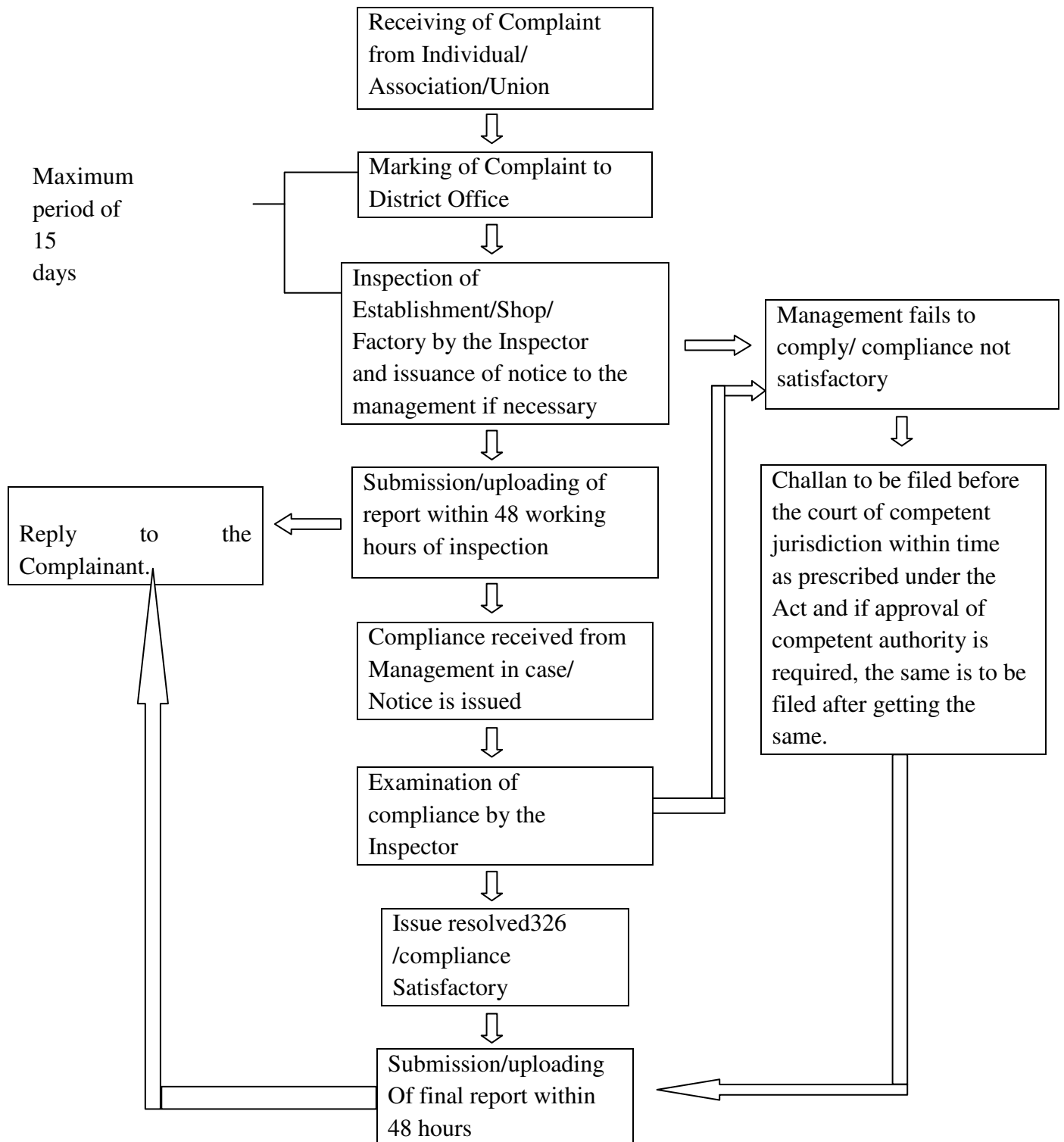


**INSPECTION PROCEDURE FOR
CARRYING OUT INSPECTIONS BY
LABOUR DEPARTMENT, GOVT. OF
MIZORAM**

Inspection procedure under the provisions of the M.W.Act, 1948, Mizoram Shops & Establishments Act, 2010, Payment of Wages Act, 1936, Payment of Gratuity Act, 1972, Equal Remuneration Act, 1976, Factories Act, 1948, Contract Labour (R & A) Act, 1970.

