

UT Administration of Dadra & Nagar Haveli and Daman & Diu
Department of Labour & Employment
Daman

No. LE/DMN/BRAP-207/2020/410

Date : 22-10-2020

Read : Business Reforms Action Plan , 2020 (Point No. 207) issued by the Department for Promotion of Industry and Internal Trade & Industry, New Delhi,

ORDER

As a part of the Business Reforms Action Plan for 2020-21, the Department for Promotion of Industry and Internal Trade & Industry, Government of India has directed every State / Union Territory to introduce a provision for allowing the self-certification / third party certification instead of Department inspections under all the labour laws & the Factories Act, 1948 as reproduced here below :-

Reform 207: Allow self-certification / third party certification instead of Departmental inspections under all the labour laws and The Factories Act, 1948. Define the criteria for recognition of third-party agencies/individuals and publish a list on the Department/board portal

2. It is therefore ordered that the third-party certificate instead of Departmental inspections shall be allowed under all the labour laws and the Factories Act, 1948 by the following third-party agencies / individuals: -

- (1) Any third-party agency notified by the Government of India for third party certification instead of Departmental inspections under the labour laws / Factories Act, 1948
- (2) Any "Qualified Technical Person"

3. Third party certification / inspection shall be subject to the conditions specified as under: -

- (a) The employer can engage any third-party agency notified by the Government of India or "Qualified Technical Person" to get their Establishment inspected under the various provisions of the labour laws and the Factories Act, 1948.
- (b) The employer shall submit to the Department of Labour & Employment, Dadra & Nagar Haveli and Daman & Diu a certificate in the prescribed format from the third-party agency or so called "Qualified Technical Person" with regard to the inspection under the labour laws and the Factories Act, 1948 every year.

(c) The "Qualified Technical Person" in respect of inspection under the Factories Act, 1948 shall be a person having the qualifications and experience, namely: -

- a. A degree in Mechanical or Production or Power Plant or Metallurgical Engineering from a recognized university or equivalent; and
- b. Ten years' experience in a managerial capacity in the design, construction, erection, operation, testing, repair, maintenance, or inspection of boilers or in the implementation of the Boilers Act, 1923 and rules and regulations framed thereunder;

(d) The "Qualified Technical Person" in respect of inspection under the various labour laws shall be a person having the qualifications and experience, namely:

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- (i) Degree in Commerce or Degree with Economics / Sociology / Social Work as one of the subjects from a recognized university;
- (ii) Post-Graduate Degree / Diploma in Law / Labour Relations / Labour Welfare / Labour Laws / Personnel Management or any other allied subject relating to Labour from a recognized University / Institution;
- (iii) Ten years' experience in labour laws, labour welfare, labour relations or personnel management in an industrial organization or a Government Establishment.

Explanation: "Recognised University or equivalent" means a Central or State funded University or institution, Engineering College approved by All India Council for Technical Education, Private or Deemed University approved by the University Grants Commissioner",

"Annual certificate from "Third Party Agency / Qualified Technical Person"

A. Registry number of Establishment:

B. Name, address, Telephone No., Mobile No. and e-mail address of Establishment:



C. Name, address, Telephone No., Mobile No. and e-mail address of "Qualified Technical Person" certifying the compliance of inspections of the Establishment under the various labour laws / Factories Act :

D. List of laws covered:

E. Certificate of Third Party Agency / "Qualified Technical Person"

I have inspected above Establishment / Factory on _____ at the request of Employer as required under Order No.: _____ dated _____ of Department of Labour & Employment, UT Administration of Dadra & Nagar Haveli and Daman & Diu and I hereby certify that the Factory / Establishment complying with all the provisions of the above mentioned labour laws / Factories Act, 1948 for the calendar year _____.

Signature of Third-Party Agency /
"Qualified Technical Person"

Signature of Employer / Owner

Date :

Place :

4. It will be responsibility of the owner / Employer of the Establishment to run and maintain it as per provisions of the labour laws, Factory Act, 1948 and Boilers Act, 1923 and regulations and rules framed under the Act and owner / Employer shall also be responsible for any violation of the provisions.

5. The "Qualified Technical Person" shall follow the provisions Labour laws, Factory Act, 1948 and Boilers Act, 1923 and regulations and rules framed under the Act and shall be liable and responsible for any act or omission or commission committed against the provision of said Acts, rules & regulations.



6. If the Employer / Owner of Factory violates any provision of the Labour laws, Factory Act, 1948 and Boilers Act, 1923 and regulations and rules framed under the Act, in addition to penal provisions under the respective Acts, a penalty of Rs. 5000 shall be imposed on him. For any subsequent offence, besides penalty of Rs. 5000, penalty of Rs. 500/- per day shall be additionally imposed and/ or restriction can be imposed as deemed fit. The Addl. Labour Commissioner, DNH / Daman / Diu shall be competent to impose the penalty or stop the functioning of the Factory / Establishment. The owner may file an appeal with the Labour Commissioner within 30 days of the order passed by the Addl. Labour Commissioner whose orders shall be final.



(Danish Ashraf, IAS)
Secretary (Labour)
DNH & DD

To,
The President, Industrial Associations, DNH & DD

Copy to :-

- (1) The Addl. Commissioner (Labour), DNH / Daman / Diu
- (2) The Chief Inspector of Factories & Boilers, DNH & DD
- (3) The General Manager, DIC, DNH / DD