

Panaji, 18th April, 2023 (Chaitra 28, 1945)

SERIES I No. 2

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

EXTRAORDINARY No. 3

GOVERNMENT OF GOA

Department of Law

Legal Affairs Division

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Notification

7/11/2019-LA

The Factories (Goa Amendment) Act, 2019 (Goa Act 17 of 2023), which has been passed by the Legislative Assembly of Goa on 01-08-2019 and assented to by the President of India on 25-03-2023, is hereby published for the general information of the public.

D. S. Raut Desai, Joint Secretary (Law).

Porvorim, 18th April, 2023.

The Factories (Goa Amendment) Act, 2019

(Goa Act 17 of 2023) [25-03-2023]

An

Act

further to amend the Factories Act, 1948 (Central Act 63 of 1948), as in force in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Factories (Goa Amendment) Act, 2019.

(2) It shall come into force at once.

2. *Amendment of section 65.*— In section 65 of the Factories Act, 1948 (Central Act 63 of 1948), as in force in the State of Goa (hereinafter referred to as the “principal Act”),—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Chief Inspector may, by written order, exempt, on such terms and conditions as may be prescribed, any or all of the adult workers in any factory or group or class or description of factories from any or all of the provisions of sections 51, 52, 54 and 56 on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.”;

(ii) in sub-section (3),-

(a) in clause (iii), for the word “sixty”, the word “seventy-two” shall be substituted;

(b) in clause (iv), for the word “seventy-five”, the words “one hundred and twenty-five” shall be substituted.

3. *Amendment of section 66.*— In section 66 of the principal Act, in sub-section (1), in clause (b), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that the State Government may, by notification in the Official Gazette, in respect of any factory or group or class or description of factories, vary the limits laid down in clause (b), and also specify the conditions for ensuring the safety of women who work in any factory or manufacturing process between the hours of 7 p.m. and 6 a.m.”.

4. *Insertion of new section 92A.*— After section 92 of the principal Act, the following section shall be inserted, namely:—

“92A. *Compounding of certain offences.*— (1) The State Government may, by notification in the Official Gazette, prescribe fine in respect of the offences specified in the Fourth Schedule which shall not be more than the fine specified under section 92, and the Chief Inspector or the Inspector may compound such offence before or after institution of the prosecution for such amount:

Provided that, the offence to be compounded does not involve any contravention of any of the provisions of this Act or of any rules made thereunder resulting in an accident causing death or serious bodily injury or dangerous occurrence:

Provided further that, the State Government may, by notification in the Official Gazette, amend the Fourth Schedule by way of addition, omission or variation of any offence specified in the said Schedule.

(2) Where an offence has been compounded under sub-section (1),—

(i) before the institution of the prosecution, the offender shall not be liable to prosecution in respect of such offence;

(ii) after the institution of the prosecution, such compounding shall be brought by the Chief Inspector or the Inspector in writing, to the notice of the court in which the prosecution is pending and on such notice of the compounding of offence being given, the offender shall be discharged.”

5. *Amendment of section 105.*— In section 105 of the principal Act, in sub-section (1), for the expression “an Inspector” the expression “the Chief Inspector” shall be substituted.

6. *Amendment of section 106.*— In section 106 of the principal Act, for the expression “three months”, the expression “six months” shall be substituted.

7. *Insertion of new Schedule* – After Third Schedule appended to the principal Act, the following Schedule shall be inserted, namely:—

“THE FOURTH SCHEDULE
(See section 92A)
List of compoundable offences

Sr. No.	Section, rules and orders issued thereunder	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.

1	2	3	1	2	3
5.	Section 42 – Washing facilities	Not providing and maintaining washing facilities as per the provisions.	16.	Section 61 – Notice of periods of work for adults	Not complying with the provisions.
6.	Section 43 – Facilities for storing and drying of wet clothing	Not providing facilities as per the provisions.	17.	Section 62 – Register of adult workers	Not maintaining register as per the provisions.
7.	Section 44 – Facilities for sitting	Not providing facilities as per the provisions.	18.	Section 63 – Hours of work to correspond with notice under section 61 and register under section 62	Not complying with 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.	19.	Section 64 – Power to make exempting rules	Not complying with the rules framed under section 64.
9.	Section 46 – Canteens	Not providing and maintaining canteen as per the provisions.	20.	Section 65 – Power to make exempting orders	Not complying with the orders issued under section 65.
10.	Section 47 – Shelters, rest rooms and lunch rooms	Not providing and maintaining shelters, rest rooms and lunch rooms as per the provisions.	21.	Section 79 – Annual leave with wages	Not complying with the provisions.
11.	Section 48 – Crèches	Not providing and maintaining crèches as per the provisions.	22.	Section 80 – Wages during leave period	Not complying with the provisions.
12.	Section 50 – Power to make rules to supplement this Chapter	Not complying with the rules framed under section 50.	23.	Section 81 – Payment in advance in certain cases	Not complying with the provisions.
13.	Sub-section (2) of section 53 – Compensatory Holidays	Not displaying the notice and not maintaining the register for compensatory holiday.	24.	Section 82 – Mode of recovery of unpaid wages	Not complying with the provisions.
14.	Sub-section (5) of section 59 – Extra wages for overtime	Not maintaining the prescribed registers.	25.	Section 83 – Power to make rules	Not maintaining registers as per rules and not complying with the provisions.
15.	Section 60 – Restriction on double employment	Allowing a worker a double employment on any day.	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).

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1	2	3	1	2	3
28.	Section 97 – Offences by workers	Not complying with the provisions.	32.	Section 111A – Right of workers, etc.	Denial of rights of workers.
29.	Section 108 – Display of notices	Not complying with the provisions.	33.	Section 114 – No charge for facilities and conveniences	Demanding charge from worker for providing any facility under the Act.”.
30.	Section 110 – Returns	Not complying with the provisions.			
31.	Section 111 – Obligation of workers	Not complying with the provisions.	Secretariat, Porvorim-Goa. Dated: 18-04-2023.		SANDIP JACQUES Secretary to the Government of Goa, Law Department (Legal Affairs).

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Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 4.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—21/160—04/2023.