



FAQs - THE FACTORIES (KARNATAKA AMENDMENT) ACT, 2023

1 What is the purpose of Karnataka Act No. 33 of 2023?

The purpose of Karnataka Act No. 33 of 2023, titled "The Factories (Karnataka Amendment) Act, 2023," is to make further amendments to the Factories Act, 1948, specifically in its application to the state of Karnataka.

2 When was Karnataka Act No. 33 of 2023 first published?

Karnataka Act No. 33 of 2023 was first published in the Karnataka Gazette Extra-ordinary on the 7th day of August, 2023

3 When did Karnataka Act No. 33 of 2023 receive the assent of the President?

Karnataka Act No. 33 of 2023 received the assent of the President on the 10th day of July, 2023.

4 What is the full title of Karnataka Act No. 33 of 2023?

The full title of Karnataka Act No. 33 of 2023 is "The Factories (Karnataka Amendment) Act, 2023."

5 What is section 54 of the Factories Act, 1948?

Section 54 of the Factories Act, 1948 (Central Act LXIII of 1948), pertains to the maximum daily hours of work allowed for workers in factories.

6 How has section 54 been amended in the Factories (Karnataka Amendment) Act, 2023?

In the Factories (Karnataka Amendment) Act, 2023, section 54 of the Factories Act, 1948 has been amended in the following ways:

(i) The existing provision has been renumbered as sub-section (1).

(ii) A new sub-section (2) has been inserted after sub-section (1).

This new sub-section empowers the State Government to extend the daily maximum hours of work specified in section 54 up to **twelve hours, including a rest interval, in any day**. However, this extension is subject to a maximum of forty-eight hours in any week, as specified in section 51. This extension can be applied to a specific group, class, or description of factories under conditions determined by the State Government.

The worker's written consent for such extended work is required, and the worker's remaining days of the week must be designated as paid holidays.

7 What authority does the Factories (Karnataka Amendment) Act, 2023 grant to the State Government regarding working hours in factories?

The Factories (Karnataka Amendment) Act, 2023 grants the State Government the authority to extend the daily maximum hours of work as specified in section 54 of the

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Factories Act, 1948. The extension can be up to twelve hours, including a rest interval, in any day, subject to a maximum of forty-eight hours in any week (as stated in section 51).

8 What is the significance of workers' written consent concerning the extended working hours according to the Factories (Karnataka Amendment) Act, 2023?

According to the Factories (Karnataka Amendment) Act, 2023, for the extended working hours allowed by the State Government under section 54 of the Factories Act, 1948, the written consent of the workers is a prerequisite.

This means that workers must voluntarily agree to work these extended hours and provide their written consent. Without their written consent, the extended working hours cannot be enforced.

9 How has section 55 of the Principal Act been modified by the Factories (Karnataka Amendment) Act, 2023?

The Factories (Karnataka Amendment) Act, 2023 has made an addition to section 55 (Intervals for rest) of the Principal Act. After subsection (2) of section 55, a new subsection (3) has been inserted.

This new subsection (3) empowers the state government to extend the total number of hours of work for a worker without any interval to six hours.

This extension applies to specific groups, classes, or descriptions of factories.

The extension is made possible due to the flexibility in working hours, as mentioned in subsection (2) of section 54.

10 What is the objective of introducing subsection (3) to section 55 through the Factories (Karnataka Amendment) Act, 2023?

The introduction of subsection (3) to section 55 through the Factories (Karnataka Amendment) Act, 2023 aims to provide flexibility in the total number of hours of continuous work for workers in specific groups, classes, or descriptions of factories.

By allowing the state government to extend the continuous work hours to six hours without any interval, this provision accommodates the need for adaptability in working hours, as laid out in subsection (2) of section 54. The objective is to facilitate more tailored working arrangements for certain factories and workers.

11 How has section 56 (Spread over) of the Principal Act been amended by the Factories (Karnataka Amendment) Act, 2023?

The Factories (Karnataka Amendment) Act, 2023 has introduced changes to section 56 of the Principal Act in the following manner:

(i) The existing provision in section 56 has been renumbered as sub-section (1).

(ii) A new sub-section (2) has been added after sub-section (1).

According to this new sub-section (2), the State Government is authorized to increase the spread-over period for workers up to 12 hours, including intervals for rest. This extension

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of the spread-over hours applies to specific groups, classes, or descriptions of factories.

