

This issues with the concurrence of Personnel Department vide their U.O. No. 1185/F 02-10-2020 and Finance (R&C) Department vide their U.O. No. 1400073023 dated 25-06-2021.

By order and in the name of the Governor of Goa.

Pritidas U. Gaonkar, Under Secretary (Home).

Porvorim, 6th July, 2021.

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Department of Labour

Inspectorate of Factories and Boilers

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Notification

VI/FAC-6(L-1)Part-1/IFB-2020/975

Whereas, the draft Rules, namely, the Goa Factories (Fifteenth Amendment) Rules, 2020 which the Government of Goa proposed to make in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act No. 63 of 1948), so as to further amend the Goa Factories Rules, 1985, were pre-published as required by section 115 of the said Act vide Notification No. VI/FAC-6 (L-1)Part-1/IFB-2020/1031 dated 11-08-2020, of the Inspectorate of Factories and Boilers, in the Official Gazette, Series I No. 20, dated 13-08-2020, inviting objections and suggestions from all persons likely to be affected thereby within a period of forty-five days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Official Gazette was made available to the public on 13th August, 2020;

And whereas, the objections and suggestions received from the public on the said draft Rules have been considered by the Government.

Now, therefore, in exercise of the powers conferred by section 112 of the Factories Act,

1948 (Central Act No. 63 of 1948) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Factories (Fifteenth Amendment) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of rule 2A.*— In rule 2A of the Goa Factories Rules, 1985 (hereinafter referred to as the “principal Rules”),—

(i) in sub-rule (3), for the words “ten thousand rupees”, the words “twenty thousand rupees” shall be substituted;

(ii) in the Schedule,—

(a) against serial number 3, in column 5, for the existing entry, the following entry shall be substituted, namely:—

“Instruments such as Vernier Calliper, Level Gauges, Ultrasonic Thickness Gauge with normal and hot probe, Tensometer/Spring Balancer and any other equipment or device as may be recommended by the Chief Inspector to determine the safe working condition of the Hoists and Lifts.”;

(b) against serial number 4, in column 5, for the existing entry, the following entry shall be substituted, namely:—

“Instruments such as Vernier Calliper, Level Gauges, Ultrasonic Thickness Gauge with normal and hot probe, Tensometer/Spring Balancer and any other equipment or device as may be recommended by the Chief Inspector to determine the safe working condition of the Lifting Machinery and Lifting Tackles.”;

(c) against serial number 5, in column 5, for the existing entry, the following entry shall be substituted, namely:—

“Instruments such as Vernier Calliper, Level Gauges, Ultrasonic Thickness Gauge with normal and hot probe,

calibrated pressure gauges, hydraulic pump and any other equipment or device as may be recommended by the Chief Inspector to determine the safety in the use of pressure plant.”;

(d) against serial number 7, in column 5, for the existing entry, the following entry shall be substituted, namely:—

(e) “Instruments such as Stack Velocity Meter, Anemometer, Manometer, Pitot Tube and any other equipment or device as may be recommended by the Chief Inspector to determine the efficiency and effectiveness of the system or the appliance.”.

3. *Amendment of rule 3.*— In rule 3 of the principal Rules, in sub-rule (1),—

(i) for clause (d), the following clause shall be substituted, namely:—

“(d) Where any flammable or non-flammable or toxic or non-toxic compressed gas or petroleum product or any other inflammable substance is intended to be possessed in a cylinder or a vessel or a tank in any factory, application for permission shall also be accompanied by an approval/license, if applicable, as required under the Gas Cylinders Rules, 2016 or the Static and Mobile Pressure Vessels (Unfired) Rules, 2016 or the Petroleum Rules, 2002 or the Inflammable Substances Act, 1952 (Act No. 20 of 1952), as the case may be, as amended from time to time, from the authority concerned.”;

(ii) in clause (e),—

(a) for the expression “one thousand rupees”, the expression “two thousand rupees” shall be substituted;

(b) the following explanation shall be inserted, namely:—

“*Explanation:*

In respect of application made through online mode, fees shall be paid through e-challan payment gateway.”.

4. *Amendment of rule 4.*— In rule 4 of the principal Rules, in the Explanation, after clause (c), the following clause shall be inserted, namely:—

“(d) existing building/shed/structure/work of engineering construction is in accordance with the plans approved by the Chief Inspector.”.

