

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy and Labour Department, No. FAC. 2019/C.R.-35/Labour-4, dated 6th November 2019, is hereby published under the authority of the Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

DR. S. L. PULKUNDWAR,
Deputy Secretary to Government.

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated 6th November 2019.

NOTIFICATION

THE FACTORIES ACT, 1948.

No. FAC.2019/C.R. 35/Labour-4 .— In exercise of the powers conferred by section 112 and sub-sections (1) and (2) of section 64 of the Factories Act, 1948 (LXIII of 1948) (hereinafter referred to as “ the said Act ”), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Factories Rules, 1963 the same having been previously published as required by section 115 of the said Act, namely :—

RULES

1. (1) These rules may be called, Maharashtra Factories (Seventh Amendment) Rules, 2019.

(2) Rules 100, 101 and 102 shall remain in force for the period of five years from the date of publication of these rules in the *Maharashtra Government Gazette*.

2. In the Maharashtra Factories Rules, 1963 for rules 100, 101 and 102 the following rules shall be substituted, namely :—

“100. *Persons defined to hold positions of supervision or employed in a confidential position :—*

(1) In the factory the following persons shall be deemed to hold positions of supervision or management within the meaning of sub-section (1) of section 64, provided they are not required to perform manual labour or clerical work as a regular part of their duties, namely :—

(i) The Manager, Deputy Manager, Assistant Manager, Production Manager, Works Manager and General Manager ;

(ii) Departmental Head, Assistant Departmental Head, Departmental in-Charge or Assistant Departmental in-Charge ;

(iii) Chief Engineer, Deputy Chief Engineer and Assistant Engineer ;

(iv) Chief Chemist, Laboratory-in-Charge ;

(v) Personnel Manager, Personnel Officer;

(vi) Labour Officer, Assistant Labour Officer ;

(vii) Welfare Officer, Additional Welfare Officer or Assistant Welfare Officer ;

(viii) Safety Officer ;

(ix) Security Officer ;

(x) Foreman, Charge man, Overseer and Supervisor ;

(xi) Jobber in Textile Factories ;

(xii) Head Store-Keeper and Assistant Store-Keeper;

(xiii) Boiler Sarang or such Boiler Attendants who are in-charge of a battery of boilers and are only required to do supervisory work ; and

(xiv) Any other person who in the opinion of the Chief Inspector, holds a positions of supervision or management and is so declared in writing by him.

(2) In a Factory, the following persons shall be deemed to be employed in a confidential position within the meaning of sub-section (1) of section 64, namely :—

(i) Stenographers or Telex Operators ;

(ii) Office Superintendents ;

(iii) Head Clerk where there is no office Superintendent ;

(iv) Head Accountant and Head Cashier ;

(v) Head Time Keeper ; and

(vi) any other person who in the opinion of the Chief Inspector is employed in a confidential position and is so declared in writing by him.

(3) Any dispute whether a person, by virtue of the nature of his duties, falls in any of definitions given in sub-rule (1) or (2) above, shall be decided by the Chief Inspector by passing an order in writing, which shall be final.

(4) On an application made by the occupier or Manager of the factory, the Chief Inspector may declare in writing any person other than the person defined in sub-rules (1) and (2) above as a person holding a position of supervision or management or employed in a confidential position in a factory, if in the opinion of the Chief Inspector, such person holds such position or is so employed.

(5) All declarations of the nature described in sub-rule (4) of this rule, made by the Chief Inspector under the provisions of any earlier rules in that behalf shall be made under sub-rule (4), and shall continue to remain in force—

101. List of persons defined on rule 100 and overtime muster-roll and slip —,

(1) A list showing the names and designation of all persons defined in the rule 100 shall be maintained in every factory and it shall be made available for inspection to the Inspector at all times when work is being carried on in any factory.

(2) Where the ordinary rate of wages of any person, whose name is shown in the list maintained under sub-rule (1) of this rule does not exceed the wage limit specified in sub-section (6) of section 1 of the Payment of Wages Act, 1936 (4 of 1936), as amended, from time to time be entitled to extra wages in respect of overtime work under section 59 the Manager of the factory shall issue overtime slips as prescribed under rule 96, to such persons.

