

# The Factories Act, 1948

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# Objective of the Act

- **The Act has been enacted primarily with the object of protecting workers employed in factories against industrial and occupational hazards.**
- **For that purpose, it seeks to impose upon the owner or the occupier certain obligations to protect the workers and to secure for them employment in conditions conducive to their health and safety.**

# FACTORY

**A premises whereon 10 or more persons are engaged if power is used, or 20 or more persons are engaged if power is not used, in a manufacturing process. [section 2(m)].**

# APPLICABILITY

**At any place wherein manufacturing process is carried on with or without the aid of power or is so ordinarily carried on, not with standing that:**

**The number of persons employed therein is less than ten, if working with the aid of power and less than twenty if working without the aid of power, or**

**The persons working therein are not employed by the owner thereof but are working with the permission of, or under agreement with, such owner.**

# MANUFACTURING PROCESS

**Manufacturing process means any process for-**

- (i) making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal; or**
- (ii) pumping oil, water, sewage or any other substance; or**
- (iii) generating, transforming or transmitting power; or**
- (iv) composing types for printing, printing by letter press, lithography, photogravure or other similar process or book binding**
- (v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels.**
- (vi) preserving or storing any article in cold storage. [section 2(k)].**

# WORKER

- **A person employed in any manufacturing process or cleaning or any work incidental to manufacturing process.**
- **A person employed, directly or by or through any agency with or without knowledge of the principal employer.**
- **Whether for remuneration or not.**
- **Relationship of master & servant [section 2(1)].**

# Definitions[Sec.2 ]

- **“Adult” means a person who has completed his eighteenth year of age.**
- **“Adolescent” means a person who has completed his fifteenth year of age but has not completed his eighteenth year.**
- **“Child” means a person who has not completed his fifteenth year of age.**
- **“Young person” means a person who is either a child or an adolescent.**

# Definitions[Sec.2]

- **“Day” means a period of twenty-four hours beginning at midnight.**
- **"week" means a period of seven days beginning at midnight on Saturday night.**
- **“Calendar year” means the period of twelve months beginning with the first day of January in any year.**
- **“Power” means electrical energy, or any other form of energy which is mechanically transmitted and is not generated by human or animal agency.**
- **“Prime mover” means any engine, motor or other appliance which generates or otherwise provides power.**



# OCCUPIER

- **The person who has ultimate control over the affairs of factory.**
- **It includes a partner in case of firm and director in case of a company.**
- **In case of Government company, 'occupier' need not be a director. In that case, person appointed to manage affairs of the factory shall be occupier. [section 2(n)].**

# Approval, Licensing & Registration Of Factories[sec.6]

- **Making an application to the Government or Chief Inspector , along with the duly certified plans and specifications required by the rules,**
- **Sent to the State Government or Chief Inspectors by**
- **registered post,**
- **And no order is communicated to the applicant within 3 months from the date on which it is so sent,the permission deemed to be granted.**
- **If the application is rejected appeal can be made to the government within 30 days of the date of such rejection.**

# Notice by Occupier[sec.7]

- **The occupier shall, at least 15 days before he begins to occupy or use any premises as a factory, send a notice to the Chief Inspector containing-**
- **(a) The name and situation of the factory;**
- **(b) The name and address of the occupier;**
- **(c) The name and address of the owner of the premises**
- **(d) The address to which communications relating to the factory may be sent.**
- **(e) The nature of the manufacturing process;**
- **(f) The total rated horse power installed or to be installed in the factory.**
- **(g) The name of the manager of the factory for the purposes of this Act.**
- **(h) The number of workers likely to be employed in the factory;**
- **(i) Such other particulars as may be prescribed**

# General duties of the Occupier

- Occupier shall ensure, the health, safety and welfare of all workers while they are at work in the factory.
- Every occupier shall prepare, a written statement of his general policy with respect to the health and safety of the workers.
- Bring such statement and any revision thereof to the notice of all the workers.

