

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 423, CUTTACK MONDAY, MARCH 23, 2009/ CHAITRA 2, 1931

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 20th March 2009

No.2970-LL-II-SC-3/08/LE.,— Whereas draft of certain rules whether to amend the Orissa Shops and Commercial Establishments Rules, 1958 was published as required by sub-section (4) of section 42 of the Orissa Shops and Commercial Establishments Act, 1956 (Orissa Act 30 of 1956) in the extra ordinary issue No.2307 dated the 18th December, 2008 under the notification of Government of Orissa in the Labour & Employment Department No.12701- LL-II-SC-3/08, dated the 16th December, 2008 inviting objections and suggestions from all persons likely to be affected thereby within a period of 45 (Forty-five) days from the date of publication of the said notification in the *Orissa Gazette*;

And whereas, no objection or suggestion has been received during the stipulated period in respect of the said draft;

Now, therefore, in exercise of the powers conferred by section 42 of the said Act the State Government do hereby make the following rules further to amend the Orissa Shops and Commercial Establishments Rules, 1958, namely :—

1. (1) These rules may be called the Orissa Shops and Commercial Establishments (Amendment) Rules, 2009.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Shops and Commercials Establishments Rules, 1958, (hereinafter referred to as the said rules), in rule 12, for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) Every Employee shall maintain Combined Register of Overtime Working and Payment in Form 12. ”.

3. In the said rules, in rule 15, —

(i) item (1) shall be deleted ;

(ii) in item (2), for figure '9', the figure '8' shall be substituted; and

(iii) for item (3), the following item shall be substituted, namely:—

“(3) A Combined Muster Roll-*cum*-Register of Wages in Form 10 retainable for three years.”

4. In the said rules, rule “22” shall be deleted.

5. In the said rules, rule “23”, “24” and “25” shall respectively be read as rule “22”, “23” and “24”.

6. In the said rules, rule “26” and “27” shall be deleted.

7. In the said rules, rule “28” shall be renumbered as rule “25” and for rule “25” as so renumbered, the following rule shall be substituted, namely:—

“25. Every employer shall send to the Inspector the combined Annual return in Form 14 for the calendar year so as to reach him not later than the 31st March of the year next following year to which such return relates.”

8. In the said rules, rule “29” shall be renumbered as rule “26” and after rule “26” as so renumbered, the following rule shall be inserted, namely:—

“27. Submission of Self Certification Undertaking:— (1) The Employer/ Owner authorized executives prescribed authority, within the ambit of section 2(4), (7), (8), (16) and (19) of the Act, shall submit a Self Certification Undertaking for the ensuing calendar year, in respect of their Shops and Commercial Establishments in Form 15 to the specified Authority of the area incorporating therein, the required details-*cum*-Self Certification Undertaking in duplicate before 31st December of each calendar year.

(2) In the event of any subsequent change of variation of the facts and factums incorporated in the annual self certification undertaking referred to above, it shall be mandatory / obligatory on the part of the concerned persons(s) to communicate the same by way of submission of modified self certification undertaking afresh, within a month's period from the date of occurrence of such change and variation to the concerned specified authority.

Provided in course of subsequent verification / check up inspection by the concerned specified Authority, if the information-*cum*-self certification undertaking including modified undertaking so furnished subsequently as the case may be,

found to be incorrect, erroneous and distortive, the concerned persons shall inevitably be jointly / severally liable for violation of the provision of the sub-section (3) of the section 42 of the Act”.

9. In the said rules, Form “8”, shall be deleted and Form “9” shall be renumbered as “Form 8”.

10. In the said rules, for Form “10”, the following Form shall be substituted, namely:—

“Form 10
[See Rule 15 (3)]
.....”

11. In the said rules, Form “11” shall be deleted.

12. In the said rules, for Form “13”, the following Form shall be substituted, namely:—

“Form 13
[See Rule 25]
.....”

