

## WEST BENGAL FACTORIES ACT, 1948

It applies where minimum workmen engaged 10 heads or more and running electric power of 20 heads without power. It is mandatory to apply for registration with Factory Plan for approval to the Inspector of Factory.

### 1 **Application for registration**

Application for registration and grant or renewal of license and notice of occupation specified in sections 6 & 7 of the Factories Act, 1948 to be made in form No. '2' along with copies of Trade License, Memorandum of Article/Partnership Deed, TR 7 challan, NOC of PCB and Fire License etc.

- i) The occupier of the factory shall submit an application in form no. 2 in duplicate for its registration and grant of license at least 15 days before the occupier begins to occupy or use any premises of the factory.
- ii) Every such application shall be accompanied by Treasury Receipt No. '7' showing payment of fees specified in schedule 'A,B & C' as the case may be under rule '4' of The West Bengal Factories Rules, 1948 in favour of Chief Inspector of Factories. (Fees to be calculated on the application by the concern Inspector of Factories)
- iii) Any other such particulars as to be required by the chief Inspector of Factories.

### 2. **License for running a Factory**

License for running a factory to be obtained in form No. '3' from the Directorate of Factories, Govt. of West Bengal. (Form will be available on the website 'banglarmukh')

License fee so determined shall be paid before 31<sup>st</sup> December every year with return for renewal to be submitted in form 2 in duplicate every calendar year. Half yearly return to be submitted by 15<sup>th</sup> July and Annual Return by 31<sup>st</sup> December every year

### 3. **General duties of the occupier/occupiers**

Every occupier shall ensure health, safety, welfare of all workmen while they are at work at factory on the following areas:

#### a) **Health – following areas to be covered**

Cleanliness, disposal of wastes and effluents, ventilation & temperature, dust & fume, artificial humidification, overcrowding, lighting, drinking water, latrines and urinals and spittoons.

#### b) **Safety – following areas to be covered**

Fencing of machinery, work on or near machinery in motion, employment of young persons on dangerous machines, lifting machines, chains, ropes & lifting tackles, and means of access, excessive weights, protection of eyes, precautions against dangerous fumes, gases, precautions regarding the use of portable electric light, precautions in case of fire, safety of buildings and machinery.

#### c) **Leave**

Leave policy to be declared and Leave Register to be maintained as per Factory Act.

#### d) **Welfare**

Washing facilities, first aid appliances, canteens, shelters, rest room & lunch room, crèche

\*Application form and other details will be available in website 'banglarmukh'

## FAQ

1. Which Factory need to take licence under the Factories Act 1948?
  - I. Factory using power driven machinery in a manufacturing process where 10 or more workers are working or were working on any day of the preceding year
  - II. Factory engaged in manufacturing process without aid of power where 20 or more workers are working or were working on any day of the preceding year
  - III. Factory employing less than 10 workers for the following manufacturing process
    - a. Manufacture of rubber and plastic products
    - b. Manufacturing process involving repair of motor vehicles and motor cycles
    - c. Manufacturing process using or producing explosives or highly inflammable articles or substances
    - d. Fire works manufacturing and its packaging units
    - e. Manufacturing of Leather goods
    - f. Manufacturing of Ice using ammonia as refrigerant
    - g. Pesticides formulation units
    - h. Manufacturing, handling & processing of asbestos and its products
2. What is the procedure for applying for the registration and licence online?

Please refer and follow instructions under heading "online registration of factories" including submission of plan for approval by submitting Form No.1 online.
3. What is the procedure for applying for the renewal of licence?

Please refer and follow instructions under heading "online renewal of factory Licence".
4. Whether any declaration necessary for online applications?

Yes. Following declaration are necessary for registration of the factory and grant of licence

  - a. Date of starting of manufacturing process (exact date)
  - b. Date on which more than nine workers were employed for the first time, along with number of worker
  - c. List of machineries along with HP/KW.
5. What is the procedure for amendment of licence online?

Enter your last submitted Form No.2 and change the manpower/horse power or both. Pay the revised fees plus amendment fees Rs. 50. Submit revised Form No.2 online and send one hard copy of Form No.2, original TR7 challan and report generated by computer to Inspector of factories to his office.
6. What is the procedure for transfer of licence online?

