

NOTIFICATION

Labour and Employment Department,

Sachivalaya, Gandhinagar.

Dated 5th November 2020.

Factories
Act, 1948.

No. GHR/2020/146/FAC/142020/346/M3 :- **WHEREAS** in exercise of the powers conferred by section 5 of the Factories Act, 1948 (LXIII of 1948) (hereinafter referred to as "the said Act"), the Government of Gujarat had given directions, to provide relaxations to industrial and commercial activities in wake of COVID-19, to exempt all the factories registered under the Factories Act, 1948 from various provisions relating to weekly hours, daily hours, intervals for rest etc. of adult workers under section 51, section 54, section 55 and section 56 of the said Act vide Government Notifications, Labour and Employment Department No. GHR/2020/56/FAC/142020/346/M3, dated the 17th April 2020 and No. GHR/2020/92/FAC/142020/346/M3, dated the 20th July, 2020 (hereinafter referred to as "the said Notifications");

AND WHEREAS the Gujarat Mazdoor Sabha and others, in Writ Petition (Civil) No. 708 of 2020, challenged the Government Notification, Labour and Employment Department No. GHR/2020/56/FAC/142020/346/M3, dated the 17th April 2020 in the Hon'ble Supreme Court of India;

AND WHEREAS the Hon'ble Supreme Court of India allowed the Writ Petition and quashed the said Notifications and directed that overtime wages shall be paid, in accordance with the provisions of section 59 of the said Act to all eligible workers who have been working since the issuance of the said Notifications;

AND WHEREAS after careful consideration the State Government has decided to accept the judgement of Hon'ble Supreme Court of India in Writ Petition (Civil) No. 708 of 2020 *in toto*;

NOW, THEREFORE, in exercise of the powers conferred by section 5 of the Factories Act, 1948 (LXIII of 1948) read with section 21 of the General Clauses Act, 1897 (10 of 1897), the Government of Gujarat hereby rescinds the said Notifications and directs that all the factories registered under the Factories Act, 1948 shall pay overtime wages to all the eligible workers who have been working since the issuance of the said Notifications in accordance with the provisions of section 59 of the said Act.

By order and in the name of the Governor of Gujarat,


(Jyotsna Chauhan)

Deputy Secretary to Government

To,
The Manager,
Government Central Press,
Gandhinagar.

With a request to publish, the notification in the Extra-Ordinary Gujarat Government Gazette Part IV-B and the copies of printed notification may please be distributed as under:

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| (i) | The Labour and Employment Department ,
Sachivalaya, Gandhinagar | 10 Copies |
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Gujarat State, Gandhinagar | 10 Copies |

(iii) The Director of Industrial Safety and Health,
Gujarat State, Ahmedabad.

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Copy Forwarded With Compliments to:-

- 1 The Commissioner of Labour, Gujarat State, Block No.14, 2nd Floor, Udhyog Bhavan, Sector-11, Gandhinagar.
- 2 The Director of Industrial Safety and Health, Gujarat State, 3rd & 5th Floor, Shram Bhavan, Khanpur, near gun house, Ahmedabad, Gujarat 380001
- 3 The Under Secretary, Legislative and Parliamentary Affairs Department, Sachivalaya, Gandhinagar. (The Gujarati Version of the notification may please be published in the Extra-Ordinary Gujarat Government Gazette Part - IV - B.)
- 4 ✓ IT Cell, Labour And Employment Department with a request to upload it on department website.
- 5 The Branch Select File /M-3.
- 6 The Dy. S.O. Select File.