By order of the Governor

JAGAR SINGH

Commissioner-*cum*-Secretary to Government

Form 10
[See rule 15(3)]

Appendix – 2(a)

COMBINED MUSTER ROLL-CUM- REGISTER OF WAGES

- In lieu of**
1. Form No. 29 (Muster Roll) Rule 104 of Orissa Factories Rules, 1950.
 2. Form No. V (Muster Roll) Rule 26(5) of Orissa Minimum Wages Rules, 1954.
 3. Form No. X (Wages) Rule 26(1) of Orissa Minimum Wages Rules, 1954.
 4. Form No. XIII (Muster Roll) Rule 33(1) of Orissa Beedi & Cigar Workers (Condition of employment) Rules, 1969.
 5. Form No. XVI (Muster Roll) Rule 239(1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.
 6. Form No. XVII (Register of Wages) Rule 239 (1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.
 7. Form No. XVIII (Register of Wage-cum-Muster Roll) Rule 239(1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.
 8. Form No. XVII (Muster Roll) Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980.
 9. Form No. XVIII (Register of Wages) Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980
 10. Form No. 10 (Register of payment) of Orissa Shops and Commercial Establishment Rules, 1958.
 11. Form No. 8 (Daily record of works & orders relating to compensating Leave and Deduction from wages of Orissa Shops and Commercial Establishment Rules, 1958.
 12. Form X (Muster Roll) Rule 36 of Orissa Motor Transport Workers Rules, 1966.
 13. Form XIII (Wages) Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975.
 14. Form XII (Muster Roll) Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975.
 15. Form VI (Muster Roll) Rule 9 of Orissa Industrial Employment (N&F) H. Rules, 1972.

“ FORM 13’

[see rule 25]

COMBINED ANNUAL RETURNS**In the Lieu of**

- (i) Form-21, Rule - 101(I) Orissa Factories Rules, 1950
- (ii) Form XX, Rule - 81 (I) Form XXI, Rule-81(2) Orissa Contract Labour (R&A) Rule-1975
- (iii) Form-III, Rule-21 (4-A) Orissa Minimum Wages Rules - 1954
- (iv) Form-IV, Rule-18, Orissa Payment of Wages Rules-1936
- (v) Form ‘D’, Rule-5, Payment of Bonus Rules, 1975 (Central)
- (vi) Form 13, Rule-28, Orissa Shops and Commercial Rules - 1958
- (vii) Form XIII, Rule-39, Orissa Motor Transport Workers Rules, 1966
- (viii) Form L, Rule-16, Orissa Maternity Benefit Rules, 1966
- (ix) Form ‘V’, Rule-8,O.I.E (N&A) II Rules, 1972
- (x) Form XXV, Rule 240, Orissa Building and Other Construction Workers (RECS), Rules-2002
- (xi) Form XXIV, Rule 56(2) of Orissa Inter-State Migration Workers (RECS) Rules, 1980

A. GENERAL PARTICULARS -**1(a) Name and full address of the Factory / Establishment (including Building and Other Construction of Work / Motor Transport undertakings)**

	Factory / Establishment	Regd./Administrative/Head Office
Name		
Address		
Tel :-		
Fax:-		
E-mail:-		
Website:-		

(b) Name and Residential address of the Proprietor / Partner / Directors / Employer/ Principal / Employer / Occupier. (tick which ever is applicable).

Sl. No.	Name Father's Name	Designation	Residential Address	Tel/Mobile/E-mail
(1)	(2)	(3)	(4)	(5)

(c) Name and Residential Address of the Person responsible for the day to day conduct and control of business.

Name	Residential Address	Tel/Mobile/E-mail

(d) Name and Residential address of the occupier and Mgr. As named under the Factories Act, 1948.

Sl. No.	Name	Designation	Residential Address	Tel/Mobile/E-mail
(1)	(2)	(3)	(4)	(5)

2. Date of commencement of Manufacturing/Business/Estt./Factories/Construction of Works.

2(A) Nature / Type of Industries /Estts.

