



9th July, 2020

To,

Shri Vijaybhai Rupani
Hon'ble Chief Minister
Government of Gujarat
Gandhinagar-10

Durgesh V. Buch
President

Natubhai Patel
Sr. Vice President

Bhargav Thakkar
Vice President

Sanjeev Chhajer
Secretary

Dilip M. Padhya
Secretary (R)

Pathik S. Patwari
Treasurer

Sub: Request to amend the Factories Act

Respected Sir,

Greetings from Gujarat Chamber of Commerce and Industry (GCCCI).

Sir, at the outset we appreciate the State Government's efforts to reinvigorate the economy in the State in this crucial post covid period. I would like to draw your kind attention on our representation which we made to Economic Revival Committee suggesting few important amendments in the Labour Laws.

It was suggested that the limit of number of workers should be raised to 50 (fifty) for all the industries running with or without power in line of Maharashtra Act No. XL of 2015 which enabled the Maharashtra Government to increase the limit from 20 to 40 workers for factories working without the aid of power.

We are enclosing our letter dated 22nd May, 2020 for your kind reference.

We request you to increase the limit of the number of workers to 50 (Fifty) for all the industries running with or without power.

With warm regards,

Yours sincerely,

Yogendrakumar Trivedi
Chief Operating Officer

Encl: Our earlier letter No. 3091 dated 22nd May, 2020

Chairman



Durgesh Buch
President

Gujarat Chamber of Commerce & Industry



**GCCI
REGIONAL
COUNCIL**

3091

Co-Chairman: Ahmedabad Zone



Shri Sunil Vadodaria
President

Saurashtra Chamber of Comm. & Ind.

Co-Chairman: Central Gujarat Zone



Shri Hemant Vadalia
President

Vadodara Chamber of Comm. & Ind.

Co-Chairman: Saurashtra Zone



Shri V. P. Vaishnav
President

Rajkot Chamber of Comm. & Ind.

Co-Chairman: South Gujarat Zone



Shri Ketan Desai
President

The Southern Gujarat Chamber of Comm. & Ind.

:Members:



Shri Dineshbhai Gupta
President

Gandhidham Chamber of Comm. & Ind.



Shri Bipendrasinh Jadeja
President

Jamnagar Chamber of Comm. & Ind.



Shri Kanubhai Domadia
President

Junagadh Chamber of Comm. & Ind.



Shri Shivrambhai Patel
President

The Banaskantha Dist. Chamber of Comm. & Ind.



Smt. Madhvi H. Shah
President

Zalawad Chamber of Comm. & Ind.

22nd May, 2020

To,
Shri Hasmukh Adhia,
Chairman,
Economic Revival Committee.
Govt. of Gujarat.

Sub: Amendments in Labour Laws.

Dear Sir,

Greetings from Gujarat Chamber of Commerce & Industry.

This refers to one of the points of discussion during Video Conference held on 21st May, 2020 regarding revision of the definition of the factory.

It was suggested by us during the discussion that the limit of number of workers should be raised to 50 [Fifty] for all the industries running with or without power.

We enclose herewith a copy of the Maharashtra Act No.XL of 2015 which has enabled the Maharashtra Govt. to increase the limit from 20 to 40 for factories working without the aid of power.

We also enclose herewith a copy of the amendments made by Rajasthan Govt. which has increased the limits.

Although there is still a difference continued for factories working with aid of power and factories working without aid of power such distinction is no longer significant today as there are very few factories working without aid of power.

Communication Address:

Gujarat Chamber of Commerce & Industry
Shri Ambica Mills - Gujarat Chamber Bldg.,
Nr. Mithakhali Underbridge, Ashram Road,
Ahmedabad - 380 028, (Gujarat, India)
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Chairman



Durgesh Buch
President
Gujarat Chamber of Commerce & Industry



**GCCI
REGIONAL
COUNCIL**

Co-Chairman: Ahmedabad Zone



Shri Sunil Vadodaria
President
Saurashtra Chamber of Comm & Ind

: 2 :

Co-Chairman: Central Gujarat Zone



Shri Hemant Vadadia
President
Vadodara Chamber of Comm & Ind

We, therefore, request that this distinction should be removed and the limit of the number of workers should be increased to 50 [Fifty].

