## कार्यालय आदेश

मुख्य सचिव, महोदय उत्तराखण्ड शासन की अध्यक्षता में हुई बैठक दिनांक 24 दिसम्बर, 2018 में मुख्य सचिव महोदय द्वारा दिये गये निर्देशों के क्रम में आदेशित किया जा रहा है कि संयुक्त निरीक्षण जो वर्तमान में सहायक निदेशक कारखाना एवं श्रम प्रवर्तन अधिकारियों द्वारा किये जा रहे हैं, के संबंध में निरीक्षणकर्ता अधिकारीगण यह सुनिश्चित कर लें कि संयुक्त निरीक्षण की तिथि को सभी नामित निरीक्षणकर्ता अधिकारी द्वारा संयुक्त रूप से ही निरीक्षण किये जाए। एकल निरीक्षण किसी भी परिस्थिति में न किये जाए। उक्त प्रक्रिया में किसी प्रकार की शिथिलता मान्य नहीं होंगी।

यह भी निर्देशित किया जा रहा है कि निरीक्षण (Labour Portal से व Central Inspections System से) हेतु जो Checklist उपलब्ध कराई जा रही है (संलग्न), के अतिरिक्त (शिकायत आधारित निरीक्षणों को छोड़कर) अन्य किसी अधिनियम/बिन्दु में निरीक्षण न किया जाए।

यह आदेश तत्काल प्रभावी होंगे।

(अनिल पेटवाल) श्रम आयुक्त (कार्यवाहक) उत्तराखण्ड, हल्द्वानी।

कार्यालयः श्रम आयुक्त, उत्तराखण्ड, श्रम भवन, नैनीताल रोड, हल्द्वानी।

संख्या : | ७७२ /मु0-प्रवर्तन / 2019

दिनांक : ४२ | ० उ | २ । १

प्रतिलिपि निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित 1- निजी सचिव, मुख्य सचिव उत्तराखण्ड को मुख्य सचिव महोदय के संज्ञान में लाये जाने हेत्।

- 2- सचिव श्रम, उत्तराखण्ड शासन, सचिवालय, देहरादून।
- 3— संयुक्त श्रम आयुक्त उत्तराखण्ड।
- 4- उप निदेशक कारखाना / ब्वायलर, उत्तराखण्ड, हल्द्वानी।
- 5— समस्त उप श्रम आयुक्त / सहायक श्रम आयुक्त, उत्तराखण्ड।
- 6— सहायक निदेशक, कारखाना / ब्वायलर, उत्तराखण्ड, देहरादून।
- त— समस्त श्रम प्रवर्तन अधिकारी, उत्तराखण्ड।
- मैसर्स मार्ग सॉफ्टवेयर सोल्यूशन को इस निदेश के साथ प्रेषित की वे संयुक्त निरीक्षण की सूची अपलोड करते समय निरीक्षण की तिथि आवश्यक रूप से सूची में उल्लिखित करना सुनिश्चित करें।

(अनिल पेटवाल) श्रम आयुक्त (कार्यवाहक) उत्तराखण्ड, हल्द्वानी।

# Joint Inspection \_ Procedural Flow

Start

Computerized allocation of the establishments to the concerned inspectors on the basis of risk assessment of the establishments/factory (first week of every month)

Joint Synchronized visit of the Inspectors to the Establishments if applicable

Same Inspector will not inspect an Establishment/Shop twice consecutively

Inspector informs about his visit atleast prior 7 days for Inspection of the Establishment/Shop

During Inspection, Verification of the records and if found any discrepancies, evidence to be uploaded Online

Officials login to Departmental Portal and populate the Online Joint Inspection Checklist for their respective areas.

Online submission/uploading of the report by all the inspectors visiting within 48 hours

Employer /representative to login uklabouracts.in through their credntials

Establishment can access inspection report online and download the same

Stop

## Consolidated Checklist for Inspection Department of Labour, Government of Uttarakhand

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Registration / License Number.....

The following establishment is found to be:

(a) Operational (b) Non- operational (c) Closed

Names and addresses of the Inspectors having jurisdiction in English/Hindi/local language. .....

