

Highlights of the amendments to Factories Act, 1948- State of Karnataka

Following amendments have been notified under the Factories Act, 1948 (“**Principal Act**”) for its applicability in the State of Karnataka:

1. **Section 54- Daily Hours:** Daily maximum hours of work specified in Section 54 may be extended up to 12 hours inclusive of interval for rest in any day, subject to a maximum of 48 hours in any week. However, written consent of workers would be required. Further the remaining days of the said week for a worker shall be paid holidays. This paves the way for a 4 day week for factory workers.

It is in contrast to the Principal Act where the maximum working hours cannot be more than 9 hours in a day.

2. **Section 55- Intervals for rest:** Extending the total number of hours of work of a worker without an interval up to 6 hours, due to the provision of flexibility in working hours as specified in sub-section (2) of section 54.

It is in contrast to the Principal Act which states that no worker shall be required to work for more than 5 hours in a day before he has had an interval for rest of at least half an hour.

3. **Section 56- Spread Over:** In the Principal Act the spread over should not exceed 10.5 hours in any day including the intervals for rest. However as per the amendment applicable to Karnataka, the spread over may be increased up to 12 hours inclusive of intervals for rest due to the provision of flexibility in working hours specified in sub- section (2) of section 54.

4. **Section 59- Extra Wages for overtime:** Sub-section (1) of the Factories Act, 1948 substituted to provide overtime wages at the rate of twice the ordinary rate of wages a worker is entitled to, for the overtime work done as follows:

(i) for more than 9 hours in any day or for more than 48 hours in any week, working for 6 days in any week;

(ii) for more than 10 hours in any day or for more than 48 hours in any week, working for 5 days in any week;

(iii) for more than 11.5 hours in any day working for 4 days in any week, or works on paid holidays.

5. **Section 65- Power to make exempting orders-** Clause (iv) under Sub-Section (3) substituted as follows:

(iv) no worker shall be allowed to work overtime, for more than 7 days at a stretch and the total number of hours of overtime work in any quarter shall not exceed 140 hours.

Clause (v) has been added under Sub-Section (3) as follows:

(v) a worker shall be required to work overtime subject to the written consent of such worker for such work.

6. **Section 66- Further restrictions on employment of women-** Following supplementary provisions have been added:

- While the Principal Act states that no woman is exempted from the provisions of Section 54, the amendment applicable to Karnataka permits to do so as the reference to the said provision has been omitted.
- The amendment permits a woman to work in any factory for a night shift between 7 P.M. to 6 A.M though the Principal Act states that such variation in working hours shall not be between 10 P.M to 5 A.M.

It may be noted that the restriction laid down as above in the Principal Act has been quashed by the Madras High Court in the case of *Vasantha R Vs Union of India And Ors. on December 8, 2000.*

- The above night shift may be implemented provided the Employer follows conditions such as providing appropriate working conditions, takes necessary measures to prevent acts of sexual harassment, ensuring security, maintaining complaint redressal mechanism and ensuring timely resolution, hires supervisory women staff in not less than 1/3rd of the total supervisory staff for the night shift etc.

While the amendments are effective from August 07, 2023, the State Govt is yet to notify the rules for Section 54, 55 and 56.

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