

No. Z-16025/72/2023-ISH-II (e-149476)
GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110001, Dated 2nd November, 2023

OFFICE MEMORANDUM

Subject:-Section 41-A(5) of the Factories Act, 1948 contradictory with the Water Act, the Air Act and the Environment Act.

The undersigned is directed to refer to Ministry of Environment, Forest and Climate Change(HSM Division)'s s email dated 04th October, 2023 on the above subject and to say that the Factories Act, 1948 along with 12-other legislations have been subsumed in the Occupational Safety, Health and Working Conditions (OSH&WC) Code, 2020. The OSH & WC Code 2020 is available on the official website of the Ministry. The Code is yet come into force. Section 83 of the Code provides modified provisions for 'Constitution of site appraisal committee' and the same is reproduced below:

"Section 83. Constitution of site appraisal committee. -(1) *The appropriate Government may, constitute one or more site appraisal committees consisting of a Chairman and other members, for such purpose as may be prescribed including to consider and to give recommendations on an application for grant of permission for the initial location of a factory involving a hazardous process or for the expansion of such factory.*

(2) *The site appraisal committee referred to in sub-section (1) shall make its recommendation within a period of thirty days of the receipt of the application for any of the purpose referred to in the said sub-section in such form, as may be prescribed".*

2. This issues with the approval of competent authority.

(K.R. Meena)
Under Secretary to the Govt. of India
Tel.: 011 - 23766937

To,

The Secretary

Signed by

Keshram Meena

Date: 02-11-2023 15:00:47

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HSM Division,
Ministry of Environment Forest and CC
New Delhi.