractor shall be such as specified under the Code and rules made thereunder.

(4) All contract labour shall be made member of EPFO and ESIC subject to applicability as under respective provisions of the Code on Social Security, 2020.

(5) The contractor shall notify any change in the number of workers or conditions of work to the Licensing Authority, electronically.

#### **88. Intimation of work order and time limit for intimation under section 50.-**

(1) Every contractor shall within fifteen days of the receipt of a contract work order shall intimate about the contract work order containing the details such as the name of the principal employer, address of the premises where work is being undertaken, date of commencement of the contract work, the number of contract labour employed under that work order, duration of work orders.

(2) The details of work order shall be sent by the contractor or his authorized representative.

(3) The intimation shall be sent electronically on official portal or on the e-mail of the Labour Commissioner or Licensing Authority.

#### **89. Revocation or suspension of license under section 51.-**

(1) If the Licensing Authority is satisfied that the licence has been obtained by mis-representation or suppression of any material fact or if the contractor has failed to comply with the conditions subject to which licence was granted or the contractor has contravened any provision of the Part-I, Chapter-XI of the Code or rules made thereunder, the Licensing Authority shall issue a show cause notice of 15 days to the contractor electronically. On receipt of the reply if any, from the contractor within 15 days, the Licensing Authority shall examine the same and in case the licensing authority finds that the continuation of contract business by the contractor is going to lead to grave harm to the workers, he may pass a speaking order recording the reasons for revocation or suspension or otherwise and communicate to the contractor electronically. A copy of the order shall be endorsed to the Labour Commissioner, Inspector cum facilitator and concerned principal employer.

(2) If the contractor has complied with the said provisions of the code and rules made thereunder within the stipulated time period, the Licensing Authority shall revoke the suspension giving a speaking order or else the suspension may be continued.

(3) If the contractor fails to comply with the directions as in sub-rule (1), the Licensing Authority may forthwith pass an order of revocation of license, recording the reasons thereof and communicates to the contractor electronically. The copy of the order shall be endorsed electronically to the Labour Commissioner, Inspector cum facilitator and concerned principal employer.

**90. Appeal under sub-section (1) of section 52:** The appellate authority under sub-section (1) of section 52 of the Code shall be as notified by the State Government in this behalf.

**91. Responsibility of Payment of wages under Section 55.-** (1) The contractor shall fix the wage periods in respect of which wages shall be payable and no wage period shall exceed one month.

(1) The wages of every person employed as contract labour in an establishment or by a contractor shall be paid before the expiry of seventh day after the last day of the wage period in respect of which the wages are payable.

(3) The wages shall be disbursed only through bank transfer or electronic mode..

**92. Making payment of wages from the security deposit amount under sub-section (4) of section 55 .-**

If the contractor or principal employer does not pay the wages to the contract labour employed by him, the Labour Commissioner or his representative or the competent officer as may be notified shall conduct or cause to conduct, an inquiry and after giving an opportunity to be heard to the contractor shall pass an order to make payment if any, of such wages from the amount deposited by the contractor as security deposit. The contractor shall re-furnish the security deposit within a period of fifteen days or else his license will be liable to be suspended.

**93. Experience Certificate under section 56.-** Every concerned contractor shall issue on demand, experience certificate in Form-18 to the contract labour giving details of the period, work performed, experience gained in various fields performed by such contract labour.

**94. Form and manner of application for declaration of core activity under section 57-**

(1) If a question arises, as to whether, any activity of an establishment is a core activity or otherwise, the aggrieved party may make an application in Form-18-A to the State Government directly or through the Labour Commissioner, Madhya Pradesh for decision.

(2) The said application shall contain complete details of the activity in question and manufacturing processes of the establishment.

(3) The such application shall also contain the justification for making such an application.

(4) The application shall be accompanied with such documents are deemed necessary by the applicant.

(5) Where the State Government refers any such question suo-moto or refers the application to Authority designated under clause (a) of sub-section (2) of section 57, such designated authority shall send a report to the State Government within a period of two months from the date of receipt of such question or application and thereafter the State Government shall decide the question within two months from the date of receipt of such report."

## **PART II- Inter-State Migrant Workers**

**95. Journey allowance to Inter-State Migrant Worker under Section 61.-**

The employer shall pay a lump sum reasonable amount on account of fare for to & fro journey to the inter-state migrant worker by train (not less than II Class Sleeper) or by bus or any other mode of passenger transport from the place of employment to the place of residence in the home state in the event of the following, namely:

if he has worked for a period of not less than 180 days in the concerned establishment(s) in preceding twelve months;

Provided that the journey allowance shall be given to an inter-state migrant worker once in twelve months. In the event of change of employer by the inter-state migrant worker during the middle of the employment period and has not availed the journey allowance from his previous employer, then on the basis of a certificate to be given by the inter-state migrant worker, the employer where the inter-state migrant worker is now working and the such worker has completed one hundred and eighty days in preceding twelve

months including the period spent with the previous employer, then the employer shall give journey allowance.

**96. Scheme for availing benefits of public distribution system and building and other construction welfare fund.**-The inter-state migrant worker shall have option to avail benefit of the scheme under section 62 through official portal.

**97. Setting up of a Toll Free helpline number to the inter-state migrant worker under Section 63.**-A Toll Free helpline number shall be provided by the Labour Department, to address queries and grievances of the migrant workers. Helpline number shall be provided by the department from the date notified.

**98. Study of inter-state migrant workers under Section 64.**-The State Government may identify the studies to be carried out to promote safety, health and welfare of inter-state migrant workers. Wherever required the State Government may also consult expert organizations and different stake holders involved in the safety, health and welfare of inter-state migrant workers.

### **PART -III - Audio - Visual Worker**

**99. Agreement for audio-visual worker under clause (a) of sub-section (2) of section 66.**-(1)The Form of agreement for the audio-visual workers with the producer is given in Form-19

(2) The agreement shall be registered with the competent authority as may be notified by the State Government.

(3) A copy of the agreement shall also be uploaded on ShramSeva or any other official portal of the labour department.

**100. Authority to whom a copy of the agreement shall be forwarded by the producer under sub-section (3) of section 66.**—

Copy of the agreement shall be forwarded by the producer to the authority as may be notified by the State Government.

**101. Procedure for reference of disputes to a Conciliation Officer or a Tribunal under clause (vii) of sub-section (4) of section 66.**-The procedure for reference of dispute to a conciliation officer or a tribunal shall be in conformity with the Industrial Relation, Code 2020 and Rules framed thereunder.



## **PART IV - Beedi And Cigar Workers** **(Rule 101 to 115 under section 74 to 77)**

**102. Form of application for grant of licence and licence fees.** - (1) Every application under sub-section (1) of Section 119 for a licence to use or allowed to be used any place or premises as an industrial premises shall be made electronically in Form 20.

(2) The application shall be accompanied with the following documents, namely :-

(a) plans showing-

(i) the site of such place or premises, the areas therein to be used for manufacturing processes and the immediate surroundings of such place or premises, including adjacent buildings, structures, roads, drains and the like; and

(ii) the plan elevation and necessary cross-sections of, the details relating to natural lighting, ventilation, means of escape in case of fire, position of the plant and machinery, if any, used, aisles and passage-ways in or in relation to, the various buildings which are intended to be used for manufacturing processes;

(b) the cyber treasury challan showing that the appropriate fee for the licence as specified in schedule II has been paid.

(3) Before granting a licence, the Licensing Authority shall also take into consideration whether the site of an industrial premises is proposed to be altered, or whether any industrial premises has been closed, by the applicant during the period of twelve months immediately preceding the date of the application with a view to causing prejudice to the interests of the labour.

**103. Application for renewal.** - (1) Every application for renewal of a licence under Section 74 shall be made electronically in Form 20. The application shall be accompanied by the following documents, namely :

(a) the licence sought to be renewed;

(b) the cyber treasury challan showing that the appropriate fee for renewal of the licence specified in the official gazette has been paid.

(3) The provisions of sub-rule (3) of Rule 99 shall, so far as may be, apply to an application made under this rule.

**104. Form and terms and conditions of licence.** - (1) A licence under Section 74 shall be issued electronically in Form 21

(2) Every licence granted or renewed under Section 74 shall be subject to the following conditions, namely :

(i) the manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence;

- (ii) the maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence;
- (iii) power driven machinery not specified in the licence shall not be used in the manufacturing process in the premises;
- (iv) except with the prior permission in writing of the competent authority the industrial premises shall not be extended and except with the like permission no structural alteration shall be made in any building on such premises;
- (v) the licence shall not be transferable;
- (vi) except as provided in these Rules the fees paid for the grant, or, as the case may be, renewal of the licence shall be non-refundable.

**105. Appeals under Section 75.** - An appeal against the order of the Licensing Authority refusing grant or renewal of license shall-

- (a) be made electronically within a period of thirty days from the date of receipt the order sought to be appealed against;
- (b) be accompanied by a copy of the order appealed against.
- (c) memorandum containing grounds and facts.
- (d) treasury challan as a proof of payment of fees as notified from time to time.

**106. Fees.** -(1) The fees to be paid for the grant or renewal of a licence under Section 74 shall be as notified from time to time.

**107. Credit of fees.** - All fees payable under these rules shall be credited into the Government treasury under the State head of the account notified in this regard

**108.** If the competent authority refuses to grant or renew any licence under Section 74, the fees paid thereof shall not be refunded.

**109.** The State Government may permit the wetting and cutting of beedi or tobacco leaves by employees outside the industrial premises subject to such conditions as may be prescribed from time to time in this behalf.

**110. Disputes relating to issue of raw materials by the employer.** - (1) Any dispute between an employer and an employee or employees in relation to-

- (a) the issue by the employer of raw materials to the employee;
- (b) the rejection by the employer of beedi or cigar or both rejected by an employee; or
- (c) the payment of wages for the beedi or cigar or both rejected by an employer;

may be referred in writing by the employer or the employee or employees to the Inspector-cum Facilitator who shall, after making such enquiry as he may

consider necessary and after giving the parties an opportunity to represent their respective cases decide the dispute and record the proceedings in Form 22.

(2) Any party to the dispute aggrieved by the decision thereon under sub-rule (1) may prefer an appeal within a period of thirty days from the date of the decision to the Licensing Authority.

Provided that the appellate authority may admit an appeal after the said period if the appellant satisfies such authority that he had sufficient cause for not preferring the appeal within that period.

**111. Supervision of distribution of raw materials.** - No employer shall, if he is required to do so by an Inspector-cum-Facilitator by an order in writing, distribute except under the supervision of the Inspector-cum-Facilitator making the order or the supervision of another Inspector, raw materials to such employee or employees and during such period as may be specified in the order.

**112. Limit with regard to the rejection of Beedis or Cigars.** - (1) No employer or contractor shall ordinarily reject as sub-standard or *chhat* or otherwise more than five per cent of the beedis or cigars, or both, received from a worker including a home worker.

(2) Where any beedi or cigar is rejected as sub-standard or *chhat* or otherwise on any ground other than the ground of wilful negligence of the worker, the worker shall be paid wages for the beedis or cigars so rejected at one-half of the rate at which wages are payable to him for the beedis or cigars, or both, which have not been so rejected.

**113. Payment of wages to home workers.** - Where raw materials are supplied to a home worker at his home, the wages due to him shall also be paid at his home:

Provided that an Inspector-cum-Facilitator may, if he considers it expedient so to do in the circumstances of any case, specify in respect of any home worker any other place or places at which wages shall be paid.

**114. Returns.** - The employer in respect of every industrial premises shall send to the Chief Inspector cum Facilitator as illustrated in schedule III in this regard on or before the 10th day of every month, a monthly return in Form 23electronically or otherwise and furnish to that authority an annual return in Form 24electronically or otherwise on or before the 30th April of every year.

**115. Maintenance of certain registers.** -

(1) Every employer shall provide free of cost to each home worker two books in Form 25 (hereinafter referred to as the Home workers log-book) and the home-worker shall keep a record in the logbook of the quantum of raw materials received, the number of beedis or cigars supplied by him, number of standard beedies/cigars, the number of sub-standard or *chat* beedis/cigars, the wages receivable and received by him for the standard beedis/cigars, sub-

standard or *chhatbeedis*/cigars. The book shall be made of good quality paper duly bound and will contain sufficient number of pages to last one year. The supply of books shall be so arranged that one book remains with the home worker at all times during the period between the two successive supplies or raw materials by the employer.]

(2) Every employer shall maintain a home workers' employment register in Form 26 electronically or otherwise containing the names and particulars of all the home workers employed under him and the entries in the register shall be made and kept up-to-date on the basis of the entries in the home-workers' log books.

**116. Permission to work by employees outside industrial premises-Under Section 76(1)–** (1) The employer shall make an application addressed to Additional Chief Secretary/Principal Secretary/Secretary of the Labour department on behalf of the employees to obtain permission for wetting or cutting of beedi or tobacco leaves by such employees through the Labour Commissioner. The Labour Commissioner shall forward the application with his comments within a period of seven days to the state Government. The State Government shall decide the application within a period of thirty days. The permission so granted shall be valid only for such period as specified in the order granting permission.

(a) - Application under sub rule (1) of rule 116 shall be made in form 26-A .

(b). *Terms and condition to seek permission.-*

(i) The employer shall provide adequate and regular raw material as and when demanded by the permitted workers.

(ii) Not to be discriminated while providing raw material to male or female or transgender employees.

(iii) In no case the work should be given to the child below 14 years of age.

(iv) The accurate weight of tobacco and exact quantum of beedi leaves should be given in writing to the permitted worker.

(v) Such permitted worker should not be paid less than the prescribed rates of minimum wages.

(vi) No deposit to be taken from the permitted workers for the provided raw material.

(vii) All social security statutory benefits of Insurance, provident Fund, Gratuity, Bonus, Leave with wages, Paid Holidays etc. should be given to all permitted worker.

(viii) The employer shall ensure to take accidental insurance of the beedi making industrial premises as well as of the residence of the permitted workers.

(2)The record to be maintained by the employer of the work permitted under sub-section (1) of Section 76 to be carried on outside the industrial premises shall be in Form 27electronically or otherwise.

(3) The employer shall in respect of the employees who are permitted to work in their houses (hereinafter referred to as the home-workers) maintain an up-to-date register in Form 28 electronically or otherwise.(Hereinafter referred to as the Register of Leave with Wages of home workers).

## PART V– Factories

### (Rules 117 to 121 under section 79 and 119)

**117. Form and manner of application for factory licence under sub-section (1)(c) of section 79-**The occupier seeking license for a factory shall apply electronically in**Form-20**on Official Portal of Department by giving details about the factory, and uploading documentsrelated to licence of the Factory for period upto ten years along with Copy of treasury challan /e-challan or otherwise as proof of payment of the amount of requisite fees for every year, as specified in the Schedule appended to this rule. The Form shall be signed digitally or in any other manner as may be required on the portal. Theapplicant shall be responsible for veracity of all information submitted in the application.

### SCHEDULE-‘A’

Scale of fees payable for grant or renewal and amended of the licence for factories as may be defined in section 2 w or notified under section 81 of the Occupational Safety, Health and Working Conditions Code, 2020 except the factories specified in the schedule 'B' & 'C' (Annual fee in Rs.)

H.P.	01-09 W	10-20 W	21-50	51- 100	101- 250	251- 500	501- 750	750- 1000	1001- 1500	1501- 2000	2001- 5000	More than 5000 Work
0-10	2447	4079	5710	8157	9789	19578	29366	32629	48944	65258	73416	978
.10-20	3258	5710	8157	12236	16315	24472	32629	40787	65258	73416	97888	1223
21-50	4079	8157	12236	16315	24472	32629	40787	57101	73416	97888	122360	1468
51-100	6526	16315	24472	32629	40787	48944	57101	77494	97888	122360	146832	1631

101-250	8157	24472	32629	40787	48944	57101	77494	89730	122360	146832	163146	179461
251-500	12236	32629	40787	48944	57101	73416	97888	114202	146832	163146	179461	203915
501-750	16315	40787	48944	57101	73416	89730	114202	130517	163146	179461	195775	212090
751-1000	19578	48944	65258	73416	97888	106045	130517	146832	179461	195775	212090	228405
1001-2000	40787	57101	73416	89730	114202	130517	146832	163146	195775	212090	228405	244719
2001-3000	57101	65258	89730	114202	146832	179461	212090	244719	277348	309978	342607	375222
3001-4000	73416	89730	106045	130517	163146	195775	228405	261034	293663	326292	358922	391551
4001-5000	89730	106045	130517	163146	195775	228405	261034	293663	326292	358922	391551	424180
Ab-5000	106045	130517	163146	195775	228405	261034	293663	326292	358922	391551	424180	456832

### SCHEDULE-‘B’

Scale of fees payable for grant or renewal of the license for factories as may be defined in section 2 w (ii) or notified under section 81 of the Occupational Safety, Health and Working Conditions Code, 2020 except the factories specified in the schedule 'A' & 'C'(Annual fee in Rs.)

(Annual Fees in Rs.)								
Upto 20	From 21 to 50	From 51 to 100	From 101 to 250	From 251 to 500	From 501 to 1000	From 1001 to 1500	From 1501 to 2000	More than 2000
2	3	4	5	6	7	8	9	10
2448	4080	6526	8160	16316	40788	57103	65259	81574

### SCHEDULE-‘C’

Scale of fees payable for grant or renewal or amendment of the license for Power Generating factories as may be defined in section 2 w ( i ) of the Occupational Safety, Health and Working Conditions Code, 2020 except the factories specified in the schedule 'A' & 'B'(Annual fee in Rs.)

M.W.	Up-100	101-250	251-500	501-1000	More than 1000
20	81574	97890	114204	130519	146835
20-50	97890	114204	130519	146835	163146
50-100	114204	130519	146835	163146	179463
100-250	130519	146835	163146	179463	195778
250-500	146835	163146	179463	195778	212091
500-1000-	163146	179463	195778	212091	228405

More than 1000	195778	212091	228405	244720	261036
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The Fee prescribed in schedule A,B, C for different categories of Factories shall be applicable from 1 st day of year in which these rule shall come into force and thereafter every three year there will be an increase in payable fee by 30 %

**118. Procedure for issue of licence** – (1)The licensing authority may, on application being made to him under rule 114 issue licence in **Form-21**electronically within such period as Prescribed in “Madhya Pradesh Lok Sewayon ke Pradan ki Guarantee Adhiniyam,2010” for such service ,as notified from time to time, if the application is complete in all respect .  
Provided that licence may be issued subject to compliance with such conditions as are specified in the licence.

(2). Mode of submission of application under sub-section (1) and (2) of section 79.- The provisions of rule 3(A) to 3(B) and rule 118 to 121 shall be applicable to submitting of application under sub-section (1) and (2) of section 79.

**119. Renewal of licence.** - (1)(a) An application for the renewal of a licence for period up to ten years shall be made online to the licensing authority in Form No. 20, not less than 30 days before the date on which the licence expires. The application shall be accompanied by the treasury chalan as the proof of the payment of the amount of requisite fees for every year, as specified in the Schedule given under Rule 114 :

Provided that the State Government may by general or special order, extend the period for application for renewal of a licence.

(b) No application for the renewal of licence made after the expiry of the period specified in sub-rule (a), or if the period is extended, after the expiry of such extended period, be entertained and the licence renewed unless it is accompanied by a treasury challan as the proof of payment of the amount of fees specified in the Schedule referred to sub-rule (a) and an additional fee equal to twenty five per cent fees payable for the licence which is to be renewed.

(2) On receipt of the application under sub-rule (1), the licensing authority may if he is satisfied that there is no objection to the renewal of the licence, renew the same for a period up to ten year and issue licence electronically in Form 21, to the applicant .

**120. Amendment of licence.**—(1) If at any time, during the term of a licence, the occupier finds it necessary to exceed the limits of the power installed on

any day or maximum number of workers to be employed on any day or effects any change in the name of the factory or change in occupier or such particulars referred in licence application, he shall make an application with documents required for amendment of a licence to the licensing authority within thirty days of such change and the licensing authority may amend the licence accordingly.

(2) An application for amendment shall be made online in Form 20 along with a treasury challan as a proof of payment of the fees for amendment of a licence, which shall be Rs. one hundred in addition to the amount of fees payable under Rule on the basis of total maximum power installed on any one day as intended to increase or maximum number of workers intended to be employed on any one day during the calendar year or both, as the case may be, less the amount already remitted for the original licence:

Provided that amendment fee of Rs. One hundred shall not be payable when the amendments are proposed simultaneously with the application for the renewal of the licence.

**121. Credit of fees.** -All fees payable under these rules shall be credited into the Government treasury under the State head of the account notified in this regard.

### **Rules under section 80**

#### **122. Liability of owner of premises-**

Liability of owner of premises in certain circumstances.—

(1) Where in any premises separate buildings are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for the provision and maintenance of common facilities and services, such as approach roads, drainage, water supply, lighting and sanitation.

(2) The Chief Inspector-cum-Facilitator shall have, subject to the control of the State Government, power to issue orders to the owner of the premises in respect of the carrying out of the provisions of sub rule (1).

(3) Where in any premises, independent or self-contained, floors or flats are leased to different occupiers for use as separate factories, the owner of the premises shall also be liable as if he were the occupier or manager of a factory, for any contravention of the provisions of this code in respect of—

(i) latrines, urinals and washing facilities in so far as the maintenance of the common supply of water for these purposes is concerned;

(ii) fencing of machinery and plant belonging to the owner and not specifically entrusted to the custody of user or an occupier;

(iii) safe means of access to the floors or flats and maintenance and cleanliness of staircases and common passages;

(iv) precautions in case of fire;

(v) maintenance of hoists and lifts; and

(vi) maintenance of any other common facilities provided in the premises.



(4) The Chief Inspector-cum- facilitator shall have, subject to the control of the State Government, power to issue orders to the owner of the premises in respect of carrying out the provisions of sub-rule (3).

(5) The provisions of sub-rule (3) relating to the liability of the owner shall apply where in any premises independent rooms with common latrines, urinals and washing facilities are leased to different occupiers for use as separate factories: Provided that the owner shall be responsible also for complying with the requirements relating to the provision and maintenance of latrines, urinals and washing facilities.

(6) The Chief Inspector-cum-Facilitator shall have, subject to the control of the State Government, the power to issue orders to the owner of the premises referred to in sub-section (5) in respect of carrying out the provisions.

(7) Where in any premises portions of a room or a shed are leased to different occupiers for use as separate factories, the owner of the premises shall be liable for any contravention of the provisions relating to Cleanliness, Disposal of water and effluent, lighting, drinking water, latrines and urinals, spittoon and washing facilities.

Provided further that the occupier shall be responsible for complying with all the safety related provisions of the code.

### **Rules prescribed under section 82**

**123. Dangerous manufacturing processes or operations.-** (1) The following manufacturing processes or operations when carried on in any factory are declared to be dangerous operations under Section 82:-

- (I) Manufacture of aerated water and processes incidental thereto.
- (II) Electrolytic plating or Oxidation of metal articles by use of an electrolyte containing chromic acid or other chromium compounds.
- (III) Manufacture and repair of electric accumulators.
- (IV) Glass manufacture.
- (V) Grinding or glazing of metals.
- (VI) Manufacture and treatment of lead and certain compounds of lead.
- (VII) Generating Petrol gas from petrol.
- (VIII) Highly flammable liquids and flammable compressed gases.
- (IX) Liming and tanning of raw hides and skins and processes incidental thereto.
- (X) Lead Process carried in Printing Press and Types Foundries.
- (XI) Chemical Works.
- (XII) Manufacture of Pottery.
- (XIII) Compression of Oxygen and Hydrogen by the Electrolysis of Water.
- (XIV) Cleaning or smoothing roughening, etc. of articles by a jet of sand, metal shots, or grit or other abrasive propelled by a blast of compressed air or steam.

(XV) Handling and processing of Asbestos, Manufacture of any article of asbestos and any other process of manufacture or otherwise, in which asbestos is used in any form.

(XVI) Handling and manipulation of corrosive substances.

(XVII) Manufacture of articles from refractory materials.

(XVIII) Solvent Extractions Plants.

(XIX) Carbon Di-sulphide plants.

(XX) Manufacture or Manipulation of Manganese and its compounds.

(XXI) Applicable to factories in which Benzene or substances containing Benzene are manufactured, handled or used.

(XXII) Manufacture of Slate Pencils.

(XXIII) Manufacture or manipulation of dangerous pesticides.

(XXIV) Manufacture or manipulation of carcinogenic dye intermediates.

(XXV) Operations involving high noise levels.

(XXVI) Manufacture Rayon by viscose process.

(XXVII) Operations in Foundries.

(2) The provisions specified in the schedules annexed hereto shall apply to any class or description of factories where in dangerous manufacturing processes or operations specified in each schedule are carried on and the term 'First employment' appearing in various schedule means employment or re-employment therein after cessation of employment in such processes or operations for a period exceeding three calendar months.

(3) Notwithstanding the provision's specified in the schedules annexed to this rule, the Inspector-cum facilitator may by issue of order in writing to the manager or occupier or both, direct them to carry out such measures and within such time as may be specified in such order with a view to removing conditions dangerous to the health and safety of the workers, or to suspend any process where such process constitutes, in the opinion of the Inspector-cum facilitator on the basis of his findings, an imminent danger of poisoning or toxicity or a major hazard.

(2) The occupier shall ensure medical examinations of all the employees engaged in all the dangerous operation factories. However frequency of re examination shall be as laid down in respective schedule. Provided that apart from the clinical, pathological & other tests as mentioned in respective schedules the medical officer may recommend for such tests and examinations of the worker employed in dangerous operations as he feels necessary. Occupier shall ensure to arrange additional tests & examinations as recommended by the medical officer.

Register or record of medical examinations and tests connected therewith required to be carried out under any of the schedules annexed thereto in respect of any worker shall be kept readily available to the Inspector cum Facilitator and shall be preserved till the expiry of five years after the worker cease to be in employment of the factory.

(e) The medical officer after examining a worker, employed/or to be employed in any dangerous operation as specified in the following schedules, shall issue a certificate of fitness in Form 29. The health register shall be kept in Form 30.

## **Schedule I**

### **Manufacture of Aerated Waters and Processes incidental thereto**

**1. Fencing of machines.** - All machines for filling bottles or siphons shall be so constructed, placed or fenced as to prevent, as far as may be practicable, a fragment of a bursting bottle or siphon from striking any person employed in the factory.

**2. Face-guards and gauntlets.** - (1) The occupier shall provide and maintain in good condition for the use of all persons engaged in filling bottles or safeness-

(a) suitable face-guards to protect the face, neck and throat, and

(b) suitable gauntlets for both arms to protect the whole hand arms :

Provided that-

(i) paragraph 2 (1) shall not apply where bottles are filled by means of an automatic machine so constructed that no fragment of a bursting bottle can escape, and

(ii) where a machine is so constructed that only one arm of the bottler at work upon it is exposed to danger, a gauntlet need not be provided for the arm which is not exposed to danger.

(2) The occupier shall provide and maintain in good condition for the use of all persons engaged in corking, crowing, screwing, wiring, foiling, capsuling, sighting or labeling bottles or siphon-

(a) suitable face-guards to protect the face, neck and throat, and

(b) suitable gauntlets for both arms to protect the arm and at least half of the palm and the space between the thumb and forefinger.

**3. Wearing of face-guards and gauntlets.** - All persons engaged in any of the processes specified in paragraph 2 shall, while at work in such processes wear the face-guards and gauntlets provided under the provisions of the said paragraph.

**4. Medical Examination by the medical officer** - (1) Every worker employed in the processes this schedule applies to, shall be examined by a medical officer. He shall issue fitness on form 29.

(1) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the Aerated Waters processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

- (2) No person who has been found unfit to work shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.
- (3) Fitness and health register shall be maintained and shall be kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

## **Schedule II**

### **Electrolytic plating or oxidation of metal articles by use of an electrolyte containing acids, bases or salts of metals such as chromium, nickel, cadmium, zinc, copper, silver, gold, etc.**

**1. Definition.** - For the purposes of this Schedule,-

- (a) "*electrolytic process*" means the electrolytic plating or oxidation of metal articles by the use of an electrolyte containing acids, bases or salts of metals such as chromium, nickel, cadmium, zinc, copper, silver, gold, etc.;
- (b) "*bath*" means any vessel used for an electrolytic process or for any subsequent process;
- (c) "*employed*" means employed in any process involving contact with liquid from a bath.

**2. Exhaust draught.** - An efficient exhaust draught shall be applied to every vessel in which an electrolytic process is carried on. Such draught shall be provided by mechanical means and shall operate on the vapour or spray given off in the process as near as may be at the point of origin. The exhaust draught appliance shall be so constructed, arranged and maintained to prevent the vapour or spray entering into any room or place in which work is carried on.

### **3. Prohibition relating to pregnant or lactating women and young persons. –**

- (1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work at a bath.
- (2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months”.

**4. Floor of work-rooms.** - The floor of every work room containing a bath shall be impervious to water. The floor shall be maintained in good and level condition and shall be washed down at least once a day.

**5. Protective devices.** - (1) The occupier shall provide and maintain in good and clean condition the following articles of protective devices for the use of all persons employed on any process at which they are liable to come in contact

with liquid from a bath and such devices shall be worn by the persons concerned:-

(a) water-proof aprons and bibs; and

(b) for persons actually working at a bath, loose fitting rubber gloves and rubber boots or other waterproof footwear and chemical goggles.

(2) The occupier shall provide and maintain for the use of all persons employed suitable accommodation for the storage and drying of protective devices.

**6. Water facilities.** - (1) There shall be provided and maintained in good repairs for the use of all persons employed in electrolytic process and processes incidental to it-

(a) a wash place under cover, with either-

(i) a trough with a smooth impervious surface fitted with a waste pipe, and of sufficient length to allow at least 60 cm. for every 5 persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than 60 cms.; or

(ii) at least one wash basin for every five such persons employed at any one time, fitted with a waste pipe and having a constant supply of water laid on.

(b) a sufficient supply of clean towels renewed daily, and soap or other suitable cleaning material.

(2) In addition to the facility in sub-paragraph (1) an approved type of emergency shower with eye fountain shall be provided and maintained in good working order. Wherever necessary, in order to ensure continuous water supply storage tank of 1500 liters capacity shall be provided as a source of clean water for emergency use.

**7. Cautionary placard.** - A cautionary placard in the form specified below and printed in the language of the majority of the workers employed shall be affixed in a prominent place in the factory where it can be easily and conveniently read by the workers.

#### **Cautionary Notice**

##### **Electrolytic Plating**

1. Chemicals handled in this plant are corrosive, and poisonous.

2. Smoking, chewing, tobacco, eating food or drinking, in this area is prohibited. No food stuff or drink shall be brought in this area.

3. Some of these chemicals may be absorbed through the skin and may cause poisoning.

4. A good wash shall be taken before meals.

5. Protective devices supplied shall be used while working in this area.

6. Spillage of the chemicals on any part of the body or on the floor shall be immediately washed away with water.

7. All workers shall report for the prescribed medical tests regularly to protect their own health.

**9. Medical facilities and examination by the medical officer** - (1) The

occupier of every factory in which electrolytic processes are carried on shall-

- (a) make arrangement of a qualified medical practitioner for medical surveillance of the workers employed therein
- (b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a); and
- (c) maintain a sufficient supply of suitable barrier cream, ointment and impermeable water proof plaster in a separate box readily accessible to the workers and used solely for the purpose of keeping substances. In case cyanides are used in the bath, the box shall also contain an emergency cyanide kit.

(2) The Every worker employed in the electrolytic processes shall be examined by a medical officer. He shall issue fitness on form 29.

(3) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the electrolytic processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(4) No person who has been found unfit to work shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(5) The record of the examinations shall be maintained and shall be kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

### **Schedule III**

#### **Manufacture and repair of electric accumulators**

**1. Savings.** - This Schedule shall not apply to the manufacture or repair of electric accumulators or parts thereof not containing lead or any compound of lead; or to the repair on the premises, of any accumulator forming part of a stationary battery.

**2. Definition.** - For the purposes of this Schedule-

- (a) "*Lead process*" means the melting of lead or any material containing lead, casting, pasting, lead burning, or any other work, including trimming or any other abrading or cutting of pasted plates involving the use, movement of manipulation of, or contact with any oxide of lead;

(b) "*Manipulation of raw oxide of lead*" means any lead process involving any manipulation or movement of raw oxides of lead other than its conveyance in a receptacle or by means of an implement from one operation to another;

**3. Prohibition relating to pregnant or lactating women and young persons. –**

- (1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any lead process or in any room in which the manipulation of raw oxide or lead or pasting is carried on.
- (2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months”.

**4. Separation of certain processes.** - Each of the following processes shall be carried on in such a manner and under such conditions as to secure effectual separation from one another, and from any other process:-

- (a) Manipulation of raw oxide of lead;
- (b) Pasting;
- (c) Drying of pasted plates;
- (d) Formation with lead burning ("tacking") necessarily carried on in connection therewith;
- (e) Melting down of pasted plates.

**5. Air space.** - In every room in which a lead process is carried on, there shall be at least fourteen cubic meter of air space for each person employed therein, and in computing this air space no height over three meters shall be taken into account.

**6. Ventilation.** - Every work-room shall be provided with inlets and outlets of adequate size as to secure and maintain efficient ventilation in all parts of the room.

**7. Distance between workers in pasting room.** - In every pasting-room the distance between the centre of the working position of any paster and that of the paster working nearest to him shall not be less than five feet.

**8. Floor of work-rooms.** - (1) The floor of every room in which a lead process is carried on shall be-

- (a) of cement or similar material so as to be smooth and impervious to water;
- (b) maintained in sound condition;
- (c) kept free from materials, plant, or other obstruction not required for, or produced in the process carried on in the room.

(2) In all such rooms other than grid casting shops the floor shall be- (a) cleansed daily after being thoroughly sprayed with water at a time when no other work is being carried on in the room.

(3) In grid casting shops, the floor shall be cleansed daily.

(4) Without prejudice to the requirements of sub-paragraphs (1), (2) and (3), where manipulation of raw oxide of lead or pasting is carried on, the floor shall also be-

(a) kept constantly moist while work is being done;

(b) provided with suitable and adequate arrangements for drainage;

(c) thoroughly washed daily by means of a hose pipe.

**9. Work-benches.** - The work-benches at which any lead process is carried on shall-

(a) have a smooth surface and be maintained in sound condition;

(b) be kept free from all materials or plant not required for, or produced in, the process carried on thereat; and, all such work-benches other than those in grid casting shops shall-

(c) be cleansed daily either after being thoroughly damped or by means of a suction cleaning apparatus at a time when no other work is being carried on thereat; and, all such work-benches in grid casting shops, shall-

(d) be cleansed daily; and, every work-bench used for pasting, shall-

(e) be covered throughout with sheet lead or other impervious material;

(f) be provided with raised edges;

(g) be kept constantly moist while pasting is being carried on.

**10. Exhaust draught.** - The following processes, shall not be carried on without the use of an efficient exhaust draught-

(a) Melting of lead or materials containing lead;

(b) Manipulation of raw oxide of lead, unless done in an enclosed apparatus so as to prevent the escape of dust into the work-room;

(c) Pasting;

(d) Trimming, brushing, filing or any other abrading or cutting of pasted plates giving rise to dust;

(e) Lead burning, other than-

(i) "tacking" in the formation-room;

(ii) chemical burning for the making of lead linings for cell cases necessarily carried on in such a manner that the application of efficient exhaust is impracticable. Such exhaust draught shall be effected by mechanical means, and shall operate on the dust or fume given off as nearly as may be at its point of origin, so as to prevent it entering the air of any room in which person work.

**11. Fumes and gases from melting pot.** - The products of combustion produced in the heading of any melting pot shall not be allowed to escape into a room in which person work.

**12. Container for dross.** - A suitable receptacle with tightly fitting cover shall be provided and used for dross as it is removed from every melting pot. Such



receptacles shall be kept covered while in the work-room, except when dross is being deposited therein.

**13. Container for lead waste.** - A suitable receptacle shall be provided in every work-room in which old plates and waste material which may give rise to dust shall be deposited.

**14. Racks and shelves in drying-room.** - The racks or shelves provided in any drying-room shall not be more than 8 feet from the floor nor more than 2 feet in width:

provided that as regards racks or shelves set or drawn from both sides the total width shall not exceed 4 feet. Such racks or shelves shall be cleaned only after being thoroughly damped unless an efficient suction cleaning apparatus is used for this purpose.

**15. Medical facilities and examination by the medical officer** - (1) The occupier of every factory in which manufacture and repair of electric accumulators is carried on shall-

(a) make arrangement of a qualified medical practitioner for medical surveillance of the workers employed therein, and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) Every worker employed in lead processes shall be examined by a medical officer within 15 days of his first employment. Such examination shall include tests for lead in urine and blood. ALA in urine haemoglobin content, stippling of cells and steadiness tests. No worker shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the medical officer.

Every worker employed in the said process shall be re-examined by a medical officer at least once in every three calendar months. Such re-examination shall, wherever the medical officer considers appropriate, include tests specified in sub-paragraph (1).

(3) Every worker employed in the manufacture and repair of electric accumulator shall be examined by a medical officer. He shall issue fitness on form 29.

(4) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(5) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(6) The record of the shall be maintained, which shall be kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**16. Protective clothing.** - Protective clothing shall be provided and maintained in good repair for all persons employed in-

(a) manipulation of raw oxide of lead;

(b) pasting;

(c) the formation-room;

and such clothing shall be worn by the persons concerned. The protective clothing shall consist of waterproof apron and waterproof footwear, and also, as regards persons employed in the manipulation of raw oxide of lead or in pasting, head coverings. The head coverings shall be washed daily.

**17. Mess-room.** - There shall be provided and maintained for the use of all persons employed in a lead process and remaining on the premises during the meal intervals a suitable mess-room which shall be furnished with (a) sufficient tables and benches, and (b) adequate means for warming food. The mess-room shall be placed under the charge of a responsible person, and shall be kept clean.

**18. Cloak-room.** - There shall be provided and maintained for the use of all persons employed in a lead process-

(a) a cloak-room for clothing put during working hours with adequate arrangements for drying the clothing if wet. Such accommodation shall be separate from any mess room;

(b) separate and suitable arrangements for the storage of protective clothing provided under paragraph 16.

**19. Washing facilities.** - There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in a lead process-

(a) A wash-place under cover, with either-

(i) a trough with a smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow of at least two feet for every five such persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet; or

(ii) at least one wash basin for every five such persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of water laid on;

(iii) a sufficient supply of clean towels made of suitable materials renewed daily, which supply, in the case of pasters and persons employed in the manipulation of raw oxide of lead, shall include a separate marked towel for each such worker; and

(iv) a sufficient supply of soap or other suitable cleansing material and of main brushes.

(b) There shall in addition be provided means of washing in close proximity to the rooms in which manipulation of raw oxide of lead or pasting is carried on if required by notice in writing from the Chief Inspector cum facilitator.

**20. Time to be allowed for washing.** - Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed for washing to each person who has been employed in the manipulation of raw oxide of lead or in pasting:

Provided that if there is one basin or 60 centimeter of trough for each such person, this rule shall not apply.

**21. Facilities for bathing.** - Sufficient bath accommodation to the satisfaction of the Chief Inspector cum facilitator shall be provided for all persons engaged in the manipulation of raw oxide of lead or in pasting, and a sufficient supply of soap and clean towels.

**22. Foods, drinks, etc, prohibited in work-rooms.** - No food, drink, pan and supari or tobacco shall be consumed or brought by any worker into any work-room in which any lead process is carried on.

## **Schedule IV**

### **Glass Manufacture**

**1. Exemption.** - If the Chief Inspector cum facilitator is satisfied in respect of any factory or any class of process that, owing to the special methods of work or the special condition in a factory or otherwise, any of the requirements of this Schedule can be suspended or relaxed without danger to the persons employed therein, or that the application of this schedule or any part thereof is for any reason impracticable, he may by certificate in writing authorise such suspension or relaxation as may be indicated in the certificate for such period and on such conditions as he may think fit.

**2. Definitions.** - For the purpose of this Schedule-

(a) "*Efficient exhaust draught*" means localised ventilation effected by mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fume, or dust, originate;

(b) "*Lead compound*" means any compound of lead other than galena which, when treated in the manner described below, yield to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent of the dry weight of the portion taken for analysis. The method of treatment shall be as follows :-

A weight quantity of the material which has been dried at 190°C. and thoroughly mixed shall be continuously, shaken for one hour, at the common temperature with 1,000 times its weight of an aqueous solution of hydrochloric

acid containing 0.25 percent by weight of hydrogen chloride. This solution shall thereafter be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate shall then be precipitated as lead sulphide and weighed as lead sulphate.

**3. Exhaust draught.** - The following processes shall be carried on except under an efficient exhaust draught or under such other conditions as may be approved by the Chief Inspector cum facilitator:-

- (a) The mixing of raw materials to form a "batch".
- (b) The dry grinding, glazing and polishing of glass or any article of glass.
- (c) All processes in which hydrofluoric acid fumes or, ammonia vapours are given off.
- (d) All processes in the making of furnace moulds or "pots" including the grinding or crushing of used "pots".
- (e) All processes involving the use of a dry lead compound.

**4. Prohibition relating to pregnant or lactating women and young persons. —**

- (1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any of the operations specified in serial number 3 or at any place where such operations are carried on.
- (2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months”.

**5. Floor and work-benches.** - The floor and work-benches of every room in which a dry compound of lead is manipulated or in which any process is carried on giving off silica dust shall be kept moist, and shall comply with the following requirements :-

The floors shall be-

- (a) of cement or similar material so as to be smooth and impervious to water;
- (b) maintained in sound condition; and
- (c) cleaned daily after being thoroughly sprayed with water at a time when no other work is being carried on in the room.

The work-benches shall-

- (a) have a smooth surface and be maintained in sound condition, and
- (b) be cleansed daily either after being thoroughly dampened or by means of a suction cleaning apparatus at a time when no other work is carried on thereat.

**6. Use of hydrofluoric acid.** - The following provisions shall apply to rooms in which glass is treated with hydrofluoric acid :-

- (a) There shall be inlets and outlets of adequate size so as to secure and maintain efficient ventilation in all parts of the room;
- (b) The floor shall be covered with guttaparcha and be tight, and shall slope gently down to a converted drain;
- (c) The work-places shall be so enclosed in projecting hoods that openings required for bringing in the objects to be treated shall be as small as practicable; and
- (d) The efficient exhaust draught shall be so contrived that the gases are exhausted downwards.

**7. Storage and transport of hydrofluoric acid.** - Hydrofluoric acid shall not be stored or transported except in cylinders or receptacles made of lead or rubber.

**8. Blow-pipes.** - Every glass-blower shall be provided with a separate blow pipe bearing the distinguishing mark of the person to whom it is issued and suitable facilities shall be readily available to every glass-blower for sterilising blow pipe.

**9. Food drinks, etc., prohibited in work rooms.** - No food, drink pan and supari and tobacco shall be brought into or consumed by any worker in any room or work place wherein any process specified in paragraph 3 is carried on.

**10. Protective clothing.** - The occupier shall provide, maintain in good repair and keep in a clean condition of the use of all persons employed in the processes specified in paragraph 3 suitable protective clothing, footwear and goggles according to the nature of the work, and such clothing footwear, etc. shall be worn by the persons concerned.

**11. Washing facilities.** - There shall be provided and maintained in a cleanly state in good repairs for the use of all persons employed in the processes specified in paragraph 3-

(a) a wash place with either-

(i) a trough with a smooth impervious surface fitted with a waste pipe, without plug and of sufficient length to allow of at least two feet every five such person employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than 60 centimeters; or

(ii) at least one wash basin for every five such persons employed at any one time, fitted, with a waste pipe and plug and having an adequate supply of water laid on or always readily available; and a sufficient supply of clean towels made of suitable material renewed daily with a sufficient supply of soap or other suitable cleaning material and of nail brushes; and

(b) a sufficient number of stand pipes with taps, the number and location of such stand pipes shall be to the satisfaction of the Chief Inspector cum facilitator.

**12. Medical facilities and examination by the medical officer** –  
(1) The occupier of every factory in which glass manufacturing processes are carried on shall-

- (a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and
  - (b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).
- (2) Every worker employed in the Glass Manufacture shall be examined by a medical officer. He shall issue fitness on form 29.
- (3) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.
- (4) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.
- (5) The record of the examinations shall be maintained which shall be kept readily available for inspection by the Inspector cum facilitator.

## **Schedule V**

### **Grinding or Glazing of Metal and Processes incidental thereto**

#### **1. Definitions.** - For the purposes of this Schedule-

- (a) "*grindstone*" means a grindstone composed of natural or manufactured sandstone but does not include a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted;
- (b) "*abrasive wheel*" means a wheel manufactured of bonded emery or similar abrasive;
- (c) "*grinding*" means the abrasion, by aid of mechanical power, of metal, by means of a grindstone or abrasive wheel;
- (d) "*glazing*" means the abrading, polishing or finishing, by aid of mechanical power of metal, by means of any wheel, buff, mop or similar appliance to which any abrading or polishing substance is attached or applied;
- (e) "*racing*" means the turning up, cutting or dressing of a revolving grindstone before it is brought into use for the first time;
- (f) "*hacking*" means the chipping of the surface of grindstone by a hack or similar tool;
- (g) "*rodding*" means the dressing of the surface of a revolving grind stone by the application of a rod, bar or strip of metal to such surface.

**2. Exceptions.** - (1) Nothing in this Schedule shall apply to any factory in which only repairs are carried on except any part thereof in which one or more persons are wholly or mainly employed in the grinding or glazing of metals.

(2) Nothing in this Schedule except paragraph 4 shall apply to grinding or glazing of metals carried on intermittently and at which no person is employed for more than 12 hours in any week.

(3) The Chief Inspector cum facilitator may, by certificate in writing, subject to such conditions as he may specify therein, relax or suspend any of the provisions of this Schedule in respect of any factory, if, owing to the special methods of work or otherwise, such relaxation or suspension is practicable without danger to the health or safety of the persons employed.

**3. Equipment for removal of dust.** - No racing, dry grinding or glazing shall be performed without-

(a) a hood or other appliance so constructed, arranged, placed and maintained as substantially to intercept the dust thrown off; and

(b) a duct of adequate size, air tight and so arranged as to be capable of carrying away the dust, which duct shall be kept free from obstruction, and shall be provided with proper means of access for inspection and cleaning, and where practicable, with a connection at the end remote from the fan to enable the Inspector cum Facilitator to attach thereto any instrument necessary for ascertaining the pressure of air in the said duct; and

(c) a fan or other sufficient means of producing a draught sufficient to extract the dust :

Provided that the Chief Inspector cum facilitator may accept any other appliance that is, in his opinion, as effectual for the interception, removal and disposal of dust thrown off as a hood, duct and fan.

**4. Restriction on employment on grinding operations.** - Not more than one person shall at any time perform the actual process of grinding or glazing upon a grindstone, abrasive wheel or glazing appliance :

Provided that this paragraph shall not prohibit the employment of persons to assist in the manipulation of heavy or bulky article at any such grindstone, abrasive wheel or glazing appliance.

**5. Glazing.** - Glazing or other process, except processes incidental to wet grinding upon a grindstone shall not be carried on in any room in which wet grinding upon a grindstone is done.

**6. Hacking and rodding.** - Hacking or rodding shall not be done unless during the process either-(a) an adequate supply of water is laid on at the upper surface of the grindstone, or (b) adequate appliances for the interception of dust are provided in accordance with the requirements of paragraph 3.

**7. Examination of dust equipment.** - (a) All equipment for the extraction or suppression of dust shall at least once in every six months be examined and tested by a competent person, and any defect disclosed by such examination and test shall be rectified as soon as practicable.

(b) A register containing particulars of such examination and test shall be kept in a form No 31.

**8. Medical facilities and examination by the medical officer -**

(1) The occupier of every factory in which glazing of metal and processes are carried on shall-

- (a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and
- (b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) Every worker employed in the Grinding or Glazing of Metal and Processes incidental thereto shall be examined by a medical officer. He shall issue fitness on form 29.

(3) If at any time, the medical officer is of the opinion that a worker is no longer fit for employment in the Grinding or Glazing processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(4) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(5) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**Schedule VI**

**Manufacture and Treatment of Lead and certain compounds of Lead**

**1. Exemptions.** - Where the Chief Inspector is satisfied that all or any of the provisions of this Schedule are not necessary for the protection of the person employed, he may, by certificate in writing exempt any factory from all or any of such provisions, subject to such conditions as he may specify therein.

**2. Definitions.** - For the purposes of this Schedule-



(a) "*lead compound*" means any compound of lead other than galena which, when treated in the manner described below, yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent of the dry weight of the portion taken for analysis. In the case of paints and similar products and other mixtures containing oil or fat the "dry weight" means the dry weight of the material remaining after the substance has been thoroughly mixed and treated with suitable solvents to remove oil, fats, varnish or other media;

The Method of treatment shall be as follows :-

A weight quantity of the material which has been dried at 100°C and thoroughly mixed shall be continuously shaken for one hour, at the common temperature with 1000 times its weight of an aqueous solution of hydrofluoric acid containing 0.25 per cent by weight to hydrogen chloride. This solution shall thereafter be allowed to stand for one hour, and then filtered. The lead salt contained in clear filtrate shall then be precipitated as lead sulphide and weighed as lead sulphate.

(b) "*efficient exhaust draught*" means localised ventilation affected by heat or mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fumes or dust originate.

**3. Application.** - The Schedule shall apply to all factories or parts of factories in which any of the following operations are carried on:-

(a) Work at a furnace where the reduction or treatment of zinc or lead ores is carried on.

(b) The manipulation, treatment or reduction of ashes containing lead, the desilverising of lead or the melting of scrap lead or zinc.

(c) The manufacture of solder or alloys containing more than ten per cent or lead.

(d) The manufacture of any oxide, carbonate, sulphate, chromate, acetate nitrate or silicate of lead-ethyl.

(e) Handling or mixing of lead tetra-ethyl.

(f) Any other operation involving the use of a lead compound.

(g) The cleaning of work-rooms where any of the operations aforesaid are carried on.

**4. Prohibition relating to pregnant or lactating women and young persons. —**

(1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any of the operations specified in serial number 3.

(2) No women shall be employed against the maternity benefit provisions laid down under any prevailing

laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months.”

**5. Requirements to be observed.** - No person shall be employed or permitted to work in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein or the persons employed therein are liable to be splashed with any lead compound in the course of their employment unless the provisions of paragraphs 6 to 14 are complied with.

**6. Exhaust draught.** - Where dust, fume, gas or vapour is produced in the process provision shall be made for removing them by means of an efficient exhaust so draught so contrived as to operate on the dust, fume, gas or vapour as closely as possible to the point of origin.

**7. Medical facilities and examination by the medical officer** - (1) The occupier of every factory to which this schedule applies, shall-

- (a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and
- (b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) Every worker employed in the processes referred to in paragraph -1 shall be examined by a medical officer within 15 days of his first employment. Such examination shall include tests of lead in blood and urine. ALA in urine haemoglobin contents, stippling of cells and steadiness test. No worker shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the medical officer.

(3) Every worker employed in the said process shall be re-examined by a medical officer at least once in every three calendar months. Such re-examination shall, wherever the medical officer considers appropriate, include tests as specified in sub-paragraph (1).

(4) Every worker employed in the Manufacture and Treatment of Lead and certain compounds of lead processes incidental thereto shall be examined by a medical officer. He shall issue fitness on form 29.

(5) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the lead processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health

register. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(6) No person who has been found unfit to work as said in subparagraph (5) shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(7) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**8. Food, drinks, etc., prohibited in work-rooms.** - No food, drink, pan and supari or tobacco shall be brought into or consumed by any worker in any work-room in which the process is carried on, and no person shall remain in any such room during intervals of meals or rest.

**9. Protecting clothing.** - Suitable protective overalls and head coverings shall be provided, maintained and kept clean by the factory occupier and such overalls and head coverings shall be worn on by the persons employed.

**10. Cleanliness of work-rooms, tools, etc.** - The rooms in which the persons are employed and all tools and apparatus used by them shall be kept in a clean state.

**11. Washing facilities.** - (1) The occupier shall provide and maintain for the use of all persons employed suitable washing facilities consisting of-

(a) a trough with a smooth impervious surface fitted with a waste pipe without plug and of sufficient length to allow at least two feet for every ten persons employed at any one time, and having a constant supply of clean water from taps or jets above the trough at intervals of not more than two feet; or

(b) at least one wash basin for every ten persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of clean water; together with in either case, a sufficient supply of nail brushes, soap or other suitable cleaning material and clean towels.

(2) The facilities so provided shall be placed under the charge of a responsible person and shall be kept clean.

**12. Mess-room or canteen.** - The occupier shall provide and maintain for the use of the persons employed suitable and adequate arrangements for taking their meals. The arrangements shall consist of the use of a room separate from any work-room which shall be furnished with sufficient tables and benches, and unless a canteen serving hot meals is provided adequate means of warming

food shall be provided. The room shall be adequately ventilated by the circulation of fresh air, shall be placed under the charge of a responsible person and shall be kept clean.

**13. Cloak-room.** - The occupier shall provide and maintain for the use of persons employed suitable accommodation for clothing not worn during working hours, and for the drying of wet-clothing.

## **Schedule VII**

### **Generating petrol gas from petrol**

#### **1. Prohibition relating to pregnant or lactating women and young persons. –**

- (1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in or shall be allowed to enter any building in which the generating of petrol gas from petrol is carried on.
- (2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months

**2. Flame traps.** - The plant for generating petrol gas from petrol and associated piping and fittings shall be fitted with at least two efficient flame traps so designed and maintained as to prevent a flash back from any burner to the plant. One of these traps shall be fitted as close to the plant as possible. The plant and all pipes and valves shall be installed and maintained free from leaks.

**3. Generating building or room.** - All plants for generating petrol gas from petrol erected after the coming into force of the provisions specified in this schedule, shall be erected outside the factory building proper in a separate well ventilated building (hereinafter referred to as the "generating building"). In the case of such plant erected before the coming into force of the provisions specified in this schedule there shall be no direct communication between the room where such plants are erected (hereinafter referred to as "the generating-room"); and the remainder of the factory building. So far as practicable, all such generating rooms shall be constructed of fire-resisting materials.

**4. Fire-extinguishers.** - A efficient means of extinguishing petrol fires shall be maintained in an easily accessible position near the plant for generating petrol gas from petrol.

**5. Plant to be approved by Chief Inspector.** - Petrol gas shall not be manufactured except in a plant for generation petrol gas the design and construction of which has been approved by the Chief Inspector cum facilitator.

**6. Escape of Petrol.** - Effective steps shall be taken to prevent petrol from escaping into any drain or sewer.

**7. Prohibition relating to smoking, etc.** - No person shall smoke or carry matches, fire or naked light or other means of producing a naked light or spark in the generating room or building or in the vicinity thereof and a warning notice in the language understood by the majority of the workers shall be posted in the factory prohibiting smoking and the carrying of matches, fire or naked light or other means of producing a naked light or spark into such room or building.

**8. Access to petrol or container.** - No unauthorised person shall be access to any petrol or to a vessel containing or having actually contained petrol.

**9. Electric fittings.** - All electric fittings shall be of flame- proof construction and all electric conductors shall either be enclosed in metal conduits or be lead-sheathed.

**10. Construction of doors.** - All doors in the generating room or building shall be constructed to open outwards or to side and no door shall be locked or obstructed or fastened in such a manner that it cannot be easily and immediately opened from the inside while gas is being generated and any person is working in the generating-room or building.

**11. Repair of containers.** - No vessel that has contained petrol shall be repaired in a generating-room or building and no repairs to any such vessel shall be undertaken unless live steam has been blown into the vessel and until the interior is thoroughly steamed out or other equally effective steps have been taken to ensure that it has been rendered free from petrol or inflammable vapour.

**12. Medical examination by the medical officer** - (1) Every worker employed in generating petrol gas from petrol processes shall be examined by a medical officer. He shall issue fitness on form 29.

(1) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the processes on the ground that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(2) No person who has been found unfit to work shall be re-employed or permitted to work in the said processes, unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(3) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**13.** In these Rules Petrol means dangerous petroleum as defined in the Petroleum Act, 1937.

## **Schedule VIII**

### **High Flammable Liquids and Flammable Compressed Gases**

**1. Application.** - This schedule shall apply to all factories where high flammable liquids or flammable compressed gases are manufactured, stored, handled or used.

**2. Definition.** - For the purpose of this Schedule-

(a) "*highly flammable liquid*" means the liquid including its solution, an emulsion or suspension which when tested in a manner specified by Sections 14 and 15 of the Petroleum Act, 1934 gives off flammable vapour at a temperature less than 32 degree celsius;

(b) "*Flammable compressed gas*" means flammable compressed gas defined in Rule 2 of the Static and Mobile Pressure Vessels (Unfired) Rules, 1981 framed under the Explosives Act, 1948 (No. IV of 1948).

**3. Storage.** - (1) Every flammable liquid or flammable compressed gas used in every factory shall be stored in suitable fixed storage tank, or in suitable closed vessel located in a safe position under the ground, in the open or in a store room of adequate fire resistant construction.

(2) Except as necessary for use, operation or maintenance every vessel or tank which contains or had contained a highly flammable liquid or flammable compressed gas shall be always kept closed and all reasonably practicable steps shall be taken to contain or immediately drain off to a suitable container any spill or leak that may occur.

(3) Every container, vessel, tank, cylinder or store room used for storing highly flammable liquid or flammable compressed gas shall be clearly and in bold letters marked "Danger-Highly Flammable Liquid" or "Danger-Flammable Compressed Gas."

**4. Enclosed systems for Conveying Highly Flammable Liquids.** - Where it is reasonably practicable, highly flammable liquids shall be conveyed within a factory in totally enclosed systems consisting of pipe lines, pumps and similar appliances from the storage tank or vessels to the point of use. Such enclosed systems shall be so designed, installed, operated and maintained as to avoid leakage or the risk of spilling.

**5. Preventing Formation of Flammable Mixture with Air.** - Where there is possibility for leakage or spill of highly flammable liquid or flammable compressed gas from an equipment, pipe line, valve joint or other part of a system, all practicable measures shall be taken to contain, drain off or dilute such spills or leakage as to prevent formation of flammable mixture with air.

**6. Prevention of Ignition.** - (1) In every room work place or other location where highly flammable liquid or flammable combustible is stored, conveyed, handled or used or where there is danger of fire or explosion from an accumulation of highly flammable liquid or flammable compressed gas in air all practicable measure shall be taken to exclude the sources of ignition. Such precautions shall include the following :-

- (a) all electrical apparatus shall either be excluded from the area of risk or they shall be of such construction and so installed and maintained as to prevent the danger of their being a source of ignition;
- (b) effective measures shall be adopted for prevention of accumulation of static charge to a dangerous extent;
- (c) no person shall wear or be allowed to wear any foot wear having iron or steel nails or any other exposed ferrous materials which is likely to cause sparks by friction;
- (d) smoking, lighting or carrying of matches, lighters or smoking materials shall be prohibited;
- (e) transmission belts with iron fasteners shall not be used;
- (f) all other precautions, as are reasonably practicable, shall be taken to prevent initiation of ignition from all other possible sources such as open flames, frictional sparks, overheated surfaces of machinery or plant, chemical or physical-chemical reaction and radiant, heat.

**7. Prohibition of smoking.** - No person shall smoke in any place where highly flammable liquid or flammable compressed gas is present in circumstances that smoking would give rise to a risk of fire. The occupier shall take all practicable measures to ensure compliance with this requirements including display of a bold notice indicating prohibition of smoking at every place where this requirement applies.

**8. Fire Fighting.** - In every factory where highly flammable liquid or flammable compressed gas is manufactured, stored, handled or used an appropriate and adequate means of fighting a fire shall be provided. The adequate and suitability of such means which expression includes the fixed and portable fire extinguishing systems, extinguishing materials, procedures and the process of fire fighting shall be to the standards and levels prescribed in the rules.

**9. Medical examination by the medical officer** - (1) Every worker employed in processes where high flammable liquids or flammable compressed gases are manufactured, stored, handled or used shall be examined by a medical officer. He shall issue fitness on form 28.

(2) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 29. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(3) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the

medical officer, after further examination, again certifies him fit for employment in those processes.

(4) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**10. Exemptions.** - If in respect of any factory the Chief Inspector cum facilitator is satisfied that owing to the exceptional circumstances or infrequency of the processes or for any other reason, all or any of the provisions of this schedule is not necessary for protection of the workers in the factory the Chief Inspector may by a certificate in writing, which he may at his discretion revoke at any time, exempt such factory from all or any of such provisions subject to such conditions, if any, as he may specify therein.

## **Schedule IX**

### **Liming and tanning of raw hides and skins and processes incidental thereto**

**1. Cautionary notices.** - (1) Cautionary notices as to anthrax, in the form specified by the Chief Inspector cum Facilitator shall be affixed in prominent positions in the factory where they may be easily and conveniently read by the persons employed.

(2) A copy of a warning notice as to anthrax in the form specified by the Chief Inspector cum facilitator shall be given to each person employed when he is engaged, not subsequently it still employed, on the first of each calendar year.

(3) Cautionary notices as to the effects of chrome on the skin shall be affixed in prominent positions in every factory in which chrome solutions are used, as such notices shall be so placed as to be easily and conveniently read by the person employed.

(4) Notices shall be affixed in prominent places in the factory stating the position of the "First aid" box or cupboard and the name of the person in charge of such box or cupboard.

(5) If any person employed in the factory is illiterate, effective steps shall be taken to explain carefully to such illiterate person the contents of the notices specified in paragraphs 1, 2 and 4, and if chrome solutions are used in the factory, the contents of the notice specified in paragraph 3.

**2. Protective Clothing.** - The occupier shall provide and maintain in good condition the following articles of protective clothing :-

(a) Waterproof footwear, leg coverings, aprons and gloves for persons employed in processes involving contact and chrome solutions, including the preparation of such solutions;

(b) Gloves and boots for persons employed in lime yard; and



(c) Protective footwear, aprons and gloves of persons employed in processes involving the handling of hides or skins, other than in process specified in clauses (a) and (b):

Provided that-

(i) the gloves, aprons, leg coverings, or boots, may be of rubber or leather, but the gloves and boots to be provided under sub-clauses (a) and (b) shall be of rubber;

(ii) the gloves may not be provided to persons flushing by hand or employed in processes in which there is no risk of contact with lime, sodium sulphide or other caustic liquor.

**3. Washing facilities, mess-room and cloak-room.** - There shall be provided and maintained in a clearly state and in good repairs for the use of all persons employed-

(a) a trough with a smooth, impervious surface fitted with a waste pipe without plug, and of sufficient length to allow at least 600mm for every ten persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than 600mm; or

(b) at least one wash basin for every ten such persons employed at any one time, fitted with a waste pipe, and plug and having a constant supply to water; together within, in either case, a sufficient supply of nail brushes, soap or other suitable cleaning material, and clean towels;

(c) a suitable mess-room adequate of the number remaining on the premises during the meal intervals which shall be furnished with (1) sufficient tables and benches, and

(2) adequate means for warming food and for boiling water.

The mess-room shall-(1) be separate from any room or shed in which hides or skins are stored, treated or manipulated, (2) be separate from the cloak-room, and (3) placed under the charge of a responsible person;

(d) The occupier shall provide and maintain, for the use of all persons employed, suitable accommodation for clothing put off during working hours and another accommodation of protective clothing and shall also make adequate arrangements for drying up the clothing in both the case, if wet. The accommodation so provided shall be kept clean at all time and place in the charge of a responsible person.

**4. Food, drinks, etc., prohibited in work-rooms.** - No food, drink, pan and supari or tobacco shall be brought into or consumed by any worker in any work room or shed in which hides or skins are stored, treated or manipulated.

