

**GOVERNMENT OF MEGHALAYA
LABOUR DEPARTMENT**

NOTIFICATION

No. LBG. 39/2014/249

Dated, Shillong, the 1st December, 2020

WHEREAS Ease of Doing Business is a priority of the Government of Meghalaya, in consonance with the Business Reform Action Plan of the Department for Promotion of Industry and Internal Trade, Ministry of Commerce & Industry, Government of India;

WHEREAS there is a need to simplify business regulations and ease of compliance of labour laws, and bring in transparency and accountability in the inspection of establishments and industries, for creating a conducive environment for business investors and entrepreneurs in the State;

WHEREAS there is a need of introduction of online inspection system in Inspectorate of Boilers and Factories to ensure simplification, transparency and accountability of inspection and ease of compliance of law by the Occupiers under various statutes and rules;

WHEREAS there is a need to allow access of online inspection reports by businesses and provisions to report unofficial visits by inspectors/officials;

NOW, THEREFORE, the State Government has decided to introduce an online-based inspection system called the Computerized Central Inspection System (hereafter also referred to as "CIS") that will cover the Office of the Chief Inspector of Boilers and Factories and Labour Commissioner of Labour Department, and Offices of the Controller of Legal Metrology and Meghalaya State Pollution Control Board and accordingly one web-based online inspection system is being developed.

After careful examination of the matter, the Government of Meghalaya hereby issues the following online inspection procedures for the Central Inspection System with regards to the Office of the Chief Inspector of Boilers and Factories of Labour Department to categorize factories and boilers in the online Central Inspection System for random selection of units and random allocation of inspectors for inspection under the Factories Act, 1948 and the Boilers Act, 1923.

Following shall be key features of CIS and its related aspects:

Common to Factories and Boilers

- 1. Compliance based inspections shall only be done through CIS.**
- 2. The following Acts, Rules and Regulations will be covered under the online Central Inspection System:**
 - a. The Factories Act, 1948.
 - b. The Meghalaya Factories Rules, 1980,
 - c. The Meghalaya Control of Industrial Major Accident Hazards (CIMAH) Rules, 1994.
 - d. The Indian Boilers Act, 1923,
 - e. The Meghalaya Boilers Rules, 1986,
 - f. The Indian Boilers Regulations, 1950,

- g. The Boiler Attendants Rules, 2011,
 - h. The Boiler Operation Engineers Rules, 2011,
 - i. The Chief Inspector, Deputy Chief Inspector and Inspector (qualification and experience) Rules, 2012,
 - j. The Boiler Appeal Rules, 2013.
 - k. Relevant portions of :-
 - l. The Payment of Wages Act, 1936
 - m. The Workmen's Compensation Act, 1923 (collection of returns)
 - n. The Maternity Benefit Act, 1961
 - o. The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (under the Environment Protection Act, 1986) and
 - p. The Chemical Accidents Emergency Planning Preparedness and Response (EPPR) Rules, 1996 (under the Environment Protection Act, 1986).
- 3. Database of Factories and Boilers: The following shall be the sources of database of factories and boilers for online inspections:** Data of the Factories and Boilers units registered/renewed through a License book and Certificate respectively maintained manually at the Inspectorate, Head Quarter, Shillong and which will be subsequently uploaded to the portal.

Specific to Factories

- 4. Frequency of Inspection for Factories: Unless provided for in any of the relevant labour laws, the routine inspection of factories shall be carried out as follows:**

Sl. No.	Category of the Factories	Frequency of Inspection
1	Low Risk	Once in 3 years.
2	Medium Risk	Once in 2 years.
3	High Risk	Once in a year

- 5. Risk Based Selection of Factories:** The selection of factories shall be on the basis of the following Risk Assessment criteria:

- a. Number of workers employed: Risk Categorisation on the basis of the total number of workers employed: Factories will be categorised into High Risk, Medium Risk, and Low Risk, based on the number of workers employed. The risks of the workers in terms of their entitlements viz., wages, leave, holidays, working hours, worksite facilities, Occupational Safety & Health, welfare etc.

