

FACTORIES ACT-1948

DEFINITION OF FACTORY (Section 2(m))

- ▶ "factory" means any premises including the precincts there of:
- ▶ (i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or
- (ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on.

FACTORIES ACT 1948

- ▶ Effect from 1.04.1949.
- ▶ Objective:
 - ▶ Occupier has to fulfill in connection with health, welfare, safety, hours of employment, leave overtime, rest for workers working in a factory.
- ▶ Applies to all railway workshops and production units but does not extend to loco sheds and C&W depots.

WORKER (Section 2(1))

- ▶ A person employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process;
- ▶ Worker type-Adult, women, Adolescent, child labour

MANUFACTURING PROCESS (Section 2(k))

- ▶ "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; or
 - (v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or
 - (vi) preserving or storing any article in cold storage;

Occupier (Section 2(iii))

- ▶ Occupier means the person, who has the ultimate control over the affairs of factory and in case where such affairs are entrusted to a manager such manager shall be deemed to be the occupier of the factory.
- ▶ In the case of a factory owned or controlled by the Central Government or any State Government, or any local authority, the person or persons appointed to manage the affairs of the factory by the Central Government, the State Government or the local authority, as the case may be, shall be deemed to be the occupier.

Preliminary Requirements....

- ▶ Short title, extent and commencement
- ▶ Definitions
- ▶ Competent Person
- ▶ Application for registration & grant of licence
- ▶ Grant of licence
- ▶ Renewal of licence
- ▶ Amendment of licence
- ▶ Payment of fees
- ▶ Prohibition of use of premises as factories without a valid license
- ▶ Notice of occupation
- ▶ Notice of change of Manager
- ▶ Guidelines, Instructions and Records

Health Related Requirements....

- ▶ Record of whitewashing, etc,
 - ▶ Cleanliness of walls and ceilings
 - ▶ Disposal of trade wastes and effluents
 - ▶ Ventilation and temperature, Lighting of interior parts
 - ▶ Means of supply Cleanliness of well or reservoir - Report from Health Officer
 - ▶ Latrines accommodation, privacy and conform to public health requirements
 - ▶ Urinal accommodation, and conform to public health requirements
 - ▶ Sign boards to be displayed
 - ▶ Certain latrines and urinals to be connected to sewage system
 - ▶ Whitewash, colour washing of latrines and urinals, Water taps in latrines
 - ▶ Construction and maintenance of drains
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- ▶ **8** Number and location of spittoons, Type of spittoons, **Consistent** Clearing of spittoons

Safety Related Requirements

- ▶ Safety precautions
- ▶ Register of workers employed for work on or near machinery in motion
- ▶ Employment of young persons on dangerous machines
- ▶ Hoists and lifts, Lifting machines, chains, ropes and lifting tackles
- ▶ Pressure vessels or plant, Water sealed gas holder
- ▶ Excessive weights
- ▶ Protection of eyes
- ▶ Fire Protection, Ovens and driers
- ▶ Safety Officers
- ▶ Buildings and structures, Machinery and plant
- ▶ Methods of work, Stacking and storing of materials, etc.
- ▶ Examination of eye sight of certain workers , Safety Committee,
- ▶ Personal Protective Equipments

Safety Related Requirements(Cont...)

- ▶ Site Appraisal Committee
- ▶ Health and Safety Policy,
- ▶ Emergency Plan, Disaster Control and Management Plan
- ▶ Disclosure of information to workers, general public, local authority, District Emergency Authority, Chief Inspector
- ▶ Information on Industrial Wastes
- ▶ Review of the information furnished to workers, etc.
- ▶ Medical Examination, Occupational Health Centres, Ambulance Van
- ▶ Decontamination facilities,
Making available health records to workers
- ▶ Qualification, etc. of supervisors, Issue of Guidelines

Welfare Requirements...

- ▶ Washing facilities, Facilities for keeping clothing
- ▶ First-aid appliances (for every 150 workers),
Notice regarding first-aid
- ▶ Ambulance room, Ambulance for more than 500 workers,
Canteens for more than 250 workers
- ▶ Dining Hall, Equipment, Prices to be charged
- ▶ Annual medical examination
- ▶ Washroom, Shelters, rest rooms and lunch rooms (> 150)
Creches (for more than 30 women workers)
- ▶ Welfare Officers for more than 500 workers

Hours of work

- ▶ 48 hours in a week
- ▶ 9 hours in a day
- ▶ Period of work ≤ 5 hours at a time
- ▶ An interval of $\frac{1}{2}$ hour shall be given.
- ▶ The spread over including rest period ≤ 10.5 hours in a day.
- ▶ Overtime shall be paid twice the ordinary rate and not more than 60 hours in a quarter.
- ▶ No woman worker should work between 7 pm to 6 am.

Rest day

- ▶ If a worker works continuously for 6 days, he shall be entitled for one day rest.
- ▶ Normally rest should fall on Sunday.
- ▶ Rest can be granted either three days in advance or three days later.
- ▶ If rest cannot be given, then 11th day must be granted rest.

Inspector of factories

- ▶ Inspections are made by inspectors appointed by the state government by a notification in the official gazette.
- ▶ All facilities may be afforded to the inspector by the management of factory for examination of premises, plants, machineries, prescribed registers and any documents in connection with factory and record statement of any person and management of the factory.

Penalties under the Act

- ▶ As per the provisions of section 93 of the Act,
 - ▶ if in, or in respect of, any factory there is any contravention of any of the provisions of this Act or of any rules made there under or of any order in writing given there under,
 - ▶ the occupier and manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both, and if the contravention is continued after conviction, with a further fine which may extend to one thousand rupees for each day on which the contravention is so continued:
- ▶ Under section 87 of the Act,
 - ▶ if there has resulted in an accident causing death or serious bodily injury,
 - ▶ the fine shall not be less than twenty-five thousand rupees in the case of an accident causing death, and five thousand rupees in the case of an accident causing serious bodily injury.

References

- ▶ Indian Codes

https://indiacode.nic.in/handle/123456789/1530?view_type=browse&sam_handle=123456789/1362

- ▶ Chief Labour Commissioner (Central)

<https://clc.gov.in/clc/acts-rules/acts-and-rules-0>

- ▶ Labour.Telangana

<https://labour.telangana.gov.in/ActServices.do>



Persons	Maximum weight of material, article, tool or appliance in Kgs
a) Adult Male	55
(b) Adult female	30
(c) Adolescent male	30
(d) Adolescent female	20
(e) Male child (above 14 years)	16
(f) Female child (above 14 years)	14

Reference:

<http://factories.ap.gov.in/factories/Downloads/Rules/RuleCh4.htm#top>