



## GOVERNMENT OF KERALA

### Abstract

Labour & Skills Department –Ease of Doing Business-Centralized Inspection System-Approved -Orders Issued.

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### LABOUR AND SKILLS ( D) DEPARTMENT

G.O.(Rt)No.796/2024/LBR Dated,Thiruvananthapuram, 26-07-2024

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- Read 1 G.O.(Ms.) No.08/2019/ID dated 24.01.2019  
2 G.O.(Rt) No.790/2021/ID dated 30/07/2021.  
3 Letter No.DFB/540/2024/G1 dated 7/3/2024.

### ORDER

As part of Ease of Doing Business initiatives in the State, Business Reform Action Plan 2018-19 has recommended to institutionalize a Kerala Centralized Inspection System (KCIS) for conduct of inspections by the Department of Factories and Boilers in the State.The State Business Reform Action Plan recommendation envisages the following Acts and Rules are to be administered under Central Inspection System.

- The Factories Act, 1948,
- Kerala Factories Rules, 1957
- Kerala Factories (Major Accident Hazardous Control) Rules, 2005
- Dangerous Machines (Regulation) Act, 1983 (1983 Central Act 35)
- Kerala Dangerous Machine (Regulation) Rules, 2001
- Chemical Accidents (Emergency Planning Preparedness & Response) Rules, 1996
- The Building and Other Construction Workers (Regulation of Employment And Conditions Of Service) Kerala Rules, 1998

### In case of Joint Inspections following Acts are to administered

- The Factories Act, 1948,
- Kerala Factories Rules, 1957



2) In the circumstances detailed above, sanction is accorded for the implementation of the Kerala Centralized Inspection system for inspections by the department of Factories and Boilers as per the provisions detailed below.

### **CLASSIFICATION**

As the centralised inspection system requires the classification of Factories in Low, Medium and High-risk categories, the factories in the state shall be categorized as follows:

#### **HIGH RISK:**

1. Manufacturing process specified in the First Schedule of the Factories Act 1948.
2. Manufacturing process specified in the Schedule 4 of Kerala Factories MAH Rules, 2005

#### **MEDIUM RISK:**

1. Manufacturing process notified in the Schedule - Part 1 of notification issued under G.O.(Rt) No.1366/2019/LBR dated 06.11.2019 (S.R.O.No. 885/2019)
2. Manufacturing process/ operation specified in part A and Part B Schedules of Kerala Factories Rules, 1957
3. Construction sites coming under the purview of the The Building and Other Construction Workers (Regulation of Employment and Conditions Of Service) Kerala Rules, 1998.
4. All dangerous machines coming under the purview of the Dangerous Machines (Regulation) Act, 1983 (1983 Central Act 35) and the Kerala Dangerous Machine (Regulation) Rules, 2001.

#### **LOW RISK:**

1. Manufacturing process notified in the Schedule - Part II of notification issued under G.O.(Rt) No. 1366/2019/ LBR dated 06.11.2019 (S.R.O. No. 885/2019)



2. Manufacturing process not specified in Serial No.(1) and (2) above.

### **FREQUENCY OF MANDATORY INSPECTION**

The frequency of inspection shall be as specified below-

- In cases of High Risk Category - the inspections may be conducted once in a year and as and when need arises.
- For Medium Risk Category - the inspections may be conducted once in two years and as and when need arises.
- For Low-Risk Category - the inspections may be conducted once in three years and as and when need arises.

### **CONDUCT OF INSPECTIONS UNDER CENTRALISED INSPECTION SYSTEM**

The designated Inspector of Factories and Boilers or the Additional Inspector of Factories as the case may be, based on his assigned jurisdiction, shall conduct the scheduled mandatory inspections based on the Monthly Inspection scheduled generated and approved in the KCIS portal by the approving authority and shall upload the details of inspection along with his factory inspection report and inspection order in the department format in the portal along with any other relevant documents obtained (if applicable) during the inspection within 48 hours on completion of the inspection.

The approving authority shall have the authority to change the date of inspection and time limit for uploading of inspection reports in the portal in each case.

### **CATEGORIZATION OF INSPECTION**

To ensure the effectiveness and transparency of the Inspection, inspections shall be categorized with control measures as detailed below

#### **Scheduled Mandatory Inspections**

These inspections shall be carried out as per the monthly schedule generated in the KCIS portal.

#### **Emergency Inspections**

Emergency inspections shall be carried out in the following circumstances with the previous permission of Director of Factories and



Boilers in writing. Ratification should be obtained within 48 hrs of the inspection (when conducted within 24 hrs of coming into knowledge of the incident) from the Director of Factories and Boilers, for inspections conducted without prior written sanction or on telephonic intimation.

a) In case of accidents or dangerous occurrences reported to Department or coming into knowledge of the department official.

b) Orders of Courts and other Judicial Forums like Lok-Ayukta, Human Rights Commission, National Green Tribunal etc.

c) Complaints from Trade Unions, Employees or the Public

d) Requests from Government or other Government department or Authorities

e) Any other circumstances the Director of Factories and Boilers seems fit

Inspections under this category shall be carried out irrespective of the monthly schedules mentioned in the KCIS portal. However, the notified inspecting official shall proceed with the inspection only after obtaining prior permission from the Director of Factories and Boilers.

