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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Labour Department
(L.W. Branch)

NO.-994 LW/4L-5/15

Date: 31st December, 2015

NOTIFICATION

In exercise of the power conferred by section 112 of the Factories Act, 1948 (hereinafter referred to as the said Act), The Governor is pleased hereby to make after previous publication as required by sub section (1) of section 115 of the said Act, the following amendments in the West Bengal Factories Rules, 1958 (hereinafter referred to as the said rules):-

Amendments

In the said rules:-

(1) for sub-rule (1) of rule 3, substitute the following sub-rule:-

“(1) No building, part of building or structure, shall be constructed, extended, or taken into use as a factory or a part of factory on any site unless previous permission in writing has been obtained from the Chief Inspector for the site and for the construction, extension or use of the building or part of a building or structure, on such site.

Application for such permission shall be made as nearly as possible in Part (A) and Part (B) of common application form(CAF) either physically or electronically in the official portal of the Directorate of Factories, Government of West Bengal which shall be accompanied by the following documents:-

- (a) A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages;
- (b) Plan in duplicate showing:-
 - (i) the site of the factory and immediate surroundings including adjacent buildings, and other structures, roads, drain, etc; and
 - (ii) the plan, elevation and necessary cross-sections of the various buildings drawn to scale indicating all relevant details relating to construction of walls and roofing, natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the plant and machinery, aisles and passage ways.

(c) Such other particulars as the Chief Inspector may require for carrying out the purposes of the Act and these rules.

(2) for rule 4, substitute the following rule :-

“4. Application for registration and grant of licence.-(1) The occupier of every factory shall submit to the Chief Inspector an application as nearly as possible in Part (A) and Part (C) of common application form (CAF), physically in duplicate or electronically in the official portal of the Directorate of Factories, Government of West Bengal for its registration and grant of licence at least fifteen days before the occupier begins to occupy or use any premises as a factory.

(2) Every such application shall be accompanied by a receipt showing payment of fees specified in the schedules ‘A’, ‘B’ and ‘C’ hereto, as the case may be, through the Government receipt portal system (GRIPS) of Government of West Bengal.

However, in case of any factory found to be running without obtaining registration and licence, then the licence fees payable shall be double the amount specified in the schedules provided that all the formalities prescribed in this regard has been duly complied with.

(3) The Chief Inspector may call for such other particulars as he may require before registration and grant of licence under the Act and these rules.

Schedule-A

Scale of fees payable for Grant of Licence and Renewal of Licence for Factories defined under section 2(m)(i) of the Factories Act, 1948 other than Electricity Generating Stations

Note: 1 HP = 0.7457 KW

	Total amount of installed power in KW(HP)		Maximum Number of workers to be employed on any day during the period													
	Over	Not Over	1	2	3	4	5	6	7	8	9	10	11	12	13	14
			to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.	to Rs.
A	0(0)	7.457(10)	2000	3000	4000	9000	18000	33000	47000	60000	90000	110000	130000	160000	200000	230000
B	7.457(10)	37.285(50)	3000	4600	5000	11000	20000	34000	48000	63000	93000	112000	132000	166000	206000	240000
C	37.285(50)	74.57(100)	4600	5000	6000	12000	22000	36000	50000	64000	97000	116000	135000	170000	212000	250000
D	74.57(100)	186.425(250)	5000	6000	8000	15000	24000	38000	52000	66000	101000	120000	140000	180000	220000	260000
E	186.425(250)	372.85(500)	6000	7000	9000	16000	26000	40000	56000	70000	105000	123000	150000	190000	230000	270000
F	372.85(500)	745.7(1000)	7000	9000	12000	19000	28000	43000	60000	74000	108000	127000	160000	195000	240000	290500
G	745.7(1000)	1491.4(2000)	9000	10000	13000	21000	30000	45000	64000	78000	112000	130000	170000	200000	260000	300000
H	1491.4(2000)	3728.5(5000)	10000	12000	14000	24000	33000	47000	68000	82000	120000	140000	180000	220000	320000	320000
I	3728.5(5000)	7457(10000)	17000	19000	23000	36000	50000	69000	100000	126000	160000	200000	250000	320000	400000	440000
J	7457(10000)	11185.5(15000)	20000	23000	26000	39000	53000	73000	116000	136000	210000	240000	270000	350000	450000	520000
K	11185.5(15000)	over	24000	28000	31000	47000	64000	88000	140000	170000	250000	290000	330000	420000	540000	600000

