



**GOVERNMENT OF SIKKIM
LABOUR DEPARTMENT
GANGTOK**

NO.1/DL

Dated: 18TH April 2006

NOTIFICATION

Whereas the draft of the Sikkim Labour Protection Rules, 2006 had been notified by the State Government vide Notification No.9/DL, dated 9.02.2006 and published in the Sikkim Government Extra-Ordinary Gazette No.40, dated, Tuesday, the 10th February, 2006, as required under sub-section (1) of Section 27 of the Sikkim Labour Protection Act, 2005, inviting views, comments and suggestions from all concerned within a period of 30 (thirty) days from the date of publication of the said notification in the Official Gazette;

And whereas no views, comments or suggestions have been received by the Government from any corner;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 27 of the Sikkim Labour Protection Act, 2005, the State Government hereby makes the following rules, namely:-

THE SIKKIM LABOUR PROTECTION RULES, 2006

CHAPTER I

Short title and Commencement

1. (1) These Rules may be called the Sikkim Labour Protection Rules 2006.
- * (2) They shall come into force on the date of their Publication in Official Gazette.

Definitions

2. (1) In these rules, unless the subject or context otherwise requires:
 - (a) "Act" means the Sikkim Labour Protection Act, 2005.
 - ** [(aa) "Authority" means and include Registering Officer as defined in section 3 of the Act]
 - (b) "Form" means a form appended to these rules.
 - (c) "Secretary" means the Secretary to Government of Sikkim in the Labour Department.
 - ** [(cc) "Issuing Authority" means and include Registering Officer as defined in section 3 of the Act]
 - (d) "Section" means a section of the Act.
- (2) All other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

CHAPTER-II

- Manner of making application** * []
3. (1) The application referred to in sub-section (1) of section 4 of the Act shall be made in triplicate, in Form I to the Registering Officer *** [].
- (2) The application referred to in sub-section (2) of Section 4 of the Act shall be made in triplicate, in Form II to the Registering Officer *** [].
- (3) The application referred to in sub-rule (1) and (2) shall be accompanied by a Bank Receipt showing payment of fees **** [].
- (4) Every application referred to in sub-rule (1) and (2) shall be either personally delivered to the Registering Officer or sent to him by registered post.
- (5) On receipt of the application, the Registering Officer, shall after noting there on the date of receipt by him of the application, give an acknowledgement to the applicant.

- ** [Issue of token or receipt of application]
4. (1) The **** [token or receipt of application] granted to the individual worker under sub Section (3) of section 4 shall be in Form III.
- (2) **** [The authority] shall maintain a register in Form IV showing the Particulars and ** [passport] size photograph of individual worker duly attested by Registering Officer.
- (3) *** [].

* Published in Sikkim Govt. Extraordinary Gazette No. 110 dt. 18.4.2006.

** Inserted vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 442 dt. 29.9.2007.

*** Omitted vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.

**** Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.

- Circumstances in which application may be rejected for registration.**
5. (1) If any application for Registration is not complete in all respect, the Registering Officer shall reject the application so as to make it complete in all respects.
- (2) If the applicant, on being required by the Registering Officer to amend his application for Registration, omits or fails to do so, the Registering Officer shall reject the application for Registration.

- Amendment of * [token or receipt of application]**
6. (1) If, in relation to individual worker and place of work, there is any Change in particulars specified in the * [token or receipt of application], the Principal Employer /Contractor /Owner of the establishment or individual worker shall intimate to the Registering Officer, within fifteen (15) days from the date of such change takes place, the particulars of, and reasons for, such change in Form VI.
- (2) Where, on receipt of the intimation of changes referred to in sub-rule (1), the Registering Officer is satisfied that there has occurred a change in the particulars in relation to individual worker and place of work /establishments, as entered in Form III, he shall amend the said register and record therein the change which has occurred. Provided the Registering Officer shall not carry out any amendment in the register in Form IV and * [token or receipt of application] of individual

worker in Form V unless the appropriate fees have been deposited by Principal Employer/Contractor/Owner of the establishment or individual worker.

- (3) Where the application for such amendment is refused, the Registering Officer shall record the reasons for such refusal and communicate the same to the applicant.

