

**LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS
AND MAINTAINING REGISTERS BY CERTAIN
ESTABLISHMENTS) ACT, 1988**

51 of 1988

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**LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS
AND MAINTAINING REGISTERS BY CERTAIN
ESTABLISHMENTS) ACT, 1988**

51 of 1988

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An Act to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws. BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:-

1. Short title, extent and commencement :-

(1) This Act may be called the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments Act, 1988.

(2) It extends to the whole of India:

Provided that nothing contained in this Act, in relation to the Plantations Labour Act, 1951 shall extend to the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States, and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the coming into force of that provision in that State.

1. 1-5-1989, vide Notification No. G.S.R. 436(E), dated 10-4-1989, Gazette of India, Extra-ordinary, 1989, Pt.II, Section 3(ii).

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "employer", in relation to a Scheduled Act, which defines such expression, has the same meaning assigned to it in that Act, and in relation to any other Scheduled Act, means the person who is required to furnish returns or maintain registers under that Act;

(b) "establishment" has the meaning assigned to it in a Scheduled Act, and includes,-

(i) an 'industrial or other establishment' as defined in Section 2 of the Payment of Wages Act, 1936 ;

(ii) a 'factory' as defined in Section 2 of the Factories Act, 1948 ;

(iii) a factory, workshop or place where employees are employed or work is given out to workers, in any scheduled employment to which Minimum Wages Act, 1948 , applies;

(iv) a 'plantation' as defined in Section 2 of the Plantations Labour Act, 1951 ; and

(v) a 'newspaper establishment' as defined in S.2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955;

(c) "Form" means a form specified in the Second Schedule;

(d) "Scheduled Act" means an Act specified in the First Schedule and is in force on the commencement of this Act in the territories to which such Act extends generally, and includes the rules made thereunder;

(e) "small establishment" means an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months;

(f) "very small establishment" means an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months.

3. Amendment of certain labour laws :-

On and from the commencement of this Act, the Scheduled Acts shall have effect subject to the provisions of this Act.

4. Exemption from returns and registers required under certain labour laws :-

(1) On and from the commencement of this Act, it shall not be necessary for an employer in relation to any small establishment or very small establishment to which a Scheduled Act applies to furnish the returns or to maintain the registers required to be furnished or maintained under that Scheduled Act: Provided that such employer-

(a) furnishes, in lieu of such returns, a Core Return in Form A;

(b) maintains, in lieu of such registers,-

(i) registers in Form B, Form C and Form D, in the case of small establishments; and

(ii) register in Form E, in the case of very small establishments:

(a) issue wage slips in the Form prescribed in the Minimum Wages (Central) Rules, 1950 made under Section 18 of the Minimum Wages Act, 1948 , Section 30 of the Minimum Wages Act, 1948 and slips relating to measurement of the amount of work done by piece-rated workers required to be issued under the Payment of Wages (Mines) Rules, 1956 made under Section 13A of the Payment of Wages Act, 1936 , Section 26 of the Payment of Wages Act, 1936 ; and

(b) file returns relating to accidents under Section 88 of the Factories Act, 1948 , Section 88A of the Factories Act, 1948 and Section 32A of the Plantations Labour Act, 1951 , Section 32B of the Plantations Labour Act, 1951 .

(2) Save as provided in sub-section (1), all other provisions of a Scheduled Act, including in particular, the inspection of the

registers by, and furnishing of their copies to, the authorities under that Act, shall apply to the returns and registers required to be furnished or maintained under this Act as they apply to the returns and registers under that Scheduled Act.

(3) Where an employer in relation to a small establishment or very small establishment to which a Scheduled Act applies, furnishes returns or maintains the registers as provided in the proviso to subsection (1), nothing contained in that Scheduled Act shall render him liable to any penalty for his failure to furnish any return or to maintain any register under that Scheduled Act.

5. Savings :-

The commencement of this Act shall not affect-

(a) the previous operation of any provision of any Scheduled Act or the validity, invalidity, effect or consequence of anything done or suffered under that provision, before the relevant period;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred under any Scheduled Act, before the relevant period;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any offence committed under any Scheduled Act, before the relevant period;

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment aforesaid, and any such investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment shall be instituted, continued or disposed of, as the case may be, in accordance with that Scheduled Act.

6. Penalty :-

Any employer who fails to comply with the provisions of this Act shall, on conviction, be punishable-

(a) in the case of the first conviction, with fine which may extend to rupees five thousand; and

(b) in the case of any second or Subsequent conviction, with imprisonment for a period which shall not be less than one month but which may extend to six months or with fine which shall not be less than rupees ten thousand but may extend to rupees twenty-

five thousand, or with both.

7. Power to amend Form :-

(1) The Central Government may, if it is of opinion that it is expedient so to do, by notification in the Official Gazette amend any Form and thereupon such Form shall, subject to the provisions of sub-section (2), be deemed to have been amended accordingly.

(2) Any notification issued under sub-section (1) shall be laid before each House of Parliament, if it is sitting as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People, and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

8. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

SCHEDULE 1

SCHEDULE

[See section 2(d)] (1) Payment of Wages Act, 1936 . (2) Weekly Holidays Act, 1942 . (3) Minimum Wages Act, 1948 . (4) Factories Act, 1948 . (5) The Plantations Labour Act, 1951 (69 of 1951). (6) Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955. (7) Contract Labour (Regulation and Abolition) Act, 1970. (8) Sales Promotion Employees (Conditions of Service) Act, 1976 . (9) Equal Remuneration Act, 1976 .

SCHEDULE 2

SCHEDULE