**5. Medical Examination** -(1) The occupier of every factory to which this schedule applies; shall-

(a) make arrangement a qualified medical practitioner for medical surveillance of the workers employed therein; and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a); and

(c) arrange for inspection of the hands of all the persons keeping in contact with chromium substances to be made twice a week; and  
(d) provide and maintain and supply suitable ointment and plaster in a box readily accessible to the workers and solely used for the purpose of keeping the ointment and the plaster.

(2) Every worker employed in liming and tanning of raw hides and skins and processes incidental thereto shall be examined by a medical officer. He shall issue fitness on form 29.

(3) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the liming and tanning of raw hides and skins and processes incidental thereto, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(4) No person who has been found unfit to work shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(5) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

## **Schedule X**

### **Lead processes carried in Printing Presses and Type Foundries**

**1. Exemption.** - Where the Chief Inspector is satisfied that all or any of the provisions of his schedule are not necessary for the protection of persons employed he may, by certificate in writing, exempt any factory from all or any such provisions subject to such conditions as he specifies therein. Such certificate may at any time be revoked by the Chief Inspector cum facilitator.

**2. Definitions.** - For the purpose of this schedule, 'Lead Material' means material containing not less than five per cent of lead.

*'Lead Process'* means-

- (a) the melting of lead or any lead material for casting and mechanical composing;
- (b) the recharging of machines with used lead material;

(c) any other work including removal of dross from melting pot cleaning of plungers; and

(d) manipulation, movement or other treatment of lead material;

*"Efficient exhaust draught"* means localised ventilation effected by heat or mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove gas, vapour, fume or dust at the point where they originate.

**3. Exhaust draught.** - None of the following processes shall be carried on except with an efficient exhaust draught :-

(a) melting lead material or slugs;

(b) heating lead material so that vapour containing lead is given off; or unless carried on in such a manner as to prevent free escape of gas, vapour, fume or dust into any place in which work is carried on or unless carried on in electrically heated and thermostatically controlled melting pot. Such exhaust draught shall be effected by mechanical means and so contrived as to operate on the dust, fume, gas or vapour given off as closely as may be at its point of origin.

**4. Prohibition relating to pregnant or lactating women and young persons. –**

(1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any lead process.

(2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months..

**5. Separation of certain process.** - Each of the following processes shall be carried on in such a manner and under such conditions as to secure effectual separation from one another and from any other material :-

(a) melting of lead or any lead material;

(b) casting of lead ingots;

(c) mechanical composing.

**6. Container for dross.** - A suitable receptacle with tightly fitting cover shall be provided and used for dross as it is removed from every melting. Such receptacle shall be kept covered while in the workroom near the machine except when the dross is being deposited therein.

**7. Floor of workroom.** - The floor of every workroom where lead process is carried on shall be-

(a) of cement or similar material so as to be smooth and impervious to water;

(b) maintained in sound condition; and

(c) shall be cleaned throughout daily after being thoroughly damped with water at a time when no other work is being carried on at the place.

**8. Mess-room.** - There shall be provided and maintained for the use of all persons employed in a lead process and remaining on the premises during the meal intervals, a suitable mess room which shall be furnished with sufficient tables and benches.

**9. Washing facilities.** - There shall be provided and maintained in a clean state and in good repair for the use of all persons employed in a lead process-

(a) wash place with either-

(i) a trough with a smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow at least two feet for every five such persons employed at any one time and having a constant supply of water from taps or jets above the trough at intervals of not more than 2 feet (600 mm); or

(ii) at least one wash basin for every five such persons employed at any one time, fitted with a waste pipe and plug and having an adequate supply of water laid on or always readily available; and

(b) a sufficient supply of clean towels made of suitable material renewed daily with a sufficient supply of soap or other suitable cleaning material.

**10 Medical facilities and Examination** -(1) The occupier of every factory to which this schedule applies, shall-

(a) make arrangement a qualified medical practitioner for medical surveillance of the workers employed therein; and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) Every worker employed in a lead process shall be examined by a medical officer within 15 days of his first employment. Such examination shall include tests of lead in urine and blood. ALA in urine haemoglobin, stippling of cells and steadiness tests. No workers shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the medical officer.

(3) Every worker employed in the said processes shall be re-examined by a Medical officer at least once in every six calendar months. Such re-examination shall, wherever the Medical officer considers appropriate, include tests as specified in sub-paragraph (1)

(4) Every worker employed in lead processes carried in Printing Presses and type Foundries processes shall be examined by a medical officer. He shall issue fitness on form 29.

(5) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30.

The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(6) No person who has been found unfit to work shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(7) The record of the examinations form 28 and 29, shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**11. Food, drinks, etc., prohibited in work-room.** - No food, drink, pan and "Supari" or tobacco shall be consumed or brought by any worker into any work-room in which any lead process is carried on.

## **Schedule XI**

### **Part I-Chemical Works**

**1. Application.** - This schedule shall apply to all manufacture and processes incidental thereto carried on in chemical works.

**2. Definitions.** - For the purpose of this schedule-

(a) "*Chemical works*" means any factory or such part of any factory as are listed, in Appendix 'A' to this schedule;

(b) "*efficient exhaust draught*" means Localised ventilation effected by mechanical or other means for the removal of gas, vapour, fume or dust to prevent it from escaping into the air of any place in which work is carried on;

(c) "*bleaching powder*" means the bleaching powder commonly called chloride of lime;

(d) "*chlorate*" means chlorate or perchlorate;

(e) "*caustic*" means hydroxide of potassium or sodium;

(f) "*chrome process*" means the manufacture of chromate or bichromate of potassium or sodium or the manipulation, movement or other treatment of these substances;

(g) "*nitro or amino process*" means the manufacture of nitro or amino derivatives of phenol and of benzene or its homologues, and the making of explosives with the use of any of these substances;

(h) "*the term 'permit to work' system*" means the compliance with the procedures laid down under para 20 of Part II;

(i) "*toxic substances*" means all those substances which when they enter into the human body, through inhalation or ingestion or absorption through skin, in sufficient quantities cause fatality or exert serious affliction of health or chronic harmful effects on the health of persons exposed to it due to its inherent chemical or biological effects. In respect of substances whose TLV exceeding

the concentration specified therein in the rules would make the substance toxic;

(j) "*emergency*" means a situation or condition leading to a circumstance or set of circumstances in which there is danger to the life or health of persons or which could result in big fire or explosion or pollution to the work and outside environment, affecting the workers or neighbourhood in a serious manner, demanding immediate action;

(k) "*dangerous chemical reactions*" means high speed reactions, runaway reactions, delayed reactions, etc. and are characterized by evolution of large quantities of heat, intense release of toxic or flammable gases or vapours, sudden pressure build-up etc.

(l) "*manipulation*" means mixing, blending, filling, emptying, grinding, sieving, drying, packing, sweeping, handling, using etc.

(m) "*approved personal protective equipment*" means items of personal protective equipment conforming to the relevant ISI specifications or in the absence of it, personal protective equipment approved by the Chief Inspector cum Facilitator;

(n) "*appropriate personal protective equipment*" means that when the protective equipment is used by the worker, he shall have no risk to his life or health or body; and

(o) "*confined space*" means any space by reason of its construction as well as in relation to the nature of the work carried therein and hazards to the persons entering into or working inside exist or are likely to develop during working.

## **Part II-General requirements applying to all the works** in Appendix 'A'

**1. Housekeeping.** - (1) Any spillage of materials shall be cleaned up before further processing.

(2) Floors, platforms, stairway, passages and gangways shall be kept free of any obstructions.

(3) There shall be provided easy means of access to all parts of the plant to facilitate cleaning.

**2. Improper use of chemicals.** - No chemicals or solvents or empty containers containing chemicals or solvents shall be permitted to be used by workers for any purposes other than in the processes for which they are supplied.

**3. Prohibition of the use of food, etc.** - No food, drink, tobacco, pan or any edible item shall be stored or heated or consumed on or near any part of the plant or equipment.

**4. Cautionary Notice and Instructions.** - (1) Cautionary notices in a language understood by the majority of workers shall be prominently displayed in all hazardous areas drawing the attention of all workers about the hazards to health, hazards involving fire and explosion and any other hazard such as consequences of testing of material or substances used in the process

or using any contaminated container for drinking or eating, to which the workers attention should be drawn for ensuring their safety and health.

(2) In addition to the above cautionary notice, arrangement shall be made to instruct and educate all the process including the specific hazards to which they may be exposed to, in the normal course of their work. Such instructions and education should also deal with the hazards involved in unauthorized

and unsafe practices including the properties of substances used in the process under normal conditions as well as abnormal conditions and the precautions to be observed against each and every hazard. Further an undertaking from the workers shall be obtained within one month of their employment and for old workers employed, within one month of coming into operation of the rules, to the effect that they have read the contents of the cautionary notices and instructions, understood them and would abide by them. The training and instructions to all workers and all supervisory personnel shall include the significance of different types of symbols and colours used on the labels stuck or painted on the various types of containers and pipe lines.

**5. Evaluation and provision of safeguards before the commencement of process.**

- (1) Before commencing any process or any experimental work, or any new manufacture covered under Appendix 'A', the occupier shall take all possible steps to ascertain definitely all the hazards involved both from the actual operations and the chemical reactions including the dangerous chemical reactions. The properties of the raw materials, used the final products to be made, and any by-products derived during manufacturing, shall be carefully studied and provisions shall be made for dealing with any hazards including effects on workers, which may occur during manufacture.

(2) Information in writing giving details of the process, its hazards and the steps taken or proposed to be taken from the design stage to disposal stage for ensuring the safety as in sub-para (1) above should be sent to the Chief Inspector cum facilitator and the Industrial Hygiene laboratory of State Government at the earliest, but in no case less than 15 days before commencing manufacture, handling, or storage of any of item covered under Appendix 'A', whether on experimental basis, or as pilot plant or as trial production, or as large scale manufacture.

(3) The design, construction installation, operation, maintenance and disposal of the buildings, plant and facilities shall take into consideration effective safeguards against all the safety and health hazards so evaluated.

(4) The requirements under the sub-para (1) to (3) shall not act in lieu of or in derogation to, any other provisions contained in any Act governing the work.

**6. Authorised entry.** - Authorised persons only shall be permitted to enter any section of the factory or plant where any dangerous operations or processes are being carried on or where dangerous chemical reactions are taking place or where hazardous chemicals are stored.

**7. Examination of instruments and safety devices.** - (1) All instruments and safety devices used in the process shall be tested before taking into use and after carrying out any repair to them examined once in a month by a competent person. Records of such tests and examinations shall be maintained in a register.

(2) All instruments and safety devices used in the process shall be operated daily or as often as it is necessary, to ensure its effective and efficient working at all times.

**8. Electrical installations.** - All electrical installations used in the process covered in Appendix 'A' shall be of an appropriate type to ensure safety against the hazard prevalent in that area such as suitability against dust, dampness, corrosion, flammability and explosivity etc. and shall conform to the relevant ISI specifications governing their construction and use for that area.

**9. Handling and storage of chemicals.** - (1) The containers for handling and storage of chemicals shall be adequate strength taking into consideration the hazardous nature of the contents. They shall also be provided with adequate labelling and colour coding arrangements to enable identification of the containers and their contents indicating to the respective ISI standards. The instructions given in the label shall be strictly adhered to. Damaged containers shall be handled only under supervision of an knowledgeable

and responsible person and spillage shall be rendered innocuous in a safe manner using appropriate means.

(2) The arrangements for the storage of chemicals including charging of chemicals in reaction vessels and containers shall be such as to prevent any risk of fire or explosion or formation of toxic concentration of substances above the limits specified in Rule.

(3) Without prejudice to the generality of the requirements in sub-para (2) above, the arrangements shall have suitable ventilation facilities and shall enable the maintenance of safe levels in vessels and containers. Such arrangements shall also be taken into consideration, the type of flooring and the capacity of flooring and the compatibility requirements of substances with other chemicals stored nearby.

(4) (a) Storage of chemicals and intermediate product which are highly unstable or reactive or explosive shall be limited to the quantities required for two months use.

(b) Where the quantities laid down in the above clause (a) are to be exceeded, the permission of the Chief Inspector cum Facilitator shall be obtained.

(c) Notwithstanding anything contained in clauses (a) and (b) above, the Chief Inspector cum facilitator may direct any factory carrying out processes covered in Appendix 'A' to further limit the storage of hazardous substances to quantities less than two months on consideration of safety.

(5) Standby arrangements equal to the biggest container shall always be available to transfer the toxic substances quickly into the stand by storage



facility if any defect develops in any of the container resulting in the release of toxic substances.

(6) Any storage facility constructed using non-metallic material such as Fibreglass Reinforced Plastics (FRP) all glass vessels etc., shall have adequate strength to withstand and stress, if any, exerted by the contents and shall be properly anchored, working platforms, access ladders, pine-lines etc. used in such storage facility shall not have any support on the structure of the storage facility and shall be independently supported.

**10. Facility for isolation.** - The plant and equipment shall be so constructed and maintained as to enable quick isolation of plant or part of plant or equipment, with appropriate indication. One copy of the layout plan indicating the isolation facilities shall always be available with the security personnel, the maintenance and the health and safety personnel and these isolating facilities shall be checked for its effectiveness once in a month.

**11. Personal protective equipment.** - (1) All workers exposed to the hazards in the processes covered by this Schedule shall be provided with appropriate and approved type of personal protective equipment. Such equipment shall be in a clean, and hygienic condition before issue.

(2) The occupier shall arrange to inform, educate and supervise all the workers in the use of personal protective equipment while carrying out the job.

(3) As regards any doubt regarding the appropriateness of any personal protective equipment, the decision of the Chief Inspector cum Facilitator will be final.

**12. Alarm systems.** - (1) Suitable and effective alarm systems giving audible and visible indications, shall be installed at the control room as well as in all strategic locations where process control arrangements are available so as to enable corrective action to be taken before the operational parameters exceed the predetermined safe levels or lead to conditions conducive for an outbreak of fire or explosion to occur. Such alarm systems shall be checked daily and tested every month at least once to ensure its performance efficiency at all times.

(2) The Chief Inspector cum Facilitator may direct such system to be installed in case of plants or processes where toxic materials are being used and spillage or leakage of which may cause wide spread poisoning in or around the plant.

**13. Control of escape of substances into the work atmosphere.** - (1) Effective arrangements such as, enclosure, or by pass, or efficient exhaust draught, maintenance of negative pressure etc., shall be provided in all plants, containers, vessels, sewers, drains, flues, ducts, culverts, and spread of substances which are likely to give rise to fire or explosion or toxic hazards during normal working and in the event of accident or emergency.

(2) In the event of the failure of the arrangements for control resulting in the escape of substances in the work atmosphere immediate steps shall be taken to control the process in such a manner, that further escape is brought down to the safe level.

(3) The substances that would have escaped into the work atmosphere before taking immediate steps as required in sub-para (2), shall be rendered innocuous by diluting with air or water or any other suitable agent or by suitable treating the substances.

**14. Control of dangerous chemical reactions.** - Suitable provisions, such as automatic and/or remote control arrangement shall be made for controlling the effects of dangerous chemical reactions. In the event of failure of control arrangement shall come into operation.

**15. Testing, examination and repair of plant and equipments.** - (1) All parts of plant, equipment and machinery used in the process which in the likely event of their failure may give rise to an emergent situation shall be tested by a competent person before commencing process and retested at an interval of two years or after carrying out repairs to it. The competent person shall identify the parts of the plant, equipment and machinery required to be tested as aforesaid and evolve a suitable testing procedures. In carrying out the test as mentioned above in respect of pressure vessels or reaction vessels the following precautions shall be observed, namely :-

(a) before the test is carried out, each vessel shall be thoroughly cleaned and examined externally, and as far as practicable, internally also for surface defects, corrosion and foreign matter. During the process of cleaning and removal of sludge, if any, all due precautions shall be taken against fire or explosion, if such sludge is of pyrophoric nature or contains spontaneously combustible chemicals;

(b) as soon as the test is completed, the vessel shall be thoroughly dried internally and shall be clearly stamped with the marks and figures indicating the person by whom testing has been done and the date of test; and

(c) any vessel which fails to pass the test of which for any other reason is found to be unsafe for use shall be destroyed or rendered unusable under intimation to the Chief Inspector cum Facilitator.

(2) All parts of plant, equipment, machinery which in the likely event of failure may give rise to an emergent situation shall be examined once in a month by the competent person.

(3) Records of testing and examination referred to in paragraphs (1) and (2) shall be maintained as long as that part of the plant, equipment and machinery are in use.

(4) All repair work including alteration, modification and addition to be carried out to the plant, equipment and machinery shall be done under the supervision of a responsible person who shall evolve a procedure to ensure safety and health of person doing the work. When repairs or modification is done on pipelines, and joints are required to be welded but welding of joints are required to be welded, the responsible person shall regulate the aforesaid work through a 'permit to work system'.

**16. Staging.** - (1) All staging that is erected for the purpose of maintenance work or repair work or for work connected with entry into confined spaces and

used in the processes included in Appendix 'A' shall be stable, rigid and constructed out of substantial material of adequate strength. Such staging shall conform to the respective Indian Standard specifications.

(2) Staging shall not be erected over any closed or open vessel unless the vessel is so constructed and ventilated to prevent exposure of persons working on the stages.

(3) All the staging constructed for the purpose of this work shall have appropriate access which are safe and shall be fitted with proper hand rails to a height of one metre and toe-board.

**17. Seating arrangements.** - The seating arrangements provided for the operating personnel working in processes covered in Appendix 'A' shall be located in a safe manner as to prevent the risk of exposure to toxic, flammable and explosive substances evolved in the work environment in the course of manufacture or repair or maintenance, either due to failure of plant and equipment or due to the substances which are under pressure, escaping into the atmosphere.

**18. Entry into or work in confined spaces.** - (1) The occupier of every factory to which the provisions of this schedule apply, shall ensure the observance of the following precautions before permitting any person to enter or work inside the confined spaces :-

(a) identify all confined spaces and the nature of hazards that are encountered in such spaces, normally, or abnormally, and arrange to develop the most appropriate safeguards for ensuring the safety and health of persons entering into or working inside, the confined spaces;

(b) regulate the entry or work inside the confined spaces through a 'permit to work system' which should include the safeguards so developed as required under sub-clause (a) above;

(c) before testing the confined space for entry into or work, the place shall be rendered safer by washing or cleaning with neutralizing agents or purging with steam or inert gases and making adequate forced ventilation arrangements or such measure which will render the confined space safe;

(d) shall arrange to carry out such tests as are necessary for the purposes by a competent person and ensure that the confined space is safe for the person to enter or work. Such testing shall be carried out as often as is necessary during the course of work to ensure its continued safety;

(e) shall arrange to educate and train the personnel who would be required to work in confined spaces about the hazards involved in the work. He shall also keep in readiness the appropriate and approved personal protective equipment including arrangements for rescue, resuscitation and first aid, and shall arrange supervision of the work at all times by a responsible and knowledgeable person.

(2) The manager shall maintain a log of all entry into a work-in, confined spaces and such record shall contain the details of persons assigned for the work, the location of the work and such other details that would have a bearing

on the safety and health of the persons assigned for this work. The log book so maintained shall be retained as long as the concerned workers are in service and produced to the inspector cum facilitator when demanded.

**19. Maintenance work etc.** - (1) All the work connected with the maintenance of plants and equipment including cleaning of empty containers which have held hazardous substances used in the processes covered in this Schedule, shall be carried out under 'permit to work system' employment trained personnel and under the supervision of responsible person having knowledge of the hazards and precautions required to deal with them.

(2) Maintenance work shall be carried out in such a manner that there is no risk to persons in the vicinity or to persons who pass by. If necessary, the place of such work shall be cordoned off or the presence of unconnected persons effectively controlled.

**20. Permit to work system.** - The permit to work system shall *inter alia* include the observance of the following precautions while carrying out a specified work to be subjected to the permit to work system :-

(a) all work subject to the permit to work system shall be carried out under the supervision of a knowledgeable and responsible person;

(b) all sorts of plant or machinery or equipment on which permit to work system is carried out, shall remain isolated from other parts throughout the period of permit to work and the place of work including the parts of plant, machinery shall be rendered safe by cleaning, purging, washing, etc.;

(c) all work subject to the permit to work system shall have predetermined work procedures which integrate safety with the work. Such procedures shall be reviewed whenever any change occurs in material or equipment so that continued safe/safety is ensured;

(d) persons who are assigned to carry out the permit to work system shall be physically fit in all respects taking into consideration the demands and nature, of the work before entering into the confined space. Such person shall be adequately informed about the correct work procedures as well as the precautions to be observed while carrying out the permit to work system;

(e) adequate rescue arrangements wherever considered necessary and adequate first aid, rescue and resuscitation arrangements shall be available in good working condition near the place of work while carrying out the permit to work system, for use in emergency;

(f) appropriate and approved personal protective equipment shall be used while carrying out the 'permit to work system';

(g) after completion of work subject to the 'permit to work system' the person responsible shall remove all the equipment and tools and restore to the original condition so as to prevent any danger while carrying out regular process.

**21. Safety sampling personnel.** - The occupier shall ensure the safety for persons assigned for collecting sample by instructing them on the safe

procedure. Such personnel shall be provided with proper and approval personnel protection equipment, if required.

**22. Ventilation.** - Adequate ventilation arrangements shall be provided and maintained at all times in the process area where dangerous or toxic or flammable or explosive substances could be evolved. These arrangements shall ensure that concentrations, which are either harmful could result in explosion, are not permitted to build up in the work environment.

**23. Procedures for meeting emergencies.** - (1) The occupier of every factory carrying out the works covered in Appendix 'A', shall arrange to identify all types of possible emergencies that could occur in the processes during the course of work or while carrying out maintenance work or repair work. The emergencies so identified shall be reviewed every year.

(2) The occupier shall formulate a detailed plan to meet all such identified emergencies including arrangements for summoning outside help for rescue and firefighting and arrangements for making available urgent medical facilities.

(3) The occupier shall send the list of emergencies and the details of procedures and plans formulated to meet the emergencies, to the Chief Inspector cum facilitator

(4) The occupier shall arrange to install distinctive and recognizable warning arrangements to caution all persons inside plant as well as the neighboring community, if necessary, to enable evacuation of persons and to enable the observance of emergency procedures by the persons who are assigned emergency duties. All concerned must be well informed about the warning arrangements and their meaning. The arrangements must be checked for its effectiveness every month.

(5) Alternate power supply arrangements shall be made and interlocked with the normal power supply system so as to ensure constant supply of power to the facilities and equipment meant for compliance with requirements of paragraphs 10, 11, 12, 13, 14, 18, 22 and this paragraph of Part II, Part III, Part IV and Part V of this Schedule.

(6) The occupier shall arrange to suspend the further process work in a place where emergency is established and shall forthwith evacuate all persons in that area except workers who have been assigned emergency duties.

(7) All the employees of the factory shall be trained about the action to be taken by them including evacuation procedures during emergencies.

(8) All emergency procedures must be rehearsed every three months and deficiencies, if any, in the achievement of the objectives shall suitably be corrected.

(9) The occupier shall arrange to have ten per cent of the workers trained in the use of first aid fire fighting appliances and in rendering of specific first aid measure taking into consideration the special hazards of the particular process.

(10) The occupier shall furnish immediately on request the specific chemical identity of the hazardous substance to the treating physician when the

information is needed to administer proper emergency or first-aid treatment to exposed.

**24. Danger due to effluents.** - (1) Adequate precautions shall be taken to prevent the mixing of effluents from different processes and operations which may cause dangerous or poisonous gases to be evolved.

(2) Effluents which contain or give rise in the presence of other effluents to poisonous gases shall be provided with independent drainage system to ensure that they may be trapped and rendered safe.

### **Part III-Fire and Explosions Risks**

**1. Sources of ignition including lighting installation.** - (1) No internal combustion engine and no electric motor or other electrical equipment, and fittings and fixtures capable of generating sparks or otherwise causing combustion or any other source of ignition or any naked light shall be installed or permitted to be used in the process area where there could be fire and explosion hazards.

(2) All hot exhaust pipe shall be installed outside a building and other hot pipes or hot surface or surfaces likely to become hot shall be suitably protected.

(3) The classification of work areas in terms of its hazard potential and the selection of electrical equipment or other equipment that could constitute a source of ignition shall be in accordance with the respective Indian Standard.

(4) Where a flammable atmosphere may be prevalent or could occur, the soles of footwear worn by workers shall have no metal on them, and the wheels of trucks or conveyors shall be of conductive type.

(5) All tools and appliances used for work in this area shall be of non-sparking type.

(6) Smoking in process areas where there are risks of fire and explosion shall be prohibited and warning notices in the language understood by majority of workers shall be posted in the factory prohibiting smoking into specified areas.

**2. Static electricity.** - (1) All machinery and plant, particularly, pipe lines and belt drives, on which static charge is likely to accumulate, shall be effectively earthed. Receptacles for flammable liquids shall have metallic connections to the earthed supply tanks to prevent static sparking. Where necessary, humidity shall be regulated.

(2) Mobile tanker wagons shall be earthed during filling and discharge, and precautions shall be taken to ensure that earthing is effective before such filling or discharge takes place.

**3. Lightning protection.** - Lightning protection arrangement shall be fitted where necessary, and shall be maintained.

**4. Process heating.** - The method of providing heat for a process likely to result in fire and explosion shall be as safe as possible and where the use of naked flame is necessary, the plant shall be so constructed as to prevent any escaping flammable gas, vapor or dust coming into contact with the flame, or exhaust gases, or other sources likely to cause ignition. Wherever possible the

heating arrangement shall be automatically controlled at a predetermined temperature below the danger temperature.

**5. Leakage of flammable liquids.** - (1) Provision shall be made to confine by means of bund walls, dykes, sumps etc. possible leakages from storage vessels containing flammable liquids.

(2) Waste material in contact with flammable substances shall be disposed off suitably under the supervision of knowledgeable and responsible person.

(3) Adequate and suitable fire-fighting appliances shall be installed in the vicinity of such vessels.

**6. Safety valves.** - Every still and every closed vessel in which gas is evolved or into which gas is passed, and in which the pressure is liable to rise above the atmospheric pressure, shall have attached to it a pressure gauge, and a proper safety valve or other equally efficient means to relieve the pressure. These appliances shall be maintained in good condition.

**7. Installation of pipe line etc.** - All pipe lines carrying flammable or explosive substances shall be protected from mechanical damage and shall be examined by a responsible person once in a week to detect any deterioration or defects, or accumulation of flammable or explosive substances, and record kept of any defects found and repairs made.

**8. Fire fighting systems.** - (1) Every factory employing 500 or more persons and carrying out processes listed in Appendix 'A' shall provide:-

(a) Trained and responsible fire fighting squad so as to effectively handle the firefighting and life saving equipment in the event of fire or other emergency. Number of persons in this squad will necessarily depend upon the size or risk involved, but in no case shall be less than 8 such trained persons to be available at any time. The squad shall consist of watch and ward personnel, fire pump man and departmental supervisors and operators trained in the operation of fire and emergency services.

(b) Squad leaders shall preferably be trained in a recognized government institution and their usefulness enhanced by providing residence on the premises.

(c) Squad personnel shall be provided with clothing and equipment including helmets, boots and belts.

(2) A muster roll showing the duties allocated to each member of the squad shall be prepared and copies supplied to each leader as well as displayed in prominent place so as to be easily available for reference in case of emergency.

(3) The pump man shall be thoroughly conversant with the location of all appliances. He shall be responsible for maintaining all fire fighting equipment in proper working order. Any defect coming to his notice shall be immediately be brought to the notice of squad leader.

(4) As far as is practicable, the fire pump room and the main gate(s) of the factory be connected to all manufacturing or storing areas through telephone interlinked and placed in a convenient location near such areas.

#### **Part IV-Risk of Toxic Substances**

**1. Leakage.** - (1) All plants shall be so designed and constructed as to prevent the escape of toxic substances. Where necessary, separate buildings, rooms, or protective structures shall be used for the dangerous stages of the process and the buildings shall be so designed as to localise any escape of toxic substances.

(2) Catch pits, bund walls, dykes, or other suitable safeguards shall be provided to restrict the serious effects of such leakages. Catch pits shall be placed below joints in pipelines where there is danger involved to maintenance and other workers from such leakage.

**2. Drainage.** - Adequate drainage shall be provided and shall lead to collection tanks specifically provided for this purpose wherein deleterious material shall be neutralized, treated or otherwise rendered safe before it is discharged into public drains or sewers.

**3. Covering of vessels.** - (1) Every fixed vessel or structure containing any toxic substance and not so covered as to eliminate all reasonable risk of accidental contact of any portion of the body of a worker, shall be so constructed as to avoid physical contact.

(2) Such vessel shall, unless its edge is at least 90 centimeters above the adjoining ground or platform, be securely fenced to a height of at least 90 centimeters above such adjoining ground or platform.

(3) Where such vessels adjoin and the space between them, clear of any surrounding brick or other work is either less than 45 centimeters in width or is 45 or more centimeters in width, but is not securely fenced on both sides to a height of at least 90 centimeters, secure barriers shall be so placed as to prevent passage between them :

Provided that sub-paragraph (2) of this paragraph shall not apply to-

- (a) Saturators used in the manufacture of sulphate of ammonia; and
- (b) that part of the sides of brine evaporating pans which require raking, drawing or filling.

**4. Continuous exhaust arrangement.** - (1) Any process evolving toxic vapour, gas, fume and substance shall have efficient continuous exhaust draught. Such arrangement shall be interlocked in the process control wherever possible.

(2) In the event of failure of continuous exhaust arrangement means shall be provided to automatically stop the process.

**5. Work bench.** - All the work benches used in processes involving the manipulation of toxic substances, shall be graded properly and shall be made of smooth impervious surface which shall be washed daily after the completion of work.

**6. Waste disposal.** - (1) There shall be provided a suitable receptacle made of non-absorbable material with a tightly fitting cover for depositing waste material soiled with toxic substances, and the contents of such receptacle shall



he destroyed by burning or using other suitable methods under the supervision of a responsible person.

(2) During the course of manufacture, whenever any batch or intermediate product having toxicity is rejected on consideration of quality, sufficient precautions shall be taken to render them innocuous or otherwise treat them or inactive them, before disposal.

(3) The empty containers of toxic substances shall be cleaned thoroughly before disposal under the supervision of a responsible person.

#### **Part V-Special Provisions**

**1. Special precautions for Nitro or Amino Processes.** - (1) Unless the crystallized nitro or amino substances or any of its liquor is broken or agitated in a completely enclosed process so as not to give rise to dust or fume, such process shall be carried on under an efficient exhaust draught or by adopting any other suitable means in such a manner as to prevent the escape of dust or fume in the working atmosphere.

(2) No part of the plant or equipment or implements which was in contact with nitro or amino compounds shall be repaired, or handled unless they have been emptied and thoroughly cleaned and decontaminated.

(3) Filling of containers with nitro or amino compounds shall be done only by using a suitable scoop to avoid physical contact and the drying of the containers in the stove shall be done in such a manner that the hot and contaminated air from the stove is not drawn into the work-room.

(4) Processes involving the steaming into or around any vessel containing nitro or amino compounds or its raw materials shall be carried out in such a manner that the steam or vapor is effectively prevented to be blown back into the working atmosphere.

(5) Suitable antidotes such as methylene blue injections shall always be available at designated places of work for use during emergency involving the poisoning with nitro or amino compounds.

**2. Special precautions for 'chrome processes'.** - (1) Grinding and sieving of raw materials in chrome processes shall be carried on in such a manner and under such condition as to secure effective separation from any other processes and under an efficient exhaust draught.

(2) There shall be washing facilities located very near to places where wet chrome processes such as leaching, acidification, sulphate settling, evaporation, crystallisation, centrifugation or packing are carried out, to enable quick washing of affected parts of body with running water.

(3) Weekly inspection of hand and feet of all persons employed in chrome processes shall be done by a qualified nurse and record of such inspections shall be maintained in a form approved by the Chief Inspector cum facilitator.

(4) There shall be always available at designated places of work suitable ointments such as glycerine, vaseline, etc. and water proof plaster in a separate box readily accessible to the workers so as to protect against perforation of nasal septum.

### **3. Special precautions for processes carried out in all glass vessels. -**

(1) Processes and chemical reactions such as manufacture of vinyl chloride, benzylchloride etc. which are required to be carried out in all glass vessels shall have suitable means like substantial wiremesh covering to protect persons working nearby in the event of breakage of glass vessel.

(2) The personal protective equipment like overall, etc. provided for the chlorate workers shall not be taken from the place of work and they shall be thoroughly cleaned daily.

(3) Adequate quantity of water shall be available near the place of chlorate process for use during fire emergency.

(4) Wooden vessel shall not be used for the crystallisation of chlorate or to contain crystallised ground chlorate.

(5) Special precautions in the use of plant and equipment made from reinforced plastics-

(1) All plants and equipments shall conform to appropriate Indian or any other National Standard.

(2) Care shall be taken during storage, transport, handling and installation of plant and equipments to avoid accidental damage.

(3) All plants and equipments shall be installed in such a way as to ensure that loads are distributed as intended in design or as per the recommendation of the manufacturers.

(4) All pipe work shall be supported so that total loads local to the branches on the vessel or tank do not exceed their design values.

(5) After erection all plants and equipments shall be subjected to a pressure test followed by a thorough examination by a competent person. The test and examination shall be as per relevant standard. A certificate of test and examination by competent person shall be obtained and kept available at site.

(6) All plants and equipments shall be subjected to periodical test and examination and record maintained as per paragraph 15 in Part II of this Schedule.

(7) Plant and equipments during their use shall not be subjected to over filling or overloading beyond rated capacity.

### **Part VI-Medical Requirements**

**1. Decontamination facilities. -** In all places where toxic substances are used in processes listed in Appendix 'A' the following provisions shall be made to meet an emergency :-

(a) fully equipped first aid box;

(b) readily accessible means of drenching with water persons, parts of body of persons, and clothing of persons who have been contaminated with such toxic and corrosive substances and such means shall be as shown in the table below :-

#### **Table**

**No. of personsemployed at any time**

Upto 50 persons 2

Between 51 to 100 3

Between 101 to 200

3 + 1 every 50

persons thereafter

Between 201 to 400

5 + 1 for every 100

persons

Between 401 and

above

7 + 1 for every 200persons

(c) a sufficient number of eye wash bottles filled with distilled water or suitable liquid, kept in boxes or cupboards conveniently situated and clearly indicated by a distinctive sign which shall be visible at all times.

**2. (1) For factories employing upto 50 workers.** - (a) The services of a qualified medical practitioner hereinafter known as Factory Medical Officer, available on a retainership basis, in his notified clinic near factory for seeking medical help during emergency. He will also carry out the pre-employment and periodical medical examinations as stipulated in paragraph 4 of this Part.

(b) A minimum of five persons trained in first aid procedures, amongst whom at least one shall always be available during the working period.

(c) A fully equipped first aid box.

**(2) For factories employing 51 to 200 workers.** - (a) The occupational health centre shall have a room having a minimum floor area of 15 sq. mtr, with floor and walls made of smooth, hard and impervious surface and shall be adequately illuminated, ventilated and equipped.

(b) A part time Factory Medical Officer will be in over all charge of the Centre who shall visit the factory minimum twice in a week and whose services shall be readily available during emergencies.

(c) There shall be one qualified and trained dresser-cum-compounder on duty throughout the working period.

(d) A fully equipped first aid box.

**(3) For factories employing above 200 workers.** - (a) There shall be one full time Factory Medical Officer for factories employing up to 500 workers and one more medical officer for every 1000 workers or part thereof.

(b) The occupational health centre in this case shall have a minimum of 2 rooms each having a minimum floor area of 15 sq. m. with floors and walls made of smooth, hard and impervious surface and shall be adequately illuminated, ventilated and equipped.

(c) There shall be one trained nurse, one dresser-cum-compounder and one sweeper-cum-ward boy throughout the working period.

(d) The Occupational Health Centre in this case shall be suitably equipped to manage medical emergencies.

**3. Ambulance van.** - (1) In every factory carrying out processes covered in Appendix 'A' there shall be provided and maintained in good condition a suitably constructed and fully equipped ambulance van as per Appendix 'C' manned by a full-time driver-cum-mechanic and helper trained in the first aid for the purposes of transportation of serious cases of accidents or sickness unless arrangements for procuring such facility at short notice during emergencies have been made with the nearby hospital or other places. The ambulance van shall not be used for any purpose other than the purpose stipulated herein and will always be available near the Occupational Health Centre.

(2) The relaxation to procure Ambulance Van from nearby places provided for in sub-para (1) above will not be applicable to factories employing more than 500 workers.

**4. Medical examination .**(1) Workers employed in processes covered in Appendix 'A' shall be medically examined by a Factory Medical Officer in the following manner:-

- (a) once before employment, to ascertain physical suitability of the person to do the particular job;
- (b) once in a period of 6 months, to ascertain the health status of the worker; and
- (c) the details of pre-employment and periodical medical examinations carried out as aforesaid shall be recorded in the prescribed form.

(2) Any finding of the Factory Medical Officer revealing any abnormality or unsuitability of any person employed in the process shall immediately be reported to the Medical inspector cum facilitator who shall in turn, examine the concerned workers and communicate his findings within 30 days. If the Medical inspector cum facilitator is of the opinion that the person so examined is required to be suspended from the process for health protection he will direct the occupier accordingly, who shall not employ the said worker in the same process. However, the person so suspended from the process shall be provided with alternate placement facilities unless he is fully incapacitated in the opinion of the Medical inspector cum facilitator in which case the person affected shall be suitably rehabilitated:

Provided that the Medical inspector cum facilitator on his own may examine any other worker whom he feels necessary to be examined for ascertaining the suitability of his employment in the process covered in

Appendix 'A' or for ascertaining the health status of any other worker and his opinion shall be final.

(3) No person shall be newly appointed without the Certificate of Fitness granted by the Factory Medical Officer. If the Factory Medical Officer declares a person, unfit for being appointed to work in the process covered in Appendix 'A', such person shall have a right of appeal to the Medical inspector cum facilitator, whose opinion shall be final in this regard.

(4) The worker suspended from the process owing to the circumstances covered in sub-para (2) shall be employed again in the same process only after obtaining the Fitness Certificate from the Medical inspector cum facilitator and after making entries to that effect in the health register.

(5) Every worker employed in the processes of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(6) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in these processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(7) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(8) The record of the examinations form 28 and 29, shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

## **Part VII-Additional Welfare Amenities**

**1. Washing facilities.** - (1) There shall be provided and maintained in every factory for the use of all the workers taps for washing, at the rate of one tap for every 15 persons including liquid soap in a container with tilting arrangement and nail brushes or other suitable means for effective cleaning. Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

(2) If washing facilities as required above are provided for women, such facilities shall be separate for them and adequate privacy at all times shall be ensured in such facilities.

**2. Mess room facilities.** - (1) The occupier of all the factories carrying out processes covered in Appendix 'A' and employing 50 workers or more, shall provide for all the workers working in a shift mess room facilities which are well ventilated and provided with tables and sitting facilities along with the provisions of cold and hygienic drinking water facilities.

(2) Such facilities include suitable arrangement for cleaning and washing and shall be maintained in a clean and hygienic condition.

**3. Cloak room facilities.** - (1) The occupier of every factory carrying out any process covered in Appendix 'A' shall provide for all the workers employed in the process cloak room facilities with lockers. Each worker shall be provided with two lockers, one for work clothing and another separately for personal clothing and the lockers should be such as to enable the keeping of the clothing in a hanging position.

(2) The cloak room facilities so provided in pursuance of sub-para (1) shall be located as far as possible near to the facilities provided for washing in pursuance of para 1 (1). If it is not possible to locate the washing facilities the cloak room facilities shall have adequate and suitable arrangements for cleaning and washing.

**4. Special bathing facilities.** - (1) The occupier of any factory carrying out the process covered under Appendix 'B' shall be provided special bathing facilities for all the workers employed and such facilities shall be provided at the rate of 1 for 25 workers and part thereof, and shall be maintained in a clean and hygienic condition.

(2) The occupier shall insist all the workers employed in the processes covered in Appendix 'B' to take bath after the completion of the day's or shift work using the bathing facilities so provided and shall also effectively prevent such if those workers taking bath in any place other than the bathing facilities.

(3) Notwithstanding anything contained in sub-para (1) above, the Chief Inspector cum facilitator may require in writing the occupier of any factory carrying out any other process for which in his opinion bathing facilities are essential from the health point of view, to provide special bathing facilities.

## **Part VIII**

**1. Duties of workers.** - (1) Every worker employed in the processes covered in Appendix 'A' and Appendix 'B' not make any safety device or appliance or any guarding or fencing arrangement, in operative or defective and shall report the defective condition of the aforesaid arrangement as soon as he is aware of any such defect.

(2) Before commencing any work, all workers employed in processes covered in Appendix 'A' shall check their work place as well as the machinery,

equipment or appliance used in the processes and report any mal-function or defect immediately to the supervisor or any responsible person of the management.

(3) All workers shall co-operate in all respects with the management while carrying out any work or any emergency duty assigned to them in pursuance of this schedule and shall always use all the personal protective equipments issued to them in a careful manner.

(4) All workers employed in the processes covered in Appendix 'A' or Appendix 'B' shall not smoke in the process area or storage area. If special facilities are provided by the management only such facilities should be used.

(5) All workers employed in the processes covered in Appendix 'A' shall not remain in an unauthorized place or carry out unauthorized work or improvise any arrangement or adopt short cut method or misuse any of the facilities provided in pursuance of the Schedule, in such a manner as to cause risk to themselves as well as or to others employed.

(6) The workers shall not refuse undergoing medical examination as required under these rules.

## **Part IX**

**Restriction on the employment of young persons under 18 years of age and pregnant or lactating women.**

(1). No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any of the processes covered in Appendix 'A' of the Schedule XI on consideration of health and Safety of pregnant woman and lactating mother and young persons.

(2). No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months.

(3) Such persons who are restricted or prohibited from working in the process due to the order issued in pursuance of sub-para (1) above shall be provided with alternate work which is not detrimental to their health or safety.

## **Part X-Exemptions**

**1. Power of exemption.** - The State Government or subject to the control of the State Government, the Chief Inspector may exempt from the compliance with any of the requirements of this Schedule partly or fully, any factory carrying out processes covered in Appendix 'A' if it is clearly and satisfactorily established by the occupier that the compliance with any of the requirement is not necessary to ensure the safety and health of persons employed as suitable

and effective alternate arrangements are available to any of the requirements covered in this schedule.

#### **Appendix 'A'**

Any works or that part of works in which - (a) The manufacture, manipulation or recovery of any of the following is carried on :-

- (i) sodium, potassium, iron, aluminium, cobalt, nickel, copper, arsenic, antimony, chromium, zinc, selenium, magnesium, cadmium, mercury, beryllium and their organic and inorganic salts, alloys, oxides and hydroxides;
  - (ii) ammonia, ammonium hydroxide and salts of ammonium;
  - (iii) the organic or inorganic compounds or sulphurous, sulphuric, nitric, nitrous, hydrochloric, hydrofluoric, hydroiodic, hydrosulphuric, hydrobromic or boric;
  - (iv) cyanogen compounds, cyanide compounds, cyanate compounds;
  - (v) phosphorous and its compounds other than organo-phosphorous insecticides;
  - (vi) chlorine.
- (b) hydrogen sulphide is evolved by the decomposition of metallic sulphides, or hydrogen sulphide is used in the production of such sulphides;
- (c) bleaching powder is manufactured or chlorine gas is produced in chloralkali plants;
- (d) (i) gas tar or coal tar or bitumen or shale oil asphalt of any residue of such tar is distilled or is used in any process of chemical manufacture;
- (ii) tar based synthetic colouring matters or their intermediates are produced;
- (e) nitric acid is used in the manufacture of nitro compounds;
- (f) explosives are produced with the use of nitro compounds;
- (g) aliphatic or aromatic compounds or their metallic and non-metallic derivatives or substituted derivatives, such as chloroform, ethylene glycol, formaldehyde, benzyl chloride, phenol, methyl ethyl ketone peroxide, cobalt, carbonyl, tungsten carbide etc. are manufactured or recovered.

#### **Appendix 'B'**

Concerning Special Bathing Accommodation in pursuance of para 4 of Part IV-

- (1) Nitro or amino processes.
- (2) All chrome processes.
- (3) Processes of distilling gas or coal tar or processes of chemical manufacture in which tar is used.
- (4) Processes involving manufacture, manipulation, handling or recovery of cyanogen compound, cyanide compound, cyanate compounds.
- (5) Processes involving manufacture of bleaching powder or production of chlorine gas in chloralkali plants.
- (6) Manufacture, manipulation or recovery of nickel and its compounds.
- (7) All processes involving the manufacture, manipulation or recovery of aliphatic or aromatic compounds or their derivatives or substituted derivatives.



## **Appendix 'C'**

### **Ambulance :**

Ambulance should have the following equipments :-

#### **General :**

An wheeled stretcher with folding and adjusting devices;

Head of the stretcher must be capable of being titled upward;

Fixed oxygen supply with equipments Fixed oxygen supply with equipments;

Pillow with cases;

Sheets;

Blankets;

Towels;

Emosis bag;

Bed pan;

Urinal;

Glass.

#### **Safety equipment :**

Flares with life of 30 minutes;

Flood lights;

Flash lights;

Fire extinguisher dry powder type;

Insulated guantlets.

#### **Emergency care equipments :**

##### **Resuscitation :**

Portable suction unit;

Portable oxygen unit;

Bag-valve-mask, hand operated artificial ventilation unit;

Airways;

Mouth gage;

Tracheostomy adaptors;

Short spine board;

I.V. Fluids with administration unit;

B.P. manometer;

Cugg;

Stetheoscope.

##### **Immobilization :**

Long and short padded boards;

Wire ladder splints;

Triangular bandage;

Long and short spine board.

##### **Dressings :**

Gauze pads 4" + 4";

Universal dressing 10" X 36";

Roll of aluminium foils;

Soft roller bandages 6" x 5 yards;

Adhesive tape in 3" roll;

Safety pins;

Bandage sheets;

Bandage sheet;

**Poisoning :**

Syrup of Ipecac;

Activated charcoal; Pre packeted in doses

Snake bite left;

Drinking water.

**Emergency Medicines :**

As per requirement (under the advice of Medical Officer only)

**Schedule XII**

**Manufacture of Pottery**

**1. Definitions.** - (a) "Pottery" includes, earthenware, stoneware,, porcelain, china,tiles and any other articles made from clay or from mixture containing clay and othermaterials such as quartz, flint feldspars and gypsum.

(b) "Efficient exhaust draught" means localised ventilation effected by mechanical orother means for the removal of dust or fume so as to prevent it from escaping into theair of any place in which work in carried on. No draught shall be deemed efficientwhich fails to remove effectively dust or fume generated at the point where dust orfume originates.

(c) "Fettling" includes scalloping towing, sand papering, and sticking, brushing or anyother process of cleaning of pottery where in which dust is given off.

(d) "Leadless glaze" means a glaze which does not contain more than one percent ofits dry weight of a lead compound calculated as lead monoxide.

(e) "Low solubility glaze" means a glaze which does not yield to dilute hydrochloricacid more than five percent of its dry weight of a soluble lead compound calculated aslead monoxide when determined in the manner described below :-

A weighed quantity of the material which has been dried at 100°C and thoroughlymixed shall be continuously shaken for one hour, at the common temperature with1000 times of weight of an aqueous solution of hydrochloric acid containing 0.25percent by weight of hydrogen chloride. This solution shall thereafter be allowed tostand for one hour and then filtered. The lead salt contained in the clear filtrate shallthen be precipitated as lead sulphide and weighted as lead sulphate.

(f) Ground or ordered faint or quartz does not include natural sands.

(g) "Potter's shop" includes all places where pottery is formed by pressing or by anyother process and all places where shaping, fettling or other treatment of potteryarticles prior to placing or the biscuit fire is carried on.

**2. Efficient exhaust draught.** - The following processes shall not be carried onwithout the use of an efficient exhaust draught-

Operations	Locations
(i)All processes involving the manipulation or use of dry and unfitted Lead compound.	Preparing mix for frit.
(ii)The fettling operations of any kind,whether on greenware or Biscuit,provided that this shall not apply to the wet fettling, and to the occasional finishing of pottery articles without the aid of mechanical power.	Finishing on wheels(of fettling machine) Hand finishing,Blowing of dust, before glazing pipe,turning and polishing. Finishing of Biscuits. Rubbing before glazing.
(iii)The shifting of clay dust or any other material for making tiles or other articles by pressure, except where:- (a) This is done in a machine so enclosed as to effectually prevent the escape of dust, or (b) The material to be shifted is so damp that no dust can be given off.	Making body for Toggle press and Tile press.
(iv)The pressing of tiles from clay dust,an exhaust opening being connected with each press, this clause shall also apply to the pressing from clay dust of articles other than tiles, unless the material is so damp that no dust is given off.	Tiles press, Toggle press or Dye-press.
(v) The fettling of tiles made from clay dust by pressure, except where the fettling is done wholly on or with damp material, this clause shall also apply to the fettling of other articles made from clay dust, unless the material is so damp that no dust is given off.	Hand finishing.
(vi) The process of loading and unloading of saggers where handling and manipulation of ground and powdered flint, quartz, alumina, or other materials are involved.	Loading of saggers, doubling unloading of saggers.

(vii)The brushing of earthenware biscuits, unless the process is carried on in a room provided with efficient general mechanical ventilation or other ventilation which is certified by theInspector cum facilitator as adequate having regard to all the circumstances of the case.	Hand Finishing of Biscuits.
(viii)Felling of Biscuits were, which hasbeen fired in powdered flint or quartzexcept where this is done in machines so enclosed as to effectually prevent the escape of dust.	Finishing Biscuits.
(ix)Ware cleaning after the application ofglaze by dipping or other process.	Glazing & Dusting
(x) Crushing and dry grinding of materialsfor potter bodies, and saggars, unless carried on in machines, so enclosedas to effectually prevent the escape of dust or is so damp that no dust can be given off.	Low crushing ofquartz, feldspars etc. Edge runner or pebble mill grinding. Grinding for tile body. Grog disintegrator.
(xi) Sieving or manipulation of powderedflint, quartz, clay grog or mixture of these materials unless it is so damp that no dust can be given off.	Fire clay disintegrator. Hand sieving of grog and Fire Clay. Fillingbags with mix for sagger. Charging of tanks and mixing the Materials.
(xii) Grinding of tiles on power drivenwheel unless an efficient water spray is used on the wheels.	
(xiii)Lifting and conveying of materials by elevators and conveyers unless they are effectively enclosed and so arranged as to prevent escape of dust into the air in or near to any	Jaw crushing of quartz, feldspar etc. Edge runner or pebble mill grinding. Grinding for tilebody. <b>Note.</b> -Elevators were close to the crushers and grinders.

place in which persons are employed.	
(xiv) The preparation or weighing out of flow material, lawning of dry colours, colour dusting and colour blowing.	Spary glazing. Glazing and dusting.
(xv) In mould making unless the bins or similar receptacles used for holding plaster of Paris are provided with suitable covers.	Mould making.
(xvi) The manipulation of calcined material unless the materials have been made and remains so wet that no dust is given off.	Calcining gypsum. Sieving Plaster of Paris.
(xvii) Protective Equipment.	Weighing of raw materials charging the blunder charging the ball mill. Filling bags with mix for sagger. Charging of the tanks and mixing the materials

3. Each of the following processes shall be carried on in such manner and under such conditions so as to secure effectual separation from one another and from other processes :-

(a) Crushing and dry grinding or sieving of materials, fettling, pressing of tiles, drying of clay and greenware, loading and unloading of saggars.

(b) All processes involving the use of a dry lead compound.

4. No glaze which is not leadless glaze or a low solubility glaze shall be used in a factory in which pottery is manufactured.

**5. Prohibition relating to pregnant or lactating women and young persons. —**

(1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any of the operation specified in serial number 2 or at any place where such operations are carried on.

(2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months.

6. The potter's wheel (Jolly and Jigger) shall be provided with screens or so constructed as to prevent clay scappins being thrown off beyond the wheel.

7. (1) All practical measure shall be taken by damping or otherwise to prevent dust arising during cleaning of floors.

(2) Damp saw dust or other suitable material shall be used to render the moist method effective in preventing dust rising into the air during the cleaning process which shall be carried out after work has ceased.

8. The floors of potter shops, slip houses, dipping houses and ware cleaning rooms shall be hard, smooth and impervious and shall be thoroughly cleaned daily by a moist method by an Adult male.

**9. Medical facilities and Examination** -(1) The occupier of every factory in which a manufacturing of pottery is carried on, shall-

(a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) The record of medical examinations and appropriate tests carried out by the said medical practitioner shall be maintained which shall be kept readily available for inspection by the Inspector cum facilitator.

(3) Every worker employed in any process mentioned under paragraph 3, shall be examined by medical officer within 15 days of his first employment. Such examination shall include tests for lead in urine and blood. ALA in urine, haemoglobin content, stippling of cells and pulmonary function test and chest X-ray for workers engaged in processes mentioned in items (i) to (iv) of paragraphs 2 and pulmonary function tests and chest X-rays for the others. No worker shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the medical officer.

(4) All persons employed in any of the process included under item (i) to (iv) shall be examined by a medical officer once in every 3 calendar months. Such examinations in respect of all the workers shall include all the tests as specified in sub-paragraph (1) except chest X-ray which will be once in 3 years.

(5) Every worker employed in pottery processes shall be examined by a medical officer. He shall issue fitness on form 29.

(6) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the electrolytic processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the

period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(7) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(8) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**10. Protective equipment.** - (1) The occupier shall provide and maintain suitable overalls and head coverings for all persons employed in process included under clause 2.

(2) The occupier shall provide and maintain suitable aprons of a water proof or similar material, which can be sponged daily, for the use of the dippers, assistants, throwers, jolly workers, casters, mound makers and filter press and pug mill workers.

(3) Aprons provided in pursuance of clause 11 (2) shall be thoroughly cleaned daily by the weavers by sponging or other wet process. All overalls and head covering shall be washed, cleaned and mended at least once a week and this washing, cleaning or mending shall be provided for by the occupier.

(4) No person shall be allowed to work in emptying specks of dusty materials, weighing out and mixing of dusty materials and charging of ball mills and blungers without wearing a suitable and efficient dust respirator.

**11. Washing Facilities.** - (1) The occupier shall provide and maintain, in a clean state and in good repair for the use of all persons employed in any of the processes specified in clause 2, a wash place under cover, with either-

(i) a trough with smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow at least two feet for every five such persons employed at any one time, and having constant supply of clean water from taps or jets above the trough at intervals of not more than two feet, or

(ii) at least one tap or stand pipe for every five such persons employed at any one time, and having a constant supply of clean water, the tap or stand pipe being spaced not less than 1.2 meters apart; and

(2) A sufficient supply of clean towels made of suitable material changed daily, with sufficient supply of nail brush and soap.

**12. Time allowed for washing.** - Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed for washing to each person employed in any of the processes mentioned in clause 2.

**13. Mess-room.** - (1) There shall be provided and maintained for use of all persons remaining within the premises during the rest intervals, a suitable mess-room, providing accommodation of 10 square feet per head and furnished with-

- (i) a sufficient number of tables and chairs or benches with back rest;
- (ii) arrangements for washing utensils;
- (iii) adequate means for warming food;
- (iv) adequate quantity of drinking water.

(2) The room shall be adequately ventilated by the circulation of fresh air and placed under the charge of responsible person and shall be kept clean.

**14. Food, drinks, etc., prohibited in work-rooms.** - No food, drinks, pan and supari, or tobacco shall be brought into or consumed by any worker in any work-room in which any of the processes mentioned in clause 2 are carried on and no person shall remain in any such room during intervals for meals or rest.

**15. Cloak-room etc.** - There shall be provided and maintained for the use of all persons employed in any of the processes mentioned in clause 2 :-

- (a) a cloak-room for clothing put off during working hours and such accommodations shall be separate from any mess room;
- (b) separate and suitable arrangements for the storage of protective equipment provided under clause II.

**16.** These regulations shall not apply to a factory in which any of the following articles, but no other pottery, are made

- (a) unglazed or salt brick and tiles, and
- (b) architectural terra cotta made from plastic clay and either unglazed or glazed with a leadless glaze only.

**17. Exemptions.** - If in respect of any factory the Chief Inspector cum facilitator is satisfied that all or any of the provisions of this Schedule are not necessary for the protection of the persons employed in such factory, he may by a certificate in writing exempt such factory from all or any such provisions, subject to such conditions as he may specify therein, such certificate may at any time be revoked by the Chief Inspector without assigning any reasons.

### **Schedule XIII**

#### **Compression of Oxygen and Hydrogen produced by the electrolysis of water.**

(1) The room in which electrolyser plant is installed shall be separate from the plant for storing and compressing the oxygen and hydrogen.

(2) The purity of oxygen and hydrogen shall be tested by a competent person at hourly intervals at the following points :-

- (i) in the electrolyser room;
- (ii) at the gas holder inlet; and
- (iii) at the section end of the compressor.

The purity figure shall be entered and signed by the person carrying out such tests in the register :



Provided, however, that if the electrolyser plant is fitted with automatic recorder of purity of oxygen and hydrogen with alarm lights, it shall be sufficient if the purity of the gases is tested at hourly intervals at the suction end of the compressor only.

(3) The oxygen and hydrogen gases shall not be compressed, if their purity as determined under clause 2 above falls below 98 per cent at any time.

(4) There shall be at least two gas holders for each kind of gas and the gas holders for same gas shall not be fitted with inter-locked valves or levers and three way cocks at the junction of their outlets in such a way that no gas holder is connected to the compressor and to the electrolyser at the same time, and only one gas holder is connected to the compressor, line at any one time.

(5) The bell of any gas holder shall not be permitted to go within 30 cm. of its lowest position when empty, a visual and an audible warning signal shall be fitted to the gas holder to indicate that this limit is reached.

(6) The water and caustic soda used for making shall be chemically pure within pharmaceutical limits.

(7) Electrical connections at the electrolyser cells and at the generator terminals shall be constructed as to preclude the possibility of wrong connections leading to the reversal of polarity.

(8) Oxygen and hydrogen gas pipes shall be painted with distinguishing colours and in the event of leakage at the joints of the hydrogen gas pipe, the pipe after reconnection shall be purged of all air before drawing in hydrogen gas.

(9) All electrical wiring and apparatus in the electrolyser room shall be of flame-proof construction or enclosed in flame-proof fitting and no naked light or flame shall be taken either in the electrolyser room or where compression and filling of the gases is carried on and such warning notices shall be exhibited in prominent places.

(10) No part of the electrolyser plant and the gas holders and compressor shall be subjected to welding, brazing, soldering or cutting until steps have been taken to remove any explosive substance from that part and render the part safe for such operations and after the completion of such operations no explosive substance shall be allowed to enter that part until the metal has cooled sufficient to prevent risk of explosion.

(11) No work of operation, repair or maintenance shall be undertaken except under the direct supervision of a person who, by his training, experience and knowledge of the necessary precautions against risk of explosion is competent to supervise such work.

**12. Medical Examination** -(1) Every worker employed in the process of compression of Oxygen and Hydrogen produced by the electrolysis water shall be examined by a medical officer. He shall issue fitness on form 29.

(2) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the electrolytic processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a

record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(3) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(4) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

#### **Schedule XIV**

#### **Cleaning or smoothening, roughening, etc., of articles by a jet of sand, metal shot, or grit, or other abrasive propelled by a blast of compressed air or steam.**

##### **Blasting Regulations**

**1. Definitions.** - For the purposes of this Schedule :-

*"Blasting"* means cleaning, smoothening, roughening, or removing of any part of the surface of any article by the use as an abrasive of a jet of sand, metal shot or grit or other material, propelled by a blast of compressed air or steam.

*"Blasting enclosure"* means a chamber, barrel, cabinet or any other enclosure designed for the performance of blasting therein.

*"Blasting chamber"* means a blasting enclosure in which any person may enter at any time in connection with any work or otherwise.

*"Cleaning of castings"* where done as an incidental or supplemental process in connection with the making of metal castings means the freeing of the casting from adherent sand or other substance and includes the removal of cores and the general smoothening of a casting, but does not include the free treatment.

**2. Prohibition of Sand Blasting.** - Sand or any other substance containing free silica shall not be introduced as an abrasive into any business apparatus and shall not be used for blasting :

Provided that this clause shall come into force two years after the coming into operation of the Schedule :

Provided further that no woman or adolescent shall be employed or permitted to work at any operation of sand blasting.

**3. Precautions in connection with Blasting Operations.** - (1) *Blasting to be done in blasting enclosure.* - Blasting shall not be done except in a blasting enclosure and no work other than blasting any work immediately incidental thereto and clearing and repairing of the enclosure including the plants and

appliances situated therein, shall be performed in a blasting enclosure. Every door, aperture and joint of blasting enclosure, shall be kept closed and air tight while blasting is being done therein.

(2) *Maintenance of blasting enclosure.* - Blasting enclosure shall always be maintained in good condition and effective measures shall be taken to prevent dust escaping from such enclosure, and from apparatus connected therewith, into air of any room.

(3) *Provision of separating apparatus.* - There shall be provided and maintained for and in connection with every blasting enclosure, efficient apparatus for separating, so far as practicable abrasive which has been used for blasting and which is to be used again as an abrasive from dust or particles of other materials arising from blasting; and no such abrasive shall be introduced into any blasting apparatus and used for blasting until it has been so separated :

Provided that this clause shall not apply, except in the case of blasting chambers, to blasting enclosures constructed or installed before the coming into force of this Schedule, if the Chief Inspector cum facilitator is of opinion that it is not reasonable practicable to provide such separating apparatus.

(4) *Provision of ventilating plant.* - There shall be provided and maintained in connection with every blasting enclosure efficient ventilating plant to extract by exhaust draught effected by mechanical means, dust produced in the enclosure. The dust extracted and removed shall be disposed of by such method and in such manner that it shall not escape into the air of any room; and every other filtering or settling device situated in a room in which persons are employed, other than persons attending to such bag or other filtering or settling device, shall be completely separated from the general air of that room in an enclosure ventilated to the open air.

(5) *Operation of ventilating plant.* - The ventilating plant provided for the purpose of sub-paragraph (4) shall be kept in continuous operation whenever the blasting enclosure is in use whether or not blasting is actually taking place therein, and in the case of blasting chamber, it shall be in operation even when any person is inside the chamber for the purpose of cleaning.

**4. Inspection and Examination.** - (1) Every blasting enclosure shall be specially inspected by a competent person at least once in every week in which it is used for blasting. Every blasting enclosure, the apparatus connected therewith and the ventilating plant, shall be thoroughly examined and in the case of ventilating plant, tested by a competent person at least once in every month.

(2) Particulars of the result of every such inspection, examination and test shall forthwith be entered in a register, which shall be kept in a form approved by the Chief Inspector and shall be available for inspection by any workman employed in or in connection with blasting in the factory. Any defect found on any such inspection, examination or test shall be immediately reported by the person carrying out the inspection, examination or test to the Occupier,

Manager or other appropriate person and without prejudice to the foregoing requirements of this Schedule, shall be removed without avoidable delay.

**5. Provision of protective helmets, gauntlets and overalls.** - (1) There shall be provided and maintained for the use of all persons who are employed in a blasting chamber, whether in blasting or in any work connected therewith or in cleaning such a chamber, protective helmets of a type approved by a certificate of the Chief Inspector cum Facilitator and every such person shall wear the helmet provided for this use whilst he is in the chamber and shall not remove it until he is outside the chamber.

(2) Each protective helmet shall carry a distinguishing mark indicating the person by whom it is intended to be used and no person shall be allowed or required to wear a helmet not carrying his mark or a helmet which has been worn by another person and has not since been thoroughly disinfected.

(3) Each protective helmet when in use shall be supplied with clean and not unreasonably cold air at a rate of not less than six cubic feet per minute.

(4) Suitable gauntlets and overalls shall be provided for the use of all persons while performing blasting or assisting at blasting, and every such person shall while so engaged wear the gauntlet and overall provided.