Matters to be taken into account 7. * [While receiving an application the authority] shall take the following matters into account, namely:-
* [while receiving an application]

- (1) whether the applicant:-
 (a) is a minor or has not attended and completed 14 years of age,
 (b) is of unsound mind and stands so declared by a competent Court, or
 (c) is an undercharged insolvent, or
 (d) has been convicted at any time during the period of five years immediately preceding the date of application, for an offence which, in the opinion of the State Government, involves moral turpitude.
- (2) Whether any order has been made in respect of the applicant under section 5, and if so, whether a period of three years has elapsed from the date of that order.
- (3) Whether the prescribed fees have been deposited at the rates specified in rule 13.

* [Process of application] 8. * [8. On receipt of the application the authority shall scrutinize the application and on being satisfied about all the requirements may enter the details in the register but if the authority finds the application is not complete in all respect, it may not enter all the details in the register except recording application incomplete indicating the ground for being categorized as such but in all cases whether an application is complete or otherwise, a token or receipt of application may be issued to the applicant in terms of Rule 4.]

* Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.

Terms and Conditions * [of token or receipt of Application] 9. (1) Every * [token or a receipt of an application] granted under sub-rule (1) of Rule 4 shall be subject to the following conditions, namely:-
 (a) The * [token or a receipt of an application] shall be non-transferable.
 (b) The * [token or a receipt of an application] of individual worker granted shall be valid for a period of one year from the date of issue.
 (c) The application for renewal shall be submitted to the Registering Officer not less than fifteen (15) days before the date of expiry of the * [renewed token or receipt of application] with token number as the case may be.
 (d) The application for renewal of * [token or receipt of application] shall be submitted to the Registering Officer not less than fifteen (15) days before the date of expiry of * [token or receipt of application].

- (e) Save as provided in these rules the fees paid for grant and renewal of * [token or receipt of application] and other prescribed fees shall be non-refundable.
- (f) The * [token or a receipt of an application] should be surrendered in the office of the Registering Officer after completion of work or leaves Sikkim on vacation or forever, as the case may be
- (g) The loss of * [token or receipt of application] must be reported to Police Station and Registering Officer.
- (h) The Individual worker should abide with all instructions given by the Department of Labour from time to time.
- (i) The worker should produce original copy of * [token or receipt of application] when ever required by Registering Officer and other Officer equivalent to or above the rank of Inspector of the Labour Department.
- (j) Every worker shall be entitled to benefits, facilities, protective clothing and wage as per law.
- (k) If a worker works without being absent during the period of 6 (six) days consecutively in a week, he/ she shall be given one paid holiday either on Sunday or any other holidays.
- (l) Normal working hours of the workers shall be 8 (eight) hours a day.
- (m) The possession of * [token or receipt of application], shall not confer on any individual status or claim of being an ordinary resident of the State.
- (n) That Portars of Bazaar should wear a khaki Color shirt with token number in red colour background with black colour inscribed size of 2 inches by 5 inches, as prescribed in Form VII.

**Renewal of
* [token or receipt
of application]**

10. (1) Every principal employer/ employer/ contractor/ owner of establishments or individual worker may apply to the Registering Officer for renewal of * [token or receipt of application],
- (2) The application for renewal of * [token or receipt of application], shall be submitted to the Registering Officer not less than fifteen (15) days before the date of expiry in Form VIII in triplicate.
- (3) The fees chargeable for renewal of * [token or receipt of application], shall be same as for the grant thereof. Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of Rs. 1/- per day in excesses of the ordinary payable for the renewal of * [token or receipt of application], shall be payable for such renewal. Provided further that in case where the Registering Officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the applicant, he may reduce or remit as he deems fit for the payment of such excess fees.

* Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.

