

Amendment in Self-Certification-cum-
Consolidated Annual
Return Scheme under the Labour Laws
(Gujarat Amendment) Act, 2015

Government of Gujarat
Labour and Employment Department
Revised Resolution No.: LBL/192015/897992/M(3),
Sachivalaya, Gandhinagar.
Date: 27th March, 2019.

Read:

1. Resolution no. LBL/192015/897992/M(3) of Labour and Employment Department dated 31st March, 2016.
2. Resolution no. LBL/192015/897992/M(3) of Labour and Employment Department dated 9th March, 2017.
3. A proposal from the Director of Labour, Gujarat State, Gandhinagar vide their single file dated 28th February, 2019.

The Government of Gujarat has issued resolution for Self-Certification-cum-Consolidated Annual Return Scheme vide GR dated 31st March, 2016 and 9th March, 2017 mentioned in above reference for creating industrial friendly atmosphere and conducive Labour Environment with increasing transparency in the system.

The Department for Promotion of Industry and Internal Trade, Government of India has suggested new reform for the ease of doing business year 2019. Therefore, the Director of Labour proposes to revise Self Certification-cum-Consolidated Annual Return Scheme and cover all Labour Laws under which Industries are mandated to file annual return.

Therefore, the Government of Gujarat further amends the above mentioned resolution to cover following Labour Laws under which industries are mandated to file Annual Returns. Accordingly, following Acts shall be included under the said Scheme;

1. The Building and other Construction Workers Welfare Cess Act, 1996
2. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
3. The Payment of Wages Act, 1936
4. The Maternity Benefit Act, 1961


The above proposal of the Director of Labour has been under active consideration of the Government. After the careful consideration, the Government of Gujarat is pleased to include the aforesaid Acts under the Scheme and after incorporation of these Acts, in Annexure - IV, point no. 10 to 13 shall be added and in Annexure - V, "Part - I", "Part - J", "Part - K" & "Part - L" shall be added. Hence, Annexure- IV & Annexure - V stand amended accordingly.

Other conditions of the resolution dated 31-03-2016 and 09-03-2017 remain unchanged.

The Chief Electoral Officer has given consent to issue this Revised Resolution in the even number file on dated 26/03/2019.

By Order and in the name of Governor of Gujarat,

Attachment: Revised Annexure: IV & V


(Jyotsna Chauhan)

Deputy Secretary to Government

To:

- ✓ 1. The Commissioner of Labour, Gujarat State, Gandhinagar.
2. The Director, Industrial Safety and Health, Gujarat State, Ahmedabad.
3. The Deputy Commissioner of Labour, Ahmedabad/Surat/Vadodara/ Rajkot.
4. The Joint Director, Industrial Safety and Health, Ahmedabad/Surat/ Vadodara/Rajkot.
5. The Deputy Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar.
6. The Under Secretary, Legislative & Parliamentary Affairs Department, Sachivalaya, Gandhinagar.
7. The Branch Select File.
8. The Deputy Section Officer Select File.

ANNEXURE-IV

10. The Building and other Construction Workers Welfare Cess Act, 1996

- **The employer has to provide information:**

| Estimated Cost of construction | Details of payment of Cess: | | |
|--------------------------------|-----------------------------|-----------------------------|--|
| Stages | Cost | Amount Challan No. and Date | Advance-A Deduction at Source- D Final-F |
| 1 st Year | | | |
| 2 nd Year | | | |
| 3 rd Year | | | |
| 4 th Year | | | |
| Total | | | |

- Modification to the Original Estimates
- Revised Date of completion/date of stoppage: _____ Reason: _____
- Actual cost Estimates
- Actual cost incurred
- Whether work is being handed over to any other Person/Agency for completion? Yes/No
If Yes, Name and Address of such Person/Agency.

11. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996

(Applicable where 10 or more persons are employed in on any day in the preceding twelve months).

The Building and other construction workers (Regulation & Employment and conditions of service) Act, 1996 and Gujarat Building and other construction workers (Regulation & Employment and conditions of service) Rules, 2003.

