

TRIPURA FACTORIES RULES, 2007

Chapter I Preliminary

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Chapter I Preliminary

Rule 1. Short title, extent and commencement:

- 1) These rules may be cited as the Tripura Factories Rules, 2007.
- 2) These rules shall extend to the whole of Tripura.
- 3) Save as otherwise expressly provided elsewhere in these rules, these rules shall come into effect from the date of publication in the Official Gazette.

Rule 2. Definition: - In these rules unless there is anything repugnant in the subject, or context: -

- a) “Act” means the Factories Act, 1948.
- b) “Appendix” means an appendix appended to these rules;
- c) “Artificial humidification” means the introductions of moisture into the air of a room by any artificial means whatsoever, except the unavoidable escape of steam or water vapour into the atmosphere directly due to a manufacturing process;

Provided that the introduction of air directly from outside through moistened mats or screens placed in the openings at times when the temperature of the room is 26.5° Celsius/ Centigrade or more shall not be deemed to be artificial humidification;

- d) "Belt" includes any driving strap or rope;
- e) "Degree" (of temperature) means degrees on the Centigrade/ Celsius scale;
- f) "Family" means the wife and dependent children;
- g) "Form" means a form appended to these rules;
- h) "Fume" includes gas or vapour;
- i) "Health Officer" means the Municipal Health Officer or District Health Officer or such other official as may be appointed by the State Government in that behalf;
- j) "Hygrometer" means an accurate wet and dry bulb hygrometer conforming to the prescribed conditions as regards construction and maintenance;
- k) "Inspector" means any Inspector appointed under the Act and includes the Chief Inspector of Factories and the District Magistrate.
- l) "Local Authority" means Commissioner in case of an area within the limits of a municipality or Corporation or the Administrator appointed by the Government in the absence of any elected body in the municipality or corporation, the Executive officer in case of an area within the jurisdiction of panchayat or the member secretary of an area within the jurisdiction of notified area authority as the case may be.
- m) "Manager" means the person responsible to the Occupier for the working of the factory for the purpose of the Act & Rules;
- n) "Maintained" means maintained in an efficient State, in efficient working order and in good repair;
- o) "Official gazette" means the Tripura Gazette;
- p) "Public Health Authorities" means the local Health Officer having jurisdiction over the area.
- q) "Septic tank latrine" means a latrine of the septic tank type, together with its filter beds, and includes, activated sludge latrines and aero-bacterial latrines.
- r) "Section" means a section of the Act.

Rule 3. Competent Person. (i) The Chief Inspector may recognise any person as a 'competent person' within such area and for such period as may be specified for the purposes of carrying out test, examinations, inspection and certification for such buildings, dangerous machinery, hoists and lifts, lifting machines and lifting tackles, pressure plants, confined space, ventilation system and such other process or plant and equipment as stipulated in the Act and the Rules made there under, located in a factory, if such a person possesses the qualification, experience and other requirements as set out in the schedule annexed to this Rule.

Provided that the Chief Inspector may relax the requirements of qualifications in respect of a 'competent person' if such a person is exceptionally experienced and knowledgeable, but not the requirements in respect of the facilities at his command.

Provided further that where it is proposed to recognise a person employed under the Chief Inspector as a 'competent person', concurrence of the State Government shall be taken and such a person after being so recognised, shall not have powers of an 'Inspector'.

Provided further that the 'competent person' recognised under the provision shall not be above the age of 62 and shall be physically fit for the purpose of carrying out the test, examination and inspection.

- 2) The Chief Inspector may recognise an institution of repute, having persons possessing qualifications and experience as set out in the schedule annexed to sub-rule (1) for the purpose of carrying out test, examinations, inspections and

certification for buildings, dangerous machinery, hoists and lifts, lifting machines, and lifting tackles, pressure plant, confined space, ventilation system and such other process or plant and equipment as stipulated in the Act and the Rules made there under, as a 'competent person' within such area and for such period as may be specified.