# The Inspecting Staff[Sec.8]

- **State government may appoint Chief Inspector, Additional Chief Inspectors, Joint Chief Inspectors, Deputy Chief Inspectors, and Inspectors.**
- **Prescribe their duties and qualifications**
- **Every District Magistrate shall be an Inspector for his district**
- **Every inspector is deemed to be a public servant within the meaning of the Indian Penal Code**

# Powers of Inspectors[sec.9]

- **Enter factory premises for investigation**
- **Examine the premises**
- **Inquire into any accident or dangerous occurrence**
- **Require the production of any prescribed register or document**
- **Seize, or take copies of, any register, record or other document**
- **Take measurements and photographs and make such recordings**
- **Exercise such other powers as may be prescribed**
- **No person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself .**

# Certifying Surgeon[Sec.10]

- **State Government may appoint qualified medical practitioners to be certifying surgeons**
- **Duties of surgeons**
- **(a) the examination and certification of young persons under this Act;**
- **(b) the examination of persons engaged in factories in such dangerous occupations or processes**
- **(c) supervising the factories where**
- **(i) cases of illness have occurred which are due to the nature of the manufacturing process or**
- **(ii) due to manufacturing process there is a likelihood of injury to the health of workers or**
- **(iii) young persons are employed in any work which is likely to cause injury to their health.**

# Health Provisions[Sec.11-20]

- **Chapter III of Factories Act contain details regarding health of workers. Let us discuss these provisions...**

## Cleanliness[sec.11]

- **The working conditions should be clean and safe.**
- **Clean the floor at least once a week by washing, or by some effective method.**
- **Effective means of drainage shall be provided.**
- **White wash every 14 weeks**
- **Paint / varnish every 5 years**



## Disposal of wastes and effluents [sec.12]

- **There should be proper arrangements or disposal of wastes and effluents.**
- **Follow state govt. rules...**

## Ventilation & Temperature [sec.13]

- **Proper level of ventilation temperature and humidity must be maintained.**
- **Make provisions for reducing excess heat.**

## Dust and fume[sec.14]

- **Effective measures should be taken to prevent inhalation or accumulation of dust & fume.**
- **If any exhaust appliance is necessary for, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity.**

## Artificial Humidification[sec.15]

- **Factories in which the humidity of the air is artificially increased(like in textile units), keep it in limits.**
- **The water used for artificial humidification to be clean.**

## Overcrowding[Sec.16]

- **14.2 cubic metres space per worker. While calculating this space, space above the worker beyond 4.2 meters will not be taken into account.**
- **Notice specifying the maximum number of workers, which can be employed in any work room shall be displayed in the premises.**

## Lighting[Sec17]

- **Sufficient & suitable lighting in every part of factory. There should natural lighting as far as possible.**
- **All glazed windows and skylights used for the lighting of the workroom shall be kept clean.**
- **Formation of shadows to such an extent as to cause eye-strain or the risk of accident to any worker shall be prevented.**

## Drinking water[Sec.18]

- **There should be drinking water (wholesome water)**
- **Drinking points to be marked as drinking water. They should be at least 6 meters away from wash room/urinal/latrine/spittoons.**
- **If >250 workers are working, then have cool water facility also.**

## Latrines and Urinals[Sec.19]

- **There should be separate – for male and female.**
- **Proper cleaning should be there.**

## Spittoons[Sec.20]

- **There should be sufficient number of spittoons.**
- **No person shall spit within the premises of a factory except in the Spittoons provided for the purpose**
- **Whoever spits in contravention shall be punishable with fine not exceeding five rupee**

## Safety of Worker[Sec.21-41]

- **CHAPTER IV DEALS WITH SAFETY OF WORKERS**

## Fencing of Machinery[Sec.21]

- **Every dangerous parts must be securely fenced.**
- **The State Government may by rules prescribe such further precautions.**

## Machines in motions[Sec.22]

- **Examination of machinery in motion only by a specially trained adult male worker wearing tight fitting clothing.**
- **No women or child should be allowed to work.**

## Employment of young persons on dangerous machines[Sec.23]

- **No young person should be allowed to work on dangerous machines (unless he has been trained, and is under supervision).**
- **Young person = 14 to 18.**

## Striking gears[Sec.24]

- **There should be suitable striking gears etc. to switch off the power, so that if there is any emergency, problem can be solved.**

## Self acting machines[Sec.25]

- **Make sure that no person should walk in a space within 45 cm from any fixed structure which is not a part of machine.**

## Casing of new machines[Sec.26]

- **All machinery driven by power & installed should be so sunk, encased or otherwise effectively guarded as to prevent danger.**

## Cotton openers[Sec.27]

- **No women and children are allowed to work on cotton openers.**

## Hoists and lifts[Sec.28]

- Every hoist and lift should be in good condition, and properly checked.
- The maximum load it can carry – must be clearly mentioned.
- The gates should be locked by interlocking / safe method (it should not open in between).
- To be properly examined in every 6 months.