| Steps to be taken during inspection | Time for each step/task |
|---|--|
| a) Receipt of reference by the concerned inspector. | 2 Days |
| b) Inspection of Shop/Establishment/Factory by the Inspector & issuance of notice | 14 Days |
| c) Submission of inspection report to higher authorities / uploading of report on website, as soon as online system is operationalized. | Within 48 working hours of inspection. |

Flow Chart of Inspection Carried out under the provisions of the M.W.Act, 1948, Mizoram Shops & Establishments Act, 2010, Payment of Wages Act, 1936, Payment of Gratuity Act, 1972, Equal Remuneration Act, 1976, Factories Act, 1948, Contract Labour (R & A) Act, 1970.



INSPECTION UNDER THE MIZORAM SHOPS & ESTABLISHMENTS ACT, 2010
AND RULES FRAMED THEREUNDER

PART-1 General

| | |
|--|---------------------|
| 1. Nature of Business | Shops/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. Whether Shop or establishment has obtained Any exemption under the Act | Yes/No |
| 6. Wage Period | |
| 7. Date of Payment of Wages | |
| 8. 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 timing in case of young persons, women are being adhered to. Yes/No
4. Whether opening & closing hours are being observed. Yes/No
5. Whether close day is being observed, 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 they are being paid overtime wage and a compensatory holiday in lieu thereof. Yes/No
7. Whether any deduction from wage is being made other than specified in section 20(2). Yes/No

8. Whether any fine imposed or deduction made on account of damage or lose to the employer caused by employee has been explained to him personally and also in writing.

Yes/No

9. Whether fine realized is being utilized in accordance with the directions of the government.

Yes/No

Whether the employees are being allowed privilege leave (15 in a year) and casual/sick leave (12 in a year).

Yes/No

PART-III Registers, Notices & Records

REGISTER

1. Register of Employment & Remuneration (in Form-R) (under Rule 49).

2. Register of Leave and Wages (in Form-S) (under Rule 50)

➤ Whether following notices have been displayed or given

1. Notice of Holiday (in Form-K) (under Rule 20).

2. Notice under Section 33 of the Mizoram Shops & Establishment Act, 2010, to be Exhibited Conspicuously at the Premises of the Establishment (in Form-J) (under Rule 19).

3. Notice of close day or a change in close day (in Form J) (under Rule 19(1)).

4. Notice of change (in Form D) (under Rule 8).

➤ Whether appointment letters have been given to Employees (under Section 34)

Yes/No

PART-IV Hours of Employment & Weekly Holidays

1. No. of Shift in Force
2. Working Hours in Force:

| | | | |
|----------|----|---------------------|----|
| (a) From | To | Rest Intervals From | To |
| (b) From | To | Rest Intervals From | To |
| (c) From | To | Rest Intervals From | To |
| (d) From | To | Rest Intervals From | To |
3. Whether notice of period of work displayed Yes/No
4. Whether close day is being observed Yes/No
5. Whether employees are retained on overtime and if yes overtime wages are paid and maximum overtime hours are adhere to Yes/No

PART-V Health & Safety

- | | | |
|----|--------------------------|------------------------------|
| 1. | Cleanliness | Satisfactory/ Unsatisfactory |
| 2. | Ventilation and Lighting | Satisfactory/ Unsatisfactory |
| 3. | Drinking Water | Yes / No |
| 4. | Precaution against Fire | Yes / No |

PART-VI Child/ Young Persons

1. Particulars of child workers if any found on work
2. Particulars of young workers if any found on work

INSPECTION UNDER EQUAL REMUNERATION ACT, 1976 AND RULES
FRAMED THEREUNDER

PART-I 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 remuneration 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

PART-III Registers

- | | |
|---|--------|
| Whether Form-D under Rule 6 maintained. | Yes/No |
|---|--------|

