

In pursuance of the provision of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Notification No. 649(1)/VIII-1/2026-38(Labour)/2018, Dehradun dated May 22, 2026 for general information:

No. 649(1)/VIII-1/2026-38(Labour)/2018
Dated Dehradun, May 22, 2026

Whereas, the State Government is satisfied that it is necessary and expedient so to do in the public interest;

And Whereas sections 133 and 135 of the Occupational Safety, Health & Working Conditions Code, 2020 provides that the appropriate Government (State Government) has the power to make rules, by notification in the Official Gazette and subject to the condition of previous publication, for carrying out the provisions of the said Code;

Now, therefore, the Governor, in exercise of the powers conferred by Section 133 and Section 135 of the Occupational Safety, Health and Working Conditions Code, 2020, proposes to make the following Uttarakhand Occupational Safety, Health and Working Conditions Code Rules, 2026 to regulate the occupational safety, health and working conditions of persons employed in any establishment in Uttarakhand;

The Governor further directs under sub-section (1) of Section 133 and sub-section (1) of Section 135 of the said Code that any representations and objections relating to this notification by the beneficiaries and the general public affected by the said rules may be sent to Secretary, Labour Department, Government of Uttarakhand, 4 B Subhash Road, Uttarakhand Secretariat, Dehradun, Uttarakhand (secretaryswpl25@gmail.com) and Labour Commissioner, Uttarakhand (lcukhld0@gmail.com) within 45 days from the date of publication of this notification in the newspaper/ website;

The Governor also directs that no representations or objections will be accepted after the said period.

**Uttarakhand Occupational Safety, Health and Working Conditions Code Rules,
2026**

(Proposed Draft)

CHAPTER-I

PRELIMINARY

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| Short title, extent and commencement | 1. | <p>(1) These rules may be called the Uttarakhand Occupational Safety, Health and Working Condition Code Rules, 2026.</p> <p>(2) it extend to the whole of Uttarakhand.</p> <p>(3) it shall come into force after the date of their final publication in the Official Gazette.</p> |
| Definitions | 2. | <p>(1) In these rules, unless the context otherwise requires,—</p> <p>(a) “appendix” means an appendix to these rules;</p> <p>(b) “Appellate officers” means the officer notified by the State Government under sub-section (1) of Section 4 and sub-section (6) of Section 119 of the code;</p> <p>(c) “Apprentice” means an apprentice as defined under clause (aa) of section 2 of the Apprentices Act, 1961;</p> <p>(d) “belt” includes any driving strap or rope;</p> <p>(e) “Board” means the Board constituted under Section 17 of the code;</p> <p>(f) “Calendar Year” means the period of twelve months beginning with the first day of January every year;</p> <p>(g) “Child” shall have the same meaning as assigned to it in clause (ii) of section 2 of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986;</p> <p>(h) “Code” means the Occupational Safety, Health and Working Conditions Code, 2020 (Central Act no 37 of 2020);</p> <p>(i) “Degrees” (temperature) means degrees on the centigrade scale;</p> |

- (j) **“Electronically”** includes maintaining efficient and transparent payroll software so that the requisite information may be seen in a systematic manner for the purposes of attendance register, muster roll, leave register, over time register or wags register, etc;
- (k) **“Form”** means the form appended to these rules;
- (l) **“fumes”** include gas and vapour;
- (m) **“Hazardous waste”** means the hazardous waste as defined in clause (17) of sub-rule (1) of rule 3 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016;
- (n) **“Home worker”** means a person who is given raw material by employer or a contractor for being made beedis at home.
- (o) **“Labour Commissioner”** means any person appointed as Labour Commissioner of Uttarakhand by State Government;
- (p) **“Licencing Officers”** is the authority appointed under Section 119 of the Code by the State Government;
- (q) **“maintain”** means to maintain in an efficient state, in an efficient working order and in good repair machines or equipments; to upkeep manually or electronically, as the case may be, in original state and in good condition all the requisite latest information entered at the right place and available in an establishment in the form of a register, book, document, record or Form;
- (r) **“Major Accident Hazard (MAH) Installation”** means a factory as defined in rule 2 (ja) of Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989;
- (s) **“Manager”** means a person nominated or appointed by the employer of an establishment.

for the purposes of the Code and Rules made thereafter and the person by his position possesses the administrative control over the affairs entrusted with;

- (t) **“National Standards”** means standards as approved by the Bureau of Indian Standards and in the absence of such standards, the standards approved by the State Government for a specific purpose;
- (u) **“Other Apprentice”** means a person who is undergoing any contractual training under a contract with the employer other than one under Apprentices Act, 1961;
- (v) **“Portal”** means official web-portal of Labour Department, Government of Uttarakhand;
- (w) **“Public Health Authority”** means the Local Health Officer having jurisdiction over the area;
- (x) **“Qualified Nurse”** means a person who is registered with the Uttarakhand Nurses and Midwives Council.
- (y) **“Quarter”** means a period of three consecutive months beginning from the 1st of January, the 1st of April, the 1st of July or the 1st of October;
- (z) **“Registering officer”** means the Registering officer appointed by the State Government for the purpose of Section 3 of the Code and these rules.
- (aa) **“Section”** means the section of the Code.
- (bb) **“Standard Safe Operating Procedures”** means the practice followed for the safety and health of workers and safe operation of machinery, process and equipment used in such practices and such practices confirm to all or any of the following, namely:-
 (1) relevant standards approved by Bureau of Indian Standards or International Standards;

- (2) national building code;
- (3) manufacturers instruction on safe use of equipment and machinery;
- (4) code of practice on safety and health practices published by International Labour Organisation and amended from time to time.

(cc) "State Government" means the Uttarakhand government.

(2) Words and expressions used in these rules but not defined herein, but defined in the Code, shall have the meanings respectively assigned to them in the Code.

Income from other sources under clause (x) of sub-section (1) of section 2

3. For the purposes of clause (x) of sub-section (1) of section 2, such dependents shall not be included who are, for the time being getting wages equivalent to or more than minimum wages applicable to that industry where the worker are working.

Appointment, qualifications, experience and facilities available within his jurisdiction of competent person under clause (1) of sub-section (1) of section 2.

4. (1) The Chief Inspector-cum-Facilitator may recognize any person as a competent person within such area and for such period as may be specified for the purposes of carrying out tests, examinations and inspections for such buildings, dangerous machinery, hoists and lifts, lifting machines and lifting tackles, pressure plants, confined spaces, ventilation systems and such other processes or plants and equipment's as stipulated in the Code and the Rules made thereunder, located in a factory, if such a person possesses the qualifications, experience and other requirements as set out in Schedule-1 annexed to this rule:

Provided further that the Competent Person recognized under this provision shall not be more than 70 years of age and shall be physically fit for the purpose of carrying out tests, examinations and inspections.

(2) The Chief Inspector-cum-Facilitator may recognize an institution of repute, having persons possessing qualifications and experience as set out in the Schedule-1 annexed to the rule for the purpose of carrying out tests, examinations and inspections for buildings, dangerous machinery, hoists and lifts, lifting machines and lifting tackles, pressure plants, confined spaces, ventilation systems and such other process or plants and equipments as are stipulated in the Code and the Rules made

thereunder, as a competent person, within such area and for such period as may be specified.

- (3) The Chief Inspector-cum-Facilitator may on receipt of an application electronically or otherwise in Form-1, from a person or an institution intending to be recognized as a Competent Person for the purposes of the Code and the rules made thereunder, register such application and within a period of thirty days of the date of receipt of application, reject the application for reasons to be recorded in writing or if satisfied about the competence and facilities available at the disposal of the applicant, recognize the applicant as a Competent Person and issue a certificate of competency in Form-2 electronically.
- (4) The competent person or the institution shall send a monthly report to the Inspector-cum-Facilitator having jurisdiction by 10th day of every month. The report shall contain name and address of establishments where testing / examinations had been done, name of the persons who visited the establishment, date of visit and list of equipment's with identification number so examined. The competent person shall also furnish any other information that an Inspector-cum-Facilitator may require for the purpose of satisfying himself whether any provision of the rule or instructions have been complied with or not. He shall also report immediately if during his visit he feels that existence of any imminent danger to life exists in the establishment.
- (5) The Chief Inspector-cum-Facilitator may, after giving an opportunity of being heard to the person recognized as a Competent Person revoke the certificate issued to him under sub rule (3):
 - (i) if he has reason to believe that the competent person:
 - (a) violated any of the conditions stipulated in the certificate; or
 - (b) carried out a test, examination and inspection or has otherwise carried them in a manner inconsistent with the intent or the purpose of the Code or the Rules made thereunder; or
 - (c) has omitted the act as required under the Code and the Rules made thereunder;
 - (ii) for any other reason to be recorded in writing.

Explanation. —For the purpose of this Rule, an institution includes an organization.

- (6) The Chief Inspector-cum-Facilitator may, for reasons to be recorded in writing, require re-certification of lifting machines, lifting tackles, pressure plants or ventilation systems, as the case may be, which has been certified by a competent person outside the State of Uttarakhand.

CHAPTER-II Registration of Establishment

Manner and form of filing an application for registration, fee and late fee under section 3

5. (1) Application for registration -
- (a) The employer seeking registration for an establishment shall apply electronically in Form-3 on the web-portal specified for this purpose by giving details about the establishment, and uploading requisite documents, proof of identity and address of the employer(s) as specified in the Form -3.
- (b) The Form-3 shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all the information submitted in the application.
- (c) The Permanent Account Number (PAN) of the applicant or the establishment allotted under Income Tax Act, 1961 or any other unique number allotted to the establishment under any other Act for the time being in force or any other particular furnished in the Form-3, may be verified online.
- (d) The certificate of registration shall be issued in Form-A electronically immediately, if the application is complete in all respect but not later than seven days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:
Provided that in exceptional circumstances the State Government may, for such period, by notification, as specified therein dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole of state a, and submission of application in Form-3 so provided, may be allowed.
- (e) The certificate of registration shall be non-

transferable and a copy of the certificate of registration shall be displayed in the premises of the establishment at a conspicuous place(s) in hard copy or electronically.

- (2) The registering officer under the Code may direct the employer who fails to comply with the requirements of sub-rule (1), to do so within the time stated therein and such employer shall, thereupon comply with the instruction issued by the officer in this behalf.
- (3) The employer shall quote the registration number on all the documents prepared or completed by him in connection with the Code or the rules or the regulations or the scheme, as the case may be, and in all correspondence with the office concerned.
- (4) Fee for registration of the establishment shall be paid at the following rates –

Number of workers employed in the establishment	Amount of fees in rupees
Ten or more but less than twenty workers	10000.00
Twenty or more but less than fifty workers	20000.00
Fifty or more but less than one hundred workers	30000.00
Hundred or more but less than two hundred workers	40000.00
Two hundred or more but less than five hundred workers	50000.00
Five hundred or more but less than two thousand workers	100000.00
Two thousand or more workers	200000.00

Provided that the State Government may change the amount of fees for registration by general or special order.

- (5) The registering officer shall maintain a register of establishment electronically in Form-4 showing the particulars of establishment in relation to which certificates of registration have been issued by him:
- (6) Where a principal employer has not submitted his application for registration within sixty days as required under sub-section (1) of section 3, he shall submit the application for registration along with late fee at the rate of ten percent annually or as notified by State Government from time to time.

- (7) The employer, in respect of an establishment already registered under any Central Labour Law as specified in sub-section (8) of section 3, shall provide the details of registration its registration particulars on the portal of State Government within six months from the date on which these rules come into force.
- (8) A copy of the certificate of registration shall be displayed in the premises of the establishment at conspicuous place in hardcopy or electronically.
- (9) Any change in ownership, management or any particular furnished in the registration form submitted on the specified portal shall be applied on the portal by the employer within thirty days of such change.
- (10) The employer of an establishment and whose business activities are in the process of closure, may apply for cancellation of registration on-line on the official portal, after giving complete details of the dues payable under the Central Labour Codes:

Provided that application for cancellation of registration shall not be entertained unless the employer has furnished all statutory returns, paid all statutory dues under the Central Labour Codes and any other Central or State Labour Law in force, in accordance with the law applicable for the time being and submitted a self-certification to that effect along with the application.

**Appeal against
order of
registering
officer under
Section 4**

6. (1) The employer aggrieved by the order of registering officer, may file an appeal against such order before the appellate officer appointed by the State Government for such purpose within thirty days from the date of receipt by him of such order, electronically.
- (2) The appeal shall be in a form of memorandum and shall set forth concisely the grounds of objection to the order. A certified copy of the order appealed against shall accompany the appeal.
- (3) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal in electronic form to be kept for the purpose called the "Register of Appeals".

- (4) When the appeal has been admitted, the appellate officer shall send the notice of the appeal to the registering officer, against whose order the appeal has been preferred and the registering officer shall thereupon send the records of the case to the appellate officer online electronically.
- (5) On receipt of the appeal, the appellate officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal electronically or by registered post.
- (6) If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellants by sending the copy of the order to the applicant electronically.
- (7) Where an appeal has been dismissed under the provisions of sub-rule (6), the appellant may apply electronically to the appellate officer for the restoration of the appeal within thirty days from the date of receipt of the order and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal.
- (8) The order of the Appellate Officer shall be communicated electronically or by registered post to the appellant and copy thereof shall be sent to the registering officer against whose order the appeal has been preferred and shall be disposed of within a period of thirty days from the date of receipt of appeal.
7. (1) Every employer to whom section 5 of the Code applies, shall, within thirty days of the commencement and completion of any work, intimate to the registering officer having jurisdiction in the area where the proposed establishment or as the case may be, the work is to be executed, intimating the actual date of the commencement, completion of work and cessation of establishment, as the case may be, in Form-5 annexed to these rules electronically on official portal of State Government.
- (2) The notice of cessation of operation shall be enclosed with a certificate that the payment of all dues to the workers employed in establishment have been made and the premises are kept free from the storage of hazardous chemicals and substances.

Notice by the employer of commencement and cessation of work under Section 5

CHAPTER III

Duties of Employer and Employees

Prevention of bodily injuries under clause (a) sub-section (1) of section 6 and section 135(2) (za)

8. (1) No building, wall, chimney, bridge, tunnel, road, gallery, stairway, ramp, floor, platform, staging, or other structure, whether of a permanent or temporary character, shall be constructed, situated or maintained in any establishment in such a manner as to cause risk of bodily injury.
- (2) No machinery, plant or equipment shall be constructed, situated, operated or maintained in any establishment in such a manner as to cause risk of bodily injury.
- (3) No process or work shall be carried in any establishment in such a manner as to cause risk of bodily injury.
- (4) No materials or equipment shall be stacked or stored in such a manner as to cause risk of bodily injury.

Special provisions for employees who are not covered under section 2(1)(zz(i)) and section 135(2) (za)

9. The provisions of the Code and Rules, wherein not specified for employees, shall also apply to the employees who are not covered under section 2(1)(zz(i)), in relation to the following, as if they were workers within the meaning of the Code and Rules-
- (i) Safety, health and welfare;
- (ii) Maintenance of records, registers and Forms;
- (iii) Computing the number of workers in a factory and building or other construction works under Section 2(1)(w), Section 2(1)(h) and registration under these establishments;
- (iv) Chapter VII of the Code for any factory, excluding normal daily working hours, unless it is exempted under Section 91.

Provisions against danger arising from mechanical transport in establishments under sub-section (1) of section 6 [section 135(2) (za)]

10. (1) No railway wagon shall be moved either by power or hand unless the movements are directly supervised by a responsible person or person especially appointed for this purpose and a person shall be deputed to walk ahead to the wagon or wagons being shunted with a suitable bell or other audible device so as to ensure that no person is allowed to pass in front of or between the moving wagon or wagons. Names of such person or persons shall be separately shown in attendance register in Form-6.

- (2) Mechanical Transport or Transport vehicle when moved shall only be operated by persons trained to work them, and such operations shall be under the charge of a responsible supervisor. Employer shall take appropriate step and provide provisions for safe movement of such vehicles.
- Special provisions for health, safety and welfare measures for other apprentices [section 135(2) (za)]** 11. (1) Where any apprentices or other apprentices are undergoing training in an establishment the provisions of the Code and Rules shall apply in relation to the health, safety and welfare of these apprentices as if they were workers within the meaning of the Code.
- (2) Provisions of the sub-section (1) and (4) of Section 25 and Rules made thereunder in relation with normal working hours shall apply to the 'other apprentices' as if they were workers within the meaning of the Code.
- Safety provisions for establishments having five story or above a height of twenty meters or above building under sub-section (1) of section 6 [section 135(2) (za)]** 12. The employer, owner or both, as the case may be, of an establishment or a group of establishments which has five storey or above or a height of twenty meter or above, shall prepare and keep up-to-date an Emergency Plan to mitigate the fire emergency or lift failure or any other dangerous occurrence. He shall ensure the availability of requisite facilities as per Indian standards, training of persons, information dissemination to the people and adequate supervision for safety.
- Annual Health Examination of employees of certain establishments under clause (c) of sub-section (1) of section 6** 13. (1) The employer of every establishment shall arrange to conduct free of cost health examination of all the employees who have completed 40 years of age, at least once in every twelve months, all persons before employing them, and of all the employees who have met an accident resulting in serious bodily injury in previous two years during the course of employment
Provided that the employees employed in Hazardous process or Dangerous Operations shall be examined in accordance with the provisions specifically provided therein.
- (2) The health examination shall be conducted by a qualified medical practitioner or factory medical officer, as the case may be. Records of such annual examination shall be maintained in a Health Register in Form-7. If the examination is conducted for pre-employment, it shall also be maintained in Form-8 as a Certificate of Fitness.

Findings of such examinations shall be shared with the employee concerned.

- (3) The medical examination shall include -
- (a) Full medical and occupational history;
 - (b) Clinical examination with particular reference to-
 - (i) Full medical and occupational history;
 - (ii) Clinical examination with particular reference to-
 - (1) General physique;
 - (2) Vision - It shall include visual acuity and macular function test or funduscopy examination;
 - (3) Hearing - Audiometry test, if required;
 - (4) Breathing - Pulmonary function test or X - ray, if required;
 - (5) Upper Limbs - Adequate arm function and grip (both arms);
 - (6) Lower Limbs - Adequate leg and foot function;
 - (7) Spine- General examination of spine
 - (8) General - Mental alertness and stability with good eye, hand and feet coordination;
 - (9) Complete blood count test, lipid profile
 - (c) Any other test which the examining doctor considers necessary.
 - (d) State Government may direct for any other test from time to time.

Provided that an employer may avail facility for medical examination of the employee (s) under relevant rule of Uttarakhand Social Security Code Rules, 2026 through Employees' State Insurance Corporation (ESIC).

- Appointment Letter and Identity Card under clause (f) of sub section (1) of Section 6**
14. The employer shall issue a Letter of Appointment to every employee in the establishment on his appointment or prior to commencing his work. The letter of appointment shall include the particulars as specified in Form-9.
- Notice of accident and dangerous occurrences under sections 10 and 11**
15. (1) When any accident which results in the death of any person or which results in such bodily injury to any person as is likely to cause his death, or any dangerous occurrence as specified in the rule-16 takes place in an establishment, the employer or manager of the

establishment shall forthwith send a notice thereof by telephone, special messenger or electronically to the Inspector-cum-Facilitator having jurisdiction and the Chief Inspector-cum-Facilitator.

- (2) When any accident or any dangerous occurrence as specified in the rule-16, which results in the death of any person or which results in such bodily injury to any person as is likely to cause his death, takes place in an establishment, notice as mentioned in sub-rule (1) shall also be sent to:-
- (a) the District Magistrate or Sub-Divisional Magistrate,
 - (b) the Officer-in-charge of the nearest police station, and
 - (c) the relatives of the injured or deceased person.
- (3) Any information given as required under sub-rule (1) and
- (4) shall be confirmed by the employer or the manager of the establishment by sending a written report to the authorities mentioned in the said sub-rules within 12 hours of the accident or dangerous occurrence, in Form 10 if the accident or dangerous occurrence resulted in death or bodily injury to any person, and in Form 11 if the dangerous occurrence resulted in no bodily injury to any person.
- (5) When any accident or dangerous occurrence as specified in the rule-16 takes place in an establishment and it causes such bodily injury to any person which prevents him from working for a period of 48 hours or more immediately following the accident or the dangerous occurrence, as the case may be, the employer or manager of the establishment shall send a report thereof to the Inspector-cum-Facilitator having jurisdiction as well as to the Chief Inspector-cum-Facilitator in Form 10 within 24 hours after the expiry of 48 hours from the time of the accident or the dangerous occurrence:

Provided that if in the case of an accident or

dangerous occurrence, death occurs of any person injured by such accident or dangerous occurrence after the notice and reports referred to in the foregoing sub-rules have been sent, the Employer or Manager of the establishment shall forthwith send a notice thereof by telephone, special messenger or electronically to the authorities and persons mentioned in sub-rules (1) and (2) and also have this information confirmed in writing within 12 hours of the death:

Provided further that, if the period of disability from working for 48 hours or more referred to in sub-rule (4) does not occur immediately following the accident, or the dangerous occurrence but later, or occurs in more than one spell, the reports referred to shall be sent to the Inspector-cum-Facilitator having jurisdiction as well as to the Chief Inspector-cum-Facilitator in Form 10 within 24 hours immediately following the hour when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours.

- (6) No person shall be allowed to disturb the site at which a fatal accident has occurred or any other object involved in the accident before the arrival of the Inspector-cum-Facilitator, or a police officer, not below the rank of a Sub-Inspector, or without the consent of such officer:

Provided that such action may be taken as may be necessary to prevent a further accident or to secure persons from danger.

Classes
dangerous
occurrences
under section 11

of 16.

The following classes of dangerous occurrences, whether or not they are attended by personal injury or disablement, namely:-

- (a) Bursting, of any plant or pipeline or equipment containing petroleum, steam, compressed air or other substance at a pressure greater than the atmospheric pressure;
- (b) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.
- (c) Explosion, explosion due to explosives, fire, leakage or release of harmful toxic gases, bursting out, leakage or escape of any molten metal, or hot liquid or gas causing bodily injury to any person or damage to any room or place in which persons are employed;
- (d) Explosion of a receiver or container used for the storage at

- pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.
- (e) collapse or failure of lifting appliances or hoist or conveyors or other similar equipment for handling building or construction material or breakage or failure of rope, chain or loose gears; overturning of cranes used in building or other construction work; falling of objects from height;
 - (f) collapse or subsidence of any wall, floor, gallery, roof bridge, tunnel, chimney, wall, building or subsidence of soil or any other structure, platform, staging, scaffolding or any means of access including formwork; contact work, excavation and collapse of transmission;
 - (g) Spillage or leakage of hazardous substances and damage to their container;
 - (h) collapse, capsizing, toppling or collision of transport equipment within the establishment;
 - (i) fall from height of any excavation, loading or transport machinery;
 - (j) an instantaneous failure of a pillar, part of a pillar or several pillars of coal (i.e., a bump) in working below ground;
 - (k) a rock-burst in working belowground; a premature collapse of any part of the working;
 - (l) a breakage, fracture or failure of an essential part of any machine or apparatus whereby the safety of persons may be endangered;
 - (m) a slide causing injury to any person, damage to any machinery, or interruption of normal mining operations;
 - (n) failure of dump or side in opencast working; a blowout;
 - (o) a failure of any structure or installation whereby the safety of persons may be endangered; or spark generated due to electrical flash-over causing burn injury to any person;
 - (p) a major uncontrolled emission of petroleum or chemical spillage.
 - (q) Any other occurrence which may be declared as a "Dangerous Occurrence" by the State Government by an order.

Notice of certain Diseases under sub-section (1) of section 12

17. Where any worker in a establishment contracts any disease specified in Third Schedule of the Code, the manager or employer of the establishment shall send a notice electronically or otherwise in Form-12 to the concerned Inspector-cum-Facilitator, Chief Inspector-cum-Facilitator and Chief Medical Officer of the district within forty-eight hours from the date on which it comes to the knowledge of the employer or manager of the establishment.

- The form, manner and time of the written report to be submitted by a qualified medical practitioner under sub-section (2) of section 12**
18. If any qualified medical practitioner attends on a person who is or has been employed in a establishment and who is or is believed by the medical practitioner, to be suffering from any disease specified in the Third Schedule of the Code, the medical practitioner shall, without delay, send a report electronically or otherwise to Chief Inspector-cum-Facilitator stating:-
- (a) the name and full postal address of the patient;
 - (b) the disease from which he believes the patient to be suffering;
 - (c) the name and address of the factory in which the patient is or was last employed;
 - (d) possible reasons for such disease;
 - (e) condition of other suffering patients and possibilities of spreading of such disease;
 - (f) preventive measures that can be taken to check spreading the disease (if any); and
 - (g) other issues, that the medical practitioner thinks important to mention in this regard.
- Other duties of employees under section 13**
19. (1) If an employee comes to know about any unsafe or unhealthy condition in the workplace, he shall report to the occupier/ employer, health and safety representative or safety officer or manager, in case of factories, as soon as practicable, electronically or in writing or telephonically.
- (2) Every employee shall, in general, wear or keep with him the Identity Card provided by the employer during his working hours in the establishment. If the identity card is lost or damaged, the employee shall report to the manager, in writing. No employee shall misuse the card.
- (3) No employee shall report in intoxicated condition or consume any intoxicating substance while on duty.
- (4) Every employee shall perform such other duties as may be assigned by the State Government by general or special order.
- Rights of Employee under sub-section (3) of section 14.**
20. (1) If at any time employer/ occupier on receipt of information from the employee/ worker regarding reasonable apprehension of likelihood of imminent serious personal injury or death or imminent danger to safety and health, the employer/ occupier shall take immediate remedial action.

- (2) The employer/ occupier, whether satisfied or not, shall send a report forthwith of such imminent danger and action taken thereon, electronically or otherwise to the Inspector-cum-Facilitator, and to Chief Medical Officer of the district if required.

CHAPTER IV Occupational Safety and Health

Constitution of State Advisory Board under sub-section (2) of section 17

21. (1) The State Government shall, by notification, constitute a State Occupational Safety and Health Advisory Board for the purposes of section 17 of the code.
- (2) The Board shall consist of:-
- (a) Principal Secretary/Secretary Labour, Government of Uttarakhand- ex officio Chairperson;
 - (b) Labour Commissioner, Government of Uttarakhand – Member-Secretary, ex officio
 - (c) Director General Industry – Uttarakhand.
 - (d) Secretary, Uttarakhand Pollution Control Board, Dehradun -Member, ex officio;
 - (e) Director-General, Health and family welfare, Government. of Uttarakhand- Member, ex officio;
 - (f) Secretary, Uttarakhand Building and Other Construction Workers Welfare Board - Member, ex officio;
 - (g) Director, ESICS, Govt. of Uttarakhand- Member, ex officio;
 - (h) Three representatives of employers to be nominated by State Government - Members ;
 - (i) Three representatives from recognized trade unions or Federation to be nominated by State Government - Members;
 - (j) Three eminent persons connected with the field of occupational, safety and health as nominated by State Government

Provided that adequate representation of women shall be given for members to be nominated under clause (h), (i) and (j) of this rule;

Provided further that, the Chairman may invite any person in any meeting of the Board as special invitee, for whom Chairman is satisfied that such person is an expert for any such matter which has to be discussed or have arisen before the Board for decision.

- Term of office of the members of the State Advisory Board** 22. The tenure of the nominated members of the Board shall be three years.
- Resignation of a member of State Advisory Board** 23. (1) Any nominated member may resign by a letter addressed to State Government signed under his hand.
(2) The seat of such member shall fall vacant from the date on which his resignation is accepted by the State Government or on the expiry of thirty days from the date of receipt of the letter of resignation by the State Government, whichever is earlier.
- Filling of casual vacancies** 24. (1) A nominated member appointed to fill a casual vacancy arising due to death, resignation or otherwise of the member shall hold office for the remaining period of the tenure of office of the member, in whose place he is appointed.
(2) When a vacancy occurs for any reason or is likely to occur in the membership of the Board, the Member-Secretary shall submit a report to the State Government who shall take steps to fill the vacancy from amongst the category of persons, to which the person vacating membership belongs and the person so nominated shall hold office for the remainder of the term of the office of the member in whose place he is appointed.
- Cessation of membership** 25. If any member of the Board, not being an ex-officio member, fails to attend three consecutive meetings of the Board, without obtaining the leave sanctioned by the Chairperson of such Board, for such absence, he may be removed as a member State Board:
Provided that the State Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of State Board.
- Disqualification for membership** 26. A person shall be disqualified for being a member of the State Advisory Board-

- (i) if he is declared to be of unsound mind or an undischarged insolvent by a Competent Court; or
- (ii) if he is an un-discharged insolvent; or
- (iii) if he has been convicted for an offence, , having imprisonment of three months or more or which in the opinion of the State Government ,involves moral turpitude; or
- (iv) he is removed by the State Government.

Removal from membership

27. The State Government may remove any member of the State Board, if in its opinion such member has ceased to represent the interest which he purports to represent on such State Board or falls under any of the provisions of clauses (i), (ii), (iii) of rule 26:

Provided that no such member shall be removed unless reasonable opportunity is given to him of making a representation against the proposed action under this rule.

Travelling Allowance for members

28. (a) The travelling allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the Authority paying his salary.
- (b) Non-Official Members of the Board shall be paid travelling allowance for attending meetings of the Board as per the instructions issued by State Government from time to time.
- (c) Special invitees in Board's meetings will get travelling allowances to attend such meetings of the Board as other non-official members of the Board are entitled to receive.

Appointment of officers and other staff of the State Advisory Board

29. (1) The State Government may appoint such other officers and employees to assist the Board as it may consider necessary for the performance of its functions.
- (2) The salaries and allowances payable to the officers and employees and other conditions of service of such officers and employees shall be such as may be decided by the State Government.

- Constitution of Technical Committees under sub section (3) of Section 17** 30.
- (1) The state Government may constitute one or more Technical Committees for the purpose of assisting the state Government or state Board in discharge of its functions specified in sub section (3) of Section 17 of the Code.
 - (2) The Technical Committees may be multi-members committee, and consist of members from government, public, autonomous or private institutions/industries.
 - (3) The members of the committee shall have Bachelor s degree in engineering with Diploma/post-graduate diploma in industrial safety or Master's Degree in (Physics/Chemistry)/ MBBS with Associate Fellow of Industrial Health (AFIH), with an experience of not less than 20 years in the relevant field/ industry.
 - (4) The Chairperson of the Technical Committee may be the ex-officio member as nominated by the state Government.
 - (5) The Technical Committee may constitute sub-committees to meet the specific requirements.
 - (6) The Technical Committee shall follow such rules and procedure including its transaction of business as may be issued by an order by the state Government or state Board from time to time.
 - (7) TA/DA for non-official members of the Technical Committee shall be as per the instructions issued by state Government from time to time.
- Functions of Technical Committees under sub-section (3) of section 17** 31.
- (1) The Technical Committees shall frame, formulate and review standards, rules and regulations on Occupational Safety, Health and Working Conditions under the Code, 2020.
 - (2) The Technical Committee shall meet regularly on need basis and not less than once in a six month.
- Resignation of members and vacancies of technical committee under** 32.
- (1) A member of the Technical Committee, not being an ex-officio member, may resign his office by a letter in writing addressed to the State Government through the Chairperson of the Technical Committee.

sub-section (3) of section 17 (2) A Chairman of the Technical Committee may resign his office by a letter in writing addressed to the Additional Chief Secretary/ Principal Secretary, Ministry of Labour and Employment, Government of Uttarakhand.

(3) The seat of such a member or Chairman as case may be shall fall vacant from the date on which his resignation is accepted by the State Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by State Government, whichever is earlier.

Cessation of membership of Technical Committee under sub-section (3) of section 17 33. If any member of the Technical Committee, not being an ex-officio member, fails to attend two consecutive meetings of such Committee, without obtaining the permission of the Chairperson of such Committee for such absence he shall cease to be a member of such Committee:

Provided that the State Government may, if it is satisfied that such member was prevented by sufficient cause from attending two consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of such Committee.

Disqualification for membership of Technical Committee under sub-section (3) of section 17 34. A person shall be disqualified for being a member of the Technical Committee —

(a) if he is of unsound mind and stands so declared by a competent court; or

(b) if he is an undischarged insolvent; or

(c) if he has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude.

(d) Where a question arises as to whether a disqualification has been incurred under sub-rule (1), the State Government shall decide such question, should be treated as final.

Removal from membership of Technical Committee under sub-section (3) of section 17 35. The State Government may remove any member or Chairman of the Technical Committee, if in its opinion such member has ceased to represent the interest which he purports to represent on such Committee:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making a representation against the proposed action under this rule.

Collection of 36. (1) Every employer shall submit the details of occupational

statistics and registration portal for inter-state migrant workers under section 21

safety and health statistics to the office of labour commissioner, as well as to the office of Director General, Labour Bureau, electronically on such portal in such form and manner as may be prescribed by the Central Government from time to time.

(2) Every inter-state migrant worker, whether employed or self-employed in the state of Uttarakhand shall get himself registered on the portal specified for this purpose.

Constitution of safety committees under section 22

37.

(1) In every establishment, a Safety Committee, shall be constituted where-

- (a) two hundred fifty employees or more are ordinarily employed; or
- (b) any process or operation declared to be dangerous under section 82 is carried on; or
- (c) a 'Hazardous Process' as defined under section 2(1)(za) or handling hazardous substance is carried on.

(2) The representatives of the management in Safety Committee shall include-

- (a) The employer shall be the Chairman of the Safety Committee; and
- (b) A senior official who by his position in the organization can contribute effectively to the functioning of the Committee, shall be the Deputy Chairman; and
- (c) A Safety Officer, wherein appointed under these rules, or any other responsible person shall be the Member-Secretary of the Committee; and
- (d) Medical officer of the establishment- member; and
- (e) Three representatives one each from the production, maintenance and purchase departments; and
- (f) Number of representatives of workers shall not be less than the number of representatives of employer. Representatives of workers shall be chosen by registered trade union associated with the establishment through general consensus amongst them or through election. In such establishments, where there is no registered trade union, then representatives of workers shall be chosen by workers itself on general consensus basis or election:

Provided that proper representation shall be given to women in formation of such safety committee.

- (3) The tenure of the Committee shall be of three years:

Provided that the tenure of the safety committee for building or other construction work, if the construction work at the site completes or stops before a duration of three years, shall be as long as such completion or stoppage of work of construction of the establishment occurs.

- (4) The constitution of safety committee shall be communicated electronically to concerned Inspector-cum-Facilitator having jurisdiction.

- (5) Safety Committee shall meet as often as necessary but at least once in every quarter. The minutes of the meeting along with follow-up action plans shall be recorded in a register and shall be produced to the Inspector-cum-Facilitator on demand. A copy of minutes of such meeting thereof shall be sent to the Inspector-cum-Facilitator having jurisdiction electronically or otherwise.

- (6) Safety Committee shall have the right to be adequately and suitably informed of -

- (a) Potential safety and health hazards to which the employees may be exposed at work place.
- (b) Data on accidents as well as data resulting from surveillance of the working environment and of the health of employees exposed to hazardous substances so far as the factory is concerned:

Provided that the Committee shall undertake to use the data on measures to improve the working environment and the health and safety of the employees.

