

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Labour Department -Measures for simplification of procedures-Formulation of Regulated and systematized inspection procedure in the Labour Department-Orders-Issued

LABOUR EMPLOYMENT TRAINING & FACTORIES(LAB.IV)DEPARTMENT

G.O.Ms.No.33

Dated 27-08-2002
Read the following

- 1.From the Commissioner of Labour, Letter.No.01/22831/2000,Dated 26/04/2001
- 2) G.O.Ms.No.40-LET&F (Lab.IV) Department dated23/05/2001.
- 3) A.P.High Court Judgement, dated 17/07/2002 inWPMP No.17811/2001 & WPMP No.1357/2002 inWP No.14240/2001

ORDER

Government have issued orders in the G.O.2nd read above prescribing systematized inspection procedures to be followed in the Labour Department. Against these orders various unions have approached the Andhra Pradesh High Court in W.P.Nos.13134 of 2001, 14240 of 2001 and 14090 of 2001 and the Hon'ble High Court passed an interim suspension orders of operation of the above said G.O. in its order dated 13/07/2001. The matter came up for hearing on 17-7-2002, the Hon'ble High Court passed orders that the Government is at Liberty either to alter, modify or amend the terms of G.O.Ms.No.40-Labour, Employment Training & Factories (Lab.IV) Department dated 23/05/2001 or even withdraw the said G.O.

2. Accordingly, Government in partial modification of the G.O.2nd read above issue the following revised instructions in regard to regulation and systematization of inspection procedures to be followed in the Labour Department.

- (1) The Inspecting Officers of the Department in the cadre of the Assistant Labour Officers, the Labour Officers, the Asst. Commissioners of Labour and the Deputy Commissioners of Labour are given specific responsibility and accountability in taking up inspections of various undertakings as specified in the Annexure-01. These officers will strictly follow the schedule and shall take up inspection only of those undertakings, which are specifically allotted to them except as authorized under clause 4 and 6.
- (2) A) All the inspecting officers in the Labour Department will draw up a schedule of inspection and an undertaking will be inspected by the authorized inspector under all relevant labour enactments applicable to such undertakings once in a year only. Monthly schedule shall be enclosed to the Diary at the end of the month.

(b) The undertaking allotted to the Deputy Commissioner of Labour will be inspected by himself or the Subordinate Officers who are specifically authorized by the Deputy Commissioner of Labour in writing in case he is preoccupied with other official duties. And after conducting such inspection the subordinate officer shall submit report to the Deputy Commissioner of Labour for taking further action.

(3) a) After conducting the inspection the Assistant Labour Officer has to submit a report in the prescribed proforma shown in Annexure-II to the Asst. Commissioner of Labour within two days from date of inspection along with proposals on the follow up action to be taken against the employer. The Asst. Commissioner of Labour shall examine the proposals and issue necessary approval to the Asst. Labour Officer within 7 days to take up prosecution of filing claims or issue warning or drop action according to the merits of each case. At any stage the Deputy Commissioner of Labour also may direct the Asst. Commissioner of Labour to forward such proposals of the Assistant Labour Officers to him for examining the matter and issue necessary instructions to the Assistant Labour Officer on the follow up action through the Asst. Commissioner of Labour.

b) In the same way the Labour Officers and Asst. Commissioners of Labour have to submit copy of the inspections report and the proposals on the follow up action to the concerned Deputy Commissioner of Labour within two days after conducting inspection. And after examining the proposals, the Deputy Commissioner of Labour shall issue necessary approvals to Labour Officers/Asst. Commissioners of Labour within 7 days to file Claims or to take up prosecutions or to issue warning or to drop action according to the merits of each case.

The inspecting officers shall carry out the instructions in the approvals given by Superior Officers within seven days.

(4) (a) The complaints received by various officers shall be submitted to the concerned Deputy Commissioners of Labour and he shall examine them objectively and if it is necessary, he will authorize any of the subordinate officers to conduct inspections on such establishment and submit report. After receiving the report, the Deputy Commissioner of Labour shall examine and issue necessary instructions for taking further action against that particular undertakings.

b) For the implementation of Night, Sunday and Holiday closures of the Shops And Establishments under section 7(1), 12(1), 15(1), and 31(1) of the A.P. Shops and Establishments Act 1988. The inspectors will carry out inspections in the

ANNEXURE-I
(APPENDED TO G.O.MS.NO.33 DATED 27/08/2002
OF L.E.T. & F (Lab-IV) DEPARTMENT)