Schedule-B

Scale of fees payable for Grant of Licence and Renewal of Licence for Electricity Generating Stations only

	Total Installed capacity of Generating Stations in KW	Number of workers to be employed	Fees payable
1	2	3	4
A.	Not over 1000 KW	10 or above	30000
B.	Over 1000 KW but Not over 5000 KW	-do-	60000
C.	Over 5000 KW but Not over 10,000 KW	-do-	100000
D.	Over 10,000 KW but Not over 50,000 KW	-do-	190000
E.	Over 50,000 KW but Not over 60,000 KW	-do-	220000
F.	Over 60,000 KW but Not over 80,000 KW	-do-	260000
G.	Over 80,000 KW but Not over 100,000 KW	-do-	300000
H.	Over 100,000 KW but Not over 150,000 KW	-do-	380000
I.	Over 150,000 KW but Not over 200,000 KW	-do-	450000
J.	Over 200,000 KW but Not over 300,000 KW	-do-	520000
K.	Over 300,000 KW but Not over 500,000 KW	-do-	600000
L.	Over 500,000 KW but Not over 10,00,000 KW	-do-	900000
M.	Over 10,00,000 KW – up to 15,00,000 KW	-do-	1200000
N.	Over 15,00,000 KW - up to 20,00,000 KW	-do-	1500000
O.	Over 20,00,000 KW	-do-	2000000

Schedule-C

Scale of fees payable for Licence and Renewal of Licence for Factories wherein no power is used i.e. Factories as defined in section 2(m)(ii) of the Factories Act, 1948

Maximum number of workers to be employed on any day during the period	Fees Payable(Rs.)
A. 20 to 50	2000
B. 51 to 100	3000
C. 101 to 200	4000
D. 201 to 300	6000
E. 301 to 500	10000
F. 501 to 750	15000
F. 751 to 1000	20000
G. ALL OVER 1000	30000

Fees payable for grant of Licence and Renewal of Licence by Factories declared under section 85 of the Factories Act-Rs.2000

Note:

- (1) These Schedules of fees shall come into force with effect from the first day of January of 2016.
- (2) For deposit of the difference of fees between the old and the revised rates, in respect of the year 2016, the specified time for the purpose of rules 6 and 7 shall be on or before the expiry of three months from the date of publication of this amendment of the rules in the Official Gazette.

- (3) for sub-rule (2) of rule 5, substitute the following sub-rule:—

“(2) Every licence granted under this rule shall remain in force for a period of three *calendar* years considering the year of amenability as the first year.

In respect of all factories whose date of amenability is after 31.12.2015, the licence so granted shall remain in

force for a period of three years from the date of its amenability.”

- (4) for sub-rule (1) of rule 6, substitute the following sub-rule :-

“(1) Every application for renewal shall be submitted to the Chief Inspector as nearly as possible in Part (A) and Part (C) of common application form(CAF), physically in duplicate or electronically in the official portal of the Directorate of Factories, Government of West Bengal, on or before 31st December of the year prior to that which the application relates.

In respect of all factories whose licence has been granted after 31.12.2015 and whose date of amenability is after 31.12.2015, every application for renewal shall be submitted to the Chief Inspector as nearly as possible in Part (A) and Part (C) of common Application Form (CAF), either physically in duplicate or electronically in the official portal of the Directorate of Factories, Government of West Bengal before the date of expiry of the licence so granted or renewed”

- (5) for sub-rule (5) of rule 6, substitute the following sub-rule :-

“(5) Every licence renewed under this rule shall remain in force for a period of three years with effect from the date next to the date on which the last licence expired.

