

Maharashtra Factories (Safety Audit) Rules, 2014

MAHARASHTRA

India

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Rule MAHARASHTRA-FACTORIES-SAFETY-AUDIT-RULES-2014 of 2014

- Published on 24 February 2014
- Commenced on 24 February 2014
- [This is the version of this document from 24 February 2014.]
- [Note: The original publication document is not available and this content could not be verified.]

Maharashtra Factories (Safety Audit) Rules, 2014 Published vide Notification No. FAC. 2012/C.R.278/Lab-4, dated 24.2.2014 No. FAC. 2012/C.R.278/Lab-4. - In exercise of the powers conferred by section 112 and 115 read with section 41 of the Factories Act, 1948 (63 of 1948), in its application to the State of Maharashtra and clause (3) of section 23 of the General Clauses Act, 1897 (X of 1897) and of all other powers enabling it in that behalf, and in supersession of the Government Notification, Industries, Energy and Labour Department, No. FAC. 2009/C.R.309/Lab-4, dated the 3rd January 2012; and to supplement the provisions of Chapter IV of the said Act as a measure for securing the safety of persons employed in certain class of factories, the Government of Maharashtra hereby proposes to make the following rules, the same having been previously published as required by sub-section (1) of section 115 of the said Act, as follows, namely :-

1.

(1) These rules may be called the Maharashtra Factories (Safety Audit) Rules, 2014. (2) They shall apply to the factories, - (i) in which manufacturing processes, which involves use, storage, handling or processing of toxic or highly inflammable or explosive or hazardous chemicals or wherein such toxic or highly inflammable or explosive substances are likely to be generated or given out, are carried out ; or (ii) in which the hazardous processes as listed in first Schedule appended to clause (b) of section 2 of the Factories Act, 1948 (LXIII of 1948) is carried out; or (iii) Employing more than 250 workers.

2.

(1) In these rules unless the context otherwise requires, - (i) "Act" means the Factories Act, 1948 (LXIII of 1948) as applicable to the State of Maharashtra ; (ii) "Chief Inspector" means any person who is appointed by the State Government as a Chief Inspector, under sub-section (2) of section 8 of the Act ; (iii) "Degree" means the degree of a statutory university ; (iv) "Diploma" means a diploma awarded by a statutory university or a recognized institution ; (v) "Form" means a form appended to

these rules ;(vi)"the Government" or "the State Government" means the Government of Maharashtra;(vii)"safety audit" means a systematic, objective and document evaluation of the occupational safety and health systems and procedures in a factory ;(viii)"Safety Auditor" means a person recognized by a committee constituted by State Government as per rule 5 to carry out safety audit in accordance with these rules and include the safety auditors mentioned in sub-rule (3) of rule 5;(ix)"Schedule" means the Schedule appended to these rules;(x)"Section" means section of the Act.(xi)"hazardous chemical" means any chemical as defined in sub-rule (a) of Rule 2 of Maharashtra Factories (Control of Industrial Major Accident Hazards) Rules, 2003.(xii)"Institution" means a firm, association, body, corporate, society or a trust, whether registered in accordance with the law for the time being force or not, and dealing mainly with the object of ensuring safety and health of workers engaged in factories.(2)Words or expressions used but not defined herein, shall have their respective meanings as assigned to them in the Act or rules made thereunder.

3.

The occupier of the class a factories mentioned in sub-rule (2) of Rule 1 shall arrange to carry out the safety audit to supplement the provisions of Chapter IV of the said Act as a measure for securing the safety of persons employed therein, the following manner namely :-(a)internally, once in a year by a team of Plant personnel ;(b)externally, once in two years by the Safety Auditor :Provided that, in the year, when an external audit is carried out, it shall not be necessary to carry out an internal audit :Provided further that, in case of any changes, total or partial, in the manufacturing process, the occupier shall within one month prior to such change, carry out the safety audit externally by the Safety Auditor.

4.

