

Tamil Nadu Handloom Worker (Conditions of Employment and Miscellaneous Provisions) Rules, 1982

TAMILNADU

India

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Rule

TAMIL-NADU-HANDLOOM-WORKER-CONDITIONS-OF-EMPLOYMENT of 1982

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Tamil Nadu Handloom Worker (Conditions of Employment and Miscellaneous Provisions) Rules, 1982 Published vide Notification No. G.O.Ms. No.723, Labour and Employment, dated 11th April 1982-No. SRO a-95(c)/82 G.O.Ms. No.723, Labour and Employment, dated 11th April 1982-No. SRO a-95(c)/82. - In exercise of the powers conferred by section 57 of the Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Act, 1981 (Tamil Nadu Act 61 of 1981), the Governor of Tamil Nadu hereby makes the following rules, namely:-

Chapter I Preliminary

1. Short title.

- These rules may be called the Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Rules, 1982.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Act, 1981 (Tamil Nadu Act 61 of 1981);(b)"Form" means a form appended to these rules;(c)"licence" means licence granted under

section 4 of the Act;(d)"section" means a section of the Act;(e)"year" means financial year; and(f)words and expressions not defined in these rules shall have the meanings assigned to them under the Act.

Chapter II

Licensing of Industrial Premises

3. Application for grant of licence.

(1)Every application under sub-section (1) of section 4 shall be made in duplicate in Form I.(2)The application shall be accompanied by the following documents, namely:-(a)Plans in triplicate showing,-(i)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;(ii)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 and passage-ways in or in relation to, the various buildings which are intended to be used for manufacturing processes; and(b)The treasury receipt showing that the appropriate fee for the licence as specified in rule 6 has been paid.(3)The application in duplicate together with the documents specified in sub-rule (2) shall be sent by registered post or delivered by hand under acknowledgement to the competent authority.(4)Before granting a licence, the competent authority shall also have regard to the following matters:-(i)Whether the site of any industrial premises is proposed to be altered;(ii)Whether any industrial premises has been closed, by the applicant during the period of twelve months immediately preceding the date of the application which will be detrimental to the interests of the labour.

4. Renewal of licence.

(1)The application for renewal shall be sent to the competent authority with a treasury receipt for the fees for the renewal of the licence specified in rule 6 and the original licence.(2)The application together with the treasury receipt specified in sub-rule (1) shall be sent by registered post or delivered by hand under acknowledgment to the competent authority.(3)The competent authority shall, in deciding whether to renew a licence or not, have also regard to the matters specified in sub-rule (4) of rule 3.

5. Form and terms and conditions of licence.

(1)A licence granted under the Act shall be in Form II.(2)The terms and conditions subject to which such licence may be granted or renewed shall be the following, namely:-(i)The manufacturing process shall be carried on only in that part of the premises specified in the licence;(ii)If the number of employees exceeds the number specified in the licence, an application for amendment of licence shall be sent as required under rule 8;(iii)No industrial premises reconstructed or extended subsequent to the grant or renewal of the licence shall be used as industrial premises except with the written permission of the competent authority;(iv)The licence shall not be transferable from the

person to another except in the cases and in accordance with the procedure specified in rule 9; and(v)The fees paid shall not be refunded except in the cases specified in rule 10.

6. Fees.

- The fees to be paid for the grant or renewal of a licence shall be as specified in the Table below:-Table

| If the number of employees proposed to be employed on any day during the year for which the licence is required or renewed - | Licence fee for each financial year financial year (Rs.) |
|--|---|
| (a) does not exceed 10 | 10 |
| (b) exceeds 10 but does not exceed 20 | 20 |
| (c) exceeds 20 but does not exceed 50 | 50 |
| (d) exceeds 50 but does not exceed 100 | 100 |
| (e) exceeds 100 but does not exceed 250 | 250 |
| (f) above 250 | 500 |

7. Issue of duplicate licences.

(1)If a licence issued under section 4 is lost, stolen or destroyed, the licensee shall forthwith report the matter to the competent authority by whom the licence was issued, or as the case may be, last renewed and may make an application to that authority for the issue of a duplicate licence.(2)The fees to be paid for the grant of a duplicate licence shall be rupees five.(3)The application shall be accompanied by a treasury receipt showing that the fee for the issue of a duplicate licence as specified in sub-rule (2) has been paid.(4)On receipt of the application, the competent authority shall grant to the applicant a duplicate copy of the licence duly stamped "duplicate" in red ink.

8. Amendment of licence.

(1)A licence granted or renewed under these rules may be amended by the competent authority on an application from the licensee.(2)The application for the amendment of a licence shall be accompanied by,-(i)a statement indicating the nature of the amendment required;(ii)a statement showing the change in particulars already furnished in Form I under rule 3 which necessitate the application for amendment;(iii)fresh plans as provided in rule 3 in cases where the plans submitted with the original application no longer hold good;(iv)a treasury receipt showing that the appropriate fee for the amendment of licence has been paid in the local treasury; and(v)the licence originally granted.(3)The fee for the amendment of a licence shall be ten rupees.(4)An application for the amendment of the licence shall be dealt with by the competent authority in the same manner as an application for grant of a licence.