- Period for renewal of ** [token or receipt of application]** 11. Every * [token or receipt of application] renewed under rule 10 shall be valid for further of twelve months from the date of renewal.
- Duplicate ** [token or receipt of application]** 12. Where * [token or a receipt of an application] granted or renewed has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of fees as prescribed under rule 13.
- ** [Payment of fees]** 13. (1) The fees to be paid for the grant of ** [token or receipt of application] & renewal, duplicate and amendment shall be specified as below:
- (a) ** [Application for] Registration of individual worker: ₹ 100/-
- (b) ** [Application for] Renewal of * [token or receipt of application] : ₹ 100/-
- (c) ** [Application for] Duplicate * [token or receipt of application] : ₹ 100/-
- (d)** [Application for] Amendment of * [token or receipt of application] : ₹ 100/-
- *** (2) Fees to be paid for appeal memorandum shall be specified as below:
- Appeal memorandum fee : ₹ .200/-
- *** (3) Fees for obtaining copies of order of Registering Officer and Appellate Authority to be paid, shall be specified as below:-
- Fees for a single copy of order : ₹ 5/- per copy
- *** (4) Fees to be paid for Forms issued to Principal Employer / Employer/Contractor/ Owner of establishment or individual workers shall be specified as below:-
- (a) Form I triple copy : ₹ 10/-
- (b) Form II triple copy : ₹ 10/-
- (c) Form VI triple copy : ₹ 10/-
- (d) Form VII triple copy : ₹ 10/-
- (e) Form VIII triple copy : ₹ 10/-
- *** (5) Every fee as referred to under the Act and the Rules shall be credited under the head "0230 Labour & Employment other receipts".
- *** (6) The registration, renewal and other fees are subject to change by way of Notification by the Government after interval of every 5 (five) years.

CHAPTER III**DUTIES AND OBLIGATION OF PRINCIPAL EMPLOYER / EMPLOYER / CONTRACTOR/OWNERS OF ESTABLISHMENT OR OF INDEPENDENT INDIVIDUAL WORKERS.**

- Particulars of workers** 14. (1) Every Principal Employer / Employer / Contractor / Owner of establishments shall furnish to the Registering Officer the particulars of workers in Form I within 15 days from the date of commencement of employment.

 * *Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.*

** *Inserted vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.*

*** *Re-numbered while omitting rules 2 & 3 vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.*

- (2) Every independent individual worker shall furnish to the Registering Officer his/ her particulars in Form II within 15 days from the date of his / herself employment.

- (3) It shall be the duty of Principal Employer/ Employer/Contractor / Owner of the establishments or independent individual worker to furnish change in particulars of workers and place of work/ establishments in Form VI to the Registering Officer within fifteen (15) days where any change occurs in any particulars so furnished.

- (4) Principal Employer / Employer / Contractor / Owner of the establishment to furnish the list of workers who have left Sikkim to the Registering Officer after completion of works if any such worker leaves Sikkim on vacation or forever, with a copy to Police Station and the Inspector of the respective jurisdiction in Form IX.

- Medical facilities** 15. (1) The Principal Employer / Employer / Contractor / Owner of establishment shall ensure provision of suitable and adequate medical facilities of out-door treatment of the worker free of cost treatment of any ailment from which the worker may suffer during his employment in the establishment/ work place or to meet any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a worker from the market on the prescription issued by any Doctor provided by the Principal Employer/ Employer/ Contractor, as the case may be, or any registered medical practitioner, the cost of such medicine shall be reimbursed by the Contractor to the worker concerned within a period of seven days from the date of presentation of the bill by the worker.

- (2) In the event of worker suffering from any ailment requiring hospitalization during his employment in establishment / work place, of his / her residence to the hospital and back.

- (3) Every contractor shall provide and maintain, so as to be readily accessible during all working hours, First – Aid Boxes at the rate of not less than one box for fifty workers. The First – Aid Box shall be distinctly marked with a Red Cross on a white ground and shall contain the following equipment:

- (i) 6 small sterilized dressings;
- (ii) 3 medium size sterilized dressings;
- (iii) 3 large size sterilized dressings;
- (iv) 3 large sterilized burn dressings;
- (v) 1 (30 ml) bottle containing a two percent alcoholic solution of iodine;
- (vi) 1 (30 ml) bottle containing Sal volatile having the dose and mode of administration indicate on the label;
- (vii) 1 snake- bite lancet;
- (viii) 1 (30 gms) bottle of potassium permanganate crystals;
- (ix) 1 pairs scissors;
- (x) 1 copy of the first-aid leaflet issued by the Director-General, Factory Advisory Service and Labour Institutes, Government of India;
- (xi) A bottle containing 100 tablets (each of 5 grains) aspirin;
- (xii) Ointment for burns;
- (xiii) A bottle of suitable surgical antiseptic solution;

The persons in charge of the First – Aid Box shall be a person trained in First-aid treatment.

