

The Code on Social Security, 2020

Section 122 - Appointment of Inspector-cum-Facilitators and their powers

- (1) The Central Government for the purposes of Chapter III and Chapter IV and for the provisions in this Code relating to those Chapters, and the appropriate Government for the purposes of other provisions of this Code, may, by notification, appoint Inspector-cum-Facilitators who shall discharge his duties under this Code and exercise the powers conferred on them under sub-section (6) in accordance with the inspection scheme referred to in sub-section (2).
- (2) The Central Government for the purposes of Chapter III and Chapter IV and for the provisions in this Code relating to those Chapters and the appropriate Government in respect of other provisions of this Code, may, by notification, lay down an inspection scheme which may provide for generation of a web-based inspection and calling of information relating to the inspection under this Code electronically and such scheme shall, inter alia, have provisions to cater to special circumstances for assigning inspections and calling for information from the establishment or any other person.
- (3) Without prejudice to the provisions of sub-section (2), the Central Government for the purposes of Chapter III and Chapter IV and the other provisions in this Code relating to those Chapters and the appropriate Government in relation to other provisions of this Code, may, by notification, confer such jurisdiction of randomised selection of inspection for the purposes of this Code, to the Inspector-cum-Facilitators as may be specified in such notification.
- (4) Without prejudice to the powers of the Central Government or the appropriate Government, as the case may be, under this section, the inspection scheme may be designed taking into account, inter alia, the following factors, namely:
- (a) assignment of unique number to each establishment (which will be same as the registration number allotted to that establishment), each Inspector-cum-Facilitator and each inspection in such manner as may be notified for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code, by the appropriate Government;
 - (b) timely uploading of inspection reports in such manner and subject to such conditions as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code, by the appropriate Government;
 - (c) provisions for special inspections based on such parameters as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code, by the appropriate Government; and
 - (d) the characteristics of employment relationships, the nature of work and characteristics of the workplaces based on such parameters as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code, by the appropriate Government.
- (5) The Inspector-cum-Facilitator may
- (a) advise the employers and employees relating to compliance with the provisions of this Code; and
 - (b) inspect the establishments as assigned to him under the provisions of this Code, subject to the instructions or guidelines issued by the appropriate Government from time to time.
- (6) Subject to the provisions of sub-section (4), the Inspector-cum-Facilitator may,
- (a) examine any person who is found in any premises of the establishment, whom the Inspector-cum-Facilitator has reasonable cause to believe, is an employee of the establishment;
 - (b) require any person whom the Inspector-cum-Facilitator has reasonable cause to believe, is an employer of the establishment, to produce any document or to give any information, which is in his power with respect to any of the purposes for which the inspection is made;

- (c) search, seize or take copies of such register, record of wages or notices or portions thereof as the Inspector-cum-Facilitator may consider relevant in respect of an offence under this Code and which the Inspector-cum-Facilitator has reason to believe has been committed by the employer;
 - (d) bring to the notice of the appropriate Government defects or abuses not covered by any law for the time being in force; and
 - (e) exercise such other powers as may be prescribed by the appropriate Government.
- (7) Any person required to produce any document or to give any information required by an Inspector-cum-Facilitator for the purposes of sub-section (6) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code (45 of 1860).
- (8) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to the search or seizure for the purposes of sub-section (6), as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.

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