5. *Amendment of rule 5.*— In rule 5 of the principal Rules,—

(i) after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that in case the person issuing the Certificate of Stability is a Structural Engineer registered under the provisions of the Goa Land Development and Building Construction Regulations, 2010, as amended from time to time, and who has originally designed the building/shed/structure/work of engineering construction, the Certificate of Stability issued by such person shall be considered in respect of such building/shed/structure/work of engineering construction initially and thereafter once in a period of five years or after any re-construction, extension, alteration, etc. or wherein there is any addition or modification of machinery, plant, lifting tools or lifting machines.”;

(ii) in the Form of Certificate of Stability, after point No. (7), for the existing paragraph, the following paragraph shall be substituted, namely:—

“I certify that I have personally inspected the building/shed/structure/work of engineering construction, the plans of which have been approved by the Chief Inspector vide letter No. dated and examined the various parts including the foundations with special reference to the machinery, plant, etc., that have been installed. I am of the opinion that the building/shed/structure/work of engineering construction, which has been constructed/reconstructed/extended/taken into use is structurally sound and that it's

stability will not be endangered by its use as a factory/part of a factory for the manufacture of..... for which the machinery, plant, etc. is/are installed. I hereby undertake to take responsibility and liability for any action in accordance with the law in force in the event of any structural failure endangering human life or safety.”.

(iii) for the second NOTE, the following NOTE shall be substituted, namely:—

“NOTE:— For the purpose of rule 5, the “competent person” means a Structural Engineer registered under the provisions of the Goa Land Development and Building Construction Regulations, 2010, as amended from time to time, and who has originally designed the building/shed/structure/work of engineering construction or a person approved by office of the Chief Inspector of Factories and Boilers, Government of Goa, and in the case of a building/shed/structure/work of engineering construction occupied or erected by the Government, an officer not below the rank of an Executive Engineer.”.

6. *Amendment of rule 6.*— In rule 6 of the principal Rules, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) Every such application shall be accompanied by a treasury receipt or an invoice for book adjustment, as the case may be, for payment of the fees prescribed for the purpose as specified in the Schedule below:—

SCHEDULE

Scale of fees payable for licence and annual renewal of licence by Factories

Quantity of H. P. Installed (Maximum H.P.)	Maximum number of workers to be employed on any day during the year									
	Upto 9	From 10 to 20	From 21 to 50	From 51 to 150	From 151 to 250	From 251 to 500	From 501 to 1000	From 1001 to 2500	From 2501 to 4000	4001 and above
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nil	0	400	700	3000	4000	8000	16000	32000	48000	63000
Upto 10	600	1100	2700	6000	8000	12000	24000	48000	63000	78000
Above 10 but not above 50	800	3000	4000	8000	12000	16000	32000	59000	72000	86000
Above 50 but not above 100	3000	4000	6000	12000	16000	24000	40000	70000	78000	94000
Above 100 but not above 500	6000	7000	10000	24000	32000	40000	59000	78000	94000	109000
Above 500 but not above 1000	10000	11000	20000	32000	44000	52000	78000	94000	109000	125000
Above 1000 but not above 2000	14000	19000	26000	44000	52000	63000	86000	109000	125000	146000
Above 2000 but not above 5000	19000	26000	44000	52000	63000	86000	109000	125000	146000	159000
Above 5000 but not above 10000	28000	37000	65000	77000	94000	129000	172000	198000	212000	238000
Above 10000	41000	56000	97000	114000	146000	198000	251000	291000	317000	357000

Note: In respect of application made through online mode, fees shall be paid through e-challan payment gateway.”.

7. *Amendment of rule 9.*— In rule 9 of the principal Rules,

(i) in sub-rule (1), after the expression “on which the license is due to expire”, the expression “and in respect of application made through online mode, fees shall be paid through e-challan payment gateway” shall be inserted;

(ii) in sub-rule (2), in second proviso, after the expression “Schedule attached to rule 6”, the expression “and in case during the period of validity of the license, there is an increase in the fees payable, the Occupier, within a period of three months from the date of publication of Notification to that effect in the Official Gazette, shall pay the difference in fees payable with effect from the date of such increase till the remainder period of validity of license.” shall be inserted.

8. *Amendment of rule 13.*— In rule 13 of the principal Rules, in sub-rule (1),—

(a) before the proviso, the following expression shall be added at the end, namely:—

“In respect of application made through online mode, appropriate amount of fee shall be paid through e-challan payment gateway under the said head of account.”.

(b) in the proviso, the following expression shall be added at the end, namely:—

“In respect of application made through online mode, appropriate amount of fee shall be paid through e-challan payment gateway under the said head of account.”

9. *Substitution of rule 19A.*— For rule 19A of the principal Rules, the following rule shall be substituted, namely,—

“19A. *Medical Examination of workers.*—
(1) Save as otherwise provided in these

Rules, the workers in a factory shall be medically examined once before employment and thereafter after every five years by the Certifying Surgeon appointed under the Act or the Medical Inspector of Factories appointed by the Government or the Factory Medical Officer or the Occupational Health Laboratory recognized under sub-rule (3) of rule 90 O or sub-rule (4) of rule 90 O.

