

Govt. Of Assam
LABOUR & WELFARE DEPARTMENT,
DISPUR, GUWAHATI - 781006, ASSAM.



ORDERS BY THE GOVERNOR
NOTIFICATION

No. GLR.71/2016/C/Pt/44 Dated Dispur the 16th March, 2017.

SELF CERTIFICATION SCHEME

As per DIPP recommendation under EODB, the Governor of Assam is pleased to formulate a self-certification scheme for the Factories established in the State in order to enhance participation and accountability on the part of the occupier so as to achieve comprehensive, systematic and trustworthy enforcement and implementation of the provisions of the Labour Laws administered by the Inspectorate of Factories.

The details of the aforesaid Scheme are as under:-

1. Introduction: This Self Certification scheme is being introduced to stream line the functioning of the Inspectorate of Factories, Govt. of Assam for more effective implementation of various provisions under the different Labour Acts and Rules as administered by the Inspectorate.

This self-certification scheme also aims at making the occupier a conscious and truthful citizen and law abiding person who is willing to take care of the interests of the workers and employees by complying with all the laws as applicable under the scheme, and enable the Labour and Welfare Department, to effectively protect the interest of the workers as well as the occupier and create a friendly environment and relationship between the Administration and the occupier.

2. Objective: The objective of this Self Certification Scheme is to facilitate hassle-free functioning of the factory and at the same time ensure complete statutory protection to the workers. The scheme is to streamline the requirements of inspection of specific industrial units, who opt for this scheme without compromising on the safety, health and welfare of the workers and allow to submit a self-certificate return in respect of compliances under the various provisions of Labour laws as administered by the Inspectorate of Factories.

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3. Procedure: This Scheme shall be optional and any occupier can opt for this scheme after applying to the Chief Inspector of Factories, Govt. of Assam in the prescribed proforma in Annexure - I along with details as per Annexure - II and with a Self Declaration as prescribed in Annexure - III. Any discrepancy in the application or enclosures shall be communicated to the applicant within 30 days from the receipt of the application in the Office of the Chief Inspector of Factories, Assam. In case, no discrepancy is so communicated, the applicant shall be deemed to have been enrolled under the above scheme.

4. Filing of Return: After being enrolled for the said scheme, the concerned occupier shall file the Self - Certification Return in the prescribed proforma given at Annexure - IV and Annexure IV - A along with the required documents and information. The return can be filled between 1st of January and 31st January every year on any working day during office hours.

5. Validity of Scheme: Factual information given in the prescribed Return shall be the same as on the date of filing the Return. The undertaking to abide by all the laws as applicable to the occupier shall be valid for a period of next one year.

Once opted for the Scheme, the same shall be valid for five years and the occupier shall file self-certificate return annually as prescribed. After the successful compliance under the Scheme for five years, the occupier shall have option either to remain covered under the scheme or opt out of the scheme. The option must be exercised in written to be made before the Chief Inspector of Factories, Assam. In case the occupier successfully completes five years under the Scheme and during any inspection carried out, if no violations of law (s) is detected, the security so deposited shall be refunded. No interest shall be payable on the security deposited.

6. Amount of Security to be deposited: Any occupier who opts for the scheme shall deposit a security by way of Treasury Challan or online method as approved by the Govt. of Assam. At the opening of the scheme, the security amount shall be Rupees 20,000/- for the factories employing upto 100 workers, Rs 30,000/- for factories employing more than 100 and upto 250 workers and RS 50,000/- for factories employing more than 250 workers.

7. Forfeiture of Security Deposit: In case any occupier fails to follow the terms and conditions of the schemes or fails to file return in time under the scheme or fails to abide by any

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undertakings given by him or any violation of law(s) is detected then security so deposited shall be forfeited and in the case of violation of laws, further necessary penal action as per the Act & Rule will be initiated and he will cease to continue under the Scheme. However, he can make fresh application for inclusion into the scheme subject to the discretion of the Chief Inspector of Factories, Assam.