#### Single Integrated Return

Single Integrated return for the year ending ......was not submitted in the prescribed format. [ in accordance with Notification No. 1737 (1) / VIII / 31 (Labour) / 2015 ]

### 1.Contract Labour (R&A) Act, 1970 & Uttarakhand Rules, 1972

The notice showing the following were not displayed/amended in conspicuous places at the establishment.[Breach of Rules 81(1)(i).]

The Rate of Wages in English/Hindi/local language and The Hours of Work in English/Hindi/local language. .....

The date of Payment in English/Hindi/local language.....

The Wage period in English/Hindi/local language. .....

Date of payment of un-paid wages in English/Hindi/local language. .....

A copy each of the notice displayed has not been sent to the Inspectors required/ the changes in the notices displayed have not been sent to the Inspectors required. [Breach of Rules(2).]

The Principal Employer/Contractor failed to ensure the presence of his authorized representative at the place and time of disbursement of wages to workmen by the Contractor.[Breach of Rule 72.].

### a. Contract Labour (R&A) Act, 1970 & Uttarakhand Rules, 1972 ( PRINCIPAL EMPLOYER )

The Following Changes in respect of particulars specified in the Certificate of Registration have not been intimated at all/with the prescribed time limit to the Registering Officer. [Breach of Rule18(4).]

Failed to intimate the date of commencement/completion in respect of the contractors engaged within 15 days of the commencement/completion of the work in Form VI B to the Inspectors.[Breach of Rule 81(3)]

Authorized representative of the Principal Employer has not recorded a Certificate under his signature as required under Rule, 72.[Breach of Rule, 73.].

Register of contractor sin FormXII has been maintained at all/correctly. [Breach of Rule74.].

The following registers and records to be maintained under the Act or the Rules were not produced on demand, [Breach of Rule 80(4)].

The Appropriate Government i.e. Central Government by gazette notification No....... has prohibited the employment of contract labour in the ......work in the establishment of ......the contract labour has still been engaged in that work in that establishment. [Breach of Section 10]

The Principal Employer failed to furnish the following statistics in relation to contract Labour through the some was called for.[Breach of Rule 83(1) read with Section 24 of the Act.]

Exact No. of Contractors.....

Exact No. of Contract Workers.....

Exact No. of Staff/ Officers Strength(Male/Female) in the roll of the company .....

Copy of the registration .....

Obstructions were created in discharge of duties by the inspector/ Refusal or wilfully neglect were done to afforded the inspector areas on able facility for making inspection, examination, inquiry or investigation.[Breach of Section 22.]

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Notices Showing wage period and the place and time of disbursement of wages haven been displayed at the work place and a copy of the said notices has been sent to Principal Employer under acknowledgement.[Breach of Rule,71.]

Copy of license has not been displayed at the place of work.[Breach of Rule,25(2)] read with condition of License(IX).]
Intimation about the Commencement/Completion of contract work has not been submitted to the Inspector in Form VI-A within 15 days.[Breach of Rule,25(2)(vii).]

An abstract of Act & Rules in the Form approved by the Commissioner of labour has not been displayed in English/Hindi and in the local language.[Breach of Rule,79.].

Contractors has not ensured the payment of wages to the contract labour before the expiry of 7th/10th day, after last day of the wage period in respect of which the wages are payable. i.e.............................. [Breach of Rules 65.]

Register of person employed in Form XIII has not been maintained at all/correctly[Breach of Rule,75 read with Rule,80(1).]Following Registered have not been maintained at all/correctly.[Breach of Rule 78]

Master Roll in Form XVI

Register of Wages in Form XVII.

Register of wages-cum-Master Roll in form XVIII of the wage period is fortnight or less.

Register of deduction for damage and loss in Form XX.

Register of fine in form XXI

Register of advance in Form XXVI.

Register Over time in Form XXIII. Contractor has not obtained the signature or thumb impression of the worker concerned against the entire relating to the month, the Registered of wages or Muster Roll cum-Wages Register.[Breach of Rule 78(2)(c).]

Contractor has not ensured the authentication of entries in Register of Wages or Muster Roll-cum-wage Register by way of the initials of the contractor or his authorized representative[Breach of Rule 78(2)(c).]

Welfare facilities regarding whole some drinking water, Latrine and Urinal sand washing facilities has not been provided.[Breach Sec.18 Read with Rule,40 & 51 to 57.]

