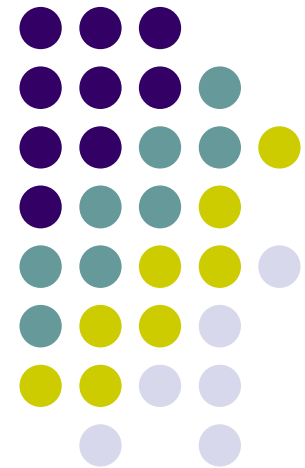


# FACTORIES ACT, 1948

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# HISTORY



- First cotton factory was set up in Bombay in 1854, followed by many factories for iron and steel, jute, paper, leather etc. set up in various parts of the country by the end of the Century.
- Factories Act, 1881 was enacted as result of efforts of Indian social workers and manufacturers of Lancashire for different reasons
- **Bengal Chemicals & Pharmaceuticals Ltd. (BCPL)**, formerly Bengal Chemical & Pharmaceutical Works Ltd. (BCPW), is established in Kolkata, West Bengal in **1901** by **Prafulla Chandra Ray**, it is India's first Pharmaceutical company.
- Factories Act, 1934 was enacted on recommendation of Royal Commission on Labour and amended many times till 1947.

# OBJECTIVE



- An Act to consolidate and amend the law regulating labour in factories.
- Whereas it is advantageous to consolidate and amend the law regulating labour in factories.

# CHAPTER I



- Chapter I is Preliminary.
- **Section 1** gives Short title, extent and commencement
  - (1) This Act may be called the Factories Act, 1948.
  - (2) It extends to the whole of India.
  - (3) It came into force on the 1<sup>st</sup> April 1949.

# INTERPRETATION



- **Section 2:** In this Act, unless there is anything repugnant in the subject or context,-
- “**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 years of age.
- “**Competent Person**”, means a person or an institution recognized as such by the Chief Inspector for the purposes of carrying out tests, examinations and inspections required to be done in a factory under the provisions of this Act having regard to:
  - (i) The qualifications and experience of the person and facilities available at his disposal; or
  - (ii) The qualifications and experience of the persons employed in such institution and facilities available therein, with regard to the conduct of such tests, examinations and inspections, and more than one person or institution can be recognized as a competent person in relation to a factory.



- “**Hazardous process**” means any process or an activity in relation to an industry specified in the **First Schedule** where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would-
  - (i) Cause material impairment to the health of the persons engaged in, or connected therewith.
  - (ii) Result in pollution of the general environment.
- “**Young Person**” means a person who is either a child or an adolescent.
- “**Day**” means a period of twenty-four hours beginning at midnight.
- “**Week**” means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector of Factories.
- “**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.
- “**transmission machinery**” means any shaft, wheel, drum pulley, system of pulleys, coupling, clutch, driving belt or other appliance or device by which the motion of a prime mover is transmitted to or received by any machinery or appliance;



- “**Machinery**” includes prime movers, transmission machinery and all other appliances whereby power is generated, transformed, transmitted or applied.
- “**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; or
  - (vi) Preserving or storing any article in cold storage.
- “**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, [but does not include any member of the armed forces of the Union].



- “**Factory**” means any premises including the areas thereof:
  - (i) Where on 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) Where on 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.
- 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].





### **Section 3: References to time of day:**

- References to the time of day are references of Indian Standard Time, being five and half hours ahead of Greenwich Mean Time.
- Provided that for any area in which Indian Standard Time is not ordinarily observed the State Government may make rules:
  - (a) Specifying the area,
  - (b) Defining the local mean time ordinarily observed therein, and
  - (c) Permitting such time to be observed in all or any of the factories situated in the area



## **Section 4: Power to declare different departments to be separate factories or two or more factories to be a single factory:**

- The State Government may, on its own or on application made by occupier, direct, by an order in writing that for all or any of the purposes of this Act, different departments or branches of a factory be treated as separate factories or two or more factories as a single factory.
- If order is made on its own, opportunity of being heard is to be given to the occupier.



## **Section 5: Power to exempt during public emergency:**

- In any case of public emergency the State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from all or any of the provisions of this Act, for such period and under such conditions as it may think fit.
- Provided that no such notification shall be made for a period exceeding three months at a time

## Section 6: Approval, Licensing and Registration of Factories



- This provision authorizes the State Governments to frame rules regarding approval, licensing and registration of factories in order that compliance with the provisions relating to health safety and welfare can be ensured.
- Prior approval of the State Government or Chief Inspector of Factories will check the site, and construction of new factories and existing ones within 3 months after application without any order of communication to the applicant.
- Plans and specifications have to be submitted for this.
- Registration and licensing, and renewal of licenses, are to be made on payment of prescribed fees.
- If permission is refused, appeal is to be made within thirty days to Central Government if refused by State Government and to State Government in any other case.