The Safety Audit shall be carried out as per the standards laid down as IS 14489 : 1998 in the Indian Standard Code of Practice on Occupational Safety and Health Audit or any such standards prevailing at the relevant time whichever is latest by the Safety Auditor or in case of an institution, by the person or employee possessing the qualification, experience and other requirements as set out in Schedule I as a Safety Auditor.

5.

(1)The State Government may recognize any person possessing the qualifications, experience and other requirements as set out in the Schedule I hereto as a Safety Auditor for the purpose of carrying out Safety Audit as provided by these rules ;(2)The State Government may recognize any institution. employing atleast three persons possessing the qualifications, experience and other requirements as set out in the Schedule I as a Safety Auditor for the purpose of carrying out Safety Audit as provided by these rules :Provided that, where the institute to which such recognition has been granted ceases to employ atleast three persons possessing the qualifications, experience and other requirements set out in the Schedule I, the recognition granted to such institute shall stand cancelled :Provided further that, State Government may for reasons to be recorded in writing, relax the requirements of

qualification, if such institute is exceptionally specialized in the field of carrying out Safety Audit for not less than 5 years.(3)Director General Factory Advise Services and Labour Institute (DGFASLI) and National Safety Council (NSC) or an Officer having working experience of not less than 15 years in the office of the DGFASLI or NSC or Directorate of Industrial Safety and Health, Maharashtra State (DISH) not below the rank of Deputy Director shall be deemed to be Safety Auditor for carried out Safety Audit under these rules.(4)The State Government may from time to time fix the total number of such Safety Auditors to be appointed depending on the total quantum of work available in the State and also the manner in which applications are to be invited.

6.

(1)An application for grant or renewal of certificate of recognition as a Safety Auditor for carrying out safety audit shall be made to the Chief Inspector by an individual in Form A and by an institution in Form B.(2)(a)On receipt of an application duly made in accordance with these rules, the Chief Inspector shall register such application and recommend it to the Government for its approval, after having satisfied itself as regards the competence and facilities available at the disposal of the applicant or recommend to the Government for rejecting the application, after specifying the reasons therefor within 30 days.(b)For giving an approval to the applicant as a Safety Auditor, the State Government may constitute a committee, if required, consisting of such members as it may deem fit, to advise it. The application shall be scrutinized by such committee and recommend it to the Government for its approval, after having satisfied itself as regards the competence and facilities available at the disposal of the applicant or recommend to the Government for rejecting the application, after specifying the reasons therefor within 30 days.(c)On receipt of the recommendation of the Chief Inspector or such committee, if constituted under paragraph (b), the State Government may grant recognition to the applicant as Safety Auditor or reject the application, after specifying the reasons therefor within 45 days.(d)After the State Government grants approval to the applicant as the Safety Auditor, the Chief Inspector shall issue a certificate of recognition in Form C, within 15 days subject to the following conditions and any other condition as may be specified by the State Government, namely:-(i)Safety Auditor shall maintain a log book of all safety audits undertaken by him indicating the name and address of the audited factory, name of the person who has carried out safety audit, contact persons, date of the audit and date of submission of the audit report to the Occupier. It shall be produced as and when required by officers of the Directorate of Industrial Safety and Health.(ii)Safety Auditor and the person authorized to carry out shall not conduct a Safety Audit of any factory where such auditor or person is employed, or an occupier, partner, director, or manager of that factory, or of any factory owned, operated, managed, or conducted by immediate family members, relatives or extended family members or wherein that auditor or such person has any direct or indirect interest whatsoever. An auditor or such person shall not carry out the safety audit of those factories to which that auditor or such person supplies any plant, machinery, raw material, safety equipments or other materials or equipment.(iii)Safety Auditor and the person authorized to carry out safety audit shall not disclose, even after he ceasing to be a recognized auditor or employee of the institution, any manufacturing or commercial sectors or working processes or other confidential information which may come to his knowledge in the course of their duties as an auditor. Any failure in this regard may make such auditor or person liable for criminal or civil proceedings, in accordance with the law for the time

