

Self Certification-cum-Consolidation Annual
Returns Scheme for factories and
establishments in the State of Maharashtra

GOVERNMENT OF MAHARASHTRA
INDUSTRIES, ENERGY & LABOUR DEPARTMENT
Government Resolution No.MISC-05/CR-1698/Desk Lab-9
Mantralaya, Mumbai 400 032.
Dated the January 2, 2006

INTRODUCTION

To perform a statutory duty cast on the inspectors appointed under various labour laws in Maharashtra State working under the Commissioner of Labour and Director of Industrial Safety and Health, the inspectors are required to visit industrial establishments. With increased awareness among employers and employees in various establishments, it has been represented to the Government that employers themselves can discharge the responsibility of enforcing various labour laws in their respective establishments. The employers can also suo-moto certify the fact of correct implementation of the labour laws. The Government of Maharashtra lays strong emphasis on labour reforms for creating a conducive working environment for the workers. It is also the endeavour of the Government to increase transparency in the system of inspection so as to enable the employees as well as employers to focus on the core issues of their businesses.

Resolution :-

Keeping the above context in view, the Government of Maharashtra in the department of Labour has decided to introduce a new system for enforcement of various labour laws with simplification in maintenance of various records and registers required under different labour laws. The Government, thus, introduces a self-certification-cum-consolidated annual returns scheme for various shops/establishments/factories in the State. This step is intended to minimize enforcement visits of inspectors to the shops/establishments/factories while at the same time ensuring more effective compliance with various labour laws by the employers. The details of the aforesaid Scheme are as under :

1. **Objective :** The objective of this Scheme is to reduce visits of Government officers/inspectors for inspection of those shops/establishments/factories which opt for the scheme **without compromising on safety, health, welfare and social security of workers/employees**, and allow them to submit consolidated Annual Returns in lieu of multiple returns under various labour laws.
2. This scheme of “self-certification cum consolidated annual returns” is open to all the shops/establishments/ factories, etc. in the State, except those with industrial activities covered under the Maharashtra Factories [Control of Industrial Major Accidents Hazards] Rules, 2003 and will apply only to those shops/establishments/factories, etc. which **OPT** to join the scheme by making written application for the same as prescribed in **Annexes I and II with an Affidavit as given in Annexe III.**
3. **Procedure :**
 - i. This scheme shall be open to all shops/establishments/factories in the State and any occupier/proprietor/partner/Director/ employer/ principal employer/contractor can **opt** for the scheme after applying to the **Self-Certification Scheme Committee.**
 - ii. The State level Self Certification Scheme Committee shall have the following composition :

Chairman	: Commissioner of Labour, Maharashtra State, Mumbai.
Member	: Director, Industrial Safety & Health, Maharashtra State, Mumbai.
Secretary	: Dy. Commissioner of Labour (Industrial Relations Wing), Mumbai

This Committee shall operate from the Office of the Commissioner of Labour, Maharashtra State, Mumbai.
4. Any occupier/ proprietor/partner/Director / employer/ principal employer/ contractor desiring to join the Scheme shall submit an application in the proforma prescribed in Annexe I [in triplicate] along with the required amount of

security deposit as prescribed. The Self-Certification Scheme Committee will scrutinize the application within 30 days of its submission and allot a registration number to the respective occupier/ proprietor/partner/Director / employer/ principal employer/contractor and this number shall be quoted in all correspondence under the Scheme.

5. Security deposit :

The amount of security deposit shall be as follows :

- i. Shops/establishment /Factories having upto
100 workers - Rs. 5000/-
- ii. Shops/establishment/ Factories having 101
to 500 workers - Rs.10000/-
- iii. Shops/establishment/Factories having 501
and above - Rs.20000/-

- 6. Validity of the Scheme :** Once the occupier/ proprietor/partner/Director / employer/ principal employer/contractor has opted for the Scheme, it shall be valid for a period of 5 calendar years. After 5 calendar years, the occupier/ proprietor/partner/Director /employer/ principal employer/ contractor may renew the Scheme for further 5 calendar years by submitting a fresh application with the required security deposit. However, the employer will be free to withdraw from the Self-Certification Scheme at any time before completion of 5 years by informing the Self-Certification Scheme Committee in this regard. In such cases of premature withdrawal from the Scheme, the security deposit paid at the time of registration will be forfeited.

