

# FACTORY ACT-1948

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# Introduction

- ▶ The first factory act was passed in 1881. Its comprehensive version was introduced in 1911. It was later amended four times.
- ▶ Following the recommendations of Rege committee, the Government of India enacted the Factories 'Act 1948, a comprehensive piece legislation which came in to force from April.1949

# Objectives

The object of the Act is to ensure to the workers employed in the factories, health, safety, welfare, proper working hours, leave and other benefits.

# Applicability of the Act

- ▶ Applicable to the whole of India including Jammu & Kashmir.
- ▶ Covers all manufacturing processes and establishments falling within the definition of 'factory'.
- ▶ Applicable to all factories using power and employing 10 or more workers, and if not using power, employing 20 or more workers on any day of the preceding 12 months.

# Important definitions

- ▶ **Sec-2(a) Adult** : means a person who has completed his fifteenth year of age;
- ▶ **Sec-2(b) Adolescent** : means a person who has completed his fifteen year of  
▶ age but has not completed his eighteenth year;
- ▶ **Sec-2(c) Child**: means a person who has not completed his fifteenth year of age;

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▶ **Sec-2(1) Worker** : means 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 but does not include any member of the armed forces of the Union;

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- ▶ **Sec-2(m) Factory:** means any premises including the precincts thereof- (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 has manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,

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but does not include a mine subject to the operation of [the Mines Act, 1952 (35 of 1952),] or [a mobile unit belonging to the armed forces of the Union, a railway running shed or a hotel, restaurant or eating place].



# Important provisions the Act

## Facilities relating to health [Sec-11 to 20]

- ▶ The factory should be kept clean.
- ▶ There should be arrangement to dispose of wastes and effluents.
- ▶ Dust and fumes should be controlled below permissible limits.
- ▶ Ventilation should be adequate.
- ▶ Reasonable temperature & artificial humidification at standard level.
- ▶ Proper facilities for lighting, drinking water, latrines, urinals etc.

# Welfare measures: [Sec-42 to 50]

- ▶ Proper facilities for washing, sitting, storing cloths during working period.
- ▶ Adequate First aid boxes shall be provided and maintained.
- ▶ Ambulance room, if 500 or more workers are employed,
- ▶ Canteen if 250 or more workers are employed.
- ▶ It should be sufficiently lighted and ventilated and suitably located.
- ▶ Rest rooms / shelters with drinking water when 150 or more workmen.
- ▶ Crèches, if 30 or more women workers are employed.
- ▶ Full time Welfare Officer if factory employs 500 or more workers

# Safety measures [Sec-21 to 41]

- ▶ All machinery should be properly fenced to protect workers when machinery is in motion.
- ▶ Hoists and lifts should be in good condition and tested periodically. Pressure plants should be checked as per rules.
- ▶ Floor, stairs etc. should be of sound construction and free from obstructions.
- ▶ Safety appliances for eyes, dangerous dusts, gas, and fumes should be provided.
- ▶ Worker is also under obligation to use the safety appliances. He should not misuse any appliance, convenience or other things provided.
- ▶ Adequate fire fighting equipment should be available.
- ▶ Appointment of Safety Officer, if number of workers is 1,000 or more.
- ▶ In case of hazardous substances, additional safety measures.

# Working Hours of adult [Sec-51 to 66]

- ▶ A worker cannot be employed for more than 48 hours in a week.
- ▶ Weekly holiday is compulsory. If he is asked to work on weekly holiday, he should have full holiday on one of three days immediately or after the normal day of holiday.
- ▶ He cannot be employed for more than 9 hours in a day. At least half an hour rest should be provided after 5 hours.
- ▶ Total period of work inclusive of rest interval cannot be more than 10.5 hours.
- ▶ A woman worker cannot be employed beyond the hours 6 a.m. to 7.00 pm. State Government can grant exemption to any factory or group or class of factories, but no woman can be permitted to work during 10 PM to 5 AM. Shift change can be only after weekly or other holiday and not in between.
- ▶ If a worker works beyond 9 hours a day or 48 hours a week, overtime wages are double the rate of wages are payable.

# Leave [Sec 78-84]

- ▶ A worker is entitled in every calendar year annual leave with wages at the rate of one day for every 20 days of work performed in the previous calendar year, provided that he had worked for 240 days or more in the previous calendar year.
- ▶ Child worker is entitled to one-day leave per every 15 days.
- ▶ While calculating 240 days, earned leave, maternity leave up to 12 weeks and lay off days will be considered, but leave shall not be earned on those days.
- ▶ Leave can be accumulated up to 30 days in case of adult and 40 days in case of child.
- ▶ Wage for period must be paid before leave begins, if leave is for 4 or more days.

[These are minimum benefits. Employer can, of course, give additional or higher benefits].

# Child Employment [Sec 67 to 77]

- ▶ Child below age of 14 cannot be employed.
- ▶ No child above 14 but below 15 years of age can be employed for more than 4.5 hrs per day or during the night between 10 pm to 6 am.
- ▶ A person over 15 but below 18 years of age is termed as 'adolescent'. He can be employed as an adult if he has a certificate of fitness for a full day's work from certifying surgeon. He is not permitted to work between 7 pm and 6 am.

# Notice of Accidents, Diseases Etc.

Notice of accident/dangerous occurrences and any worker contacting occupational diseases, about hazardous substances/processes should be given.

# Obligation of a Worker

- ▶ A worker shall not interfere with any appliance or articles provided for securing health, safety & welfare of the workers.
- ▶ He shall not carry any act that endangers himself or others & shall not wilfully neglect to make use of safety appliance.
- ▶ Any worker contravening above provisions is punishable with fine or imprisonment or both.



# PENALTIES AND PROCEDURE

The occupier and manager of the factory shall each be guilty of an offence and punishable with imprisonment or with fine which may with both and if the contravention is continued after conviction, with a further fine.



**THE END**