### **Priority Inspections**

Priority inspection in factories coming under the Major Accident Hazard category shall be carried out by the Inspection team headed by the concerned Sr. Joint / Joint Director of Factories and Boilers in their respective jurisdictions as per the annual schedule approved by the Director of Factories and Boilers.

### **Surveillance Inspections**

Any other inspection for identification of Occupational Diseases, or for OHS projects undertaken by the department or squad inspections by the department shall be carried out only as per a schedule approved by the Director of Factories and Boilers and within the scope as defined for the respective inspection.

### **Inspection of Unregistered Factories**

If during any of the above inspections or through any other source an Inspecting officer comes to know about the existence of a factory which in their reasonable belief can come under the purview of the Factories Act 1948 shall inspect the same for ascertainment of the applicability of the Act and proceed with inspection with prior intimation and sanction of the respective Senior Joint / Joint Director of Factories and Boilers in writing.



## **Compliance Inspection**

Inspections under this category shall be carried out by the Inspector of Factories and Boilers or the Additional Inspector of Factories under whose jurisdiction the factory is situated. This inspection shall be for verifying compliance to the inspection order issued through the KCIS portal, after 45 days of completion of the scheduled inspection in such factories who have not submitted compliance report with evidence (photograph, video or document) to the primary Inspecting official.

The officer who has conducted the inspection in the first instance shall intimate the concerned Sr. Joint / Joint Director of Factories and Boilers about such factories, who failed to submit satisfactory compliance reports to the concerned Joint Director of Factories and Boilers.

The Sr. Joint / Joint Director of Factories and Boilers, on such intimation shall review the same and shall have the discretion to call for further data directly from the Factory management or the concerned person, or the inspecting Official. The concerned Sr. Joint / Joint Director of Factories and Boilers may conduct a compliance inspection himself or forward the same for compliance inspection to another inspector having jurisdiction.

The scope of this inspection shall be limited to the non compliances detected during the previous inspection conducted. If the noncompliance are found existing during the compliance inspection, the inspecting official shall issue a fresh inspection order with time limit of 7 days and proceed as per provisions of the applicable Act and Rules.

## **General Guidelines for Inspections**

For making the above system of inspection operational, the following guideline shall be observed by the Inspectors and Employers:

- 1) In case of Mandatory inspections and Priority Inspections prior intimation shall be given to the concerned factory occupier or other concerned/ authorized personnel about the inspection.
- 2) The inspector shall prepare an inspection report at site and make a recording of all violations noted therein in a format approved by the Director of Factories and Boilers.
- 3) The inspector shall record the statement of employees of the factory if any required
- 4) If found necessary, the inspector may seize the relevant records/registers, take copies and photographs etc. as per applicable rules and regulations.
- 5) The inspection should be carried out during the normal working hours of the establishment as far as possible. Inspections during off



hours (between 05.00 PM and 08.00 AM ) shall only be with intimation to the concerned Sr. Joint / Joint Director of Factories and Boilers.

6) The employer shall provide necessary facilities to the inspector for the smooth conduction of inspection.

### **State Surveillance Team**

The Director of Factories and Boilers shall set up a team who shall analyze the Inspection data and take corrective action to improve the effectiveness of the inspection system. The team shall conduct inspections in at least one manufacturing sector each year, selecting a minimum of 10 factories in the sector from each region and any other inspections as required by the Director of Factories and Boilers for meeting specific requirements of the applicable statutory compliances. The mandate of the team shall be set by the Director of Factories and Boilers.

However, units inspected by the surveillance team shall be exempted from the scheduled subsequent mandatory inspection for the next 12 months.

**The State Surveillance team shall consist of the following members:**

1. Sr. Joint / Joint Director of Factories and Boilers (concerned region)
2. Inspector of Factories and Boilers Gr I/ Gr II (Concerned Division)
3. Inspector of Factories and Boilers Gr I from another Division
4. Additional Inspector of Factories and Boilers (Concerned division)
5. One member nominated by Director of Factories and Boilers

### **SCHEDULING OF MANDATORY INSPECTIONS**

Centralized Inspection System will be provided with the following data for generation of monthly schedule

<b><u>Designation of Officer</u></b>	<b><u>Units per month</u></b>
Additional Inspector of Factories	20 or more
Inspector of Factories & Boilers Grade I/II	20 or more

### **JOINT INSPECTIONS WITH OTHER DEPARTMENTS**

Joint inspection with other department will be according to system generated schedule from the portal.

### **DATA SHARING**



The risk categorization will be done on the official web portal 'FABOS' of the Department and the data of establishments will be shared dynamically to the KCIS portal through a web service.

(By order of the Governor)  
Dr Vasuki K I A S  
SECRETARY

To:

Director, Factories & Boilers Department, Thiruvananthapuram.

Labour Commissioner, Thiruvananthapuram.

The Principal Accountant General (Audit/A&E) Thiruvananthapuram.

Labour & Skills (B) Department.

Industries(J) Department.

Information & Public Relations Department ( web & new media division)

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Forwarded /By order

Signed by

Swopna Raj

Section Officer

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