2(B) Particulars of Products Manufactured/Services Rendered.

Name of the Product/Services	Annual Installed capacity	Quantity Manufactured	Percentage achieved	Value

3. Registration and License

Regn. No. License No.

- (a) Factories Act, 1948
- (b) Contract Labour (R&A) Act, 1970
- (c) O.S and C.E. Act, 1956
- (d) ISMW (R&CE) Act, 1979
- (e) M.T.W. Act, 1961
- (f) Building and Other Construction Workers (RECS) Act, 1996

4. No. of Workmen / employees/ employed.

Sl. No.	Category	Male	Female	Adolescent/ Adult	Child	Total No. of Employees
(1)	(2)	(3)	(3)	(4)	(5)	(6)
1	Un skilled					
2	Semi-skilled					
3	Skilled					
4	Highly skilled					
5	ITI / Diploma					
6	Degree-Engg.					
7	Executive					
8	Probationer / Trainees					

Form 15
[See rule 27(1)]

(to be submitted in Duplicate before
31st December for the preceding calendar year)

SELF CERTIFICATE FORMAT

FOR

**SUBMISSION BY EMPLOYER OF SHOPS AND COMMERCIAL ESTABLISHMENTS
UNDER ORISSA SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1956 AND THE
ORISSA SHOPS AND ESTABLISHMENT RULES, 1958.**

01. Name and Address of the Establishments. :—
02. Registration Number and Date (Section 4 Read with Rules 3 and 5) :—
03. Number of Employees Employed :—
- Male :—
- Female :—
- Total :—
04. Whether the Registration is Renewed (Section 4, Read with Rules 3 and 5) :—
05. Whether the prescribed Registers are maintained. (Section 38 Read with Rule 15) :—
06. Whether exemption for maintaining Computerized and alternative Forms are obtained. :—
07. Whether prescribed Hours of work Holidays, Leaves, Maternity Benefit is being implemented. (Sections 7 to 10 and 27 and Rule 11) :—
08. Whether the Annual Returns are submitted (Rule 28) :—

CERTIFICATE

- (i) Certified that we have complied / are complying with all the provisions under Orissa Shops and Commercial Establishment Act, 1956 and the Orissa Shops and Commercial Establishment Rules, 1958 are made thereunder, in addition to those specifically mentioned above.
- (ii) We are the authorized persons to issue the above certificate and the above certificate is issued with full knowledge of the statue. We are jointly and severally responsible for any information found incorrect subsequently and liable for prosecution under provisions of the said Act and Rules made therunder.

Signature of the Manager

Name :
Designation :
Date :
Seal :
Accepted :

Signature of the Occupier

Name :
Designation :
Date :
Seal :
Accepted :

Conveyed / Submitted to
D.L.O. / A.L.C. / Dy. L.C.

Appendix-2 (b)**Combined Register of Fines, Deductions for Damage or Loss and Advances**

- In lieu of**
1. Form No.I.II of Rule 21 (4) of Orissa Minimum Wages Rules, 1954
 2. Form Nos. XVII, XVI, XVIII of Rule, 78 (d) (fine), 77 (22) (d) (dedu.), 77 (2) (d) (adv.) of Orissa Contract Labour (R & A) Rules, 1975.
 3. Form Nos. I, II, III under Rule 3 (1) (fine), 4 (deductions) and 17 (3) (advances) of Orissa Payment of Wages Rules, 1936.
 4. Form XIX, XX, XXI of Rule 52 (2) C of Orissa I.S.M.W (RE & CS) Rules, 1980.
 5. Form XX, XIX and XXI under Rule-239 (1) (b) of Orissa Building and Other Construction Workers (RE & CS) Rules, 2002.