Functions and duties of safety committee under sub-section (1) of Section 22

38. (1) Functions and duties of the Safety Committee shall include-

- (i) Assisting and cooperating with the management in achieving the aims and objectives outlined in the 'Health and Safety Policy' of the establishment; and
- (ii) Dealing with all matters concerning Health, Safety and Environment and to arrive at solutions to problems encountered; and

- (iii) Creating safety awareness amongst all employees; and
- (iv) Undertaking educational, training and promotional activities; and
- (v) Discussing reports on safety, environment and occupational health surveys, audits, risk assessment, emergency and disaster management plans and implementation of the recommendations made in the reports; and
- (vi) Carrying out health and safety surveys and identify causes of accidents; and
- (vii) Looking into any complaint made on the likelihood of an imminent danger to the safety and health of the employees and suggesting corrective measures; and
- (viii) Reviewing the implementation of the recommendations made by it.
- (ix) to discuss the report of inquiry into accidents, dangerous occurrences etc. and make appropriate recommendations;
- (x) to formulate and implement appropriate safety campaigns based on analysis of accidents and dangerous occurrences;
- (xi) to serve as a forum for communication on Safety and Occupational Health matter; and
- (xii) to discuss the Standard Operating Procedures prepared for different operations.

- (2) Where owing to the size of the establishment, or any other reason, the functions referred to in sub-rule (1) cannot be effectively carried out by the Safety Committee, it may establish sub-committees as may be required to assist it:

Provided that in any establishment wherein more than one thousand employees are ordinarily employed, not less than two sub-committees shall be formed department-wise or otherwise and an employee of the rank of departmental head shall be the head of the sub-committee.

- (3) The minutes of meeting shall be shared with the member secretary of the safety committee.

Appointment of safety officers under sub-section (2) of section 22

39. (1) In every establishment which is a-
- (a) factory wherein five hundred workers or more;
 - or
 - (b) factory carrying on hazardous process wherein

and clause (zzq)
of sub-section (2)
of section 133

- two hundred fifty workers or more; or
(c) building and other construction work wherein two hundred and fifty workers; or
(d) Major Accident Hazard installation; or not less than one safety officer shall be appointed by the employer:

Provided that

(i) for an establishment specified in clause (a), one additional safety officer shall be appointed if number of workers employed are more than one thousand but not exceeding one thousand five hundred and one more safety officer shall be appointed for every additional one thousand workers or part thereof:

(ii) for an establishments specified in clause(b), clause(c) and clause (d) one additional safety officer shall be appointed if number of workers employed are more than five hundred and one more safety officer shall be appointed for every additional two hundred fifty workers or part thereof.

- (2) The occupier of the factory or employer of building or other construction establishment, as the case may be, shall inform the concerned Chief Inspector-cum-Facilitator having jurisdiction and the Inspector-cum-Facilitator having jurisdiction about the appointment of the Safety Officer or Chief Safety Officer within seven days from such appointment.
- (3) Where is more than one safety officer their will be one chief safety officer appoint.

Qualifications of
Safety Officer
under sub-section
(2) of section 22

40. (1) A person shall not be eligible for appointment as a Safety Officer unless he-

(a) possesses a Degree in any branch of Engineering or Technology from a University established by law and has had practical experience of working in a factory in a supervisory capacity in production or maintenance or Safety Department for a period of not less than two years; or

(b) possesses a degree in Physics or Chemistry from a University established by law and has had practical experience of working in a factory

in a supervisory capacity in production or maintenance or Safety Department for a period of not less than five years; or

(c) possesses a diploma in any branch of Engineering or Technology recognized by the State Government and has had practical experience of working in a factory in a supervisory capacity in production or maintenance or safety department for a period of not less than five years; or

(d) possesses a recognized degree in any branch of Engineering or Technology, and has had experience of not less than two years in a department of the Central or the State Government in relation to the administration under any Act or Code which deals with health and safety of workers in a factory or building or other construction works; or

(e) Possesses a recognized degree in any branch of Engineering or Technology, and has had at least five years' experience of working in institutions dealing with training, education, consultancy or research in the field of accident prevention in industry or in any institution; and

(2) possesses a degree or diploma in Industrial Safety recognized by any State Government in this behalf or from any Labour Institute under Directorate General Factory Advice Service and Labour Institute (DGFASLI). or

(3) he possesses a B.Tech or M.Tech degree in health, safety and environment or fire engineering or any other equivalent qualification granted by any university duly established by law:

Duties, and other conditions of Safety Officer under sub-section (2) of section 22

41. The duties of the Safety Officers shall be to advise and assist the factory management in the fulfilment of its obligations, statutory or otherwise, concerning prevention of personal injuries and maintaining a safe working environment. These duties shall also include the following, namely—

(a) to advise the departmental heads, supervisors and other such officers in planning and organising measures necessary for the effective control of personal injuries;

- (b) to advise on safety aspects in all job studies, and to carry out detailed job safety studies of selected jobs;
- (c) to check and evaluate the effectiveness of the action taken or proposed to be taken to prevent personal injuries;
- (d) to advise the personnel of store purchase department in ensuring high quality and availability of personal protective equipment's etc.;
- (e) to advise on matters relating to carrying out plant safety inspections;
- (f) to carry out plant safety inspections in order to observe the physical conditions of work and the work practice procedures followed by the employees and to render advice on measures to be adopted for reducing the unsafe physical conditions and preventing unsafe conditions by employees;
- (g) to render advice on matters relating to reporting and investigation of industrial accidents and diseases;
- (h) to investigate fatal and serious accidents and to suggest remedial measures to the management;
- (i) to investigate the reportable cases of industrial disease contracted and dangerous occurrences;
- (j) to advise on the maintenance of such records as are necessary relating to accidents, dangerous occurrences and industrial diseases;
- (k) to promote setting up of Safety Committees and to act as an adviser and catalyst to such committees;
- (l) to organise in association with the concerned department, campaign, competitions, contests and other activities which will develop and maintain the interest of the employees in establishing and maintaining safety conditions of work and procedure;
- (m) to design and conduct either independently or in collaboration with the organisations, departments imparting industrial safety training, suitable training and educational programme for the prevention of personal injuries and to hold safety seminars at least once in a year;
- (n) to prepare an annual report of accidents and industrial diseases suggesting their remedial measures and to put it up before the annual meeting of the Board of Directors;

- (o) to submit a quarterly report electronically or otherwise to the concerned Inspector-cum-Facilitator having jurisdiction through his employer in respect of the works in promoting safety, health, hygiene and better working conditions of workers in the establishment conducted by the Safety Department for the previous quarter; and
- (p) the report shall be submitted by Chief Safety Officer in case of more than one safety officers.
- Prohibition of performances of other duties under sub-section (2) of section 22** 42.
- (1) No Safety Officer shall be required or allowed to do any other work which is inconsistent with or detrimental to the performance of his duties specified in these rules.
- (2) The employer of the establishment shall provide each Safety Officer with such facilities, equipments and information as are necessary to enable him to discharge his duties effectively.

CHAPTER V

Hours of Work and Leave with wages

- Daily and weekly working hours under clause (b) of sub-section (1) of section 25** 43.
- (1) No worker shall be required or allowed to work in an establishment for more than 48 hours in any week.
- (2) The period of work of a worker shall be so arranged that inclusive of his intervals for rest, shall not spread over for more than Twelve hours in a day.
- (3) no worker shall work for more than six hours before he has had an interval for rest of at least half an hour.
- (4) The working hours in a day may be modified by the State Government, subject to sub-rules (1), (2) and (3).
- Weekly day of rest under sub-section (2) of section 26 and 135(2)(za)** 44.
- (1) For the purpose of section 26, there shall be posted up in a conspicuous place outside the office of every establishment a notice showing the weekly day of rest.
- (2) Where the weekly day of rest is not the same day for all persons employed in the establishment, the notice shall

show the day of rest allowed to each relay, or set of persons or individual.

- (3) If a worker is changed on work on his weekly off, he shall be given one complete day off within three days of this week off along with the weekly off the coming week.
- (4) Where, in accordance with the provisions of sub-rule (3), any worker works on the said day and has had a holiday on one of the three days immediately before it, that said day shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.
- (5) For the purpose of shift changing of a worker; a holiday of 24 consecutive hours shall be insured between the shifts subject to Section 28.
- (6) The compensatory days of rest shall be so spaced that in any one week not more than two such days shall be allowed to any person.
- (7) A notice of substituted day for the said day shall be delivered to the Inspector-cum-Facilitator electronically or otherwise prior to the substituted day or said day, whichever is earlier in case of a factory. The Manager shall keep record of such substituted holiday.
- (8) Notices given under sub-rule (2) may be revised by a notice delivered at the office of the Inspector-cum-Facilitator and a notice displayed in the factory not later than the day before the said day or the holiday to be cancelled, whichever is earlier.

**Compensatory
holidays under
sub-section (3) of
section 26**

45.

- (1) The manager of the establishment shall display, on or before the end of the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of works prescribed under section 26 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.
- (2) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

Extra wages and conditions for overtime under section 27

46. (1) In pursuance of Section 27 of Code, where in an establishment a daily wage worker works for more than eight hours in any day, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages and shall be paid at the end of each wage period.
- (2) In calculating overtime on any day, a fraction of an hour between 15 to 30 minutes shall be counted as 30 minutes and in case of more than 30 minutes it shall be rounded and shall be counted as an hour on actual basis.
- (3) In calculating the wages or earnings in the case of a worker paid by the month, the daily wages shall be $1/26$ th of his monthly wages; and in the case of any other worker it shall be the daily wages or earnings as the case may be.
- (4) A worker may be allowed to work overtime in any working day subject to the following conditions-
- (a) There shall be no overlapping of shifts for such hour of overtime in case of a factory.
 - (b) The worker shall be intimated in writing or electronically for such hours of overtime before he starts working for such hours and he shall be handed over the overtime slip in duplicate signed by the manager or the authorized person stating the period and duration of work for the day.
 - (c) A worker shall not be allowed to work on overtime more than 5 days at one stretch.
 - (d) Employer shall ensure that such extra hour will not affect the health and safety of workers adversely owing to engagement in Dangerous Operations or Hazardous Processes in case of a factory.
 - (e) Consent of worker for overtime shall be taken, in writing.
 - (f) Overtime is allowed for urgent work to be done to machinery or plant or else, or in case of "force majeure", or preparatory or complementary work which requires such extra time in case of a factory.

- (5) Total number of hours of work in any week including overtime shall not exceed sixty hours.
- (6) Total number of hours of overtime shall not exceed one hundred and forty four hours per quarter in a year.

Circumstances where double employment is allowed under Section 30

47. A worker who is appointed as a part time worker in a factory may be allowed to work in another establishment in any category of work notified by the State Government subject to the following conditions, namely-

- (1) A separate attendance register shall be maintained. Pro-rata basis leave and other amenities shall be provided.
- (2) One employer shall have name and address of other employer where he works as part time worker.
- (3) Separate working days for the person shall be fixed for both the establishments.
- (4) Provisions of the Code and Rules related to working hours, spread hours, weekly holiday and overtime shall remain applicable:

Provided further that the State Government may, by notification, add any category of worker and conditions of double employment.

Notice of Period of work under sub-section (2) of section 31

48. (1) Workers working in a shift system shall be rotated suitably. The period of work of workers operating in a single shift shall also be fixed. Such periods of work shall be notified to Inspector-cum-Facilitator electronically or otherwise.
- (2) Notice of period of work for the adult workers shall be in Form-13 in accordance with the provisions of the Code and Rules and it shall be displayed at conspicuous place in the establishment at or near the main entrance and such notice shall be intimated to concerned Inspector-cum-Facilitator electronically. It shall also be kept updated under the provisions of Section 31.
- (3) Such notice as mentioned in sub-rule (2) shall clearly indicate for every day, the period during which an adult employee may be required to work.
- (4) No person shall be allowed to work in an establishment otherwise than in accordance with sub-rule (2):

Provided that if a person or persons are working on over time, the period of such hour and such employee shall be displayed duly signed by manager at a conspicuous place.

- (5) Any proposed change in the system of work in any establishment, which will necessitate a change in the notice referred to in sub-rule (2), shall be displayed on the notice board after getting previous sanction of Inspector-cum-Facilitator.

CHAPTER-VI

Maintenance of Registers, Records and Returns

Maintenance of registers and records under section 33

49. (1) Employer of every establishment shall maintain electronically or otherwise, the records, registers, testing certificates, examinations, forms, reports, licences and no objection certificates as prescribed in the Code or Rules. These shall be readily available within the premises of the establishment.
- (2) In case of manual registers and other records, be legibly entered in ink in English/ Hindi or the language easily understood by majority of the persons employed.
- (3) All registers and records shall be preserved by employer in original for a period of five calendar years after the date of the last report or entry:

Provided that when the original record is lost or destroyed before the expiry of one year, true copies thereof, if available, shall be preserved for the prescribed period;

Provided, further that, all the registers and records shall be maintained by the employer in such matters where any case is pending before any authority or before any competent court, till the final disposal of such cases and the execution of the orders.

- (4) Every employer shall produce all registers and records electronically or by registered post or manually on demand, before the Inspector-cum-facilitator or the Chief Inspector-cum-Facilitator or any person authorised in this behalf by the State Government.

Leave Book under section 32 and section 33

50. (1) The Employer or Manager shall provide each employee with a book in Form-14 hereinafter called the "Leave Book" under the provisions of Section 32.
- (2) The leave book shall be the property of the worker and the Manager or his agent shall not demand it except to make entries of the dates of leave or interruption in service and shall not keep it for more than a week at a time. Workers shall submit the leave book when required by the Manager within three days.
- (3) If a worker loses his Leave book, the Manager shall provide him with another copy on the payment of rupees ten, subject to the provisions of Section 21 of the Code on Wages, 2019 and shall complete it from his record.

Leave with wages under section 32 and section 33

51. The Employer or Manager shall keep a register for every employee in Form-15 hereinafter called the 'Leave With Wages Register', under the provisions of Section 32 of the Code, which shall be filled weekly, or fortnightly or at least once a month.

Overtime register under section 33

52. (1) The employer or manager shall maintain a register for the overtime work of worker under the provision of Section 27 of the Code in such format as prescribed under the Uttarakhand Code on Wages Rules, 2021 for this purpose.
- (2) Any work done by a worker beyond the normal specified periods of work, shall be entered in the overtime slips in duplicate indicating therein the actual period of overtime worked by him. A copy of such overtime slip duly signed by the manager or by a person duly authorised by him in that behalf, shall be given to the workers immediately after completion of overtime work:

Provided that if the Inspector-cum-Facilitator is satisfied that because of the nature of work carried out in the factory, it is not possible to issue daily slips to the workers, he may permit issue of weekly slips to the workers.

Overtime slip

Name and address of the establishment	
Name and designation of the worker	
Date of work and normal period of work	
Overtime period and duration in hours	
Work performed on overtime	
Signature of the Manager/ Authorised person	

Register of workers under clause (v) of sub-section (a) of Section 33

53. (1) The manager or employer of every establishment shall maintain a register of workers, when any work is being carried on in the factory, showing-
- the name of each employee in the factory;
 - the nature of his work;
 - the group, if any, in which he is included;
 - where his group works on shifts, the relay to which he is allotted;
 - such other particulars as may be prescribed.
- (2) No workers shall be required or allowed to work in any establishment unless his name and other particulars have been entered in the Register of workers.
- (3) The register of workers or attendance register shall be maintained in Form-6.
- (4) This register shall be produced or shown on demand by an Inspector-cum-Facilitator or the Medical Officer. The employer or manager shall be responsible for the production of the register on such demand, irrespective of the fact whether he is present or not in the establishment during an inspection.
- (5) A register for adolescent workers, employed if any, shall also be maintained separately in Form-6 and shall be labeled as "attendance register of adolescent workers".

Accident Register under section 10, section 11 and section 33

54. The Employer or Manager of every establishment shall maintain a register of all accidents and dangerous occurrences, which occur in the establishment as prescribed under section 10 and 11 respectively of the Code, in a register in Form-16.

Wage slips and payments under section 33 and the

55. (1) Every employer shall issue wage slips, electronically or otherwise, to the workers in such form, as may be prescribed, by the rules made by the appropriate

provisions of
Code on Wages,
2019

Government under the Code on Wages, 2019 (Central Act No. 29 of 2019) on or before the payment of wages.

- (2) The wage slip for the payment of overtime work shall be separate from that of regular wage and overtime hours worked by the worker shall be mentioned in it.

Return under section 33

The Employer or Manager of every establishment shall furnish electronically or otherwise to the concerned Inspector-cum-Facilitator having jurisdiction and any other officer or officers specified by the State Government by general or special order the following returns namely:

- (a) On or before January 31, every year an Annual Return in the Form-17;
- (b) On or before July 31, every year, a Half-Yearly Return in case of a Major Accident Hazard installation for the period of January 1 to June 30 in the Form-18:

Provided that in the case of an establishment in which work is carried on only during a certain season or seasons of the year, the Employer or Manager shall submit the return within fifteen days after the closure of that season or last of these seasons, as the case may be.

Display of notices under section 33

57.

- (1) Every employer shall display or caused to be displayed at the conspicuous place of the workplace of the establishment under his control, notices owing the name and address of the establishment, hours of work, wage period, date of payment of such wages, details of accident and dangerous occurrence in the establishment for the last five years, name and address of the Inspector-cum-Facilitator having jurisdiction to such establishment and date of payment of unpaid wages to such workers in English, Hindi and in the Local Language understood by the majority of the workers.

1.

- (2) In addition to the notices required to be displayed in any establishment by or under this Code or Rule, there shall be displayed in every establishment a notice containing such abstracts of this Code, notifications and rules of Central Government prescribed for Health, Safety and Welfare provisions under section 18, section 23 and section 24 and such abstract with salient points shall not contain less than 2000 words. The name and office

address of the concerned Inspector-cum-Facilitator having jurisdiction, shall also be displayed.

- (3) All notices required by or under this Code to be displayed in an establishment shall be in Hindi and English and shall be displayed at some conspicuous and convenient place and notice board and at or near the main entrance of the factory and shall be maintained in a clean and legible condition.
- (4) The Chief Inspector-cum-Facilitator may, by order in writing served to the employer or the manager of any factory or building or other construction work, require that there shall be displayed in the factory any other notice or poster relating to the health, safety or welfare of the workers in the factory.
- (5) Every employer and manager shall display a painted sign board, with conspicuous letters written in white or luminous paint of any color at the main entrance of every establishment in such a manner which is visible from outside stating the following particulars:
 - (a) Registration or License number of the establishment;
 - (b) Name of the establishment;
 - (c) Address of the establishment (giving plot no, locality, street no., pin code etc.);
 - (d) Name of the employer;
 - (e) Name of the manager.

Nomination form under clause (zzq) of sub-section (2) of section 133

58. (1) Payment of wages if the worker dies- where a worker dies before he resumes work, the balance of his pay, due for the period of leave with wages not availed of, shall be paid to his nominee within one month of the receipt of intimation of the death of the worker in accordance with sub-section (vi) of section 32 of the Code.
- (2) Each worker shall submit a nomination in Form-19, duly signed by him and attested by two witnesses. The nomination shall remain in force until it is revised or cancelled by another nomination.

Production of registers

59. (1) The employer, owner or manager of an establishment shall furnish any information that an Inspector-cum-Facilitator may require for the purpose of satisfying himself of whether any provision of the Code has been complied with or whether any order of an Inspector-cum-

Facilitator has been duly carried out. Any demand carried out by an Inspector-cum-Facilitator for any such information, if made, during the course of an inspection shall be complied forthwith if the information is available in the establishment, or, if made in writing, shall be complied with within fifteen days of receipt thereof.

- (2) All registers, forms, certificates, records required to be maintained under the Code and Rules shall be preserved for at least a period of five years to which they relate, including the records of testing and medical examination of workers.
- (3) Medical records of employees who contracted any notifiable disease or had been declared unfit or suffered from any Occupational disease or accident shall be preserved for Five years.

CHAPTER-VII

Inspector-cum-Facilitator and Other Authority

Qualification and experience for the post of Chief Inspector-cum-Facilitator under sub-section (5) of Section 34

60. Under sub-section (5) of section 34, the State Government shall appoint a person or persons who are Gazetted Officers having experience in labour matters as Chief Inspector-cum-Facilitator.

Powers and duties of Inspector-cum-Facilitator under clause (xiv) of sub-section (1) of Section 35

61. (1) Inspector-cum-Facilitator shall, after every inspection, as may be deemed necessary, issue prohibition or improvement notice in the FORM-20 pointing out the non-compliance of provisions of safety, health and working conditions under the Code, and rules and regulations made there under, to the employer or occupier or owner or master or officer-in-charge of the ship or their agent.
- (2) An Inspector-cum-Facilitator shall, at each inspection, ascertain to what extent any shortcomings notified at a previous inspection have been rectified and the notices previously issued have been complied with and his findings and any shortcomings which may come to light during the inspection, together with any order passed by

him under the Code or the regulations made there under shall be recorded and maintained.

Manner of taking samples of any article or substance found in any establishment or premises and of the atmosphere in or near such establishment or premises under clause (x) of sub-section (1) of section 35

62. (1) An Inspector-cum-Facilitator may at any time during the normal working hours of a establishment after informing the occupier or manager of the establishment or the other person for the time being purporting to be in charge of the establishment take in manner hereinafter provided a sufficient sample of any substance used or intended to be used in the establishment on the following grounds:-
- (a) in the belief of the Inspector-cum-Facilitator in contravention of any of the provisions of the code or the rules made there under, or
 - (b) in the opinion of the Inspector-cum-Facilitator likely to cause bodily injury to, or injury to the health of employee in the establishment.
- (2) Where the Inspector-cum-Facilitator takes a sample under sub-rule (1), he shall in the presence of the person informed under that sub-rule, unless such person wilfully absents himself, divide the sample into three portions and effectively seal and suitably mark them and shall permit such person to add his own seal and mark there to.
- (3) The person informed as aforesaid shall, if there Inspector-cum-Facilitator so requires, provide the appliances for dividing, ceiling and marking the sample taken under this rule.
- (4) The Inspector-cum-Facilitator shall –
- (a) forthwith give one portion of the sample to the person informed under sub-rule (1);
 - (b) the second portion to a Government Analyst for analysis and report thereon;
 - (c) retain the third portion for production to Court before which proceedings, if any, are instituted in respect of the substance.
- (5) Any document purporting to be a report under the head of any Government Analyst upon any substance submitted to him for analysis and report under this rule, may be used as evidence in any proceedings instituted in respect of the substance.

Third party Auditor under section 37

63. (1) Third party auditor or expert shall not be recognized unless, he possesses-

- (a) a Degree in the branch of Chemical, Mechanical, Electrical, Civil or Production Engineering from a recognized institution and have practical experience in manufacturing, maintenance or safety department in supervisory capacity or above in factories or in the field of occupational safety and health for a period of not less than twelve years; or
- (b) a Diploma in branch of Chemical, Mechanical, Electrical, Civil or Production Engineering and one year full time diploma in industrial safety from a recognized institution and have practical experience in manufacturing, maintenance or safety department in the supervisory capacity or above in factories for a period of not less than fifteen years; or
- (c) a Degree in Bachelor of Science with Physics or Chemistry and one year full time diploma in industrial safety from a recognized Institution and has had practical experience in manufacturing, maintenance or safety department of an establishment in supervisory capacity or above in factories for a period of not less than fifteen years; or
- (d) a Degree or diploma in any branch of Engineering and have experience in Directorate of Factories or Central/ Regional Labour Institutes under DGFASLI in the capacity not below the rank of Assistant Director for a period of not less than ten years; or
- (e) any equivalent of above four clauses in any combination: Provided that the decision of State Government with respect to equivalency of qualifications and experiences shall be final in case of any dispute.

(2) The maximum age of the expert or Third party Auditor shall be 65 years.

(3) Application for recognition/renewal of recognition of Third Party Auditor shall be made in Form-21.

- Manner of alternative employment under sub-clause (d) of clause (A) of sub-section (1) of section 38** 64. (1) It shall be the duty of the occupier to provide alternative employment to any person whose employment has been affected by an order under sub-clause (a) of sub-Section (1) of section 38, if any other establishment of the same employer exists within the radius of one hundred kilometer's.
- (2) The alternative employment may be offered only when the period of employment affected by the order is fifteen days or more.
- (3) Such persons shall be given notice at least three days before the actual date of such order.
- (4) The wages and other facilities shall not be affected to the detriment of such person.
- Qualification of Medical Officer under section 42** 65. (1) The Medical Officer shall be a medical practitioner who possesses any recognised medical qualification as defined in the National Medical Commission Act, 2019(30 OF 2019) and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (l) of section 35, section 36, section 37 and section 40 of the said Act.
- (2) The Medical Officer shall be trained in Occupational Health course including International Labour Organisation (ILO) classification of chest Radiograph duly recognized by the central government.
- (3) No person shall be appointed, to be, or authorised to exercise the powers of, the medical officer, or having been so appointed or authorised, continue to exercise such powers, who is or becomes the occupier of a factory or is or becomes directly or indirectly interested there in or in any process or business carried on there in on in any patent or machinery connected therewith or is otherwise in the employee of the factory:
- Provided that the State Government may, by order in writing and subject to such conditions as may be specified in the order, exempt any person or class of persons from the provisions of this sub-rule in respect of any factory or class or description of factories.
- Duties of** 66. (1) On receipt of a reference under clause (c) sub section (2)

**Medical Officer
under sub-
section (2) of
section 42**

of section 42, the medical officer shall, after giving prior notice regarding date, time and place for medical examination and upon examining the worker sent for such examination, prepare the age and fitness certificate in Form-8 and deliver the same to the manager of the establishment and the worker concerned after retaining a copy thereof.

- (2) The medical officer may seek opinion of specialists like radiologist, dentist and orthopedic surgeon as the case may be, for the purpose of determination of age.
- (3) Medical Officer shall carry out such examination and furnish such report as state Government may direct-
 - (a) for examination and certification of workers in an establishment in such dangerous occupation or processes as specified in First Schedule to the Code;
 - (b) for medical supervision of any establishment or class of establishment where cases of chronic occupational illness have occurred due to hazardous nature of any process carried on or hazardous condition of work;
 - (c) in respect of any establishment or class of establishment or description of establishment in which operations involve any risk of injury to the health of any person or class of persons employed therein;
 - (d) to undertake occupational health survey for any or class of an establishment, where cases of illness have occurred or there is prevalence of diseases as specified in Third Schedule to the Code.
 - (e) To assess the age and issue fitness of adolescent for employment in an establishment or class of establishment.

CHAPTER-VIII

Special Provisions Relating to Employment of Women

**Special
provisions
relating**

to

67. The women employee may be employed before 06:00 a.m. and beyond 07:00 p.m. in any establishment subject to the following conditions:

**Employment of
women under
section 43**

- (1) (1) Every woman worker shall be required to work in the night shift with her written consent. If a woman worker expresses her disagreement to work in the night shift, she shall not be harassed by the employer in any manner.
- (2) No woman shall be employed in violation of the provisions of the maternity benefit prescribed under the Code on Social Security, 2020 (36 of 2020);
- (3) The employer shall provide information regarding the work being done by women workers to the concerned Labour Officer and the Station House Officer.
- (4) To provide pick-up and drop facility to women workers at their residence, adequate transport arrangements with panic button (emergency alarm) and GPS based (LMC) shall be ensured and the police helpline number and the police station/police outpost numbers shall be displayed at a visible place on the vehicle and at the work site.
- (5) The employer shall compulsorily conduct police verification of the transport driver and conductor.
- (6) The employer shall ensure safe, secure and healthy working conditions for women workers so that they do not face any kind of inconvenience or loss related to their employment.
- (7) Toilets, washrooms, and drinking water facilities must be located near the workplace where women workers are employed.
- (8) the workplace including passage towards conveniences or facilities concerning toilet, washrooms, drinking water, entry and exit of women employee should be well-lit;
- (9) The employer shall ensure full compliance with all applicable provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).
- (10) CCTV cameras shall be installed and properly operated at every entry and exit point of the establishment and at all workplaces where women workers are or will be employed.

- (11) Dedicated telephone numbers shall be displayed at prominent places both in the establishment as well as inside the vehicles so that any woman can use them in case of any exigency or emergency.
- Adequate safety of employment of women in dangerous operations under section 44** 68. (1) Women workers may be employed in hazardous and dangerous operations with their written consent.
- (2) Women workers those are feeding mother or pregnant women shall be exempted from the employment in hazardous and dangerous operations.
- (3) All the measures as mentioned in the provisions related to hazardous process and dangerous operations shall be complied with.
- (4) Women shall be well trained on their job shall be rendered knowledge about the hazardous properties of the substances being handled stored manufactured were present at their workplace and measures to overcome with that.
- (5) Women employed shall be provided all the necessary personal protective appliances at the workplace, they are deployed.

Provided that the state government may make necessary changes in the above conditions and add ancillary matters related to health, safety, working conditions as required from time to time through notifications.

CHAPTER IX

Special Provisions for Contract Labour and Inter-State Migrant Workers, Etc.

PART I

CONTRACT LABOUR

- Conditions of licence under clause (a) of sub-section (3) of section 47** 69. Every license granted or renewed under section 48 is subject to the following conditions, namely:—
- (1) the license shall be non-transferable;
- (2) the number of contract labour employed by the contractor

shall not, on any day, exceed the maximum number specified in the license.

- (3) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the license shall be non-refundable;
- (4) the rates of wages payable to the contract labours by the contractor shall not be less than the rates fixed under the Code on Wages, 2019 and where the rates have been fixed by agreement, settlement or award, shall not be less than the rates so fixed.

Form and manner of making application for licence under subsection (1) of section 48

70. (1) Every application by a Contractor for grant of of the licence shall be made electronically in Form-22 on official portal of state Government
- (2) Every application for the grant of a licence shall be accompanied by a certificate by the principal employer in Form-23, including particulars of information related to the employment of inter-state migrant workers, to the effect that the applicant has been employed by him as a contractor in relation to his establishment and that he undertakes to be bound by all the provisions of the Code and the rules made thereunder in so far as the provisions are applicable to him as principal employer in respect of the employment of contract labour by the applicant.
- (3) The application shall be accompanied with a declaration of applicant that the information submitted by him for grant of licence in all respect and he qualifies the requirement prescribed.
- (4) The contractor shall deposit the fee prescribed in the Rules along with the license application form.
- (5) The contractor shall deposit the security amount prescribed in the rules for the purpose for which the license is applied for.

Fee for obtaining licence under section 48

71. Fees and Security to be paid for grant of licence shall be as specified below:-

Number of workers employed in the establishment by the contractor	Amount of fees in rupees
No license is required up to 49 contract worker	Nil
Fifty or more than fifty but less than hundred workers	10,000.00
Hundred or more but less than two hundred workers	20,000.00
Two hundred or more but less than five hundred workers	50,000.00
More than five hundred workers	1,00,000.00

Provided that the State Government may amend schedule of fee for registration by general or special order.

Security deposit for obtaining a licence under section 48 72.

To obtain a license under Section 48, the contractor will have to deposit a security amount of Rs 1,000 for each contract worker.

Manner of issuing licence under sub-section (2) of section 48 73.

(1) In granting to grant a licence, the licensing officer shall take the following matter into account, namely:—

(a) whether the applicant—

- (i) is a minor; or
- (ii) is of unsound mind and stands so declared by a competent court; or
- (iii) is an undischarged insolvent; or
- (iv) has been convicted at any time during a period of two years of an offence which is criminal in nature involving offences which are liable for punishment for more than three months of imprisonment.

(b) whether there is an order of the Central or State Government or an award or settlement for the abolition of contract labour in respect of the particular type of work in the establishment for which the applicant is a contractor;

(c) whether any order has been made in respect of the applicant under sub-section (1) of Section 14 of the Contract Labour (Regulation and Abolition Act, 1970 (Act no 37 of 1970) or rule 70 of the Code, and, if so, whether a period of three years has elapsed from the date of that order;

- (d) whether the fees for the application have been deposited at the rate specified; and
- (e) whether security has been deposited by the applicant at the rates specified.
- (2) Wherein the issued contract license had expired, based on the request of the applicant in FORM 22, the authority may adjust the security deposit his application for new license.
- (3) If the application for licence is complete in all respects the licence shall be granted by the Authority in Form-24 electronically within such period as notified in Uttarakhand Right to Service Act 2011 failing which such application shall be deemed to have been granted the license and the certificate of license shall be auto generated by the portal.
- Refusal to grant licence under sub-section (2) of section 48** 74. (1) On receipt of the application along with an affidavit and character certificate from the contractor, and as soon as possible thereafter, the licensing officer shall investigate or cause investigation to be made to satisfy himself about the correctness of the facts and particulars furnished in such application and the eligibility of the applicant for a license.
- (2) Where the licensing officer is of opinion that the license should not be granted, he shall, after affording reasonable opportunity to the applicant to be heard, make an order rejecting the application.
- (3) The order shall record the reasons for the refusal and shall be communicated to the applicant.
- Obligations of contractor under a licence issued under clause (a) of sub-section (3) of section 47** 75. For each license issued, the contractor shall be responsible for the following:
- (1) The licensee shall notify any change in the number of workmen or the conditions of work to the Authority;
- (2) A copy of the licence shall be displayed prominently at the premises where the contract work is being carried on;
- (3) The contractor shall comply with all the provisions of the Code and these Rules;

- (4) The licensee shall, within fifteen days of the commencement and completion of each contract work, submit a return to the Authority designated under section 46 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) intimating the actual date of the commencement or, as the case may be, completion of such contract work in Form-25 .

Register of principal employers under sub-section (1) of section 48

76. A register of principal employers shall be maintained by the establishments, to whom registrations have been issued under these rules in Form-4 electronically.

Register of contractors under sub-section (1) of section 48

77. A register of contractors shall be maintained by the establishments/Contractors, to whom licences have been issued under these rules in Form-26 electronically.

Refund of security deposit of section 48

78. (1) On expiry of the period of license or after the completion of the work, the contractor may, if he does not intend to have his license renewed further, make an application along with a no-objection certificate issued by principal employer in this regard, electronically to the Licensing authority for the refund of the security deposited by him along with copy of licence and notice of completion of work and bank details in which amount is required to be refunded.
- (2) If the Licensing authority is satisfied that there is no breach of the conditions of license or there is no order for the forfeiture of security deposit or any portion thereof, he shall direct the refund of the security deposit to the applicant.
- (3) If there is any order directing the forfeiture of any portion of contractor's security deposit, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the contractor.
- (4) Any application for refund shall, as far as possible, be disposed of within sixty days of the receipt of the application.