(2) Medical certificate issued to a worker after his medical examination shall be valid for a period of five years even if the worker is employed in another factory during such period of five years provided that such worker is not engaged in dangerous operation or hazardous process in another factory.

(3) Tests/investigations to be conducted for the purpose of carrying out medical examination of a worker before employment and thereafter at specified intervals shall consist of blood investigations for hemoglobin, total WBC count, differential count, blood grouping, fasting blood sugar level, serum creatinine, blood urea, electro cardio gram, urine (routine and microscopic), audiometry, X-ray chest, eye test including colour vision, pulmonary function test and any other test(s) as may be specified by the Certifying Surgeon appointed under the Act or the Medical Inspector of Factories appointed by the Government or the Factory Medical Officer or the Occupational Health Laboratory.”.

10. *Amendment of rule 47.*— In rule 47 of the principal Rules, after clause (b), the following clauses shall be inserted, namely,—

“(c) Sanitary Napkins conforming to Indian Standards and in adequate quantity shall be provided and maintained in the women's toilets for their use, and the same be replenished periodically, as and when required.

(d) Disposable paper bags shall be provided in the women's toilets for the collection of the used napkins. The used napkins shall be disposed off daily as per the procedure approved by the Inspector or in accordance with any other law in force."

11. *Amendment of rule 68.*— In rule 68 of the principal Rules, in sub-rule (4), for clause (b), the following clause shall be substituted, namely:—

"(b) a suitable pressure gauge with a dial range not less than 1.5 times and not exceeding twice the maximum safe working pressure, easily visible and designed to show, at all times, the correct internal pressure in kilograms per square centimetre and marked with a prominent red mark at the maximum safe working pressure of the pressure vessels or pressure plant and the same shall be mounted at a height not more than 1.5 metres from the working level;"

12. *Amendment of rule 90N.*— In rule 90N of the principal Rules, in sub-rule (1), after clause (b), the following clause shall be inserted, namely:—

"(bb) The tests/investigations to be conducted for the purpose of carrying out medical examination of a worker before employment and thereafter at prescribed intervals shall consist of blood investigations for hemoglobin, total WBC count, differential count, blood grouping, fasting blood sugar level, serum creatinine, blood urea, electro cardio gram, urine (routine and microscopic), audiometry, X-ray chest, eye test including colour vision, pulmonary function test and other test(s) which the Factory Medical Officer or the Occupational Health Laboratory may specify;"

13. *Amendment of rule 90-O.*— In rule 90-O of the principal Rules,—

(i) in sub-rule (4),—

(a) in clause (a), for the words "ten thousand rupees", the words "twenty thousand rupees" shall be substituted;

(b) for clause (b), the following clause shall be substituted, namely:—

"(b) The institution shall employ persons possessing the qualifications specified in sub-rule (2) and shall possess license/approval/permission from authorities such as Local Authority, Goa State Pollution Control Board, Directorate of Health Services and shall have facilities and equipments at the disposal as set out hereinbelow."

14. *Substitution of rule 90S.*— For rule 90S of the principal Rules, the following rule shall be substituted, namely:—

"90S. *Qualifications, etc., of supervisors.*—

(1) All persons who are required to supervise the handling of hazardous substances shall possess the following qualifications and experience.—

(a) (i) a degree in any branch of engineering or technology or a masters degree in Science (Physics or Chemistry) or a masters degree in Pharmacy, from recognized institution, with two years of experience of working in a factory involved in hazardous process; or

(ii) a degree in Science (Physics or Chemistry) or a degree in Pharmacy or a diploma in any branch of engineering or technology, from a recognized institution, with five years of experience of working in a factory involved in hazardous process.";

(b) The Chief Inspector may direct the Occupier of the factory involved in hazardous process to require the supervisor(s) so appointed in the factory to undergo a certificate course in Health and Safety of the duration as may be specified;

(2) The syllabus, course fees, duration, mode of examination, other aspects of the above course and the organisations conducting the course shall be approved by the Director General Factory Advice Service and Labour Institutes or the State Government from time to time.”.

15. *Insertion of new rule 90X.*— After rule 90W of the principal Rules, the following rule shall be inserted, namely:—

“90X. *Personal Protective Equipments.*—

(1) All workers shall be mandatorily provided with Personal Protective Equipments (PPEs) as required under any of the provisions of the Act or the Rules and such PPEs shall conform to the relevant National Standard. The occupiers shall require the worker to use such PPEs and the same shall be maintained in proper working conditions by the occupier. No charges whatsoever shall be charged by the occupier from the workers for provision of such PPEs.