10. Whether deduction on account of providing house accommodation amenity or service has been accepted by employee. Yes/No
11. 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 in **Form No. IV** submitted. Yes/No

INSPECTION UNDER PAYMENT OF GRATUITY ACT, 1972 AND RULES
FRAMED THEREUNDER

PART-I 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 disable 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 (1) of Rule 3). Yes/No
2. Notice of Change (in Form-B) (under Rile (2) of Rule 3). Yes/No/NA
3. Notice of Excluding Husband From Family (in Form-D) (under Rule (1) of Rule 5). Yes/No
4. Notice of withdrawal of Notice for Excluding Husband from Family (in Form-E) (under Rule (2) of Rule-5). Yes/No
5. Nomination (in Form-F) (under Rule (1 of Rule 6). Yes/No

- | | |
|---|--------|
| 6. Fresh Nomination (in Form-G) (under Rule (3) of Rule 6). | Yes/No |
| 7. Modification of Nomination (in Form-H) (under Rule (4) of Rule 6). | Yes/No |
| 8. Abstracts of the Act & Rules (under Rule (22)). | Yes/No |

INSPECTION UNDER THE CONTRACT LABOUR (R & A) ACT, 1970 AND RULES
FRAMMED THERE UNDER

PART-I General

1. Nature of Business Factory/Establishment/other (please specify)
2. Whether seasonal or perennial
3. Number of workers employed directly by PE
4. Number of contract workers employed-
 - (a) Men (b) Women (c) Adolescent/young (d) Children
5. Maximum number of contract workers employed on any day preceding 12 months.
6. Date Commencement of work.
7. Details of Contact Work.
8. Details of Contractors (e.g. name & address with no. of workers).
9. Whether Registration Certificate (under sub-Section (2) of Section 7) has been obtained. Yes/No
10. Whether all changes have been got endorse in Registration Certificate. Yes/No
11. Whether Licences (under Section 12) have obtained by contractors. Yes/No
12. Wage Period
13. Date of payment of wages
14. Mode of payment Case/Cheque/ECS
15. No. of Shifts.
16. Working hours in force.
 - (a). Form _____ to _____ rest interval Form _____ to _____.
 - (b). Form _____ to _____ rest interval Form _____ to _____.
 - (c). Form _____ to _____ rest interval Form _____ to _____.
 - (d). Form _____ to _____ rest interval Form _____ to _____.

OBLIGATION ON THE PART OF PRINCIPAL EMPLOYERS

PART-II Registers, Notices & Records & Returns

➤ **REGISTERS**

1. Register of Contractors (in form-IV)- Rule 21(1).

➤ Whether following notices have been sent/displayed:-

1. Notice of commencement of the work (in form-XXV)- Rule 66 (2).

2. 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 65 (1)(a).

➤ Whether Certificate at the end of the wages register of the contractor that "Payment to workmen made in my presence" (under Section 21(2) read with Rule 72 & 73).

Yes/No

➤ Whether due amount of wages have been paid to the contract workmen (under Section 21(4)).

Yes/No

➤ Whether annual return (in Form-XXV) submitted.

Yes/No

OBLIGATION ON THE PART OF CONTRACTOR

PART-III Register, Notices, Returns & Records

➤ **REGISTERS**

1. Wage Slip (in Form-XIX) (under Rule 62 (2)(b)).

2. Employment Cards (in Form-XIV) (under Rule 60).

3. Muster Roll (in Form-XVI) and Attendance Register (in Form-XVII), Muster Roll cum wage Register (in Form-XVIII) (under Rule 62(2)(a)).