9. Procedure on death of licensee.

(1) If a licensee dies, his heir or legal representative shall, within two months from the date of the death of the transfer of the licence in his name. The original licence shall be sent along with the application. (2) The competent authority shall, if he approves of the transfer, enter on the licence under his signature an endorsement to the effect that the licence has been transferred to the applicant. (3) An application for the transfer of a licence under this rule shall be dealt with by the competent authority in the same manner as an application for the grant of a licence.

10. Refund of fees.

(1) If the competent authority refuses to grant or renew any licence, it shall order the refund of the fees paid thereof. (2) If the industrial premises connected with the making of handloom cloth or fabric or any work pertaining to handloom weaving has not worked during the period of validity of licence, the licence holder may, within a period of three months from the last date of the financial year for which the licence was granted or renewed, apply to the competent authority for the refund of the fee paid by him for such licence and the competent authority shall, after making such enquiry as it may deem necessary and after satisfying itself about the correctness of the statements made in the application order refund of such fee.

11. [Payment of fees. [Substituted by G. O. Ms. No. 1065, Labour, dated the 23rd May 1988.]

- All fees payable under these rules shall be accompanied by a treasury receipt showing that the appropriate fee has been paid into the local treasury under the head of account "2230 Labour and Employment-101, Receipts under Labour Laws. 03. Receipts under the Tamil Nadu Hand-loom Workers (Conditions of Employment and Miscellaneous Provisions) Act, 1981-DP Code 121A.AJAA 0120".]

12. Appeal and procedure.

(1) Every appeal under section 5 shall be preferred in the form of a memorandum setting forth concisely the grounds of appeal and signed by the appellant or his authorised agent and shall be presented to the appellate authority in person or sent to it by registered post. (2) The memorandum shall be accompanied by a copy of the order appealed against and a treasury receipt for Rs. 10 being the fee for the appeal. (3) Where the memorandum of appeal does not comply with the provisions of sub-rule (1), it may be rejected or returned to the appellant for the purpose of rectification within a time to be fixed by the appellate authority. (4) Where the appellate authority rejects the memorandum under sub-rule (3), it shall record its reasons for such rejection and communicate the order to the appellant. (5) The Appellate Authority shall send a notice to the appellant to appear before it at such date and time as may be specified in the notice for the hearing of the appeal. (6) If on the date fixed for hearing, the appellant or his authorised agent does not appear, the appellate authority may dismiss the appeal on that ground. (7) An order passed under sub-rule (6) may be set

aside and the appeal reheard, if the appellant shows good and sufficient cause to the satisfaction of the appellate authority within one month of the date of the said order and the appeal may be heard, after giving notice to the party of the date fixed for such hearing.

13. Powers of the appellate authority.

- If the appellant or his authorised agent is present when the appeal is called on for hearing, the appellate authority shall proceed to hear the appellant or his authorised agent and any other person summoned by it for this purpose, and after considering all the facts and circumstances either confirm, modify or reverse the order appealed against by an order in writing recording the reasons therefor and communicate the order to the appellant.

Chapter III

Inspectors

14. [Qualification of an Inspector. [Substituted by G O. Ms. No. 1065, Labour, dated the 23rd May 1988.]

- No person shall be eligible for appointment as Inspector unless he is a member of the Tamil Nadu Labour Service or a member of the Tamil Nadu Subordinate Labour Service.]

15. [Qualification of Chief Inspector. [Substituted by G O. Ms. No. 1065, Labour, dated the 23rd May 1988.]

- No person shall be eligible for appointment as Chief Inspector unless he is a member of the Tamil Nadu Labour Service.]

16. Authority to assign local limits to Inspectors.

- The authority to assign the local limits to the Inspectors within which they shall exercise their functions under the Act shall be the Chief Inspector.

17. Powers of Inspectors.

- An Inspector shall, for the purpose of giving effect to the provisions of the Act, have power to do all or any of the following acts, namely:-(i)To inspect, examine, measure, copy, photograph, sketch or test, as the case may be, any house, building or room, register or document maintained under the Act and these rules or do anything provided for the purpose of securing the health or welfare of the workers employed in an industrial premises;(ii)To prosecute, conduct or defend before a Court any complaint or other proceeding arising under the Act;(iii)To require an employer to supply or send any return or information relating to the provisions of the Act;(iv)To satisfy himself at each inspection that-(a)the provisions of the Act and the rules regarding the health and the welfare of

employees employed in the industrial premises are observed;(b)the prescribed registers are properly maintained;(c)the periods of rest and holidays provided by the Act are granted and that the limits of hours of work laid down therein are not exceeded;(d)leave with wages benefits are granted in accordance with the provisions of the Act and the rules;(v)To note how far the defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with; and(vi)To point out all such defects or irregularities as he may have observed and to give orders for their removal and to record and furnish to the employer a summary of the defects or irregularities and of his orders.