The contractors did not provide crèche facility though 20 or more women are employed as contract labour.[Breach of Rule 25(2)(vi)]

The contractor failed to provide canteen facility though 100 or more contract labours are employed in the establishment in which the work is likely to continue for six months or more within 15 days of the commencement of the employment.[Breach of Rule 42.]

The contractor failed to provide rest-rooms to contract labours who are required to work halt at night in connection with working of the establishment and the employment of migrant workman is likely to continue for three months or more within 15 days of the commencement of employment in the establishment.[Breach of Rule 41.]

First Aid facilities have not been provided as par specification laid down under Rule 59 [Breach of Section 19 read With Rules,58 to 61.]

Contractor has not issued Employment Card in Form XIV to each worker within three days of his employment.[Breach of Rule,76(i).]

Employment Card has not been maintained up to date and change in particulars etc. has no been entered therein.[Breach of Rule,76(ii).]

Contractor has not adhered to service conditions specified by Labour Commissioner issued under Rule 25. Specify the clauses violated:.....

The contractor has not issued service certificate in Form XV to the Workman whose services have been terminated.[Breach of Rule77.]

Wage slips in Form XIX is not being issued to the workmen at least a day prior to the disbursement of wages at though wage period is more than a week, [Breach of Rule, 78(2)(b).]

Obstructions were created in discharge of duties by the inspector/Refusal or will fully neglect were done to afford the inspectors are as on able facility for making inspection, examination, inquiry or investigation.[Breach of Section 22.] Details of personnel resigned/ retired/ died/ disable during the last 3 years. their gratuity entitlement and amount of gratuity paid to them with date as per their entitlement was not provided on demand.[Breach of Section 7 B(a).]

### 3.Equal Remuneration Act, 1976 & Central Rules, 1989

The register in Form'D' has not been maintained at all. [Breach of section 8 read with Rule 6]

The following workers was/ were paid remuneration at less rates as compared to the rates paid to workers of opposite sex for performing the same work or work of similar nature. The difference in wages as details should be paid immediately to the concerned person.[Breach of section4(1)].

The rates of remuneration of the following workmen has been reduced with effect from to equate them with the workmen of opposite sex. This should be restored forth with the difference paid back to the concerned workmen.[Breach of section4(2).]

The following cases, the workmen/workers are discriminated against while making recruitment. [Breach of Section 5.]

Details of the salary with component in respect of all employees not produced on demand.[Breach of Section9(2)(b)]

### 4.Minimum Wages Act, 1948& Uttarakhand Rules, 1951

The Following notices were not displayed at the main entrance of the establishment and at its office:-[Breach of Rule 22](I)

The Abstract of the Act and Rules made there under in Hindi/local language was not displayed at the main entrances of the establishment and in its office.[Breach of Rule 22](2).

In the cases detailed below the wages were paid after the expiry of the statutory time limit [Breach of Rules(21) (1)].

Notice containing minimum rates of Wages in Hindi and in local language.

In the cases detailed below, the workers have not yet received their wages though the statutory time limit has expired [Breach of Rule 21.](I) (a)(b)

The persons noted below were paid their wages at a rate less than the minimum rate of wages fixed for their respective categories [Breach of Section 12.]-(I)

The employees were paid their wages on ...... which was a holiday, [Breach of Rule 21.]-(I) (iv)

Weekly day of rest was not allowed and overtime wages not paid for rest day the following employees [Breach of Rule23.]-(I)

Wages were not paid for the weekly rest days/substituted rest day in the cases detailed below:,[Breach of Rule 23.]-(2)

In the following cases worker were employed in [Breach of Rule 24]-(I)

In the following cases overtime wages were not paid in accordance with Rule 25. [Breach of Rule25]-(I)

Master roll in Form V is not maintained data II/ correctly and kept at the work spot .[Breach of rule 26 (5).]

Attendance of each person employed in the establishment is not recorded daily in that Form with 3 hours of the commencement of work shift.[Breach of Rule 26 (5)]

Register of wages in Form is not maintained at all / correctly[Breach of Rule 26(1).]

Register of Over time in form IV is not maintained at all/correctly.[Breach of Rule 21(4).]

Register of fine in form I is not maintain at all/ correctly.[Breach of Rule 21(4).]

Register of deduction for damager loss in Form II is not maintained at all/ correctly.[Breach of Rules 21 (4).]