8. Labour Laws For which the Scheme is Valid: This Scheme is valid for following Acts and Rules made there under as applicable to the concerned occupier/employer:-

- a. The Factories Act, 1948 and the rules made there under as amended from time to time.
- b. The Payment of Wages Act, 1936 and the rules, made there under as amended from time to time.
- c. The Physically Handicapped Persons (Employment in Factories) Act, 1982 and rules made there under as amended from time to time.
- d. The Child Labour (Prohibition and Regulations) Amendment Act, 2016 and Rules there under.

9. Whom to Apply: Under the above scheme, the application for inclusion under the Scheme shall be made in triplicate as per Annexure I, addressed to the Chief Inspector of Factories Assam, with a copy to the concerned Inspector / Senior Inspector of Factories. Similarly the Self Certification Return (Annexure IV) duly filled and signed shall be sent in triplicate, to the Chief Inspector of Factories Assam, along with the relevant documents and a copy of the same shall also be sent to the Inspector of factories/senior inspector of factories concerned. The Self Certification Form in Annexure IV needs to be filed within the prescribed time limit as per the Scheme. The date shall mean the date on which the Application/Form is received in the Office of the Chief Inspector of Factories, Assam.

NOTE: The Amount of Security deposited in the form of Treasury Challan, under the Head "0230 - Labour and Employment - 104 - Fees realized under the Factories Act"/online payment receipt shall be attached with the application (Annexure I).

10. Eligibility criteria: All Factories other than those carrying out Hazardous process, dangerous operations as defined under Factories Act and Rule& Major Accident Hazard installation as defined in Rule 2(g) of the Chemical Accidents, Rules, 1996 are eligible to opt for this self-certification scheme.

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11. Inspection Procedure under the Scheme: Around 20 percent of the factories covered under the Scheme shall be picked up randomly for inspection in a year, which shall be carried out only once regarding the implementation of laws (Act and Rules) to which this Scheme applies. Once inspected, the same factory is not likely to be inspected in the entire period of five years of the scheme provided that no specific violation of terms, conditions, undertaking given under laws by the Occupier/Manager of the factory is brought to notice. However, on specific complaint, the Inspectorate of Factories, Govt. of Assam shall have full powers to inspect the factories covered under such scheme at any time and to take action against the erring management for the violation/offences etc.

A random inspection schedule for all such factories shall be prepared by the Chief Inspector of Factories, Assam, and normally the inspection of those factories will take place in a year where specifically ordered by the Chief Inspector of Factories, Assam.

Factories which are not desiring to opt for the scheme will be inspected as the present system (computerized allocation).

Factory managements will have to obtain and renew the factory license whether the scheme of Self Certification is obtained or not.

The Copy of Scheme along with all prescribed application forms and inspection procedure shall be available with all the authorities in their offices and can be obtained at a price of Rs 100/-. Application shall be made in forms attached with the scheme as printed by the Chief Inspector of Factories, Bhangagarh, Assam.

12. The Government may at any time, modify or withdraw the notification.

Apparently, the above mentioned subject doesn't involve amendment in any related Rules, Acts. If it is observed in future that, amendment of any Act or Rules is required to give effect to the notification, it will be done accordingly. This Notification will then be modified / cancelled accordingly.

The Notification will come into immediate effect.

Sd/- K.V. Eapen,

Additional Chief Secretary to the
Government of Assam

Labour & Welfare Department.

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Copy to:-

1. P.S to Hon'ble Minister, Labour & Welfare Department, for kind appraisal of the Hon'ble Minister.
2. P.S to Addl. Chief Secretary, Industries & Commerce Department for kind information.
- ✓ 3. The Chief Inspectorate of Factories, Assam for information and necessary action.
4. The Deputy Director, Assam Government Press, Bamunimaidam, Guwahati-21 for publication of the Notification in the next issue of the Assam Gazette.

By order etc.

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16/3/2017
Deputy Secretary to the Govt. of Assam,
Labour & Welfare Department.

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