18. Procedure in issuing orders.

- Every order or notice passed under the Act and the rules shall be served on the person concerned-(a)by sending a copy of it to him personally or to his office, or(b)by sending it by registered post, or(c)if the aforesaid modes fail, by affixing it at the last known place of residence or office of the person.

Chapter IV

Health Any Welfare

19. Cleanliness.

(1)Every industrial premises shall be kept clean and tidy.(2)The record of the dates on which white-washing, colour-washing, varnishing, painting or cleaning, as the case may be, shall be entered by the employer in a register maintained in Form IV.

20. Ventilation.

- Every industrial premises shall be sufficiently ventilated so as to keep the atmosphere inside such room or hall comfortable.

21. Latrines and urinals.

- Every latrine and urinal shall be under cover and so partitioned off as to secure privacy and cleanliness and shall have a proper door and fastenings.

22. Washing facilities.

- There shall be provided and maintained in every industrial premises for the use of employees wherein any item of work relating to bleaching or dyeing or finishing is carried on, adequate and suitable facilities for washing which shall include soap and other suitable means of cleaning and such facilities shall be conveniently accessible and shall be made available in clean and hygienic condition.

23. Creches.

(1)The creche shall be conveniently accessible to the women employees whose children are accommodated therein.(2)Effective and suitable provisions shall be made in every room or rooms used for creche for securing and maintaining adequate ventilation and light.(3)The employer shall provide sitting accommodation for the use of the women employee while she is feeding or attending to her child.(4)There shall be in or adjoining creche a suitable washing room for the washing of the children and their clothing.(5)The employer shall appoint a woman Ayah for looking after the children accommodated in a creche and he shall also provide suitable equipment and facilities for the purpose.

24. First-aid.

(1)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 sub-rule (2) and the number of boxes or cupboards to be so provided and maintained shall not be less than one.(2)The first-aid boxes or cup-boards shall be distinctively marked with a red cross on a white background and shall contain the following equipment, namely:-(i)six sterilised dressings;(ii)three large-size sterilized dressings;(iii)one bottle containing a 2 per cent alcoholic solution of iodine;(iv)one bottle containing salvolatile having the dose and mode of administration indicated on the label;(v)one bottle of potassium permanganate crystals;(vi)one pair of scissors; and(vii)adhesive plaster.(3)Adequate arrangements shall be made for immediate recoupment when necessary.

Chapter V

Working Hours

25. Notice and register of periods of work.

(1)Every employer shall exhibit in his industrial premises a notice in Form V `specifying clearly the daily hours of work, intervals for rest and weekly holiday allowed to the employees or, as the case may be, to each class of employees.(2)Every employer shall maintain a register showing the hours actually worked including overtime in Form VI.

25A. [Employment of employees in more than one industrial premises. [Rule 25-A was inserted by G. O. Ms. No. 1751, Labour, dated the 8th September 1986.]

(1)An employee may be employed in. more than one industrial premises on the same day, with the previous approval of the Inspector, subject to the following conditions, namely:-(i)He shall not be employed for more than eight hours in all or any one day;(ii)He shall receive a weekly holiday in accordance with the provisions of section 22;(iii)Every employee who is required to work in another

industrial premises on the same day shall carry with him a card in which the following particulars shall be entered by the employer of the first industrial premises. (a) his normal periods of work as in the notice of periods of work for the day; (b) the period or periods he has worked in the first industrial premises for the day. (2) The employer of the second industrial premises in which he is to work for the rest of the day shall enter in the card the period or periods, he has worked for the day in his industrial premises. The employers of both the industrial premises in which the employee has worked for the day on the same day shall send to the Inspector of an extract of the card mentioned above not later than three days from the date on which the employee has so worked in the two industrial premises on the same day. (3) The Inspector will communicate his approval within three days from the date of receipt of application for approval from the employer of an industrial premises under the rule, and if the Inspector does not communicate his approval within such time, it shall be deemed to have been approved.]

26. Method of calculating cash equivalent of concessional sale of food grains, etc.

(1) The cash equivalent of the advantage accruing through the concessional sale to an employee of food grains and other articles shall be computed at the end of every wage period fixed under the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936). (2) For the purposes of section 19, the cash equivalent of the advantage accruing through the concessional sale of food grains and other articles to an employee required to work overtime shall be computed as a sum equivalent to the difference between the value of such food grains and other articles at the average market rates prevailing during the wage-period in which the employee worked over-time and the concessional price thereof.

27. Register of leave with wages.

(1) The employer shall in respect of employees employed, keep an up-to-date register in Form VII ("hereinafter referred to as the "Register of Leave with Wages"): Provided that if the competent authority is of the opinion that any muster roll or register maintained by the employer gives particulars required for the enforcement of the provisions of sections 29 and 30, it may, by order in writing, permit such muster roll or register to be treated as the register required to be maintained under this sub-rule. (2) The employer shall, in respect of the employees who are permitted to attend to any operation connected with handloom weaving, in their home (hereinafter referred to as the "domestic weaver") maintain an up-to-date register in Form VIII (hereinafter referred to as the "Register of Leave with Wages- Domestic Weaver").