The State Government can impose this extension under conditions it deems expedient, taking into account the flexibility in working hours as stipulated in subsection (2) of section 54.

12 What is the purpose of introducing sub-section (2) to section 56 through the Factories (Karnataka Amendment) Act, 2023?

The introduction of sub-section (2) to section 56 through the Factories (Karnataka Amendment) Act, 2023 serves the purpose of providing greater flexibility in the spread-over hours for workers in certain groups, classes, or descriptions of factories.

The amendment grants authority to the State Government to extend the spread-over period to a maximum of 12 hours, inclusive of rest intervals. This extension is allowed due to the flexibility in working hours as detailed in subsection (2) of section 54.

The aim is to accommodate varying working time arrangements that cater to the needs of specific industries or worker groups.

13 How has section 59 (Extra wages for overtime) of the Principal Act been amended by the Factories (Karnataka Amendment) Act, 2023?

The Factories (Karnataka Amendment) Act, 2023 has amended section 59 of the Principal Act as follows:

The existing subsection (1) of section 59 has been **replaced** with a new version. According to the new subsection (1), if a worker in any factory:

- i Works for more than **nine hours** in any day or for more than **forty-eight hours** in any week, working for **six days** in that week,
- ii Works for more than **ten hours** in any day or for more than **forty-eight hours** in any week, working for **five days** in that week,
- iii Works for more than **eleven and a half hours** in any day for four days in any week, or works on paid holidays,

Then, for overtime work, the worker is entitled to wages at a rate of twice his ordinary rate of wages.

14 How has section 65 (Power to make exempting orders) of the Principal Act been amended by the Factories (Karnataka Amendment) Act, 2023?

The Factories (Karnataka Amendment) Act, 2023 has made the following amendments to section 65 of the Principal Act:

(i) In subsection (3) of section 65:

- In clause (iv), the words "**seventy-five**" have been replaced with "**one hundred and forty-four hours.**"
- After clause (iv), a new clause (v) has been added.
- This clause states that a worker can be required to work overtime only if the worker

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provides **written consent for such work.**

15 What is the significance of the change from "seventy-five" to "one hundred and forty-four hours" in clause (iv) of subsection (3) of section 65?

The change from "seventy five" to "one hundred and forty four hours" in clause (iv) of subsection (3) of section 65 signifies an adjustment in the maximum number of hours that a worker can work overtime in a quarter.

This change extends the allowed overtime hours from seventy-five hours to one hundred and forty-four hours, indicating a potential increase in the permissible extra work hours for a worker in a specific time frame.

16 What new provision has been added to subsection (3) of section 65 according to the Factories (Karnataka Amendment) Act, 2023?

The Factories (Karnataka Amendment) Act, 2023 has introduced a new provision in subsection (3) of section 65.

This new provision, labeled as clause (v), states that a worker can be required to work overtime only if the worker gives written consent for such additional work.

This addition emphasizes the importance of obtaining the worker's **explicit agreement** before assigning them overtime work, ensuring that their willingness to work extra hours is acknowledged and respected.

17 How has section 66 of the Principal Act been modified by the Factories (Karnataka Amendment) Act, 2023?

The Factories (Karnataka Amendment) Act, 2023 has made a comprehensive substitution of section 66 of the Principal Act with a set of new provisions.

The substituted section outlines the following additional restrictions on the employment of women in factories:

- Women shall only be allowed to work in factories between the hours of 6 A.M. to 7 P.M.
- An exception permits women to work between 7 P.M. to 6 A.M. under certain conditions, which include implementing measures to prevent sexual harassment, providing suitable working conditions, maintaining a complaint redressal mechanism, ensuring safety and security, and obtaining consent for night shifts from interested women workers.
- Detailed requirements are specified, such as providing proper lighting, CCTV coverage, transportation facilities, women security during night shifts, restrooms, and maintaining confidentiality of contact details.
- Conditions for shift changes, rest periods, and supervision during night shifts are specified.
- The amendment prohibits the compulsory or obligatory assignment of night shifts for women workers and mandates obtaining written consent from those interested in

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working night shifts.

18 What are some of the key conditions that factories must fulfill to enable women to work during night shifts according to the amended section 66?

