

Factories Act 1948

The Government of India has enacted this Act during 1948 to provide safeguard to the workers against exploitation by the employers and to ensure their safety, health and welfare. This Act also provides minimum period of rest , payment of wages for extra hours of duty and enjoins on the employer certain obligation towards the employee.

Factory - means any premises including the precincts thereof, wherein 10 or more workers are working or were working in any day during the preceding 12 months and in any part of which a manufacturing process is being carried on with the aid of power and any premises wherein 20 or more workers are working or were working on any day during the preceding 12 months and in any part of which a manufacturing process is being carried on without the aid of power.

It does not include a mine, a mobile unit of the armed forces of the Union, a railway running shed, a Hotel, a Restaurant.

Workmen - means a person employed either directly or through an agency including a contractor with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process or cleaning of any part of the machinery or premises used for manufacturing process or cleaning of any part of the machinery or premises used for manufacturing process any other kind of work incidental to or connected with the manufacturing process.

Adult - means a person who has completed 18 years of age.

Adolescent - means a person who has completed 15 years of age but not completed 18 years of age.

Child - means a person who has not completed 15 years of age.

Manufacturing process - means a process of making, repairing, altering, ornamenting, finishing, packing, oiling, cleaning, washing, breaking up or demolishing or otherwise or adjusting any article or substance with a use for sale, transport, delivery or disposal or pumping oil, water or sewage or any other substance or generating transforming or transmitting power or composing type for printing, printing by letter press or other similar process or book binding or constructing, reconstructing, repairing, refitting, refinishing or preserving or storing any article in cold storage.

Occupier- means the person who has ultimate control over the affairs of the factory. If such affairs are entrusted to a Manager, such Manager shall be deemed as Occupier of the factory. In the case of a factory owned or controlled by the Central Government or State Government or Local Authority, the person appointed to manage the affairs of the factory shall be deemed to be the occupier.

Inspectors

State Government by notification in the Official Gazette, appoint a Chief inspector and Inspector of factories under this Act. Inspectors will have their jurisdiction defined and the Chief Inspector will exercise the powers of an inspector throughout the State.

Working hours

No adult worker shall be required or allow to work in a factory for more than 9 hours in a day or 48 hours in a week. The working hours should not exceed 5 hours at a stretch without an interval of at least half an hour.

No woman shall be employed in any factory except between the hours of 6 A.M. to 7 P.M. There shall be no change or shift in respect of women except after a weekly holiday or any other holiday.

No adult worker shall be required to work on any factory or any day on which he has already been working in any other factory, except in such circumstances as may be prescribed.

No adult worker shall be required or allowed to work in any factory otherwise than in accordance with the notice of periods of work for adults displayed in the factory and the entries made before hand against his name in the register of adult workers of the factory.

Even with exemptions made by the State Government in regard to the total number of hours of work, including extra hours worked on payment of over time in any week shall not exceed 60 hours and no worker shall be allowed to work overtime for more than 7 days at a stretch an the total number of extra hours of work in any quarter shall not exceed 75 hours.

Spread Over

The periods of work inclusive of intervals shall not be spread over more than 10 and half hours in a day, provided that the chief inspector may for reasons to be specified in writing increase the spread over to 12 hours.

Weekly Holidays

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An employee shall not be required to work on a Sunday ordinarily, but if for any reason working on Sunday is necessary he must be given compensatory rest within three days before or after the Sunday.

Compensatory Holidays

In no case an adult shall be required to work for more than 10 days consecutively without holiday. Where shift duty is carried on, the period of rest shall commence from the time the shift ceases and should continue interrupted for 24 hours<

Wages for Over Time

Whenever a worker works in a factory for more than 9 hours in a day or for more than 18 hours in a week is entitled for OTA at the rate of double of normal wages. OTA is calculated

either on daily or weekly basis, whichever is more favorable to the employee. Wages for the purpose of OTA includes par, dearness pay, dearness allowance, city compensatory allowance, house rent, allowance, ration subsidy etc.

Health

1. The factory must be kept clean and free from effluvia arising from any drain, privy and other nuisance.
2. Accumulations of dirt and refuse shall be removed daily.
3. The floors of every workroom should be washed and disinfected once in a week.
4. Where floor is liable to get wet in the course of work, effective means of drainage should be provided.
5. Inside walls and partitions, ceiling, tops of rooms and staircases etc, if painted with washable paints or varnish should be repainted or revarnished once in five years and clean once in 14 months. If painted or varnished otherwise it should be repainted or revarnished once in 14 months.
6. Arrangement for provision of latrines and urinals should be made separately for male and female workers at convenient places. Spittoons should be maintained in clean and hygienic condition.
7. Effective provision should be made for prevention of glare from the source of light or by reflection from smooth surfaces.
8. Formation of shadows to such an extent to cause eyestrain should be avoided.
9. Effective arrangements should be made for the supply of sufficient drinking water. If in a factory where more than 250 employees are employed water cooler to be provided.