Sl. No.	No. of Workers employed	Category of the Factories
1	20 - 50	Low Risk
2	51 - 100	Medium Risk
3	101 and above	High Risk

- b. Type of the Manufacturing Processes: Risk Categorisation on the basis of the type of Manufacturing Processes: Various types of manufacturing process are being carried out by factories for which

workers are prone to accidents and contract with Occupational health hazards/diseases. In view of that, factories are categorised as below:

Sl. No.	Type of Manufacturing Processes	Category of the Factories
1	Any other manufacturing process which is not as prescribed under Section 87 and Section 2 (cb) of the Factories Act, 1948.	Low Risk
2	Manufacturing process involving dangerous operations/processes as prescribed under Section 87 of the Factories Act, 1948	Medium Risk
3	Manufacturing process involving Hazardous processes as prescribed under Section 2 (cb) of the Factories Act, 1948	High Risk

i. **High Risk Factories:** The Factories which carry out the following Manufacturing Processes are categorised as high risk:

1. Ferrous Metallurgical Industries
 - Integrated Iron and Steel
 - Ferro-alloys
 - Special Steels.
2. Non-ferrous Metallurgical Industries
 - Primary Metallurgical Industries, namely zinc, lead, copper, manganese and aluminum
3. Foundries (ferrous and non-ferrous)
 - Castings and forgings including cleaning or smoothening/roughening by sand and shot blasting.
4. Coal (including coke) Industries
 - Coal, Lignite, Coke, etc.
 - Fuel Cases (including Coal Gas, Producer Gas, Water Gas).
5. Power Generating Industries.
6. Pulp and paper (including paper products) Industries.
7. Fertilizer Industries
 - Nitrogenous
 - Phosphatic
 - Mixed.
8. Cement Industries
 - Portland Cement (including slag cement, puzzolona cement and their products).
9. Petroleum Industries
 - Oil Refining
 - Lubricating Oils and Greases
10. Petro -chemical Industries
11. Drugs and Pharmaceutical Industries
 - Narcotics, Drugs and Pharmaceuticals.
12. Fermentation Industries (Distilleries and Breweries).
13. Rubber (Synthetic Industries)
14. Paints and Pigment Industries.
15. Leather Tanning Industries.
16. Electro-plating Industries

17. Chemical Industries

- Coke Oven By-products and Coal tar Distillation products
- Industrial Gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphur dioxide, nitrous oxide, halogenated hydrocarbon, ozone, etc.
- Industrial Carbon
- Alkalies and Acids
- Chromates and dichromates
- Lead and its compounds
- Electro chemicals (metallic sodium, potassium and magnesium, chlorates, per chlorates and peroxides)
- Electro thermal produces (artificial abrasive, calcium carbide)
- Nitrogenous compounds (cyanides, cyanamides, and other nitrogenous compounds)
- Phosphorus and its compounds
- Halogens and Halogenated compounds (chlorine, flourine, bromine and iodine)
- Explosives (including industrial explosives and detonators and fuses)

18. Insecticides, Fungicides, Herbicides and other Pesticides Industries.

19. Synthetic Resin and Plastics

20. Man-made Fiber (Cellulosic and non-cellulosic) industry.

21. Manufacture and repair of electrical accumulators.

22. Glass and Ceramics.

23. Grinding or glazing of metals.

24. Manufacture, handling and processing of asbestos and its products.

25. Extraction of oils and fats from vegetable and animal sources.

26. Manufacture, handling and use of benzene and substances containing benzene.

27. Manufacturing processes and operations involving carbon disulphide

28. Dyes and dyestuff including their intermediates.

29. Highly flammable liquids and gases.

ii. **Medium risk Factories:** The Factories carried out the following Manufacturing Processes are categorised as Medium risk:

1. Manufacture of aerated water and processes incidental thereto
2. Electrolytic plating or oxidation of metal articles by use of an electrolyte containing acids, bases or salts of metals such as chromium, nickel, cadmium, zinc, copper, silver, gold etc.
3. Manufacture and repair of electric accumulators
4. Glass manufacture
5. Grinding or glazing of metals.
6. Manufacture and treatment of lead and certain compounds of lead.
7. Generating petrol gas from petrol.
8. Cleaning or smoothing, roughening etc. of articles by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air or steam.
9. Liming and tanning of raw hides and skins and processes incidental thereto.
10. Certain lead processes carried on in printing presses and type foundries.
11. Manufacture of pottery.
12. Chemical works.
13. Manipulation of stone or any other material containing free silica.
14. Handling and processing of asbestos, manufacture of any article of asbestos and any other process of manufacture or otherwise in which asbestos is used in any form.
15. Handling or manipulation of corrosive substances
16. Processing of cashew nut.
17. Compression of oxygen and hydrogen produced by the electrolysis of water

18. Process of extracting oils and fats from vegetable and animal sources in solvent extraction plants.
19. Manufacture or manipulation of manganese and its compounds.
20. Manufacture or manipulation of dangerous pesticides.
21. Manufacture, handling and usage of benzene and substances containing benzene.
22. Manufacture, process or operations in carbon disulphide plants.
23. Manufacture or manipulation of carcinogenic dye intermediates.
24. Operations involving high noise level.
25. Manufacture of Rayon by Viscose Process.
26. Highly flammable liquids and flammable compressed gases.
27. Operations in foundries.

- iii. **Low Risk Factories:** All other factories which are not included in the above mentioned categories shall be treated as Low Risk factories.

There are the other following criteria that may be considered for selection of factories for inspection:

- c. Complaints (from workers, trade unions, Management, citizens, etc)
- d. Compulsory Inspections (Court Orders, Orders of Judicial Institutions like Lok Ayukta, Human Rights Commission, Women's Commission, Child Rights Commission, etc)

In case if a particular factory falls under two or more Risk Categories, then the highest Risk Category would be considered.

6. **Joint Inspection:** Factories which are subjected to compliance based inspections by the offices of the Chief Inspector of Boilers & Factories Meghalaya and Labour Commissioner Meghalaya; would be jointly inspected by officialsinspectors from these two offices.

Specific to Boilers

7. **Frequency of Inspection of Boilers:** The routine compliance-based inspection of boilers shall be carried out as follows:

Sl. No.	Category of the Boilers	Frequency of Inspection
1	Low Risk	Once in 5 years.
2	Medium Risk	Once in 3 years.
3	High Risk	Once in 2 year

8. **Risk Based Selection of Boilers:** The selection of Boilers shall be on the basis of the following Risk Assessment criteria: Risk Categorisation on the basis of the types and sizes of the Boilers: Boilers will be categorised into High Risk, Medium Risk, and Low Risk, based on the types and Sizes of the equipment 'Boiler'.

Sl. No.	Types and Sizes of the Boilers	Category of the Boilers
1	Coil type or once through Boiler	Low Risk
2	Small Industrial Boilers	Medium Risk
3	All other types of fired & unfired Boilers	High Risk

The following instructions are issued in compliance of Department-Industrial-Policy-and-Promotion (DIPP), Ministry of Commerce and Industry, Recommendations:-

9. Differentiation in Inspection requirements based on the Risk profile Boilers:

- a. Hydraulic Test shall carry out to low risk Boilers.
- b. Thorough examination and Hydraulic test shall carryout to medium risk Boilers.
- c. Thorough examination, Hydraulic test and Steam Test shall carryout to high risk Boilers.

Common to Factories and Boilers

10. Jurisdiction of Inspectors:

- a. In order to implement the Centralized Inspection System seamlessly, Government of Meghalaya allows the inspectors from Office of Chief of Boilers and Factories to conduct compliance-based inspections outside their local limits.
- b. In case of inspection of a factory in the area other than the jurisdiction of the inspecting officer, the inspecting officer having administrative jurisdiction can also take up follow-up action.