- The State Government make rules :
  - a) Requiring, for the purposes of this Act, the submission of plans of any class or description of factories to the Chief Inspector or the State Government and previous permission.
  - b) Requiring for the purpose of considering applications for such permission the submission of plans and specifications.
  - c) Prescribing the nature of such plans and specifications and by whom they shall be certified.
  - d) Requiring registration and licensing and prescribing fees payable for such registration and for the renewal of licences.
  - e) Requiring no licence is granted unless Notice by occupier under Section 7 is given.

## Section 7: Notice by Occupier:

- The occupier shall, at least fifteen days before he begins to occupy or use any premises as a factory, send to the Chief Inspector a written notice containing:
  - a) Name and situation of the factory
  - b) Name and address of the occupier and owner of the premises
  - c) Address of communication
  - d) The nature of the manufacturing process:
    - (i) Carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act, and
    - (ii) To be carried on in the factory during the next twelve months in the case of all factories.
  - e) The total rated horse-power installed or to be installed in the factory.
  - f) The name of the manager of the factory for the purposes of this Act.
  - g) The number of workers likely to be employed in the factory.
  - h) The average number of workers per day employed during the last twelve months in the case of a factory in existence on the date of the commencement of this Act.
  - i) Such other particulars as may be prescribed.





- In respect of all establishments which come within the scope of the Act for the first time, the occupier shall send a written notice to the Chief Inspector containing the particulars specified within thirty days from the date of the commencement of this Act.
- Before a factory engaged in a manufacturing process which is ordinarily carried on for less than one hundred and eighty working days in the year resumes working, the occupier shall send a written notice to the Chief Inspector containing the particulars specified at least thirty days before the date of the commencement of work.
- Whenever a new manager is appointed, the occupier shall send to the Inspector a written notice and to the Chief Inspector a copy thereof within seven days from the date on which such person takes over charge.
- During any period for which no person has been designated as manager of a factory or during which the person designated does not manage the factory, any person found acting as manager, or if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

## SECTION 7A: General Duties of the Occupier:

- Every occupier shall ensure, so far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory.
- Without prejudice to the generality such duty extends, shall include
  - (a) The provision and maintenance of plant and systems of work in the factory that are safe and without risk to health.
  - (b) The arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances.
  - (c) The provisions of such information, instruction, training and supervision as are necessary to ensure the health and safety of all workers at work.
  - (d) The maintenance of all places of work in a condition that is safe and without risks to health and the provision and maintenance of such means of access to, and way out from, such places.
  - (e) The provision, or maintenance or monitoring of working environment in the factory.
- Except in such cases as may be prescribed, every occupier shall prepare, and, as often as may be appropriate, revise, a written statement of his general policy with respect to the health and safety of the workers at work and the organization and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision thereof to the notice of all the workers in such manner as may be prescribed.





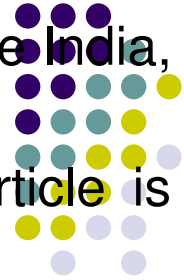
## **SECTION 7B: General duties of Manufacturers:**

Regards articles and substances for use in factories:

- Every person who designs, manufactures, imports or supplies any article for use in any factory shall:
  - (a) Ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to the health of the workers when properly used.
  - (b) Carry out or arrange for the carrying out of such tests and examination as may be considered necessary for the effective implementation of the provisions.
  - (c) Take such steps as may be necessary to ensure that adequate information will be available:
    - (i) In connection with the use of the article in any factory;
    - (ii) About the use for which it is designed and tested; and
    - (iii) About any conditions necessary to ensure that the article, when put to such use, will be safe, and without risks to the health of the workers:



- Provided that where an article is designed or manufactured outside India, it shall be mandatory on the part of the importer to see:
- (a) That the article conforms to the same standards if such article is manufactured in India, or
- (b) If the standards adopted in the country outside for the manufacture of such article is above the standards adopted in India, that the article conforms to such standards.
- Every person, who undertakes to design or manufacture any article for use in any factory may carry out or arrange for the carrying out of necessary research with a view to the discovery and, so far as is reasonably practicable, the elimination or minimization of any risks to the health or safety of the workers.
- Any duty imposed on any person shall extend only to things done in the course of business carried on by him and to matters within his control.