Protective clothing

16. (1) The Contractor/ Employer shall provide to every worker where the temperature falls below 20 degree centigrade, protective clothing consisting of one woolen coat and one woolen trousers, one pair of gumboot, one set in two years.
- (2) Protective clothing shall be provided by the Employer / Contractor to every worker before the on set of winter season in the area where the establishment / work place is located or on the 30th day of September, whichever is earlier.
- (3) The Employer/ Contractor shall provide to every worker namely, respiration masks where the workplace is full of dust, smokes, fumes etc. helmet where there is risk of falls, shooting of stones and muds etc.

**Surrender of the
** [token or receipt
of application]**

17. It shall be the duty of Principal Employer / Employer / Contractor / Owner of establishment etc. or independent individual worker to surrender the * [token or receipt of application] of workers / worker in the office of the Registering Officer after Completion of works, if any such worker leaves Sikkim on vacation or Forever, as the case may be.

**Maintenance of
Registers**

18. It shall be the duty of Principal Employer / Employer / Contractor / Owner of establishments to maintain a record in the register with particulars of workers namely: names, father's name / husband's name, sex, age, permanent address, temporary address, designation, rates of wages, date of employment, nature of work with passport size photograph duly authenticated by the area Inspector and attested by the Registering Officer.

**Notice to
workmen's
Compensation
Commissioner**

19. Principal Employer / Employer / Contractor / Owner of establishments is liable to give the notice to the Commissioner for Workmen's' Compensation Sikkim under Section 10 (B) of the Workmen's Compensation Act, 1923 in case of fatal accident or serious bodily injury to any such worker while on duty.

CHAPTER – IV**OTHER FACILITIES TO BE PROVIDED TO WORKER**

- Other facilities*** 20. (1) It shall be the duty of every Principal Employer / Employer / Contractor/or the Owner of establishments, employing workers in connection with the work:-
- (a) to ensure suitable conditions of work to such workers having regard to the fact that they are required to work,
 - (b) to provide and maintain suitable residential accommodation to such workers during the period of their employment with separate latrine and bathrooms for male and female workers.
- (2) The quarters and barracks, as the case may be, shall have adequate supply of clean and wholesome drinking water.
- (3) In every establishment wherein work regarding employment of workers is likely to continue for six (6) months and where in workers numbering one hundred or more are ordinarily employed, an adequate canteen shall be provided by the Principal Employer / Employer / Contractor.

* *Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.*

CHAPTER V**WAGES AND CONDITION OF SERVICE OF WORKERS**

- Rates of Wages of workers*** 21. (1) In case where such worker performs in any establishments; the same or similar kind of work as is being performed by any other worker in that establishments, be the same as those applicable to such other workers. Provided that if there is any dispute in this regard or with regard to rate to applicability of wage rate to worker under sub-clause (a), sub-section (1) of the Section 10, the same be decided by the Secretary to the Government, Department of Labour, whose decision shall be final.
- (2) In a case where a male worker and female worker do the same and similar nature of work, then the Employer / Contractor/Owner of establishment and in default of Contractor, the Principal Employer has to pay equal remuneration to both male and female workers without discrimination on the ground of sex.
- (3) Every worker shall in no case, be paid less than the wages fixed and notified by the State Government under Minimum Wages Act, 1948 or rates fixed by the State Government, as the case may be.
- (4) If a worker works without absent during the period of 6 (six) days consecutively in a week, he/she shall be given one paid holiday either on Sunday or any other holidays.
- Wage period*** 22. The wages of every worker employed in any work shall be paid:-
- (a) before expiry of the seventh day of the succeeding month in any establishment where less than one thousand workers are employed;
- (b) before expiry of the tenth day of the succeeding month in any establishments where more than one thousand workers are employed.
- (c) all wages shall be paid in current coin or currency or in both. Wages shall be paid without any deduction of any kind except those specified by the State Government by general or special order in this behalf or permissible under the Payment of Wages, Act, 1936.
- Responsibility for payment of wages*** 23. Principal Employer / Employer / Contractor / Owner of establishment shall be responsible for payment of wages to each worker employed by him and such wages shall be paid before the expiry of period as specified in clauses (a) and (b) of sub-section (2) of Section 10 and clauses (a), (b) and (c) of Rule 20.
- Payment on *[Termination]*** 24. Where the employment of any worker is terminated by or on behalf of the Contractor, the wages earned by the worker shall be paid before the expiry of the second working day from the day on which his employment is terminated.
- Working hours*** 25. Normal working hours of workers shall be 8 (eight) hours a day.
- Extra wages for*** 26. Where a worker works in establishment / workplace for more

overtime

than nine hours a day including one hour rest for lunch or more than forty eight hours in a week, he/she shall in respect of overtime work, be entitled to wages at the rates of twice his ordinary rate of wages for the overtime period.