- It applies to every establishment which employs, or had employed on any day of the preceding twelve months, ten or more building workers in any building or other construction work and in relation to an establishment to which this Act applies on its commencement, within a period of sixty days from such commencement
- Where, after the registration of an establishment under this section, any change occurs in the ownership or management or other prescribed particulars in respect of such establishment, the particulars regarding such changes shall be intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed.
- The employer shall, before thirty days of the commencement and completion of any building or other construction work, submit a written notice to the inspector, having jurisdiction in the area where the proposed building or other construction work is to be executed, intimating the actual date of the commencement or, as the case may be, completion of such building or other construction work in form-IV.
- Comply with the general duties describe with the employer (Section-44 of BOCW Act, 1996).
- Fix the hours of the works, intervals of rest, spread over periods, night shift (Rule-50, 51, 52).
- Display Notice of wage periods.

The employer has to:

- Maintain the following register:

- i. Muster Roll in Form 20 or Form D (Notified Dated 11-08-17)
- ii. Register of wages in Form 21 or Form B (Notified Dated 11-08-17)
- iii. Register of Deductions for damage or Loss in Form 23 or Form C (Notified Dated 11-08-17)
- iv. Register of fines in Form 24 or Form C (Notified Dated 11-08-17)
- v. Register of Advances in Form 25 or Form C (Notified Dated 11-08-17)
- vi. Register of Person employed as building worker in Form 19 or Form A (Notified Dated 11-08-17)
- vii. Register of Beneficiaries in Form 7
- Submit Annual Return in Form-29 (Rule-58) not later than 15th February following the end of each calendar year.
- Report of Accidents & Dangerous Occurrences in Form-18 (Rule-240)
- Abide by the provisions of BOCW act 1996 and the rules framed there under by the Gujarat Government from time to time.

12. **Payment of Wages Act, 1936 & Gujarat Payment of Wages Rules.**

The employer has to:

- fix the wages period which will not exceed one month (Sec. 4)
- pay the wages to the employed persons on or before 7th (employing less than 1000 persons)/10th (employing more than 1000 persons) of every month (Sec. 5)
- pay the wages in current coins/currency notes (Sec. 6)
- deduct from the wages of an employed person wages as per provisions (Sec. 7) after following the due procedure (Rule 14)
- display the notice containing the abstract of the Act and the rules made thereunder in English, Gujarati, and in a language of the majority of the employed person (sec. 25)
- maintain the following registers (Sec. 26 Rule 5)
 - Register of fines ;
 - Register for deductions for damage or loss;
 - Register of wages.

13. **The Maternity Benefit Act, 1961**

(Not applicable where the establishment is covered under the ESI scheme);

The employer has to;

- ensure that no woman is being employed knowingly during the six weeks immediately following the day of her delivery. Miscarriage or medical termination of pregnancy [Sec.4(1)];
- ensure that the Maternity benefit at the rate of average daily wage for the period of her actual absence for delivery or twelve weeks whichever is less, is being paid to the women employees [Sec. 5] and in case of her death before receiving the maternity benefit, the same shall be given to the person nominated by the said women (Sec.7);
- ensure that a medical bonus of three thousand five hundred rupees is also being given to the female employees in case the free of charge pre- natal confinement and post- natal care is not provide by the establishment (Sec. 8);
- ensure that a six weeks leave for miscarriage or medical termination of pregnancy is also being given to the affected women employees [Sec. 9];
- ensure that leave with wages for two weeks for tubectomy operation is given to women employees [Sec. 9A];
- ensure that every woman who has delivered a child who returns to duty shall be allowed in the course of her daily work two breaks of twenty minutes duration for nursing the child until the child attains the age of fifteen months. (Sec.11 Rul.7);
- maintain the record of women employee of the establishment in Form -A [Sec. 20, Rule 3];
- exhibit an abstract of the Act and the rules there under in Form K in the language of the locality at a conspicuous place in every part where the women are employed [Sec.19]

Dated 31st March, 2016 of the Labour and Employment Department)

ANNEXURE-V

Part - I

My establishment is covered under The Building and other Construction Workers Welfare Cess Act, 1996 and I have maintained records and registers as per the Act.

| Estimated Cost of construction | Details of payment of Cess | | |
|--------------------------------|----------------------------|-----------------------------|--|
| Stages | Cost | Amount Challan No. and Date | Advance-A Deduction at Source- D Final-F |
| 1 st Year | | | |
| 2 nd Year | | | |
| 3 rd Year | | | |
| 4 th Year | | | |
| Total | | | |

- Modification to the Original Estimates:
- Revised Date of completion/date of stoppage: _____ Reason:
- Actual cost Estimates:
- Actual cost incurred:
- Whether work is being handed over to any other Person/Agency for completion? Yes/No:
If Yes, Name and Address of such Person/Agency.:

Part - J

My establishment is covered under The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and I have maintained records and registers as per the Act.

