

Factories (Maharashtra Amendment) Act, 2015

40 of 2015

[02 December 2015]

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An Act further to amend the Factories Act, 1948, in its application to the State of Maharashtra.

WHEREAS it is expedient further to amend the Factories Act, 1948, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Act may be called the Factories (Maharashtra Amendment) Act, 2015.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2 of 63 of 1948 :-

In section 2 of the Factories Act, 1948, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in clause (m),-

(a) in sub-clause (i), after the words "whereon ten or more workers" the words "or such number of workers as may be specified by the State Government by notification, from time to time" shall be inserted ;

(b) in sub-clause (ii), after the words "whereon twenty or more workers" the words "or such number of workers as may be specified by the State Government by notification, from time to time" shall be inserted ;

(c) after sub-clause (ii), the following proviso shall be inserted, namely :-

" Provided that, the number of workers to be specified by the State Government in sub-clauses (i) and (ii) shall not exceed twenty and forty workers, respectively."

3. Amendment of section 65 of 63 of 1948 :-

In section 65 of the principal Act,-

(a) for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) On such terms and conditions as may be prescribed, any or all of the adult male workers in any factory or group or class or description of factories may be exempted from any or all of the provisions of sections 51, 52, 54 and 56 on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.";

(b) in sub-section (3), in clause (iv), for the words "shall not exceed seventy-five" the words "shall not exceed one hundred and fifteen" shall be substituted.

4. Amendment of section 66 of 63 of 1948 :-

In section 66 of the principal Act, in sub-section (1), in clause (b), for the existing proviso, the following proviso shall be substituted, namely :-

" Provided that, the women workers may be required or allowed to work even between the hours of 7.00 p.m. and 6.00 a.m. in any factory in which adequate safety and security measures or safeguards as may be prescribed are provided;"

5. Amendment of section 79 of 63 of 1948 :-

In section 79 of the principal Act, in sub-section (1),-

(a) for the figures and word " 240 days " the figures and word " 90

days " shall be substituted;

(b) in Explanation 1, for the figures and word " 240 days " the figures and word " 90 days " shall be substituted.

6. Amendment of section 85 of 63 of 1948 :-

In section 85 of the principal Act, in sub-section (1), in clause (i),-
(a) after the words " less than ten " the words " or such number of workers as may be specified by the State Government under sub-clause (i) of clause (m) of section 2" shall be inserted;

(b) after the words " less than twenty " the words " or such number of workers as may be specified by the State Government under subclause (ii) of clause (m) of section 2, " shall be inserted.

7. Insertion of section 92A in 63 of 1948 :-

After section 92 of the principal Act, the following section shall be inserted, namely :-

" 92A. Compounding of certain offences.

(1) The State Government may, by notification in the Official Gazette, prescribe in respect of the offences specified in the Fourth Schedule, which may before the institution of the prosecution, be compounded by such officer not below the rank of Deputy Chief Inspector of Factories and for such amount as may be prescribed but the amount of fine shall not be more than the fine prescribed under section 92 : Provided that, the State Government may, by notification in the Official Gazette, amend the Fourth Schedule by way of addition, omission or variation of any offence specified in the said Schedule.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence."

8. Amendment of section 105 of 63 of 1948 :-

In section 105 of the principal Act, in sub-section (1), for the words " an Inspector " the words " the Chief Inspector " shall be substituted.

9. Addition of FOURTH SCHEDULE to 63 of 1948 :-

After the THIRD SCHEDULE appended to the principal Act, the following SCHEDULE shall be added, namely :-

THE FOURTH SCHEDULE
(See section 92A)
List of Compoundable Offences

Serial number	Section and rules framed thereunder and orders issued thereunder	Nature of offence
(1)	(2)	(3)
1	Section 11 - Cleanliness.	Not maintaining cleanliness as per the provisions.
2	Section 18 - Drinking water.	Not providing and maintaining arrangements for drinking water as per the provisions.
3	Section 19 - Latrines and urinals.	Not providing latrine and urinal accommodation as per the provisions.
4	Section 20 - Spittoons.	(a) Not providing the spittoons as per the provisions. (b) Spitting in contravention of sub-section (3) of section 20.
5	Section 42 - Washing facilities.	Not providing and maintaining washing facilities as per the provisions.
6	Section 43 - Facilities for storing and drying of wet clothing.	Not providing facilities as per the provisions.
7	Section 44 - Facilities for sitting	Not providing facilities as per the provisions.
8	Sub-sections (1), (2) and (3) of section 45 - First-aid appliances	Not providing and maintaining first-aid appliances as per the provisions.
9	Section 46 - Canteens.	Not providing and maintaining canteen as per the provisions.
10	Section 47 - Shelters, rest rooms and lunch rooms.	Not providing and maintaining shelters, rest rooms and lunch rooms as per the provisions.
11	Section 48 - Creches.	Not providing and maintaining creches as per the provisions.
12	Section 50 - Power to make rules to supplement Chapter V.	Not complying with the rules framed under section 50
13	Sub-section (2) of section 53-Compensatory Holidays.	Not displaying the notice and not maintaining the register for compensatory holiday.
14	Sub-section (5) of section 59 - Extra wages for overtime.	Not maintaining the prescribed registers.
15	Section 60 - Restriction on double employment.	Allowing a worker a double employment on any day.
	Section 61 - Notice of	

16	periods of work for adults.	Not complying with the provisions.
17	Section 62 - Register of adult workers.	Not maintaining register as per the provisions.
18	Section 63 - Hours of work to correspond with notice under section 61.	Not complying with the provisions.
19	Section 64 - Power to make exempting rules.	Not complying with the rules framed under section 64.
20	Section 65 - Power to make exempting orders.	Not complying with the orders issued under section 65.
21	Section 79 - Annual leave with wages.	Not complying with the provisions.
22	Section 80 - Wages during leave period.	Not complying with the provisions.
23	Section 81 - Payment in advance in certain cases.	Not complying with the provisions.
24	Section 82 - Mode of recovery of unpaid wages.	Not complying with the provisions.
25	Section 83 - Power to make rules.	Not maintaining registers as per rules and not complying with the provisions.
26	Section 84 - Power to exempt factories	Not complying with the conditions specified in the exempting order.
27	Section 93 - Liability of owner of premises in certain circumstances.	Not complying with the provisions contained in sub-section (1) and clauses (i) and (vi) of sub-section (3).
28	Section 97 - Offences by workers.	Not complying with the provisions.
29	Section 108-Display of notices.	Not complying with the provisions.
30	Section 110>Returns.	Not complying with the provisions.
31	Section 111 - Obligation of workers.	Not complying with the provisions.
32	Section 111A - Right of workers, etc.	Denial of rights of workers.
33	Section 114 - No charge for facilities and conveniences.	Demanding charge from worker for providing any facility under the Act."