7. Coverage under the Scheme : The Scheme will cover following labour laws :

- i. The Payment of Wages Act, 1936 and the Rules made thereunder,
- ii. The Minimum Wages Act, 1948 and the Rules made thereunder,
- iii. The Contract Labour [Regulation & Abolition] Act, 1970 and the Rules made thereunder,
- iv. The Maternity Benefit Act, 1961 and the Rules made thereunder,
- v. Payment of Bonus Act, 1965 and the Rules made thereunder,

- vi. Payment of Gratuity Act, 1972 and the Rules made thereunder,
 - vii. Equal Remuneration Act, 1976 and the Rules made thereunder,
 - viii. Maharashtra Workmen's Minimum House Rent Allowance Act, 1986,
 - ix. The Factories Act, 1948
 - x. The Bombay Shops and Establishments Act, 1948.
 - xi. Inter State Migrant Workmen [Regulation of Employment and Conditions of Service] Act, 1979 and Rules, 1980.
 - xii. Industrial Employment (Standing Orders) Act, 1948.
 - xiii. Workmen's Compensation Act, 1923.
8. **Filing of Self Certification cum Consolidated Annual Returns** : After getting enrolled for the Scheme, the concerned occupier/ proprietor/partner/Director / employer/principal employer/ contractor shall file Self-Certification-cum-consolidated Annual Return in the proforma prescribed in Annexe IV along with required supporting document/ information. This return must be filed on or before 31st January of each year on any working day at the Office of Commissioner of Labour at Mumbai. On failure to submit the return within the prescribed time limit, the occupier/ proprietor/partner/Director / employer/principal employer/contractor will cease to be the member under the Self-Certification Scheme.
9. **Consequences of submitting false information in the Return** : The occupier/ proprietor/partner/Director / employer/principal employer/ contractor submitting false information in the Self Certification-cum-Consolidated Annual Return, will be immediately intimated by the State Level Committee and his registration under the Self Certification Scheme shall stand cancelled. If at a later stage, any returns are found to contain false information, the occupier/ proprietor/partner/Director / employer/principal employer/contractor will be liable for legal action under relevant provisions of the laws. The decision of the State Level Committee in this regard shall be final.
10. **Inspection procedure under the Scheme** : (a) 20% of the shops/establishments/factories covered under the Scheme shall be selected

randomly in consultation with the State Level Committee for inspection during a year. The shops/establishments/factories randomly selected every year shall be inspected only once in that year to verify implementation of various laws covered under the Scheme. The shops/establishments/factories inspected once during the period of the Scheme, will not be inspected again during remaining period of 5 years of the scheme unless complaints are received by the State Level Committee in this respect. If any violations are detected during the course of inspection, it will be processed as per the provisions of the respective labour laws.

(b) The inspection visits for enquiry into complaints shall be made only on specific authorization by the following :

- i. Commissioner of Labour, Addl. CL/Dy. CL in respect of the matters coming under his jurisdiction.
- ii. Director/Addl. Director/Joint Director of Industrial Safety and Health in respect of matters coming under his jurisdiction.

(c) EXCEPTIONS : The Scheme shall not cover any inspections/visits made by the Officers of Director, Industrial Safety & Health for the purpose of conducting enquiry into accidents and dangerous occurrences.

11. This scheme shall come into effect from 01.01.2006.

By order and in the name of the
Governor of Maharashtra,

(Dr. Bhagwan Sahai)
Secretary [Labour]

Copy to

1. Commissioner of Labour, Commerce Centre, Tardeo, Mumbai 400034.
2. Director, Directorate of Industrial Safety & Health, Commerce Centre, Tardeo, Mumbai – 400034.

ANNEXE – I
APPLICATION FORM

From :
M/s.

To,
The Commissioner of Labour,
Government of Maharashtra,
Mumbai.

Sub : Application for registration to be covered under Self Certification-cum-Consolidated Annual Return Scheme under laws being implemented by Department of Labour as per the terms & conditions of the Scheme.

***Ref : Government of Maharashtra Labour Department Resolution No. MISC-05/CR 1698/Lab-9, dated January 2, 2006.
regarding Self Certification-cum-Consolidated Annual Returns Scheme of Department of Labour.***

Sir,

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

Kindly issue the necessary approval at the earliest.