- 3) The Chief Inspector on receipt of an application from a person or an institution in, [Form 1](#) or [Form 2](#) as the case may be, intending to be recognised as a 'competent person' for the purposes of this Act and the Rules made there under, shall register such application and within a period of sixty days of the date of receipt of application, either after having satisfying himself as regards competence and facilities available at the disposal of the applicant recognise the applicant as a 'competent person' and issue a certificate of competency in Form –3 or reject the application specifying the reasons there for.
- 4) The Chief Inspector may, after giving an opportunity to the competent person of being heard, revoke the certificate of competency
 - i) If he has reason to believe that a competent person
 - a) has violated any condition stipulated in the certificate of competency; or
 - b) has carried out a test, examination and inspection or has acted in a manner inconsistent with the intent or the purpose of this Act or the Rules made there under; or has omitted to act as required under the Act and the Rules made there under; or
 - ii) for any other reason to be recorded in writing.

Explanation : For the purpose of this Rule, an institution included an organisation.

- 5) The Chief Inspector may, for reasons to be recorded in writing, require re-certification of lifting machines, lifting tackles pressure plant or ventilation system, as the case may be which has been certified by a competent person outside the State.

Schedule

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Sl. No.	Sec./ Rules under which competency is recognised	Qualification required	Experience for the purpose	Facilities at his command
1.	Rules made under Sec. 6 and Sec112- Certificate of stability for buildings.	At least Degree in Civil or Structural Engineering; or equipment.	i) A minimum of 10 yrs experience in the design or construction or testing or repairs of structures; ii) Knowledge of non-destructive testing, various codes or practices that are current and the effect of the vibrations and natural forces on the stability of the building; and iii) Ability to arrive at a reliable conclusion with	

			regard to the safety of the structure or the building.	
2.	Rules made under Sec 21(2) Dangerous Machines.	At least Degrees in Electrical or Mechanical or Textile Engineering or Equivalent.	<p>i) A minimum of 7 yrs experience in</p> <p>a) design or operation or maintenance; or</p> <p>b) testing, examination of relevant machinery, their guards, safety devices and appliances.</p> <p>ii) He shall –</p> <p>a) be conversant with safety devices and their proper functioning.</p> <p>b) be able to identify defects and any other cause leading to failure; and</p> <p>c) have ability to arrive at a reliable conclusion with regard to the proper functioning of safety device and appliance and machine guard.</p>	Gauges for measurement; instruments for measurement of speed and any other equipment or device to determine the safety in the use of the dangerous machines.
3.	Section 28 Lifts and Hoists	At least degree in electrical and or Mechanical Engineering or its equivalent	<p>i) A minimum experience of 7 years in</p> <p>a) design or erection or maintenance or</p> <p>b) inspection and test procedures; of lifts and hoists</p> <p>ii) He shall be –</p> <p>a) conversant with relevant codes of practices and test procedures that are current;</p> <p>b) conversant with other statutory requirements, covering the safety of the Hoists and lifts;</p> <p>c) able to identify defects and arrive at a reliable conclusion with regard to the safety of Hoists and Lifts.</p>	Facilities for load testing, gauges equipment/gadgets for measurement and any other equipment required for determining the safe working conditions of Hoists and Lifts.
4.	Section 29 Lifting machinery and lifting Tackles	At least degree in Mechanical Engineering or Electrical or Metallurgical	<p>i) A minimum experience of 7 years in -</p> <p>a) design or erection or maintenance</p> <p>b) testing, examination and inspection, of lifting machinery, chains ropes</p>	Facilities for load testing, tensile testing, heat treatment, equipment/gadget for measurement,

