



136. What are the key similarities and differences between the definitions of "factory" under The Occupational Safety, Health and Working Conditions Code, 2020 and The Factories Act, 1948?

Here is a comparative table summarizing the key similarities and differences between the definitions of "factory" under **The Occupational Safety, Health and Working Conditions Code, 2020** and **The Factories Act, 1948**:

Aspect	OSH Code, 2020	Factories Act, 1948
Section	Section 2(w)	Section 2(m)
With Power	20 or more workers are working or were working on any day of the preceding 12 months, and a manufacturing process is being carried on with the aid of power.	10 or more workers are working or were working on any day of the preceding 12 months, and a manufacturing process is being carried on with the aid of power.
Without Power	40 or more workers are working or were working on any day of the preceding 12 months, and a manufacturing process is being carried on without the aid of power.	20 or more workers are working or were working on any day of the preceding 12 months, and a manufacturing process is being carried on without the aid of power.
Exemptions	-	Mine subject to the Mines Act, 1952
	Mobile unit belonging to the armed forces of the Union	Mobile unit belonging to the armed forces of the Union
	Railways running shed	Railways running shed
	Hotel, restaurant, or eating place	Hotel, restaurant, or eating place
State-Specific Worker Thresholds	If state laws specified a different number of workers before this Code, that number prevails in the state until amended by the state legislature.	No provision for state-specific thresholds.

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Explanation Regarding Workers in Relays	All workers in different groups and relays on any day are to be counted towards the total number of workers.	Same provision.
Electronic/ Computer Units	The presence of an Electronic Data Processing Unit or Computer Unit alone does not make a premises a factory unless a manufacturing process is being carried on.	Same provision.
Focus on Manufacturing Process	A manufacturing process must be carried out to qualify as a factory, regardless of the number of workers or presence of electronic equipment.	Same requirement.

Key Differences:

1. Worker Thresholds:

- The **OSH Code, 2020** has raised the number of workers required to qualify as a factory:
 - With power: From **10** to **20** workers.
 - Without power: From **20** to **40** workers.

2. State-Specific Flexibility:

- The **OSH Code, 2020** allows states to continue using their existing worker thresholds until state legislation is amended.

3. Mine Exclusion:

- The **Factories Act, 1948** explicitly excludes mines in the definition, while the **OSH Code, 2020** omits this reference.

Key Terms in the Definition of "Factory" Under the OSH Code, 2020:

Factory | Premises | Precincts | Twenty or More Workers | Preceding Twelve Months | Manufacturing Process | Aid of Power | Forty or More Workers | Without the Aid of Power | Mobile Unit | Armed Forces | Railways Running Shed | Hotel, Restaurant, or Eating Place | Law for the Time Being in Force | Number of Workers | Amended by the Competent Legislature | Computing the Number of Workers | Different Groups and Relays | Electronic Data Processing Unit Computer Unit | Manufacturing Process.

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