Yours faithfully,

[Name and Address of the Occupier/
proprietor/partner/Director/ employer/principal employer/
contractor]

ANNEXE II

LIST OF DOCUMENTS TO BE ATTACHED WITH ANNEXE I

1.	Status of the shops/establishments/factories : [Company/Firm/Shop/ Others. Pl. specify]	
2.	Nature of the shops/establishments/factories : [What work/ business, it is carrying on]	
3.	Status of the industry [SSI/ MSI/LSI] [attach attested copy of registration with Department of Industries]	
4.	Registration No. & date along with attested copy of registration under the Factories Act, 1948, if applicable	
5.	Registration No. & date along with attested copy of registration under Bombay Shops & Estts. Act, 1948, if applicable.	
6.	Registration No. & date under the Contract Labour [Regulation & Abolition] Act, 1970, if applicable.	
7.	License No. & date under the Contract Labour [Regulation & Abolition] Act, 1970, if applicable.	
8.	List of raw materials used & end products, if the factory is a manufacturing or processing unit.	
9.	Number of workers being employed	
10.	Details of bank draft attached	
11.	Name and address of the Shops/Estt/Factory with telephone/ mobile/ fax Nos. and e-mail address if any.	
12.	Name & address of the occupier/proprietor / partner/Director/employer/Principal employer /contractor with telephone/ mobile/ fax Nos. and e-mail address if any.	
13.	Name and residential address of the manager or person responsible for supervision of control of the shops/establishments/Factory with telephone/ mobile/ fax Nos. and e-mail address if any.	
14.	Registration No. /License No. & Date of Commencement of the shops/establishment/ factory.	
15.	Nature of industry/activity	
16.	Number of employees employed [including contract workers]	

Type of worker	Unskilled	Semi-skilled	Skilled	Total	Male	Female
Direct						
Through Contractor						
Total						

ANNEXE III

AFFIDAVIT

[To be filed by the Occupier/Proprietor/partner/director/employer/principal employer/contractor on a Non-Judicial Stamp Paper of Rs. 100]

I/We, _____ s/o. Shri _____
R/o. _____ and occupier/
proprietor/ partner/ Director/ employer/ principal employer/ contractor of M/s.
_____ hereby state as under :

That I/we have applied for grant of coverage of shops/esttt/factory by the name of _____
situated at [complete address of the shops/esttt/factory] _____ under
the Self Certification-cum-Consolidated Annual Return Scheme of the Labour
Department, Government of Maharashtra as notified *vide* Resolution No. No. MISC-
05/CR 1698/Lab-9, dated _____.

1. That I/we have gone through the Scheme and have fully understood the contents of this Scheme and undertake to abide by the same.
2. That it is declared that I/we are complying with and will continue to comply with all provisions of labour laws covered under this Scheme.
3. That I/we agree to accept the penalty prescribed under law in case of violation detected in my/our shops/establishments/factories under any labour law covered under the Scheme after filing of the return under the Scheme.

PLACE :

DATE :

DEPONENT.

VERIFICATION

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

PLACE :

DATE :

DEPONENT

- Enc. i.. Annexe – I Application form
ii. Annexe II [List of documents]

ANNEXE IV
FORM FOR SELF CERTIFICATION-CUM- CONSOLIDATED ANNUAL RETURN
TO BE SUBMITTED BY OCCUPIER/PROPRIETOR/PARTNER/DIRECTOR/
EMPLOYER/ PRINCIPAL EMPLOYER/CONTRACTOR
FOR COMPLIANCE OF LABOUR LAWS
[To be submitted on the Stamp Paper of Rs.20/-]

I/we, Mr./Mrs./Miss. _____ hereby, certify that I/we am/are the occupier/proprietor/partner/director/ employer/ principal employer/contractor of the shops/establishment/factory whose identification and general details are as follows. I/we hereby certify that my/our shops/establishments/factories have fully and correctly complied with all the labour laws under the Scheme and the status of compliance of following labour laws and annual return of my/our shops/establishment/factory during the year _____ is as under:

- i. The Payment of Wages Act, 1936 and the Rules made thereunder,
 - ii. The Minimum Wages Act, 1948 and the Rules made thereunder,
 - iii. The Contract Labour [Regulation & Abolition] Act, 1970 and the Rules made thereunder,
 - iv. The Maternity Benefit Act, 1961 and the Rules made thereunder,
 - v. Payment of Bonus Act, 1965 and the Rules made thereunder,
 - vi. Payment of Gratuity Act, 1972 and the Rules made thereunder,
 - vii. Equal Remuneration Act, 1976 and the Rules made thereunder,
 - viii. Maharashtra Workmen's Minimum House Rent Allowance Act, 1986,
 - ix. The Factories Act, 1948
 - x. The Bombay Shops and Establishments Act, 1948.
 - xi. Inter State Migrant Workmen [Regulation of Employment and Conditions of Service] Act, 1979 and Rules, 1980.
 - xii. Industrial Employment (Standing Orders) Act, 1948.
 - xiii. Workmen's Compensation Act, 1923.
1. Name of Shops/Establishment/Factory, its postal address and location.
 2. Name and address of the occupier/proprietor/partner/director/ employer/ principal employer/ contractor.
 3. Name and address of the principal employer, if the employer is a contractor.