Acquaintance of employees have not obtained on wage register.[Breach of Rule 26(3).

Entries in the wages register have not been authentication by the employer or any person authorized by him. [Breach of Rule 26(4).]

Service Certificate in From -XI V has not been given in case of termination of employment [Breach of Rule-26(5-B) read with sec.18(1) of Minimum Wages Act, 1948].

In the following cases of deduction were made un authorized. [Breach of Rule 21(2) and Rule 21(4)]

Wage slips in form XI are not issued by the employer at least a day prior disbursement of wages. [Breach of Rule 26(2).]

Identity card of employees in From- XIII has not been given [Breach of Rule-26 (5-A) read with sec.18(1) of Minimum Wages Act, 1948].

## 5.Payment Of Bonus Act, 1965 & Central Rules, 1975

Register showing computation of allocable surplus is not at all maintained/not kept in form 'A' as the column. No.............. are missing.[Breach of Rule4(a).]

Register showing set on and set off is not at all maintained/not at all maintained/not kept in form'B'as column. No .....are missing.[Breach of rule4(b)]

Register showing payment of bonus to employees for the accounting year ending on ...... is not at all maintained/not kept in form'C'as column. No...... are missing.[Breach of Rule4(c)]

The employees noted below were paid less than proportionate bonus.[Breach of section13]

Customary/Interim bonus has not been adjusted properly in the following cases.[Breach of sec17]

The following employees has not been paid bonus for the accounting year[Breach of section 8]

Employees have not to been paid bonus though the statutory time limit under section 19(a)19(b) has expired.[breach of section 19(a)19(b)]

In the following cases bonus was paid after the expiry of the statuary time limit as provided.[Breach of secction19(a)(b)]

Working days have not been correctly computed for the A/C year in as much as account has not been taken of the following days, in the case detailed below[Breach of sec 14]

Accounting year was changed without previous permission in writing of the authority.[breach of sec.2(1)(iii)(b).]

The details of computation of bonus was not furnished on demand through the same was called for each of section 27(2).

The following books, accounts, registers, documents were not produced during the course of inspection ,even through the in-production was demanded.[breach of section27(4)]

### 6.Payment of Gratuity Act, 1972 & Uttarakhand and Rules, 1972

The notice in English and in Hindi and local language understood by majority of employees showing in bold letters the name of the officer, with designation, authorized by the employer to receive on his behalf under the Act or the Rules. has not been displayed on spaciously at or near the main entrance of the establishment.[Breach of Rules4(IO.] Fresh notice required to be displayed in lieu of illegible notice / notice required change has not been displayed-[Breach of Rule4 (2).]

Notice of opening of the establishment in Form "A" has not submitted to the controlling authority of the area, though statutory time limit of 30 days has already expired-[Breach of Rules3(I).]

Notice of change in form "B" intimating the change in the name & address of employer or business has not been submitted to the Controlling authority of the area even though a period of 30 days has expired -[Breach Of Rule3(2)]

Notice of Closure in Form "C" intimating the intention of closure of the business has not been submitted to the controlling authority at least sixty days before the closure.[Breach Of Rule3(3)]

An Abstract of the Act & Rules in Form "U" has not been displayed at a conspicuous place at or near the main entrance of the establishment in English & Hindi -[Breach of Rule 20.]

In the following cases, duplicate copy of the nomination in form "F" duly attested by the employer (As token of the recording of the nomination) has not been returned to employee-[Breach of Rule6(2).]

Details of personnel resigned/ retired/died/ disable during the last 3 years, their gratuity entitlement and amount of gratuity paid to them with date as per their entitlement was not provided on demand.[Breach of Section7B(a).]

In the following cases, the employer failed to determine the amount of gratuity and give notice in writing to the persons to whom gratuity is payable and also to the controlling authority -[Breach of Sec.7(2).]

In the following cases, the employer has failed to issue notice in form "L"/ Form "M" as the cases may be to the applicant employee within 15 days of receipt of application endorsing copy to the controlling Authority - [Breach of Rule b(1).]

In the following case the amount of gratuity paid to the person falls short by the sum indicated below against each person -[Breach of Sec . 4(2).]

