

GOVERNMENT OF MEGHALAYA
LABOUR DEPARTMENT

>>>><<<

NOTIFICATION

Dated Shillong, the 24th September, 2018.

No.LBG.39/14/Pt/145 : In order to enhance the Ease of Doing Business in Meghalaya and further in consonance with Business Reforms Action Plan, prepared by the Government of India, Ministry of Commerce & Industries, Department of Industry Policy & Promotion, the Governor of Meghalaya is pleased to introduce "Self Certification Scheme" annexed at Annexure "1" for the shops, commercial establishments and other establishment in the State, falling under the purview of the Labour Commissionerate to liberalize the enforcement of labour laws under the concept of Self Regulatory Mechanism.

Sd/-

Shri D.P. Wahlang, IAS,
Principal Secretary to the Govt. of Meghalaya
Labour Department.

Dated Shillong, the 24th September, 2018

Memo No.LBG.39/14/Pt/145-A
Copy to:-

1. The Secretary, Ministry of Labour & Employment, Government of India, New Delhi, Shram Shakti Bhawan, Rafi Marg, New Delhi-110119.
2. The Secretary, Department of Industries Policy & Promotion, Ministry of Commerce & Industries, Government of India, Udyog Bhawan, New Delhi-110011.
3. The P.A. to the Hon'ble Chief Minister, Government of Meghalaya for the kind information of the Chief Minister, please.
4. The P.A. to the Hon'ble Minister-in-charge Labour Department, Government of Meghalaya for kind information of the Minister, please.
5. P.A. to the Chief Secretary, Government of Meghalaya for kind information of the Chief Secretary, please.
6. All Administrative Department, Government of Meghalaya.
7. All Deputy Commissioners in Meghalaya.
8. The Labour Commissioner, Meghalaya, Shillong.
9. The Chief Inspector of Boiler & Factories, Meghalaya, Shillong.
10. The Director, Commerce & Industries Department, Government of Meghalaya.
11. The Director, Printing & Stationery, Meghalaya, Shillong for publication in the next issue of the Meghalaya Gazette.
12. The Joint Labour Commissioner, Shillong/Tura.
13. All Deputy/Assistant Labour Commissioners.

By Order etc.,

Under Secretary to the Govt. of Meghalaya,
Labour Department.

"SELF CERTIFICATION SCHEME"

The Scheme shall consist of the following provisions:-

1. **Preamble:** The Self Certification Scheme aims for making an employer or an entrepreneur a trustworthy and law abiding citizen who is willing to take care of all interests of the workers and employees by following all the laws as applicable and enable the Labour Department to effectively protect the interests of the workers as well as the employers and to create a friendly and safe environment and healthy relationship between the Employer and the Employees. The scheme aims at better compliance of labour laws by way of self regulatory mechanism and making the employers responsible for protecting the interests of their employees apart from the enforcement machinery of Labour Department.
2. **Objective:** The objective of the Scheme is to curtail visits of Labour Department officials for inspection of those units who opt for this Scheme without compromising the safety, health, social security and welfare of the workers as provided under the various labour laws.
3. **Procedure:** The Scheme shall be optional and any startup can opt for this Scheme by applying to the concerned Deputy Labour Commissioner/ Assistant Labour Commissioner, depending on the location of the startup, either manually or online¹ and the concerned Deputy Labour Commissioner/ Assistant Labour Commissioner will also communicate manually or online¹, as the case may be, subject to the following clauses:
 - (i) Any discrepancy in the application shall be communicated to the applicant **within such number of days as approved by the Government, say 30 days** from the date of receipt of the application.
 - (ii) In case no discrepancy is found and the Registering/ Licensing Authority is satisfied that all details of the application are complete, the applicant shall be **deemed** to have been enrolled under the Self Certification Scheme provided that there is no discrepancy communicated as per para 3(i) above, subject to a maximum limit of **30 days**.
 - (iii) In the event that discrepancy in the application, if any, is not communicated to the applicant **within stipulated time period of 30 days**, the applicant shall be **deemed** to have been enrolled under the Self Certification Scheme.
4. **Validity of Scheme:** Once opted, the same shall be valid for five years. After the successful compliance under the Self-Certification Scheme for five years, the employer/contractor/entrepreneur/proprietor/occupier shall have option either to remain covered under the Self-Certification Scheme or opt out of the Scheme. The option must be exercised again by making application on line to the concerned Deputy Labour Commissioner/ Assistant Labour Commissioner in the same manner as at the time of initial enrolment.
5. **Definitions:**
 - (i) **"Start up"** means Start up as defined and recognized under the Startup India initiative.
 - (ii) **"Scheme"** means the Self Certification Scheme under the Startup India initiative.
 - (iii) **All other definitions will be as defined under relevant labour laws.**
6. **Labour Laws for which the scheme is valid:** The Scheme shall be valid for the following Acts and Rules made there under as applicable to the concerned employer/contractor/entrepreneur/proprietor/occupier:
 - (i) The Meghalaya Shops & Establishments Act, 2004 and Rules framed there under.
 - (ii) The Equal Remuneration Act, 1976 and Rules framed there under.
 - (iii) The Minimum Wages Act, 1948 and Rules framed there under.
 - (iv) The Payment of Wages Act, 1936 and Rules framed there under.
 - (v) The Contract Labour (Regulation & Abolition) Act, 1970 and Rules framed there under.
 - (vi) The Payment of Gratuity Act, 1972 and Rules framed there under.
 - (vii) The Payment of Bonus Act, 1965 and Rules framed there under.
 - (viii) The Maternity Benefit Act, 1961 and Rules framed there under.
7. **How to apply:** Under this Scheme, the applicant applies either manually or online¹ to the concerned Deputy Labour Commissioner/ Assistant Labour Commissioner. This Scheme shall be deemed to be effective from the date, as the case may be, as referred to in Para 3 above.