- (5) Record of security amount deposited and refunded shall be maintained electronically in Form-27 by the Authority.
- Method of Modification or Amendment of License Under subsection (3) of section 48** 79.
- (1) Under subsection (3) of Section 48, a contractor shall apply to the licensing authority in Form-22 for amendment of the license issued to him.
- (2) The application form shall be accompanied by the fee prescribed in the Rules as an additional fee and the security deposit prescribed in the Rules as an additional security deposit.
- (3) After examination, the authority shall issue a revised license in Form-24 in accordance with the Code and Rules.
- Renewal of license under sub-section (3) of section 48** 80.
- (1) Every contractor shall apply electronically on the web-portal specified by this purpose by State Government to the authority for renewal of the license.
- (2) Every such application shall be submitted on the said portal at least thirty days prior to expiry of license period but not before ninety days of such expiry of license.
- (3) The security deposit and the fee chargeable for renewal of the license shall be the same as for the grant of license under Rule 71 and 72:
- Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty five per cent, shall be payable for such renewal.
- (4) It shall be the responsibility of the authority concerned to renew license within such period as notified in Uttarakhand Right to Service Act 2011 failing which such license shall be deemed to have been renewed and the certificate of renewed license shall be auto generated by the portal.
- Responsibility of contractor under sub-section (4) of Section 48** 81.
- (1) The responsibility of contractor for the payment of wages to contract labour shall be such as that of employer in Code of Wages, 2019 and the rules made thereunder.

- (2) The Contractor shall provide to principal employer of the establishment, the details of wages and copy of register of wages within seven days from the date of such payment.
- (3) Where under proviso to sub-section (2) of section 55, it is not practicable to disburse payment in the mode specified in sub-section (2) of section 55, the payment shall be made strictly in the presence of authorized representative of principal employer with prior intimation to designated Authority or Inspector-cum-Facilitator electronically or otherwise.
- (4) Each licensee shall be responsible to follow all the Central Labour Codes and other labour laws and rules made by Central or State Government in this behalf, as applicable.
- (5) All contract labour shall be made member of EPFO and ESIC subject to applicability as under respective provisions of the Code on Social Security, 2020.
- (6) The contractor shall notify any change in the number of workers or conditions of work to the Licensing Authority, electronically.
- (7) If in any case, the contractor fails to follow the provisions of the Code and rules made thereunder or violates other labour laws, the Authority may cancel his licence and may forfeiture the security amount. The Authority may also direct the concerned Inspector-cum-facilitator to take appropriate action against such contractor.

Intimation of work order and time limit for intimation under sub-section (1) of section 50

- (1) When a Contractor receives work order from an establishment either to supply contract labour in the establishment or to execute contract through contract labour in the establishment, he shall within fifteen days from the date of receipt of such order intimate the same electronically or otherwise or through official portal of the Labour Department State Government to the Authority appointed under Section 119 of the Code in Form-25.
- (2) The details of work order shall be sent by the contractor or his authorized representative.
- (3) The intimation shall be sent electronically on the web-portal or otherwise to the concerned designated Authority and Inspector-cum-Facilitator having jurisdiction.

- Manner of suspension or cancellation of licence in cases of failure to intimation to Appropriate Government under sub-section (2) of Section 50** 83. Where the Contractor fails to give the aforesaid intimation, the designated authority may after giving a show-cause notice of at least fifteen days and after affording him reasonable opportunity of hearing, may suspend or cancel the licence electronically or otherwise.
- Wage period for payment of wages under sub-section (1) of section 55** 84. (1) The contractor shall fix the wage periods in respect of which wages shall be payable and no wage period shall exceed one month.
- (2) The wages of every person employed as contract labour in an establishment or by a contractor shall be paid before the expiry of seventh day after the last day of the wage period in respect of which the wages are payable.
- (3) The wages shall be disbursed through bank transfer or electronic mode only.
- (4) The Wages of contract labours shall be paid without any deductions of any kind, except those specified by the State Government by general or special order in this behalf or permissible under the Code on Wages 2019 (29 of 2019), by the contractors to the contract labour.
- (5) A notice showing wage period and date and time of disbursement of wages of contract labour shall be displayed at the place of work and a copy sent by the contractor to the principle employer electronically or in person under acknowledgement.
- (6) In case contractor fails to make payment of wages to the contract labour within 7 days of completion of wage period, then the principal employer shall take necessary action and make payment of wages in full or the unpaid balance dues, as the case may be, to the concerned contract labour employed by the contractor within 15 days and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as debt payable by the contractor or from the Security deposit lying with the Principal Employer.

Manner of payment to those contractual workers where bank transfer or electronic mode is not possible under sub-section (2) of section 55

85. Wages can be paid to contract labourers in cash or by cheque only in unavoidable circumstances like internet failure or labourers not having active bank accounts, subject to the following conditions:-

- (a) The contractor shall inform the Inspector-cum-Facilitator and obtain written permission, stating the reasons for non-availability of payment of wages through bank transfer or electronic means.
- (b) Payment must be made in the presence of an authorized representative of the principal employer, who will certify that the worker has received the full amount.
- (c) The worker will be given a detailed wage slip, detailing the total number of days worked, allowances, and deductions.

Manner of payment of wages to contract workers from security deposit, if contractor fails to pay under sub-section (4) of section 55

(1) If the contractor or principal employer does not pay the wages to the contract labour employed by him designated authority shall conduct or cause to conduct an inquiry and after giving an opportunity to be heard, to the contractor, shall pass an order to make payment, and the contractor shall make payment to the workers within 07 days of such order being issued.

(2) The contractor shall re-furnish the security deposit within a period of fifteen days from the date of order issued by the designated authority or else, his license will be liable to be suspended or cancelled.

(3) Where the un paid wages exceed the security deposit the principal employer will be liable to disburse the wages.

(4) such contractors and proprietors/partners shall be blacklisted by the designated authority and information of the same shall be sent to the state government.

Experience certificate under section 56

87. Every concerned contractor shall issue on demand experience certificate in Form-28 to the contract labour on his letter head with his signature and seal adhering the key points like details of the period, work performed, experience gained in various fields as performed by such contract labour.

- Form and manner of application for declaration of core activity under clause (b) of sub-section (2) of section 57** 88. (1) If a question arises, as to whether, any activity of an establishment is a core activity or otherwise, the aggrieved party may make an application in Form-29 to the State Government for decision.
- (2) The said application shall contain complete details of the activity in question and manufacturing processes of the establishment.
- (3) The such application shall also contain the justification for making such an application.
- (4) The application shall be accompanied with such documents are deemed necessary by the applicant.
- Period for submitting report and taking decision under clause (c) of sub-section (2) of section 57** 89. Where the State Government refers any such question suo-moto or refers the application to Authority designated under clause (a) of sub-section (2) of section 57, such designated Authority shall send a report to the State Government within a period of two months from the date of receipt of such question or application and thereafter the State Government shall decide the question within two months from the date of receipt of such report.

PART-II

Inter-State Migrants Workers

- Minimum service of entitlement, periodicity, class of travel and matters related with journey allowance under section 61** 90. (1) The employer shall pay a lump-sum reasonable amount on account of fare for to and fro journey to the inter-state migrant worker by train (not less than II Class Sleeper) or by bus or by any other mode of passenger transport from the place of employment to the place of residence in the home State, if he has worked for a period of not less than 180 days in the concerned establishment in preceding twelve months

Provided that the journey allowance shall be given to an inter-state migrant worker once in twelve months. In the event of change of employer by the inter-State migrant worker during the middle of the employment period and he has not availed the journey allowance from his previous employer, then on the basis of a certificate to be given by inter-State migrant worker, the employer where the inter-State migrant worker is presently working and such worker has completed one hundred and eighty days in preceding twelve months including

the period spent with the previous employer, then the present employer shall give journey allowance.

- (2) The journey allowance shall be paid by the principal employer electronically, as far as practicable.
- Toll free helpline number under section 63** 91. (1) The Labour Commissioner, Uttarakhand shall establish a toll-free helpline to inter-state migrant workers in the manner as determined by the State Government by order to address queries and grievances of the migrant workers.
- (2) A record of calls on the toll-free number shall be maintained electronically in such form and format as may be specified by the Labour Commissioner in this behalf.
- Study of Inter-State Migrant worker under section 64** 92. (1) The State Government may at any time as it deems necessary or if directed by the Central Government, conduct a study of Inter-State Migrant Worker from the State of Uttarakhand or to the State of Uttarakhand to promote safety, health and welfare of inter-state migrant workers.
- (2) The manner of such study, composition of study team and other matters shall be such as may be decided by the State Government.
- (3) Wherever required, the State Government may also consult expert organisations and different stakeholders involved in safety health and welfare of the inter-state migrant workers.

PART-III Audio-Visual Workers

- Form of settlement for audio-visual workers under clause (a) of sub-section (2) of section 66 and registration of settlement under clause (b) of sub-section (1) of section 66** 93. The agreement for employment of audio-visual worker under clause (a) of sub-section (2) of section 66 shall be made in Form 30. The agreement shall be registered with the competent authority as may be notified by the State Government.

- forward of a copy of the settlement to audio-visual workers under sub-section (3) of section 66 94. The agreement specified in sub-section (1) of section 66 relating to the employment of audio-visual workers, if such audio-visual workers are covered under the provisions of any Act for the time being in force providing for the benefit of provident fund to them, a copy of such agreement shall be sent by the producer of the audio-visual workers to the concerned provident fund authorities of the Central Government.
- Procedure for reference of disputes to a Conciliation Officer or a Tribunal under sub-section (1) section 66 95. The procedure for referring disputes arising under sub-section (1) of section 66 to a conciliation officer or a tribunal shall be in conformity with the Industrial Relations, Code 2020 (35 of 2020) and Rules framed there under.

PART-IV

Beedi and Cigar Workers

- Form of application for grant of license under sub-section (2) of section 74. 96. (1) Every application under sub-section (2) of section 74 for a license to use or allow to be used any place or premises as an industrial premises shall be made in Form-31 electronically on the official portal of the State Government.
- (2) The application shall be accompanied by plans showing:
- (a) the site of such place or premises, the areas therein to be used for manufacturing processes and the immediate surroundings of such place or premises, including adjacent buildings, structures, roads, drains, and the like; and
- (b) the plan, elevation and necessary cross-sections of, the details relating to natural lighting, ventilation, means of escape in case of fire, position of the plant and machinery, if any, used, aisles and passage-ways in or in relation to, the various buildings which are intended to be used for manufacturing processes.
- (3) Before granting licence the Authority shall also take into consideration whether the site of an industrial

premises is proposed to be altered or whether industrial premises has been closed by the applicant during the period of twelve months immediately preceding the date of the application with a view to causing prejudice to the interests of the labour.

(4) The fee for license shall be paid electronically through the portal as specified under sub-rule (1) of Rule 97.

(5) The application shall be accompanied with an affirmative declaration of the employer under sub-section (4) of Section 74 in Form-32.

Fee for grant or renewal of license under sub-section (2) of section 74

97. (1) The fees to be paid for grant or renewal of license shall be as specified in table below.-

	Number of employees proposed to be employed on any day during the financial year	Fee (in Rs.)
(a)	Does not exceed twenty	500
(b)	More than twenty but does not exceed fifty	1,000
(c)	More than fifty but does not exceed hundred	15,00
(d)	More than hundred	2,000

(2) Fee to be paid for grant of duplicate license shall be rupees one hundred.

(3) If the Authority refuses to grant or renew any licence under section 74 the fees paid thereof shall not be refunded.

Information and site plan regarding application for license under section 119 and sub-section (3) of section 74

98. If the occupier/ employer of the beedi and cigar establishment wishes to obtain a license under the provisions of Section 119 of the Code, then he shall mention the maximum number of employees proposed to be employed at any time of the day in the place or premises and shall enclose the plan of the place or premises to be used, in Form- 31.

Terms and conditions of license under sub-section (4) of section 74

99. Every license granted or renewed under section 74 shall be subject to the following conditions namely:

- (1) the manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the license;
- (2) the maximum number of employees employed in the industrial premises shall not on any date exceed the number specified in the license;
- (3) power driven machinery, not specified in the license, shall not be used in the manufacturing process in the premises;
- (4) except with the prior permission in writing of the Authority the industrial premises shall not be extended and except with the like permission no structural alteration shall be made in any building on such premises;
- (5) the licensee shall not be transferable;
- (6) except as provided in the rules the fee paid for grant, or as the case may be, renewal of license shall be non-refundable.

Grant of license under sub-section (4) of section 74

100. While taking decision on grant or refusal of licence, if the authority is satisfied having regard to the facts specified in sub-section (4) of section 74, it shall issue a certificate of licence electronically in Form-33 within the period notified in the Uttarakhand Right to Service Act, 2011, otherwise such licence shall be deemed to have been granted and the certificate of grant of licence shall be automatically generated by the portal.

Welfare measures under clause (e) of sub-section (4) of section 74

101. While granting the license or renewal of the license, the Licensing Authority shall ensure that occupier of the Beedi and Cigar establishment had made the following provisions regarding the welfare of the labourers in the locality and interest of the public as follows:

- (1) Cleanliness
 - (i) In every industrial premises-
 - (a) accumulations of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and passages of work-rooms and from staircases and passages and disposed of in a suitable manner;

(b) the floor of every work-room shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method;

(c) all inside walls and partitions, of ceilings of rooms and of walls, side and staircases shall—

(aa) where they are painted or varnished or where they have smooth impervious surface, be cleaned with fresh water and dried at least once in every period of fourteen months;

(bb) where they are painted or varnished, re-painted or re-varnished at least once in every period of five years;

(cc) in any other case, be kept white-washed or colour-washed at least once in every twelve months.

(ii) The record of the dates on which white-washing, colour-washing, varnishing, painting or cleaning as the case may be, was carried out under sub-rule (1), shall be entered by the employer in a register maintained in Form-34.

(2) Ventilation- In every work-room or hall of an industrial premises, windows and other forms of openings for ventilation shall be provided in sufficient number to admit a continued supply of fresh air so as to keep the atmosphere inside such room or hall comfortable and free from dust, fumes and other impurity.

(3) Latrines and urinals-

(i) Latrine and Urinal accommodation shall be provided in every industrial premises at the rate of one latrine and urinal seat separately for every twenty male employees:

Provided that where the number of such male employees exceeds hundred, it shall be sufficient if there is one latrine seat for every twenty-five male employees up to the first

hundred and one seat for every fifty in excess thereof.

Explanation.—In calculating the number of seats required in accordance with the provisions of this sub-rule any old number of employees less than twenty, twenty-five or fifty, as the case may be, shall be reckoned as twenty, twenty-five or fifty.

- (ii) Where female employees are employed on any industrial premises, separate latrine and urinal accommodation shall be provided for them in accordance with the same scale as the scale for male employees specified in clause (1).
- (iii) Every latrine shall be under cover and every seat in the latrine and urinal shall be so partitioned off as to secure privacy and each partition shall have a private door and fastenings.
- (iv) Where employees of all genders are employed on any industrial premises, there shall be displayed outside each latrine and urinal block thereon a notice in hindi and the language understood by the majority of the employees reading "for men only" or, as the case may be, "for women only" and such notice shall also bear the picture of a man, or a women as the case may be.
- (v) Where piped water supply is available, a sufficient number of water taps conveniently accessible shall be provided in or near latrines and urinals accommodations and where there is no continuous supply of water, water cisterns with cans shall be provided for washing purposes in or near such latrines and urinals.
- (vi) When any general system of underground sewage with an assured water supply is provided for or exists in any particular locality, all latrines and urinals in an industrial premises in such locality other than a septic tank latrine, shall be connected with such nearest sewage system.

- (vii) The walls, ceilings and partitions of every latrine and urinal shall be white-washed or colour-washed and the same shall be repeated at least once in every period of four months. The dates on which the white-washing or colour-washing is carried out under sub-rule (1) or, as the case may be, washing with detergents and disinfectants is carried out shall be entered by the employer in the register maintained in Form- 34:

Provided that, nothing in clause (vii) shall apply in respect of wall and ceilings of, and partition in a latrine or urinal or any portions of such walls, ceilings and partitions which are laid in glazed tiles or otherwise finished to prove a smooth-polished impervious surface, but such walls, ceilings, partitions or portions thereof shall be washed with suitable detergents and disinfectants at least once in every period of four months.

- (viii) All drains work on an industrial premises for carrying waste or sullage water shall be constructed in masonry or other permissible materials and shall be regularly flushed and effluent disposed of by connecting such drains with suitable drainage lines :

Provided that where there is no such drainage line, the effluent shall be deodorised in order to render it innocuous and then disposed of.

(4) Washing facilities.—

- (i) There shall be provided and maintained in every industrial premises for the use of employees engaged in blending and sieving of tobacco or warming of Beedis in hot ovens, adequate and suitable facilities for washing which shall include soap and nail brushes or other suitable means of cleaning and such facilities shall be convenient, accessible and shall be made available in clean and orderly condition.

- (ii) If female employees are employed on any industrial premises, separate washing facilities on the same lines as those specified in clause (1) in respect of male employees shall be provided for such female employees in enclosed or screened places in such manner that the interior portions of such places are not visible from any place where male employees work or pass through and the entrance to every such place shall bear a notice in the language understood by the majority of the employees reading "For Women only" in bold and conspicuous letters and such notice shall also bear the picture of a women.
- (iii) Water supply for purposes of washing facilities under clause (1) or clause (2) shall be such as to provide at least 27.3 liters per day for each person employed in the industrial premises and such water shall be drawn from a hygienic source;

Provided that where an Inspector-cum-facilitator is satisfied that it is not practicable to make available water supply in accordance with the scale specified under this sub-rule, he may by a certificate in writing permit the supply of a lesser quantity which shall in no case be less than 4.5 litres per day for each employee.

(5) Creches.—

In every industrial premises wherein thirty or more women workers are employed or were employed on any day of the preceding twelve months, the employer shall provide and maintain a creach or creches for the use of their children who are below the age of six years, according to the standards laid down in these rules. The creche shall conform to the following standards, namely—

- (a) the creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable

- it shall not be situated in close proximity to any part of the industrial premises where obnoxious fumes, dust or odours are given off;
- (b) the room or rooms used as creche shall be soundly constructed and the walls and roof thereof shall be of heat-resisting materials and shall be water-proof;
- (c) the floor and internal walls of the creche up to a height of 1.2 metres shall be so laid or finished as to provide a smooth impervious surface;
- (d) the height of each room used as a creche shall not be less than 3.7 metres from the floor to the lowest part of the roof and there shall not be less than 1.9 square metres of floor area for each child to be accommodated therein;
- (e) effective and suitable provision shall be made in every part of a creche for securing and maintaining adequate ventilation by the circulation of fresh air;
- (f) the creche shall be adequately furnished and equipped and in particular there shall be made available-
- (aa) for each child of more than two years of a suitable bedding;
- (bb) for each child of not more than two years of age a suitable cot or cradle with the necessary bedding;
- (dd) at least one chair or other adequate similar sitting accommodation for the use of each mother while she is feeding or attending to the child; and
- (ee) sufficient supply of suitable toys for the older children.
- (g) There shall be in or adjoining a creche a suitable washing room for the washing of the children and their clothing and such room shall conform to the following standards, namely—

- (aa) the floor and internal walls of the room up to a height of 0.9 cm. shall be so laid or finished as to provide a smooth impervious surface;
 - (bb) the room shall be adequately laid and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition;
 - (cc) the supply of water for washing shall be from a hygienic source and if practicable shall be through taps;
 - (dd) (dd) supply of at least 22.7 litres of water per day for each child shall be made available;
 - (ee) an adequate supply of clean clothes, soap and clean towels shall be made of label for the use of each child;
 - (ff) adjoining the washroom a septic type latrine shall be provided for the sole use of the children in the creche and the same shall be kept clean and in a sanitary condition.
- (h) The employer shall make available at least half a pint of pure milk for each child on everyday it is accommodated in the Crèche and the mother of such child shall in the course of daily work, be allowed adequate intervals of not less than fifteen minutes to feed the child.
- (i) In addition to providing milk in accordance with the provisions of sub-rule (4), the employer shall provide for children above two years of age who are accommodated in the creche and educate supply of wholesome refreshment.
- (j) the employer shall appoint a women trained

in the care of children and infants and sufficient number of aayas for the purpose of looking after the children accommodated in a crèche and he shall also provide suitable equipment and facilities for the purpose.

Explanation: the number of aayas to be appointed in the crash shall we calculated at the rate of one aaya for every thirty children the employers:

- (k) The employer shall provide for the staff employed in the creche, suitable clean clothes for use while on duty in the creche.

Explanation: In this rule child means a child under six years of age of a female employee.

(6) First aid-

- (i) In every industrial premises, there shall be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards containing the equipment specified in clause (2) and the number of boxes or cupboards to be so provided and maintained shall not be less than one for every one hundred fifty employees ordinary employed at any one time in the premises.
- (ii) The first-aid boxes or cupboards shall be distinctively marked with a red Cross on a white background and shall contain the following equipment's, namely-
- (a) six small sterilised dressings;
 - (b) three medium sized sterilized dressings;
 - (c) three large size sterilized dressings;
 - (d) three large size sterilized burns dressings;
 - (e) one (28.350 grams) bottle containing a 2 percent alcoholic solution of iodine;
 - (f) one (28.350 grams) bottle containing salvolatile having the dose and mode of administration indicated on the label;

- (g) a snake-bite lancet;
- (h) one (28.350 grams) bottle of potassium permanganate crystals;
- (i) one pair of scissors;
- (j) eye drops;
- (k) adhesive plaster.

(iii) Each first-aid box or cupboard shall be kept in the charge of a person who is trained in first-aid treatment and who shall always be readily available during the working hours of the industrial premises.

(7) Canteens-

- (i) The employer of every industrial premises wherein not less than two hundred and fifty employees or ordinarily employed shall provide in, or near the industrial premises, a canteen.
- (ii) The canteen shall not be situated within 15.2 meters of any latrine or urinal or any other source of dust.
- (iii) The canteen building shall consist of at least a dining hall, kitchen, store room and pantry in addition to washing places separately for employees and for the utensils.
- (iv) The minimum height of the building shall be not less than 3.7 meters and all the walls and roof shall be of suitable heat-resisting materials and shall be water-proof. There shall be a provision of adequate ventilation. The doors and windows shall be of fire proof construction.
- (v) The canteen shall be sufficiently lighted at all times when any person has access to it.
- (vi) In every canteen-
 - (a) all inside walls of rooms and all ceilings and passages and staircases shall be lime-washed or colour-washed at least once in each year or

- Painted once in three years, dating from the period when last lime-washed or colour-washed or painted, as the case may be;
- (b) all wood-work shall be varnished or painted once in three years dating from the period when last varnished or painted;
- (c) all internal structural iron or steel work shall be varnished or painted in three years dating from the period when varnished or painted;
- (d) the inside portion of the walls of the kitchen shall be lime-washed once in every four months.
- (vii) The dates on which lime-washing, colour-washing, varnishing or painting is carried out shall be entered by the employer in the register maintained in Form- 34.
- (viii) The precincts of the canteen shall be maintained in a clean and sanitary condition. Wastewater shall be carried away in a suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance. Suitable arrangements shall be made for the collection and disposal of garbage.
- (ix) The dining hall shall accommodate at a time at least thirty percent of the employees working at a time.
- (x) The floor of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than 93 square metres per diner to be accommodated as specified in clause (9).
- (xi) A portion of the dining hall and service counter shall be partitioned off and reserved for women employees in proportion to their number. Washing places for women shall be separate and screened to secure privacy.

- (xii) Sufficient tables, chairs, or benches shall be available for the number of diners to be accommodated as specified in clause (9).
- (xiii) There shall be provided and maintained sufficient utensil, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.
- (xiv) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service counter, if provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.
- (xv) Food and food materials shall be stored in fly-proof safes and handled with the help of wooden ladless or suitable metal forceps whichever is convenient. Vessels once used shall be scalded before being used again.
- (xvi) Food, drinks and other items served in the canteen shall be served on a no-profit, no-loss basis.

Disputes relating to issue of raw materials by the employer under clause (e) of sub-section (4) of section 74

102. (1) Any dispute between employer and employee or employees in relation to-
- (a) the issue by the employer of raw materials to the employee;
 - (b) the rejection by the employer of beedi or cigar, or both rejected by an employee; or
 - (c) the payment of wages beedi or cigar or both, rejected by an employer;

may be referred in writing by the employer or the employee or implies to the Inspector—cum-Facilitator, who shall after making such enquiry as he may consider necessary and after giving the parties an opportunity to represent their respective cases, decide the dispute and record the proceedings with the details of dispute, plea

of parties, documents and evidences and finding thereof.

- (2) Any party to the dispute aggrieved by the decision thereon under sub-rule (1) may prefer an appeal within a period of thirty days from the date of the decision to the Licensing Authority;

Provided that the Appellate Authority may admit an appeal after the said period if the appellant satisfies such Authority that he has sufficient cause for not preferring the appeal within that period.

Limit with regard to the rejection of beedis or cigars under clause (e) of sub-section (4) of section 74

103. (1) No employer or contractor shall ordinarily reject a sub-standard or chhat or otherwise more than five percent of the beedis or cigars, or both, received from a worker including a home-worker.
- (2) Where any beedi or cigar is rejected as sub-standard or chaat or otherwise on any ground other than the ground of willful negligence of the worker, the worker shall be paid wages for the beedis or cigars, so rejected at one-half of the rate at which wages are payable to him for the beedis or cigars, or both, which have not been so rejected.

Renewal of License, renewal fee under sub-section (6) of section 74

104. (1) Every application for renewal of license shall be made on the Official Portal of the State Government along with required fees as prescribed under Rule-97.
- (2) The application shall be accompanied with affirmative declaration of the employer as prescribed under sub-rule (5) of Rule 96 in Form-32.
- (3) The authority may renew or refuse to renew the license within 60 days of receipt of the renewal application along with the prescribed fee.
- (4) The authority shall renew the license certificate electronically in Form-33.

Manner and fees of appeal under section 75

105. (1) Fees payable in respect of appeal under section 75 shall be rupees one thousand only which shall be non-refundable.
- (2) An appeal against the order of the Licensing Authority refusing grant or renewal of license shall be –

- (a) made electronically within a period of thirty days from the date of receipt the order sought to be appealed against;
- (b) accompanied by a copy of the order appealed against;
- (c) memorandum containing grounds and facts of such appeal;
- (d) treasury challan as a proof of payment of fees for such appeal.
- Permission to employees to work outside the industrial premises and the conditions for granting such permission under sub-section (1) of section 76** 106.
- (1) The employer shall submit an application on behalf of the employees to the State Government in Form-35 requesting permission to wet and cut beedi or tobacco leaves outside the industrial premises.
- (2) The application must be accompanied by a list of all employees who will be working outside and their Aadhaar/identity cards.
- (3) The permission granted by the State Government under subsection (1) of Section 76 shall be valid only for the period specified in the order granting the permission.
- (4) Conditions for granting permission by the State Government under subsection (1) of Section 76:
- (a) The employer who applies for the above permission shall have valid license issued under section 74 for such premises.
- (b) The suitability of the place where it is proposed to be used for wetting or cutting of beedi or tobacco leaves.
- (c) Wetting or cutting of beedi or tobacco leaves shall be carried on only in that place where permission is granted.
- (d) The total number of employees employed by the employer for wetting or cutting of beedi or tobacco leaves outside the industrial premises shall not exceed the total number of workers for which license issued under section 74.

- (e) Other conditions as may be prescribed by the State Government from time to time.

Maintenance of records of outside workers under sub-section (2) of section 76

107. (1) The record to be maintained by the employer of the work permitted under sub-section (1) of section 76 to be carried on outside the industrial premises shall be in Form-36 electronically.
- (2) The employer shall in respect of the employees who are permitted to work in their houses (hereinafter referred to as the home-workers) maintain an up-to-date register/log-book in Form-37 electronically.

PART-V FACTORY

Submission and approval of factory plans and site plan under sub-section (1) of section 79

108. (1) No site shall be used for the location of a factory and no building on such site or in a factory shall be constructed, amended or modified, extended or taken into use as a factory or part of a factory unless previous approval is obtain from the Chief Inspector-cum-Facilitator.
- (2) Application for approval of plan or permission in Form-38 for site on which the factory is to be situated, for the construction or extension thereof and shall be made by the applicant electronically on the official portal of the Labour Department of the State Government to the Chief Inspector-cum-Facilitator at least thirty days before he begins to occupy, or use, the premises as a factory.
- (3) The application shall be accompanied by duly filled Form-39 which also be verified by registered architect and structure engineer empaneled by Government of Uttarakhand along with the occupier of the establishment/factory.
- (4) The application shall also be accompanied by following documents.
- (a) Form 39 duly filled and signed by the applicant.
- (b) A letter of no objection for the location of the factory from Nagar Nigam, Nagar Palika,

- Nagar Panchayat, Zila Panchayat or notified area, as the case may be;
- (c) A letter of no objection from State Pollution Control Board;
- (d) A letter of no objection from fire department;
- (e) License/NOC issued under the Petroleum Rules, 1976 for storage of petroleum as defined in the Petroleum Rules, 1976;
- (f) Certificate of stability in Form 40 duly signed by the applicant/occupier and structure engineer and a registered architect empanelled by the Government of Uttarakhand.
- (g) Payment of Licence fee prescribed in sub rule (2) of Rule-109 through e-challan or online payment.
- (h) Duly approved building plan from the competent authority and structure drawing from the structural engineer.
- (5) The Chief Inspector-cum- facilitator may authorise a subordinate officer for the site inspection if required.
- (6) The Chief Inspector-cum- facilitator after satisfaction that the plan is in consonance with requirement of code, shall subject to the such conditions or such no objection certificate as he may specify, approve the plan and the approval certificate shall be issued in Form 41. Provided that if the application is not disposed off in 30 working days the application shall be deemed as approved with the condition that the plan must be in consonance with the provisions of the Code.
- (7) In case, the Chief Inspector-cum-Facilitator is not satisfied with the application or the application is incomplete, he may ensure to raise the objections on the portal, all at a time within fifteen days and the applicant shall submit his reply or make necessary corrections or amendments as required within the specified time. However, if the applicant fails to respond the objections raised by Chief Inspector-cum-Facilitator the application may be rejected.

- (8) The approval granted under this rule may be revoked by the Chief Inspector-cum-Facilitator, if it is found that such approval has been obtained by the occupier or manager by misrepresentation or suppression of material facts or fraudulent document have been submitted along with the application or otherwise or the majority of construction is not being done in accordance with the approval granted.

Application for license and prescribed fees under clause (c) of sub-section (1) of section 79

109. (1) The occupier of every factory shall submit an application together with Form-42 prescribed under section 79 of the Code, on the Official portal of the Labour Department of the State Government for grant of a license, along with the application for approval of site-plan under Rule 108.
- (2) If the site-plan is approved under Rule-108 and then employer/ occupier of the factory complies with all the provisions of the Code and rules made thereunder, the factory shall be registered and the license for the factory in Form-43 shall be issued electronically by Licencing Authority on payment of the fees specified below subject to compliance with such conditions as are specified in the license:

Quantity of power (kw) installed	Maximum number of persons to be employed on any day during a Year							
	Up to 50	51 to 100	101 to 150	151 to 300	301 to 500	501 to 1000	1001 to 2500	Above 2500
Nil	1500	2000	2200	3000	6000	12000	22000	30000
Less than 50	2250	4500	6000	9000	12000	22000	45000	55000
50 to 100	4500	7000	9000	12000	18000	30000	55000	60000
101 to 500	7500	12000	15000	22000	30000	45000	75000	85000
501 to 1000	15000	19000	22000	30000	35000	55000	78000	90000
1000 to 2000	18000	24000	30000	35000	45000	60000	85000	105000
Above 2000	21000	30000	45000	45000	55000	75000	90000	115000

- (3) Power factor shall be taken 0.9, if required.
- (4) The license granted under sub-rule (2) shall be digitally signed:

Renewal of license under clause (c) of sub-section (1)

110. (1) Every licence granted under Rule-108 shall remain in force for a year from the date of approval.

of section 79

- (2) An application for the renewal of license for period of up to maximum ten years for general factory, for maximum five year for hazardous factory and maximum one year for MAH Factory shall be made online to the Authority in Form-42 not less than thirty days before the date on which the license expires. The application shall be accompanied by stability certificate in Form-40 issued by Competent Person and duly signed by occupier and fees deposited electronically on the State Government web-portal into the head of account specified therein, as a proof of the payment of the amount of requisite fees for every year as specified in Rule-109.
- (3) The fees for renewal of license for one year shall be the same as for the grant thereof. In case an application for renewal has been made for a period of one year or any number of years up to ten years, the renewal fees shall be the number of years multiplied by the fees payable for the grant of license for one year as prescribed in Rule-109.
- (4) No application for the renewal of license made after the expiry of the period specified in sub-rule (2) unless it is accompanied by the required fees duly deposited with an additional fee equal to twenty-five percent payable for the license which is to be renewed, as late fee.
- (5) On receipt of an application under sub-rule (2), the concerned Licencing Authority shall, if he is satisfied that there is no objection to the renewal of the license, renew the same for a period up to ten years and issue license electronically in Form-46 to the applicant within such period as notified failing which such license shall be deemed to have been renewed and the certificate of renewal of license shall be auto generated by the portal.

Amendment of III. License under clause (c) of sub-section (1) of section 79

- (1) If at any time during the term of license, the occupier finds it necessary to extend the limits of the power installed on any day or maximum number of workers to be employed on any day or effects any changes in the name of the factory or change in the occupier or such particular is referred in license application form, he shall make an application with documents required for amendment of a licence to the Licencing Authority at least fifteen days before such change and the Licencing Authority may amend the licence accordingly.

- (2) An application for amendment shall be made on-line in Form-42 along with the proof of payment of fees for amendment of a license which shall be rupees one hundred, in addition to the amount of fees payable under rule on the basis of the total maximum power installed on any one day as intended to increase or the maximum number of workers intended to be employed on any day during the calendar year, or both, as the case may be, less the amount already remitted in the original license:

Provided that amendment fee of rupees one hundred shall not be payable when the amendments are proposed simultaneously with the application for the renewal of the license.

- (3) The application for the amendment of Plan, as per rule 112, shall be submitted online at least 15 days before such amendment:

Provided that any such factory shall not be deemed to be extended within the meaning of this Rule by reason only of the replacement of any plant or machinery or within such limits as may be, of the addition of any plant or machinery if such replacement or the addition does not reduce the minimum clear space required for safe working around the machinery or plant:

Provided further that if any amendment adversely affects the environmental conditions from the evolution or emission of steam, heat, dust or fumes which are injurious to health, such amendment shall require prior approval as per the Rule.

- (4) On receipt of an application under sub-rule (1), Licencing Authority shall, if he is satisfied that there is no objection in amending the license, amend the same in Form-43 within such period as notified failing which such license shall be deemed to have been amended and the amended certificate shall be auto generated by the portal.
- (5) If it appear to the Inspector-cum-Facilitator that any building or part of the building in a factory is in such conditions that it is dangerous to the human life and safety, he may serve notice to the occupier of the

factory in writing to conduct the building and structure life test to be carried out within the specified time period and the certificate of such examination and tests signed by competent person have to sent to the inspector -cum-facilitator .

Transfer of license under clause (c) of subsection (1) of section 79

112. (1) The holder of a license may, at any time before the expiry of the licences, apply for permission to transfer his license to another person. In case, if a licensee dies or becomes insolvent or otherwise disabled, this application may be made by the person carrying on the business of such licensee.
- (2) Such application shall be made on the official portal of the Labour Department of the State Government along with notice of occupation in Form-44 and such other documents as may be required.
- (3) The Licencing Authority shall, if he approves the transfer, enter upon the licence, under his signature/Digital Signature, an endorsement to the effect that the licences, have been transferred to the person named in Form-43.
- (4) A fee of one thousand rupees shall be charged on each such application.
- (5) The person to whom the licence is so transferred shall enjoy the same powers, and be subject to the same obligations under the licences as the original holder.