There was delay in paying the gratuity to the following personnel and owing to this interest admissible was not paid to the following officials/ officers[Breach of Section 7(3A)]

### 7.Payment of Wages Act, 1936

The abstract of the Act & Rules made there under in Form V in English & in Hindi or in the language under stood by majority of persons was not displayed. [Breach of Rule 22 read with Sec. 25 of payment of wagesAct1936]

The wages to the employed person were not paid before the expiry of 7th/10th day after last day of the wage period in respect of which the wages are payable [Breach of section5.]

The under mentioned employees have not been paid their wages so far even though the statutory time limit has expired [Breach of Sec.5.]

- (a) Not maintained in prescribed form.[Breach of Section13-A(1)]
- (b) Not preserved for 3year [Breach of section13-A(2)]
- (c) Not produced on demand [Breach of Section14(4)(d)]

In the Register of Fines.

- (a) List of Acts and Omissions not entered at the beginning [Breach of Rule3(2)]
- (b) The approved purpose on which fines fund may be expended not entered at the beginning[Breach of Rule3(3)]

In the cases detailed below, fines were imposed unauthorised [Breach of Section8-(I) of the Act read with Rule13.]

In the cases detailed below, deductions for damage or loss were made unauthorised. [Breach of Section 10(1) of the Act Read with Rule14

In the following cases, recovery of advance made before employment unauthorised. [Breach of Section12(a)and12(b) read with Rule17]

In the following cases unauthorised deductions were made from the wages of employee [Breach of Section9/11/12A/13.]

### 8.Shops and Establishments Act

Whether the establishment is registered under the Act (Related to section 6 and Rule3(1) of Rules).

Whether registration certificate was displayed as per rule3(b).

Whether the details furnished in form-I and Form IV was incorrect. This is punishable under Rule-8.

Whether any change has occurred in information furnished in Registration Certificate.

Whether ownership of establishment has under gone a change. If yes then whether as per rule.

Whether the establishment has been found closed. If yes then whether the information of closure of establishment in FormV, as prescribed under Rule 9, was given or not?

Whether the registration certificate was amended as per rule10.

Whether establishment was open before 8 am/after 10pm. Which is violation of Sec. 7.

Whether goods were beings old before opening and after closing hours. This is violation of Section 8.

Whether the days of weekly holiday of workers was displayed in form VII. If not then, it is violation of Rule 12.

Whether the working hours of employees was displayed in form VIII. If not then this is violation of Rule13.

Whether the desired information pertaining to all working employees in form VII and VIII was displayed. If not then this is violation of Rule 12 and 13.

Whether the required notices as per Rule 32 were displayed in legible form at the main entrance of the establishment.

Whether the employees working in establishment are given holidays as per details furnished in form VII are being followed. This is violation of Rule12.

Whether all the employees working in establishment been given service card as per section 12(B) and Rule 12(A).

Whether employees having less than 14 years of age were found working. This is violation of Section 13.

Whether any child/adolescent/women was working before 8am or after 10 pm at night which is violation of section 14.

Whether workers working in the establishment who work as entitled inform VIII works as made to work at a time which are as not their hour of work. Whether the workers have separated that they are made to work continuous by for five hour able in total forest which is violation of section 10.

Following employees are not being paid wages and overtime wages which is violation of section 21/23.

Inspection book was not kept as per rule29. Not produced when demanded which is violation of Sec33(1)33(2).

As provided by Act and rules following registers were not maintained. Not produced when demanded which is violation of section 33(1)33(2)

(a) Leave with wages register in Form IX as per rule14.

(b) Register of wages and overtime payment in form X as per rule 17.

(c) Register of fines and deductions in FormXI as per Rule19.

Sufficient provision was not made for safe and clean drinking water and place of water distribution was not clean which is (Breach of Rule36.).

### 9.Maternity Benefit Act, 1961

The Abstract of the Act & Maternity Benefit Rules is not found displayed in English & Hindi [.Breach of Rule 15 read with Section 19.].

Muster Roll in Form A is not maintained/ Produced for inspection as required. [Breach of Rule 3 & sec .20]

Nursing breaks have not been given to the following women workers as per Section 11- [Breach of Rule 6.]

leave for miscarriage has not been given to the following women workers[Breach of Sec 9.1

Leave for illness has not been given to the following women workers[Breach of Sect 10.]

Payment of maternity benefit has not been given to the following women workers [Breach of Sec7.]