8. Procedure in case of false declaration or violation under any Act:

- (i) In case it is found that self certification as stated by the applicant is based on false declaration then punitive action as per criminal law shall be initiated against him. The establishment shall also be debarred from applying for the scheme for five years in case of conviction by any court of law.
- (ii) In case violation or contravention of any labour law is detected and confirmed/verified by inspection, necessary action under the respective Act shall be initiated.
- (iii) On the basis of instructions received from the State Government/ Deputy Commissioner/ District Magistrate/ Court/ Labour Commissioner/ Joint Labour Commissioner/ Deputy Labour Commissioner/ Assistant Labour Commissioner/ Elected Public Representative or complaints received from members of the public, inspection of the establishment concerned may be carried out at any time by a Labour Inspector, who is required to provide a report on the findings, before any action is to be taken against an establishment.
- (iv) Once inspected, the same establishment will not be inspected before the next randomization, provided that no specific violation of terms or conditions or undertaking given or the relevant laws by the employer is brought to notice.

9. Inspection Procedure under the scheme:

- (i) **Clause 1:** Under this Scheme, all establishments who opt for it shall be subjected to an inspection **once in every 5 (five) years.**
- (ii) **Clause 2:** Once inspected the same establishment is not likely to be inspected in the next **5 (five) years.**
 - (a) **Sub-Clause 2(A):** Notwithstanding Clause 2 above, an establishment even after having been inspected under the mandatory once in 5 years requirement, shall be subjected to another **inspection cum inquiry**, in case any violation is detected or as per Para 8(iii) above.
 - (b) **Sub-Clause 2(B):** If the violation under relevant labour law has been confirmed and verified as having been committed, based on the findings of the inspection cum inquiry, it shall attract the penalty provisions of the relevant labour law and prosecution against that particular establishment shall be initiated. The establishment will be listed under the category of "**First Offence**", the **once in 5(five) years inspection benefit shall be withdrawn and the establishment shall be liable for inspection once in 6 (six) months.**
 - (c) **Sub-Clause 2(C):** Notwithstanding Clause 2 above, if a second violation under relevant labour law has been confirmed and verified as having been committed, based on the findings of the inspection cum inquiry, it shall attract the penalty provisions of the relevant labour law and prosecution against that particular establishment shall be initiated. The establishment will be listed under the category of "**Second Offence**", the **once in 5(five) years inspection benefit shall be withdrawn and the establishment shall be deemed to be debarred from the Self Certification Scheme for a period of 5 (five) years.**

10. Inspection Procedure in case of establishments which do not opt for self certification scheme:-

In case of establishments which do not opt for the Scheme, inspections to these establishments will be conducted normally as per provisions of various labour laws.

11. Self-Certification scheme and all prescribed proforma will be available on the website¹ of the Labour Commissionerate and application shall be made in the proforma attached with the scheme.

