

THE FACTORIES (ASSAM AMENDMENT) BILL, 2022

A BILL

further to amend the Factories Act, 1948.

Preamble

Whereas it is expedient to amend the Factories Act, 1948, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central
Act No.63
of 1948

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Factories (Assam Amendment) Act, 2022.
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force at once.


Amendment of
section 92

2. In the principal Act, in section 92, in the third line, in between the words 'Act' and 'or', the words "except those provisions contained in the Fourth Schedule appended to this Act" shall be inserted.

Insertion of new
section 92 A

3. In the principal Act, after section 92, the following new section 92A, shall be inserted, namely:-

"92A For the contravention of the provisions contained in Fourth Schedule or any rule made thereunder or any Order in writing given thereunder, the occupier and manager of the factory shall each be guilty of an offence and punishable with fine in accordance to the Table as given below which may extend to an amount of rupees two lakhs.


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ON 15.12.2021



TABLE

Sl.No.	Section	Compounding Amount	
1	2	3	
1.	All section listed in the Fourth Schedule except section 97 and section 111	No of workers employed in the industry	Amount not less than Rs.
		1 to 50	10,000/-
		51 to 100	20,000/-
		101 to 500	30,000/-
	More than 500	50,000/-	
2.	For section 97 and 111	Minimum Rs.200/- but shall not exceed Rs.2000/-	

Insertion of Fourth Schedule

4. In the principal Act, after the Third Schedule, the following new Fourth Schedule shall be inserted, namely:-

“THE FOURTH SCHEDULE
(See section 92A)

List of Compoundable Offences

Sl.No.	Section and provision	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.

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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 crèches 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.
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- Registers 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.

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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.

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ON 15.12.2011

STATEMENT OF OBJECTS AND REASONS

The Factories (Assam Amendment) Bill, 2022 seeks to amend the Factories Act, 1948.

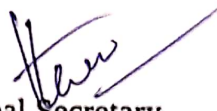
It is proposed to bring an amendment to section 92 of the Factories Act, 1948 and in the principal Act, after section 92, new section 92A shall be inserted.

The proposed amendments aims to decriminalize all Labour Laws by bringing in all civil penalties.

Hence, the Bill for the above amendments of Section 92 and section 92A.



Minister
Labour Welfare, Assam



Principal Secretary,
Assam Legislative Assembly

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.



Minister
Labour Welfare, Assam

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.



Minister
Labour Welfare, Assam

Section 92 in The Factories Act, 1948

92. General penalty for offences.—Save as is otherwise expressly provided in this Act and subject to the provisions of section 93, if in, or in respect of, any factory there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any order in writing given thereunder, the occupier and manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to 1[two years] or with fine which may extend to 2[one lakh rupees] or with both, and if the contravention is continued after conviction, with a further fine which may extend to 3[one thousand rupees] for each day on which the contravention is so continued: 4[Provided that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than 5[twenty-five thousand rupees] in the case of an accident causing death, and 6[five thousand rupees] in the case of an accident causing serious bodily injury. Explanation.—In this section and in section 94 “serious bodily injury” means an injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of, or injury to, sight or hearing, or the fracture of any bone, but shall not include, the fracture of bone or joint (not being fracture of more than one bone or joint) of any phalanges of the hand or foot.]