		Engineering or its equivalent.	<p>and lifting tackles;</p> <p>ii) He shall be –</p> <p>a) conversant with the relevant codes of practices and test procedures that are current;</p> <p>b) conversant with manufacture of machines and metallurgy of the material of construction;</p> <p>c) conversant with heat treatments / stress relieving techniques as applicable to stress bearing components and lifting tackles;</p> <p>d) Capable of identifying defects and arriving at a reliable conclusion with regard to the safety of lifting machinery, chains, ropes and lifting tackles.</p>	gauges and such other equipment to determine the safe working conditions of the lifting machinery, tackle.
5.	Section 31 – “pressure plant”	At least Degree in Chemical or Electrical or Metallurgical or Mechanical Engineering or its equivalent.	<p>i) A minimum experience of 10 years in –</p> <p>a) design or erection or maintenance, or</p> <p>b) testing, examination and inspection, of pressure plants.</p> <p>ii) He shall be –</p> <p>a) conversant with the relevant codes of practices and test procedures relating to pressure vessels;</p> <p>b) conversant with statutory requirements concerning the safety of unfired pressure vessels and equipment operating under pressure;</p> <p>c) conversant with non-destructive testing techniques as are applicable to pressure vessels ;</p> <p>d) able to identify defects and arrive at a reliable conclusion with regard to the safety of pressure plants.</p>	Facilities for carrying out hydraulic test, non-destructive gauges equipment/ gadgets for measurement and any other equipment or gauges to determine the safety in the use of pressure vessels.

6.	<p>i) Section-36 precautions against dangerous fumes.</p> <p>ii) Rules made under Sec 41 & 112 concerning ship building and ship repairs.</p>	At least Master's Degree in Chemistry, or a degree in Chemical Engineering.	<p>i) Minimum of 7 years in collection and analysis of environmental samples and calibration of monitoring equipments;</p> <p>ii) He shall –</p> <p>a) be conversant with the hazardous properties of chemicals and their permissible limit values;</p> <p>b) be conversant with the current techniques of sampling and analysis of the environmental contaminants and</p> <p>c) be able to arrive at a reliable conclusion as regards the safety in respect of entering and carrying out hot work</p>	Meters, instruments and devices duly calibrated and certified for carrying out the tests and certification of safety in working in confined spaces.
7.	<p>Ventilation systems as required under various schedules framed under Section –87. such as Schedules for –</p> <p>i) Grinding or glazing of metals and processes incidental thereto,</p> <p>ii) Cleaning or smoothing, roughening etc. of articles, by a jet sand, metal shot, or grit or other abrasive propelled by blast of compressed air or steam,</p>	At least Degree in Mechanical or Electrical Engineering or equivalent	<p>i) A minimum of 7 years in the design, fabrication, installation, testing of ventilation system and systems used for extraction and collection of dust, fume and vapours and other ancillary equipment.</p> <p>ii) He shall be conversant with relevant codes of practice and tests procedures that are current in respect of ventilation and traction system for fumes and shall be able to arrive at a reliable conclusion with regard to effectiveness of the system.</p>	Facilities for testing the ventilation system instruments and gauges for testing the effectiveness of the extraction systems for dusts, vapours and fumes and any other equipment needed for determining the efficiency and adequacy of these systems. He shall have the assistance of a suitable qualified technical person who can come to a reasonable conclusion as to the adequacy of the system.

	iii) Handling and processing of asbestos, iv) Manufacture of Rayon by viscose process, v) Foundry operations.			
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Rule 4. Submission of plan

The Chief Inspector of Factories may require for the purposes of the Act, submission of plans and layout of plant & machinery of any factory. Such plans shall be drawn to the scale, showing –

- a) the site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains etc;
- b) the plan, elevation and necessary cross sections of the factory buildings indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire, and the position of the plant and machinery, aisles and passage ways; and
- c) such other particulars as the State Government or the Chief Inspector, as the case may be, may require.

Rule 5. Approval of site, construction or extension of factory building/ shed and layout of plant & machinery in a factory.