102. Exemption of certain adult workers.— Adult workers engaged in factories specified in column (2) of the Schedule hereto annexed, on the work specified in column (4) of the said Schedule shall be exempted from the provisions of section specified in column (5) thereof subject to the conditions, if any specified in column (6) of the said Schedule, and also subject to the following conditions, namely :—

(i) no woman worker shall be required or allowed to work for more than nine hours in any day ;

(ii) except in respect of exemption under clause (a) of sub-section (2) of section 61, the following limits of work inclusive of overtime shall be observed, namely :—

(a) the total number of hours of work in any day shall not exceed ten ;

(b) the spread over, inclusive of intervals for rest, shall not exceed twelve hours in any one day ;

(c) the total number of hours in week, including overtime shall not exceed sixty ; and

(d) the total number of hours of overtime shall not exceed one hundred fifteen for one quarter :

Provided that, the limits imposed by sub-clauses (a) and (b) of this clause shall not apply in the case of a shift workers engaged in factories specified against category and No. X (1) to 39 in the said Schedule if the said worker is allowed to work the whole or part of the subsequent shift in the absence of a worker who has failed to report for duty.

Schedule

Category Number (१)	Class of factories (२)	Exemption under section (३)	Nature of exempted work (४)	Exemption from section (५)	Conditions (६)
१	All factories	६४(२) (a) and ६४(३) for urgent Repairs and for consequential exemptions from the provisions of section ६१.	<p><i>Urgent repairs :-</i> Explanation. For the purposes of this exemption, "urgent repairs" shall means (a) repair to any part of machinery, plant or structure of a factory, which are of such a nature that delay in their execution would involve danger to human life or a safety or the stoppage of the manufacturing processes;</p> <p>(b) repairs to deep-sea ships and repairs to commercial aircrafts which are essential to enable such ships or aircrafts to leave port at proper time or continue their normal operations in sea-worthy or air-worthy</p>	५१, ५२, ५४, ५५, ५६ and ६१.	<p>(i) The occupier or manager of the factory shall send to the Inspector a notice within २४ hours of the commencement of the work, stating therein the precise nature of urgent repairs, the exact time of the commencement of such work and the list of all persons employed on such work. A copy of such notice shall be displayed in the factory as provided under section १०८(२) of the Act, within २४ hours of the completion of the work of urgent repairs, a notice to that effect shall be sent to the Inspector, along with the copy of the entries made in respect of every worker mentioned in the earlier notice.</p> <p>(ii) No worker shall be allowed or required to work on such repairs for more than १५ hours on any one day, ३९ hours during any ३ consecutive days or ६६ hours during each</p>

			<p>conditions as the case may be; and</p> <p>(c) repairs in connection with a change of motive power e.g. from steam to electricity or <i>vice versa</i>, when such work cannot possibly be done without stoppage of the normal manufacturing process :</p> <p>Provided that, urgent repairs shall not include periodical cleaning and maintenance work.</p>	<p>period of seven consecutive days, commencing from his first employment on such work.</p> <p>(iii) If the inspector is of the opinion that any work carried on in a factory as urgent repairs is not urgent repairs the Inspector shall serve on the manager an order to that effect and the manager shall in respect of such work, not required any worker to work in contravention of the provisions of sections ५१, ५२, ५४, ५५, ५६ and shall comply with section ६१ of the Act;</p> <p>(iv) No worker shall be required or allowed to work for a period of more than ६ hours before he has had an interval of rest or food of at least half an hour.</p> <p>(v) Provisions of section ५३ of the Act and rule १५ and १६ of the rules shall be complied with.</p>
<p>II All factories except those on continuous process.</p>	<p>६४(२) (b) for work in the nature of preparatory or complementary</p>	<p>(a) maintenance work in connection with the mill gearing, the electric driving of lighting apparatus, the mechanical or electrical lifts or hoists and the</p>	<p>५१, ५४, ५५ and ५६</p>	<p>(i) No worker shall be required or allowed to work on shift of longer than ८ hours duration,</p> <p>(ii) Intervals for food and rest shall be given to all workers allowed to work on such work,</p> <p>(iii) provisions of rule १५ and १६ shall be</p>

