



GOVERNMENT OF KERALA

Abstract

Labour & Skills Department - Ease of Doing Business - Kerala Centralized Inspection System -Revised- Orders Issued.

LABOUR AND SKILLS (D) DEPARTMENT

G.O.(Rt)No.98/2025/LBR Dated,Thiruvananthapuram, 24-01-2025

- Read 1. G.O.(Rt)No.08/2019/ID dated 24.01.2019
2. G.O.(Rt)No.790/2021/ID dated 30/07/2021
3. G.O.(Rt) No.796/2024/LBR dated 26.07.2024.
4. Letter No.DFB/540/2024-G1 dated 16.12.2024 from the Director, Factories & Boilers Department.

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 incorporating the reforms under SBRAP PLUS recommendations. 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, the implementation of the Kerala Centralized Inspection system for inspections by the department of Factories and Boilers is sanctioned to be carried out as per the provisions detailed below.

CLASSIFICATION

As the centralized inspection system requires the classification of Factories in Low, Medium and High-risk categories, the factories in the state shall be categorised accordingly by the department considering various risk factors like hazardous or dangerous manufacturing process, threshold quantity of chemicals in isolated storage, applicable schedules in Factories Act, number of workers and history of accidents and dangerous occurrences and safety, health & welfare aspects. The committee described elsewhere in this order shall carry out the classification as required from time to time.

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 when need arises.
- For Medium Risk Category - the inspections may be conducted once in two years and when need arises.
- For Low-Risk Category - the inspections may be conducted once in three years and when need arises.

CONDUCT OF INSPECTIONS UNDER CENTRALIZED 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 is 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 and Inspection Monitoring Committee

The Director of Factories and Boilers shall set up a team who shall be mandated with the following functions

1. The Committee shall analyze the Inspection data and take corrective action to improve the effectiveness of the KCIS inspection system.
2. The committee 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. However, units inspected by the committee shall be exempted from the scheduled subsequent mandatory inspection for the next 12 months.
3. The committee shall analyze the current inspection system of Third-party service providers and provide recommendation to improve the services of the available Competent Persons/ Institutions and the adequacy of the services provided through these third parties.
4. The committee shall analyze the current mandatory inspections system and its adequacy for meeting the enforcement requirements and provide

observations to be submitted to government as to whether Self certifications schemes need to be considered in the state.

The State Surveillance team shall consist of the following members:

1. Director of Factories and Boilers
2. One Sr. Joint / Joint Director of Factories and Boilers
3. Two Inspector of Factories and Boilers Gr I
4. Two Inspector of Factories and Boilers Gr II
5. Two Additional Inspector of Factories and Boilers
6. Other members as nominated by Director of Factories and Boilers as required.

SCHEDULING OF MANDATORY INSPECTIONS

Centralized Inspection System should be provided with the number of monthly inspections to be conducted. This number shall be fixed by the monitoring committee after analyzing the completion progress of the inspections for High, Medium and Low risk factories.

JOINT INSPECTIONS WITH OTHER DEPARTMENTS

Joint inspection with other department will be according to system generated schedule from the portal and as per the relevant Government Orders issued in this regard from time to time.

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.

- 3) The Government order read as 3rd paper above stands cancelled.

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

To:

The Director, Factories & Boilers Department, Thiruvananthapuram.

The 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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Section Officer