Procedure on death or disability of licensee under clause (c) of subsection (1) of section 79

113. If a licensee dies or becomes insolvent or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty, under the Code or these rules for exercising the powers granted to the licensee by the licences for a period of 60 days during which he shall make an application for the transfer of the licences in his own name for the unexpired portion of the original licences:

Provided that if the person in whose favour the licence is to be transferred gives sufficient cause for the delay and the licensing authority is satisfied with the reasons given, the licensing authority may extend the time limit by one month and shall be liable to pay a fine of five thousand rupees.

Cancellation of

114. If at any time an occupier notifies of his intention showing

licenses under clause (c) of subsection (1) of section 79

causes in details, on the Official Portal of the Labour Department of State Government that the premise, in respect of which licences is issued will not be used for the working of the factory, the Licencing Authority shall cancel the licences granted in respect of such factory and will be communicated to the occupier/ employer through the portal:

Provided that such application shall be submitted at least two month before the date of cessation of use of premises as a factory;

Provided further that, the employer shall give an undertaking that before the period of two months, he shall clear all his dues, payments to be made to his employces and shall remove all the hazardous substances and wastage from the premises.

Notice of occupation under clause (c) of subsection (1) of section 79

115. The notice of occupation shall be in Form-44.

Notice of change of Manager

116. (1) The occupier need to appoint a manager of factory. In case , manager of factory has not been appointed, the occupier shall be deemed to be the manager of the factory.
- (2) The notice of change of manager shall be in Form-45. The application for change of manager shall be submitted online on the official portal of the Statement Government.
- (3) The approval of change of manager shall be made online on the licences by the Licencing Authority.

Liability of owner of premises in certain circumstances under section 80

117. (1) Where in any premises separate buildings are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for the provision and maintenance of common facilities and services such as approach roads, drainage, water supply, lighting and sanitation.
- (2) Where in any premises, independent or self-contained, floors or flats are leased to different occupiers for use as separate factories, the owner of the premises shall be

liable, as if he were the occupier or manager of a factory, of any contravention of the provisions of this Code in respect of-

- (i) latrines, urinals and washing facilities in so far as the maintenance of the common supply of water for these purposes is concerned;
 - (ii) fencing of machinery and plant belonging to the owner and not specifically entrusted to the custody or use of an occupier;
 - (iii) safe means of access to the floors of flats, and maintenance and cleanliness of staircases and common passages;
 - (iv) precautions in case of fire;
 - (v) maintenance of hoists and lifts; and
 - (vi) maintenance of any other common facilities provided in the premises.
- (3) The provisions relating to the liability of the owner shall apply where in any premises independent rooms with common latrines, urinals and washing facilities are leased to different occupiers for use as separate factories:

Provided that the owner shall also be responsible for complying with the requirements relating to the provision and maintenance of latrines, urinals and washing facilities.

- (4) Where in any premises portions or room or a shed are leased to different occupiers for use as separate factories, the owner of the premises shall be liable for any contravention of the provisions of above rule.

Specifying and declaring any manufacturing process or operation as hazardous under sub-section (a) of section 82

118. The State Government may, by notification in the Official Gazette, issue a list of manufacturing processes or operations which shall be deemed to be hazardous from time to time.

Prohibition of employment in any hazardous manufacturing process or operation under sub-section (b) of section 82

119. There shall be a complete prohibition on the employment of pregnant women and adolescents below the age of 18 years in any process which has been declared hazardous.

Provided that, women workers may be employed with their written consent, subject to the following conditions:

- (a) The occupier has adopted international safety standards for occupational safety and health.
- (b) The occupier will periodically modernize the processes/site and use modern equipment.
- (c) Lactating women workers will be exempted from such employment.

Medical examination in hazardous manufacturing process or operation under sub-section (c) of section 82

120. (1) Every worker employed in hazardous process shall be examined by the Factory Medical Officer within 15 days of his first appointment.

2. the risk.

- (2) In addition to general tests, specific tests of blood, feces, urine and lung capacity etc. will also be mandatory depending on the nature of
- (3) No worker shall, after 15 days of first appointment, work in hazardous processes unless certified fit by a medical officer.
- (4) Each worker employed in the above process will be re-examined at least once every three calendar months.
- (5) After the examination, the Medical Officer will issue a health certificate in Form-8. The records will be kept in the custody of the Manager, and all details will be recorded in the Health Register, Form-7.
- (6) The health certificate and health register will always be available for inspection by the Inspector-cum-Promoter.
- (7) If at any time the Medical Officer considers that a worker is exposed to a special health hazard from working in the above processes, he shall record his findings in the certificate and health register and shall also mention the period for which he has been found unfit for hazardous processes.
- (8) No person declared unfit for work by the Medical

Officer shall be re-employed until he is again certified fit.

- (9) If a doctor finds a worker unfit for hazardous work, the employer will transfer him to another safe department without any pay cut.
- (10) The employer will bear the entire cost of medical examination, lab tests, etc. The worker will not be charged any fee for these.

Safety measures in hazardous manufacturing processes or operations under subsection (d) of Section 82

121. (1) The employer shall provide each worker with personal protective equipment, appropriate to the nature of their work, such as gloves, goggles, face shields, aprons, and shoes, free of charge. The employer shall also be responsible for regular inspection, cleaning, and prompt replacement of such protective equipment if it becomes defective.
- (2) All safety equipment must conform to standards set by BIS/ISI or the state/center government.
- (3) Each unit will maintain a short emergency action plan and conduct mock drills for workers at least twice a year.
- (4) Clear warning signs such as "Danger", "No Entry", "Masks Mandatory" etc. must be displayed outside hazardous areas.
- (5) Where dust, smoke, or gas is emitted, it will be mandatory to install high-capacity suction systems and ventilation to ensure that the concentration of pollutants does not exceed the prescribed limits.
- (6) As far as possible, handling of hazardous chemicals will be done in automated or closed systems to prevent direct contact with workers.
- (7) Other measures as may be issued by the State Government from time to time.

Welfare and sanitary facilities for hazardous manufacturing

122. (1) 1. Adequate number of bathing places and soap/towel facilities shall be provided near the work place for workers exposed to hazardous chemicals.

- process or operation under sub-section (d) of section 82
- (2) Separate lockers shall be provided for workers' personal clothing and protective clothing to prevent cross-contamination.
- (3) Meals and restrooms shall be located away from hazardous process areas and in a completely secure location.
- (4) Other facilities as may be issued by the State Government from time to time.
- Site Appraisal Committee under sub-section (1) of section 83 and its functions
123. The State Government may, for advising it to consider applications for grant of permission for the initial location of a factory involving hazardous process or for the expansion of any such factory, appoint a site appraisal committee through notification detailing its functions.
- Obtaining or developing information of hazardous substances on Material Safety Data Sheet under sub-section (1) of section 84
124. Collection, development and dissemination of information-
- (1) The occupier of every factory carrying on a hazardous process shall arrange to obtain or develop information in the form of Material Safety Data Sheet (MSDS) in respect of every hazardous substance or material handled in the manufacture, transportation and storage in the factory. It shall be accessible, upon request, to a worker for reference.
- (a) Every such Material Safety Data Sheet shall include the following information:
- (i) the identification mark used on the label;
- (ii) hazardous ingredients of the substance;
- (iii) physical and chemical characteristics of the hazardous substance;
- (iv) the physical hazards of the hazardous substance, including the potential for fire, explosion and reactivity;
- (v) the health hazards of the hazardous substance, including signs and symptoms of exposure,

- and any medical condition which are generally recognized as being aggravated by exposure to the substance;
- (vi) the primary route or routes of entry;
- (vii) the permissible limits of exposure prescribed in Schedule-III;
- (viii) any generally applicable precautions for safe handling and use of the hazardous substance, which are known, including appropriate hygienic practices, protective measures during repairs and maintenance of contaminated equipment, procedures for cleanup of spills and leaks;
- (ix) any generally applicable control measures, such as appropriate engineering controls, work practices, or use of personal protective equipment;
- (x) emergency and first-aid procedures;
- (xi) the date of preparation of the Material Safety Data Sheet, or the last change in it;
- (xii) the name, address and telephone number of the manufacturer, importer, occupier or other responsible party preparing or distributing the Material Safety Data Sheet, who can provide additional information on the hazardous substance and appropriate emergency procedures if required.

- (b) The occupier while obtaining or developing a Material Safety Data Sheet in respect of a hazardous substance shall ensure that the information, recorded accurately, reflects the scientific evidence used in making the hazard determination. If he becomes newly aware of any significant information regarding the

hazards, the new information shall be added to the Material Safety Data Sheet as soon as practicable.

(c) An example of such Material Safety Data Sheet is given in the Schedule-II .

(2) Every container of a hazardous substance shall be clearly labelled or marked to identify:-

(a) The contents of the container;

(b) The name and address of the manufacturer or importer of the hazardous substances;

(c) The physical and health hazards; and

(d) The recommended personal protective equipment needed to work safely with the hazardous substance.

Disclosure of information to the employees under sub-section (1) of section 84

125. (1) The occupier of every factory carrying on a hazardous process shall supply to all employees, the following information in relation to handling of hazardous materials or substances in the manufacture, transportation, storage and other process:

(a) requirements of sections 84, 85 and 89 of the Code;

(b) a list of hazardous process carried on in the factory;

(c) location and availability of all material safety data sheets as per Rule- 128;

(d) Physical and health hazards arising from the exposure to or handling or, substances;

(e) measures taken by the occupier to ensure safety and control of physical and health hazards;

(f) measures to be taken by the employees to ensure safe handling, storage and transportation of hazardous substances;

(g) personal protective equipment required to be used by employees employed in hazardous process of dangerous operations;

- (h) meaning of various labels and markings used on the containers of hazardous substances as provided under these rules ;
- (i) signs and symptoms likely to manifest on exposure to hazardous substances and to whom to report ;
- (j) measures to be taken by the employees in case of any spillage or leakage of a hazardous substance ;
- (k) role of employees vis-a-vis the emergency plan of the factory, in particular the evacuation procedures;
- (l) any other information considered necessary, by the occupier to ensure safety and health of employees.

- (2) The information required by sub-rule (1) shall be compiled and made known to employees individually through supply of booklets or leaflets and display of cautionary notices at the workplaces.
- (3) The booklets, leaflets and the cautionary notices displayed in the factory shall be in the language understood by the majority of the employees and shall also be explained to them.
- (4) The Inspector-cum-Facilitator or the Chief Inspector-cum-Facilitator may direct the occupier to supply further information to the employees as deemed necessary.

Disclosure of information to the Chief Inspector-cum-Facilitator, local authority under sub-section (1) of section 84

- (1) The occupier of every factory carrying on a hazardous process shall furnish, in writing, to the Chief Inspector-cum-facilitator a copy of all the information furnished to the employees under sub-section (1) of section 84.
- (2) A copy of compilation of Material Safety Data Sheets in respect of hazardous substances used, produced or stored in the factory shall be furnished to the Chief Inspector-cum-facilitator and the local Inspector-cum-facilitator.
- (3) A copy of the information furnished under sub-rule (1) and sub-rule (2) shall also be sent to the District Magistrate and Sub-divisional Magistrate of the area where the establishment is situated.

(4) The occupier of hazardous process industry shall also furnish information to the Chief Inspector-cum-facilitator and Inspector-cum-Facilitator electronically every year on following points:

- a. Name of the factory:
- b. Address:
- c. Product:
- d. Manufacturing process:
 - i. Raw material:
 - ii. Name and maximum storage capacity:
- e. Finished product:
 - Name and maximum storage capacity:
- f. Inter-mediate product:
 - Name and maximum storage capacity:
- g. Hazards associated with the factory:
- h. Safety measures observed:
- i. Fire and explosion risk:
- j. Details for disposal of hazardous waste:

Disclosure of information to the general public living in vicinity under sub-section (1) of section 84

127. (1) The occupier of every factory carrying on a 'hazardous process' shall in consultation with the District Emergency Authority designated by the State Government, take appropriate steps to inform the general public who are likely to be in the area which might be affected by an accident.

(2) Such information shall include:

- (a) Name of the factory and address where situated;
- (b) Identification, by name and position, of the person giving the information;
- (c) Confirmation that the factory has approval from the Chief Inspector – cum- Faciliatory and State Pollution Control Board;
- (d) An explanation in simple terms of the hazardous process(es) carried on in the premises;
- (e) The common names of the hazardous substances used which could give rise to an accident likely to affect them,

- with an indication of their principal harmful characteristics;
- (f) Brief description of the measures to be taken to minimize the risk of such an accident in compliance with its legal obligations under relevant safety statutes;
- (g) Salient features of the approved disaster control measures adopted in the factory;
- (h) Details of the factory's emergency warning system for the General Public;
- (i) General advice on the action members of the public should take on hearing the warning;
- (j) Brief description of arrangements in the factory, including liaison with the emergency services, to deal with foreseeable accidents of such nature and to minimize their effects; and
- (k) Details of where further information can be obtained.

Health and Safety Policy under sub-section (2) of section 84

128. (1) The occupier of every factory, except as provided for in sub-rule (2), shall prepare a written statement of his policy in respect of health and safety of employees at work.
- (2) All factories:-
- (a) covered under section 2(1)(w) (i) but employing less than 50 employees;
 - (b) covered under section 2 (1)(w) (ii) but employing less than 100 employees shall be exempted from requirements of sub-rule (1):
- Provided that such employees are not covered under operations declared to be dangerous under section 87 of the Code.
- (3) Notwithstanding anything contained in sub-rule (2), the Chief Inspector-cum-Facilitator may require the occupiers of any of the factories or class or description of factories to comply with the requirements of sub-rule (1), if, in his opinion, it is expedient to do so.
- (4) The health and safety policy should contain or deal with-

- (a) The Health and Safety Policy shall be in conformity with statutory requirements of the Code and other relevant statutes;
 - (b) Organisational set up shall carry out the declared policy clearly assigning the responsibility at different levels, and
 - (c) arrangements for making the policy effective.
- (5) In particular, the Health and Safety Policy should specify the following:
- (a) arrangements for involving the employees ;
 - (b) intention of taking into account the health and safety performance of individuals at different levels while considering their career advancement;
 - (c) the responsibility of the Contractors, sub-Contractors, transporters and other agencies entering the premises ;
 - (d) a resume of health and safety performance of the factory in its Annual Report;
 - (e) relevant techniques and methods such as audits and risk assessment like Hazard and Operability Study (HAZOP) etc and other safety techniques for periodical assessment of the status on health, safety and environment and taking all the remedial measures ;
 - (f) its intentions to integrate health and safety in all decisions including those dealing with purchase of plant, equipment, machinery and material as well as selection and placement of personnel ; and
 - (g) arrangements for informing, educating and training and retraining its employees at different levels and the public, wherever required.
- (6) A copy of the declared Health and Safety Policy signed by the occupier shall be made available to the Chief Inspector-cum-Facilitator, and Inspector-cum-Facilitator.

- (7) The Health and Safety Policy shall be made widely known by :-
- (a) making copies available to all employees including contractual employees, apprentices, transport employees, suppliers, etc;
 - (b) displaying copies of the policy at conspicuous places in a language understood by the majority of employees; and
 - (c) any other means of communication.
- (8) The occupiers shall revise the Safety Policy as often as may be appropriate, but it shall necessarily be revised under the following circumstances:-
- (a) wherever any expansion or modification having implications on safety and health of persons at works is made; or
 - (b) whenever new substances or articles are introduced in the manufacturing process having implications in health and safety of persons exposed to such substances or articles.

Information on industrial wastes under sub-section (3) of section 84.

129. (1) The information furnished under rules 128 to rule 130 shall include the quantity of the solid and liquid wastes generated per day, their characteristics and the methods of treatment such as incineration of solid wastes, chemical and biological treatment of liquid wastes and arrangements for their final disposal.
- (2) It shall also include information on the quality and quantity of gaseous waste discharge through the stacks or other openings and arrangements such as provisions of scrubbers, cyclone separators, electrostatic precipitators of similar such arrangements made for controlling pollution of the environment.
- (3) The occupier shall also furnish the information prescribed in the sub-rule (1), and (2) to the State Pollution Control Board.

Onsite Emergency Plan

130. The occupier of a factory carrying on a hazardous process shall prepare a draft on-site emergency plan and submit it to

under sub-section
(4) of section 84

Inspector-cum-Facilitator for the approval of the Chief
Inspector-cum-Facilitator.

Intimation to
Chief Inspector-
cum-Facilitator
by the occupier of
the factory
proposed to be
engaged in
hazardous
process under
sub-section (5) of
section 84

131. (1) The occupier/ employer shall disclose the information
of the factory involving hazardous process under sub-
section (5) of section 84, namely:

(a) The occupier of every factory involving
hazardous process shall identify all the
hazards involved both from actual operations
and the chemical reactions. The properties of
the raw materials, final products to be made
and any by-products derived during the
process shall be carefully studied and
provisions shall be made for dealing with any
hazards including effects on employees,
which may occur during manufacture.

(b) Information in the following format giving
details of the process, its hazards and steps
taken or proposed to be taken from the design
stage to disposal stage for ensuring the safety
as mentioned in sub-rule(1) should be sent to
Chief Inspector-cum-Facilitator and
Inspector-cum-Facilitator through online at
the earliest and in no case less than 30 days
before commencing manufacture, handling or
storage involving hazardous process.

(2) Information to be furnished by Occupier of Hazardous
Process Industry:

- (a) Name of Factory:
- (b) Address
- (c) Manufacturing process details (in case of
chemical factory material balance of all the reactions shall be
enclosed)
- (d) Raw Materials used (Name, Mode of storage, Maximum storage
Capacity)
- (e) Finished Products (Name & Maximum storage Capacity)
.....
- (f) Intermediate Products (Name & Maximum storage Capacity)
.....
- (g) Hazards identified (process hazards, storage and handling of
chemicals based on HAZOP shall be enclosed in case of chemical
factory)
- (h) Remedial measures (inbuilt safety systems for equipment, process
control, engineering controls and administrative controls):
.....

(i) Details for disposal of hazardous waste:

Signature of Occupier with name

- (3) The above information shall be revised and updated immediately after change of any of the above information, technological advancement or once in three years through online.
- (4) Any further information sought by the Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator for compliance of the above provisions shall also be furnished.

Information to employees and general public under sub-section (7) of section 84

132. (1) Information under Rule-125 to Rule-127 of these rules shall be publicised by displaying the same on Notice Board at the gate or gates of the factory and such information shall also be given to District Magistrate and Chief Inspector-cum-Facilitator.
- (2) It shall be the responsibility of the occupier/ employer to widely publicise such information to the general public.

Review of the information furnished to employees under sub-section (2) of section 84

133. (1) The occupier shall review once in every calendar year and modify, if necessary, the information furnished to the employees, Inspector-cum-Facilitator and the Chief Inspector-cum-Facilitator.
- (2) In the event of any change in the process or operations or methods of work or when any new substance is introduced in the process or in the event of a serious accident taking place, the information so furnished shall be reviewed and modified to the extent necessary.

Confidentiality of information under clause (zzq) of sub-section (2) of section 133

134. (1) The occupier of a factory carrying on a 'Hazardous Process', shall disclose all information needed for protecting safety and health of the employees to-
- (a) his workers, and
- (b) Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator having jurisdiction,

as required under these rules. If the occupier is of the opinion that the disclosure of details regarding the process and formulations will adversely affect his

business interests, he may make a representation to the Chief Inspector-cum-Facilitator stating the reason for withholding such information. The Chief Inspector-cum-Facilitator shall pass an order on the representation after giving an opportunity to the occupier of being heard.

- (2) An occupier aggrieved by an order of the Chief Inspector-cum-Facilitator may prefer an appeal to the State Government within a period of thirty days and the State Government may after giving an opportunity to the occupier of being heard shall pass an order and the order of the State Government shall be final.

Medical Examination under sub-section (a) of section 85

135. (1) Employees employed in a 'hazardous process' shall be medically examined by a qualified medical practitioner, hereinafter referred to a Factory Medical Officer, in the following manner:

(a) once before employment, to ascertain physical fitness of the person to do a particular job ;

(b) once in a period of 6 months, to ascertain the health status of all the workers in respect of occupational health hazards to which they are exposed, and at a shorter interval in respect of a worker in whose case the Factory Medical Officer is of the opinion that it is necessary to do so ;

(c) the details of pre-employment and periodical medical examinations carried out as aforesaid shall be recorded in the Health Register in Form-7.

- (2) No person shall be employed for the first time without a certificate of fitness in Form-8 granted by the Factory Medical Officer. If the Factory Medical Officer declares a person unfit for employment in a process covered under sub-rule (1), he shall have the right to appeal to the Inspector-cum-Facilitator of the area who after consultation with a Medical Officer shall decide the appeal which shall be final in this regard.

- (3) Any finding of the Factory Medical Officer revealing any abnormality or unsuitability of any person

employed in the process shall, in turn, examine the concerned worker and communicate his findings to the occupier within 30 days. If the Medical Officer is of the opinion that the worker so examined is required to be taken away from the process for health protection, he will direct the occupier accordingly, who shall not employ the said worker in the same process. However, the worker so taken away shall be provided with alternative placement unless he, in the opinion of the Medical Officer is fully incapacitated in which case the worker affected shall be suitably rehabilitated.

- (4) A medical officer on his own motion or on a reference from an Inspector-cum-Facilitator may conduct a medical examination of a worker to ascertain the suitability of his employment in a hazardous process or to ascertain his health status. The opinion of the Medical Officer in such a case shall be final. The requisite fee for this medical examination shall be paid by the occupier.
- (5) The worker taken away from employment in any process under sub-rule (2) may be employed again in the same process only after obtaining the Fitness Certificate from the Medical Officer and after making entries to that effect in the Health Register.
- (6) The worker required to undergo medical examination under these rules and for any medical survey conducted by or on behalf of the Central or the State Government shall not refuse to undergo such medical examination.
- (7) A copy of the medical records and reports shall be provided to the concerned worker free of cost.

Qualification and experience of the qualified persons under clause (b) of section 85

136. (1) All persons who are required to supervise the handling of hazardous substances shall possess the following qualification and experience:
 - (a) a degree in Chemistry or Diploma in Chemical Engineering or Technology with five years experience; or
 - (b) a Master's Degree in Chemistry or a degree in Chemical Engineering or Technology with two years experience;

- (2) The experience stipulated in sub-rule (1) above shall be in process operation and maintenance in a chemical industry.
- (3) The Chief Inspector-cum-Facilitator may require the supervisor to undergo training in Health and Safety. The syllabus and duration of the said training and the organisations conducting the training shall be approved by the Director General, Factory Advice Service and Labour Institutes (DGFASLI) or the State Government in accordance with guidelines issued by the Director General, Factory Advice Service and Labour Institutes.

Occupational Health Centres under sub-section (c) of section 85

137. (1) In respect of any factory carrying on 'hazardous process' there shall be provided and maintained in good order, an Occupational Health Centre with the services and facilities as per scale laid down hereunder:
 - (a) For factories employing up to 50 employees:
 - (i) the services of a Factory Medical Officer on retainership basis in his clinic which shall be notified by the occupier who shall carry out pre employment and periodical medical examinations as stipulated in rule 145 and render medical assistance during an emergency;
 - (ii) a minimum of 5 persons trained in first aid procedures of whom at least one shall always be available during the working period; and
 - (iii) a fully equipped first aid box in all the departments;
 - (b) For factories employing 51 to 200 employees:
 - (i) an Occupational Health Center having a room with a minimum floor area of 15 square metre with floors and walls made of smooth and impervious surface and with adequate illumination and ventilation as well as equipment as per the Schedule annexed to these rules;

(ii) a part time Factory Medical Officer shall be in overall charge of the Center who shall visit the factory at least twice in a week and whose services shall be readily available during medical emergencies;

(iii) one qualified and trained dresser-cum-compounder on duty throughout the working period; and

(iv) a fully equipped first aid box in all departments.

(c) For factories employing above 200 employees:

(i) one full-time Factory Medical Officer for factories employing up to 500 employees and one more Medical Officer for every additional 1000 employees or part thereof;

(ii) an Occupational Health Center having at least two rooms each with a minimum floor area of 15 square metre with floors and walls made of smooth and impervious surface and adequate illumination and ventilation as well as equipment as per the Schedule annexed to this rule;

(iii) one nurse, one dresser-cum-compounder and one sweeper-cum-ward boy throughout the working period; and

(iv) the Occupational Health Center shall be suitably equipped to manage medical emergencies.

(2) Within one month of the appointment of Factory Medical Officer, the occupier of the factory shall

furnish to the Chief Inspector-cum-Facilitator the following particulars:

- (a) name and address of the Factory Medical Officer;
- (b) qualifications;
- (c) experience, if any; and
- (d) sub-rule under which the Factory Medical Officer has been appointed.

(3) Equipment for Occupational Health Centre in Factories shall include:

- (a) a glazed sink with hot and cold water (must be always available);
- (b) a table with a smooth top of at least 180 cm x 105 cm;
- (c) means for sterilizing instruments;
- (d) a couch;
- (e) two buckets or containers with closely fitting lids;
- (f) a kettle and spirit stove or other suitable means of boiling water;
- (g) one bottle of spiritus ammonia aromaticus (120 ml.);
- (h) two medium sizes sponges;
- (i) two 'Kidney' trays;
- (j) four cakes of toilet soap, preferably antiseptic, soap;
- (k) two glass tumblers and two wine glasses;
- (l) two clinical thermometers;
- (m) two tea spoons;
- (n) two graduated (120 ml.) measuring glasses;
- (o) one wash bottle (1000 cc) for washing eyes;
- (p) one bottle (one litre) carbolic lotion in 20;
- (q) three chairs;
- (r) one screen;
- (s) one electric hand torch;
- (t) an adequate supply of tetanus toxoid;
- (u) coramine liquid (60 ml.);
- (v) tablets -antihistamine, antispasmodic (25 each);
- (w) syringes with needles-2 cc and 10 cc;
- (x) two needle holders, big and small;
- (y) suturing needles and materials;
- (z) one pair of dressing forceps;
- (za) one pair of dressing forceps;

- (zb) one scalpel;
- (zc) one stethoscope;
- (zd) rubber bandage-pressure bandage;
- (ze) oxygen cylinder with necessary attachments;
- (zf) one blood pressure apparatus;
- (zg) one patella hammer;
- (zh) one Peak-flow meter for lung function measurement;
- (zi) one stomach wash set; and
- (zj) any other equipment recommended by the Factory Medical Officer relating to the specific manufacturing process;

(4) In addition to the equipments specified in sub-rule (3), an Occupational Health Centre of:

(a) Factories employing 51 to 200 employees, equipments shall include :-

- (i) four plain wooden splints of 900 mmx100mmx6mm;
- (ii) four plain wooden splints of 350 mmx75mmx6mm;
- (iii) two plain wooden splints of 250 mmx50mmx12mm;
- (iv) one pair of artery forceps ;
- (v) injections-morphia, pethidine, atropine, adrenaline, coramine, novacan (2 each); and
- (vi) one pair of surgical scissors;

(b) For factories employing above 200 workers, equipments shall include :-

- (i) eight plain wooden splints of 900mmx100mmx6mm;
- (ii) eight plain wooden splints of 350 mmx75mmx6mm;
- (iii) four plain wooden splints of 250mmx50mmx12mm;
- (iv) two pairs of artery forceps ;
- (v) injection-morphia, pethidine, atropine, adrenaline, coramine, novocan (2 each) ; and

(vi) two pairs of surgical scissors.

Ambulance van
under sub-
section (c) of
section 85

138. (1) In every factory carrying on a 'hazardous process' there shall be provided and maintained in good condition, a suitably constructed ambulance van equipped with items specified in sub-rule (2) of this rule and manned by a full time driver-cum-mechanic and a helper trained in first-aid, for the purposes of sickness. The ambulance van shall not be used for purposes other than the purpose stipulated herein and will normally be stationed at or near the Occupational Health Centre:

Provided that a factory employing less than 150 employees may make arrangements for procuring such facility at a short notice from a nearby hospital or other places to meet emergency.

(2) The ambulance van shall have the following equipment's :-

(A) General :

- (a) a wheeled stretcher with folding and adjusting devices with the head of the stretcher capable of being tilted upward ;
- (b) fixed suction unit with equipment ;
- (c) fixed oxygen supply with equipment ;
- (d) pillow with case, sheets, blankets towels ; and
- (e) emesis bag, bed pan, urinal, glass ;

(B) Safety equipments such as :-

- (a) flares with life of 30 minutes, flood lights ;
- (b) flash light, fire extinguisher-dry powder type ; and
- (c) insulated gauntlets.

(C) Emergency Care Equipments such as :-

(a) Resuscitation Equipments like :-

- (i) portion suction unit ; portable oxygen unit ;
- (ii) bag - valve-mask, hand operated artificial ;

- (iii) ventilation unit ;
- (iv) Airways ; mouth bags; tracheotomyadapters ;
- (v) short spine board, I. V. fluids with Administration unit ; and
- (vi) B. P. manometer ; Cugg ; stethoscope ;

(b) Immobilization Equipments :-

- (i) long and short padded boards wire ladder splints ; and
- (ii)triangular bandage ; long and short spine boards.

(c) Dressings like :-

- (i) gauze pads -4"x4" universal dressing 10"x36";
- (ii)roll of aluminium foils; soft roller bandages 6"x5" Yards ; adhesive tape in 3" roll; safety pins; and
- (iii)bandage sheets ; burn sheet ;

(d) Poisoning Equipments to deal with poisoning like:-

- (i) syrup of Ipecac; Activated Charcoal pre-packeted in doses; snake bite kit; and
- (ii) drinking water;

(e) Emergency medicines as per requirement (under the advice of qualified medical practitioner only):

Decontamination facilities under sub-section (c) of section 85

139. In every factory carrying out hazardous process the following provisions shall be made to meet an emergency:

- (a) fully equipped first aid box;
- (a) readily accessible means of water for washing by employees as well as for drenching of clothing of employees who have been contaminated with hazardous and corrosive substance; and such means shall be as per the scale shown in the table below:

Number of persons employed at any time	Number of drenching showers
(i) Up to 50 employees	2
(ii) Between 51 and 200 employees.	2+1 for every additional 50 or part thereof
(iii) Between 201 and 500 employees	5+1 for every additional 100 or part thereof
(iv) 501 employees and above.	8+1 for every additional 200 or part thereof.

- (c) sufficient number of eye wash bottles filled with distilled water or suitable liquid, kept in boxes or cupboards conveniently placed and clearly indicated by a distinctive sign which shall be easily available at all times.

Availability of health records to employees under sub-section (c) of section 85

140. (1) The occupier of every factory carrying out a "hazardous process" shall make accessible the health records, including the record of worker's exposure to the hazardous process or, as the case may be, the medical records of any worker for his perusal under the following conditions:
- (a) once in every six months or immediately after the medical examination, whichever is earlier ;
- (b) if the Factory Medical Officer or the Medical Officer, as the case may be, is of the opinion that the worker has manifest signs and symptoms of any noticeable disease as specified in the Third Schedule to the Code ;
- (c) if the worker leaves the employment ;
- (d) if any one of the following authorities, so direct -
- (i) the Chief Inspector-cum-Facilitator ;
- (ii) the Health Authority of the Central or State Government ;
- (iii) Commissioner of Workmen's Compensation ;

(iv) the Director General, Employees' State Insurance Corporation ;

(v) The Director, Employees State Insurance Corporation (Medical Benefits) ; and

(vi) the Director General, Factory Advice Service and labour Institute.

- (2) A copy of the updated health records including the record of employees exposed to hazardous process or, as the case may be, the medical records, shall be supplied to the worker on receipt of an application from him. X-ray plates and other medical diagnostic reports may also be made available for reference to his medical practitioner.

Issuance of guidelines under sub-section (c) of section 85 141. For the purposes of compliance with the requirements of section 84 or of section 85, the Chief Inspector-cum-Facilitator may, if deemed necessary, issue guidelines from time to time to the occupiers of factories carrying on 'hazardous process'. Such guidelines may be based on national standards, Code of practice or recommendations of international bodies such as International Labour Organization and World Health Organisation.

Permissible limits of exposure of chemical and toxic substances under Section 88 142. (1) The maximum permissible threshold limits of exposure of chemical and toxic substances in manufacturing processes (whether hazardous or otherwise) in any factory shall be of the value indicated in Schedule-III.

- (2) The State Government may, at any time, for the purpose of giving effect to any scientific proof obtained from specialized institutions or experts in the field, by notification in the Official Gazette, make suitable changes in the said Schedule.

Appeal under section 90 143. Occupier of any factory aggrieved by an order made by Inspector-cum-Facilitator or the Chief Inspector-cum-Facilitator may, within fifteen days from the date on which the order is communicated to him, make an appeal, setting

forth concisely the grounds of objection to the order and bearing court-fees stamp in accordance with Article 11 of Schedule II to the Court Fees Act, 1870, and shall be accompanied by a copy of the order appealed against, to the nominated Appellate Authority who shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible:

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of fifteen days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Persons in 144. (1) The employees, who are not covered under section 2(1)(zzl) and the employees who are holding a supervisory, managerial or confidential positions under clause (a) of sub-section (1) of section 91

The employees, who are not covered under section 2(1)(zzl) and the employees who are holding a confidential position in a factory, provided that they are not required to perform manual labour as regular part of their duties and the ordinary wage exceeds the wage limit specified in sub-section(6) of Section 1 of the Payment of Wages Act, 1936 as amended from time to time or specified in equivalent Code, the provisions under section 27 and rule made thereunder shall be exempted to such an extent as specified below:

- (a) such employees shall be provided not less than such equivalent hours as compensatory off/holiday against extra hours or overtime so worked; or
- (b) wages not less than the rate of normal wages in respect of such extra hour of work shall be paid; or
- (c) any equivalent of sub-clause (a) and (b):

Provided that such employees may be called at any time for any work under emergency circumstances which might lead to endangering the life of the employees or general public in vicinity.

- (2) For employees mentioned in the sub-rule (1), the provisions of Chapter-V of these Rules shall not apply and normal daily hours work may exceed 8 hours subject to weekly hours limit.
- (3) The following persons in factories, other than sugar factories, shall be deemed to hold positions of supervision or management, provided they are not required to perform manual labour as regular part of their duties:-

- (a) Manager;
 - (b) Assistant Manager;
 - (c) Mill Secretary;
 - (d) Deputy Mill Secretary;
 - (e) Labour Officer;
 - (f) Security Officer;
 - (g) Heads of Technical Department;
 - (h) Engineers;
 - (i) Assistant Engineers;
 - (j) Foreman ;
 - (k) Assistant Foreman;
 - (l) Chageman ;
 - (m) Overseers ;
 - (n) Jobbers in Textile Factories;
 - (o) Supervisors;
 - (p) Shift Officer;
 - (q) Shift In charge;
 - (r) Paper makers;
 - (s) Head Storekeepers provided they are employed solely in a supervisory capacity; and
 - (t) any other person, who in the opinion of the State Government holds a position of supervision or management and is so declared by it in writing by way of an order.
- (4) In sugar factories, the following persons shall be deemed to hold positions of supervision or management:-
- (a) The General Manager;
 - (b) The Manager;
 - (c) The Mill Secretary;
 - (d) The Deputy Mill Secretary;
 - (e) The Cane, Manager;
 - (f) The Cane Superintendent, where there is no Cane Manager;
 - (g) The Chief Chemist;
 - (h) The Labour Welfare Officer;
 - (i) The Chief Engineer;
 - (j) The Secretary to the Managing Agent or the Personal Assistant to the General Manager;
 - (k) The Cane Development Officer;
 - (l) Heads of Commercial Department, like accounts, purchase, store, legal catering, etc.; and
 - (m) any other person who, in the opinion of the State Government, holds a position of supervision or management and is so declared by it in writing by way of an order.