28. Leave Book.

(1) The employer shall provide each employee (including a domestic weaver) with a book in Form VII or Form VIII, as the case may be, (hereinafter referred to as "the leave book"). (2) The leave book shall be the property of the employee and the employer shall not demand it except for making entries therein and shall not keep it for more than a week at a time. (3) If an employee loses his leave

book, the employer shall provide him with a duplicate copy, on payment often parse, and the particulars shall be copies, in it from the record of the employer.

29. Payment of wages if employees dies.

(1) If an employee who had taken leave dies before he resumes work, the balance of his wages due for the period of leave with wages not availed of shall be paid to his nominee within one week of the receipt of the intimation of the death of the employee. (2) For the purpose of sub-rule (1), each employee shall submit a nomination in Form IX duly signed by himself and attested by two witnesses. The nomination shall remain in force unless the nominee predeceases the employee or until it is cancelled or revised by another nomination.

Chapter VI

Industrial Relations

30. Appeal under section 37.

(1) An appeal under section 37 shall be preferred to the Labour Officer having jurisdiction over the area within 30 days from the date of service of the order dispensing with his service with the employer, such service to be deemed effective, if carried out either personally or if that be not practicable by prepaid registered post to his last known address, when the date of such service shall be deemed to be the date when the letter would reach the addressee in ordinary course of post: Provided that an appeal after the said period or thirty days may be admitted if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. (2) After admitting the appeal, the appellate authority shall give due notice to both the parties and after giving them a reasonable opportunity of being heard pass such orders as he may deem fit as required under sub-section (2) of section 37. (3) The procedure to be followed by the appellate authority when hearing the appeals preferred to it under sub-section (2) of section 37 shall be summary. It shall record briefly the evidence adduced and, then, pass orders giving its reasons therefor. (4) An authenticated copy of the order shall be sent to each of the parties, either in person or by registered post acknowledgement due. (5) If the employer or his representative fails to appear on the specified date, the appellate authority may proceed to hear and determine the appeal ex parte on merits. (6) If the appellant fails to appear on the specified date, the appellate authority may dismiss the appeal. (7) Notwithstanding anything contained in sub-rules (5) and (6), an order passed under either or those sub-rules may be set aside and the appeal reheard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for such rehearing.

31. Appeal against lay-off.

(1) An appeal against lay-off under section 38 shall be preferred to the Labour Officer having jurisdiction over the area within a week from the first day of such lay-off in Form X. (2) The procedure to be followed by the appellate authority when hearing appeals against lay-off preferred

to it shall be summary. It shall record briefly the evidence adduced and then pass orders giving its reasons therefor.(3)An authenticated copy of the order shall be sent to each of the parties either in person or by registered post with acknowledgement due.(4)If the employer or his representative fails to appear on the specified date, the appellate authority may proceed to hear and determine the appeal ex parte on merits.(5)If the appellant fails to appear on the specified date, the appellate authority may dismiss the appeal.(6)Notwithstanding anything contained in sub-rules (4) and (5) above, an order passed under this rule may be set aside and the appeal reheard on good cause being shown within one month on the date of the said order, notice being served on the opposite party of the date fixed for such hearing.

32. [Redressal of disabilities. [Substituted by S.R.O. A509/88 (G. O. Ms. No. 1065, L. & E., dated the 3rd May 1988.)]

(1)Any employee aggrieved or having suffered from any of the disabilities mentioned in sections 32 to 35 shall file an application to the Textile Control Officers of the Department of Handlooms and Textiles having jurisdiction over the area who shall, after making such enquiry as he may consider necessary and after giving the parties an opportunity to represent their respective case, decide the dispute and issue an order with a record of proceedings in Form XI.(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 Inspector of Labour having jurisdiction over the area.(3)The procedure for hearing the applications under sub-rule (1) and appeals under sub-rule (2) shall be the same as referred to in sub-rules (2) to (6) of rule 31.]

Chapter VII

Registration of Employees and Employers

33. Registration of employees.

- Every employee to whom the Act applies shall get himself registered with the Registering Authority by applying in Form XII.

34. Registration of Employers.

(1)Every employer shall get himself registered with the registering authority by applying in Form XIII.(2)Every such registration shall be valid for one year.(3)Every employer who has registered under sub-rule (1) shall renew his registration in Form XIII within 30 days before the expiry of the registration:Provided that an employer of an industrial premises coming to existence after the commencement of the Act shall apply simultaneously on the commencement of his business and before applying for licence under sub-section (1) of section 4.