SL.NO	CATEGORY OF UNDERTAKINGS	AUTHORISED OFFICER		REMARKS
		To conduct inspections under various Labour Laws	To issue Registration /licenses under various Labour Laws	
1	Shops & Establishments a) Upto 10 employees (excluding the units allotted to Dy.Commissioner of Labour) b) 11 to 30 employees excluding the units allotted to Dy.Commissioner of Labour) c) 31 and above employees (excluding the units allotted to Dy.Commissioner of Labour) d) Star Hotels, IT Units, EPZ Units, Export Oriented Units Bio-tech Units Tourism Promotion Units (covered by Factories Act also)	ALO LO ACL DCL	ALO LO ACL DCL	The authorized officer is the Registering officer for the units allotted to him under A.P.Shops & Establishments Act and also registering officer for the M.T.U.s operating in the allotted Unit. The authorized Officer is also registering and licensing officer under the contract labour (P&A) Act for the units allotted to him
2	Factories (including Contract Labour) a) 85(1) Factories b) 2m(1) and 2m(ii) Factories employing upto 300 workers c) 2m(1) and 2m(ii) factories employing above 300 workers	LO ACL DCL	LO ACL DCL	Factories registered under 2m(1), 2m(ii) and 85(1) are as defined under Factories Act,. The number of employees to be taken as per licence of the Factory
3	Beedi & Cigar Establishments a) Upto 50 workers b) 51 & above workers	ALO LO	ALO LO	

4	M.T.Undertakings a) Upto 50 workers b) 51 to above workers	ALO LO	ALO LO	The authorized officer is the registering officer for the M.T.U.s allotted to them except for the M.T.Undertakings operating in Factories and Contract Labour Establishments
5	Contract labour Establishments in Roads and Buildings, Projects & Irrigation Works i.e. other than Factories a) Upto 100 Workers b) 101 to 300 workers c) above 300 workers	LO ACL DCL	LO ACL DCL	The Authorized officer is Registering officer for the MTUs operating in the Contract Labour Establishments allotted to him Here the number of workers means the total number of Contract Labour engaged in the Principal employer establishments under all contractors put together
6	a) Hospitals & Clinics b) Other undertakings which are not covered by the categories 1 to 5 above a) Upto 50 employees b) 51 to 100 employees c) Above 100 Employees	LO ACL DCL	LO ACL DCL	The authorized Officer is registering Officer for MTUs operating in the unit allotted to him. He is also Registering/Licensing officer under Contract Labour (R&A) Act for the Units allotted to him.

NOTE: - Issuance of Registration/Licenses under various labour Laws as mention in Col: 4 indicates that Registrations under Section 3 of A.P.S&E Act, 1988, Registration under Section 3 of MTW Act, 1961, license under Section 4 of Beedi & Cigar Act, 1970, Registration under Section 7 and license under section 13 of the Contract Labour (R&A) Act, 1970.

allotted units as and when required. However the Assistant Labour Officer may be authorized to carry out such visits in the shops allotted to other higher officers and the inspection report shall be sent to such higher officer for instructions about compounding /prosecution etc.

- (5) The authorised officers as given in the Annexure-I will also be the concerned registration and licensing authorities under various Labour Enactments.
 - (6) Any inspections other than by the specified inspection as mentioned in Annexure -I or not reported to the superior officer as per paragraph 3 supra shall be treated as "Unauthorised" and the erring official shall be liable for action. Similarly, the inspecting officer shall be answerable and accountable for any lapses in the inspection report drawn by him at the time of inspection and also reported in the check List sent to the superior officer.
 - (7) Notwithstanding any conditions as mentioned in the above paras, the Commissioner of Labour or the concerned joint Commissioner of Labour or concerned Deputy Commissioner of labour can conduct inspections on any undertaking or authorize in writing any officer of the Labour Department to undertake inspections, as and when such need arises.
3. The Commissioner of Labour is requested to take necessary action in the matter.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH

B.DANAM
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Labour, Hyderabad

Copy to:

The Special Secretary to Chief Minister,

The Industries & Commerce Department

The Additional Advocate General, A.P: Hyderabad

ANNEXURE-II

Proforma for schedule of inspections by the authorized officers in the Labour Department

- 1 Name & Designation of the authorized officers (Asst Labour Officer/LO/Asst. Commissioner of Labour/Dy. Commissioner of Labour):
- 2) Name & Address of the Shop/Establishment/Factory/Undertaking inspected:
- 3) Date & Time of Inspection:
- 4) Applicability of provisions of Acts for Inspection for the above unit:
(Tick appropriate Acts provisions)

1.A.P.S&E Act	2.M.W.Act	3.P.B.Act
4.C.L.Act	5.E.R.Act	6.APLWF Act
7.MTW Act	8.B&C Act	9.M.B.Act

- 5 Violations/Contraventions noticed during the inspections:

(i)	(ii)
Acts/Rules & Provisions	Particulars of Violations/ <u>Contraventions</u>
(1)	(1)
(2)	(2)
(3)	(3)

- 6.Action taken by the Inspecting officers on the violations/
Contraventions noted during the Inspection

- 7.Name & Designation of the important representatives of the Management
and the Employee present during the inspection.

Name	Designation
(i)	
(ii)	
(iii)	
(iv)	

- 8.General remarks of the Inspecting officer, which will include any special report.

Place:

Signature:

Date

Name:.....

Designation:.....

PRINCIPAL SECRETARY TO GOVERNMENT