- 1) No site shall be used for the location of a factory or no building or work shed or structure shall be constructed, re-constructed, or extended for use as a factory or part of a factory or no building, part of building or structure already in existence in any site can be taken into use as a factory or part of factory or no installation of any plant or machinery shall be carried out in a factory unless previous permission in writing is obtained from the Chief Inspector. Previous permission of the Chief Inspector shall also be obtained for the installation of additional machinery.
- 2) Application for such permission shall be made in Form 5 in triplicate along with a fee of Rs. 100/- to be deposited through Treasury Challan and 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, list of the raw materials to be used, raw materials likely to be stored at a time, intermediate products including emission of Toxic Gases etc., finished products, by-products, their quantities, method of storage and handling, loading, transportation and details of arrangements for the disposal of trade waste and effluent, likely hazards involved in the process or with the raw materials and products and the methods of controlling or eliminating them.
 - b) Plans in triplicate drawn to scale showing;
 - i) Site of the factory and its surroundings including adjacent building and other structures, roads, drains etc.
 - ii) The plan, elevation and necessary cross sections of the various buildings indicating all relevant details relating to ventilation and means of escape in case of fire. The plan shall also clearly indicate the position of the plant and machinery, aisles and passage ways.

- c) If the applicant is a company, public limited or private limited or partnership firm or a co-operative society, list and addresses of the persons in the board of directors, partners or members of the society as the case may be shall be submitted by the applicant duly authenticated by authority competent to do so along with concerned articles of memorandum, partnership deed etc. as the case may be.
 - d) Attested copies of Citizenship Certificate or Permanent Resident Certificates issued by the authority of the place/ states to which the applicant belongs or from notary public, need be submitted.
 - e) Such other particulars as the Chief Inspector of Factories may require - provided that Chief Inspector of Factories may exempt submission of plan and plant & machinery drawing incase of any factory or class of factories declared under section 85 of the Act.
- 3) If the Chief Inspector of Factories is satisfied that the plans are in consonance with the requirements of the Act, he shall subject to such condition as he may specify, approve them by signing and returning to the applicant one copy of each plan or he may call for such other particulars as he may require to enable such approval to be given.
- Provided that no place or site shall be dis-approved unless the applicant is given an opportunity to be heard and that the Chief Inspector of Factories or the State Government as the case may be has reasons thereafter to be recorded in that behalf.
- 4) No deviation of any kind from approved plans shall be made without the written permission of the Chief Inspector of Factories.
 - 5) No plant or machine or prime mover or permanent fixture not shown in the plans approved by the Chief Inspector of Factories shall be installed, fixed or used in any factory except in replacement of any machine, prime mover or permanent fixture not occupying more floor area than that already shown in the approved plan.
 - 6) The plans approved by the Chief Inspector of Factories under this rule shall be readily available in the factory for inspection by the Inspectors and Addl. Inspectors appointed under Section 8 of the Act.

Rule 6. Certificate of Stability

- 1) No manufacturing process shall be carried on in any building of a factory constructed, re-constructed or extended or in any building which has been taken into use as a factory or part of a factory until a certificate of stability in **Form 4** in respect of that building has been sent by the occupier or manager of the factory to the Chief Inspector and accepted by him.
- 2) The certificate of stability referred to sub rule (1) shall be signed by a competent person provided that for the factories which are in-existence on the date of notification of this rule, the certificate of stability in Form 4 may be sent to the Chief Inspector of Factories or Area Inspectors within 3 months from the date of notification; provided further that, no manufacturing process shall be carried out in any premises of a factory unless a fresh certificate of stability in Form 4 is obtained from a competent person once in each period of 4 years or after extension, alternation, repairs or addition or any work of engineering construction or replacement or addition of machinery plant etc. and sent to Chief Inspector. Provided also that the forgoing provisions are without prejudice to the provisions of section 39 and 40 of the Act.
- 3) The Chief Inspector of Factories may however exempt any factory from submission of certificate of stability.

Explanation “Work of Engineering Construction” means any building, tank silo, scaffold, platform, chimney, bridge, supporting structural work retaining wall or any similar structure.

Rule 7. Application for Registration and grant of license

- 1) The occupier of every factory shall submit to the Chief Inspector an application for registration and grant of licence and ‘Notice of Occupation’ in Form 6 in triplicate.