Payment of medical bonus has not been paid to the following women workers.[Breach of Sec 8]

Failed to produce register or document in his custody kept in pursuance of this Act or the rules made there under or conceals or prevents any person from appearing before or being examined by the Inspector. [Breach of Section 22].

### 10.Labour Welfare Fund Act

Shortfall of compliances as provided in format 1 of Uttarakhand Labour welfare commissioner and Labour commissioner have been provided.

Wages register is not being maintained as per format.

Penalty collected quarterly details of penalty collected has not been provided as per section 3.

### 11.Factory Act, 1948

Manufacturing Activity .....

Whether Maps of the Factory are sanctioned & no changes has been made after sanction under the Section-6 of the Factory Act & Rule-3 of the Uttarakhand Factory Rule.

Whether the Factory Licence is renewed under the Section-6 of the Factory Act & Rule-9 of the Uttarakhand Factory Rule & the number of workers employed in the Factory are in accordance with the same.

In relation to ensure the security of the workers working in the Factory, whether the arrangements of security in the workplace, Supervision, awareness & training to the workers for working in the above place are provided according the Section 7A of the Factory Act.

Whether the security cover/fencing are fixed in the Transmission Machinery installed in Factory according to the Section-21 of the Factory Act

Hoist & Lift installed in the Factory is according to the quality & whether arrangements of the security to safe use of these e equipment's are according to the section-28 of the Factory Act.

Lifting machines, Chains, Ropes & Lifting Tackles installed in the Factory is according to the quality & whether arrangements of the security to safe use of these e equipment's are according to the section-29(1) of the Factory Act.

Whether to estimate the weight capacity & quality of the Hoist, Lift, Lifting Machine, Chains, Ropes & Lifting Tackles is inspected through the Competent person, appointed by the Chief Inspector of Factories & records are being maintained according to the Section-29, Rule-55 of the Factory Act in above reference.

Revolving Machine installed in the Factory by which grinding work is done, whether information about the spindle speed, peripheral speed of the grinding wheel is indicated according to Section-30 of the Factory Act.

Whether all such pressure vessels installed in the Factory that works above atmospheric pressure are certified & their Hydraulic test is being carried out by the competent person every 2 years of interval under Section-31 & Rule-56 of Uttarakhand Factory Rule.

Whether Safety Valve for safe working pressure is working fine for all such pressure vessels installed in the Factory that works above atmospheric pressure & condition of pressure gauge installation is being estimated according to the Section-31(1) & whether air circulation around the pressure vessel is equal or not.

Whether inspection of all such pressure vessels installed in the Factory that works above atmospheric pressure are carried out by the competent person every 6 months interval under Section-31(2) & Rule-56 of Uttarakhand Factory Rule.

Whether condition of the passages for safe transportation of material, equipment to all the workplaces & gangways for marching the workers is being used according to the Section-32(a) of the Factory Act.

Whether arrangements of hand railing stairs to reach all the workplaces located at height in the Factory & to come out from these places safely in the emergency period is done according to the Section-32(b) of the Factory Act.

Whether fencing is installed to the platform located at height in the Factory according to the Section-32(c) thereby worker cannot fallen down from the height.

All the floor of the places whether it is located at ground or at height cover is imposed on pits, sumps & Floor openings according to the Section-33 of the Factory Act.

To move the load from one place to another place in the Factory by the workers itself, whether lifted weight is according to the Section-34 of the Factory Act & Rule-57 of the Uttarakhand Factory Rule.

Such manufacturing activities is carried out in the Factory during which dust or small particles are emissioned & spread out or such activities in which eyes of the worker is compel to face excessive light whether eyes face shield & glasses are provided to the workers to ensure the safety of the workers according to the Section-35 of the Factory Act.

For Evictions of Hazardous Fumes or Gasses exist in any chamber, Tank, vat, Pit, Pipe & narrow work area of the Factory, suitable size of main holes or effective means are present as per Section-36 of Factory Act.

Certificate has been issued by the competent person to the Factory with this effect that there is no existence of inflammable fumes & gasses thereafter according to the Section- 36(2) of the Factory Act in the said workplaces by providing the compatible breathing operators to the worker & tied the belt in workers waist whose one side is holded by the other workers from outside, work is being conducted.