Provided that the overtime shall not spread over more than ten and half hours in any day. Provided further that the Registering Officer may, for the reasons to be specified in writing, increase the spread over up to twelve hours.

* *Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.*

Intervals for rest **27.** The periods of work of the workers shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least one hour.

Paid holidays **28.** The workers are entitled for following paid holidays in a year.

26th January - Republic Day
 1st. May - May Day.
 16th. May - State Day.
 15th. August - Independence Day
 2nd. October - Gandhi Jayanti
 5 Days - Festival Holidays at the option of the workers.

CHAPTER VI**INSPECTION AND ENFORCEMENT**

- Qualification of Inspectors** 29. No person shall be appointed to be an Inspector under this Act, or having been so appointed, shall continue to hold office, if he has acquired directly or indirectly by himself or by any partner, any share or interest in any establishment/ work place to which the Act applies in the area for which he is to be or has been appointed.
Provided that nothing in this shall apply:-
- (1) to any person who has been permitted by the authority competent to appoint him or in any name of any member of his family living with him or dependent on him, any share or interest in any registered Co-operative Bank or Co-operative Society or in any Public Limited Company, or
 - (2) to any person who acquires by inheritance any share or interest in an any firm or business but who is not a working partner therein.
- Powers and Duties of the Inspector** 30. (1) The Inspector shall make such examination as may appear to him to be necessary for the purpose of satisfying himself that the provisions of the Act and of these rules and any orders issued by the Government under the Act, are duly observed. In particulars, he shall satisfy himself;
- (a) that the workers, are duly registered under the Act,
 - (b) that the registers, records and notices required to be maintained or observed under the Act or these rules are maintained and observed and that the limits of hours of work and spread over laid down under the Act , or these rules are not exceeded;
 - (c) that the provision of the Act in relation to Registration of workers, renewal of * [token or receipt of application] of workers and display of Token Number, condition of service, payment of wages, medical and other facilities are properly maintained, up-to-date provided and observed or not;
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- * *Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007.*
-
- (d) that the provisions of the Act or Rules relating to minimum wages, payment of overtime, payment on termination are duly observed;
 - (e) that no child who has not completed the age of 14 years is allowed to work in any establishment/ work place.
- (2) (a) The Inspector shall seize or take copies of such register, record of wages or notices or particulars of worker or portion thereof as he may consider relevant or an offence under sub clause (iv) of clause (a) of sub-section (2) of Section 13 and shall seize in seizure memo in Form X.
- (b) The seized record shall be produced without delay before a Judicial Magistrate who may give directions as to the temporary custody as he thinks fit.

(c) The proceeding of presentation follows. Where no prosecution is instituted for contravention of the provisions of the Act and Rules within a period of six months from the date of seizure, the Judicial Magistrate shall direct the return of seized records, Registers to the persons from whom they were seized, in Delivery Memo in Form XI.

- (3) The Inspector may take photographs, video clips as he may consider necessary for the purpose of any examination or enquiry under the Act or the rules.
- (4) An Inspector may, within the local limits for which he is appointed issue show- cause notice or warning to Employer / Principal Employer / Contractor / Owner of establishment regarding the safety, health, or welfare of workers provided under the Act or Rules.
- (5) An Inspector may, within the local limits for which he is appointed, file in a Court of Judicial Magistrate a complaint or other proceeding relating to an offence under the Act and Rules.

