

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No.21550 of 2009 (K)

PETITIONERS:

1. C.L.CICILY,W/O.LATE KOCHAPPAN,AGED 52 YEARS,
MENACHERY HOUSE,MUNDOOR P.O.,THRISSUR.
2. K.K.VIJAYAKUMARI,W/O.SATHYAN K.K.,
KARUMAKKAL HOUSE,PORANATTUKARA.
3. K.R.SOBHANA,46 YEARS,W/O.A.G.SASIDHARAN,
AMMANATH HOUSE,EDAKKULAM,THENGALLUR P.O.
4. OMANA,W/O.SUKUMARAN,EDATTU HOUSE,
MANNAMPETTA P.O.,THRISSUR DISTRICT.

**BY ADVS.SRI.V.M.KRISHNAKUMAR
SMT.P.AANITHA**

RESPONDENTS:

1. SEETHARAM TEXTILES LIMITED,THRISSUR,
(A UNIT OF STATE TEXTILE CORPORATION),
REP. BY ITS GENERAL MANAGER.
2. MANAGING DIRECTOR,STATE TEXTILES CORPORATION,
THIRUVANANTHAPURAM.

**R1-R2 BY ADVS.SMT.P.VIJAYAMMA
SRI.V.KRISHNA MENON
SRI.DEVIDAS.U.K**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE APPLICATION FILED BY THE 1ST PETITIONER
DATED 20.7.2009.**

**EXT.P1(a):TRUE COPY OF THE APPLICATION FILED BY THE 2ND PETITIONER
DATED 20.7.2009.**

**EXT.P1(b):TRUE COPY OF THE APPLICATION FILED BY THE 3RD PETITIONER
DATED 20.7.2009.**

**EXT.P1(c):TRUE COPY OF THE APPLICATION FILED BY THE 4TH PETITIONER
DATED 20.7.2009.**

**EXT.P2:TRUE COPY OF THE APPLICATION FILED BY THE 1ST PETITIONER TO
THE 1ST RESPONDENT.**

**EXT.P2(a):TRUE COPY OF THE APPLICATION FILED BY THE 2ND PETITIONER TO
THE 1ST RESPONDENT.**

**EXT.P2(b):TRUE COPY OF THE APPLICATION FILED BY THE 3RD PETITIONER TO
THE 1ST RESPONDENT.**

**EXT.P2(c):TRUE COPY OF THE APPLICATION FILED BY THE 4TH PETITIONER TO
THE 1ST RESPONDENT.**

**EXT.P3:TRUE COPY OF THE APPLICATION FILED BY THE 1ST PETITIONER
BEFORE THE KERALA WOMEN'S COMMISSION DATED 23.7.2009.**

EXT.P4:TRUE COPY OF THE DECISION REPORTED IN 2004 (2) KLT 220.

EXT.P5:TRUE COPY OF THE PROCEEDINGS DATED 11.5.2009.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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K.VINOD CHANDRAN, J

W.P.(C).No. 21550 of 2009

Dated 18th March, 2015

JUDGMENT

The petitioners, women employees of the 1st respondent, are before this Court seeking enforcement of the provisions under Section 66 (1)(b) of the Factories Act, 1948 (for short the Act of 1948), which reads as under:

“No woman shall be [required or allowed to work in any factory except between the hours of 6 AM and 7 PM

provided that the State Government may, by notification in the Official Gazette, in respect of [any factory or group or class or description of factories] vary the limits laid down in clause (b), but so that no such variation shall authorise the employment of any woman between the hours of 10 PM and 5 AM.

The petitioners contend that they should not be asked to work beyond 7 PM nor prior to 6 AM.

2. The learned counsel appearing for the

respondents would contend that the proviso enables the State Government to vary the limits laid down in clause (b) by notification in the Official Gazette with respect to any factory or group or class or group of description of factories. However, such variation shall not be beyond 10 PM or before 5 AM.

3. The Government of Kerala has brought out G.O.(Rt)No.1852/2003/LBR dated 7.6.2003 *inter alia* in Spinning and Weaving Industries and provided for employment of women till 10 PM on the condition stated therein which are extracted hereunder:

(1). To and fro free transport facilities shall be provided to the women workers who are employed beyond 7 PM.

(2). Separate dormitory accommodation should be given to women workers.

(3). No female employee shall be employed between those hours otherwise than in groups consisting of at least five employees having a minimum of two female employees.

(4). Notice of periods of work prepared in accordance with the provisions of the Factories Act, 1948 and the rules made there under, availing this exemption shall be got approved by the concerned Inspector of factories and Boilers and a copy of the same shall be exhibited in the factory in a conspicuous place.

(5). The spread over time to a worker in a day shall be limited to 9 hours including rest period.

4. In the above circumstances, though the writ petition is to be allowed directing compliance of Section 66(1)(b) of the Act of 1948, the same shall be subject to the notification extracted herein above and compliance of the conditions stated therein by the employer.

The writ petition is disposed of. Parties are left to suffer their respective costs.

Sd/-

K.VINOD CHANDRAN
Judge

MrCs

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