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ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Sri Vijaya Puram, dated the 7th May, 2026.

No. 89/2026/F. No. M-131/2023-Lab. Ins. III-LAB_AN/554. — In exercise of powers conferred by Section 133 and 135 of the Occupational Safety, Health and Working Conditions Code, 2020 (Code No. 37 of 2020) read with Notification S.O. 27 (E) dated 02.01.2026 issued by the Ministry of Home Affairs issued by the GOI, Ministry of Home Affairs, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands, hereby proposes to make the Rules to carry out the provisions of the said Code.

WHEREAS, the draft Occupational Safety, Health and Working Conditions (A & N Islands) Rules, 2024 was earlier published vide Gazette Notification No.134 dated 13.12.2024 in A & N Gazette for inviting objections and suggestions from the persons to be affected thereby and now after implementation of the Occupational Safety, Health and Working Conditions Code, 2020 (Code No. 37 of 2020) w.e.f. 21.11.2025 by the Govt. of India, it has been considered necessary to pre-publish the following Rules afresh.

Accordingly, in exercise of powers conferred by Section 133 and 135 of the Occupational Safety, Health and Working Conditions Code, 2020 (Code No. 37 of 2020) read with Notification S.O. 27 (E) dated 02.01.2026 issued by the GOI, Ministry of Home Affairs, the following Draft Rules are hereby pre-published for inviting objections and suggestions thereupon from the persons to be affected thereby. Any objections and suggestions should reach within a period of 45 days from the date of the draft publication to the Office of the Labour Commissioner, Labour Department, Andaman & Nicobar Administration, Supply Line, Sri Vijaya Puram-744101, email- lcdet@and.nic.in.

Draft
CHAPTER I
PRELIMINARY

1. Short title, extant and commencement.—

- (1) These rules may be called the Occupational Safety, Health and Working Conditions (A & N Islands) Rules, 2026.
- (2) They shall extend to the whole Union Territory of Andaman & Nicobar Islands.
- (3) They shall come into force on the date of their publication in the *Andaman & Nicobar Gazette*.

- (xxii) "Medical Officer" means a person appointed under Section 42 of the Code by the A & N Administration for the purposes of this Code within such local limits or for such factory or class or description of factories as it may assign to them respectively;
 - (xxiii) "National standards" means standards as approved by Bureau of Indian Standards and in the absence of such standards of Bureau of Indian Standards, the standards approved by the Central Government for a specific purpose;
 - (xxiv) "Negotiating Union or negotiating council" means negotiating union or negotiating council referred to in Section 14 of the Industrial Relations Code, 2020;
 - (xxv) "Officer in charge Canteen" means the person (other than manager) appointed by the employer for securing compliance with the provision in respect of canteens under the code for docks;
 - (xxvi) "Port" include all ports other than the major port in the UT of A & N Islands as defined in the clause (8) of Section 3 of the Indian Ports Act, 1908;
 - (xxvii) "Registering officer" means the registering officer appointed by the A & N Administration for purpose of these rules;
 - (xxviii) "responsible person" means a person appointed by the employer to be responsible for the performance of specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of such duty or duties;
 - (xxix) "schedule" means a schedule appended to these rules;
 - (xxx) "section" means the section of the Code;
 - (xxxi) "Social Security Fund" means A & N Islands Unorganised Workers' Social Security Fund established under the Code on Social Security, 2020.
- (2) The words and expressions used in these rules but not defined shall have the same meaning as respectively assigned to them in the Code.
3. **Income from the sources under explanation to clause (x) of Sub-section (1) of Section 2.**— A member of the family having income more than the minimum rates of wages fixed for unskilled category of workers or as may be notified by the A & N Administration from time to time from all sources shall not be included as dependent for the purpose of these rules.

CHAPTER-II REGISTRATION

4. **Application for registration under Sub-section (1) and (2) of Section 3.**— (1) (i) The employer seeking registration for an establishment not already registered shall apply electronically in Form-I within sixty days from the date of applicability of the Code on the designated portal of the A & N Administration by giving details about the establishment, and uploading documents related to registration of the establishment, proof of identity and address of the employer(s) / occupier as specified in the said form. The said form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.
- (ii) The Permanent Account Number (PAN) of the applicant or the establishment allotted under the Income Tax Act, 1961 (43 of 1961) or any other unique number allotted to the establishment under any other Act for the time being in force or any other particular furnished in the Form, may be verified online.
 - (iii) The certificate of registration shall be issued in **Form-II** electronically immediately if the application is complete in all respect but not later than fifteen days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated :
Provided that in exceptional circumstances the A & N Administration may, for such period, by notification, as specified therein dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole state, and submission of application in Form-I so provided, may be allowed.

- (4) On receipt of the appeal, the appellate officer shall send a notice electronically or by speed post to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal. If the appellant is present when the appeal is called on for hearing, the appellate officer shall proceed to hear the appellant or his authorised agent and any other person summoned by him for this purpose, and pronounce judgment on the appeal confirming, reversing or varying the order appealed against the appeal is preferred.
 - (5) If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellants by sending the copy of the order of dismissal to the applicant electronically or by speed post.
 - (6) Where an appeal has been dismissed, the appellant may apply electronically or by speed post, to the appellate officer for the restoration of the appeal within thirty days from the date of receipt of the order of dismissal under Sub-rule (5) and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal.
 - (7) The order of the appellate officer under Sub-rule (6) shall be communicated electronically or by speed post to the appellant and copy thereof shall be sent to the Registering Officer against whose order the appeal has been preferred.
 - (8) An appeal under this rule shall be disposed of within thirty days from the date on which the appeal is received under Section 4.
6. **Notice of commencement and cessation of operation under Section 5.**— The employer of every establishment being factory or relating to contract labour or building or other construction works, shall within thirty days of the commencement or cessation of operation of the establishment, submit to the Registering Officer in Form-IV, electronically and the notice of cessation of operation shall be enclosed with a certificate that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

CHAPTER-III

DUTIES OF EMPLOYER AND EMPLOYEE

7. **Annual health examination of employees under clause (c) of Sub-section (1) of Section 6.**— Every employer of an establishment being a factory, dock, building and other construction work shall arrange to conduct free of cost, medical examination for every employee annually i.e. within 120 days from the commencement of the calendar year who has completed 40 years of age. The medical examination shall be conducted by a qualified medical practitioner as per proforma specified in the Form-V. The Medical Examination Certificate shall be submitted by the qualified medical practitioner to the concerned employer and employee:
- Provided that an employer may avail facility for medical examination of the employee(s) under relevant rules made under the Code on Social Security, 2020, through the Employees' State Insurance Corporation (ESIC) :
- Provided further that the workers employed in a 'hazardous process' and 'dangerous operations' shall be medically examined in the manner as may be prescribed by the Central Government in the standards framed under Section 18 of the Code in respect of factories.
8. **Letter of appointment to employee under clause (f) of Sub-section (1) of Section 6.**— No employee shall be employed in any establishment unless he or she has been issued a letter of appointment in the format given below :
- Provided that, an employee who has not been issued an appointment letter containing the required particulars, shall be issued an appointment letter within three months of coming into force of this rule.

Provided further that, if the period of disability from working for 48 hours or more referred to in sub-rule (2) does not occur immediately following the accident, or the dangerous occurrence, but later on, occurs in more than one spell, the report thereof referred to shall be sent to the Inspector-cum-Facilitator in the Form-VI within 24 hours following the hours when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours.

SCHEDULE

- (i) Bursting of any plant or pipeline or equipment containing petroleum, steam, compressed air or other substance at a pressure greater than the atmospheric pressure;
 - (ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane;
 - (iii) Explosion, explosion due to explosives, fire, leakage or release of harmful toxic gases, bursting out, leakage or escape of any molten metal, or hot liquid or gas causing bodily injury to any person or damage to any room or place in which persons are employed;
 - (iv) Explosion of a receiver or container used for the storage at pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas;
 - (v) Collapse or failure of lifting appliances or hoist or conveyors or other similar equipment for handling building or construction material or breakage or failure of rope, chain or loose gears, overturning of cranes used in building or other construction work, falling of objects from height;
 - (vi) Collapse of any wall, floor, gallery, roof bridge, tunnel, chimney, wall, building or subsidence of soil or any other structure, platform, staging, scaffolding or any means of access including formwork, contact work, excavation and collapse of transmission;
 - (vii) Spillage or leakage of hazardous substances and damage to their container;
 - (viii) Collapse, capsizing, toppling or collision of transport equipment within the establishment;
 - (ix) Fall from height of any excavation, loading or transport machinery;
 - (x) A breakage, fracture or failure of an essential part of any machine or apparatus whereby the safety of persons may be endangered ;
 - (xi) A failure of any structure or installation whereby the safety of persons may be endangered ; or spark generated due to electrical flash-over causing burn injury to any person ;
 - (xii) a major uncontrolled emission of petroleum or chemical spillage ;
10. **Notice of disease under Sub-section (1) and (2) of Section 12.**— (1) A notice in the following format shall be sent forth electronically, to the Inspector-cum-Facilitator or Chief Inspector-cum-facilitator, by the employer or occupier or manager of an establishment in which there occurs any disease as notified under the Third Schedule to the Code.

NOTICE OF DISEASE

- (1) Name and address the employer or Occupier or Manager
- (2) Name and address of establishment;
- (3) Nature of establishment;
- (4) Details of Patient :
 - (a) Name of patient :
 - (b) Worker number of patient :
 - (c) Address of patient :
 - (d) Precise occupation of patient ;
- (5) Nature of disease from which patient is suffering :
- (6) Date of detection of disease :
- (7) Details of medical practitioner :
- (8) Has the case been reported to the Medical Officer :

Date :

Signature of employer or occupier or manager

(2) The seat of such member shall fall vacant from the date on which his resignation is accepted by the A & N Administration or on the expiry of thirty days from the date of receipt of the letter of resignation by the A & N Administration, whichever is earlier.

15. Cessation of Membership.— If any member of the Board, not being an ex-officio member, fails to attend three consecutive meetings of the Board without obtaining the leaves sanctioned by the Chairperson of the Board for such absence, he shall cease to be a member of the Board :

Provided that the A & N Administration may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Board.

16. Disqualification for Membership.— A person shall be disqualified for being a member of the Board,—

(i) if he is of unsound mind and stands so declared by a competent authority ;

(ii) if he is an un-discharged insolvent; or

(iii) if he has been convicted for an offence, having a penalty of imprisonment of three months or more.

17. Removal from Membership.— The A & N Administration may remove any member of the Board, if in its opinion such member has ceased to represent the interest which he purports to represent on such Board :

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making presentation against the proposed action under this rule.

18. Travelling Allowance for Members.— (i) The Travelling Allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(ii) The non-official Members of the Board shall be paid travelling allowance for attending the meeting of the Board at such rates as are admissible to Group-'A' Officer of the A & N Administration and daily allowances shall be calculated at the maximum rate admissible to Group-'A' Officer of the A & N Administration.

19. Manner of Filling Vacancies.— When a vacancy occurs or is likely to occur in the membership of the Advisory Board, the Chairperson of Advisory Board shall submit a report to the A & N Administration and on receipt of such report, the A & N Administration shall take steps to fill the vacancy by making an appointment from amongst the category of persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

20. Notice of Meeting and List of Business.—

(a) Ordinarily, two weeks' notice shall be given to the members of the Advisory Board of a proposed meeting:

Provided that, two weeks' notice shall not be necessary where, in the opinion of Chairperson of the Advisory Board, business of an emergent nature has to be transacted.

(b) No business except which is included in the list of business for a meeting of such Advisory Board shall be considered at such meeting without the permission of the Chairperson of the Advisory Board.

21. Disposal of Business.—

(a) Every matter which the Advisory Board is required to take into consideration shall be considered at a meeting of Advisory Board, or if the Chairperson of Advisory Board so directs, by sending the necessary papers to every member for opinion and the matter shall be disposed of in accordance with the decision of the majority:

Provided that where there is no opinion of majority on a matter and the members of the Advisory Board are equally divided, the Chairperson of the Advisory Board shall have a second or a casting vote.

(b) No act or proceedings of the Advisory Board shall be invalid merely for reasons of any vacancy in or any defect in constitution of the Advisory Board.

C. Resignation.-

- (i) A member of the Technical Committee, not being an ex-officio member, may resign his office by a letter in writing addressed to the A & N Administration through the Chairperson of the Technical Committee.
- (ii) A Chairperson of the Technical Committee may resign his office by a letter in writing addressed to the A & N Administration through Secretary (Labour).
- (iii) The seat of such a member or Chairperson as case may be shall fall vacant from the date on which his resignation is accepted by the A & N Administration, or on the expiry of thirty days from the date of receipt of the letter of resignation by A & N Administration whichever is earlier.

D. Cessation of membership.-

If any member of the Technical Committee, not being an ex-officio member, fails to attend two consecutive meetings of such Committee, without obtaining the permission of the Chairperson of such Committee for such absence, he shall cease to be a member of such Committee:

Provided that the A & N Administration may, if it is satisfied that such member was prevented by sufficient cause from attending two consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of such Committee.

E. Disqualification for membership.-

- (i) A person shall be disqualified for being a member of the Technical Committee —
 - (a) if he is of unsound mind and stands so declared by a competent court;
 - (b) if he is an undischarged insolvent; or
 - (c) if he has been convicted of an offence which, in the opinion of the A & N Administration, involves moral turpitude.
- (ii) Where a question arises as to whether a disqualification has been incurred under clause (i), the A & N Administration shall decide such question, should be treated as final.

F. Removal from membership.-

The A & N Administration may remove any member or Chairperson of the Technical Committee, if in its opinion such member has ceased to represent the interest which he purports to represent on such Committee:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making a representation against the proposed action under this rule.