**Powers of
Registering
Officer**

31. (1) The Registering Officer may exercise all the powers of an Inspector.
- (2). Prohibition order:-
 - (a) If it appears to the Registering Officer that any site or place at which any work is being carried on, is in such condition that it is dangerous to life, safety or health of workers or the general public he may, in writing serve on the Employer / Principal Employer / Contractor / Owner of establishments of workers or Site- in Charge of site / place, an order prohibiting any work at each Site or place until measures have been taken to remove the cause of the danger to his satisfaction,
 - (b) The Registering officer serving an order under clause (a) shall endorse a copy to the Secretary to the Government, Department of Labour.
 - (c) Such prohibition order shall be complied with by the employer henceforth.
 - (d) Any person aggrieved by an order under clause (a), may, within 15 (fifteen) days from the date on which the order is communicated to him, may prefer an appeal to the Secretary to the Government, Department of Labour, who shall, after giving the appellant opportunity of being heard, dispose of the appeal as expeditiously as possible, Provided that the Secretary to the Government, Department of Labour, may entertain the appeal after the expiry of the said period of 15 (fifteen) days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time, Provided further that the prohibiting, shall be complied with, pending the decision of the Secretary to the Government, Department of Labour, or the Minister- in – Charge, Department of Labour,
 - (e) All the group B and above officers in the Department of Labour are empowered to issue prohibitory order, Provided that, if such order is by the Secretary to the Government, Department of Labour, the appeal lies to the Minister-in-charge, Department of Labour.

CHAPTER VII**REGISTERS AND RECORDS**

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| Attendance Register | 32. | Every Employer/ Contractor is bound to maintain the Attendance Register of the workers. |
| Payment Register | 33. | Every Employer/ Contractor is bound to maintain the payment Register of workers. Receipt of payment should be authenticated by the representative of the principal Employer's signature and signature of paying on the revenue stamp. |
| Register of Advance | 34. | Advance payment of wages should be maintained in Advance Register. |
| Register of Overtime | 35. | Overtime work should be separately maintained in the Register of Overtime. |
| Register of Deduction | 36. | Deduction made from the wages of workers by special or general order of the State Government or permissible under the Payment of Wages Act, 1936, shall be maintained in Deduction Register. |
| Medical Expenses Register | 37. | Medical expenses incurred by worker free of cost should maintain in the Medical Expenses Register. |
| Display of an abstract of the Rules | 38. | Every Employer/ Contractor shall display the abstract of the Act and the Rules in English and in the language spoken by the majority of workers in such form as approved by the Government of Sikkim, Department of Labour. |
| Notices | 39. | Notices showing the rates of wages, hours of work, wage periods, date of payment of wages, name and address of Inspector having jurisdiction, shall be displayed in English and in the local language understood by the majority of workers in conspicuous places at the establishment and work site by the employer/contractor as the case may be. |
| Submission of Half- yearly returns | 40. | Every Employer / Contractor / Owner of establishments shall send half-yearly returns in Form XII (in triplicate) so as to reach the Registering Officer concerned within 30 days from the day of close of the half year. <i>Note</i> "half year" is for the purpose of these rules means "a period of six months commencing from 1st. of July every year." |
| Power to call for Information | 41. | <p>(1) The Secretary or the Registering Officer or the Inspector or any other authority under the Act shall have the power to call for any information or statistics in relation to workers from any Principal Employer / Employer / Contractor / Owner of establishments at any time by an order in writing,</p> <p>(2) Any person called upon to furnish information under sub-rule (1) shall be legally bound to do so.</p> |
| Power of Relaxation | 42. | Notwithstanding anything contained herein above, the State Government, in respect of matter which require the special consideration arising out of historical background or any other convention or in a case or class of cases required in the interest of justice, may relax any provision of these Rules in the public interest, and may provide for compliance of such requirement as may be considered expedient. |

**R.K.PURKAYASTHA, SSJS,
SECRETARY,
DEPARTMENT OF LABOUR,
GOVERNMENT OF SIKKIM,
GANGTOK.
F. NO. GOS/DL/215/04-05.**

***["FORM I
(See sub-rule (1) of rule 3)**

APPLICATION FOR REGISTRATION OF WORKER BY PRINCIPAL EMPLOYER/ EMPLOYER/
CONTRACTOR/ OWNER OF ESTABLISHMENTS.