- (6) for sub-rule (2) of rule 7, substitute the following sub-rule:-

“(2) A licensee whose licence requires to be amended shall submit an application to the Chief Inspector as nearly as possible in Part (A) and Part (C) of common application form(CAF) either physically in duplicate or electronically in the official portal of the Directorate of Factories, Government of West Bengal,

- (7) for sub-rule (3) of rule 8, substitute the following sub-rule:-

“(3) A fee of fifty rupees shall be charged on each endorsement. The occupier to whom the licence is to be transferred shall submit a notice of occupation as nearly as possible in Part (A) and Part (C) of common application form (CAF) either physically in duplicate or electronically in the official portal of the Directorate of Factories, Government of West Bengal and shall pay the endorsement fee.”

- (8) for sub-rule (1) of rule 9, substitute the following sub-rule:-

“(1) An occupier shall not use any premises as a factory unless a licence has been issued in respect of such premises and is in force for the time being:

Provided that if application for grant, renewal, amendment or transfer of licence with all particulars in Part (A) and Part (C) of common application form(CAF) has been submitted along with receipt showing that appropriate fee has been deposited through the Government receipt portal system(GRIPS) of Government of West Bengal, the premises shall be deemed to be duly licensed until such date as the Chief Inspector may allow or renew, amend or transfer the licence or refuse in writing to do so, as the case may be.”

- (9) for sub-rule (1) of rule 12, substitute the following sub-rule:-

“(1) Every application under these rules shall be accompanied by a receipt showing that appropriate fee has been paid through the Government receipt portal system(GRIPS) of Government of West Bengal.”

- (10) for rule 13, substitute the following rule:-

“13. **Notice of occupation.** The notice of occupation and particulars of the factory shall be as nearly as possible in Part (A) and Part (C) of common application form(CAF).”

- (11) in rule 21, at the following explanation:-

“Explanation- For the purpose of this rule, ‘Hygrometers’ includes ‘Digital Hygrometers conforming to relevant

standards' also."

(12) for sub-rule(1) of rule 34, substitute the following sub-rule:-

"(1) In every factory there shall be provided and maintained at suitable points conveniently accessible to all workers sufficient supply of pure drinking water conforming to ISI standard in such a manner as to ensure the availability as per demand at all times."

(13) in rule 35,-

(i) for Clause (a), substitute the following clause, namely:-

"(a) adequate numbers of water coolers equipped with water purification system shall be provided at suitable points referred to as 'water centres',

(ii) omit Clause (e);

(14) for sub-rule (5) of rule 63C, substitute the following sub-rule:-

"(5) Safety committee shall meet as often as necessary but not less than once in a quarter. The minutes of the meeting shall be recorded and be uploaded in the website of the factory with an intimation to the Inspector under jurisdiction.

Provided that where the minutes of meeting are not uploaded in the website, it shall be readily available to the Inspector on demand."

(15) for sub-rule(1) of rule 63D, substitute the following sub-rule:-

"(1)**Collection, development and dissemination of information-** (1) The occupier of every factory involving a 'hazardous process' shall arrange to obtain or develop information in the form of Material Safety Data Sheet (MSDS) in respect of every hazardous substance or material used, manufactured, stored, handled or transported in the factory. It shall be accessible upon request to a worker for reference and be uploaded in the website of the factory with an intimation to the Inspector under jurisdiction.

Provided that where such information are not uploaded in the website, it shall be readily available to the Inspector on demand."

(a) Every such Material Safety Data Sheet shall be maintained as nearly as possible in Form No. 32 and shall include the following information:

- (i) the identity used on the label ;
- (ii) the chemical name with molecular formula and its synonyms if any ;
- (iii) hazardous ingredients of the substance;
- (iv) physical and chemical characteristics of the hazardous substance ;
- (v) the physical hazards of the substance, including the potential for fire, explosion and reactivity;
- (vi) the health hazards of the substance, including signs and symptoms of exposure and any medical conditions which are generally recognized as being aggravated by exposure to the substance;
- (vii) the primary routes of entry ;
- (viii) the permissible limits of exposure prescribed in the Second Schedule under Section 41 F of the Act and in the case of a chemical not covered by the said Schedule, the limits of exposure recommended by the American Conference of Government Industrial Hygienists (ACGH);
- (ix) the ceiling value, i.e. the concentration that should not be exceeded even instantaneously ;

