THE TAMIL NADU INDUSTRIAL ESTABLISHMENTS (CONFERMENT OF PERMANENT STATUS TO WORKMEN) RULES, 1981

(G.O.Ms.No.2831, Labour and Employment, 24the December, 1981)

SRO . A- 375 (a)/81.-- In exercise of the powers conferred by Sub – section (9) of section 10 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (Tamil Nadu Act 46 of 1981), the Governor of Tamil Nadu hereby makes the following rules:---

RULES

1.*Short title and extent*.-- (1) These rules may be called the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Rules, 1981.

(2) They shall extend to the whole of the State of Tamil Nadu.

2. *Definitions*.-- In these rules, unless there is anything repugnant in the subject or context.--

(*a*) 'Act' means the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 (Tamil Nadu Act 46 of 1981); (*b*) 'Form' means a form appended to these rules;

(*c*) 'Inspector' means a person appointed as Inspector under sub-section (1) of section 4 of the Act;

(*d*) 'section' means a section of the Act;

(*e*) 'year' means calendar year;

(*f*) words and expressions not defined in these rules shall have the meanings assigned to them under the Act.

3. *Powers of Inspectors*. --- In addition to the powers conferred by section 5 of the Act, 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 things, that is to say ---

(i) to satisfy himself at each inspection that the prescribed registers and forms are properly maintained;

(ii) to point out all such defects or irregularities as he may have observed and to give orders for their rectification and to record and furnish to the employer a summary of the defects or irregularities and of his orders;

(iii) to note how far the defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with;

(iv) to require any employer to supply or send any return or true copy of any document or information relating to the provisions of the Act;

(v) to prosecute, conduct or defend before a court any complaint or other proceedings arising under the Act.

4. *Information required by the Inspector*.-- The employer of an industrial establishment shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provision of the Act or the rules made thereunder has 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 on receipt thereof.

5. ***Authorities for according previous sanction for prosecution of offences under the Act.--*** The Authority mentioned in column (1) of the Table below shall be the prescribed authority under [1][sub-section (3) of section 6] of the Act in respect of industrial establishments mentioned in the corresponding entries in column (2) thereof:

[1]Vide G.O.Ms.No. 186, Labour and Employment (G-1), dated the 15th July, 2004 (deemed to have come into force with effect from 10th November, 2004)

THE TABLE

Authority	Industrial establishment
(1)	(2)
1. Deputy Chief Inspectors of Factories having jurisdiction over the area.	Industrial establishments as defined in item (a) of clause (3) of section 2 of the Act.
2. Deputy Commissioners of Labour having jurisdiction over the area.	Industrial establishments as defined in items (b), (c),(d),(e),(f) and (g) of clause (3) of section 2 of the Act.

6. ***Maintenance of registers by employers.--***(1) Every employer of an industrial establishment shall maintain a register of workmen in Form 1 and shall produce the register whenever it is required by the Inspector having jurisdiction over the industrial establishment.

(2) Every employer shall compile an up-to-date list in Form 1 except column (9) thereof at the end of each half-year ending on the thirtieth day of June and thirty-first day of December and exhibit the list prominently at any part of the industrial establishment for perusal of the list by the workmen during working hours on any day.

(3) Every employer shall send a copy of the up-to-date list so compiled under sub-rule (2) to the Inspector concerned within a fortnight from the expiry of the half-year ending with June and December of every year with a declaration that the list has been exhibited for the perusal of the workmen of the industrial establishment as required under sub-section (2). He shall also send particulars for each half-year in

Form 2 along with the particulars in Form 1 as required under this sub-rule to the Inspector concerned. He shall obtain

Form 1 and Form 2 to the Inspector under this sub-rule either by Registered Post or otherwise.

(4) Any employee who finds his name not entered in the list referred to in sub-rule (2) or finds that the entries have not been made correctly or finds that though entries regarding his service have been made correctly but he has not attested the entries in the register of workmen in

Form 1 may make a representation to the Inspector concerned. The Inspector after examining the representation or after making enquiries may issue suitable directions to the employer for the rectification of the register in Form 1 or for the issue of orders conferring permanent status to the workman concerned.

7. *Language of register, form or statement,--*The register, forms and statements required to be maintained or sent under these rules shall be in Tamil or in English.

FORM 1

[See sub-rule (1) under rule 6]

REGISTER OF WORKMEN

To be maintained by the employer of industrial establishment --

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Serial number	Name and address of the workman	Whether[* * *] Temporary, casual, Badli, or Apprentice (other than those covered under the Apprentices Act, 1961)	Designation of the workman	Date of first entry into service	Date on which made permanent	Signature of the workman with date (to attest the entries)	Date or which he completed 480 days of service	Remarks

* The word “permanent” omitted by G.O.Ms.214, Labour, dated the 1st February, 1985.

FORM 2

[See sub-rule (3) under rule 6]

Half-yearly return for the half-year ending 30th June/31st December (To be sent to the Inspector having jurisdiction over the industrial establishment by the employer.)

(1) Name and address of the establishment.

(2) Nature of industry and date of commencement of business.

(3) Total number of workmen in the establishment.

(4) Number of workmen shown in Form 1.

(5) Total number of working days in the year.

(6) Number of non-permanent workmen who have completed 480 days of service during the half-year ending 30th June/31st December.

(7) Number of workmen made permanent during the half-year ending 30th June/31st December.

(8) Number of workmen yet to be made permanent as on 1st July/1st January.

(9) Reasons for delay.

(10) Remarks, if any.

Note:-- The details under items 6 to 8 should be supported by statement showing names of workmen.