

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.

07/02/17
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

8. Register of deductions for damage or loss (in Form – XX) (under Rule 67(2) (d)).
9. Register of fines(in Form – XXI) (under Rule 67(2) (d)).
10. Service Certificate (in Form – XV) (under Rule 66)

Whether following notices have been sent/ displayed Yes/No

1. Notice showing the rates of wages, hours of work, wages period, date of payment, name and address of inspectors, having jurisdiction and the date of payment of unpaid wages (under Rule 69 (a)(i).
2. Notice showing the wage period and place & time of disbursement of wages (under Rule 60).
3. Whether Half Yearly Return and the date of submission (in Form- XXIV) (under Rule 70(1)). Yes/No

PART- IV Welfare and Health

Welfare & Health related provisions are the responsibility of contractor and failing to comply with, these should be provided by Principal Employer

Whether the following amenities have been provided

1. Canteen (under Section 16 read with Rule-36) (If one hundred or more contract labours are employed). Yes/No
2. Rest Room (under Section 17 read with Rule-35) (If the contract workers are required to halt at night) Yes/No
3. First Aid Box (under Section 19 read with Rule 47 to 51) Yes/No
4. Urinals & latrines for the use of workers (under Rule-42 to 46) Yes/No
5. Drinking Water (under Rule-34(1) Yes/No
6. Washing Facility (under Rule- 34 (1)) Yes/ No

E).INSPECTION UNDER EQUAL REMUNERATION ACT, 1976 AND RULES FRAMED THEREUNDER

PART-1 General

1. Nature of Business Shop/Establishment/Factory
2. Number of workers employed
(a) Male (b) Female

PART-II Observation

1. Whether there is any difference in wages to the workers of opposite sex, performing same work or work of similar nature Yes/No
2. Whether the employer has reduced the rate of wages of any workers for the purposes of complying with the provision of this Act. Yes/No
3. Whether any discrimination observed while recruiting Men & Women workers except where the employment of women in such work is prohibited or restricted by or under any Law for time being in force. Yes/No

4. Whether any discrimination observed while promoting, training or transfer except where employment of women is restricted. Yes/No

F). INSPECTION UNDER PAYMENT OF WAGES, 1936 AND RULES FRAMED THEREUNDER

PART-1 General

1. Nature of Business Factory/Workshop/Construction/Others(Please specify)
2. Number of workers employed
 - (a) Men
 - (b) Women
 - (c) Adult
 - (d) Children-
3. Wage Period
4. Date of Payment of Wages
5. Mode of Payment Cash/Cheque/ECS

PART-II Observation

1. Whether any deduction not permissible under the Act has been observed. If yes Please specify. Yes/No
2. Whether deductions are within the limit as prescribed under the Act. Yes/No
3. Whether deduction damage or loss cause to the employer was due to neglect or default of the employed person concerned. Yes/No
4. Whether any opportunity of showing cause was given to the employed person before making any deduction. Yes/No
5. Whether all deductions & realizations have been recorded in the register kept with person responsible for payment of wages. Yes/No
6. Whether any fine has been imposed on any employee from the date of previous inspection to till date. If yes, the details thereof with total amount of fine, period of recovery. Yes/No
7. Whether all fines & realizations have been recorded in the register kept with person responsible for payment of wages. Yes/No
8. Whether deduction on account of providing house accommodation amenity or service has been accepted by employee. Yes/ No
9. Whether abstract of the Act and Rules made thereunder in Form-V displayed. Yes/No

PART-III Registers

1. Wages register.
2. Register of advance.
3. Register of fine
4. Register of deductions.
5. Nomination and Declaration Form (in Form-I).

PART-IV Return

1. Whether Annual return submitted. Yes/No