		work.	steam or water pipes or pumps of the factory; (b) departmental oilers; and (c) Workers attending to the starting, stopping and maintaining electrical motors and connected switch gears.		complied with.
III	All factories.	६४(२) (c) for work which is necessarily intermittent in nature.	(a) Work performed by drivers on lighting, ventilating and humidifying apparatus; (b) work performed by fire pump man and all personnel on the fire-fighting staff; (c) Telephone Operators and Telex Operators.	५१, ५४, ५५, and ५६	(i) No worker shall be required or allowed to work on shift of longer than ८ hours duration, (ii) Intervals for food and rest shall be given to all workers allowed to work on such work, (iii) Provisions of rule ९५ and ९६ shall be complied with.
IV	All factories.	६४(२) (h) for work in the engine-rooms, boiler house, power plant or transmission machinery.	Workers engaged in engine rooms or boiler house attending to power plant or transmission machinery or the prime movers.	५१ and ५२	Provisions of section ५३ and rule ९५ and ९६ shall be complied with.
V	All factories.	६४(२) (j) work of loading and	Workers engaged in the loading or unloading of railway wagons	५१, ५२, ५४, ५५ and ५६	(i) No worker shall be required or allowed to work on shift of longer than ८ hours duration.

		unloading.	or lorries, trucks and tankers or the loading and unloading at jetties.		(ii) Intervals for food and rest shall be given to all workers allowed to work on such works. (iii) Provisions of section ५३ and rule १५ and १६ shall be complied with.
VI	Carbonic Acid Gas factories.	६४(२) (b) for work in the nature of preparatory or complementary work.	Work of firemen to light a lye boiler.	५१, ५४ and ५५	(i) This exemption shall be availed of only on the day on which the plant is restarted after a closure. (ii) No worker shall be required or allowed to work on shift of longer than ८ hours duration. (iii) Intervals for food and rest shall be given to all workers allowed to work on such work. (iv) Provisions of rule १५ and १६ shall be complied with.
VII	(१) Cloth printing factories or departments.	६४(२) (b) work in the nature of preparatory or complementary work.	Work in the nature of preparatory or complementary to main operation of printing sanforizing, finishing and mercerizing of cloth.	५१, ५४ and ५६	Provisions of rule १५ and १६ shall be complied with.
	(२) Cotton spinning and weaving mills.	Do	Work involved clearing blow room flues.	Do	Do
	(३) Film Studios.	Do	All work in the nature preparatory or complementary work which is necessary for the	Do	Do

VIII	Dyeing or bleaching factories or departments.	६४(२) (b) for work in the nature of preparatory or complementary work.	shooting of films. Work performed by Klermen.	५५, ५४, ५५ and ५६.	(i) No workers shall be required or allowed to work on shift of longer than ८ hours duration, (ii) Intervals for food and rest shall be given to all workers allowed to work on such work. (iii) Provisions of rule ९५ and ९६ shall be complied with.
IX	(१) Brick factories.	६४(२) (b) for work in the nature of preparatory or complementary work.	Work of firemen on kilns.	५५	(i) No worker shall be required or allowed to work on shift of longer than ८ hours duration. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work. (iii) Provisions of rule ९५ and ९६ shall be complied with.
	(२) Cashew Nut factories.	Do	Oil Extraction work	५५	Do
	(३) Cloth Printing and Processing factories.	६४(२) (d) for work which for technical reason must be carried out continuously.	Work of cloth printing, bleaching, finishing, mercerizing, raising, dyeing, singeing and sanforizing.	५५	(i) No worker shall be required or allowed to work on shift of longer than ८ hours duration. (ii) Intervals for food and rest shall be given to all workers allowed to work on such work

(४) Collapsible tube manufacturing factories.	Do	Work of painting, coating, dying of collapsible tubes if carried on in a continuous process.	५५	Do
(५) Cycle manufacturing, Automobile manufacturing and manufacture of steel furniture.	Do	Work of painting and enameling section and semi-auto-matic painting plant.	५५	Do
(६) Enamelled wire manufacturing factories.	Do	Work of enameling of wire.	५५	Do
(७) Ferrous and Non-Ferrous metal factories.	Do	Work on hot Rolling.	५५	Do
(८) Flour Mills.	Do	All work.	५५	Do
(९) Gum Industry.	Do	Work performed in connection with shifting, dehusking, grinding and packing.	५५	Do
(१०) India	Do	Melting Department	५५	Do

