

(c) permitting such time to be observed in all or any of the factories situated in the area.

4. Power to declare different departments to be separate factories or two or more factories to be a single factory.—The State Government may, ²[on its own or] on an application made in this behalf by an occupier, direct, by an order in writing ²[and subject to such conditions as it may deem fit], that for all or any of the purposes of this Act different departments or branches of a factory of the occupier specified in the application shall be treated as separate factories or that two or more factories of the occupier specified in the application shall be treated as a single factory:]

³[Provided that no order under this section shall be made by the State Government on its own motion unless an opportunity of being heard is given to the occupier.]

5. Power to exempt during public emergency.—In any case of public emergency the State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from all or any of the provisions of this Act ⁴[except section 67] for such period and subject to such conditions as it may think fit: Provided that no such notification shall be made for a period exceeding three months at a time.

⁵[Explanation.—For the purposes of this section "public emergency" means a grave emergency whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance.]

6. Approval, licensing and registration of factories.—(1) The State Government may make rules—

⁶(a) requiring, for the purposes of this Act, the submission of plans of any class or description of factories to the Chief Inspector or the State Government;]

⁷(aa) requiring the previous permission in writing of the State Government or the Chief Inspector to be obtained for the site on which the factory is to be situated and for the construction or extension of any factory or class or description of factories;

(b) requiring for the purpose of considering applications for such permission the submission of plans and specifications;

(c) prescribing the nature of such plans and specifications and by whom they shall be certified;

(d) requiring the registration and licensing of factories or any class or description of factories, and prescribing the fees payable for such registration and licensing and for the renewal of licences;

1. Subs. by Act 25 of 1954, sec. 3, for section 4 (w.e.f. 7-5-1954).

2. Ins. by Act 20 of 1987, sec. 3 (w.e.f. 1-12-1987).

3. Added by Act 20 of 1987, sec. 3 (w.e.f. 1-12-1987).

4. Ins. by the A.O. 1950.

5. Ins. by Act 94 of 1976, sec. 3 (w.e.f. 26-10-1976).

6. Ins. by Act 94 of 1976, sec. 4 (w.e.f. 26-10-1976).

7. Clause (a) re-lettered as clause (aa) by Act 94 of 1976, sec. 4 (w.e.f. 26-10-1976).

(2) If on an application for permission referred to in '[clause (aa)] or sub-section (1) accompanied by the plans and specifications required by the rules made under clause (b) of that sub-section, sent to the State Government or Chief Inspector by registered post, no order is communicated to the applicant within three months from the date on which it is so sent, the permission applied for in the said application shall be deemed to have been granted.

(3) Where a State Government or a Chief Inspector refuses to grant permission to the site, construction or extension of a factory or to the registration and licensing of a factory, the applicant may within thirty days of the date of such refusal appeal to the Central Government if the decision appealed from was of the State Government and to the State Government in any other case.

Explanation.—A factory shall not be deemed to be extended within the meaning of this section by reason only of the replacement of any plant or machinery or within such limits as may be prescribed, of the addition of any plant or machinery [if such replacement or addition does not reduce the minimum clear space required for safe working around the plant or machinery or adversely affect the environmental conditions from the evolution or emission of steam, heat or dust or fumes injurious to health].

7. Notice by occupier.—(1) The occupier shall, at least fifteen days before he begins to occupy or use any premises as a factory, send to the Chief Inspector a written notice containing—

(a) the name and situation of the factory;

(b) the name and address of the occupier;

³(bb) the name and address of the owner of the premises or building (including the precincts thereof) referred to in section 93;]

(c) the address to which communications relating to the factory may be sent;

(d) the nature of the manufacturing process—

(i) carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act; and

(ii) to be carried on in the factory during the next twelve months in the case of all factories;

⁴(e) the total rated horse power installed or to be installed in the factory, which shall not include the rated horse power of any separate stand-by plant;]

(f) the name of the manager of the factory for the purposes of this Act;

(g) the number of workers likely to be employed in the factory;

1. Subs. by Act 94 of 1976, sec. 4 "for clause (a)" (w.e.f. 26-10-1976).

2. Ins. by Act 94 of 1976, sec. 4 (w.e.f. 26-10-1976).

3. Ins. by Act 25 of 1954, sec. 4 (w.e.f. 7-5-1954).

4. Subs. by Act 94 of 1976, sec. 5, for clause (e) (w.e.f. 26-10-1976).