24. Safety Committee under Section 22.— (1) In following class of factories or establishments :

- (a) major accident hazard factories irrespective of workers ordinarily employed,
- (b) a factory carrying on "hazardous process" or operations declared to be "dangerous operations" under Section 82 of the Code wherein fifty workers or more are ordinarily employed,
- (c) any other factory or establishment wherein two hundred fifty or more workers are ordinarily employed,

shall constitute a safety committee consisting of representatives of employers and workers:

Provided that factories declared under section 81 of the Code situated in a particular area and carrying out "hazardous process" or "dangerous operations" of similar nature, shall have a common Safety Committee for them with the prior approval of Chief Inspector-cum-Facilitator for the purpose this rule. The area of common safety committee shall be decided by Chief Inspector-cum-Facilitator. The Chief Inspector-cum-Facilitator shall facilitate formation of such safety committee.

The tenure of the safety committee shall be for three years for factories and the tenure of the safety committee for other establishment shall be for three years or duration of construction site of building or other construction work. The safety committee shall meet at least once in every month for factories and building or other construction work.

Provided also that in case there is no recognized both negotiating union or negotiating council and where any dispute arises regarding choosing of the worker's representative to the Safety Committee, the matter may be referred to the concerned Assistant Labour Commissioner having jurisdiction, who shall after hearing the parties decide the matter and his decision shall be final.

- (3) The minutes of the meeting of the Safety Committee constituted under sub-rule (1) shall be recorded and sent to the Inspector-cum-Facilitator having jurisdiction.
- (4) Function and duties of the Safety Committee in an establishment shall include,—
- (a) assisting and cooperating with the management in achieving the aims and objectives outlined in the 'Safety and Health Policy' of the establishment;
 - (b) dealing with all matters concerning health, safety and environment and to arrive at practicable solutions to problems encountered;
 - (c) creating safety awareness amongst all workers;
 - (d) undertaking educational, training and promotional activities;
 - (e) discussing reports on safety, environmental and occupational health surveys, safety audits, risk assessment, emergency and disaster management plans and implementation of the recommendations made in the reports;
 - (f) looking into the matters likely to cause danger to the safety and health of the workers and suggest corrective measures; and
 - (g) reviewing the implementation of the recommendations made by it.
- 26. Function and duties of the Safety Committee.**— The functions of the Committee shall be —
- (a) To discuss remedial measures against the unsafe conditions and practices in the establishment as pointed out in the reports of worker's representative brought to the notice of the Committee and make appropriate recommendations;
 - (b) To discuss the report of inquiry into accident, dangerous occurrences etc. and make appropriate recommendation;
 - (c) To formulate and implement appropriate safety campaign based on analysis of accidents and dangerous occurrences;
 - (d) To serve as a forum for communication on Safety and occupational health matter;
 - (e) To discuss the Standard Operating Procedures (SOP) prepared for different plant, equipment, installations and methods at factories/establishment and make appropriate recommendations;
 - (f) Stimulating interest of employer and building workers in safety by organizing safety weeks, safety competition, talks and film shows on safety, preparing posters or taking similar other measures as and when required or as necessary;
 - (g) To inspect the potentially hazardous areas of the factory to pre-empt any danger to human life and safety.

27. Safety Officer for Factory and Building or Other Construction Works.— (1) In every establishment wherein 250 or more workers, building and other construction work wherein 250 or more workers, factories wherein 500 or more workers and factories involving any hazardous process as per clause (zb) of Section 2 or any operation declared to be dangerous under Section 82 wherein 250 or more workers and major accident hazard factories irrespective of workers ordinarily employed, the employer / occupier shall employ Safety Officer as per the scale mentioned below :-

(A) Factories for major accident hazard factories

Sl. No.	Licensed manpower	No. of safety officers to be appointed
1.	Upto 250 workers	One safety officer
2.	For more than 250 workers	One additional safety officer for every 250 workers and fractions thereof

30. Weekly holiday under Sub-section (2) of Section 26.—

- (1) For the purpose of Section 26, there shall be posted up in a conspicuous place outside the office of every establishment, a notice showing the weekly holiday in English and Hindi language. Where the weekly holiday is not the same day for all persons employed in the establishment, the notice shall show the holiday allowed to each relay, or set of persons or individual.
- (2) No adult worker shall be required or allowed to work in an establishment on the weekly day of rest (hereinafter referred to as the said day), unless,—
 - (i) he has or will have a holiday for a whole day on one of the three days immediately before or after the said day; and
 - (ii) the employer of the establishment has, before the said day or the substituted day under clause (i), whichever is earlier,—
 - (a) delivered a notice at the Office of the Inspector-cum-Facilitator of his intention to require the worker to work on the said day and of the day which is to be substituted; and
 - (b) displayed a notice to that effect in the establishment :

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

31. Compensatory Holiday.—

- (1) Where, a worker is deprived of any of the weekly holidays for which provision is made under Section 26 of the Code, except in the case of worker engaged in any work which for technical reasons must be carried on continuously throughout the day, the compensatory holidays to be allowed under Sub-section (3) of Section 26 shall be so spaced that not more than two compensatory holidays are given in one week.
- (2) The employer / manager of the establishment shall display, on or before the end of the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of works specified under Section 31 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.
- (3) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

32. Extra Wages for overtime under Section 27.—

- (1) where in an establishment, a worker works for more than eight hours in any day as daily wager, or for more than forty-eight hours in any week, as the case may be, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages and shall be paid at the end of each wage period.
- (2) In calculating overtime on any day, a fraction of an hour between 15 to 30 minutes shall be counted as 30 minutes and in case of more than 30 minutes it shall be rounded and shall be counted as an hour on actual basis.
- (3) In calculating the wages or earnings in the case of a worker paid by the month, the daily wages shall be $\frac{1}{26}^{\text{th}}$ of his monthly wages; and in the case of any other worker, it shall be the daily wages or earnings as the case may be.
- (4) The total number of hours of work in any day shall not exceed twelve hours, inclusive of interval for rest and overtime, except in the following circumstances in respect of factories and building or other construction work, namely :—
 - (a) urgent repairs;
 - (b) work in the nature of preparatory or complimentary work;
 - (c) work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest;

(ii) In respect of establishment which are required to maintain register under the rules framed under the Code on Wages 2019 and the Code on Social Security, 2020, the following registers and wage slips required to be maintained by the employer of the establishment under those Codes and rules made there under shall be deemed to be maintained by the employer under these rules, namely :-

- (a) Register of employees
 - (b) Register of Attendance-cum-Muster Roll
 - (c) Register of Wages, over time and deductions
 - (d) Wage slip
- (4) All registers and other records required to be maintained under the Code and Rules made thereunder shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a place within a radius of three kilometers.
- (5) Annual Returns –
- (a) The employer to which the provisions of this Code applies on or before the 28th or 29th day of February in each year, upload a unified annual return in Form-IX online on the designated portal of the A & N Administration, giving information as to the particulars specified in respect of the preceding year.

Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

Explanation.— For the purposes of this sub-rule, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).

- (b) If the employer to which the provisions of this Code applies sells, abandons or discontinues the working of the establishment, then he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance as the case may be, upload online, on the designated portal of the A & N Administration, a further unified return in Form-IX referred to in clause (a) and half yearly return in Form-IX A in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.
- (c) In case of manual registers and other records, be legibly entered in ink in English and Hindi language;
- (d) Be preserved in original for a period of at least five years after the date of the last report or entry :

Provided that when the original record is lost or destroyed before the expiry of five years period, true copies thereof, if available, shall be preserved for the prescribed period;

- (e) Be produced, electronically or by speed post, on demand before the Chief Inspector-cum-Facilitator or an Inspector-cum-Facilitator or any person authorized in that behalf of the A & N Administration.

36. The manner and form of displaying notices under clause (b) of Section 33.— Every employer shall display or cause to be displayed at the conspicuous place of the workplace of the establishment under his control, notices showing the name and address of the establishment, hours of work, wage period, date of payment of such wages, details of accident and dangerous occurrence in the establishment for the last five years, name and address of the Inspector-cum-facilitator having jurisdiction to such establishment and date of payment of unpaid wages to such workers in English and Hindi Language.

37. Manner of filing the return and periods of filing return to the Inspector-cum- Facilitator under clause (d) of Section 33.— Every employer of an establishment shall send annually a return relating to such establishment in Form-IX related to category of employees, health and welfare facilities, retrenchment / layoffs, bonus, maternity benefits etc. to the Inspector-cum-Facilitator having jurisdiction

- (2) An Inspector-cum-Facilitator shall, at each inspection, ascertain to what extent any shortcomings notified at a previous inspection have been rectified and the notices previously issued have been complied with and his findings and any shortcomings which may come to light during the inspection, together with any order passed by him under the Code or the regulations made there under shall be recorded and maintained.
- (3) An Inspector-cum-Facilitator may at any time during normal working hours of a factories/ establishment / building or other construction work after informing the Occupier or manager of the factory/ building or other construction work or other person for the time being purporting to be in charge of the factory/ building or other construction work, taken in the manner hereinafter provided a sufficient sample of any substance used or intended to be used in the factory / building or other construction work such used being,
 - (a) in the belief of the Inspector-cum-Facilitator in contravention of any of the provisions of the Code or the rules made thereunder, or
 - (b) in the opinion of the Inspector-cum-Facilitator likely to cause bodily injury to, or injury to the health of employee in the factory/ building or other construction work.
- (4) Where the Inspector-cum-Facilitator takes a sample under Sub-rule (3), he shall, in the presence of the person informed under that Sub-section unless such person wilfully absents himself, divide the sample into three portions and effectively seal and suitably mark them, and shall permit such person to add his own seal and mark thereto.
- (5) The person informed as aforesaid shall, if the Inspector-cum-Facilitator so requires, provide the appliance for dividing, sealing and marking the sample taken under this Section.
- (6) Any document purporting to be a report under the hand of any Government Analyst or NABL accredited laboratory upon any substance submitted to him for analysis and report under this Section, may be used as evidence in any proceeding instituted in respect of the substance.
- (7) Cessation of activities in absence of valid factory license.-
 - (a) During the inspection, if the occupier, owner or manager of a factory fails to submit the valid factory license the Inspector-cum-Facilitator for the Factories shall make an order in writing for cessation of activities of such factory :

Provided that the Inspector-cum-Facilitator shall give reasonable opportunity to the occupier, owner and manager of the factories to submit a valid factory license.
 - (b) The order of cessation of activities of such factory shall stand revoked on production of valid factory license by the occupier, owner and manager.
- (8) Information required by the Inspector-cum-Facilitator.-The occupier, owner or manager of a factory shall furnish any information that an Inspector-cum-Facilitator may require for the purpose of satisfying himself whether any provision of the Code has been complied with or whether any order of an Inspector-cum-Facilitator has been duly carried out. Any demand by an Inspector-cum-Facilitator for any such information if made during the course of inspection, shall be complied forthwith if the information is available in the factory or, if made in writing shall be complied with within seven days of receipt thereof.
- (9) Safety of Buildings and Machinery.-
 - (i) If it appears to the Inspector-cum-Facilitator that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.
 - (ii) If it appears to the Inspector-cum-Facilitator that use of any building or part or of building or any part of the ways, machinery or plant in a factory involves danger to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing prohibiting its use until it has been properly repaired or altered and after written permission from the Inspector-cum-Facilitator with prior approval of the Chief Inspector-cum-Facilitator.

- (i) has violated any condition stipulated in the certificates of competency; or
- (ii) has carried out a test examination and inspection or has acted in a manner inconsistent with the intent or the purpose of the Code or these rules.

43. Specialised qualification and experience, duties and responsibilities of experts to be empaneled under Section 37.—

PART – I (For Factories)

Inspection Mechanism - Self Inspection / Certification and Third Party Certification of factories based on Risk based Classification in the A & N Islands:

Risk based Classification of Factories

For the purpose of this Inspection Mechanism, based on the type of manufacturing process and the number of workers engaged therein, factories are classified as Very High Risk, High Risk, Medium Risk and Low Risk categories of factories:

Category — A : - Very High-Risk Category

- All Major Accident Hazard (MAH) Factories

Category — B: - High Risk Category

- (i) Factories involving hazardous process and employing more than 100 workers.
- (ii) Factories employing more than 250 workers and not covered under hazardous process

Category — C: - Medium Risk Category

- (i) Factories involving hazardous process and employing upto 100 workers.
- (ii) Factories employing more than 50 workers and upto 250 workers and not covered under hazardous process. Medium risk factories shall be covered under Third Party Certification Mechanism (Optional) and would be inspected once in every 3 years.

Category — D : — Low Risk Category

- (i) All the other factories not covered under medium, high and very high-risk categories shall be categorized as Low Risk.
- (ii) Low Risk factories shall be covered under Self-Certification Mechanism (Optional) and would be inspected in every 5 years.

Inspection Mechanism under the Occupational Safety, Health and Working Conditions Code 2020 based on Risk classification:

Self-Inspection / Certification:

Factories categorized as Low-Risk are eligible to opt for self-certification, subject to the condition that there have been no major violations or fatal accidents in the past three years. Eligible units must submit Self-Inspection / Certification (Annexure - A) via email to ldet@and.nic.in. Incorrect or false submissions may lead to revocation of self-certification privileges and reinstatement of regular inspections.

Upon acceptance of the Self-Certification Declaration, such factories shall be exempted from routine inspections for next five years. However, the Labour Department reserves the right to carryout surprise inspections or inspections based on specific complaints, if any.