- (x) the precautions required for safe handling and use of the hazardous substance including appropriate hygienic practices, protective measures during repairs and maintenance of contaminated equipment;
 - (xi) any generally applicable control measures, such as engineering controls, work practices or use of personal protective equipment;
 - (xii) emergency and first-aid procedures ;
 - (xiii) the procedures for clean-up of spills and leaks ;
 - (xiv) the procedures for disposal of waste and empty containers ;
 - (xv) any other information relevant to health and safety;
 - (xvi) the name, address and telephone number of the manufacturer, importer, occupier or other responsible person who has prepared or furnished the Material Safety Data Sheet and who provides additional information on the hazardous substance and appropriate emergency procedures, if necessary ; and
 - (xvii) the date of preparation of the Material Safety Data Sheet, or the last change to it.
- (b) The occupier while obtaining or developing a Material safety Data Sheet in respect of a hazardous substance shall ensure that the information is recorded accurately and reflects the scientific evidence used in making the hazard determination.
- (c) The Material Safety Data Sheet in respect of a hazardous Substance shall be updated as and when necessary due to any new significant information regarding the hazards of the substance or the ways to protect against the hazards.”

(16) to sub-rule (1) of rule 63F, add the following proviso:-

“Provided that in a factory having their own website, the information specified in clause (a) and (b) above shall be uploaded in their website with an intimation to the Chief Inspector and to the local Inspector.”

(17) after sub-rule(2) of rule 63H, insert the following sub-rule:-

“(3) Every change on review shall be uploaded in the website of the factory with an intimation to the Chief Inspector and to the Inspector under jurisdiction:

Provided that if such information are not uploaded in the website, it shall be readily available to the Inspector on demand.”

(18) for rule 103, substitute the following rule:-

“103 Returns.

The manager of every factory shall furnish either physically to the Inspector or such other officer appointed by the State Government in this behalf or electronically in the official portal of the Directorate of Factories the following returns, namely :-

- (1) Annual return.- Not later than the 31st January of the year subsequent to that to which it relates, an annual return, in duplicate, as nearly as possible in Form No. 22.
- (2) Half-yearly return.- Not later than the 5th July of each year, in duplicate, and as early as possible in Form No. 23, for the period January to June of that year.
- (3) Quarterly return.- Not later than 15th of the month April/July/October/January for the respective quarter beginning first of January/April/July/October of the calendar year, as nearly as possible in Form 23-A.”

(19) for Form No.1 and 2, substitute the following Form:-

“COMMON APPLICATION FORM

Business Identification Number(BIN) _____

**Application for permission to construct, extend or take into use any building as a factory
&
Application for Registration and Grant or Renewal of licence and notice of occupation specified in
section 6 & 7 of the Factories Act, 1948**

(See Rule 3,4,6,7,8,13)

Unregistered/Registered

(Strike out whichever is not applicable)

PART A

A. GENERAL INFORMATION

1. (a) Full name of the factory
(b) Previous name of the factory (if different from the present name)
2. (a) Situation of the factory
Address –
Post Office - Telegraph Office –
District - Sub-divisional
Headquarters –
Police Station –
Nearest Railway Station /Steamer Ghat –
(b) Address of the Registered Office/Head Office –
3. PAN Number of the factory under the Income Tax Act, 1961 –
4. Address to which communications relating to the factory may be sent –
5. Telephone No. _____ Mobile No. _____ Fax No. _____ E-mail ID _____
6. Name, age, Father's/Husband's name and present and permanent residential address (and P.S. of the occupier as per provision of Section 2(n) of the Act (a) Director in case of a company, (b) a partner in case of a firm or proprietor –
Name in full
Age
Father's/Husband's name
Present address _____ P.S. _____
Permanent address _____ P.S. _____
Telephone No. _____ Mobile No. _____ Fax No. _____ E-mail ID _____
7. In case of Registered Factory please provide the following information:
Classification No. _____ Registration No. _____ Licence No. _____ Date of issue of licence _____

- Note (i) 'Occupier' of a factory means the person who has ultimate control over the affairs of the Factory, as defined under the provisions of section 2(n) of the Factories Act, 1948 as Amended by the Factories (Amendment) Act. 1987.
- (ii) This Form should be completed in ink, block letters or typed, clearly and legibly, and submitted to the Chief Inspector of Factories, accompanied by the Licence and e-Challan showing payment of fees.
- (iii) Information not included above may be submitted in separate sheets, if necessary.