Provided that the occupier of premises already in use as a factory on the date of commencement of these rules shall submit such application within 30 days from the date of commencement of these rules.

Provided further that the occupier or manager of a place to which the provisions of the Act are made applicable by a notification under section 85 of the Act shall submit an application within 30 days of the date of that notification.

- 2) The fees payable for the registration and grant of license to a factory shall be as specified in the schedule A, B & C given herein after.

Schedule A

All factories (Except Power Generating Stations and Electrical Sub Stations)

Person to be employed on any day during the year	Quantity of HP Installed (Maximum HP)								
From To	Nil	Upto 10	11- 50	51 – 100	101– 250	251– 500	501 - 1000	1001- 5000	above 5000
Up to 9	100	150	250	500	750	1500	2000	3000	4000
10 to 20	200	300	500	750	1500	2000	3000	4000	5000
21 to 50	300	500	900	1500	2000	3000	4000	5000	6000
51 to 100	750	1000	1500	2000	3000	4000	5000	6000	7000
101 to 250	1000	1500	2000	3000	4000	5000	6000	7000	8000
251 to 500	1500	2000	3000	4000	5000	6000	7000	8000	9000
501 to 750	2000	3000	4000	5000	6000	7000	8000	9000	10000
751 to 1000	3000	4000	5000	6000	7000	8000	9000	10000	11000
1001 to 1500	4000	5000	6000	7000	8000	9000	10000	11000	12000
1501 to 2000	5000	6000	7000	8000	9000	10000	11000	12000	13000
Above 2000	6000	7000	8000	9000	10000	11000	12000	13000	14000

Schedule B

Fees payable for grant of Licence and renewal of Licence for Electricity Generating Station only.

Maximum No of person to be employed on any day during the year	Installed capacity of the generating station including auxiliary units (in KW)							
From To	Up to 50	51- 100	101- 200	201- 500	501- 1000	1001- 5000	5001- 10000	Above 10000
Up to 20	500	750	1500	2000	3000	4000	10000	11000
21 to 100	750	1500	2000	3000	4000	5000	11000	13000
101 to 300	1500	2000	3000	4000	5000	6000	13000	15000
301 to 600	2000	3000	4000	5000	6000	7000	14000	17000
601 to 1000	3000	4000	5000	6000	7000	8000	16000	20000
above 1000	4000	5000	6000	7000	8000	9000	20000	25000

Schedule C

Fees payable for grant of Licence and renewal of Licence for Electricity transforming and transmitting station or Sub-station only.

Maximum No of workers to be employed on any day during the year	Installed Transformer Capacity of the Transforming Stations/ Sub-Stations including auxiliary unit if any in KVA							
From To	Up to 100	101- 150	151- 300	301- 750	751- 1500	1501- 5000	5001- 10000	Above 100000
Up to 20	500	750	1500	2000	3000	4000	10000	11000
21 to 100	750	1500	2000	3000	4000	5000	11000	13000
101 to 300	1500	2000	3000	4000	5000	6000	13000	15000
301 to 600	2000	3000	4000	5000	6000	7000	14000	17000
601 to 1000	3000	4000	5000	6000	7000	8000	16000	20000
above 1000	4000	5000	6000	7000	8000	9000	20000	25000

3) Every application in Form 6 shall be accompanied by a treasury challan in original evidencing payment of appropriate fees prescribed for the purpose.

Rule 8. Grant of License

1) The Chief Inspector may on the application being made to him under sub-rule (1) of Rule 7 and on payment of fees prescribed in sub-rule (2) of that Rule and on being satisfied that there is no objection to the grant of licence applied for, register the factory and grant a licence in Form 7 to the applicant for using the premises described in the licence as the factory.

Provided that the Chief Inspector may call for such other particulars as he may require before register or grant of licence.

Provided further that the Chief Inspector may register and grant licence subject to such conditions as he may consider necessary and which shall be satisfied in the licence.

