

ADF
mf
31/8/24
(Authoritative English Text of this Department Notification No. Shram(A)3-4/2022 dated 30th August, 2024 as required under clause (3) of Article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Lab. Emp. & Overseas Placement.

30th August, 2024

No. Shram(A)3-4/2022 Dated Shimla-171002 the

NOTIFICATION

Whereas, the draft Himachal Pradesh Factories (Amendment) Rules 2024 were published in the Rajpatra, Himachal Pradesh on 29th February, 2024 for inviting objection(s)/suggestion(s) from person(s) likely to be affected thereby as required under the provisions of section 112 read with section 115 of the Factories Act, 1948, (Act No. 63 of 1948) within a period of 45 days from the date of its publication.

And whereas, no objection(s)/suggestion(s) have been received in this behalf within the above stipulated period:

Now, therefore, in exercise of the powers conferred by section 112 read with section 115 of the Factories Act, 1948, (Act No. 63 of 1948), the Governor, Himachal Pradesh is pleased to make the following rules, further to amend the Himachal Pradesh Factories Rules, 1950 notified vide Industries Department Notification No. D. 80-12/48-III. dated 6-05-1952, namely:-

Short title and commencement.

Amendment of rule 5.

1. (1) These rules may be called the Himachal Pradesh Factories (Amendment) Rules, 2024.
(2) These rules shall come into force from the date of publication in the Rajpatra (e-Gazette), Himachal Pradesh.
2. In the Himachal Pradesh Factories Rules, 1950 (hereinafter referred to as the 'said rules'), for the Schedule prescribed in sub-rule (2) of rule 5, the following shall be substituted, namely:-

Am

SCHEDULE

Fee for grant of licence for a factory for one year

Number of persons to be employed on any day during the year										
Quantity of Horse Power installed (Maximum Horse Power)	Up to 09	From 10 to 20	From 21 to 50	From 51 to 100	From 101 to 250	From 251 to 500	From 501 to 1000	From 1001 to 1500	From 1501 to 2000	Above 2000
Nil	730	1460	2190	2920	5840	8760	13140	17520	26280	35040
Upto 20	1460	2190	2920	5840	8760	13140	17520	26280	35040	46720
Exceeding 20 but not exceeding 50	2190	2920	5840	8760	13140	17520	26280	35040	46720	58400
Exceeding 50 but not exceeding 100	2920	5840	8760	13140	17520	26280	35040	46720	58400	73000
Exceeding 100 but not exceeding 250	-	8760	13140	17520	26280	35040	46720	58400	73000	81760
Exceeding 250 but not exceeding 500	-	13140	17520	26280	35040	46720	58400	73000	81760	93440
Exceeding 500 but not exceeding 1000	-	17520	26280	35040	46720	58400	73000	81760	93440	105120
Exceeding 1000 but not exceeding 1500	-	26280	35040	46720	58400	73000	81760	93440	105120	116800
Exceeding 1500 but not exceeding 2000	-	35040	46720	58400	73000	81760	93440	105120	116800	131400
Exceeding 2000 but not exceeding 3000	-	46720	58400	73000	81760	93440	105120	116800	131400	146000
Exceeding 3000 but not exceeding 5000	-	58400	73000	81760	93440	105120	116800	131400	146000	160600
Exceeding 5000 but not exceeding 7000	-	73000	81760	93440	105120	116800	131400	146000	160600	175200
Exceeding 7000 but not exceeding 10000	-	81760	93440	105120	116800	131400	146000	160600	175200	189800
Exceeding 10000 but not exceeding 15000	-	93440	105120	116800	131400	146000	160600	175200	189800	204400
Above 15000	-	105120	116800	131400	146000	160600	175200	189800	204400	219000

Am

Amendment of rule 6.

Amendment of rule 8.

Amendment of rule 10.

Insertion of rule 12-A.

3. In sub-rule (4) of rule 6 of the said rules, for the words "Rupees One hundred" the words "Rupees Five Hundred" shall be substituted.

4. In rule 8 of said rules, in sub-rule (3), for the words "one hundred" the words "five hundred" shall be substituted.

5. In rule 10 of said rules, for the words "one hundred" the words "five hundred" shall be substituted.

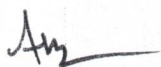
6. After rule 12 of the said rules, the following rule shall be inserted, namely:-

"12-A (1) The Chief Inspector may recognize any person as a 'competent person' within such area and for such period as may be specified for the purposes of carrying out tests, examinations, inspections and certification for such 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 thereunder, located in a factory, if such a person possesses the qualifications, 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 but concurrence of the State Government shall be taken and such a person after being so recognized, shall not have powers of an 'Inspector:

Provided further that the competent person recognized under this provision shall not be above the age of 62 years and shall be physically fit for the purpose of carrying out the tests, examination and inspection.