1. Name or worker :
2. S/o,D/o,W/o :
3. Village :
4. Ward No./mouza :
5. Post Office :
6. Police Station :
7. Sub-division :
8. District :
9. Certificate from panchayat of the area concerned and also D.C/S.D.O/B.D.O. regarding the character and antecedents of the applicant and being an ordinary resident of the area for more than 10 years, (if the applicant was residing for less than 10 years) above mentioned certificates from the place of previous place of residence to be furnished. :
10. Certificate/NOC from the concerned police station regarding pendency or otherwise of any criminal complaint or investigation against the applicant. :
11. Certificate from court P.I.(Prosecution Inspector) of the concerned court about any criminal case pending against the applicant, if any case is pending the details thereof :
12. Details of landed property of the applicant :
13. Details of bank account of the applicant :
14. Whether the applicant was ever charged or convicted by any court of law. :
15. Purpose of coming. :
16. State/zone. :
17. Permanent Address. :
18. Present Address. :
19. Place of work. :
20. Working as :
21. Date of employment :
22. Name of principal Employer/Employer/ Contractor/Owner of Establishment. :
23. Panchayat ward. :
24. Name of Gram Panchayat. :
25. Registration Fees paid vide. BR No./Date/Rs. :

Date:

Place:

Signature of Principal Employer/
Signature of worker;

(To be filled in the office of the Registering Officer)

Date of Receipt of application
with Bank Receipt for fees.

Signature of Registering Officer.]

FORM II
(See sub - rule (2) of rule 3)
APPLICATION FOR REGISTRATION OF INDEPENDENT INDIVIDUAL WORKER

1. Name of workers :
2. S/o .D/o w/o :
3. Age :
4. Village :
5. Ward No :
6. Police Station :
7. Sub-division :
8. District :
9. Certificate from panchayat of the area concerned and also D.C/
S.D.O/ B.D.O regarding the character and antecedents of the
applicant and being a ordinary resident of the area for more
than 10 years (if the applicant was residing for less than 10 years
above mentioned certificates from the place of previous place of
residence to be furnished :
10. Certificate / NOC from the concerned police station
regarding pendency or otherwise of any criminal complaint or
investigation against the applicant :
11. Certificate from court P.I (Prosecution Inspector) of the
concerned court about no criminal case pending against the
applicant. If any case is pending the details thereof :
12. Details of landed property of the applicant :
13. Details of bank account of the applicant :
14. Whether the applicant was ever charged or convicted by
any court of law :
15. Purpose of coming :
16. State/zone :
17. Present Address (Temporary) :
18. Working as since (Indicate Year) :
19. Place of work :
20. Panchayat ward :
21. Registration Fees paid vide BR No./Date/ Rs.

Date:

Place:

Signature of Independent Individual worker,

(To be filled in the office of the Registering Officer)

Date of Receipt of application with Bank Receipt for fees.

Signature of Registering Officer.

***Form III**
(See sub-rule III of rule 4)
Government of Sikkim,
Department of Labour

Application No.....

Fee paid Rs.....

Receipt of application

Name of applicant:

Address:

PHOTO

Round seal

Signature and
Seal of Issuing Authority

Date of Renewal	Date B.R.No./	Amount	Date of expiry	Signature of Authority
--------------------	------------------	--------	----------------	---------------------------

- 1.
- 2.
- 3.

* *Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007 as corrected vide Corrigendum published in Sikkim Govt. Extraordinary Gazette No. 443 dt. 3.10.2007*

(See sub-rule (2) of rule 4)

REGISTER OF REGISTERED INDIVIDUAL WORKERS

Sl.no.	Name	F/H Name	Age	Designation	Permanent Address	Temporary Address	Remarks
1.	2.	3.	4.	5.	6.	7.	8.

Name of Work Place	Receipt or Token No.	B R No./ Date	Date of renewal of receipt	Date of renewal of Token	Valid upto	Signature Of Application	Remarks
1.	2	3	4	5	6	7	8

Photograph duly
Attested by
Authority
And round seal
of Office.

* Substituted Vide Sikkim Labour Protection (Amendment) Rules, 2007 published in Sikkim Govt. Extraordinary Gazette No. 266 dt. 18.6.2007 as corrected vide Corrigendum published in Sikkim Govt Extraordinary Gazette No. 443 dt. 3.10.2007

***Form No. V**
(See sub-rule (2) of rule 6)

LABOUR DEPARTMENT
GOVERNMENT OF SIKKIM

TOKEN NO.

Name:

Address:

Date of issue:

Valid up to:

Signature and seal of
Issuing Authority

FORM VI

**(See sub-rule (1) of rule 6)
NOTICE OF CHANGE**

Registration No.

Date.....

District.....

Name of Workers.....

To,

The Registering Officer,
Department of Labour,
Government of Sikkim.