Third Party Certification / Competent person under Section 2(1)(i) of code : Competent person under Section 2(1)(i) of code shall serve as the Third Party Certification Person who posses:

- (i) Degree in branch of Chemical, Mechanical, Electrical or Production Engineering from recognized institution and having ten years of experience in manufacturing, maintenance, design, project or safety department in the supervisory or above capacity in factories; or
- (ii) Diploma in branch of Chemical, Mechanical, Electrical, Production Engineering and Diploma in Industrial Safety from recognized Institution and having fifteen years' of experience in manufacturing, maintenance, Design, project or safety department in the supervisory or above capacity in factories; or degree of Bachelor of Science with Physics and / or Chemistry and Diploma in Industrial Safety from recognized institution and having fifteen years' experience in

- (iii) Compliance Auditor and the person authorized to carry out compliance audit shall not disclose, even after he ceases to be an auditor, any commercial secrets or working processes or other confidential information which may come to his knowledge in the course of their duties as an auditor. Any failure in this regard may make such auditor or person liable for criminal or civil proceedings in accordance with the law for the time being in force.
 - (iv) If the Compliance Auditor has carried out the audit in violation of the provisions of the Code or rules or has acted in a manner inconsistent with the intent or the purpose of the Code or rules made thereunder or has omitted or failed to act as required under the Code and rules made thereunder; or for any other similar reason by which he has failed in duty as a Compliance Auditor, he shall liable to be debarred from conducting such Compliance Audits.
3. The Compliance Auditor shall within one week from the date of completion of audit forward the report to the Head of the establishment on the letter head and his recommendations regarding the compliance under various labour laws.
 4. The Head of the establishment as well as the Compliance Auditor shall inform in writing to the Labour Commissioner, thirty days in advance before commencement of the compliance audit in an establishment.
 5. The Head of the establishment shall, within thirty days of the receipt of the Compliance Audit Report in the **Annexure-C** shall take action on the recommendation of the auditor as pointed out in the audit report and also submit the action taken report / compliance report along with proofs of compliance to the Labour Commissioner within sixty days in pursuant to the recommendations made in the Audit Report.
 6. The compliance of the observation / discrepancies pointed out in the audit report shall be monitored at the level of Labour Commissioner, A & N Administration. He may grant ample opportunities for personal hearing for apprising the authorities regarding the steps taken by him and the status of compliance. In case he is not satisfied with the compliance made by the Head of the establishment, he may get it verified at his level.
 7. The establishment opting for this scheme shall not be inspected by the department till it carries out an audit every year regularly. The Labour Commissioner may issue directions for inspection of any such establishment in case of genuine complaint against it.
 8. No legal action shall be taken against the Head of the establishment / manager for any discrepancies / observations / violations of Codes / Rules pointed out by the auditor in his audit report.

Are all applicable provisions under the Code on Social Security 2020 and Rules made thereunder complied?	
Are all applicable provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder complied?	
Whether Quarterly, Half Yearly and Annual Returns as prescribed under the Occupational Safety, Health and Working Conditions Code 2020 have been submitted so far?	

DECLARATION

I, Shri / Smt. _____ S/o / D/o / W/o _____ being the Occupier of the factory named _____ situated at _____, hereby certify the following :

1. This information is submitted with my full knowledge of the relevant statutes.
2. I have complied with all applicable provisions under the aforementioned Codes and the Rules made thereunder.
3. I, being the Occupier, have ultimate control over the affairs of the factory and shall, therefore, be responsible for any information found to be misrepresented, incorrect, false, or fabricated. I understand that such misrepresentation may make me liable for prosecution under the relevant provisions of the applicable laws, as amended from time to time.
4. Any act of malafide intention or concealment of information related to the above shall make me liable for any other penalties or damages as may be notified by the Andaman & Nicobar Administration from time to time.

Place :

Date :

Signature of the Occupier
(Office Seal)

ANNEXURE - C
Proforma for Compliance Audit Report

1. Name and Address of the Establishment:
2. Email ID & Contact Number:
3. Name of the Employer:
4. Name of the Manager, if any:
5. Date of Audit:
6. Name of Labour Codes under which compliance audit was carried out:
7. Key Findings (Observations / Discrepancies):
8. Name of the Compliance Auditor and Certificate No. and Name of the person who has carried out safety audit in case of Institution:

Date:

Place:

Signature of Compliance Auditor /
Authorized Person of an Institution
Authorized to carry out Compliance Audit

I, _____ (employer) undertake to submit the action taken report on recommendations of Compliance Audit on or before _____

Date:

Signature of the Employer

- (m) It shall be the duty of the occupier of a factory, to take all steps to prevent the commission of the acts of sexual harassment in the factory.
- (n) Whenever there is any untoward incident, the occupier of a factory shall send a report to the Inspector and Police Station concerned as well ;
- (o) The occupier of a factory shall provide necessary medical facilities and also make these facilities available at any time of urgency in case of injury or incidental acts of harassment, by providing necessary telephone connections ;
- (p) The occupier of a factory shall exhibit these guidelines in a prominent place so that the women workers can be aware of their rights ;
- (q) Adequate toilet with water facility, shall be provided to the women workers, conveniently situated and easily accessible containing all basic amenities and safety measures to the workers ;
- (r) Creche facility wherever needed, shall be provided to the women workers for the care of their children with care taker with all essential amenities during night shifts ;
- (s) Such other conditions as may be specified in this regard by the Administrator through written order from time to time for ensuring safety of women workers during night hours —

48. Adequate safety of employment of women in dangerous operations under Section 44,—

- (1) No Pregnant woman shall be required or allowed to work in a factory involved in dangerous operations, where she is likely to be exposed to hazardous substances which are carcinogenic for herself and teratogenic (for foetus).
- (2) All the measures as mentioned in the provisions related to hazardous process and dangerous operation shall be complied with.
- (3) Women shall be well trained on their job, shall be rendered knowledge about the hazardous properties of the substances being handled, stored, manufactured, hazards present at their workplace, and measure to overcome with that.
- (4) Women employed shall be provided with all the necessary personnel protective appliances at the workplaces, they are deployed.
- (5) Women shall be trained and made aware about the means of escape in the events of fire, leakage, spillage hazardous substances.
- (6) The A & N Administration may declare from time to time, by notification, the class of establishments and the standard for safeguarding of women in hazardous and dangerous processes.

CHAPTER-IX

SPECIAL PROVISIONS FOR CONTRACT LABOUR & INTER-STATE MIGRANT WORKERS, etc.

Part-I

Contract Labour

49. Conditions of License under Sub-section (3) of Section 47.—(1) The contractor shall ensure that:

- (i) the hours of work shall conform to these rules relating to Section 25;
- (ii) the wages shall be paid in accordance with the Code on Wages, 2019;
- (iii) if the contract labour of the contractor is working at the premises of the principal employer, then, it shall be the responsibility of the principal employer to provide the facilities or amenities such as toilet, washroom, drinking water, bathing facilities if required, changing room, first aid box, canteen and crèche; and
- (iv) all other facilities and entitlements shall be provided by the contractor.
- (2) In case the contractor fails to make payment of minimum wages to the contract labour, then, the Assistant Labour Commissioner having jurisdiction, shall cause such payment to be made to the contract labours who have not been paid, out of the security deposit referred to in rule 55 including by invoking the bank guarantee.
- (3) The contractor shall intimate within fifteen days of the receipt of a contract work order about the details of the contract work order in the manner as specified in rule 59.

- (2) Wherein the issued contract license had expired, based on the request of the applicant in Form-XV, the authority may adjust the security deposit under sub-rule (1) in respect of his application for new license.
- (3) The fees to be paid for the grant of a license shall be as specified in the table below, namely:-

(a)	No license is required up to 49 contract labour	Nil.
(b)	50 and above but not exceeding 100 contract labour	Rs.1000
(c)	101 and above but not exceeding 300 contract labour	Rs.2000
(d)	301 and above but not exceeding 500 contract labour	Rs.3000
(e)	501 and above but not exceeding 1000 contract labour	Rs.5000
(f)	1001 and above but not exceeding 5000 contract labour	Rs.10000
(g)	5001 and above but not exceeding 10000 contract labour	Rs.20000
(h)	10001 and above but not exceeding 20000 contract labour	Rs.30000
(i)	20001 and exceeding contract labour	Rs.40000

53. Renewal of license under Sub-section (3) of Section 48.—

- (1) Every contractor shall apply electronically on the designated portal of the A & N Administration to the licensing authority for renewal of the license.
- (2) Every such application shall be submitted on the portal referred to in sub-rule (1) at least thirty days prior to expiry of license period but not before ninety days of such expiry of license.
- (3) The fee chargeable for renewal of the license shall be the same as for the grant of license under rule 55:

Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty five per cent, shall be payable for such renewal.

- (4) It shall be the responsibility of the authority concerned to renew license electronically, within seven days of receipt of such application, failing which, the licence shall be deemed to be issued and auto generated and responsibility of such failure shall be on such authority.

54. Refund of security deposit.—

- (1) On expiry of the period of license the contractor may, if he does not intend to have his license renewed further, make an application electronically to the licensing authority for the refund of the security deposited by him (in form of bank guarantee) along with copy of licence so expired and notice of completion of work and bank details in which amount is required to be refunded.
- (2) If the authority is satisfied that there is no breach of the conditions of license or there is no order for the forfeiture of security deposit or any portion thereof, he shall direct the refund of the security deposit to the applicant.
- (3) If there is any order directing the forfeiture of any portion of contractor's security deposit, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the contractor within thirty days from the making of application under sub-rule (1).
- (4) Any application for refund shall, as far as possible, be disposed of within thirty days of the making of such application.

55. Responsibility of contractor under Sub-section (4) of Section 48.—

- (1) The rates of wages payable to the workers by the contractor shall not be less than the rates fixed under the Code on Wages, 2019 and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

- (3) The wages shall be disbursed through bank transfer or electronic mode only.
 - (4) The wages of contract labours shall be paid without any deductions of any kind, except those specified by the A & N Administration by general or special order in this behalf or permissible under the Code on Wages 2019, by the contractors to the contract labour.
 - (5) A notice showing wage period and date and time of disbursement of wages of contract labour shall be displayed at the place of work and a copy sent by the contractor to the principal employer electronically or in person under acknowledgement.
 - (6) Every contractor shall send half-yearly return in **Form-IX A** so as to reach the licensing authority concerned not later than 30 days from the close of the half year, electronically, that is to say January to June and July to December.
 - (7) In case the contractor fails to make payment of wages to the contract labour within 7 days of completion of wage period, then the principal employer shall take necessary action and make payment of wages in full or the unpaid balance dues, as the case may be, to the concerned contract labour employed by the contractor within 15 days and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as debt payable by the contractor or from the security deposit lying with the principal employer.
 - (8) Every principal employer of an establishment shall submit annual return in **FORM-IX (Part-II)** so as to reach the licensing authority having jurisdiction and Labour Commissioner not later than 1st February following the end of each Calendar year electronically.
60. **Making payment of wages from the security deposit amount under Sub-section (4) of Section 55.**— If the contractor or principal employer does not pay the wages to the contract labour employed by him, the Assistant Labour Commissioner having jurisdiction shall conduct or cause to conduct, an inquiry and after giving an opportunity to be heard to the contractor shall pass an order to make payment if any, of such wages from the amount deposited by the contractor as security deposit. The contractor shall re-furnish the security deposit within a period of fifteen days or else his license will be liable to be suspended.
61. **Experience certificate under Section 56.**— Every concerned contractor shall issue on demand, experience certificate in **Form-XVII** to the contract labour giving details of the period, work performed, experience gained in various fields performed by such contract labour.
62. **The form and manner of making application under clause (b) of Sub-section (2) of Section 57.**— If a question arises as to whether any activity of an establishment is a core activity or otherwise, the aggrieved party may make an application, to the Secretary (Labour) giving reasons along with supporting documents.
63. **Period of making report and the period of deciding the question under clause (c) of Sub-section (2) of Section 57.**— On receipt of an application under clause (b) of Sub-section (2) of Section 57, the Secretary (Labour) may, if he considers it necessary, refer the application to the Labour Commissioner for conducting such enquiry as may be required. The Labour Commissioner shall submit his report or recommendations to the Secretary (Labour) within a period of thirty days from the date of such reference.

The Secretary (Labour) shall, within one month from the date of receipt of the report or recommendations of the Labour Commissioner, submit his recommendations to the Andaman and Nicobar Administration for taking a decision and the decision of the Andaman and Nicobar Administration shall be communicated to the parties concerned, either electronically or by speed post, for implementation of the said order.