**6. Precautions in connection with cleaning and other work.** - (1) Where any person is engaged upon cleaning of any blasting apparatus or blasting enclosure or of any apparatus or ventilating plant connected therewith or the surroundings thereof or upon any other work in connection with any blasting apparatus or blasting enclosure or with any apparatus or ventilating plant connected therewith so that he is exposed to the risk of inhaling dust which has arisen from blasting. All practicable measures shall be taken to prevent such inhalation.

(2) In connection with any cleaning operation referred to in clause 5, and with the removal of dust from filtering or settling devices all practicable measures shall be taken to dispose of the dust in such a manner that it does not enter the air of any room. Vacuum cleaners shall be provided and used where practicable for such cleaning operations.

**7. Storage accommodation for protective wear.** - Adequate and suitable storage accommodation for the helmets, gauntlets and overalls required to be provided by clause 5 shall be provided outside and conveniently near to every blasting enclosure and such accommodation shall be kept clean. Helmets, gauntlets and overalls when not in actual use shall be kept in this accommodation.

**8. Maintenance and cleaning of protective wear.** - All helmets, gauntlets, overalls and other protective devices or clothings provided and worn for the purposes of this Schedule, shall be kept in good condition and so far as is reasonably practicable shall be cleaned on every week day in which they are used, Where dust arising from the cleaning of such protective clothing or devices is likely to be inhaled; all practicable measures shall be taken to prevent such inhalation. Vacuum cleaners shall wherever practicable, be used

for removing dust from such clothing and compressed air shall not be used for removing dust from any clothing.

**9. Maintenance of vacuum cleaning plant.** - Vacuum cleaning plant used for the purpose of this Schedule shall be properly maintained.

**10. Restrictions in employment of adolescents.** - (1) No person under 18 years of age shall be employed in blasting or assisting at blasting or in any blasting chamber or in the cleaning of any blasting apparatus or any blasting enclosure or any apparatus or ventilating plant connected therewith or be employed on maintenance or repair work at such apparatus, enclosure or plant. (2) No person under 18 years of age shall be employed to work regularly within 8 meters of any blasting enclosure unless the enclosure is in a room and he is outside that room where he is effectively separated from any dust coming from the enclosure.

**11. Power to exempt or relax.** - (1) If the Chief Inspector cum facilitator is satisfied that in any factory or any class of factory, the use of sand or other substance containing free silica as an abrasive in blasting is necessary for a particular manufacture or process (other than the process incidental or supplemental to making of metal castings) and that the manufacture or process cannot be carried on without the use of such abrasive or, that owing to the special conditions, or special method of work or otherwise any requirement of this schedule can be suspended either temporarily or permanently or can be related without endangering the health of the persons employed or that application of any of such requirements is for any reason impracticable or inappropriate, he may, with the previous sanction of the State Government, by an order in writing exempt the said factory or class of factory from such provisions of this Schedule, to such an extent and subject to such conditions and for such period as may be specified in the said order.

(2) Where an exemption has been granted under sub-clause (1), a copy of the order shall be displayed at a notice board at a prominent place at the main entrance or entrances to the factory and also at the place where the blasting is carried on.

**12. Medical facilities and Examination** - (1) The occupier of every factory to which schedule applies, shall-

(a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) The record of medical examinations and appropriate tests carried out by the said medical practitioner shall be maintained which shall be kept readily available for inspection by the Inspector.

(3) Every worker employed in the process of cleaning or smoothening, roughening, etc., of articles by a jet of sand, metal shot, or grit, or other

abrasive propelled by a blast of compressed air or steam shall be examined by a medical officer. He shall issue fitness on form 29.

(4) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in these processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(5) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(6) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

## **Schedule XV**

### **Handling and Processing of Asbestos, Manufacture of any Article of Asbestos and any other Process of Manufacture or otherwise in which Asbestos is used in any Form**

**1. Application.** - This schedule shall apply to all factories or parts of factories in which any of the following processes are carried on :-

- (a) breaking, crushing, disintegrating, opening, grinding, mixing or sieving of asbestos and any other processes involving handling and manipulation of asbestos incidental thereto;
- (b) all processes in the manufacture of asbestos textiles including preparatory and finishing processes;
- (c) making of insulation slabs or sections, composed wholly or partly of asbestos, and processes incidental thereto;
- (d) making or repairing of insulating mattresses composed wholly or partly of asbestos, and processes incidental thereto;
- (e) manufacture of asbestos cardboard and paper;
- (f) manufacture of asbestos cement goods;
- (g) application of asbestos by spray methods;
- (h) sawing, grinding, turning, abrading and polishing in dry state of articles composed wholly or partly of asbestos;
- (i) cleaning of any room vessel, chamber, fixture of appliance for the collection of asbestos dust; and
- (j) any other processes in which asbestos dust is given off into the work environment.

**2. Definitions.** - For the purpose of this schedule-

- (a) "*asbestos*" means any fibrous silicate mineral and any admixture containing actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite or any mixture thereof, whether crude, crushed or opened;
- (b) "*asbestos textiles*" means yarn or cloth composed of asbestos or asbestos mixed with any other material;
- (c) "*approved*" means approved for the time being in writing by the Chief Inspector;
- (d) "*breathing apparatus*" means a helmet or face piece with necessary connection by means of which a person using it breathes air free from dust or any other approved apparatus;
- (e) "*efficient exhaust draught*" means localised ventilation by mechanical means for the removal of dust so as to prevent dust from escaping into air of any place in which work is carried on, draught shall be deemed to be efficient which fails to control dust produced at the point where such dust originates.
- (f) "*preparing*" means crushing, disintegrating, and any other processes incidental to the opening of asbestos;
- (g) "*protective clothing*" means overalls and head covering, which (in either case) will when exclude asbestos dust.

**3. Tools and Equipment.** - Any tools or equipment used in processes to which this schedule applied shall be such that they do not create asbestos dust above the permissible limit or are equipped with efficient exhaust draught.

**4. Exhaust draught.** - (1) An efficient exhaust draught shall be provided and maintained to control dust from the following processes and machines :-

- (a) manufacture and conveying machinery namely :-
  - (i) preparing grinding or dry mixing machines;
  - (ii) carding, card waste and ring spinning machines, and looms;
  - (iii) machines or other plant fed with asbestos; and
  - (iv) machines used for the sawing, grinding, turning, drilling, abrading or polishing; in the dry state of articles composed wholly or partly of asbestos;
- (b) cleaning, and grinding of the cylinders or other parts of a carding machines;
- (c) chambers, hoppers or other structures into which loose asbestos is delivered or passes;
- (d) work-benches for asbestos waste sorting or for other manipulation of asbestos by hand;
- (e) workplaces at which filling or emptying of sacks, skips or other portable containers, weighing or other process incidental thereto which is effected by hand, is carried on;
- (f) sack cleaning machines;
- (g) mixing and blending of asbestos by hand; and
- (h) any other process in which dust is given off into the work environment.

(2) Exhaust ventilation equipment provided in accordance with sub-paragraph (1) shall, while any work of maintenance or repair to the machinery, apparatus

or other plant or equipment in connection with which it is provided is being carried on, be kept in use so as to produce an exhaust draught which prevents the entry of asbestos dust into the air of any work place.

(3) Arrangements shall be made to prevent asbestos dust discharged from exhaust apparatus being drawn into the air of any workroom.

(4) The asbestos bearing dust removed from any workroom by the exhaust system shall be collected in suitable receptacles or filter bags which shall be isolated from all work areas.

**5. Testing and examination of ventilating systems.** - (1) All ventilating systems used for the purpose of extracting or suppressing dust as required by this schedule shall be examined and inspected once in every week by a responsible person. It shall be thoroughly examined and tested by a competent person once in every period of 12 months. Any defects found by such examinations or test shall be rectified forthwith.

(2) A register containing particulars of such examination and tests and the state of the plant and the repairs or alternations (if any) found to be necessary shall be kept and shall be available for inspection by an Inspector cum facilitator.

**6. Segregation in case of certain process.** - Mixing or blending by the hand of asbestos, or making or repairing of insulating mattresses composed wholly or partly of asbestos shall not be carried on in any room in which any other work is done.

**7. Storage and distribution of loose asbestos.** - (1) All loose asbestos shall while not in use, be kept in suitable closed receptacles which prevent the escape of asbestos dust therefrom such asbestos shall not be distributed within a factory except in such receptacles or in a totally enclosed system of conveyance.

**8. Asbestos sacks.** - (1) All sack used as receptacle for the purpose of transport of asbestos within the factory shall be constructed of impermeable materials and shall be kept in good repair.

(2) A sack which has contained asbestos shall not be cleaned by hand beating but by a machine, complying with paragraph 3.

**9. Maintenance of floors and workplaces.** - (1) In every room in which any of the requirements of this schedule apply-

(a) the floors, work-benches, machinery and plant shall be kept in a clean state and free from asbestos debris and suitable arrangements shall be made for the storage of asbestos not immediately required for use; and

(b) the floors shall be kept free from any materials, plant or other articles not immediately required for the work carried on in the room, which would obstruct the proper cleaning of the floor.

(2) The cleaning as mentioned in sub-rule (1) shall so far as is practicable, be carried out by means of vacuum cleaning equipment so designed and constructed and so used that asbestos dust neither escape nor is discharged into the air of any workplace.



(3) When the clearing is done by any method other than that mentioned in sub-paragraph (2), the persons doing cleaning work and any other person employed in that room shall be provided with respiratory protective equipment and protective clothing.

(4) The vacuum cleaning equipment used in accordance with provisions of sub-paragraph (2) shall be properly maintained and after each cleaning operation, its surfaces kept in a clean state and free from asbestos waste and dust.

(5) Asbestos waste shall not be permitted to remain on the floors or other surfaces at the work place at the end of the working shift and shall be transferred without delay to suitable receptacles. Any spillage of asbestos waste occurring during the course of the work at any time shall be removed and transferred to the receptacles maintained for the purpose without delay.

**10. Breathing apparatus and protective Clothing.** - (1) An approved breathing apparatus and protective clothing shall be provided and maintained in good conditions for use for every person employed-

(a) in chambers containing loose, asbestos;

(b) in cleaning, dust settling or filtering chambers or apparatus;

(c) in cleaning the cylinders, including the doffer cylinders, or other parts of a carding machine by means of hand-strickers; and

(d) in filling, beating or leveling in the manufacture or repair of insulating mattresses; and

(e) in any other operation of circumstances in which it is impracticable to adopt technical means to control asbestos dust in the work environment within the permissible limit.

(2) Suitable accommodation in conveniently accessible position shall be provided for the use of persons when putting on or taking off breathing apparatus and protective clothing provided in accordance with this rule and for the storage of such apparatus and clothing when not in use.

(3) All breathing apparatus and protective clothing when not in use shall be stored in the accommodation provided in accordance with sub-rule (2) above.

(4) All protective clothing in use shall be deducted under an efficient exhaust draught or by vacuum cleaning and shall be washed at suitable intervals. The cleaning schedule and procedure should be such as to ensure the efficiency in protecting the weaver.

(5) All breathing apparatus shall be cleaned and disinfected at suitable intervals and thoroughly inspected once every month by a responsible person.

(6) A record of the cleaning and maintenance and of the condition of the breathing apparatus shall be maintained in a register provided for that purpose which shall be readily available for inspection by an Inspector.

(7) No person shall be employed to perform any work specified in sub-paragraph (1) for which breathing apparatus is necessary to be provided under that sub-paragraph unless he has been fully instructed in the proper use of that equipment.

(8) So breathing apparatus provided in pursuance of sub- paragraph (1) which has been worn by a person shall be worn by another person unless it has been thoroughly cleaned and disinfected since last being worn and the person has been fully instructed in the proper use of that equipment.

**11. Separate accommodation for personal clothing.** - A separate accommodation shall be provided in a conveniently accessible position for all persons employed in operations to which this schedule applied for storing of personal clothing. This should be separated from the accommodation provided under sub-paragraph (2) to prevent contamination of personal clothing.

**12. Washing and bathing facilities.** - (1) There shall be provided and maintained in a clean state and in good repair for the use of all workers employed in the processes covered by the schedule, adequate washing and bathing places having a constant supply of water under cover at the rate of one such place for every 15 persons employed.

(2) The washing places shall have standpipes placed at intervals of not less than one meter.

(3) Not less than one half of the total number of washing places shall be provided with bathroom.

(4) Sufficient supply of clean towels made of suitable material shall be provided:

Provided that such towels shall be supplied individually for each worker if so order by the Inspector cum facilitator.

(5) Sufficient supply of soap and nail brushes shall be provided.

**13. Mess-room.** - (1) There shall be provided and maintained for the use of all workers employed in the factory covered by this schedule, remaining on the premises during the rest intervals, a suitable mess-room which shall be furnished with

(a) sufficient tables and benches with back rest; and

(b) adequate means for warming food.

(2) The mess-room shall be placed under the charge of a responsible person and shall be kept clean.

**14. Prohibition of employment of adolescents.** - No adolescent shall be employed in any of the process covered by this schedule.

**15. Prohibition relating to smoking.** - No person shall smoke in any area where processes covered by this schedule are carried on. A notice in the language understood by majority of the workers shall be posted in the plant prohibiting smoking at such areas.

**16. Cautionary Notices.** - (1) Cautionary notices shall be displayed at the approaches and along the perimeter of every asbestos processing area to warn all persons regarding-

(a) hazards to health from asbestos dust;

(b) need to use appropriate protective equipment;

(c) prohibition of entry to unauthorised person, or authorised persons but without protective equipment.

(2) Such notices shall be in the language understood by the majority of the workers.

**17. Air Monitoring.** - To ensure the effectiveness of the control measures, monitoring of asbestos fibre in air shall be carried out once at least in every shift and the record of the results so obtained shall be entered in a register specially maintained for the purpose.

**18. Medical facilities and examination.** (1) The occupier of every factory or part of the factory to which the schedule applies shall

- (a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and
- (b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) The record of medical examinations and appropriate tests carried out by the said medical practitioner shall be maintained and kept readily available for inspection by the Inspector cum facilitate to.

(3) Every worker employed in the processes specified in paragraph 1 shall be examined by a Certifying Surgeon within 15 days of his first employment. Such examination shall include pulmonary function tests, tests for detecting asbestos fibres in sputum and chest X-ray. No worker shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the Certifying Surgeon.

(4) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(5) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in these processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(6) No person who has been found unfit to work as said in sub-paragraph (5) shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(7) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**19. Exemptions.** - If in respect of any factory the Chief Inspector is satisfied that owing to the exceptional circumstances or infrequency of the processes or for any other reason, all or any of the provisions of this schedule is not necessary for protection of the workers in the factory, the Chief Inspector may by a certificate in writing, which he may at his discretion revoke at any time, exempt such factory from all or any of such provisions subject to such conditions, if any as he may specify therein.

## **Schedule XVI**

### **Handling and manipulation of Corrosive substances**

**1. Definitions.** - For the purpose of this Schedule-

(a) "*Corrosive operation*" means an operation of manufacturing, storing, handling, processing, packing, or using any corrosive substance in a factory

(b) "*Corrosive substance*" includes sulphuric acid, nitric acid, hydrochloric acid, hydrofluoric acid, carbolic acid, phosphoric acid, liquid chlorine, liquid bromine, ammonia, sodium hydroxide and potassium hydroxide and a mixture thereof and any other substance which the State Government by notification in the *Official Gazette* specifies to be a corrosive substance.

**2. Flooring.** - The floor of every work-room of a factory in which corrosive operation is carried on shall be made of impervious, corrosion and fire resistant material and shall be so constructed as to prevent collection of any corrosive substance. The surface of such flooring shall be smooth and cleaned as often as necessary and maintained in sound condition.

**3. Protective equipment.** - (a) The Occupier shall provide for the use of all persons employed in any corrosive operation suitable protective wear for hands and feet, suitable aprons, face shields, chemical safety goggles, and respirators. The equipments shall be maintained in good order and shall be kept in clean and hygienic condition by suitable treating to get rid of the ill effects of any absorbed chemicals and by disinfecting. The Occupier shall also provide suitable protective creams and other preparations wherever necessary. (b) The protective equipment and preparations provided shall be used by the person employed in any corrosive operation.

**4. Water facilities.** - Where any corrosive operation is carried on, there shall be provided as close to the place of such operation as possible, a source of clean water at a height of 2.1 meters from a pipe of 1.25 cm. diameter and fitted with a quick acting valve so that in case of injury to the worker by any corrosive substance, the injured part can be thoroughly flooded with water. Wherever necessary, in order to ensure continuous water supply, a storage tank having a minimum length, breadth and height of 210 cm., 120 cm. and 60 cm.

respectively or such dimensions as are approved by the Chief Inspector of Factories, shall be provided as the source of clean water.

**5. Cautionary Notice.** - A cautionary notice in the following form and printed in the language which majority of the workers employed understand, shall be displayed prominently close to the place where any of the operations mentioned in paragraph 2 above is carried out and where it can be easily and conveniently read by the workers. If any worker is illiterate effective steps shall be taken to explain carefully to him the contents of the notice so displayed.

## **Cautionary Notice**

### **Danger**

Corrosive substances cause severe burns and vapors thereof may be extremely hazardous. In case of contact, immediately flood the part effected with plenty of water for at least 15 minutes. Get medical attention quickly.

**6. Transport.** - (a) Corrosive substances shall not be filled moved, or carried except in containers and when they are to be transported, they shall be included in crates of sound construction and sufficient strength.

(b) A container with a capacity of (11.5 litres) (2½ gallons) or more of a corrosive substances shall be placed in a receptacle or crate and then carried by more than one person, at a height below the waist line unless a suitable rubber wheeled truck is used for the purpose.

(c) Containers for corrosive substances shall be plainly labeled.

**7. Devices for handling Corrosives.** - (a) Suitable tiling or lifting device shall be used for emptying jars, carboys and other containers of corrosives.

(b) Corrosive substance shall not be handled by hands but by means of a suitable scoop or other devices.

**8. Opening valves.** - Valves fitted to containers holding a corrosive substance shall be opened with great care. If they do not work freely, they shall not be forced open. They shall be opened by a worker suitably trained for the purpose.

**9. Cleaning tanks, stills, etc.** - (a) In cleaning out or removing residues from stills or other large chamber used for holding any corrosive substance, suitable implements, made of wood or other material shall be used to prevent production of arseniuretted hydrogen (Arsine).

(b) Whenever it is necessary for the purpose of cleaning or other maintenance work for any worker to enter chamber tank, vat, pit or other confined space where a corrosive substance had been stored, all possible precautions shall be taken to ensure the workers' safety.

(c) Wherever possible, before repairs are undertaken to any part of equipment in which a corrosive substance was handled, such equipment or part thereof shall be freed of any adhering corrosive substance by adopting suitable methods.

**10. Storage.** - (a) Corrosive substances shall not be stored in the same room with other chemicals, such as turpentine, carbides, metallic powders and combustible materials the accidental mixing with which may cause a reaction which is either violent or gives rise to toxic fumes and gases.

(b) Pumping or filling overhead tanks, receptacles, vats or other containers storing corrosive substances shall be so arranged that there is no possibility of any corrosive substance overflowing and causing injury to any person.

(c) Every container having capacity of twenty liters or more and every pipe line, valves and fitting used for storing or carrying corrosive substances shall be thoroughly examined every year for finding out any defects, and defects shall be removed forthwith. A register shall be maintained of every such examination made and shall be produced before the Inspector whenever required.

**11. Fire extinguishers and fire fighting equipment.** - An adequate number of suitable type of fire extinguishers or other fire fighting equipment, depending on the nature of chemicals stored, shall be provided. Such extinguishers or other equipment shall be regularly tested and refilled. Clear instructions as to how the extinguishers or other equipment should be used printed in the language which majority of the workers employed understand, shall be affixed near each extinguisher or other equipment.

**12. Medical Examination-**(1) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(2) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the handling and manipulation of corrosive substances on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(3) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(4) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**13. Exemption.** - If in respect of any factory on an application made by the manager, the Chief Inspector cum facilitator, is satisfied that owing to the exceptional circumstances, or the infrequency of the process or for any other

reason to be recorded by him in writing, all or any of the provisions of this Schedule are not necessary for the protection of the persons employed therein, he may by a certificate in writing, which he may at any time revoke, exempt the factory from such of the provisions and subject to such conditions as he may specify therein.

## **Schedule XVII**

### **Manipulation of Stone or Any Other Material Containing Free Silica causing notified disease such as Silicosis**

**1. Application.** - This schedule shall apply to all factories or parts of factories in which manipulation of stone or any other material containing free silica is carried on.

**2. Definitions.** - For the purpose of this Schedule-

(a) "*manipulation*" means crushing, breaking, chipping, dressing, grinding, sieving, mixing, grinding or handling of stone or any other material containing free silica or any other operation involving such stone or material;

(b) "*stone or any other material containing free silica*" means a stone or any other solid material containing not less than 5% by weight of free silica.

**3. Precautions in manipulation.** - No manipulation shall be carried out in a factory or part of a factory unless one or more of the following measures, namely :-

(a) dampening the stone or other material being processed,

(b) providing water spray,

(c) enclosing the process,

(d) isolating the process, and

(e) providing localised exhaust ventilation :

Provided that such measures as above said are not necessary if the process or operation itself is such that the level of dust created and prevailing does not exceed the permissible level referred to.

**4. Maintenance of floors.** - (1) All floors or places where fine dust is likely to settle on and whereon any person has to work or pass shall be of impervious material and maintained in such condition that they can be thoroughly cleaned by a moist method or any other method which would prevent dust being airborne in the process of cleaning.

(2) The surface of every floor of every workroom or place where any work is carried on or where any person has to pass during the course of his work, shall be deemed free of dust once at least during each shift after being sprayed with water or by any other suitable method so as to prevent dust being airborne on the process of cleaning.

**5. Prohibition relating to adolescents.** - No adolescent shall be employed or permitted to work in any of the operations involving manipulation or at any place where such operations are carried out.

**6. Medical facilities and Examination.** - (1) The occupier of every factory to

which the schedule applies, shall-

- (a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and
- (b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) The record of medical examination and appropriate tests carried out by the said medical officer shall be maintained which shall be kept readily available for inspection by the Inspector cum facilitator.

(3) Every worker employed in the processes specified in paragraph 1 shall be examined by medical officer within 15 days of his first employment. Such medical examination shall include pulmonary function tests and chest X-ray. No worker shall be allowed to work after 15 days of his first employment unless he is certified fit for such employment by the medical officer.

Provided that test of spirometry shall be carried out after every twelve months and chest X-ray shall be done after every twenty four months till worker attains age of thirty years thereafter chest X-ray shall be done after every twelve months. Provided further that if it appears to the medical inspector cum facilitator or medical officer that spirometry and chest x-ray is to be repeated and additional test and examination is required to be done; he may recommend accordingly and the occupier shall ensure arrangement for such tests. Radiological examinations shall be evaluated as per the prevailing guideline of International Labour Organisation.

(4) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(5) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(6) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(7) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.



**8. Exemption.** - If in respect of any factory the Chief Inspector is satisfied that owing to the except exceptional circumstances or in frequency of the processes or for any other reason, all or any of the provisions of this schedule is not necessary for protection of the workers in the factory, the Chief Inspector may by a certificate in writing, which he may in his discretion revoke at any time, exempt such factory from all or any of such provisions subject to such conditions, if any he may specify therein.

## **Schedule XVIII**

### **Solvent extraction Plants**

#### **Process of Extracting Oils and Fats from vegetable and animal sources in Solvent Extraction Plants**

**1. Definitions.** - In this schedule unless the context otherwise requires :-

(a) "*Solvent Extraction Plant*" means a plant in which the process of extracting oils and fats from vegetable and animal sources by use of solvents is carried on.

(b) "*Solvent*" means an inflammable liquid such as pentane hexane and heptane used for the extraction of vegetable oils.

(c) "*Flame roof*" enclosure as applied to electrical machinery or apparatus means an enclosure that will withstand, when covers or other access doors are properly secured, an internal explosion of the flammable gas or vapour which may enter, or which maybe originally inside the enclosure without suffering damage and without communicating internal inflammation for explosion to the external flammable gas or vapour.

(d) "*Competent Person*" for the purpose of this schedule shall be at least Member of the Institution of Engineers (India) or an Associate Member of the said institution with 10 years experience in a responsible position as may be approved; by the Chief Inspector cum Facilitator:

Provided that a graduate in Mechanical Engineering or Chemical Technology with specialised knowledge of oils and fats and with a minimum experience of 5 years in a solvent extraction plant shall also be considered to be competent person :

Provided further that the Chief Inspector may accept any other person having suitable qualification and experience as a competent person for purposes of this Schedule.

**2. Location and Lay-out.** - (a) No solvent extraction plant shall be constructed or extended to within a distance of 30 meters from the nearest residential locality.

(b) A 1.5 metre high continuing fencing shall be provided around the solvent extraction plant up to minimum distance of 15 meters from the plant.

(c) No person shall be allowed to carry any matches or an open flame or fire inside the area bound by the fencing.

(d) Boiler house and other building where open flame process are carried on shall be located at least 30 meters away from the solvent extraction plant.

(e) If godowns and preparatory processes are at less than 30 metres distance from the solvent extraction plant, there shall be at least 15 metres distance from the plant, and a continuous barrier wall of non-combustible material 1.5 metres high from the solvent extraction plant so that it extends to at least 30 metres of vapour travel around its ends from the Plant to the possible sources of ignition.

**3. Electrical Installation.** - (a) All electrical motors and wiring and other electrical equipment installed or housed in Solvent Extraction Plant shall be of flame proof construction.

(b) All metal parts of the plant and building including various tanks and containers where solvents are stored or are present and all parts of electrical equipment not required to be energised shall be properly bounded together and connected to the earth so as to avoid accidental rise on the electrical potential of such part above the earth potential.

**4. Restriction on Smoking.** - Smoking shall be strictly prohibited within 15 metres distance from Solvent Extraction Plant. For this purpose 'No Smoking' signs shall be permanently displayed in the areas.

**5. Precaution against friction.** - (a) All tools and equipments including ladders, chains, and other lifting tackle required to be used in Solvent Extraction Plant shall be of non-sparking type.

(b) No machinery or equipment in Solvent Extraction Plant shall be belt driven unless the belt is made of conductive material.

(c) No person shall be allowed to enter in the Solvent Extraction Plant if wearing clothes made of Nylon or such other Fibre that can generate static electrical charge, or wearing foot wear which is likely to cause sparks by friction.

**6. Fire-fighting apparatus.** - (a) Adequate number of portable fire extinguishers suitable for use against flammable liquid fire shall be provided in the Solvent Extraction Plant.

(b) An automatic water sprinkler system overhead deluge system with sufficient supply of storage water shall be provided over Solvent Extraction Plant and throughout the building housing such plant.

**7. Precaution against power failure.** - (a) Provision shall be made for the automatic cutting off of steam in the event of power failure and also.

(b) For emergency overhead water supply for feeding water by gravity to condensers which shall come into play automatically with the power failure.

**8. Magnetic Separators.** - The material under extraction shall be fed to the extractor by a conveyer through a hopper and a magnetic separator shall be provided to remove any piece of iron during its transfer.

**9. Venting.** - (a) Tanks containing solvents shall be protected with emergency venting to relieve excessive internal pressure in the event of fire.

(b) All emergency relief vents shall be terminated at least 6 metres above the ground and be so located that vapours will not re-enter the building in which solvent extraction plant is located.

**10. Waste water.** - Process waste water shall be passed through a flash evaporator to remove any solvent before it is discharged into a sump which should be located within the fenced area, but not closer than 8 m. to the fence.

**11. Ventilation.** - The Solvent Extraction Plant shall be well ventilated and if the Plant is housed in a building the building shall be provided with mechanical ventilation with provision for at least six air changes per hour.

**12. House keeping.** - (a) Solvent shall be stored in an area covered by Solvent Extraction Plant except in small quantity which shall be stored in approved safety cans.

(b) Waste materials such as oily-rags, other waste and absorbents used to wipe off solvent and paints and oils shall be deposited in approved containers and removed from the premises at least once a day.

(c) Space within the Solvent Extraction Plant and within 15 metres from the Plant shall be kept free from any combustible materials and any spills of oil or solvent, shall be cleared up immediately.

**13. Examination and Repairs.** - (a) The Solvent Extraction Plant shall be examined by the competent person to determine any weakness or corrosion and wear, once in every 12 months. Report of such examinations shall be supplied to the Inspector with his observations as to whether or not the Plant is in safe condition to work.

(b) No repairs shall be carried out to the Machinery or Plant except under the direct supervision of the competent person.

(c) Facility shall be provided for purging the plant with inert gas or steam before opening for cleaning or repairs and before introducing solvent after repairs.

**14. Operating personnel.** - The operation of the plant and machinery in the Solvent Extraction Plant shall be in the charge of such duty qualified and trained persons as are certified by the competent persons to be fit for the purpose and no other persons shall be allowed to operate the plant Machinery.

**15. Prohibition relating to pregnant or lactating women and young persons. —**

- (1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in the solvent extraction plant.
- (2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months.”

**16. Vapour Detection.** - A suitable type of the flame proof and portable combustible gas indicator shall be provided and maintained in good working

order and a schedule of routine sampling of atmosphere at various locations as approved by the Chief Inspector cum Facilitator shall be drawn out and entered in a register maintained for the purpose.

**17. Log Book.** - A log book of plant operation shall be maintained in a proforma approved by the Inspector cum facilitator,

**18. Medical Examination-**(1) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(2) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the process of solvent extraction, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(3) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(4) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

## **Schedule XIX**

### **Carbon Disulphide Plants**

**1. Application.** - This Schedule shall apply to all electric furnaces in which carbon-disulphide is generated and all other Plants where carbon disulphide after generation is condensed, refined and stored. These Rules are in addition to and not in derogation of any of the provisions of the Act and Rules made thereunder.

**2. Construction, Installation and Operations.** - (a) The buildings in which electric furnaces are installed and carbon disulphide after generation is condensed and refined shall be segregated from other parts of the factory and shall be open type to ensure optimum ventilation and the plant layout shall be such that only a minimum number of workers are exposed to the risk of any fire or explosion at any one time:

(b) Every electric furnace and every Plant in which carbon disulphide is condensed, refined and stored with all their fittings and attachments shall be of good construction, sound material and of adequate strength maintained in good order to sustain the internal pressure to which the furnace or the plant

may be subjected and shall be so designed that carbon disulphide liquid and gas are in closed system during their normal working.

(c) The Electric furnace supports shall be firmly grounded about 60 centimeter in concrete or by other effective means.

(d) Every electric furnace shall be installed and operated according to manufacturer's instructions and these instructions shall be clearly imparted to the personnel in charge of construction and operation.

(e) The instructions regarding observations of correct furnace temperature, sulphur dose, admissible current/power consumption and periodical checking of charcoal level shall be strictly complied with. These instructions shall be exhibited at a conspicuous place near the furnace.

**3. Electrodes.** - (a) Where upper ring electrode(s) or straight electrodes made of steel are used in the electric furnace, they shall be of seamless tube constructed and shall have arrangement for being connected to cooling water system through a siphon-builtin the electrodes or through positive pressure water pump.

(b) The arrangement for cooling water referred to in clause (a) shall be connected with automatic alarm system which will be actuated in the event of interruption of cooling water in the electrodes and given visible and audible alarm signals in the control room and simultaneously stop power supply for the furnace operation and to stop the further supply of water. The alarm system and the actuating device shall be checked every day.

**4. Rupture Discs and Safety Seal.** - (a) At least two rupture discs of adequate size which shall blow off at a pressure twice the maximum operating pressure shall be provided on each furnace and shall either be mounted directly on the top of the furnace or each through an independent pipe as close as possible to the furnace.

(b) A safety water shall be provided and tapped from a point between the charcoal separator and the sulphur separator.

**5. Pyrometer and Manometers.** - (a) Each electric furnace shall be fitted with adequate number of pyrometers to give an indication of the temperature as correctly as reasonably practicable at various points in the furnace. The dials for reading the temperature shall be located in this control room.

(b) Manometers or any other suitable devices shall be provided for indicating pressure :-

(i) In the off take pipe before and after the sulphur separator; and

(ii) In primary and secondary condensers.

**6. Check Valves.** - All piping carrying carbon disulphide shall be fitted with check valves at suitable position so as to prevent gas from flowing back into any electric furnace in the event it is shut down.

### **Inspection and Maintenance of Electric Furnace**

**7.(a)** Every electric furnace shall be inspected internally by a competent person:-

(i) Before being placed in service after installation:

(ii) Before being placed in service after reconstruction or repairs; and  
(iii) Periodically every time the furnace is opened for cleaning and de-ashing or for replacing electrodes.

(b) When an electric furnace shut down for cleaning and deashing :-

(i) The brick lining shall be checked for continuity and any part found defective be removed.

(ii) After removal of any part of the lining referred to in (a) the condition of the shell be closely inspected; and

(iii) Any plates forming shell found corroded to the extent that safety of the furnace is endangered shall be replaced.

**8. Maintenance of Records.** - The following hourly records shall be maintained in a log book :

(i) Manometer reading at the points specified in (5) (b) (i) and (ii).

(ii) Gas temperature indicated by pyrometers and all other vital points near the sulphur separator and primary and second condensers.

(iii) Water temperature and flow of water through the siphon in the electrodes.

(iv) Primary and secondary voltages and energy consumed.

**9. Electrical Apparatus-Wiring and Fittings.** - All buildings in which carbon disulphide is refined or stored shall be provided with electrical apparatus, wiring and fittings which shall afford adequate protection from fire and explosion.

**10. Prohibition relating to Smoking.** - No person shall smoke or carry matches or naked light or other means of producing a naked light or spark in buildings in which carbon disulphide is refined or stored and a notice in the language understood by a majority of the workers shall be pasted in the Plant prohibiting smoking and carrying of matches, fire or naked light or spark into such rooms.

**11. Means of Escape.** - Adequate means of escape shall be provided and maintained to enable persons to move to a safe place as quickly as possible in case of an emergency. At least two independent staircases of not less than 110 cm. in width and making an angle of not more than 45 from the horizontal shall be provided in every building housing the furnaces at reasonable intervals at opposite ends. These shall always be kept clear of all obstructions and so designed as to afford easy passage.

**12. Warning in case of fire.** - There shall be adequate arrangements for giving warnings in case of fire or explosion which shall operate on electricity and in case of failure of electricity by some mechanical means.

**13. Fire fighting equipments.** - (a) Adequate number of suitable fire extinguishers or other fire fighting equipment shall be kept in constant readiness for dealing with risks involved and depending on the amount and nature of material stored.

(b) Clear instructions as to how the extinguishers or other equipment should be used printed in the language which the majority of the workers employed understand shall be affixed to each extinguisher or other equipments.

(c) Adequate number of persons shall be trained in the use of fire fighting equipments.

**14. Bulk Sulphur.** - (a) Open or semi-enclosed spaces for storage of bulk sulphur shall be sited with due regard to the dangers which may arise from sparks given by locomotives etc. and precautions shall be taken to see that flames, smoking and matches, and other sources of ignition do not come in contact with the clouds of dust arising during handling of bulk sulphur.

(b) All enclosures for bulk sulphur shall be of non-combustible construction, adequately ventilated and so designed as to provide a minimum of ledges on which dust may lodge.

(c) The bulk sulphur in the enclosure shall be handled in such manner as to minimize the formation of dust clouds and no flame, smoking and matches or other sources of ignition shall be allowed and non-sparking tools shall be used whenever sulphur is shovelled.

(d) No repairs involving flames, heat or use of hand or power tools shall be made in the enclosure where bulk sulphur is stored.

**15. Liquid Sulphur.** - Open flames, electric sparks and other sources of ignition including smoking and matches, shall be excluded from the vicinity of molten sulphur.

**16. Training and Supervision.** - (1) All electric furnaces and all Plants in which carbon disulphide is condensed, refined or stored shall be under adequate supervision at all times while the furnaces and plants are in operation.

(b) Workers in charge of operation and maintenance of electric furnaces and the plants shall be properly qualified and adequately trained.

**17. Washing facilities.** - The occupier shall provide and maintain in a clean state and in good repair for the use of all persons employed wash place under cover with at least one tap or stand pipe having a constant supply of clean water for every five such person, the taps or stand-pipes being spaced not less 120 cm. apart with sufficient supply of soap and clean towels. All the workers employed in the sulphur storage, handling and melting operations shall be provided with nail brush.

**18. Personal Protective Equipment.** - (a) Suitable goggles and protective clothing consisting of overalls without pockets, gloves and foot wear shall be provided for the use of operators :-

(i) When operating valves or cocks controlling fluids etc.

(ii) Drawing off of molten sulphur from pots; and

(iii) Handling charcoal or sulphur.

(b) Suitable respiratory protective equipment shall be provided and stored in the appropriate place for use during abnormal conditions or in an emergency.

(c) Arrangements shall be made for the proper and efficient cleaning of all such protective equipment.

**19. Cloak-Rooms.** - There shall be provided and maintained for the use of all persons employed in the process a suitable cloak-room for clothing put off during work hours and a suitable place separate from the cloak-room of that

storage of overalls or working clothes. The accommodation so provided shall be placed in the charge of responsible person and shall be kept clean.

**20. Unauthorised Persons.** - (a) Only maintenance and repair personnel, person directly connected with plant operating and those accompanied by authorised persons shall be admitted into the plant.

**21. Medical Examination-**(1) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(2) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the carbon di sulphide on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(3) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(4) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

## **Schedule XX**

### **Manufacture manipulation of "Manganese" and its compound**

**1. Definitions.** - For the purpose of this schedule-

(a) "*Manganese Process*" means processing manufacture of manipulation of manganese or any compound of manganese or any area of any mixture containing manganese.

(b) "*First employment*" means first employment in any manganese process and includes also re-employment in any manganese process following any cessation of employment for a continuous period exceeding 3 calendar months.

(c) "*Manipulation*" means mixing, blending, filling, emptying, grinding, sewing, drying, packing, sweeping or otherwise handling of manganese of a compound of manganese, or an ore of mixture containing manganese.

(d) "*Efficient Exhaust Ventilation*" means localized ventilation effected by mechanical means for the removal of dust or fume or mist at its source of origin so as to prevent it from escaping into the atmosphere of any place where any work is carried on. No draught shall be deemed to be efficient which fails to remove the dust or mist at the point where it is generated and fails to prevent it from escaping into and spreading into the atmosphere of a work place.



**2. Application.** - This Schedule shall apply to every factory in which or in any part of which any manganese process is carried on.

**3. Exemption.** - If in respect of any factory, the Chief Inspectorcum facilitator is satisfied that owing to any exceptional circumstances, or infrequency of the process or for any other reason application of all or any of the provisions of this schedule is not necessary for the protection of the persons employed in such factory he may, by an order in writing which he may at his discretion revoke, exempt such factory from all or any of the provisions of such provisions and for such period as he may specify in the said order.

**4. Isolation of process.** - Every manganese process which may give rise to dust, vapour or mist containing manganese, shall be carried on in a totally enclosed system or otherwise effectively isolated from other processes so that other plants and process and other parts of the factory and persons employed on other work of process may not be affected by the same.

**5. Ventilation of process.** - No process in which any dust, vapour or mist containing manganese is generated, shall be carried but except under an efficient exhaust ventilation which shall be applied as near to the point of generation as practicable.

**6. Medical Examination-**(1) The occupier of every factory to which this Schedule applies, shall-

(a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) The record of medical examination and appropriate tests carried out by the said medical practitioner shall be maintained in a separate register

which shall be kept readily available for inspection by the Inspector.

(3) Every worker employed in any manganese processes shall be medically examined by a medical officer within 15 days of his first employment. Such examination shall include tests for detection of a serum calcium, serum phosphate and manganese in blood and urine and also include steadiness tests other neuromuscular coordination tests. No worker shall be allowed to work after 15 days of his first employment in the factory unless certified for such employment by the medical officer

(4) Every worker employed in the processes of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(5) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the electrolytic processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(6) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(7) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**7. Personal Protective Equipment.** - (1) The Occupier and Manager of the Factory shall provide and maintain in good and clean condition suitable overalls and headcoverings for all persons employed in any manganese process and such overalls and head coverings shall be worn by the persons while working on a manganese process.

(2) The occupier and Manager of the factory shall provide suitable respiratory protective equipment for use by workers in emergency to prevent inhalation of dust/fumes. Sufficient number of complete sets of such equipment shall always be kept near the work place and the same shall be properly maintained and kept always in a condition to be used readily.

(3) The Occupier and Manager shall provide and maintain for the use of all persons employed suitable accommodation for the storage and make adequate arrangements for cleaning and maintenance of personal protective equipment.

**8. Prohibition relating to pregnant or lactating women and young persons.**

—

(1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any manganese process.

(2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months.”

**9. Food, drinks prohibited in the work-rooms.** - No food, drink, pan and supari or tobacco shall be allowed to be brought into or consumed by any worker in any work-room in which any manganese process carried on.

**10. Mess Room.** - There shall be provided and maintained for the use of the persons employed in a manganese process a suitable mess room which shall be furnished with sufficient tables and benches and adequate means for warming of food. The mess room shall be placed under the charge of a responsible person and shall be kept clean.

**11. Washing Facilities.** - There shall be provided and maintained in a clean state and in good condition, for the use of persons employed in manganese process a wash place under cover, with either :-

(1) A trough with a smooth impervious surface fitted with a waste pipe without plug. The trough shall be of sufficient length to allow at least to 60 centimeters for every ten such persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than 60 centimetres; or at least one wash basin for every five such persons at any one time, fitted with a waste pipe and plug and having a constant supply of water; and

(2) Sufficient supply of soap or other suitable cleaning material and nail brushes and clean towels.

**12. Cloak Room.** - If the Chief Inspector so requires there shall be provided and maintained for the use of persons employed in manganese process a cloak-room for clothing put off during working hours with adequate arrangement for drying the clothing.

**13. Cautionary Playcard and instructions.** - Cautionary notice in the following form and printed in the language of the majority of the workers employed shall be affixed in prominent places in the factory where they can be easily and conveniently read by the workers and arrangement shall be made by the manager or occupier to instruct periodically all workers employed in a manganese process regarding the health hazards connected with their duties and the best preventive measure and methods and to protect themselves. The notice shall always be maintained in a legible condition.

### **Cautionary Notice**

#### **Managanese and Manganese compound**

1. Dust fumes and mists of Manganese and compounds are toxic when inhaled or when injected.
2. Do not consume food or drink near the work place.
3. Take a good wash before taking meals.
4. Keep the working area clean.
5. Use the protective clothing and equipments provided.
6. When required to work in situations where dust, fumes or mists are likely to be inhaled, use respiratory protective equipment provided for the purpose.
7. If you get severe headaches, prolonged sleeplessness or abnormal sensations on the body, report to the Manager who would make arrangements for your examination and treatment.

### **Schedule XXI**

**This Schedule shall apply to factories in which benzene or substances containing benzene are manufactured, handled or used.**

**2. Definitions.** - For the purposes of this Schedule-

- (a) "*Substance containing benzene*" means substance wherein benzene content exceeds one percent by volume;
- (b) "*Substitute*" means a Chemical which is harmless or less harmful than benzene and can be used in place of benzene;
- (c) "*enclosed system*" means a system which will not allow escape of benzene vapours to the working atmosphere;
- (d) "*efficient exhaust draught*" means localised ventilation effected by mechanical means for the removal of gases, vapours and dusts or fumes so as to prevent them from escaping into the air of any work-room and no draught shall be

deemed to be efficient if it fails to remove smoke/generated at the point where such gases, vapours, fumes or dust originates.

**3. Prohibition and substitution.** - [(a) use of Benzene and substances containing Benzene is prohibited in the following processes :-

(i) Manufacture of Varnishes, paints and thinners; and

(ii) Cleaning and degreasing operations.

(b) Benzene or substances containing benzene shall not be used as a solvent or diluent unless the process in which it is used is carried on in an enclosed system or unless the process is carried on in a manner which is considered equally safe as if it were carried out in an enclosed system.

(c) Where suitable substitutes are available, they shall be used instead of benzene or substances containing benzene. This provision, however, shall not apply to the processes specified in Appendix A.

(d) The Chief Inspector cum facilitator may, subject to confirmation by the State Government, permit exemptions from the percentage laid down in clause 2(a) and also from the provisions of sub-clause (b) temporarily under conditions and within limits of time to be determined after consultation with the employers and workers concerned.

**4. Protection against inhalation.** - (a) The process involving the use of benzene or substances containing benzene shall, as far as practicable be carried out in an enclosed system.

(b) Where, it is not practicable to carry out the process in an enclosed system, the workroom in which benzene or substances containing the benzene are used shall be equipped with an efficient exhaust draught or other means for the removal of benzene vapours to prevent their escape into the air of the workroom so that the concentration of benzene in the air does not exceed 25 parts per million by volume or 80 mg/m.

(c) Air analysis or the measurement of concentration of benzene vapours in air shall be carried out every 8 hours or at such intervals as may be directed by the Chief Inspector cum Facilitator at places where process involving use of benzene is carried on and the result of such analysis shall be recorded in a register specially maintained for this purpose. If the concentration of benzene vapours in air and measured by air analysis, exceeds 25 parts per million by volume or 80 mg./m. the Manager shall forthwith report the concentration to the Chief Inspector stating the reasons for such increase.

(d) Workers who for special reasons are likely to be exposed to concentration of benzene in the air of the work-room exceeding the maximum referred to in clause (b) shall be provided with suitable respirators or face mask. The duration of such exposure shall be limited as far as possible.

**5. Measures against skin contact.** - (a) Workers who are likely to come in contact with liquid benzene or liquid substances containing benzene shall be provided with suitable gloves, aprons, boots where necessary vapour tight chemical goggles, made of material not affected by benzene or its vapours.

(b) The protective were referred to in sub-clause (a) shall be maintained in good conditions and inspected regularly.

**6. Prohibition relating to pregnant or lactating women and young persons. –**

(1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any work-room involving exposure to benzene or substances containing benzene.

(2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months..

**7. Labelling.** - Every container holding benzene or substances containing benzene shall have the word "Benzene" and approved danger symbols clearly visible on it and shall also display information on benzene content, warning about toxicity and warning about inflammability of the chemical.

**8. Improper use of benzene.** - (a) The use of benzene or substance containing benzene by workers for cleaning their hands or their work clothing shall be prohibited.

(b) Workers shall be instructed on the possible dangers arising from such misuse, and written acknowledgment from every workers who having regard to nature of his work likely to come in contact with liquid benzene or liquid substances containing benzene, shall be obtained that he has fully understood the import of the instructions.

**9. Prohibition of consuming food, etc., in workrooms.** - No workers shall be allowed to store or consume food or drink in the workroom in which benzene or substance containing benzene are manufactured, handled or used. Smoking and chewing tobacco or pan betel nut shall be prohibited in such workrooms.

**10. Instructions as regards risks.** - Every worker on his first employment shall be fully instructed on the properties of benzene or substances containing benzene which he has to handle and of the dangers involved. Workers shall also be instructed on the measures to be taken to deal with in an emergency.

**11. Cautionary notices.** - Cautionary notices in the form specified in Appendix B and presented in the language easily read and understood by the majority of the workers shall be displayed in prominent places in the work-rooms where benzene or substance containing benzene are manufactured, handled or used.

**12. Washing facilities, cloak room and mess room.** - In factories in which benzene or substances containing benzene are manufactured, handled or used, the occupiers shall provide and maintain in clean state and in good repair-

(a) Washing facilities under cover of the standard of at least one tap for every 10 persons having supply of water with soap and a clean towel provided individually to each worker.

(b) A cloak room with lockers for each worker, having two compartments one for streetclothing and one for work clothing.

(c) A mess room furnished with tables and benches with arrangement for warming food provided that where a canteen or other proper arrangements exist for the workers to take their meals, the requirements of messroom shall be dispensed with.

**13. Medical facilities and Examination-**(1) The occupier of every factory to which the Schedule applies, shall-

(a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) The record of medical examinations and appropriate tests carried out by the said medical practitioner shall be maintained, which shall be kept readily available for inspection by the Inspector.

(3) Every worker employed in processes mentioned in paragraph 1, shall be examined by a medical officer within 15 days of his first employment. Such examination shall include tests for detection of phenol in urine and determination of urinary sulphideration and CNS and hamotological tests.

No worker shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the medical officer.

(4) Every worker employed in the process of this shedule shall be examined by a medical officer. Fitness will be issued on Form no. 29.

(5) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register on Form no. 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(6) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(7) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

## **Appendix A**

### **[Clause 3 (b)]**

- (1) Production benzene.
- (2) Process where ben/ene is used for chemical synthesis.
- (3) Motor spirits (used as fuel).

## **Appendix B**

### **(Clause 11)**

#### **(a) The hazards-**

- (i) Benzene and substances containing benzene are harmful.
- (ii) Prolonged or repeated breathing of benzene vapours may result in acute or chronic poisoning.
- (iii) Benzene can also be absorbed through skin which may cause skin and other diseases.

#### **(b) The preventive measures to be taken-**

- (i) Avoid breathing of benzene vapours.
- (ii) Avoid prolonged or repeated contact of benzene with skin.
- (iii) Remove benzene soaked or wet clothing promptly.
- (iv) If any time you are exposed to high concentration of benzene vapours and exhibit the sign and symptoms such as dizziness, difficulty in breathing over excitement or loss of consciousness, immediately inform your Factory Manager.
- (v) Keep all the containers of benzene closed.
- (vi) Handle, use and process benzene and substances containing benzene carefully in order to prevent their spillage on floor.
- (vii) Maintain good housekeeping.

#### **(c) The protective equipment to be used-**

- (i) Use respiratory protective equipment in a place where benzene vapours are present in high concentration.
- (ii) In emergency, use self generating oxygen mask or oxygen or air cylinder masks.
- (iii) Wear hand gloves, aprons, goggles and gum boots to avoid contact of benzene with your skin and body parts.
- (d) The first-aid measures to be taken in case of acute benzene poisoning-
  - (i) Remove the clothing immediately if it is wet with benzene.
  - (ii) If liquid benzene enters eyes, flush roughly for at least 15 minutes with clean running water and immediately secure medical attention.
  - (iii) In case of unusual exposure to benzene vapour call a physician immediately. Until he arrives do the following :-

#### **If the exposed person is conscious**

- (A) Move him to fresh air in open.
- (B) Lie him down without a pillow and keep him quiet and warm.

#### **If the exposed person is unconscious**

- (A) Lie him down preferably on the left side with the head low.



(B) Remove any false teeth, chewing gum, tobacco or other foreign objects which may be in his mouth.

(C) Provide him artificial respiration in case difficulty is being experienced in breathing.

(D) In case of hollow breathing or cyanosis (blueness of skin, lips, ears, finger nail-beds), he should be provided with medical oxygen or oxygen carbondioxide mixture. If needed he should be given artificial respiration. Oxygen should be administered by a trained person only.

## **Schedule XXII**

### **Manufacture of Slate Pencil**

**1. Definitions.** - For the purposes of this Schedule-

(a) Manufacture of slate pencils means cutting of stone with the aid of circular saw or any other means for the manufacture of slate pencils and includes incidental processes, such as, handling and slicing of stone separating the pencils at the grooves cut by saws and incidental processes, such as, counting, packing, pointing and sorting of pencils.

(b) "*Efficient exhaust draught*" means localised ventilations by mechanical means for the removal of dust so as to prevent the dust from escaping into the air of any place in which work is carried on and no draught shall be deemed to be efficient which fails to remove the dust produced at the point where such dust originates.

**2. (a)** No process of cutting the stones or making a groove in the stone with the help of saw shall be carried out unless the cutting or grooving equipment is fitted with such an efficient exhaust draught, which exhausts the dust from the place where the dust originates and carries it away from the place of work.

(b) Where the exhaust fan and the cutting or grooving equipment are driven by separate motors, these motors shall be electrically so interlocked that unless the motor of the exhaust fan is working, it shall not be possible to start the motor used for driving the cutting or grooving equipment.

**3. (a) Prohibition relating to pregnant or lactating women and young persons. —**

(i) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in the machines used for cutting the stones or making grooves on the stones.

(ii) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months.

(b) The work such as packing, repacking, pointing or sorting of pencil, breaking open the grooves or similar other operations, shall not be carried out in the same shed in which the operations or cutting of stone or making grooves on them are carried out.

4. (a) No worker shall be employed on the manufacture of slate pencils, unless he has been medically and radiologically examined by a medical officer, and declared fit for such employment by grant of certificate of fitness in Form No. 29.

(b) Every workers employed on the manufacture of slate pencil on the date on which this Schedule comes in force shall be medically and radiologically examined by a medical officer within 3 months of the said date.

(c) Every worker employed on the manufacture of slate pencil manufacturing shall be medically examined by a medical officer at a interval of not more than six months after the first examination conducted under the said sub-clauses (a) and (b) and shall be radiologically examined at an interval as may be directed by the medical officer.

(d) Worker already in employment and declared unfit by a medical officer shall not be allowed to work on the manufacture of slate pencils, unless he is examined again and granted a certificate of fitness.

(e) The medical officer may direct that a worker may be got radiologically examined or he may be subjected to further examination, clinical, pathological or otherwise, or that he may undergo specified treatment, and it shall be the responsibility of the occupier and the manager to arrange for the specified examination and treatment, and to bear all expenses thereof and in connection therewith.

(f) The medical officer shall, after each examination grant a certificate in Form No 29.

(g) The manager shall maintain all certificates on Form 29 in a proper file and shall produce all the certificates before the Inspector cum facilitator whenever demanded.

5. No worker shall be required or allowed to work on cutting, groove making machine or any other equipment generating dust from the stone used for manufacturing slate pencils, unless he is wearing dust mask.

## **Schedule XXIII**

### **Manufacture of manipulation of dangerous pesticides**

1. **Application.** - This schedule shall apply in respect of all factories or any part thereof in which the process of manufacture or manipulation of dangerous pesticide hereinafter referred to as the said manufacturing process is carried on.

2. **Definitions.** - For the purpose of this Schedule-

(a) "*dangerous pesticides*" means any product proposed or used for controlling, destroying or repelling any pest or for preventing growth or mitigating effects of such growth including any of its formulations which is considered toxic

under and is covered by the Insecticides Act, 1968 and the rules made thereunder and other product, as may be notified from time to time by the State Government;

(b) "*manipulation*" includes mixing, blending, formulation, filling, emptying, packing or otherwise handling;

(c) "*efficient exhaust draught*" means localised mechanical ventilation for removal of smoke, gas, vapour, dust, fume or mist so as to prevent them from escaping into the air of any work room in which work is carried on. No exhaust draught shall be considered efficient if it fails to remove smoke generated at the point where such gas, fume, dust, vapour, or mist originates from the process;

(d) "*first employment*" shall mean first employment in any manufacturing process to which this schedule applies and shall also include re-employment in the said manufacturing process following any cessation of employment for a continuous period exceeding three calendar months; and

(e) "*suspension*" means suspension from employment in any process wherein a dangerous pesticide is manipulated, by written certificate the health register signed by the Medical officer who shall be competent to suspend all persons employed in such process.

**3. Instruction to workers.** - Every worker on his first employment shall be fully instructed on the properties including dangerous properties of the chemicals handled in the said manufacturing process and the hazards involved. The employees shall also be instructed in the measures to be taken to deal with any emergency. Such instructions shall be repeated periodically.

**4. Cautionary notice and placards.** - Cautionary notices and placards in the forms specified in appendix to this schedule and printed in the language of the majority of the workers shall be displayed in all work places in which said manufacturing process is carried on so that they can be easily and conveniently read by the workers. Arrangements shall be made by the occupier and the manager of the factory to periodically instruct the workers regarding the health hazards arising in the said manufacturing process and method of protection. Such notices shall include brief instructions regarding the periodical clinical tests required to be undertaken for protecting health of the workers.

**5. Prohibition relating to pregnant or lactating women and young persons. –**

- (1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any room in which the said processes are carried on or in any room in which dangerous pesticide is stored.
- (2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period.

**6. Food, drinks and smoking prohibited.** - (1) No food, drink, tobacco, pan or suparishall be brought into or consumed by any worker in any workroom in which the saidmanufacturing process is carried out.

(2) Smoking shall be prohibited in any workroom in which the said manufacturingprocess is carried out.

**7. Protective clothing and protective equipment.** -(1) Protective clothingconsisting of long pants and shirt or over all with long sleeves and head covering shallbe provided for all workers employed in the said manufacturing process.

(2) (a) Protective equipment consisting of rubber gloves, gum boots, rubber aprons,chemical safety goggles and respirators shall be provided for all workers employed inthe said manufacturing process.

(b) Gloves, boots, aprons shall be made from synthetic rubber where a pesticidecontains oil.

(3) Protective clothing and equipment shall be worn by the workers supplied with suchclothing and equipment.

(4) Protective clothing and equipment shall be washed daily from inside and outside ifthe workers handle pesticides containing nicotine or phosphorus and shall be washedfrequency to handling other pesticides.

(5) Protective clothing and equipment shall be maintained in good repair.

**8. Floors and work-benches.** - (1) Floors in every workroom where dangerouspesticides are manipulated shall be of cement or other impervious material giving asmooth surface.

(2) Floors shall be maintained in good repair, provides with adequate slope leading toa drain and thoroughly washed once a day with hose pipe.

(3) Work-benches where dangerous pesticides are manipulated shall be made ofsmooth, non-absorbing material preferably stainless steel and shall be cleaned atleastonce daily.

**9. Spillage and waste.** - (1) If a dangerous pesticide during its manipulation splashesor spills on the work-bench, floor or on the protective clothing worn by a worker,immediate action shall be taken for thorough decontamination of such areas orarticles.

(2) Cloth, rags, paper or other material soaked or soiled with a dangerous pesticideshall be deposited in a suitable receptacle with tight fitting cover. Contaminated wasteshall be destroyed by burning atleast once a week.

(3) Suitable deactivating, where available, shall be kept in a readily accessible placefor use while attending to a spillage.

(4) Easy means for access shall be provided to all parts of the plant for cleaning,maintenance and repairs.

**10. Empty containers used for dangerous pesticides.** - Containers used fordangerous pesticides shall be thoroughly cleaned of their contents and treated with aninactivating agent before being discarded or destroyed.

**11. Manual handling.** - (1) A dangerous pesticide shall not be required or allowed to be manipulated by hand except by means of a long handled scoop.

(2) Direct contact of any part of the body with a dangerous pesticide during its manipulation shall be avoided.

**12. Ventilation.** - (1) In every workroom or area where a dangerous pesticide is manipulated, adequate ventilation shall be provided at all times by the circulation of fresh air.

(2) Unless process is completely enclosed, the following operations during manipulation of a dangerous pesticide shall not be undertaken without an efficient exhaust draught :-

(a) emptying container holding a dangerous pesticide;

(b) blending a dangerous pesticide;

(c) preparing a liquid or powder formulation containing a dangerous pesticide; and

(d) changing or filling a dangerous pesticide into a container, tank hopper or machine or small sized containers.

(3) In the event of a failure of the exhaust draught provided on the above operation, the said operations shall be stopped forthwith.

**13. Time allowed for washing.** - (1) Before each meal and before the end of the day's work at least ten minutes in addition to the regular rest interval shall be allowed for washing to each worker engaged in the manipulation of dangerous pesticide.

(2) Every worker engaged in the manipulation of dangerous pesticide shall have a thorough wash before consuming any food and also at the end of the day's work.

**14. Washing and bathing facilities.** - (1) There shall be provided and maintained in a clean state and in good repair for the use of all workers employed in the factory where the said manufacturing process is carried on, adequate washing and bathing places having a constant supply of water under cover at the rate of one such place for every 5 persons employed.

(2) The washing place shall have stand pipes placed at intervals of not less than one metre.

(3) Not less than one half of the total number of washing places shall be provided with bathrooms.

(4) Sufficient supply of clean towels made of suitable material shall be provided: Provided that such towels shall be supplied individually for each worker if so ordered by the Inspector cum facilitator.

(5) Sufficient supply of soap and nail brushes shall be provided.

**15. Cloak-room.** - There shall be provided and maintained for the use of all workers employed in the factory where the said manufacturing process is carried on-

(a) a cloak-room for clothing put off during working hours with adequate arrangements for drying clothing, if wet; and

(b) separate and suitable arrangements for the storage of protective clothing provided under paragraph 7.

**16. Messroom.** - (1) There shall be provided and maintained for the use of all workers employed in the factory in which the said manufacturing process is carried on and remaining on the premises, during the rest intervals, a suitable messroom which shall be furnished with-

(a) sufficient tables and benches with back-rest; and

(b) adequate means for warming food.

(2) The messroom shall be placed under the charge of a responsible person and shall be kept clean.

**17. Manipulation not to be undertaken.** - Manufacture or manipulation of pesticides shall not be undertaken in any factory unless a certificate regarding its dangerous nature or otherwise is obtained from the Chief Inspector cum Facilitator.

**18. Medical facilities and Examination-**(1) Every worker employed in the said manufacturing process shall be examined by the medical officer within seven days of the first employment and no worker shall be allowed to work unless certified fit by a certificate of fitness in Form 29 for such employment by the medical officer.

(2) Every worker employed in the said manufacturing process shall be re-examined by a medical officer at least once in 6 calendar months.

(3) Due notice shall be given to the medical officer and the concerned workers regarding the arrangements for examination of workers employed in the said manufacturing process after obtaining the consent regarding the arrangement from the medical officer.

(4) Health register in Form 30 shall be maintained.

(5) No worker after suspension shall be employed without written sanction from the medical officer entered in or attached to the health register. The person so suspended from the process being unfit for work in that process shall be provided with alternate placement facilities by factory management unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(6) The occupier shall make arrangement of a qualified medical practitioner approved by the Chief Inspector who shall examine and when necessary treat on the premises of the factory, all workers who are employed in the said manufacturing process, for effect of excessive absorption of the dangerous pesticide at least once a week.

(7) The occupier shall make necessary arrangements to ensure quick

availability of qualified medical practitioner in emergency.

(8)The occupier shall provide medicines and antidotes and other equipment required for treatment of excessive absorption of dangerous pesticides.

(9)Records of such examinations and treatments and tests shall be maintained and shall be made available to Inspector cum facilitator and Medical Inspector-cum-Facilitator.

(10)The Chief Inspector-cum-Facilitator may order suitable clinical test or tests to be carried out at specified intervals in respect of workers in any factory where such manufacturing process is carried on. Charges for such test or tests shall be borne by the occupier.

(11)Every worker in any factory where the said manufacturing process is carried on, shall undergo the prescribed examinations, tests and treatments.

(12) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(13) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the said processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(14) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(15) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**19. Exemption.** - If in respect of any factory the Chief Inspector cum facilitator is satisfied that owing to the exceptional circumstances or the infrequency of the said manufacturing process or for any other reason which he shall record in writing all or any of the provision of this schedule are not necessary for the protection of the worker employed in the factory, he may by a certificate in writing exempt such factory, from all or any of the provisions on such condition as he may specify therein. Such certificate may, at any time, be revoked by the Chief Inspector cum facilitator after recording his reasons therefore.

## **Appendix**

### **Cautionary Notice**

1. Chemicals handled in this plant are poisonous substances.
2. Smoking, eating food or drinking, chewing tobacco in this area is prohibited. No food stuff or drink shall be brought in this area.
3. Some of these chemicals may be absorbed through skin and may cause poisoning.
4. A good wash shall be taken before meals.
5. A good bath shall be taken at the end of the shift.
6. Protective clothing and equipment supplied shall be used while, working in this area.
7. Containers of pesticides shall not be used for keeping food stuffs.
8. Spillage of the chemicals on any part of the body or on the floor or work-bench shall be immediately washed away with water.
9. Clothing contaminated due to splashing shall be removed immediately.
10. Scrupulous cleanliness shall be maintained in this area.
11. Do not handle pesticides with bare hands, use scoops provided with handle.
12. In case of sickness like nausea, vomiting, giddiness, the manager should be informed who will make necessary arrangements for
13. All workers shall report for the prescribed medical tests regularly to protect their own health.

## **Schedule XXIV**

### **Manufacture or manipulation of Carcinogenic dye intermediates**

**1. Application.** - This schedule shall apply in respect of all factories or any part thereof where processes in which the substances mentioned in paragraphs 3 and 4 are formed, manufactured, handled, or used and the processes incidental thereto in the course of which these substances are formed, are carried on. The processes indicated in this paragraph shall be referred to hereinafter as "the said processes", and such a reference shall mean any or all the processes described in this paragraph.

**2. Definitions.** - For the purpose of this schedule-

- (a) "*controlled substances*" means chemical substances mentioned in paragraph 4 of this schedule;
- (b) "*first employment*" means first employment in the said processes and also reemployment in such processes following any cessation of employment for a continuous period exceeding three calendar months;
- (c) "*efficient exhaust draught*" means localised ventilation effected by mechanical means for the removal of gas, vapour, dust or fume so as to prevent them from escaping into the air of any place in which work is carried on. No draught shall be deemed to be efficient which fails to remove smoke generated at the point where such gas, vapour, fume or dust originates; and
- (d) "*prohibited substances*" means chemical substances mentioned in paragraph 3 of this schedule.



**3. Prohibited substances.** - For the purpose of this schedule, the following chemicals substances shall be classified as "prohibited substances" except when these substances are present or are formed as a by-product of a chemical reaction in total concentration and exceeding one per cent :

- (a) beta-naphthylamine and its salts;
- (b) benzidine and its salts;
- (c) 4-amino diphenyl and its salts;
- (d) 4-nitro diphenyl and its salts; and
- (e) any substances containing any of these compounds.

**4. Controlled substances.** - For the purpose of this schedule, the following chemicals substances shall be classified as "controlled substances".

- (a) Alpha-naphthylamine or alpha-naphthylamine containing not more than one percent of beta-naphthylamine either as a by-product of chemical reaction or otherwise and its salts;
- (b) ortho-tolidine and its salts;
- (c) dianisidine and its salts;
- (d) dichlorobenzidine and its salts;
- (e) auramine; and
- (f) magnets.

**5. Prohibition of employment.** - No person shall be employed in the said processes in any factory in which any prohibited substance is formed, manufactured, processed, handled, or used except as exempted by the Chief Inspector cum facilitator as stipulated in paragraph 23.

**6. Requirements for processing or handling controlled substance.**

(1) Wherever any of the controlled substances referred to in paragraph 4 are formed, manufactured, processed, handled, or used, all practical steps shall be taken to prevent inhalation, ingestion or absorption of the said controlled substance by the workers while engaged in processing that substance, and its storage or transport within the plant, or in cleaning or maintenance of the concerned equipment, plant, machinery and storage areas.

(2) As far as possible all operations shall be carried out in a totally closed system. Wherever such enclosure is not possible, efficient, exhaust draught shall be applied at the point where the controlled substances are likely to escape into the atmosphere during the process.

(3) The controlled substances shall be received in the factory in tightly closed containers and shall be kept so except when these substances are in process or in use. The controlled substance shall leave the factory only in tightly closed containers of appropriate type. All the containers shall be plainly labeled to indicate the contents.

**7. Personal protective equipment.** - (1) The following items of personal protective equipment shall be provided and issued to every worker employed in the said processes :-

(a) long trousers and shirts or overall with full sleeves and head cover in the shirt or overall shall cover the neck completely; and

(b) rubber gum-boots.

(2) The following item of personal protective equipment shall be provided in sufficient numbers for use by workers employed in the said processes when there is danger or injury during the performance of normal duties or in the event of emergency :-

(a) rubber hand gloves;

(b) rubber aprons; and

(c) Airline respirators or other suitable respiratory protective equipment.

(3) It shall be the responsibilities of the manager to maintain all item of personal protective equipment in a clean and hygienic conditions and in good repair.

#### **8. Prohibition relating to pregnant or lactating women and young persons.**

—

(1) No pregnant or lactating women, adolescent or child shall be employed or permitted to work in any room in which the said processes are carried on.

(2) No women shall be employed against the maternity benefit provisions laid down under any prevailing laws and shall not be deprived of her employment during the period of complete pregnancy and lactation period for 6 months.

**9. Floors of work-room.** - The floor of every work-room in which the said processes are carried on shall be-

(a) smooth and impervious to water provided that asphalt or tar shall not be used in the composition of the floor;

(b) maintained in a state of good repair;

(c) with suitable slope for easy cleaning and provided with gutters; and

(d) thoroughly washed daily with the drain water being led into a sewer through a closed channel.

**10. Disposal of empty containers.** - Empty containers used for holding controlled substances shall be thoroughly cleaned of their contents and treated with an inactivating agent before being discharged.

**11. Manual handling.** - Controlled substances shall not be allowed to be mixed, filled, emptied or handled except by means of a scoop with a handle. Such scoop shall be thoroughly cleaned daily.

**12. Instructions regarding risk.** - Every worker on his first employment in the said processes shall be fully instructed of the properties of the toxic chemicals to which he is likely to be exposed to of the dangers involved and the precautions to be taken. Workers shall also be instructed on the measures to be taken to deal with an emergency.

**13. Cautionary placards.** - Cautionary placards in the form specified in appendix attached to this schedule and printed in the language of the majority of the workers employed in the said processes shall be affixed in prominent places in the factory, where the placards can be easily and conveniently read. Arrangements shall be made by the manager to instruct periodically all such workers regarding the precautions contained in the cautionary placards.

**14. Obligations of the workers.** - It shall be the duty of the persons employed in the said processes to present themselves for the medical examination including exfoliative cytology of urine by the Medical officer or the qualified medical practitioner as provided for under these rules.

**15. Washing and bathing facilities.** - (1) The following washing and bathing facilities shall be provided and maintained in a clean state and in good repairs for the use of all workers employed in the said processes :-

(a) a wash place under cover having constant supply of water and provided with clean towels, soap and nail brushes and with at least one stand pipe, for every five such workers;

(b) 50 per cent of the stand pipes provided under clause (a) shall be located in bath-rooms where both hot and cool water shall be made available during the working hours of the factory and for one hour thereafter.

(c) the washing and bathing facilities shall be in closed proximity of the area housing the said processes;

(d) clean towels shall be provided individually to each worker; and

(e) in addition to the taps mentioned under clause (a), one stand pipe, in which warm water is made available, shall be provided on each floor.

(2) Arrangement shall be made to wash factory uniforms and other work clothes everyday.

**16. Food, drinks, etc. prohibited in workroom.** - No worker shall consume food, drink, pan, supari or tobacco or shall smoke in any workroom in which the said processes or carried on and no worker shall remain in any such room during intervals for meals or rest.

**17. Cloak-room.** - There shall be provided and maintained in clean state and in good repair for the use of the workers employed in the said processes - (a) a cloak-room with lockers having two compartments one for street clothes and the other for work clothes, and (b) a place separate from the locker room and the messroom, for the storage of protective equipment provided shall be under the care of a responsible person and shall be kept clean.

**18. Messroom.** - There shall be provided and maintained for the use of the workers employed in the said processes who remain on the premises during the meal intervals, a messroom which shall be furnished with tables and benches and provided with suitable means for warming food.

**19. Time allowed for washing.** - Before the end of each shift 30 minutes shall be allowed for bathing for each worker who is employed in the said processes.

Further,atleast 10 minutes shall be allowed for washing before each meal in addition to theregular time allowed for meals.

**20. Restriction on age of persons employed.** - No worker under the age of 40 yearsshall be engaged in the factory in the said processes for the first time after the date onwhich the schedule comes into force.

**21. Medical Examination-**(1) Every worker employed in the said processes shall be examined by a medical officer within 14 days of his first employment. Such examination shall include tests which the medical officer may consider appropriate and shall include ex-foliative cytology of the urine. No worker shall be allowed to work after 14 days of his first employment in the factory unless certified fit for such employment by the medical officer.

(2)Every worker employed in the said processes shall be re-examined by a medical officer atleast once in every six calendar months. Such examination shall include tests which the medical officer may consider appropriate but shall include ex-foliative cytology of the urine.

(3)A person medically examined under sub-paragraph (1) shall be granted by themedical officer certificate of fitness in Form 28.The record of each examination carried out as referred to in sub-paragraphs (1) and (2)including the nature and the results of the tests shall be entered by the medical officer in a health register in Form 29.

(4) The certificate of the fitness and the health register shall be kept readily available for inspection by any Inspector.

(5) The occupier of every factory in which the said processes are carried on shall engage a qualified medical practitioner for medical surveillance of the workers employed in such processes. His appointment shall be subject to approval of the Chief Inspector cum Facilitator.The occupier shall provide to him all the necessary facilities for the purposes referred to in sub-paragraph (1).

(6) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(7) If at any time the medical officer is of the opinion that a worker is no longer fitfor employment in the electrolytic processes on the ground,that continuance thereinwould involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said process.The person declared unfit in such circumstancesshall be provided with alternate placement facility unless he is fully incapacitated inthe opinion of the medical officer, in that case the person affected shall be suitablyrehabilitated.

(8) No person who has been found unfit to work as said in sub-paragraph (6) shall bere-employed or permitted to work in the said processes unless the medical

officer, after further examination, again certifies him fit for employment in those processes.

(9) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**22. Exemptions-Prohibited substances.-** (1) The Chief Inspector cum facilitator may by a certificate in writing (which he may at his discretion revoke at any time), subject to such conditions, if any, as may be specified therein, exempt any process in the course of which any of the prohibited substances is formed, processed, manufactured, handled, or used, from the provisions of paragraph 5 if he is satisfied that the process is carried out in a totally enclosed and hermetically sealed system in such a manner that the prohibited substance is not removed from the system except in quantities no greater than that required for the purpose of control of the process or such purposes as is necessary to ensure that the product is free from any of the prohibited substances.

(2) The Chief Inspector cum facilitator may allow the manufacture, handling or use of benzidine hydrochlorine provided that all the processes in connection with it are carried out in a totally enclosed system in such a manner that no prohibited substance other than benzidine hydrochloride is removed therefrom except in quantities no greater than that required for the purpose of control of the processes or such purposes as is necessary to ensure that the product is free from prohibited substances and that adequate steps are taken to ensure that benzidine hydrochloride is except while not less than one part of water to two parts of benzidine hydrochloride at all times.

**23. Exemptions general. -** If in respect of any factory, the Chief Inspector cum facilitator is satisfied that owing to the exceptional circumstances or in frequency of the processes or for any other reason, all or any of the provisions of this schedule is not necessary for the protection of the workers in the factory, the Chief Inspector may by a certificate in writing (which he may in his discretion revoke at any time), exempt such factory from all or any of such provisions subject to such conditions, if any as he may specify herein.

## **Schedule XXV**

### **Operations Involving High Noise Levels**

**1. Application. -** This schedule shall apply to all operations in any manufacturing process having high noise level.

**2. Definitions. -** For the purpose of this Schedule-

(a) "*Noise*" means any unwanted sound;

(b) "*High noise level*" means any noise level measured on the A-weighted scale is 90dB above;

(c) "*Decibel*" means one-tenth of "Bel" which is the fundamental division, of a logarithmic scale used to express the ratio of two specific or implied quantities, the number of "Bels" denoting such a ratio being the logarithm to the base of 10 of this ratio. The noise level or the sound pressure level corresponds to a reference pressure of  $20 \times 10^{-6}$  newtons per square metre or 0.0002 dynes per square centimetre which is the threshold of hearing, this is, the lowest sound pressure level necessary to produce the sensation of hearing in average healthy listener. The decibel is abbreviated form in dB;

(d) "*Frequency*" means the rate of pressure variations expressed in cycles per second or hertz;

(e) "*dBA*" refers to sound level in decibels as measured on a sound level meter operating on the A-weighting network with slow meter response.

(f) "*A-weighting*" means making graded adjustments in the intensities of sound of various frequencies for the purpose of noise measurements, so that the sound pressure level measured by an instrument reflects the actual response of the human ear to the sound measured.

**3. Protection against noise.** - (1) In every factory suitable engineering control or administrative measure shall be taken to ensure, so far as reasonably practicable that no worker is exposed to sound levels exceeding the maximum permissible noise exposure levels specified in Tables 1 and 2 below :-

**Table 1**

**Permissible Exposure in Case of continuous Noise**

Total time of exposure (continuous or number of short term exposures) per day, in hours  
Sound pressure level in dBA.

(1) (2)

8 90

6 92

4 95

3 97

2 100

1 ½ 102

1 105

¾ 107

½ 110

¼ 115

**Note.** - (1) No exposure in excess of 115 dBA is to be permitted.

(2) For any period of exposure falling in between any figure and the next high or lower figure as indicated in column 1 the permissible sound pressure level is to be determined by extrapolation on a proportionate basis

## **Table 2**

### **Permissible Exposure levels for Impulsive or Impact Noise**

Peak sound  
pressure level in dB  
Permitted number  
of impulses or  
impact per day

(1) (2)

140 100

135 315

130 1000

125 3160

120 10000

**Note.** - (1) No exposure in excess of 140 dB peak sound pressure level is permitted.

(2) For any peak sound pressure level falling in between any figure and the next higher or lower figure as indicated in column 1, the permitted number of impulses or impact per day is to be determined by extrapolation on a proportionate basis.

(2) For the purpose of this schedule, if the variations in the noise level involve maximum at intervals of one second or less, the noise is to be considered as a continuous one and the criteria; given in Table 1 would apply. In other cases, the noise is to be considered as impulsive or impact noise and the criteria given in Table 2 would apply.

(3) When the daily noise-exposure is composed of two or more periods of noise exposure at different levels their combined effect should be considered, rather than the individual effect of each. The mixed exposure should be considered to exceed the limit value if the sum of functions

$C1 +$

$T1$

$+$

$C2 +$

$T2$

$+$

$CN$

$+$

$TN$

exceeds unity,-

Where the C1, C2, etc. indicate the total time of actual exposure at a specified noise level and T1, T2, etc. denote the time of exposure permissible at that level. Noise exposure of less than 90 dBA may be ignored in the above calculation.

(4) Where it is not possible to reduce the noise exposure to the levels specified in sub-paragraph (1) by reasonably practicable engineering control or administrative measures, the noise exposure shall be reduced to the greatest extent feasible by such control measures, and each worker so exposed shall be provided with suitable ear protectors so as to reduce the exposure to noise to the levels specified in sub-paragraph (1).

(5) Where the ear protectors provided in accordance with sub-paragraph (4), and worn by a worker cannot still attenuate the noise reaching near his ear, as determined by subtracting the attenuation value in dBA of the ear protectors concerned from the measured sound pressure level, to a level permissible under Table 1 or Table 2 as the case.

**4. Medical Examination-**(1) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(2) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in these processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register form 30. The entry of his findings in those documents shall also include the period for which he considers

that the said person is unfit for work in the said process. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(3) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the medical officer, after further examination, again certifies him fit for employment in those processes.

(4) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

## **Schedule XXVI**

### **Manufacture of Rayon by Viscose Process**

**1. Definitions.** - For the purpose of this Schedule,-

(a) "*approved*" means approved for the time being in writing by the Chief Inspector;

(b) "*breathing apparatus*" means a helmet or face piece with necessary connections by means of which the person using it in a poisonous, asphyxiating or irritant atmosphere breathes unpolluted air, or any other approved apparatus;



- (c) "*churn*" means the vessel in which alkali cellulose pulp is treated with carbon-di-sulphide;
- (d) "*dumping*" means transfer of cellulose xanthate from a dry churn to a dissolver;
- (e) "*efficient exhaust draught*" means localised ventilation by mechanical means for the removal of any gas or vapour, so as to prevent it from escaping into the air of any place in which work is carried on. No draught shall be deemed to be efficient if it fails to control effectively any gas or vapour generated at the point where such gas or fume originates;
- (f) "*fume process*" means any process in which carbon disulphide or hydrogen sulphide is produced, used or given off;
- (g) "*life belt*" means belt made of leather or other suitable material which can be securely fastened round the body with a suitable length of rope attached to it, each of which is sufficiently strong to sustain the weight of man;
- (h) "*protective equipment*" means apron, goggles, face shields, foot wear, gloves and overalls made of suitable materials.

**2. Ventilation.** - (1) In all workrooms where a fume process is carried on, adequate ventilation by natural or mechanical means shall be provided so as to control in association with other control measures, the concentration of Carbon-di-sulphide and hydrogen sulphide in the air of every work environment within the permissible limits.

(2) Notwithstanding the requirements in sub-paragraph (1) an efficient exhaust draught shall be provided and maintained to control the concentration of carbon-di-sulphide and hydrogen sulphide in the air at the following location:-

- (a) dumping hoppers of dry churns;
- (b) spinning machines;
- (c) trio rollers and cutters used in staple fibre spinning;
- (d) hydro-extractors for yarn cakes;
- (e) after treatment processes, and
- (f) spin baths.

(3) In so far as the spinning machines and trio rollers and cutters used in staple fibre spinning are concerned, they shall be, for the purpose of ensuring the effectiveness of the exhaust draft to be provided as required in sub-paragraph (1), enclosed as fully as practicable and provided with suitable shutters in sections to enable the required operations to be carried out without giving rise to undue quantities of Carbon-di-sulphide and hydrogen sulphide escaping to the work environment.

(4) No dry churn shall be opened after completion of reaction without initially exhausting the residual vapours of carbon-di-sulphide by operation of suitable and efficient arrangement for exhausting the vapours which shall be continued to be operated as long as the churn is kept opened.

(5) Whenever any ventilation apparatus normally required for the purpose of meeting the requirements in sub-paragraphs (2), (3) and (4) is ineffective, fails, or

is stopped for any purpose whatsoever, all persons shall be required to leave the work areas where the equipment or processes specified in the above said subparagraphs are in use, as soon as possible, and in any case not later than 15 minutes after such an occurrence.

(6) (i) All ventilating system provided for the purposes as required in subparagraphs (2), (3) and (4) shall be examined and inspected once every week by a responsible person. It shall be thoroughly examined and tested by a competent person once in every period of 12 months. Any defects found by such examinations or test shall be rectified forthwith.

(ii) A register containing particulars of such examination and tests, and the state of the systems and the repairs or alterations (if any) found to be necessary shall be kept and shall be available for inspection by an Inspector cum facilitator.

**3. Waste from spinning machines.** - Waste yarn from the spinning machines shall be deposited in suitable containers provided with close fitting covers. Such waste shall be disposed off as quickly as possible after decontamination.

**4. Lining of Dry Churns.** - The inside surface of all dry churns shall be coated with an non-sticky paint so that cellulose xanthate will not stick to the surface of the churn. Such coating shall be maintained in good condition.

**5. Air monitoring.** - (1) To ensure the effectiveness of the control measures, monitoring of carbon-di-sulphide and hydrogen sulphide in air shall be carried out once at least in every shift and the record of the results so obtained shall be entered in a register specially maintained for the purposes.

(2) For the purpose of the requirement in sub-paragraph (1), instantaneous gas detector tubes shall not be used. Samples shall be collected over a duration of not less than 10 minutes and analysed by an approved method. The locations where such monitoring is to be done shall be as directed by the Inspector cum facilitator.

(3) If the concentration of either carbon-di-sulphide or hydrogen sulphide exceeds the permissible limits for such vapour or gas as laid down in these rules, suitable steps shall be taken for controlling the concentrations in air of such contamination. A report of such occurrence shall be sent to the Chief Inspector cum facilitator forthwith.

**6. Prohibition to remain in fume process room.** - No person during his intervals for meal, or rest shall remain in any room wherein fume process is carried on.

**7. Prohibition relating to employment of adolescents.** - No adolescent shall be employed or permitted to work in any fume process or in any room in which any such process is carried on.

**8. Protective equipment.** - (1) To occupier shall provide and maintained in good condition protective equipment as specified in the table for use of persons employed in the processes referred to therein.

#### **Table**

Process Protective Equipment

(1) (2)

1. Dumping  
Overalls, face-shields,  
gloves and footwear all  
made of suitable  
materials.
2. Spinning  
Suitable aprons, gloves  
and footwear.
3. Process involving or  
likely to involve contact  
with viscose solution.  
Suitable gloves and  
footwear.
4. Handling of sulphur  
Suitable chemical  
goggles.
5. Any other process  
involving contact with  
hazardous chemicals  
Protective equipment as  
may be directed by the  
inspector by an order in  
writing.

(2) A suitable room, rooms or lockers shall be provided exclusively for the storage of all the protective equipment supplied to workers and no such equipment shall be stored at any place other than the room, rooms or lockers so provided.

**9. Breathing apparatus.** - (1) There shall be provided in every factory where fume process is carried on, sufficient supply of-

- (a) breathing apparatus;
- (b) oxygen and a suitable appliances for its administration; and
- (c) life belts.

(2) (i) The breathing apparatus and other appliances referred to in sub-paragraph (1) shall be maintained in good condition and kept in appropriate locations so as to be readily available.

(ii) The breathing apparatus and other appliances referred to in clauses (a) and (b) of sub-paragraph (1) shall be cleaned and disinfected at suitable intervals and thoroughly inspected once every month by a responsible person.

(iii) A record of the maintenance or the condition of the breathing apparatus and other appliances referred to in sub-clause (1) shall be entered in a register provided for that purpose which shall be readily available for inspection by an Inspector.

(3) Sufficient number of workers shall be trained and periodically retrained in the use of breathing apparatus and administering artificial respiration so that at least 2

such trained persons would be available during all the working hours in each room in which fume process is carried on.

(4) Breathing apparatus shall be kept properly labeled in clean, dry, light-proof cabinets and if liable to be affected by fumes, shall be protected by placing them in suitable containers.

(5) No person shall be employed to perform any work specified in sub-paragraph (1) for which breathing apparatus is necessary to be provided under the sub-paragraph unless he has been fully instructed in the proper use of the equipment.

(6) No breathing apparatus provided in pursuance of sub-paragraph (1) which has been worn by a person shall be worn by another person unless it has been thoroughly cleaned and disinfected since last being worn and the person has been fully instructed in the proper use of that equipment.

**10. Electric fitting.** - All electric fitting in any room in which carbon-di-sulphide is produced, used or given off or is likely to be given off into the work environment, other than a spinning room, shall be of flame proof construction and all electric conductors shall either be enclosed in metal conduits or be lead-sheathed.

**11. Prohibition relating to smoking, etc.** - No person shall smoke or carry matches, fire or naked light or other means of producing a naked light or spark in a room in which fume process is carried on. A notice in the language understood by the majority of the workers shall be posted prominent locations in the plant prohibiting smoking and carrying of matches, fire or naked light or other means of producing naked light or spark into such rooms :

Provided that fire, naked light or other means of producing a naked light or spark may be carried on in such room only when required for the purposes of the process itself under the direction of responsible person.

**12. Washing and bathing facilities.** - (1) There shall be provided and maintained in a clean state and in good repair for the use of all workers employed in the process covered by the schedule, adequate washing and bathing places having a constant supply of water under cover at the rate of one such place for every 25 persons employed.

(2) The washing places shall have standpipes at intervals of not less than one meter.

(3) Not less than one half of the total number of washing places shall be provided with bathrooms.

(4) Sufficient supply of clean towels made of suitable material shall be provided: Provided that such towels shall be supplied individually for each worker if so ordered by the Inspector.

(5) Sufficient supply of soap and nail brushes shall be provided.

**13. Rest room.** - (1) A rest room shall be provided for the workers engaged in doffing operations of filament yarn spinning process.

(2) Such rest room shall be provided with fresh air supply and adequate seating arrangement.

**14. Cautionary notice and instructions.** - (1) The following cautionary notice shall be prominently displayed in each fume process rooms.

**"Cautionary Notice :**

1. Carbon-di-sulphide (CS<sub>2</sub>) and Hydrogen Sulphide (H<sub>2</sub>S) which may be present in this room are hazardous to health.
2. Follow safety instructions.
3. Use protective equipment and breathing apparatus as and when required.
4. Smoking is strictly prohibited in this area."

This notice shall be in a language understood by the majority of the workers and displayed where it can be easily and conveniently read. If any worker is illiterate, effective steps shall be taken to explain carefully to him the contents of the notice so displayed.

(2) Arrangements shall be made to instruct each workers employed in any room in which a fume process is carried on regarding the health hazards, connected with their work and the preventive measures and method to protect themselves. Such instructions shall be given on his first employment and repeated periodically.

(3) Simply and special instructions shall be framed to ensure that effective measures will be carried out in case of emergency involving escape of carbon-di-sulphide and hydrogen sulphide. Those instructions shall be displayed in the concerned areas and workers shall be instructed and trained in the actions to be taken in such emergencies.

**15. Medical Examination-**(1) The occupier of each factory to which this schedule applies, shall-

(a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) The record of medical examination and appropriate tests carried out by the said medical officer shall be maintained which shall be kept readily available for inspection by the Inspector.

(3) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue fitness on form 29.

(4) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the processes on the ground, that continuance involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(3) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(4) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**16. Exemptions.** - If in respect of any factory, the Chief Inspector cum facilitator is satisfied that owing to the exceptional circumstances or infrequency of the processes or for any other reason, all or any of the provisions of this schedule is not necessary for protection of the workers in the factory, the Chief Inspector may by a certificate in writing, which he may at his discretion revoke at any time, exempt such factory from all or any of such provisions subject to such conditions, if any he may specify therein.

## **Schedule XXVII**

### **Operations in Foundries**

**1. Application.** - Provisions of this schedule shall apply to all parts of factories where any of the following operations or processes are carried on :-

(a) the production of iron castings or, as the case may be, steel castings by casting in mould, made of sand, loam, moulding composition or other mixture of materials, or by shell moulding, or by centrifugal casting and any process incidental to such production;

(b) the production of non-ferrous castings by casting metal in moulds made of sand, loam, metal, moulding composition or other material or mixture of materials, or by shell mouldings, die-casting (including pressure diecasting), centrifugal casting or continuous casting and any process incidental to such production; and

(c) the melting and casting of non-ferrous metal for the production of ingots, billets, slabs or other similar products, and the stripping thereof; but shall not apply with respect to-

(a) any process with respect to the smelting and manufacture of lead and the Electric Accumulators;

(b) any process for the purposes of a printing worker; or

(c) any melting process in which metal is obtained by a reducing operation or any process incidental to such operation; or

(d) the production of steel in the form of ingots; or

(e) any process in the course of the manufacture of solder or any process incidental to such manufacture; or

(f) the melting and casting of lead or any lead based alloy for the production of ingots, billets, slabs or other similar products or the stripping thereof, or any process incidental to such melting, casting or stripping.

**2. Definitions.** - For the purpose of this schedule-

- (a) "*approved respirator*" means a respirator of a type approved by the Chief Inspector;
- (b) "*cupola or furnace*" includes a receiver associated therewith;
- (c) "*dressing or fettling operations*" includes stripping and other removal of adherents and cores, runners, risers, flash and other surplus metal from a casting and the production of reasonably clean and smooth surface, but does not include-
  - (a) the removal of metal from a casting when performed incidentally in connection with the machining or assembling of castings after they have been dressed or fettled, or
  - (b) any operation which is a knock-out operation within the meaning of this schedule;
- (d) "*foundry*" means those parts of a factory in which the production of iron or steel or non-ferrous castings (not being the production of pig iron or the production of steel in the form of ingots) is carried on by casting in moulds made of sand, loam, moulding composition or other mixture of materials, or by shell moulding or by centrifugal casting in metal moulds lined with sand, or die casting including pressure die castings, together with any part of the factory in which any of the following processes are carried on as incidental processes in connection with and in the course of, such production, namely, the preparation and mixing of materials used in foundry process, the preparation of moulds and cores knock out operations and dressing or fettling operations;
- (e) "*knock-out operations*" means all methods of removing castings from moulds and the following operations, when done in connection therewith, namely, stripping, coring-out and the removal of runners and risers;
- (f) "*pouring aisle*" means an aisle leading from a main gangway or directly from a cupola or furnace to where metal is poured into moulds.

**3. Prohibition of use of certain materials as parting materials.** - (1) A material shall not be used as a parting material if it is a material containing compounds of silicon calculated as silica to the extent more than 5 per cent by weight of the dry materials :

Provided that this prohibition shall not prevent the following being used as a parting material if the material does not contain an admixture of any other silica:-

- (a) Zirconium silicate (Zirocon)
- (b) Calcined china clay
- (c) Calcined aluminous fireclay
- (d) Sillimanite
- (e) Calcined or fused alumina
- (f) Olivine
- (g) Natural sand.

(2) Dust or other matter deposited from a fettling or blasting process shall not be used as a parting materials or as a constituent in a parting material.

**4. Arrangement and storage.** - For the purposes of prompting safety and cleanliness in workrooms the following requirements shall be observed :-

- (a) moulding boxes, loam plates, ladles, patterns, pattern plates, frames, boards, boxweights, and other heavy articles shall be so arranged and placed as to enable work to be carried on without unnecessary risk;
- (b) suitable and conveniently accessible racks, bins, or other receptacles shall be provided and used for the storage of other gear and tools;
- (c) where there is bulk storage of sand, fuel, metal scrap or other materials or residues, suitable bins, bunkers or other receptacles shall be provided for the purposes of such storage.

**5. Construction of floors.** - (1) Floors of indoor work places in which the processes are carried on, other than parts which are of sand shall have an even surface of hard material.

(2) No part of the floor of any such indoor workplace shall be of sand except where this is necessary by reason of the work done.

(3) All parts of the surface of the floor of any such indoor workplace which are of sand shall, so far as practicable, be maintained in an even and firm condition.

**6. Cleanliness of indoor workplaces.** - (1) All accessible parts of the walls of every indoor workplace in which the processes are carried on and of everything affixed to those walls shall be effectively cleaned by a suitable method to a height of not less than 4.2 metres from the floor at least once in every period of fourteen months. A record of the carrying out of every such effective cleaning in pursuance of this paragraph including the date (which shall be not less than five months nor more than nine months after the last immediately proceeding washing, cleaning or other treatment).

(2) Effective cleaning by a suitable method shall be carried out at least once every working day of all accessible parts of the floor of every indoor workplace in which the processes are carried on, other than parts which are of sand, and the parts which are of sand shall be kept in good order.

**7. Manual operations involving molten metal.** - There shall be provided and properly maintained for all persons employed on manual operations, involving molten metal with which they are liable to be splashed, a working space for that operation :-

- (a) which is adequate for the safe performance of the work; and
  - (b) which, so far as reasonably practicable, is kept free from obstruction.
- (2) Any operation involving the carrying by hand of a container holding molten metal shall be performed on a floor and parts of which where any person walks, while engaged in the operations shall be on the same level:

Provided that, where necessary to enable the operation to be performed without undue risk, nothing in this paragraph shall prevent the occasional or exceptional use of a working space on a different level from the floor, being a space provided with a safe means of access from the floor for any person while engaged in the operation.

**8. Gangways and pouring aisles.** - (1) In every workroom to which this paragraph applies constructed, reconstructed or converted for use as such after the



making of this Schedule and, so far as reasonably practicable, in every other workroom to which this paragraph applies, sufficient and clearly defined main gangways shall be provided and properly maintained which-

(a) shall have an even surface of hard material and shall, in particular, not be of sand or have on them more sand than is necessary to avoid risk of flying metal from accidental spillage;

(b) shall be kept, so far as reasonably practicable, free from obstruction;

(c) if not used for carrying molten metal, shall be at least 920 millimetres in width;

(d) if used for carrying molten metal shall be-

(i) where truck ladles are used exclusively, at least 600 millimetres wider than the overall width of the ladle;

(ii) where hand shanks are carried by not more than two men, at least 920 millimetres in width;

(iii) where hand shanks are carried by more than two men, at least 1.2 metres in width; and

(iv) where used for simultaneous travel in both directions by means of carrying hand shanks, at least 1.8 metres in width.

(2) In workroom to which this paragraph applies constructed, reconstructed or converted for use as such after the making of this Schedule, sufficient and clearly defined pouring aisles shall be provided and properly maintained which-

(a) shall have an even surface of hard material and shall, in particular, not be of sand or have on them more sand than is necessary to avoid risk of flying metal from accidental spillage;

(b) shall be kept so far as reasonable practicable free from obstruction;

(c) if molten metal is carried in hand ladles or bull ladles by not more than two men per ladle, shall be at least 460 millimetres wide, but where any moulds alongside the aisle are more than 510 millimetres above the floor of the aisle, the aisle shall be not less than 600 millimetres wide;

(d) if molten metal is carried in hand ladles or bull ladles by more than two men per ladle, shall be at least 769 millimetres wide;

(e) if molten metal is carried in crane, trolley or truck ladles, shall be of a width adequate for the safe performance of the work.

(3) Requirements of sub-paragraphs (1) and (2) shall not apply to any workroom or part of a workroom if, by reason of the nature of the work done therein, the floor of that workroom or, as the case may be, that part of a workroom has to be of sand.

(4) In this paragraph "workroom to which this paragraph applies" means a part of a ferrous or non-ferrous foundry in which molten metal is transported or used, and a workroom to which this paragraph applies shall be deemed, for the purposes of this paragraph to have been constructed, reconstructed or converted for use as such after the making of this schedule if the construction, reconstruction, or conversion thereof was begun after the making of this schedule.

**9. Work near cupolas and furnaces.** - No person shall carry out any work within a distance of 4 metres from a vertical line passing through the delivery and of any spout of a cupola or furnace, being a spout used for delivering molten metal, or within a distance of 2.4 metres from a vertical line passing through the nearest part of any ladle which is in position at the end of such a spout, except, in either case, where it is necessary for the proper use or maintenance of a cupola or furnace that work should be carried out within that distance of that work is being carried out at such a time and under such conditions that there is no danger to the person carrying it out from molten metal which is being obtained from the cupola or furnace or is in a ladle in position at the end of the spout.

**10. Dust and fumes.** - (1) Open coal, coke or wood fires shall not be used for heating or drying ladles inside a workroom unless adequate measures are taken to prevent, so far as practicable, fumes or other impurities from entering into or remaining in the atmosphere of the workroom.

(2) No open coal, coke or wood fires shall be used for drying moulds except in circumstances in which the use of such fires is unavoidable.

(3) Mould stoves, core stoves and annealing furnaces shall be so designed, constructed, maintained and worked as to prevent, so far as practicable, offensive or injurious fumes from entering into any workroom during any period when a person is employed therein.

(4) All knock out operations shall be carried out-

(a) in a separate part of the foundry suitably partitioned off, being a room or part in which, so far as reasonably practicable, effective and suitable local exhaust ventilation and a high standard of general ventilation are provided; or

(b) in an area of the foundry in which, so far as reasonably practicable, effective and suitable local exhaust ventilation is provided, or where compliance with this requirement is not reasonably practicable, a high standard of general ventilation is provided.

(5) All dressing or fettling operations shall be carried out-

(a) in a separate room or in a separate part of the foundry suitably partitioned off; or

(b) in an area of the foundry set apart for the purpose; and shall, so far as reasonably practicable, be carried out with effective and suitable local exhaust ventilation or other equally effective means of suppressing dust, operating as near as possible to the point of origin of the dust.

**11. Maintenance and examination of exhaust plant.** - (1) All ventilation plant used for the purpose of extracting, suppressing or controlling dust or fumes shall be properly maintained.

(2) All ventilating plant used for the purpose of extracting, suppressing or controlling dust or fumes shall be examined and inspected once every week by a responsible person. It shall be thoroughly examined and tested by a competent person at least once in every period of twelve months; and particulars of the results of every such examination and test shall be entered in an approved register which

shall be available for inspection by an Inspector. Any defect found on any such examination and test shall be immediately reported in writing by the person carrying out the examination and test of the occupier or manager of the factory.

**12. Protective equipment.** - (1) The occupier shall provide and maintain suitable portable equipment specified for the protection of workers-

(a) suitable gloves or other protection for the hands for workers engaged in handling any hot material likely to cause damage to the hands by burn, scald or scar, or in handling pig iron, rough castings, or other articles likely to cause damage to the hands by cut or abrasion;

(b) approved respirators for workers carrying out any operations creating a heavy dust concentration which cannot be dispelled quickly and effectively by the existing ventilation arrangements.

(2) No respirator provided for the purposes of clause (1) has been worn by a person shall be worn by another person if it has not since been thoroughly cleaned and disinfected.

(3) Persons who for any of their time :-

(a) work at a spout of or attend to, a cupola or furnace in such circumstances that material therefrom may come into contact with the body being material at such a temperature that its contact with the body would cause a burn; or

(b) are engaged in, or in assisting with, the pouring of molten metal; or

(c) carry by hand or move by manual power any ladle or mould containing molten that; or

(d) are engaged in knocking out operations involving material at such a temperature that its contact with the body would cause a burn; shall be provided with suitable footwear and gaiters which worn by them prevent, so far as reasonably practicable, risk of burns to his feet and ankles.

(4) Where appropriate, suitable screens shall be provided for protection against flying (including splashes of molten metal and sparks and chips thrown off in the course of any process).

(5) The occupier, shall provide and maintain suitable accommodation for the storage and make adequate arrangement for cleaning maintaining of the protective equipments supplied in pursuance of this paragraph.

(6) Every person shall make full and proper use of the equipment provided for his protection in pursuance of sub-paragraphs (1) and (4) and shall without delay report to the occupier, manager or other appropriate person any defect in, or loss of, the same.

**13. Washing and bathing facilities.** - (1) There shall be provided and maintained in clean state and good repair for the use of all workers employed in the foundry-

(a) a wash place under cover with either-

(i) a trough with impervious surface fitted with a waste pipe without plug, and of sufficient length to allow at least 60 centimetres for every 10 such persons employed at any one time and having a constant supply of clean water from taps or jets above the trough at intervals of not more than 60 centimetres; or

(ii) atleast one tap or stand pipe for every 10 such persons employed at any one time, and having a constant supply of clean water, the tap or stand pipe being spaced not less than 1.2 metres apart; and

(b) not less than one half of the total number of washing places provided under clause (a) shall be in the form of bath rooms.

(c) a sufficient supply of clean towels made of suitable material changed daily, with sufficient supply of nail brushes and soap.

(2) The facilities provided for the purposes of sub-paragraph (1) shall be placed in charge of a responsible person or persons and maintained in a clean and orderly condition.

**14. Disposal of dross and skimmings.** - Dross and skimmings removed from molten metal or taken from a furnace shall be placed forthwith in suitable receptacles.

**15. Disposal of waste.** - Appropriate measures shall be taken for the disposal of all waste products from shell moulding (including waste burnt sand) as soon as reasonably practicable after the castings have been knocked-out.

**16. Material and equipment left out of doors.** - All material and equipment left out of doors (including material) and equipment so left only temporarily or occasionally shall be so arranged and placed as to avoid unnecessary risk. There shall be safe means of access to all such material and equipment and, so far as reasonably practicable, such access shall be by roadways or pathways which shall have a firm and even surface and shall, so far as reasonably practicable be kept free from obstruction.

**17. Medical Examination-**(1) The occupier of every factory to which the Schedule applies, shall-

(a) make arrangements of a qualified medical practitioner for medical surveillance of the workers employed therein; and

(b) provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) Every worker employed in the process of this schedule shall be examined by a medical officer. He shall issue Fitness on form 29.

(3) If at any time the medical officer is of the opinion that a worker is no longer fit for employment in the electrolytic processes on the ground, that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register form 30. The entry of his findings in those documents shall also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the medical officer, in that case the person affected shall be suitably rehabilitated.

(4) No person who has been found unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Medical officer, after further examination, again certifies him fit for employment in those processes.

(5) The record of the examinations shall be maintained and kept readily available for inspection by the Inspector cum facilitator and Medical Inspector cum facilitator.

**18. Exemptions.** - If in respect of any factory the Chief Inspector cum facilitator is satisfied that owing to the exceptional circumstances or infrequency of the processes or for any other reason, all or any of the provisions of this schedule is not necessary for protection of the workers in the factory, the Chief Inspector cum facilitator may by a certificate in writing, exempt such factory from all or any of such provisions subject to such condition, if any, he may specify therein.

### **Rules prescribed under section 83(1)**

#### **124. Site Appraisal Committees.—**

(1) The State Government may, for purposes of advising it to consider applications for grant of permission for the initial location of a factory involving a hazardous process or for the expansion of any such factory, appoint a Site Appraisal Committee consisting of—

(a) the Chief Inspector-cum- Facilitator of the State who shall be its Chairman;

(b) a representative of the State Pollution Board appointed under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(c) a representative of the State Board for the Prevention and Control of Air Pollution referred to in section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

(d) a representative of the Department of Environment in the State;

(e) a representative of the Meteorological Department of the Government of India;

(f) an expert in the field of occupational health; and

(g) a representative of the Town and country Planning Department of the State Government, and not more than five other members who may be co-opted by the State Government who shall be—

(i) a scientist having specialised knowledge of the hazardous process which will be involved in the factory,

ii) a representative of the local authority within whose jurisdiction the factory is to be established, and

(iii) not more than three other persons as deemed fit by the State Government.

(2) The Site Appraisal Committee shall examine an application for the establishment of a factory involving hazardous process and make its

recommendation to the State Government within a period of ninety days of the receipt of such application in the prescribed form.

(3) Where any process relates to a factory owned or controlled by the Central Government or to a corporation or a company owned or controlled by the Central Government, the State Government shall co-opt in the Site Appraisal Committee a representative nominated by the Central Government as a member of that Committee.

(4) The Site Appraisal Committee shall have power to call for any information from the person making an application for the establishment or expansion of a factory involving a hazardous process.

### **Rules prescribed under section 83(2)**

#### **125. Form of application to Site appraisal application**

Application to the Site Appraisal Committee

1. Name and address of the applicant :

2. Site Ownership Date :

2 (1). Revenue details of site such as survey No., Plot No. etc.

2 (2). Whether the site is classified as forest and if so, whether approval of the Central Government under Section 5 of the Indian Forests Act, 1927 has been taken.

2 (3). Whether the proposed site attracts the provisions of Section 3 (2)(v) of the E.P. Act, 1986, if so, the nature of the restrictions.

2 (4). Local authority under whose jurisdiction the site is located.

3. Site Plan :

3 (1). Site Plan with clear identification of boundaries and total area proposed to be occupied and showing the following details nearby the proposed site :

(a) Historical monument, if any, in the vicinity.

(b) Names of neighbouring manufacturing units and human habitats, educational and training institutions, petrol installations, storages of LPG and other hazardous substances in the vicinity and their distances from the proposed units.

(c) Water sources (rivers, streams, canals, dams, water filtration plants, etc.) in the vicinity.

(d) Nearest hospitals, fire-stations, civil defence stations and police stations and their distances.

(e) High tension electrical transmission lines, pipe lines for water, oil, gas or sewerage, railway lines, roads, stations, jetties and other similar installations.

3 (2). Details of soil conditions and depth at which hard strata obtained.

3 (3). Contour map of the area showing nearby hillocks and difference in levels.

3 (4). Plot Plan of the factory showing the entry and exit points, roads, within, water drains etc.

4. Project Report :

(1) A summary of the salient features of the Project.

(2) Status of the organisation (Government, Semi-Government, Public or Private etc.).

(3) Maximum number of persons likely to be working in the factory.

(4) Maximum amount of power and water requirements and source of their supply.

(5) Block diagram of the buildings and installations, in the proposed supply.

(6) Details of housing colony, hospital, school and other infrastructural facilities  
Proposed

**5. Organisation structure of the proposed manufacturing Unit/factory :**

(1) Organisation diagrams of :

(a) Proposed enterprise in general.

(b) Health, safety and environment protection departments and their linkage to cooperation and technical departments.

(2) Proposed Health and Safety Policy.

(3) Area allocated for treatment of wastes and effluent.

(4) Percentage outlay on safety, health and environment protection measures.

**6. Meteorological data relating to the site :**

(1) Average, minimum and maximum of-

(a) Temperature;

(b) Humidity;

(c) Wind velocities during the previous ten years.

(2) Seasonal variations of wind direction.

(3) Highest water level reached during the floods in the area recorded so far.

(4) Lightning and seismic data of the area.

**7. Communication links :**

7(1). Availability of telephone/telex/wireless and other communication facilities for outside communication.

7(2). Internal communication facilities proposed.

**8. Manufacturing Process Information :**

(1) Process flow diagram.

(2) Brief write up on process and technology.

(3) Critical process parameters such as pressure build-up, temperature rise and runaway reactions.

(4) Other external effects critical to the process having safety implications, such as ingress of moisture or water, contact with incompatible substances, sudden power failure.

(5) Highlights of the built-in safety/pollution control devices or measures incorporated in the manufacturing technology.

**9. Information of Hazardous Materials :**

(1) Raw materials, intermediates, products and by-products and their quantities (Enclose Material Safety Data Sheet in respect of each hazardous substance).

(2) Main and intermediate storages proposed for raw materials/

intermediates/products/by products (maximum quantities to be stored at any time).

(3) Transportation methods to be used for materials inflow and outflow, their quantities and likely routes to be followed.

(4) Safety measures proposed for-

- handling of materials;

- internal and external transportation, and

- disposal (packing forwarding of finished products).

**10. Information on Disposal/Disposal of Wastes and Pollutions :**

(1) Major pollutions (Gas, liquid, Solid) their characteristics and quantities (average and at peak loads).

(2) Quality and quantity of solid wastes generated method of their treatment and disposal.

(3) Air, water and soil pollution problems anticipated and the proposed measures to control the same, including treatment and disposal of effluent.

**11. Process Hazards Information :**

(1) Enclose a copy of the report on environmental impact assessment.

(2) Enclose a copy of the report on Risk Assessment study.

(3) Published (open or classified) reports, if any, on accident situations occupational health hazards or similar plants elsewhere (within or outside the country).

**12. Information of proposed Safety and Occupational Health Measures :**

(1) Details of fire fighting facilities and minimum quantity of water. CO<sub>2</sub> and other fire fighting measures needed to meet the emergencies.

(2) Details of in-house medical facilities proposed.

**13. Information on Emergency Preparedness :**

(1) Onsite emergency plan.

(2) Proposed arrangements, if any, for mutual aid scheme with the group of neighbouring factories.

**14. Any other relevant information.**

I certify that the information furnished above is correct to the best of my knowledge and nothing of importance has been concealed while furnishing it.

.....

Name and signature of the applicant

#### **Rules prescribed under section 84**

#### **126. Compulsory disclosure of information by occupier - Manner of disclosing information-**

The occupier of every factory involving a hazardous process shall disclose all the information regarding dangers, including health hazards and the measures to overcome such hazards arising from the exposure to or handling of the materials



or substances in the manufacture, transportation, storage and other processes, to the workers employed in the factory, the Chief Inspector cum facilitator, the local authority within whose jurisdiction the factories situate and the general public in the vicinity in following manner:-.

(1) The occupier of a factory carrying on a 'hazardous process' shall provide :-

(a) On-site emergency plan and detailed disaster control measures for his factory and make known to the workers employed therein and to the general public living in the vicinity of the factory the safety measures required to be taken in the event of an accident taking place.

(b) A list of 'hazardous processes' carried on in the factory;

(c) detailed policy with respect to the health and safety of the workers employed therein and intimate such policy to the Chief Inspector-cum-Facilitator and the local authority and, thereafter, and after every 12 months, inform the Chief Inspector-cum-Facilitator and the local authority of any change made in the said policy.

(d) Hazard evaluation studies like safety audit, fault free analysis, event free analysis Report of HAZOP study of all the hazardous processes and operations carried out after every twelve months (or as and when necessary in case of HAZOP) by competent person.

(e) Location and availability of all Material Safety Data Sheets of all the hazardous substances

(f) Physical and health hazards arising from the exposure to or handling of Substances,

(g) Measures taken by the occupier to ensure safety and control of physical and health hazards;

(h) Measure to be taken ensure safe handling, storage and transportation of hazardous substances;

(i) Details of personal protective equipment provided in the factory.

(j) Measures to be taken by the workers in case of any spillage or leakage of a hazardous substances;

(k) Any other information considered necessary by the occupier to ensure safety and health of workers.

### **Rules prescribed under section 84(2)**

#### **127. Health & safety policy**

(1) The employer shall send the revised updated health and policy at the interval of every two years, to the Chief Inspector cum facilitator.

(2) Occupier of every factory, except as provided for in sub-rule (3), shall prepare a written statement of his policy in respect of health and safety of workers at work.

(3) All factories employing, less than 50 workers;

Provided that they are not covered in the First Schedule under Section 2 (za) of the code or carrying out, processes or operations declared to be dangerous under Section 82 of the code.

(4) Notwithstanding anything contained in sub-rule (3), the Chief Inspector-cum-Facilitator may require the occupiers of any of the factories or class or description of factories to comply with the requirements of sub-rule (1), if, in his opinion, it is expedient to do so.

(5) The Health and Safety Policy should contain or deal with-

(a) declared intention and commitment of the top management to health, safety and environment and compliance with all the relevant statutory requirements;

(b) Organisational set up to carry out the declared policy clearly assigning the responsibility at different levels; and

(c) arrangements for making the policy effective.

(6) In particular, the policy should specify the following :-

(a) arrangements for involving the workers;

(b) intentions of taking into account the health and safety performance of individuals at different levels while considering their career advancement;

(c) fixing the responsibility of contractors, sub-contractors, transporters and other agencies entering the premises;

(d) providing a resume of health and safety performance of the factory in its Annual Report;

(e) relevant techniques and methods, such as safety audits and risk assessment for periodical assessment of the status on health, safety and environment and taking all the remedial measures;

(f) stating its intentions to integrate health and safety in all decisions including those dealing with purchases, of plant, equipment, machinery and material as well as selection and placement of personal;

(g) arrangements for informing education and training and retraining its own employees at different levels and the public, wherever required.

(7) A copy of the declared Health and Safety Policy signed by the occupier shall be made available to the Inspector-cum- Facilitator having jurisdiction over the factory and to the Chief Inspector-cum- Facilitator.

(8) The policy shall be made widely known by

(a) making copies available to all workers including contract workers, apprentices, transport workers, suppliers, etc.

(b) displaying copies of the policy at conspicuous places; and

(c) any other means of communication in a language understood by majority of workers.

(9) The occupier shall revise the Safety Policy as often as may be appropriate, but it shall necessarily be revised under the following circumstances:

(a) whenever any expansion or modification having implication on safety and health of persons at work is made; or

(b) wherever new substance(s) or articles are introduced in the manufacturing process having implications on health and safety of person exposed to such substances.

#### **Rules prescribed under section 84(5)**

**128. Information to be furnished by Occupier of Hazardous process Industry to the Chief Inspector-cum-Facilitator**

The Information desired under this Rule shall be furnished electronically in following manner:

1. Name of Factory .....

2. Address .....

3. Product .....

4. Manufacturing process .....

5. Raw Material .....

Name & Maximum storage Capacity .....

.....

6. Finished Product

Name & Maximum storage Capacity

7. Intermediate Products

Name & Maximum storage Capacity

8. Hazards associated with the Factory

9. Safety Measures observed

10. Fire & Explosion risk

11. Details for disposal of hazardous waste

Signature of Occupier

**Rule prescribed under section 84(7)**

**129. Information on industrial wastes :-**

For the purpose of compliance with the requirements of provisions of section 84 and 85 of the code, the Chief Inspector cum facilitator, if deemed necessary, issue guidelines from time to time to the occupier of factories carrying on 'hazardous process'. Such guidelines may be based on National Standards, Codes of Practice or recommendations of International Bodies such as ILO (International Labour Organization) and WHO (World Health Organization).

### **Rules prescribed under section 85(a)**

#### **130. Accessibility of Health record of workers exposing to hazards**

1) The occupier of a factory carrying as 'hazardous process' shall disclose all information needed for protecting safety and health of the workers to-

(a) his workers; and

(b) If Occupier of a factory is of the opinion that the disclosure of details regarding the process and formulations will adversely affect his business interests, he may make a representation to the Chief Inspector-cum-Facilitator stating the reasons for withholding such information. The Chief Inspector-cum-Facilitator shall give an opportunity to the occupier of being heard and pass an order. The occupier may prefer an appeal before the State Government within 30 days of receiving the order. The State Government shall give an opportunity to the occupier of being heard and pass an order. The order of the State Government shall be final.

### **Rules prescribed under section 85(b)**

#### **131. Qualification of persons handling Hazardous Substances**

1) All persons who are required to supervise the handling of hazardous substances shall possess the following qualifications and experience :-

(a)(i) A degree in Chemistry or Diploma in Chemical Engineering or Technology with 5 years experience; or

(ii) A Master's Degree in Chemistry or a Degree in Chemical Engineering or Technology with 2 years experience.

(iii) The experience stipulated above shall in process operation and maintenance in the Chemical Industry.

(2) The Chief Inspector may require the supervisor to undergo training in Health and Safety. The syllabus and duration of the training in health and safety and the organisation conducting the training shall be approved by the DGFASLI or the State Government in accordance with the guideline issued by the DGFASLI

### **Rules prescribed under section 85(c)**

#### **132. Medical examination of workers**

Workers employed in a 'hazardous process' shall be medically examined by a medical officer in following manner :-

(1) Once before employment, to ascertain the health status of all the workers in respect of occupational health hazards to which they are exposed and in cases where in the opinion of the medical officer it is necessary to do so at a shorter interval in respect of any worker;

(2) The details of pre-employment and periodical medical examinations carried out as aforesaid shall be recorded in the Health Register Form 30.

(3) No person shall be employed for the first time without a certificate of Fitness in form 29 granted by the medical Officer. If the medical officer declares a person unfit for being employed in any hazardous process covered under section 2(ZA) of the code, such a person shall have the right to appeal to the Inspector-cum-Facilitator, who shall refer the matter to the medical inspector –cum-facilitator whose opinion shall be final in this regard. If the Inspector himself is also a medical officer, he may dispose of application himself.

(4) Any findings of the medical officer revealing any abnormality or unsuitability of any person employed in the process shall immediately be reported to the medical inspector-cum-facilitator who shall in turn, examine the concerned worker and communicate his findings to the occupier within 30 days. If the medical inspector-cum-facilitator is of the opinion that the worker so examined is required to be taken away from the process for health protection, he will direct the occupier accordingly, who shall not employ the said worker in the same process. However, the worker so taken away be provided with alternate placement unless he is fully incapacitated, in the opinion of the medical officer, in that case the worker effected shall be suitably rehabilitated :

Provided that the medical inspector-cum-facilitator on his own examine any worker when he considers it necessary to do so far ascertaining the suitability of his employment in the 'hazardous process' or for ascertaining the health states of any worker.

(5) The worker taken away from employment in any process under sub-rule (2) may be employed again in the same process only after obtaining the Fitness Certificate from the medical officer and after making entries to that effect in the Health Register.

(6) An Inspector may if he deems it necessary to do so, refer a worker to the medical officer or medical inspector-cum-facilitator for medical examination as required under sub-rule (1) .

(7) The worker required to undergo medical examination under these rules and for any medical survey conducted by or on behalf of the Central or the State Government shall not refuse to undergo such medical examination

**Rules prescribed under section 88**

**133.** Permissible Levels of exposure of Chemical Substances in manufacturing process in a factory shall be as per the table below:-

**Table 1**

**Permissible Levels of Chemical and toxic Substances**

S. No	Substance	Permissible limits of exposure			
		Time-weighted average Concentration (8hrs)M		Short-term exposure limit (15min)*	
		ppm	mg/m <sup>3**</sup>	Ppm	mg/m <sup>3**</sup>
1	2	3	4	5	6
1.	Acetaldehyde	100	180	150	270
2.	Acetic acid	10	25	15	37
3.	Acetone	750	1780	1000	2375
4.	Acrolein	0.1	0.25	0.3	0.8
5.	Acrylo nitrile –Skin	2	4.5	-	-
6.	Aldrin –skin	-	0.25	-	-
7.	Allylchloride	1	3	2	6
8.	Ammonia	25	18	35	27
9.	Aniline-Skin	2	10	-	-
10.	Anisidine (o-p-isomers) Skin	0.1	0.5	-	-
11.	Arsenic and Soluble compounds (as)	-	0.2	-	-
12.	Benzene(S.C.)	10	30	-	-
13.	Beryllium and Compound (as Be) (S.C.)	-	0.002	-	-
14.	Boron trifluoride –C	1	3	-	-
15.	Bromine	0.1	0.7	0.3	2
16.	Butane	800	1900	-	-
17.	2-Butane ( methylethyl Ketone -MEK)	200	590	300	835
18.	n-Butyl acetate	150	710	200	950

19.	n-Butyl alcohol-Skin-C	50	150	-	-
20.	Sec./ tert.Butyl acetate	200	950	-	-
21.	Butyl mercaptan	0.5	1.5	-	-
22.	Cadmium dusts and salts (as Cd )	-	0.05	-	-
23.	Calcium oxide	-	2	-	-
24.	Carbaryl ( Sevin )	-	5	-	-
25.	Carbofuran ( Furadan )	-	0.1	-	-
26.	Carbon disulphide-Skin	10	30	-	-
27.	Carbon monoxide	50	55	400	440
28.	Carbon tetrachloride – Skin (S.C)	5	30	-	-
29.	Chlordene –Skin	-	0.5	-	2
30.	Chlorine	1	3	3	9
31.	Chlorobenzene ( Monochloro benzene)	75	350	-	-
32.	Chloroform (S.C.)	10	50	-	-
33.	bis ( Chloromethyl ) ether (H.C.)	0.001	0.005	-	-
34.	Chromic acid and chromates (as Cr.)	-	0.05	-	-
35.	Chromous salts (as Cr)	-	0.5	-	-
36.	Copper Fume	-	0.2	-	-
37.	Cotton dust, raw*	-	0.2*	-	-
38.	Creosol, all isomers – Skin	5	22	-	-
39.	Cyanides (as CN)-Skin	-	5	-	-
40.	Cyanogen	-	10	20	-
41.	DDT ( Dichlorodi phenyl trichloroethane )	-	1	-	-
42.	Demeton –Skin	0.01	0.1	-	-
43.	Diazinon-Skin	-	0.1	-	-
44.	Dibutyl phthalate	-	5	-	-
45.	Dichlorvos (DDVP)-Skin	0.1	1	-	-
46.	Dieldrin-Skin	-	0.25	-	-
47.	Dinitrobenzene (all isomers)-Skin	0.15	1	-	-



48.	Dinitrotoluene-Skin	-	1.5	-	-
49.	Diphenyl-(Biphenyl)	0.2	1.5	-	-
50.	Endosulfan ( Thiodan )-Skin	-	0.1	-	-
51.	Endrin –Skin	-	0.1	-	-
52.	Ethylacetate	400	1400	-	-
53.	Ethyl alcohol	1000	1900	-	-
54.	Ethylamine	10	18	-	-
55.	Fluorides (as F)	-	2.5	-	-
56.	Fluorine	1	2	2	4
57.	Formaldehyde (S.C.)	1.0	1.5	2	3
58.	Formic acid	5	9	-	-
59.	Gasoline	300	900	500	1500
60.	Hydrazine-Skin (S.C.)	0.1	0.1	-	-
61.	Hydrogen Chloride-C	5	7	-	-
62.	Hydrogen Cyanide-Skin-C	10	10	-	-
63.	Hydrogen flouride (as F)-C	3	2.5	-	-
64.	Hydrogen peroxide	1	1.5	-	-
65.	Hydrogen sulphide	10	14	15	21
66.	Iodine –C	0.1	1	-	-
67.	Iron oxide fume (Fe <sub>2</sub> O <sub>3</sub> )(as Fe)	-	5	-	-
68.	Isoamyl acetate	100	525	-	-
69.	Isomyl alcohol	100	360	125	4500
70.	Isobutyl alcohol	50	150	-	-
71.	Lead, inorg Dusts, dusts and fumes (as Pb ).	-	0.15	-	-
72.	Lindane –Skin	-	0.5	-	-
73.	Malathion Skin	-	10	-	-
74.	Manganese (as Mn ) dust and compounds-C	-	5	-	-
75.	Manganese fume (as Mn )	-	1	-	3
76.	Mercury (as Hg)-Skin-				
	( i ) Alkyl compounds	-	0.01	-	0.03
	(ii) All forms except alkyl vapor	-	0.05	-	-

77.	Aryl and inorganic compounds	-	0.1	-	-
78.	Methyl alcohol (Methanol)-Skin	200	260	250	310
79.	Methyl Cellosolve (2-Methoxy ethanol)-Skin	5	16	-	-
80.	Methyl isobutyl ketone	50	205	75	300
81.	Methyl isocyanate ketone	0.02	0.05	-	-
82.	Naphthalene	10	50	15	75
83.	Nickel carbonyl (as Ni)	0.05	0.35	-	-
84.	Nitric acid	2	5	4	10
85.	Nitric oxide	25	30	-	-
86.	Nitrobenzene-Skin	1	5	-	-
87.	Nitrogen dioxide	3	6	5	10
88.	Oil mist-mineral	-	5	-	10
89.	Ozone	0.1	0.2	0.3	0.6
90.	Parathion-Skin	-	0.1	-	-
91.	Phenol-Skin	5	19	-	-
92.	Phorate ( Thimet )-Skin	-	0.05	-	0.2
93.	Phosgene (Carbonyl chloride)	0.1	0.4	-	-
94.	Phosphine	0.3	0.4	1	1
95.	Phosphoric acid	-	1	-	3
96.	Phosphorus (yellow)	-	0.1	-	-
97.	Phosphorus pentachloride	0.1	1	-	-
98.	Phosphorus trichloride	0.2	1.5	0.5	3
99.	Picric acid – Skin	-	0.1	-	0.3
100.	Pyridine	5	15	-	-
101.	Silane (Silicon tetrahydride )	5	7	-	-
102.	Sodium Hydroxide-C	-	2	-	-
103.	Styrene, monomer (Phenyl-ethylene)	50	215	100	425
104.	Sulphur dioxide	2	5	5	10
105.	Sulphur hexafluoride	1000	6000	-	-
106.	Sulphuric acid	-	1	-	-

107.	Tetraethyl lead (as Pb )-Skin	-	0.1	-	-
108.	Toluene ( Toluol )	100	375	150	560
109.	o- Toluidine -Skin(S.C)	2	9	-	-
110.	Tributyl phosphate	0.2	2.5	-	-
111.	Trichloro –ethylene	50	270	200	1080
112.	Uranium, natural (as U)	-	0.2	-	0.6
113.	Vinyl chloride (H.C.)	5	10	-	-
114.	Welding fumes	-	5	-	-
115.	Xylene ( o,m,p -isomers)	100	435	150	655
116.	Zinc oxide				
	( i ) Fume	-	5	-	10
	(ii) Dust	-	10	-	-
	(Total dust)				
117.	Zirconium compounds (as Zr )	-	5	-	10

**Table 2**

Substances	Permissible time-weighted average concentration
1. Silica, SiO <sub>2</sub>	
(a) Crystalline	
( i ) Quartz	
(1) In terms of dusts count	$\frac{1060}{\% \text{ Quartz} + 10} \text{ Mppcm}$
(2) In terms of respirable dust	$\frac{10 \text{ mg/ m}^2}{\text{Respirable Quartz} + 2}$
(3) In terms of total dust	$\frac{30 \text{ mg/ m}^2}{\% \text{ Quartz} + 3}$
(ii) Cristobalite	Half the limits given against quartz
(iii) Tridymite	Half the limits given against quartz
(iv) Silica, fused	Same limits as for quartz.
(v) Tripoli	Same limit as in formula in item (2) given against quartz
(b) Amorphous	(705 mppcm) or 10mg/ m <sup>3</sup> , total dust
2. Silicate having less than 1% free silica by weight	

(a) Asbestos-fibres longer 5 microns	
(i)Amosite	0.5 fibre/cube centimeter
(ii) Chrysotile	2 fibre/cubic centimeter
(iii) Crocidolite	0.2 fibre/cubic centimeter greater
(iv) Other form	2 fibres/cubic centimeter greater than 5m in length and less than 3 micron in breath with length to breadth ration equal to or greater to 3:1
(b) Mica	750 mppcm or 10mg/ m <sup>3</sup>
(c) Minera wool fibre	10mg/ m <sup>3</sup>
(d) Porlite	1060 mppcm
(e)Portland cement	10 mg/ m <sup>3</sup> , total dust containing less than 1% quartz.
(f) Soap stone	705 mppcm
(g) Tale (non-abostiform)	705 mppcm
(h) Tale (fibrous)	Same limit as for asbestos
(i) Tromolite	Same limit as for asbestos
3. Coal dust	
(1) For airborne dust having less than 5% silicon dioxide by weight :	2mg/m <sup>3</sup>
(2) For airborne dust having over 5% silicon dioxide quartz.	Same limit as prescribed by in item (2) against quartz.

ppm : Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm of mercury

mg/ m<sup>3</sup>: milligrams of substance per cubic meter of air.

\* : Not more than 4 times a day with at least 60 min. interval between successive exposures.

\*\* :mg/ m<sup>3</sup> = Molecular weight

-----x ppm

24.45

**Table 3**

Substance	Permissible limit of exposure	
(1)	(2)	
	ppm	mg/ m <sup>3</sup>
Acetic an-hydride	5	20
O-Dichlorobenzene	50	300
Formaldehyde	2	3
Hydrogen Chloride	5	7
Manganese and Compounds (as Mn)	...	5
Nitrogen-dioxide	5	9
Nitroglycerin-skin	02	2
Potassium hydroxide	...	2
Sodium hydroxide	...	2
2, 4, 6-Trinitrotoluent (TNT)	...	0.5

## **Rules prescribed under section 90**

### **134. Appeal against the order of Inspector-cum-Facilitator**

(1) Occupier or manager of any factory aggrieved by an order by inspector-cum-facilitator may, within fifteen days from the date on which the order is communicated to him, may make an appeal before the Chief Inspector-cum-facilitator who shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible :

Provided that the Chief Inspector-cum-facilitator may entertain the appeal after the expiry of the said period of fifteen days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

An appeal presented under Section 90 of this code shall lie to the Chief Inspector-cum-facilitator; or in cases where the order appealed against, is an order passed by that officer, the State Government , and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing court fee stamp in accordance with Article 11 of Schedule II to the Court Fees Act, 1870, and shall be accompanied by a copy of the order appealed against.

(2) **Appointment of assessors.** - On receipt of the memorandum of appeal the appellate authority shall, if it thinks fit or if the appellant has requested that appeal should be heard with the aid of assessors call upon the body declared under sub-rule

(3) to be representative of the industry concerned, to appoint an assessor within a period of 14 days, if an assessor is nominated by such body, the appellate authority shall appoint a second successor itself. It shall then fix a date for the hearing of the appeal and shall give the notice of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear upon such date to assist in the hearing of the appeal.

(3) The appellant shall state in the memorandum presented under sub-rule (1) whether he is a member of one or more of the following bodies. The body empowered to appoint the assessor shall-

(a) if the appellant is a member of one of such bodies, be that body;

(b) if he is a member of two such bodies, be the body which the appellant desires should appoint such assessor; and

(c) if the appellant is not a member of any of the aforesaid bodies or if he does not state in the memorandum which of such bodies he desires should appoint the assessor, be the body which the appellate authority as the best fitted to represent the industry concerned

(1).....

(2).....

(3).....

(4).....

(4) **Remuneration of assessors.** - An assessor appointed in accordance with the provisions of sub-rules (2) and (3) shall receive for the hearing of the appeal a fee to be fixed by the appellant authority, subject to a maximum of fifty rupees per diem. He shall also receive the actual travelling expenses. The fees and travelling expenses shall be paid to the assessor by Government, but where assessors have been appointed at the request of the appellant and the

appeal has been decided wholly or partly against him, the appellate authority may direct that the fees and travelling expenses of the assessor shall be paid in whole or in part by the appellant.

## **Plantation**

### **(Rules 134 to 149 prescribed under section 92 ,93)**

**135. Housing accommodation for workers.**—Every employer shall provide for workers and his family residing in a plantation, housing accommodation as near as possible to the place of work.

**136. Standard and specification of housing accommodation.**—All housing accommodation for workers in a plantation shall have separate rooms for women employees. Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting. The rooms or other suitable alternative accommodation shall be of such dimensions so as to provide at least a floor area of 10 square meters excluding area of kitchen and toilet for each person making use of the room. The accommodations shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.

**137. Sites for housing accommodation.**—(1) The housing accommodation shall be provided on dry well-drained land which, consistent with the requirement regarding distance from the plantation, has supplies of wholesome drinking water within a reasonable distance. In materials tracts, the houses shall be provided at a safe distance from the swamps and marshes and above the highest flood level.

(2) Adequate lighting arrangements shall be provided in and around the area in which housing accommodation is provided.

(3) The employer shall maintain in good condition the approach roads and paths to the area where houses are located as also the sewers and drains in that area.

(4) The employer shall not deny to the public free access to those parts of the Plantation where the workers are housed.

(5) The employer shall cause the vicinity of all houses to be kept clear of refuse and excreta and the latrines and drains to be cleaned out daily and all refuse in or near them to be collected, removed and disposed of hygienically.

**138. Maintenance of houses.**—(1) The employer shall, at his own expenses, maintain all houses provided for accommodation of workers in a fit and safe condition and execute annual and such other repairs as may be necessary from time to time.

(2) A worker occupying a house may, and an Inspector-cum-Facilitator appointed under the Code shall, bring to the notice of the employer any defects in the condition of a house which

make it dangerous to the health and safety of the worker. Where an Inspector-cum-Facilitator brings any such defects to notice, it shall be the duty of the employer to rectify them with the least possible delay.

(3) The employer shall get all the houses lime-washed at least once every year and all the doors, windows and other wooden structures varnished or painted once in three years. A record of dates on which lime-washing or painting was carried out shall be maintained in a register in **Form 10** electronically.

**139. Accommodation to be rent free.**—No rent shall be charged by an employer for the housing accommodation provided to workers and their families residing in his plantation.

Every employer of the plantation wherein fifty or more workers (including workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, shall provide crèches facilities.

**140. Educational facilities for worker's children.**(a) Every employer shall if the number of worker's children between the ages of six to twelve in his plantation exceeds 25, provide and maintain a Primary School or Schools for imparting Primary education to the children . Every employer of Plantation shall provide a hospital in his plantation. There shall be two types of hospitals in plantations, viz, Garden Hospitals and Group Hospitals— (i) Garden Hospitals will deal with out-patients, in-patients not requiring any elaborate diagnosis and treatment, infectious cases, midwifery, simple prenatal and postnatal care of infants and children and periodical inspection of workers. (i) Group Hospitals shall be capable of dealing efficiently with all types of cases normally encountered but will not be used for routine treatment. Admission to Group Hospitals shall be only on the recommendation of a garden hospital doctor. (b). Equipment and drugs.— Every dispensary, garden hospital and group hospital shall maintain such equipment and drugs, etc., as may be specified by the State Government. (c). Medical records.— The Medical Officer-in-charge of each dispensary, garden or group hospital shall maintain medical record in respect of every patient as may be prescribed by the State Government for the purpose; and (2) comply with such regulations as may be made by the State Government in respect of medical stores Rule.

**141. Recreational facilities.**— (1) Every employers shall provide and maintain—

(i) Recreation Centre to the scale of one for every one hundred and seventy-five families of resident workers or part thereof with provision for a radio and television set and indoor games for adult workers and child as specified by the Labour Commissioner of the state with prior approval of the State Government subject to there being at least one centre for each Plantation or out garden thereof;"

(ii) where adequate flat open space is available within a reasonable distance, a playground or playgrounds for adult and child workers with necessary sports equipment for out- door games:

(2). Every recreation centre to be provided and maintained shall be conveniently situated as near as possible to the workers quarters.

**142. Uses, handling, transport and storage of insecticides, pesticides, chemical and toxic substances within the plantation.**— (1) No insecticides, pesticides, chemical and toxic



substances shall be transported or stored in such a way as to come into direct contact with foodstuffs or animal feeds or drinking water.

(2) If any insecticide, pesticides, chemicals and toxic substances are found to be leaked out in transport or storage, it shall be the responsibility of the employer to take such measures urgently to prevent poisoning and pollution of soil or water, if any.

(3) The packages containing insecticide, pesticides, chemicals and toxic substances shall be stored in separate rooms or premises away from the rooms or premises used for storing such articles or shall be kept in separate almirahs under lock and key depending upon the quantity and nature of the insecticides. (4) The rooms or premises meant for storing insecticide, pesticides, chemical and toxic substances shall be well built, dry, well lit and ventilated with sufficient dimension.

**143. Prohibition or restriction on employment of women and adolescent workers in handling insecticides, chemicals and toxic substances.-** No women worker or adolescent worker shall be permitted to be engaged in handling or storage or transport of insecticide, pesticide, chemicals and toxic substances

**144. Appointment and qualification of Supervisors.-**The use, handling, storage and transportation of insecticides, chemicals and toxic substances shall be supervised by a competent person who should possess the following qualifications.—

(i) He shall be a graduate in Agriculture or in Science or he shall possess a Certificate Course on handling of chemicals and toxic substances conducted by the recognized institutes.

(ii) He should be given training from a designated Training Instituted; and

(iii) He should also possess a valid certificate from a recognized institute for giving first aid treatment to workers.

**145. Training of Workers-** (1) The workers involved in handling insecticides, chemicals, and toxic substances shall be arranged for suitable training in observing safety precautions and handling safety equipment provided to them in the institutes notified by the State Government from time to time.

(2) All the workers who apply, handle, transport or come into contact with agrochemicals or other chemical substances must be trained in at least in the following subjects.—

(i) General occupational health;

(ii) Formulations, names, and the biocide action of the substances used in the case of pesticides;

(iii) Correct use of personal protective clothing and equipment;

(iv) Preventive measures and measures for reducing damage to health and the environment, caused by the chemical substances, equipment, techniques, signage, medical examination, etc.,

(v) Emergency procedures, first aid and medical attention for cases involving poisoning or undue contact with chemical substances;

(vi) Techniques for handling chemical substances and for the correct application of agro chemicals;

(vii) Secure handling and transportation of agro-chemicals for drivers; and

(viii) Other necessary training suitable for the plantation.

**146. Periodic medical examination to the workers.—**(1) Every worker who is engaged in the work of handling, dealing, or spraying or mixing insecticides, chemical and toxic

substances shall be medically examined initially at the time of employment and thereafter once in six months in the hospitals notified in this behalf.

(2) The medical examination and tests shall be recorded as per the formate 7.

(3) Any person showing symptoms of poisoning shall be immediately examined and given proper treatment.

**147. Maintenance of health record.**—Every employer shall maintain a health record of every worker such as annual medical examination or any other examination when required shall be kept in plantation and every such worker shall have access to such record.

**148. Washing, bathing and cloak room facilities.**—(1) Every employer shall provide washing, bathing and cloak room facilities to the workmen, who are employed in handling insecticides, pesticides, chemicals and toxic substances.

(2) Protective clothing and equipment.—

(a) Persons handling insecticides, chemicals and toxic substances during its operation, distribution, mixing, spraying shall be adequately protected with appropriate clothing.

(b) The protective clothing shall be made of materials which prevent or resist the penetration of any form of insecticide, chemical and toxic formulations. The materials shall also be washable so that the toxic elements may be removed after each use.

(c) A complete suit of protective clothing shall consist of the following dresses, namely.—

(i) Protective outer garment with hat.

(ii) Rubber gloves or such other protective gloves extend way up to the fore arm made of materials impermeable to liquids.

(iii) Dust proof goggles.

(iv) Boots.

(v) Reusable cloth masks.

**149. Display of list of insecticides, pesticides, chemicals and toxic substances.**—Every employer shall display in plantations the list of insecticides, chemicals and toxic substances as notified by the Central Government, from time to time, under the insecticides Act, 1968 (Central Act 46 of 1968).

**150. Precautionary notices.**—Every employer in the plantations shall display the following precautionary notices at or near the place where the insecticides, chemicals and toxic substances are handled.—

(i) Use protective clothing like overalls, gloves, rubber gum-boots and wide brimmed hats.

(ii) Do not wear clothes contaminated with insecticides and pesticides.

(iii) Clean the protective clothing by washing with soap and water.

(iv) Do not allow children, sick persons and pregnant women and nursing mothers to handle insecticides and pesticides.

(v) Do not eat, drink, smoke or chew while handling insecticides and pesticides.

(vi) Never blow out clogged nozzles with your mouth.

(vii) Do not use leaking sprayers. Avoid contamination of the skin, mouth and eyes.

(viii) Do not inhale the insecticides unattended in the fields.

(ix) Never spray insecticides and pesticides against the wind.

(x) Do not leave insecticides and pesticides unattended in the fields.

(xi) Do not allow humans and livestock to enter the insecticides and pesticides sprayed fields for a period of time, suggested by the manufacturers.

(xii) Do not wash insecticides and pesticides containers near a well or running stream.

- (xiii) Keep clean water, soaps and towels ready for use.
- (xiv) Wash hands and exposed skin thoroughly with soap and water before eating, drinking, smoking or, chewing and after work.
- (xv) Keep the insecticides and pesticides locked in the store room and out of reach of children and other unauthorized persons.
- (xvi) Do not enter the sprayed field. Follow the re-entry periods for all insecticides and pesticides including herbicides, suggested by the manufacturers.
- (xvii) Keep insecticides and pesticides in their original, labeled containers.
- (xviii) Do not decant insecticides and pesticides into unlabeled containers except for immediate use.
- (xix) Dispose the containers safely after thoroughly emptying and washing. They may be buried in a place away from a water source.
- (xx) Never reuse the container for any other purposes if it is impossible to remove the traces of insecticides and pesticides from the containers.

## CHAPTER X

### Offence and penalties

#### **151. under Section-111**

##### **Power of officer of state government to impose penalty in certain cases**

1.The officer appointed by the state government for holding enquiry for the purpose of imposing penalty in following manner

- (a) Upon receiving details of violations of provisions as mentioned in Section 111 (1) from Inspector cum facilitator of concerned jurisdiction, the officer holding enquiry will summon for attendance of the employer/Manager and the Inspector-cum-facilitator for giving evidence and producing relevant documents of the enquiry.
- (b) After hearing the officer shall make proceedings and within 7 days time shall pass an order of penalty or discharge employer/Manager stating reasons in the order. Copy of order shall be delivered to both the parties electronically.

2.Any person aggrieved by an order made by the officer may prefer an appeal before the Labour Commissioner. The appeal shall be made within 60 days of receipt of copy of the order of officer.

##### **Form of appeal.**

Appeal as against the order passed by officer shall be made & should comprise of

1. Order of penalty imposed by the said order
2. Ground on which impugned order needs to be quashed
3. Relief to be desired
4. Challan of fees notified from time to time

#### **Rules prescribed under section 114**

##### **152.-Composition of certain offences**

**Manner of compounding of offences by the authorized officer specified under sub-section (1) of section 114.**

(1) The officer notified by the state shall issue to the employer, occupier, manager or such person who has been found committing offence, electronically a compounding notice for the offences for which are compoundable under section sub-section (1) of section 114.

(2) The person so noticed may apply to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

(3) The Compounding Officer shall issue a compounding certificate within ten days of receipt of the compounding amount, to such person from whom such amount has been received in satisfaction of the compounding notice.

(4) If a person so noticed fails to deposit the compounding amount within one month, prosecution shall be proceeded with before the competent Court.

(5) No prosecution shall be instituted without giving an opportunity to the employer to comply with such provisions subjected to provisions of sub-section (1) of Section 110 and compounding as under Section 114.

**Rule prescribed Under Section 115**

**153. -Social Security Fund.-** The State Government may prescribe provisions for Social Security Fund by notification in the official gazette."

**CHAPTER XI**

**Miscellaneous**

**Rules prescribed under section 119(2), 119(3) and 119(6)**

**154 (1).** Common License for contractor, factories and to industrial premises, etc. under sub-section (3) of Section 119- (a) any person desirous of obtaining common licence in respect of a factory, industrial premises for beedi and cigar work and for engaging contract workers or any combination thereof or single licence for any one of them under the Code shall make an application in Form-20 to the designated authority on portal.

(b) For the purpose of licence referred to in sub-section (1), fee shall, respectively be payable at the rates specified Schedules A, B and C under rule 114, schedule II under rule 99 and under rule 82(3) of these rules.

(c) The designated authority upon being satisfied, shall issue license in Form-21 within forty five days from the date of receipt of application."

**(2).** Form of appeal, the fee to be accompanied therewith and the appellate authority under sub-section (6) of section 119-

(i) The person aggrieved by the order of authority under Sub section (1) of Section 119, may appeal against such order before the appellate officer appointed by the State Government for such purpose within thirty days from the date of receipt by him of such order, electronically.

(ii) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal in electronic form to be kept for the purpose called the register of appeals.

(iii) When the appeal has been admitted, the appellate officer shall send the notice of the appeal to the registering officer, against whose order the appeal has been preferred and the registering officer shall thereupon send the records of the case to the appellate officer online electronically.

(iv) On receipt of the appeal, the appellate officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal electronically or by registered post.

(v) If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellants by sending the copy of the order to the applicant electronically.

(vi) Where an appeal has been dismissed, the appellant may apply electronically to the appellate officer for the restoration of the appeal within thirty days from the date of receipt of the order and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal.

(vii) The order of the Appellate Officer shall be communicated electronically or by registered post to the appellant and copy thereof shall be sent to the officer against whose order the appeal has been preferred and shall be disposed of within a period of thirty days from the date of receipt of appeal.

#### **Form of a appeal.**

Appeal against the order passed by authority shall be made and should comprise of:

- 1.Said order passed by the authority
- 2.Ground on which impugned order need to be quashed
3. Desired relief
- 4.Treasury challan of fee as notified from time to time.

### **Rules prescribed under section 121(2)**

#### **Rule 155-Manner of survey on situation relating safety and health**

1. The Chief Inspector- cum- Facilitator, officer or the committee so appointed by state government to undertake survey in accordance with provisions of section 121(2) of the code, may, at any time during the normal working hours of an establishment , or at any other time as is found by him or the committee to be necessary, after giving notice in writing to the employer or manager of the establishment or any other person who for the time being purports to be in charge of the establishment, undertake survey relating to safety and health in the establishment and outside.

(2)Employer or manager or other person shall afford all facilities for such survey, including facilities for the examination and testing of plant and machinery and collection of samples and other data relevant to the survey.

(3)For the purpose of facilitating surveys every worker and person in near vicinity, if so required by the person conducting the survey, present himself to undergo such medical examination as may be considered necessary by such person and furnish all information in his possession and relevant to the survey.

(4)Any time spent by a worker for undergoing medical examination or furnishing information under sub rule (2) shall, for the purpose of calculating wages and extra wages for overtime work, be deemed to be time during which such worker worked in the establishment.

## Form 1

(Prescribed under Rule 3)

### Application for approval of plans and for permission to construct/extend/or take into use any building as a factory

1. Name of Factory .....
2. Address of the applicant on which he desires to be communicated in this regard.....
3. Full name and postal address of factory.....
4. Situation of the factory located/to be located on in Road/Railway at..... town/village..... of Tehsil..... District.....
- 5. The manufacturing process :**
  - (A) to be carried (if new factory)/being carried (if exist)..... (give description).....
  - (B) Whether it involves hazardous processes as interpreted under Section 2 (za) (give details).....
  - (C) Whether it involves wholly or partly any dangerous operations as declared under Section 82 (give details).....
  - (D) If yes for (c) and (D), whether provisions of installation/arrangements to be made according to the relevant Schedule have been incorporated in the plan.....
6. (A) Number of workers to be employed in the factory. ....
- (B) Whether provision of amenities and facilities required to all workers according to the Code and the Rules made thereunder have been taken care of in the plans.....
7. (A) Whether lifts/hoists/lifting machines of any kind installed/to be installed in the plans (give details).....
- (B) If yes for (A) whether provisions according to the Code and the Rules thereunder, have been taken care of in the plan (give details).....
8. (A) Whether any worker will be required to work at different floors or at a height from where he is likely to fall or work at a congested place due to machines or fittings or in a confined space, pit or sumps? (give details).....
- (B) If so, whether provision of arrangements to be made for access, escape and ensure safety, in accordance to the Code and the Rules thereunder have been taken care of in the plans ? (give details).....
9. Whether there is any possibility of escape of dangerous fumes/gases or explosion?  
If so whether provision on suitable arrangements to be made according to the Code and Rules thereunder have been taken care of in the plans? (give details).....
10. What materials are used/to be used for construction of :-
  - (a) Building (give details).....
  - (b) Roofing (give details).....
11. Particulars of the drawings submitted alongwith particulars of informationsubmitted according to the requirement of Rules -
  - (1) .....
  - (2) .....

Date.....Signature of the Occupier

**Form 2**  
[Prescribed under **Rule 3 A (4)**]  
**Certificate of Stability**

1. Name of the factory.....
  2. Village, town and district in which the factory is situated.....
  3. Full postal address of the factory.....
  4. Name of the occupier of the factory.....
  5. Name of manufacturing process to be carried on in the factory.....
  6. Number of floors on which workers will be employed.....
  7. Material of construction. Walls roof etc.
  8. Number of buildings/ structures, give details:
    - (a) Constructed area on ground floor
    - (b) Total Constructed area and height of each floor
  9. Tests were applied;-
    - (a) Rebound Hammer test
    - (b) Ultrasonic pulse velocity test
    - (c) any other tests; namely
  10. Details of examination of steel structures and sheet roofing:
    - (a) high raised chimney: state it is self supported or tied by tensioning ropes; are the tensioning ropes/ foundation fastening safe and in good state :
    - (b) Observation regarding steel structures, if any :
    - (c) Observation regarding stability of sheet roofing; if provided :
  11. Defects/ requirement of repair if any;
- This is certified that I have inspected the building/buildings the plans of which have been approved by the Chief Inspector cum facilitator in his letter No..... dated..... and examined the various parts including the foundations with special reference to the machine, plant etc., that have been installed. I am of the opinion that the building/buildings which has/have been constructed/reconstructed/extended/taken into use is/are in accordance with the plans approved by the Chief Inspector cum facilitator in his letter mentioned above, that it/they is/are structurally sound and that its/their stability will not be endangered by its/their use as a factory/part of a factory for the manufacture of.....for which the machinery, plant, etc. installed are intended.

Signature.....  
Qualification.....  
Address.....  
Date.....

Certification No..... date.....of competency issued by Chief Inspector cum facilitator. If employed by a company or a association, name and address of the company or association.

**FORM-3**  
**(See Rule-3)**

**Application for Registration for existing establishments/New Establishment/Amendment to certificate of Registration**

**A. Establishment Details.**

1. Retrieve details of Establishment through LIN:
2. Name of Establishment:
3. Location and Address of the Establishment:
4. Others details of Establishment:
  - a. Total Number of employees engaged directly in the establishment:
  - b. Total Number of the contract employees engaged:
  - c. Total Number of Inter-State Migrant workers employed:

**5 (a) For factories:**

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day	Name of the chemicals to be handled and stored along with quantity
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

**5 (b) For Plantation:**

Total area of plantation in hectares	Name and address of the employer	Full name and residential address (es) of the Directors in case of a Company	Maximum number of workers to be employed on any day	Name of the hazardous chemicals , insecticides, pesticides to be handled and stored along with quantity
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

**5 (c) For Motor transport undertaking :**

Nature of motor transport service e.g. city service, long distance passenger service ,long distance freight service	Total number of routes	Total rout mileage	Total number of transport vehicles on the last date of the preceding year	Maximum number of motor transport workers employed on any day during the preceding year	Name and address of the employer	Full name and residential address (es) of the Directors in case of a Company
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>



**5 (d) For Beedi and Cigar work :**

Financial resources of employer e.g. (particulars and value of movable and immovable properties, bank reference, income tax assessment etc.)	Whether the employer is a trademark holder registered under the Trade and Merchandise Marks Act,1958	Previous experience of the employer in the industry	Value of beedis or cigars or both manufactured at the industrial premises during the preceding financial year	Whether the proposed site of the industrial premises amounts to the alteration of the site of any existing industrial premises and, if so, the reasons for such alteration
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Whether any industrial premises was closed by the applicant during the period of twelve months immediately preceding the date of the application and, if so, the reasons therefore	Source of obtaining tobacco	Whether the beedis or cigars or both manufactured by the applicant will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958, or any other person.	Full name and residential address (es) of the Directors in case of a Company	Maximum number of Employed to be employed on any day
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>

**5 (e) For building and other construction work:**

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

**5(f) For Audio –visual production**

Name and address of the producer/Producers of the production house	Maximum number of audio- visual workers to be employed on any day
<b>1</b>	<b>2</b>

**5(g) For Contract work**

Name and address of Contractor	Maximum No. of Contract labour to be engaged
--------------------------------	--

<b>1</b>	<b>2</b>
----------	----------

6. Ownership Type/Sector:

7. Activity as per National Industrial Classification:

8. Details of Selected NIC Code:

9. Identification of the establishment e-sign/ digital sign of employer/ representative:

**B. Details of Employer:-**

1. Name & Address of Employer / Occupier / Owner / Chief Executive/ etc :

2. Designation :

3. Father's/ Husband's Name of the Employer :

4. Email Address, Telephone& Mobile No :

**C. Manager Details**

1. Full name & Address of Manager or person responsible for supervision and control of the Establishment

2. Address of Manager:

3. Email Address, Telephone& Mobile No :

**D. Contractor Details:**

Name and Address Contractor	Email address& Mobile of Contractor	Name of Work	Maximum No. of Contract labour engaged	Date of Commencement / Probable date of Completion of work
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

**E. Others Details:-**

Signature/ E-sign/digital sign of employer

Dated:-

Place:-

**FORM-4**  
**(See Rule-3)**

**Certificate of Registration of Establishment**

Registration No.

Date

A Certificate of registration containing the following particulars is hereby granted under sub section (2) of section 3 of the Occupational Safety, Health and Working Conditions Code, 2020 (....of 2020)

to..... (Name of the establishment)

1. Nature of work carried on in the establishment (Please tick mark)

- (a) Factory (b) plantation  
(c) Motor transport undertaking (d) Contract Work  
(e) Building and Other Construction Works  
(f) Beedi and cigar work (g) Audio- visual production  
(h) any other work (not covered above)

2. Details of the establishment:

a. Total Number of employees engaged directly in the establishment:

b. Total Number of the employees engaged through contractor .....

c. Total Number of Contractors and their details:

c. Number of inter-state migrant workers engaged:

3. Location and address of establishment:

**4 (a) For factories:**

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

**4 (b) For Plantation:**

Total area of plantation in hectares	Name and address of the employer	Full name and residential address (es) of the Directors in case of a Company	Maximum number of workers to be employed on any day
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

**4 (c) For Motor transport undertaking:**

Nature of motor transport service e.g. city service, long distance passenger service ,long distance	Total number of routes	Total route mileage	Total number of transport vehicles on the last date of the preceding year	Maximum number of motor transport workers employed on any day during the	Name and address of the employer	Full name and residential address (es) of the Directors in case of a Company
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freight service				preceding year		
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

**4(d) For Beedi and Cigar work :**

Financial resources of employer e.g. (particulars and value of movable and immovable properties, bank reference, income tax assessment etc.)	Whether the employer is a trademark holder registered under the Trade and Merchandise Marks Act, 1958	Previous experience of the employer in the industry	Value of beedis or cigars or both manufactured at the industrial premises during the preceding financial year	Whether the proposed site of the industrial premises amounts to the alteration of the site of any existing industrial premises and, if so, the reasons for such alteration
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Whether any industrial premises was closed by the applicant during the period of twelve months immediately preceding the date of the application and, if so, the reasons therefore	Source of obtaining tobacco	Whether the beedis or cigars or both manufactured by the applicant will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958, or any other person.	Full name and residential address (es) of the Directors in case of a Company	Maximum number of Employed to be employed on any day
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>

**4 (e) For building and other construction work:**

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

**4(f) For Audio –visual production**

Name and address of the producer/Producers of the production house	Maximum number of audio- visual workers to be employed on any day
<b>1</b>	<b>2</b>

**4(g) For Contract work**

Name and address of Contractor	Maximum No. of Contract labour to be engaged
<b>1</b>	<b>2</b>

5. Amount of registration fee paid.....

6. Remarks of registering officers

Signature E -Sign/DSC of Registering Officer  
along with designation

Place:

Date:

### Conditions of Registration

(1). Every certificate of registration issued under **rule** 3 shall be subject to the following conditions, namely:

(a). the certificate of registration shall be non-transferable;

(b) the number of workers employed in an establishment directly and contract employees shall not, on any day, exceed the maximum number specified in the certificate of registration; and

(c) Save as provided in these rules, the fees paid for the grant of registration certificate shall be nonrefundable.

(2) The employer shall intimate the change, if any, in the number of workers or the conditions of work to the registering officer within 30 days

(3) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment or as the case may be work is to be executed, intimating the actual date of the commencement or, as the case may be, completion of establishment such work in **Form VI** annexed to these rules electronically.

(4) A copy of the certificate of registration shall be displayed at the conspicuous places at the premises where the work is being carried on.

**Form –5**  
**[See rule 13]**  
**Register of Establishments**  
Register of Establishments

Sr. No.	Nature of work	Registration No. and Date	Name and address location of the establishment registered	Name, address and contact details of employer	Total number of workers and Total Horsepower (if any)	Total number of contact workers	Remark
1	2	3	4	5	8	9	10
	(a) Factories  (b) Building and other Construction work  (c) contract work  (d) Plantation  (e) Beedi and Cigar work  (f) Audio-visual work  (g) Motor transport undertaking  (h) Any other work (not covered above)						

**FORM-6**  
**(See Rule-14)**

**Notice of Commencement / cessation of Establishment:**

1. Registration No:
2. Name and Address of Establishment:-
3. Name & Designation of employer/ Port authority (who has ultimate control over the affairs of the establishment :-
4. Full address to which communication relating to the establishment to be sent :-
5. Nature of work of the establishment :-
6. In case of the notice is for commencement of work the approximate duration of work:-
7. in case of cessation, the date of cessation:

I/We hereby intimate that the work of establishment having registration No.

.....dated ..... is likely to  
commence/cessation is likely to be completed with effect from

..... (Date)/ On ..... (Date)

**In case of cessation of work:**

I/we hereby certify that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

Signature of the Employer

To,

The Inspector-cum-Facilitator... ..

**FORM-7  
(Rule-19)**

**The medical examination shall be conducted by a qualified medical practitioner as per following proforma :**

**A. Demographics:**

Question	Answer	Remarks
Name of the Worker:		
Age:		
Permanent Address		
Gender:		
Total Number of family Members		
Total monthly family Income:		
Is the employee under ESI (Employees' State Insurance) Scheme? If yes, provide IP Number	Yes / No	
Is the employee under any other health scheme apart from ESI-Scheme? (If yes, provide the name of the scheme)	Yes / No	

**B. Occupational History**

Question	Answer	Remarks
Present Designation:		
Work Profile		
Duration of service in the present work profile		
Working Hours per shift:		
Night Shift Per Week		
Night Shift per Month		

**C. Brief Review of Medical History: Diagnosed previously or currently under treatment or Currently suffering from**

Question	Answer (Yes/No)	Remarks
Anaemia		
Jaundice		
Asthma		
COPD		
History of Any other Lung Disease: (If Yes, Please Specify)		
Vertigo/Dizziness		
Diabetes Mellitus		
Hypertension		
Any Cancer (If Yes, Please Specify the Cancer)		
Chronic Low Back Pain		
Chronic Pain in hand or Elbow		
Hernia		
Hydrocele		
Varicose Vein		



Haemorrhoids		
History of amputation/fracture/dislocation injury during work (If Yes, please specify)		
Dermatitis (If Yes, specify Site)		
Hearing Impairment		
Visual Impairment		
Any Major Illness requiring hospitalization in last 1 year (If Yes, Name of the Disease)		
Occupational Injury in Last 1 year: if yes Specify the Location of injury and frequency		

#### **D. Current Symptoms-Diseases Module**

Question	Answer (Yes/No)	Remarks
Smoking habit		
Chewing Tobacco or Pan Masala or Gutkha:		
Alcohol Addiction		
Dermatosis (Irritant Contact		
Dermatitis/Eczema/Chloracne/Allergic Contact Dermatitis):		
Mucosal Irritation of eyes/Nose/Throat with response to chemical agent or biological agent:		
Symptoms like Respiratory Difficulty/ Chest Tightness		
Dry Cough at beginning of shift:		
Currently suffering from TB:		
Jaundice or Hepatitis		
Currently suffering from Low Back Pain / Pain in hand or Elbow: / Visual Problems / Hearing Problems		
Any current injury (amputation/ fracture/ dislocation)		

#### **E. Physical Examination**

**Date of Examination:**

Question	Answer (Yes/No) or as appropriate	Remarks
General Skin Condition: (If Any Dermatitis, please mention its location)		

Weight (in Kg):		
Height (in Meter)		
Temperature (0F):		
BP:		
Pulse:		
SpO2:		
Respiratory Rate:		
Examination of Breast of female-employee		

#### **F. Investigation Report**

☐ ☐ **Routine Blood Investigation: Attach the photocopy of the report**

☐ ☐ **Blood Grouping & Rh Typing and HB Electrophoresis Once in a lifetime**

<b>Parameter Answer</b>	<b>(Normal/Increase/Decrease)</b>	<b>Value</b>
Hb%:		
Total WBC Count and Differential Count:		
Platelet Count		
ESR:		
FBS:		
PPBS:		
HBA1C level		
BUN:		
Creatinine:		
Total Protein		
Albumin		
Globulin		
SGOT		
SGPT		
Bilirubin		
Urine RE		
Urine ME		
Prostate Specific Antigen (PSA)		

#### **G. Standard Chest X Ray (PA) View: attach the photocopy of the report**

**Date**

<b>Parameter</b>	<b>Answer (Normal/Abnormal)</b>	<b>Value ( if any importante)</b>
Report		

#### **H. Eye Examination: attach the photocopy of the report**

**Date:**

#### **I. lead ECG and Echocardiography:Final Report**

**J.** Any other information/examination/biological investigation/test as mutually agreed by the Occupier and qualified medical practitioner.

**Signature**

**Form 8**  
[Prescribed under Rule 21]  
**NOTICE OF ACCIDENT OR DANGEROUS OCCURANCE**

E.S. I.C. Employer's Code number :                      E.S.I.C. Insurance Number of the injured person :

1. Name of employer :
2. Address of works / premises where the accident or dangerous occurrence took place :
3. Nature of industry and LIN of the establishment :
4. Branch or department and exact place where the accident or dangerous occurrence took place :
5. Name and address of the injured person :
6. (a) Sex : (b) Age (at the last birthday) : (c) Occupation of the injured person :
7. Local E.S.I.C. Office to which the injured person is attached :
8. Date, shift and hour of accident or dangerous occurrence :
9. (a) Hour at which the injured person started work on the day of accident or dangerous occurrence : (b) whether wages in full or part are payable to him for the day of the accident or dangerous occurrence :
10. (a) Cause or nature of accident or dangerous occurrence  
(b) If caused by machinery- (i) Give the name of machine and the part causing the accident or dangerous occurrence :  
(ii) state whether it was moved by mechanical power at the time of accident or dangerous occurrence :  
(c) State exactly what the injured person was doing at the time of accident or dangerous occurrence :  
(d) In your opinion, was the injured person at the time of accident or dangerous occurrence -  
(i) acting in contravention of provisions of any law applicable to him; or  
(ii) acting in contravention of any orders given by or on behalf of his employer; or (iii) acting without instructions from his employer?  
(e) In case reply to (d) (i), (ii) or (iii) is in the affirmative, state whether the act was done for the purpose of and in connection with the employer's trade or business. :
11. In case the accident or dangerous occurrence took place while travelling in the employer's transport, state whether  
—  
(a) the injured person was travelling as a passenger to or from his place of works; :  
(b) the injured person was travelling with the express or implied permission of his employer; :  
(c) the transport is being operated by or on behalf of the employer or some other person by whom it is provided in pursuance of arrangements made with the employer; and :  
(d) the vehicle is being/not being operated in the ordinary course of public transport service :  
12. In case the accident or dangerous occurrence took place while meeting emergency, state- (a) its nature ; and (b) whether the injured person at the time of accident or dangerous occurrence was employed for the purpose of his employer's trade or business in or about the premises at which the accident or dangerous occurrence took place. :  
13. Describe briefly how the accident or dangerous occurrence took place :  
(14) .Names and addresses of witnesses : (1) (2)  
15. (a) Nature and extent of injury (e.g. fatal, loss of finger, fracture of leg, scald, scratch followed by sepsis, etc.) : (b) Location of injury (e.g. right leg, left hand, left eye, etc.)  
16. (a) If the accident or dangerous occurrence was not fatal, state whether the injured person was disabled for more than 48 hours : (b) date and hour of return of work :  
17. (a) Physician, dispensary or hospital from whom or which the injured person received or is receiving treatment :  
(b) Name of dispensary/panel doctor elected by the injured person :  
18. (a) Has the injured person died ? : (b) If so, date of death :

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Signature and Name and Designation of owner/ employer /manager

Date of dispatch of report :

Plac

**FORM-9**  
**(See rule 65)**  
**NOTICE OF PERIODS OF WORK**

Name of the Establishment .....Place .....district.....

Period s of work Group s, Relay s	Man												Woman												Descrip tion of Groups, Nature of work	Remarks
	Total no. of employed												Total no. of women employed													
	A			B	C			D			E		F		G		H									
	1	2	3	1	2	3	1	2	3	1	2	3	1	3	1	2		3	1	2	3					

On Working days

From

To

From

To

From

To

On partial

Working days

**FORM-10****(See Rule-66)****REGISTER OF WORKERS EMPLOYED IN AN ESTABLISHMENT, WAGES, OVERTIME,  
FINE, DEDUCTION FOR DAMAGE OR LOSS****Register of Wages, Overtime, Fine, Deduction for damage and Loss**

Name of the Establishment:

Name of the Employer:

Name of the Owner:

PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sr. no. in Employee Register	Name of the employee	Designation / Department	Duration of Payment of Wages (Monthly/Fortnightly /Weekly/Daily/Piece rated)	Wage Period From- To	Total no. of days worked during the period	Total overtime (hours worked or production in case of piece workers)	Rates of wages		
							Basic	DA	Allowances
1	2	3	4	5	6	7	8	9	10

Overtime earning	Nature of acts and omissions for which fine imposed with date	Amount of fine imposed	Damage or loss caused to the employer by neglect or default of the employee	Amount of deduction from wages	Total amount of wages paid	Date of Payment	Attendance	
							Date	Signature
11	12	13	14	15	16	17	18	19

## FORM-11

(See Rule-68)

### ANNUAL RETURN UNIFIED ANNUAL RETURN FORM FOR THE YEAR ENDING.....

Single Integrated Return to be filed On-line under the Occupational Safety, Health and Working Conditions Code, 2020, the Code on Industrial Relations, 2020, the Code on Social Security , 2020, and the Code on Wages,2019

#### Instructions to fill up the Annual Return

- (1) This return is to be filled-up and furnished on or before 28<sup>th</sup> or 29<sup>th</sup> February every year.
- (2) The return has two parts i.e. Part-I to be filled up by all establishments.

- (3) Part-II to be filled-up by the establishments who are a Mine only in addition to Part-I.
- (4) The terms Establishment and Mines shall have the same meaning as under the Occupational Safety, Health and Working Conditions Code, 2020.
- (5) This return is to be filled-up in case of Contractor or manpower supplier who have engaged more than 50 workers and in case of Mines even if there is one worker employed in the relevant period.

#### **Applicable to All Establishments - Part-I**

#### **A. General Information:**

Sl. No.			Instructions for filling the column
1.	Labour Identification Number		EPFO, ESIC, MCA, MoLE (LIN)
2.	Period of the Return	From -To-	Period should be calendar year
3.	Name of the Establishment		
4.	Email ID		
5.	Telephone No.		
6.	Mobile number		
7.	Premise name		
8.	Sub-locality		
9.	District		
10.	State		
11.	Pin code		
12.	Geo Co-ordinates		

<b>B(a).</b>	<b>Hours of Work in a day</b>								
<b>B(b).</b>	<b>Number of Shifts</b>								
<b>C. Details of Manpower Deployed</b>									
<b>Details</b>	<b>Directly employed</b>				<b>Employed through Contractor</b>				<b>Grand Total</b>
<b>Skill Category</b>	<b>Highly Skilled</b>	<b>Skilled</b>	<b>Semi-Skilled</b>	<b>Un-Skilled</b>	<b>Highly Skilled</b>	<b>Skilled</b>	<b>Semi-Skilled</b>	<b>Un-Skilled</b>	
(i) Maximum No. of employees employed in the establishment in any day during the year	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(ii) Average No. of employees employed in the establishment during the year	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(iii) Migrant Worker out of (ii) above	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(iv) Number of fixed term employee engaged	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
<b>D. Details of contractors engaged in the Establishment:</b>									
<b>Sl. No.</b>	<b>Name with LIN of the Contractor</b>			<b>No. of Contract Labour Engaged</b>					
<b>E. Details of various Health and Welfare Amenities provided.</b>									

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)	Instructions for filling
1.	Whether facility of Canteen provided (as per section 24(v) of OSH Code, 2020)	Tick yes or no in the box	Applicable to all establishments where in hundred or more worker including contract labour were ordinarily employed
2.	Crèches (as per section 67 of Code on Social Security Code, 2020 and Section 24 of	Tick yes or no in the box	Applicable to all establishments where fifty or more workers are employed

	the OSH Code 2020)		
3.	Ambulance Room (as per section 24(2)(i) of OSH Code, 2020)	Tick yes or no in the box	Applicable to mine, building and other construction work wherein more than five hundred workers are ordinarily employed
4.	Safety Committee (as per Section 22(1) of OSH Code, 2020.	Tick yes or no in the box	Applicable to establishments and factories employing 500 workers or more, factory carrying on hazardous process and BoCW employing 250 workers or more, and mines employing 100 or more workers.
5.	Safety Officer (as per section 22(2) of OSH Code, 2020)	No. of safety officers appointed	In case of mine 100 or more workers and in case of BoCW 250 or more workers are ordinarily employed.
6.	Qualified Medical Practitioner (as per Section 12 (2) of OSH Code 2020.	No. of Qualified Medical Practitioner appointed.	There is no specification for minimum number of Qualified Medical Practitioner employed in establishment. However, this detail is required to have data on occupational health.

F. The Industrial Relations:					Instructions for filling
1.	Is the Works Committee has been functioning. (section 3 of IR Code, 2020)		Yes/No		Industrial establishment in which 100 or more workers are employed
(a)	Date of its constitution.				
2.	Whether the Grievance Redressal Committee constituted (section 4 of IR Code, 2020)		Yes/No		Industrial establishment employing 20 or more workers areemployed
3.	Number of Unions in the establishments.				
4.	Whether any negotiation union exist (Section 14 of IR Code, 2020)		Yes/No		
5.	Whether any negotiating council is constituted (Section 14 of IR Code, 2020)		Yes/No		
6.	Number of workers discharged, dismissed, retrenched or whose services were terminated during theyear:				
Discharged		Dismis ed	Retrench ed	Terminated or Removed	Grand Total
7.	Man-days lost during the year on account of				



Sl. No.	Reasons		Period / Date	No. of man-days lost	Loss in term of money	
(a)	Strike					
(b)	Lockout					
<b>8.</b>	<b>Details of retrenchment / lay off</b>					
Sl. No.	No. of persons retrenched during the period	Details of payment paid to retrenched employees	No. of workers laid off during the period	No. of man-days lost due to lay-off		

<b>G. Details pertaining to maternity benefit:</b>				
No. of female employees	No. of female employees available d maternityleave	No. of female employees paid medical bonus	No. of deduction of wages, if any made from female employees	

<b>H. Details of payment of bonus:</b>			
Sl. No.	No. of employees covered under the Bonus provision	Total amountof bonus actuallypaid	Date on which the Bonus paid

<b>I. Details of accidents, dangerous occurrence and notifiable diseases:</b>				
Sl. No.	Total number of accidents by which a person injured is prevented from working for a period of 48 hours or more as per Section 10 of the OSH Code, 2020.	Total number of fatal accidents and names of the deceased as per Section 10 of the OSH Code, 2020.	Total number of Dangerous Occurrences as defined under Section 11 of the OSH Code, 2020	Total number of cases of Notifiable Diseases specified in Third Schedule of the OSH Code, 2020 along with the details of affected persons

<b>J. Mandays and Production Lost due to accidents / dangerous occurrence</b>			
Sl. No.	Accident/Dangerous Occurrence	Mandays lost	Production Lost

Certified that the tables in prescribed format are duly filled in and information and/ figures given in all the tables are correct to the best of my knowledge.

Signature of Owner/Agent/Manager with seal

Place:

Date:

**FORM-12**  
**(See Rule –69)**

**RAGISTER OF ACCIDENTS AND DANGEROUS OCCURRENCES**

Name of injured person(if any)	Date of accident or dangerous occurrence	Date of report to inspector-cum-Facilitator	Nature of accident of dangerous occurrence	Date of return of injured person to work	Number of days the injured person was absent from work
1	2	3	4	5	6

**FORM-13****[See Rule-70]****REGISTER FOR LEAVE WITH WAGES**

Part I - Adults

Part II - Adolescents

Establishment:

Name of worker:

Department:

Father's Name:

Sl. No	Sl.no. in the register of workers	Date of entry into service	Interruptions					Leave due with effect from	Whether leave not desired during the next 12 months	Date from which the worker is allowed leave	Wages for Leave Paid in	Discharged worker		Remarks
			Sickness and accidents	Authorized Leave	Lock Out or Legal Strike	Involuntary unemployment	Others					Date of Discharge	Date & amount of payment made in lieu of leave due	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

**Note:-** Separate page shall be allotted to each worker

**Form 14**

[Prescribed under sub rule (2) of 74 ]

**Application for grant of certificate of third party certifier to a person**

1. Name.....
2. Date of birth.....
3. Name of the organisation .....  
(if not self- employed)
4. Designation .....
5. Educational qualification (copies of testimonials to be attached).....
6. Details of professional experience .....  
(in chronological order):  
Name of the organisation period of service designation Area of Responsibility
7. Membership, if any, of professional bodies.....
8. Section(s) and rules of Factories act 1948/Occupational safety ,health and working Conditions Code,2020 under which certificate is issued if any (Copy of certificate to be attached) .....
9. Validity period of such certificate of competency (if applicable) .....
10. Any other relevant information .....
11. Declaration by the applicant .....  
I.....hereby declare that the information furnished above is true under like:
  - (a) that in the event of leaving the aforesaid organisation , will promptly inform the chief Inspector cum facilitator:
  - (b) to fulfil and abide by all the conditions stipulated in the certificate of third party certifier instructions issued by the chief Inspector cum facilitator from time to time.

Place:

Date:

.....

Signature of the applicant

**Declaration by the Institution (if employed)**

I.....Certify that Shri .....  
whose details are furnished above, is in our employment and nominate him on behalf of the organisation for the purpose of being declared as a third party certifier under the Act . I also undertake that I will Notify the Labour Commissioner in case the third party certifier leaved our employment.

- (a) Provide and maintain in good order all facilities at his disposal as mentioned above;
- (b) Notify the Labour Commissioner any change in the facilities (either addition or deletion)

Date.....

Place.....

signature .....

Designation .....

Telephone No.....

Official seal

.....

### Form 14-A

[Prescribed under sub rule (2) of Rule 74]

#### **Form of Application for grant of certificate of third party certifier to an Institution**

1. Name and full address of the organisation .....
2. Organisation's status (specify whether govt. /Autonomous/ Co-operative, corporate or private).  
.....
3. Whether the organisation has been declared as a third party certifier under this or any other statute.  
If so. Give details.....
4. Particulars of persons employed and possessing qualification and experience as set out in schedule.

S.No.	Name and designation	Qualification
Experience		
1.		
2.		

5. Section(s) and rules of OSHW Code,2020 /Factories Act,1948 under which certificate is issued if any (Copy of certificate to be attached) .....
6. Validity period of such certificate of competency (if applicable) .....
7. Any other relevant information .....
8. Declaration

I,.....hereby, on behalf of.....  
certify the details furnished above are correct to the best of my Knowledge. I undertake to:

To fulfil and abide by all the conditions stipulated in the third party certification and instructions issued by the Labour Commissioner from time to time.

Place.....

Date.....

.....  
Signature of head of the institution or of the  
person authorized to sign on his behalf .  
Designation

**Form 15**  
[prescribed under Rule 74]  
**Certificate of third party certifier issued to a person or an Institution**

I,.....in exercise of the powers conferred on me under Occupational health,safety and working condition (Madhya Pradesh ),Rules ,2020 hereby recognize .....(Name of the Institution) or Shri .....(Name of applicant) employed in.....(Name of Organization) to be a third party certifier for the purpose of carrying out inspections and certification of non hazardous category establishments employing less than 50 workers located in Madhya Pradesh.

This certificate is valid from .....to .....

.....  
This certificate is issued subject to the conditions stipulated hereunder:

- (i) Inspections shall be carried out in accordance with the provisions of the Code and the rules made thereunder;
- (ii) Inspection shall be carried out by the third party certifier or by a person so authorised by an institution recognised to be a third party certifier.
- (iii) The certificate of Third Party Certifier issued in favour of a person shall stand cancelled if the person leaves the organisation mentioned in his application;
- (iv) The institution recognised as a third party certifier shall keep the Labour Commissioner informed of the names, designations and qualifications of the persons authorised by it to carry out inspections.
- (v) .....
- (vi) .....

Station

official seal

signature of the  
Labour Commissioner

**FORM-16****(Rule-82)****APPLICATION FOR LICENSE**

<b>On Line Application for License/ Renewal of License/Amendment of License (including Common license)</b>	
Government of Madhya Pradesh, Ministry of Labour	
<b>ESTABLISHMENT PROFILE:</b>	
Labour Identification Number	Date
Acknowledgement Number: ..... Date of Application: .....	
<b>I. Particulars of Establishment for which licence required:</b>	
1. Name of Establishment:	
2. Address of establishment	
(a) Head Office address along with email Id :	
(b) Corporate office address along with email Id:	
3. Telephone Number :	
4. Activity as per National Industrial Classification : (Select all applicable activities given)	
5. Details of selected NIC Code:	
6. Nature of work carried on in main establishment :	
7. Identifier of the Establishment : (Select) : esign/digital sign	
<b>II. Details of Employer:</b>	
1. Full Name of Employer: ..... relationship with establishment.	
2. Full Address of Employer:	
3. Email Id of employer:	
4. Mobile No. of employer:	
<b>III. Particulars of the Contract Labour to be employed / is employed (If licence is required workwise)</b>	

Locations of worksites	Name of works	Activity as per national industrial classification	Date of commencement	Date of completion	Name of Establishments in which contract labour is/proposed to be employed	Name Address, email id of the Site Incharge
1	2		3	4	5	6
5. Maximum number of workmen proposed to be employed on the Establishment on any date: <b>24</b>						
6. Amount of Licence Fee: <b>INR</b> ( Transaction Id : )						
7. Amount of Security Deposit: <b>INR</b> ( Transaction Id : )						
<b>IV. DETAILS OF ESTABLISHMENTS FOR WHICH COMMON LICENCE REQUIRED , (IF APPLYING FOR)</b>						



Type of Establishments	Name & Address of establishment	(i) Nature of work carried out in the establishment (ii) Activity as per National Ind'l classification	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/ proposed to be employed	Maximum number of employees employed/ proposed to be employed
1	2	3	4	5	6	7

**Signature of Contractor**

**(eSign/DSC)**

**Note:** This is an online application summary applied on Shram Suvidha Portal.

**APPLICATION FOR RENEWAL OF LICENCE**

1. Licence No. \_\_\_\_\_ Date : \_\_\_\_\_

2. LIN & PAN \_\_\_\_\_

2. Name and address of the establishment: \_\_\_\_\_

3. Date of expiry of previous licence : \_\_\_\_\_

4. Whether the licence of the employer/contractor was suspended or revoked: \_\_\_\_\_

5. Details of Fees paid : (Enclose e-payment receipt): Amount.... date of payment: \_\_\_\_\_

E-sign /digital sign of the employer/contractor date: \_\_\_\_\_

**APPLICATION FOR AMENDMENT OF LICENCE :**

1. Licence No \_\_\_\_\_ Date: \_\_\_\_\_

2. LIN & PAN \_\_\_\_\_

3. Name and address of the establishment: \_\_\_\_\_

4. Details for which amendment is sought : \_\_\_\_\_

(a). Maximum number of worker presently employed : (If there is increase in the maximum number of workers to be employed, then additional fees/security deposit as per law needs to be deposited: \_\_\_\_\_)

(b). Details of fees paid through e payment date on which made : \_\_\_\_\_

©. Other details requiring amendment in the licence issued (Necessary documents may be uploaded in support of change required)

**E-sign /digital sign of the employer/contractor**

**date of application**

**FORM-17****(Rule-83)****PROFORMA OF LICENSE**

LicenceNo.-----

Reg.No.-----

Date of Reg.-----

Licence is hereby granted to-----

for the premises known as -----

situated at -----

for use as a establishment within the limits stated herein after, subject to provisions of the Occupational Safety, Health and Working Conditions Code, 2020, and the rules made there under.

The-----20..

Issuing Authority

Sl.No.	Period of issue	Valid For	Fee	Date of Payment	Excess fee for late payment	Date of payment	Signature of the Issuing Authority
		Maximum number of Contract labour /workers on any one day					

**AMENDMENTS:**

Year when Amended	Maximum number of Contract labour /workers on any one day	Date of payment of amendment fee	Date of Payment	Signature of the Issuing Authority



**FORM-18****( Rule-93)****EXPERIENCE CERTIFICATE OF CONTRACT EMPLOYEE**

<u>To whom so ever concerned</u>
1. Name of contractor/employer*:
2. LIN/PAN No. of the contractor/employer *:
3. Email Id of the contractor /employer*:
4. Mobile No. of the contractor/employer *:
5. Nature and location of work:
6. Name of Principal Employer*:
7. LIN/PAN No. of the Principal Employer:*
8. Email Id of the Principal Employer :*
9. Mobile No. of the Principal Employer:*
10. Name of the worker*:
11. UAN / AadhaarNo.:
12. Mobile No. :
13. Serial Number in the Employee Register:
14. Registration number, date and name of the Board if the building and other construction worker is registered as a beneficiary:
15. Period of Employment:
16. Designation:
Seal and Signature of Contractor
*Please strike off whichever is not applicable.

**Form-18-A (rule- 94)**

**Application for declaration of core activity**

To,  
Additional Chief Secretary/ Principal Secretary/ Secretary,  
Labour,  
Government of Madhya Pradesh.  
Sir/ Madam,

1. .... (name and address of establishment) is engaged in manufacturing of .....
2. The flow chart of manufacturing process is attached herewith.
3. .... activity is core activity/ non-core activity of the establishment.
4. The details of the activity in question .....  
.....  
.....
5. Details of grounds of the application .....  
.....  
.....
6. Number of workers employed in the activity in question .....
7. Total number of workers employed in the establishment.....

Prayer  
.....  
.....

Signature  
(Name and Address)

Verification  
It is verified that the content of the application is true and correct to the best of my/our knowledge and belief.

Signature  
(Name and Address)

**FORM-19**

**(Under Rule-99)**

**Agreement between Producer and Audio-visual worker**

This agreement is made on this day ..... month .....year.....between Messer ..... having office at ..... (hereinafter referred to as the —Producer||) on the first ..... part and Shri/Smt/Kum .....son/daughter/wife of Shri.....residing at .....(hereinafter referred to as the 'audio-visual worker') on the second part. The terms 'Producer' and 'audio-visual worker' shall include their heirs, successors, administrators and legal representatives:

Now, therefore this agreement is made as follows:

1. That both the parties agree that the duration of this agreement shall be from the date hereof till the completion of the audio-visual and this period shall not exceed consecutive months.
2. That the audio-visual worker agrees to attend studio, location or work place, as the case may be, subject to the requirement of his previous engagement and on his confirmation, to his respective job punctually as and when he shall be required by a written intimation by the Producer or the person duly authorised by him in writing.
3. That in consideration of the audio-visual worker services, as aforesaid, the Producer agrees to pay and the audio-visual worker agrees to receive a sum of Rs. ....(Rupees ..... ) payable as advance on signing of this agreement and the balance of Rs.....payable in equal installments.
4. That in the event of the audio-visual production being not complete within the stipulated period and the Producer still needing the services of the audio-visual worker to complete the audio-visual production, the producer agrees to pay and the audio-visual worker agrees to receive additional remuneration on pro-rata basis, payable in the same manner as stated in Clause 3 above, till the completion of the production.
5. That in case the assignment of the audio-visual worker is completed earlier than the period stipulated in Clauses 1 and 4 above, the producer shall settle the account of the audio-visual worker and pay the remaining balance of the agreement amount in full before the commencement of re-recording work/censor of the production, whichever is earlier.
6. That the audio-visual worker shall, if so required,
  - (a) attend the studios, location or work-place, as the case may be, earlier than the a scheduled time of the shift, for preparatory work, and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs .....per hour or part thereof for such early attendance.
  - (b) continue to work beyond the working day, with one hour break and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs .....for the work during the extended hours and refreshments, and transport facilities.
8. That the Producer shall provide transport and food or pay traveling allowances to and fro to report to duty and food allowance while on duty as are customary or fixed by bilateral arrangements between the Producer's and audio-visual worker's representative organizations.
9. That the Producer shall also pay for all travelling and accommodation expenses, fares, cost of food and such other allowances as are customary when the audio-visual worker is required to work on location outdoors.
10. That the Producer shall get the audio-visual worker insured for any injury or damage to his/her person including death caused by accident arising out of or in the course of his/her employment and/or during the

period of his/her assignment under this agreement.

11. That where the Producer is prevented from proceeding with the production of the audio-visual by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control:-

(a) he shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the audio-visual worker and shall pay all his/her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in Clause I excluding the period of suspension there from ;or

(b) he shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on the audio-visual worker and make payment of all the amount due to the audio-visual worker at the time of termination.

12. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the audio-visual worker's duties or of his/her unwillingness to perform the services required under this agreement, the producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the audio-visual worker, the Producer shall be entitled to employ another audio-visual worker in his/her place.

13. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the audio-visual worker in relation to performance of his/her duties or his/her unwillingness to perform the service required under the agreement, upon payment to the audio-visual worker of the amount due at the time of termination, calculated taking into consideration the audio-visual worker's total work in the audio-visual and the work he/she has completed till the date of termination of this agreement. Termination under this clause shall not be made unless the charges of the Producer against the audio-visual worker are proved before a forum comprising equal number of representatives of the Producers' Organisation and the audio-visual worker's Organisation to which the Producer and the audio-visual worker respectively may belong. The decision of the forum shall be binding on both the parties. The producer can engage another audio-visual worker for the job towards this agreement only after the forum has given a decision in favour of such termination and the audio-visual worker has been paid all his dues.

14. That in case of premature termination of this agreement, it shall be the option of the Producer whether or not to retain the work of the audio-visual worker in the audio-visual and at the same time, it shall be option of the audio-visual worker whether or not to allow his/her name to go on the credit titles of the film.

15. That the Producer shall have the right to decide the manner of representing the audio-visual worker's personality on the screen, his/her clothes, make-up and hair-style and the audio-visual worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the audio-visual worker and accepted by him/her.

16. That the audio-visual worker agrees that he/she shall render his/her services to the best of his/her ability in such manner as the Producer or, at his instance, the Director of the audio-visual may direct and shall comply with all reasonable instructions that he may give for the production of the film.

17. That the Producer shall also pay for all traveling and accommodation expenses, fares, cost of food and such other allowances as are customary when the audio-visual worker is required to work on location outdoors.

18. That the Producer shall get the audio-visual worker insured for any injury or damage to his/her person including death caused by accident arising out of or in the course of his/her employment and/or during the period of his/her assignment under this agreement.

19. That where the Producer is prevented from proceeding with the production of the audio-visual by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control:-

(a) he shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the audio-visual worker and shall pay all his/her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in Clause I excluding the period of suspension there from ;or

(b) he shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on the audio-visual worker and make payment of all the amount due to the audio-visual worker at the time of termination.

20. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the audio-visual worker's duties or of his/her unwillingness to perform the services required under this agreement the producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the audio-visual worker, the Producer shall be entitled to employ another audio-visual worker in his/her place.

21. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the audio-visual worker in relation to performance of his/her duties or his/her unwillingness to perform the service required under the agreement, upon payment to the audio-visual worker of the amount due at the time of termination, calculated taking into consideration the audio-visual worker's total work in the audio-visual and the work he/she has completed till the date of termination of this agreement. Termination under this clause shall not be made unless the charges of the Producer against the audio-visual worker are provided before a forum comprising equal number of representatives of the Producers' Organization and the audio-visual worker's Organization to which the Producer and the audio-visual worker respectively may belong. The decision of the forum shall be binding on both the parties. The producer can engage another audio-visual worker for the job towards this agreement only after the forum has given a decision in favor of such termination and the audio-visual worker has been paid all his dues.

22. That in case of premature termination of this agreement, it shall be the option of the Producer whether or not to retain the work of the audio-visual worker in the audio-visual and at the same time, it shall be option of the audio-visual workers whether or not to allow his/her name to go on the credit titles of the film.

23. That the Producer shall have the right to decide the manner of representing the audio-visual worker's personality on the screen, his/her clothes, make-up and hair-style and the audio-visual worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the audio-visual worker and accepted by him/her.

24. That the audio-visual worker agrees that he/she shall render his/her services to the best of his/her ability in such manner as the Producer or, at his instance, the Director of the audio-visual may direct and shall comply with all reasonable instructions that he may give for the production of the film.

25. That the audio-visual worker shall comply with all the regulations of the studio, location or work place as the case may be.

26. That the Producer shall not without the consent in writing of the audio-visual worker, assign or transfer the benefit of this agreement to any other person.

27. That the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 shall be applicable to this agreement.

28. That the Producer shall not utilize the work of the audio-visual worker in any film, other than the audio-visual under this agreement, without prior permission of the audio-visual worker.

The parties have put their hands to this agreement on the date, month and year said above in the presence of each other and in the presence of the witnesses.