35. Registering Authority.

- [The Deputy Inspector of Labour having jurisdiction over the area shall be the Registering Authority for the purpose of these rules.] [Substituted by G. O. Ms. No. 1068, L. b. £., dated the 23rd May 1998 (SRO A109/88).]

36. Grant of registration card.

(1) On receipt of application in prescribed form from an employer or an employee, the registering authority shall, after making such enquiry as it may deem fit, shall register, or refuse to register such an employer or the employee, as the case may be. If the registering authority allows the application for registration, it shall register the name of such employer, or employee and issue a registration card in Form XVI in the case of an employee and in Form XVII in the case of an employer. (2) The registration card shall be in duplicate, one to be issued to the employee or the employer, as the case may be, and the other to serve as counterfoil. (3) The register of employee shall be in Form XIV and the register of employer shall be in Form XV. (4) The registration authority shall, after giving an employee or an employer, as the case may be, an opportunity of being heard, by order revoke or suspend any registration card granted or renewed under above sub-rules, if it appears to him that such registration card has been obtained by misrepresentation or fraud or that the employee Or employer has failed to comply with or contravened, any of the provisions of these rules. (5) [Any person aggrieved by the order of the Registering Authority refusing to register, cancelling or suspending a registration card may, within a period of fifteen days from the date of receipt of such order, appeal to the Inspector of Labour having jurisdiction over the area in this behalf and such authority may by an order, confirm, modify or reverse any order cancelling or suspending a registration card.] [Substituted by G. O. Ms. No. 1068, L. & £., dated the 23rd May 1998 (SRO A109/88).]

37. Issue of duplicate registration card.

(1) If a registration card is lost, stolen or destroyed, the cardholder shall report the matter to the registering authority and make an application to that authority for the issue of a duplicate registration card. The application shall be accompanied by a treasury receipt towards the fee for the grant of duplicate registration card at Rs. 2 for an employee and Rs. 5 for an employer, as the case may be. (2) On receipt of the application, the Registering Authority shall grant to the employee or the employer a duplicate copy of the registration card duly stamped "Duplicate" in red ink.

38. Obligations of the employee.

(1) The registration card issued to any employee shall be his personal property and shall not be transferable. (2) The registration card shall be produced on demand for inspection by the Inspector. (3) The employee shall intimate to the Registering Authority any change in his address and to the employer for making entry in the Register of Employees. (4) The registration card shall be surrendered to the Registering Authority in the following circumstances:-(i) When dismissed or

discharged from service.(ii)At the time of retiring from service.(iii)On death by his heir "or legal representatives.(5)The registration card shall be only for the identity of the employer and the employee described, and it shall not be used for any other purpose.

39. Obligations of the employers.

(1)The registration card issued to an employer shall not be transferable and it shall be always be available for inspection by the Inspector.(2)No employer shall employ in his industrial premises any employee without a valid registration card issued by the Registering Authority.(3)Within 30 days from the date of coming into force of these rules, the employer shall arrange for registration of all employees, including domestic weavers, in his industrial premises.(4)Whenever an employer changes the place of his industrial premises he shall send due intimation to the registering authority for making necessary entries in the register of employers.(5)(a)Any employer closing an industrial premises shall, within fifteen days of his doing so, send notice to the registering authority in writing of such closure.(b)The Registering Authority shall, on receiving such notice, and on being satisfied about the correctness, delete that employer from the register of employers and cancel the registration card of that employer.

40. Maintenance of registers.

(1)Every employer shall, in respect of the employees employed on the industrial premises, maintain a muster roll in Form XVIII, and entries therein shall be made at the commencement of the work each day.(2)Every employer shall provide free of cost to each domestic weaver two books in Form XIX (hereinafter referred to as the "domestic weaver's log books") and the domestic-weavers shall keep a record of the daily work done by him, the items or varieties of handloom fabrics or cloth produced by him and the wages received by him in the said book and the supply of books shall be so arranged that one book remains with the domestic-weavers at all times during the period between two successive supplies of raw materials by the employer.(3)Every employer shall maintain a domestic weavers employment register in Form XX containing the names and particulars of all the domestic weavers employed under him and the entries in the register be made and kept up-to-date on the basis of the entries in the domestic-weavers' log books.

41. Visitors' book.

- Every employer shall maintain a visitors' book in which an Inspector visiting the industrial premises may record his remarks regarding any defects that may come to his notice at the time of his inspection and the employer shall produce such book whenever required so to do by the Inspector.

42. Production of registers, records, etc..

- Every registers, records and notices maintained or exhibited under the provisions of these rules shall always be available in the industrial premises and shall be produced or caused to be produced

for inspection at all reasonable hours by any Inspector having jurisdiction: Provided that if an Inspector or such other authority having jurisdiction considers necessary, the register, record and notice maintaining or exhibited under the provisions of these rules shall be produced for inspection in his office or such other public place as may be nearer to the employer.

43. Entry in the register.

(1) In any register or record, which an employer is required to maintain under these rules, the entries relating to any day shall be made on such day. (2) Every register referred to in these rules, shall be preserved for a period of three years from the date of the last entry noted therein.