4. Name of the manager responsible for supervision and control, if the employer is a contractor.
5. (i) Nature of business, industry or trade or occupation carried on by the employer
(ii) Date of commencement of business, industry, trade or occupation.
6. Employer's No. under ESI/EPF/Welfare Fund/PAN No., if any.
7. No. of regular workers employed during the year.

CATEGORY

	Highly Skilled	Skilled	Semi-skilled	Unskilled
Male				
Female				
Total				

8. Bombay Shops and Establishments Act, 1948
 - a) No. of workers employed
 - b) Whether all workers were given leave with wages during the year?
 - c) Whether all workers were given holidays as per Section 35?
 - d) If holidays were not given as per Section 35, whether overtime wages and substitute holidays were given?
9. Payment of Wages Act, 1936
 - a) Total wages paid.
 - b) Total amount of deductions from wages made
10. Minimum Wages Act, 1948 and Rules, 1963
 - a) No. of days establishment/factory worked in the year
 - b) No. of mandays work in the year
 - c) No. of average employees employed in the year.
 - d) Total wages paid category-wise.

Male	Female.
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11. Contract Labour [Regulations and Abolition] Act, 1970
 - a) Registration No. of Principal Employer
 - b) No. of contract workers employed during the year.
 - c) No. of licences obtained.

CATEGORY

	Highly Skilled	Skilled	Semi-skilled	Unskilled
Male				
Female				
Total				

d) Details in respect of each contractor

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

12. Maternity Benefit Act, 1961

- No. of women who have claimed maternity benefit under Section 6
- No. of women who were paid maternity benefit for actual birth/miscarriage leave benefit.
- No. of women who were paid maternity benefit u/s. 7
- Total amount of maternity benefit paid.
- Amount of medical benefit paid.

13. Payment of Bonus Act, 1965

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

14. Payment of Gratuity Act, 1972 & Rules, 1972

- Amount of gratuity paid during return period
- No. of employees to whom the to whom the gratuity is paid.
- If gratuity is not paid, reasons thereof.

15. Equal Remuneration Act, 1976 and Rules, 1976
- No. of male/female doing similar nature of work
 - Wages paid to the male/female.
16. Maharashtra Workmen Minimum House Rent Act, 1986 & Rules 1990
- Amount of HRA paid
 - Percentage of HRA paid.

17. Factories Act, 1948

A] Fatal Accidents

Reported to Inspector of Factories	Reported to ESIC	Reported to Workmen's Compensation Commissioner	Others

B] Non Fatal Accidents

Reported to Inspector of Factories	Reported to ESIC	Reported to Workmen's Compensation Commissioner	Others

18. Interstate Migrant Workmen [Regulation of Employment & Condition of Service] Act, 1979 and Rules, 1980.
- No. of inter state migrant workers employed.
 - Duration of employment
 - Nature of work
 - Recruitment licence No. of parent State [photocopy may please be submitted]
19. Industrial Employment [Standing Orders] Act, 1946
- No. of workmen on the waiting list as per certified standing orders/ model standing order, 4D(1) of Schedule I Part A for workmen doing manual and technical work and 4C(1) of Part B of Schedule I for workmen employed on clerical and supervisory work, respectively framed under the Industrial Employment [Standing Orders] Act, 1946 and Bombay Industrial Employment [Standing Orders] Rules, 1959.

- b) No. of vacancies filled in, in terms of certified standing orders/ model standing order, 4D(2) of Schedule I Part A for workmen doing manual and technical work and 4C(2) of Part B of Schedule I for workmen employed on clerical and supervisory work, respectively framed under the Bombay Industrial Employment [Standing Orders] Rules, 1959.

20. Workmens' Compensation Act, 1923

- a. No. of workmen and amount of compensation paid under the Workmen's Compensation Act, 1923, if applicable during the year.

Signature of occupier/
proprietor/ partner/ director/
employer/principal employer/
contractor

c)

ACKNOWLEDGEMENT SLIP

This is to acknowledge that an application regarding self certification scheme under labour laws has been received by the undersigned from M/s. _____[Full address in capital] and the same has been entered in the office receipt register at Sr.No. _____ dated _____.

Any further correspondence in future in this regard may be done by stating this Sr. No.

Authorized Signatory
For Labour Commissioner,
Maharashtra State, Mumbai.