(2) Without prejudice to the generality of the provisions of sub-rule (1), the various types of PPEs to which this rule shall extend for use in factories shall be as specified hereinbelow.

(i) *Safety Helmet:*— All workers who are likely to be exposed to any hazard which may cause head injury shall be provided with safety helmets conforming to relevant National Standards. All the workers shall be adequately trained on proper use of such PPEs. When work at height is being carried out such safety helmets shall be provided with a nape strap. No safety helmet which has resisted an impact shall be reused. Periodic cleaning and visual inspection

to check any deformation in size or shape shall be carried out.

(ii) *Protective Footwear:*— Protective footwear shall be provided to them for preventing materials being dropped on their feet or nail or other sharp objects penetrating their sole. The type and nature of foot wear to be used at workplaces shall be decided by the occupier based on nature of work being carried at such work places. Proper disinfection shall be carried out to prevent contagious fungal infection of the skin that causes scaling, flaking, and itching of the affected areas. Proper medical care shall be provided to prevent workers from suffering from ingrown nails, metatarsalgia, heel spur, hammer toes and nerve damage after wearing safety shoe.

(iii) *Safety Goggles and Spectacles:*— The relevant National Standard shall be applicable for eye-protection intended for use in industrial undertakings to provide protection for the eyes of the workers against hazards such as flying particles and fragments, splashing materials, molten metal's and harmful dust, gases or vapors, aerosols and radiations which are likely to impair vision or damage the eyes. Additional eye protection over their prescription lenses shall be used ensuring that the protective eyewear does not disturb the proper positioning of the prescription lenses.

(iv) *Equipment for eye and face protection during welding:*— Relevant National Standard shall be followed for the requirements of goggles, hand shield and helmet intended to protect an operator above the shoulder from harmful radiation, spark and particles of hot metal during welding, cutting and similar operations employing a gas flame or electric arc.

(v) *Gloves and Protective Clothing:*— Suitable gloves, leather gauntlets and mittens conforming to relevant National

Standard shall be used for protection of hand of the workers from getting injured. Such protective gloves shall be provided where the hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

Suitable protective clothing as per relevant National Standard available for apron (Rubberized, acid and alkali resistant) shall be used for protection of workers who are likely to be exposed to any hazard which may cause injury to their skin.

(vi) *Ear protection when exposed to noise*:- Protection against the effects of noise exposure shall be provided when the sound levels exceed the prescribed standards. The relevant National Standard shall be followed while selection of suitable ear protection. Periodic disinfection of reusable ear protectors shall be carried out to eliminate hearing loss caused by infection, discharge, pain, etc. in the ear.

(vii) *Respiratory Protection*:- Respiratory Protective equipment based on the nature of hazard as per the relevant National Standard shall be provided by the occupier of the factory to the workers for their respiratory protection against dust, fumes, gases, particulates, etc. Clinical Examination and appropriate medical tests shall be undertaken to avoid irritant Dermatitis, nose bridge sores, etc. because of prolong use of respiratory personal protective equipment.

(viii) *Other Protective Equipment*:- Appropriate personal protective equipment based on the nature of hazards as per the relevant National Standard shall be provided by the occupier to the workers. These shall include the following:-

(a) Safety harnesses with independently secured lifelines where

protection against falls cannot be provided by other appropriate means.

(b) Life vests and life preservers where there is a danger of falling into water.

(c) Distinguishing clothing or reflective devices or otherwise conspicuously visible material when there is regular exposure to danger from moving vehicles.

(3) The Inspector may, having regard to the nature of the hazards involved in work and process being carried out, order the occupier or the manager in writing to supply to the workers exposed to particular hazard any personal protective equipment conforming to Relevant National Standards as may be found necessary.”.

16. *Amendment of rule 131*.— In rule 131 of the principal Rules, after sub-rule (6), the following sub-rule shall be inserted, namely:—

“(7) Other tests/investigations to be conducted for the purpose of carrying out medical examination of a worker before employment and thereafter at specified intervals shall consist of blood investigations for hemoglobin, total WBC count, differential count, blood grouping, fasting blood sugar level, serum creatinine, blood urea, electro cardio gram, urine (routine and microscopic), audiometry, X-ray chest, eye test including colour vision, pulmonary function test and any other test(s) which the Certifying Surgeon may specify.”.

By order and in the name of Governor of Goa.

Vivek P. Marathe, Chief Inspector of Factories and Boilers and ex officio Joint Secretary.

Panaji, 12th July, 2021.