## Lifting machines, chains, ropes & lifting tackles[Sec.29]

- **Cranes & lifting machines, etc. to be of good construction & to be examined once in every 12 month.**
- **Cranes and lifting machines not to be loaded beyond safe working load.**
- **Cranes not to be approach within 6 metres of a place where any person is employed or working.**



## Revolving machines[Sec.30]

- **Maximum safe speed must be mentioned for each machine.**
- **Speed indicated in notices should not to be exceeded.**

## Pressure plant[Sec.31]

- **There should be safe working pressure on pressure plants.**
- **Effective measures should be taken to ensure that the safe working pressure is not exceeded.**

## Floors, Stairs etc.[Sec.32]

- **All floors, steps, stairs, passages & gangways should be of sound construction & properly mentioned.**

## Pits, sumps, openings in floors etc.[Sec.33]

- **Pits, sumps etc. should be securely covered or fenced.**

## Excessive weights[Sec.34]

- **No person should be employed to hold more weight than the person can hold.**

## Protection of eyes[Sec.35]

- **Provide goggles if workers have to work on something stretching to the eyes.**

## Dangerous fumes etc[Sec.36]

- **Prohibited to employ workers in places where dangerous gas / fume is present.**
- **Practicable measures should be taken for removal of gas, fume, etc.**

## Portable electric light[Sec.36A]

- **It should not be above 24 volts**

Explosive or inflammable dust, gas, etc.[Sec.37]

- **Take all measures for safety and to prevent explosion on ignition of gas, fume etc.**

Precautions in case of fire[Sec.38]

- **There should be separate exit for cases of fire.**
- **There should be facilities for extinguishing fire.**

Role of inspector[Sec.39,40]

- **Section 39, 40 and 40A talk about various roles that have been assigned to the inspector.**
- **He may call for details regarding building, machines etc.**

## Safety officer[Sec.40B]

- If 1000 or more workers are employed, appoint a separate safety officer.

## Power to make rules to supplement the above provisions [Sec.41]

- **The State Government may make rules requiring the provision in any factory of such further devices & measures for securing the safety of persons employed therein as it may deem necessary.**

## Welfare Provision[Sec.42-50]

- **Chapter V**
- **There are a number of provisions in the factories act regarding welfare facilities for the workers.**

# Welfare Issues

- **Washing facilities(Sec 42)**
- **Facilities for, storing & drying clothes(Sec43)**
- **Facilities for sitting(Sec 44)**
- **First aid appliances(Sec 45)**
- **Canteen( Sec46)**
- **Rest room, shelters, lunch room( Sec 47)**
- **Creches (Sec 48)**
- **Welfare Officers(Sec 49)**
- **Power to make rule(Sec 50)**

## Washing facilities[Sec.42]

- There should be washing facilities in every factory for the workers—separate for male and female workers—properly screened.
- conveniently accessible and shall be kept clean.

## Facility for storing and drying of clothing[Sec.43]

- There should be facility so that worker can place their cloth not worn during the manufacturing process.
- There should be facility so that worker can dry their wet cloth.

## Facilities for sitting[Sec.44]

- **Suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position**
- **If the worker can do the work by sitting, - there should be sitting arrangement for the worker.**

## First-aid appliances[Sec.45]

- **There should be at least 1 first aid box for every 150 workers.**
- **It should have the prescribed contents.**
- **A responsible person should hold a certificate on first aid treatment.**
- **An ambulance room should be there if the number of workers is more than 500.**



## Canteen[sec.46]

- **If the number of workers is more than 250, the govt. may make rules for canteen.**
- **The govt. may make rules regarding foodstuff, construction, furniture, equipment of the canteen.**

## Shelter, rest room, lunch room[Sec.47]

- **When 150 workers are working, there should be rest rooms, lunch room, etc.**
- **Such places should be having drinking water facilities etc.**

## Creches[Sec.48]

- **If the number of women workers is more than 30, there should be the creches.**
- **It should be sufficiently lighted, ventilated & to be under the charge of trained women.**

## Welfare Officer[Sec.49]

- **If the number of workers is 500 or more, there should be a welfare officer to look after the welfare of the workers.**

## Brief

- **Crèche > 30 women workers.**
- **Restroom / shelters and lunch room > 150 workmen**
- **Cooled drinking water - > 250 workers** • **Canteen - > 250 workers**
- **Ambulance room – Doctor, Nurse and Dresser cum compounder - > 500 workers**
- **Welfare officer - > 500 workers**
- **Lady welfare officer - > more nos. of women workers**

