Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

Amendments to the Tamil Nadu Factories Rules


No. SRO A-26/2017.—In exercise of the powers conferred by Section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Factories Rules, 1950, the draft of the same having been previously published as required by Section 115 of the said Act.

AMENDMENTS

In the said rules,—

1. in rule 3, in sub-rule (3), for the expression "may accord the permission applied for.", the expression "shall accord the permission applied for within thirty days from the date of receipt of such application.", shall be substituted;

2. in rule 4, in sub-rule (6), after the expression "Form No.4.", the expression "within thirty days from the date of receipt of application referred to in sub-rule (2).", shall be inserted;

3. in rule 7, in sub-rule (5), for the expression "The Deputy Chief Inspector of Factories may renew the licence.", the expression "The Deputy Chief Inspector of Factories shall renew the licence within thirty days from the date of receipt of application referred to in sub-rule (2).", shall be substituted.

P. AMUDHA,
Secretary to Government.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, CHENNAI
ON BEHALF OF THE GOVERNMENT OF TAMIL NADU
ABSTRACT

LABOUR AND EMPLOYMENT (H1) DEPARTMENT

G.O. (Ms) No.206
Dated: 02.11.2016

ோலோரி, சுமனி - 17
சென்னைநினைஞர் வேலையாளி - 2047

Read:


ORDER:

In the letter first read above, the Commissioner of Labour had sent proposal to make amendment in the Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975, to fix time limit for grant of registration certificate within 30 days and reducing the time limit for issue of license from 60 days to 30 days and accordingly in the Government Order second read above, a preliminary notification has been issued on the proposed amendment to the Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975 to fix the time limit for grant of registration certificate within 30 days and to reduce the time limit for issue of license to 30 days.

2. In the letter third read above, the Commissioner of Labour has stated that no objections or suggestions were received and has requested the Government to confirm the above said preliminary notification.

(p.t.o.)
3. The Government have now decided to confirm the orders issued in the said preliminary notification.

4. The appended notification will, accordingly, be published in the Tamil Nadu Government Gazette both in English and Tamil.

5. The Works Manager, Government Central Press, Chennai-600 079 is requested to publish the appended notification in the Tamil Nadu Government Gazette, both in English and Tamil.

6. The Secretary to Government, Tamil Development and Information (Translation) Department, Secretariat, Chennai-600 009 is requested to send a copy of the Tamil translation of the notification to the Works Manager, Government Central Press, Chennai - 600 079 for publication in the Tamil Nadu Government Gazette in Tamil.

(By order of the Governor)

P. AMUDHA
SECRETARY TO GOVERNMENT

To
The Commissioner of Labour, Chennai-600 006.
The Secretary to Government,
Tamil Development and Information Department, Chennai-600 009.
The Director of Industrial Safety and Health, Chennai-600 014.

Copy to:
The Senior Personal Assistant to Hon'ble Minister for Labour, Chennai–600 009.
The Law Department, Chennai-600 009.
All District Collectors.
The Secretary to Government of India,
Ministry of Labour and Employment, New Delhi-110 001.
The Private Secretary to the Secretary to Government,
Labour and Employment Department, Chennai-600 009.
The Section Officer,
Labour and Employment (OPII) Department, Chennai – 600 009.
Stock File / Spare Copy
Clean Copy to File (C.No 17991/H1/2016)

//FORWARDED BY ORDER//

V. Ravam
SECTION OFFICER
APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975.

AMENDMENTS.

In the said Rules —

(1) in rule 18, for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) The registering officer shall grant certificate of registration under sub-section (2) of the section 7 in Form II, within thirty days from the date of receipt of such application referred to in sub-rule (1) of rule 17.";

(2) in rule 23, in sub-rule (2), for the words “sixty days”, the words “thirty days” shall be substituted.

P. AMUDHA
SECRETARY TO GOVERNMENT

//TRUE COPY//

V. RAVAN
SECTION OFFICER
(3) Every application referred to in sub-rule (1) shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1), the Registering Officer shall, after noting thereon the date of receipt by him of the application, grant an acknowledgement to the applicant.