being in force.(3)The recognition granted under sub-rule (2) shall be valid for three years from the date of issue of Certificate of Recognition.(4)The application for renewal of recognition as a safety auditor shall be made atleast three months before the expiry of the period of recognition and the procedure stated in sub-rule (2) shall apply mutatis mutandis for its renewal.(5)The applicant shall not be eligible for renewal of recognition as a Safety Auditor if ,-(i)the State Government has revoked such recognition in the past on two occasions; or(ii)he has not carried out atleast three safety audits of factories in past two years; or(iii)[he has obtained less than seventy per cent. marks in the performance appraisal regarding his eligibility assessed and scrutinised by the Additional or Joint Director on the following points the report of which is sent to the Director :- [Added by Maharashtra Notification No. FAC-2016/C.R.99/Labour-4, dated 9.8.2017.](i)Is there any complaint regarding safety audit from management or workers?(ii)Is any complaint about the integrity of the Safety Auditor?(iii)Whether any fatal accident or dangerous occurrence took place in the factory, in which there is loss of life or property or both within a period of one year from the date of audit?(iv)Whether the safety auditor have timely submitted or given,-(a)the intimation of safety audit to be carried out;(b)the safety audit report to the occupier;(c)the safety audit report to the concerned office of the directorate; or(d)any intimation of hazards posing danger observed during the safety audit?(v)Is there violation of any condition stipulated in the certificate of recognition as a Safety Auditor?(vi)Is there any discrepancies found between details mentioned in the safety audit report and actual facts found by the officer of the Directorate?(vii)Status of the health and fitness of the safety auditor;(viii)Whether the safety auditor disclosed any information relating to any manufacturing, commercial business secret or any process secret which came to his knowledge during safety audit.(ix)Whether the Safety Audit Report has been produced before the Safety Committee, or where the provisions of Safety Committee are not applicable, the recommendations and suggestions mentioned in safety audit are displayed in the factory?(x)Whether the Chief Inspector is of the opinion that the performance of the Safety Auditor is not satisfactory, if so, state the grounds as he may thinks fit.Explanation. - For the purpose of the assessment of applicant on such points (i) to (x)above, each point shall be assigned with weightage of 1 mark.](6)The State Government may, after giving an opportunity to the Safety Auditor of being heard, revoke the certificate of recognition, if it has a reasons to believe that,-(i)the Safety Auditor has violated any of the conditions stipulated in the certificate of recognition or renewal of recognition; or(ii)the Safety Auditor has carried out the safety audit in violation of the provisions of the Act or these rules or has acted in a manner inconsistent with the intent or the purpose of the Act or rules made thereunder or has omitted or failed to act as required under the Act and rules made thereunder; or[(ii-a) - the work of Safety Auditor is found unsatisfactory, and the Chief Inspector has issued warning notice to such Auditor on two occasions; or] [Inserted by Maharashtra Notification No. FAC-2016/C.R.99/Labour-4, dated 9.8.2017.](iii)for any other like reason.

7.

The Occupier of the factory as well as the Safety Auditor shall inform in writing to the concerned office of the Directorate of Industrial Safety and Health, fifteen days in advance before commencement of the safety audit in a factory.

8.

The Safety Auditor shall within one month from the date of completion of safety audit forward to the Occupier of the factory a Safety Audit Report in Proforma prescribed under Schedule II on the letter head and his recommendations regarding improvement of the occupational safety and health in a factory :Provided that if during safety audit, auditor finds any hazard posing danger of causing an accident, he shall immediately communicate in writing to the occupier as well as to the inspector concerned. In such case the occupier in such case shall take immediate corrective action.

9.

The Occupier shall, within thirty days of the receipt of the Safety Audit Report in proforma prescribed under Schedule II, forward the same to the concerned office of the Directorate of Industrial Safety and Health alongwith the action taken report in pursuant to the recommendations made in the Safety Audit Report.

