



In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy & Labour Department No. FAC-11/2014 C.R.347/ Lab.-4, dated 14/11/2014 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra


(Balasahcb Kolase)
Joint Secretary to Government


NOTIFICATION

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT
Mantralaya, Mumbai 400032, dated the 14/11/2014.

The Factories Act, 1948 No.FAC-11/2014/C.R.347/Lab.-4.-The following draft of rules further to amend the Maharashtra Factories Rules, 1963, which the Government of Maharashtra proposes to make in exercise of the powers conferred by section 6 and section 112 of the Factories Act, 1948 (LXIII of 1948), and of all other powers enabling it in that behalf, is hereby published as required by section 115 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the expiry of the period of forty-five days.

2. Any objections or suggestions, which may be received by the Director, Industrial Safety and Health, Maharashtra State, C-20, Kamgar Bhavan, Bandra Kurla Complex, Mumbai -400051 on or before the aforesaid date from any person with respect to the said draft, will be considered by the Government.

DRAFT RULES

1. These rules may be called the Maharashtra Factories (First Amendment) Rules, 2014.
2. In rule 5 of the Maharashtra Factories Rules, 1963 (hereinafter referred to as "the principal Rules"), after sub-rule (2), the following sub-rule shall be added, namely :- "(3) Every such application shall be accompanied by a plan of the factory (not to scale) showing clearly all the emergency exits with dimensions".
3. In rule 6 of the principal Rules, for sub-rule (1) the following sub-rules shall be substituted, namely:-
"(1) The Chief Inspector may, on application being made to him under rule 5 and on payment of the fees prescribed in sub-rule (2) there of and on being satisfied that there is no objection to the grant of licence applied for, register the factory and issue a licence in Form 4, within three working days to the applicant to use as factory such premises as are specified in the application and subject to compliance with the following conditions as are specified in the licence :-
(i) The plan of factory building shall be got approved as per rule 3.

- (ii) The conditions subject to which the plans are approved shall be complied with.
- (iii) The compliance of the Schedule prescribed under rule 114 shall be complied with.
- (iv) Effective measures shall be taken to avoid accidents or injury to persons due to the machinery, process and raw material like explosives, flammables and toxics.
- (v) The stability of factory building shall be certified from competent person as per rule 3.-A.
- (vi) Conditions subject to which licence is issued shall be complied with within a period of twelve months from date of issuance.
- (vii) If after the expiry of the period of twelve months mentioned in clause(vi) the Chief Inspector is satisfied that, there is a breach of any terms and conditions mentioned in the licence, he may suspend or revoke the licence after giving a reasonable opportunity of being heard.

Provided that, in case of any accident or dangerous occurrence takes place within a period of twelve months from the date of issue of licence, the licence shall be revoked forthwith.


Provided further that, on inspection at any time if, factory is not found in actual physical existence at the address mentioned in the licence, licence shall be revoked forthwith.

(1A) The Government shall, from the date as may be notified by the Government in the *Official Gazette*, make available online facility for application and issuance of licence or its renewal so that computer generated registration, licence or renewal certificate can be issued online. Till then manual process of application and issuance of licence or renewal of licence shall continue as mentioned sub-rule (1). Online processing software shall be so designed to ensure that if order of rejecting the application is not communicated within the period stated in sub-rule (1) the receipt of online application attached with the copy of the payment of fees online shall be deemed to be the Certificate of Registration or licence, as the case may be”.

4. In rule 8 of principal Rules, in sub-rule (2), in paragraph (a) after the words “renew the same” the words “within a period of three working days from the date of receipt of such application,” shall be inserted.

5. In rule 9 of the principal Rules, for the words “four months” the words “three working days from the date of receipt of an application” shall be substituted.

By order and in the name of the Governor of Maharashtra


(Balasaheb Kolase)
Joint Secretary to Government

To be published in the Maharashtra Government Gazette, Part I-L, Extra Ordinary, dated the 14/11/2014 and to be returned with 20 copies the print and 50 copies of the print may be sent to the Commissioner of Labour, Mumbai, direct.



(Balasahab Kolase)

Joint Secretary to Government

14/11/14

Copy to :

1. Director, Industrial Safty and Ihealth, Kamgar Bhavan, Bandra-Kurla Complex, Bandra (E), Mumbai -400 051.
2. Select File (Lab-10)