Amend your last submitted Form No.2 and change the name of the occupier and re- submit along with documents. Submit fees Rs.50 by T.R 7 Challan. Form 2 and challan in original to be submitted to area I.F along with computer receipt.
7. What documents are to be uploaded for a licence?

Form No.2, TR-7 with requisite fees ,consent to operate from WBPCB and the documents in support of any change in Form No.2 from the last one submitted.
8. How to make payment for licence fees?

Through TR-7 challan in either RBI or SBI in the head of account -02300010400116
9. How to calculate licence fees?

Licence fees are calculated on the basis of no. of workers employed and installed power in HP/KW of the machinery. *Please follow the fees calculation table.*
10. What are the fee categories?

As per schedule A,B &C of WBFR 1958

  - A-with power factories
  - B-power generating station
  - C-without power factories
11. What is due date of renewal of licence?

31<sup>st</sup> December of the year prior to the year for which licence is required.
12. How to calculate licence fees if not paid within due date?

25% excess fees upto 31<sup>st</sup> March and 50% excess fees beyond 31<sup>st</sup> March corresponding to the actual/schedule fees.

(Licence fee applicable x 1.25 if paid within 31<sup>st</sup> March  
Licence fee applicable x 1.5 if paid beyond 31<sup>st</sup> March)

13. How to calculate licence fees in case renewal date is over 1 year?  
50% excess fee corresponding to the actual/schedule fees.  
(Licence fee applicable x 1.5)
14. When a licence can be cancelled? What is the procedure for cancelling the licence?
- If the manpower falls below 10 in case of factories running with the aid of power
  - if the manpower falls below 20 in case of factories running without power
  - Manufacturing process of the factory ceases operation, this is applicable for also the factories who were registered with less than 10 workers.
- Procedure for cancellation of licence
- Submission of closure notice by the occupier
  - Submission of up to date Form No.2 with fees till the date of closure
  - Declaration regarding payment of all dues of the worker including leave with wages and other dues as per Factories Act, 1948 with corroborative evidence
  - The exact date and reason of closure
  - Other relevant documents as required by the inspector of factories
15. What are the requirements for the approval of the plan?
- Submission of Form No.1 online
  - Flow chart of the manufacturing process (Scanned)
  - Consent to establish from WBPCB (Scanned)
  - Factory plan in duplicate for Kolkata/Howrah and 3 copies for regional offices in hard copies to be submitted along with the computer generated receipt supporting the submission of Form No.1.
16. What records required to be maintained?  
All Forms as prescribed under West Bengal Factories Rule, 1958. For example Form Form8, Form 9, Form13, Form 15, Form 24, etc.
17. Which returns required to be filed?  
Annual Return in Form No.22  
Half Yearly Return in Form No.23  
Quarterly Return in Form No.23A  
Annual Return under the Payment of wages Act 1936  
Annual Return under the Maternity Benefit Act, if the factory is not covered under ESIC.
18. What are the responsibilities of the Occupier?
- The Provision and maintenance of plant and systems of work in the factory that are safe and without risk to health
  - The arrangement in the factory for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances
  - The provision of such information, instruction, training and supervision as are necessary to ensure the health and safety of all workers at work
  - The maintenance of all places of work in the factory in a condition that is safe and without risks to health and the provision and maintenance of such means of access to, and egress from, such places that are safe and without risks
  - The provision, maintenance or monitoring of such working environment in the factory for the workers that is safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work
  - Other responsibilities as per relevant section of Factories Act 1948 and Rules of west Bengal factories Rule 1958
19. What are the obligations of the workers?
- No worker in a factory-
- Shall wilfully interfere with or misuse any appliance, convenience or other thing provided in a factory for the purposes of securing the health, safety or welfare of the workers therein
  - Shall wilfully and without reasonable cause do anything likely to endanger himself or others, and
  - Shall wilfully neglect to make use of any appliance or other thing provided in the factory for the purposes of securing the health or safety of the workers therein
20. Which factories/operations are considered to be hazardous?  
As per the First Schedule of the Factories Act 1948
21. Where to get the factory rule?  
From any recognised Law book agency