Sl. No	Name of the Employee / Father's / Husband's name	Designation Emp. No./ Sl. No. in register of employees	Nature & date of offence for which fine imposed	Date and particulars of damages/ loss caused	Whether worker showed cause against fine or deductions	Amount of the fine imposed/ deduction made	Date & purpose for which advance was made	Amount of advance made & purpose thereof.	No. of installments granted for repayment of fines/ deductions/ advances	Wages period and rate of wages payable	Date of recovery of fine/deduction/ advance		Remarks
											First Installment	Last Installment	

Signature of the Employer/Principal Employer/Authorized signatory

Name & Address of the
Factory / Establishment

Name & Address of the
Contractor (if any)
Place of work

Name & Address of the
Principal employer
Month / Year

Sl. No.	1. Name of employees 2. Father/Husband name	Sex M/F	Date of Birth	Emp. No./ Sl.No. in register of employees	Degrn./ Deptt.	Date of joining	ESI No.	PF No.	ATTENDANCE Units of work done(if piece rated)							No. of payable days Total Units of work done	Name of N&F Holiday for which wages have been paid
									1	2	3	4	5	6	7		
									8	9	10	11	12	13	14		
									15	16	17	18	19	20	21		
									22	23	24	25	26	27	28		
									29	30	31						

Month & Year

EARNINGS										DEDUCTIONS													
Basic	DA / VDA	HRA	Conv. Allow.	Med. Allow.	ATT/ bonus	Spl. All.	OT	Misc. Earnings	Others	Total	ESI	PF	PT	TDS	Socy.	Insurance	Sal. Adv.	Fine	Damage	Others	Total	Net payable	Date of payment

Complete Signature of the Employer / Principal Employer / Authorized Signature

5. Particulars of Employment / Payment in Factories / Estts. / Motor Transport Undertakings / Building Construction of Work.

(a)

No. of Person on Roll as on 1st January	No. of Person on Roll as on 31st December	No. of days Factory / Estt/Building & Other Construction Works / Carried on	No. of days Factory/Estt/ Closed	No. of Mandays worked during the year	No. of man-hours worked including O.T. during the year	Total Amount of salary / wage paid including O.T. wages & allowances

(b) Average Number of Employment during the year :—

Men	Women	Total

(C) No. of employees discharged/dismissed/terminated/retrrenched/resigned or retired during the year.

Men	Women	Total

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

	No. of Employees involved	Total Amount of deduction made
1. Fines		
2. Damages / Loss		
3. Breach of Contract		
4. Others		
5. Total		

**In respect of the Factories Act / Orissa Shops & Commercial Establishment Act,1956/
Orissa Industrial Establishment (National & Festival) Holidays Act,1972.**

7. Particulars of Earned Leave with Wages / National Festival Holidays with Wages.

Total No. of Persons employed		No. of Employees eligible for Earned Leave	No. of employees availed/granted Earned Leave	No. of employees paid wages/ salary in lieu of Earned Leave	No. of Person who were paid wages for the NFIT (separate figure for each day may be furnished)
1. Man					(i) 26th January
2. Woman					(ii) 1st May
					(iii) 15th August
					(iv) 2nd October
					(v)
					(vi)
					(vii)
					(viii)

In respect of Payment of Bonus

8. Payment of Bonus paid during the year

Name of the Accounting year	Total No. of employees	No. of Employees eligible for Bonus	Percentage of Bonus / <i>Ex gratia</i> declared	Total amount of Bouns / <i>Ex gratia</i> paid	Date of Payment
(1)	(2)	(3)	(4)	(5)	(6)

Relating to the Factories Act

9. Does the Factory carry on hazardous process under section-2(cd) dangerous operation U/s 87 of Factories Act. 1948.

- If Yes..... Yes / No
- (i) Whether Health and Safety Policy prepared and published Yes / No
- (ii) Whether occupational Health Centre provided Yes / No
- (iii) Whether Medical Officer appointed Yes / No
- (iv) Whether Ambulance Van provided Yes / No
- (v) Average no. of persons employed daily in hazardous process / dangerous operation. Yes / No

