



# Bill Summary

## The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2011

- The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Bill, 2011 was introduced in the Rajya Sabha on March 23, 2011. The Bill was referred to the Standing Committee on Labour (Shri Hemanand Biswal), which submitted its report on April 1, 2011.
- The Bill amends the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment and Miscellaneous Provisions Act, 1988 (Principal Act).
- The Principal Act defines “small establishments” as any place which employs between 10 and 19 people on any day of the preceding 12 months. A “very small establishment” is a place that employs nine or less people.
- Under the Principal Act, these establishments are exempted from furnishing returns and maintaining registers under certain labour laws. Small establishments are also exempted from furnishing returns and maintaining registers under certain laws such as the Payment of Wages Act, 1936; the Weekly Holidays Act, 1942; Minimum Wages Act, 1948; the Factories Act, 1948; and the Plantations Labour Act, 1951. Instead, they are required to furnish returns and maintain registers in a specified format.
- The Bill seeks to widen the ambit of the Act to more establishments and adds more laws from which these establishments are to be exempted.
- The Bill amends the definition of “small establishment” to cover establishments that employ between 10 and 40 people.
- The Principal Act states that an employer has to file returns and maintain registers at the work spot in the specified format. The employer also has to issue wage slips, amount of work done slips and file returns related to accidents. The Bill adds that the employer may maintain the returns filed and the registers on a computer, computer disk or other electronic media. Printouts of these records shall have to be made available to the Inspector on demand. The information may also be furnished to the Inspector by electronic mail.
- The Bill amends the list of Acts which exempts small establishments from maintaining registers and filing returns. It adds seven Acts to the list. They are: the Motor Transport Workers Act, 1961; the Payment of Bonus Act, 1965; the Beedi and Cigar Workers (Conditions of Employment) Act, 1966; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; the Dock Workers (Safety, Health and Welfare) Act, 1986; the Child Labour (Prohibition and Regulation) Act, 1986; and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Only the common forms of returns or registers specified in the Bill have to be maintained and furnished.

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