1. Witness

Producer



Name Address

2. Witness  
NameAddress

audio-visualworker

**FORM-20**

**(Rule-102,103,117,119,120)**

**APPLICATION FOR LICENSE**

On Line Application for License/ Renewal of License/Amendment of License				
Government of Madhya Pradesh, Ministry of Labour				
<b>ESTABLISHMENT PROFILE:</b>				
LabourIdentificationNumber		Date		
Acknowledgement Number: ..... Date of Application: .....				
<b>I. Particulars of Establishment for which licencerequired:</b>				
1.Registration number of Establishment				
2. Name of Establishment:				
3. Address of establishment				
(a) Head Office address along with email Id :				
(b) Corporate office address along with email Id:				
4. Telephone Number :				
5. Activity as per National Industrial Classification : (Select all applicable activities given)				
6. Details of selected NIC Code:				
7. Nature of work carried on in main establishment :				
8. Identifier of the Establishment : (Select) : esign/digital sign				
<b>II. Details ofEmployer:</b>				
1. Full NameofOccupier (in case of a factory)/Employer:.				
2. Full Address of Occupier (incase of a factory)/Employer :				
3. Email Id of Occupier (in case of a factory)/Employer:				
4. Mobile No. of Occupier (in case of a factory)/Employer:				
<b>III. For factories:</b>				
Maximum number of workers to be employed on any day	Total amount of power installed (HP)	Manufacturing process	Whether it involve hazardous process or dangerous operations ;give detail	Name of the chemicals to be handled and stored along with quantity
(a)Contract worker				
(b)Inter state worker				
(c) Other				
<b>Total</b>				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Full name and address of the owner of premises or building.	Full name and address of manager with his mobile number	Reference number and date of approval of plan	Amount of Licence Fee:	Challn no. and date
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>

#### IV. For Beedi and Cigar work

Financial resources of employer e.g. (particulars and value of movable and immovable properties, bank reference, income tax assessment etc.)	Whether the employer is a trademark holder registered under the Trade and Merchandise Marks Act, 1958	Previous experience of the employer in the industry	Value of beedis or cigars or both manufactured at the industrial premises during the preceding financial year	Whether the proposed site of the industrial premises amounts to the alteration of the site of any existing industrial premises and, if so, the reasons for such alteration
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Whether any industrial premises was closed by the applicant during the period of twelve months immediately preceding the date of the application and, if so, the reasons therefore	Source of obtaining tobacco	Whether the beedis or cigars or both manufactured by the applicant will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958, or any other person.	Full name and residential address (es) of the Directors in case of a Company	Maximum number of Employed to be employed on any day
				(a) Contract worker
				(b) Inter state worker
				(d) Other
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>Total</b>

<b>Signature of Employer</b>
(eSign/DSC)
<b>Note:</b> This is an online application summary applied on Official Portal.
<b><u>APPLICATION FOR RENEWAL OF LICENCE</u></b>
1. Licence No. <span style="float: right;">Date :</span>
2. Registration No. <span style="float: right;">Date</span>
3. LIN
4. Name and address of the establishment:

5. Date of expiry of previous licence :
6. Whether the licence of the employer/contractor was suspended or revoked:
7. Details of Fees paid : (Enclose e-payment receipt):Amount.... date of payment:
E-sign /digital sign oftheemployer date:

<b>APPLICATION FOR AMENDMENT OF LICENCE :</b>					
1.LicenceNo			Date:		
2.Registration No.			Date		
3. LIN					
4. Name and address of the establishment:					
5.Details for which amendment is sought :					
Maximum number of workers to be employed on any day	Total amount of power installed (HP)	Manufacturing process	Name of Occupier /employer	Updation in address of premises	Proposed amendment in Licence of Beedi and Cigar work
(a). Maximum number of worker presently employed : (If there is increase in the maximum number of workers to be employed, then additional fees/security deposit as per law needs to be deposited: (b). Details of fees paid through e payment date on which made :					
©. Other details requiring amendment in the licence issued (Necessary documents may be uploaded in support of change required)					

**E-sign /digital sign oftheemployer/contractor                      date ofapplication.**

**FORM-21**  
**(Rule-104,118)**  
**PROFORMA OF LICENSE**

LicenceNo.----- Reg.No.----- Date of Reg.-----

Licence is hereby granted to-----

for the premises known as -----

situated at -----

for use as a establishment for the manufacturing process of....., subject to provisions of the Occupational Safety, Health and Working Conditions Code, 2020, and the rules made there under.

The-----20..

Issuing Authority

Sl.No.	Period of issue	Valid For		Fee	Challan no. and date of payment	Signature of issuing Authority
		Maximum number of workers on any one day	Total amount of installed Power /MW			

**AMENDMENTS:**

Year when Amended	Valid For	Maximum number of workers to be employed on any day	Total amount of power installed (HP)	Manufacturing process	Name of Occupier /employer
1	2	3	4	5	6

Updation in address of premises	amendment in Licence of Beedi and Cigar work	Signature of issuing Authority
7	8	9

## FORM-22

### (Rule-110)

#### Record of Decision or Order

1. Serial No. ....
  2. Date of application .....
  3. Name or names, parentage, address or addresses of applicants or some or all of the .....  
applicants
  4. Name and address of the employer .....
  5. Substance of the dispute .....
  6. Plea of parties and their examination, if any .....
  7. Documents seen .....
  8. Substance of the evidence taken .....
  9. Finding and brief statement of the reasons therefor .....
  10. Decision .....
- Date.....

Signed

**FORM-23**

**(Rule-114)**

**Monthly Return**

1. Name of industrial premises and full postal address.....
  2. No. and date of licence.....
  3. Month to which the return relates.....
  4. Name of the employer.....
  5. Name of the principal employer if the employer is working as contractor for the Principal Employer.....
  6. Quantity of beedi and/or cigar tobacco released by the Central Excise Department.....
  7. Quantity of beedi and/or cigar tobacco supplied by the Principal Employer.....
  8. Number of beedis and/or cigars manufactured by the employer in an industrial establishment.....
  9. No. of beedis and/or cigars manufactured by the employer in places other than industrial establishment, i.e., workers working in their homes.....
  10. Number of beedis and/or cigars sold and to whom.....
- Dated.....

Signature of the Employer

**FORM-24**  
**(Rule-114)**

**Annual Return**

1. Name and address of the industrial premises.....
2. Number and date of licence.....
3. Name of the employer.....
4. Name of the principal Employer, if the employer is working as contractor for a Principal Employer.....
5. Average number\* of employees employed daily in the industrial premises.....  
Men  
Women  
Young persons  
Male  
Female
6. Average monthly number of home-workers employed (i.e., who work at their homes)\*\*.....
7. Normal hours worked per week in the industrial premises.....
8. Number of days worked in the year in the industrial premises.....
9. Number of employees who were granted leave during the Calendar year.....  
*Young persons*  
    (a) employed in the industrial premises.....  
    (b) employed in homes.....  
*Other than young persons*  
    (a) employed in the industrial premises.....  
    (b) employed in homes.....
10. Number of female employees who were given maternity benefit during the year.....  
    (a) employed in industrial premises.....  
    (b) employed in homes.....

Certified that the information furnished above is correct to the best of my knowledge and belief.

Date

Signature



**Note.** - Partial attendance for less than half a shift or working day shall be neglected and attendance for half a shift or more shall be treated as full attendance.

\*The average daily number shall be calculated by dividing the aggregate number of attendance of working days by the number of the working days in the year. Attendance on separate shifts, e.g., night and day shifts shall be counted separately.

\*\*The average shall be calculated by dividing the aggregate number of workers on the Home-workers Employment Register during each of the preceding 12 months by twelve.

## FORM-25

### (Rule-115)

#### Home Workers' Log Book

1. Name of home worker.....

2. Address of the home where the manufacturing process is carried on.....

3. Month.....

#### Account of Work Done at Home

Date	Raw Material supplied to the worker			Signature or thumb impression of the worker	No. of beedis received by the employer
	Tendu patta	Tobacco	Thread		
(1)	(2)	(3)	(4)	(5)	(6)

No. standard of beedis	Number of substandard or chhat beedis	Wages payable to worker		Wages paid to the worker
		For standard beedis	For sub-standard or chhat beedis	
(7)	(8)	(9)	(10)	(11)

Date	Amount of wages to date in arrears	Signature or thumb impression of the worker	Signature of the Employer
(12)	(13)	(14)	(15)

**FORM-26**

**(Rule-115)**

**Home-Workers' Employment Register**

Month ending..... year

*Beedis manufactured should be shown in respect of each home worker below the appropriate date*

Name of worker	Address of Home	Waged paid	Dates
			1 2 3 4 5 6 7 8 9 10 to 31

**FORM- 26-A**

*(rule 116)*

**An application for permission to provide beedi leaves for the purpose of wetting or cutting of beedi leaves out side industrial premises**

To,

The Additional chief secretary/Principal Secretary/secretary of the Labour Department ,madhya pradesh ,Bhopal

Subject- An application for permission to provide beedi leaves for the purpose of wetting or cutting of beedi leaves out side industrial premises

Respected Sir,

I hereby declared that, following employees mentioned in annexure are my employees to whom I will be giving beedi leaves for the purpose of wetting, cutting and making raw beedi outside my industrial premises I hereby request to the authority that on behalf of my below mentioned employees, be permitted to take beedi leaves out side of my industrial premises. I will abide all the terms and condition lay down by the Government.

Signature of Employer.

Annexure.....

Signature of Employer

1.

By order and in the name of the Governor of Madhya Pradesh  
**Deputy Secretary**

**FORM-27**

**(Rule-116)**

**Record of Outside Work**

***Number and date of Government's Order permitting work outside the industrial premises.....***

Date	Place or places where outside work was permitted	Nature of work	Nature of employee	Remarks
(1)	(2)	(3)	(4)	(5)

**FORM-28**

**(Rule-116)**

**Home Workers' Log Book**

1. Name of home worker.....
2. Address of the home where the manufacturing process is carried on.....
3. Month.....

**Account of Work Done at Home**

Date	Raw Material supplied to the worker	Signature or thumb	No. of beedis received by the employer

	Tendu patta	Tobac co	Thre ad	impressio n of the worker	
(1)	(2)	(3)	(4)	(5)	(6)

No. standard of beedis	Number of substandard or chhat beedis	Wages payable to worker		Wages paid to the worker
		For standard beedis	For sub- standar d or chhat beedis	
(7)	(8)	(9)	(10)	(11)

Date	Amount of wages to date in arrears	Signature or thumb impression of the worker	Signature of the Employer
(12)	(13)	(14)	(15)

**Form 29**  
**Certificate of Fitness for Dangerous Operations**  
**(Prescribed under Rule (Rule 123 and 131)**

SerialNumber .....

Date of examination ...../...../.....

Name of  
employee.....  
.....

Age.....yrs, Sex.....Aadhar Number.....

.....

Father's/ Husband's Name

.....

Address.....

.....Name of the factory in which he/she wishes to

beemployed.....

.....Nature of job in which he/she wishes to

beemployed.....

.....

This is to certify that I have examined the above person as nearly as can be ascertained from my examination, considering the nature of job and the factory,he / she is:

Fit for employment	Temporarily UNFIT (may be produced for examination after 3 months)	UNFIT for employment
--------------------	--	----------------------

S.no and Date of last certificate(if so) issued.....

Recomendation of Medical Officer.....

.....

.....  
Signature of the Left thumb impression  
of the person examined

.....  
Signature & seal of medical officer

**Name of the**  
**Factory**.....**Village/Town**.....  
.....**From (date): 01st January** .....**To (date) 31st December**.....

[illegible]

## 1. Description of system

## 2. Head

(a) Serial No. of Head

(b) Contaminant captured.

(c) Capture velocities: (at points to be specified)	Design value
Actual value	

(d) Volume exhausted atHead

(e) Head StaticPressure

3. Total Pressure drop at:

### (a) Joints

(b) Other points of system (to be specified)

4. Transport velocity in Dust (at points along Dusts to bespecified).

### 5. Air Cleaning Device:-

(a) Typeused

(b) Velocity at inlet

(c) Static Pr. at inlet

(d) Velocity at outlet

(e) Static Pr. at outlet

6. Fan:-

(a) Type used

(b) Volume handled

(c) Static pressure

(d) Pressure drop at outlet of Fan

7. Fan Motor:

(a) Speed and Horse Power

(b) Type

8. Particulars of Defects, if any, disclosed during test in any of the above components. I certify that on this ..... day of ..... the above dust extraction system was thoroughly cleaned and (so far its construction permits) made accessible for thorough examination. I further certify that on the said date, I thoroughly examined the above dust extraction system including its components, and fittings and that the above is true report of any examination.

Signature.....

Qualification.....

Address.....

Date.....

If employed by a Company of ..... Association, give name and address

**[SCHEDULE 1]**

[Rule-2-j]

[Part -I]

- (a) **Toxic Chemicals:** Chemicals having the following values of acute toxicity and which owing to their physical and chemical properties, are capable of producing major accident hazards:

S.No.	Toxicity	Oral toxicity LD <sub>50</sub> (mg/kg)	Dermal toxicity LD <sub>50</sub> (mg/kg)	Inhalation toxicity LC <sub>50</sub> (mg/l)
1.	Extremely toxic	≤50	≤200	0.1-0.5
2.	Highly toxic	51-500	201-2000	0.5-2.0

(b) **Flammable Chemicals:**

- (i) **Flammable gases:** Chemicals which in the gaseous state at normal pressure and mixed with air become flammable and the boiling point of which at normal pressure is 20 degree C or below .:
- (ii) **Highly flammable liquids:** chemicals which have a flash point lower than 23 degree C and the boiling point of which at normal pressure is above 20 degree C:
- (iii) **Flammable liquids:** chemicals which have a flash point lower than 65 degree C and which remain liquid under pressure, where particular processing conditions, such as high pressure and high temperature, may create major accident hazards.
- (c) **Explosives :** Chemicals which may explode under the effect of flame of flame, heat or photo-chemical condition, or which are more sensitive to shocks or friction than dinitrobenzene.



**PART II**  
**LIST OF HAZARDOUS AND TOXIC CHEMICALS**

1. Acetaldehyde
2. Acetic acid
3. Acetic anhydride
4. Acetone
5. Acetone cyanohydrin
6. Acetone thiosemicarbazide
7. Acetonitrile
8. Acetylene
9. Acetylene tetra chloride
10. Acrolein
11. Acrylamide
12. Acrylonitrile
13. Adiponitrile
14. Aldicarb
15. Aldrin
16. Allyl alcohol
17. Allyl amine
18. Allyl chloride
19. Aluminium (powder)
20. Aluminium azide
21. Aluminium borohydride
22. Aluminium chloride
23. Aluminium fluoride
24. Aluminium phosphide
25. Amino diphenyl
26. Amino pyridine
27. Aminophenol-2
28. Aminopterin
29. Amiton
30. Amiton dialate
31. Ammonia
32. Ammonium chloro platinate
33. Ammonium nitrate
34. Ammonium nitrite
35. Ammonium picrate
36. Anabasine
37. Aniline
38. Aniline 2,4, 6-Trimethyl
39. Anthraquinone
40. Antimony pentafluoride
41. Antimycin A
42. ANTU
43. Arsenic pentoxide
44. Arsenic trioxide
45. Arsenous trichloride
46. Arsine
47. Asphalt
48. Azinpho-ethyl
49. Azinphos methyl
50. Bacitracin
51. Barium azide

52. Barium nitrate
53. Barium nitride
54. Benzal chloride
55. Benzenamine,3-Trifluoromethyl
56. Benzene
57. Benzene sulfonyl chloride
58. Benzene. 1- (chloromethyl)-4 Nitro
59. Benzene arsenic acid
60. Benzidine
61. Benzidine salts
62. Benzimidazole. 4, 5-Dichloro-2 (Trifluoromethyl)
63. Benzoquinone-P
64. Benzotrichloride
65. Benzoyl chloride
66. Benzoyl peroxide
67. Benzyl chloride
68. Beryllium (Powder)
69. Bicyclo (2, 2, 1) Heptane -2- carbonitrile
70. Biphenyl
71. Bis (2-Chloroethyl) sulphide
72. Bis (Chloromethyl) Ketone
73. Bis (Tert-butyl peroxy) cyclohexane
74. Bis (Terbutylperoxy) butane
75. Bis(2,4, 6-Trinitrophenylamine)
76. Bis (Chloromethyl) Ether
77. Bismuth and compounds
78. Bisphenol-A
79. Bitoscanate
80. Boron Powder
81. Boron trichloride
82. Boron trifluoride
83. Boron trifluoride comp.With methylether, 1:1
84. Bromine
85. Bromine pentafluoride
86. Bromo chloro methane
87. Bromodialone
88. Butadiene
89. Butane
90. Butanone-2
91. Butyl amine tert
92. Butyl glycidal ether
93. Butyl isovalarate
94. Butyl peroxy maleate tert
95. Butyl vinyl ether
96. Butyl-n-mercaptan
97. C.I.Basic green
98. Cadmium oxide
99. Cadmium stearate
100. Calcium arsenate
101. Calcium carbide
102. Calcium cyanide
103. Camphenchlor (Toxaphene)
104. Cantharidin
105. Captan
106. Carbachol chloride
107. Carbaryl
108. Carbofuran (Furadan)
109. Carbon tetrachloride

110. Carbon disulphide
111. Carbon monoxide
112. Carbonphenothion
113. Carvone
114. Cellulose nitrate
115. Chloroacetic acid
116. Chlordane
117. Chlorofenvinphos
118. Chlorinated benzene
119. Chlorine
120. Chlorine oxide
121. Chlorine trifluoride
122. Chlormephos
123. Chlormequat chloride
124. Chloroacetal chloride
125. Chloroacetaldehyde
126. Chloroaniline -2
127. Chloroaniline -4
128. Chlorobenzene
129. Chloroethyl chloroformate
130. Chloroform
131. Chloroformyl morpholine
132. Chloromethane
133. Chloromethyl methyl ether
134. Chloronitrobenzene
135. Chlorophacinone
136. Chlorosulphonic acid
137. Chlorothiophos
138. Chloroxuron
139. Chromic acid
140. Chromic chloride
141. Chromium powder
142. Cobalt carbonyl
143. Cobalt Nitrilmethylidyne compound
144. Cobalt (Powder)
145. Colchicine
146. Copper and Compounds
147. Copperoxychloride
148. Coumafuryl
149. Coumaphos
150. Coumatetralyl
151. Crimidine
152. Crotenaldehyde
153. Crotonaldehyde
154. Cumene
155. Cyanogen bromide
156. Cyanongen iodide
157. Cyanophos
158. Cyanothoate
159. Cyanuric fluoride
160. Cyclo hexylamine
161. Cyclohexane
162. Cyclohexanone
163. Cycloheximide
164. Cyclopentadiene
165. Cyclopentane
166. Cyclotetramethyl enetetranitramine
167. Cyclotrimethylen etrinnitranine

168. Cypermethrin
169. DDT
170. Decaborane (1 :4)
171. Demeton
172. Demeton S-Methyl
173. Di-n-propyl peroxydicarbonate(Conc = 80%)
174. Dialifos
175. Diazodinitrophenol
176. Dibenzyl peroxydicarbonate(Conc>= 90%)
177. Diborane
178. Dichloroacetylene
179. Dichlorobenzalkonium chloride
180. Dichloroethyl ether
181. Dichloromethyl phenylsilane
182. Dichlorophenol – 2, 6
183. Dichlorophenol – 2, 4
184. Dichlorophenoxy acetic acid
185. Dichloropropane – 2, 2
186. Dichlorosalicylic acid-3, 5
187. Dichlorvos (DDVP)
188. Dicrotophos
189. Dieldrin
190. Diepoxy butane
191. Diethyl carbamazine citrate
192. Diethyl chlorophosphate
193. Diethyl ethtanolamine
194. Diethyl peroxydicarbonate (Conc=30%)
195. Diethyl phenylene diamine
196. Diethylamine
197. Diethylene glycol
198. Diethylene glycol dinitrate
199. Diethylene triamine
200. Diethleneglycol butyl ether
201. Diglycidyl ether
202. Digitoxin
203. Dihydroperoxypropane(Conc >=30%)
204. Diisobutyl peroxide
205. Dimefox
206. Dimethoate
207. Dimethyl dichlorosilane
208. Dimethyl hydrazine
209. Dimethyl nitrosoamine
210. Dimethyl P phenylene diamine
211. Dimethyl phosphoramidi cyanidicacid (TABUM)
212. Dimethyl phosphorochloridothioate
213. Dimethyl sulfolane (DMS)
214. Dimethyl sulphide
215. Dimethylamine
216. Dimethylaniline
217. Dimethylcarbonyl chloride
218. Dimetilan
219. Dinitro O-cresol
220. Dinitrophenol
221. Dinitrotoluene
222. Dinoseb
223. Diniterb
224. Dioxane-p
225. Dioxathion

- 226. Dioxine N
- 227. Diphacinone
- 228. Diphosphoramide octamethyl
- 229. Diphenyl methane di-isocynate(MDI)
- 230. Dipropylene Glycol Butyl ether
- 231. Dipropylene glycolmethyl ether
- 232. Disec-butyl peroxydicarbonate(Conc.>80%)
- 233. Disufoton
- 234. Dithiazamine iodide
- 235. Dithiobiurate
- 236. Endosulfan
- 237. Endothion
- 238. Endrin
- 239. Epichlorohydrine
- 240. EPN
- 241. Ergocalciferol
- 242. Ergotamine tartarate
- 243. Ethanesulfenyl chloride, 2 chloro
- 244. Ethanol 1-2 dichloracetate
- 245. Ethion
- 246. Ethoprophos
- 247. Ethyl acetate
- 248. Ethyl alcohol
- 249. Ethyl benzene
- 250. Ethyl bis amine
- 251. Ethyl bromide
- 252. Ethyl carbamate
- 253. Ethyl ether
- 254. Ethyl hexanol -2
- 255. Ethyl mercaptan
- 256. Ethyl mercuric phosphate
- 257. Ethyl methacrylate
- 258. Ethyl nitrate
- 259. Ethyl thiocyanate
- 260. Ethylamine
- 261. Ethylene
- 262. Ethylene chlorohydrine
- 263. Ethylene dibromide
- 264. Ethylene diamine
- 265. Ethylene diamine hydrochloride
- 266. Ethylene flourohydrine
- 267. Ethylene glycol
- 268. Ethylene glycol dinitrate
- 269. Ethylene oxide
- 270. Ethylenimine
- 271. Ethylene di chloride
- 272. Femamiphos
- 273. Femitrothion
- 274. Fensulphothion
- 275. Fluemetil
- 276. Fluorine
- 277. Fluoro2-hyrdoxy butyric acid amid salt ester
- 278. Fluoroacetamide
- 279. Fluoroacetic acid amide salts and esters
- 280. Fluoroacetylchloride
- 281. Fluorobutyric acid amide salt esters
- 282. Fluorocrotonic acid amides salts esters
- 283. Fluorouracil

284. Fonofos
285. Formaldehyde
286. Formetanate hydrochloride
287. Formic acid
288. Formoparanate
289. Formothion
290. Fosthiotan
291. Fuberidazole
292. Furan
293. Gallium Trichloride
294. Glyconitrile (Hydroxyacetonitrile)
295. Guanyl-4-nitrosaminoguinyl-1-tetrazene
296. Heptachlor
297. Hexamethyl tera-oxyacyclononate(Conc 75%)
298. Hexachlorobenzene
299. Hexachlorocyclohexan (Lindane)
300. Hexachlorocyclopentadiene
301. Hexachlorodibenzo-p-dioxin
302. Hexachloronapthalene
303. Hexafluoropropanonesesquihydrate
304. Hexamethyl phosphoromide
305. Hexamethylene diamine N Ndibutyl
306. Hexane
307. Hexanitrostilbene 2, 2, 4, 4, 6, 6
308. Hexene
309. Hydrogen selenide
310. Hydrogen sulphide
311. Hydrazine
312. Hydrazine nitrate
313. Hydrochloric acid (Gas)
314. Hydrogen
315. Hydrogen bromide
316. Hydrogen cyanide
317. Hydrogen fluoride
318. Hydrogen peroxide
319. Hydroquinone
320. Indene
321. Indium powder
322. Indomethacin
323. Iodine
324. Iridium tetrachloride
325. Ironpentacarbonyl
326. Iso benzan
327. Isoamyl alcohol
328. Isobutyl alcohol
329. Isobutyro nitrile
330. Isocyanic acid 3, 4-dichlorophenyl ester
331. Isodrin
373. Methoxy ethanol (2-methylcellosolve)
374. Methoxyethyl mercuric acetate
375. Methyacrylol chloride
376. Methyl 2-chloroacrylate
377. Methyl alcohol
378. Methyl amine
379. Methyl bromide (Bromomethane)
380. Methyl chloride
381. Methyl chloroform
382. Methyl chloroformate

- 383. Methyl cyclohexene
- 384. Methyl disulphide
- 385. Methyl ethyl ketone peroxide(Conc.60%)
- 386. Methyl formate
- 387. Methyl hydrazine
- 388. Methyl isobutyl ketone
- 389. Methyl isocyanate
- 390. Methyl isothiocyanate
- 391. Methyl mercuric dicyanamide
- 392. Methyl Mercaptan
- 393. Methyl Methacrylate
- 394. Methyl phencapton
- 395. Methyl phosphonic dichloride
- 396. Methyl thiocyanate
- 397. Methyl trichlorosilane
- 398. Methyl vinyl ketone
- 399. Methylene bis (2-chloroaniline)
- 400. Methylene chloride
- 401. Methylenebis-4,4(2-chloroaniline)
- 402. Metolcarb
- 403. Mevinphos
- 404. Mezacarbate
- 405. Mitomycin C
- 406. Molybdenum powder
- 407. Monocrotophos
- 408. Morpholine
- 409. Muscinol
- 410. Mustard gas
- 411. N-Butyl acetate
- 412. N.-Butyl alcohol
- 413. N-Hexane
- 414. N- Methyl-N, 2, 4, 6-Tetranitroaniline
- 415. Naphtha
- 416. Naphtha solvent
- 417. Naphthalene
- 418. Naphthyl amine
- 419. Nickel carbonyl/nickel tetracarbonyl
- 420. Nickel powder
- 421. Nicotine
- 422. Nicotine sulphate
- 423. Nitric acid
- 424. Nitric oxide
- 425. Nitrobenzene
- 426. Nitrocellulose (dry)
- 427. Nitrochlorobenzene
- 428. Nitrocyclohexane
- 429. Nitrogen
- 430. Nitrogen dioxide
- 431. Nitrogen oxide
- 432. Nitrogen trifluouide
- 433. Nitroglycerine
- 434. Nitropropane-1
- 435. Nitropropane-2
- 436. Nitroso dimethyl amine
- 437. Nonane
- 438. Norbormide
- 439. O-Cresol
- 440. O-Nitro Toluene

- 441. O-Toludine
- 442. O-Xylene
- 443. O/P Nitroaniline
- 444. Oleum
- 445. OO Diethyl S ethyl suph. Methyl phos
- 446. OO Diethyl S propythio methyl phosdithioate
- 447. OO Diethyl s ethylsulphanyl methylphosphorothioate
- 448. OO Diethyl s ethylsulphonyl methylphosphorothioate
- 449. OO Diethyls ethylthiomethylphospho-rothioate
- 450. Organo rhodium complex
- 451. Orotic acid
- 452. Osmium tetroxide
- 453. Oxabain
- 454. Oxamyl
- 455. Oxetane, 3, 3-bis(chloromethyl)
- 456. Oxidiphenoxarsine
- 457. Oxy disulfoton
- 458. Oxygen (liquid)
- 459. Oxygen difluoride
- 460. Ozone
- 461. P-nitrophenol
- 462. Paraffin
- 463. Paraoxon (Diethyl 4 Nitrophenyl phosphate)
- 464. Paraquat
- 465. Paraquat methosulphate
- 466. Parathion
- 467. Parathion methyl
- 468. Paris green
- 469. Penta borane
- 470. Penta chloro ethane
- 471. Penta chlorophenol
- 472. Pentabromophenol
- 473. Pentachloro naphthalene
- 474. Pentadecyl-amine
- 475. Pentaerythaiotol tetranitrate
- 476. Pentane
- 477. Pentanone
- 478. Perchloric acid
- 479. Perchloroethylene
- 480. Peroxyacetic acid
- 481. Phenol
- 482. Phenol, 2, 2-thiobis (4, 6-Dichloro)
- 483. Phenol, 2, 2-thiobis (4 chloro 6-methyl phenol)
- 484. Phenol, 3-(1-methyl ethyl)methylcarbamate
- 485. Phenyl hydrazine hydrochloride
- 486. Phenyl mercury acetate
- 487. Phenyl silatrane
- 488. Phenyl thiourea
- 489. Phenylene P-diamine
- 490. Phorate
- 491. Phosazetin
- 492. Phosfolan
- 493. Phosgene
- 494. Phosmet
- 495. Phosphamidon
- 496. Phosphine
- 497. Phosphoric acid
- 498. Phosphoric acid dimethyl (4-methyl thio)phenyl



- 499. Phosphorthioic acid dimethyl S(2-Bis) Ester
- 500. Phosphorothioic acid methyl(ester)
- 501. Phosphorothioic acid, OODimethyl S-(2-methyl)
- 502. Phosphorothioic, methyl-ethylester
- 503. Phosphorous
- 504. Phosphorous oxychloride
- 505. Phosphorous pentaoxide
- 506. Phosphorous trichloride
- 507. Phosphorous penta chloride
- 508. Phthalic anhydride
- 509. Phylloquinone
- 510. Physostigmine
- 511. Physostigmine salicylate (1:1)
- 512. Picric acid (2, 4, 6- trinitrophenol)
- 513. Picrotoxin
- 514. Piperdine
- 515. Piprotal
- 516. Pirinifos-ethyl
- 517. Platinous chloride
- 518. Platinum tetrachloride
- 519. Potassium arsenite
- 520. Potassium chlorate
- 521. Potassium cyanide
- 522. Potassium hydroxide
- 523. Potassium nitride
- 524. Potassium nitrite
- 525. Potassium peroxide
- 526. Potassium silver cyanide
- 527. Powdered metals and mixtures
- 528. Promecarb
- 529. Promurit
- 530. Propanesultone
- 531. Propargyl alcohol
- 532. Propargyl bromide
- 533. Propen-2-chloro-1 ,3-dioudiacetate
- 534. Propiolactone beta
- 535. Propionitrile
- 536. Propionitrile, 3-chloro
- 537. Propiophenone, 4-amino
- 538. Propyl chloroformate
- 539. Propylene dichloride
- 540. Propylene glycol, allylether
- 541. Propylene imine
- 542. Propylene oxide
- 543. Prothoate
- 544. Pseudosumene
- 545. Pyrazoxon
- 546. Pyrene
- 547. Pyridine
- 548. Pyridine, 2-methyl-3-vinyl
- 549. Pyridine, 4-nitro-1-oxide
- 550. Pyridine, 4-nitro-1-oxide
- 551. Pyriminil
- 552. Quinaliphos
- 553. Quinone
- 554. Rhodium trichloride
- 555. Salcomine
- 556. Sarin

557. Selenious acid
558. Selenium Hexafluoride
559. Selenium oxychloride
560. Semicarbazide hydrochloride
561. Silane (4-amino butyl) diethoxy-meth
562. Sodium
563. Sodium anthra-quinone-1-sulphonate
564. Sodium arsenate
565. Sodium arsenite
566. Sodium azide
567. Sodium cacodylate
568. Sodium chlorate
569. Sodium cyanide
570. Sodium fluoro-acetate
571. Sodium hydroxide
572. Sodium pentachloro-phenate
573. Sodium picramate
574. Sodium selenate
575. Sodium selenite
576. Sodium sulphide
577. Sodium tellorite
578. Stannane acetoxy triphenyl
579. Stibine (Antimony hydride)
580. Strychnine
581. Strychnine sulphate
582. Styphinic acid (2, 4,6-trinitroresorcinol)
583. Styrene
584. Sulphotec
585. Sulphoxide, 3-chloropropyl octyl
586. Sulphur dichloride
587. Sulphur dioxide
588. Sulphur monochloride
589. Sulphur tetrafluoride
590. Sulphur trioxide
591. Sulphuric acid
592. Tellurim (powder)
593. Tellurium hexafluoride
594. TEPP (Tetraethyl pyrophosphate)
595. Terbufos
596. Tert-Butyl alcohol
597. Tert-Butyl peroxy carbonate
598. Tert-Butyl peroxy isopropyl
599. Tert-Butyl peroxyacetate (Conc $\geq$ 70%)
600. Tert-Butyl peroxy pivalate (Conc $\geq$ 77%)
601. Tert-Butyl peroxyiso-butyrate
602. Tetra hydrofuran
603. Terta methyl lead
604. Tetra nitromethane
605. Tetra-chlorodibenzo-p-dioxin, 1, 2,3, 7, 8(TCDD)
606. Tetraethyl lead
607. Tetrafluoriethyne
608. Tetramethylene disulphotetramine
609. Thallic oxide
610. Thallium carbonate
611. Thallium sulphate
612. Thallous chloride
613. Thallous malonate
614. Thallous sulphate

615. Thiocarbazide
616. Thiocynamicacid,2(Benzothiazolyethio) methyl
617. Thiofamox
618. Thiometon
619. Thionazin
620. Thionyl chloride
621. Thiophenol
622. Thiosemicarbazide
623. Thiourea (2 chloro-phenyl)
624. Thiourea (2-methyl phenyl)
625. Tirpate (2,4-dimethyl-1,3-di-thiolane)
626. Titanium powder
627. Titanium tetra-chloride
628. Toluene
629. Toluene -2,4-di-isocyanate
630. Toluene 2,6-di-isocyanate
631. Trans-1,4-di chloro-butene
632. Tri nitro anisole
633. Tri (Cyclohexyl) methylstannyl1,2,4 triazole
634. Tri (Cyclohexyl) stannyl-1H-1, 2,3-triazole
635. Triaminotrinitrobenzene
636. Triamphos
637. Triazophos
638. Tribromophenol 2, 4, 6
639. Trichloro napthalene
640. Trichloro chloromethyl silane
641. Trichloroacetyl chloride
642. Trichlorodichlorophenylsilane
643. Trichloroethyl silane
644. Trichloroethylene
645. Trichloromethane sulphenylchloride
646. Trichloronate
647. Trichlorophenol 2, 3, 6
648. Trichlorophenol 2, 4, 5
649. Trichlorophenyl silane
650. Trichlorophon
651. Triethoxy silane
652. Triethylamine
653. Triethylene melamine
654. Trimethyl chlorosilane
655. Trimethyl propane phosphite
656. Trimethyl tin chloride
657. Trinitro aniline
658. Trinitro benzene
659. Trinitro benzoic acid
660. Trinitro phenetole
661. Trinitro-m-cresol
662. Trinitrotoluene
663. Tri-ortho creysyl phosphate
664. Triphenyl tin chloride
665. Tris(2-chloroethyl)amine
666. Turpentine
667. Uranium and its compounds
668. Valino mycin
669. Vanadium pentaoxide
670. Vinyl acetate monomer
671. Vinyl bromide
672. Vinyl chloride

- 673. Vinyl cyclohexane dioxide
- 674. Vinyl fluoride
- 675. Vinyl norbornene
- 676. Vinyl toluene
- 677. Vinylethane chloride
- 678. Warfarin
- 679. Warfarin Sodium
- 680. Xylene dichloride
- 681. Xylidine
- 682. Zinc dichloropentanitrile
- 683. Zinc phosphide
- 684. Zirconium & compounds

## **SCHEDULE II (See rule 3)**

### **SCHEDULE OF FEES FOR REGISTRATION OF ESTABLISHMENT**

#### **(A) Schedule of fees for registration of factories**

-The fees to be paid for the grant of a certificate of registration relating to a factory shall be as specified below, namely:

If the number of workers proposed to be employed in a factory on one day :-

- |                                      |             |
|--------------------------------------|-------------|
| (a) Is upto 100                      | Rs.100.00   |
| (b) More than 100 but less than 500. | Rs. 500.00  |
| (c) More than 500                    | Rs. 1000.00 |
| (d) More than 1000                   | Rs.2000.00  |

#### **(B) Schedule of fees for registration of Plantation**

Area of Plantations	Rate of Fees
Not more than 10 hectares	1000/-
10 hectares or more than 10 hectares but less than 25 hectares	1500/-
25 hectares or more than 25 hectares but not less than 50 hectares	2500/-
50 hectares or more than 50 hectares but not less than 75 hectares	3000/-
75 hectares or more than 75 hectares but not less than 100 hectares	3500/-
100 hectares or more than 100 hectares but not less than 150 hectares	4000/-

More than 150 hectares	5000/-
------------------------	--------

**(C) Schedule of fees for registration of Motor transport undertaking**

Maximum number of Motor Transport Workers to be employed during the year	Fees Rs.
(1)	(2)
10	400
25	1000
50	2000
100	4000
250	10000
500	20000
750	30000
1000	40000
1500	60000

**(D) Schedule of fees for registration and licencing of premises for Beedi and Cigar work-**

	Fees for industrial premises in which power driven machinery is used	Fees for industrial premises in which power driven machinery is not used
	(1)	(2)
If the number of employees proposed to be employed on any day during the financial year for which the licence is required or renewed-	Rs.	Rs.
(a) less than ten	200	150
(b) more than ten but less than twenty	400	300
(c) more than twenty but less than fifty	900	750
(d) more than fifty but less than hundred	1800	1500
(e) more than hundred but less than two hundred fifty	3600	3000
(f) more than two hundred fifty	5000	4500

**(E) Schedule of fees for registration audio- visual production**

Maximum number of Audio-Visual Workers to be employed during the year	Fees Rs.
(1)	(2)
10	500
25	1000
50	2000
100	4000
250	10000
500	20000
750	30000

1000	40000
1500	60000

**(F) Schedule of fees for registration of building and other construction work-**

The fees to be paid for the grant of a certificate of registration relating to building and other construction work shall be as specified below, namely:

If the number of workers proposed to be employed as building workers, for a building of other construction work on one day :-

(a) Is upto 100 Rs. 100.00.

(b) More 100 but less than 500. Rs. 500.00

(c) More than 500 Rs. 1000.00

**(G) Schedule of fees for registration of Contract worker-**

No. Of Labour	Fees Rs.
(1)	(2)
upto 50	100
More than 50 but less than 100	200.00
More than 100 but less than 200	300.00
More than 200 but less than 400	500.00
More than 400	1000.00

Chief Inspector cum Facilitator for various establishments under section 34(5)

S N.	Name of establishment	Qualification and Experience	Jurisdiction	Prevailing name of post in the state
1.	Building or other construction work	Labour Commissioner- <i>Ex officio</i>	Whole of the State	Labour Commissioner, Madhya Pradesh
2.	Factories	Degree in engineering with minimum fifteen Years of experience in the field of administration of Factories Act 1948 / occupational safety, health and working condition code	Whole of the State	Holding or officiating Director Industrial Health and safety
3	Bidi and cigar work	Graduate	Within his respective jurisdiction	Assistant Labour Commissioner/ Labour Officer
4	Motor Transport Undertaking	Graduate	Within his respective jurisdiction	Assistant Labour Commissioner/ Labour Officer
5	Plantation	Graduate	Within his respective jurisdiction	Assistant Labour Commissioner/ Labour Officer
6	Contract work	Graduate	Within his respective jurisdiction	Assistant Labour Commissioner/ Labour Officer
7	Audio – visual production	Graduate	Within his respective jurisdiction	Assistant Labour Commissioner/ Labour Officer



## **Government of Madhya Pradesh**

### **Department of Labour**

#### **Notification**

In exercise of the powers conferred by section 154,156 and 158 of the code, Social Security, 2020 (36 of 2020) and in supersession of the –

- (i) Madhya Pradesh Employees' Insurance Court Rules 1963;
- (ii) Madhya Pradesh Employees' State Insurance (Medical Benefit Services System) Rules, 1959;
- (iii) Madhya Pradesh Supplies to the Hospitals Established Under The Scheme of Employees' Estate Insurance Rules 1981;
- (iv) Madhya Pradesh Workmen's Compensation Rules 1962;
- (v) Madhya Pradesh Workmen's Compensation (Occupational Diseases) Rules 1963;
- (vi) Madhya Pradesh Maternity Benefit Rules, 1965;
- (vii) Payment of Gratuity (Madhya Pradesh) Rules, 1973; and
- (viii) Madhya Pradesh Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rule, 2002.

The Employees' State Insurance Act, 1948 (34 of 1948), The Maternity Benefit Act, 1961 (53 of 1961), The Payment of Gratuity Act, 1972 (39 of 1972), The Building and Other Construction Workers' Welfare Cess Act, 1996 (48 of 1996), The Unorganised Workers' Social Security Act, 2008 (43 of 2008) as the case may be, which are repealed by section 164 of the said code, except things done or omitted to be done before such supersession, is, hereby, published, as required by the said section for information of all persons likely to be affected, thereby and the notice is hereby given that the said draft will be taken into consideration after the expiry of a period of 45 days from the date of publication of this draft in the official Gazette.

(Objection and suggestion, if any, may be addressed to Deputy Secretary to the Government of Madhya Pradesh, Department of Labour, Mantralaya Vallabh Bhawan Bhopal or Labour Competent Authority, Government of Madhya Pradesh, 518, New Moti Banglow, MG road, Indore 452007; Or by email to [dsLabourmp@mp.gov.in](mailto:dsLabourmp@mp.gov.in). or [lcmpwelfare@mp.gov.in](mailto:lcmpwelfare@mp.gov.in)

## Draft Rules

### CHAPTER I PRELIMINARY

#### 1. Short title and extent.-

- (1) These rules may be called The Madhya Pradesh Social Security Rules, 2026.
- (2) They shall extend to the whole State of Madhya Pradesh.

#### 2. Definitions.-

- (1) In these rules, unless the subject or context otherwise requires, —

*(a) “Agency” means any corporation, body or institution, established under an State legislature or State Government under taking or special purpose vehicle as notified by the State Government.*

(b) “Appeal” means an appeal preferred under clause (b) of sub-section (7) of section 37 and sub-section (8) of section 56 ;

(c) "Appellate authority" means -

- (i) the State Government or the authority one Rank above the Competent authority specified by the State Government for the purpose of sub-section (8) of section 56 and;
- (ii) ESI Court constituted by the State Government for the purpose of clause (b) of sub-section (7) of Section 37 and a senior officer appointed by the state government on the post of assessing officer for the purpose of section 105, as the case may be |

*(d) "Assessing Officer" means a gazetted officer of a State Government or an officer of a local authority holding an equivalent post to a gazetted officer of the State Government appointed by such State Government for assessment of Cess under the Code;*

(e) “Authority” means the State Government or the authority specified by the State Government under sub-section (3) of section 72;

(f) **“Average daily wages during a contribution period”** under chapter IV of the Code in respect of an employee, means the aggregate amount of wages payable to him during that period divided by the number of days for which such wages were payable;

(g) **“Average daily wages during a wage period”** under chapter IV of the Code means —

(i) in respect of an employee who is employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;

(ii) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the Contribution period divided by the number of days in full or part for which he has worked for wages in that wage period :

Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 or 1 days or day if the wage period be a month, a fortnight, a week or a day respectively;

**Explanation.—** Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the day worked as part of the day preceding;

(h) **“Benefit period”** means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the Regulations;

(i) **“Board”** means the **Madhya Pradesh Unorganised Workers Welfare Social Security Board** known as "Madhya Pradesh Urban and Rural Unorganized Workers Welfare Board" and the **Madhya Pradesh Building and other Construction Workers Welfare Board** constituted under section 6 and section 7 as relevant;

(j) **“Career center”** means District Employment Exchanges of Employment Department of the State Government, or any other centers notified by the State Government;

(k) **“Chairperson”** means the Chairperson of the Madhya Pradesh Building and Other Constructions workers' Welfare Board, the Madhya Pradesh Urban and Rural Unorganized Workers Welfare Board, the Standing Committee, the Medical Benefit Committee or the Executive Committee, as the case may be;

*(l) “Cess collector” means an officer appointed by the State Government for collection of cess under the Code.*

*(m) “Chartered engineer” means a person having an engineering degree and the corporate membership of institute of Engineers India;*

(n) “**Code**” means the Code on Social Security, 2020 (36 of 2020);

(o) “**Court**” means the employee insurance court constituted under section 50 of the Code;

(p) “**Electronically**” means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;

(q) “**Form**” means a form appended to these rules;

(r) “**Fund**” means Social Security Fund, as specified in section 108 and Section 141 as the case may be;

(s) “**Government**” means Government of Madhya Pradesh;

(t) “**Government Securities**” means Government Securities as defined in the Government Securities Act, 2006 (38 of 2016);

(u) “**Immovable property**” includes land, benefits to and arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;

(v) *“**minor**” means a person who has not attained the age of eighteen years.*

(w) “**Movable property**” means property of every description except immovable property;

(x) “**nodal officer**” means a person designated by Building and Other Construction workers’ welfare Board or the State Government to facilitate the registration, renewal and updation electronically or otherwise or any such other function of building workers working in the private sector, State Government, Central Government and public sector undertakings of the Central and the State Governments or local authority. The Nodal officer shall also supervise and monitor functions of the beneficiary registering officers designated by the State Government;

(y) “**Nomination**” means nomination made under section 55 of the code;

(z) **“Portal”** means **Shram Seva Portal** or official web portal of Labour Department, Government of Madhya Pradesh with any other name;

(za) **“Registered Medical Practitioner”** means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;

(zb) **“register of women employees”** means a register of women employees maintained under rule 55;

(zc) **“schedule”** means the schedule of the Code;

(zd) **“section”** means a section of the Code;

(ze) **“specified”** means specified by an order of the Central Government or any State Government or any officer so authorised by such Government;

*(zf) **“State Government”** means Government of Madhya Pradesh.*

*(zg) **“Turnover”** of an aggregator as defined under sub-section (91) of section 2 of the Companies Act, 2013 (18 of 2013), means the gross amount of revenue recognised in the profit and loss account from the sale, supply, or distribution of goods or on account of services rendered, or both, by a company during a financial year.*

*(zh) **“Year”** means the financial year, beginning from the 1st day of April and ending with the 31st day of March of the year following.*

*The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.*

## **CHAPTER II**

### **SOCIAL SECURITY ORGANISATIONS**

#### **A. MADHYA PRADESH UNORGANISED WORKERS SOCIAL SECURITY BOARD**

**3. Manner of exercising the powers and performance of the functions by the Madhya Pradesh Unorganised workers Social Security Board under sub-section (9), the manner of nomination of members of the Board, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies among the members of the Board under sub-section (12) and time, place and rules of procedure relating to the transaction of business at its meetings under sub-section (14) of section 6.-**

**(1) Constitution of the Madhya Pradesh Unorganised Workers Social Security Board ;-**

The 'Madhya Pradesh Unorganized Workers Social Security Board' shall be deemed as Board constituted under sub section (9) of section 6, which shall consists of:

- (a) The Minister in-charge of Labour Department, Madhya Pradesh as the ex-officio Chairperson;
- (b) Principal Secretary of Labour Department as Vice Chairperson;
- (c) One member to be nominated by representing the Central Government in the ministry of labour and employment;
- (d) Thirty one members to be nominated by the state government out of whom –
  - (1) seven representing the employees of unorganized workers ;
  - (2) seven representing the employers of unorganized workers;
  - (3) two members representing the legislative assembly of the Madhya Pradesh ;
  - (4) five members representing eminent persons from civil society;
  - (5) ten members representing the State Government Departments concerned:

Provided that adequate representation shall be given to persons belonging to the Schedule castes, the schedule tribes, the minorities and women.

- (e) Member secretary as notified by the state government;  
Apart from the chairman of Madhya Pradesh Unorganized Workers Social Security Board, all other members who will be nominated by the state government will be eminent persons in the fields of labour welfare, management, finance, law and administration.

**(2) Terms of Office.-** A member appointed under clauses (d) and (e) of sub-rule (1) of rule 3 shall, unless he resigns his office or dies or otherwise vacates

his office at an earlier date, hold office for a period for three years from the date of publication of the notification in the Madhya Pradesh Gazette appointing him as a member of the Board and shall be eligible for reappointment:

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.

(3) **Resignation.-**

- (i) A member appointed under clauses (d) and (e) of sub-rule (1) rule 3 may resign by writing under his hand addressed to the State Government.
- (ii) The resignation shall take effect from the date of its acceptance by the State Government.

(4) **Vacation of office.-** A member appointed under clauses (d) and (e) of sub-rule (1) of rule 3 shall be deemed to have vacated his office, if –

- (i) he is declared to be of unsound mind or an undischarged insolvent by a competent court; or
- (ii) he is convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (iii) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or
- (iv) HE ceases to represent the interest for representing which he was appointed;
- (v) He is removed by the State Government.

(5) **Filling up of casual vacancies.-** A member appointed to fill a casual vacancy, arising due to death, resignation or otherwise of the member shall hold office for the remaining period of the term of office of the member, in whose place he is appointed.

(6) **Meeting of Board and Quorum.-**

- (i) The Board shall ordinarily meet once in three month:

Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

- (ii) No business shall be transacted at any meeting of the Board, unless at least 11 members are present, of whom at least one shall be from among those appointed under clause (a), (b) and (c) of sub-rule(1) rule 3.

- (7) **Notice of meeting and list of business.-** Notice intimating the date, time and venue of every meeting, together with a list of business to be transacted at the meeting, shall be sent by registered post or by special messenger, to each member fifteen days before the meeting of Board separately:

Provided that when the Chairperson, calls a meeting for considering any matter which in his opinion is of urgent nature, notice of not less than three days shall be deemed sufficient.

- (8) **Chairperson to preside at meetings.-** The Chairman will preside over all the meetings of the Board and if the Chairman is unable for any reason to be present in the Board meeting, the Vice-Chairman will preside over the meeting.
- (9) **Transaction of Business.-** All questions which come up before any meeting of Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or casting vote.
- (10) **Minutes of meeting. -** The proceedings of each meeting of the Board shall be recorded and circulated to all members after approval by the Chairperson as soon as possible after the meeting, subject to confirmation in the next meeting of the Board. After such confirmation, they shall be recorded in a Minute Book, which shall be kept for permanent record.
- (11) **Allowances payable to Non-official members.-** Travelling allowance and daily allowance will be paid at the rates permissible to the first class officers of the state government to each government member to attend the meetings of the board and its sub-committees.
- (12) **Sub-Committees of the Board.-**
- (i) The Board may appoint such sub-committees, as it may deem fit for the proper discharge of its duties.
  - (ii) Each sub-committee will be headed by the chairman of the board and will have an equal number of unorganized workers, employers and members of the board representing the state government..
  - (iii) In the absence of the Chairman, the members present of the Sub-Committee shall elect one of their own to preside over the meeting.
  - (iv) No work shall be performed at a meeting of the Sub-committee unless at least one-third of its members are present, of which there shall be one representing the members and at least one unorganized worker.
  - (v) The term of any sub-committee except the sub-committee constituted for the short-term purpose shall be one year from the date of its



constitution, but the sub-committee shall continue to function until a new sub-committee is formed, but in any case, no sub-committee shall function beyond the period of two years from the date of its original formation.

- (vi) The recommendations of each sub-committee shall be placed before the Board for its decision.

**(13) Appointment of Secretary, other officers and Staff.-**

- (i) Board shall, with prior concurrence of the State Government appoint an officer of Indian Administrative Service / State Administrative Service of selection grade / an officer not below the rank of a Deputy Labour Commissioner as Secretary of the Board;
- (ii) Board may appoint such other officers and employees, as it may consider necessary for the efficient discharge of its functions: Provided that no post shall be filled up in the Board, unless its creation, has first been approved by the State government.

**(14) Duties and functions of Board.-**

- (1) Under sub-section (15) of section 6 of the Code, the Board shall adopt the following procedure for the performance of its duties, a scheme stipulating the procedures, formats and all other residual matters regarding each facility or group of facilities specified by the Board and the Code. Not expressly provided in these rules, Board shall prepare and recommend to the State Government under which the following shall be mentioned-
  - (i) rates at which various facilities will be payable;
  - (ii) application procedure and format;
  - (iii) procedure for sanctioning and competent authority to grant approval;
  - (iv) procedure for disbursement; and
  - (v) any other incidental matters.
- (2) Board can advise the State Government from time to time on the points related to the administration of Code.
- (3) Undertake such other functions as are assigned to it by the state government from time to time.

**(15) Recruitment procedure and service conditions of officers and staff of the Board.-**

- (i) Classification, pay scales, allowances, recruitment procedure, and terms and conditions of service of officers and employees of the Board, will be such as may be determined by the Board with the prior approval of the State Government.
- (ii) If in any specific case, any dispute or difficulty arises regarding the interpretation or enforcement of a provision, the matter shall be referred to the State Government, whose decision shall be final thereon.

**B. MADHYA PRADESH BUILDING AND OTHER CONSTRUCTION WELFARE BOARD**

**The terms and conditions of appointment and the salaries and other allowances payable to the chairperson and the other members of the Building and other construction Welfare Board and the manner of filling of casual vacancies of such members, the terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the said Board under clause (c) of sub-section (5) of section 7.**

**4. Name of the Board.—**“Madhya Pradesh Building and other construction workers welfare board”

**(1) Constitution of the Board.—**The Board shall consist of-

- (i) The Minister in-charge Labour Department, Madhya Pradesh as the ex-officio Chairperson,
- (ii) A member to be nominated by the Central Government,
- (iii) Five members to be appointed by the State Government representing Government Departments of whom two shall be representatives of Labour and one shall be representative of Finance Department and two shall be representatives of Departments engaged in building or other construction worker,
- (iv) Five members to be appointed by the State Government representing building workers, and
- (v) Five members to be appointed by the State Government representing employers of building workers:

Provided that the Building, Welfare Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one member of the Board shall be a woman.

- (2) **Term of Office.** — A member appointed under clauses (iv) and (v) of rule 4 shall hold office unless he resigns his office or dies or otherwise vacates his office at an earlier date, hold office for a period for three years from the date of publication of the notification in the Madhya Pradesh Gazette appointing him as a member of the Board and shall be eligible for reappointment:

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.

- (3) **Resignation.**—

- (i) A member appointed under clause (iv) and (v) of rule 4 may resign by writing under his hand addressed to the State Government;
- (ii) The resignation shall take effect from the date of its acceptance by the State Government.

- (4) **Vacation of office .-** A member appointed under clauses (iv) and (v) of rule 4 shall be deemed to have vacated his office, if –

- (i) he is declared to be of unsound mind or an undischarged insolvent by a competent court; or
- (ii) he is convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (iii) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or
- (iv) he ceases to represent the interest for representing which he was appointed; or
- (v) he is removed by the State Government.

- (5) **Filling up of casual vacancies.** - A member appointed to fill a casual vacancy, arising due to death, resignation or otherwise of the member shall hold office for the remaining period of the term of office of the member, in whose place he is appointed.

(6) **Meeting of Board and Quorum.-**

- (i) The Board shall ordinarily meet once in three month:

Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

- (ii) No business shall be transacted at any meeting of the Board, unless atleast 6 members are present, of whom at least one shall be from among those appointed under sub-rule (3) of rule 4.

(7) **Notice of meeting and list of business.-**

Notice intimating the date, time and venue of every meeting, together with a list of business to be transacted at the meeting, shall be sent by registered post or by special messenger, to each member fifteen days before the meeting of each Board separately:

Provided that when the Chairperson, calls a meeting for considering any matter which in his opinion is of urgent nature, notice of not less than three days shall be deemed sufficient.

(8) **Chairperson to preside at meetings.-**

The Chairman will preside over all the meetings of the Board and if the Chairman is unable for any reason to be present in the Board meeting, the Vice-Chairman will preside over the meetings.

(9) **Transaction of Business .-**

All questions which come up before any meeting of Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or casting vote.

(10) **Minutes of meeting. -**

The proceedings of each meeting of the each Board shall be recorded and circulated to all members after approval by the Chairperson as soon as possible after the meeting subject to confirmation in the next meeting of the

Board. After such confirmation, they shall be recorded in a Minute Book, which shall be kept for permanent record.

(11) **Allowances payable to Non-official members.—**

Travelling allowance and daily allowance will be paid at the rates permissible to the first class officers of the state government for each government member to attend the meetings of the board and its sub-committees.

(12) **Sub-committees of the Board.—**

- (i) The Board may appoint such sub-committees, as it may deem fit for the proper discharge of its duties.
- (ii) Each sub-committee will be headed by the chairman of the board and will have an equal number of unorganized workers, employers and members of the board representing the state government.
- (iii) In the absence of the Chairman, the members present of the Sub-Committee shall elect one of their own to preside over the meeting.
- (iv) No work shall be performed at a meeting of the Subcommittee unless at least one-third of its members are present, of which there shall be one representing the members and at least one unorganized worker. Must be among the members representing.
- (v) The term of any sub-committee except the sub-committee constituted for the short-term purpose shall be one year from the date of its constitution, but the sub-committee shall continue to function until a new sub-committee is formed, but in any case. No sub-committee shall function beyond the period of two years from the date of its original formation.
- (vi) The recommendations of each sub-committee shall be placed before the Board for its decision.

(13) **Opening of Regional Offices.—**

With the approval of the State Government, the Board may open as many regional offices as it deems necessary for efficient discharge of its functions under the Code.

(14) **Duties and functions of the Board.—**

- (i) Under sub-section (6) of section 7 of the Code, the Board shall be responsible for-

- (a) all matters related to the administration of the fund, including setting policies for the allocation of funds in it;
- (b) submission of annual budget, annual report and audited accounts to the government under the Code;
- (c) proper maintenance of accounts as per the provisions of the Code and its annual audit;
- (d) collection of contribution and other charges in the fund;
- (e) performing the functions specified in and under the Code;
- (f) the Board shall, from time to time, give such information to the Government as it wishes.

- (ii) Notification of schemes by the Board stipulating procedural and other residual matters related to the facilities –

The Board shall formulate a scheme which provided in the code and these rules, laying down the procedure formats and all other residual matters regarding each facility or group of facilities specified and notification of the scheme with prior approval of the State Government under which will happen ;

- (a) rates at which various facilities will be payable;
- (b) application Procedure and format;
- (c) procedure for sanctioning and competent authority to grant of approval;
- (d) procedure for disbursement; and
- (e) any other incidental matters.

**(15) Appointment of Secretary, other Officers and Staff.—**

- (i) Board shall, with prior concurrence of the State Government appoint an officer of Indian Administrative Service / State Administrative Service of selection grade / an officer not below the rank of a Deputy Labour Commissioner as Secretary of the Board;
- (ii) Board may appoint such other officers and employees, as it may consider necessary for the efficient discharge of its functions:

Provided that no post shall be filled up in the Board, unless its creation, has first been approved by the State Government.

**(16) Recruitment Procedure and Service Conditions of Officers and Staff of the Board.—**

- (i) Classification, pay scales, allowances, recruitment procedure, and terms and conditions of service of officers and employees of the Board, as may be determined by the Board with the prior approval of the State Government;
- (ii) If in any specific case, any dispute or difficulty arises regarding the interpretation or enforcement of a provision, the matter shall be referred to the State Government, whose decision shall be final thereon.

**5. Amount in connection with premium for Group Insurance Scheme of the beneficiaries under clause (c), the educational schemes for the benefit of children of the beneficiaries under clause (d) and the medical expenses for treatment of major ailments of a beneficiary or, such dependant under clause (e) of sub-section (6) of section 7.-** Notwithstanding the welfare schemes mentioned in the sub-section (6) of the section 7 of the Code, the Board shall also formulate following scheme(s) for the Building workers and notification with prior approval of the state government:

- (1) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries;
- (2) frame educational schemes for the benefit of children of the beneficiaries; and
- (3) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant.

### **CHAPTER III EMPLOYEES' PROVIDENT FUND**

### **CHAPTER IV EMPLOYEE INSURANCE COURT**

**6. Manner and time within which second appeal may be filed to the Employees' Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of section 37.-**

The Insured Person or the Corporation may appeal to the Employees' Insurance Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

Provided that the Employees' Insurance Court may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the said period.

**7. Procedure to be followed by the Employees insurance court under sub-section (2) under sub-section (3) of section 50.-**

**(1) Composition of the Court and place of sitting. -**

- (i) a court shall ordinarily consist of one judge:  
provided that the government may by notification in the official gazette appoint two or more judges to a court for any particular proceedings or class of proceedings for such period as may be specified in the notification;
- (ii) subject to the provision of rule 7(3) a court shall sit at such place or places and at such time as the government may specify.

**(2) Distribution of business where there are more Courts than one.-** Where more than one Court is constituted for the same local area the Government may, by a general or special order, distribute business among them.

**(3) Fixing of time of sitting etc.-** where there is one Court for two or more local areas. -

- (i) Where one Court is constituted for two or more local areas the Court shall, subject to the approval of the Government, appoint the time at



which the court shall sit in respect of each local area or in respect of any class of proceedings under the Code.

- (ii) A notice of the time appointed under sub-rule. (1) shall be published in such manner as the Government may, from time to time, direct.

(4) Procedure where there are more judges than one. -

- (i) Where more than one Judge has been appointed to a Court, the Government shall specify their rank and precedence.
- (ii) The senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Court among the Judges thereof.
- (iii) When two or more Judges sitting together, differ on any question the opinion of the majority of such Judges shall prevail, where there is no majority, the opinion of the senior most Judge shall, unless the Government otherwise directs, prevail.

- (5) **Abolition, etc. of a Court.**— The Government may, by notification in the official gazette abolish any court or by a like notification alter the jurisdiction of any court.

**Conditions of Service of Judges etc.**

(6) **Appointment, salaries, allowances, etc. -**

- (i) The Government may appoint a person qualified under section 48 of the code to be judge of the court.
- (ii) A judge shall receive such salary and allowances as the government may from time to time determine.
- (iii) A judge shall receive dearness allowance , Compensatory city allowance , house rent allowance and other allowances at such rate and conditions as are

applicable to officer of the government of a corresponding rank station at the same place.

- (iv) A Judge shall be entitled to leave and leave salary under the leave rules which may from time to time be applicable to other Government servants of similar status and drawing similar emoluments.
- (v) A Judge shall be entitled to travelling allowances for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the government such judge belongs.
- (vi) A Judge shall be subject to such other conditions of service, as the Government may determine.
- (vii) Notwithstanding, anything contained in sub rule (2) to (5) the pay, allowances and other conditions of service of a Judge, if he is a person already in the service of the government shall be such as the government may by a general or special order, from time to time, determine.

**(7) Appointment of other officers and subordinate staff. -**

- (i) The Government may appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and, performance of the powers and duties conferred and imposed on a Court by or under the Code.
- (ii) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge, or, if there are more judges than one, the senior judge, may, subject to any order of the Government from time to time, direct.
- (iii) The ministerial officers and the subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the Government.

**Administrative Control and Court Seal**

**(8) Administrative control of the High Court. -** All Courts shall be subject to the administrative control and superintendence of the High Court, and shall -

- (i) keep such registers, books and accounts as the High court may, from time to time, prescribe; and

- (ii) comply with such requisitions as may, be made by the High Court or the Government for submission of service records, returns and statements in such forms and in such manner as the authority making the requisition directs.
- (9) **Seal.** - A Court shall keep a seal of such size, dimensions and design as the Government may direct.

### **Procedure and Execution of orders**

**(10) Application. -**

- (i) Every proceeding under section 49 shall be instituted by presenting an application to the Court.
- (ii) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.
- (iii) An application shall be presented in Form I. It shall be duly stamped in accordance with these rules, and shall contain the following particulars :-
  - (a) the name of the Court in which the application is brought;
  - (b) the full name including the father's name, description including age, occupation and place of residence of the applicant;
  - (c) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;
  - (d) where the applicant or the opposite party is a minor or a person of unsound mind a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;
  - (e) the facts constituting the cause of action and the date when it arose;
  - (f) the facts showing that the court has jurisdiction;
  - (g) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and
  - (h) the relief which the applicant claims.
- (iv) The application may be rejected if it is not in accordance with sub-rule (3).

**(11) Production of documents.-**

- (i) When any application is based upon a documents, the document shall be appended to the application.

- (ii) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.
  - (iii) Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.
  - (iv) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form II.
  - (v) Nothing in this rule shall apply to any documents which is produced for the purpose of cross-examining witness or is handed to a witness to refresh his memory.
- (12) **Register of proceedings.** - All applications shall be entered in a Register in Form III called the register of proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.
- (13) **Place of suing.** - In cases not falling under sub-rule (2) of Rule 1, a proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction.
- (i) the opposite party or each of the opposite parties where there are more than one, at the time of commencement of the proceedings actually and voluntarily resides, or carries on business, or personally works for gain; or
  - (ii) any of the opposite parties, where there are more than one, at the time of the commencement of the proceeding, actually and voluntarily resides, or carries on business, or personally works for gain provided that in such case either the leave of the court is given, or the opposite parties who do not reside, or carry on business or personally work for gain as aforesaid, acquiesce in such institution; or
  - (iii) the cause of action, wholly or in part, arose.
- (14) **Application presented to wrong Court.** -
- (1) If on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return with the reasons for returning it and the designation of the Court to whom it should be presented.

- (2) If it appears to the court at any stage subsequent to the presentation of an application, that the application should have been presented to another Court, in the same State, it shall send the application to the Court empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy the application under rule 18), accordingly.
- (3) The Court to whom an application is transferred under sub-rule (2) may continue the proceeding as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

**(15) Issue of summons. -**

- (1) On receiving an application the Court shall, if the same has not been rejected under sub-rule (4) of rule 11, within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the 'opposite party'), a summons in Form IV or Form V, as the case may be to appear and answer the application in a day, not later than fifteen days from the day of issue of such summons, to be specified therein :

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

- (2) A copy of the application shall also be sent along with the summons under sub-rule (1) .