- (3) Every licence granted or renewed under Section 74 in Form-XX shall be subject to the following conditions, namely :-
- (i) the manufacturing process shall be carried on only in that part of the industrial premises as specified for the purpose in the licence;
 - (ii) the maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence;
 - (iii) power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises;
 - (iv) except with the prior permission in writing of the competent authority, the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made in any building on such premises;
 - (v) the licence shall not be transferable;
 - (vi) the fees paid for the grant or renewal of the licence shall be non-refundable.
- (4) Before granting a licence, the competent authority shall also take into considerations whether the site of any industrial premises is proposed to be altered, or whether any industrial premises has been closed by the applicant during the period of twelve months immediately preceding the date of the application with a view to causing prejudice to the interests of the labour.
- 70. Manner of preparing the plan of the place or premises under Sub-section (3) of Section 74.**— Application for licence shall be accompanied by a plan of the place or premises showing -
- (i) The site of such place or premises, the areas therein to be used for manufacturing processes and the immediate surroundings of such place of premises, including adjacent buildings structures, roads, drains and the like; and
 - (ii) the plan, elevation and necessary, cross-sections of, the details relating to natural lighting, ventilation, means of escapes in case of fire, position of the plant and machinery, if any, used, aisles and passage-ways, in or in relation to the various buildings which are intended to be used for manufacturing processes;
- 71. Other matters under clause (e) of Sub-section (4) of Section 74.**—The A & N Administration by notification from time to time may prescribe such other matters relating to welfare of the labour in the locality, interest of the public generally.
- 72. Fees for renewal under Sub-section (6) of Section 74.**—
- (1) Every application for renewal of a license under Sub-section (6) of Section 74 shall be made in Form- XIX / XV as prescribed under Sub-section (1) Section 119 to the competent authority.
 - (2) Every such application shall be submitted on the said portal at least 30 days prior to expiry of license period but not before 90 days of such expiry of license :
Provided that if the application for renewal is not received within the time specified in Sub-rule (2), an additional fee of twenty-five per cent, shall be payable for such renewal.
 - (3) The fee chargeable for renewal of the license shall be the same as for the grant of license.
 - (4) It shall be the responsibility of the authority concerned to renew license within seven days electronically or otherwise.
- 73. Time of filing appeal and fees under Section 75.**— An appeal under Section 75 shall be made electronically or by speed post, within a period of 30 days from the date of receipt of the order sought to be appealed against. The fees payable in respect of an appeal under Section 75 shall be Rs. 1000.
- 74. Permission to work by employees outside industrial premises under Section 76.**—
- (1) The employer shall apply electronically to the licensing authority in the designated web portal of the A & N Administration for the work required to be carried out outside the industrial premises under Section (1) of Section 76 in Form XXI.
 - (2) The licensing authority on receipt of the online application in Form-XXI may consider the following and issue permission electronically within seven days from the date of receipt of the application-

- (4) If the Chief Inspector-cum-facilitator is satisfied that the plans are in consonance with the requirements of the Rules he shall subject to such conditions as he may specify, approve them electronically; or he may call for such other particulars as he may require to enable such approval to be given.
- (5) Under no circumstances shall the plan be returned unapproved. Provided that where a Chief Inspector-cum-facilitator of factories refuse to grant a permission to the site, construction, reconstruction, or an extension of a factory, the applicant may within 30 days of the date of such refusal, appeal to the A & N Administration.
- (6) Certificate of stability.—
- (i) No manufacturing process of a factory shall be carried on in any building which has been constructed, reconstructed, altered, repaired, increase in machinery, change in existing process, extended or taken into use as a factory or part of a factory until a certificate of stability thereof in respect of that building, obtained from a competent person in such form as may be prescribed by the Central Government in the standards under Section 18, has been submitted by the occupier or manager of the factory to the Chief Inspector-cum-Facilitator and accepted by him.
- (ii) Certificate of Stability shall be signed by Competent Person along with the tests, load calculation and analysis reports relating to stability :
- Provided further that no manufacturing process shall be carried out in any premises of a factory unless a fresh certificate of stability is obtained from a competent person once in each period of five years or after every extension, alteration, repairs or addition of machinery, plants etc. and sent to the Chief Inspector-cum-Facilitator of factories:
- (7) Validity Period of Proposed Sanction.—Every proposed approval shall become null and void if no construction started within 6 months from the date of approval.
- (8) Revocation of Sanction. —The approval granted under this rule can be revoked by the Chief Inspector-cum-Facilitator of factories if it is found that such approval has been obtained by the occupier or manager by misrepresentation of material facts or submission of fraudulent documents along with the application or if the majority of construction has not been done in accordance with the approval granted.
- (9) Presumption of Sanction.—If the Chief Inspector-cum-Facilitator of factories or any other official working on his behalf fails to convey approval or rejection or any observation within a period of 30 days of the receipt from any person of a valid application, the plans shall without prejudice to the provisions of this rule, be deemed to have been approved.
- (10) Application for registration and grant of licence.— The occupier of every factory shall submit application online through designated portal of A & N Administration to the Chief Inspector-cum-Facilitator an application in the prescribed Form XXV-A for the registration of the factory and grant of licence with an option to apply for five year term or ten year term licence:
- Provided that the occupier of premises in use as a factory on the date of the commencement of these rules shall submit such application within 30 days from the date of the commencement of these rules.
- (11) Grant of licence to a factory—
- (1) A licence for a factory shall be granted and renewed by the Chief Inspector -cum- Facilitator in Form-XXVI and XXVI- A respectively prescribed for the purpose and on payment of the fees specified in Schedule- C.
- (1-a) A licence for five year or ten year term shall be granted in Form-XXVI A by the Chief Inspector-cum- Facilitator on payment of five times or as the case may be ten times of the licence fee in vogue.
- (2) Every Licence granted or renewed in Form XXVI or XXVI A under this chapter shall remain in force up to the 31st December of the year for which the licence is granted or renewed.

- (4) The occupier shall have the option to apply for renewal of licence for a term of five consecutive calendar years with five times of usual licence fee and for a term of 10 consecutive calendar years with 10 times of usual licence fee.
- (15) Refusal of licence- The Chief Inspector-cum-Facilitator may refuse the renewal of licence on the ground that the applicant has been guilty of repeated contravention of safety provisions of the Code or Rules or both or the applicant has obtained the licence by fraud or by misrepresentation:
Provided that before refusing any licence, the applicant shall be given an opportunity to show cause as to why the licence shall not be refused.
- (16) Revocation of licence - The Chief Inspector-cum-Facilitator may, at any time before expiry of the period for which the licence has been granted or renewed, revoke the licence on any of the grounds specified in sub-rule (15) above or if :-
(i) there is imminent danger to life and property in the factory due to explosive or inflammable dust, gas or fumes, and effective measures in his option have not been taken to remove the danger; and / or;
(ii) employment of child worker below 14 years of age noticed :
Provided that before revoking the licence, the applicant shall be given an opportunity to show cause as to why the licence shall not be revoked.
- (17) Transfer of licence.-
(1) The holder of a licence may, at any time before the expiry of the licence, apply electronically through the designated portal for permission to transfer his licence to another person
(2) Such application shall be made to the Chief Inspector-cum-Facilitator who shall, if he approves of the transfer, enter upon the licence, under his signature an endorsement to the effect that the licence has been transferred to the person named electronically through the designated portal.
(3) A fee of five hundred rupees shall be payable on such application.
(4) If the application is received after the licence disassociated from the organization a delay fee of 10% of renewal fee for each year shall be payable on such application.
- (18) Procedure on death or disability of licensee.- If a licensee dies or becomes insolvent, the person carrying out the business of such licensee shall not be liable to any penalty under the Code for exercising the powers granted to the licence by the licence during such time as may reasonably be required allow him to make an application for the amendment of the licence in his own name for the unexpired portion of the original licence
- (19) Prohibiting running of a factory without a valid licence.- An occupier shall not use any premises as a factory or carry on any manufacturing process in a factory unless a licence has been issued in respect of such premises and is in force for the time being
- (20) Intimation of change of Manager. — The intimation of change of manager shall be in **Form-XXVII**. The intimation for change of manager shall be submitted online for information of the Inspector-cum-Facilitator of factories. The endorsement of change of manager will be made electronically by the Chief Inspector - cum- Facilitator of factories.
- (21) Intimation of closure of factory:
(a) The occupier and / or the Manager shall be jointly or severally responsible for sending information in duplicate, to the Inspector-cum-Facilitator of Factories of any intended closure of the factory or any shift, section or department thereof, immediately after it is decided to do so, and before the closure takes place stating:
(i) the date of intended closure;
(ii) the reasons for closure;
(iii) the number of workers on the muster-roll of the factory on the day the information is sent;
(iv) the number of workers likely to be affected by the closure; and
(v) the probable period of closure :

- (2) Where in any premises, independent or self-contained floors or flats are leased to different occupiers for use as separate factories, the owner of the premises shall be liable as if he were the occupier or manager of the factory, for any contravention of the provisions of this Code, in respect of :-
- latrines, urinals and washing facilities in so far as the maintenance of the common supply of water for these purposes is concerned;
 - fencing of machinery and plant belonging to the owner and not specifically entrusted to the custody or use of an occupier;
 - safeness of access to the floors or flats and maintenance and cleanliness of stair cases and common passages;
 - precautions in cases of fire;
 - maintenance of hoists and lifts; and
 - maintenance of any other common facilities provided in the premises.

(3) The Chief Inspector-cum-Facilitator shall have subject to the control of the A & N Administration, power to issue orders to the owner of the premises in respect of carrying out of the provisions of Sub-section (1) and (2).

(4) The provisions of Sub-section (2) relating to the liability of the owner/occupier shall apply where in any premises independent rooms with common latrines, urinals and washing facilities are leased to different occupier for use as separate factories:

Provided that the owner / occupier shall be responsible also for supplying with the requirements relating to the provision and maintenance of latrines, urinals and washing facilities.

78. Dangerous manufacturing processes or operations under Section 82.-

- (1) The operations listed in the Chapter IV of the standards prescribed by the Central Government under Section 18 of the Code when carried on in any factory are declared to be dangerous manufacturing processes or operations under Section 82 of the code.

79. Site Appraisal Committee under Sub-section (1) of Section 83.-

- (1) Constitution under Section 83 - The following provisions shall govern the functioning of the Site Appraisal Committee (hereinafter referred to as the "Committee" in these rules), namely :-

- the A & N Administration may constitute or reconstitute the committee as and when necessary ;
- the Chief Inspector-cum-Facilitator will be the Chairman of the Committee ;
- the A & N Administration, to assist the Chief Inspector-cum-Facilitator, may co-opt the following persons as members of the Committee :
 - a representative of the Fire Service Organization of the A & N Administration ;
 - a representative of the Department of Industries of the A & N Administration ;
 - a representative of the A & N Islands Pollution Control Board ;
 - a representative of the Director General of Factory Advice Service and Labour Institute, Mumbai ;

(2) Applications as for appraisal of Sites in respect of the factories covered under Section 2(1)(za) of the Code shall be submitted to the Chairman of the Committee along with 15 copies thereof in Form XXXI annexed to this rule. The committee may dispense with the furnishing of the information on any particular item in the application under consideration.

(3) Chairman of the Committee will devise a mechanism to -

- Register the applications received for appraisal of site in a separate register and acknowledge the same within a period of 7 days.
- Fix up meeting in such a manner that all the applications received and registered are referred to the Committee within a period of one month from the date of their receipt.
- The Committee may adopt a procedure for its working keeping in view the need for expeditious disposal of applications.

- (d) Details of the proposed housing colony, hospital, school and other infrastructural facilities.
- 5. Organizational structure for proposed manufacturing unit / factory. Organization diagram of –
 - (a) Proposed enterprise in general and
 - (b) health, safety and environment protection departments and their linkage to operation and technical department.
 - (c) Proposed health and safety policy.
 - (d) Area allocated for treatment of wastes and effluents.
 - (e) Percentage of outlay on safety, health and environment protection measures.
- 6. Meteorological data relating to the site –
 - (a) Average, minimum and maximum of temperature, humidity and wind velocities during the previous ten years.
 - (b) Seasonal variations of wind direction.
 - (c) Highest water level reached during the floods in the area recorded so far.
 - (d) Lightening and seismic data of the area.
- 7. Communication Links –
 - (a) Availability of telephone / telex / wireless and other communication facilities for outside communication. Proposed internal communication facilities.
 - (b) Manufacturing processes information: Processes flow diagram in detail indicating processes parameters, e.g. temperature, pressure, etc. at various stages of manufacturing processes or Process.
 - (c) Brief write-up on processes and technology.
 - (d) Critical processes parameters, such as pressure build-up, temperature rise and runaway reconditions.
 - (e) Other external effects critical to the processes having safety implications, such as ingress of moisture or water, contact with incompatible substances, sudden power failure.
 - (f) Highlights of the built - in safety / pollution control devices or measures incorporated in the manufacturing technology.
- 8. Information on Hazardous Materials - Raw materials, intermediates, products and by-products and their quantities (Enclose material safety data Sheet in respect of each hazardous substance). Main and intermediates, storages proposed for raw materials / intermediates / products (maximum quantities at any time to be stored).

Transportation methods to be used for inflow and outflow of materials their quantities and likely routes to be followed. Safety measures proposed for :

 - (a) handling of materials;
 - (b) internal and external transportation; and
 - (c) disposal (packing and forwarding of finished products.)
- 9. Information of Disposal of Wastes and Pollutants -
 - (a) Major pollutants (gas, liquid, solid) their characteristics and quantities (average and at peak loads).
 - (b) Quality and quantity of solid wastes generated, methods of their treatment and disposal. Air, water and soil pollution problems anticipated and the proposed measures to control the same, including treatment and disposal of effluents.
- 10. Process Hazards Information :
 - (a) A copy of the report on environmental impact assessment be enclosed. A copy of the report on Risk Assessment study be enclosed.
 - (b) Published (open or classified) reports, if any on accident situations / occupational health hazards or similar plants elsewhere (within or outside the country).

- (xi) the date of preparation of the Material Safety Data Sheet, or the last change in it ; and
- (xii) the name, address and telephone number of the manufacturer, importer, occupier or other responsible party preparing or distributing the Material Safety Data Sheet, who can provide additional information on the hazardous substance and appropriate emergency procedures if necessary.
- (b) The occupier while obtaining or developing a Material Safety Data Sheet in respect of a hazardous substance shall ensure that the information, recorded accurately, reflects the scientific evidence used in making the hazard determination. If he becomes aware of any significant information regarding the hazards, the new information shall be added to the Material Safety Data Sheet as soon as practicable.
- (c) An example of such Material Safety Data Sheet is given in the **Schedule B** annexed to this Rule.
- (2) Every container of a hazardous substance shall be clearly labelled or marked to identify :—
 - (a) The contents of the container ;
 - (b) The name and address of the manufacturer or importer of the hazardous substances.
 - (c) the physical and health hazards; and
the recommended personal protective equipment needed to work safely with the hazardous substance.

82. The Occupational Safety and Health Policy under Sub-section (2) of Section 84.-

- (1) Occupier of every factory, at the time of registration, shall prepare and submit a written statement of his policy in respect of safety and health of workers at work containing such details as may be prescribed by Central Government in standards framed under Section 18 of the Code.

