

No. Z-13025/ 39 /2015-LR Cell
Government of India
Ministry of Labour & Employment

Shram Shakti Bhavan, New Delhi
Dated 3rd June 2016

To,
Principal Secretary / Secretary (Labour)
of all State/UT Governments
(As per List)

Subject: **Start-Up India Action Plan** – Enhancing the Start-up eco system in India - reg.

Sir,

I am directed to invite your attention to this Ministry's DO Letter of even number dated 12.01.2016 on the above subject, vide which the State/UT Governments and Central Labour Enforcement Agencies were requested to regulate the inspections under 6 Labour Laws for the Start-Ups, wherever applicable. The six Labour Laws, under which the inspection was to be regulated included:

- (i) The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996
- (ii) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- (iii) The Payment of Gratuity Act, 1972
- (iv) The Contract Labour (Regulation and Abolition) Act, 1970
- (v) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- (vi) The Employees' State Insurance Act, 1948

2. It was suggested that for the first year of setting up of the Start-ups such establishments may not be inspected under any of the 6 Labour laws mentioned above and these Start-Ups may be asked to submit an online self-declaration instead. As per the Startup notification [Department of Industrial Policy & Promotion (DIPP) No. 5(91)/2015-BE.I dated 17.02.2016], definition of 'Startup' has been provided and a process of "recognition as a startup" is to be done by DIPP through its portal, and recognition number will be issued to the startup by the DIPP. Thus, for identification of startup, the process can be synchronized with the DIPP recognition process.

3. Ministry of Labour & Employment, in consultation with the Department of Industrial Policy & Promotion, has since developed the formats for the Self-declaration to be used for these six Labour laws, which can be used by the Start-Ups for submitting the self-declaration during the first year. A copy of these formats is being circulated herewith for use by the enforcement agencies while seeking self-certification from the Start-Ups.

Encl: As above

Yours faithfully,



(S. K. Tripathi)

Under Secretary to the Government of India

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Copy to:

1. DG, ESIC / CPFC / CLC (C) / DGMS - It is requested that similar action is taken in case of Central sphere and send an Action Taken Report to this Ministry immediately.
2. Director, DIPP, New Delhi – with request that the list of recognized Startups (alongwith their Labour Identification Number (LIN), if any) may be shared with the Ministry of Labour & Employment.

SELF- CERTIFICATION

THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

I/we, Mr./Miss. _____ of <entity name> address _____ hereby certify that I/we am/are the authorized representative of the Occupier/ Proprietor/ Partner/ Director/ Employer/ Principal Employer/ Contractor of the establishments/factories /entity. The Registration Number of the entity is..... We have been recognized by DIPP as a "Startup" and the startup recognition number allotted by DIPP is _____.

I/we hereby certify that the above mentioned establishments/factories/entity have fully and correctly complied with the all the provisions of The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the rules made thereunder during the year _____, including the following:

#	Section/Rule No.	Section name	Yes/ No/ NA
1.	7 (1)	Registration of establishments	
2.	7(2)	Registration of establishments	
3.	7(4)	Registration of establishments	
4.	12	Registration of Building Workers as Beneficiaries	
5.	13	Issue of Identity Cards	
6.	14	Contribution of Building Workers	
7.	28(1)	Hours of Work, Welfare Measures and other conditions of service of building workers	
8.	29	Wages for overtime work	
9.	30(1)	Maintenance of registers and records	
10.	30(2)	Maintenance of registers and records	
11.	31	Prohibition of employment of certain persons in certain building or other construction work	
12.	32	Drinking Water	
13.	33	Latrines and urinals	
14.	34	Accommodation	
15.	35	Crèches	
16.	36	First-aid	
17.	38	Safety Committee and safety officers	
18.	39(1)	Notice of certain accidents	
19.	44	Responsibility of employers	
20.	45	Responsibility for payment of wages and compensation	
21.	46(1)	Notice of commencement of building or other construction work	
22.	46(2)	Notice of commencement of building or other construction work	
23.	R-241	Issue of wage book, service certificate	

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that I subject myself liable for legal prosecution in the event that the above facts are found to be false.
(Yes/No) _____

I agree that in case of any noncompliance/ violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard.
(Yes/No) _____

I agree to furnish proof of such compliances as and when required by the respective authorities
(Yes/No) _____

SELF- CERTIFICATION

THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979

I/we, Mr./Miss. _____ of <entity name> address _____ hereby certify that I/we am/are the authorized representative of the Occupier/ Proprietor/ Partner/ Director/ Employer/ Principal Employer/ Contractor of the establishments/factories /entity. The Registration Number of the entity is..... We have been recognized by DIPP as a "Startup" and the startup recognition number allotted by DIPP is _____.