24. Grant of certificate of registration. — (1) The Registering Officer, after receiving application under sub-rule (1) of rule 23 shall register the establishment and issue a certificate of registration to the applicant within fifteen days of receipt of application if such applicant has complied with all the requirement as laid down in these rules and has made the application within such period as specified under clause (a) and clause (b) of sub-section (1) of section 7 of the Act. The certificate of registration to be granted by the registering officer shall be in Form II under Schedule XIII to these rules.

(2) The registering officer shall maintain a register in Form III under Schedule XIII to these rules showing the particulars of establishments in relation to which certificates of registration have been issued by him.

(3) If, in relation to an establishment, any change occurs in the ownership or management or other particulars specified in the certificate of registration, the employer of the establishment shall intimate the registering officer, within thirty days from the date when such change takes place, the date and particulars of such change, and the reasons thereof.

25. Payment of additional fees and amendment of register, etc. —
(1) Where on receipt of the intimation under sub-rule (3) of rule 24, the registering officer is satisfied that an amount higher than the amount, which has been paid by the employer as fees for the registration of the establishment is payable, he shall require such employer to pay additional sums which together with the amount already paid by such employer, would be equal to such higher amount of fees payable for the registration of the establishment.

(2) Where, on receipt of the intimation referred to in sub-rule (3) of rule 24, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III under Schedule XIII to these rules, he shall amend the said register and record therein the change which has occurred:
(a) appoint such persons, being officers of Government, as it thinks fit to be registering officers for the purposes of this Chapter; and

(b) define the limits, within which a registering officer shall exercise the powers conferred on him by or under this Act.

4. Registration of certain establishments.—(1) Every principal employer of an establishment to which this Act applies shall, within such period as the appropriate Government may, by notification in the Official Gazette, fix in this behalf with respect to establishments generally or with respect to any class of them, make an application to the registering officer, in such form and manner and on payment of such fees as may be prescribed, for the registration of the establishment:

Provided that the registering officer may entertain any such application for registration after the expiry of the period fixed in that behalf, if the registering officer is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Within one month after the receipt of an application for registration under sub-section (1), the registering officer shall,—

(a) if the application is complete in all respects, register the establishment and issue to the principal employer of the establishment a certificate of registration in the prescribed form; and

(b) if the application is not so complete, return the application to the principal employer of the establishment.

(3) Where within a period of one month after the receipt of an application for registration of an establishment under sub-section (1), the registering officer does not grant under clause (a) of sub-section (2) the certificate of registration applied for and does not return the application under clause (b) of that sub-section, the
registering officer shall, within fifteen days of the receipt of an application in this behalf, from the principal employer, register the establishment and issue to the principal employer a certificate of registration in the prescribed form.

5. **Revocation of registration in certain cases.**—If the registering officer is satisfied, either on a reference made to him in this behalf or otherwise, that the registration of any establishment has been obtained by misrepresentation or suppression of any material fact or that for any other reason, the registration has become useless or ineffective and, therefore, requires to be revoked, the registering officer may, after giving an opportunity to the principal employer of the establishment to be heard and with the previous approval of the appropriate Government, revoke by order in writing, with the registration and communicate the order to the principal employer:

Provided that where the registering officer considers it necessary so to do for any special reasons, he may, pending such revocation, by order suspend the operation of the certificate of registration for such period as may be specified in the order and serve, by registered post, such order along with a statement of the reasons on which the principal employer and such order shall take effect at the date on which such service is effected.

6. **Prohibition against employment of inter-State migrant workmen without registration.**—No principal employer of an establishment to which this Act applies shall employ inter-State migrant workmen in the establishment unless a certificate of registration in respect of such establishment issued under this Act is in force:

Provided that nothing in this section shall apply to any establishment in respect of which an application for registration made within the period fixed, whether originally or on extension under sub-section (1) of section 4 is pending before a registering officer, and