The amended section 66 introduces a set of conditions that factories must fulfill to allow women to work during night shifts. These conditions include:

- Implementing measures to prevent sexual harassment.
- Prohibiting any form of sexual harassment through explicit behaviors, remarks, or contact.
- Providing appropriate working conditions, including leisure, health, and hygiene to prevent a hostile environment for women.
- Maintaining a complaint redressal mechanism, including a Complaint Committee and support services.
- Ensuring proper lighting, CCTV coverage, transportation facilities with security measures, and sufficient restrooms.
- Keeping women employees' contact details confidential and carefully selecting transportation routes.
- Obtaining written consent from women workers who are interested in working night shifts.

19 What is the central theme of the changes made to section 66 through the Factories (Karnataka Amendment) Act, 2023?

The central theme of the changes made to section 66 through the Factories (Karnataka Amendment) Act, 2023 is to introduce comprehensive and stringent provisions aimed at ensuring the safety, dignity, and well-being of women workers in factories, particularly during night shifts.

The amendments emphasize the prevention of sexual harassment, provision of suitable working conditions, security measures, confidentiality of personal information, and obtaining voluntary consent from women workers who are interested in working night shifts.

20 According to the substituted section 66 of the Factories (Karnataka Amendment) Act, 2023, what are the permissible hours for women to work in factories?

According to the substituted section 66 of the Factories (Karnataka Amendment) Act, 2023, women are allowed to work in factories between the hours of **6 A.M. to 7 P.M.**

Based on certain conditions, the women are allowed to work in factories during the period between 7 P.M. to 6 A.M. as per the amended section 66.

21 How does the amended section 66 address the issue of sexual harassment in factories?

The amended section 66 addresses the issue of sexual harassment by placing

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responsibilities on employers to prevent and deter acts of sexual harassment.

It requires the provision of procedures for reporting, resolving, and prosecuting acts of sexual harassment.

The section also prohibits various forms of unwelcome sexually determined behavior and emphasizes the creation of appropriate working conditions to prevent a hostile environment for women employees.

22 What key security measures must factories implement for women employees working during night shifts according to the amended section 66?

According to the amended section 66, factories are required to implement various security measures for women employees working during night shifts. These measures include:

- Providing proper lighting,
- CCTV coverage both within the factory premises and surrounding areas,
- Hiring sufficient women security personnel,
- Ensuring secure transportation with CCTV cameras and GPS, and more.

23 How does the substituted section 66 of the Factories (Karnataka Amendment) Act, 2023, address the transportation issue for women employees during night shifts?

The substituted section 66 addresses the transportation issue for women employees during night shifts by mandating that factories provide transportation facilities to women workers **from their residences and back for night shifts**.

The transportation vehicles are also required to be equipped with CCTV cameras and GPS for added security.

24 What is the significance of obtaining written consent from women workers for night shifts as outlined in the amended section 66?

- The amended section 66 emphasizes obtaining written consent from women workers who are interested in working night shifts.
- This provision ensures that women workers have the autonomy to choose whether or not to work during night shifts, thereby protecting their rights and preferences in relation to their working hours.

25 How does the amended section 66 address the rest periods for women workers transitioning between different shifts?

- The amended section 66 requires that there be a **gap of not less than twelve consecutive hours of rest between the last shifts and the night shift** when a woman worker is changed from day shift to night shift or vice versa.
- This provision ensures adequate rest and minimizes health and safety risks associated with abrupt shift changes.

26 What is the condition for implementing the amendments to Sections 54, 55, 56, and 59 of the Factories (Karnataka Amendment) Act, 2023?

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The amendments made to Section 54 (Daily Hours), Section 55 (Intervals for Rest), Section 56 (Spread Over), and Section 59 (Extra wages for overtime) of the Factories (Karnataka Amendment) Act, 2023 **can only be implemented after the Government of Karnataka establishes and enforces the necessary rules.**

27 When will the amendments to Sections 65 and 66 of the Factories (Karnataka Amendment) Act, 2023 take effect?

The amendments to Sections 65 (Power to make exempting orders) and 66 (Further restrictions on employment of women) of the Factories (Karnataka Amendment) Act, 2023 **will come into force on August 7, 2023.**

This is the date on which the amendment notification was published in the Karnataka Gazette.

28 What is the significance of the effective date mentioned for Sections 65 and 66 of the Factories (Karnataka Amendment) Act, 2023?

The effective date, **August 7, 2023**, signifies the point at which the amendments to Sections 65 and 66 of the Factories (Karnataka Amendment) Act, 2023 will become legally enforceable.

On this date, the changes introduced by these amendments will be officially recognized and applicable in Karnataka.

