

THE FACTORIES ACT, 1948

OBJECT OF THE ACT:- The Factories Act, 1948 has been emerged for guarding man-power against any exploitation from the end of the employers and provided different obligations that an employer has to fulfill as regards health, safety and welfare of his workers. Moreover, the Act regulates the working hours and stipulates the minimum periods of rest and leave. It also makes provisions for payment of extra wages in cases of their employment beyond the limitations of duty hours prescribed under this act.

This is a central legislation. Hence it extends to all factories in India, including Government Factories.

DEFINITION OF FACTORY:- Factory means any premises including the land, where a “Manufacturing Process” is carried on with or with the aid of power employing 10 or more workers on any day of the preceding 12 months and 20 or more workers where power is not used but does not include a Mine or a Mobile unit belonging to the armed forces of the Union, a railway shed, or a hotel, restaurant or eating places.

[Manufacturing Process means any process for making, repairing, altering, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing etc.]

REGISTRATION AND LICENCING:-All establishments satisfy the definition of a factory is required to be licensed and registered with the Government or by its Inspectorate of factories.

Occupier of a Factory means the person who has the ultimate control over the affairs of the factory. In the case of a factory owned or controlled by the Govt. (Central/State), the person or persons appointed to manage the affairs of the factory by such Govt., shall deemed to be the occupier[SER 130/96].

DEFINITION OF WORKER:- In terms of the act, workers means a person employed in a factory, directly or by or through any agency (including a contractor) with or without knowledge of the Principal Employer, for any manufacturing process or in cleaning any part of the machinery or premises used for manufacturing process or in any other kinds of work incidental to, or connected with the manufacturing process but does not include any members of the armed forces of the Union.

[Time Keepers in Workshops although entrusted with clerical duties are covered by the definition of ‘Worker’].

HOURS OF WORK:- No adult worker shall be required or allowed to work in a factory more than 48 Hours in a week, 9 hours a day, period of work shall not exceed 5 hours at a stretch. An interval of half an hour shall be given. The spread over including rest period shall not be spared for more than 10 ¹/₂ hrs., in a day. Chief Inspector may for reasons to be specified in writing, increase the spreadover to 12 hrs.

REST DAY:- If a worker works continuously for 6 days, he shall be entitled for one whole day rest. and if rest cannot be given then 11th day must be granted rest. Rest can be granted either 03 days in advance or 03 days later. Normally rest should fall on Sunday.

Over time shall be paid at the rate of twice his ordinary rate of wages and should not exceed 60 hrs. in a quarter.

EMPLOYMENT OF WOMAN WORKERS:- No woman worker should engaged between 7 P.M. to 6 A.M.

COMPENSATORY HOLIDAYS:-Where exemption from the provision of weekly holidays is granted, the workers should be allowed a compensatory holiday or holidays in lieu of the holiday or holidays on which he has attended either that month or which the month following that month.

PROVISION REGARDING HEALTH[Section- 11 to 20]

- a) Cleanliness (S11):- (i) The premises/area of every factory must be kept clean and free from effluvia arising from any drain and nuisance.
- b) Accumulation of dirt and defuse shall be removed daily,
- c) Repainting of Walls/Ceilings should be done at least once in five years in case of paint or in other cases White Wash/ Colour Wash should be done in every 14 months.
- d) Effective drainage arrangement should be made for disposal of Waste & Effluents.
- e) Effective ventilation to be provided for Circulation of fresh air & secured Temperature (S13).
- f) Proper exhaust application should be there to prevent inhalation of dust & fumes (S14);
- g) Over crowding in work place should be avoided (S16);
- h) Arrangement should be made for sufficient Lighting (Natural & Artificial)-S17;
- i) Clean & Safe drinking water should be provided [cool for 250 workers] (S18);
- j) Sufficient number of Latrines and Urinals should be provided(S19);
- k) Spittoons to be provided in convenient places (S20);

PROVISION REGARDING SAFETY [Section 21 to 41]:-

- a) Moving / dangerous parts of machines should be fenced,
- b) Hoists, Lifting Machines' Chain, Cranes etc., must be of good quality and sound condition;
- c) Lifting and carrying of excessive load is prohibited;
- d) Precautions to be taken against dangerous fumes, explosives and inflammable gas;
- e) Precautionary measures should be available in case of fire hazards.
- f) No woman or young workman shall be allowed to clean / lubricate or adjust any part of a moving machine;
- g) A suitable devise for cutting off power from a machine, in case of emergency should be provided.

PROVISION REGARDING WELFARE [Section 42 to 50]

- a) Adequate facilities for **Washing** to be provided (S42):-
- b) Facilities for storing and drying of wet clothes to be provided (S43) :-
- c) Facilities for Sitting should be provided where workers are obliged to work in a Standing

Position (S44):-

d) First Aid Boxes and cup-boards, in charge of trained person, 01 for every 150 workers to be provided. In factories, where more than 500 workers are employed an Ambulance Room containing prescribed equipment, in-charge of a qualified medical practitioner assisted by at least one qualified nurse shall be provided.

e) Canteens should be provided in the factories where more than 250 workers are working. These canteens should run on 'no loss no profit' basis (S46);

f) Shelters, Rest Rooms & Lunch Rooms should be provided where more than 150 workers are employed (S47);

g) Crèches i.e a suitable room to be provided where more than 30 women workers are employed to keep their children under 6 years of age. The rooms should be adequately ventilated and kept clean and should be under the charge of women trained in taking care for children and infants (S48);

h) Welfare Officers (S49):- where 500 or more employed.

NOTICES TO BE DISPLAYED:-

- 1) Notice specifying number of maximum workers working
- 2) Notice of Rest day
- 3) Notice of Holidays and cancellation, if any
- 4) Duty Roaster
- 5) Abstract of Act
- 6) Notice of payment day
- 7) Name and the address of Inspector and surgeon.

PENALTIES FOR BREACH OF THE ACT

- a) Imprisonment up to 03 months or Fine of Rs 500/- or both,
- b) Penal action against workers for breach of obligations, fine up-to Rs 20/-,
- c) In case of obligations concerning safety, 03 months' imprisonment or fine upto Rs 100/- or both.