10.

On scrutiny of the Safety Audit Report, if it is found that the safety audit is not carried out in accordance with rule 4, the Chief Inspector may communicate the discrepancies to the occupier and Safety Auditor and shall direct the occupier to carry out re-audit only with respect to the discrepancies pointed out by him. Re-audit shall be completed within thirty days from the date of such direction. The provisions of rules 4, 8 and 9 shall apply to such mutatis mutandis apply to such re-audit.

10A. [[Inserted by Maharashtra Notification No. FAC-2016/C.R.99/Labour-4, dated 9.8.2017.]

If an accident involving the Major Accident as defined in clause (c) of rule 2 of the Maharashtra Factories (Control of Industrial Major Accidents Hazards) Rules, 2003 takes place in a factory, re-audit shall be carried out within a period of thirty days from the date of such accident or re-start of the factory, whichever is earlier. The provisions of rule 4, 8 and 9 shall apply mutatis mutandis to such re-audit.]

11.

(1)Subject to the provisions of sub-rule (2), the State Government may, by order in writing, exempt any factory or category of factories from all or any of the provisions of these rules. subject to such conditions as it may specify in such order.(2)No order under sub-rule (1) shall be issued unless, in the opinion of the State Government, the requirements of these rules having regard to the frequency or the nature of manufacturing process carried out in that factory, which involves use, storage, handling or processing of hazardous chemicals or which involves generation of such substances, are impracticable or otherwise not necessary for the safety, health and protection of

workers.(3)Notwithstanding anything contained in sub-rule (1) and (2), the State Government may, in its discretion, by order, revoke the exemption granted under sub-rule (1), at any time.

I

(See rule 5)The applicant, for being recognized as Safety Auditor, shall possess the following qualifications and experience, etc.:-

1. Academic Qualification and Experience. - The applicant shall hold,-

(i)degree in branch of Chemical, Mechanical, Electrical or Production Engineering and having five years' experience in manufacturing, maintenance, design, project or safety department in the supervisory or above capacity in factories; or(ii)diploma in branch of Chemical, Mechanical, Electrical or Production branch Engineering and having seven years' experience in manufacturing, maintenance, design, project or safety department in the supervisory or above capacity in factories; or(iii)degree of Bachelor of Science with Physics and/or Chemistry and having ten years' experience in, manufacturing or safety Department of any factory in the supervisory or above capacity in factories, and one year full time Diploma in Industrial Safety recognized by the Board of Technical Education or All India Council of Technical Education or recognized University; or(iv)degree or diploma in any branch of Engineering and having fifteen years of experience in Factory Inspectorate or Directorate of Industrial Safety and Health or five years of experience in the Director General Factory Advisory Services and Labour Institute or Regional Labour Institute or National Safety Council in the capacity of Assistant Director or above.

2. The applicant shall not be directly or indirectly interested in the factory or in any process or business carried on therein or in any patent or machine connected therewith, in respect of which the safety audit is to be conducted.

3. If the age of applicant is more than 62 years, he shall submit a certificate of physical fitness for carrying out safety audit of factories issued by civil surgeon or certifying surgeon alongwith the application for recognition or renewal of recognition.

II

(See rule 8 and 9)Proforma for Safety Audit Report(1)Name and address of the factory,(2)Name of the Occupier,(3)Date of Audit,(4)List of raw material with maximum, storage quantity,(5)List of finished products with maximum storage quantity,(6)Manufacturing process flow chart,(7)P I Diagram of all plants (Chemical Factories),(8)Name of the Safety Auditor and Certificate No. and name of the person who has carried out safety audit,(9)Whether enclosed Safety Audit Report as per IS 14489, or any such standards prevailing at the relevant time, whichever is latest :Date :Signature of Safety Auditor/Person or employee of an Institution authorized to carry out safety audit.I

(Occupier) undertake to submit the action taken report on recommendations of Safety Audit on or beforeDate :Signature of the Occupier. Form A[See rule 6(1)] Application Form For recognition or renewal of recognition of Safety Auditor (to be filled in by individuals)(In Duplicate)

Applicant's Latest Photograph signed across.

