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Factories (Punjab Amendment) Act, 1940**7 of 1940****[03 May 1940]**

An Act to amend the Factories Act, 1934, in its application to the Punjab Preamble.- WHEREAS it is expedient to amend the Factories Act, 1934[2], in its application to the Punjab in the manner hereinafter appearing; It is hereby enacted as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Factories (Punjab Amendment) Act, 1940.
- (2) It shall come into force on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf.

2. Insertion Of Section 5-A In Act Xxv Of 1934 :-

After section 5 of the Factories Act, 1934 (hereinafter referred to as the said Act) the following section shall be deemed to be inserted, namely-

"5-A. Establishment or extension of certain factories.- (1) No factory shall be established or extended for the purpose of carrying on one or more of the manufacturing processes mentioned in the schedule to this Act, or for purposes incidental thereto, save with the permission in writing of the Provincial Government or such

person or persons as it may direct:

Provided that if an application for such permission has been despatched to the prescribed authority by registered post acknowledgment due and the decision of Government or the prescribed authority has not been communicated to the applicant for six months after the date of its receipt, the applicant shall be regarded as having obtained that permission; and provided further that a factory shall not be considered as extended within the meaning of this section merely because of any renewal of or addition to existing machinery or appliances within the limits prescribed.

(2) Where an order rejecting an application for the establishment or extension of a factory has been made by an authority other than the Provincial Government an appeal by the applicant shall lie to the Provincial Government within fifteen days of the date on which such order has been communicated to him.

(3) The Provincial Government may, by notification in the official Gazette, add to or exclude from the schedule the name of any manufacturing process it may deem fit, and such addition or exclusion shall take effect as if it had been made by this Act.

(4) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to 5,000 rupees and in addition, with fine which may extend to 100 rupees for each day of the period during which the contravention continues."

3. Insertion Of Section 9-A And 9-B In Act Xxv Of 1934 :-

After section 9 of the said Act, the following sections shall be deemed to be inserted, namely:-

"9-A. Registration certificate for working factory.- (1) No factory carrying on one or more of the manufacturing processes mentioned in the schedule to this Act or for purposes incidental thereto shall be worked or permitted to be worked by a manager or an occupier unless a registration certificate has been granted in respect thereof; and if the factory has been extended after the grant of a registration certificate, unless such certificate has been endorsed in such manner and subject to such conditions as may be prescribed for the grant of such a certificate for an endorsement thereon.

(2) A registration certificate granted under sub-section (1) shall remain in force for one year from the date of the grant or endorsement and shall be renewable automatically on payment of the prescribed fee."

"9-B. Rules.- (1) The Provincial Government may after previous publication make rules-

(a) as to the authority by which the form in which and the conditions subject to which, a registration certificate may be granted or an endorsement made under sub-section (1) of section 9-A,

(b) prescribing the fee on payment of which a registration certificate may be granted or renewed or an endorsement made under section 9-A,

(c) specifying the limits within which any renewal of or addition to existing machinery or appliances in a factory shall not be regarded as extension of a factory within the meaning of section 5-A (1), and

(d) specifying the person or persons to whom authority may be delegated under section 5-A (1).

(2) In making rules the Provincial Government may prescribe different rates of fees for factories classified according to the number of workers employed in them and the nature of goods produced by them".

4. Insertion Of Section 62-A In Act Xxv Of 1934 :-

After section 62 of the said Act, the following section shall be deemed to be inserted, namely:-

"62-A. Penalty for failure to register.- A manager or an occupier who contravenes the provisions of section 9-A or the conditions on which a registration certificate is granted or an endorsement made shall be punishable with fine which may extend to five hundred rupees, or if he has previously been convicted of an offence under that section of the said Act, to one thousand rupees on the second conviction. For every subsequent offence the maximum amount of fine which may be imposed shall be enhanced by five hundred rupees subject to a maximum of two thousand and five hundred rupees."

Schedule mentioned in section 5-A (1)

1. Textiles:

(a) Cotton,

(b) Woolen.

2. Glass.

3. Cement and allied products.

4. Chemicals including medicines.

5. Hydrogenated oils-edible and other.

6. Cotton ginning and pressing.

7. Hosiery manufacture.
8. Floor mills.
9. Steel rolling mills.