## Working hours Of Adults

- **Chapter VI**
- **The rule as to the regulation of hours of work of adult workers in a factory and holidays.**

## Working Hours

- **Sec.51-Weekly hours not more than 48 hours a week**
- **Sec.52-First day of the week i.e. Sunday shall be a weekly holiday.**
- **Sec.53-Compensatory holidays.**
- **Where a weekly holiday is denied he shall be allowed to avail the compensatory holiday within a month.**

## Working Hours

- **Sec.54-Daily working hours- no adult worker shall be allowed to work in a factory for more than nine hours in any day.**
- **Sec.55-Intervals for rest-no worker shall work for more than 5 hours before he has had an interval for rest of at least 1/2 an hour.**
- **Inspector may increase it upto six hours.**

## Spread over[sec.56]

- **Inclusive of rest intervals they shall not spread over more than 10-1/2 hours in any day.**
- **Inspector may increase the spread over up to 12 hours.**

## Night Shifts[Sec.57]

- **If shift extends beyond midnight , a holiday for him will mean a period of 24 hours beginning when his shift ends.**

## Prohibition Overlapping Shifts[Sec.58]

- **Work shall not be carried in any factory by means of system of shifts so arranged that more than one relay of workers is engaged in the work of same kind at the same time.**

## Extra Wages for Overtime[Sec.59]

- **If workers work for more than 9 hours a day or more than 48 hour a week, extra wages should be given.**
- **Wages at twice the ordinary Rate.**

## Restriction on Double Employment[Sec.60]

- **No worker is allowed to work in any factory on any day on which he has already been working in any other factory**

## Notice of periods of work for Adult Workers[Sec.61]

- **Notice to be displayed at some Conspicuous place.**
- **Periods to be fixed beforehand.**
- **Classification of workers-Groups.**
- **Copy of Notice in Duplicate & any change to be sent to Inspector.**

## Register of Adult Workers[Sec.62,63]

- **The manager should maintain Register of Adult workers showing-**
- **- Name**
- **- Nature of work**
- **- The Group etc. Of each & every Adult Worker in the factory.**
- **The Register shall be available to the Inspector at all time during working hours.**

## Employment of young persons

### Prohibition of employment of young Children[Sec.67]

- **No child who has not completed his 14<sup>th</sup> year allowed to work in Factory.**

## Non-Adult workers to Carry Tokens [Sec.68]

- **A child who has completed his 14th year may be allowed to work in factory if:-**
- **a) a certificate of fitness for such work is in custody of manager of factory.**
- **b) Such child or adolescent carries , a token giving a reference to such Certificate.**

## Certificate of fitness

- **Is a certificate issued by a certifying surgeon after examining him & ascertaining his fitness for work in factory.**
- **• Valid for 12 Months.**
- **• Revocation of Certificate by surgeon , if child is no longer fit.**
- **• Fee payable by Employer:-Fee & Renewable Fee**
- **• Effect of Certificate of Fitness:-deemed to be an adult for the purpose of hours of work.**



## Working Hours for Young persons[Sec.71,72]

- **Working Hours limited to 4-1/2.**
- **Not during Nights.**
- **Period of work limited to 2 shifts.**
- **Entitled to weekly Holidays.**
- **Female to work only between 6am to 7 pm.**
- **Fixation of periods of work beforehand.**

## Power to require Medical Examination[Sec.73]

- **Inspector has the power to direct manager to have medical examination of young persons working in case-**
- **Young Persons working without License.**
- **They no longer seem to be Fit.**

# Employment of Women

## Prohibition of women workers at night shift

- **Women shall not be allowed to work in any factory except between the hours of 6 A.M. and 7 P.M..**
- **The inspector may relax this norm but prohibited between 10 P.M. and 5 A.M.**
- **Working hours not more than-weekly 48 hours & daily 9 hours.**

# Annual Leave with Wages

## [Sec.78-84(Chapter- VIII)]

### Rules:

- 1) **Leave Entitlement- One day for every 20/15 days of work performed in case of adult/Child who has worked for period of 240 days.**
- 2) **Computation of Period of 240 days- The days of lay-off, maternity leave not exceeding 12 weeks, & earned leave in previous year should be included.**
- 3) **Discharge, Dismissal, Superannuation, death, quitting of employment- He, his heir, nominee as the case may be entitled to wages.**