**(16) Service of summons or notice.-**

- (1) A summons or notice may, on payment of the required fee, be sent by the Court by which it is issued either by registered post or in such other manner as the Court thinks fit.
- (2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the court shall order the summons or the notice to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit

and it shall be effectual as if it had been made on the opposite party personally.

- (3) Where a summons or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

**(17) Additional matters in the summons. -**

The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and /or for the final disposal of the application and the summons shall contain a direction accordingly.

The Court may also call upon the parties to produce upon that date any evidence which they wish to render.

**(18) Proceedings involving disablement question. -**

If in any proceeding before the Court is disablement questions (As defined in the section 37 of the Code) arises and the decisions of a Medical Board or a Medical Appeal Tribunal has not been obtained on the same and the decision of such questions is necessary for determination of the claim or question before the court that court shall direct the Corporation to have the question decided as laid down in section 37 and shall thereafter proceed with the determination of the claim or question before it in accordance with section 49.

**(19) Written statement. -**

- (i) The opposite party may, and, if so required by the Court, shall, at or before the first hearing or within such time as the Court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list thereof in Form II.
- (ii) Every such written statement shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.
- (iii) In any written statement submitted under sub -rule (1) the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admits or does not admit or denied the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised, would be likely

to take the application as for instance, fraud, undue influence or coercion release, payment, performance of facts showing illegality of the transaction.

**(20) Failure to present written statement called for by the Court.-**

Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court may, pronounce judgment against him or make such order in relation to the proceeding as it thinks fit.

**(21) Framing of issues. -**

(i) At the first hearing of the application, after the summons has been issued, the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision appears to depend.

(ii) In recording the issues, the Court shall distinguish between those issue which in its opinion concern points of fact and those which concern points of law.

(iii) The Court may, in like manner, at any time before passing its final order add to, strike out from, or in any way amend, the issues on such terms as it may think fit.

**(22) Order where parties are not at issue.-** Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact the Court may at once pronounce its final order.

**(23) Appearance of parties and consequences of non-appearance. -**

(i) On the day fixed in the summons for the opposite party to appear and answer the parties shall be in attendance at the Court in person or by their respective legal practitioners or any other person authorised under section 51 and the application shall then be heard unless the hearing is adjourned by the Court.

(ii) When neither party appears when the application is called on for hearing, the Court may make an order that the application be dismissed.

- (iii) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the Court shall make an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the court shall make an order against the opposite party upon such admission and where party only of the claim has been admitted it shall dismiss the case so far as it relates to the remainder.
- (iv) Where the applicant appears and the opposite party after receiving the summons fails, to appear, when the application is called on for hearing the Court may proceed ex-parte.
- (v) Where the application is wholly or partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal apply in Form VI for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same :

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule (3) unless notice of the application has been served in Form 7 on the opposite party.

- (vi) In any application in which an ex-parte order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form VI to the Court which passed the order, to set it aside and, if the Court is satisfied that he was prevented from appearing when the proceedings was called on for hearing due to any sufficient cause, it may after serving notice thereof to the applicant in Form VII make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.

**(24) Summoning of witness.-**

- (i) At any time after framing of the issues the Court may call upon the parties to produce their evidence in support of the issues.
- (ii) The Court may, on the application of either party issue a summons in Form VIII to any witness directing him to attend or to produce any document.



- (iii) The Court may, before summoning any witness on application under sub-rule (2), require that his reasonable expenses to be incurred in attending the Court be deposit with it.

**(25) Grant of time and adjournment of hearing. -**

- (i) The Court may, if sufficient cause is shown, at any stage of the application, grant time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.
- (ii) In every such adjournment the Court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that when the hearing of the evidence has once begun the hearing of the application shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

**(26) Right to begin proceeding. -**

The applicant has the rights to begin unless the opposite party admits the facts alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the application is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

**(27) Statement and production of evidence. -**

- (i) On the day fixed for the hearing of the application or on any other day to which the hearing is adjourned the party having the right to begin shall state his case and produce his case and produce his evidence in support of the issues which he is bound to prove.
- (ii) The other party shall then state his case and produce his evidence, (if any) and may then address the Court generally on the whole case.
- (iii) The party beginning may then reply generally on the whole case.

- (iv) Notwithstanding anything contained in this rule the Court may order that the production of evidence or the address to the Court may be in any order which it may deem fit.

**(28) Method of recording evidence. -**

The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge by the junior Judge, or at the dictation of any such Judge in the open Court in the language of the Court, not ordinarily in the form of question and answer but in that of a narrative and, when completed, shall be read over or translated, where necessary, in the presence of such Judge, to the witness, and such Judge shall if necessary, correct the same, and shall sign it.

- (29) Recall of a witness.-** The court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such question to him as the Court thinks fit.

- (30) Inspection by Court.-** The Court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

- (31) Pronouncement of order. -** The Court, after the application has been heard, shall pronounce its final order in open Court, either at once or on some future day, of which due notice shall be given to the parties.

- (32) Signing of order.-** The final order shall be dated and signed in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from accidental slip or omission.

- (33) Statement of decision on each issue. -** In cases in which issues have been framed the Court shall state its finding or decision, with the reason there for, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

- (34) Compromise of suit. -** Where it is proved to the satisfaction of the Court that a case had been adjusted wholly or in partly by any lawful agreement or compromise, or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass final order in accordance therewith so far as it relates to the case.

- (35) **Finality or Order.** - Save as provided in section 52 the order of a Court shall be final and binding upon the parties.

**Costs, Decree, etc.**

- (36) **Costs.-**

- (1) The costs of and incidental to the application shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary direction for the purposes aforesaid. The fact that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers.
- (2) Where the Court directs that any cost shall not follow the event, the Court shall state its reasons in writing.

- (37) **Contents of the decree.-**

- (1) A decree in Form IX shall be prepared in conformity with the order made by the Court it shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.
- (2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportion such costs are to be paid.
- (3) The Court may direct that the cost payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

- (38) **Certified copies of order, decree etc. to be furnished.-**

- (1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expenses.
- (2) If any party requires copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application thereof to the Court, he shall pay an additional fee of two rupees for each such copy.

- (3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the court, as the case may be, after the expiry of twelve months from the date of such making or furnishing as the case may be, he shall pay an additional searching fee of two rupees.

### **Execution**

**(39) Execution.-**

- (1) Any person in whose favour an order has been passed shall, within one year from the date of the order, apply in Form X to the Court which made the order for its execution.
- (2) On such, application being made, the court shall send the same together with the necessary record to a Civil Court, of competent jurisdiction, for its execution and such civil court shall have the same power in executing such order as, if it had been passed by it.

**(40) Communication of fact of execution or otherwise. -**

The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

### **Fees and costs**

**(41) Fees.-**

- (1) The fee payable on an application in respect of any matter referred to in section 49 shall be Ten rupees.
- (2) The fee payable in respect of any other application except a written statement called for by the Court under these rules shall be Five Rupees:  
Provided that the fee for an application for obtaining a copy or translation of any document on record or statement, order to decree presented to or made before or by the Court, as the case may be, shall be Two Rupees.
- (3) The fee for copies of any document on record, or statement or order or decree shall be such as may, from time to time be determined by the Government.
- (4) The fee for any authorisation for the appearance of any person under section 79 on behalf of any of the parties in a case shall be Ten Rupees.
- (5) The fee for filling certified copies of any document in a Court shall be Five Rupees.

- (6) All fees referred to in this rule shall be collected by means of Court-fee stamps used in ordinary Courts and no document which ought to bear stamps under these rules shall be of any validity unless and unless and until it is properly stamped :

Provided that where any such document is through mistake or inadvertence received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relating thereto shall be as valid as it had been properly stamped in the first instance.

- (7) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

**(42) Payment of Costs of services of summons, etc. -**

- (1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the preceding rule shall be such amount as may be specified in each case by the Court; and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefore.
- (2) Any amount which is left over after meeting the expenses, if any, for which it was intended shall be returned by the Court to the party by whom or on whose behalf the amount was originally paid into the Court.
- (3) The Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

**(43) Fees and costs of poor persons. -**

The Court may, whenever it whinks fit, receive and register proceedings instituted under the Code and applications made under these rules, by persons who are paupers, and may issue summons or notice on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in rules 31 and 32.

- (44) *In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 and The Bharatiya Sakshya Adhiniyam, 2023 shall so far apply. ’’*

**8. Manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof under sub-section (1) of section 51.-**

- (1) The proceeding before an Employees' Insurance Court shall be commenced by application by the Corporation, Aggrieved person or the employer of an establishment as the case may be.

- (2) Subject to the provisions of Chapter IV of the Code and rules made by the Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.
- (3) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.
- (4) The State Government may transfer any matter pending before any Employees' Insurance Court in the State to any such Court in another State with the consent of the State Government of that State.
- (5) The Court to which any matter is transferred under sub-rule (3) or sub-rule (4) shall continue the proceedings as if they had been originally instituted in it.

## **CHAPTER V GRATUITY**

### **9. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of section 53.-**

In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or Nationalised Bank.

Explanation.-"Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).

### **10. Time, form and manner of nomination by an employee under sub-section (1), the time to make fresh nomination under sub-section (4), the form and manner of modification of a nomination under sub-section (5) and the form for fresh nomination under sub-section (6) of section 55.-**

- (1) A nomination shall be in Form-XI and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer,

- (i) in the case of an employee who is already in employment for a year or more on the date of commencement of these rules but has not submitted the nomination, ordinarily, within ninety days from such date; and
- (ii) in the case of an employee who has completed one year of service after the date of commencement of these rules, ordinarily within thirty days of the completion of one year of service:

Provided that nomination in Form-XI shall be accepted by the employer after the specified period, if filed and no nomination so accepted shall be invalid merely because it was filed after the specified period.

- (2) Within thirty days of the receipt of nomination in Form-XI under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in Form-XI duly attested either by the employer or an officer authorised by him in this behalf as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.
- (3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of section 55, duplicate in Form-XI to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).
- (4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in Form-XI to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*.
- (5) *A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression in the presence of two witnesses, who shall also sign a declaration to that effect and shall be submitted by the employee electronically or by registered post acknowledgment due.*
- (6) *A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.*

**11. Time within which and the form in which a written application shall be made under sub-section (1) and the form of application to the competent authority under clause (b) of sub-section (5) of section 56.-**

**(1) Application for Gratuity:**

- (a) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in Form-XII to the employer:

Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement:

Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of one year and he shall be paid gratuity at the rate of fifteen days' wages, based on the rate of wages last drawn by him, for every completed year of service or part thereof in excess of six months.

- (b) A nominee of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within thirty days from the date of gratuity became payable to him, in Form-XII to the employer:

Provided that an application in plain paper with relevant particulars shall also be accepted. The employer may obtain such other particulars as may be deemed necessary by him.

- (c) A legal heir of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within one year from the date of gratuity became payable to him, in Form-XII to the employer.

- (d) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (a), (b) and (c) sub-rule (1) shall be deemed to be operative from the date of such commencement.

- (e) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision.



- (f) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

**(2) Notice for payment of gratuity.-**

- (a) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall-
  - (i) if the claim is found admissible on verification, issue a notice in Form-XIII to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof, or
  - (ii) if the claim for gratuity is not found admissible, issue a notice in Form-XIII to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible.

In the case of denial of gratuity a copy of the notice shall be endorsed to the competent authority.

- (b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form-XIII under sub-clause (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.
- (c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (a) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.
- (d) A notice in Form-XIII shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.
- (e) A notice under sub-section (2) of section 56 shall be in Form-XIII.

- (3) **Mode of payment of gratuity.-** The gratuity payable under the Code shall be paid through Demand Draft or by crediting in the bank account of the eligible employee, nominee or legal heir, as the case may be:

Provided that intimation about the details of payment shall also be given by the employer to the competent authority of the area.

**(4) Application to competent authority for direction under clause (b) of sub-section (5) of section 56.-**

(a) If an employer-

- (i) refuses to accept a nomination under rule 34 or to entertain an application sought to be filed under sub-rule (1), or
- (ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or
- (iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in Form-XIV to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:

Provided that the competent authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period.

- (b) Application under clause (a) sub-rule (4) and other documents relevant to such an application shall be presented in person to the competent authority or shall be sent by registered post acknowledgement due or electronically.

**(5) Procedure for dealing with application for direction .-**

- (a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in Form-XV, by electronically or registered post acknowledgement due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.
- (b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter

and praying for permission so to act. The competent authority shall record thereon an order either according to his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.

- (c) A party appearing by an authorised representative shall be bound by the acts of the representative.
- (d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.
- (e) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the competent authority may proceed to hear and determine the application ex parte. If the applicant fails to appear on the specified date of hearing without sufficient cause, the competent authority may dismiss the application:

Provided that an order under clause (e) of sub-rule (5) may, on good cause being shown within thirty days of the said order, be reviewed and the application re-heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

(6) **Place and time of hearing.-**

The sittings of the competent authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same in such manner as he thinks fit.

(7) **Administration of oath.-**

The competent authority may authorise a clerk of his office to administer oaths for the purpose of making affidavits.

(8) **Summoning and attendance of witnesses.-**

The competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the competent authority just, issue summons to any person in Form-XV either to give evidence or to produce documents or for both purposes on a specified date, time and place.

(9) **Service of summons or notice.-**

- (a) Subject to the provisions of clause (b) any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908).
  - (b) Where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any trade union or association or are represented by an authorised person, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association, or on the authorised person shall be deemed to be service on such persons.
- (10) **Maintenance of records of cases by the competent authority.-**
  - (a) The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and date the particulars so recorded.
  - (b) The competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet.
  - (c) Any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.
- (11) **Direction for payment of gratuity.-**

If a finding is recorded under clause (d) of sub-rule (5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form-XVI electronically or registered post acknowledgment due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.
- (12) **Appeal.-**
  - (a) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof

to the opposite party and the competent authority either through delivery in person or under registered post acknowledgement due or electronically.

- (b) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought.
- (c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.
- (d) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.
- (e) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.
- (f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent authority returning his records of the case.
- (g) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him.
- (h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in Form-XVI specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer. A copy of the notice be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.

**(13) Application for recovery of gratuity.-**

Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (11) or sub-rule (12), as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in Form XVII for recovery thereof under section 129 of the Code.

**12. Appointment of competent authority.-**

The competent authority shall be appointed by the State Government by notification.

## **CHAPTER VI**

### **MATERNITY BENEFIT**

#### **13. Authority to whom an appeal may be preferred under sub-section (3) of section 72.-**

##### **(1) Complaint under section 72.—**

- (a) A complaint under sub-section (1) of section 72 shall be made in writing in Form-XVIII as the case may be.
- (b) When a complaint referred to in section 72 is received by an Inspector-cum-Facilitator, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under section 63, as the case may be, immediately or within a specified period.

##### **(2) Appeal under section 72.—**

- (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the Competent Authority.
- (b) The aggrieved person shall prefer an appeal in writing to the prescribed Authority in Form-XIX and file other supporting documents.
- (c) When an appeal is received, the prescribed Authority shall call from the Inspector-cum-Facilitator before a fixed date, the record of the case. The prescribed Authority shall, if necessary, also record the statements of the aggrieved person, and of the Inspector-cum-Facilitator and seek clarification if any is required.
- (d) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the prescribed Authority shall give his decision.

## **CHAPTER VII**

### **EMPLOYEE'S COMPENSATION**

**14. The amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer under sub section (7) of Section 76.-**

**Amount of Funeral :-** If the injury of the employee result in his death, the employer shall, in addition to the compensation under sub section (1) , deposit with the competent authority a sum of not less than Rs. 15,000/- or such amount as may be notified by the State Government for the payment of the same to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee or where the employee did not have a dependent or was not living with his dependent at the time of his death , to the person who actually incurred such expenditure: If the Central Government enhances the amount specified in this sub-section, it shall be followed by the State Government.

**15. Conditions when application for review is made with certificate of a medical practitioner under sub section (1) of Section 79.-**

**(1) When application may be made without medical certificates.-**

Application for review of a half-monthly payment under Section 79 of the code may be made without accompanying a medical certificate :-

- (a) by the employer, on the ground that since the right to compensation was determined the workmen's wages have increased;
- (b) by the workmen, on the ground that since the right to compensation was determined his wages have diminished;
- (c) by the workmen, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workmen's condition such as two warrant such cessation;
- (d) either by the employer or by the workmen, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;
- (e) either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

**(2) Procedure on application for review.-** If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought it appears to the Competent Authority that there is reasonable grounds for believing that the employer has a right to such reduction to discontinuance, he may at any time issue an order after giving the employee likely to be affected thereby an opportunity of being heard for

withholding the half monthly payments in whole or in part pending his decision on the application.

**(3) Procedure on application for commutation. -**

- (1) Where application is made to the Competent Authority under Section 7 for redemption of a right to receive half-monthly payments by the payment of a lump-sum, the Competent Authority shall form an estimate of the probable duration of the disablement, and shall not a sum equivalent to the total of half-monthly payments would be payable for the period during which he estimated the disablement will continue, less one-half per cent, of that total for each month comprised in that period : Provided that fractions of a rupee included in the sum so computed shall be disregarded.
- (2) When, in any case to which sub-rule (1) applies, the Competent Authority is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

**16. Class of employers and the form of notice book under sub section (4) of Section 82.-**

The appropriate government may require that any class of employers as may be prescribed by that government shall maintain at there premises at which employees are employed, a notice book, in such form (See Form No -XX) prescribed by that government, which shall be readily accessible at all reasonable times to any injured employee employed on the premises and to any person acting bonafide on his behalf.

**17. The frequent interval for medical examination under the proviso to sub section (1) of Section 84.-**

- (1) **Workman not to be required to submit to medical examination save in accordance with rule. -** A workman who is required by sub-section (1) of Section 11 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part and not otherwise.
- (2) **Examination when workman and medical practitioner both are available at premises. -** When each workmen is present at the employer's premises and the employer offers to have him examined free of charge by a



qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

(3) **Examination in other cases.** - In cases to which Rule 14 does not apply the employer may :-

- (a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner; or
- (b) send to the workman any offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified :

Provided that :-

- (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m.; and
- (ii) in case where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

(4) **Restriction on number of examination.**- A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination else where than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

(5) **Examination after suspension of right to compensation.**- If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of Section 84 of the code subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman more than 72 hours after the workman has so offered himself.

(6) **Examination of women.**-

- (i) No woman shall without her consent be medically examined by a male practitioner save in the presence of another woman.

- (ii) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

**18. The statement to be submitted by the employer in the prescribed form under sub section (1) of section 88.-**

- (i) The notice to be sent by a Competent Authority under sub-section (1) of Section 88 of the code shall be in Form XXI and shall be accompanied by a blank copy of Form XXII.
- (ii) The statement to be submitted by an employer under Section 88 shall be in Form XXII
- (iii) The report in respect of an accident under sub-section (1) of Section 88 may be sent to the authority to whom the notice of such accident is required to be given.

**19. The manner of recording the memorandum in a register by the competent authority under sub section (1) of section 89.-**

- (1) **Form of Memorandum.-** Memorandum of agreement sent to the Competent Authority under sub-section (1) of Section 89 shall, unless the Competent Authority otherwise directs be in duplicate and shall be in as close conformity as the circumstances of the case admit with Form XXIII or Form XXIV or Form XXV, as the case may be.

- (2) **Procedure where Competent Authority does not consider that he should refuse to record memorandum. -**

- (i) On receiving a memorandum of agreement, the Competent Authority shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form XXVI to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed:

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

- (ii) On the date so fixed, the Competent Authority shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Competent Authority from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

- (iii) If on such date, the Competent Authority decides that the memorandum ought not to be recorded, he shall inform the parties

present of his decision and of the reasons therefore, and if any party desiring the memorandum to be recorded is not present, he shall send information to that party in Form XXVII.

**(3) Procedure where Competent Authority considers he should refuse to record memorandum. -**

- (i) If, on receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.
- (ii) If the parties to be informed are not present, a written notice shall be sent to them in Form XXVIII or Form XXIX, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.
- (iii) If, on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Competent Authority may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with Rule 20(2).
- (iv) If, on the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in Form XXVII to any party who did not receive information under sub-rule (1).

**(4) Procedure on refusal to record memorandum. -**

- (i) If, in any case, the Competent Authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.
- (ii) If, the Competent Authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show-cause why it should not be paid.
- (iii) Where the agreement is for the redemption of half monthly payments by the payment of lump-sum, and the Competent Authority considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the

agreement, he shall record his estimate of the probable duration of the disablement of the workman.

- (5) **Registration of memorandum accepted for record.** - In recording a memorandum of agreement, the Competent Authority shall cause the same to be entered in a register in Form XXX and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely :-

"This memorandum of agreement bearing serial No.....of.....20.....

in the register has been recorded this day.....of.....20.....

Signature of Competent Authority "

**20. Such other experience and qualification for appointment as a competent authority under sub-section (1) of section 9.-**

Eligibility of the Competent Authority -

- (i) Member of State Judicial service who is serving for a period of not less than five years; or
- (ii) Advocate with at least five years of practice; or
- (iii) Gazetted officer with service not less than five years having educational qualification and experience in personnel management, human resource development, Industrial relation and legal affairs. or
- (iv) Officer of the Labour Department not below the rank of Assistant Labour Commissioner / Deputy Director, Industrial Health and Safety.

**21. The manner of the notice under sub section (1) and the manner of transmitting money under sub section (3) of section 92.-**

**(1) Transfer for report.-**

- (i) A Competent Authority transferring any matter to another Competent Authority for report in accordance with sub-section (2) of Section 92 shall, along with the documents referred to in that sub-section, transmit to such other Competent Authority a concise statement, in the form of questions for answer, of the matter on which report is required.
- (ii) A Competent Authority to whom a case is so transferred for report shall not be required to report on any question of law.

(2) **Transmission of money.-**

Money transmitted by one Competent Authority to another in accordance with sub-section (2) of Section 92 shall be transmitted either by remittance transfer receipt, or by money order, or by messenger, as the Competent Authority transmitting the money may direct.

**22. The form, manner and fee for application for claim or settlement under sub section (3) and Time limit for disposal of application and cost incidental to the proceedings under sub section (4) of section 93.-**

**Procedure**

- (1) **Introductory.-** Save as otherwise provided in these rules, the procedure to be followed by Competent Authorities in the disposal of cases under the Act or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in this part.
- (2) **Applications.-** Any application of the nature referred to in Section 93 may be sent to the Competent Authority by registered post or may be presented to him or to any of his subordinate authorised by him in this behalf and, if so sent or presented, shall unless the Competent Authority otherwise directs, be made in duplicate in the appropriate form, if any, and shall be signed and verified by the applicant in the manner prescribed by Order VI Rule 15 of the Code of Civil Procedure 1908 (V of 1908). (See From XXXI), (See From XXXII), (See From XXXIII)
- (3) **Production of documents.-**
  - (i) When the application for relief is based upon a document, the document shall be appended to the application.
  - (ii) Any other document which the applicant desires to tender in evidence shall be produced at or before the first hearing.
  - (iii) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not, without the sanction of the Competent Authority be received in evidence on behalf of the applicant.
  - (iv) Nothing in this rule applied to any document which is produced for the purposes of cross-examining a witness or is handed to a witness to refresh his memory.
- (4) **Application presented to wrong Competent Authority.-**
  - (i) If it appears to the Competent Authority on receiving the application that it should be presented to another Competent Authority, he shall return it to the applicant after endorsing upon it the date of the

presentation and return, the reason for returning it and the designation of the Competent Authority to whom it should be presented.

- (ii) It appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant (and the opposite party) if he has received a copy of the application under the rule 08 , accordingly.
- (iii) The Competent Authority to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interest of the parties will not thereby be prejudiced.

**(5) Examination of applicant.-**

- (i) On receiving the application of the nature referred to in Section 93, the Competent Authority may examine the applicant on oath or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority.
- (ii) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in Section 97.

**(6) Summary dismissal of application.-**

- (i) The Competent Authority may, after considering application and the result of any examination of the applicant under sub-rule (5) summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.
- (ii) The dismissal of the application under sub-rule (1) shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

**(7) Preliminary inquiry info application.-**

If the application is not dismissed under sub-rule (6), the Competent Authority may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and if upon considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

**(8) Notice to opposite party.-**

If the Competent Authority does not dismiss the application under sub-rule (8) or sub-rule (7), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party), a copy of the application, together with a notice of date on which he will dispose of the application and may call upon the parties to produce upon that date any evidence which they may wish to tender.

**(9) Appearance and examination of opposite party.-**

- (i) The opposite party may, and if so required by the Competent Authority, shall, at or before the first hearing or within such time as the Competent Authority may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.
- (ii) If the opposite party contests the claim, the Competent Authority may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

**(10) Framing of issues.-**

- (i) After considering the written statement and the result of any examination of the parties, the Competent Authority shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.
- (ii) In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

**(11) Power to postpone trial of issues of fact where issues of law arise.-**

When issues both of law and of fact arise in the same case, and the Competent Authority is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law' have been determined.

**(12) Diary.-** The Competent Authority shall maintain under his hand a brief diary of the proceedings on an application.

**(13) Judgement.-**

- (i) The Competent Authority in passing orders, shall record concisely a judgement, and his finding on each of the issues framed and his reasons for such finding.

- (ii) The Competent Authority, at the time of signing and dating his judgement, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgement other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

**(14) Summoning of witnesses.-**

If an application is presented by any party to the proceedings for the citation of witnesses, the Competent Authority shall on payment of the prescribed expenses issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the decision of the case.

**(15) Right of entry for local inspection.-**

A Competent Authority before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings :

Provided that the Competent Authority shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

**(16) Procedure in connection with local inspection.-**

- (i) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representative notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.
- (ii) Such notice may be given orally or in writing, and, in the case of an employer may be given to any person upon whom notice of a claim can be served under sub-section (2) of Section 88, or to the representatives of any such person.
- (iii) Any party, or the representative of any party, may accompany the Competent Authority at a local inspection.
- (iv) The Competent Authority, after making local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on



payment of the prescribed fees, shall supply any party with a copy thereof.

- (v) The memorandum shall form part of the record.

**(17) Powers of summary examination.-**

- (i) The Competent Authority during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.
- (ii) No oath shall be administered to a person examined under sub-rule (1).
- (iii) Statements made by persons examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they except as hereinafter provided, be incorporated in the record or utilised by the Competent Authority for the purpose of arriving at a decision in the case.
- (iv) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Competent Authority may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.
- (v) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.
- (vi) Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

**(18) Agreement to abide by Competent Authority's decision.-**

- (i) If a party states in writing his willingness to abide by the decision of the Competent Authority, the Competent Authority shall inquire whether the other party is willing to abide by his decision.
- (ii) If the other party agrees to abide by the Competent Authority's decision, the fact of his agreement shall be recorded in writing and signed by him.

- (iii) If the other party does not agree to abide by the Competent Authority's decision, the first party shall not remain under an obligation so to abide.

**(19) Procedure where indemnity claimed under Section 85 (2).-**

- (i) Where the opposite party claims that if compensation is recovered from him he will be entitled under sub-section (2) of Section 85 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application, present a notice of such claim to the Competent Authority accompanied by the prescribed fee, and the Competent Authority shall thereupon issue notice to such person in Form XXXIV.
- (ii) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation, or the opposite party's claim to be indemnified, he shall appear before the Competent Authority on the date fixed for the hearing of the case or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings; and in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit its own liability to indemnify the opposite party for any compensation recovered from him :

Provided that, if any person so served appears subsequently and satisfies the Competent Authority that he was prevented by any sufficient cause from appearing, the Competent Authority shall, after giving notice to the aforesaid opposite party, hear such person and may set-aside or vary any award made against such person under this rule upon such terms as may be just.

- (iii) If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Competent Authority accompanied by the prescribed fee and the Competent Authority shall thereupon issue notice to such person in Form XXXV.
- (iv) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Competent Authority on the date fixed in the notice in Form XXXV or on any date to which

the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him :

Provided that, if any person, so served appears subsequently and satisfies the Competent Authority that he was prevented by any sufficient cause from appearing, the Competent Authority shall, after giving notice to all parties on the record, hear such person, and may set-aside or vary any award made against such person under this rule upon such terms as may be just.

- (v) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3), the Competent Authority shall, if he awards compensation, record in his judgement a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

**(20) Procedure in connected cases.-**

- (i) Where two or more cases pending before a Competent Authority arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.
- (ii) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Competent Authority shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross-examining the witnesses.

**(21) Certain provisions of Code of Civil Procedure, 1908 to apply.-** Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V Rules 9 to 13 and 15 to 30, Order IX, Order XII Rules 3 to 10, Order XVI Rules 2 to 21, Order XVII, Order XVIII Rules 1 and 2 shall apply to proceedings before Competent Authorities, in so far they may be applicable thereto :

Provided that :-

- (a) For the purpose of facilitating the application of the said provisions, the Competent Authority may construe them with such alterations not

affecting the substantive as may be necessary or proper to adopt them to the matter before him;

- (b) The Competent Authority may, for sufficient reasons, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.
- (22) **Provisions regarding signature of forms.-** Any form, other than a receipt for compensation, which is by these rules required to be signed by a Competent Authority may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.
- (23) **Apportionment of compensation among dependents.-** The provisions of this part except those contained in Rules 08, 09 and 21 shall as far as may be apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased workman.
- (24) **Reasons for postponement to be recorded.-** If the Competent Authority finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.
- (25) **Exemption from payment of costs.-** If the Competent Authority is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, they had not been remitted, would have been due to be paid, may be added to the cost of the case and recovered in such manner as the Competent Authority in his order regarding costs may direct.

## **23. The manner of authentication of memorandum under section 97.-**

### **Examination of applicant. -**

- (1) On receiving the application of the nature referred to in Section 93, the Competent Authority may examine the applicant on oath or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority.
- (2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in Section 97.

## **CHAPTER VIII**

## **SOCIAL SECURITY AND CESS IN RESPECT OF BUILDING AND OTHER CONSTRUCTION WORKERS**

24. Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under section 101.- *Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under section 101 - If any employer fails to pay any amount of cess payable under section 100 of the Code, within such time as may be specified in the assessment order, or 30 days from the date of issue of the assessment order, whichever is earlier.*
25. Fees for appeal under sub-section (2) of section 105.- The such appeal, inter-alia, shall be accompanied with— a non-refundable fee equivalent to half percent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal; which will be deposited in Labour Department head of account **0230-00-101-0555** in Cyber Treasury of the State Government.

## **CHAPTER IX**

### **SOCIAL SECURITY FOR UNORGANISED WORKERS, GIG WORKERS AND PLATFORM WORKERS.**

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## **CHAPTER X**

### **FINANCE AND ACCOUNTS**

26. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realise investments under sub-section (2) terms to raise loans and take measures for discharging such loans under sub-section (3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under sub-section (4) of section 120.-
- (1) The Board may, as soon as may be after the coming into force of these rules constitute a fund to be called the **Madhya Pradesh Social Security Fund** in accordance with the provision of the code and these rules. The fund shall be vested in and be administered by the board.

- (2) All moneys belonging to the fund may be invested in nationalised bank or in securities referred to in clause (a) to (d) of section 20 of the Indian Trust Act, 1882 (Act no. 2 of 1882).
- (3) According to sub section (3) of Section 120 Board may receive Loan / fund in advance from the State Government and return according to terms and condition for the same.
- (4) Time to time each of the social security organization with the prior approval of the state government and on such terms as may be prescribed by the state government, constitute for the benefit of its officers and staff or any class of them, such provident or other benefits fund as it may think fit.

**27. Conditions and manner of writing off irrecoverable dues under section 121.-**

- (1) Where the State Social Security Board is of the opinion that the amount of contribution, cess, interest and damages due to the State Social Security Board has become irrecoverable, The State Social Security Board or any other officer authorised by it in this behalf with prior approval of Government may sanction the writing off of the said amount, subject to the following conditions, namely: —
  - (i) establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
  - (ii) decree obtained by State Social Security Board could not be executed successfully for want of sufficient assets of the defaulting employer; or
  - (iii) claim for contribution is not fully met by —
    - (a) the Official Liquidator in the event of factories/establishments having gone into liquidation; or
    - (b) the Competent Authority of payments in the event of unit being nationalised or taken over by the Government.

## **CHAPTER XI**

### **Authorities Assessment Compliance & Recovery**

**28. Other powers of Inspector cum facilitator under clause (e) of sub section (6) of Section 122.-**

The inspector cum facilitator can exercise such powers which will be determined by the state government time to time.

**29. Form and manner for maintenance of records and registers and other particulars and details under clause (a), manner and form for display of notices**

**at the work places of the employees under clause (b) and the manner and period of filing returns to the officers or authority under clause (d) of section 123.-**

**(1) Register of Women Employees.—**

- (a) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in Form XXXVI electronically or in hard copy and shall enter therein particulars of all women workers in the establishment.

Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum-Facilitator.

- (b) The employer may enter in the register of women employees such other particulars as may be required for any other purpose of the Code.

**(2) Records.—**Records kept under the provisions Chapter V of the Code and the rules framed there under shall be preserved for a period of two years from the date of their preparation.

- (3) The notices shall be displayed at prominent place at the establishment

**(4) Annual returns.—**

- (a) The employer to whom the provisions of Chapter V of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in Form-XXXVII online on the web portal of the State Government in the Ministry of Labour giving information as to the particulars specified, in respect of the preceding year: Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise. Explanation.- For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000).

- (b) If the employer to whom the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of the Central Government in the Ministry of Labour and Employment, a further unified return in Form XXXVII referred to in clause(a) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

## **CHAPTER XII**

### **OFFENCES AND PENALTIES**

**30. Manner of compounding of offences by the authorised officer specified under sub-section (1) of section 138 and the form and manner of making application for the compounding of an offence under sub-section (4) of section 138.-**

- (1) The officer authorized by the State Government by notification for the purposes of compounding of offences under sub-section (1) of section 138 shall issue electronically a compounding notice in Form-XXXVIII for the offences which are compoundable under section 138.
- (2) The person to whom a notice has been served may apply in Part III of the Form-XXXVIII to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.
- (3) The Compounding Officer shall issue a composition certificate in Part IV of Form-XXXVIII within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- (4) If a person to whom a notice has been served fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the competent Court or the offence in respect of which the compounding notice was issued, against such person.
- (5) **Composition after institution of prosecution. —**
  - (a) The Court may compound any compoundable offence at any time after filing of a complaint under section 138 of the Code.
  - (b) *The provision of section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall apply to such compositions.”*

## **CHAPTER XIII**

### **EMPLOYMENT INFORMATION AND MONITORING**

**31. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre under sub-section (2) of section 139.-**

**(1) Reporting of Vacancies to Career Centre:-**

- (a) After the commencement of this Code in any State or area thereof, the employer in every establishment in public sector in that State or area shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such



Career Centre, as may be specified in the notification by the State Government.

- (b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre from such date as may be specified in the notification by the State Government.
- (c) The State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

**Explanation: (1)** *Establishment in “public sector”* means an establishment owned, controlled or managed by -

- (i) the Government or a Department of the Government;
- (ii) a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013( No. 18 of 2013);
- (iii) a corporation (including a co-operative society ) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned ,controlled or managed by the Government; and
- (iv) a local authority.

(2) *“Establishment in private sector”* means an establishment which is not an establishment in public sector and with ordinarily **20** or more employees or such number of employees as may be notified by the State Government.

(3) The State Government, having no career centre or digital portal of its own, may specify by notification reporting of vacancies by establishments in an area thereof to the digital portal or to the Career Centre of the Central Government.

(2) ***Type of vacancies and respective Career Centre for reporting of vacancies:***

- (a) The following vacancies, namely-
  - (i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the Central Government, occurring in establishments in respect of which the Central Government is the appropriate Government under the Code; and
  - (ii) Vacancies which an employer may desire to be circulated to the Career Centers outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre(Central) as may be specified by the Central Government by *notification*.
- (b) Vacancies other than those specified in clause (a) of sub-rule (2)above, shall be reported to the Career Centre (Regional) concerned.
- (c) Vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre(Central) or uploaded on a digital portal as specified by the Central Government by notification.

(3) **Form and manner of reporting of vacancies:**

- (a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the Appropriate Government.
- (b) The vacancies shall be reported in the format given at Form-XXXIX, furnishing as many details as practicable, separately in respect of each type of vacancy.
- (c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule(3), shall be reported in writing or through official email or digitally as the case may be, to the specified Career Centre.

(4) **Time limit in the reporting of vacancies:**

- (a) Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least fifteen days before the last date of receipt of the applications

of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

- (b) Vacancies required to be reported to the Career Centre(Central) shall be reported at least forty days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

**(5) Maintenance of records:**

- (a) After commencement of this Code in any state or area thereof, the employers in every establishment in the public sector in that state or area shall maintain records manually or electronically or digitally about:-

- (i) total number of employees (regular, contractual or fixed term employment) on *31<sup>st</sup> March* of every year;
- (ii) persons recruited during the year ending on *31<sup>st</sup> March*;
- (iii) occupational details of its employees on *31<sup>st</sup> March* of every year;
- (iv) vacancies for which suitable candidates were not available during the year ending on *31<sup>st</sup> March*; and
- (v) approximate number of vacancies likely to occur during the next financial year.

- (b) Appropriate Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about:-

- (i) total number of employees (regular, contractual or fixed term employment) on *31<sup>st</sup> March* of every year;
- (ii) persons recruited during the year ending on *31<sup>st</sup> March*;
- (iii) occupational details of its employees on *31<sup>st</sup> March* of every year;
- (iv) vacancies for which suitable candidates were not available during the year ending on *31<sup>st</sup> March*; and
- (v) approximate number of vacancies likely to occur during the *next financial year*.

- (6) **Submission of returns:** An employer shall furnish to the concerned Career Centre(Regional) yearly returns in form EIR(Employment Information Return) as

given at Form-XXXX Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective State Government in notification, within thirty days of the due date namely *31<sup>st</sup> March* of the year.

(7) **Declaration of Executive Officer:**

- (a) The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State Government, will declare in writing an officer looking after the work of Career Centres (Regional) as “Executive Officer” for each district for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.
- (b) The Director of Employment or an officer of equivalent or above rank, controlling the work of Directorate General of Employment, Ministry of Labour & Employment, New Delhi, will declare in writing an officer looking after the work of Career Centres (Central) as “Executive Officer” for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in Section 139 of the Code.

(8) **Levy of penalty under the Chapter XIII of the Code:** The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

(9) **Issue of guidelines:** For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII and rules thereof, the Central Government may issue detailed guidelines which may be supplemented further by the respective State Government as per local needs.

**CHAPTER XIV**  
**MISCELLANEOUS**

**32. Such other sources of funding and the manner of administering and expending of the Fund under sub-section (5) of section 141.-**

- (1) There shall be established by the state government a social security fund for the welfare of the unorganized workers in which there shall be credited the amount received from :-
- (i) wholly funded by the Central Government; or
  - (ii) partly funded by the Central Government and partly funded by State Government;
  - (iii) partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be specify in the scheme by the Central Government;
  - (iv) funded from any source including corporate social responsibility fund within the meaning of the companies act 2013 (18 of 2013) or any other sources as may be specify in the scheme;
  - (v) any grant or loan received from the Central Government;
  - (vi) funded from State Government by Budget;
  - (vii) other sources notified by the State Government.

The State Government may seek financial assistance from the Central Government for the schemes framed by it.

- (2) The scheme will be prepared for the unorganised worker registered as a beneficiary and it's family by the unorganized Social Security Board with the prior approval of the state government and the funds will be utilised under the notified scheme.

**33. Time within which the State Board, shall forward its view to the appropriate Government under sub-section (1) section 143.-**

The State Board, shall forward its views on the application seeking exemption under section 143 of the Code to the appropriate government within six months of receipt of proposal for exemption. If State Board ,is unable to provide its views within the said period, the appropriate government may extend the time limit or take action on the application of exemption, as it may deem fit.

**34. Conditions which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption under sub-section (2) of section 143.-**

- (1) The establishment to which exemption has been granted from the provision of Chapter IV of the Code:
  - (a) shall maintain such records regarding the exempted employees and submit such returns and other information to the Corporation as may be specified by the Central Government in the Regulations; and
  - (b) in case of change of legal status of an establishment which has been granted exemption under section 143 of the Code, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc. the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption, to the appropriate Government.

*35. Manner of determining the misuse of any benefit by an establishment or by any other person specified under Section 148-*

*(i). Grounds for identification of misuse—*

*The determination of misuse of benefits by an establishment or any other person may be made on one or more of the following grounds, namely:—*

- (a) claim or payment of benefit in the name of an ineligible person;*
- (b) obtaining benefit on the basis of false or misleading documents;*
- (c) wilful misstatement of facts relating to employee, wages, period of work or contribution;*
- (d) duplicate or multiple claim of the same benefit;*
- (e) obtaining benefit in the name of a deceased, retired, resigned or non-existent employee;*
- (f) wilful violation of the provisions of the Code or the rules made thereunder.*

*(ii). Sources of information—*

*Determination of misuse may be based on information received from the following sources:—*

- (a) inspection or inquiry reports;*
- (b) complaints made by any employee, worker, organisation or member of the public;*
- (c) analysis of departmental records, digital portals or databases;*
- (d) information received from any other Government department or agency.*

*(iii). Preliminary scrutiny—*

*(1) The authority shall conduct a preliminary scrutiny on the basis of the information received.*

*(2) Where such scrutiny reveals a prima facie case of misuse, further inquiry shall be initiated.*

*(iv). Inquiry procedure—*

*(1) The authority may require the establishment or the concerned person to produce such records, details or explanations as may be necessary.*

*(2) The concerned party shall be given a reasonable opportunity of being heard after due written notice.*

*(3) The inquiry shall be conducted in a fair, transparent and time-bound manner.*

*(v). Determination of misuse—*

*(1) Where, after inquiry, the authority comes to the conclusion that misuse of benefit has occurred, it shall determine such misuse by a reasoned written order.*

*(2) The order shall clearly specify the nature, period and amount of misuse and the person responsible therefor.*

*(vi). Recovery of benefit—*

*Upon determination of misuse, the amount of benefit wrongfully obtained shall be recovered in accordance with the provisions of the Code.*

*(vii). Other action—*

*The determination made under these rules shall be without prejudice to any penal or prosecution proceedings under the Code or any other law for the time being in force.*

*(viii). Appeal—*

*Any person aggrieved by an order of determination of misuse may prefer an appeal in accordance with the provisions of the Code.*

*(ix). Removal of difficulties—*

*If any difficulty arises in giving effect to the provisions of these rules, the State Government may issue such directions as may be necessary for removal of such difficulty.*

\*\*\*\*\*

**FORM – I**  
**(See Sub rule (10) of rule 7)**

In the Employers Insurance Court Act .....

A B (add description and residence )..... Applicant

Against

C D (add description and residence) ..... Opposite party. Other  
particulars of the application specified in rule 13 .....

Date .....

.....

Signature of the applicant

**(Verification by the Applicant)**

The statement of facts contained in this application is, to the best of my knowledge  
and belief, true and correct.

Date .....

.....

Signature of the applicant

-----

**FORM – II**  
**(See Sub rule (11) of rule 7)**

List of document produced by applicant/Opposite party (Title), e.g.. Description,  
Subject, Name of the court, no. etc.

No.	Description of document	The date which the document bears	Signature of the party or pleader or any authorized representative.
(1)	(2)	(3)	(4)

-----



### FORM – III

(See Sub rule (12) of rule 7)  
**Register of Proceedings**

Employees' Insurance Court at ..... Register of Proceedings in the year  
20.....

Date of presentation of application	No. of Proceedings	Name	Application description	Place of residence
1	2	3	4	5

Name	Opposite party Description	Place of residence	Particulars	Claim Amount of Value, if any	When the cause of action arise
6	7	8	9	10	11

Day for the parties to appear	Appearance applicant	Opposite party	Date	Final Order For whom	For what of amount
12	13	14	15	16	17

--	--	--	--	--	--

<u>Appeal</u>				<u>Execution</u>			<u>Other</u>
Date of description of appeal, If any	Judgment of appeal	Date of application	Against whom	For what & amount of money	Amount of cost	Date of order transferring to another Civil Court of .....at	Remark if any
18	19	20	21	22	23	24	25

-----

**FORM – IV**  
**(See Sub rule (15) of rule 7)**  
**Summons for disposal of proceedings (Title)**

To

.....

(Name, description and place of residence).

Whereas ..... has instituted proceeding against you for .....  
. You are hereby summoned to appear in this Court in person or by authorized agent duly instructed and able to answer all material questions relating to the case or who shall be accompanied by some person able to answer all such questions at ..... O'clock in the ..... noon on the ..... Day of .....20, to answer the claim, and the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses, upon whose evidence and all the documents, upon which you intend to rely in support of your defense.

Take notice, that, in default of your appearance on the above mentioned, the case will be heard and decided in your absence.

Given under my hand and the seal of the Court, on this ..... Day of .....20.

**Notice 1.** - If you apprehend that your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness to produce, on applying to the Court and on depositing the necessary expenses.

**2.** If you admit the claim, you should pay the money into Court together with the cost of the proceedings, to avoid execution of the decree which may be passed against you in person or property or both.

-----

**FORM – V**  
**(See Sub rule (15) of rule 7)**  
**Summons for Settlement of issues**

To

.....  
(Name, description and place of residence).

Whereas ..... has instituted proceeding against you for .....  
. You are hereby summoned to appear in this Court in person or by authorized agent duly instructed and able to answer all material questions relating to the proceedings or who shall be accompanied by some person able to answer such questions at ..... O'clock in the ..... noon on the ..... day of .....20, to answer the claim, and you are directed to produce on that day all the documents upon which you intend to rely in support of your defense.

Take notice that, in default of your appearance on the above mentioned the case will be heard and decided in your absence.

Given under my hand and the seal of the Court on this ..... day of .....20.

Court

**Notice 1.** - If you apprehend that your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

**2.** If you admit the claim, you should pay the money into the Court together with the cost of the suit, to avoid execution of the decree, which may be passed against you in person or property or both.

-----

**FORM – VI**  
**(See Sub rule (23) of rule 7)**  
**Subject-Application for setting aside the Ex-parte order**

The ..... above named states as follow :-

(Ground of Application should be stated)

Date .....

.....  
Signature of the applicant

**(Verification by the Applicant)**

The statement of facts contained in the application is, to the best of my knowledge and belief, true and correct.

Date .....

Place .....

.....  
Signature

-----

**FORM – VII**  
**(See Sub rule (23) of rule 7)**  
**Central Form**  
**(Title)**

**To**

Whereas the above named ..... has made application to this ..... You are hereby warred to appear in the Court in person or by a pleader duly instructed at ..... O' clock in the ..... noon, on the ..... Day of .....20, to show cause against the application, failing wherein, the said application will be heard and determined ex-parte.

Given under my hand and the seal of the Court on this ..... day of .....20.  
COURT

-----

**FORM – VIII**  
**(See Sub rule (24) of rule 7)**  
**Summons to witness**  
**(Title)**

Whereas, your attendance is required to ..... on behalf of the ..... in the above proceedings, you are hereby required (personally) to appear before this Court on the ..... Day of ..... 20 at O'clock in the ..... Noon and to bring will you (or to send to this ..... Court).....

A sum of Rs..... as your travelling and the other expenses and subsistence allowance for one day, is deposited with this Court and will be tendered to you on the day you appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of order XVI of the Code of Civil Procedure, 1908 (V of 1908).

Given under my hand and the seal of the Court, on this day of 20.....  
COURT

Notice 1. If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

2. If you are detained beyond the day aforesaid, a sum of Rs ..... will be tendered to you for each day's attendance beyond the day specified.

-----

**FORM – IX**  
**(See Sub rule (37) of rule 7)**  
**Decree in case**  
**Claim for**

This case coming on this day of final disposal before ..... in the presence of ..... for the applicant and of ..... for the opposite party, it is ordered ad decreed the ..... and that the sum of Rs ..... be paid by the ..... to the ..... On account of the costs of this suit with interest thereon at the rate of ..... percent per annum from this date to the date of realization. Given under my hand and the deal of the Court, this ..... day of ..... 19.

**Costs of Suits**

<b>Rs. Paise</b>	<b>Rs. Paise</b>
Stamp for application	Stamp for power
Stamp for power	Stamp for written statement
Stamp for exhibits	Pleader's fee
Pleader's fee	Subsistence for witness
Subsistence for witness	Service of summons and Notices
Competent Authority's fee	Competent Authority's fee
Service of summons and Notices	

Total .....	Total .....
-------------	-------------

**FORM – X**  
**(See Sub rule (39) of rule 7)**  
**Application for the Execution of Decree**

In the Court of ..... Decree Holder, hereby apply for execution of the decree herein below set forth.

<b>Number of Proceedings</b>	<b>Name/s of Party/Parties</b>	<b>Date of decree</b>	<b>Whether any appeal preferred from decree</b>	<b>Payment of adjustment made, if any</b>
1	2	3	4	5
III of 1949	A.B. Opposite party		No.	None

<b>Pervious application, if any with date and result</b>	<b>Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree</b>	<b>Amount of costs if any awarded</b>	<b>Against whom to be executed</b>
6	7	8	9
Rs. 72-25 Paise recorded on application dated 9 April, 1949	Rs. 314/51 Paise principal (interest at 6% per annum, from the date of order till payment)	As awarded RS ..... P..... decree ..... Subsequently incurred .....	Against the opposite party C.D.

		Total .....	
--	--	----------------	--

Mode in which the assistance of the Court is required	I pray that the total amount of Rs..... (together with interest on the principal sum upto date of payment) and the cost of taking out this execution be realized by attachment and sale of the opposite party's movable property as per annexed list and paid to me
9	10
	(When attachment and sale of immovable property sought)  I pray that the total amount of Rs..... (together with interest on principal sum up to date of payment) and the cost of taking out this execution be realised by attachment and sale of the opposite party's movable property specified at the foot of this application and paid to me

I, ..... Declare that, what it stated herein, is true to the best of my knowledge and belief .

Date the ..... day of 20.

Signature .....  
Decree holder

### FORM-XI

[See sub rule (1),(2), (3) and (4) of Rule 10]

**Nomination/Fresh Nomination/Modification of Nomination**  
(Strike out the words not applicable)

To.....  
.....

(Give here name or description of the establishment with full address)

I, Shri/Shrimati/Kumari.....(Full Name) whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/ have acquired a family within the meaning of clause (33) of section 2 of 2020 with effect from the .....(date here) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

or

I, Shri/Shrimati/Kumari.....(Full Name) whose particulars are given in the statement below, hereby give notice that the nomination filled by me on date ..... and recorded under your reference no.....dated..... shall stand modified in the following manner-

*\*Strike out unnecessary portion.*

2. I, hereby, certify that the person(s) mentioned is/are a member(s) of my family within the meaning of clause (33) of section 2 of the , 2020.

3. I, hereby, declare that I have no family within the meaning of clause (33) of section 2 of the said Code.

4 (a) My father/mother/parents is/are not dependent on me.

(b) My husband's father/mother/parents is/are not dependent on my husband.

5. I have excluded my husband from my family by a notice dated the..... to the competent authority in terms of clause (33) of section 2 of the said Code.

6. Nomination made herein invalidates my previous nomination.

#### **Nominee(s)**

S.No.	Full Name with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1.				
2.				
3.				
So on				



### **Manner of acquiring a “Family”**

(Here give details as to how a family was acquired, i.e., whether by marriage or parents being rendered dependent or through other process like adoption)

#### **Statement**

1. Name of employee in full:
2. Sex:
3. Religion:
4. Whether unmarried/married/widow/widower:
5. Department/Branch/Section, where employed:
6. Post held with Ticket no. or Serial no., if any:
7. Date of appointment:
8. Permanent address:

Village..... Thana..... Sub-  
division.....Post-Office.....  
Pin-Code.....District.....State..... E-mail  
ID.....Mobile Number.....  
Place:  
Date:

Signature/Thumb-impression of the  
Employee

### **Certificate by the Employer**

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's Reference no., if any

Signature of the employer/Officer authorised  
Designation

Date: Name and address of the establishment or rubber stamp thereof.

### **Acknowledgement by the Employee**

Received the duplicate copy of nomination in **Form-XI** filed by me and duly certified by the employer.

Date: .....

Signature of the Employee

**FORM-XII**

**[See sub rule (1) of Rule 11]**

**Application for Gratuity by an Employee/Nominee/Legal Heir**

*(Strike out the words not applicable)*

To,.....  
(Give the name or description of the establishment with full address)

Sir/Madam,

I, .....(name of employee/nominee/legal heir) /nominee of late.....(Name of the employee)/ as a legal heir of late.....(Name of the employee), beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 53 of 2020 on account of-

(a) my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/ on termination of contract period under fixed term employment with effect from the.....or

(b)death of the aforesaid employee while in service/superannuation on.....after completion of.....years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the.....or;

(c)death of aforesaid employee of your establishment while in service/superannuation on.....(date) without making any nomination after completion of .....years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....

Necessary particulars relating to my appointment are given in the statement below.

1. Name of employee, in full, (if, the gratuity is claimed by an employee)
  - a. Marital status of employee(unmarried/married/widow/widower)
  - b. Full address of employee
- or
2. Name of nominee/legal heir, (if the gratuity is claimed by nominee/legal heir)
  - a. Name of Employee
  - b. Marital status of nominee/legal heir(unmarried/married/widow/widower)
  - c. Relationship of nominee/legal heir with the employee

- d. Full address of nominee/legal heir
  - e. Date of death and proof of death of the employee
  - f. Reference No. of recorded nomination, if available
- 
- 3. Department/Branch/Section where last employed
  - 4. Post held by employee.
  - 5. Date of appointment.
  - 6. Date and cause of termination of service
  - 7. Date of Death
  - 8. Total period of service of the employee
  - 9. Total wages last drawn by the employee.
  - 10. Total gratuity payable to the employee/ share of gratuity claimed by a nominee/legal heir.
  - 11. Payment may please be made by crossed bank cheque/credit in my bank account no.....

Yours faithfully,  
Signature/Thumb-impression of the  
applicant employee/nominee/legal heir.

Place:

Date:

**FORM-XIII**

[See sub rule (2) of Rule 11]

**Notice for Payment/Rejecting claim of Gratuity**

*(Strike out the words not applicable)*

To,.....

.....

(Name and address of the applicant employee/nominee legal heir)

You are hereby informed that,

(a) \*as required under sub-clause (ii) of clause (a) of sub-rule (2) of rule 35 of the (Central) Rules, 2020, that your claim for payments of gratuity as indicated on your application in **Form-IV** under the said rules is not admissible for the reasons stated below:

Reasons(Here specify the reasons); or

(b) \*as required under sub-clause (i) of clause (a) of sub-rule (2) of rule 35, the (Central) Rules, 2020 that a sum of Rs. ....(Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made by .....on .....and.....recorded in this .....as a legal heir of.....an employee of this establishment.

2.\*Please call at .....on..... (Here specify place).....(date) at.....(time) for collecting your payment of gratuity crossed cheque.

3. Amount payable shall be sent to you through demand draft or shall be credited in your bank account as desired by you.

4. Brief statement of calculation

(a) Date of appointment.

(b) Date of termination/superannuation/resignation/ disablement/death.

(c) Total period of service of the employee concerned:  
.....years..... months.

(d) Wages last drawn:

(e) Proportion of the admissible gratuity payable in terms of nomination/as a legal heir:

(f) Amount payable:

*\*strike out para, if, not applicable*

Place:

Date:

officer.

Signature of the Employer/authorised

Name or description of establishment or  
rubber stamp thereof.

Copy to: The Competent Authority in case of denial of gratuity.

Copy also to: Office of DG Labour Bureau, Ministry of Labour and Employment, Chandigarh.

**FORM-XIV**  
**[See sub-rule (4) of Rule 11]**

**Application for Direction before the Competent Authority for Chapter V under,  
2020**

Application No.

Date

BETWEEN

(Full name of the applicant with full address)

AND

(Full name of the employer concerned with full address)

The applicant is an employee of the above-mentioned employer/a nominee of late..... an employee of the above-mentioned employer/a legal heir of late..... and employee of the above-mentioned employer and is entitled to payment of gratuity under section 53 of 2020 on account of his own/aforesaid employee's superannuation on.....(date)/his own retirement/aforesaid employees' resignation on.....(date) completion of.....years of continuous service/his own/aforesaid employees' total disablement with effect from .....(date) due to accident/disease death of aforesaid employee on.....

2. The applicant submitted an application under Rule..... of the (Central) Rules, 2020 on the .....but the above-mentioned employer refused to entertain it/issued a notice dated the..... under clause .....of sub-rule of rule .....offering an amount of gratuity which is less than my due/issued a notice dated .....the under clause..... of sub-rule.....of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter (specify the dispute).

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.

5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date:

Signature/Thumb impression of the applicant.

## ANNEXURE

1. Full Name of applicant with full address
2. Basis of claim (Death/Superannuation/Retirement/Resignation/Disablement of Employee/Completion of contract period under Fixed Term Employment)
3. Name and address in full of the employee
4. Marital status of the employee (unmarried/married/widow/widower)
5. Name and full address of the employer
6. Department/Branch/Section where the employee was last employed (if known)
7. Post held by the employee with Ticket or Sl. No., if any (if known)
8. Date of appointment of the employee (if known)
9. Date and cause of termination of service of the employee (Superannuation / retirement / resignation /disablement / death/Completion of contract period under Fixed Term Employment)
10. Total period of service by the employee
11. Wages last drawn by the employee
12. If the employee is dead, date and cause thereof
13. Evidence/witness in support of death of the employee
14. If a nominee, no. and date of recording of nomination with the employer
15. Evidence/witness in support of being a legal heir if a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Place:

Date:                      Signature/Thumb-impression of the applicant

## FORM– XV

**[(See Sub rule (5) and (8) of Rule 11)]**

### **Notice for Appearance before the Competent Authority/Summon**

*(Strike out the words not applicable)*

To,

(Name and address of the employer/applicant)

Whereas, Shri .....an employee under you/a nominee(s)/legal heir(s)  
of Shri.....an employee under the above-mentioned

employer, has/have filed an application under sub-rule (4) of rule 35 of the (Central) Rules, 2020 alleging that----

(A copy of the said application is enclosed, if summon is issued then copy of application is not required)

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at .....(place) either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the ..... day of .....20..... at ..... 'O' clock in the forenoon/afternoon in support of/to answer the allegation and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your allegation/ defense.

Take notice that in default of your appearance on the day before-mentioned, the application will be dismissed/heard and determined in your absence.

Whereas, your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of ..... in the case arising out of the claim for gratuity by..... Form..... and referred to this authority by an application under section 56 of the , 2020, you are hereby summoned to appear personally before this authority on the ..... day of .....20..... at ..... 'O' clock in the forenoon/afternoon and to bring with you to send to this authority) the said documents.

#### List of documents-

- 1.
- 2.
3. so on

Given under my hand and seal, this .....day of .....20.....

Competent Authority  
under the Code, 2020

Note: 1. Strike out the words and paragraphs if not applicable.

2. The portion not applicable to be deleted.

3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.

4. In case the summon is issued only for producing a document and not given evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent authority on the day and hour fixed for the purpose.

**FORM – XVI**  
**[See sub rule (11) and (12) of Rule 11 ]**

**Notice for Payment of Gratuity as Determined by Competent/Appellate Authority**  
*(Strike out the words if not applicable)*

To,  
(Name and address of employer)

1. Whereas, Shri/Smt./Kumari..... of an employee..... (address)under you/a nominee(s)/legal heir(s) of late .....an employee under you, filed an application under section 56 of the , 2020, before me; or

Whereas, a notice was given to you on .....requiring you to make payment of Rs..... to Shri/Smt./Kumari.....as gratuity under, 2020.

2. And whereas, the application was heard in your presence on.....and after the hearing have come to the finding that the said Shri/Smt./Kumari..... is entitled to a payment of Rs..... as gratuity under 2020; or

Whereas, you/the applicant went in appeal before the appellate authority who has decided that an amount off..... is due to be paid to Shri/Smt./Kumari.....as gratuity due under the , 2020.

Now, therefore, I hereby, direct you to pay the said sum of Rs. ....to Shri/Smt./Kumari ..... within thirty days of the receipt of this notice.

Given under my hand and seal, this .....day of.....20.....

Competent Authority  
under the Code, 2020

Copy to:

1. The Applicant he is advised to contact the employer for collecting payment.
2. The Appellate Authority, if applicable.

Note.--- *(Strike out paragraphs if not applicable)*



**FORM – XVII**  
**[See Sub rule (13) of Rule 11]**

**Application for Recovery of Gratuity before the Competent Authority for Chapter V under the Social Security Code, 2020**

Application No.

Date

BETWEEN

(Full Name of the applicant with full address)

AND

(Full Name of the employer/Trust/Insurer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/a nominee of late.....

an employee of the above mentioned employer/a legal heir of late .....an employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the .....under sub-rule (11) or sub-rule (12) of rule 35 of (Central) Rules, 2020 for payment of a sum of Rs..... as gratuity payable under the , 2020.

2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.

3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs. ....due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place:

Date:

Note.—Strike out the words if not applicable.

**FORM – XVIII**

**[See clause (a) of sub rule (1) of Rule 13]**

**Complaint to the Inspector-cum-Facilitator**

To,

The Inspector-cum-Facilitator  
(Under The , 2020)

Sir,

I..... (Name of woman) employed in..... (name and full address of the establishment) or I....., (name), a person nominated under section 72 by or a legal representative of.....(name of woman) employed in.....(name and full address of the establishment) having fulfilled the conditions laid down in the , 2020 and the Rules thereunder, am entitled to Rs..... being maternity benefit and/ or Rs..... being the medical bonus and/ or Rs..... being wages for leave due under section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Chapter VI of , 2020.

You are therefore requested, to direct the employer to pay the amount to me/ to set aside the discharge or dismissal done by the employer.

Signature or thumb impression of the Woman/  
nominee/ legal representative

Date.....

Signature of an Attester in case the woman/  
nominee/ legal representative is  
unable to sign and affixes thumb impression.  
Full address of the women/nominee/legal representative.

## **FORM-XIX**

### **Appeal**

**[See Clause (b) of sub rule (2) of Rule 13]**

To,

The Authority,

(Appointed under the , 2020)

.....(Address)

Sir,

I....., the undersigned, woman employee of..... (name and full address of the establishment)

\*Feel aggrieved by the order of Inspector-cum-Facilitator under sub section (2) of section 72 for the reasons attached hereto, prefer this appeal under sub-section (2) of section 68 and request that the said employer be ordered to pay the above mentioned amount to me. A copy of the order of Inspector-cum-Facilitator cum Facilitator in this behalf is enclosed; or

\*Shri....., Inspector-cum-Facilitator, having directed under sub-section (2) of section 72 to pay the maternity benefit or other amount being..... (nature of amount) to which..... (name of woman) is said to be entitled/to set aside my discharger dismissal during or on account of absence from work in accordance with the provisions of this Chapter V of the , 2020(*Strike out unnecessary portion*).

I prefer this appeal under sub-section (3) of section 72. In view of the facts mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is not entitled to the maternity benefit or the said amount and hence the order of the Inspector-cum-Facilitator in the copy of which is enclosed, may be set aside.

*\*Strike out unnecessary portion.*

Signature or thumb impression of the Women/Aggrieved person

Date.....

.....  
Signature of an Attester in case the woman is  
not able to sign and affixes thumb impression.  
Full address of the nominee/legal representative

## **FORM XX**

**[See rule 16]**

### **Notice Book of Accidents**

**[To be filled up by or on behalf of workman]**

Date ..... and ..... time ..... of  
accident.....

Date ..... and ..... time ..... of  
notice.....

Name of person injured.....  
Address.....  
Cause of injury.....

.....  
Signature or thumb-impression  
of person giving notice

[To be filled up by the employer or his agent]

Rate of wages.....  
Place of accident.....  
Nature of injuries.....  
Names of eye-witnesses.....  
Note of circumstances.....