FORM – XXIX
(See rule 58)

ANNUAL RETURN OF EMPLOYER TO BE SENT TO THE REGISTERING OFFICER

Year ending 31st December

| | | |
|---|---|--|
| 1 | Full name and full address of the establishment of the building and other construction work (Place, Post Office, District). | |
| 2 | Name and permanent address of the establishment | |
| 3 | Name and address of the employer | |
| 4 | Nature of building and other construction work carried on | |
| 5 | Full name of the Manager or person responsible for supervision and control of the establishment. | |
| 6 | Number of building workers ordinarily | |

| | | |
|----|--|--|
| | employed | |
| 7 | Total number of days during the year on which building workers were employed | |
| 8 | Total number of man days worked by building workers during the year. | |
| 9 | Maximum number of building workers employed on any day during the year. | |
| 10 | The numbers of accident that took place during the year as under: | |
| a. | The total number of accidents. | |
| b. | The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost. | |
| c. | The number of accidents resulting in disablement of building workers beyond 48 hours but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accidents. | |
| d. | The number of accidents resulting in permanent partial or permanent total disablement, the number of building workers involved and the number of man-days lost on account of such accidents. | |
| e. | The number of accidents resulting in deaths of building workers and the number of resultant deaths. | |

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

Part - K

My establishment is covered under The Payment of Wages Act, 1936 and Rules made there under. All workers /office staff are paid wages as prescribed manner. I have maintained all registers and records as required under the law.

1. Whether application in respect of Fines being imposed on the employees is sent to Director, Industrial Safety & Health as per the Provision (Rule 10) :
2. (i) Number of Man days worked (i.e. aggregate number of attendance) during the year for person earning more than Rs.24000/- per month (See explanatory note "D") :
 - (a) Adults
 - (b) Young Persons
 - Total
- (ii) Average number of workers employed daily (i.e. man days worked divided by number of days worked) for persons earning more than Rs.24000/- per month (See explanatory note "B")
 - (a) Adults
 - (b) Young Persons
 - Total

3. "Total wages paid" including 'deductions' under Section 7(2) of the Payment of Wages Act, 1936 for persons getting less than **Rs.24000/-** per month on the following accounts:
- | | |
|--|-----|
| (a) Basic wages only | Rs. |
| (b) Dearness Allowances | Rs. |
| (c) Composite wage (i.e. if combined Basic wage and dearness allowance paid) | Rs. |
| (d) Overtime wages | Rs. |
| (e) Non-profit sharing bonus | Rs. |
| (f) Any other bonus (other than Profit sharing bonus and non-profit Sharing bonus) forming part of wages As defined under the Act. | Rs. |
| (g) Any other amount paid in cash which may form part of wages As defined under the Act. (Please specify) | Rs. |
| (h) Arrears of pay in respects of Previous year paid during the year | Rs. |
| (i) Total wages paid (total of (a+b) or c+d+e+f+g+h) | Rs. |
4. Gross amount paid as remuneration to person getting less than **Rs.24000/-** per month including 'deduction' under Section 7(2) of the Act on the following accounts:
- | | |
|---|-----|
| (a) Total wages paid (item 3) during the year | Rs. |
| (b) 'Bonus paid' during the year (Including arrears also, if paid During the year. This is statutory Sharing Bonus) | Rs. |
| (c) 'Amount of money value of Commission' given during the year. | Rs. |
| (d) Deductions-number of cases and amount realized | : |

Part - L

My establishment covered under The Maternity Benefit Act – 1961 & Rules made there under. All women who are entitled for medical benefits and medical bonus have been given such benefits and bonus amounts. I have maintained all the registers and record and displayed notices as required under the law.

1. Number of female workers employed on any day
2. No. of women workers, claimed Maternity benefit/ No. paid (Section 5)
3. No. of cases in which medical Bonus is claimed /paid (Section 8)

4. No. of cases of leave for miscarriage is applied /granted (Section 9 & 9-A)
5. Number of cases of additional leave For illness applied / granted (Section 10)
6. Total amount of maternity benefit paid
7. Whether Nursing breaks allowed to the eligible women employees? (under Section 11 & Rule 7)
8. Whether women employees are dismissed from service during their pregnancy depriving of their entitled maternity benefit or medical bonus –if so, number of women dismissed and reasons thereof (Section 12)

Place:

Date:

Manager/Owner/Partner:

Name of the Applicant Establishment: