



## news flash

### June 2020



### **Withdrawal of relaxations for increase in working hours for factories**

#### **Background**

In a bid to boost the Indian economy which has been on standstill due to the lockdown for pandemic COVID-19, many state governments have initiated labour law relaxations for factories by issuing executive orders. These relaxations have increased the maximum permissible working hours that a worker is required to work in a day and subsequently in a week subject to certain conditions.

However, certain states like Uttar Pradesh, Karnataka & Rajasthan have consequently withdrawn the orders for relaxations provided to the factories.

#### **States that have/ had extended working hours of workers in a Factory**

Some of the states that have/ had issued labour law relaxations permitting the factories registered under the Factories Act, 1948 to extend the working hours are as follows:

<b>State</b>	<b>Notification No.</b>	<b>Valid till</b>
Maharashtra	2020/3749/1 dated 8 May 2020	30 June 2020
Gujarat	GHR/2020/56/FAC/142020/346/M3 dated 17 April 2020	19 July 2020
Karnataka	No.KAE 33 KABANI 2020 dated 22 May 2020	21 August 2020
Madhya Pradesh	247-220-A-XVI dated 22 April 2020	23 July 2020
Uttar Pradesh	No. 13 /2020/ 502 /XXXVI-03-2020- 30 (Sa.)/2020TC dated 8 May 2020	19 July 2020
Rajasthan	F.3(15)/Legal/F&B/2020/188 dated 11 April 2020	11 July 2020
Odisha	LL2-FE-0003-2020 2716/LESI dated 8 May 2020	8 August 2020
Haryana	2/17/2020-2lab dated 29 April 2020	30 June 2020

Punjab	21/07/2015-5L/103 dated 20 April 2020	20 July 2020
Goa	CIF/092(Part-2)/S-II/IFB/2020/191 dated 8 May 2020	31 July 2020
Assam	GLR.170/2019/Pt./4 dated 8 May 2020	8 August 2020
Uttarakhand	VIII/20-91(Labour)/2008 T.C-1 dated 28 April 2020 and 5 May 2020	28 July 2020
Himachal Pradesh	Shram (A)4-3/2020 dated 21 April 2020	20 July 2020
Tripura	F.2(345)-FB/EoDB(Vol-II)/2015(Part)/189-96 dated 9 May 2020	21 August 2020

The above mentioned states have increased the working hours for the workers to not more than 10-12 hours a day and not more than 60-72 hours a week. The relaxations pertaining to working hours are subject to certain conditions such payment of wages for overtime (either proportional or as per the Factories Act, 1948), lunch breaks/ interval of rest, spread over, condition of female working hours, etc.

### **Withdrawal of Relaxations**

Certain states have consequently withdrawn the relaxations provided to the factories with respect to increase in working hours of the workers as follows:

- **Uttar Pradesh:** Due to widespread public criticism and a notice from the Allahabad High Court, the state government cancelled the notification no-13 /2020/502/ XXXVI-03-2020- 30(Sa.)/2020TC vide notification No. 15/2020/511/XXXVI-03-2020-30 (Sa.)/2020TC dated 15 May 2020.
- **Karnataka:** The government of Karnataka issued a notification bearing number No. KAE 33 KABANI 2020 dated 11 June 2020 to withdraw the relaxations with immediate effect as stated in the earlier notification No.KAE 33 KABANI 2020 dated 22 May 2020.
- **Rajasthan:** The State of Rajasthan withdrew the relaxations as provided in the notification F.3(15)/Legal/F&B/2020/188 dated 11 April 2020 vide Notification No. 3(15)/Legal/F&B/2020/301 dated 24 May 2020.

### **ALMT Analysis**

Factories in states which have withdrawn the labour relaxations will now be required to comply with the working hours as prescribed under the Factories Act, 1948 and other applicable laws. The workers and the trade unions seem to welcome such move by the respective state governments. However, for the remaining states where the relaxations continue to apply, it is possible that similar withdrawal orders may be expected in the near future.

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