^[1] (After computerization has been set up and interactive website is ready.)

To, The Deputy Labour Commissioner/ Assistant Labour Commissioner

Subject:- Application for Registration under Self Certification Scheme for establishments/contractors/shops/commercial establishments/other establishments under relevant labour laws.

Sir, With reference to Government of Meghalaya, Labour Department Notification vide No. _____, dated _____ regarding self certification scheme,

I/We have gone through the above said scheme and have understood the same and wish to be covered under this scheme. The Self Certification Proforma is enclosed herewith. I/We undertake to abide by all terms and conditions of the Scheme. It is also certified that I am/we are competent & duly authorized to make any statement or provide any information to any Central/State Government agency on behalf of this establishment. I/We further undertake that we are liable for action under the relevant labour law in case any violation is detected.

Yours faithfully,

(Signature of employer/contractor/entrepreneur/proprietor/occupier)

Name _____ Address _____
Email _____ Contact No. _____

Encl:- Self-Certification Proforma

Self-Certification Proforma

[Prescribed under Self Certification Scheme of Government of Meghalaya, Labour Department Notification No. _____, dated _____

- 1. Name & Address of the Establishment _____
- 2. Name of employer/contractor/entrepreneur/ proprietor/ occupier (Mobile No & Email ID) _____
- 3. Registration Certificate No./ Licence No. under relevant labour law _____
- 4. No. of workers employed
 - Male _____
 - Female _____
 - Total _____
- 5. Nature of Work _____

142

A. The Meghalaya Shops & Establishments Act, 2004 & Rules thereof

Sl No.	Details	Yes/No
1	Whether the establishment/shop has been registered as per Section 3	
2	Whether the Registration Certificate is prominently displayed as per Section 3 (5)	
3	Whether opening & closing Hours of the Shops/Establishments are followed as per Section 4	
4	Whether the working hours are followed as per Section 5	
5	Whether Shops/Establishments are closed on one day as per Section 6	
6	Whether the wages are being paid to employees as per Section 9	
7	Whether the wages on overtime are being paid to employees as per Section 10	
8	Whether annual leave with wages are being given to employees as per Section 11	
9	Whether records and registers are produced on demand to the Inspector as per Section 22	
10	Whether records and registers are maintained and notice is displayed as per Section 25	

B. The Equal Remuneration Act, 1976 & Rules thereof

Sl No.	Details	Yes/No
1	Whether the Employer is paying equal remuneration to men and women workers for same work or work of similar nature as per Section 4	
2	Whether any discrimination is being made while recruiting men & women workers as per Section 5	
3	Whether the Employer maintained register in Form-D as per section 8 and rule 6	

C. The Minimum Wages Act, 1948 & Rules thereof

Sl No.	Details	Yes/No
1	Whether the Employer paid the Minimum Wages as per the rates fixed under Section 12	
2	Whether the period of work & rest intervals are provided as per Section 13(1)(a)	
3	Whether the weekly rest days given to all employees as per Section 13(1)(b)	
4	Whether the Employer paid overtime wages at double the ordinary rate of wages as per Section 14	
5	Whether the Employer maintains Registers and Records as per Section 18 and Rule 22	
6	Whether the following Notices displayed as required as per Section 18 (2) <ul style="list-style-type: none"> • Minimum rate of wages as notified by the Government • Abstract of Act and Rules made thereunder • Name and Address of Inspector 	
7	Whether the wages slips are being issued to workers as per Section 18 (3)	

D. The Payment of Wages Act, 1936 & Rules thereof

Sl No.	Details	Yes/No
1	Whether the Employer has fixed wage period as per Section 4	
2	Whether the authorized deductions are being made from the wages of the employed persons as per Section 7	
3	Whether the Employer displayed in English and Hindi the approved list of Acts and omissions in respect of which fines may be imposed as per Section 8(2)	
4	Whether the Notice of date of payment of wages been displayed in English & Hindi as per Rule 9	
5	Whether registers in the prescribed form giving such particulars of persons employed by him, the work performed by them, the wages paid to them, the deductions made from their wages, the receipts given by them and such other particulars have been properly maintained as per Section 13-A	
6	Whether the notice containing such abstracts of the Act and the rules made thereunder have been displayed as per Section 25	