2) The Chief Inspector may refuse to register and grant or renew a licence if he is satisfied-

- i) that an application is not accompanied by plans -
 - a) of the site on which the factory is to be situated, and
 - b) for the construction or extension of the factory;
- ii) that the plans so submitted have not been approved by the Chief Inspector.
- iii) that the factory has not been constructed in accordance with the plans approved by the Chief Inspector or in compliance with the conditions subject to which the plans are approved;
- iv) that material requirements of the relevant provisions specified in Rule 160 in relation to the factory concerned have not been complied with; or
- v) that there is imminent danger to life of workers working in the factory due to explosive or inflammable dust, gas or fumes and effective measures in his opinion have not been taken to remove the danger.
- vi) that the details of the raw materials, intermediate products, finished products, quantities, methods of storage, hazards, safety measures, arrangements for disposal of trade-wastes and effluents, etc. have not been furnished.
- vii) for any other reasons to be specified by him.

- 3) Subject to the provisions herein after contained with respect to suspension and revocation and unless earlier renewed under rule 8 every such licence shall remain in force till the 31st day of December next and shall then expire.

Rule 9. Renewal of licence

- 1) A licence granted under Rule 8 may be renewed by the Chief Inspector of Factories.
- 2) Every licence granted under the provision of Rule 8 shall be got renewed by the occupier for every calendar year following the year of registration and grant of licence.
- 3) An application for renewal of licence shall be made in Form 6 in triplicate accompanied by the treasury challan in original evidencing payment of renewal fees specified in the schedule attached to Rule 7 so as to reach by 1st November of the year in which the licence is due to expire.

Provided that in case of a licence granted to a factory on or after 1st day of October in any year, the application for renewal of the licence shall be made on or before the 31st day of January of the next year.

- 4) The original copy of the factory licence granted under Rule 7 shall be enclosed with the application referred to in sub-rule (2) above.
- 5)
 - a) On receipt of application duly filled in and completed in all respects under sub-rule (2), the Chief Inspector may, on being satisfied that there is no objection to renewal of the licence, renew the same for a period not exceeding 3(three) years or may, after recording reasons refuse the renewal thereto on any grounds specified in the proviso to sub-rule (2) of Rule 8.
 - b) The Chief Inspector may also refuse the renewal of the licence on the grounds that the applicant has been guilty of repeated contraventions of the provisions of the Act or this rules or both, or applicant has obtained the licence by fraud or by mis-representation.

Provide that in any case falling under clause (a) or (b) before refusing renewal of licence, the applicant may be given opportunity to show cause why the renewal of licence should not be rejected.

- 6) The same fee shall be charged for the renewal of licence as for the grant thereof.

Provided where the application for renewal of the licence is made after the expiry of the due date specified in the sub-rule (3), the additional graded fees on the percentage of the fees ordinarily payable for the renewal of the licence as specified in Column 2 of the schedule thereto shall be payable for such renewal of licence for the period of delay as specified in column of that schedule.

Schedule

Period of Delayed Submission	% of Fees
After 1 st November but by 30 th November	25%
After 30 th November but by 31 st December	50%

Provided further that if the application for renewal is received after the expiry of the licence, the additional fee payable will be on the following rates notwithstanding any other legal actions that may be taken against the applicant.

- a) 75% of the fees ordinarily payable if the application is made by 31st March of the year following the year in which the licence expires.
- b) 100% if the application for renewal is made after 31st March of the year following the year in which the licence expires.

Provided further that if part of the renewal fee is paid within the due date then the additional fee shall be payable only on the balance due.

7) If any amount depositing by due date is less than the prescribed renewal fee, the balance amount of fee along with additional fee calculated on the total fee ordinarily payable in addition with the percentage specified in sub rule 6 shall be payable.

8) Every licence renewed under these rules shall remain in force up to 31st December of the year for which it is renewed.

Rule 10. Adjustment of excess payment of licence fee.

Where the amount is paid in excess of the prescribed fee for the grant of the licence or for the renewal of the licence, the excess amount so paid may be adjusted towards the fee payable for renewal of the licence for the subsequent year by the Chief Inspector at his own discretion on request.