(5) The following persons shall be deemed to hold confidential positions in a factory:

- (a) Stenographers;
- (b) Personal Assistants;
- (c) Personal Secretaries;
- (d) Office Superintendent;
- (e) Head Clerk, where there is no Office Superintendent;
- (f) Head Munim where there is no Office Superintendent or Head Clerk;
- (g) Head Accountant;
- (h) Head Cashier;
- (i) Cashier;
- (j) Head Time-keeper;
- (k) Telephone Operator;
- (l) Receptionist; and
- (m) any other person, who in the opinion of the State Government, holds a confidential position and is so declared in writing by it by way of an order.

(6) The list of all persons mentioned in sub-rules (1), (2) and (3) shall be kept and maintained in a register in Form-46.

Inspection Book under clause (zzq) of sub-section (2) of section 133

145. (1) The employer or the manager of every factory shall maintain a bound Inspection Book. The Inspection Book shall be of the size 13"x8-1/2". It shall contain at least 180 sheets.

(2) Every fourth sheet thereof shall be serially numbered and the two unnumbered sheets, between each two serially numbered sheets, shall have a vertical perforated straight line on the left-hand side at a margin of 1".

(3) The occupier/ employer shall keep Form-42 up to date in inspection book.

Record of Inspection under clause (zzq) of sub-section (2) of section 133

146. A note of all defects and irregularities discovered at the time of inspection by an Inspector-cum-Facilitator, or a Medical Officer, shall be prepared by him, in triplicate in the inspection book, giving reference to relevant sections of the Code and Rules, the breach of which has been committed.

**PART-VI
PLANTATION**

Housing
accommodation
under clause (a)
of sub-section (1)
of section 92

147. (1) Every employer shall provide for every worker and his family residing in a plantation, rent free housing accommodation as near as possible to the place of work. It shall be open to an employer to provide such accommodation in the course of several years provided that houses shall be built at least twenty-five per cent of the resident workers every year.
- (2) All housing accommodation for workers in a plantation shall have separate rooms for women employees. Effective and suitable provisions shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting. The rooms or other suitable alternative accommodation shall be of such dimensions so as to provide at least a floor area of ten square meters, excluding area of the kitchen and toilets, for each person making use of the room. The accommodation shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.
- (3) The housing accommodation shall be provided on dry well-drained land which, consistent with the requirements regarding distance from the plantation, has supplies of wholesome drinking water within a reasonable distance. In malarial tracts the houses shall be provided at a safe distance from the swamps and marshes and above the highest flood level.
- (4) Adequate lighting arrangements shall be provided in and around the area in which housing accommodation is provided.
- (5) The employer shall maintain in good condition the approach roads and paths to the area where houses are located as also the sewers and drains in that area.
- (6) The employer shall not deny to the public free access to those parts of the plantation where the workers are housed.

- (7) The employer shall cause the vicinity of all houses to be kept clear of refuse and excreta and the latrines and drains to be cleaned out daily and all refuse in or near them to be collected, removed and disposed of hygienically.
- (8) With a view to showing the progress made in providing houses every employer shall submit to the Chief Inspector-cum-Facilitator of Plantations a report in Form-47 by July 31st of every year.

Maintenance of houses under clause (a) of sub-section (1) of section 92

148. (1) The employer shall, at his own expense, execute such repairs to the houses as may be required from time to time and maintain the houses in fit and safe condition for occupation.
- (2) A worker occupying a house may, and an Inspector-cum-Facilitator appointed under the Code and rules made thereafter, shall bring to the notice of the employer any defect in the condition of a house which made it dangerous to the health and safety of the workers. Where an Inspector-cum-Facilitator so brings such defects to notice, it shall be the duty of the employer to rectify them without any delay.
- (3) The employer shall get all the houses lime-washed at least once every year and all the doors, windows and other wooden structure varnished or painted once in three years. A record of dates on which lime-washing or painting was carried out shall be maintained by the employer as specified by State Government by general or special order.

Allotment and occupation of houses under

149. (1) No rent shall be charged by an employer for the housing accommodation provided to workers and their families residing in his plantation.

clause (a) of sub-section (1) of section 92

- (2) Houses shall be allotted on the basis of one house for a worker having a family for the use of the worker and his family:

Provided that if there are two or more workers in a family only one house shall be allotted in respect of any such family in the name of any worker in the family:

Provided further that in case, of termination of services of a worker in whose name a house is allotted under the preceding proviso, the house shall be allotted in the name of any other member of his family who is a worker.

- (3) The person living in the house will not make any unauthorized construction or alteration in the house.
- (4) The occupant of a house shall not make any unauthorized additions to or alterations in the house.
- (5) The occupant of a house shall not exchange the house with the occupant of another house except with the written permission of the employer.
- (6) The occupant shall not let the house or any portion thereof to any person.
- (7) All workers and members of their families occupying the houses shall use the latrines provided and shall not pollute the soil and shall keep the houses and the precincts thereof clean and tidy and shall not waste drinking water.
- (8) No cattle or goats shall be kept in the living rooms or verandahs and no windows or air spaces shall be blocked up.
- (9) The employer shall bring to the notice of each worker to whom housing accommodation has been provided the conditions governing the occupation of such accommodation in writing in a language which the latter can understand.

Occupation of accommodation after termination of employment

150. (1) When a worker dies in the service of the employer or retires or goes on transfer, or resigns, or goes on leave or when his services are terminated, he or his family may retain the house up to the period as detailed below:

under clause (a)
of sub-section (1)
of section 92

- (a) in the case of death, transfer or termination of service, for a period not exceeding two months;
- (b) in the case of retirement or resignation, for a period not exceeding one month;
- (c) in the case of leave, for the period of leave; and
- (d) in the case where discharge or dismissal of a worker results in an industrial dispute, for so long as the case is not finally disposed of.

(2) If, on the application made to Inspector-cum-Facilitator having jurisdiction of the area where such housing accommodations are located, the Inspector-cum-Facilitator is satisfied that a worker or any member of his family refuses to vacate the house allotted to such worker after the expiry of the period specified in sub-rule (1), he may, notwithstanding any other law for the time-being in force, by notice served,

- (a) by post; or
- (b) by affixing a copy of it on the outer door or some other conspicuous part of such house; or
- (c) by any other means of serving the notice as prescribed under The Bhartiya Nagrik Suraksha Sanhita, 2023

after giving proper opportunities of being heard from such worker or a member of his family or any other person who may be in occupation of the whole or any part of the house, shall pass an order to vacate it within one month of the date of service of such order.

(3) In the event of the failure of the worker or any other person who is in occupation of the house to comply with the order under sub-rule (2), the Inspector-cum-Facilitator may make written requisition to the officer not below the rank of a sub-divisional magistrate, having jurisdiction over the area to evict such worker, member or other person from the house.

(4) On receipt of requisition under sub-rule (3), the sub-divisional magistrate specified in sub-rule (3) shall execute the order passed by Inspector-cum-Facilitator and shall ensure the eviction of such member or other person and shall handover the possession of the house to the employer. The sub-divisional magistrate may for this purpose, use such force as may be necessary:

Provided that before executing such order of eviction, a copy of the order of eviction shall be served on the worker or a member of the family or any other person in occupation of the said house.

Drinking Water under clause (a) of sub-section (1) of section 92

151. (1) An adequate supply of drinking water shall be made available in every plantation at every sites, at all times during working hours.
- (2) Drinking water shall not be supplied from any open well or reservoir unless it is so constructed, situated, protected and maintained as to free the possibility of pollution by chemical or bacterial and extraneous impurities.
- (3) Where drinking water is supplied from such well or reservoir, the water in it shall be sterilized periodically as required by the Inspector-cum-Facilitator by written order, and the date on which sterilizing is carried out shall be recorded: Provided that this requirement shall not apply to any such well or reservoir if the water therein is filtered and treated before it is supplied for consumption.
- (4) The Inspector-cum-Facilitator may, by order in writing, direct the employer to obtain at such time or at such intervals as he may direct, a report from the Health Officer or the Medical Officer, regarding the fitness for human consumption of the water supplied to workers and in every case shall submit to the Inspector-cum-Facilitator a copy of such report as soon as it is received from the Health Officer or Medical Officer.
- (5) Drinking water shall be supplied at work sites at conveniently accessible points through paniwalas or by tankers, etc.

Latrine accommodation under clause (a) of sub-section (1) of section 92

152. (1) Latrine accommodation shall be provided in every plantation on the scale of one latrine for every fifty acres of the area under cultivation or part thereof.

Provided that there shall be at least one latrine each for either sex.

- (2) The latrine shall be conveniently situated and shall have exclusive access for either sex.

- (3) The walls, ceilings and partitions of every latrine and urinal shall be white- washed and colour-washed and the white-washing or colour-washing shall be repeated at least once in every period of four months.
- (4) The latrine should conform to public health requirements and latrines other than those connected with an efficient water-borne sewage system, shall comply with the requirements of the Public Health authorities.
- (5) Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.
- (6) Where workers of both sexes are employed, there shall be displayed outside each latrine or latrine block, a notice in Hindi and also in the language understood by the majority of workers "For Men Only" or "For Women only", as the case may be. The notice shall also bear the figure of a man or of a women, as the case may be.
- (7) Where piped water supply is available, a sufficient number of water taps, conveniently accessible shall be provided in or near such latrine accommodation:

Provided that if piped water supply is not available, sufficient quantity of water shall be kept stored in suitable receptacles near the latrines.

Urinal accommodation under clause (a) of sub-section (1) of section 92

153. (1) Urinal accommodation shall be provided on the scale of one urinal for every 10 acres of the area under cultivation or part thereof. The urinals shall be conveniently situated for both males and females and shall be exclusive for either sex.
- (2) Urinals should conform to public health requirements, urinals other than those connected with an efficient water-borne sewage system shall comply with the requirements of the Public Health authorities.

Construction and maintenance of drains under clause (a) of sub-section (1) of section 92

154. All drains carrying waste or sullage water shall be constructed in masonry or other impermeable materials and shall be regularly flushed, and the effluent shall be disposed of by connecting such drains with a suitable drainage line :

Provided that where there is no such drainage line, the

effluent shall be deodorized and rendered innocuous and then disposed of in a suitable manner to the satisfaction of the Health Officer.

Creches under clause (b) of subsection (1) of section 92

155. (1) In every plantation wherein thirty or more women workers are employed or were employed on any day of the preceding twelve months, the employer shall provide and maintain a creche or creches for the use of their children who are below the age of six years according to the standards laid down in these rules.
- (2) Every creche shall be conveniently accessible to the mothers of the children accommodated therein.
- (3) There shall be not less than 15 square feet of floor area for each child to be accommodated in a creche.
- (4) The building in which the creche is situated shall be of sound construction with a good plinth.
- (5) The plan of the creche building shall be in accordance with the standard plan or plans laid down by the Chief Inspector-cum-Facilitator

Provided that where no standard plan has been laid down or where it is proposed to deviate from a standard plan, the Chief Inspector-cum-Facilitator approval shall be obtained.

- (6) The creche shall be furnished with suitable furniture and a cradle for each child below the age of two.
- (7) A suitably fenced and shady open air playground shall be provided for the older children.
- (8) The employer shall appoint—
- (a) a women as Creche-in-charge to look after children during the absence of their mothers, who shall possess such qualifications and training as may be approved by the State Government; and
- (b) such other staff on a scale approved by the said authority.
- (9) There shall be in or adjoining the creche a suitable washroom and toilet.

- (10) At least half a pint of clean pure milk if possible otherwise powdered milk approved by the Medical Officer shall be made available for each child on every day such child is accommodated in the creche and the mother of such child shall be allowed in the course of her daily work two intervals of sufficient time to visit the creche and feed the child. For children above two years of age there shall be provided in addition to the above, an adequate supply of wholesome refreshment.
- (11) The creche staff shall be provided with suitable clean clothes for use while on duty in the creche.
- (12) An adequate supply of clean clothes, soap and oil shall be made available for each child while such child is in the creche.
- (13) Subject to provisions of the above mentioned sub-rules, a group of employer may jointly provide and maintain creche and share its expenses.

Educational facilities for workers' children under clause (c) of sub-section (1) of section 92

156. (1) Every employer shall, if the number of workers' children between the ages of 6 and 12 in his plantation exceeds 25, provide and maintain a primary school or schools for imparting primary education to the children:

Provided that an employer may not provide and maintain a primary school if there is one under the direct management of the State Government or of any local body for imparting free education to the children up to the primary or higher standard, with enough seats to admit the children between the ages of six and twelve of the workers in his plantation and within a distance of one mile from the place where workers reside in his plantation, or if under any other law he is required to pay a cess or tax for primary education:

Provided further that subject to the provisions of these rules, a group of employers may jointly provide and maintain a primary school and share its expenses.

- (2) Every school to be provided and maintained under these rules, shall be conveniently situated within a distance of one mile from the workers' quarters.

- (3) The school building shall be constructed in accordance with the standard plan or plans which may be laid down by the State Government:

Provided that where there is no standard plan or where it is proposed to deviate from a standard plan, the State Government's approval of the plan of the school building shall be obtained.

- (4) Where adequate space is available, an open air playground with suitable accessories shall also be provided for the children attending the school.

- (5) The employer or employers, as the case may be, shall provide for every primary school maintained under these rules, such educational and other equipment as may be considered necessary by the State Government.

- (6) The employer or employers concerned shall appoint one teacher for every forty children attending the primary school. The teacher shall possess the qualifications prescribed by the State Government for teachers in Government primary schools:

Provided that in the case of any person who is working as a school teacher in a plantation at the commencement of these rules, the State Government may, subject to such conditions as it may specify, relax any of the qualifications.

- (7) The curriculum, duration, standard and syllabus of the course of instruction to be imparted in the primary school shall be such as may be approved by the State Government.

- (8) No fees shall be charged from the workers' children attending the primary school.

Health facilities under clause (d) of sub-section (1) of section 92

157. The plantation workers shall be provided with adequate medical facilities as notified by State Government in consultation with the Department of Medical Health and Family Welfare from time to time.

Recreation Facilities under

158. (1) Every employer shall provide and maintain:-

clause (e) of sub-section (1) of section 92

(a) a recreation centre or centres for workers with provision for indoor games suitable for adult and child workers;

(b) where adequate flat open space is available within a reasonable distance, a playground or playgrounds for adult and child workers with necessary sports equipment for outdoor games:

Provided that subject to the provisions of these rules, a group of employers may with the approval of the Chief Inspector-cum-Facilitator, provide and maintain joint recreation centres and playgrounds and share their expenses.

(2) Every recreation centre to be provided and maintained under these rules, shall be conveniently situated as near as possible to the worker's quarters.

Use and handling of hazardous chemicals, insecticides, pesticides and toxic substances in the plantation under sub-section (2) of section 93

159. (1) No adolescent worker shall be engaged in any activity or work where, they are likely to be exposed to the use, handling, storage and transportation of hazardous chemicals, insecticides, pesticides, hazardous substances and other toxic substances:

Provided that women workers may be employed with their consent to work subject to the following conditions :-

(a) International Safety standards shall be adopted by the occupier for providing Occupational Safety and Health (OSH).

(b) The occupier shall, as far as possible, modernise the above processes/places from time to time and will use modern equipments.

(c) Women workers those are feeding mother shall be exempted from the Employment.

(2) The employer shall ensure the regular health checkup of all women and adolescent worker engaged in any activity or work of plantation as prescribed under Rule-66 and shall keep the records as mentioned in Rule-66 of these rules.

**Appointment
and qualification
of supervisors
under sub-
section (3) of
section 93**

160. (1) For the purposes of sub-section (3) of section 93, the employer shall appoint one or more persons as supervisors, having the following qualifications to supervise the use, handling, storage and transportation of insecticides, chemicals and toxic substances in his plantation.
- (2) The supervisors appointed under sub-rule (1) shall have the following qualifications, namely-
- (a) he shall be a graduate in agriculture or in any science or he shall possess a certificate course on handling of chemicals and toxic substances conducted by the institute recognised by the Government of Uttarakhand or having an equivalent degree conferred by any institution established and recognised under the law;
 - (b) he shall be given training from a designated training institute; and
 - (c) he shall also possess valid certificate from Red Cross society or Saint John's Ambulance Association or any other institution as recognised by the State Government for this purpose, for giving first aid treatment to workers.
- (3) The supervisor shall-
- (a) advise the employer on health and safety issues;
 - (b) be responsible for storage of equipment's, chemicals, insecticides etc;
 - (c) be responsible for co-ordination and transportation of chemicals, insecticides and personnel involved in the above process;
 - (d) be responsible for reporting any incident and/or accident involving chemicals due to use of insecticide spraying;

- (e) ensure good relation with the workers and their representatives;
- (f) ensure the correct use of chemicals and its spraying where spraying of chemical scours;
- (g) ensure that protective clothing and dust mask are provided to the spraying personnel and make sure that they are using it during their duty time;
- (h) ensure correct use of safety procedure and control of quality spraying;
- (i) keep people, especially children away from danger of exposure to spraying;
- (j) note the quantity of chemicals and insecticides prepared as and when it issued;
- (k) monitor storage, usage and disposal of chemicals by the labourers of plantations.

Training of workers under sub-section (4) of section 93

161. The employer shall organize training in handling chemicals, insecticides and toxic substances and also adopt safety precautions in handling equipment's provided to the workers. The training programme shall be organized on the following matters, namely,-

- (a) Procedure involved in handling ,mixing ,blending and applying of insecticides, chemical and toxic substances;
- (b) Control the quality of the spraying and the quality of the solution used;
- (c) To see that the equipment is well maintained and cleaned after work;
- (d) Method of transferring the insecticide to the spraying machine;
- (e) Keeping people, especially children away at the time of spraying;
- (f) Manner in which the chemicals and insecticides are to be stored;

- (g) Manner of mixing the chemicals to prepare the insecticide solution;
- (h) The use of protective clothing and mask at the time of spraying;
- (i) Training on the hazards involved in different operations: The procedure regarding the spillage of insecticides, chemicals and toxic substances.

Medical examination of plantation workers under sub-section (5) of section 93

162. (1) Every employer of a plantation shall arrange to conduct free of cost medical examination compulsory for all the employees, who are exposed to insecticides, pesticides, chemicals and toxic substances which are used, handled, stored or transported in a plantation, at an interval of not more than ninety days by a Medical Officer or Medical practitioner appointed under the Code:

Provided that if any person shows symptoms of poisoning or symptoms of any contagious disease shall be immediately examined and properly treated.

- (2) The employer shall report immediately to the Chief Medical Officer of any accident caused due to use, handling, mixing, blending, storage and transportation of such substances immediately.
- (3) In all cases of poisoning, first-aid treatment shall always be given before the physician is called. The Indian Standard Guide for handling cases of pesticide poisoning Part-I, First-Aid Measures [LS 4015 (Part-II) – 1967] shall be consulted for such first-aid treatment in addition to any other book on the subject. The workers shall also be educated on the effects of poisoning and the first-aid treatment to be given.
- (4) Workers engaged in spraying work shall be changed and replaced by another batches of workers after they have worked for a period of three months.

Records of Medical examination of

163. (1) The records of medical examination conducted under rule- 66 and rule- 162 shall be kept in accordance with the provisions and forms as laid down under Form-7.

plantation
workers under
sub-section (6) of
section 93

- (2) A copy of such medical report shall be provided to the concerned worker and medical records, as maintained under Form-7, and the employer shall make such provisions that concerned workers may have the access to these registers easily.

Washing, bathing
and cloak room,
protective
clothing and
equipments
facilities under
clause (a) and
clause (b) of sub-
section (7) of
section 93

164. The washing, bathing and cloak-room facilities shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in the following manner:

- (a) a trough with a smooth impervious surface fitted with a waste pipe with plug, and of sufficient length to allow at least two feet for every ten persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet; or
- (b) at least one wash basin for every ten such persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of water together with, in either case, a sufficient supply of nail brushes, soap or other suitable cleansing material and clean towels changed daily;
- (c) suitable accommodation for clothing not worn during working hours with adequate arrangements for drying the clothing, if wet. The accommodation so provided shall be placed under the charge of a responsible person;
- (d) no food, drink or eatables including pan, supari or tobacco shall be brought into or consumed by any worker either at the workplace or at the washrooms;
- (e) every worker handling insecticides during transportation or application shall be adequately protected with appropriate clothing;
- (f) the protective clothing shall be used wherever necessary in conjunction with appropriate respiratory devices for preventing inhalation of toxic dusts, vapours or gases;
- (g) no worker shall be allowed to dilute chemical solutions to be used for spraying nor allowed to spray without using gauntlets, dustproof hats, hood, goggles, knee length polythene apron, rubber gloves, rubber boots (gum boots) with socks, nose mask or bleached kerchiefs to cover nose and mouth;

Display of Notice
indicating
hazards of
insecticides,
pesticides,
chemicals and
toxic substances
under sub-
section (9)
section 93

165. Every employer of a plantation shall exhibit precautionary notice at or near the place where the insecticides, chemicals and toxic substances are handled-
- (h) lenses of goggles shall be of good quality;
 - (i) rubber or rug-pad shall be used on the back to minimise the jerking of spraying machines;
 - (j) every worker engaged in spraying shall be provided with a bar of washing soap every fortnight;
 - (k) the equipment used for spraying as well as protective clothing and other equipment shall be maintained properly and replaced whenever necessary immediately.
- (i) Use protective clothing like overalls, gloves, rubber gum-boots and wide brimmed hats.
 - (ii) Do not wear clothes contaminated with insecticides and pesticides.
 - (iii) Clean the protective clothing by washing with soap and water.
 - (iv) Do not allow children, sick persons and pregnant women and nursing mothers to handle insecticides and pesticides.
 - (v) Do not eat, drink, smoke or chew while handling insecticides and pesticides.
 - (vi) Never blowout clogged nozzles with your mouth.
 - (vii) Do not use leaking sprayers. Avoid contamination of the skin, mouth and eyes.
 - (viii) Do not inhale the insecticides unattended in the fields.
 - (ix) Never spray insecticides and pesticides against the wind.
 - (x) Do not leave insecticides and pesticides unattended in the fields.
 - (xi) Do not allow humans and livestock to enter the insecticides and pesticides sprayed fields for a period of time suggested by the manufacturers.

- (xii) Do not wash insecticides and pesticides containers near a well or running stream.
- (xiii) Keep clean water, soaps and towels ready for use.
- (xiv) Wash hands and exposed skin thoroughly with soap and water before eating, drinking or smoking or chewing after work.
- (xv) Keep the insecticides and pesticides locked in the store room and out of reach of children and other unauthorised persons.
- (xvi) Do not enter the spread fields. Follow the re-entry periods for all insecticides and pesticides, including herbicides, suggested by the manufacturers.
- (xvii) Keep insecticides and pesticides in their original labelled containers.
- (xviii) Do not decant insecticides and pesticides into and label containers, except for immediate use.
- (xix) Dispose the containers safely after thoroughly emptying and washing. They may be buried in a place away from the water source.
- (xx) Never use the container for any other purposes, if it is impossible to remove the traces of insecticide and pesticides from the containers.

CHAPTER-X OFFENCES AND PENALTIES

Manner of inquiry under sub-section (1) of section 111

166. The Inquiry Officer appointed by the State Government under sub-section (1) of section 111 shall, within his jurisdiction, conduct an inquiry in the manner prescribed by the Central Government under this section for imposing penalties under sub-section (3) of section 12, section 94, section 96, section 97, section 99, section 106 and sub-section (3) of section 114.

Form, fee and manner of for appeal under sub-section (3) of section 111

167. Any person may, within a period of sixty days from the date of receipt of a copy of the order against the penalty imposed under sub-section (2) of section 111, prefer an appeal to the appellate authority appointed by the State Government under sub-section (3) of section 111, accompanied by the following documents:-

- (a) the order appealed against;
- (b) a non-refundable fee equivalent to five percent, of the amount of penalty levied on under such appeal;
- (c) a statement of points in dispute;
- (d) documentary evidence relied upon.
- (e) relief sought.

Manner of 168.
compounding of
offences under
sub-section (1) of
section
114

- (1) The Notified Officer, hereinafter referred to as the Compounding Officer, for the purposes of compounding of offences under sub-section (1) of section 114 shall issue electronically or otherwise a compounding notice in Form-48 for the offences for which are compoundable under section sub-section (1) of section 114 to the accused person.
- (2) The person so noticed may apply to the compounding officer electronically or otherwise and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.
- (3) The Compounding Officer shall issue a composition certificate within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice and if the prosecution has not been instituted against the accused, no complaint for prosecution shall be instituted against the accused.
- (4) If the offence is compounded after the institution of prosecution, the Compounding Officer shall send a request to the state government for taking appropriate action for discharging the accused and closing the prosecution.
- (5) If a person so noticed fails to deposit the composition amount within the one months before the institution of prosecution, the prosecution shall be proceeded with before the competent Court.
- (6) No prosecution shall be instituted without giving an opportunity to the employer to comply with such provisions subjected to proviso of sub-section (1) of section 110 and compounding as under section 114.
- (7) The Compounding Officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

**CHAPTER-XI
SOCIAL SECURITY FUND**

Other sources of social security funds under sub-section (2) of section 115 169. The other sources of social security fund under sub-section (2) of section 115 shall be the same as specified in the Uttarakhand Social Security Code Rules, 2026 under sub-section (5) of section 141 of the Social Security Code, 2020.

Manner of Administered and Expenditure of social security funds under sub-section (3) of section 115 170. The manner of administration and expenditure of the Social Security Fund under sub-section (3) of section 115 shall be the same as specified in the Uttarakhand Social Security Code Rules, 2026 under sub-section (5) of section 141 of the Social Security Code, 2020

**CHAPTER-XII
MISCELLANEOUS**

Form, fee and manner of application for a general license for contractors, factories and industrial premises etc.under clause (a) of sub-section (2) of section 119 171. The person seeking common license under section 119 of the Code, shall make an application electronically on the specified web-portal of Department of Labour, Government of Uttarakhand to designated authority in Form-49 along with with the applicable fees as per Rule-71, Rule-72 and Rule 109.

Manner to grant common license under sub-section (3) of section 119 172. (1) On receipt of an application designated authority shall investigate or cause to be investigated to his satisfaction about the correctness of the facts and particulars furnished in the application and other documents submitted along with it.

(2) The authority nominated for such inquiry under sub-rule (1) may obtain a report from any other officer, who shall submit his report within a period of fifteen days.

(3) After examining the application and the reports, if the authority is satisfied that the common license may be issued, he shall issue the same within a period of forty-

five days from the receipt of such application in Form-50.

- (4) Any licence obtained by providing wrong information shall be liable to be cancelled provided that person has been given an opportunity to show cause, electronically or by registered post, as to why the licence should not be cancelled.

Appeal under sub-section (6) of section 119

173.

- (1) Any person aggrieved by an order passed by the authority under Section 119, may file within thirty days from the date of the order, an appeal electronically to Appellate Authority and in such manner and with such fee as mentioned in sub-rule (2).

- (2) The appeal shall be accompanied with—

- (i) the order appealed against;
- (ii) a non-refundable fee equivalent to twenty percent, of the fees deposited to obtain common license;
- (iii) a statement of points in dispute;
- (iv) documentary evidence relied upon.
- (v) relief sought.

- (3) Appellate Authority shall dispose the appeal electronically within a period of thirty days from filing of such appeal.

method of survey under sub-section (1) of section 121

174.

the main object of the survey to be conducted under sub-section (2) of section 121 shall be to analyses the safety standards at the workplace, the spread of diseases or the causes of accidents and the survey shall be conducted in the following manner:-

- (1) The employer shall be informed in writing or electronically at least 24 hours before starting the survey, but in case of emergency the workplace can be inspected without prior notice.
- (2) The survey shall collect information from various stakeholders, including employers, employees, and people living nearby. This may involve digital forms, interviews, or physical inspections of the workplace.
- (3) Take samples of the workplace environment (such as noise, ventilation, dust or chemical emissions) and have them tested by an authorised laboratory.

- (4) The survey report shall be similar to an investigation report and shall contain the conclusive findings of the survey along with recommendations for improving the occupational safety and health conditions for prevention of accidents or hazardous occurrences or occupational diseases and suggestions for its implementation for compliance.

Uploading on the official website of the department

175. These rules shall be uploaded on the official website of the Labour Department within one month from the date of their final notification.

Repeal and Saving

and 176.

(1) The Uttarakhand (U.P. Factories Rules, 1950 Adaptation and Modification Order, 2002, The Uttarakhand (U.P. Factories Welfare Officer Rules, 1955) Adaptation and Modification Order, 2002, The Uttarakhand (U.P. Factories Safety Officer Rules, 1984) Adoption and Modification Order, 2002, The Uttarakhand (U.P. Factories Control of Industrial Major Accident Hazards Rules, 1996) Adaptation and Modification Order, 2002, The Uttarakhand (U.P. Contract Labor (Regulation and Abolition Rules, 1975) Adaptation and Modification Order, 2002, The Uttarakhand (U.P. Inter-state Migrant Workmen Regulation of Employment and conditions of Service Rules, 1983) Adaptation and Modification Order, 2002 and The Uttarakhand Building and Other Construction Workers (Regulation of Employment and conditions of Service) Rules, 2005 shall be deemed to be repealed from the date of final notification of these rules.

(2) Notwithstanding such repeal, anything done or any action taken under the said Rules/Regulations shall be deemed to have been done or taken under the corresponding provisions of this Code/Rules.

(3) Without prejudice to the provisions of sub-rule (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply to the repeal of such rules.

By Order,

DR. SRIDHAR BABU ADDANKI,
Secretary.

SCHEDULE-I

(See sub rule (1) of Rule 4)

Sl No.	Section or rule under which competency is recognised	Qualifications required	Experience for the purpose	Facilities at his command
1	2	3	4	5
1	Rules made under Section 79 and Section 2(1)(f) Certificate of stability for buildings.	A degree in Civil or Structural Engineering or a degree equivalent thereto.	(i) A minimum experience of 10 years in the design or construction or testing or repairs of structures; (ii) Knowledge of non-destructive testing, various codes of practices that are current and the effect of the vibrations and natural forces on the stability of the building.	Requisite facilities and tools required for the purpose.
2	Rules made under Section 18(2)(f) Dangerous Machines'	A degree in Electrical or Mechanical or Textile Engineering or a degree equivalent thereto.	(1) A minimum experience of 7 years in— (a) design or operation or maintenance; or (b) testing, examination and inspection of relevant machinery, their guards, safety devices and appliances. (2) He shall— be conversant with safety devices and their proper functioning.	Gauges for measurement; instruments for measurement of speed and any other equipment or device to determine the safety in the use of dangerous machines.
3	Section 18(2)(f) — Lifts and Hoists'	A degree in Electrical or Mechanical Engineering or a degree equivalent thereto.	(i) A minimum experience of 7 years in— (a) design or erection or maintenance; or (b) inspection and test procedure of Lifts and Hoists. (ii) He shall be— (a) conversant with relevant codes of practices and test procedures that are current; (b) conversant with other Statutory requirements covering the safety of	Facilities for load testing, tensile testing, gauge, equipment gadgets for measurement and any other equipment, required for determining the safe working conditions of Hoists and Lifts.

			the Hoists and Lifts.	
4	Section 18(2)(f) — Lifting Machines, chains, ropes, and lifting tackles.	A degree in Electrical or Mechanical or Metallurgical Engineering or a degree equivalent thereto.	(i) A minimum experience of 7 years in— (a) design or erection or maintenance; or (b) testing, examination and inspection of lifting machines, chains, ropes and lifting tackles. (ii) He shall be— (a) conversant with the relevant code of practices and test procedures that are current; (b) conversant with fracture mechanics and metallurgy of the material of construction. (c) conversant with heat treatment, stress relieving techniques as applicable to stress bearing components and parts of lifting machines and lifting tackles.	Facilities for load testing, tensile testing, heat treatment, equipment gadget for measurement, gauges and such other equipment to determine the safe working conditions of the lifting machines, chains, ropes and lifting tackles.
5	Section 18(2)(f) — 'pressure plant'	A degree in Chemical or Electrical or Metallurgical or mechanical Engineering or a degree equivalent thereto.	(i) A minimum experience of 10 years in— (a) design or erection or maintenance, or (b) testing, examination and inspection of pressure plants. (ii) He shall be— (a) conversant with the relevant codes of practice and test procedures relating to pressure vessels; (b) conversant with statutory requirements concerning the safety of unfired pressure vessels and equipment operating under pressure; (c) conversant with non-destructive testing techniques as are applicable to pressure vessels.	Facilities for carrying out hydraulic test, non-destructive test, gauges equipments/ gadgets for measurement and other equipment or gauges to determine the safety in the use of pressure vessels.
6	Section 18(2)(f) - 'precautions against dangerous fumes'.	A Master's degree in Chemistry or a degree in Chemical Engineering.	(i) A minimum experience of 7 years in collection and analysis of environmental samples and calibration of monitoring equipment; (ii) He shall— be conversant with the hazardous properties of chemicals and their permissible limit values;	Meters, instruments and devices duly calibrated and certified for carrying out the tests and certifications of safety in working in confined spaces.