# **CHAPTER II AUTHORITIES UNDER THE ACT (INSPECTING STAFF):**



- Inspectors
- Certifying surgeons



- **Section 8: Inspectors:**

- The Act empowers State Government to appoint inspectors and to prescribe their qualifications and conditions of work by notification in the Official Gazette.
- The State Government may appoint Chief Inspector of factories with power throughout the State.
- It may also appoint Additional, Joint and Deputy Chief Inspectors to assist the Chief Inspector and to exercise such of the powers of the Chief Inspector as may be specified in such notification..
- Every District Magistrate is also an Inspector for his district. A person who is interested in a factory cannot be appointed as Inspector.
- A public officer may be appointed as Inspector.
- Where there are more than one Inspector their powers are to be defined.
- They will be deemed to be public servants.

## Section 9: Powers and duties of Inspectors:

- (a) Enter with assistants in a place used as a factory.
- (b) Make examination of the premises, plant, machinery, article or substance.
- (c) Inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry.
- (d) Require the production of any prescribed register or any other document relating to the factory.
- (e) Seize, or take copies of any register, record or other document or any portion thereof, as considered necessary in respect of any offence under this Act.
- (f) Direct the occupier to leave the place undisturbed for the purpose of examination.
- (g) Take measurement of photographs for purpose of examination.
- (h) In case of any article or substance found, which appears to caused or is likely to cause danger to the health or safety of the workers, direct it to be dismantled or subject it to any process or test.
- (i) Exercise other prescribed powers.



## Section 10: Certifying Surgeons:

- The State Government may also appoint qualified medical professionals as Certifying surgeons to discharge their duties of examination and certification of young persons, and the persons engaged in dangerous operations or processes, also to exercise medical supervision in a factory.
- The State Government may appoint qualified medical practitioners as certifying surgeons.
- A certifying surgeon may, with approval of the State Government, any qualified medical practitioner to exercise any of his power.
- A person who is interested in a factory cannot be appointed as certifying surgeon or authorized to exercise his power.

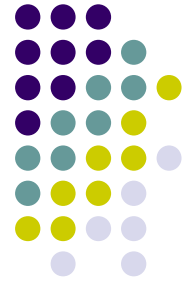


- The certifying surgeon is to carry out duties as prescribed in connection with:
- a) The examination and certification of young persons under this Act.
- b) The examination of persons engaged in factories in such dangerous occupations or processes as may be prescribed.
- c) Medical supervision:
  - (i) Cases of illness have occurred which it is reasonable to believe are due to the nature of the manufacturing process carried on, or other conditions of work prevailing therein;
  - (ii) By reason of any change in the manufacturing process carried on or in the substances used therein or by reason of the adoption of any new manufacturing process or of any new substance for use in a manufacturing process, there is a likelihood of injury to the health of workers employed in that manufacturing process;
  - (iii) Young persons are employed in any work which is likely to cause injury to their health.



# CHAPTER III

## HEALTH



- Section 11- Cleanliness
- Section 12- Disposal of wastes and effluents
- Section 13- Ventilation and temperature
- Section 14- Dust and fumes
- Section 15- Artificial humidification
- Section 16- Overcrowding
- Section 17- Lighting
- Section 18- Drinking water
- Section 19- Latrines and Urinals
- Section 20- Spittoons



## 11. Cleanliness:

- Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and in particular:
  - a) Accumulations of dirt and refuse shall be removed daily by sweeping.
  - b) The floor of every workroom shall be cleaned at least once in every week by washing, using disinfectant.
  - c) Where a floor is liable to become wet in the course of any manufacturing process to such extent as is capable of being drained, effective means of drainage shall be provided and maintained;
  - d) All inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall:
    - (i) Where they are painted otherwise than with washable water paint or varnished, be repainted or be varnished at least once in every period of 5 years
    - (ii) Where they are painted or varnished or where they have smooth impervious surfaces, be cleaned at least once in every period of 14 months.
    - (iii) In any other case, be kept white-washed, or colour washed, and shall be carried out at least once in every period of 14 months.
  - e) All doors and window frames and other wooden or metallic framework and shutters shall be kept painted or varnished and shall be carried out at least once in every period of 5 years.





## **12- Disposal of Wastes and Effluents:**

- Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them harmless, and for their disposal.
- The State Government may make rules prescribing the arrangements to be made in accordance with act and shall be approved by such authority.