FORM 1**PART B**

(See Rule 3)

Additional information for permission to construct, extend or take into use any building as a factory

8. Particulars of plant to be installed:

This application shall be accompanied by the following documents :

- (a) A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages
 - (b) Plans, in duplicate, showing –
 - (i) The site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains etc. and
 - (ii) The plan, elevation and necessary cross-sections of the various buildings, drawn to scale, indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the plant and machinery, aisles and passageways
-

FORM 2**PART C**

(See Rule 4,6,7,8,13)

Additional information for Registration and Grant or Renewal of licence and notice of occupation specified in Section 6 & 7 of the Factories Act, 1948

9. Name and residential address of the owner of the premises occupied as a factory –
10. Nature of the manufacturing process/processes –
 (a) Carried on in the factory during the preceding thirty six months (if the factory was then in existence) –
 (b) To be carried on in the factory during the next thirty six months –
11. Name, Age, Father's/Husband's name, present and permanent residential address and P. S. Of the Manager for the purpose of the Factories Act –
 Name –
 Age –
 Father's/Husband's Name –
 Present Address – P.S. –
 Permanent Address – P.S. –
 Telephone No. _____ Mobile No. _____ Fax No. _____ E-mail ID _____
12. Names, age, Father's/Husband's names and residential addresses of Directors/Partners/Proprietor
 (a) Directors in case of company –
 (b) Partners/Proprietor –
 (Enclose separate sheet if necessary)
13. (a) Nature and total amount of power installed or proposed to be installed (Total rated H. P. in all cases except electricity generating station) –
 (b) In case of change in power installed state the date of change –
 (c) Total generating capacity in KW(In case of generating station) –
14. Maximum number of workers (including staff, officers, contract labour etc. likely to be employed in the factory on any day during the next thirty six months –
 (i) Men – (ii) Women –
 (iii) Adolescents (over 15 but under 18 years of age) –
 (a) Male – (b) Female –
 (iv) Children (over 14 but under 15 years of age) –
 (a) Male – (b) Female –
 Total –
15. (a) Maximum number of workers (including staff, officers, contract labour, etc.) employed in the factory on any day during the previous thirty six months –
 (b) In case of change in number of workers, state the date of change –
16. In case of a factory constructed or extended or taken into use after the date of commencement of the Rules –
 (a) Reference number and date of approval of plans by the State Government/Chief Inspector –
 (b) Reference number and date of approval of the arrangements, if any, made for disposal of trade waste and effluents –
17. Amount of fee/renewal fee Rs. (Rupees)
 Paid through GRIPS- (vide GRN _____ BRN _____ -Date- _____ enclosed) for the period from _____ to _____

Signature of Manager
 (Full name of the Manager in
 Block Letter should be stated)

Signature of the Occupier
 (Full name of the Occupier in
 Block Letter should be stated)

(20) for Form No.3, substitute the following Form:-

“FORM NO.3

[See rules 5(1), 6(4), 7(1) and 8(2)]

GOVERNMENT OF WEST BENGAL



DIRECTORATE OF FACTORIES

Licence for running a factory

Licence No. _____ Reg.No _____ Date of amenability _____

Licence is hereby granted to _____, Occupier valid only for the factory known as _____ situated at _____ for running the factory within the limits stated hereinafter, subject provisions of the Factories Act, 1948, and the rules made thereunder.

The _____ 20 _____

Valid for

Period	Maximum No. of workers on any one day	Maximum rated Horse power to be used or power generated in H.P/KW	Fee in Rupees	Date of payment	Excess fee for late payment in rupees	Date of payment	Signature of issuing authority
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Granted under Rule 5

From _____ To _____

Renewed under Rule 6

From _____ To _____

Amendment

(under rule 7)

Period	Amended		Amendment Fee in Rupees	Date of payment	Excess fee for late payment in rupees	Date of payment	Signature of issuing authority
	Workers	Power rated H.P/KW					
From	To						

Transfer

(under rule 8)

To whom transferred	Year of transfer	Date of payment of transfer fee	Signature of issuing authority

Condition—”

By order of the Governor,

(Sital Chandra Mondal)

Joint Secretary to the Government of West Bengal.