7	<p>Ventilation system as required under various Schedules framed under Section 82 such as Schedules on—</p> <p>(i) grinding or glassing of metals and Processes incidental thereto,</p> <p>(ii) cleaning or smoothing, roughing, etc. of articles by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air or steam,</p> <p>(iii) handling and processing of asbestos,</p> <p>(iv) manufacture of Rayon by viscose process,</p> <p>(v) foundry operations</p>	<p>A degree in Mechanical or Electrical Engineering or a Degree equivalent thereto.</p>	<p>(i)- A minimum experience of 7 years in the design, fabrication, installation, testing of ventilation systems and systems used for extraction and collection of dusts, fumes and vapours and other ancillary equipment.</p> <p>(ii) He shall be conversant with relevant codes of practice and test procedures that are current in respect of Ventilation and extraction system for fumes.</p>	<p>Facilities for testing the Ventilation system, instruments and gauges for testing the effectiveness of the extraction systems for dust, vapours and fumes and any other equipment needed for determining the efficiency and adequacy of these systems. He shall have the assistance of a person having a post graduate degree in Physics or diploma in Mechanical Engineering with at least 7 years of experience on related facilities.</p>
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SCHEDULE-II
{see rule124}
MATERIAL SAFETY DATA SHEET

1. Chemical Identify :

Chemical Name		Chemical Classification	
Synonyms		Trade Name	
Formula C. A. S. No. U. N. No.			
Regulated Identification	Shipping Name	Hazechem No.	
	Codes/Label		
Hazardous Waste I.D. No.			
Hazardous Ingredients	C.A.S. No. Hazardous Ingredients	C.S.A. No.	
1.	2.	3.	
2. Physical and Chemical Data			
Boiling Range / Point 0C Physical State Appearance			
Melting / Freezing Point 0C	Vapour Pressure	Odour	
Vapour Density (Air- 1)	@ 35^0 C mmHg	Others	
	Solubility in Water		
	30^0 C mm Hg		
Specific Gravity	pH		
Water - I			
3. Fire and Explosion Hazard Data :			
Flammability Yes /No	UEL %	Flash point 0 C	Auto ignition Temperature^ 0 C
TDG Flammability	UEL %	Flash point 0 C	Hazardous Products of combustion
Explosion Sensitivity to Impact		Explosion Sensitivity to Static Electricity	
Hazardous Polymerization			
Combustible Liquid	Explosive Material	Corrosive Material	
Flammable Material	Oxidizer	Others	
Pyrophoric Material	Organic Peroxide		
4. Reactivity Data :			
Chemical Stability			
Incompatibility with other Materials			
Reactivity Hazardous Products of Reaction			
5. Health Hazard Data :			
Routes of Entry Effects of Exposure / Symptoms			
Emergency Treatment			
TLV (ACGIH)	ppm.	Mg/m3	STEL ppm, Mg / m3
Permissible Exposure limit ID 50	ppm. Mg/m3	Order ppm	Threshold Mg / m3 LD50
NFPA Hazard Signals	Health Flammability	Stability Special	
6. Preventive Measures :			

Personnel Protective Equipments	
Handling and Storage Precautions	
7. Emergency and First Aid Measure :	
Fire	Fire Extinguishing Media
	Special Procedures
	Unusual Hazards
Exposure	First Aid Measures
	Antidotes / Dosages
Spills	Steps to be taken
	Waste Disposal Method
8. Additional Information / References :	
9. Manufacturer / Suppliers Data :	
	Contact Person in Emergency
Name of Firm Mailing Address	Local Bodies involved
Telephone / Telex nos. Telegraphic Address	
	Standard Packing
	Tram card Details/Reference
Others :	
Disclaimer : Information contained in this Material Safety Data Sheet is believed to be reliable but no representation, guarantee or warranties of any kind are made as to its accuracy, suitability for a particular application of results to be obtained from them might vary. It is up to the manufacturer/seller to ensure that the information contained in the Material Safety Data Sheet is relevant to the product manufactured/handled or sold by him as the case may be. The Government marks no warranties expressed or implied in respect of the adequacy of this document for any particular purpose.	

SCHEDULE-III

{see sub-rule (1) of rule 124}

Permissible levels of certain chemical substances in work environment

Sl. No.	Substance	Permissible limits of exposure			
		Time weighted average concentration (8 hrs)		Short-term exposure limit (15 min) ^a	
		ppm	mg/m ³ **	ppm	mg/m ³ **
1.	Acetaldehyde	100	180	150	270
2.	Acetic Acid	10	25	15	37
3.	Acetone	750	1780	1000	2375
4.	Acrolein	0.1	0.25	0.3	0.8
5.	Acrylonitrile-skin	2	4.5	--	--
6.	Aldrin-skin	--	0.25	--	--
7.	Allyl Chloride	1	3	2	6
8.	Ammonia	25	18	35	27
9.	Aniline-skin	2	10	--	--
10.	Anisidine (o-p- isomers)-skin	0.1	0.5	--	--
11.	Arsenic & compounds (as As)	--	0.2	--	--
12.	Benzene(H.C.)	10	20	25	7.5
13.	Beryllium & Compound (as Be) (S.C.)	--	0.002	--	--
14.	Bornen Trifluoride-C	1	3	--	--
15.	Bromine	0.1	0.7	0.3	2
16.	Butane	800	1900	--	--

17.	2-Butanon (Methyl-ethyl Ketone MBK)	200	590	300	885
18.	n-Butyl acetate	150	710	200	950
19.	n-Butyl alcohol-skin-C	50	150	--	--
20.	Sec/tert, Butyl acetate	200	950	--	--
21.	Butyl Mercaptan	0.5	1.5	--	--
22.	Cadmium-dust and salts (as Cd)	--	0.05	--	--
23.	Calcium oxide	--	2	--	--
24.	Carbaryl (Sevin)	--	5	--	--
25.	Carbofuran (Furadan)	--	0.1	--	--
26.	Carbon disulphide-skin	10	30	--	--
27.	Carbon monoxide	50	55	400	440
28.	Carbonate trachloride-skin	5	30	--	--
29.	Carbonyl Chloride (Phosgene)	0.1	0.4	--	--
30.	Chlorobenzene (monochloro-benzene)	75	350	--	--
31.	Chloridane-skin	--	0.5	--	--
32.	Chlorine	1	3	3	9
33.	Chloroform (S.C.)	10	50	--	--
34.	bis-(Chloromethyl) ether (H.C.)	0.001	0.005	--	--
35.	Chromic acid and chromates (as Cr) water soluble	--	0.05	--	--
36.	Chromous Salts (as Cr)	0	05	--	--
37.	Copper fume	--	0.2	--	--
38.	Cotton dust, raw	--	0.2	--	--
39.	Cresol, all isomers-skin	5	22	--	--
40.	Cyanides (as CN)-skin	--	5	--	--
41.	Cyanogen	10	20	--	--
42.	DDT(Dichloro diphenyl trichloroethane)	--	1	--	--
43.	Demeron-skin	0.01	0.1	--	--
44.	Diazinon-skin	--	0.1	--	--
45.	Dibutyl pythalate	--	5	--	--
46.	Dichlorvos (DDVP)-skin	0.1	1	--	--
47.	Dieldrin-skin	--	0.25	--	--
48.	Dinitrobenzene, (all isomers)- skin	0.15	1	--	--
49.	Dinitrotoluene-skin	--	1.5	--	--
50.	Diophenyl (Biphenyl)	0.2	1.5	--	--
51.	Endosulfan (Thiaden)-skin	--	0.1	--	--
52.	Endrin-skin	--	0.1	--	0.3
53.	Ethyl acetate	400	1400	--	--
54.	Ethyl alcohol	1000	1900	--	--
55.	Ethylamin	10	18	--	--
56.	Fluorides (as F)	--	2.5	--	--
57.	Fluorine	1	2	2	4
58.	Formic Acid	5	9	--	--
59.	Hydrazine-skin (S.C.)	0.1	0.1	--	--
60.	Hydrogen Chloride-C	5	7	--	--
61.	Hydrogen Cyanide-skin-C	10	10	--	--
62.	Hydrogen fluoride (as F)-C	3	2.5	--	--
63.	Hydrogen Peroxide	1	1.5	--	--
64.	Hydrogen Sulphide	10	14	15	21
65.	Gasoline	300	900	500	1500
66.	Iodine -C	0.1	1	--	--
67.	Iron Oxide Fume (Fe ₂ O ₃)(as Fe)	--	5	--	--
68.	Isoamyl acetate	100	525	--	--
69.	Isoamyl alcohol	100	360	125	450
70.	Isobutyl alcohol	50	150	--	--
71.	Lead, inorg, dusts and fumes (as Pb)	--	0.15	--	--
72.	Lindane-skin	--	0.5	--	--
73.	Malathion-skin	--	10	--	--

74.	Manganese dust and compounds(as Mn)	--	5	--	--
75.	Manganese Fume (as Mn)	--	1	--	3
76.	Mercury (as Hg)-skin				
	(i)Alkyl compounds	--	0.01	--	0.03
	(ii)All forms except alkyl vapour	--	0.05	--	--
	(iii)Aryl and inorganic compounds	--	0.1	--	--
77.	Methyl alcohol (methanol)-skin	200	260	250	310
78.	Methyl cellosolve-skin (2 methoxy ethanol)-skin	5	16	--	--
79.	Methyl Isobutyl Ketone	50	205	75	300
80.	Methyl Isocyanate	0.02	0.05	--	--
81.	Naphthalene	10	50	15	75
82.	Nickel carbonyl (as Ni)	0.05	0.35	--	--
83.	Nitric acid	2	5	4	10
84.	Nitric oxide	25	30	--	--
85.	Nitrobenzene-skin	1	5	--	--
86.	Nitrogen dioxide	3	6	5	10
87.	Oil mist, minerals	--	5	--	10
88.	Ozone	0.1	0.2	0.3	0.6
89.	Parathion-skin	--	0.1	--	--
90.	Phenol-skin	5	19	--	--
91.	Phorate (Thimet)-skin	--	0.05	--	0.2
92.	Phosgene (Carbonyl Chloride)	0.1	0.4	--	--
93.	Phosphine	0.3	0.4	1	1
94.	Phosphoric acid (yellow)	--	1	--	--
95.	Phosphorus (yellow)	--	0.1	--	--
96.	Phosphorus pentachloride	0.1	1	--	--
97.	Phosphorus trichloride	0.2	1.5	0.5	3
98.	Picric acid-skin	--	0.1	--	0.3
99.	Pyridine	5	15	--	--
100.	Silane (silicon tetrahydride)	5	7	--	--
101.	Sodium hydroxide-C	--	2	--	--
102.	Styrene, monomer (Phenylethylene)	50	215	100	425
103.	Sulphur dioxide	2	5	5	10
104.	Sulphur hexafluoride	1000	6000	--	--
105.	Sulphuric acid	--	1	--	--
106.	Toluene (Toluol)	100	375	150	560
107.	O-Toluodine-skin (S.C.)	2	9	--	--
108.	Tributyl phosphate	0.2	2.5	--	--
109.	Trichloroethylene	50	270	200	1080
110.	Uranium, natural (as U)	--	0.2	--	--
111.	Vinyl chloride(H.C.)	5	10	--	--
112.	Welding fumes	--	5	--	--
113.	Xylene (o-, m, p-isomers)	100	435	150	655
114.	Zinc oxide				
	(i)Fume	--	5	--	10
	(ii) Dust (Total dust)	--	10	--	--
115.	Zirconium compounds (as Zr)	--	5	--	10

ppm: Parts of vapour or gas per million parts of contaminated air by volume at 25° C and 760 mm of Hg.

mg/m³: milligram of substance per cubic metre of air

*,:Note more than 4 times a day with at least 60 min. interval between successive exposures.

**,: $\text{mg/m}^3 \times \frac{\text{molecular wt of air}}{28.97} \times \text{ppm}$

G,: denotes Ceiling Limit

Skin,: denotes potential contribution to the overall exposure by the cutaneous route including mucous membranes and eye.

S.C.,:denotes suspected Human Carcinogen

H.C.denotes Confirmed Human Carcinogen

Substance	Permissible time-weighted average concentration (TWA)(8 hrs)
(i) Silica, SiO ₂	
(a) Crystalline	
(i) Quartz	
(1) In terms of dust count	10600 / (% Quartz + 10) mppcm
(2) In terms of respirable dust	10 / (% respirable quartz + 2) mg/m ³
(3) In terms of total dust	30 / (% respirable quartz + 3) mg/m ³
(ii) Cristaballite	Half the limits given against quartz.
(iii) Tridymine	Half the limits given against quartz.
(iv) Silica fused	Same limit as for quartz.
(v) Tripoli: Same limit as in formula in item 2 given against quartz.	
(b) Amorphous silicates: 10mg/m ³ Total dust.	
[Asbestos (H.C.):	
(a) Amosite.....0.1 fibre/cc***	
(b) Chrysotile..... 0.1 fibre/ cc***	
(c) Crocidolite..... 0.1 fibre/ cc***	
Portland Cement: 10 mg/m ³ , total dust containing less than 1% quartz	
Coal Dust: 2 mg/m ³ , respirable dust fraction containing less than 5% quartz.	

mppcm = Million particles per cubic metre of air, based on impinge samples counted by light-field techniques.

***(i) For fibres greater than 5 µm in length and less than 5 µm in breadth with length to breadth ration equal to or greater than 3:1.

(ii) As determined by the membrane filter method at 400-450 × magnification (4 µm objective) phase contrast illumination.

Respirable Dust :

Fraction passing a size-selector with the following characteristics:

Aerodynamic Diameter (µ m) (Unit density sphere)	% passing selector
2	90
2.5	75
3.5	50
5.0	25
10	01

Permissible activity concentration levels for some of the radionuclides that are commonly encountered in metal recycling industries as given below :

Radionuclide	Radionuclide concentration (Bq/g ^m)
Co-60	0.1
Cs-137	0.1
Am-241	0.1
Ir-192	1.0 ^m

Footnote :

1. Bq/g stands for Becquerel per gram. Becquerel means one transformation of a radionuclide per second : and is the SI unit of radioactivity.
2. Measurement shall comprise external radiation levels on the metal scrap, semi-finished and finished products as well as the background levels at the place of measurement and records of the same shall be maintained. If the radiation level on the material exceeds the background radiation level by 20 µ/hr (Micro Rad per hour).
3. The Atomic Energy Regulatory Board (AERB) Shall be promptly intimated.

FORM-A
(See rule-5(1))
Certificate of Registration of Establishment

Registration No: _____ Date _____
A Certificate of registration containing the following particulars is hereby granted under sub section (2) of section 3 of the Occupational Safety, Health and Working Conditions Code, 2020(137 of 2020) to...
..... (Name of the establishment)

1. Nature of work carried on in the establishment (Please tick mark) 2.
(a) Factory
(b) Contract Work
(c) Building and Other Construction Works (d) any other work (not covered above)
2. Details of the establishment:
a. Total Number of employees engaged directly in the establishment:
b. Total Number of the employees engaged through contractor
c. Total Number of Contractors and their details:
c. Number of inter-state migrant workers engaged:

3 (a) For factories

Details of the

manufacturing process	Full postal address and situation of the factory along with plan Approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day
1	2	3	4

3 (b) For building and other construction work

Type of Construction work	Probable period of Commencement of work	Expected period for completion of work	Details of approval of the local authority
1	2	3	4

4. Remarks of registering officers

Place:

Date:

/Signature E -Sign/DSC of Registering Officer
along with designation

Conditions of Registration

(1) Every certificate of registration issued under rule 5 shall be subject to the following conditions, namely:

- (a) the certificate of registration shall be non-transferable;
(b) The number of workers employees employed in an establishment directly and contract employees shall not, on any day, exceed the maximum number specified in the certificate of registration; and
(c) Save as provided in these rules, the fees paid for the grant of registration certificate shall be non-refundable.

(2) The employer shall intimate the change, if any, in the number of workers employees or the conditions of work to the registering officer within 30 days.

(3) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment or as the case may be work is to be executed, intimating the actual date of the commencement or, as the case may be, completion of establishment such work in Form 5 annexed to these rules electronically.

(4) A copy of the certificate of registration shall be displayed at the conspicuous places at the premises where the work is being carried on.

FORM-1

[Section 2(1)(f) and sub rule (3) of Rule-4]

Part-I

Form of application for grant of Certificate of Competency to a person under Rule 4

1. Name
2. Date of Birth
3. Name of the Organization (if not self-employed)
4. Designation
5. Educational qualification (copies of testimonials to be attached)
6. Details of professional experience (in chronological order):



Name of organization	Period of service	Designation	Area of responsibility

7. Membership, if any, of professional bodies
8. (i) Details of facilities (examination, testing, etc.) at his disposal.
(ii) Arrangements for calibrating and maintaining the accuracy of these facilities
9. Purpose for which certificate of competency is sought (section or sections of the Code should be stated)
10. Whether the applicant has been declared a competent person under any statute (if so, the details)
11. Any other relevant information
12. Declaration by the applicant

I, hereby declare that the information furnished above is true; I undertake-

- (a) that in the event of any changes in the facilities at my disposal (either addition or deletion) or my leaving the aforesaid organization, I will promptly inform the Chief Inspector-cum-Facilitator;
- (b) to maintain the facilities in good working order, calibrated periodically as per manufacturer's instructions or as per National Standards and Relevant Standards; and
- (c) notify to the Chief Inspector-cum-Facilitator any change in the facilities (either addition or deletion).
- (d) to fulfill and abide by all the conditions stipulated in the certificate of competency and instructions issued by the Chief Inspector-cum-Facilitator from time to time.

Place:

Date:

Signature of the applicant

Declaration by the Institution (if employed),

I.....certify that Shri/Smt..... whose details are furnished above, is in our employment and nominate him on behalf of the organization for the purposes of being declared as a competent person under the Code. I also undertake that I shall—

- (a) notify the Chief Inspector-cum-Facilitator in case the competent person leaves our employment;
- (b) provide and maintain the facilities in good working order, calibrated periodically as per manufacturer's instructions or as per National Standards and Relevant Standards; and
- (c) notify to the Chief Inspector-cum-Facilitator any change in the facilities (either addition or deletion).

Date:

Signature.....

Designation.....

Contact No.....

e-mail id:

Official Seal

Note.—This declaration should be made by the Managing Director of the company or the partner of the firm or the proprietor, as the case may be.

PART-II

Form of application of grant of Certificate of Competency to an Institution under Rule-4

1. Name and full address of the Organisation.....
2. Organisation's status (specify whether Government, Autonomous, Co-operative, Corporate or Private).....
3. Purpose for which certificate of competency is sought (specify section(s) of the Code).
4. Whether the Organisation has been declared as a competent person under this rule or any other statute and if so, give details.
5. Particulars of persons employed and possessing qualifications and experience as set out in Schedule-I annexed to rule 4:

Serial No.	Name and designation	Qualifications	Experience	Section(s) and the Rule under which certificate of competency is sought for

6. Details of facilities (relevant to Item 3 above) and arrangements made for their maintenance and periodic calibration.

7. Any other relevant information.

8. Declaration.....

I.....hereby, on behalf ofcertify the details furnished above are correct to the best of my knowledge, I undertake to—

- (i) maintain the facilities in good working order, calibrated periodically as per manufacturer's instructions or as per National Standards; and
- (ii) to fulfil and abide by all the conditions stipulated in the certificate to competency and instructions issued by the Chief Inspector-cum-Facilitator from time to time.

Place :

Date :

Seal and Signature of Head of the Institution
or of the person authorised to sign on behalf
Designation

FORM-2

[Section 2(1)(l) and sub rule (3) of Rule-4]

Form of Certificate of Competency issued to a person or an Institution in pursuance of rule 3 made under Section 2(1)(l).

I.....in exercise of the powers under Section 2(1)(l) of the Code and Rule made thereunder, hereby recognise Shri/Smt. in the employment of(Name of the institution) Or..... (Name of organisation) as a Competent Person for the purpose of carrying out tests, examinations and inspections and certification of such building, dangerous machinery, lift and hoists, lifting machine and lifting tackles, pressure plants, confined space, ventilation system and such other process or plant and equipment as the case may be, used in factory located in under Section and the rule made thereunder.

This certificate is valid from..... to.....

This certificate is subject to the following conditions namely:

1. tests, examination and inspections shall be carried out in accordance with the provision of the Code and the Rule made thereunder;
2. tests, examination and inspections shall be carried out under direct supervision of the Competent Person or by a person so authorised by an institution recognised to the Competent Person;
3. the certificate of competency issued in favour of a person shall stand cancelled if the person leaves the organisation mentioned in his application;
4. the institution recognised as a Competent Person shall keep the Chief Inspector-cum-Facilitator informed of the names, designations and qualifications of the persons authorised by it to carry out tests, examinations and inspections.
5. —
6. —

Place :
Date :

Signature of the Chief Inspector-cum-Facilitator
Official Seal

Note.—A separate certificate should be issued under each relevant Section. A person or an institution may be recognised as a Competent Person for the purposes of more than one Section of the Code.

FORM-3

(See clause (a) of sub-rule (1) of Rule-5)

Application for Registration for existing establishments/ New Establishment/ Amendment to certificate of Registration**A. Establishment Details.**

1. LIN Number (if already registered to retrieve details of Establishment from Portal) :
2. Name of Establishment:
3. Location and Address of the Establishment:
4. Others details of Establishment:
 - a. Total Number of employees and workers engaged directly or indirectly in the establishment:.....
 - b. Total Number of the contract employees and workers engaged:.....
 - c. Maximum number of Contract employees engaged or to be engaged in process:.....
 - d. Total Number of Inter-State Migrant workers employed:.....
5. Type of Establishment relating to..... (a) Factory (b) Plantation (c) Motor transport undertaking (d) Beedi and cigar workers (e) Building or other Construction work (f) Audio-visual production (g) Other Establishment

6. (a) For factories:

Details of the manufacturing process	Full postal address and location of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day	Name of the chemicals to be handled and stored along with quantity
1	2	3	4	5

6. (b) For plantation:

Total area of plantation in hectares	Full name and residential address(es) of the directors (in case of a company)	Name and address of the employer	Maximum number of workers to be employed	Name of the hazardous chemicals, insecticides, pesticides to be handled and stored along with quantity
1	2	3	4	5

6. (c) For motor transport undertaking:

Nature of motor transport service e.g. city service, long-distance passenger service, long-distance freight service	Total number of routes	Total route mileage	Total number of transport vehicles on the last date of the preceding year	Maximum number of motor transport workers employed on any day during the preceding year	Name and address of the employer	Full name and residential address(es) of the directors (in case of a company)
1	2	3	4	5	6	7

6. (d) For Beedi and Cigar Work:

Financial resources of employer e.g. (particulars and value of movable and immovable properties, bank references, income tax assessment etc.)	Whether the employer is a trademark holder registered under the Trade and Merchandise Marks Act, 1958	Previous experience of the employer in the industry	Value of beedis and cigars, or both, manufactured at the industrial premises during the preceding financial year	Whether the proposed site of industrial premises amounts to the alteration of the site of any existing industrial premises and if so reasons for such alterations.
1	2	3	4	5

Whether any industrial premises was closed by the applicant during the period of twelve months immediately preceding the date of the application and, if so, reasons therefore	Source of obtaining tobacco	Whether the beedis or cigar, or both, manufactured by the applicant will be sold and marketed by himself or through the proprietor or a registered user of the trademark registered under the Trade and Merchandise Marks Act, 1958 or any other person	Full name and residential address(es) of the Directors (in case of a company)	Maximum number of employees to be employed on any day
6	7	8	9	10

6.(e) For building and other construction work:

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
1	2	3	4

6.(f) for audio-visual production:

Name and address of the Producer/ Producers of the production house	Maximum number of audio-visual workers to be employed on any day
1	2

6.(g). Other Establishment)

Details of the industry, trade, business or occupation	Full postal address and location of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day	Name of the chemicals to be handled and stored along with quantity
1	2	3	4	5

7. (a) for registration of principal employer under Part-I of Chapter XI:

1	The name and location of the establishment
2	Postal address of the establishment
3	Full name and address of the Principal Employer (furnish father's name in the case of individuals)
4	Full name and addresses of the manager or the person responsible for the supervision and control of the establishment
5	Nature of work carried on in the establishment
6	Particulars of contractors and contract labour: (a) Names and addresses of contractors (b) Nature of work in which contract labour is employed (c) The maximum number of contract labour to be employed on any day through each contractor (d) Estimated date of commencement of each contract work under each contractor (e) Estimated date of termination of employment of contract labour under the contractor (f) Particular is of fees deposited

I hear by declare that the particulars given above are true to the best of my knowledge and belief.

Principal employer

7.(b)For Contract work:

354 उत्तराखण्ड असाधारण गजट. 22 मई, 2026 ई0 (ज्येष्ठ 01, 1948 शक सम्वत्)

Name and Address Contractor	Email address & Mobile of Contractor	Name and nature of Work	Maximum No. of Contract labour engaged	Date of Commencement / Probable date of Completion of work
1	2	3	4	5

7.(c) The details of Inter-state migrants employed /to be employed in an establishment:

S.No.	Name	Father's/ Husband's name	Permanent address				Aadhar Number	Mobile Number
			Town/ village	Tehsil	District	State		

7. Ownership Type/Sector:
8. Activity as per National Industrial Classification:
9. Details of Selected NIC Code:
10. Date of opening/Start of business:
11. Identification of the establishment: e-sign/ digital sign of employer/ representative:

12. Details of Employer:-

- a. Name & Address of Employer / Occupier / Owner/Agent:
- b. Designation:
- c. Father's/ Husband's Name of the Employer:
- d. Email Address, Telephone & Mobile No:

13. Manager/ Agent Details

- a. Full name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment
 - b. Address of Manager/Agent:
 - c. Email Address, Telephone & Mobile No :
14. Other details:

Date:
Place:

Signature/ e-sign/ digital
signature of employer

FORM-4

{See sub-rule (5) of Rule-5 and Rule 76}

Register of Establishment and Principal Employers

S.no.	Nature of work	Registration No. and Date	Name and Address, location of the establishment registered	Name, Address and Contact Details of Employer/ Occupier	Details of Factory Manager (if any)	Maximum number of Workers to be employed
1	2	3	4	5	6	7
	(a) Factories (b) Plantation (c) Motor transport undertaking (d) Beedi and cigar work (e) Building and other Construction work (f) Audio-visual production (g) Contract work (h) Interstate Migrant Work (i) Any other work (not covered above)					

Total Horsepower (if any)	Total number of contractors	Maximum number of contract Workers to be employed on any day	Contract labour license expiry date	Nature of work of contractual labour	Remarks
9	10	11	12	13	16

FORM-5
{see sub-rule (1) of rule 7}

Notice for commencement or cessation or completion of work

A- Notice of Commencement / cessation of Establishment:

1. Registration No and type of establishment:
2. Name and Address of Establishment:-
3. Name & Designation of employer:-
4. Full address to which communication relating to the establishment to be sent :-
5. Nature of work of the establishment :-
6. In case of the notice is for commencement of work the approximate duration of work {(in case of Establishment relating to BOCW)}:-
7. in case of cessation, the date of cessation:

I/We hereby intimate that the work of establishment having registration No. dated is likely to commence/cessation/ is likely to be completed with effect from (Date) / On (Date)

B- In case of cessation of work:

I/we hereby certify that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

Signature of the Employer

To,
The Registering Officer,
.....
.....

FORM-7

{see sub-rule (2) of rule 13 and sub-rule (1), (2) of Rule 160}

Health Register

The medical examination shall be conducted by a qualified medical practitioner as per following proforma:

A. Demographics:

Question	Answer	Remarks
Date		
Name of worker		
Age		
Permanent address		
Gender		
Total Number of family Members		
Total monthly family Income		
Is the employee under ESI (Employees' State Insurance) Scheme? If yes, provide IP Number	Yes/No	
Is the employee under any other health scheme apart from ESI-Scheme? (If yes, provide the name of the scheme)	Yes/No	

B. Occupational History:

Question	Answer	Remarks
Present Designation		
Work Profile		
Duration of service in the present work profile		
Working Hours per shift		
Night Shift Per Week		
Night Shift per Month		

C. Brief Review of Medical History: Diagnosed previously or currently under treatment or Currently suffering from

Question	Answer (yes/no)	Remarks
Anemia		
Jaundice		
Asthma		
COPD		
History of Any other Lung Disease: (If Yes, Please Specify)		
Vertigo/Dizziness		
Diabetes Mellitus		
Hypertension		
Any Cancer (If Yes, Please Specify the Cancer)		
Chronic Low Back Pain		
Chronic Pain in hand or Elbow		
Hernia		
Hydrocele		
Varicose Vein		
Haemorrhoids		
History of amputation/fracture/dislocation injury during work (If Yes, please specify)		
Dermatitis (If Yes, specify Site)		
Hearing Impairment		
Visual Impairment		
Any Major Illness requiring hospitalization in		

last 1 year (If Yes, Name of the Disease)		
Occupational Injury in Last 1 year: if yes Specify the Location of injury and frequency		

D. Current Symptoms-Diseases Module

Question	Answer (yes/no)	Remarks
Smoking habit		
Chewing Tobacco or Pan Masala or Gutkha		
Alcohol Addiction		
Dermatosis (Irritant Contact Dermatitis/ Eczema/ Chloracne/ Allergic Contact Dermatitis)		
Mucosal Irritation of eyes/Nose/Throat with response to chemical agent or biological agent		
Symptoms like Respiratory Difficulty/ Chest Tightness/ Dry Cough at beginning of shift		
Currently suffering from TB		
Jaundice or Hepatitis		
Currently suffering from Low Back Pain		
Currently suffering from Pain in hand or Elbow		
Currently suffering from Visual Problems		
Currently suffering from Hearing Problems		
Any current injury (amputation/ fracture/ dislocation)		
Any current musculoskeletal sprains/ strains		

E. Physical Examination

Question	Answer (yes/no)	Remarks
Date of examination		
General Skin Condition: (If Any Dermatitis, please mention its location)		
Weight (in Kg)		
Height (in Meter)		
Temperature (°F)		
BP		
Pulse		
SPO2		
Respiratory Rate		
Examination of Breast of female-employee		

F. Investigation report:

- (a) Routine blood investigation (attach the photocopy of the report)
 (b) Blood grouping and Rh Typing and Hb Electrophoresis (once in a life time)

Parameter	Answer (Normal/ Increase/ Decrease)	Value
Hb%		
Total WBC Count and Differential Count		
Platelet Count		
ESR		
FBS		
PPBS		
HbA1C level		
BUN		
Creatinine		
Total Protein		
Albumin		

Globulin		
SGOT		
SGPT		
Bilirubin		
Urine RE		
Urine ME		
Prostate Specific Antigen (PSA)		

G. Standard Chest X-ray (PA) view (attach the copy of the report):

Parameter	Answer (Normal/ Abnormal)	Value (if any importance)
Date		
Report		

H. Eye examination: (attach the photocopy of the report)

Parameter	value/ result/ interpretation
Date	
Visual inspection of Eye for any abnormality like corneal opacity/scaring, cataract etc.	
Visual Acuity: Right	
Visual Acuity: Left	
Colour Vision	
Field of Vision	
Binocularity	
Lateral Phoria	
Vertical Phoria	
Stereoscopic Vision and Depth Perception Testing	
Fundus (Retina) examination	

I. ECG and Echocardiography:

J. Final report:

K. MEDICAL FITNESS TESTS FOR PERSONS WORKING AT HEIGHT (as may be applicable):

L. Detailed Medical History and in-Depth General Medical Examination including tests for Vision, Hearing, Musculoskeletal System, Respiratory System, Cardiovascular System etc. (As applicable to all employees)

M. Special Examination

a) Cardiovascular: Uncontrolled hypertension or ischemic heart disease will be a contraindication. In the presence of hypertension and abnormal ECG findings, the employee should be referred to a Cardiologist for fitness.

b) Tests for Labyrinthine functions and for sense of position Eye Examination for Bilateral Nystagmus, Romberg sign. The presence of bilateral nystagmus and a positive Romberg sign will be an absolute contraindication.

c) Neurological examination Evaluate seizure disorders: CT Scan of Brain and E.E.G if indicated

d) Assessment of Diabetic Control Status: (in case of employees suffering from Diabetes Mellitus)

e) Assessment of Phobia (Acrophobia) and any other Mental Health Disorder like Anxiety or Depression

f) Evaluation for Vertigo and Dizziness

N. For use of Industrial Safety Section:

1. Walking freely over a horizontal bar at 1 ft. height: PASS / FAIL
2. Wearing a safety belt and tying the rope knot: PASS/ FAIL
3. Walking over a horizontal structure at 9 ft. height wearing a belt: PASS/ FAIL
4. General physique (O.K./NOT O.K): PASS/ FAIL

O. Any other information/examination/biological investigation/test as mutually agreed by the employer and qualified medical practitioner.

Signature, seal and registration no. of qualified
medical practitioner / factory medical officer

Signature & seal
Medical Officer

FORM-8

[see sub-rule (2) of rule 13 and of Rule 66]

Certificate of Fitness

Serial Number:-

1. I certify that I have personally examined Sh/Smt..... son/daughter of
....., residing at who is desirous of being employed
as(designation)in(process, department and
factory/Establishment) and that his age..... as nearly as can be ascertained from my
examination, isyears, and that he is, in my opinion, fit/unfit for employment in the above
mentioned factory/Establishment.
2. He may be produced for further examination after a period of.....
3. The serial number of the previous certificate is.....
4. I extend this certificate until (if certificate is not extended, the period for which the worker is considered
unfit for work is to be mentioned)
5. Signs and symptoms observed during examination-
6. Comments/ Recommendations, if any-

Signature/ Left Thumb impression of the
person examined,

Date

Signature, seal and registration no. of qualified
medical practitioner / factory medical officer

Signature & seal
Medical Officer

FORM-9

(See sub-rule (1) of Rule 14)

Letter of appointment to employees

1. Name of establishment:
2. Name of employee:
3. Employee's distinct number or code:
4. Father's name:
5. Aadhar number:
6. Labour Identification Number (LIN) of the establishment:
7. Universal Account Number (UAN)/Insurance Number (ESIC):
8. Designation:
9. Category of skill:
10. Date of joining:
11. Wages, Basic Pay & Dearness Allowance:
12. Other allowance including accommodation whichever is/are applicable:
13. Avenue for achieving higher wages/higher position:
14. Applicability of social security EPFO and ESIC benefits applicable:
15. Health check-up:
16. Broad Nature of duties to be performed:
17. Any other information:

Signature Occupier/employer
/owner/agent/manager

FORM-10

(See sub-rule (1), sub-rule (3), sub-rule (4) sub-rule (5) of rule 15)

Notice of Accidents, or dangerous occurrence resulting in Death or Bodily Injury or disability

Dated.....

To,

.....
.....

Sir,

I hereby give notice under Section 10 of the Occupational Safety, Health and Working Conditions Code 2020 that fatal/non-fatal accident occurred in this establishment to the person mentioned below:

1. Name of occupier/Employer.....
2. Address of E.S.I. Employer's Code No.....premises where accident or dangerous occurrence took place.....
3. Nature of Industry.....
4. Branch or department and exact place where the accident or dangerous occurrence took place.....
5. Name and address of injured person.....
 - (a) Sex.....
 - (b) Age (last birthday).....
 - (c) Occupation of the injured person.....
6. Local E.S.I. Office to which the injured person is attached.....
7. Date, shift and hour of accident or dangerous occurrence.....
 - (a) Hour at which the injured person started work on the day of accident or dangerous occurrence.....

- (b) Whether wages in full or part are payable to him for the day of the accident or dangerous occurrence.....
8. Cause or nature of accident or dangerous occurrence.....
9. Cause of accident or dangerous occurrence:
- (a) If caused by machinery.....
- (i) Give the name of the machine and the part causing the accident or dangerous occurrence.....
- (ii) State whether it was moved by mechanical power at that time.....
- (b) State exactly what the injured person was doing at that time.....
- (c) In your opinion, was the injured person at the time of accident or dangerous occurrence.....
- (i) Causing contravention of provisions of any law applicable to him, or
- (ii) causing contravention of any orders given by or on behalf of his employer, or
- (iii) causing without instructions from his employer.
- (d) In case reply to (c), (i)/(ii) or (iii) is in the affirmative whether the act was done for the purpose of securing safety in connection with the employer's trade or business.
- (e) In case the accident or dangerous occurrence happened while travelling in the employer's transport state whether.....
- (i) the injured person was travelling as a passenger to or from his place of work —
- (ii) the injured person was travelling with the express or implied permission of his employer,
- (iii) the transport is being operated by or on behalf of the employer or some other person by whom it is provided in pursuance of arrangements made with the employer, and
- (iv) the vehicle is not being operated in the ordinary course of public transport service.
- (f) In case the accident or dangerous occurrence happened while meeting the emergency state.....
- (i) its nature.....
- (ii) whether the injured person at the time of accident or dangerous occurrence was employed for the purpose of his employer's trade or business in or about the premises at which the accident or dangerous occurrence took place.
- (g) Describe briefly how the accident or dangerous occurrence occurred.
- (h) Name and addresses of witnesses : (1) (2)
- (i) (a) Nature and extent of injury (e.g. fatal, loss of finger, fracture of leg, scaled or scratch and followed by sepsis.)
- (b) Location of injury (right leg, left hand or left eye etc.)
- (j) (a) If the accident or dangerous occurrence is not fatal, state whether the injured person was disabled for more than 48 hours.
- (b) Date and hour of return to work.
- (k) (a) Physician, dispensary or hospital from whom or in which the injured person received or is receiving treatment.
- (b) Name of dispensary/panel doctor selected by the injured person.....
- (i) Has the injured person died.....
- (ii) If so, date of death.....