Sir,

Notice is, hereby, given that the following changes have been taken place in respect of information forwarded to you in Form II. The token or receipt of application is forwarded, herewith to be returned after recording necessary changes and amendments.

Description of changes.

- 1.
- 2.
- 3.
- 4.
- 5.

Amendment Fees paid vide B R No. / Date / Rs.

Place.....

Date.....

**Signature of workers / Employer/
Principle employer / Contractor /
Owner of Establishment / or a Person in charge.**

FORM VII

(See sub – rule (3) of rule 9)

SPECIMENT OF TOKEN NUMBER

NO.

DEPARTMENT OF LABOUR

GOVERNMENT OF SIKKIM

FORM VIII

(See sub-rule (2) of rule 10)

APPLICATION OF RENEWAL OF IDENTITY CARD OF INDIVIDUAL WORKER.

- 1. Name of worker
- 2. Address (Temporary)
.....
- 3. Registration number & Date.....
- 4. Date of expiry.....
- 5. Whether the token or receipt of application was suspended or revoked
.....
- 6. Number & date of Bank Receipt enclosed
.....

Place.....

Date.....

Signature of Applicant.

FOR OFFICIAL USE ONLY

Date of Receipt of the Application

Bank Receipt No. / Date

Seal / Signature of Registering Officer.

FORM IX

(See sub-rule (4) of rule 14)

**PARTICULAR OF WORKERS WHO
HAVE LEFT SIKKIM ON VACATION OR FOREVER.**

To,

The Registering Officer,
Department of Labour.
Government of Sikkim.

Sir,

The following mentioned registered workers have left the Sikkim after completion of works for vacation forever .The token or receipt of application are hereby surrendered in the office of the Registering Officer on.....

.....

Name of Worker.....

Token or receipt of application Sl. No.....

Place.....

Date.....

**Signature of Principal Employer
Employer/ Contractor/ Owner
of the Establishment / Applicant.**

Copy to.....

1. The Inspector under Sikkim Protection Act, 2005 station
..... for enforcement.

2. The Officer-in-Charge.....
Police Station, for information.

FORM X

(See clause (a) of sub- rule (2) of rule 30).

SEIZURE MEMO

No.

Date:

In exercise of the power conferred on me under sub-clause (iv) of clause (a) of sub-section (2) of section 13 of the Sikkim Labour Protection Act, 2005, I hereby seize the registers and records of following description belonging to Shri/Smt.....
 S/O/D/O/W/O.....
 Residence of
 who has been detected in contravention of the provisions of sub-section.....
 of sectionof the Sikkim Labour Protection Act, 2005.

Particulars of registers & records seized.

Time.....

Date.....

Place.....

Witness's Name/ Address.....

Signature.....

INSPECTOR,
Under Sikkim Labour Protection Act, 2005.
Department of Labour,
Government of Sikkim.

FORM XI

(See clause (c) of sub - rule (2) of rule 30)

DELIVERY MEMO.

NO.

The registers and records seized with description as given under Seizure Memo No. /
date hereby delivered to
Shri. /Smt. Miss.....
S/o. / D/o. / W./o.....
Resident of
.....

Time.....
Date.....
Place.....

Received the said Registers & Records

Signature of receiver with date (with full name).....

**INSPECTOR,
Under Sikkim Labour Protection Act, 2005,
Department of Labour,
Government of Sikkim.**

FORM XII
(See rule 40)

(Return to be sent by the Contractor/ Employer /Owner of establishment to the Registering Officer under rule 38 of Sikkim Labour Protection Rules, 2006)

1. Name of Employer /Contractor /Owner of establishment;
2. Name and address of the establishment/ workplace;
3. Total no. of workers;
4. Details as under;

Sl.no.	Name of registered worker with Registration number.	Father / Husband's name.	Sex.	Designation.	Age.
1	2	3	4	5	6

Rates of daily wages	Date of employment.	Date on which ceased to be employed	Total number of days worked
7	8	9	10

Amount paid	Total overtime Worked	Amount paid	Deduction of amount from wages (if any)
11	12	13	14

Total expenses on Medical treatment incurred.	Other facilities.	Remarks.
15	16	17

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

Date:

Place

**Signature of Employer/ Contractor/
Owner of Establishment or his
Authorized Representative.**