83. The manner of disclosing information by occupier of a factory under Sub-section (5) and (7) of Section 84.-

(1) Disclosure of information to workers :-

- (i) The occupier of a factory carrying on a 'hazardous process' shall supply to all workers the following information in relation to handling of hazardous materials or substances in the manufacture, transportation, storage and other processes:
 - (a) Requirements of sections 84, 85 and 89 of the Code;
 - (b) A list of 'hazardous processes' carried on in the factory;
 - (c) Location and availability of all Material Safety Data Sheets as per Rule 58;
 - (d) Physical and health hazards arising from the exposure to or handling of substances;
 - (e) Measures taken by the occupier to ensure safety and control of physical and health hazards;
 - (f) Measures taken by the workers to ensure safe handling, storage and transportation of hazardous substances;
 - (g) Personal Protective Equipment required to be used by workers employed in 'hazardous process' or 'dangerous operations';
 - (h) Meaning of various labels and markings used on the containers of hazardous substances as provided under rule 58;
 - (i) Signs and symptoms likely to be manifested on exposure to hazardous substances and to whom to report;
 - (j) Measures to be taken by the workers in case of any spillage or leakage of a hazardous substance;
 - (k) Role of workers vis-à-vis the emergency plan of the factory, in particular the evacuation procedures;
 - (l) Any other information considered necessary by the occupier to ensure safety and health of workers.

The information furnished shall include the quantity of the solid and liquid wastes generated per day their characteristic and the methods of treatment such as incineration of solid wastes, chemical and biological treatment of liquid wastes, and arrangements for their final disposal. It shall also include information on the quality and quantity of gaseous waste discharge through the stacks or other openings and arrangements such as provisions of scrubbers, cyclone separators, electrostatic precipitators of similar such arrangements made for controlling pollution of the environment.

- (2) The occupier shall also furnish the information prescribed in the sub-rule (1), and to the A & N Islands Pollution Control Board.

- (6) **Confidentiality of Information.** - The occupier of a factory carrying on 'hazardous process' shall disclose all information needed for protecting safety and health of the workers and the general public in the neighbourhood -

- (a) His workers;
- (b) District Emergency Authority;
- (c) Local Inspector-cum-Facilitator; and
- (d) Chief Inspector-cum-Facilitator,

as required under sub-rules (1), (2) and (4) of rule 83. If the occupier is of the opinion that the disclosure of details regarding the process and formulations will adversely affect his business interests, he may make a representation to the Chief Inspector-cum-Facilitator stating the reasons for withholding such information. The Chief Inspector-cum-Facilitator shall give an opportunity to the occupier of being heard and pass an order on the representation.

An occupier aggrieved by an order of Chief Inspector cum facilitator may prefer an appeal before the A & N Administration within a period of 30 days. The A & N Administration shall give an opportunity to the occupier of being heard and pass an order. The order of the A & N Administration shall be final.

84. The conditions for accessibility of the record by the workers under clause (a) of Section 85.-

- (1) The occupier of every factory carrying out a 'hazardous process' shall make accessible the health records including the record of worker's exposure to hazardous process or, as the case may be, the medical records of any worker for his perusal under the following conditions:-

- (a) Once in every six months or immediately after the medical examination, whichever is earlier;
- (b) If the factory Medical Officer is of the opinion that the worker has manifested signs and symptoms of any notifiable disease as specified in the Third Schedule of the Code.
- (c) If the worker leaves the employment ;
- (d) If any one of the following authorities so direct :
 - (i) the Chief Inspector cum facilitator ;
 - (ii) the Health Authority of the A & N Administration ;
 - (iii) the Competent Authority for Employees Compensation ;
 - (iv) the Director, Employees State Insurance Corporation (Medical Benefits) ; and
 - (v) the Director General, Factory Advice Service and Labour Institutes.

- (2) A copy of the up to date health records including the record of worker's exposure to hazardous process or, as the case may, the medical records shall be supplied to the worker on receipt of an application from him. X-ray plates and other medical diagnostic reports may also be made available for reference to his medical practitioner.

85. The qualification and experience of persons handling hazardous substance and manner of providing necessary facilities for protecting the workers under clause (b) of Section 85.-

- (1) All persons who are required to supervise the handling of hazardous substances shall possess the following qualifications and experience :

88. Permissible levels of certain chemical substances in work environment under Section 88.- The permissible threshold limits of chemical and toxic substances shall as may be prescribed by Central Government in the standards framed under Section 18 of the Code.

89. Procedure in appeal.-

- (1) An appeal presented under section 90 shall lie to the Chief Inspector-cum-Facilitator, or in cases where the order appealed against is an order passed by that officer, to the A & N Administration or to such authority as the A & N Administration may appoint in this behalf and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and shall be accompanied by a copy of the order appealed against.
 - (2) On receipt of the memorandum of appeal, the Appellate Authority may, if it considers it fit, or where the appellant has requested that the appeal be heard with the assistance of assessors, call upon the concerned industry body to nominate one assessor within a period of fourteen days from the date of such communication.
 - (3) Where an assessor is nominated by the concerned industry body within the period specified in Sub-rule (2), the Appellate Authority shall appoint a second assessor.
 - (3) Upon appointment of the assessors, the Appellate Authority shall fix a date for hearing of the appeal and shall give due notice of such date to—
 - (a) the appellant; and
 - (b) the Inspector-cum-Facilitator whose order is under appeal.
 - (4) The Appellate Authority shall require the assessors so appointed to appear on the date fixed under Sub-rule (3) to assist in the hearing and disposal of the appeal.
- 90. Persons defined to hold positions of supervision or management under clause (a) of Sub-section (1) of Section 91.—**

- (1) In a factory the following persons shall be deemed to hold positions of supervision or management within the meaning of Sub-section (1) of Section 91 :
 Provided that, they are not required to perform manual labour or clerical work as a regular part of their duties, namely:—
 - (a) The Manager, Deputy Manager, Assistant Manager, Production Manager, Works Manager and General Manager;
 - (b) Departmental Head, Assistant Departmental Head, Departmental in-charge or Assistant Departmental in-charge;
 - (c) Chief Engineer, Deputy Chief Engineer and Assistant Engineer;
 - (d) Chief Chemist, Laboratory in-charge;
 - (e) Personnel Manager, Personnel Officer;
 - (f) Labour Officer, Assistant Labour Officer;
 - (g) Welfare Officer, Additional Welfare Officer or Assistant Welfare Officer;
 - (h) Safety Officer;
 - (i) Any other person who in the opinion of the Chief Inspector-cum-Facilitator, holds a position of Supervision or Management and is so declared in writing by him.
- (2) Any dispute whether a person, by virtue of the nature of his duties, falls in any of the definitions given in sub-rules (1) of this rule, shall be decided by the Chief Inspector-cum-Facilitator by passing an order in writing, which shall be final.
- (3) On an application made by the occupier or manager of the factory, the Chief Inspector-cum-Facilitator may declare in writing any person other than the persons defined in sub-rules (1) of this rule, as a person holding a position of supervision or management or employed in a confidential position in a factory, if in the opinion of the Chief Inspector-cum-Facilitator, such person holds such position or is so employed.

Provided also that it shall be open to the employer to allot houses to workers not having families at the rate of one house for not more than four such workers.

98. Occupation of accommodation after termination of employment.-

(1) When a worker dies in the service of the employer, or retires or goes on transfer, or resigns, or goes on leave or when his services are terminated he or his family may retain the house up to the period as detailed below:-

- (i) in the case of death, a period not exceeding three months,
- (ii) in the case of transfer or termination of service, retirement or resignation, a period not exceeding two months;
- (iii) in the case of leave, for the period of leave; and
- (iv) in the case where discharge or dismissal of a worker results in an industrial dispute, for so long as the same is not finally disposed of.

(2) If a worker fails to vacate the house on expiry of the period mentioned above and continues to occupy the same when no member of his family is working, he shall be liable to pay the employer such rent at a rate not exceeding 10% of his wages as may be fixed by the Chief Inspector-cum-Facilitator.

99. Drinking water.- An adequate supply of wholesome drinking water shall be made available in every plantation at worksites or at a place or places to be approved by the Inspector-cum-Facilitator at all times, during working hours. The water provided for drinking shall be supplied from the taps connected with a public water supply system;

Provided that where drinking water is supplied from any well or reservoir, the water in it shall be sterilized periodically and the date on which sterilizing is carried out shall be recorded.

Provided further that this requirement shall not apply to any such well or reservoir if the water therein is filtered and treated before it is supplied for consumption.

100. Toilet facilities.-

(1) Toilet facilities shall be provided in every plantation on the scale of one toilet for every fifty hectares of the area under cultivation or part thereof in addition to the toilet provided to the houses of workers:

Provided that there shall be at least one separate toilet for each gender.

(2) The toilet shall be conveniently situated and shall have exclusive access for the respective genders.

101. Urinal Facilities.- Urinal facility shall be provided on the scale of one urinal for every twenty hectares of the area under cultivation or part thereof. The urinals shall be conveniently situated for all genders.

102. Construction and maintenance of drains.- All drains carrying waste of sullage water shall be constructed in masonry or other impermeable materials and shall be regularly flushed and the effluent disposed of by connecting such drains with a suitable drainage line:

Provided that, where there is no such drainage line, the effluent shall be deodorized and rendered innocuous and then disposed of in a suitable manner to the satisfaction of the

103. Crèches under clause (b) of Sub-section (1) of Section 92.-

(1) In every plantation wherein fifty or more workers (including workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, the employer shall provide and maintain a crèche or crèches for the use of their children who are below the age of six years according to the standards laid down in these rules.

(2) Every crèche shall be conveniently accessible to the mothers of the children accommodated therein.

(3) There shall be not less than 1.5 square metres of the floor area for each child to be accommodated in a crèche.

(4) The building in which the crèche is situated shall be of sound construction with a good plinth.

(5) The plan of the crèche building shall be in accordance with the standard plan or plans laid down by the Chief Inspector-cum-Facilitator;

- (2) Sickness allowance specified in sub-rule (1) shall be paid at the option of the worker either as advance or along with the wages payable to the worker after he resumes his work on recovery from certified sickness.
- (3) The certificate of sickness shall be issued by the Health Officer to every worker entitled to obtain sickness allowance.
- 106. Restriction on employment of women and adolescent worker in handling insecticides, chemicals and toxic substances under Sub-section (2) of Section 93.-** No pregnant women or adolescent worker shall be allowed to handle any hazardous substance.
- 107. Appointment and qualification of Supervisors under Sub-section (3) of Section 93.-** The use, handling, storage and transportation of insecticides, chemicals and toxic substances shall be supervised by a person who should possess the following qualifications :-
- Graduate in Agriculture or Chemistry or
 - Having a Certificate Course on handling of Chemicals and Toxic substances conducted by an Institution recognized by the A & N Administration / Central Governments.
 - Possess valid certificate from an Institution recognized by the A & N Administration / Central Government for giving first aid treatment to workers.
- 108. Training under Sub-section (4) of Section 93.-**
- The persons involved in handling insecticides, chemicals and toxic substances shall be given suitable training in observing safety precautions and handling safety equipment provided to them in the institutes notified by the A & N Administration from time to time.
 - All the workers who apply, handle, transport or come into contact with agro-chemicals or other chemical substances must be trained in at least in the following subjects:-
 - General occupational health ;
 - Formulations, names, and the bin code action of the substances used in the case of pesticides ;
 - Correct use of personal protective clothing and equipment ;
 - Preventive measures and measures for reducing damage to health and the environment, caused by the chemical substances, equipment, techniques, signage, medical examination etc. ;
 - Emergency procedures, first aid and medical attention for cases involving poisoning or undue contact with chemical substances ;
 - Techniques for handling chemical substances and for the correct application of agro-chemicals ;
 - Secure handling and transportation of agro-chemicals for drivers; and
 - Other necessary training suitable for the plantation.
- 109. Medical examination to the workers under Sub-section (5) of Section 93.-**
- Without prejudices to clause (c) of Section 6 of the Code, every worker who is engaged in the work of handling, dealing, or spraying or mixing insecticides, chemical and toxic substances shall be medically examined initially at the time of employment and thereafter once in a year in a hospital or hospitals notified in this regard.
 - The medical examination and tests shall be in **Form-V**.
 - Any person showing symptoms of poisoning shall be immediately examined and given proper treatment.
 - Every employer shall maintain health record of every worker such as annual medical examination or any other examination when required, shall be kept in plantation and every such worker shall have access to such record.
- 110. Washing, bathing, cloak room, protective clothing and equipment facilities under Sub-section (7) of Section 93.-**
- Every employer shall provide washing bathing and cloak room facilities to the workmen, who are employed in handling insecticides, chemicals and toxic substances.
 - If washing facilities are required for women, it shall be separate for women and adequate privacy shall be ensured.

112. Any other matter required to be or may be prescribed under Section 135(2) (za).—

- (1) Every employer shall display in plantations the list of insecticides, chemicals and toxic substances as notified by the Central Government, from time to time and storage and transport in accordance with the Insecticides Act, 1968 (Central Act 46 of 1968) and rules framed thereunder.
- (2) Every employer shall be responsible to provide such facilities and abide by such regulations as may be prescribed by the A & N Administration by notification from time to time.