(1)Name :(2)Father/Husband Name :(3)Date of Birth and Age :(4)Permanent Address :(5)Address forCorrespondenceTelephone No. :Mobile No. :Fax :E-mail :(6)Educational Qualification : (Attach Certified copies)

Sr.No. Degree/Diploma College/Institution/University Year of completion

(1) (2) (3) (4)

(7)Technical Qualification in Safety (Attach certified copies)

Sr.No. Degree/Diploma College/Institution/University Year of completion

(1) (2) (3) (4)

(8)Work Experience (Attach certified copies)

Sr.No. Employment Nameand address of Employer Designation Natureof work

From To

(1) (2) (3) (4) (5)

(9)For renewal of recognition.-Certificate No. and date :DeclarationI hereby declare that,(a)my recognition as a Safety Auditor was not revoked or cancelled by the State Government in the past ;(b)my recognition as a Safety Auditor was revoked or cancelled in the past, and its details are as follows :-

Dateof revocation or cancellation anditsorder number, if any Period

From To

(1) (2)

Note. - If the recognition was cancelled or revoked twice in the past the Safety Auditor is not eligible for recognition.(c)I have carried out three or more than three, Safety Audits in the past two years, the list showing the name, address of the factory and date of audits are attached herewith.(d)I, ----- hereby declare that, the information furnished above are correct to the best of my knowledge. I undertake to :(i)maintain the facilities in good working order, and(ii)fulfill and abide by the conditions, if any, stipulated in the certificate of recognition.(e)[I also undertake to not to disclose, as a recognized Safety Auditor or after ceasing to be a recognized Safety Auditor, any manufacturing or commercial secrets or working processes or other confidential information which may come to my knowledge in the course of my duties as an auditor and any failure in this regard may make me liable for criminal or civil proceedings, in accordance with the provisions of the law for the time being in force or any rules made thereunder.] [Added by Maharashtra Notification No. FAC-2016/C.R.99/Labour-4, dated 9.8.2017.]Signature of the

Applicant :Full Name :Date :Place :Form B[See rule 6(1)]Form of Application for recognition or renewal of recognition to an institution as Safety Auditor(1)Name and full address of the Institution : (2)Institution status (specify whether Government, autonomous, co-operative, corporate or private) with registration number : (3)(a)Name of head of Institution(b)Phone/Mobile No.(c)E-Mail address(d)Fax(4)Whether the Institution has been declared as a Safety Auditor by this State or any other State? If so, give details.(5)Attach bio-data of at least three employed persons, in the Annexure attached to this application : (6)Any other relevant information(7)Certificate No. (in case of renewal)DeclarationI hereby declare that, -(a)Recognition of the institution as Safety Auditor was not revoked or cancelled by the State Government in the past ;(b)the recognition of the institution as Safety Auditor was revoked or cancelled in the past, details are as follows :-

Date of revocation or cancellation and its order number, if any	Period
	From To
(1)	(2)

