

Government of Tripura
Labour Department
(Factories & Boilers Organisation)

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Dated, Agartala, the 13th May, 2016.

Procedure for inspection of Factories
(under the Factories Act, 1948 & the Tripura Factories Rules, 2007)

1.0 Purpose: Efficient and fruitful Inspection of factories for enforcing the provisions of the Factories Act, 1948 & the Tripura Factories Rules, 2007.

2.0 Scope: This procedure is applicable for inspection of all the factories defined under the Factories Act, 1948 & the Tripura Factories Rules, 2007.

3.0 Function & Duties of Inspectors as envisaged under section 9 of the Factories Act, 1948 :

An Inspector may, within the local limits for which he is appointed,--

- a. Enter, with such assistants, being persons in the service of the Government, or any local or other public authority, [or with an expert] as he thinks fit, any place which is used, or which he has reason to believe is used, as a factory;
- b. Make examination of the premises, plant, machinery, article or substance;
- c. Inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry;
- d. Require the production of any prescribed register or any other document relating to the factory;
- e. Seize, or take copies of, any register, record or other document or any portion thereof, as he may consider necessary in respect of any offence under the Factories Act, which he has reason to believe, has been committed;
- f. Direct the occupier that any premises or any part thereof, or anything lying therein, shall be left undisturbed (whether generally or in particular respects) for so long as is necessary for the purpose of any examination under clause(b);
- g. Take measurements and photographs and make such recordings as he considers necessary for the purpose of any examination under clause (b), taking with him any necessary instrument or equipment;
- h. In case of any article or substance found in any premises, being an article or substance which appears to him as having caused or is likely to cause danger to the health or safety of the workers, direct it to dismantle or subject it to any process or test (but not so as to damage or destroy it unless the same is, in the circumstances necessary, for carrying out the purposes of this Act), and take possession of any such article or substance or a part thereof, and detain it for so long as is necessary for such examination;
- i. Exercise such other powers as may be prescribed.

4.0 Procedure:

Inspection visits can broadly be classified in three categories:

- a. Routine Inspection
- b. Follow up Inspection
- c. Special visits to address specific issues like investigation into complaints, investigation of accidents / dangerous occurrences etc.

The standard of enforcement of labour legislation depends not only on the methods of inspection and the degree of efficiency of the visits but also on their frequency. It is difficult to define a standard of frequency for routine visits of inspection. There are two approaches:-

- I. The standard may be expressed in chronological terms requiring factories to be visited once a year at least.
- II. Requiring workplaces to be inspected "as often as is necessary to ensure the effective application of the relevant legal provisions."

The latter, in fact, is the standard adopted by the ILO.

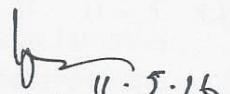
While adhering to the yard stick of thorough inspection of at least 175 factories in a calendar year, attempt should be made to carry out thorough inspection of every factory in the jurisdiction at least once in a year. Factories involving a hazardous process to which Chapter IVA of the Factories Act, 1948, applies and Major Accident Hazard (MAH) factories needs more frequent inspection.

Where inspection involves enquiry into accidents, occupational diseases, complaints etc. visit must be made without undue delay. Such enquiry should be conducted in a manner enhancing co-operation of all concerned which is essential for obtaining full facts not hindered by the impression that a fault finding session is going on in the name of enquiry. The main objective of such enquiry is to dig out the real cause and suggesting preventive measures to avoid recurrence of such incidents.

Compliance of the various section and rules should be checked during inspection prioritizing on the basis of the nature of industry. For Example Provisions under Chapter IVA is very important for Chemical factories / Metallurgical industry.

Normally in the course of an inspection visit to the working areas of a factory, the inspector should ask to be accompanied by the Occupier, Manager or other responsible person so that necessary changes may be explained to someone with sufficient authority to take action in the matter.

Inspection report should be issued whenever a factory is inspected within the time limit of **72 (seventy two) hours**.


(Kumar Jamatia)

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Government of Tripura.