

No.COL/DMN/MAG/6-74/2016-17/ 5850
U.T. Administration of Daman & Diu,
Office of the Collector & District Magistrate,
New Collectorate Building, Dholar,
Moti Daman – 396 220.

Dated:- 18/ 11 /2016.

ORDER

WHEREAS, the District of Daman is thickly populated by many small, medium and large scale industries, which employ thousands of skilled, semi-skilled and unskilled industrial workers.

AND WHEREAS, it is noticed that the said industrial workers working in various industrial establishments in Daman are either directly under the pay roll of the companies or are employed by the labour contractors, who in turn supply the industrial labourers to various establishments.

AND WHEREAS, it is noticed that the industrial workers/ labours supplied by the labour contractors to various industrial establishments are not provided with appointment order, company's identity card, pay slips, etc. Whereas, it is also seen that the labour contractors are also not keeping photo identity card proofs like EPIC, PAN Card, residential proof, etc of the industrial labourers employed by them and deployed to various industrial units/establishments.

AND WHEREAS, it is also noticed that industrial establishments are also at times not giving any appointment order, pay slip, company identity card, etc to their workers and are also not keeping proper photo identity details like EPIC, PAN card residential proof, etc. of the said industrial workers employed by them, either directly on their pay roll or employed through labour contractors.

AND WHEREAS, not maintaining proper identification details of the industrial workers employed either by the labour contractors or the industrial establishment has created a very fragile situation in the district as it becomes difficult to track a person without identification details if he/she is found involved in any antisocial/anti-national activities.

AND WHEREAS, it is also noticed that in case of unfortunate death of any industrial workers/labourers, due compensation as per law cannot be paid by the labour Contractors or the industrial establishment in the absence of the identity

AND WHEREAS, the relevant industrial Labour Acts/Rules provide sufficient guidelines to the industrial establishments/ labour contractors to issue identity details like appointment order, identity cards, pay slips, etc. to the industrial workers working within their premises.

AND WHEREAS, the said Acts/Rules also provide sufficient guidelines to the Industrial establishment/labour contractors to keep with them the identity details like residential proof, EPIC, PAN card, etc. of the industrial workers employed by them.

AND WHEREAS, not issuing the identity document like appointment order, company identity card to the industrial worker as mentioned above and also not keeping the identity details like residential proof, EPIC card etc. of the industrial workers employed by them create a very fragile security situation in the district and at times adversely affect working of the law and order agencies while tracking criminals/antisocial/anti-national element.

NOW, THEREFORE I, Karanjit Vadodaria, Sub Divisional Magistrate, Daman, in exercise of the powers conferred upon me by section 144 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) do here by order that no labour contractor/Industrial unit/Establishment shall employ any industrial labour/worker either directly or through the labour contractor, unless and until they have obtained a copy of reasonable document of **identity proof (like EPIC Card, PAN Card, driving licence, and any other reasonable proof of identity) of the said industrial worker and shall also invariably issue suitable identification documents to the said worker, like company's Identity-card, appointment letter, pay slip, etc. It will be obligatory on the said labour contractor/industrial establishment to furnish the particulars of the said industrial workers/labourers to the incharge of Police Stations/ out posts in their respective jurisdictions, when ever asked for.**

Vide this order the concerned In charge of the Police Stations/ out post are also directed to undertake random inspections in the industrial units/ establishments within their jurisdictions to ensure that the reasonable identity details are issued as well as kept by the industrial establishments/units as directed above.

This order shall come into force and shall be effective for a period of **60 days with effect from 16.11.2016 upto 14.01.2017** (both days inclusive unless withdrawn earlier).

Any person contravening this order shall be punishable under section 188 of the Indian Penal Code i.e. Disobedience to order duly promulgated by public servant is as under:-

“Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain Act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully empowered, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both: and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or trends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”

The order shall be published for the information of the public through the press and affixing copies on the notice boards of the Daman Industries Association, all the offices the U.T. Administration, Daman including the office of the IG (P)/DD & D&NH, Superintendent of Police, Daman, Additional Superintendent of Police, Daman, Sub Divisional Police Officer, Daman, All Police Stations/ Out Posts/ SFO concerned and the office of the Daman Municipal Council and District Panchayat, Daman.


16-11-16
(Karanjit Vadodaria)
Sub Divisional Magistrate,
Daman.

Copy for favour of information to:-

1. The Staff Officer to Hon'ble Administrator, Daman.
2. The P.S. to Development Commissioner, Daman.
3. The P.A. to Finance Secretary, Daman.

Copy for information and implementation to :-

1. The Superintendent of Police of Daman.
2. The Chief Inspector of Factory & Boilers, Daman.
3. The Sub Divisional Police Officer, Daman.
4. The General Manager, DIC, Daman.