



8th January, 2021

To,
The Additional Chief Secretary,
Labour and Employment Department
Sachivalaya, Gandhinagar. secled@gujarat.gov.in

Sub: Reinstatement of E-Shram Seva portal to old threshold limits.

Dear Sir,

It was a very good initiative of The Government of Gujarat by amending Labour Laws. viz.. The Contract Labour Act 1970 and The Factories Act 1948 after a very long period by way of ordinances after lockdown period, and thereafter legislative bills to boost the economy as a part of Ease of Doing Business (EODB) in Gujarat.

The Contract Labour (Regulation and Abolition) Gujarat Amendment Ordinance, 2020 introduced on July 20, 2020 aims at amending the threshold regarding applicability of statute from employment of 20 workers to 50 contract workers, as prescribed under Section 1(4) of the Contract Labour Act.

There after The legislative Assembly of Gujarat has passed Bill no 7 of 2020, to replace the said **Ordinance** to an **Act**.

The Factories (Gujarat Amendment) Ordinance, 2020 introduced in July, 2020 aims at amending the threshold of employees in the definition of factory, as defined under the Factories Act, 1948, from 10 persons (where manufacturing process is with the aid of power) to 20 and from 20 persons employment in a factory (where manufacturing process is without the aid of power) to 40.

There after The legislative Assembly of Gujarat has passed Bill on date 22-09-2020, to replace the said **Ordinance** to an **Act**.

But anyhow, these bills are not converted into Acts and therefore the effects of such ordinances are vanished.

It was a very good action of the state Government to give immediate effect to the State Labour Portal E-Sharm Seva.

Natubhai Patel
President

Hemant N. Shah
Sr. Vice President

K. I. Patel
Vice President

Pathik S. Patwari
Hon. Secretary

V. P. Vaishnav
Hon. Secretary (R)

Sachin K. Patel
Hon. Treasurer

But now, due to these bills are not converted into Acts and no notifications can be issued, So the effect of ordinance are null and void after passing of such bills in state assembly, in these circumstances it is necessary to reinstate the E-Shram Seva Portal to old threshold limit i.e. for Contract Labour Act to 10 contract employees and for The Factories Act 1948 to 10/20 employees persons employed for the compliance of these acts. At present a small employer cannot make an application to portal on the old threshold limits and so cannot comply with such laws, which create conflicts with law bound Principal Employer establishments, in some cases the small contractors cannot get their bills from the principal employers due to lack in such compliance of new / renewal license as old threshold limits.

So our request is to reinstate the portal to their applicable threshold limits at the earliest and intimate us.

It is also necessary for the establishments to know about the last applicability date of such ordinances, so that such conflicts can be avoided and contractor's bills can be released.

It is also necessary to direct by way of exemption notification for the compliances of interim period from the next date of ceasing ordinances time limit till the reinstatement of portal to avoid compliance gaps and conflicts.

Thanking you & With best regards,

Yours sincerely,



Yogendrakumar Trivedi
Secretary General

Copy with a request for quick updation actions.

To,

1. The Director of Labour commi-labour@gujarat.gov.in
Gujarat State,
Udhyog Bhavan
Gandhinagar.
2. The Director of Industrial Safety and Health dish-ahd@gujarat.gov.in
Shrambhavan, Khanpur,
Ahmedabad