

**GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA**

UNSTARRED QUESTION NO:1158
ANSWERED ON:01.12.2014
FACTORIES AMENDMENT BILL
Sreeramulu Shri B.

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Government has any proposal to bring in the Factories (Amendment) Bill, 2014;
- (b) if so, the details thereof;
- (c) whether the Government has consulted all the stakeholders including employees and trade unions in this regard; and
- (d) if so, the response of these stakeholders along with the reaction of the Government thereto?

Answer

MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA)

(a) & (b): The Factories (amendment) Bill, 2014 has already been introduced in the Lok Sabha on 07.08.2014. The major amendments proposal includes:-

(i) The threshold limit for coverage under the Factories Act as defined in Section 2(m), is proposed to be amended to include besides the existing limits of 10 workers (for units with power) and 20 workers (for units without power), units with such number of workers as may be prescribed by the State Government with a cap of 20 workers (for units with power) and 40 workers (for units without power) respectively. This will provide flexibility to the State Governments to amend their State Law as per their requirements.

(ii) Amendment of Section 66 of the Act relating to permission for employment of women for night work for a factory or group or class or description of factories with adequate safeguards for safety and provision of transportation till the doorstep of their residence.

(iii) Amendment of Sections 64 and 65 of the Act to enhance the limit of overtime hours from the present limit of 50 hours per quarter to 100 hours per quarter. The amendment also proposes this limit to be increased to a maximum of 125 hours per quarter in public interest with the approval of State Government.

(iv) Insertion of provision relating to compounding of certain offences (Section 92C and new Fourth Schedule).

(v) Introduction of a new Section 35A on provision of personal protective equipment for workers exposed to various hazards and amendment of Sections 36 and 37 regarding entry into confined spaces and precautions against dangerous fumes, gases etc.

(vi) Provision of canteen facilities in respect of factories employing 200 or more workers instead of the present stipulation of 250 workers (Section 45) and also provision of shelters or restrooms and lunchrooms in respect of factories employing 75 or more workers instead of the present stipulation of 150 workers. (Section 47).

(vii) Introduction of new terms like "hazardous substance" and "disability" to existing definitions. (Section 2cc, 2ea).

(viii) Prohibition of employment of pregnant women and persons with disabilities on or near machinery in motion and near cotton openers (Section 22(2)).

(ix) Reduction in the eligibility criteria for entitlement of annual leave with wages from 240 days to 90 days (Section 79).

(x) Amendment of Section 92 of the Act enhancing the quantum of penalty for offences.

(xi) Presently only the State Governments are empowered to make rules under the Factories Act. It is now proposed to empower the Central Government also to make rules under the Act on some of the important provisions.

(c) & (d): In the process of amendments to the Factories Act, 1948, the Government has set up in 2011 an Expert Committee headed by Dr. Narendra Jadhav, then Member of Planning Commission. The Expert Committee had a series of meetings involving the Employees and Workers Associations (Trade Union) during January-March, 2011. The suggestions of the Trade Unions Representatives and Employers Representatives have been considered by the Expert Committee. The report of Expert Committee was also placed in the Public Domain along with the proposed amendments in September, 2011. The Factories (Amendment) Bill, 2014, which proposed to amend the Factories Act, 1948 is the outcome of the Inter-ministerial Consultations, comments of the State

Governments and views of the Trade Unions Representatives and Employers Representatives expressed during the above meetings.