Note. - If the recognition was cancelled or revoked twice in the past the institution is not eligible for recognition.(c)The institution has carried out three or more than three, Safety Audits in the past two years, the list showing the name, address of the factory and date of audits are attached herewith.(d)I, hereby declare that the persons whose bio-data it attached to the application are employees of the institution whose copies of appointment letters are attached herewith.(e)I, hereby declare that the information furnished above for (name of the institution) is correct to the best of my knowledge. I undertake to, -(i)notify to the Chief Inspector immediately, in case the employed person on the basis of which this recognition was procured leaves the employment,(ii)Maintain the facilities in good working order,(iii)fulfill and abide by all the conditions stipulated in the certificate of recognition.(f)[I also undertake to not to disclose, as a recognized Safety Auditor or after ceasing to be a recognized Safety Auditor, any manufacturing or commercial secrets or working processes or other confidential information which may come to my knowledge in the course of my duties as an auditor and any failure in this regard may make me liable for criminal or civil proceedings, in accordance with the provisions of the law for the time being in force or any rules made thereunder.] [Added by Maharashtra Notification No. FAC-2016/C.R.99/Labour-4, dated 9.8.2017.]Signature of the Head of the InstitutionDesignation :Place :Date :Annexure to Form BPersonal Information of the persons employed :Signature of the Occupier.Form A[See rule 6(1)]Application Form For recognition or renewal of recognition of Safety Auditor (to be filled in by individuals)(In Duplicate)

Applicant's Latest Photograph signed across.

(1)Name : (2)Father/Husband Name : (3)Date of Birth and Age : (4)Permanent Address : (5)Address for CorrespondenceTelephone No. : Mobile No. : Fax : E-mail : (6)Educational Qualification : (Attach Certified copies)

Sr.No.	Degree/Diploma	College/Institution/University	Year of completion
(1)	(2)	(3)	(4)

(7)Technical Qualification in Safety (Attach certified copies)

Sr.No.	Degree/Diploma	College/Institution/University	Year of completion
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(1) (2) (3) (4)

(8) Work Experience (Attach certified copies)

Sr.No. Employment Name and address of Employer Designation Nature of work

From To

(1) (2) (3) (4) (5)

Declaration I, hereby declare that all information provided in this annexure is true and correct to the best of my knowledge. If recognised, I agree to abide by and uphold the high standard of professional ethics in discharge of my duties as a Safety Auditor.

Signature of the Applicant: Full Name : Date : Place : Form C [See rule 6(2) (d)] Certificate of recognition / renewal of recognition as a Safety Auditor. Certificate No. : MS/DISH/SA/ /20 It is to inform that M/S. / SHRI / SMT....., (address), has been Recognised / Renewed the recognition as a "SAFETY AUDITOR", by the State Government, vide letter No. dated for the purpose of carrying out Safety Audit under Maharashtra Factories (Safety Audit) Rules, 2013. The Certificate is valid from to This certificate is issued subject to the conditions stipulated hereunder :-

- (1) Safety audit shall be carried out in accordance with the provisions of Maharashtra Factories (Safety Audit) Rules, 2013.
- (2) Every safety audit shall conform to the IS 14489:1998 or latest relevant standard.
- (3) He or the person authorized, in case of the institution, to carry out safety audit shall be physically present at the time of conducting the Safety Audit and shall maintain the record of the work done in the Log Book, as per Rule 6(2)(d)(i).
- (4) Certificate No. and validity period should invariably be recorded on Safety Audit Report.
- (5) No safety audit shall be carried out after expiry of validity period.
- (6) The State Government reserves the right to revoke, annul or amend this Certificate at any time during its validity.
- (7) He or the Person authorised, in case of the institution, to carry out safety audit shall not conduct a Safety Audit of any factory where such auditor is employed, or an occupier, partner, director or manager of that factory, or of any factory owned, operated, managed or conducted by immediate family members, relatives or extended family members or wherein that auditor or such person shall not carry out a safety audit of those factories to which that auditor supplies any plant, machinery, raw material, safety equipments or other materials, equipment.
- (8) He or the person authorised, in case of the institution, to carry out safety audit shall not disclose, even after ceasing to be a recognized Safety Auditor of the employee of the institution, any manufacturing or commercial secrets or working processes or other confidential information which may come to his knowledge in the course of their duties as an auditor. Any failure in this regard may make such auditor or person liable for criminal or civil proceedings, in accordance with the law for the time being in force.
- (9) The application for renewal of the recognition as a Safety Auditor shall be made at least three months before the expiry of the period of recognition.