44. Annual return.

- The employer of every industrial premises shall furnish an annual return in Form XXI on or before the 30th April of every year to the Inspector having jurisdiction over the area.

45. Language of registers, records, etc.

- All registers, records and notices required to be maintained, exhibited or sent under these rules shall be in Tamil, or in English and Tamil.

46. Exhibition of name board.

- The name board of every industrial premises shall be in Tamil and wherever other languages are also used, the versions in such other languages shall be below the Tamil version.

47. Information required by the Inspector.

- The employer of an industrial premises shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provisions of the Act or the rules made thereunder have been complied with or whether any order of an Inspector has been duly carried out. Any demand by an Inspector of any such information if made during the course of an inspection shall be complied with forthwith if the information is available in the industrial premises or if made in writing shall be complied with, within seven days of receipt thereof. Form I (See rule 3) Application for Grant of Licence for the Financial Year

- 1 Full name of the industrial premises.
- 2 (i) Full postal address and situation of the industrial premises.
- 3 Full name and residential address of the person who shall be the employer for the purposes of the Act.
- 4 (i) If the employer is a partnership company, etc., full name and residential address of other partners or directors, etc.

(See Note 1 at the end.)

(ii) Whether the employer has registered his name and, if so, quote Registration No.

5 Financial resources of the employer (e.g. particulars and value of movable and immovable properties, bank reference, income-tax assessment, etc.).

6 Maximum number, of employees proposed to be employed on any one day during the financial year.

7 Whether the proposed site of industrial premises amounts to the alteration of the site of any existing industrial premises and, if so, the reasons for such alteration.

8 Whether any industrial premises was closed by the employer during the period of twelve months immediately preceding the date of the application and, if so, the reasons thereof.

9 Source of obtaining raw material such as yarn, dyes and chemicals, etc.

10 Whether handloom cloth or fabrics produced are marketed by himself or through other Agencies.

11 Whether the plans of the premises are enclosed.

12 Amount of fee Rs. (Rupees.....) paid in Treasury on..... Vide Challan No enclosed.

13 Date of Registration.

I hereby declare that the particulars furnished by me in the form are to the best of my knowledge and belief accurate.

Place: Date: Signature of employer.

Note. - (1) This form shall be completed in ink in block letter or typed. (2) If any person named against item 4 is a minor, the fact shall be stated clearly. Form II (See rule 5) Licence

Licence No. Fee Rs.

Registration No. 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.

Date: Signature and seal of the competent authority.

Renewal (rule 4)

Date of renewal Fees paid for renewal Date of expiry

1 2 3

1

2

3

4

5

Date: Signature and seal of the competent authority.

Annexure This licence is, subject to the following conditions, namely:-(a) Manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence. (b) The maximum number of employees employed in the industrial premises shall not on any

day exceed the number specified in the licence.(c)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 alterations shall be made in any building on such premises.(d)The licence shall not be transferable.**Form III(See rule 9)Application for Transfer of Licence**

1. Name of the industrial premises.

2. Full postal address of the industrial premises.

3. (i) Licence Number.

(ii)Registration No. of employer.

4. (i) The name and address of the person to whom the licence is to be transferred.

(ii)Whether he has registered his name and, if so, quote registration number.(iii)His financial resources (Value of the movable and immovable properties to be specified).(iv)His previous experience in the industry.

5. Amount of fee Rs.....(Rupees) paid in treasury (vide challan No dated)

I agree that I will accept all liabilities of the transfer/in respect of labour, of the late licensee.

Place: Date: Signature of the transferee.

Note. - The form shall be completed in ink in block letter or typed.**Form IV[See sub-rule (2) of rule 19]Record of White Washing, Colour Washing, Varnishing, Painting and Cleaning**

| Name of (he industrial premises | Parts white washed, colour washed, painted orvarnished (e.g. walls, ceilings, wood works, etc.) | Treatment whether white washed, colour washed,painted or varnished or cleaned | Due on which white washing, colour washing,painting or varnishing or cleaning was carried out according tothe English Calendar Date/ Month/Year | Remarks | Signature |
|---------------------------------|---|---|---|---------|-----------|
| 1 | 2 | 3 | 4 | 5 | 6 |

Form V[See sub-rule (1) of rule 25]Notice of Periods of Work, Intervals for Rest and Weekly HolidayName of the industrial premises:.....Daily periods of work of the employees:Commencing 20.....

| Name of employee and his Registration Number | Whether young person or not | Time of commencement | Interval for rest | Time at which employment ceases. | Weekly holiday |
|--|-----------------------------|----------------------|-------------------|----------------------------------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

Date: Signature of the employer.N.B: Separate notice should be sent in respect of women employees.Form VI[See sub-rule (2) of rule 25]Register Showing Hours of Work Including Overtime for the week Ending.....

