

Labour Inspection Structure and organization

Name of institution that manager work issues

[The Ministry of Labour and Employment](#) is responsible for formulating and administering laws and regulations relating to labour and employment. In addition to the Ministry of Labour, Ministries specialized for certain industrial sectors (for example the Ministry of Power, Ministry of Mines) cover certain aspects of labour administration such as safety and specific aspects of social security and labour welfare, with respect to defined groups of workers.

Department(s) responsible for Labour Inspection

At a central level or sphere, the Directorate General, Factory Advice Service and Labour Institutes (DGFASLI) carries out inspections related to occupational safety and health issues. Also at a central level the Chief Labour Commissioner (CLC) also known as the Central Industrial Relation Machinery (CIRM) is responsible for enforcing labour legislation related to working conditions. Both the DGFASLI and the CLC are attached offices of the Ministry of Labour & Employment.

At a state level, the Inspectorates of Factories under the control of each State Labour Departments enforce the Factories Act in their respective states. Different inspectors carry out safety and health inspections and those related to labour issues.

[Directorate General on Mines Safety](#) also conducts safety and health inspections with respect to safety and health regulations in mines and oil-fields.

There are also special inspectorates in some states covering particular industries, for example in Kerala the Plantation Inspectorate and in Gujarat and Bihar units for agriculture.

Law that covers organization and functional composition

- Mines Labour Welfare Fund Act, 1946;
- Industrial Employment (Standing Orders) Act, 1946;
- Coal Mines Labour Welfare Fund Act, 1947;
- Industrial Disputes Act, 1947;
- Factories Act, 1948;
- Minimum Wages Act, 1948 and
- Employees' State Insurance Act, 1948 which provided for inspection and/or other machineries for ensuring implementation of their provisions.

Scope of labour inspection

Some Central laws are enforced by the Central Government, some by the Central Government and the State Governments and the rest by the State Governments. Competencies between the Central level and the States depend on the nature of the establishments or sectors. For example, factories, boilers and electricity are object of concurrent legislative powers whereas railways, highways, by law declared establishments of public interest, by law indicated major ports, mining and oilfields come under the competency of the Union.

The CLC is responsible for enforcing labour legislation with respect to wages, remuneration, child labour, contract labour, migrant labour, working time, industrial disputes, and maternity benefits in the industries and establishments for which the Central Government is the appropriate Government – whether the central or state Government.

Local divisions

As per the central sphere, there are 18 regions each headed by a Regional Labour Commissioner.

The DGFASLI has headquarters and a Central Labour Institute in Mumbai and 4 Regional Labour Institutes. Programming and communication

There are National and State Occupational Safety and Health Five Year Plans. There is a lack of labour inspection strategies.

The DGFASLI headquarters Mumbai maintains overall liaison with its Central and Regional Labour Institutes, frames policy, plans and executes the program concerning the organization on matters pertaining to safety, health and welfare of workers in industries and docks and implements technical projects and liaises with national and international agencies.

Human Resources and career development

Permanency of inspectors

Labour inspectors are public servants.

Visits and functions

Types of visits

Most inspections are conducted after receiving a complaint or in cases where it is deemed necessary to ensure the safety of workers. Since 2008 and to reduce the number of routine inspection, undertakings employing less than 40 workers are required to submit a self-certificate certified by a chartered accountant.

Role of preventive measures

The CLC organizes once or twice a year the “Crash Inspection Programme” which conducts relief-oriented inspection of the establishments mostly in the unorganized sector located in the inaccessible and difficult areas and providing information amongst the workers. Besides holding meetings, pamphlets and booklets containing labour provisions applicable to them and their establishments are distributed amongst the workers. Such inspection programmes have been able to augment inspections both quantitatively and qualitatively. Further, counseling the employers and workers is an integral part of inspection.

Registries and reporting of accidents/diseases at work

The statistics collected by the Labour Bureau, Shimla/Chandigarh under the Ministry of Labour & Employment provide basic information of industrial and commercial workplaces liable to labour inspection. Register of workplaces indicating the details of inspections conducted are maintained by the enforcement machinery in the Central sphere.

Sanction and administrative processes

Inspectors’ sanctioning powers are limited to filing prosecution complaints in the courts of law. Sanctions for violations of labour laws provide for fines and/or imprisonment.

Under the Building and other construction Workers (RECS) Central Rules, 1998 an inspector is empowered to issue warnings to employers regarding the safety, health or welfare of building workers. No other labour law provides for issuance of warning by the inspector.

Although the law does not specifically grant discretion to the inspectors to give warnings and advice instead of launching prosecution except there is a practice followed to issue warnings to those offenders who are first-timers and who rectify the irregularities within a given timeframe.

Inspectors can also issue a prohibition order when a in construction sites, buildings, factories or mines work is performed in such conditions that are a danger to life safety of the health of the building workers or to the public, until measures have been taken to remove the cause of the danger to the inspector’s satisfaction.

The Director General of Inspection in the Central Sphere is authorised to exercise the powers of an inspector as well as a quasi - Judicial authority, and is empowered to impose fines on the offending employers.

Social dialogue and labour inspection

In most of States, the inspectors consult the trade unions or workers' representatives during inspections.

ILO Conventions ratified

India ratified Convention No. 81 in 1949 and has not ratified Convention No. 129.