Rule 11. Amendment of licence.

- 1) A licence granted under Rule 8 or renewed under Rule 9 may be amended by the Chief Inspector.
- 2) A licensee shall be required to have his licence amended if there is any change in the name of the factory or in the site on which the factory is situated or if the factory for which the licence granted exceeds the limits specified in the licence in regard to the HP or KW or KVA as the case may be or number of persons to be employed provided that no amendment of licence shall be necessary in respect of changes of the Number of Workers or HP or KW or KVA or all unless such changes involved any change in the existing licence or renewal fee.
- 3) A licensee whose licence is required to be amended shall submit to the Chief Inspector an application in Form 6 for this purpose stating the reasons separately. In case there is any change of site, the applicant shall also submit new site plan as also plan drawing for approval of the Chief Inspector.
- 4) The Chief Inspector of factories may call for such other particulars as he may require for amendment of the licence.
- 5) An application for amendment for a licence shall be submitted to the Chief Inspector of Factories atleast within 30 days prior to the date on which the applicant desires the amendment to take effect. The application shall be accompanied by the original licence and the Treasury Challan in original evidencing payment of the fee prescribed for the amendment.
- 6) The fees for the amendment of a licence shall be Rs. 100/- plus the amount if any by which the fee, that would have been payable if the licence had originally been issued in the amended form, exceeds the fee originally paid for the licence.

Provided that if the limits specified in the licence is exceeded or the name of the factory or the site on which it is situated is changed without making the application as aforesaid, notwithstanding any legal action which may be taken against the occupier, the licence shall be amended only on payment of a fee of 100% in excess of the fee originally payable under sub rule 6 for getting the licence amended.

- 7) On receipt of such application together with the documents evidencing deposit of the prescribed fee, the Chief Inspector may grant amendment and the licence thus amended, be returned to the applicant. The amendment shall be incorporated in the appropriate columns of the original licence under the dated signature of the Chief Inspector and the licence thus amended, be returned to

the applicant. The amendment shall take effect from the date on which it is amended.

Provided that if an application for amendment is refused, the reasons for the same shall be recorded and communicated to the applicant.

Rule 12. Transfer of Licence

- 1) The licence granted under Rule 8 may be transferred by the Chief Inspector.
- 2) The holder of a licence may at any time before expiry of licence apply for permission to transfer the licence to another person.
- 3) Such application for transfer shall be made to the Chief Inspector and should be accompanied by original licence and documents in original in proof of payment of fees prescribed for the transfer.
- 4) The fee for transfer shall be 25% of the fees originally payable for the grant or renewal of the said licence subject to a minimum of Rs.100/- and maximum of Rs. 500/-.
- 5) The transfer of licence shall take effect only if the Chief Inspector approves the transfer and enters the same in the licence under his dated signature. The person likely to take over on transfer shall not take over the management of the factory before getting the written approval of the Chief Inspector or receipt of the Licence thus transferred, whichever is earlier.

Provided that if the transfer of a licence is due to change of occupiership due to purchase of the factory by the transferee from the licensee, due to gift by the licensee to the transferee, the transferee/ purchaser shall intimate the fact to the Chief Inspector and Inspector of the area along with certified copy of the deed of purchase or gift within 15 days from the date on which the deed has been executed.

- 6) The Chief Inspector may call for any other particulars as he may require for consideration of the prayer for transfer of licence.

Rule 13. Procedure on death or disability of a licensee.

If a licensee dies or becomes insolvent or otherwise disabled, a person carrying on the business of such licensee if any shall not be liable to any penalty under the Act for continuing the manufacturing process as granted to the licensee by the licence during such time as may reasonably be required to allow him to make an application for amendment/ transfer of the licence under the Rule 12 in his own name for the unexpired portion of the original licence.

Provided that the said person carrying on the business is to furnish relevant documents in support of insolvency, death or disability of the original licensee to the satisfaction of the Chief Inspector.

