

GOVERNMENT OF PONDICHERRY

ABSTRACT

Acts and Rules --The Puducherry Factories (Amendment) Rules, 2018 – Pre-Publication Notification - Issued.

LABOUR DEPARTMENT

G.O. Ms. No. 04 2018/Lab

Puducherry, the

25 FEB 2019

Read : Letter No. 3606 dated 13.11, 2018

from the Joint Chief Inspector of Factories, Puducherry.

ORDER:

The following Notification shall be published in the next issue of the Official Gazette.

NOTIFICATION

The following draft rules to further amend the Puducherry Factories Rules, 1964, which the Lieutenant-Governor of Puducherry proposes to make in exercise of the powers, conferred under section 112 of the Factories Act, 1948 (Act No. 63 of 1948), is hereby published as required under sub-section (1) of Section 115 of the said Act, for information of all persons likely to be affected thereby and notice is hereby given that the said proposal will be taken into consideration by the Government of Puducherry after expiry of forty-five days from the date of publication of the draft proposal in the Official Gazette, Puducherry;

2. Any objections or suggestions received by the Government from any person with respect to the draft amendment rules, before expiry of the period specified above will be considered by the Government of Puducherry. Objections or suggestions, if any, should be addressed to the Secretary to Government (Labour), Labour Department, Puducherry.

DRAFT AMENDMENT RULES

In exercise of the powers conferred under section 112 of the Factories Act, 1948 (Act No.63 of 1948), the Lieutenant-Governor of Puducherry, is hereby pleased to make the following rules further to amend the Puducherry Factories Rules, 1964, namely:-

1. **Short title, extent and commencement:-** (1) These rules may be called the "*Puducherry Factories (Amendment) Rules, 2018*";

(2) These rules shall extend to the whole of the Union territory of Puducherry

(3) They shall come into force on and from the date of their publication in the Official Gazette.

2. **Amendment of rule 3:-** In the Puducherry Factories Rules, 1964 (hereinafter referred to as the said rules), in rule 3,

(1) In sub-rule (1), after the words, "in Form 1C", the following, "*through the web portal of the Chief Inspectorate of Factories and Boilers, Puducherry*" shall be inserted.

(2) For sub-rule 2A of the said rules, the following shall be substituted, namely,

"(1-A) The occupier of the factory shall pay a fee as specified in the schedule under this rule for the purpose of scrutiny of plans, through the on-line payment portal of Government of Puducherry under the relevant head of Account viz., "0230 – 00 – 104 – 01 – 00 – 00, Fees

realised under the Factories Act – Fee for scrutiny of plans” and enter the details of challan while applying the Form 1C application”

3. Amendment of rule 4:-

In the said rules, in sub-rule (2) of rule 4, the following shall be substituted, namely, *“The fees applicable for registration and grant of licence to a factory shall be as specified in the schedule hereto and the appropriate fee for registration and grant of licence shall be remitted through the on-line payment portal of Government of Puducherry under the relevant head of Account viz., “0230 – 00 – 104 – 02 – 00 – 00, Fees realised under the Factories Act – Licence fees. The application in Form No.2 shall be accompanied by the e-challan receipt, evidencing payment of the appropriate fee specified in the schedule hereto. The application in Form No.2. shall be made through the on-line portal of the Chief Inspectorate of Factories and Boilers, Puducherry or personally delivered to the office of the Chief Inspectorate of Factories and Boilers or sent by registered post”*

4. Amendment of rule 5:-

In the said rule, in sub-rule (2) of rule 5, after the words, *“An application for the amendment of a licence shall be submitted to the Chief Inspector”,* the following, *“through the on-line portal of the Chief Inspectorate of Factories and Boilers, Puducherry or personally delivered to the office of the Chief Inspectorate of Factories and Boilers or sent by registered post”* shall be inserted.

5. Amendment of rule 6:-

(i) In the said rule, in sub rule (2) of rule 6, after the words, *“an application for renewal in Form No. 2 for the renewal of the licence”,* the following, *“through the on-line portal of the Chief Inspectorate of Factories and Boilers, Puducherry or personally delivered to the office of the Chief Inspectorate of Factories and Boilers or sent by registered post.”* shall be inserted.

(ii) In the said rules, the sub-rule (3-A) of rule 6, shall be substituted as follows:-

*“The occupier of a factory may opt to remit the licence fee for obtaining initial licence or renewal of licence for a period upto **fifteen** consecutive calendar years instead of getting it renewed every year. The occupier shall make a specific request in Form No.2 indicating the number of years for which licence is sought for. In such cases, the fee payable for grant of or renewal of licence of a factory shall be proportionate to the annual fee as per multiplied by number of years for which licence is sought for.”*

6. Amendment of rule 7:-

In the said rules, the sub rule (2) of rule 7, shall be substituted as follows:-

“Such application for transfer shall be made to the Chief Inspector through the on-line portal of the Chief Inspectorate of Factories and Boilers, Puducherry or personally delivered to the office of the Chief Inspectorate of Factories and Boilers or sent by registered post and accompanied by a fee of one hundred rupees paid through the on-line payment portal of the Government of Puducherry under relevant head of Account viz., 0230 – 00 – 104 – 02 – 00 – 00, Fees realised under the Factories Act – Licence Fees for each such application.

7. Amendment of rule 10:-

In the said rule, the sub rule (1) of rule 10 may be substituted as follows:-

"Every application under these rules shall be accompanied by fee paid through the on-line payment portal of the Government of Puducherry under relevant head of Account viz., 0230 – 00 – 104 – 02 – 00 – 00, Fees realised under the Factories Act – Licence Fees"

8. Amendment of rule 105:-

In the said rule, the sub rule (4) of rule 105 may be substituted as follows:-

"The fees to be paid for medical examinations shall be paid through the on-line payment portal of the Government of Puducherry under relevant head of account viz., 0230 – 00 – 104 – 03 – 00 – 00, Fees realised under the Factories Act – Medical Examination fees"

9. Amendment of rule 110

In the said rules, after the sub rule (2) of rule 110, a proviso may be included,

"provided that the returns under sub rules (1) and (2) said above, shall be made through the on-line portal of the Chief Inspectorate of Factories and Boilers, Puducherry and shall be maintained in electronic form or personally delivered to the office of the Chief Inspectorate of Factories and Boilers"

Provided further that, during inspection, the inspector may require the production of books, registers and other documents maintained in electronic form.

Explanation:- For the purposes of this rule, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000)."

10. Insertion of rule 118 A:- Maintenance of registers:-

In the said rules, after the existing rule 118, a new rule shall be inserted, namely:-

"All the books, registers and records required to be maintained under the said rules, stipulated under the Factories Act, 1948 shall at the discretion of the occupier / manager may be maintained in electronic form.

Provided that during inspection, the inspector may require the production of books, registers and other documents maintained in electronic form.

Explanation:- For the purposes of this rule, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000)."

// By order of the Lieutenant Governor //

6/11

E.VALLAVAN

Additional Secretary to Government (labour)

To

The Director of Stationery and Printing - with a request to supply 100 copies of the notification to the Department

Copy to:-

1. The Deputy Labour Commissioner, Puducherry
2. The Joint Chief Inspector of Factories, Puducherry
3. The Inspector of Factories, Karaikal
4. The Labour Officer (Enforcement), Puducherry / Karaikal
5. The Assistant Inspector of labour, Mahe / Yanam
6. G.O. Copy and spare.