CHAPTER-X**OFFENCES and PENALTIES****113. Manner of holding enquiry under Sub-section (1) of Section 111.—** The A & N Administration may by notification in the official gazette appoint any Group-A officer not below the rank of Assistant Labour Commissioner having jurisdiction for holding enquiry and imposing penalty in such manner as may be prescribed by the Central Government under this section.**114. Form and manner of preferring appeal and the fee to accompany such appeal under Sub-section (3) of Section 111.—**

- (1) The employer aggrieved by the order of enquiry officer, may appeal against such order before the appellate officer at least one level higher the enquiry officer, appointed by the A & N Administration for such purpose within thirty days from the date of receipt by him of such order, electronically or by speed post along with fees at the rate of twenty-five percent of penalty imposed to be deposited in the official account of the appellate authority electronically or otherwise.
- (2) Where the memorandum of appeal is in order, the appellate authority shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal in electronic form or otherwise to be kept for the purpose called the register of appeals.
- (3) When the appeal has been admitted, the appellate authority shall send the notice of the appeal to the enquiry officer, against whose order the appeal has been preferred and the enquiry officer shall thereupon send the records of the case to the appellate authority online electronically or otherwise.
- (4) On receipt of the appeal, the appellate authority shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal electronically or by speed post.
- (5) If on the date fixed for hearing, the appellant does not appear, the appellate authority may dismiss the appeal for default of appearance of the appellants by sending the copy of the order to the applicant electronically or by speed post.
- (6) Where an appeal has been dismissed, the appellant may apply electronically or by speed post to the appellate authority for the restoration of the appeal within thirty days from the date of receipt of the order and if the appellate authority is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate authority shall restore the appeal subject to costs at the discretion of the authority.
- (7) The order of the appellate authority shall be communicated electronically or by speed post to the appellant and copy thereof shall be sent to the enquiry officer against whose order the appeal has been preferred and shall be disposed of within a period of thirty days from the date of receipt of appeal.

115. Manner of compounding under Sub-section (1) of Section 114.—

- (1) The Employer (Occupier / Manager) who is willing for compounding of offence under this Code may apply in Form-XXXII to the officer notified by the A & N Administration for the purposes of compounding of offences under Sub-section (1) of Section 114 (hereinafter, referred to as the Compounding officer).
- (2) The compounding officer notified by the A & N Administration shall issue electronically or otherwise, a compounding notice for the offences which are compoundable under section Sub-section (1) of Section 114.

120. The form of appeal, the fee to be accompanied there with and the appellate authority under Sub-section (6) of Section 119.-

- (1) Any person aggrieved by an order passed under this section by the licensing authority referred to sub-rule (1) of rule 87, shall prefer an appeal before the Secretary (Labour), A & N Administration.
- (2) Any person aggrieved by an order passed under this section by the licensing authority referred to sub-rule (2) of rule 87, shall prefer an appeal before the Labour Commissioner.
- (3) The Application for the appeal shall be accompanied with the rejection order of the licensing authority and fee receipt of Rs. 1000/- to be deposited in the official account of the Appellate Authority.

121. Manner of survey under Sub-section (2) of Section 121.-

- (1) The Chief Inspector-Cum-Facilitator, or any other officer or committee so appointed by the A & N Administration to undertake survey in accordance with provisions of Sub-section (2) of Section 121, may, at any time during the normal working hours of an establishment, or at any other time as it is found by him or the committee to be necessary, after giving notice in writing to the employer or manager of the establishment or any other person who for the time being in charge of the establishment, to undertake survey relating to safety and health in the establishment and outside.
- (2) Employer or manager or other person shall afford all facilities for such survey, including facilities for the examination and testing of plant and machinery and collection of samples and other data relevant to the survey.
- (3) For the purpose of facilitating surveys every worker and person in near vicinity, if so required by the person conducting the survey, present himself to undergo such medical examination as may be considered necessary by such person and furnish all information in his possession and relevant to the survey.
- (4) Any time spent by a worker for undergoing medical examination or furnishing information under sub-rule (3) shall, for the purpose of calculating wages and extra wages for overtime work, be deemed to be time during which such worker worked in the establishment.

122. Any other matter which is required to be, or may be, prescribed under this code .-

- (a.) Power to waive, etc.- Notwithstanding anything contained in these rules, the A & N Administration may, when it considers that it is required in the public interest, it may, by notification, waive off or defer any of the provisions of these rules to be in force in whole UT of A & N Islands or such part thereof for such period as may be specified in the notification.
- (b.) Adoption of procedure prescribed by Central Government. - Notwithstanding anything contained in these rules, wherein the A & N Administration is the appropriate Government, but the Central Government has been specifically empowered to prescribe any procedure or make rule under the Code, the A & N Administration shall adopt the same procedure as prescribed by the Central Government.

			(a) conversant with the relevant codes of practices and test procedures that are current; (b) conversant with fracture machines and metallurgy of the material of construction; conversant with heat treatment / stress relieving techniques as applicable to stress bearing components and parts of lifting machinery and lifting tackles; capable of identifying defects and arriving at a reliable conclusion with regard to the safety of lifting machines, chains, ropes and lifting tackles.	
4	Pressure Plant	Degree in Chemical or Electrical or Metallurgical or Mechanical Engineering	(1) A minimum experience of 10 years in design or erection or maintenance or testing, examination and inspection of pressure plants. (ii) He shall be- (a) conversant with the relevant codes of practices and test procedures relating to pressure vessels; (b) conversant with other statutory requirements concerning the safety of unfired pressure vessels and equipment operating under pressure; (c) conversant with the non-destructive testing techniques as are applicable to pressure vessels; (d) able to identify the defects and arrive at a reliable conclusion with regard to the safety of the pressure plant.	Facilities for carrying out hydraulic test, non-destructive test, pneumatic test gauges equipment/ gadgets for measurement and any other equipment or gauges to determine the safety in the use of pressure vessels.

SCHEDULE-B
(See rule-81)
MATERIAL SAFETY DATA SHEET

1. Chemical IDENTITY :

Chemical Name Chemical Classification			
Synonyms Trade Name			
Formula C.A.S. No. U. N. No.			
Regulated Identification		Shipping Name	Haz chem No.
		Codes / Label	
Hazardous Waste I.D No.			
Hazardous C.S.A. No.	Ingredients C.A.S. No. Hazardous		Ingredients
1.3			
2.4			
2. Physical and Chemical Data			
Boiling Range / Point °C Physical State Appearance			
Melting / Freezing Point °C Vapour Pressure			
Vapour Density(Air-1)	@35°C mmHg	Others	
Solubility in Water			
30°C mmHg			
Specific Gravity Water-1		pH	
3. Fire and Explosion Hazard Data :			
Flammability Yes / No	UEL%	Flash Point °C Temperature^ °C	Auto-ignition
TDG Flammability	UEL% Flash Point 0C	Hazardous Products of combustion	
Explosion Sensitivity to Impact	Explosion Sensitivity to Static Electricity		

SCHEDULE-C

[See rule 76 (11)]

Table - A (License & Renewal Fee for a year)

	Maximum number of persons to be employed on any day during the year									
	Up to 20	From 21 to 50	From 51 to 100	From 101 to 250	From 251 to 500	From 501 to 750	From 751 to 1000	From 1001 to 5000	From 5001 to 10000	From 10001 and above
Nil	Rs. 1080	Rs. 2160	Rs. 6480	Rs. 6960	Rs. 16200	Rs. 23760	Rs. 31200	Rs. 38880	Rs. 46560	Rs. 48600
Up to 10 HP	Rs. 2160	Rs. 4320	Rs. 6720	Rs. 15120	Rs. 29160	Rs. 43200	Rs. 56840	Rs. 64800	Rs. 81000	Rs. 100440
Above 10 HP up to 50 HP	Rs. 4320	Rs. 6240	Rs. 8640	Rs. 17280	Rs. 31920	Rs. 46080	Rs. 60000	Rs. 68040	Rs. 87480	Rs. 103680
Above 50 HP up to 100 HP	Rs. 6240	Rs. 8640	Rs. 11280	Rs. 19920	Rs. 32160	Rs. 49680	Rs. 64800	Rs. 72360	Rs. 92880	Rs. 110160
Above 100 HP up to 250 HP	Rs. 9720	Rs. 10800	Rs. 12840	Rs. 22680	Rs. 37800	Rs. 54000	Rs. 72240	Rs. 76800	Rs. 97680	Rs. 115560
Above 250 HP up to 500 HP	Rs. 10800	Rs. 12960	Rs. 16200	Rs. 26760	Rs. 44280	Rs. 61920	Rs. 79440	Rs. 89640	Rs. 113400	Rs. 133920
Above 500 HP up to 1000 HP	Rs. 17280	Rs. 19920	Rs. 23760	Rs. 36720	Rs. 58320	Rs. 81000	Rs. 101520	Rs. 114480	Rs. 122040	Rs. 169560
Above 1000 HP up to 5000 HP	Rs. 21600	Rs. 25920	Rs. 32400	Rs. 50880	Rs. 82080	Rs. 113400	Rs. 143010	Rs. 159600	Rs. 205200	Rs. 242400
Above 5000 HP up to 10000 HP	Rs. 43200	Rs. 51840	Rs. 64800	Rs. 101760	Rs. 164160	Rs. 226800	Rs. 285990	Rs. 319200	Rs. 410400	Rs. 484800
Above 10000 HP up to 25000 HP	Rs. 73200	Rs. 86400	Rs. 97200	Rs. 152640	Rs. 246240	Rs. 340200	Rs. 429000	Rs. 478800	Rs. 616600	Rs. 727200
Above 25000 HP	Rs. 98820	Rs. 116640	Rs. 131220	Rs. 206064	Rs. 332424	Rs. 459270	Rs. 579150	Rs. 646380	Rs. 831060	Rs. 981720

Form I

[See sub-rule (1)(i) of rule 4]

**Application for Registration for existing establishments / new establishment /
Amendment to Certificate of Registration****A. Establishment Details.**

1. Retrieve details of Establishment through LIN :
2. Name of Establishment :
3. Location and Address of the Establishment :
4. PAN :
5. Others details of Establishment:
 - a. Total Number of employees engaged directly in the establishment:
 - b. Total Number of the contract employees engaged:
 - c. Total Number of Inter-State Migrant workers employed:

6. (a) For Shops & Establishment

Name of Establishment	Core activities of Establishment	Maximum number of workers engaged		
		Men	Women	Total

6. (b) For factories :

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day	Total amount of power installed in Kilowatt
1	2	3	4	5

6. (c) For building and other construction work :

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
1	2	3	4

Form II

[See sub-rule (1) (iv) of rule 4]

Certificate of Registration of Establishment

Registration No.

Date

A Certificate of registration containing the following particulars is hereby granted under sub section (2) of section 3 of the Occupational Safety, Health and Working Conditions Code, 2020 (...37 of 2020) to (Name of the establishment)

1. Nature of work carried on in the establishment (Please tick mark)

- (a) Factory
(b) Contract Work
(c) Building and Other Construction Works
(d) Dock work
(e) Motor Transport Undertaking
(f) Any other work (not covered above)

2. Details of the establishment :

- a. Total Number of employees engaged directly in the establishment:
b. Total Number of the employees engaged through contractor
c. Total Number of Contractors and their details :

3. Number of inter-state migrant workers engaged :

3 (a) For Shops & Establishment

Name of Establishment	Core activities of Establishment	Maximum number of workers engaged		
		Men	Women	Total

3 (b) For factories

Details of the manufacturing process	Full postal address and situation of the factory along with plan Approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day	Total amount of power installed in Kilowatt
1	2	3	4	5

3 (c) For building and other construction work

Type of Construction work	Probable period of commencement of work	Expected period for Completion of work	Details of approval of the local authority
1	2	3	4

3 (d) For Motor Transport Undertaking :

Name of Motor Transport Undertaking	Types of Transport (Freight / Passenger Services)	Maximum number of vehicles attached	Maximum number of workers engaged					
			Permanent			Contract		
			Male	Female	Total	Male	Female	Total

Form III

[See sub-rule (8) of rule 4]

Register of Establishment

Sl. No.	Nature of work	Registration No. and Date	Name and Address, location of the establishment registered	Name, Address and Contact Details of Employer	Total number of Workers and Total Horse power (if any)	Total number of Contract Workers	Remarks
1	2	2	3	4	5	6	7
	(a) Factories, (b) Dock work (c) Building and other Construction work (d) Contract work, (e) Motor Transport Undertaking, Any other Work (not covered Above)						

Form V
(See rule-7)
Medical Examination

PART-A (Sl. No. 1-11) : To be filled by the Employee :

1. Name of employee.....
 2. Gender
 3. Age (with DOB)
 4. Company.....
 5. Designation.....
 - 5 a. UAN :
 6. In-charge Employer / Executive Contacts.....
 7. Complete Personal / Plant Address.....
 8. Mobile / Phone.....
 9. Email.....
 10. Medical illness (Current) and under treatment & edication, if, any.....
 11. Nature of Job (furnish more details, if hazardous and work-related viz. Physical, Chemical, Biological, Ergonomic etc.)
- Date :

Signature of Employee

PART - B :

- 12. Medical Test Carried out & Reports to be Attached as Annex . Medical Officer's interpretation / Opinion of the Tests below (To indicate only if abnormal, referring the attached Test reports) :**
- a. Ht. Wt. Chest, Waist Circumference, Body Mass Index :
 - b. Vision (Ophthalmologist tests) :
 - i. Visual Acuity both Right & left eyes
 - ii. Colour Vision
 - c. Blood Pressure
 - d. Complete Blood Count:
 - e. Blood Sugar (Fasting / PPBS / HbA1c).....
 - f. SpO2.....
 - g. Blood Urea Nitrogen (BUN).....
 - h. SGOT / SGPT
 - i. Lipid profile.....
 - j. ESR.....
 - k. Thyroid profile.....
 - l. X-ray Chest etc.....
 - m. ECG.....
 - n. Sickle cell anemia.....
 - o. Thalassemia.....
 - p. Others if any.....
- 13. Final Diagnosis / Opinion / Treatment if any, advise by qualified medical practitioner**
- 14. Does the person has seizure (s) related disorders or difficulties working at Height? If yes, explain the works to be avoided :**
- Yes / No / NA (Not applicable)