| Name of the employee and his Register Number | Whether young person or not | Total hours worked during the week | Date on which overtime work is done and extent of each overtime on such occasion | Extent of overtime worked during the week |
|--|-----------------------------|------------------------------------|--|---|
| 1 | 2 | 3 | 4 | 5 |

Form VII[See sub-rule (1) of rule 27 and sub-rule (1) of rule 28]Register of Leave With Wages/leave Book

| Separate page shall be allotted to each employee.Serial Number. Date of entry into service and his RegistrationNo. | Name of the Industrial premises | Adult/Young person name. Date of joining the establishment. Date of discharge, Date and amount of payment made in lieu of leave due |
|--|---------------------------------|---|
| 1 | 2 | 3 |

(1)Calendar year of service.(2)Wage period from.... to...;(3)Number of days of work performed during the Calendar year.(4)Balance of Leave from the proceeding year.(5)Leave earned during the year mentioned in column (1).(6)Total of columns (4) and (5).(7)Leave enjoyed from to.....(8)Balance of leave to credit.(9)Normal rate of wages, that is daily average of full time earnings in cash.(10)Cash equivalent of advantage accruing through concessional sale of food grains, etc.(11)Rate of wages for the leave period [total of columns (9) and (10)](12)Date and amount paid.(13)Remarks.Form VIII[See sub-rule (2) of rule 27 and sub-rule (1) of rule 28]Register of Leave With Wages (Domestic Weaver)-Leave Book

1. Name of the industrial premises.

2. Serial number.

3. (i) Name of the domestic weaver and age.

(ii) His Registration Number.

4. Date of entry into service.

5. Date of discharge.

6. Amount paid in lieu of leave.

7. Calendar year of service.

8. Number of days worked during the year.

9. Balance of leave from preceding year.

10. Leave earned during the year mentioned in column (7).

11. Total of columns (9) and (10).

12. Leave enjoyed from to.....

13. Balance of leave to credit.

14. Normal rate of wages, that is daily average of full-time earnings in cash.

15. Cash equivalent of advantage accruing through concessional sale of food grains, etc., if any.

16. Rate of wages for the leave period [Total of columns (14) and (15)].

17. Date and amount paid.

18. Remarks.

Form IX[See sub-rule (2) of rule 29]NominationI hereby certify that, in the event of my death, the balance of my pay due for the period of leave shall be paid to.....who is my and resides at.....

Witnesses:

Signature of employee.

(1).....(2).....

Form X[See sub-rule (1) of rule 31]Form of Appeal Against Lay OffA.....Applicant employee.(Address)versusB.....Opposite Party(ies).Address(es)The above mentioned applicant begs to state as follows:-The applicant is an employee in the industrial premises of tire opposite party/parties from.....He was laid off by the opposite party/parties from.....He was laid off by the opposite party from.....to..... The applicant submits that the action of the opposite party in having laid him off is not proper for the following reasons:-(Here enter reasons)The applicant prays that the Labour Officer may be pleased to enquire into the matter and pass such orders as he deems fit.The applicant certify that the particulars/detail given above are true to the best of his/her knowledge and belief.Dated this.....day of.....Signature of the applicant.Form XI[See sub-rule (1) of rule 32]Record of Decision or Order

1. Serial Number

2. Date of application

3. Name or Names, parentage, address, or addresses of applicants or some or all of the applicants

4. Name and address of the employer

5. Substance of the dispute

6. Plea of parties and their examination, if any

7. Documents seen

8. Substance of the evidence taken

9. Finding and brief statement of the reasons therefor

10. Decision.

Date: Signature and seal of the authority.

Form XII(See rule 33)Application for Registration of an Employer

1. Name and address of the employee

2. Date of birth

- 3. Father's name**
- 4. Whether owns a loom or not; If not, on whose loom he weaves**
- 5. Place of work, if any, with full address**
- 6. Name and address of the employer**
- 7. Date of entry into service**
- 8. Particulars of treasury receipt (Name of the Treasury, Challan number, amount and date)**
- 9. Signature of the employee.**

Form XIII(See sub-rule (1) of rule 34)Application for Registration of an Employer

- 1. Name and address of the employer (including his father's name in the case of individuals).**
- 2. Date of birth (in the case of individuals).**
- 3. Name and address of the industrial premises.**
- 4. Whether the industrial premises has been licensed under the Act.**
- 5. Number and date of the licence issued under the Act.**
- 6. Number of employees-**
(a)Regular employees.(b)Domestic Weavers.
- 7. Nature/varieties of handloom fabrics produced.**
- 8. Amount of registration fee paid (with details of challan number and date, name of the treasury).**
- 9. Signature of the employer.**

Form XIV[See sub-rule (3) of rule 36]Register of Employees

- 1. Serial number.**
- 2. Date of receipt of application by the registering authority.**
- 3. Name of the employee and address.**
- 4. Place of work and the name of the employer, if any.**
- 5. Amount of registration fee paid together with name of the treasury, date and challan Number, etc.**
- 6. Number and date of registration card issued.**
- 7. Initials of the authority.**
- 8. Remarks.**

Form XV[See sub-rule (3) of rule 36]Register of Employers

- 1. Serial number.**
- 2. Date of receipt of application by the registering authority for registration / renewal.**
- 3. Name of the employer with address.**
- 4. Name and address of the industrial premises.**
- 5. Total number of employees employed.**
- 6. Nature of business.**
- 7. Amount of registration fee paid together with name of the treasury, date and challan Number, etc.**
- 8. Number and date of registration card issued/in case of renewal/ date of renewal.**

9. Initials of the authority.

10. Remarks.

Form XVI[See sub-rule (1) of rule 36]Registration Card of Employee

No. Date.....

