

GOVERNMENT OF TRIPURA  
LABOUR DEPARTMENT  
AGARTALA

F.NO. 27 (131)-LAB/LGW/2015 /Part-I/8134-83 Dated, Agartala 30<sup>th</sup> May, 2017

**NOTIFICATION**

**Reference:-**

- 1). GOI communication on mandates of "Ease of Doing and Business Reform Action Plan, 2016" vide No DO No.5 (26)/2014-BE-I, dated 20 October, 2015.
- 2). Industries & Commerce Communication No D.O.F.DI/TIDA/1(17)/2013/19167-76, dated 7/11/2015
- 3). State Government Notification on "Self-Certification scheme" vide No F. 27 (131)- LAB/LGW/2015/Part-I /4680-92, dated 28/04/2015.
- 4). State Government Notification on "General Procedures of inspection" vide No F. 27 (131)- LAB/LGW/2015/Part-I /5070-5170, dated 18/06/2016.
- 5). State Government Notification on "Inspection report" vide No F. 27 (131)- LAB/LGW/2015(P-I) /5070-5170, dated 18/06/2016.
- 6). State Government Notification on "Same Inspector will not inspect the same establishment twice consecutively " vide No F. 27 (131)- LAB/LGW/2015/Part-I /12893-945, dated 26/11/2016.
7. State Government Notification on " Joint- Inspection" vide No. 2(345)-FB/EDB/2015/582-89, dated 06/06/2016

WHEREAS, "EASE OF DOING BUSINESS" is a priority of the State Government;

AND WHEREAS, there is a need of **introduction of online inspection system in Labour Directorate ensuring simplification , transparency and accountability of inspection and ease of compliance of law by the Employers/ Establishments under various statutes and rules;**

AND WHEREAS, there is scope for hassle free statutory clearances for creating a conducive environment for rapid industrialization/ growth in the State;

NOW, THEREFORE, the State Government has decided to introduce an online inspection system in Labour department and accordingly one web- based online inspection system (online inspection portal ) is being developed.

After careful examination of the matter, the State Government hereby issue the following revised online inspection procedures for online inspection system in Labour Department towards ease of doing business and ease of compliance of law while ensuring simplification, transparency and accountability in Governance.



**1. The following Acts will be covered under online inspection system:**

- i. The Minimum Wages Act, 1948
- ii. The Tripura Shops & Establishments Act, 1970
- iii. The Building and Other Construction Workers (RE&CS) Act, 1996
- iv. Contract Labour (R&A) Act, 1970
- v. Inter State Migrant Workmen (COE) Act, 1979
- vi. Maternity Benefit Act, 1961
- vii. Motor Transport Workers Act, 1966
- viii. Payment of Bonus Act, 1965
- ix. Payment of Gratuity Act, 1972
- x. Equal Remuneration Act, 1976
- xi. Payment of Wages Act, 1936
- xii. Working Journalists Act, 1955
- xiii. Beedi & Cigar Workers Act, 1966

**2. Definitions and meaning**

**i) Establishment:** Establishment as defined under the respective Labour Laws specified above.

**ii) Inspecting officers:** Labour Inspector, Labour Officer, Chief Labour Officer, Deputy Labour Commissioner, Joint Labour Commissioner & Labour Commissioner or any other officer specified in any of the relevant laws.

**iii) Supervisory Officers shall be:-**

| Sl. No | Inspecting Officer                                | Supervisory Officer                 |
|--------|---|-------------------------------------|
| 1      | Labour Inspector or equivalent                    | Labour Officer/Chief Labour Officer |
| 2      | Labour Officer/Chief Labour Officer or equivalent | Joint Labour Commissioner           |
| 3      | Joint Labour Commissioner or equivalent           | Labour Commissioner                 |

**iv) Inspection period:** If it is not otherwise provided in any of the relevant laws, normal inspection of the Establishments shall be carried out as for Low Risk- once in a year, for Medium Risk- once half yearly and for High Risk Establishments- once quarterly. However, this will not be applicable in case of complaint(s) or judicial interventions.

**3. Data base of Establishments:**

The following shall be the sources of data base of establishments for online inspection-

- a. Data of Establishments registered / renewed online through the online registration portal of Labour Directorate or ledger registered establishments maintained manually, which will be subsequently uploaded in the portal.

- b. Data of Shops & Establishments, Motor Transport Undertakings, Contract labour, Inter State Migrant Workers etc applicable in the State.
- c. Establishments which submitted combined annual returns online but not complied with the provisions of the labour Acts as applicable under ease of doing Business/ Self Certification Scheme.
- d. Complaints received through online complaint portal or offline.

**4. Risk based Selection of Establishments for inspection:**

Selection of establishments for inspection shall be on the basis of following Risk assessment criteria:

- A. Number of workers
- B. Number of contract workers
- C. Nature of activity of the establishment

There are following other criteria for selection of establishment for inspection:

- D. Status of compliance on the basis of combined annual return
- E. Complaints (from workers, trade unions, managements, citizens etc.)
- F. Compulsory Inspections (ex: Orders of the Judicial Institutions & HRC etc.)

