

**GOVERNMENT OF NAGALAND
LABOUR & EMPLOYMENT
SKILL DEVELOPMENT & ENTREPRENEURSHIP DEPARTMENT
NAGALAND: KOHIMA**

Dated Kohima, the 11 Oct' 2019

NO.LAB-46/5/2015-16 (Vol-I)

To,

The Secretary,
Government of India
Ministry of Labour & Employment,
Shram Shakti Bhavan,
New Delhi - 110001

Sub: Submission of Action Taken Report on self-certification and exemption of Start-ups from inspection.

Sir,

In inviting a reference to your D.O. letter No.Z-13025/39/2015-LR Cell dated January 12, 2016 (copy enclosed) regarding advisory on Start-ups and subsequent letters on submission of the aforementioned Action Taken Report, the undersigned is directed to forward herewith the same (enclosed as Annexure-I) in respect of the State of Nagaland.

In this regard I am to state that due to time constraints the department was not able to resolve the matter in due time. Inconvenience caused in this regard is deeply regretted.

This is for your kind information.

Yours faithfully,

Enclosed: As stated.


(ANTHONY NGULLY)

Joint Secretary to the Govt. of Nagaland
Dated Kohima, the 11 Oct' 2019

NO.LAB-46/5/2015-16 (Vol-I)

Copy to:

1. Sr. PS to the Chief Secretary, Nagaland for information
2. The Labour Commissioner, Nagaland for information.
3. Office copy.
4. Guard File.

(ANTHONY NGULLY)
Joint Secretary to the Govt. of Nagaland

GOVERNMENT OF NAGALAND
LABOUR & EMPLOYMENT, SKILL DEVELOPMENT
& ENTREPRENEURSHIP DEPARTMENT
NAGALAND : KOHIMA

NOTIFICATION

Dated Kohima, the May'2019.

No.LAB – 46/5/2015-16(Vol-I):: In pursuance to the Government of India D.O.No.Z-13025/39/2015-LR Cell dated 4th June, 2018 in regard to startup India action plan promoting the startup ecosystem in the country to incentivize the entrepreneurs in setting up new startup venture for creation of employment opportunity through them, the Governor of Nagaland is pleased to exempt inspection of the following Labour Laws/Acts from inspection for 5years whose annual turnover is not exceeding Rs.25 (Rupees twenty five crores)only in any preceding financial year and working towards innovation development, deployment or commercialization of the product, processes or services driven by the technology or intellectual property. However, inspections maybe taken up only when very creditable and verifiable complaints of violation is filed in writing and the approval has been obtained from at least one level senior to the inspecting officer or from the Central Analysis and Intelligent Unit (CAIU) as the case may be.

In this regard, it is clarified that to make compliance of Labour Laws and to regulate the Labour Laws Inspection System in case of Start-Ups self certify compliance for five years is hereby made applicable.

The exempted Labour Laws are given below:-

1. The Building and Other Construction Workers Welfare Board (RE&CS)Act, 1996.
2. The Payment of Gratuity Act, 1972.
3. The Contract Labour (Regulation and Abolition) Act,1970.
4. The Employees' Provident Fund and Miscellaneous Provision Act, 1952.
5. The Employees' State Insurance Act, 1948.
6. The Inter-State Migrant Workmen (RE&CS) Act, 1979.

This will come into force with immediate effect.

Sd/-

(TEMJEN TOY)IAS

Chief Secretary to the Govt. of Nagaland.

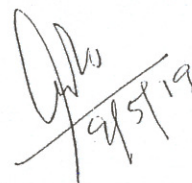
Dated Kohima, the May'2019.

No.LAB – 46/5/2015-16(Vol-I)

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Copy to:-

1. The Commissioner & Secretary, to the Governor of Nagaland, Raj Bhawan, Nagaland, Kohima.
2. The Principal Secretary to the Chief Minister, Nagaland, Kohima.
3. The PS to Advisor (L&E, SD&E), Nagaland, Kohima.
4. The OSD to Chief Secretary, Nagaland, Kohima
5. To all the AHOs.
6. The Publisher, Nagaland Gazette, Kohima.
7. The Labour Commissioner, Directorate of Labour, Nagaland, Kohima.
8. The Officers concerned.
9. Office copy.
10. Guard file.