Safety

1. Every part of prime mover, head race, trail race of water wheel or turbine, stock bar of lathe which projects beyond the head stock should be securely fenced.
2. Every set of screw, bolt or key of revolving shaft, spindle or pinion should be sunk or encased or effectively guarded to prevent danger.
3. No woman or child should be allowed in any factory to clean, lubricate or adjust any part of the machinery while in motion or to work between fixe and moving part of any machinery in motion.
4. Trained adult male worker wearing tight fitting clothes should only be permitted to examine, lubricate or adjust the machinery in motion.

5. No young person should be allowed to work on dangerous machine unless he has received training to work in the machine or he is under adequate supervision by a competent person.
6. Suitable devices for cutting off the power in emergencies should be provided.
7. Hoists, lifts, lifting machines, chains, ropes etc., used for lifting the machines, raising or lowering persons, goods or materials must be of good construction, adequate in strength and free from defects.
8. Cooling glass, goggles, masks should be supplied to protect eyes wherever necessary.
9. Effective precautions against fire should be made.
10. Where one thousand or more workers are employed in a factory with the risk of injury or occupational diseases the occupier should employ safety officers as advised by State Government.
11. No women and children should be employed in a factory for pressing cotton with cotton opener.
12. In every factory where hazardous substances are handled, a safety committee consisting of equal number of representatives of worker and management should be set up to promote co-operation and to review the measures taken under safety and health provisions.
13. A numbers of other safety provisions in regard to explosives, inflammables, dust and fumes, combustibles etc. are also laid down in the Act.

Welfare

1. Adequate and suitable facilities for washing should be provided separately for male and female workers at convenient places.
2. Suitable places for drying wet cloths and for keeping them should be provided.
3. Suitable arrangements for sitting should be made for all workers require to work in standing position to avail rest, whenever possible.
4. First Aid boxes or cub boards equipped with necessary contents should be maintained at the rate of one for every 150 workers under the charge of a trained person.
5. Ambulance room with a qualified nurse should be maintained, where more than 500 workers are employed.
6. Where more than 250 workers are employed a canteen should be provided.
7. Where 30 or more women are employed, crèche should be maintained to keep the children below the age of 6 years.
8. Where 500 or more workers are employed, welfare officers should be appointed.

9. Where 150 or more workers are employed adequate shelter, rest and lunchroom should be maintained.

Notices and Registers

1. Notices of accidents resulting in death or injury preventing the workers in resuming duty during next 48 hours should be sent to chief inspector immediately. In railway workshops the Section Engineers concerned are responsible to send the report to the Workshop Medical Officer and with their endorsement it should be sent to the Civil Authorities duly signed by the Works Manager.

2. When a worker contracts a disease specified in the schedule of the Act, the Manager of the factory shall send notice as prescribed by the State Government.

3. The following notices, registers etc. should also be maintained in the factory.

- Notice specifying the maximum number of workers working in a room.
- Notice of cancellation of holidays.
- Notice of periods of work for adults.
- Abstracts of the Act and the Rules.
- Name and address of Inspector and certifying surgeon.
- Posters regarding health, safety and welfare of workers.
- Register of cleanliness.
- Register of examination of machinery.
- Register of examination of hoist and lifts.
- Register of adult worker.
- Attendance Register.
- Overtime Register.
- Register of accidents and dangerous occurrences.
- Register of compensatory holidays.

Special Rules for Workshop Staff in Railway

The railway employees covered by the term 'worker' in terms of the Factories Act are governed by the rules of Indian Railway Mechanical Code. Certain provision of the Code are :

1. Section Engineers and Junior Engineers in charge of the shop floor should be present in their shops at least 5 minutes before final whistle for start of work sounds.
2. The workshop gates and ticket office will be open half an hour before the work commences. Tickets will be issued to the workers not earlier than 15 minutes prior to the commencement of work at each period and these will be returned within 15 minutes after the work closes.
3. Workers coming late by half an hour or less during the first period should lose wages for half an hour, Those coming late by over half an hour will not be allowed to enter the Workshop during the first period and should lose half a day wages and worker coming late during the second period should not be allowed to work and should also lose half day wages.
4. Leave may be earned and sanctioned on half day basis.
5. Workers are entitled for 15 days of paid holiday inclusive of 3 National holidays and not more than 5 unpaid holidays and 8 Casual Leave.
6. Payment to the workers in workshop is to be made through pay envelope or pay boxes at the close of second period of the work on payment day.
7. Worker sent on duty to out station will be paid OTA at single rate for their engagement beyond the normal shop hours.
8. Whenever a worker is employed beyond shop hours in the interest of administration OTA is admissible under Factories Act. But when such an extra working does not entitle him to earn overtime under the Act, the worker will be allowed to get the benefit of earning the departmental OTA at the rate of 1/208th of monthly pay every hour of extra work.