I certify that to the best of my knowledge and belief, the above particulars are correct in every respect.

Signature
Name and Designation of the
Occupier or Manager-Employer
Employer's Address and Code No.

(This space is to be completed by the Inspector-cum-Facilitator)

Date of receipt.

Number of accidents or dangerous occurrences. Causation number, other particulars (e.g. fatal leg injury, arm injury, etc.)

Date of Investigation.....
Result of Investigation.....

FORM-II

{See sub-rule (4) of rule 15}
Notice of dangerous occurrence

1. Name and address of Establishment.....
2. Name of the Occupier/Employer.....
3. Name of the Manager.....
4. Name of Industry.....
5. Branch or Department and exact place where the dangerous occurrence took place.....
6. Date and hour occurrence.....
7. Nature of Accident or Dangerous Occurrence (state exactly what happened).
8. Details of Employees affected by such dangerous occurrence.

Sr.no	Name of the Employee	Employee Code	Designation

I certify that, to the best of my knowledge and belief, above particulars are correct in every respect.

Signature of the Occupier / Employer/
Manager.

Date of dispatch of report.....

(This space to be completed by Inspector-cum-Facilitator)

District.....	Date of receipt.....
D.O. No.....	Date of investigation.....
Causation No.....	
Result of investigation:	

Hours (time) of beginning and ending work for each relay, group and intervals of rest fixed under rule.....

Worker	Group	Name of work of each group	Relay or set of workers	Shift or period of work	Work commences		Rest interval or intervals	Work end								
					Mondays to Fridays	Satur days		Sundays	From	To	From	To	From	To	Mondays to Fridays	Satur days
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Men Women Adolescent																

Charts showing the relation of relays working on continuous processes similar to those prescribed in schedule-II

First week	Second week	Third week
Mon. Tue. Wed. Thu. Fri. Sat. Sun.	Mon. Tue. Wed. Thu. Fri. Sat. Sun.	Mon. Tue. Wed. Thu. Fri. Sat. Sun.
Shift Relay		

Factory Manager's Signature.....

Signature of inspector-cum- Facilitator.....

Instructions to be followed while filling in the notice of periods of work

1. Divide all the workers into groups according to their nature of work. Show the number of workers working in each group.
2. Use numerical (1, 2, 3 and 4, etc.) for groups.
3. Show the nature of work against each group.
4. Make relays of groups accordingly specify them as I, II, III, etc.
5. Show the daily working hours *exclusive of periods of the fixed rest interval* of each relay or set of workers in the upper half of the notice.
6. Use letters, A, B, C, etc. for shifts and periods of work.
7. Do not arrange the shift in such a way that more than one relay of workers is engaged in work of the same kind at the same time as overlapping shifts are prohibited.
8. Arrange the periods of work for employee in such a way that no adult worker is required to work for more than 8 hours in any day and that no worker shall work more than 5 hours before he has had an interval of rest for at least half an hour.
9. Arrange the working hours in such a way that weekly hours of the workers do not exceed 48 hours a week. Arrange the periods of work of adult workers in such a way that inclusive of rest interval they shall not spread over more than 10-1/2 hours.
10. Show the weekly holiday for each relay or set of workers in the foot-note of each notice.
11. Submit the notice of periods for work in duplicate to the Inspector-cum-Facilitator having jurisdiction before the day it is enforced. If there is any change in the system of work a revised notice of periods for work shall be submitted [Section 31]

Special instructions for filling in the chart which is to be used only in cases of relays working on continuous process or of sets of workers working in successive periods.

1. Show the periods of work *Inclusive of rest intervals* of adult workers on continuous processes in the upper half of the notice.

FORM-14
{See Rule 50}
LEAVE BOOK

NAME OF ESTABLISHMENT

Serial No:-.....	Name:-.....
Department:-.....	Father's name:-.....
Serial no. or code in the Register of employee	Date and amount of payment made:- in lieu of leave due:-.....
Date of entry into service:-.....	

1	Calendar year service	
2	Wage paid from.....to.....	
3	Wages earned during the wage period	
4	No. of days of work performed	No. of days worked during the calendar year
5	No. of days of lay-off	
6	No. of days of maternity leave	
7	No. of days of leave enjoyed	
8	Total of Columns 4 to 7	
9	Balance of leave from preceding year	Leave to credit
10	Leave earned during the year mentioned in Column 1	
11	Total of Columns 9 and 10	
12	Whether leave in accordance with scheme under Section 32 was refused	
13	Leave enjoyed from.....to.....	
14	Balance of leave to credit	
15	Normal rate of wages	
	Remarks if any	

FORM-15
{See Rule 51}

Leave with wages register

NAME OF ESTABLISHMENT

Serial No:-.....	Name:-.....
Department:-.....	Father's name:-.....
Serial no. or code in the Register of employee:-.....	Date and amount of payment made in lieu of leave due:-.....
Date of entry into service:-.....	

1	Calendar year service	
2	Wage paid from.....to.....	

3	Wages earned during the wage period	
4	No. of days of work performed	No. of days worked during the calendar year
5	No. of days of lay-off	
6	No. of days of maternity leave	
7	No. of days of leave enjoyed	
8	Total of Columns 4 to 7	
9	Balance of leave from preceding year	Leave to credit
10	Leave earned during the year mentioned in Column 1	
11	Total of Columns 9 and 10	
12	Whether leave in accordance with scheme under Section 32 was refused	
13	Leave enjoyed from.....to.....	
14	Balance of leave to credit	
15	Normal rate of wages	
18	Remarks	

Date:

Signature of employer or person authorized by him

Form 16
{see Rule 54}

Register of Accidents and Dangerous Occurrences

Serial No.	Date of report in Form-10/11 to inspector cum-Facilitator (and notice to insurance authorities)	Time of report and notice	Name and address of the injured person	Sex	Age	Insurance No.
1	2	3	4	5	6	7

Shift, department and occupation of employee	Injury or details of dangerous occurrence					
	Date	Time	Place	Cause of injury or dangerous occurrences	Nature of injury or dangerous occurrences	What exactly was the injured person doing at the time of injury
8	9	10	11	12	13	14

Name, occupation, address and signature or thumb-impression of the person giving notice	Signature and designation of the person who makes the entry	Name, address and occupation of two witnesses	Date of return of injured person to work	Name of the State Insurance Local Office to which the injured person is attached	Remarks, if any
15	16	17	18	19	20

FORM-17
{see sub-rule (a) of Rule 56}
Annual Return
Year ending 31st December, 20...

1. Licence number issued by the Chief Inspector-cum-Facilitator/Registering officer
2. Name of the factory/ Establishment:.....
3. Name the occupier/Employer:.....
4. Name the manager..... since.....
5. District:.....
6. Postal address, email-address and mobile no.....
7. Nature of Establishment/Industry (General/Hazardous/MAH).....
8. Main work/product of the establishment.....
9. Details of employment:
 - (i) Average number of employees employed daily.....
 - (ii) Average number of workers [Section 2(1)(zzl)] employed daily.....

The average daily number should be calculated by dividing the aggregate of attendance on working days by the number of working days in the year.

In reckoning attendances:

- (1) attendance of an employee for less than half of his scheduled working hours on a working day shall be omitted,
- (2) attendance for half of his scheduled working hours or more on a working day shall be treated as full attendance
- (3) attendance of both temporary as well as permanent workers shall be counted.
- (4) Attendances on separate shifts (e.g. night and days shifts) should be counted separately.
- (5) Days on which the factory was closed, for whatever cause, and days on which the manufacturing processes were not carried should not be treated as working days.

	Employees directly by Employer	Employees directly by the contractor	Total average	Number of apprentices	Number of "other apprentices"
Men					
Women					
Adolescent					
Total					

10. Name, address and email- address of the contractor (s).....
11. Working hours:
 - (a) Normal hours worked per week for
 - Male Worker.....
 - Women Worker.....
 - Other Apprentices.....
 - (b) Total normal Man hour worked under Section 25.....
 (Explanation: Man hour includes work done by employees)
12. Number of days worked in the year....
13. What rest for intervals were given to employees (half an hour or one hour or two hour or others).....
14. Whether first day of week was substituted as weekly holidays?Such numbers.....
15. Was the factory or part of factory is engaged in continuous process under schedule-II (details of class of work).....
16. Over time(Section 27):
 Total Man hour worked during the period under Section 27.....
17. Average number of women employees engaged in a shift or part thereof (Between 7 PM to 6 AM)
 - (a) Between 7 PM to 10 PM.....
 - (b) 10 PM to 6 AM.....
18. *Compensatory Holidays*
 - (1) Number of workers exempted from Section 26 of the code.....
 - (2) Number of workers, who received holidays in the—
 - (a) Same month.....
 - (b) Following month.....
 - (c) Third month.....
19. *Leave with Wages(Section 32):*
 - (a) Total number of persons employed during the year

- (b) Number of persons who are entitled to leave with wages during the year preceding the year for which this return is submitted
- (c) Number of persons who are entitled to leave with wages during the year for which this return is submitted
- (d) Number of persons who were granted leave during the preceding year.....
- (e) Number of persons who were granted leave during the year for which the return is submitted
- (f)(i) The total number of workers discharged or dismissed from service during the year.....
- (ii) Number of discharged workers paid wages in lieu of leave.....
- (iii) Total amount of wages paid in lieu of leave.....
- (iv) Total number of workers who left the services of their own accord.
- (g) Number of persons who gave notice not to avail themselves of leave during the year in which leave accrued
20. (i) Total number of days of involuntary unemployment during the year.....
- (ii) Number of unemployed workers.....
21. Does the factory come under—
- (i) Section 2(1)(za).....
- (ii) Section 82.....
- (iii) Section 80.....
22. Average daily number of employee employed in dangerous operations or Hazardous Process in a factory or building and other construction work.....
23. (i) No. of safety officers employed under Section 22.....
- (ii) Name of chief safety officer and email address.....
- (iii) Name of the secretary of safety committee
24. If welfare officer is appointed under Section 24(2)(iv).....
25. Is a canteen provided in compliance of Section 24(1)(v) and Rule made therein

Does the canteen provide—								
Cooked food and refreshment, etc.	Cooked food only	Refreshment and tea only	Tea only	Approximate number of workers patronizing canteen (daily)	Are the charges levied below cost price, if so, state items provided below cost price	Percentage of expenditure borne by the employer (details regarding items, if any, and amount subsidized should be given)	How is the canteen managed	General remarks
1	2	3	4	5	6	7	8	9
<p>*(Point 25)-</p> <p>1. If the columns are insufficient for giving details, a separate sheet may be attached and detailed information submitted.</p> <p>2. Enter "Nil" against the column which is not applicable to your factory.</p>								
<p>26. CRECHE (For establishment ordinarily employing more than 50 workers)</p> <p>Is a creche room provided/arranged in compliance of provisions of the Section 24(3) and rule made therein:</p> <p>[Provide Details, a separate sheet may be attached]</p>								
<p>27. SHELTERS, REST ROOMS OR LUNCH ROOMS (For establishment ordinarily employing more than 50 workers)</p> <p>Is a shelter, rest-room or lunch room provided in compliance of Section 24(2)(iii) and Rule made therein in addition to a canteen? [Provide Details, a separate sheet may be attached]</p>								
Average daily attendance of workers of shelter, rest room or lunch room	Details of facilities provided for drinking water		Details of accommodation, furniture and other equipments provided			General remarks		
1	2		3			4		

28. ACCIDENTS									
<i>"Fatal and non-fatal accidents"</i>									
1			2	3	4				
Total number of accidents of dangerous occurrences during the year			Number of persons killed	Number of persons injured	Non-fatal accidents in which the workers returned to work during the year				
fatal	Non fatal	Dangerous occurrence without injury			Occurring during the year			Occurring during the previous year	
			Number of accidents	Number of persons injured	Number of man-days lost on account of absence	Number of accidents	Number of persons injured	Number of man-days lost on account of absence	
Total no. of fatal accidents in preceding year of this return period.....									
I/We certify that information given by me/us is true and correct to the best of my/our knowledge.									
The employer of every establishment shall furnish to Inspector-cum-Facilitator having jurisdiction on or before 31 January of each year an annual return in the form set forth for it.									
Signature of Manager.....					Signature of Employer.....				
Dated.....									

FORM-18
(see sub-rule (b) of Rule 56)

Half Yearly Return

Period ending 30 June, 20.....

1. Licence number issued by the Chief Inspector-cum-Facilitator .
2. Name of the factory.....
3. Name the occupier.....
4. Name the manager..... since.....
5. District.....
6. Postal address, email-address and mobile no.....
7. Nature of industry (Hazardous/MAH).....
8. Main product of the factory.....
9. (i) Average number of employees employed daily.....
- (ii) Average number of workers [Section 2(1)(zzl)] employed daily.....

The average daily number should be calculated by dividing the aggregate of attendance on working days by the number of working days in the year. [In reckoning attendances (1) attendance of a employee for less than half of his scheduled working hours on a working day shall be omitted, and attendance for half of his scheduled working hours or more on a working day shall be treated as full attendance (2) attendance of both temporary as well as permanent workers shall be counted. Attendances on separate shifts (e.g. night and days shifts) should be counted separately. Days on which the factory was closed, for whatever cause, and days on which the manufacturing processes were not carried should not be treated as working days.

	Employees directly by, occupier	Employees directly by the contractor	Total average	Number of apprentices	Number of "other apprentices"
Men					
Women					
Adolescent					
Total					

10. Name and address and email- address of the contractor (s).....

11. Number of days worked in the period.....

12. Total no. of fatal accident or any death in the period

13. Month of audit in the year

14. If recommendations made in audit have been complied with(Yes/NO) ...

I/We, certify that information given above by me/us is true and correct to the best of my/our knowledge.

.....
Signature of Employer

.....
Signature of Manager

FORM-19

{See sub-rule (2) of Rule-58}

Nomination Form

This nomination is being done on the, (date) day of (month) (year).

I, son/ daughter of hereby require that in the event of my death before resuming work, the balance of my pay, due for the period of leave with wages not availed of shall be paid to who is my (relation).

Witness:

(1)

Signature-
Name-
Address-
Identity proof number-

(2)

Signature-
Name-
Address-
Identity proof number-

Signature and address of the employee

FORM -20

{See Rule 61}

IMPROVEMENT NOTICE

Inspector-cum-Facilitators notice to the employer/ of the establishment for improvement

To,

The occupier/ employer,

.....
.....

Since the undersigned made an inspection in your establishment located at on date and in the course of inspection, the undersigned found some contraventions and is of the opinion that the following contraventions, which were found in your establishment needs improvement as per the provisions of the Code, rules and regulations made thereunder and other laws in force-

Name and address of the establishment	Location of work place where such work is being carried on	Registration number of the establishment	Activities involved
1	2	3	4

An inspection of the above-named establishment was made on, the following contraventions were observed.

1.
2.
3.
4.

You are hereby required to remedy the said contraventions and send the compliance report in writing within fifteen days from the date of receiving this notice.

This notice is being issued without prejudice to any legal action which may be taken for these contraventions on hearing from you that the requirements have been complied with the establishment will again be visited with a view to the inspection being completed.

Order No.

Dated at this day of 20.....

Inspector Cum Facilitator
under the Occupational Safety, Health and
Working Conditions Code, 2020

**Request from employer/ occupier for re-inspection of improvements or remedies done to concerned
Inspector-cum-facilitator**

On compliance with all or any of the above contraventions, the Inspector-cum-Facilitator shall be informed in the manner prescribed overleaf, of the date and place at which the establishment can be re-inspected.

To,

Inspector-cum-Facilitator

.....
.....

Sir,

The contravention notified by you have been effectively attended to. The establishment shall be ready for inspection on the date and place mentioned below:

Proposed date of Inspection:

Proposed Place of inspection:

Brief details of compliances made:

Dated at day of 20.....

Signature and seal of Employer,
Occupier

FORM- 21

{Sec sub-rule (3) of rule 63}

Application form for recognition or renewal of recognition of Third party Auditor
(to be filled in by individuals)

1. Name:
2. Father/Husband Name:
3. Date of Birth and Age:
4. Permanent Address:
5. Address for :
 - (a) Correspondence-
 - (b) Telephone No. :
 - (c) Mobile No. :
 - (d) Fax :
 - (e) E-mail :
6. Educational Qualification : (Attach Certified copies)
[Sr.No/ Degree/Diploma College/Institution/University Year of completion]
7. Applicant's Latest Photograph signed across.
8. Technical Qualification in Safety (Attach certified copies)
[Sr. No/ Degree/Diploma College/Institution/University Year of completion]
9. Work Experience (Attach certified copies)
[Sr. No/ Employment Date/ Name and address of Employer /Designation/ Nature of work/From -To]
10. For renewal of recognition.-
Certificate No. and date:

DECLARATION

I hereby declared that,

- i. my recognition as a Third party Auditor was not revoked or cancelled by the State Government in the past;
- ii. my recognition as a Third party Auditor was revoked or cancelled in the past, and its details are as follows :-

Date of revocation or cancellation
Order number and date, if any
Period From- To

Note.- If the recognition was cancelled or revoked twice in the past, the Third party Auditor is not eligible for recognition.

- iii. I have carried out three or more than three, Audits in the past two years, the list showing the name, address of the factory and date of audits are attached herewith.
- iv. I, ----- hereby declare that the information furnished above are correct to the best of my knowledge.

I, ----- undertake to:

- (i) Maintain the facilities in good working order, and
- (ii) Fulfill and abide by the conditions, if any, stipulated in the certificate of recognition.

Date:
Place:

Signature of the Applicant
Full Name:

FORM- 22

{See sub-rule (1) of rule 70 and sub-rule (2) of rule
73, sub-rule (1) of rule 79}

Application for License/ Renewal of License/Amendment of License**I. Particulars of Establishment for which license required:**

1. Name of Establishment:
2. Address of establishment:
 - (a) Head Office address along with email Id :
 - (b) Corporate office address along with email Id:
3. Telephone Number:
4. Activity as per National Industrial Classification : (Select all applicable activities given)
5. Details of selected NIC Code:
6. Nature of work carried on in main establishment :

II. Details of Employer:

1. Full Name of Employer:
2. relationship with establishment.
3. Full Address of Employer:
4. Email Id of employer:
5. Mobile No. of employer:

III. Details of contractor applying for license:

1. Name and address of the contractor (including his father's name in case of individuals)
2. Date of birth and age (in case of individuals)
3. Number and date of certificate of registration of the establishment under the code
4. Name and address of the principal employer
5. Particulars of contract labour:
 - (a) nature of work in which contract labour is employed or is to be employed in the establishment
 - (b) duration of the proposed contract work (give particulars of proposed date of commencing and ending)
 - (c) name and address of the agent or manager or contractor at the work site
 - (d) maximum number of contract labour proposed to be implied in the establishment on any day
6. Maximum number of Inter-state migrant worker proposed to be employed on the Establishment on any date
7. Total no. of contract worker on the mastrol of the contractor along with the number of migrant worker on the day of applying of license.
8. Detail of worker including name/ current address/permanent address/Aadhar no/ bank account.
9. previous experience
 1. Whether the contractor was convicted of any offence within the proceeding five years, if so, give details
 2. Whether there was any order against the contractor revoking or suspending license or forfeiting security deposits in the respect of an earlier contract, if so, the date of such order
 3. Whether the contractor has worked in any other establishment we didn't past 5 years if so give details of the principal employer establishment and nature of work whether certificate by the principal employer in Form- 23 is enclosed
10. Amount of license fee paid
11. Amount of security deposited

Declaration: I, hereby declare that the details given above are correct to the best of my knowledge and belief.

Place:
Date:

Signature of applicant

APPLICATION FOR AMENDMENT OF LICENCE

1. Licence No:
2. Date:
3. LIN & PAN
4. Name and address of the establishment:
5. Name and address of the contractor:
6. Details for which amendment is sought :
 - (a) Maximum number of worker presently employed along with name , Aadhar no & Bank account : (If there is increase in the maximum number of workers to be employed, then additional fees/security deposit as per law needs to be deposited:
 - (b) Maximum number of Inter-state migrant worker proposed to be employed on the Establishment on any date
 - (c) Details of fees paid through e payment date on which made :
 - (d) Other details requiring amendment in the licence issued (Necessary documents may be uploaded in support of change required)

Declaration: I, hereby declare that the details given above are correct to the best of my knowledge and belief.

Date of Application:

Signature of the Contractor

FORM-23

{See sub-rule (2) of rule 70}

Form of Certificate by Principal employer

Certified that:

1. I have engaged the applicant (name of the contractor) as a contractor in my establishment for the work _____ to be carried out from _____ (date) to _____ (date).
2. I undertake to be bound by all the provisions of the Occupational Safety, Health and Working Conditions Code, 2020 and the Uttarakhand Occupational Safety, Health and Working Conditions Rules, 2025 in so far as the provisions are applicable to me in respect of the employment of contract labour/inter-state migrant workmen* by the applicant in my establishment.
3. The engagement of contract labour in the said work is not prohibited under section 57 of the Occupational Safety, Health and Working Conditions Code, 2020 or an award or a settlement.*
4. My registration number as Principal Employer under the Code is

*Please strike off whichever is not applicable.

Date:

Signature of Principal employer

Place:

Name and Address of Establishment

FORM-23

(See sub-rule (2) of rule 70)

Certificate by Main Employer

Certified that:

1. I have engaged the applicant (name of contractor) as contractor for the work in my establishment to be carried out from (date) to (date).
2. I undertake that I will abide by all the provisions of the Occupational Safety, Health and Working Conditions Code, 2020 and the Uttarakhand Occupational Safety, Health and Working Conditions Rules, 2025 in respect of contract labour/inter-state migrant labour* employed by the applicant in my establishment, insofar as the provisions are applicable to me.
3. The employment of contract labour in the said work is not prohibited under Section 57 of the Occupational Safety, Health and Working Conditions Code, 2020 or under any award or settlement.
4. My registration number as principal employer under the Code:

* Strike out whichever is not applicable.

Date: Signature of Principal Employer:

Place: Name and Address of Establishment:

FORM-24

(See sub-rule (3) of Rule-73 and sub-rule (3) of Rule-79)

Format of license

License No.

Date:

Fees paid: Rs.

Security deposit: Rs

1. Licence is hereby granted to under sub-section (1) of section 47 of the Occupational Safety, Health and Working Conditions Code, 2020 subject to the conditions specified in the Annexure.
2. Name and location of work
3. Name of the principal employer.....
4. Registration Certificate no. and date of the principal employer.....
5. The licence shall remain in force till..... (date to be indicated)].
6. Maximum number of contract labour/migrant workmen to be employed on a single day under the licence: ..
7. No of migrant worker to be employed by the contractor.

Date.....

Signature and Seal of the Authority

AMENDMENTS:

Year when Amended	Maximum number of Contract labour /workers on any one day	Date of payment of amendment fee	Date of Payment	Signature of the Issuing Authority

Signature of Authority

RENEWAL

Date of renewal	Fee paid for renewal	Date of expiry	Seal and signature of Authority
1.			
2.			
3.			

ANNEXURE

The licence is subject to the following conditions:

1. The licence shall be non-transferable.
2. The number of workmen employed as contract labour/migrant workmen in the establishment shall not, on any day, exceed the maximum number specified in the licence.
3. Except as provided in the rules, the fees paid for the grant or, as the case may be, for renewal of the licence shall be non-refundable.
4. The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed for the employment under the Minimum Wages Act, 1948 (11 of 1948) or Code on Wages, 2019 (29 of 2019), where applicable, and where the rates have been fixed by agreement, settlement, award, or by the State Government, not less than the rates so fixed.
5. In case where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work; provided that in the case of any disagreement with regard to the type of work the same shall be decided by the designated authority or Inspector-cum-Facilitator whose decision shall be final.
6. In other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the designated authority or Inspector-cum-Facilitator
7. Every contract labour/migrant worker shall be entitled to allowances, benefits, facilities etc, as prescribed in the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) and rules made there under.
8. In every establishment where 20 or more women are ordinarily employed as there shall be provided 2 rooms of reasonable dimension for the use of their children under the age of six years. One of such rooms would be used as a play room for the children and the other as bed room for the children. For this purpose the contractor shall supply adequate number of toys and games in the play room and sufficient number of cots and beddings in the sleeping room. The standard of construction and

maintenance of the creches may be such as may be specified in this behalf by the designated authority or Inspector-cum-Facilitator.

9. The licensee shall notify any change in the number of workmen or the conditions of work to the designated authority.
10. A copy of the licence shall be displayed prominently at the premises where the contract work is being carried on.
11. The contractor shall comply with all the provisions of the Code and these Rules.
12. The licensee shall, within fifteen days of the commencement and completion of each contract work, submit a return to the Authority designated under section 46 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) intimating the actual date of the commencement or, as the case may be, completion of such contract work in Form-25.

FORM-25

{ sub-rule(4) of Rule- 75 and sub-rule (1) of rule 82 }

Notice of commencement/completion of work

1. Name of the principal employer under the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970)/Employer under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996)/ Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020)*
2. LIN/Pan No
3. Email Id
4. Mobile No.
5. Name of the contractor :
6. No. and date of Certificate of Registration/Licence *
7. Name of person in-charge of the work :
8. LIN/Pan No. of person in-charge of work;
9. Email Id of person in-charge of work;
10. Mobile No. of person in-charge of work;
11. The nature of work involved and the facilities, including any plant and machinery provided in establishment;
12. The arrangements for the storage of explosives, if any, to be used in the establishment;

I/We hereby intimate that the work (Name of work) given to (name of the contractor) having licence/ Registration Certificate No. dated* has been/is likely to be commenced / completed with effect from(date)/on (date).

To

1. The Authority

.....

2. The Inspector-cum-Facilitator

.....

* Please strike off whichever is not applicable.

FORM-26
(see Rule-77)
Register of contractors

S. No.	Licence no. and date	Name and address of the Principal employer	Name and address of the contractor	Nature/ activity to be under taken by the contractor	Maximum workers to be employed on any day	Probable date of commencement	Date of cessation	Details of amendment if any	Renewed up to
1	2	3	4	5	6	7	8	9	10

FORM-27
(see sub-rule (5) Rule - 78)
Register of security deposit refund release

S. No.	Name and address of the contractor	Amount of security deposited	Date of security deposited	Amount released from security deposit for payment	Reference of order of authority for release of payment from security deposit	Remarks
1	2	3	4	5	6	7

FORM-28

(See Rule-87)

EXPERIENCE CERTIFICATE OF CONTRACT EMPLOYEETo whom so ever concerned

1. Name of contractor/employer*;
2. LIN/PAN No. of the contractor/employer *;
3. Email Id of the contractor /employer*;
4. Mobile No. of the contractor/employer *;
5. Nature and location of work;
6. Name of Principal Employer*;
7. LIN/PAN No. of the Principal Employer*;
8. Email Id of the Principal Employer :*;
9. Mobile No. of the Principal Employer :*;
10. Name of the worker*;
11. UAN / Aadhaar No.*;
12. Mobile No. :
13. Serial Number in the Employee Register;
14. Registration number, date and name of the labour and Board (if the contract labour is registered as a beneficiary with Uttarakhand Building and Other Construction Workers Welfare Board or with Uttarakhand Unorganized Workers Welfare Board);
15. Period of Employment;
16. Designation:

Date:

Place:

Signature of Contractor

Seal

*Please strike off whichever is not applicable.

FORM-29

{See sub-rule (1) of rule 88}

Application for declaration of core activity

To,

Additional Chief Secretary/ Principal Secretary/ Secretary,
Labour and employment,
Government of Uttarakhand.

Sir/ Madam,

1. (name and address of establishment) is engaged in manufacturing of
2. The flow chart of manufacturing process is attached herewith.
3. activity is core activity/ non-core activity of the establishment.
4. The details of the activity in question
5. Details of grounds of the application

-

 6. Number of workers employed in the activity in question
7. Total number of workers employed in the establishment

Prayer

.....

Signature
 (Name and Address)

Verification:

It is verified that the content of the application is true and correct to the best of my/our knowledge and belief.

Signature
 (Name and Address)

FORM-30

(see Rule-93)

Format of Agreement between audio-visual worker and producer of audio-visual program or contractor

This agreement is made on this day month year.....between:

1. M/s (name of production house) (a sole proprietary concern/a firm registered under the Partnership Act, 1932/ a Company incorporated and registered under the Companies Act, 1956) having office at (herein after referred to as the "Producer") on the first part

and

2. Shri/ Smt/ Kum son/ daughter/ wife of Shri residing at (herein after referred to as the "audio-visual worker") on the second part.

The terms "Producer" and "audio-visual worker" shall include their heirs, successors, administrators and legal representatives;

Whereas the Producer is engaged in the audio-visual production as defined in section 2(e) of The Occupational Safety, Health And Other Working Conditions Code 2020;

Whereas the said producer is desirous to engage the Audio-Visual Worker in the capacity of a in the aforesaid Audio-Visual production and the Audio-Visual Worker accepts the same,

Now, therefore this agreement is made as follows:

1. That both the parties agree that the duration of this agreement shall be from the date hereof till the completion of the Audio Visual production and this period shall not exceed..... consecutive months;
2. That the Audio-Visual worker agrees to attend studio, location or work place, as the case may be, subject to the requirement of his previous engagement and on his confirmation, to his respective job punctually as and when he shall be required by a written intimation by the Producer or the person duly authorised by him in writing.
3. That in consideration of the Audio-Visual Workers' services, as aforesaid, the Producer agrees to pay and the Audio Visual Worker agrees to receive a sum of Rs. (Rupees) payable as advance on signing of this agreement and the balance of Rs. payable in equal instalments;
4. That in the event of the Audio Visual production being not complete within the stipulated period and the Producer still needing the services of the Audio Visual Worker to complete the production, the producer agrees to pay and the Audio Visual Worker agrees to receive additional remuneration on pro-rata basis, payable in the same manner as stated in Clause 3 above, till the completion of the Audio Visual production;
5. That in case the assignment of the Audio-Visual worker is completed earlier than the period stipulated in Clauses 1 and 4 above, the Producer shall settle the account of the Audio-Visual Worker and pay the remaining balance of the agreement amount in full before the commencement of re-recording work/censor of the Audio Visual production, whichever is earlier.
6. It is agreed by the Producer that for the purposes of this agreement-
 - (a) a working day shall mean a period not exceeding eight consecutive hours (to include one hours' break for rest and refreshments) ;
 - (b) a working week shall mean a six-day week from Monday to Saturday, both inclusive, and the Audio Visual Worker is not liable to work on Sundays and Public Holidays ;
 - (c) the Audio Visual worker shall not be required to work for more than five consecutive hours without a break ; and
 - (d) a period of not less than twelve hours shall elapse between the Audio Visual Worker's release from the studio/location/work-place and the next succeeding call.
7. That the Audio Visual Worker shall, if so required,-
 - (a) attend the studios, location or work-place, as the case may be, earlier than the a scheduled time of the shift, for preparatory work, and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs. per hour or part thereof for such early attendance;
 - (b) continue to work beyond the working day, with one hour break and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs. for the work during the extended hours and refreshments, and transport facilities.
8. That the Producer shall provide transport and food or pay travelling allowances to and fro to report to duty and food allowance while on duty as are customary or fixed by bilateral arrangements between the Producer's and Audio Visual Worker's representative organisations;
9. That the Producer shall also pay for all travelling and accommodation expenses, fares, cost of food and such other allowances as are customary when the Audio Visual Worker is required to work on location outdoors;
10. That the Producer shall get the Audio Visual Worker insured for any injury or damage to his/her person including death caused by accident arising out of or in the course of his/her employment and/or during the period of his/ her assignment under this agreement;
11. That where the Producer is prevented from proceeding with the production of the Audio-Visual by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control:
 - (a) he shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the Audio Visual Worker and shall pay all his/her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in Clause 1 excluding the period of suspension therefrom ; or
 - (b) he shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on

the Audio Visual Worker and make payment of all the amount due to the Audio Visual Worker at the time of termination.

12. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the Audio Visual Worker's duties or of his/her unwillingness to perform the services required under this agreement, the producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the Audio Visual Worker, the Producer shall be entitled to employ another Audio Visual Worker in his/her place;
13. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the Audio Visual worker in relation to performance of his/her duties or his/her unwillingness to perform the service required under the agreement, upon payment to the Audio Visual worker of the amount due at the time of termination, calculated taking into consideration the Audio Visual worker's total work in the film and the work he/she has completed till the date of termination of this agreement. In case of any dispute regarding the termination or other conditions of services between the Producer and the audio-visual worker, the dispute resolution mechanism, process and constitution of Authorities and Courts shall be such as provided in the Code of Industrial Relations, 2020 and rules made thereunder by the State Government of Uttarakhand.
14. That in case of premature termination of this agreement, it shall be the option of the Producer whether or not to retain the work of the Audio Visual worker in the film and at the same time, it shall be option of the Audio Visual worker whether or not to allow his/her name to go on the credit titles of the Audio Visual production.
15. That the Producer shall have the right to decide the manner of representing the Audio Visual Worker's personality on the screen, his/her clothes, make-up and hair-style and the Audio Visual Worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the Audio Visual Worker and accepted by him/her.
16. That the Audio Visual Worker agrees that he/she shall render his/her services to the best of his/her ability in such manner as the Producer or, at his instance, the Director of the Audio Visual production may direct and shall comply with all reasonable instructions that he may give for the production of the Audio Visual production.
17. That the Audio Visual -worker shall comply with all the regulations of the studio, location or work place as the case may be.
18. That the Producer shall not without the consent in writing of the Audio Visual Worker, assign or transfer the benefit of this agreement to any other person.
19. That the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 shall be applicable to this agreement.
20. That the Producer shall not utilise the work of the Audio Visual worker in any of Audio Visual production, other than the Audio Visual production under this agreement, without prior permission of the Audio Visual worker.

The parties have put their hands to this agreement on the date, month and year said above in the presence of each other and in the presence of the witnesses.