4. Register of persons employed (in Form-XIII) (under Rule 59).

5. Register of Advance (in Form-XXII) (under Rule 62(2) (d)).

6. Register of overtime (in Form-XXIII) (under Rule 62(2) (e)).

7. Service Certificate (in Form-XV) (under Rule 61).
 8. Registration of deductions for damage or loss (in Form-XX) (under Rule 62 (2) (d)).
 9. Register of fines (in Form-XXI) (under Rule 62 (2) (d)).
- Whether following notices have been sent/ displayed Yes/No
1. Notice of commencement of the contract work (in Form-XXIV)-Rule 66(2).
 2. 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 65 (1) (a)).
 3. Notice showing the wage period and place & time of disbursement of wages (under Rule 65).
- Whether Half Yearly Return and the date of submission (in Form-XXIV) (under Rule 66(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-42, 43, 45, 46, 47) (If one hundred or more contract labour are employed). Yes/No
 2. Dining Hall. Yes/No
 3. Rest Room (under Rule-41) (If the contract workers are required to halt at night) Yes/No
 4. First Aid Box (under Rule 55) Yes/No
 5. Urinals & latrines for the use of workers (under Rule-51 & 52) Yes/No
 6. Drinking Water (under Rule-40) Yes/No
 7. Washing Facility (under Rule-40 & 54) Yes/No

**INSPECTION UNDER THE MINIMUM WAGES ACT, 1948 AND RULES
FRAMED THEREUNDER**

PART-1 General

- | | |
|---|----------------------------|
| 1. Nature of Business | Factory/Establishment/Shop |
| 2. Number of workers employed | |
| (a) Men (b) Women (c) Adult (d) Children | |
| 3. Wages Period | |
| 4. Date of Payment of Wages | |
| 5. Mode of payment | Cash/Cheque/ECS |

PART-II Registers & Records

Whether following Register/ records have been maintained:-

- | | |
|--|--------|
| 1. Register of fine (in Form-I) (under Rule 22(4)). | Yes/No |
| 2. Register of deduction for damage or loss (in Form-II) (under Rule 22(4)). | Yes/No |
| 3. Overtime Register for worker (in Form-IV) (under Rule 27(2)). | Yes/No |
| 4. Muster Roll (in Form-V) (under Rule 28(5)). | Yes/No |
| 5. Abstracts of Minimum Wages Act, 1948 and Rules Framed Thereunder (in Form-XI) (under Rule 23). | Yes/No |
| 6. Register of Wages (in Form-XII) (under Rule 28(1)). | Yes/No |
| 7. Wages Slip (in Form-XIII) (under Rule 28(2)). | Yes/No |

PART-III Return

- | | |
|---|--------|
| Whether Annual Returns submitted (in Form-III)(under Rule 22(5)). | Yes/No |
|---|--------|

INSPECTION UNDER THE FACTORIES ACT, 1948 AND RULES
FRAMED THEREUNDER

Inspection Check List for Employers under the Factory Act, 1948

- 1) Obtain license to run the factory as required under Section 6 of the Act and get it renewed.
- 2) Get approved the building plans of the factory from the Directorate of Labour, Employment, Skill Development & Entrepreneurship in accordance with the provisions of Section 6 of the Act and rule 5. If the premises is extended including plant and machinery, the proposed building plans of the extension will be approved prior to construction.
- 3) Comply with the general duties prescribed for the occupier [section 7-A of the Factories Act, 1948].
- 4) Fix the weekly hours, weekly holidays, compensatory holidays, daily hours, intervals for rest, spread over period, night shifts, prohibition of over lapping shifts [section 51, 52, 53, 54, 55, 56, 57 and 58 of the Act].
- 5) Pay extra wages of overtime as twice of the ordinary rate of wages.
- 6) Display the following notices at the conspicuous places in factory premises:-
 - i) Notice of period of work for adults in Form No.17 & 18.
 - ii) Extract of the Factories Act and Rules: Rule 146
 - iii) Name and address of the inspecting staff:
- 7) Maintain the following registers:-
 - i) Adult worker Register - Rule 126.
 - ii) Accident Register - Rule 143, 151.
 - iii) Leave with Wages Register - Rule 134, 135.
 - iv) Lime Washing Register - Rule 22
 - v) Compensatory Holidays Register - Rule 122
 - vi) Extra Wages for Overtime Register - Rule 124
 - vii) Register of Child Workers - Rule 132
- 8) Give the annual leave with wages as per rule 134 & 135.
- 9) Submit the annual return in form 30.
- 10) Abide by the provisions of Factories Act, 1948 and the rules framed thereunder by the Govt. of Mizoram from time to time.