(2) The Chief Inspector may recognize an institution of repute, having persons possessing qualifications and experience as set out in the SCHEDULE annexed to this rule for the purpose of carrying out



tests, 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 thereunder as a competent person within such area and for such period as may be specified.

- (3) The Chief Inspector on receipt of an application in the Form prescribed under the rule from a person or an institution intending to be recognized as a competent person for the purposes of this Act and the rules made thereunder, shall register such application and within a period of sixty days of the date of receipt of application, either after having satisfied himself as regards competence and facilities available at the disposal of the applicant recognize the applicant as a competent person and issue a certificate of competency in the Form prescribed under this rule or reject the application specifying the reasons thereof.
- (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 thereunder; or has omitted to act as required under the Act and the rules made thereunder; or
 - (ii) for any other reason to be recorded in writing.

Explanation: For the purpose of this rule, an institution includes an organization.

Am

- (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.
- (6) Application for grant of certificate of competency shall be accompanied by a non-refundable fee of ₹ 25,000 (Rupees Twenty Five Thousand) and a security amount (without interest) of ₹ 1,00,000/- (Rupees One Lakh) which shall be deposited in **Major Head 0230-00-104-01 through HIMKOSH.**
- (7) Application for renewal of Certificate of Competency shall be accompanied by a non-refundable fee of ₹ 25,000/- (Rupees Twenty Five Thousand) which shall be deposited in the **Major Head 0230-00-104-01 through HIMKOSH**



Form of application for grant of Certificate of Competency to a person under sub-rule (I) of rule 12A.

1. Name
2. Date of Birth
3. Name of the Organisation (if not self-employed)
4. Designation
5. Educational qualification (copies of testimonials to be attached)
6. Details of professional experience (in chronological order)

Name of the Organization	Period of Service	Designation	Area of Responsibility
--------------------------	-------------------	-------------	------------------------

7. Membership, if any, of professional bodies
8. (i) Details of facilities (examination, testing, etc.) at his disposal.
(ii) Arrangements for calibrating and maintaining the accuracy of these facilities.
9. Purpose for which Competency Certificate is sought (section or sections of the Act should be stated).
10. Whether the applicant has been declared as a competent person under any statute (if so, the details)
11. Any other relevant information.
12. Declaration by the applicant.

I,, hereby declare that the information furnished above is true. I undertake:-

- (a) to maintain the facilities in good working order, calibrated periodically as per manufacturers instructions or as per National Standards; and
- (b) to fulfill and abide by all the conditions stipulated in the certificate of competency and instructions issued by the Chief Inspector from time to time.

Place :

Date :

Signature of the applicant :



Declaration by the Institution (if employed)

I,, certify that Shri whose details are furnished above, is in our employment and nominate him on behalf of the organisation for the purposes of being declared as a competent person under the Act. I also undertake that I will,-

- (a) notify the Chief Inspector in case the competent person leaves our employment;
- (b) provide and maintain in good order all facilities at his disposal as mentioned above;
- (c) notify the Chief Inspector any change in the facilities (either addition or deletion)

Signature

Designation

Telephone No.

Official Seal

Date:

Form of Application for grant of Certificate of Competency to an Institution under sub-rule (2) of Rule 12A.

1. Name and full address of the Organisation
2. Organisation's status (specify whether Government, Autonomous, Co-operative, Corporate or Private)
3. Purpose for which Competency Certificate is sought (specify section(s) of the Act)
4. Whether the Organisation has been declared as a competent person under this or any other statute. If so, give details.
5. Particulars of persons employed and possessing qualification and experience as set out in Schedule annexed to rule 12A.
6. Details of facilities and arrangements made for their maintenance and arrangements made for their maintenance and periodic calibration.
7. Any other relevant information.
8. Declaration:



I, hereby, on behalf of
Certify that the details furnished above are correct to the
best of my knowledge. I undertake to-

- (i) maintain the facilities in good working order,
calibrated periodically as per manufacturers instructions
or as per National Standards; and
- (ii) to fulfill and abide by all the conditions stipulated in
the certificate of competency and instructions issued by
the Chief Inspector from time to time.

Signature of Head of the
Institution or of the person
authorised to sign on his behalf.