Government Mint.		including dress washing.			
(११) Leather cloth factories.	Do	Working of continuous coating of PVC drying fusing in hot air oven and embossing.	५५		Do
(१२) Lime Bhatties.	Do	Workers employed on Bhatties.	५५		Do
(१३) Oil Mills.	Do	All continuous process work.	५५		Do
(१४) Ordnance.	Do	Work in melting shop swarfanneal in furnace gas producers, Electrical sub-stations and water and electrical distribution departments.	५५		Do
(१५) Pharmaceutical factories.	Do	All continuous process work.	५५		Do
(१६) Plastic factories.	Do	Work on plastic injection moulding machine and extrusion machine.	५५		Do
(१७) Pottery work.	Do	Workers of firemen on kilns.	५५		Do
(१८) Shellac factories.	Do	Workers employed on kilns.	५५		Do

	(१९) Smelting and Refining factories.	Do	(१) Work on the reducing furnace. (२) All continuous process work in connection with electrolytic refining.	५५	Do
	(२०) Soap factories.	Do	Work on soap boiling pans and soap drying pans.	५५	Do
	(२१) Sodium and potassium bichromate factories.	Do	All works.	५५	Do
	(२२) Spinning and Weaving Mills.	Do	Work on hot air sizing machine.	५५	Do

X	(9) Acetylene factories.	६४(२) (d) for work for which technical reasons must be carried on continuously.	Generation of gas and filling of cylinders.	५१, ५२, ५४, ५५ and ५६	<p>(i) No worker shall be required or allowed to work on shift of longer than ८ hours duration.</p> <p>(ii) Intervals for food and rest shall be given to all workers allowed to work on such work.</p> <p>(iii) Provisions of rule १६ shall be complied with.</p> <p>(iv) Compliance with section ५३ shall be made in such way that such workers shall be allowed not less than two holidays in each period covered by four consecutive statutory holidays under section ५२(१).</p> <p>(v) In the absence of a worker who has failed to report for duty, a shift worker may be allowed to work the whole or part of the subsequent shift:</p> <p>Provided that, the next shift of that worker shall not commence before a period of १६ hours has elapsed after the specified stopping time of the shift to which he belongs.</p>
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(२) Carbonic Acid gas works.	Do	Work of firemen, pump men, plant driver, oilers and the filling of cylinders.	Do	Do
(३) Carbonic acid gas solidification works.	Do	All works except packing blocks.	Do	Do
(४) Cement factories and asbestos cement factories.	Do	All continuous process works.	Do	Do
(५) Chemical factories.	Do	Do	Do	Do
(६) Chemical product factories.	Do	Process of manufacturing activated carbon.	Do	Do
(७) Chematographic films processing factories.	Do	Work on developing and washing process.	Do	Do
(८) Coal gas factories.	Do	All work in the resort house and on the water gas plant, work of the coal yard labour staff in unloading coal, feeding hoppers and removing coke, work on the siphons boilers, station meters and governors.	Do	Do
(९) Computer installations.	Do	All work.	Do	Do
(१०) Confectionery	Do	Manufacturing of malted	Do	Do

Manufacturing departments or factories.			chocolate flavoured food and chocolate making.		
(११) Crude Mineral oil and Petro-chemical Refining factories.	Do		(a) All continuous process work performed by the plant operators, fire operators, laboratory testers and analysts, maintenance and instrument personnel connected with continuous process work, dressers and sample carries. (b) Work performed by safety operators.	Do	Do
(१२) Dextrine manufacturing factories.	Do		All continuous process work.	Do	Do
(१३) Distilleries.	Do		Work on the extraction of sugar from various bases, fermentation of sugarcane juice and distillation of fermented wash.	Do	Do
(१४) Electrical accumulators charging department of factories.	Do		Operations in connection with charging electrical accumulators.	Do	Do
(१५) Electrical receiving station and sub-stations.	Do		Operation and maintenance of transformers and their auxiliaries including receiving	Do	Do

				and distribution, switch gear, lightening arrestors, synchronous and other condensers and rotary and static condensers.		
	(१६) Electronic Component factories.	Do		Welding, lacquering and colour coding of carbon registers.	Do	Do
	(१७) Ferrous and non-ferrous metal factories.	Do		Hot rolling.	Do	Do
	(१८) Glass factories.	Do		All continuous process work including cartoning and packing carried out in continuous chain.	Do	Do
	(१९) Glycerine factories.	Do		All continuous process work.	Do	Do
	(२०) Hydraulic Pumping stations.	Do		All work.	Do	Do
	(२१) Ice factories.	Do		Work of the engine and compressors, drivers and assistants and oilers.	Do	Do
	(२२) Magnesium Chloride.	Do		The work on concentrating process.	Do	Do
	(२३) Milk Dairies.	Do		All work of receiving, chilling processing of milk by	Do	Do