Date :

Signature of the qualified medical practitioner
SEAL

History of amputation / fracture / dislocation injury during work (If Yes, please specify)		
Dermatitis (If Yes, specify Site)		
Hearing Impairment		
Visual Impairment		
Any Major Illness requiring hospitalization in last 1 year (If Yes, Name of the Disease)		
Occupational Injury in Last 1 year: if yes Specify the Location of injury and frequency		

D. Current Symptoms-Diseases Module :

Question	Answer (Yes / No)	Remarks
Smoking habit		
Chewing Tobacco or Pan Masala or Gutkha :		
Alcohol Addiction		
Dermatosis (Irritant Contact)		
Dermatitis / Eczema / Chloracne / Allergic Contact Dermatitis:		
Mucosal Irritation of eyes / Nose / Throat with response to chemical agent or biological agent :		
Symptoms like Respiratory Difficulty/ Chest Tightness		
Dry Cough at beginning of shift :		
Currently suffering from TB :		
Jaundice or Hepatitis		
Currently suffering from Low Back Pain / Pain in hand or Elbow :		
/ Visual Problems		
/ Hearing Problems		
Any current injury (amputation / fracture / dislocation)		

E. Physical Examination

Date of Examination :

Question Remarks	Answer (Yes / No)	or as appropriate
General Skin Condition: (If Any Dermatitis, please mention its location)		
Weight (in Kg) :		
Height (in Meter)		
Temperature (0 Ferenhit) :		
BP:		
Pulse :		
SpO2 :		
Respiratory Rate :		
Examination of Breast of female employee		

(In case of employees suffering from Diabetes Mellitus)

e) Assessment of Phobia (Acrophobia) and any other Mental Health Disorder like Anxiety or Depression

f) Evaluation for Vertigo and Dizziness

For use of Industrial Safety Section :

Walking freely over a horizontal bar at 1 ft. height: PASS / FAIL

Wearing a safety belt and tying the rope knot: PASS/ FAIL

Walking over a horizontal structure at 9 ft. height wearing a belt: PASS/ FAIL

General physique (O.K./NOT O.K): PASS/ FAIL

K. Any other information/examination/biological investigation/test as mutually agreed by the Occupier and factory medical officer.

Date :

Signature

the transport is being operated by or on behalf of the employer or some other person by whom it is provided in pursuance of arrangements made with the employer; and :

the vehicle is being/not being operated in the ordinary course of public transport service :

In case the accident or dangerous occurrence took place while meeting emergency, state-

- (a) Its nature; and
- (b) Whether the injured person at the time of accident or dangerous occurrence was employed for the purpose of his employer's trade or business in or about the premises at which the accident or dangerous occurrence took place. :

Describe briefly how the accident or dangerous occurrence took place :

Names and addresses of witnesses : (1)

(2)

- (a) Nature and extent of injury (e.g. fatal, loss of finger, fracture of leg, scald, scratch followed by sepsis, etc.) :
- (b) Location of injury (e.g. right leg, left hand, left eye, etc.)

11. If the accident or dangerous Occurrence was not fatal, state whether the injured person was disabled for more than 48 hours :

12. date and hour of return of work :

- (a) Physician, dispensary or hospital from whom or which the injured person received or is receiving treatment :
- (b) Name of dispensary/panel doctor elected by the injured person :
- (c) Has the injured person died ? :

If so, date of death :

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Signature and Name and Designation of owner / employer / manager / agent

Date of dispatch of report :

Place :

Form VIII
(See rule 35(1) (i))
EMPLOYEE REGISTER

Name of Establishment :		
Name of the Employer / owner :		
Labour Identification Number (LIN) / Registration Number of Establishment		
To be maintained for all employees of the establishments		
1.	Employee Code	
2.	Name	
3.	Surname	
4.	Gender	
5.	Father's / Spouse's Name	
6.	Date of Birth	
7.	Place of Birth	
8.	Nationality	
9.	Education level	
10.	Date of Joining	
11.	Designation	
12.	Category (unskilled, semi-skilled, skilled or highly skilled)	
13.	Type of employees / worker	
14.	Mobile Number	
15.	Universal Account Number (UAN)	
16.	PAN	
17.	PPF No.	
18.	Nominee	
19.	EPS / NPS	
20.	Details of Family	
21.	Details of Posting	
22.	Scale of Pay	
23.	Promotion	
24.	ESIC Insurance No.	
25.	Aadhaar Number	
26.	Bank A/c No.	
27.	Bank	
28.	Branch (IFSC)	
29.	Present address	
30.	Permanent address	
31.	Service Book No.	
32.	Date of Exit	
33.	Reason for Exit	
34.	Mark of Identification	
35.	Photo	
36.	Specimen Signature / Thumb Impression	
37.	Remarks	

Form VIII (B)

[(See rule 35(1)(iii)]

REGISTER FOR WAGES, OVERTIME AND DEDUCTIONS

Name of Establishment :		
Name of the Employer / owner :		
Labour Identification Number (LIN) / Registration Number of Establishment		
Wage Period from dd / mm / yyyy to dd / mm / yyyy (Monthly / Fortnightly / Weekly / Daily / Piece Rated)		
1.	Serial Number	
2.	Employee Code Number	
3.	Name	
4.	Designation	
5.	Rate of Wage	
	a) Basic	
	b) DA	
	c) Other allowance	
	d) Total	
6.	No. of days worked	
7.	Overtime hours worked	
8.	Amount of Wages Earned	
	a) Basic	
	b) DA	
	c) Other allowance	
	d) Payment of overtime	
	e) Total wages earned	
9.	Deductions	
	a) EPF	
	b) ESIC	
	c) Society	
	d) Income Tax	
	e) Insurance	
	f) Others	
	g) Recovery of Fine	
	h) Recovery of Damaged / Losses	
	Total Deductions	
10.	Net Payment	
11.	Receipt by Employees / Bank Transaction ID	
12.	Date of Payment	
13.	Initials of Employer / Representative	
14.	Remarks	

Form IX
 [See rule 35(5)]
ANNUAL RETURN
 FOR THE YEAR ENDING

Single Annual Integrated Return to be filed On-line under the Occupational Safety, Health and Working Conditions Code, 2020, the Code on Industrial Relations, 2020, the Code on Social Security, 2020, and the Code on Wages, 2019 and the rules made there under.

Instructions to fill up the Annual Return

- (1) This return is to be filled-up and furnished on or before 1st February every year.
- (2) The return has two parts i.e. Part-I to be filled up by all establishments.
- (3) Part-II to be filled-up by the establishments who area Mine only in addition to Part-I.
- (4) The terms Establishment and Mines shall have the same meaning as under the Occupational Safety, Health and Working Conditions Code, 2020.
- (5) This return is to be filled-up in case of Contractor or manpower suppliers who have engaged more than 50 workers and in case of Mines even if there is one worker employed in the relevant period.

Applicable to All Establishments- Part-I

A. General Information :

Sl. No.			Instructions for filling the column
1.	Labour Identification Number		EPFO, ESIC, MCA, MoLE (LIN)
2.	Period of the Return	From -To-	Period should be calendar year
3.	Name of the Establishment		
4.	Email ID (employer)		
5.	Telephone No.(employer)		
6.	Mobile number (employer)		
7.	Premise name		
8.	Sub-locality		
9.	District		
10.	State		
11.	PIN code		
12.	Geo Co-ordinates		
B (a).	Hours of Work in a day		
B (b).	Number of Shifts Number of hours in a shift		
C. Details of Manpower Deployed			
Details		Directly employed	Employed through Contractor
			Grand Total

3.	Ambulance Room (as per Section 24(2)(i) of OSH Code, 2020)	Tick yes or no in the box and not applicable	Applicable to building and other construction work where in more than five hundred workers are ordinarily employed
4.	Safety Committee (as per Section 22(1) of OSH Code, 2020)	Tick yes or no in the box and not applicable	Applicable to establishments and factories employing 500 workers or more, factory carrying on hazardous process and BoCW employing 250 workers or more workers.
5.	Safety Officer (as per Section 22(2) of OSH Code, 2020)	No. of safety officers appointed	In case of mine 100 or more workers and in case of BoCW 250 or more workers are Ordinarily employed.
6.	Qualified Medical Practitioner (as per Section 12 (2) of OSH Code 2020)	No. of Qualified Medical Practitioner appointed.	There is no specification for minimum number of Qualified Medical Practitioner employed in establishment. However, this detail is required to have data on occupational health.
F. The Industrial Relations :			Instructions for filling
1.	Is the Works Committee has been functioning. (Section 3 of IR Code, 2020)	Yes / No and not applicable	Industrial establishment in which 100 or more workers are employed
(a)	Date of its constitution.		
2.	Whether the Safety Redressal Committee constituted (Section 4 of IR Code, 2020)	Yes / No and not applicable	Industrial establishment employing 20 or more workers
3.	Number of registered Unions in the establishments.		
4.	Whether any negotiation union exist (Section 14 of IR Code, 2020)	Yes / No	
5.	Whether any negotiating council is constituted (Section 14 of IR Code, 2020)	Yes / No	
6.	Number of workers discharged / dismissed, retrenched or whose services were terminated during the year :		
	Dismissed	Retrenched	Discharged / Terminated Or Removed
			Grand Total
7.	Man-days lost during the year on account of		

PART II
ANNUAL RETURN period ending 31st December
 (to be submitted by the Principal employer)

1. Name of the principal employer :
2. Name of the establishment :
3. Registration Number (LIN) of the establishment :
4. Details of the Contractors, wages paid , etc. :

Sl. No.	Month	Name and address of the contractors	LIN of the contractor	Name of the work	Maximum number of contract worker employed	Amount paid against wage bill (if applicable) to the contract Or (including EPF, ESIC, Bonus etc.)	Date of payment of wage bill (if applicable)	Amount of the wages paid directly to the contract labour by Principal Employer (in case the contractor fails to pay)	Date of payment of wages paid directly to the contract labour by Principal Employer (in case the contractor fails to pay)	Remarks

Date :

Signature of the principal employer

Form XI

[See rule-39(1)]

REGISTER FOR LEAVE WITH WAGES

Part I- Adults

Part II- Adolescents

Establishment :

Name of worker :

Department :

Father's Name :

Sl. No.	Sl. No. in the register of workers	Date of entry into service	Interruptions					Leave due with effect from	Whether leave not desired during the next 12 months	Date from which the worker is allowed leave	Wages for Leave Paid in	Discharged worker		Remarks
			Sickness and accidents	Authorized Leave	Lock Out or Legally Strike	In voluntary un employment	Others					Date of Discharge	Date and amount of payment made in lieu of leave due	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Note :- Separate page shall be allotted to each worker

Form X

(See rule-38)

REGISTER OF ACCIDENTS AND DANGEROUS OCCURRENCES

Name of Injured / Deceased person (if any)	Date of Accident or dangerous occurrence	Date of report to Inspector-cum-Facilitator	Nature of accident or dangerous occurrence	Date of return of injured Person to work	Number of days the injured Person was absent from work
1	2	3	4	5	6

Date of Inspection	Place
Dated at _____ this day of _____ 20____	Signature Employer, Occupier, Owner, Manager, Master Officer in-charge or Agents, owner of machinery and gear or the person, who by himself, his agents or his employers, carried on the establishment.

To

The Inspector-cum-Facilitator under the Occupational Safety, Health and Working Conditions Code, 2020.

PART-II**Improvement Notice**

Inspector-cum-Facilitator's notice to the Employer / Occupier / Owner / Master / Manager / Officer-in-charge or Agents / Owner of lifting appliances/ loose gears / lifting devices / or the person, who, by himself, his agents or his employers, carries on specified work in the Establishment / Factory / Dock, as the case may be.....

Name of the establishment / factory / dock / lifting appliances / loose gear/ lifting device / transport equipment / ladders and staging	Where situated / lying used / location	Port of Registry	Official No. / if any) of the ship

An inspection of the above-named Establishment / Factory / Dock / Ship / Lifting appliances / Loose gears / Lifting devices / Transport equipment / Ladders / stagings was made on

The following contraventions were observed. You are required to rectify the said contraventions and send the compliance report in writing within Days.

This notice is being issued without prejudice to any legal action which may be taken for these contraventions on hearing from you that the requirements have been complied with, the Establishment / Factory / Dock / Ship / Lifting appliances / Loose gears / Lifting devices / Transport equipment / Ladders / stagings will again be visited with a view to verify the extent of compliance.

Contraventions

- 1.
- 2.
3. Contd.

No. _____ Dated _____ this _____ day of _____ Requirements, on compliance with all or any of the requirements, the Inspector-cum-Facilitator should be informed in the manner prescribed overleaf of the date and place at which named Establishment/Factory/ Dock/ Ship/ Lifting appliances/Loose gears/ Lifting devices/ Transport equipment/ Ladders / stagings can be re-inspected.

The requirements noted by you have been effectively complied with. The Establishment / Factory / Dock / Ship / Lifting appliances / Loose gears / Lifting devices / Transport equipment/ Ladders / stagings will be ready for inspection on the date and place named below :

Date of Inspection	Place
Dated at _____ this day of _____ 20____	Signature Employer/ Occupier/ Owner/ Master/ Manage/ Officer in-charge or Agents, owner of machinery and gear or the person, who by himself, his agents or his employers, carried on specific work in the Establishment / Factory / Port.

Form XIV
{See rule-42(12)(e)}

CP (O) No. _____

Date _____

Certificate of Recognition as Competent Person

[Issued in pursuance of Section 2(1)(i) of the Occupational Safety, Health & Working Conditions Code, 2020 and the rules made thereunder]

The Chief Inspector-cum-Facilitator, A & N Islands in exercise of the power's conferred under Section 2(1)(i) of the of the Occupational Safety, Health & Working Conditions Code, 2020 and Rules made thereunder, hereby recognise*represented by**.....to be a competent person for the purpose of carrying out test, examination inspection and certifications for***. Used in factories subject to the conditions overleaf.