**5. Risk based assessment and categorization of establishments:**

**A. Risk categorization on the basis of number of workers:**

For categorization of Establishments into high risk, medium risk and low risk, the issues relating to the risk of the workers in terms of their entitlements viz. wages, bonus & other remuneration, leave, holidays, working hours, worksite facilities, safety & health, welfare and social security measures like gratuity, EPF, ESI, accident compensation etc. should be taken into consideration. Risk categorization on the basis of number of worker is as follows: -

| Sl. No. | Risk Assessment | Workers Strength            |
|---------|-----------------|-----------------------------|
| 1       | Low Risk        | Up to 9 (nine) nos. workers |
| 2       | Medium Risk     | 10 to 50 nos. Workers       |
| 3       | High Risk       | 51 nos. Workers and above   |

**B. Risk categorization on the basis of number of contract workers engaged:**

There are certain establishments employing large number of contract workers, normally more than the number of regular workers. In such establishments, the terms and conditions of employment of regular workers and contract workers are totally different and contract workers are normally prone to exploitation.

Establishments employing contract workers **exceeding 50 % of total regular workers** shall be categorized as **High Risk Establishments**.

Establishments employing contract workers **less than 50 % of total regular workers** shall be categorized as **Medium Risk Establishments**.

Establishments employing no contract workers shall be categorized as **Low Risk Establishments**.

**C. Risk categorization on the basis of nature of activity of the establishment:**

In certain activities of the Establishments, workers are prone to the Exploitation, apart from the risk of accidents and health hazards. In view of that, the Establishments are categorized as below-

**i) High Risk Establishments:**

The establishments undertaking the following activities are categorized as high risk establishments.

1. Automobile engineering workshops including servicing and repairs,
2. brick kilns, 3. Cashew Nut processing
4. Colour printing and yarn dyeing,
5. Construction or maintenance of roads and buildings,
6. Cotton ginning and pressing,
7. Glass industry,
8. Hotels, restaurants and eating houses,
9. Jute and coir
10. Petrol Pump,
11. Power loom industry,
12. Motor transport undertakings,
13. Rice Mills, flour mills, saw mills,
14. Stone breaking and stone crushing
15. Tiles and potteries,
16. Tobacco including Beedi making,
17. Security services,
18. Spinning mills,
19. Baking process including biscuit manufactory
20. Cement concrete pipes,
21. Distilleries and breweries,
22. Paper and paper boards,
23. Straw board and handmade paper manufactory
24. Wood working establishments,
25. Woollen carpeting and shawl weaving establishments.

**ii) Medium risk establishments:**

On the above basis, following establishments are categorized as Medium Risk Establishments.

1. Clubs and canteens,
2. Electronics industry,
3. Fisheries and fish foods,
4. Garment and allied manufacturing industry,
5. Hospitals, Nursing homes and clinics other than Govt. Hospitals and dispensaries,
6. Salt pans,
8. Soft drinks and aerated / mineral / distilled water manufacturing units,
9. Handloom weaving,
10. Printing press including litho and offset printing etc.

**iii) Low Risk Establishments**

All other Establishments which are not included in above categories shall be treated as Low Risk Establishments.

**6. Third party Certification:**

There is no Third Party Agency available in Tripura assessed or registered / declared, who can certify/inspect the Establishments under various labour



laws. However, whenever such type of agency is available, necessary initiatives will be taken for implementing "Third Party Inspection" for all the High or Medium risk Establishments.

**7. Random allocation of establishments and inspectors for online inspection (subject to implementation of online inspection):**

i) System will randomly allocate establishments to the inspecting officers and inspecting officers to the establishments online. In case of inspection of an establishment in any area other than the jurisdiction of notified inspecting officer, the inspecting officer having administrative jurisdiction shall take up all follow up actions.

ii) System will ensure that the **same Establishment is not allotted to the same inspector twice consecutively and within a period of 1 year.**

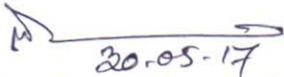
**8. Joint Inspection by Labour Directorate & Factories & Boilers organisation:-**

For the purpose of suitable settlement of various disputes, joint inspection of different factories/ Boilers/ Establishments is prevailing in the State under which the joint inspection team at State/ District Level so notified, shall work to settle the disputes relating to Labour & factories & Boilers Organisation.

9. The General procedure laid under concerned labour laws for inspection of any establishment shall have to be followed in respect of general points, records/ registers & returns.

10. All such Inspection Report shall be submitted to the appropriate authority through the online inspection portal (whenever the online system is operationalised), within **48 hours** of completion of the inspection.


This will take effect from the date of its publication in official Gazette.

  
20.05.17  
Deputy Secretary to the  
Government of Tripura

Copy to:-

1. The P.A. to the Minister, Labour etc. Department, Government of Tripura, Agartala for kind information of Hon'ble Minister,
2. The P.A. to the Special Secretary, Labour Department, Govt. of Tripura.
3. The Director, Industries & Commerce, Govt. of Tripura, Agartala.
4. The Chief Inspector of Factories & Boilers, Govt. of Tripura, Agartala.

5. The Manager, Govt. Press, Agartala with request to publish the Notification in the Tripura Gazette, Extra ordinary issue and send to this Department 5 (five) spare copies for office record.
6. The Joint Director, Information Technology Directorate, Govt. of Tripura for uploading the Notification heading with "Risk base assessment for inspection & Third party inspection " in the department's website under Ease of Doing Business.
7. The Chief Labour Officer / Labour Officer of all District Labour Offices.
8. All concerned Inspectors.

  
20.05.17  
Deputy Secretary to the  
Government of Tripura