	(२४) Oil tank Installations.	Do			pasteurisation, storage, bottling and packing of milk.				
					(a) Work performed by workers in connection with pumping operations. (b) Work performed by furnacemen and firemen. (c) Work performed by safety operators.	Do	Do	Do	Do
	(२५) Oxygen factories.	Do			Work Engine and plant drivers, oilers and the filling the cylinders	Do	Do	Do	Do
	(२६) Paper, card-board and straw-board factories.	Do			Work performed on chopper, digester, kneaders Strainers and washers, beaters, paper making machines, pumping plants, realers and cutters.	Do	Do	Do	Do
	(२७) Pharmaceutical factories	Do			All continuous process operations in chemicals plants.	Do	Do	Do	Do
	(२८) Phonograph Disc manufacturing factories.	Do			Work performed in matrix Department.	Do	Do	Do	Do
	(२९) Potassium Chlorate factories.	Do			Work in the cell room.	Do	Do	Do	Do
	(३०) Public Electricity	Do			Operation and maintenance of	Do	Do	Do	Do

supply factories generating electricity in any manner and those engine rooms and boiler Departments or generating electricity in any manner.		Prime oven and auxiliaries, generators, transformers and switchgears, also engines and boilers and their auxiliaries.		
(३१) Public pumping and compressor stations.	Do	Preventive and break down maintenance of pumps and compressors.	Do	Do
(३२) Rubber Tyre and Rubber factories.	Do	All work on curing process of rubber.	Do	Do
(३३) Silver refineries.	Do	All work.	Do	Do
(३४) Soap factories.	Do	(a) All continuous process work in continuous soap making plant. (b) All continuous process work in synthetic detergent plants including cartoning and packing carried out in a continuous chain.	Do	Do
(३५) Sodium and Potassium Bichromate factories.	Do	Work in furnace and crystalliser.	Do	Do

(३६) Starch factories.	Do	All work except the Engineering Department and workshops.	Do	Do
(३७) Sugar factories.	Do	Operations beginning with receiving and weighing of sugar cane and ending with bagging of sugar.	Do	Do
(३८) Vegetable oil hydrogenation factories.	Do	The work viz. refining bleaching, filtering, generation of hydrogen, hydrogenating and deodourising processes, also compression of oxygen and the cylinder filling.	Do	Do
(३९) Factories having effluent treatment Plant.	Do	All continuous process work.	Do	Do
XI All cotton ginning factories.	६४(२) (b) for work in the nature of preparatory or complementary work, section ६२(२) (१) for work carried during fixed seasons and	Work performed by gin fitters, mochies and Oilers.	५१, ५२, ५४, ५५, ५६ and ६१	All the five conditions in X(i) and (vi) Register or muster Roll required to be maintained under section ६२ shall show correctly full particulars of periods within which each such worker may be required to work, entries in the register or Muster Roll, shall be up to date.

		section ६४(२) for consequential exemption from section ६१.			
XII	Policy works	६४(२) (d) of work of continuous nature.	Work on Tunnel Kilns.	५२ and ५५	All the five conditions as in VII
XIII	Gur (Jaggery) factories.	६४(२) (b) for work in the nature of preparatory or complementary work and ६४(२)(c) for work which is necessarily intermittent in nature.	All work.	५१, ५४, ५५ and ५६	All the five conditions as in VIII
XIV	Newspaper Printing Presses.	६४(२) (i) for work in Printing of	All work on daily or weekly Newspapers.	५१, ५४, ५५ and ५६	(a) No workers shall be allowed to work for more than ५६ hours in any week. (b) No overtime shall be carried on

XV	All factories.	1, 2 (K) for work notified by the State Government as work of National importance.	Workers engaged in any work which is notified by the State Government in the <i>Official Gazette</i> , as work of National importance.	49, 48, 44, and 46.	except for two days prior to the date of the publication of the weekly Newspapers. (c) The exemption under this entry shall be availed of only in that section of the Press where there is break down of machinery. (d) Intervals for food and rest shall be given to all workers allowed to work on such work. All the conditions as in X (1) except condition No. (V)™.
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By order and in the name of the Governor of Maharashtra,

DR. S. L. PULKUNDWAR
Deputy Secretary to Government.