### **Form XXI**

[See Sub rule (1) of Rule 18]

Whereas, I have received information that (1) ..... a workman employed by you in (2).....has died, as the result of an accident arising out of and in the course of employment. I hereby require you in accordance with sub section (1) of Section 88 of 2020, to submit to me within 30 days of the receipt of this notice the enclosed form **with** the particulars required in paragraphs 1 and 2 and the particulars required in either paragraph 3 or paragraph 4 duly filled in. In the event of your admitting liability to pay compensation, the necessary deposits must, under sub section (1) of Section 88 of the Code. be made within 30 days of the receipt of this notice.

.....  
Competent Authority For Workmen's Compensation

### **Form XXII**

[See Sub rule (2) of Rule 18]

1. In reply to your notice, dated.....20.... which was received by me on the ..... 20....., it is submitted that (1) ..... residing at/workmen over/under 15 years of age and I employed in (2).....met with an accident on the.....20....., as a result of which he died on the.....20.....The monthly wages of the deceased amounted to Rs.....
2. The circumstances in which the deceased met his death were as follows :-

.....  
.....

3. I admit liability to pay as compensation on account of the deceased's death the amount of Rs which was/will be deposited with you on or before the 20....
4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds :-

(1) Insert name of workman.....

(2) Insert name of establishment.....

.....  
Employer

### **Form XXIII**

[See sub rule (1) of Rule 19]

#### **Memorandum of Agreement**

It is hereby submitted that on the.....day of.....20..... personal injury was caused to.....residing at.....by accident arising out of and in the course of employment in.....The said injury has resulted in temporary disablement to the workman whereby it is estimated that he will be prevented for earning more than of his previous wages for a period of.....month. The said workman has been in receipt of half-monthly payment which have continued from the.....day of.....20.....until the.....day of.....20..... amounting to Rs.....in all.

The said workmen's monthly wages are estimated at Rs..... The Workman is over the age of 15 years/will reach the age of 15 years on..... It is further submitted that..... the employer of the said workman has agreed to pay and the said workman has agreed to accept the sum of Rs.

..... in full settlement of all and every claim under the Social Security Code 2020, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is, therefore, requested that this memorandum be duly recorded.

Date.....20...

Signature  
Witness

of

employer.....  
.....

Signature \_\_\_\_\_ of \_\_\_\_\_ Workman \_\_\_\_\_  
Witness.....

**Note** - An application to register an agreement can be presented under signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible (Receipt to be filled in when the money has actually been paid). In accordance with the above agreement, I have this day received the sum of Rs.....

Date.....20....

Workman.....

The money has been paid and this receipt is signed in my presence.

Witness.....

#### **Form XXIV**

[See sub rule (1) of Rule 19]

#### **Memorandum of Agreement**

It is hereby submitted that on the.....day of.....20..... personal injury was caused to.....residing at.....by accident arising out of and in the course of his employment in ..... The said injury has resulted in permanent disablement to the said workman of the following nature, namely, the said workman's monthly wages are estimated at Rs.....

The workman is over the age of 15 years/will reach the age of 15 years on.....

Rs.....on.....Rs.....on.....

It is further submitted that ..... the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs..... in full settlement of all and every claim under the Social Security Code 2020 , in respect of the disablement stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Date.....20....

Signature \_\_\_\_\_ of \_\_\_\_\_ employer.....

Witness.....

Signature \_\_\_\_\_ of \_\_\_\_\_ Workman.....

Witness.....

**Note** - An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

#### **Receipt**

*[To be filled in when the money has actually been paid]*

In accordance with the above agreement, I have this day received the sum of Rs..... on  
Date.....20...

.....

Workman

The money has been paid and this receipt is signed in my presence.

.....

Witness

### **Form XXV**

*[See sub rule (1) of Rule 19]*

#### **Memorandum of Agreement**

It is hereby submitted that on the.....day of.....20.... personal injury was caused  
to residing at.....by accident arising out of and in the course of employment in.....

The said injury has resulted in temporary disablement to the said workman who is at present  
in receipt of wages amounting to Rs..... per month no wages. The said workman's  
monthly wages prior to the accident are estimated at Rs.....

The workman is subject to a legal disability by reason of.....

It is further submitted that ..... the employer of the workman has agreed to pay and on behalf  
of the said workman has agreed to accept half-monthly payments at the rate of the period  
of the said temporary disablement. This agreement is subject to the condition that the  
amount of the half-monthly payments may be varied in accordance with the provisions of  
the said code on account of an alteration in the earnings of the said workman during  
disablement. It is further stipulated that all rights of commutation under sub section (3) of  
Section 93 of the said Code, are unaffected by this agreement. It is, therefore, requested  
that this memorandum be duly recorded.

Date 20...

Signature of employer.....

Witness.....

Signature of Workman.....

Witness.....

**Note** - An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

### **Receipt**

*[To be filled in when the money has actually been paid]*

In accordance with the above agreement, I have received the sum of Rs..... on  
Date.....20.....

.....  
Workman

The money has been paid and this receipt is signed in my presence.

.....  
Witness

### **Form XXVI**

*[See clause (i) of sub rule (2) of Rule 19]*

Whereas, an agreement to pay compensation is said to have been reached between .....  
and .....whereas..... has/have applied for registration of the agreement  
under Section 89(1) of the , 2020, notice is hereby given that the said agreement will be  
taken into consideration on ..... 20... and that any objections to the registration of the  
said agreement should be made on that date. In the absence of valid objections it is my  
intention lo proceed to the registration of the agreement.

.....  
Competent Authority.

### **Form XXVII**

*[See clause (iii) of sub rule (2)of Rule 19]*

Take notice that registration of the agreement to pay compensation said to have been  
reached between you.....and.....on the ..... 20.... has been refused  
for the following reasons :-

.....  
.....  
.....  
.....  
Date.....20...

.....  
Competent Authority



### Form XXVIII

[See clause (ii) of sub rule (3) of Rule 19]

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas.....has/have applied for registration of the agreement under Section 89(1) of the , 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :-

.....  
.....

an opportunity will be afforded to you of showing cause on why the said agreement should be registered. If no adequate cause is shown on that date the registration of the agreement will be refused.

Date.....20...

.....  
Competent Authority

### Form XXIX

[See clause (ii) of sub rule (3) of Rule 19]

Whereas an agreement to pay compensation is said to have been reached between.....and..... and whereas ..... has/have applied for registration of the agreement under Section 89(1) of the, 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :-

.....  
.....

an opportunity will be afforded to the said.....for showing cause on.....19.....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Date.....19....

.....  
Competent Authority

### Form XXX

[See sub rule (5) of Rule 19]

#### Register of Agreements for the Years, 19...

Serial No.		Date of agreement	Date of registration
Employer	Workman	Initials of Competent Authority	Reference to orders rectifying the register

**Form XXXI**

[See sub rule (2) of Rule 22]

**Application for Compensation by Workmen**

To,

The Competent Authority for Workmen's Compensation

.....

.....

.....Residing at.....

Applicant

versus

.....Residing at.....

Opposite party.

It is hereby submitted that :-

(1) The applicant, a workman employed by (a contractor with) the opposite party on the ..... day of .....20..... received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary languages the cause of the injury).....

(2) The applicant sustained the following injuries, namely :-

(3) The monthly wages of the applicant amount to Rs.... the applicant is over/under the age of 15 years.

\* (4) (a) Notice of the accident was served on the ..... day of.....

(b) Notice was served as soon as practicable.....

(c) Notice of the accident was not served (on due time) by reason of.....

(5) The applicant is accordingly entitled to receive-

(a) Half-monthly payments of Rs..... from the.....day of 20.... to.....

(b) A lump-sum payment of Rs.....

(6) The applicant has taken the following steps to secure a settlement by agreement, namely ..... but it has proved impossible to settle the question in dispute because.....

\*You are therefore, requested to determine the following questions in dispute, namely :-

(a) Whether the applicant is a workman within the meaning of the Code.....

(b) Whether the accident arose out of or in the course of the applicant's employment.....

(c) Whether the amount of compensation claimed in due, or any part of that amount.....

(d) Whether the opposite party is liable to pay such compensation as is due.....

(e) etc., (as required).....

Date.....20.....

.....  
Applicant

\*Strike out of the clauses which are not applicable.

**Form XXXII**

[See sub rule (2) of Rule 22]

**Application for order to Deposit Compensation**

To,

The Competent Authority for Workmen's Compensation

.....

.....

.....Residing at.....

Applicant

versus

.....Residing at.....

Opposite party.

It is hereby submitted that :-

(1) .....a workman employed by (a contractor with) the opposite party on the ..... day of..... 20..... received personal injury by accident arising out of and in the course of the employment resulting in his death on the..... day of .....20.... The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

(2) The applicant(s) is/are dependent(s) of the deceased workman being his.....

(3) The majority wages of the deceased amount to Rs.....

The deceased was under/over the age of 15 years at the time of his death.

(4) (a) Notice of the accident was served on the.....day of....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of.....

(5) The deceased before his death received as compensation the total sum of Rs.....

(6) The applicant(s) is/are accordingly entitled to receive a lump-sum payment of Rs.....

You are, therefore, requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

Date.....20.....

.....  
Applicant.

\*Strike out the clauses which are not applicable.

**Form XXXIII**

[See sub rule (2) of Rule 22]

**Application For Commutation**

To,

The Competent Authority for Workmen's Compensation

.....

.....

.....Residing at.....

Applicant

versus

.....Residing at.....

Opposite party.

It is hereby submitted that :-

(1) The applicant/opposite party has been in receipt of half-monthly payments from.....to.....in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders :-

(a) directing that the right to receive half-monthly payments should be redeemed.

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

Date.....20....

.....  
Applicant

**Form XXXIV**

[See sub rule (19) of Rule 22]

**Notice**

Whereas a claim for compensation has been made by.....applicant, against.....and the said .....has claim that you are liable under Section 93(3)(4) of the , 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you would be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

date.....20....

.....  
Competent Authority

**Form XXXV**

[See sub rule (19) of Rule 22]

**Notice**

Whereas a claim for compensation has been made by.....applicant, against and the said.....has claimed, that.....is liable under Section 93 (3)(4)of the , 2020, to indemnity him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said.....on notice served has claimed that you.....stated to him in the relation of a contractor from whom the applicant ..... could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party.....in default of your appearance you will be deemed to admit the validity of any award made against the opposite party.  
.....and your liability to indemnity the opposite party.....for any compensation recovered from him :-  
Date.....20....

.....  
Competent Authority

**FORM – XXXVI**

[See sub rule (1) of Rule 29]

**REGISTER OF WOMEN EMPLOYEES**

Name of establishment

1. Serial Number:
2. Name of woman and her father's (or, if married, husband's)  
Name:
3. Date of appointment:
4. Nature of work:
5. Dates with month and year in which she is employed, laid off and not employed:

Month	No. of days employed	No. of days laid off	No. of days not employed	Remark
a	b	C	d	e

--	--	--	--	--

6. Date on which the woman gives notice under section 62:
7. Date of discharge/dismissal, if any:
8. Date of production of proof of pregnancy under section 62:
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/ tubectomy operation /death / adoption of child.
11. Date of production of proof of illness referred to in section 65.
12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid, under section 64.
15. Date with the amount of wages paid on account of leave under section 65(1) & 65(3).
16. Date with the amount of wages paid on account of leave under section 65(2) and period of leave granted.
17. Name of the person nominated by the woman under section 62.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
21. Remarks column for the use of the Inspector-cum-Facilitator.

### **FORM XXXVII**

[See sub rule (3) of Rule 29]

### **Unified Annual Return**

#### **A. General Part:**

- (a) Name of the establishment.....  
Address of the establishment:  
House No./Flat No.....Street No./Plot No.....  
Town.....District.....State.....pin code.....
- (b) Name of the employer.....  
Address of the employer:

House No./Flat No.....Street No./Plot  
No.....

Town.....District.....State.....  
....pin code.....

E-mail ID.....Telephone  
Number.....Mobile number.....

- (c) Name of the manager or person responsible for supervision and control of  
establishment:

.....  
.....

Address:

House No./Flat No.....Street No./Plot  
No.....

Town.....District.....State.....  
....pin code.....

E-mail ID.....Telephone  
Number.....Mobile number...

**B. Employer's Registration/License number under the Codes mentioned in  
column (2) of the table below:**

S. No.	Name	Registration		If yes (Registration No.)
(1)	(2)	(3)		(4)
01.	The Code on Occupational Safety Health and working condition code 2020.			
02.	The 2020.			
03.	Any other Law for the time being in force.			

**C. Details of Employer, Contractor and Contract Labour:**

01.	Name of the employer in the case of a contractor's establishment.	
02.	Date of commencement of the establishment.	

03.	Number of Contractors engaged in the establishment during the year.	
04.	Total Number of days during the year on which Contract Labour was employed.	
05.	Total number of man-days worked by Contract Labour during the year.	
06.	Name of the Manager or Agent (in case of mines).	
07.	Address House No./Flat No. Street/Plot No. Town District State Pin Code E-mail ID Telephone Number Moblie Number	

**D. Working hours and weekly rest day:**

01.	Number of days worked during the year.	
02.	Number of mandays worked during the year.	
03.	Daily hours of work.	
04.	Weekly day of rest.	

**E. Maximum number of persons employed in any day during the year:**

Sl. No.	Males	Females	Adolescents (between the age of 14 to 18 years.)	Children (below 14 years of age.)	Total

**F. Wage rates (Category Wise):**

Category	Rates of Wages	No. of workers							
		Regular				Contract			
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly									
Skilled									
Skilled									
Semiskilled									
Unskilled									

**G. (a) Details of Payments:**

Gross wages paid	Deductions	Net wages paid
------------------	------------	----------------



In cash	In kind	Fines	Deductions for damage or loss	Others	In cash	In kind

**(b) Number of workers who were granted leave with wages during the year:**

Sl. No.	During the year	Number of workers	Granted leave with wages

**H. Details of various welfare amenities provided under the statutory schemes:**

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)

**I. Maternity Benefit under the , 2020:**

**(a) Details of establishment, medical and para-medical staff:**

01.	Date of opening of establishment	
02.	Date of closing, if closed	
03.	Name of Medical Officer	
03(i)	Qualification of Medical Officer	
03(ii)	Is Medical Officer at (the mines or circus) ?	
03(iii)	If a part time, how often does he/she pay visit to establishment ?	
03(iv)	Is there any Hospital?	
03(v)	If so, how many beds are provided?	
03(vi)	Is there a lady Doctor?	
03(vii)	If so, what is her qualification?	
03(viii)	Is there a qualified mid-wife?	
03(ix)	Has any crèche been provided?	

**(b) Leave Granted under the , 2020**

01.	Total number of female employees in the establishment	
02.	Total number days of leave granted	
03.	Number of employees granted maternity leave/benefited by ESI	

**Declaration**

It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment.

Place

Date

Sign. Here

**FORM-XXXVIII**

*[See sub rule (1)(2)(3) of Rule 30]*

**Notice to the Employer who committed an offence for the first time for compounding of offence under sub-section (1) of section 138 of the , 2020**

**Notice No.....**

**Date:**

On the basis of records and documents produced before me, the undersigned has reasons to believe that you, being the employer of the establishment..... (Registration No.....), have committed offence for the violation of provision of the Code or the Schemes or the Rules or the Regulations framed thereunder as per the details given below:-

**PART – I**

1. Name of the Person:
2. Name and Address of the Establishment :
3. Registration No of the Establishment:
4. Particulars of the offence:
5. Provisions of the Code/Scheme/Rules/Regulations under which the offence is committed:
6. Compounding amount required to be paid towards composition of the offence:
7. Name and Details of Account for depositing the Amount specified in Column 6:

**PART –II**

In view of the above, you have an option to pay the above-mentioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part – III of this notice.

In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

**(Signature of the Compounding Officer)**

**Date:**

**Place:**



**PART – III**  
*[See Rule 30 (2)]*

**Application under sub-section (4) of section 138 for compounding of offence**

**Ref: Notice No.....**

**Date:**

The undersigned has deposited the entire amount as specified in Column 6 of Part-I and the details of payment are given below with a request to compound the offences mentioned in Part-I.

1. Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):
2. Details of the prosecution, if filed for the violation of above-mentioned offences may be given:
3. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then full details of the offence:
4. Any other information which the applicant desires to provide.

**Signature of the applicant**  
**(Name and Designation)**

**Dated:**

**Place:**

## PART – IV

### Composition Certificate

[See Rule 30 (3)]

Ref: Notice No.....

Date:

This is to certify that the offence under sub-section ..... of section 133 of the Code in respect of which Notice No. Dated: \_\_\_\_\_ was issued to Sh..... (Applicant), the employer of ..... (name and Registration Number of establishment) has been compounded on account of remission of full amount of Rs ..... (Rupees \_\_\_\_\_) towards the composition of offences to the satisfaction of the said Notice.

(Signature)

Name and Designation of the Officer

Date:

Place:

## FORM-XXXIX

[See Rule 31 (3) (b)]

**Form for Reporting Vacancies to Career Centres**  
(Separate forms to be used for each type of posts)

1	<b>Particulars of the employer:</b> Name: Address with pin code: Telephone No. : Mobile No.: Email address : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment under Code: Economic activity details:	
2.	<b>Particulars of the indenting Officer:</b> Name: Designation:	

	Telephone No. : Mobile No.: Email address :		
3.	<b>Particulars of vacancy(ies):</b> (a) Designation/nomenclature of the vacancy(ies) to be filled  (b) Description of duties of the post (job role/functional role)		
	(c) Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/Preferable
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience		
	(d) Age Limits, if any ( Age as on last date of application)		
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc) if any		
	(f) duration of employment (i) 3-6 months (ii) 6-12 months (iii) 12 months and more	Number of posts	
4	<b>Whether there is any obligation for arrangement for giving reservation/preference</b> to any category of persons such as Scheduled Caste(SC), Scheduled Tribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC), Ex-serviceman and persons with disabilities (pwd) , etc, in filling up the vacancies: <b>Yes/No</b> ( if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c)OBC	Total	*By Priority candidates *(Applicable for Central Government vacancies)

	(d)EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify)		
6.	<b>Pay and Allowances:</b> For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.		
7.	Place of work ( Name of the town/village and district, pin code ,etc. in which it is situated)		
8.	Mode of Application(email, online, in writing, etc) and Last date for receipt of applications.		
9.	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address , telephone No., website address in case of online)		
10	Mode of Recruitment {Through Career Centre, Placement Agency ,self-management, any other mode(specify) }		
11	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No	
12	Any other relevant information		

Signature, Name & Designation of Authorised Signatory of establishment/ employer with seal& date

(For Official Use- to be filled by Career Centre)

13	Name, address, email id of the Career Centre	
14	Date of receipt of Vacancies	

15	NIC Code of the establishment/	
16	NCO Code of the post	
17	Unique Vacancy ID(number)	

Signature, Name& Designation of Authorised Signatory

of Career Centre with seal & date

NOTE:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.
2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.
3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official email or digitally(including through a portal) as the case may be, to the appropriate Career Centre.

### **FORM-XXXX**

[See Rule 31 (6)]

### **Form of EIR (Employment Information Return)**

**Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....**

The following information is required to be submitted under the Code on Social Security (Chapter XIII – Employment Information &Monitoring) 2020.

Name & Address of the Employer	
Whether – Head Office	
Branch Office	
Type of Establishment (Public /Private Sector)	
Nature of business/Principal activity	



<b>Establishment Registration No. under the Code</b>		
<b>1. (a) EMPLOYMENT</b> Total number of <i>manpower of establishment</i> including working <i>proprietors/partners//contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary <i>is paid</i> ).		
Category	On the last working day of the previous Year	On the last working day of the Year under report
MEN		
WOMEN		
Other (Transgender)		
TOTAL : PWD(persons with disabilities) out of above total		

**(EIR-continued)**

<b>2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year</b>				
Occurred	Reported		Filled	Source (Career Centre/ NCS Portal/ Govt. Recruiting Agencies/ Private Placement Organisations/ others)
	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

\*As per provisions of Code on Social Security, 2020(Chapter XIII) and Rules made there under,

### 3. MANPOWER SHORTAGES:

Vacancies/posts remained unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	Number of unfilled vacancies/posts		
	Skill/ qualifications (educational /technical/experience) prescribed	Essential	Desirable
1	2	3	4

(Please list any other occupations also for which this establishment had any difficulty in obtaining suitable applicants recently.)

### 4. Estimated Manpower Requirement by Occupational Classification during the next calendar year (Please give below the number of employees in each occupation separately).

Occupation	Number of employees				
	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/ expansion or re-organisation.				
Description	Men	Women	Others (trans-gender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
*					

Total :					

\* In the column(description) -Use exact terms such as Engineer (Mechanical),Assistant Director(Metallurgist);Research Officer (Economist);Supervisor (Tailoring),Inspector(Sanitary), Superintendent (Office), Manager(Sales), Manager(Accounts), Executive(Marketing), Data Entry Operator.....so on.

Signature, Name & Designation of Authorised Signatory  
of establishment/ employer with seal & date

To

The Career Centre,

.....

Note:- 1. This return is to be rendered to the Career Centre (Regional) within 30days after the end of the *financial year* concerned by establishments/employers vide their obligation under the Code on Social Security, 2020 (Chapter XIII-Employment Information and Monitoring).

2. The main purpose in obtaining the information from employers is to know (i) the vacancies/employment opportunities available; (ii) type of personnel who are in short supply; and (iii) future job opportunities for providing vocational guidance to the job seekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.

**By order and in the name of the  
Governor of Madhya Pradesh,**

म.प्र. राज्य शासन,श्रम विभाग

अध्याय-14 प्रकीर्ण

श्रम विभाग,  
मंत्रालय वल्लभ भवन,भोपाल  
अधिसूचना

दिनांक.....

क्र.....सामाजिक सुरक्षा संहिता,2020 की धारा 141 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये,राज्य सरकार द्वारा इस संहिता के अधीन राज्य सरकार से संबंधित अपराधों के शमन हेतु ऐसे अपराध,जो शमन योग्य है उनका शमन निम्नलिखित अधिकारी द्वारा किया जा सकेगा

#### अनुसूची

क्र.	अधिकारी	क्षेत्र
01	समस्त सहायक श्रमायुक्त	उनके क्षेत्राधिकार के भीतर
02	समस्त श्रम पदाधिकारी	उनके क्षेत्राधिकार के भीतर
03	समस्त सहायक श्रमपदाधिकारी	उनके क्षेत्राधिकार के भीतर

उक्त अधिकारी को यह अधिकार होगा कि वह अपराध के शमन हेतु आवेदन स्वीकार करें,संहिता के प्रावधानों के अनुसार निर्धारित शमन राशि वसूल करें।

शमन की राशि तथ प्रक्रिया राज्य सरकार द्वारा समय समय पर जारी निर्देशों के अनुसार होगी।

यह अधिसूचना राजपत्र में प्रकाशन की तिथि से प्रभावशील होगा।

म.प्र. के राज्यपाल के नाम से आदेशानुसार

Madhya Pradesh  
Labour Department  
Notification

Bhopal, the..... , 2025

No./.....:- In exercise of the powers conferred by sub-Section (1) of Section 67 of the Code on Wages, 2019 (29 of 2019) and in supersession of the Minimum wages (The Madhya Pradesh) Rules, 1958 and the Madhya Pradesh payment of wages Rules, 1962 the State Government hereby notifies the draft Rules. As required by sub-Section (1) of said Section 67, notice is, hereby given to all persons likely to be affected by these draft Rules, that the said draft Rules will be taken into consideration after the expiry of a period of 45 days from the date on which this notification is published in official Gazette of Madhya Pradesh.

Objections and suggestions, if any, may be addressed to the **Secretary** to the Government of Madhya Pradesh, Department of Labour, Mantralaya, Vallabh Bhawan, Bhopal or by email to — [pslabour@mp.gov.in](mailto:pslabour@mp.gov.in) . The objections and suggestions should be sent in a proforma containing columns (i) specifying the name and address of the person/organization and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub-rule proposed to be substituted and column (iv) reasons thereof.

Objections and suggestions, which may be received from any person or organization with respect to the said draft notification before expiry of the period specified above, will be considered by the State Government.

RULES  
CHAPTER I  
PRELIMINARY

1. Short title, extent and commencement

1. These Rules may be called the Madhya Pradesh Code on Wages Rules, 2026.
2. They shall extend to the whole State of Madhya Pradesh.
3. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :

1. In these Rules, unless the subject or context otherwise requires -
  - a. "Appeal" means an appeal preferred under sub-Section (1) of Section 49;
  - b. "Appellate Authority" means the appellate authority appointed by the Government under sub-Section (1) of Section 49;
  - . "Authority" means the authority appointed by the Government under sub-Section (1) of Section 45;

- d. "Board" means the Madhya Pradesh State Advisory Board constituted by the State Government under sub-Section (4) of Section 42;
- e. "Chairperson" means the chairperson of the Board;
- f. "Code" means the Code on Wages, 2019 (29 of 2019);
- g. "committee" means a committee appointed by the Madhya Pradesh State Government under clause (a) of sub-Section (1) of Section 8;
- h. "day" means a period of 24 hours beginning at midnight;
- i. "family" means all or any of the following relatives of an employee namely:-
  - I. a spouse;
  - ii. a minor legitimate or adopted child dependent upon the employee ;
  - III. a child who is wholly dependent on the earnings of the employee, and who is -
    - i receiving education, till he attains the age of twenty-one years; and
    - ii. an unmarried daughter;
  - IV. a child who is infirm by reason of any physical or mental abnormality or injury and is wholly dependent on the earnings of the employee, so long as the infirmity continues;
  - V. dependent parents (including father-in-law and mother-in-law of a woman employee), whose income from all sources does not exceed such income as may be specified by the Central Government from time to time;
- j. "Form" means a form appended to these Rules;
- k. "Geographical Area" means, the areas notified as such by the State Government from time to time.
- l. "Government" means the Government of Madhya Pradesh;
- m. "highly skilled occupation" means an occupation which calls in its performance a specific level of perfection and required competence acquired through intensive technical or professional training or practical occupational experience for a considerable period and also requires of an employee to assume full responsibility for his judgement or decision involved in the execution of such occupation;
- n. "Inspector-cum-Facilitator" means a person appointed by the State Government, by notification under sub-Section (1) of Section 51 ;
- o. "member" means a member of the Board and includes its chairperson;
- p. "metropolitan City" means a compact area having a population of forty lakhs or more comprised in one or more districts;
- q. "non-metropolitan city" means a compact area having a population of more than ten lakhs but less than forty lakhs, comprised in one or more districts;
- r. "population" means the population as ascertained at the last preceding census of which the relevant figures have been

published;

- s. "registered trade union" means a trade union registered under The Trade Unions Act, 1926 (16 of 1926);
  - t. "rural area" means the area which is not the metropolitan or non-metropolitan area;
  - u "Schedule" means the schedule to these Rules;
  - v "Section" means a Section of the Code;
  - w "semi-skilled occupation" means an occupation which in its performance requires the application of skill gained by the experience on job which is capable of being applied under the supervision or guidance of a skilled employee and includes supervision over the unskilled occupation;
  - x "skilled occupation" means an occupation which involves skill and competence in its performance through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiating and judgement;
  - t. "unskilled occupation" means an occupation which in its performance requires the application of simply the operating experience and involves no further skills;
2. All other words and expressions used herein in these Rules and not defined shall have the same meanings respectively assigned to them under the Code.

## CHAPTER II

### Minimum Wages

#### 3. Manner of calculating the minimum rate of wages (sub-Section (5) of Section 6 of the Code) :

1. The minimum wage shall be fixed on daily basis keeping in view the following criteria, namely -
  - I. Standard working class family which includes the worker, his wife or her husband and two children in addition to the earning worker, which is equal to three adult consumption units,
  - II. Net consumption of 2700 calories per consumption unit per day,
  - III. 66 meters of cloth per year per standard working class family,
  - IV. Residential rent expenses which shall be 10 per cent of food and clothing expenses **at** maximum,
  - v. Fuel, electricity and other miscellaneous items of expenditure which shall be 20 per cent **of food and clothing expenses at maximum.**
  - VI. Expenses of children's education, medical needs, entertainment and other incidental expenses which shall be 25 per cent of the **food and clothing expenses at** maximum.
2. When the rate of wages for a day is fixed, then, such amount shall be divided by eight for fixing the rate of wages for an hour and multiplied by twenty six for fixing the rate of wages for a month and in such division and multiplication the factors of one-half and more than one-half shall be rounded as next figure and the factors less than one-half shall be ignored. In case of a five day working week, the hourly rate of minimum wages so calculated shall be used to derive the minimum wages for the day.

4. Norms for fixation of minimum rate of wages (sub-Section (6) of Section 6 of the Code) :

1. While fixing the minimum rates of wages, the State Government shall take into account the following:
  - i. Geographical area or
  - ii. **Physical circumstances of work contingent on** Level of skill required for working under the categories of unskilled, semi-skilled, skilled and highly skilled.
2. The State Government shall constitute a Technical Committee for the purpose of advising the State Government in respect of skill categorization of occupation, arduousness of work, hazardous occupations or processes and underground work and like other categorization, which shall consist of the following members, namely -
  - i. Labour Commissioner (Chairperson)
  - ii. Additional Labour Commissioner/Senior Deputy Labour Commissioner Government of Madhya Pradesh (Member)
  - iii. a representative from the Government of Madhya Pradesh, dealing with skill development **(Member)**
  - iv. two technical experts in wage determination as nominated by Government (Member); and
  - v. the Deputy Labour Commissioner/Assistant Labour Commissioner, Department of Labour, Government of Madhya Pradesh, Member Secretary of such technical committee.
3. The State Government shall, on the advice of the Technical Committee referred to in sub-Rule (2), by notification update Schedule-E in respect of categorization of occupations into unskilled, semiskilled, skilled and highly skilled by modifying, deleting or adding any entry in respect of occupations specified in **Schedule-E**.
4. While fixing or revising the minimum rates of wages, the Technical Committee specified in sub-Rule (2) shall give appropriate advice to the State Government keeping in view the difficulties of the workers, such as tolerating temperature or generally dampness, hazardous occupations or processes or such underground work etc.

5. Time Interval for revision of Dearness Allowance (sub-Section (2) of Section 7 of the Code) : Endeavour shall be made so that the cost of living allowance and the cash value of the concession in respect of essential commodities at concession rate shall be computed once before 1st April and 1st October in every year to revise the variable Dearness Allowance payable to the employees on the minimum wages considering the Average Consumer Price Index Number for Industrial Workers published by the Labour Bureau, Ministry of Labour and Employment, Government of India.

6. Circumstances in which an employee shall not be entitled to receive wages for a full normal working day (clause (ii) of the proviso to section 10 of the Code) :

1. A person employed for a period of less than the requisite number of hours constituting a



normal working day, shall not be entitled to receive wages for a full normal working day to the extent to which he has remained himself absent during the normal working hours.

2. An employee shall not be entitled to receive wages for a full normal working day under Section 10, if he is not entitled to receive such wage under any other law for the time being in force.

**7. Number of Hours of work which shall constitute a normal working day (clause (a) of sub-Section (1) of Section 13 of the Code) :**

1. No employee shall be required or allowed to work in an establishment for more than forty eight hours in a week.
2. The normal working day under clause (a) of sub-Section (1) of Section 13 shall be comprised of eight hours of work and one or more intervals of rest which in total shall not exceed one hour.
3. The working day of an employee shall be so arranged that inclusive of the intervals of rest, if any, it shall not spread over more than twelve hours on any day.
4. Nothing in this Rule shall be deemed to affect the provisions of the Code on Occupational Safety, Health and Working Conditions 2020.
5. No employee shall be allowed to work for more than five hours continuously before he has had an interval for rest of at least half an hour.
6. The provisions of sub-Rules (1), (2), (3), (4) and (5) shall, in the case of an employee employed in agricultural employment, be subject to such modifications as may, from time to time be determined by the state government.

**8. Weekly day of rest (clause (b) and (c) of sub-Section (1) of Section 13 of the Code) :**

1. Subject to the provisions of this Rule, an employee shall be allowed rest of one day or more than one day as the case may be, every week (hereinafter referred to as "the rest days") which in case of six day week shall ordinarily be Sunday and in case of less than six day week shall include Saturday and Sunday, but the employer may fix any other days of the week as the rest days for any employee or class of employees.

Provided that in a six day working week or less than six days working week, as the case may be, the remaining days of the week shall be paid rest days for such employees.

Provided that an employee shall be entitled for the rest days under this sub-Rule if he has worked under the same employer in case of six day week for a continuous period of not less than six days and in case of less than six day working week for a continuous period of the stipulated number of working days as the case may be.

Provided further that the employee shall be informed of the days fixed as the rest days and of any subsequent change in the rest days before the change is effected, by display of a notice to that effect at a conspicuous place in the place of employment.

Explanation.- For the purpose of computation of the

continuous period of not less than six days or the stipulated number of working days in a week specified in the second proviso to this sub-Rule,

- a. any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work,
  - b. any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 (14 of 1947), and
  - c. any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days or during the stipulated number of working days of a week as the case may be, immediately preceding the rest days, shall be deemed to be days on which the employee has worked.
1. Any such employee shall not be required or allowed to work on the rest day unless he has or will have a substituted rest day for a whole day on one of the working days in a week immediately before or after the rest day:
  2. Where in accordance with the foregoing provisions of this Rule, any employee works on a rest day and has been given a substituted rest day on any one of the working days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.
  3. An employee shall be granted -
    - a. for rest day, wages calculated at the rate applicable to the next preceding day; and
    - b. where he works on the rest day and has been given a substituted rest day, Then, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day:

Provided that in case of six day week where-

the minimum rate of wages of the employee as notified under the Code has been worked out by dividing the minimum monthly rate of wages by twenty six; or

- ii. the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty six and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee, then, no wages for the rest day shall be payable; and
- iii. the employee works on the rest day and has been given a substituted rest day, then, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate; and, if any dispute arises whether the daily rate of wages has been worked out in accordance with the provisions of this proviso, the Labour Commissioner or the Deputy Labour Commissioner having territorial jurisdiction may, on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations.

Provided further that in case of an employee governed by a piece-rate system,

he shall be paid wages for the rest day on which he works, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day."

Explanation - In this sub-Rule next preceding day means the last day on which the employee has worked, which precedes the rest day or the substituted has worked, which precedes the rest day or the substituted rest day, as the case may be; and where the substituted rest day falls on the day immediately after the rest day, the next proceeding day means the last day on which the employee has worked, which precedes the rest day.

5. The provisions of this Rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be, entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to more favourable terms aforesaid.

Explanation - For the purposes of this Rule, 'week' shall mean a period of seven days beginning at midnight on Saturday night.

6. Night shifts : Where an employee in an employment works on a shift which extends beyond midnight, then, -
- a. a rest day for the whole day for the purposes of this Rule shall, in this case means a period of twenty-four consecutive hours beginning from the time when his shift ends; and
  - b. the following day in such a case shall be deemed to be the period of twenty-four hours beginning from the time when such shift ends, and the hours after midnight during which such an employee was engaged in work shall be counted towards the previous day.

9. The extent and conditions for the purposes of sub-Section (2) of Section 13 of the Code : In case of employees -

- a. engaged in any emergency which could not have been foreseen or prevented;
- b. engaged in work of the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;
- c. whose employment is essentially intermittent;
- d. engaged in any work which for technical reasons has to be completed before the duty is over; and
- e. engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces; the provisions of Rules 6, 7 and 8 shall apply subject to the condition that -
  - i. the spread over of the hours of work of the employee shall not exceed 16 hours in any day; and
  - ii. the actual hours of work excluding the intervals of rest and the

periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attendance shall not exceed 9 hours in any day.

10. Longer wage period (Section 14 of the Code) : The longer wage period for the purposes of minimum rate of wages shall be by the month.

### CHAPTER III Payment of Wages

11. Recovery under sub-Section (4) of Section 18 of the Code : Where the total deductions authorized under sub-Section (2) of Section 18 exceed fifty percent of the wages of an employee, the excess shall be carried forward and recovered from the wages of succeeding wage period or wage periods, as the case may be, in such instalments so that the recovery in any month shall not exceed the fifty per cent of the wages of the employee in that month.

12. The authority under sub-Section (1) of Section 19 of the Code : The Labour Officer or Assistant Labour Commissioner shall be the authority for the purposes of sub-Section (1) of Section 19.

13. The manner of exhibiting the notice under sub-Section (2) of Section 19 of the Code : A notice referred to in sub-Section (2) of Section 19 shall be displayed in physical form or electronically in Hindi and English at the conspicuous places in the premises of the work place in which the employment is carried on, so that every concerned employee would be able to easily read the contents of the notice and a copy of the notice shall be sent electronically or by registered post to the Inspector-cum-Facilitator having jurisdiction.

14. The procedure under sub-Section (3) of Section 19 of the Code : The employer shall give an intimation electronically or in writing specifying therein the detailed particulars for obtaining the approval of the imposition of fine to the Labour Officer or Assistant Labour Commissioner referred to in Rule 12 who shall, before granting or refusing the approval, give opportunity of being heard to the employee and the employer concerned and shall dispose of the matter within 30 days from the date of receiving such intimation, failing which it shall be deemed to be approved.

15. Form of Register, etc (sub-Section (8) of Section 19 of the Code) : All fines and all realization thereof referred to in sub-Section (8) of Section 19 shall be recorded in a register to be kept by the employer in Form-I appended to these

Rules, electronically or otherwise and the authority referred to in said sub-Section (8) shall be the Labour Officer having jurisdiction.

**16. Intimation of deduction (sub-Section (2) of Section 20 of the Code):**

1. Where an employer makes any deduction in pursuance of the proviso to sub-Section (2) of Section 20, he shall make intimation electronically or by registered post of such deduction to the Inspector-cum-Facilitator having jurisdiction within 10 days from the date of such deduction explaining therein the reason of such deduction.
2. The Inspector-cum-Facilitator shall, after receiving intimation under sub-Rule (1), examine such intimation and if he finds that the explanation given therein is in contravention of any provision of the Code or the Rules made there under, he shall initiate appropriate action under the Code against the employer within thirty days from the date of receipt of such intimation.

**17. Procedure for deduction under sub-Section (2) of Section 21 of the Code : Any employer desiring to make deduction for damages or loss under sub-Section (1) of Section 21 from the wages of an employee shall,-**

- i. explain to the employee personally and also in writing the damage or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account and how such damages or loss is directly attributable to the neglect or default of the employee; and
- ii. Thereafter, give the employee an opportunity to offer any explanation and deduction for any damages or loss, if made, shall be intimated to the employee within fifteen days from the date of such deduction.

**18. Form of Register, etc (sub-Section (3) of Section 21 of the Code): All deductions and all realizations referred to in sub-Section (3) of Section 21 shall be recorded in a register to be kept by the employer in Form-I appended to these Rules, electronically or otherwise.**

**19. Conditions regarding recovery of advance under Section 23 of the Code : The recovery, as the case may be**

advances of money given to an employee after the employment begins under clause (b) of Section 23; or

- ii. advances of wages to an employee not already earned under clause (c) of Section 23;  
shall be made by the employer from the wages of the concerned employee in instalments determined by the employer, so as any or all instalments in a wage period shall not exceed fifty percent of the wages of the employee in that wage period and the particulars of such recovery shall be recorded in the register maintained in Form-I.

20. Deduction under Section 24 of the Code : Deductions for recovery of loans granted for house building or other purposes approved by the State Government, and the interest due in respect thereof shall be, subject to any direction made or circular issued by the State Government from time to time regulating the extent to which such loans may be granted and the rate of interest shall be payable thereon.

## CHAPTER IV State Advisory Board

### A. The procedure of State Advisory Board under sub-Section (10) of Section 42

#### 21. Constitution of the Board

1. The Board shall consist of the persons to be nominated by the State Government representing employers and employees as specified in clauses (a) and (b) of sub-Section (6) of Section 42 and the independent persons as specified in clauses (c) of that sub-Section.
2. The persons representing employers as referred to in clause (a) of sub-Section (6) of Section 42 shall be six and the persons representing employees referred to in clause (b) of that sub-Section shall also be six out of which at least two members of representatives of employer and two members of representative of employees shall be women.
3. The independent persons specified in clause (c) of sub-Section (1) of Section 42 to be nominated by the State Government shall consist of the following, namely -
  - i the Chairperson;
  - ii. One Member of State Legislative Assembly ;
  - iii. Two members each of whom, shall be a professional in the field of wages and labour related issues;
  - iv. one member who is or has been a presiding officer of Labour Court or an Industrial Tribunal constituted by the State Government under Section 7A of the Industrial Disputes Act, 1947 (14 of 1947); and
  - two members, each of whom shall be a representative of two works departments of the state, not below the rank of deputy secretary of the state government.

22. Additional function of the Board : In addition to the functions specified in sub-Section (4) of Section 42, the Board on reference by the State Government, shall advise the Government on the issue relating to the fixation of minimum wages in respect of -

- i. working journalists as defined in clause (f) of Section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955); and
- ii. sales promotion employees as defined in clause (d) of Section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of

1976).

23. Meeting of the Board : The Chairperson may, subject to the provision of Rule 25, call a meeting of the Board, at any time he thinks fit:

Provided that on requisition in writing from not less than one half of the members, the Chairperson shall call a meeting within thirty days from the date of the receipt of such requisition.

24. Notice of meetings : The Chairperson shall fix the date, time and place of every meeting and a notice in writing containing the aforesaid particulars, along with a list of business to be conducted at the meeting shall be sent to each member by registered post and electronically at least fifteen days before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

25. Function of Chairperson The Chairperson shall

- i. preside at the meetings of the Board: Provided that in the absence of the Chairperson at any meeting, the members shall elect from amongst themselves by a majority of votes, a member who shall preside at such meeting;
- ii. decide agenda of each meeting of the Board;
- iii. where in the meeting of the Board, if any issue has to be decided by voting, conduct the voting and count or cause to be counted the secret voting in the meeting.

26. Quorum : No business shall be transacted at any meeting unless at least one-third of the members and at least one representative member each of both the employers and an employee are present:

Provided that, if at any meeting less than one-third of the members are present, the Chairperson may adjourn the meeting, to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the Business at such adjourned meeting irrespective of the number of members present:

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members electronically or by a Registered post.

27. Disposal of business of the Board : All business of the Board shall be considered at a meeting of the Board, and shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes, the Chairperson shall have a casting vote:

Provided that the Chairperson may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than two-thirds majority of the members.

28. Method of Voting : Voting in the Board shall ordinarily be by show of hands, but if any member asks for voting by Ballot, or if the Chairperson so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairperson may decide.

29. Proceedings of the meetings :

1. The proceedings of each meeting of the Board showing inter alia the names of the members present there shall be forwarded to each member and to the Government as soon after the meeting as possible, and in any case, not less than seven days before the next meeting.
2. The proceedings of each meeting of the Board shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

30. Summoning of witnesses and production of documents :

1. The Chairperson may summon any person to appear as a witness if required in the course of the discharge of his duty and require any person to produce any document.
2. Every person who is summoned and appears as a witness before the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing before a civil court.

## **B. The Terms of office of members of the Board under sub-Section (11) of Section 42**

31. Term of office of members of the Board

1. The term of office of the chairperson or a member, as the case may be, shall be normally two years commencing from the date of his appointment or nomination under sub-Section (1) of Section 42: Provided that such chairperson or a member shall,



notwithstanding the expiry of the said period of two years, continue to hold office until his successor is appointed or nominated.

2. A member representing employers or employees or independent persons of the Board, nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.
3. The official members of the Board shall hold office till they are replaced by respective such other official members.
4. Notwithstanding anything contained in sub-Rule (1), (2) and (3) the members of the Board shall hold office during the pleasure of the State Government.

32. Travelling allowance : The chairman and every member of the Board, shall be entitled to draw travelling and halting allowance for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a class I officer of the State Government.

33. Officers and Staff : The State Government may provide a Secretary not below the rank of Assistant Labour Commissioner to the Government of Madhya Pradesh, other officers and staff to the Board, as it may think necessary for the function of the Board.

34. Eligibility for re-nomination of the members of the Board : An outgoing non-official member shall be eligible for re-nomination for the membership of the Board for not more than three terms.

35. Resignation of the Chairperson and other members of the Board :

1. A member of the Board, other than the Chairperson, may, by giving notice in writing to the Chairperson, resign his membership and the Chairperson may resign by a letter addressed to the State Government.
2. A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation, whichever is earlier.
3. When a vacancy occurs or is likely to occur in the membership of the Board, the Chairperson shall submit a report to the State Government immediately and the State Government shall, then, take steps to fill the vacancy in accordance with the provisions of the Code.

36. Cessation of membership : If a member of the Board, fails to attend three consecutive meetings without prior intimation to the Chairperson, he shall, cease to be a member thereof.

37. Disqualification :

1. A person shall be disqualified for being nominated as, and for being a member of the Board,
  - i. if he is declared to be of unsound mind by a competent authority; or
  - ii. if he is an un-discharged insolvent; or
  - iii. if before or after the commencement of the Code, he has been convicted of an offence involving moral turpitude.
2. If any question arises whether a disqualification has been incurred under sub-Rule (1), the decision of the State Government thereon shall be final.

## CHAPTER V PAYMENT OF DUES, CLAIMS, Etc.

### 38. Payment under clause (a) of sub-Section (1) of Section 44 of the Code :

1. Here -
  - a. Every employee shall make a declaration in Form-VII, nominating a person conferring the right to receive the amount that may stand in his credit at the event of his death before that amount standing to his credit has become payable or where the amount has become payable, before payment has been made.
  - b. If the employee has a family at the time of making nomination, the nomination shall be in favor of the spouse or the spouse in preference followed by one or more members of his family;

Provided that nomination made by an employee having a family in favor of a person other than member of his family shall be invalid;

Provided further that a fresh nomination towards his spouse shall be made by the employee on his marriage and any nomination made before such marriage shall be deemed to be invalid.

- c. Where the nomination is wholly or partly in favor of a minor, the employee may appoint a major person of his family, to be the guardian of the minor nominee or where there is no major person in the family, he may at his discretion, appoint any other person to be a guardian of the minor nominee.
  - d. If the employee nominates more than one member, he shall specify in the nomination, the amount or share payable to each of his nominees at his own discretion so as to cover the whole of the amount that may stand to his credit.
1. Where any amount payable to an employee under the Code is due after his death or on account of his whereabouts not being known, and the amount could not be paid to the nominee of the employee until the expiry of three months from the date the amount had become payable, then, such amount shall be deposited by the employer with the Labour Officer or Assistant Labour Commissioner having jurisdiction, who shall disburse the amount to the person nominated by the employee after ascertaining his identity within two months of the date on which the amount was so deposited with him.

**39. Deposit of the undisbursed dues under clause (b) of sub-Section (1) of Section 44 of the Code :**

1. Where any amount payable to an employee under this Code remains undisbursed because either no nomination has been made by such employee or for any other reason, such amounts could not be paid to the nominee of employee until the expiry of six months from the date the amount had become payable, all such amounts shall be deposited by the employer with the Labour Officer or Assistant Labour Commissioner having jurisdiction before the expiry of the fifteenth day after the last day of the said period of six months.
2. The amount referred to in sub-Rule (1) shall be deposited by the employer with the Labour Officer or Assistant Labour Commissioner having jurisdiction through bank transfer or through a crossed demand draft obtained from any scheduled bank in India drawn in favour of such Labour Officer or Assistant Labour Commissioner.

**40. Manner of dealing with the undisbursed dues under clause (b) of sub-Section (1) of Section 44 of the Code :**

1. The amount referred to in sub-Rule (1) of ~~Rule~~ 39 (hereinafter in this Rule referred to as the amount) deposited with the Labour Officer or Assistant Labour Commissioner having jurisdiction shall remain with him and be invested in the Central or State Government Securities or deposited as a fixed deposit in a scheduled bank.
2. The Labour Officer or Assistant Labour Commissioner having jurisdiction will exhibit, as soon as maybe possible, a notice containing such particulars regarding the amount as the Labour Officer or Assistant Labour Commissioner considers sufficient for information at least for fifteen days on the notice board and also publish such notice in any two newspapers being circulated in the language commonly understood in the area in which undisbursed wages were earned.
3. Subject to the provision of sub-Rule (4), the Labour Officer or Assistant Labour Commissioner having jurisdiction shall release the amount to the nominee or to that person who has claimed such amount, as the case may be, in whose favour such Labour Officer or Assistant Labour Commissioner has decided, after giving the opportunity of being heard, the amount to be paid.
4. If the undisbursed amount remains unclaimed for a period of three years, the same shall be dealt with in the manner as directed by the State Government from time to time on this behalf.

**CHAPTER VI  
THE FORM, REGISTER AND-WAGE SLIP**

**41. The form of a single application (sub-Section (5) of Section 45 of the Code) :**

1. A single application may be filed under sub-Section (5) of Section 45 in Form-II manually or electronically along with documents specified in the said Form.
2. Where an application under sub-Section (5) of Section 45 is entertained, the authority shall serve upon the employer electronically or by registered post a notice in Form-VIII to appear before him on the date specified in the notice with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.
3. If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application ex-parte.
4. If the applicant or his representative fails to appear on the specified date without any reasonable cause shown in advance, the authority may dismiss the application.

#### 42. Appeal (sub-Section (1) of Section 49 of the Code)

1. Any person aggrieved by an order passed by the authority under sub-Section (2) of Section 45 may prefer an appeal under sub-Section (1) of Section 49 in Form-III electronically or by registered post, along with documents mentioned by the appellant in the said Form, to the appellate authority having jurisdiction;  
Provided that no appeal by an employer shall be admitted unless at the time of preferring the appeal, the appellant has deposited the claim amount with the appellate authority.
2. Where an appeal under sub-Section (1) of Section 49 is entertained, the appellate authority, shall serve upon the respondent electronically or by registered post a notice in Form-VIII to appear before him on the date specified in the notice and shall inform the appellant of the date so specified.
3. The appellate authority shall after hearing the appellant and the respondent shall, by Order, decide the appeal.

#### 43. Form of Register, etc (sub-Section (1) of Section 50 of the Code) : Every employer of establishments to which the Code applies shall maintain under sub-Section (1) of Section 50, electronically or in physical form in the formats appended to these Rules, the following registers:

- i. Employee Register in Form-IV,
- ii. Register of Wages, Overtime, Advances, Fines and Deductions for Damage and Loss in Form-I, and
- iii. Attendance Register-cum-Muster Roll in Form-IX.

#### 44. Wage slip (sub-Section (3) of Section 50 of the Code) : Every employer shall issue wage slips, electronically or otherwise to the employees in Form-V under sub-Section (3) of Section 50 on or before payment of wages.

#### 45. Power of Inspector-cum-Facilitators (clause (e) of sub-Section (6) of Section 51 of the Code) : In addition to the powers specified in sub-Section (5) of Section 51 of the Code, an Inspector shall, for the purposes of the enforcement of the Code, have powers, subject to the provisions of the Code, to prosecute, conduct or defend before a Court any complaint or other proceeding arising under the Code or in a

discharge of his duties as an Inspector and secure such evidence as may be necessary for the purpose.

46. The manner of imposing fine under sub-Section (1) Section 56 of the Code :

1. An accused person desirous of making composition of offence under sub-Section (1) of Section 56 may make an application in Form-VI to the Gazetted Officer notified under said sub-Section (1).
2. The Gazetted Officer referred to in sub-Rule (1), shall, on receipt of such application, satisfy himself as to whether the offence is compoundable or not under the Code and if the offence is compoundable and the accused person agrees for the composition, compromise the offence for a sum of fifty per cent of the maximum fine provided for such offence under the Code, to be paid by the accused within the time specified in the order of composition issued by such officer.
3. Where the offence has been compromised under sub-Rule (2) after the institution of the prosecution, then, the officer shall send a copy of such order made by him for intimation to the officer referred to in sub-Section (1) of Section 53 for needful action under sub-Section (6) of Section 56.

## CHAPTER VII MISCELLANEOUS

47. Timely Payment of Wages : Where the employees are employed in an establishment through contractor, then, the company or firm or association of any other person who is the proprietor of the establishment shall pay to the contractor the amount Payable to him or it, as the case may be, before the date of payment of wages so that payment of wages to the employees shall be made positively in accordance with the provisions of Section 17.

Explanation - For the purpose of this Rule, the expression "firm" shall have the same meaning as assigned to it in the Indian Partnership Act, 1932 (9 of 1932)

48. Responsibility for payment of minimum bonus  
Where in an establishment, the employees are employed through contractor and the contractor fails to pay minimum bonus to them under Section 26, then, the company or firm or association or other person as referred to in the proviso to Section 43 shall, on the written information of such failure, given by the employees or any registered trade union or unions of which the employees are members and on confirming such failure, pay such minimum bonus to the employees.

49. Inspection scheme :

1. For the purposes of the Code and these Rules, there shall be formulated an inspection scheme by the Labour Commissioner.
  2. In the inspection scheme referred to in sub-Rule (1), apart from other structural facts, a number shall be specified in the scheme for each Inspector-cum-Facilitators and establishments.
  3. The Inspector-cum-Facilitator shall select the establishment specified by him for inspection through the inspection portal by random method and information of which shall be sent to the concerned Inspector-cum-Facilitator and the concerned establishment through appropriate medium.
  4. The Inspector-cum-Facilitator may enter the premises of the establishment selected for inspection.
  5. The information of inspection by the concerned Inspector-cum-Facilitator shall be entered on the portal within two working days of inspection and the concerned establishment shall enter the status of compliance on the portal within three working days.
  6. Any person may, for the purpose of prosecuting, enforcing or defending any complaint or other proceeding under the Code or in the discharge of his duties as Inspector-cum-Facilitator, take such action or resort to such means as may be required for the purpose.
  7. In addition to the above, the Inspector-cum-Facilitator shall be authorised to ensure compliance of the directions issued from time to time by the Labour Commissioner for the conduct of the inspection scheme framed under sub-Rule (1).
50. Annual Return : The return under these Rules shall be filed electronically by every employer of an establishment to which the Code applies in the relevant columns of the Form specified for such purpose in the Rules made under the Occupational, Safety, Health and Working Conditions Code, 2020 (37 of 2020). A copy of such return shall also be forwarded electronically to the Labour Bureau, Ministry of Labour and Employment, Government of India. The Annual return may be autogenerated on the basis of the data electronically flowing in the prescribed procedure to the Department of Labour suitably using applications for the purpose.

By order and in  
the name of the  
Governor of  
Madhya  
Pradesh  
(Dy. Secretary)

Form-I  
(See rules- 15, 18, 19 and 43(b))  
Register of wages, Overtime, Fine, Deduction for damage and Loss

under the code on wages

SN n E mplo yee Regi ster	Nam e of the emp loye e	Desi gnati on / Depa rtme nt	Duration of Pay ment of wages (Monthly/Fortnightly/Weekly/Daily/Piece rated)	Wag e Pe riod From-T o	Total no. Of days worked d uring the period	Total overtime (hours worked or production in case of piece workers)	Rate of wa ges	
							B D A s i c	A l l o w a n c e s
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Uv erti me ear nin g	Name of acts omissions for Which fine im posed with da te	Amo unt of fine i mpos ed	Damage of loss ca used to the employ er by neglect or def ault of the employe e	Amount of dedu ction fro m wage s	Total amou nt of w ages p aid	Date of Payme nt	Att en danc e	
							D a t e	g n a t
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)

Form-II  
[See rule 49]  
[SINGLE APPLICATION UNDER SUB-SECTION (5) OF  
SECTION 45]  
BEFORE THE AUTHORITY APPOINTED UNDER SUB  
SECTION (1) OF SECTION 45 OF THE CODE ON  
WAGES, 2019 (29 OF 2019)  
FOR..... AREA.....

Application No.....of 20.....  
Between ABC and (State the number).....  
other..... Applicant  
(Through employee concerned or registered trade union  
or inspector cum facilitator

Address.....

And

XYZ.....

Address.....

The application states as follows:

(1) The applicants whose names appear in the attached schedule were/have been employed from..... to..... As.....categories in..... (establishment) Shri/M/s.....engaged in (nature of work) which is/are covered by the Code on Wages, 2019.

(2) The opponent (s) is/are the employer(s) within the meaning of section 2 (l) of the Code on Wages, 2019.

(3) (a) The applicants have been paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Code by Rs.... .Per day for the period(s) from.....to.....

(b) The applicants have not been paid wages at Rs..... Per day for the weekly days of rest from.....to....

(c) The applicants have not been paid wages at overtime rate(s) for the period from.....to....



- (d) The applicant (s) has/have not been paid wages for a period from .....to
- (e) Deductions have been made which are in contravention of the code, from the wages(s) of the applicant (s) as per details specified in the annexure appended with this application.
- (f) The applicant (s) has/have not been paid minimum bonus for the accounting year.....

(4) The applicants estimate the value of relief sought by them on each amount as under:

Rs.....

Rs.....

Rs..... Total Rs.....

(5) The applicants, therefore, prays that a direction may be issued under section 45(2) of the Code on Wages, 2019 for;

- (a) payment of the difference between the wages payable under the Code and the wages actually paid,
- (b) payment of remuneration for the days of rest
- (c) payment of wages at the overtime rates,
- (d) compensation amounting to Rs.....

(6) The applicants do hereby solemnly declare that the facts stated in this application are true to the best of their knowledge, belief and information.

Dated.....

Signature or  
thumb-  
impression of  
the employed  
Person, or  
official of a  
registered  
trade union  
duly  
authorized.

Form-III  
(See rule 42)  
Appeal under Section 49(1) of the Code on Wages, 2019  
Before The Appellate Authority under the Code on  
Wages, 2019

A.B.C  
Address.....  
..... APPELLANT

Vs.

C.D.E.  
Address.....  
..... RESPONDENT

DETAILS OF APPEAL:

1. Particulars of the order against which the appeal is made  
Number and date :  
The authority who has passed the impugned order: Amount  
Awarded:  
Compensation awarded , if any
2. Facts of the case :  
(Give here a concise statement of facts in a chronological order,  
each paragraph containing as nearly as possible a separate  
issue or fact).

4. Matters not previously filed or pending with any other Court or any appellate Authority:

s. Reliefs sought :

6. List of enclosures:

- Date :

Signature of the appellant.

Date of filing or  
Receipt by Post Registration No.

## Authorized Signatory

[See rule 43(a)]

Name of the Establishment----- Name of Employer-----

Labour Identification Number (LIN)-----

[illegible]

S No	Employ ee Code	Na me	Surn ame	Ge nde r	Father's/Sp ouse Name	Dat e of Birt h	Natio nality	Educatio n Level	Date of Jo iF\iF\g	Desig nation
1	2	3	4	5	6	7	8	9	10	11

Categor y Addres s (HS/S/S S/US)	Type of E mploymen t	Mo bil e	U A N	P A N	ESI C I P	AAD HAA R	Ban k A/ c Nu mbe	B an k	Branch (IFSC)	Present Address	Perm anent
12	13	14	15	16	17	18	19	20	21	22	22

Service Book No.	Date of Exit	Reason for Exit	Mark of Identification	Photo	Specimen Signature/Thumb Impression	Remarks
24	25	26	27	28	29	30

\*(Highly Skilled/Skilled/Semi skilled/Unskilled)

### Form-V

[See rule 44] WAGE SLIP

Name of establishment.....

Address.....

Period.....

1.Name of employee :	
2.Father's/Husband's name :	
3.Designation :	
4.UAN :	
5.Bank Account No :	

6.Wage period :			
7.Rate of wages payable:	a. Basic	b. D.A.	c. other allowances
8.Total attendance/unit of work done :			
9.Overtime wages :			
10.Gross wages payable :			
11. Total deductions	a. PF	b. ESIC	c. Other
12. Net wages paid			

Employer / Pay-  
in-charge  
signature

Form-VI  
[See rule 46(1)]

APPLICATION UNDER SUB-SECTION (4) OF SECTION 56 FOR  
COMPOSITION OF OFFENCE

1. Name of applicant

2. Father's / Husband's name of the applicant

a. Address of the applicant

4. Particulars of the offence.....

s. Section of the Code under which the offence is committed

6. Maximum fine provided for the offence under the Code.....

. Whether prosecution against the applicant is pending or not

8. Whether the offence is first offence or the applicant had committed any other offence prior to the offence, if had committed, then, full detail of the offence

. Any other information which the applicant desires to provide

Dated:

Applicant  
(Name and  
signature)

Form-VII  
(See rule 38(a))  
NOMINATION FORM

1. Name of person making nomination (In block letters)
2. Father's/Spouse's Name
3. Date of Birth
4. Sex
5. Marital Status
6. Address:  
Permanent  
Temporary.

I hereby nominate the person(s)/cancel the nomination made by me previously and nominate the person(s) mentioned below to receive any amount due to me from the employer in the event of my death.

Name of nominee/ nominees	Address	Nominee's relationship with the employee	Date of Birth	Total amount of share of accumulations in credit to be paid to each	If the nominee is minor, name, relationship, and address of the guardian who may receive the amount during the minority of nominee
(1)	(2)	(i)	(4)	(5)	(6)

1. Certified that I have no family and if I acquire a family hereafter, the above nomination shall be deemed as cancelled.
2. Certified that my father/mother is/are dependent upon me
3. Strike out whichever is not applicable.

Signature or the thumb impression  
of the employee

CERTIFICATE BY EMPLOYER

Certified that the above declaration and nomination has been signed/thumb impressed before me by Shri/SmLKu employed in my establishment after he/she has

read the entry/entries or have been read over to him/her by me and got confirmed by him/her in either of the cases.

Signature of the employer or other authorised officer  
of the establishment and Designation

Place

D\_alA;

Name and Address of the Factory/Establishment and rubber  
stamp thereof

Form-VIII  
(See rule 41(2) and 42(2))

(A) FORM OF NOTICE TO THE RESPONDENT TO BE  
ISSUED BY THE AUTHORITY UNDER SUB SECTION (5)  
OF SECTION 45

(Title of the application)

To

Name

Address

Whereas (name of the applicant) has made the above said application to me under the Code on Wages, 2019, you are hereby summoned to appear before me in person or by a duly authorized representative, and required to answer all material questions relating to the application, or shall be accompanied by some person duly authorized by you and able to answer such question on the. .... Day of .....20 .....at .....AM/PM, to answer the claim in application and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your defense.

Take notice that in default of your appearance on the day mentioned here above, the application will be heard and disposed of in your absence.

Date..

Signature of the authority with seal



(B). FORM OF NOTICE TO THE RESPONDENT TO BE  
ISSUED BY THE APPELLATE AUTHORITY UNDER SUB-  
SECTION (1) OF SECTION 49

(Title of the appeal)

To

Name

Address

Take notice that an appeal (copy of which is enclosed)  
under section 49 of the Code on Wages, 2019 has been  
presented by.....(name of appellant) before this  
appellate authority, and that the ..... .. day of  
.....20..... has been fixed by this appellate authority for  
the hearing of the appeal.

If no appearance is made by you in person or by a  
duly authorized representative to act for you in this appeal,  
it will be heard and decided in your absence.

Date.....

Signature of the Appellate authority with seal

Form —IX

(See rule 43(c))

Attendance Register Cum Muster Roll

Name of the Establishment						
Name of the Employer						
Name of the Owner						
Registration Number of the Establishment (Labour identification number (LIN) shall be the Registration Number of the Establishment)						
For the Month of						
Sl. No.	Employee code	Name	Designation	Shift	Place of Work/Section/Department	Date and Time of Attendance
(1)	(2)	(3)	(4)	(5)	(6)	(7)

\_\_\_\_\_

Date	1	2	3	4	5	6	7	8	9	10	11	12
	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out
Time												
Signature												

Date	13	14	15	16	17	18	19	20	21	22	23	24
	in	Out	in	Out	in	Out	in	Out	in	Out	in	Out
Time												
Signature												

Date	25	26	27	28	29	30	31	
	in	Out	in	Out	in	Out	in	Out
Time								
Signature								

Total number of days worked	Total number of overtime worked	Detail details of tour or assignment outside the work place, if any	Signature of Register keeper
(8)	(9)	(10)	(11)

" Note — Required in case register is maintained in physical form.