I/we hereby certify that the above mentioned establishments/factories/entity has fully and correctly complied with the all the provisions of The Inter-State Migrant Workmen (Regulation of Employment and Conditions of service) Act, 1979 and the rules made thereunder during the year _____, including the following:

#	Section/Rule No.	Section name	Yes/ No/ NA
1.	4 (1)	Registration of certain establishments/ licensing of Contractors (Sec. 8)	
2.	6	Prohibition against employment of Inter-State migrant workmen without registration	
3.	12	Duties and Obligations of Contractors	
4.	13	Wage rates and other conditions of service of inter-State migrant workman.	
5.	14	Displacement allowance.	
6.	15	Journey allowance etc.	
7.	16	Other facilities.	
8.	17(1)	Responsibility for payment of wages	
9.	17(2)	Responsibility for payment of wages	
10.	17(3)	Responsibility for payment of wages	
11.	21	Inter State Migrant Workmen to be deemed to be in employment from the date of Recruitment	
12.	23	Registers and other records to be maintained	
13.	R-54	Display of Abstracts and Rules	
14.	R-55	Display of Notices	

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that I subject myself liable for legal prosecution in the event that the above facts are found to be false.
(Yes/No) _____

I agree that in case of any noncompliance/ violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard.
(Yes/No) _____

I agree to furnish proof of such compliances as and when required by the respective authorities.
(Yes/No) _____

SELF- CERTIFICATION

THE PAYMENT OF GRATUITY ACT, 1972

I/we, Mr./Miss. _____ of <entity name> address _____ hereby certify that I/we am/are the authorized representative of the Occupier/ Proprietor/ Partner/ Director/ Employer/ Principal Employer/ Contractor of the establishments/factories /entity. The Registration Number of the entity is..... We have been recognized by DIPP as a "Startup" and the startup recognition number allotted by DIPP is _____.

I/we hereby certify that the above mentioned establishments/factories/entity have fully and correctly complied with the all the provisions of The Payment of Gratuity Act, 1972 and the rules made thereunder during the year _____, including the following:

#	Section No.	Section name	Yes/ No/ NA
1.	4(1)	Payment of Gratuity	
2.	4(2)	Payment of Gratuity	
3.	4A.(1)	Compulsory Insurance	
4.	4A.(3)	Compulsory Insurance	
5.	4A.(5)	Compulsory Insurance	
6.	6(7)	Safe custody of nomination	
7.	7(2)	Determination of the amount of gratuity	
8.	7(3)(3A)	Determination of the amount of gratuity	
9.	7(4)(a)	Determination of the amount of gratuity	
10.	R-3	Notice of opening, change or closure of the establishment	
11.	R-4	Display of Notice	
12.	R-20	Display of the Abstract of the Act and Rules	

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that I subject myself liable for legal prosecution in the event that the above facts are found to be false.
(Yes/No) _____

I agree that in case of any noncompliance/ violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard.
(Yes/No) _____

I agree to furnish proof of such compliances as and when required by the respective authorities.
(Yes/No) _____

SELF- CERTIFICATION

THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970

I/we, Mr./Miss. _____ of <entity name> address _____ hereby certify that I/we am/are the authorized representative of the Occupier/ Proprietor/ Partner/ Director/ Employer/ Principal Employer/ Contractor of the establishments/factories /entity. The Registration Number of the entity is..... We have been recognized by DIPP as a "Startup" and the startup recognition number allotted by DIPP is _____.