(ANENLA T SATO)

Commissioner&Secretary to the Govt. of Nagaland.



शंकर अग्रवाल, आई०ए०एस०
भारत सरकार के सचिव
SHANKAR AGGARWAL, I.A.S.
Secretary to Govt. of India

सत्यमेव जयते
MINISTRY OF LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAVAN
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय
श्रम शक्ति भवन
नई दिल्ली-110001
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D.O. No. Z-13025/ 39 /2015-LR Cell



January 12, 2016

Dear Chief Secretary,

Government of India has decided to promote the Start-Up ecosystem in the country to incentivize the entrepreneurs in setting up new start-up ventures and thus catalyze the creation of employment opportunities through them. In this connection, various incentives and ease in regulatory compliance provisions are being conceptualized. Start-ups are defined by Department of Industrial Policy & Promotion (DIPP), as an entity, incorporated or registered in India not prior to five years, with annual turnover not exceeding Rs. 25 crores in any preceding financial year, working towards innovation, development, deployment or commercialization of new products, processes or services driven by technology or intellectual property.

2. Promoting the Start-ups, as defined above, would need special handholding and nurturing. Thus such Start-ups, as defined by DIPP, may be allowed to self-certify compliance with the Labour Laws. The Labour Laws to be covered under this are:

- (1) The Industrial Disputes Act, 1947
- (2) The Trade Unions Act, 1926
- (3) The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996
- (4) The Industrial Employment (Standing Orders) Act, 1946
- (5) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- (6) The Payment of Gratuity Act, 1972
- (7) The Contract Labour (Regulation and Abolition) Act, 1970
- (8) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- (9) The Employees' State Insurance Act, 1948

3. It is observed that out of the 9 Central Labour Acts above, first 7 Acts are implemented both by State Government (State sphere) and Central Government (Central sphere). Last two (EPF and ESI Act) are mainly implemented by Central Government. Also, out of these 7, only 4 Acts (*viz. Industrial Disputes Act, Building & Other Construction Workers Act, Inter-State Migrant Workmen Act, and Contract Labour Act*) require establishments to file Return. Similarly, only 4 Acts (*viz Building & Other Construction Workers Act, Inter-State Migrant Workmen Act, Payment of Gratuity Act and Contract Labour Act*) require inspection of the establishments by Inspectors.

NGO-162
28/11/16

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Receipt No. 62 Dt 1/2/16
Nagaland Civil Secretariat
L & E Deptt.
Nagaland, Kohima

RE put up.
CAS (L & E)
27/01/2016

"बाल श्रम रोकें"

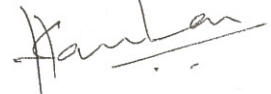
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"STOP CHILD LABOUR"

4. In view of the above, State / UT Governments are advised that:
- (i). For the first year of setting up of the Start-ups such establishments may not be inspected under any of the 4 Labour laws mentioned above (*viz. BoCW Act, ISMW Act, Payment of Gratuity Act and Contract Labour Act*). These start-ups may be asked to submit an online self-declaration instead.
 - (ii) Start-Ups may be allowed to submit self-certified returns (*as is being done under Shram Suvidha Portal under these Acts for the Central sphere*) under aforesaid Acts from the second year onwards, upto three year from the setting up of the unit., such Start-ups may be taken up for inspection only when very credible and verifiable complaint of violation is filed in writing and the approval has been obtained from at least one level senior to the inspecting officer.
5. You are, therefore, requested to direct the concerned Departments in your State/UT to regulate the inspections in the Start-ups, as suggested above, wherever applicable. For submitting self-certification online, the Shram Suvidha Portal of Government of India may be used.

With regards

Yours sincerely



(Shankar Aggarwal)

Shri Pankaj Kumar
Chief Secretary,
Government of Nagaland,
Civil Secretariat,
Kohima – 797 001.