



कर्मचारी भविष्य निधि संगठन
(श्रम मंत्रालय भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour, Govt. Of India)
मुख्य कार्यालय/Head Office
भविष्य निधि भवन, 14-भीकाजी कामा प्लेस, नई दिल्ली-110066
Bhavishya Nidhi Bhawan, 14- Bhikaiji Cama Place, New Delhi - 110066
www.epfindia.gov.in/www.epfindia.nic.in

(CENTRAL ANALYSIS & INTELLIGENCE UNIT)

No.CAIU/011/(34)2016/

Date: 12.05.2017

To

16 MAY 2017

All Additional Central P.F. Commissioners,
All Regional P.F. Commissioner-I,
All Regional P.F. Commissioner-II,

Sub:- Compliance regime for Start-ups-regarding.

Sir,

Please find enclosed herewith a copy of DO letter No. Z-13025/39/2015-LR Cell dated 06.04.2017 received from Shri Heeralal Samariya, Additional Secretary, Ministry of Labour & Employment, New Delhi on the above cited subject.

In terms of directions contained therein for the purpose of EPF & MP Act, 1952, all concerned are required to adhere to the directions mentioned in the said letter.

Yours faithfully,

Encl: as above.

(S.C. Goyal)

Addl. Central P.F. Commissioner-II (CAIU)

Copy to:-

PS to CPFC w.r.t. diary No.114819 dated 12.04.2017 for information.



Heeralal Samariya, IAS
 Additional Secretary
 Tel: 011-23710178
 Fax: 011-23736011
 E-mail: as-labour@nic.in

श्रम एवं रोजगार मंत्रालय
 भारत सरकार
 श्रम शक्ति भवन, राफ़ी मार्ग,
 नई दिल्ली-110119
 MINISTRY OF LABOUR & EMPLOYMENT
 GOVERNMENT OF INDIA
 SHRAM SHAKTI BHAWAN, RAFI MARG,
 NEW DELHI-110119

के.प्र.नि.आ. के. नि.स.
 प्राप्त दिनांक
 12 APR 2017
 114819
 12/4/17
 डायरी सं.

D.O. No. Z-13025/ 39/2015-LR Cell
 Dated the 6th April, 2017

Recd 15/4/17

Dear

As you are aware, Government of India has launched the Start-up India Action Plan for promoting the Start-Up ecosystem in the country to incentivize the entrepreneurs in setting up new start-up ventures and thus catalyze the creation of employment opportunities through them. In this connection, various incentives and ease in regulatory compliance provisions have been conceptualized. Start-ups are defined by Department of Industrial Policy & Promotion (DIPP), as an entity, incorporated or registered in India not prior to five years, with annual turnover not exceeding Rs. 25 crores in any preceding financial year, working towards innovation, development, deployment or commercialization of new products, processes or services driven by technology or intellectual property.

2. Earlier, this Ministry had issued on 12.01.2016, an advisory to all States/UTs and Central Labour Enforcement Agencies for regulating the Labour Laws Inspection System in case of Start-Ups allowing them for self-certify compliance with certain Labour Laws for three years. The Labour Laws to be covered under this are:-

- (1) The Industrial Disputes Act, 1947
- (2) The Trade Unions Act, 1926
- (3) The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996
- (4) The Industrial Employment (Standing Orders) Act, 1946
- (5) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- (6) The Payment of Gratuity Act, 1972
- (7) The Contract Labour (Regulation and Abolition) Act, 1970
- (8) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- (9) The Employees' State Insurance Act, 1948

*R-C.I compliance
 place put up to
 issue instructions to
 field offices*

3. The matter has been reconsidered in the Ministry and it has been now decided to extend this self-certify compliance regime for Start-ups to five years. In view of this, State / UT Governments/Central Labour Enforcement Agencies are advised that:

- (i) For the first year of setting up of the Start-ups such establishments may not be inspected under any of the 6 Labour laws (*viz. BoCW Act, ISMW Act, Payment of Gratuity Act, Contract Labour Act, EPF Act and ESI Act*). These start-ups may be asked to submit an online self-declaration instead.
- (ii) Start-ups may be allowed to submit self-certified returns (*as is being done under Shram Suvidha Portal under these Acts for the Central sphere*) under aforesaid Acts. From the second year onwards, upto five year from the setting up of the unit, such Start-ups may be taken up for inspection only when very credible and verifiable complaint of violation is filed in writing and the approval has been obtained from at least one level senior to the inspecting officer or from the Central Analysis and Intelligence Unit (CAIU), as the case may be.

*Sum on
 file*

*1530
 18/4
 AC*

This matter has been dealt in CAIU earlier. May kindly see and take necessary Action. ..2/-

"बाल श्रम रोकें"

के.प्र.नि. आयुक्त (मुख्यालय)
 Addl. C.P.F.C. (HQ)
 डायरी सं./Dy. No. 35776
 दिनांक/Date 17-4-17

RAPC II (CAIU)
 20 (CAU)
 श्री दीपक कुमार/RAJESH KUMAR
 सहायक स.नि. आयुक्त/A.P.F.C.
 "SHRIMP/SHRIMP/SHRIMP"
 Employees' Provident Fund Organisation
 (श्रम एवं रोजगार मंत्रालय, भारत सरकार)
 (Ministry of Labour & Emp., Govt. of India)
 14, चौकफणजी कान्हा प्लेस, नई दिल्ली-65

4. You are requested to direct the concerned Departments in your State/UT to regulate the inspections in the Start-ups, as suggested above, wherever applicable. For submitting self-certification online, the Shram Suvidha Portal of Government of India may be used. Action taken in the matter may also be intimated to this Ministry.

With regards

Yours sincerely,

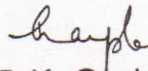

(Heeralal Samariya)

As per list enclosed.

Copy to:

- (1) Shri Deepak Kumar, Director General, Employees State Insurance Corporation, Kotla Road, New Delhi.
- (2) Dr. V.P. Joy, Central PF Commissioner, Employees Provident Fund Organization, Bhikaji Cama Place, New Delhi.
- (3) Shri A.K. Nayak, Chief Labour Commissioner (Central), Ministry of Labour & Employment, Shram Shakti Bhavan, New Delhi.

- with a request to take action for units in Central Sphere.


(R.K. Gupta)
Joint Secretary
10.04.2017