E. The Contract Labour (Regulation & Abolition) Act, 1970 & Rules thereof

Sl No.	Details	Yes/No
1	Whether the Contractor has been licensed and whether he has complied with the conditions of Licence granted under the Act as per Section 12	
2	Whether the Contractor has provided the following facilities to the Contract Labourers: <ul style="list-style-type: none"> • Canteen-Section 16 • Rest Room-Section 17 	

	<ul style="list-style-type: none"> • Drinking Water-Section 18 (a) • Latrines & Urinals-Section 18 (b) • Washing Facilities-Section 18 (c) • First Aid Facilities-Section 19 	
3	Whether the Contractor is disbursing the wages to the Contract Labour before the expiry of the specified period as per Section 21 (1)	
4	Whether the payment to workers is being made in the presence of authorized representative of Principal Employer as per Section 21 (3)	
5	Whether registers and other records are being maintained as per Section 29 (1) <ul style="list-style-type: none"> • Register of Workmen/Contract Labour employed by Contractor • Muster-Roll-cum-Register of wages • Register of Over Time • Register of Deductions/Fines/Advanced 	
6	Has the Contractor displayed the following Notices as per section 29 (2) <ul style="list-style-type: none"> • Wage period • Place and time of disbursement of wages • Hours of work • Rates of wages • Date of payment of wages • Name & Address of Inspector • Abstract of Act & Rules 	
7	Whether the Contractor is submitting half-yearly return to the Licensing Officer as per Rule 82	

F. The Payment of Gratuity Act, 1972 & Rules thereof

SI No.	Details	Yes/No
1	Whether the Employer obtained compulsory Insurance in the manner prescribed for his liability for the payment towards the Gratuity under the Act as per Section 4A	
2	Whether notice specifying the name of the officer with designation authorized by the Employer to receive notices on his behalf has been displayed as per Rule 4	
3	Whether the Employer displayed the abstract of the Act and Rules in the establishment as per Rule 20	

G. The Payment of Bonus Act, 1965 & Rules thereof

SI No.	Details	Yes/No
1	Whether the Employer has paid Bonus to all eligible workers as per Section 8	
2	Whether the employer has paid at the minimum rate as per Section 10	
3	Whether the Bonus has been paid within the time limit i.e. within 8 months from the close of Financial Year as required under Section 19	
4	Has the Employer maintained the registers/records in Forms A, B & C as per Section 26 and Rule 4	
5	Has the Employer submitted returns on Form D to the Inspector in 30 days after the time limit as per Rule 5	

H. The Maternity Benefit Act, 1961 & Rules thereof.

SI No.	Details	Yes/No
1	Whether the Employer engaged any women workers during the prohibited period as per Section 4	
2	Whether the Medical Bonus has been paid to the eligible women workers as per Section 8	
3	Whether the leave for miscarriage is allowed to the eligible women workers as per Section 9	
4	Whether leave with wages for a period of 2 weeks is allowed for tubectomy as per Section 9 A	
5	Whether leave for illness is allowed as prescribed in Section 10	
6	Whether nursing breaks are allowed to women workers as per Section 11	
7	Whether any woman worker has been dismissed during or on account of her absence of pregnancy which is unlawful as per Section 12	
8	Whether the Employer maintains registers and records as required in Section 20	
9	Whether the abstract of Acts & Rules is displayed in Form-K as per Rule 15	
10	Whether the Employer submitted Annual Returns in Forms L,M, N, O under Rule 16	

144

UNDERTAKING

1. I/We do hereby certify that the contents given above are true and correct.
2. That I/We have gone through the scheme and have fully understood the contents of the Scheme and undertake to abide by the same.
3. That it is declared that I am/We are complying and will continue to comply with all provisions of the Meghalaya Shops & Establishments Act, 2004 & Rules, the Equal Remuneration Act, 1976 & Rules, the Minimum Wages Act, 1948 & Rules, the Payment of Wages Act, 1936 & Rules, the Contract Labour (Regulation & Abolition) Act, 1970 & Rules, the Payment of Gratuity Act, 1972 & Rules, the Payment of Bonus Act, 1965 & Rules and the Maternity Benefit Act, 1961 & Rules, as the case may be, covered by the Self Certification Scheme.
4. That I/We agree to accept the penalty prescribed under law in case of violation detected in the unit under any law covered under the scheme after applying for the Scheme.

Place:

Date:

(Signature of principal employer /contractor/
employer /proprietor /occupier)

Name _____

Address _____

Email _____
