

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1276, CUTTACK, WEDNESDAY, OCTOBER 21, 2020/ ASWINA 29, 1942

LAW DEPARTMENT

NOTIFICATION

The 21st October, 2020

No.10197-I-LEGIS-21/2020/L.—The following Ordinance promulgated by the Governor of Odisha on dated the 16th October, 2020 is hereby published for general information.

ODISHA ORDINANCE No. 14 OF 2020

THE FACTORIES (ODISHA AMENDMENT) ORDINANCE, 2020

AN

ORDINANCE

TO AMEND THE FACTORIES ACT, 1948 IN ITS APPLICATION TO THE STATE OF ODISHA

WHEREAS, the Legislative Assembly of the State of Odisha is not in Session;

AND, WHEREAS, the Governor of Odisha is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Factories Act., 1948 in its application to the State of Odisha in the manner hereinafter appearing;

AND, WHEREAS, instructions from the President under the proviso to clause (1) of article 213 of the Constitution of India has been received to promulgate such an Ordinance for the above purpose;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Odisha is pleased to promulgate the following Ordinance in the Seventy-first Year of the Republic of India:—

Short title and
Commencement.

1.(1) This Ordinance may be called the Factories (Odisha Amendment) Ordinance, 2020.

(2) It shall come into force at once.

Amendment of
Section 2.

2. In the Factories Act., 1948 in its application to the State of Odisha (hereinafter referred to as the principal Act.), in Section 2, in clause (m),—

Act 63 of
1948.

- (i) in sub-clause (i), for the words “ten or more workers” the words “twenty or more workers” shall be substituted; and
- (ii) in sub-clause (ii), for the words “twenty or more workers” the words “forty or more workers” shall be substituted.

Insertion of new
Section 5 A .

3. In the principal Act, after Section 5, the following section shall be inserted, namely:—

“Power to
exempt in public
interest.

5-A. Where the State Government is satisfied in the public interest that it is necessary to create more economic activities and employment opportunities, it may, by notification in the official Gazette, exempt, subject to such conditions as it may think fit, any new factory or class or description of new factories which are established and whose commercial production start, from all or any of the provisions of this Act. for a period of one thousand days from the date on which such commercial production start.

Explanation.— For the purposes of this section, the expression “new factory or class or description of new factories” means such factory or class or description of factories which are established and whose commercial production start within a period of one thousand days after the commencement of the Factories (Odisha Amendment) Ordinance, 2020”.

Amendment of
Section 65.

4. In the principal Act, in Section 65, in clause (iv) of sub-section (3), for the words “shall not exceed seventy-five,” the words “shall not exceed one hundred and fifteen” shall be substituted.

Amendment of
Section 66.

5. In the principal Act, in Section 66, 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, allow women workers to work with their consent even between the hours of 7.00 P.M. and 6.00 A.M. in any factory, if the State

Government is satisfied that the factory has taken adequate safety, security, welfare measures and such safeguards as notified by the State Government, from time to time.”

Amendment of
Section 79.

6. In the principal Act, in Section 79, in sub-section (1),—

- (a) for the figure and word “240 days”, the figure and word “180 days” shall be substituted; and
- (b) in Explanation 1, in the long line, for the figure and word “240 days”, the figure and word “180 days” shall be substituted.

Amendment of
Section 85.

7. In the principal Act, in Section 85, in sub-section (1), in clause (i), for the words “less than ten, if working with the aid of power and less than twenty if working without the aid of power” the words “less than twenty, if working with the aid of power and less than forty if working without the aid of power” shall be substituted.

Insertion of new
Section 92-A .

8.In the principal Act, after Section 92, the following section shall be inserted, namely:—

“Compounding
of Offences.

92-A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused, either before or after the institution of any prosecution, be compoundable for a sum of fifty per cent of the maximum fine provided for such offence and in such manner as may be prescribed by the State Government, by such Officer, as the State Government may, by notification, specify in this behalf :

Act 2 of
1974.

Provided that the composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second or subsequent time within a period of five years from the date of commission of such offence,—

- (a) which was earlier compounded; or

(b) for which such person was earlier convicted.

(3) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty per cent of the maximum fine provided for the offence, in addition to such fine.”.

Dated the 16th October, 2020

PROF. GANESHI LAL
GOVERNOR OF ODISHA

SASHIKANTA MISHRA
Principal Secretary to Government