Government of Tamil NaduOffice of the registering authorityA registration card containing the following particulars is hereby issued under sub-section (2) of section 56 of the Tamil Nadu Handloom Workers' (Conditions of Services and Miscellaneous Provisions) Act, 1981 (Tamil Nadu Act 61 of 1981) and the rules made thereunder to:-

1. Name and address of the employee.

2. Date of birth.

3. Father's name.

4. Place of employers -

(i)Home.(ii)Industrial Premises.

5. Name and address of the employer.

6. Date of entry into service.

7. Other particulars relevant to the employment.

(Office seal) Signature of registering authority.

Note:(i)This card is not transferable.(ii)The card shall be produced on demand by the Inspecting Authority.(iii)This card shall be only for the identity of the employee and shall not be used for any other purpose.

Form XVII[See sub-rule (1) of rule 36]Registration Card of Employer

No. Date.....

Government of Tamil NaduOffice of the registering authorityA registration card containing the following particulars is hereby issued under sub-section (2) of section 56 of the Tamil Nadu Handloom Worker's (Conditions of Employment and Miscellaneous Provisions) Act, 1981 (Tamil Nadu Act 61 of 1981) and the rules made thereunder to:-

1. Name and address of the employer (including his father's name in the case of individuals).

- 2. Date of birth (in the case of individuals).**
- 3. Name and address of the industrial premises.**
- 4. Whether the industrial premises has been licensed under the Act.**
- 5. Number and date of the licence issued under the Act.**
- 6. Number of employees**
- 7. Nature/varieties of handloom fabrics produced.**

This registration card shall remain in force till the.....

(Office seal) Signature of Registering Authority.

Date of renewal Fees paid for renewal Date of expiry Signature of the registering authority

1 2 3 4

Note: - (i) This card is not transferable,(ii)The card shall be always available for inspection by the Inspecting Authority. Form XVIII[See sub-rule (1) of rule 40] Muster Roll

- 1. Serial number.**
- 2. Name of the employee and his registration number.**
- 3. Young person or not.**
- 4. Time at which employment commenced.**
- 5. Time at which employment commenced.**
- 6. Rest interval.**
- 7. Hours worked on 1234567**
- 8. Total hours worked during the week.**
- 9. Days on which overtime work done and extent of such overtime on each occasion."**

10. Extent of overtime worked during the week.

Form XIX[See sub-rule (2) of rule 40]Domestic Weavers Log Book

1. Name of the domestic weaver and Registration Number.

2. Address where manufacturing processes are carried on other than an industrial premises.

3. Account of the work done at home or other places.

| Date | Nature of work done | Number of pieces of handloom cloth/fabric or other produces manufactured | Wages received |
|------|---------------------|--|----------------|
| 1 | 2 | 3 | 4 |

4. Total number of days worked in the month.

Date and signature or thumb impression of the domestic weaver. Form XX[See sub-rule (3) of rule 40]Domestic Weavers' Employment Register

Name of domestic Address of home Month ending..

Wages paid

Dates..

1234567..31

FORM XXI(See rule 44)Annual returns for the year ending 31st march 20.....

1. Name and address of the industrial premises.

2. Number and date of licence.

3. Name of the employer and registration.

4. Average number of employees employed in the industrial premises-

Men.Women.Young Persons-Male.Female.

5. Average monthly number of domestic weavers employed (i.e., who are working in their homes/other places).

6. Normal hours worked per week in the industrial premises.

7. Number of days worked in the year in the industrial premises.

8. Period of lay off, if any.

9. Number of employees affected due to lay off:

Men. Women.

10. Number of employees who were granted leave during the calendar year.

Young Persons: (a) employed in the industrial premises. (b) employed in homes/other places.

11. Number of female employees who were given maternity benefit during the year-

(a) employed in industrial premises. (b) employed in homes/other places.

12. Number of employees who were granted special casual leave for family planning operation-

(a) Male. (b) Female. Certified that the information furnished above is to the best of my knowledge and belief correct.

Date: Signature of employer.

Note. - The average daily number shall be calculated by dividing the aggregate number of attendance of working days by the number of the working days in the year. The average shall be calculated by dividing the aggregate number of workers on the Domestic Weavers Employment Register during each of the preceding 12 months by twelve.