The jurisdiction extends all over Andaman & Nicobar Islands / is restricted to M/s.....

This certificate is valid from

Official Seal

Chief Inspector-cum-Facilitator, A & N Islands
Revalidation Details

From	To	Signature of authority
(1)	(2)	(3)

* Name of Institution

**Name of the Competent Person

*** (a) Building

(b) Hoists

(c) Lifts

(d) Chains

(e) Lifting Machines

(f) Ropes

(g) Lifting Tackles

(h) Pressure Plant

(i) Ventilation System

(j) Confined space ;

(k) Plants and equipments of dangerous processes as applicable.

This certificate is issued subject to the conditions stipulated hereunder

- (i) tests examinations and inspections shall be carried out in accordance with the provisions of the Code and the Rules made thereunder and that prescribed in National Standard.
- (ii) tests, examinations and inspections shall be carried out under direct supervision of the Competent person or by a person so authorised by an institution recognized to be a Competent Person;
- (iii) the Certificate of Competency issued in favour of a person shall stand cancelled if the person leave's the organization mentioned in this application ;
- (iv) the institution recognised as a Competent Person shall keep the Chief inspector-cum Facilitator informed of the names, designation and qualifications of the person authorised by it to carryout tests, examination and inspections ;
- (v) the Competent Person should be physically present at the time of testing and examination ;
- (vi) records of daily work done should be maintained in a log book incorporating therein the details regarding the date, the work done, observations made, directives given etc.;
- (vii) copies of examination on certificates in all cases where defects are noticed and repairs are ordered or any conditions imposed on its use are to be marked to the Inspector-cum- Facilitator concerned;
- (viii) application for renewal of certificate along with a brief account of work done during the period of validity of the certificate may be made at least one month before the certificate expires together with fees prescribed for the purposes ;
- (ix) this recognition is subject to constant review and liable to be cancelled if deficiencies come to notice.

7. Amount of Security Deposit : INR				(Transaction Id :)		
IV. DETAILS OF ESTABLISHMENTS FOR WHICH COMMON LICENCE REQUIRED, (IF APPLYING FOR)						
Type of Establishments	Name & Address of establishment	(i) Nature of work carried out in the establishment (ii) Activity as per National Ind'l classification	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed / proposed to be employed	Maximum number of employees employed / proposed to be employed
1	2	3	4	5	6	7
V. DETAILS OF ESTABLISHMENTS FOR WHICH SINGLE LICENCE IS REQUIRED (IF APPLYING FOR)						
Name of States in which the establishment are situated	Name of each work	Maximum number of labour will be / is employed	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed / proposed to be employed	Registration number, if obtained, then details thereof
1	2	3	4	5	6	7
Signature of Contractor						
(eSign / DSC)						
Note : This is an online application summary applied on Shram Suvidha Portal or designated Portal.						
APPLICATION FOR RENEWAL OF LICENCE						
1. Licence No.				Date :		
2. LIN & PAN						
3. Name and address of the establishment :						
4. Date of expiry of previous licence :						
5. Whether the licence of the employer / contractor was suspended or revoked :						
6. Details of Fees paid : (Enclose e-payment receipt) : Amount date of payment :						
E-sign / digital sign of the employer / contractor				date :		
APPLICATION FOR AMENDMENT OF LICENCE :						
1. Licence No.				Date :		
2. LIN & PAN						
3. Name and address of the establishment :						
4. Details for which amendment is sought :						
(a). Maximum number of worker presently employed : (If there is increase in the maximum number of workers to be employed, then additional fees / security deposit as per law needs to be deposited) :						
(b). Details of fees paid through e payment date on which made :						
(c). Other details requiring amendment in the licence issued (Necessary documents may be uploaded in support of change required)						

E-sign / digital sign of the employer / contractor

date of application.

Date

Place

Form XVII
(See rule-61)

EXPERIENCE CERTIFICATE OF CONTRACT EMPLOYEE

<u>To whom so ever concerned</u>
1. Name of contractor / employer* :
2. LIN / PAN No. of the contractor / employer * :
3. Email Id of the contractor / employer * :
4. Mobile No. of the contractor / employer*:
5. Nature and location of work :
6. Name of Principal Employer* :
7. LIN / PAN No. of the Principal Employer.*
8. Email Id of the Principal Employer :*
9. Mobile No. of the Principal Employer :*
10. Name of the worker*:
11. UAN / Aadhaar No.:
12. Mobile No.:
13. Serial Number in the Employee Register :
14. Registration number, date and name of the Board if the building and other construction worker is registered as a beneficiary :
15. Period of Employment :
16. Designation:
Seal and Signature of Contractor
* Please strike off whichever is not applicable.

9. That the Producer shall get the audio-visual worker insured for any injury or damage to his / her person including death caused by accident arising out of or in the course of his / her employment and / or during the period of his / her assignment under this agreement.
10. That where the Producer is prevented from proceeding with the production of the audio-visual by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control :-
 - (a) he shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the audio-visual worker and shall pay all his / her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in Clause I excluding the period of suspension there from ; or
 - (b) he shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on the audio-visual worker and make payment of all the amount due to the audio-visual worker at the time of termination.
11. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the audio-visual worker's duties or of his / her unwillingness to perform the services required under this agreement, the producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the audio-visual worker, the Producer shall be titled to employ another audio-visual worker in his / her place.
12. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the audio-visual worker in relation to performance of his / her duties or his / her unwillingness to perform the service required under the agreement, upon payment to the audio-visual worker of the amount due at the time of termination, calculated taking into consideration the audio-visual worker's total work in the audio-visual and the work he/she has completed till the date of termination of this agreement. Termination under this clause shall not be made unless the charges of the Producer against the audio-visual worker are proved before a forum comprising equal number of representatives of the Producers' Organisation and the audio-visual worker's Organisation to which the Producer and the audio-visual worker respectively may belong. The decision of the forum shall be binding on both the parties. The producer can engage another audio-visual worker for the job towards this agreement only after the forum has given a decision in favour of such termination and the audio-visual worker has been paid all his dues.
13. That in case of premature termination of this agreement, it shall be the option of the Producer whether or not to retain the work of the audio-visual worker in the audio-visual and at the same time, it shall be option of the audio-visual worker whether or not to allow his/her name to go on the credit titles of the film.
14. That the Producer shall have the right to decide the manner of representing the audio-visual worker's personality on the screen, his/her clothes, make-up and hair-style and the audio-visual worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the audio-visual worker and accepted by him / her.

22. That the Producer shall have the right to decide the manner of representing the audio-visual worker's personality on the screen, his / her clothes, make-up and hair-style and the audio-visual worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the audio-visual worker and accepted by him / her.
23. That the audio-visual worker agrees that he/she shall render his/her services to the best of his / her ability in such manner as the Producer or, at his instance, the Director of the audio-visual may direct and shall comply with all reasonable instructions that he may give for the production of the film.
24. That the audio-visual worker shall comply with all the regulations of the studio, location or work place as the case may be.
25. That the Producer shall not without the consent in writing of the audio-visual worker, assign or transfer the benefit of this agreement to any other person.
26. That the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 shall be applicable to this agreement.
27. That the Producer shall not utilize the work of the audio-visual worker in any film, other than the audio-visual under this agreement, without prior permission of the audio-visual worker.

The parties have put their hands to this agreement on the date, month and year said above in the presence of each other and in the presence of the witnesses.

- | | | |
|------------|---------------------|--------------|
| 1. Witness | Producer | Name Address |
| 2. Witness | audio-visual worker | Name Address |

FORM-XX
(See rule 69(3))
Licence

Licence No.

Fee Rs.

Registration No.

Licence is hereby granted to.....

Valid only for the premises described below for use as an industrial premises employing not more than employees on any one day during the year.....subject to the conditions specified in annexure.

The licence shall remain in force till the 31st day of March name of the industrial premises
 Situation of the industrial premises.

Permission is also granted for the installation of power-driven machinery.

Date :

Signature and seal of the competent authority

Renewal

Date of renewal	Fees paid for renewal	Date of expiry
(1)	(2)	(3)
1.		
2.		
3.		
4.		

Date :

Signature and seal of the competent authority

Annexure

This licence is subject to the following conditions :

1. The manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence.
2. The maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence.
3. Power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises.
4. Except with the prior permission in writing of the competent authority, the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made in any building on such premises.
5. The licence shall not be transferable.

5. Particulars of plants to be installed (Separate sheet where :
necessary be annexed)
6. (a) Number of persons proposed to be engaged :
Men :
Women :
(In case of extension, increase of number of persons due to :
extension and No. of persons engaged in existing portion be :
mentioned separately)
- (b) Amount of power proposed to be installed :
(The list of machines with K.W. rating of their prime movers be :
annexed. In case of extension, such list for existing portions :
and for extension be mentioned separately).
7. Proposed date of commencement of construction :
8. Particulars of no objection Certificate / Consent letter of :
Andaman & Nicobar Pollution Control Board / Local Authority. :
(Attested copy to be enclosed) :
9. Amount of fee paidChallan No.....Date..... :
Treasury / Bank Name..... :

Date.....

Place.....

(Signature of applicant)
With Seal

Note – This application shall be accompanied by the following documents

- (a) A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages.
- (b) Plans, induplicate, drawn to scale, showing
 - (i) the site of the factory and immediate surroundings including adjacent building and other structures, roads, drains, etc; and
 - (ii) the Plan elevation and necessary cross Sections of the various buildings, indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the plant and machinery, aisles and passage way ; and
- (c) Such other particulars as the Chief Inspector-cum-Facilitator may require.

(b) reference number and date of approval of the arrangements, if any, made for the disposal of trade waste and effluents and the note of the authority granting such approval :

11. Amount of fee Rs. (Rupees)

(i) Paid in Treasury on

(ii) Vide Challan No (enclosed).

Date

Signature of occupier

Date

Signature of Manager

Note - 1. This Form should be completed in block letter or typed.

- 2. If the power is not used at the time of filling up this Form, but is introduced later the fact should be communicated to the Chief Inspector-cum-Facilitator immediately.*
- 3. If any of the persons named against item 8 is minor the fact should be clearly stated.*
- 4. In the case of a factory, where under the proviso to Sub-sections (1) and (2) of Section 100, a person has been nominated as the occupier, information required in item 8 should be supplied only in respect of that person.*
- 5. In the case of a factory where a Managing Agent or Agents have been appointed as occupiers under the Indian Companies Act, 1913 (VII of 1913), information required in item 8 should be supplied only in respect of that person or persons.*

Form XXVI

[See sub-rule (11) of rule 76]

Registration and licence to work a factory

Registration No.....

Serial No.....

Fee Rs.

Licence is hereby granted to valid only for the premises described below for use as a factory employing not more than persons in any one day during the year and using motive power not exceedingH.P, subject to the provisions of the Occupational Safety, Health & Working Conditions Code, 2020 and the rules made thereunder.

This licence shall remain in force till the 31st day of December, 20..

Chief Inspector-cum-Facilitator, A & N Islands

The20.....

Description of the licensed premises

The licensed premises show Non Plan No. dated ; are situated in..... and consist of

Date of renewal	Date of expiry	Signature of Licensing Authority

FORM XXX
(See rule-47)
Self-Certification

Certified that I / We, Occupier / Manager of M/s.
situated at Dist. bearing Registration No. have complied
all the conditions prescribed by the A & N Administration for engagement of women workers during night shift
in my / our factory.

Certified further that no woman worker has been engaged in my / our factory during night shift without
her consent in writing.

I am / We are the authorised person(s) to submit the above declaration which is true to the best of my /
our knowledge and belief.

I / We understand and acknowledge that if any of the aforementioned facts or information is found to
be false, misleading or misrepresented, I / We shall be held liable for legal action as per applicable Acts and
Rules.

Signature of the Manager

Name :

Mobile No.

e-mail ID

Date :

Signature of the Occupier

Name :

Mobile No.

e-mail ID

Date :

- 7.2 Main and intermediate storages proposed for raw material / intermediates / products / Bye Products (maximum quantities to be stored at any time)
- 7.3 Transportation methods to be used for materials inflow and out flow, their quantities to be stored at any time ; and
8. Safety measures proposed for: • Handling of materials, • Internal and external transportation, and • Disposal (packing and forwarding of finished products).
9. Information on Dispersal / Disposal of wastes and pollutants ;
 - 9.1. Major Pollutants (gas, liquids, solid) their characteristics and quantities (average and at peakloads).
 - 9.2. Quality, And quantity of solid wastes generated, methods of their treatment and disposal.
 - 9.3. Air, Water and Soil Pollution problems anticipated and the proposed measures to control. The same, including treatment and disposal of effluents.
10. Process Hazards Information :
 - 10.1. Enclose a copy of the report on environmental impact assessment.
 - 10.2. Enclosed a copy of the report on Risk Assessment Study ; and
 - 10.3. Published (open or classified) reports if any, on accident situation / occupational health hazards or similar plants (within or outside the country).
11. Information of proposed Safety and Occupational Health Measure;
 - 11.1. Details of fire fighting facilities and minimum quantity of water carbon dioxide and other firefighting measures needed to meet the emergencies ;
 - 11.2. Details of in-house medical facilities Proposed.
12. Information on Emergency preparedness:
 - 12.1. On Site Emergency Plan ; and
 - 12.2. Proposed arrangements, if any for mutual aid scheme with the group of neighbouring factories.

I certify that the information furnished above is correct to the best of my knowledge and nothing has been concealed while furnishing it.

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Signature
Date
Designation