### 13. Ventilation and Temperature:



- Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom:
  - (a) Adequate ventilation by the circulation of fresh air, and
  - (b) Adequate temperature to secure the workers with reasonable conditions of comfort and prevent injury to health; and in particular
    - (i) Walls and roofs shall be of such material and so designed that such temperature shall not be exceeded but kept as low as practicable;
    - (ii) Where the nature of the work carried on in the factory involves, the production in excessively high temperatures can be prevented by insulating the hot parts or by other effective means.
- The State Government may prescribe a standard of adequate ventilation and reasonable temperature for any factory.
- If it appears to the Chief Inspector that excessively high temperatures in any factory can be reduced by the adoption of suitable measures.



## 14. Dust and Fume:

- In every factory any dust or fume or other impurity, which is likely to be injurious or offensive to the workers employed therein, effective measures shall be taken to prevent its inhalation and accumulation in any workroom, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity.
- In any factory no stationary internal combustion engine shall be operated unless the exhaust is conducted into the open air, and no other internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to workers employed in the room.

## 15. Artificial Humidification:

- In respect of all factories in which the humidity of the air is artificially increased, the State Government may make rules:
- (a) Prescribing standards of humidification;
- (b) Regulating the methods used for artificially increasing the humidity of the air;
- (c) Directing prescribed tests for determining the humidity of the air to be correctly carried out and recorded;
- (d) Prescribing methods to be adopted for securing adequate ventilation and cooling of the air in the workrooms.
- In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply, or other source of drinking water, or shall be effectively purified before it is so used.
- If it appears to an Inspector that the water used in a factory for increasing humidity which is required to be effectively purified is not effectively purified he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before specified date.



## 17. Lighting:

- In every part of a factory where workers are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.
- In every factory all glazed windows and skylights used for the lighting of the workroom shall be kept clean on both the inner and outer surfaces.
- In every factory effective provision shall be made for the prevention of:
  - a) Glare, either directly from a source of light or by reflection from a smooth or polished surface.
  - b) The formation of shadows to such an extent to cause eyestrain or the risk of accident to any worker.
- The State Government may prescribe standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.



## 16. Over Crowding:

- (1) No room in any factory shall be over-crowded to an extent injurious to the health of the workers employed therein.
- Without prejudice there shall be in every workroom of a factory in existence on the date of the commencement of this Act at least 9.9 cubic metres and of a factory built after the commencement of this Act at least 14.2 cubic metres or space for every worker employed therein.
- If the Chief Inspector by order in writing so requires, there shall be posted in each workroom of a factory a notice specifying the maximum number of workers in the room.



## 18. Drinking Water:

- In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for wholesome drinking water.
- All such points shall be legibly marked “**Drinking Water**” in a language understood by a majority of the workers employed in the factory, and no such point shall be situated within 6 meters of any washing place, urinal, latrine, spittoon, open drain carrying silage or effluent or any other source of contamination.
- In every factory wherein more than 250 workers are working, shall be made for cool drinking water during hot weather by effective means and for distribution thereof.





## 19. Latrines and Urinals:



- In every factory
  - (a) Sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to workers.
  - (b) Separate enclosed accommodation shall be provided for male and female workers.
  - (c) Such accommodation shall be adequately lighted and ventilated.
  - (d) All such accommodation shall be maintained in a clean and sanitary condition at all times.
  - (e) Sweepers shall be employed.
- In every factory wherein more than 250 workers are ordinarily employed:
  - (a) All latrine and urinal accommodation shall be of prescribed sanitary types.
  - (b) The floors and internal walls, up to a height of 90cm, of the latrines and urinals and the sanitary blocks shall be laid in glazed tiles or otherwise finished to provide a smooth polished impervious surface.
- The State Government may prescribe the number of latrines and urinals to be provided in any factory in proportion to the numbers of male and female workers.

## 20. Spittoons:

- In every factory there shall be provided a sufficient number of spittoons in convenient places and they shall be maintained in a clean and hygienic condition.
- The State Government may make rules, prescribing the type and the number of spittoons to be provided and the location.
- No person shall spit within the premises of a factory except in the spittoons provided for the purpose and a notice containing this provision and the penalty for its violation shall be prominently displayed at suitable places in the premises.
- Whoever spits in contravention shall be punishable with fine not exceeding five rupees.





