

GOVERNMENT OF TRIPURA

LABOUR DEPARTMENT

AGARTALA

F.NO. 27 (131)-LAB/LGW/2015 /Part -I/2834-93 Dated, Agartala 7th Feb, 2017

NOTIFICATION

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

AND WHEREAS, there is a need to define clear inspection procedures and Check list for inspection under the provision of the various Labour Laws.

Now, considering all aspects, it is ordered that all the Inspecting Officials will prepare inspection report, in duplicate with particulars of the employers and will hand over to the employer or representative with due acknowledgement. All such inspection reports to be submitted to the appropriate Authorities within 48 (forty eight) hours after completion of inspection under the provisions of the following Labour Laws .

- i. The Tripura Shops & Establishments Act, 1970
- ii. Payment of Bonus Act, 1965
- iii. The Minimum Wages Act, 1948
- iv. Contract Labour (R&A)Act, 1970
- v. Equal Remuneration Act, 1976
- vi. Payment of Wages Act, 1936
- vii. Payment of Gratuity Act, 1972
- viii. Maternity Benefit Act, 1961

The inspection procedures and Check list for inspection is enclosed.

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

(S.K. Das) 07/02/17

Addl. Secretary to the
Government of Tripura

Copy to:-

1. The P.A. to the Hon'ble Minister, Labour etc. Department, Government of Tripura, Agartala for kind information of Hon'ble Minister,
2. The P.A. to the 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 Chief Labour Officer / Labour Officer of all District Labour Offices.
7. All concerned Inspectors.

Addl. Secretary to the
Government of Tripura

**Govt. of Tripura.
Labour Directorate
Jackson Gate, Agartala**

General Procedures for Inspection under various Labour Laws.

Enforcement of Labour Laws , Rules and Regulations framed thereunder is main responsibility of the Inspectors of the Labour Directorate.

General Procedures for Inspection

Inspectors shall inspect the establishments / works places in their respective jurisdiction as often and as thoroughly is necessary to ensure the effective implementation of relevant provisions of labour laws.

Inspector will enter the premises of the establishment with or without prior intimation to the employer and operating trade unions, if any.

Effective inspection and effective implementation of legal provisions it would be better for inspector to collect information about:

- i). Name, location & registration no. of the establishment
- ii). Nature of the business / work carried out in the establishment
- iii). Number of workers engaged
- iv). Rates of the wages provided by the establishment
- v). Complaint letter , if any against employer/ management
- vi). Any child labour employed

Inspector may discuss with the employees regarding compliance of various provisions of the respective Acts and related matters. Inspector should be mentioned the name & details of the workers interviewed in the inspection report.

Inspector may physically examine compliance of various provisions of the Act including statutory registers , records and filing of returns, etc.

Seize, or take copies of any registers, records, documents or notices or portions thereof as he may consider relevant in respect of any offence under the Act which he has reason to believe has been committed by the shop- keeper or employer.

Inspector will prepare inspection report, in duplicate mentioning violation detected during the inspection along with particulars of the employers and will hand over to the employer or his/her representative with due acknowledgement. Employers are

instructed to remove the defects detected during the inspection and report compliance thereof within a specific date mentioned in the inspection report.

Inspection reports are put up within 48 (forty eight) working hours of inspection to higher authorities and will be uploaded on website as soon as online system is operationalized.

In case of non- compliance of the instruction show-cause notice may be issued to the employer.

For non-compliances, which are not complied with by the management despite issuing show-cause notices, prosecution besides taking other legal actions; is filed before the competent Court of Law.

A). INSPECTION UNDER THE TRIPURA SHOPS & ESTABLISHMENTS ACT, 1970 AND RULES FRAMED THEREUNDER

PART-1 General

1. Nature of Business Shop/Establishment
2. Number of workers employed
(a) Men (b) Women (c) Young Persons (d) Children-
3. Whether Registration Certificate Obtained Yes / No
4. Whether Registration Certificate is valid Yes / No
5. Wage Period
6. Date of Payment of Wages
7. Mode of Payment Cash/ Cheque/ECS

PART-II OBSERVATIONS

1. Whether spread over is being observed as prescribed under the Act and during the period of rest, the workers are free to leave the place Yes/No
2. Whether any child was found employed Yes/No
3. Whether the working hours and timings in case of young persons, women are being adhered to. Yes/No
4. Whether opening & closing hours are being observed (Section 6 or section 7). Yes/No
5. Whether close day is being observed under section 5(1), if not, whether the employees are being provided weekly holiday. Yes/No
6. Whether the employees are called for duty on National Holidays. If yes, whether

**G). INSPECTION UNDER PAYMENT OF GRATUITY ACT, 1972 AND RULES
FRAMED THEREUNDER**

PART-1 General

1. Nature of Business Shop/Establishment/Factory
2. Number of workers employed
(a) Men (b) Women (c) Adult (d) Children
3. Maximum number of Employees employed on any day of the preceding 12 month

PART-II Observations

1. No. of employees superannuated/retired/resigned/died or disabled due to accident or disease alongwith details during the period of previous visit till date.
2. No. of employees who have been paid their gratuity and mode of payment.
3. No. of employees, who have not been paid their gratuity and reason in brief.
4. Whether notice of opening in Form-A or change in name, address, employer or nature of business given to Controlling Authority of the area within stipulated time.
Yes/No
5. Whether name of officer with designation is displayed at conspicuous place at or near the main entrance of the establishment in English and Hindi. Yes/No

PART-III Registers, Notices & Records

Whether following notices/records have been displayed/ maintained:-

1. Notice of Opening (in Form-A) (under Rule 3(1)). Yes/No
2. Notice of Change (in Form-B) (under Rule 3(2)). Yes/No/NA
3. Notice for Excluding Husband From Family (in Form-D)(under Rule 5(1)). Yes/No
4. Notice of withdrawal of Notice for Excluding Husband from Family (in Form-E) (under Rule -5(2)). Yes/No
5. Nomination (in Form-F) (under Rule 6(1)). Yes/No
6. Fresh Nomination (in Form-G) (under Rule 6(3)) Yes/No
7. Modification of Nomination (in Form-H) (under Rule 6(4)). Yes/No
8. Abstracts of the Act & Rules (in Form-U) (under Rule (20)). Yes/No