I/we hereby certify that the above mentioned establishments/factories/entity has fully and correctly complied with the all the provisions of The Contract Labour (Regulation and Abolition) Act, 1970 and the rules made thereunder during the year _____, including the following:

#	Section/Rule No	Section name	Yes/ No/ NA
1.	7 (1)	Registration of certain establishments/Licensing of Contractors (S.12)	
2.	9	Effect of non-registration	
3.	10	Prohibition	
4.	16	Canteens	
5.	17	Rest-rooms	
6.	19	First-aid facilities	
7.	20	Liability of principal employer in certain cases	
8.	21	Responsibility for payment of wages	
9.	29	Registers and other records to be maintained	
10.	R-79	Display of Notices/Abstracts and Rules	

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that I subject myself liable for legal prosecution in the event that the above facts are found to be false.
(Yes/No) _____

I agree that in case of any noncompliance/ violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard.
(Yes/No) _____

I agree to furnish proof of such compliances as and when required by the respective authorities.
(Yes/No) _____

SELF- CERTIFICATION

THE EMPLOYEES` PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952

I/we, Mr./Miss. _____ of _____ <entity name> address _____ hereby certify that I/we am/are the authorized representative of the Occupier/ Proprietor/ Partner/ Director/ Employer/ Principal Employer/ Contractor of the establishments/factories /entity. The Registration Number of the entity is..... We have been recognized by DIPP as a "Startup" and the startup recognition number allotted by DIPP is _____.

I/we hereby certify that the above mentioned establishments/factories has fully and correctly complied with the all the provisions of The Employees` Provident Funds and Miscellaneous Provisions Act, 1952 and Schemes framed there under during the year _____, including the following:

#	Section/Para No.	Section name	Yes/ No/ NA
1.	6	Contributions and matters which may be provided for in Schemes	
2.	6C (2)	Employees` Deposit-linked Insurance Scheme	
3.	6C (4 a)	Employees` Deposit-linked Insurance Scheme	
4.	7Q	Interest payable by the employer	
5.	11	Priority of payment of contributions over the debts	
6.	12	Employer not to reduce wages, etc.	
7.	17B	Liability in case of transfer of establishment	
8.	Para 30 of EPF Scheme 1952	Payment of Contribution in respect of employees directly employed and employed through contractor.	

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that I subject myself liable for legal prosecution in the event that the above facts are found to be false.
(Yes/No) _____

I agree that in case of any noncompliance/ violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard.
(Yes/No) _____

I agree to furnish proof of such compliances as and when required by the respective authorities.
(Yes/No) _____

SELF- CERTIFICATION

THE EMPLOYEES' STATE INSURANCE ACT, 1948

I/we, Mr./Miss. _____ of <entity name> address _____ hereby certify that I/we am/are the authorized representative of the Occupier/ Proprietor/ Partner/ Director/ Employer/ Principal Employer/ Contractor of the establishments/factories /entity. The Registration Number of the entity is..... We have been recognized by DIPP as a "Startup" and the startup recognition number allotted by DIPP is _____.

I/we hereby certify that the above mentioned establishments/factories/entity have fully and correctly complied with the all the provisions of The Employees' State Insurance Act, 1948 during the year _____, including the following:

#	Section No.	Section name	Yes/ No/ NA
1.	40 (1)	Principal employer to pay contributions in the first instance.	
2.	40 (5)	Principal employer to pay contributions in the first instance.	
3.	41 (1A)	Recovery of contributions from immediate employer.	
4.	44 (1)	Employers to furnish returns and maintain registers, in certain cases	
5.	44(3)	Employers to furnish returns and maintain registers, in certain cases	
6.	72	Employer not to reduce wages, etc.	
7.	73(1)	Employer not to dismiss or punish employee during period of sickness, etc.	
8.	93A	Liability in case of transfer of establishment	

I hereby certify that the above facts are true to the best of my knowledge and belief and I understand that I subject myself liable for legal prosecution in the event that the above facts are found to be false.
(Yes/No) _____

I agree that in case of any noncompliance/ violation under the respective laws covered under Self Certification, I will be responsible for any consequences arising as per the provisions of respective laws. The decision of the authority will be final in this regard.
(Yes/No) _____

I agree to furnish proof of such compliances as and when required by the respective authorities.
(Yes/No) _____