

Factories (Rajasthan Amendment) Act, 2014

RAJASTHAN

India

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Act 20 of 2014

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Factories (Rajasthan Amendment) Act, 2014(Rajasthan Act No. 20 of 2014)Statement of Objects and Reasons. - Under sub-clauses (i) and (ii) of clause (m) of Section 2 of the Factories Act, 1948 "factory" has been defined as any premises, including the precincts thereof (i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or (ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on. Because of the existing limit, small units are also covered under the definition of "factory". Due to increase in manufacturing activities by small units in the State, the existing threshold limit of "ten" and "twenty" is proposed to be amended by "twenty" and "forty" respectively, so that establishing of small manufacturing units be promoted resulting in creation of more employment opportunities for workers. Consequently, the existing Section 85 of the Act is proposed to be amended. In order to maintain uniformity in smaller cases and transparency in implementation the existing sub-section (1) of Section 105 is proposed to be amended to the effect, that cognizance of any offence shall be taken by the Court on complaint made by an Inspector after obtaining previous sanction in writing from the State Government. Under the existing provisions of the Act, there is no provision for compounding of offences, resulting in higher number of prosecution cases. For speedy disposal of offences and to minimise number of litigation, a new provision, i.e. Section 106-B is proposed to be inserted for compounding of offences. The Bill seeks to achieve the aforesaid objectives. Hence the Bill. [Dated 11.11.2014] [Received the assent of the President on the 30th day of October, 2014] An Act further to amend of the Factories Act, 1948 in its application to the State of Rajasthan. Be it enacted by the Rajasthan State Legislature in the Sixty-fifth Year of the Republic of India, as follow: -

1. Short title, extent and commencement.

(1) This Act may be called the Factories (Rajasthan Amendment) Act, 2014. (2) It shall extend to the whole of the State of Rajasthan. (3) It shall come into force on and from the date of its publication in

the Official Gazette.

2. Amendment of Section 2, Central Act No. 63 of 1948.

- In Section 2 of the Factories Act, 1948 (Central Act No. 63 of 1948), in its application to the State of Rajasthan, hereinafter referred to as the principal Act, -(i)in sub-clause (i) of clause (m), for the existing word "ten", the word "twenty" shall be substituted; and(ii)in sub-clause (ii) of clause (m), for the existing word "twenty", the word "forty" shall be substituted.

3. Amendment of Section 85, Central Act No. 63 of 1948.

- In clause (i) of sub-section (1) of Section 85 of the principal Act, for the existing words "ten" and "twenty", the words "twenty" and "forty" shall be substituted respectively.

4. Amendment of Section 105, Central Act No. 63 of 1948.

- For the existing sub-section (1) of Section 105 of the principal Act, the following shall be substituted, namely: -(1) No Court shall take cognizance of any offence under this Act except on complaint by an Inspector with the previous sanction in writing by the State Government."

5. Insertion of new Section 106-B, Central Act No. 63 of 1948.

- After the existing Section 106-A and before the existing Section 107 of the principal Act, the following shall be inserted, namely: -"106B. Compounding of offences. - The Inspector may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act with fine only, and committed for the first time, either before or after the institution of the prosecution, on realisation of such amount of composition fee as he thinks fit not exceeding the maximum amount of fine fixed for the offence; and where the offence is so compounded, -(i)before the institution of the prosecution, the offender shall not be liable to prosecution, for such offence and shall, if in custody, be set at liberty;(ii)after the institution of the prosecution the composition shall amount to acquittal of the offender."