Rule 14. Loss of license.

Where a license granted under this rule is lost or accidentally damaged or destroyed, a duplicate may be issued on an application made by the licensee to the Chief Inspector in plain paper and on payment of a fee @25% of the license fee subject to a maximum of Rs. 500/- and minimum of Rs. 100/-.

Rule 15. Mode of payment of fees.

- 1) Every application under the rule shall be accompanied by a Treasury Challan in original showing that the appropriate amount of fee has been paid into the local Treasury/ Sub-Treasury under the head of Account "0230-Labour & Employment, 104 - fees realised under the Factories Act".

Provided further that when the Head of Account under which the fees have to be deposited in changed, the Chief Inspector may direct the occupiers to deposit

fees payable under this sub-rule under changed Head of Account or such other Head of Account as he may specify.

- 2) If an application for grant, renewal, amendment or transfer of a license is rejected, the fee paid shall be refunded to the applicant.

Rule 16. Notice of Occupation

The notice of occupation shall be in Form 6.

Rule 17. Suspension of license on request of licensee.

- 1) If before the 31st December of any year, an occupier notifies his intention in writing to the Chief Inspector that during the following year the premises in respect of which license has been issued will not be used for the working of the factory, the Chief Inspector may suspend the license granted in respect of that factory for such period as he thinks fit by necessary endorsement in the licence.
- 2) A license suspended under sub rule (1), may be renewed for the remaining part of the year on receipt of an application for renewal in Form 6 accompanied by the license on payment of a surcharge of 10% in addition to the fees specified in Rule-8.

Rule 18. Revocation of license.

The Chief Inspector at any time before expiry of the period for which the license has been granted or renewed, may revoke the license on any of the grounds specified in sub-rule (2) of Rule – 8 or sub-rule (5) (a) of Rule 9.

Provided that before revocation of any license, the licensee shall be given an opportunity to show cause why the license should not be revoked.

Rule 19. Notice of change of Manager.

The Occupier of the factory shall send a notice of change of Manager in prescribed Form 8 to the Inspector with a copy to the Chief Inspector within 7 (seven) days from the date on which such person takes over charge.

Rule 20. Display of license.

The license or zerox copy of the license properly bound with proper frame & glasses, shall be displayed at a conspicuous place in the office of the manager of the factory.

Provided where there is no office of the factory manager within the premises of the factory, the license shall be displayed on a conspicuous place at the main entrance of the factory.

Rule 21. Prohibition to run a factory without registration or the valid Factory license - to be issued in case of failure to comply with any of the following.

- 1) The plans are to be got approved from the Chief Inspector in respect the following items, namely –
 - a) site on which the factory is to be situated.
 - b) buildings and extension used for the purposes of manufacturing process;
 - c) The layout of plant and machinery, including the storages for raw materials and finished products, intermediate by-products;
 - d) any changes, total or partial in manufacturing processes.
- 2) The factory building, extensions, processes and machinery layout are to be in conformity with the approved plans;
- 3) The conditions subject to which plans are approved are to be complied with;
- 4) A licence is obtained under rule 8 & 9 the said license is valid at the relevant time;
- 5) Necessary Certificates under Rule 29 are obtained;

- 6) The conditions subject to which the license is granted or renewed as the case may be are compiled with.

Provided that if an application for renewal of license or amendment of license or transfer of license has been submitted in forms & manner prescribed in these rules, the license shall be deemed to be renewed or transferred or amended until such date as the Chief Inspector grants or renews or amends or transfer the license or refuses in writing to grant, renew, transfer and amend the license as the case may be.

Rule 22. Guidelines, instructions and records.

- 1) Without prejudice to the general responsibility of the occupier to comply with the provisions of section 7 (A), the Chief Inspector may, from time to time issue guidelines and instructions regarding the general duties of the occupier relating to health, safety and welfare of all workers while they are at work in the factory.
- 2) The Occupier shall maintain such records as may be prescribed by the Chief Inspector of factories.