- 4) Treatment of Fraction of Leave:- Half day or more is treated as full while less than half is omitted.**
- 5) Treatment of Un-availed leave: Should be carried – forward to next calendar year but shall not exceed 30 in case of an adult & 40 in case of child.**
- 6) Application for leave to be made in writing within specified time.**
- 7) Scheme for grant of leave.**
- 8) Display of Scheme for grant of leave.**
- 9) Refusal of leave to be in accordance with Scheme**
- 10) Payment of wages to worker for leave period if he is discharged or if he quits service.**

# Wages during leaveperiod[sec.80]

- **Worker is entitled to wages at a rate equal to the daily average of his total full time earnings for the days on which he actually worked during the month immediately preceding his leave.**

# Penalties under the Act [Sec.92-106]

## THE FACTORIES ACT, 1948.

### Sec.92 to 106

#### OFFENCE

- For contravention of the Provisions of the Act or Rules
- On Continuation of contravention
- On contravention of Chapter IV pertaining to safety or dangerous operations.
- Subsequent contravention of some provisions
- Obstructing Inspectors
- Wrongful disclosing result pertaining to results of analysis.
- For contravention of the provisions of Sec.41B, 41C and 41H pertaining to compulsory disclosure of information by occupier, specific responsibility of occupier or right of workers to work imminent danger.

#### PENALTIES

- Imprisonment upto 2 years or fine upto Rs.1,00,000 or both
- Rs.1000 per day
- Not less than Rs.25000 in case of death.
- Not less than Rs.5000 in case of serious injuries.
  - Imprisonment upto 3 years or fine not less than Rs.10, 000 which may extend to Rs.2, 00,000.
- Imprisonment upto 6 months or fine upto Rs.10, 000 or both.
- Imprisonment upto 6 months or fine upto Rs.10, 000 or both.
- Imprisonment upto 7 years with fine upto Rs.2, 00,000 and on continuation fine @ Rs.5, 000 per day.
  - Imprisonment of 10 years when contravention continues for one year.

# General Penalty for Offences [Sec.92]

- **If there is any contravention of any of the provisions of the act, the Occupier & Manager each shall be Guilty & punishable with**
- **Imprisonment for a term upto 2 years.**
- **with a fine upto Rs.100000**
- **or with Both.**

- **[Sec.93]** further extends, if the contravention under section 92 continued after conviction, they(Manager& Occupier) shall be punishable with further fine which may extend to Rs. 1000 for each day on which contravention is so continued.

### **Enhanced Penalty after Conviction[Sec.94]**

- **If a person convicted of any offence punishable under Sec 92, is again guilty involving contravention of same provision ,he shall be punishable with**
- **Imprisonment for a term which may extend to 3 years.**
- **Or fine which shall not be less than 10000**
- **Or both.**
- **If any contravention of provision relating to safety, has resulted in an accident causing death /serious bodily injury, Fine shall not be less than**
- **Rs.35000/Rs.10000.**



# Cognizance of Offences[sec.105]

- **No court shall take cognizance of any offence under this act except on a complaint by or with the previous section in writing of an Inspector.**
- **The complaint shall be filed within 3 months of the date on which offence comes to the knowledge of an Inspector. But it can be six months , if offence consists of disobeying a written order made by an Inspector.**

# Appeal[Sec.107]

- **The manager of the Factory or the Occupier on whom an order in writing by an inspector has been served, within 30 days of the notice, can appeal against it to the prescribed Authority**

## Display of Notices[Sec.108]

- **A notice containing Abstracts of this Act & the rules made there under and also the name & address of the Inspector and the certifying surgeon.**
- **Shall be in English& Language Understood by the majority of the workers.**
- **Convenient Places or near main Entrance.**

## Returns[Sec.110]

**The State Govt. may make rules requiring Owner Occupier, Manager of factories to submit Returns as may be required.**

# Power to make rules & give directions [Sec.112,113,115]

- **(Sec 112)** The State Govt. may make rules providing for any matter which may be discovered expedient In order to give effect to the purposes of the act.
- **(Sec 113)** The central Govt. may also give directions to the State Govt. as to carrying to the execution of the provisions of the act.
- **(Sec 115)** provides for the publication of the rules made under the act in the official Gazette.

# Restriction on Disclosure of Information [Sec.118-A]

- **Every Inspector shall treat as confidential the source of any complaint brought to his notice on the breach of any provision of this act.**
- **Further he shall not disclose to manager or occupier that the inspection is made in pursuance of the receipt of complaint.**



**Thank you ...**