Designation

Place:

Date:



Form of Certificate of Competency issued to a person or an institution in pursuance of rule 12(A).

I,, Chief Inspector of Factories, Himachal Pradesh, Shimla, in exercise of the powers conferred on me under section 2(ca) of the Factories Act, 1948 and rules made thereunder hereby recognize to be competent person for the purpose of carrying out tests, examinations, inspections and certifications of equipments under which are used in a factory located in Himachal Pradesh under sections and rules mentioned below against competent person:-

Name & Address of competent person/ institution	Section/rules

This certificate is valid upto or the date, the Occupational Safety, Health and Working Conditions Code, 2020 and rules made thereunder, shall come into force, whichever is earlier.

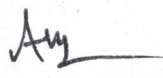
This certificate is issued subject to the conditions stipulated hereunder.

- 1. Tests, examinations and inspections shall be carried out in accordance with the provisions of the Act and the rules made thereunder, and record of tests shall be maintained in a register.*
- 2. Tests, examination and inspection shall be carried out under direct supervision of the competent person and the date of test examination be informed to the Inspector i.e. Deputy Director Factories/ Assistant Director Factories under whose jurisdiction factory is located well in advance. Any testing without prior intimation as stated above shall not be accepted.*
- 3. The competent person shall procure all necessary equipments/facilities and maintain the same in good working order and inform to the Inspector i.e.*

Am

Deputy Director Factories/ Assistant Director Factories under whose jurisdiction factory is located about the equipment used in testing work.

4. Where maximum permissible working pressure is reduced or the examination shows that the pressure vessels or plant or any part thereof, cannot continue to be used safely unless certain repairs are carried out or unless any other safety measures are required to be taken the report shall be sent to concerned Inspector i.e. Deputy Director Factories/ Assistant Director Factories and copy of the same shall also be sent to the undersigned within 7 days of completion of the examination.
5. The Institution recognized as competent person shall keep the undersigned informed about the name of the competent person who leave the organization. The certificate of competency issued shall stand cancelled if all of above named person(s) leave the organization.
6. Monthly return shall be submitted covering names of Factories, list of equipments/vessels tested, date of test, number and date of certificate issued, working pressure or safe load allowed and special remarks if any by the 10th of every month.
7. The Chief Inspector of Factories reserves the rights to revoke or amend this order at any time during its validity.
8. The competent person shall take photographs and make recordings during the course of Tests, examinations and inspections and make it readily available as and when demanded by Chief Inspector of Factories.

 Application for renewal of competency certificate may be made at least one month before the expiry of this certificate

Chief Inspector of Factories
Shimla-1, Himachal Pradesh

SCHEDULE

Sr. No.	Section or Rules under which competency is recognized	Qualification required	Experience for the purpose	Facilities at his command
1.	2.	3.	4.	5.
1	Rules made under Section 6 and Section 112 – Certificate of stability for buildings	Degree in Civil or Structural Engineering; or equivalent	i) A minimum of 10 years experience in the design of construction or testing or repairs of structures; ii) Knowledge of non-destructive testing, various codes of 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 Section 21(2) – “Dangerous Machines”	Degree in Electrical or Mechanical or Textile Engineering or equivalent.	(i) a minimum of 7 years experience in- a) design or operation or maintenance; or b) testing, examination and inspection of relevant machinery, their guards, safety devices and appliances. (ii) he shall – a) be conversant with safety devices and their proper functioning ; b) be able to identify defects and any other cause loading to failure; and) have ability to arrive at a reliable conclusion with regard to the proper functioning of safety device and appliance and machine guard.	Guages 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 – Hoists and Lifts	A degree in Electrical and /or Mechanical Engineering or the equivalent	(i) A minimum experience of 7 years in- (a) design or erection or maintenance; or (b) inspection and test procedures of lifts and hoists; (ii) He shall be – (a) Conversant with relevant	Facilities for load testing, tensile testing, guages equipment/ gadgets for measurement and any other