Co-Chairman: Saurashtra Zone



Shri V. P. Vaishnav
President
Rajkot Chamber of Comm & Ind

Thanking you and with regards,

Durgesh V. Buch
President

Co-Chairman: South Gujarat Zone



Shri Ketan Desai
President
The Southern Gujarat Chamber of Comm & Ind

Enclosure:

1. Maharashtra Act No.XL of 2015
2. Amendments in Labour Laws [Rajasthan]

:Members:



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President
Gandhidham Chamber of Comm & Ind



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President
Jamnagar Chamber of Comm. & Ind.



Shri Kanubhai Domadia
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Junagadh Chamber of Comm & Ind



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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ५७(२)]

बुधवार, डिसेंबर २, २०१५/अप्रहायण ११, शके १९३७

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ११६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Factories (Maharashtra Amendment) Act, 2015 (Mah. Act No. XL of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra.

N. J. JAMADAR,
I/c. Secretary (Legislation)
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XL OF 2015.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 2nd December 2015).

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

63 of
1948.

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. (1) This Act may be called the Factories (Maharashtra Amendment) Act, 2015. Short title and commencement.

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

(३)

Amendment of
section 2 of 63
of 1948.

2. 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),—

63 of
1948.

(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."

Amendment
of section 65
of 63 of 1948.

3. 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.

Amendment of
section 66 of
63 of 1948.

4. 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;"

Amendment
of section 79
of 63 of 1948.

5. 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.

Amendment
of section 85
of 63 of 1948.

6. 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 sub-clause (ii) of clause (m) of section 2," shall be inserted.

Insertion of
section 92A in
63 of 1948.

7. After section 92 of the principal Act, the following section shall be inserted, namely:—

Compounding
of certain
offences.

"92A. (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. In section 105 of the principal Act, in sub-section (1), for the words "an Inspector" the words "the Chief Inspector" shall be substituted. Amendment of section 105 of 63 of 1948.

9. After the THIRD SCHEDULE appended to the principal Act, the following SCHEDULE shall be added, namely :— Addition of FOURTH SCHEDULE to 63 of 1948.

" 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.

(1)	(2)	(3)
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.
16.	Section 61 - Notice of 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."



श्रम एवं रोजगार मंत्रालय
GOVERNMENT OF INDIA
**MINISTRY OF LABOUR &
EMPLOYMENT**

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Rajasthan

Rajasthan Amendments in Labour Laws

- Amendment in the Industrial Disputes Act 1947:
 - a. For applicability of Chapter V-B regarding "pre-condition of permission from the Appropriate Government, notices, compensation for lay-off, retrenchment, closure", the minimum number of workmen in the industrial establishment is increased from 100 to 300 workmen.
 - b. In case of retrenchment or closure, in addition to the prescribed compensation of 15 day's wage for each completed year of service, an amount equivalent to his three month's average pay shall also be paid.
 - c. For the purpose of recognition of the trade union, the threshold membership of the trade union has been increased from 15% to 30%.
- Amendments in the Factories Act 1948:
 - a. For the purpose of application of the Factories Act, the minimum number of workers has been increased from 10 to 20 in case of factories working with the aid of power; and from 20 to 40 workers for factories without the aid of power.
 - b. For taking cognizance of any offence under the Act by the Court, previous sanction in writing by the State Government is mandatory, along with complaint by an inspector.
 - c. Provision has been made for compounding of any offence punishable under this Act with fine only, and committed for the first time.
- Amendment in the Contract Labour (Regulation & Abolition) Act, 1970:
 - a. For applicability of the Act, the minimum number of workmen in establishment or with contractor is increased from 20 to 50.



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