11. Surprise Inspections and inspections based on complaints: shall be carried out at any time only with prior approval of the Chief Inspector of Boilers and Factories, Meghalaya.

- a. Complaint based inspections may be carried out on the basis of:
 - i. Complaints received from Trade Unions or Workers or Citizens, etc
 - ii. Instruction received from the State Government, Deputy Commissioner, State Human Rights Commission, State Commission for Protection of Child Rights, State Women Commission, Lok Ayukta, or Elected Public Representatives (MPs, MLAs).
 - iii. Relating to Judicial matters or Court cases.
 - iv. Special Drive, e.g., Child Labour, Bonded Labour, etc..

12. Third party Certification: There is no Third-Party Agency available in Meghalaya, assessed or registered/declared, who can certify/inspect the Factories and Boilers under the Factories Act, 1948 and the Boilers Act, 1923 respectively. However, whenever such type of agency is available, necessary initiatives will be taken for implementing "Third Party Inspection/Certification". Criteria for selection of Third-Party Agency shall be decided by Chief of Boilers and Factories from time to time.

13. Random allocation of factories and inspectors for online inspection:

- a. The online Central Inspection System will randomly allocate factories to the inspecting officers and the inspecting officers to the factories. In case of inspection of the factories in the area other than the jurisdiction of the inspecting officer, the inspecting officer having administrative jurisdiction shall take up follow-up action.
- b. The system will ensure that the same Factory is not allotted to the same inspector twice consecutively.

14. Inspection Procedure, Checklist and uploading the inspection reports:

- a. A well-defined inspection procedure and a comprehensive inspection checklist/form would be uploaded on the CIS website by the department for Boilers and Factories. This comprehensive inspection checklist/form need to be strictly followed by the inspectors. No inspections should be done beyond that checklist except in case of complaint-based inspections.
- b. All such Inspection Report shall be submitted to the appropriate authority through the online Central Inspection System portal and uploaded, within 48 hours of completion of the inspection.

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- c. Wherever inspection report is available, establishments would be allowed to view and download submitted inspection reports of at least past three years. However, it is noted that as on date department does not have any specific data of establishments which were inspected since the establishments are very general in nature.

15. Changes from time to time: Frequency of inspection with respect to risk categories, categorization of risk, inspection check-list, differentiation in inspection requirements and criteria for selection of third party are subjected to change from time to time through a notification by Chief of Boilers and Factories.

This will take effect from the date of its publication in the official Gazette.

Sd/-

Shri. D. P. Wahlang, IAS
Principal Secretary to the Govt. of Meghalaya
Labour Department

pt
Memo No. LBG. 39/2014/249-A

Dated, Shillong, the 1st December, 2020

Copy to:

1. P.S. to the Chief Minister for kind information of the Hon'ble Chief Minister.
2. P.S. to the Deputy Chief Minister, in-charge Labour Department, for kind information of the Hon'ble Deputy Chief Minister.
3. The Secretary to the Government of India, Ministry of Labour and Employment, Shram Shakti Bhawan, New Delhi -110011, Email: secy-labour@nic.in
4. The Secretary to the Government of India, Department for Promotion of Industry and Internal Trade, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi -110011, Email: secy-ipp@nic.in
5. P.S. to the Chief Secretary for kind information of the Chief Secretary.
6. All Additional Chief Secretaries/Principal Secretaries/Commissioner & Secretaries/Secretaries
7. All Deputy Commissioners
8. The Chief Inspector of Boilers and Factories, Meghalaya, Shillong.
9. The Labour Commissioner, Meghalaya, Shillong.
10. The Director, Printing & Stationery, Meghalaya, Shillong for favour of publication in the next issue of Meghalaya Gazette.

} for favour of information.

By Orders, etc

[Signature]
Deputy Secretary to the Govt. of Meghalaya
Labour Department

Secretary to the GoM,
Planning Deptt & Chairman,
Project Management Unit (PMU) for
Ease of Doing Business (EODB).