Am

			codes of practices and test procedures that are current; (b) Conversant with other statutory requirements conversing the safety of the Hoists and Lifts; (c) able to identify defects and arrive at a reliable conclusion with regard to the safety of Hoists and Lifts.	equipment required for determining the safe working conditions of Hoists and Lifts.
4	Section 29 – Lifting Machinery and Lifting Tackles	Degree in Mechanical or Electrical or Metallurgical Engineering or its equivalent	(i) A minimum experience of 7 years in- (a) design or erection or maintenance; or (b) testing, examination and inspection, of lifting machinery, chains, ropes and lifting tackles. (ii) He shall be – (a) Conversant with the relevant codes of practices and test procedures that are current; (b) Conversant with fracture mechanics and metallurgy of the material of construction; (c) Conversant with heat treatment/ stress relieving techniques as applicable to stress bearing components and parts of lifting machinery and lifting tackles; (d) capable of identifying defects and arriving at a reliable conclusion with regard to the safety of lifting machinery, chains, ropes, and lifting tackles.	Facilities for load testing, tensile testing, heat treatment, equipment/ gadget for measurement, gauges and such other equipment to determine the safe working conditions of the lifting machinery tackle.
5	Section 31 – ‘Pressure Plant	Degree in Chemical or Electrical or Metallurgical Mechanical Engineering or its equivalent.	(i) A minimum experience of 10 years in- (a) design or erection or maintenance, or (b) testing, examination and inspection of pressure plants. (ii) He shall be– (a) Conversant with the relevant codes of practices and test procedures relating to pressure vessels; (b) Conversant with statutory	Facilities for carrying out hydraulic test, non-destructive test, gauges equipment/ gadgets for measurement and any other equipment or gauges to determine the

			requirements concerning the safety of unfired pressure vessels and equipment operating under pressure; (c) Conversant with non-destructive testing techniques as are applicable to pressure vessels; (d) able to identify defects and arrive at a reliable conclusion with regard to the safety of pressure plants.	safety in use of pressure vessels.
6	(i) Section 36 – Precautions against dangerous fumes (ii) Rules made under sections 41 and 112 concerning ship-building and ship repairs, Handling and processing of asbestos, Manufacture of Rayon by viscose process, Foundry operations.	Masters degree in Chemistry, or a degree in Chemical Engineering.	i. a minimum of 7 years in collection and analysis of environmental samples and calibration of monitoring equipment; (ii) He shall – (a) be conversant with the hazardous properties of chemicals and their permissible limit values; (b) be conversant with the current techniques of sampling and analysis of the environmental contaminants; and (c) be able to arrive at a reliable conclusion as regards the safety in respect of entering and carrying out hot work.	Meters, instruments and devices duly calibrated and certified for carrying out the tests and certification of safety in working in confined spaces.
7	Ventilation systems as required under various Schedules framed under section 87, such as Schedules on Grinding or glazing or metals and processes incidental thereto. Cleaning or smoothing, roughening, etc. of articles, by a jet sand, metal shot, or grit, or other abrasive propelled by a	Degree in Mechanical or Electrical Engineering equivalent.	(i) A minimum of 7 years in the design, fabrication, installation, testing of ventilation system and systems used for extraction and collection of dusts, fumes and vapours and other ancillary equipment. (ii) He shall be conversant with relevant codes of practice and tests procedures that are current in respect of ventilation and a traction system for fumes, and shall be able to arrive at a reliable conclusion with regard to effectiveness of the system.	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

	blast compressed air of steam.			shall have the assistance of a suitable qualified technical person who can come to a reasonable conclusion as to the adequacy of the system.
--	--------------------------------	--	--	--

By order,

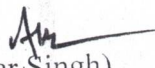
Priyanka Basu Ingti
Secretary (Lab. Emp. & Overseas Placement) to the
Government of Himachal Pradesh.

Endst. No. Shram (A)3-4/2022 dated Shimla-171002, the

30th August, 2024

Copy forwarded to the following for information and necessary action:

1. The Director General, Factory Advice Service and Labour Institute, N.S. Mankikar Marg, Sion, Mumbai.
2. All the Administrative Secretaries to the Government of Himachal Pradesh.
3. The Joint Secretary (GAD) to the Govt. of H.P. w.r.t. to the Item Number 13 approved in Cabinet Meeting, dated 25.07.2023.
4. All HOD's / Divisional Commissioners/Deputy Commissioners in Himachal Pradesh.
5. The Under Secretary, Ministry of Labour & Employment, Govt. of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.
6. The Director General, Labour Bureau Govt. of India, Shimla-171004.
- ✓ 7. The Labour Commissioner-cum-Chief Inspector of Factories, H.P. Shimla-171001 w.r.t. his letter No. 9-89/2K(Fac)Lab dated 25th February, 2023.
8. The JLR-Cum-Joint Secretary Law to the Government of Himachal Pradesh-171002.
9. Guard file.


(Amar Singh)
Deputy Secretary (Lab. Emp. & Overseas Placement) to the
Government of Himachal Pradesh
Ph. No. 0177 2628496