29 How does the implementation of amendments to Sections 54, 55, 56, and 59 differ from that of Sections 65 and 66 in the Factories (Karnataka Amendment) Act, 2023?

The implementation of amendments to Sections 54, 55, 56, and 59 of the Factories (Karnataka Amendment) Act, 2023 is contingent upon the Government of Karnataka formulating and enacting rules to regulate these changes.

On the other hand, the amendments to Sections 65 and 66 will automatically take effect on August 7, 2023, as indicated in the official amendment notification published in the Karnataka Gazette.

Disclaimer:

The Questions and Answers are based on my understanding and interpretation.
I provide them with the primary aim of fostering learning and disseminating knowledge.
It's important to recognize that situations involving ambiguity necessitate the incorporation of multiple perspectives.
To gain a comprehensive grasp of the topic, seeking advice from pertinent experts is recommended.

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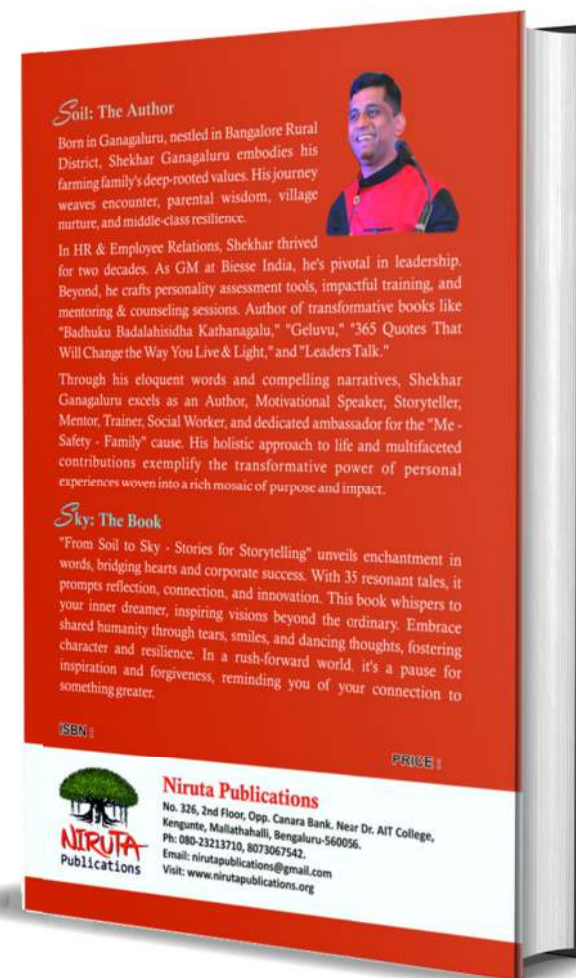
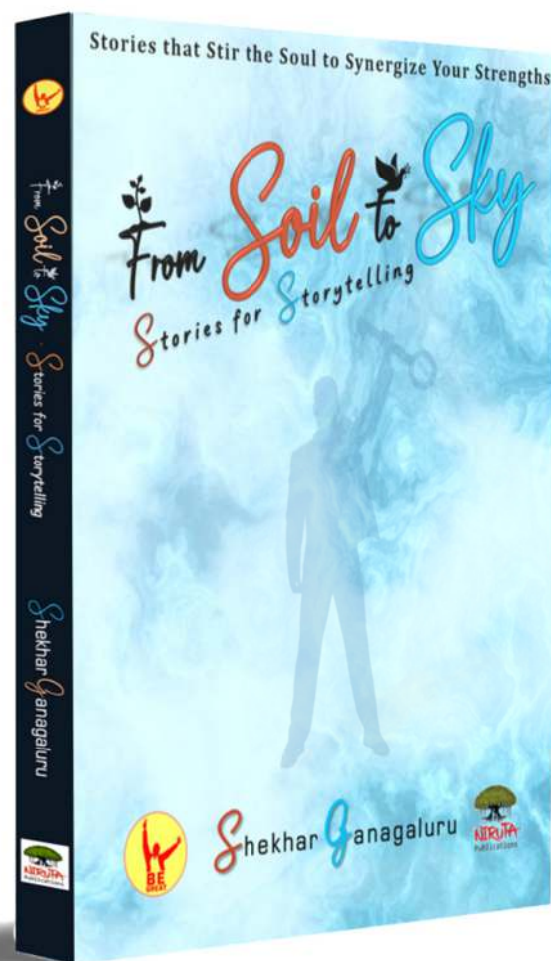


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