10. Safety and Welfare Officers:—**(a)**

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Sec-40(B) of Factories Act.		
(ii) Welfare Officers as per Sec-49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Sec-45(A)	Yes / No
(ii)	Canteen as per Sec-46(l)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Sec- 48(i)	Yes / No
(v)	Shelters, Rest Rooms and Lunch Room as per Sec-47(l)	Yes / No

11. Particulars of Accidents, Man's days lost and others:—

(i)	Total no. of accidents that have taken place in the year.
(ii)	Number of employees involved in such accidents:- (a) Male (b) Female
(iii)	Total number of man's days lost in such accident
(iv)	No. of employees returned to work within 48 hours of the accident
(v)	No. of employees returned to work after 48 hours of the accident (Reportable accident)
(a)	Without Permanent /Partial/ Total Disablement
(b)	With Permanent / Partial / Total Disablement
(vi)	Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

Maternity Benefit Act,

12.	(a)	Rating to Maternity Benefits :—
(i)		Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
(ii)		No. of women workers discharged / dismissed in the last 12 months.
(iii)		No. of women worker for whom pre-natal confinement and post-natal confinement.
(iv)		No. of women workers died.
	(a)	Before delivery -
	(b)	After delivery -

(b) Leave / additional leave details :—

Item	No. of women applied for leave	Leave sanctioned	Leave reject
(i) Mis-carriage			
(ii) Illness (additional leave under sec-10)			

(c) Maternity Benefit Paid :—

Item	No. of claim received	No. of leave sanctioned	No. of claims rejected	Total benefit paid in rupees
(i) Confinement				
(ii) Mis-carriage				
(iii) Illness				
(iv) Medical Bureaus				

Rating to Contract Labour (R&A) Act

13. (a) Contractor Labour

Name & Address of the Contractor / Contractors	Period of contract From / To	Nature of work/ operation in which contract labour were employed Deptt. / Section	No. of person employed	Maximum no. of contract workman employed on any day during the year	No. of days worked	No. of man days worked
(i)						
(ii)						
(iii)						
(iv)						
		Total				

(b) Whether contract has provided ?

(i) Canteen	Yes / No.
(ii) Rest Room	Yes / No.
(iii) Drinking Water	Yes / No.
(iv) Creche	Yes / No.
(v) First-Aid	Yes / No.
(vi) Remarks	Yes / No.

Relating to Building and Other Construction Workers (RE & CS) Act.

14. Particulars of accident that took place during the year:—

(i)	The total No. of accident.
(ii)	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.
(iii)	The number of accidents resulting in disablement of building worker 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 accident.
(iv)	The number of accidents resulting on permanent, partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident.
(v)	The number of accident resulting in deaths of building workers and the number of resultant deaths.

15. INTER- STATE MIGRANT WORKMENT (RE & CS) ACT,**In respect of Principal Employer :—**

(i) Number of contractors who worked in the establishment during the year with details.

Name & Address of the Contractor	Period of Contract		Nature of work	Maximum number of workers supplied by each contractor	No. of days worked	No. of man days worked
	From	To				

16. Beedi and Cigar Workers (Condition of Employment) Act, 1966:—

(i) Average number of employees employed daily in the Industrial Premises :—

Men

Women

Young person

Male

Female

(ii) Average monthly number of home workers employed (i.e. who work in their homes)

(iii) Number of days worked in the year in the industrial establishment.

(iv) No. of employees who were granted leave during the calendar year.

Young persons

(a) employees in the Industries Premises.

(b) employees in home.

Other than young Persons

(a) employees in the Industrial Premises

(b) employed in home

(v) Number of female employees who were given maternity benefit during the year

(a) employees in the Industrial Premises

(b) employed in home“.