1 Witness

Name:

Address:

2 Witness

Name:

Address:

Signature of Producer

Signature of Audio-visual worker

FORM-31

{See sub-rule (1) of rule 96 and Rule 98}

Application for grant/ renewal of license for Beedi and Cigar Work

1. Full name of the industrial premises.....

2. Full postal address and situation of the industrial premises:
- (1) Full address to which communication relating to the industrial premises should be sent.....
- (2) Full address of the applicant.*
3. Maximum number of employees proposed to be employed on any one day during the financial year.
4. Full name and residential address of the person who shall be the employer for the purposes of the Code.
5. If the employer is a partnership company, full name and residential address of other partners or directors. (see Note at the end).....
6. Financial resources of the employer e.g., particulars and value of movable and immovable properties, bank reference, income-tax assessment.
7. Whether the employer is a trade mark holder registered under the Trade and Merchandise Marks Act, 1958.
8. Whether the proposed site of the industrial premises amounts to the alteration of the site of any existing industrial premises and, if so, the reasons for such alteration.
9. Source of obtaining tobacco.
10. Whether the beedis or cigars or both manufactured by the applicant* will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958, or any other person.
11. Whether the plans of the premises are enclosed. (Yes/No)
12. Amount of fee Rs.

I Hereby declare that the particulars furnished by me in the form are to the best of my knowledge and belief accurate

Date

Signature of applicant*

Note - Where an industrial premises are run or proposed to be run by a contractor for or on behalf of another person or persons or company, the said other person or persons or company is under the Act the employer and particulars to be entered for "employer" in the Form should be in regard to such person, persons or company.

*The applicant for license may, however, be either the contractor or the employer.

FORM-32

{Sec sub-rule (5) of rule 96 and sub-rule (2) of rule 104}

Form of Declaration by employer

I/we, hereby declare that the contents given in the application for license is true and complete in all respect and I/We fulfill the requirement of the license as provided in provisions of Occupational Safety Health and Working Conditions Code, 2020 and Uttarakhnad rules made thereunder.

I/we further declare that I/We will be fully responsible for any of the particulars given in the application and if any of the contents found incorrect the license given to me/us may be withdrawn by the Authorities under the Code, 2020.

Date:

Signature

Place:

(Name and Address)

FORM-33

{See Rule 100 and sub-rule (4) of Rule 104}

Licence

Registration No.....

Licence No:.....

Fee paid: Rs.....

Licence is hereby granted to valid only for the premises described below for use as an industrial premises employing not more than employees on any one day during the year subject to the conditions specified in Annexure.

The licence shall remain in force till the 31st day of March....

Name of industrial premises.....

Situation of the industrial premises.....

Permission is also granted for the installation of power-driven machinery....

Date.....

Signature and Seal of the Authority

Renewal

{See Rule 104}

Date of renewal	Fees paid for renewal	Date of expiry
1.		
2.		
3.		
4.		

Date.....

Signature and seal of the Authority

Annexure

This licence is subject to the following conditions :

1. The manufacturing process shall be carried on only in that part of the industrial premises as specified for the purpose in the licence.
2. The maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence.
3. Power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises.
4. Except with the prior permission in writing of the competent authority, the industrial premises shall not be extended and except with the like permission, no structural alteration shall be made in any building on such premises.
5. The licence shall not be transferable.

FORM-34

{See clause (i) of sub-rule (1), clause (vii) of sub-rule (3), clause (vii) of sub-rule (7) of Rule 101}

Record of white washing, colour washing, varnishing, painting and cleaning

Part of industrial premises (name of room)	Parts white washed, colour washed, painted, varnished (walls, ceilings, woodwork etc.)	Treatment whether white washed, painted, varnished or cleaned	Date on which white washing, painting or varnishing or cleaning was carried out (DD/MM/YY)	Remarks	Signature of employer or manager
1	2	3	4	5	6

FORM-35

(See sub-rule (1) of rule 106)

Application for the work required to be carried out outside the industrial premises

To,
The Additional Chief Secretary/ Principal Secretary,
Labour and Employment,
Government of Uttarakhand.

Subject: **Application for the work required to be carried out outside the industrial premises**

Sir,

I,, proprietor/ occupier/ employer of (name of establishment), on behalf of my employees, hereby apply for permission for the work required to be carried out outside the industrial premises for wetting and cutting of beedi or tobacco leaves.

1. Type of establishment:
2. Name and address of establishment:
3. License number:
4. Date of license:
5. Date of validity of license:
6. Nature of work:
7. Place or places where the outside work is required to be carried out outside the industrial premises:
8. Details of suitability of place where outside work of wetting or cutting of beedi or tobacco leaves is proposed:
9. Brand name/ trademark of product:
10. Source of obtaining beedi or tobacco leaves:
11. Date of commencement of work:
12. Maximum number of employees employed:
13. Remarks:

Declaration:

1. I, hereby declare that all the information furnished by me in the application is true.
2. I abide myself that, if my employees have given this permission, I will ensure that all the conditions under which this permission will be granted, will be fulfilled by me.
3. I also assure that I will follow all the provisions of the Code and Rules made thereunder and if any sort of violations are found at any stage, this permission may be withdrawn and action may be taken against me.

Date:
Place:

Seal and signature of
proprietor/ occupier/ employer
or authorized signatory

FORM-36

(See sub-rule (1) of rule 107)

Record of outside work

Number and date of Government Order permitting work outside the industrial premises:

Date	Place or places where outside work was permitted	Nature of work	Name of employee	Remark
1	2	3	4	5

FORM-37

{see sub-rule (2) of Rule 107}

Home worker's log book

1. Name of home-worker:
2. Address of the home-worker, where is the manufacturing process is carried on:
3. Month and year:
4. Account of work done at home

Date	Raw material supplied to the worker			signature or thumb impression of the worker	No. of beedis received by the employer
	tendu patta	tobacco	thread		
1	2	3	4	5	6

No. of standard beedis	No. of sub-standard or chhat beedis	wages payable to the worker		wages paid to worker
		for standard beedis	for sub-standard or chhat beedis	
7	8	9	10	11

Date	Amount of wages to date in arrears	signature or thumb impression of the worker	Signature of the employer
12	13	14	15

FORM-38

{See sub-rule (2) of rule 108}

Form of Approval of plans and permission for site.

- 1- Name of the factory
- 2- Location of the factory(if possible geo-mapping)
- 3- Name of the employer
- 4- Address, telephone number and E-mail Id of the employer
- 5- Name and Address, telephone number and E-mail Id of the Occupier
- 6- Name and Address, telephone number and E-mail Id of the Manger
- 7- Activity or proposed activity as per national industrial classification
- 8- Detail of selected NIC code
- 9- Number of the workers employed or to be employed
- 10- Details of power used or to be used

Signature

(Name and Address)

FORM-39

{See sub-rule (3), clause (a) (b) of sub-rule (3) of rule 108 }

[Particulars of rooms in the factory]

Name of room in factory	Dimensions in feet					Total area in square feet	Floor area occupied by machinery in the room	Breathing space (contents in cubic feet)	Total volume of air in the room	Number and size of doors	Ventilation			Maximum capacity of the room	Maximum number of persons intended to be employed in the rooms	Whether the room is to be used as a work-room for storage only	Date of construction	Remarks
	Length	Breadth	Height		Average						Number and size of windows openings	Number and size of skylight openings	Total area in square feet					
			Maximum	Minimum														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

Signature of the Occupier.....

Signature of the Manager.....

Questionnaire Annexed to Form-39

Careful attention to the questionnaire will assist in drawing up the plans in accordance with the law, and thus prevent delay in dealing with the plans.

Note: The site-plans should be draw to a minimum scale of 100'-1" and the other plans drawn to a minimum scale of 10'-1".

1. Plans—

- Has a site-plan showing the immediate surroundings including adjacent buildings and other structures, roads, drains, etc., been submitted in triplicate.
- If there is a system of underground sewage within 100 ft. of the factory, has its position been shown in the site plan ?
- Have the direction *i.e.*, north, south, east and west been shown on the site-plans as well as on the detailed plans ?
- Have the municipal nos. or the field nos. of the premises and the surrounding areas been shown on the site-plan ?
- Have the factory premises been clearly demarcated in the site-plan in distinctive colour ?
- Have the detailed plans of the factory indicating all relevant details " relating to doors, windows, ventilators, fire escapes, etc., been submitted in triplicate ?
- Are all new buildings, parts of buildings (if extensions) or alterations in existing buildings shown by boundaries duly marked in a distinctive colour ?

- (h) Are all rooms, sheds, enclosures, etc., serially numbered inside a circle on the plans, corresponding to the serial entry in Form-42?
- (i) Are the outlines of all rooms, sheds, enclosures, etc., shown in the site-plan and allotted the same number as in Item 1 (h) above?
- (j) Is the Sectional elevation of such a room or shed, etc., shown separately?
- (k) Is the minimum and maximum height of every room, shed, etc., shown clearly in the Sectional elevation?
- (l) Is the material of which the roof is constructed indicated the Sectional elevation?
- (m) Are the heights of all the workrooms in accordance with the provisions of Rule 70 as under :
- (i) Is the minimum height 20 ft. with C. I. sheet roofing?
- (ii) Is the minimum height 14 ft. with A. C. sheet roofing or R.B./R. C. C. roofing?
- (iii) Has an inner ceiling of a heat resisting material with an air gap of at least 4" been provided at a minimum height of 14 ft. and the name of the heat resisting material given?
- (iv) Has an exemption been sought for a height of up to 12 ft. R.B./R. G. C. roofing?
- (v) Has an exemption been sought for on the assurance of not employing more than 150 employees in the factory on any day?
- (n) Is the minimum distance of the nearest building from latrines and urinals shown on the plans?
- (o) Is the minimum distance of the nearest well, hand-pump or other drinking water centres shown in the drawing?
- (p) Are water centres shown on the plans?
- (q) Are the sizes of all the doors and ventilators shown on the plans along with their exact position?
- (r) Are all the drains, pipes and sewers for carrying sullage sewage water effluent and waste products running within the factory premises constructed and shown in the plans?
- (s) Are the positions of various machines fitted or proposed to be fitted shown in the drawings together with their names?

2. Form No-42

- (a) Is Form No-42 submitted in triplicate, filled in for all workrooms, godowns, etc. which are proposed to be constructed or extended?
- (b) Have the internal dimensions only been entered in all the columns of Form No-42?
- (c) Is the breathing space of workroom, shed, etc., calculated as shown below:
Floor area of room x its mean height (height above 14 ft. has to be left out of calculation).
- (d) Is the maximum capacity entered in Column No. 15 of Form No-42? the maximum number of persons shown as the lower value of the two calculations shown below :
- (i) Floor area of a room less area occupied by machinery in the room divided by 36 [Rule 70(2)].
- (ii) Breathing space [as in (c) above] divided by 500.
- (e) Have the maximum number of persons as worked out above (lower value) been also shown on the plans for each workroom corresponding to Column No. 15 of Form No-42?
- (f) Is the window, ventilator and skylight area provided at the minimum rate of 1 sq. ft. to every 15 sq. ft. of floor area of the room? (Section 23 (2) (II) & its rule)?
- (g) Can the windows and skylights under Columns Nos. 12 and 13 of Form No. 26 Ball be opened for ventilation?

It is recommended that windows and skylights may be provided one opposite to another so as to provide cross ventilation.

(h) Has a flow chart of the manufacturing process supplemented by its brief description in various stages been submitted in triplicate? Rule 69(1) (b)

3. Doors and ventilators.—

- (a) Is every work room provided with at-least two doors or exits?
- (b) Is the minimum size of every door or exit 6'-6" x 3'
- (c) Have any doors of ventilators in common with two adjacent rooms been counted in both?
- (d) Are all the doors opening outwards?
- (e) Do the windows and skylights entered under Cois. 12 and 13 of Form No-42 Actually serve the purpose of ventilation?

4. Fire Escapes.—(In case of buildings of more than one story

- (a) Are two fire escapes provided on either side of the building?
- (b) Are the fire escapes accessible from every room in the upper floor in the buildings?
- (c) Is the material used in construction of the fire escapes non-combustible?
- (d) Are the windows, doors giving access to an external stair-case arranged to open immediately from inside.
- (e) Is any fire escape or stair-way constructed at an angle greater than 45° with the horizontal?
- (f) Is any fire escape or stair way less than 45° Un width?
- (g) Is any part of the factory building further (along the line of travel) than 150 ft. from the fire escape stair?

- (h) Have the particulars given against Items 4(e), (f) and (g) above been also clearly shown in the various drawings being submitted?
- (i) Is the setback area of the factory and its premises uncovered and free from obstruction?
5. Latrines and urinals.—
- (a) Are the latrines and urinals provided separately for men and women?
- (b) Are these sufficient to meet the requirements of Section 23(2)(viii) read with its Rules?
- (c) Is the surrounding ground up to a distance of 4 ft. all round of impermeable material?
- (d) Is the surrounding ground raised to at least 6" above the ground level?
- (e) Is any latrine, ventilator or opening in the proximity of any opening of the main building?
- (f) Do any latrines or urinals communicate with any work room without any intervening space open to the sky?
- (g) Are the latrines of the flush type?
- (h) Are all the drains, pipes and sewers for carrying sullage, sewage water effluent and waste products running within the factory premises constructed of impermeable material?
- (i) Are the drains of flush type latrines connected to the drainage system of the local Boards?
- (j) Is an efficient system of septic tanks provided if no drainage system exists?
- (k) Are the latrines provided with roofing?
6. Drinking water.—
- (a) Is the drinking water provided from a source provided by the local Board.
- (b) Is any well constructed in the premises of the factory for drinking water or humidification purposes?
- (c) Is the cylinder of the well pucca and impervious to water throughout and up to a depth not less than the lowest level of sub-soil water?
- (d) Are the positions of water centres including wells, hand pumps situated at least 20 ft. away from the washing place, latrines and urinals?
7. Rest shelter, canteen and creches.—If the plans relate to any of these, the following questions should also be answered—
- (i) Rest shelter:
- (a) Does the building fully meet the requirements of Section 24(2)(iii) and its rules.
- (b) Is the roof of heat-resisting material?
- (c) Is the height of every room in the rest shelter at least 12 ft. from the floor level to the lowest part of the roof?
- (ii) Canteen:
- (a) Does the building fully meet the requirements of—Section 24(1)(v) and its rules.
- (b) Are the canteen buildings situated not less than 50 yards from any latrines, urinals, boiler house, coals, stack coals dumps *etc.*?
- (c) What is the minimum height of the buildings of the canteen measured from the floor level to the lowest part of the roof?
- (iii) Creche :
- (a) Does the building of creche meet fully the requirements of—Section 24 (3) and its rules.
- (b) Is the height of buildings not less than 12 ft. from floor level to the lowest part of roof?
- We certify that the replies given to the questionnaire above are correct.

Signature of Manager.

Signature of Occupier.

N. B.—(i) After showing the above details, the plans and site-plan this questionnaire and Form-42 should all be submitted in triplicate to the Inspector-cum-facilitator having jurisdiction for the approval of the Chief Inspector cum facilitator, Uttarakhand.

(ii) A certificate of stability signed by a Competent Person having the qualifications, shall be submitted on Form-43 before the manufacturing process with the aid of power is begun in the building.

FORM- 40

{See clause (i) of sub-rule (3) of Rule 118; sub-rule (2) of rule 110}

Certificate of Stability of a Factory or Part of a Factory (To be submitted after completion and before working)

I hereby declare that I have personally examined the plans and specifications of the building described below, the actual materials and methods used in its construction and the finished building and I am satisfied that

its construction is such that its stability will be satisfactory when used as factory or part of a factory for the purposes herein declared.

1. Name of the factory.....
 2. Name of builder (s) or Contractor (s).....
 3. General type of construction
 - (a) Full name of signatory (in block letters).....
 - (b) Qualifications.....
 - (c) Present occupation.....
 - (d) Permanent postal address.....
 4. Purpose for which the building is to be used.....
 5. Name of room or building for which this certificate is granted giving reference to plan no.....
 6. Nature of work to be carried on in the above room/building.....
 7. Nature and amount of moving power.....
- Date.....

Signature of Competent person/Structure Engineer/Architect
(Name and Designation)

Signature of occupier
(Name and Designation)

NOTE.—The person giving the certificate must be: (a) a Corporate Member of the Institution of Civil Engineers, or (b) a Corporate Member of the Institution of Structural Engineers or (c) a Fellow Associate or Licentiate of the Royal Institute of British Architects, or (d) be a graduate in Civil Engineering and be also a Corporate Member of the Institute of Engineers (India), provided that no person, except in the case of buildings occupied or erected by any Government where a certificate may be granted by an officer not below the rank of an Executive Engineer, shall be authorized to sign a certificate of stability if he is in the full time employment of the owner or the builder of the building.

FORM-41

{see sub-rule (6) of rule 108}

Certificate of Approval of site-plan of factory

From,

.....
.....

To,

.....
.....

Site plan no.: F/plan/lic:

Date:

Subject: Regarding approval of new extension and revision of factory building plans and stability certificate.

Sir/Madam,

Please refer to your on-line application regarding approval of the site-plan of new/ extension and revision of factory building plans and stability certificate dated submitted to Chief Inspector-cum-Facilitator or (mention Licencing Authority).

Your aforesaid application if forthwith approved under the following conditions/ reasons according to the provisions of occupational safety health and working conditions code 2020 and rules made there under:

Conditions/ remarks-1:

Conditions/ remarks-2:

Conditions/ remarks-3:

Conditions/ remarks-4:

Over all conditions/ remarks:

As well as the stability certificate dated which is signed by and work room number/ as has been shown in the factory plans number is approved for the use of horsepower electricity/ horsepower diesel/ oil engine, total horsepower for use is approved. Besides this your attention is sought towards the provisions of these rules according to that before starting the work with the help of power, it shall be compulsory to issue and get the approval of the stability certificate.

Enclosed:

1. Plans
2. Site plans
3. Questionnaires
4. Form- 42
5. Flow chart
6. Certificate of Stability (Form- 43)

Your's

.....
.....

FORM-42

[see sub-rule (1) of Rule 109, sub-rule (2) of rule 110, sub-rule (2) of rule 111]

Notice of occupation for Registration and grant or Renewal/ amendment of License

LICENCE NUMBER.....

Full name of the factory and its licence number, if already registered:

1. Postal address and situation of the factory including the police station, tehsil and district with PIN code:
2. Address to which communication Relating to the factory should be sent:
3. Contact Number of Factory:
4. Email Address of Factory:
5. Nature of manufacturing process/ processes-
 - (a) carried on in the factory during the next twelve months (in case of factories already in existence).
 - (b) to be carried on in the factory during the next twelve months (in case of all factories).
 - (c) Details of National Industrial Classification-2008 (NIC) code.
 - (i) sub-class(6 digit)-
 - (ii) description as per NIC-
6. Names and values of the principal products manufactured during the last twelve months.
7. Man power:
 - (a) Maximum number of workers proposed to be employed on any one day during the year.
 - (b) Maximum number of workers employed in any day during the last twelve months
 - (c) Number of workers to be employed in the Factory.
8. Power to be used:
 - (a) Nature and total amount of power (kW.) installed or proposed to be installed

- (b) Maximum amount of power (kW) proposed to be used:
NOTE.—If power is not proposed to be used originally but is introduced later, the fact should be immediately communicated to the Chief Inspector-cum-Facilitator.
9. In the case of a factory constructed or extended after the date of the commencement of the rule:
- (a) Reference number and date of approval of the plans for site, whether for old or new building and for construction or extension of factory, by the State Government/ Chief Inspector-cum-facilitator.
- (b) Reference number and date of approval of the arrangements, if any, made for the disposal of trade waste and effluents and the name of the authority granting such approval.
10. Full name, father's name and residential address of-
- (a) The person who shall be Manager of the factory for the purposes of the code;
- (b) The occupier of the factory:
11. If the factory is covered by the provisions of Section 80 of the Code, full name, father's name, and address of the owner of the premises or buildings in which the factory is situated.
12. Half Yearly(if applicable)& Annual return submitted (Yes / No).
13. Date on which the Manager assumed charge
14. Date on which the occupier occupied the premises or will occupy the premises.
15. Detail of fee:
(Amount of fee in Rupees paid through Bank / E-Challan /Electronically, reference number and date).
16. Last annual return submission date-
17. Validity of No objection certificate for premises from Uttarakhand Fire control services-

Amendments in Licence

Year when amended	Valid for	Maximum number of workers on any one day	Total amount of power installed (KW)	Manufacturing process	Name of occupier/ employer	Updation in address of premises	Details of Amendment in Licence
1	2	3	4	5	6	7	8

I/We certify that information given by me/us is true and correct to the best of my/our knowledge.

Full signature of occupier.....

Full signature of manager.....

Full signature of owner, if any.....

Date

Notes.

(1) This form should be completed in ink in block letters or typed.

(2) If any of the persons named against the item is minor the fact should be clearly stated.

(3) In the case of a factory where a Managing Agent or Agents have been appointed as occupiers under the Indian Companies Act, 1913 (VII of 1913), information required in the item should be supplied in respect of that person or persons.

FORM-43

(see sub-rule (2) of rule 109, sub rule of (5) of rule 110, sub-rule (4) of rule 111 and sub-rule (3) of rule 112)

**LICENCE FOR FACTORY UNDER THE OCCUPATIONAL SAFETY, HEALTH AND
WORKING CONDITIONS CODE, 2020
(Licence to Work a Factory)**

Registration No:-

Old Registration No:-

Date Of Issue :-

Fee Rs.....

Licence is hereby granted to Sh /Smt valid only for the premises described below for use as a factory employing not more than persons on any one day during the year and using motive power not exceeding kW subject to the provisions of the Occupational Safety, Health and Working Condition Code, 2020 and the rules made thereunder.

This licence shall remain in force till unless further renewed.

Description of the Licenced Premises

The licenced Premises shown on plan No. dated are situated in
M/S..... Address..... District :-
and consist of the premises shown on approved site and detailed plan.

Sl. No.	Period of issue	Valid for		Fee	Challan number and date of payment
		Maximum number of workers on any one day	Total amount of power installed (KW)		

Details of Renewal of licence

	Date of renewal	Fees paid for renewal	Date of expiry
1			
2			

Signature of Chief Inspector-cum-Facilitator/
Licencing Authority

Note:

- 1- This is a computer generated licence.
- 2- This licence may be verified from the website of the Labour Department, Govt. of Uttarakhand.

This licence is issued solely on the basis of the information submitted by the applicant. The Labour Department does not undertake responsibility for the correctness of the information contained herein. This license shall remain in force subject to validity of NOC from Concerned Department.

FORM-44
{see sub-rule (2) of rule 112 and rule 115}
Notice of occupation

LICENCE NUMBER.....

For the year.....

- 01-Full name of the factory and its licence number,
- 02- (a) Address and situation of the factory including the police station, tehsil and district.....
(b) Correspondence Address
- (c) Contact Number and Email Address of Factory.....
- 03-Nature of manufacturing process/ processes carried on in the factory during the next twelve months.....
- 04-Names and values of the principal products manufactured during the last twelve months.....
- 05-(a) Maximum number of workers proposed to be employed on any one day during the year.....
(b) Maximum number of workers employed in any day during the last twelve months.....
(c) Actual number of workers employed in the Factory at present
- 06-(a) Nature and total amount of power (H.P.) installed
- (b) Maximum amount of power (H.P.)
- NOTE.—If power is not proposed to be used originally but is introduced later, the fact should be immediately communicated to the Chief Inspector-cum-Facilitator or Licencing Authority.
- 07-In the case of a factory constructed or extended after the date of the commencement of the rule
(i) Reference number and date of approval of the plans for site, whether for old or new building and for construction or extension of factory, by the State Government/ Chief Inspector-cum-Facilitator
(ii) Reference number and date of approval of the arrangements, if any, made for the disposal of trade waste and effluents and the name of the authority granting such approval
- 08-Full name, father's name and residential address of.-

- (i) The person who shall be Manager of the factory for the purposes of the Act.....
(ii)The occupier of the factory —.....

09- If the factory is covered by the provisions of Section 80 of the Code, full name, father's name, and address of the owner of the premises or buildings in which the factory is situated

10- Return submitted
(Yes / No)

11- Date on which the Manager assumed charge.....

12- Date on which the occupier occupied the premises or will occupy the premises.....

I hereby declare that our factory is complying / will comply with all health and safety provisions of The Code 2020 to the best of my knowledge.

Full signature of occupier.....

Full signature of manager.....

Date

FORM-45
{See sub-rule (2) of rule 116}
Notice of change in Manager

1. Name of factory with current licence number
2. Postal address of the factory.....
3. Name of outgoing manager.....
4. Name of the new manager with his postal residential address and telephone number, if any.....
5. Date from which new manager took over charge.....

Date.....

Signature of new Manager.....

Place.....

Signature of Occupier.....

FORM- 46

(see sub-rule (6) of rule 144)

Register of persons in supervisory, managerial or confidential positions

Name of the Factory

License Number

Sr.No	Name	Father's name	Designation	Date of joining	Date of leaving
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					

FORM- 47

(see sub-rule (8) of Rule 147)

ANNUAL REPORT OF HOUSING

Annual return for the year.....

1. Name of Plantation:
2. Address and location where plantation is carried out:
3. Name and address of the employer:
4. Year in which the plantation came under the preview of the Code:
5. Total resident labour population including dependents in the plantations:
6. Number of resident workers requiring houses:
7. Number of houses approved every year:
8. Number of houses provided -
 - i. Construction of new houses.
 - ii. adaptation of old houses.
9. Reason for not providing the number of houses as required in item No. 7:

Date:

Seal and Signature of the Employer

FORM- 48

{See sub-rule (1) of rule-168}

NOTICE TO OFFENDING EMPLOYER BY COMPOUNDING OFFICER FOR COMPOUNDING THE OFFENCES UNDER SUB-SECTION (1) OF 114 OF THE CODE

NOTICE

To,
 (Name of employer)
 M/s
 (Address)

Kindly refer to your application dated regarding the composition of offence(s) committed in contravention to the provisions of the Occupational Safety, Health and Working Conditions Code, 2020 (Act no 37 of 2020) by you/ your company/ establishment;

Since you have requested for the composition of the said offence(s), you are hereby intimated that the allegation has been made against you for committing offence for violation of section(s) of the Occupational Safety, Health and Working Conditions Code, 2020 (Act no 37 of 2020). Your application has been examined by undersigned and it was found that the violations under the section(s) are compoundable while the offence(s) under the section(s) may not be compounded for the reasons stated below under the Occupational Safety, Health and Working Conditions Code, 2020 (Act no 37 of 2020)-

1.
2.

The compounding amount required to be paid by you towards composition of offences is rupees By this notice, you are hereby directed to deposit the abovementioned compounding amount within fifteen days from the date of issue of this notice for compounding of the offence(s). In case if you fail to deposit the said amount within specified time, no further opportunity shall be provided to you and necessary direction for filing prosecution under section(s) as per the provisions of the Code against you shall be issued;

You are also hereby informed, that if you fail to deposit the abovementioned compounding amount within the specified time, you will be liable to pay the same as per the provision of sub-section (3) of section 114 of the Code.

This notice is issued under my signature and seal on day of, 20.....

Compounding Officer,
 Seal

Copy to- Inspector-cum-Facilitator having jurisdiction

FORM- 49
 {See Rule 171}

Application for Common License under section 119

Common Application for License/ Renewal/ Amendment of License applied under Section 119 of the Code	
A. Establishment Profile	
1	Name of Establishment
2	Address of establishment
	(a) Head Office address along with e-mail-id
	(b) Corporate Office address along with e-mail-id
	(c) Location of establishment along with e-mail-id
3.	Contact number(s)

4	Activity as per NIC (National Industrial Classification) (select all applicable activities given):	
5	Details of selected NIC code	
6	Nature of work carried on in main establishments	
7	Identifier of establishment: (select - e-sign/ digital sign)	
B. Details of Employer		
1	Full name of Employer/ Occupier	
2	Relationship with establishment	
3	Full address of Employer/ Occupier	
4	e-mail id of Employer/ Occupier	
5	Details of all Occupiers/ Partners/ Directors to be furnished along with **	

C. Particulars of the Factory						
1	Factory Name	Full address of Factory	Activity as per NIC (National Industrial Classification)	Date of applicability as factory	Max. power to be used (KW)	Name of establishments in which workers to be employed
	1	2	3	4	5	6
1	Name, Residential address and Mobile no. of Manager/ Factory Manager					
2	Max. no. of workmen proposed to be employed on the establishment on any date					
3	Amount of License fee paid					
4	Transaction id/ proof of deposition					
5	Manufacturing process to be carried out					

D. Particulars of the Contract Labour to be employed (if license is required workwise)	
1	Location of work sites
2	Nature of work carried out in establishment/ Activity as per NIC (National Industrial Classification)
3	Name of establishments where contract labour is proposed to be employed
4	Date of commencement
5	Date of completion
6	Name, address and -mail of site in-charge
7	Max. no. of workmen proposed to be employed on the establishment on any day
8	Amount of License fee paid
9	Amount of security deposit
10	Transaction id/ proof of deposition
11	Registration number, if obtained then details they are of

E. Details of establishments for which single license is required (beedi and cigar)	
1	Whether the applicant is a trademark holder registered under prevailing trade and merchandise market act
2	Whether the proposed site of the industrial premises amounts to the alteration of the site of any existing premises and if so the reasons for such alteration
3	Whether the beedis or cigars or both manufactured by applicant will be sold and marketed by himself or through proprietor or registered user of a prevailing trade and mercantile market act or any other reason person
4	Maximum number of labour will be employed at any time of the day
5	Date of commencement of work
6	Plan of the places or premises, the area therein to be used for manufacturing processes, the immediate surroundings of such places or premises etc.

Date of application

Signature of employer/ Occupier

Application for Renewal of License

1	License number and Date	
2	Registration number	
3	LIN and PAN (for contract labour work only)	
4	NIC code no (as given in the license)	
5	Name and address of the factory/ establishment	
6	Full address to which communication shall be carried (where the factory address serves the purpose of communication also, this information need not to be given)	
7	A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages, list of the raw material, used intermediate products including mission of toxic gases, etc., finished products, their quantities, methods of storage and handling, loading and transport and details of the arrangement for the disposal of trade waste and effluents (to be enclosed)	
8	Max. number of workers to be employed on any day during the year	
9	Installed power (in HP)	
10	Details and proof of deposited required fees	
11	Date of expiry of previous license	
12	Whether the license of the employer/ contractor was suspended or revoked	

Date of application

Signature of employer/ Occupier

Application for Amendment of License

1	License number and Date	
2	LIN and PAN (for contract labour work only)	
3	Name and address of the factory/ establishment	
4	Max. number of workers presently employed	
5	Details for which amendment is sought	
(a)	Max. number of workers presently employed	
(b)	Change in number of workers (If the number of workers has to amended and there is an increase in number in the maximum number of workers to be employed, then additional fees/ security deposit as per rules needs to be deposited)	
(c)	Power to be change (in HP)	
(d)	Change in the name of Occupier or Factory Manager	
(e)	Change in name of Factory	
6	Nature of manufacturing process to be carried out in the factory	(List of processes)
7	In case of amendment in manufacturing process, indicate manufacturing process carried out previously	(List of processes)
8	Details and proof of deposited required fees	
9	Other details, requiring amendment in the license issued (necessary documents may be attached/ uploaded in support of change(s) required	

Date of application

Signature of employer/ Occupier

** strikeout whichever is not applicable

FORM-50
{See sub-rule (3) of Rule 172}
Certificate of Common License under Section 119 (2)

License No:

Registration No.

NIC details:

Date:

License is hereby granted to for the premises known as situated at for use as a Factory/ Establishment within the limits stated hereinafter, subject to provisions of the Section 119 of the Occupational Safety, Health and Working Conditions Code, 2020 and the Rules made thereunder.

The plan of Factory is approved on (date) plan number by Director of Factories, Uttarakhand/ Deputy Director/ Assistant Director of Factories, having jurisdiction

Date:

Designated Authority

Details of License

	Period of issue	Valid for		License Fees paid	Excess fees for late payment	Security amount paid	Date of payment
		Max. no. of contract labour/ workers on any one day	Max. power used in premises (in HP)				
Details of license granted							
Details of Renewal							

Designated Authority

Amendments

Date of amendment	Amendment made			Amendment fees and date of payment	Additional fees (if any) and date of payment
	Workers	Installed power	Details of Other amendments		

Designated Authority

ANNEXURE

This single licence under sub-section (2) of Section 119 of the Code is subject to the following conditions:

1. This license is only for the purposes of Sub-section (1) of Section 119 of the Code on Occupational Safety, Health and Working Condition, 2020 and rules made thereunder.
2. The number of workmen employed as contract labour/ migrant labour in the establishment shall not, on any day, exceed the maximum number specified in the licence.
3. Except as provided in the rules, the fees paid for the grant or, as the case may be, for renewal of the licence shall be non-refundable.

4. The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed for the employment under the Code on Wages, 2019 (29 of 2019), where applicable, and where the rates have been fixed by agreement, settlement, award, or by the State Government, not less than the rates so fixed.
- (a) In case where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work;
- Provided that in the case of any disagreement with regard to the type of work the same shall be decided by the concerned designated authority or Inspector-cum-Facilitator having jurisdiction, whose decision shall be final.
- (b) In other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the concerned designated authority or Inspector-cum-Facilitator having jurisdiction.
5. Every contract labour/migrant worker shall be entitled to allowances, benefits, facilities etc, as prescribed in the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) and rules made there under.
6. In every establishment where 20 or more women are ordinarily employed as there shall be provided 2 rooms of reasonable dimension for the use of their children under the age of six years. One of such rooms would be used as a play room for the children and the other as bed room for the children. For this purpose the contractor shall supply adequate number of toys and games in the play room and sufficient number of cots and beddings in the sleeping room.
7. The licensee shall notify any change in the number of workmen or the conditions of work to the Authority.
8. A copy of the licence shall be displayed prominently at the premises where the contract work is being carried on.
9. The contractor shall comply with all the provisions of the Code and these Rules.
10. The licensee shall, within fifteen days of the commencement and completion of each contract work, submit a return to the Authority designated under section 46 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) intimating the actual date of the commencement or, as the case may be, completion of such contract work in relevant Form.

FORM- 51

Report of Examination and Test of Dust Extraction of Suppression System

1. Description of system
2. Hood-
 - (a) Serial number of hood
 - (b) Contaminant captured
 - (c) Capture Velocities (at points to be specified)

Design Value	Actual Value
 - (d) Volume exhausted at hood
 - (e) Hood Static Pressure
3. Total Pressure drop at--
 - (a) Joints
 - (b) Other points of system (to be specified)
4. Transport velocity in duct at points along ducts (to be specified)
5. Air cleaning device--
 - (a) Type used
 - (b) Velocity at inlet

- (c) Static pressure at inlet
- (d) Velocity at outlet
- (e) Static Pressure at outlet
6. Fan--
- (a) Type used
- (b) Volume handled
- (c) Static Pressure
- (d) Pressure-drop at outlet of fan
7. Fan Motor--
- (a) Type
- (b) Speed and power in kilowatts
8. Particulars of defects, if any, disclosed during test of any of the above components.

I certify that on (date) the above dust extraction system was thoroughly cleaned and (so far as its construction permits) made available for thorough examination. I further certify that on the said date, I thoroughly examined the above dust extraction system including its components and fittings and that the above is a true report of my examination.

Signature

Qualification

Address

Date

(If employed by a company or association, name and address of the company or association)

By Order,

DR. SRIDHAR BABU ADDANKI,
Secretary