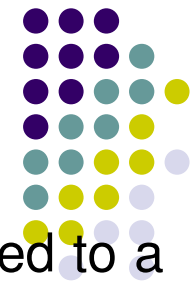
# CHAPTER IV

## SAFETY

- Section 21- Fencing of machinery
- Section 22- Work on or near machinery in motion
- Section 23- Employment of young persons on dangerous machines
- Section 24- Striking gear and devices for cutting off power
- Section 25- Self-acting machines
- Section 26- Casing of new machinery
- Section 27- Prohibition of employment of women and children near cotton openers
- Section 28- Hoists and lifts
- Section 29- Lifting machines, chains, ropes and lifting tackles
- Section 30- Revolving machinery
- Section 31- Pressure plant
- Section 32- Floors, stairs and means of access
- Section 33- Pits, sump openings in floors etc.
- Section 34- Excessive weights

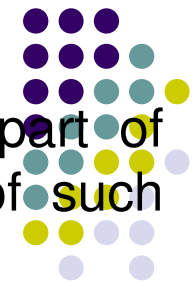


- Section 35- Protection of eyes
- Section 36- Precautions against dangerous fumes, gases etc.
- Section 36A- Precautions regarding the use of portable electric light
- Section 37- Explosive or inflammable dust, gas etc.
- Section 38- Precautions in case of fire
- Section 39- Power to require specifications of defective parts or tests of stability
- Section 40- Safety of buildings and machinery
- Section 40A- Maintenance of buildings
- Section 40B(1)- Safety Officers
- Section 41- Power to make rules to supplement this Chapter



## 21. Fencing of Machinery:

- In every factory the following shall have fencing, namely:
  - (i) Every moving part of a prime mover and every flywheel connected to a prime mover, whether the prime mover or flywheel is in the engine house or not;
  - (ii) The headrace and tailrace of every water-wheel and water turbine;
  - (iii) Any part of a stock-bar which projects beyond the head stock of a lathe; and
  - (iv) Unless they are in such position or of such construction as to be safe to every person employed in the factory as they would be if they were securely fenced, the following, namely-
    - (a) Every part of an electric generator, a motor or rotary converter;
    - (b) Every part of transmission machinery; and
    - (c) Every dangerous part of any other machinery.



## 22. Work on or near machinery in motion:

- Where in any factory it becomes necessary to examine any part of machinery, while the machinery is in motion, or as a result of such examination, to carry out-
  - (a) Lubrication or other adjusting operation; or
  - (b) Any mounting or shipping of belts or lubrication or other adjusting operation
- Such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight fitting clothing (which shall be supplied by the occupier) whose name has been recorded in the register and while he is so engaged:-
  - (a) such worker shall not handle a belt at a moving pulley unless-
    - (i) The belt is not more than 15 cm in width;
    - (ii) The pulley is normally for the purpose of drive and not merely a fly-wheel or balance wheel (in which case a belt is not permissible);
    - (iii) The belt joint is either laced or flush with the belt;
    - (iv) The belt, including the joint and the pulley rim, are in good repair,
    - (v) There is reasonable clearance between the pulley and any fixed plant or structure;
    - (vi) Secure foothold and, where necessary, secure handhold, are provided for the operator; and
    - (vii) Any ladder in use for carrying out any examination or operation aforesaid is securely fixed or lashed or is firmly held by a second person.



(b) Without prejudice to any other provision of this Act relating to the fencing of machinery, every set screw, bolt and key on any revolving shaft, spindle, wheel or pinion, and all spur, worm and other toothed or friction gearing in motion with which such worker otherwise be liable to come into contact, shall be securely fenced to prevent such contact.

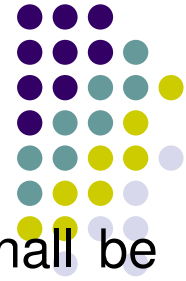
- No woman or young person shall be allowed to clean, lubricate or adjust any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.
- The State Government may, by notification in the Official Gazette, prohibit, in any specified factory or class or description of factories, the cleaning, lubricating or adjusting by any person of specified parts of machinery when those parts are in motion.



### **23. Employment of young persons on dangerous machines:**

- No young person shall be required or allowed to work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and-
  - (a) Has received sufficient training in work at the machine, or
  - (b) Is under adequate supervision by a person who has a thorough knowledge and experience of the machine.





## 24. Striking gear and devices for cutting off power:

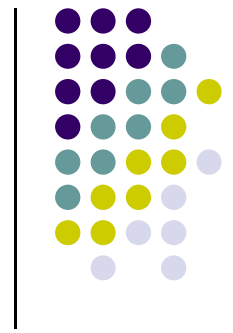
- In every factory-
  - (a) Suitable striking gear or other efficient mechanical appliance shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and such gear or appliances shall be so constructed, placed and maintained as to prevent the belt from creeping back on to the fast pulley;
  - (b) Driving belts when not in use shall not be allowed to rest or ride upon shafting in motion.
- In every factory suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained in every workroom.
- When a device, which can unintentionally shift from “off” to “on” position, is provided in a factory to cut-off power, arrangements shall be provided for locking the device in safe position to prevent accidental starting of the transmission machinery or other machines to which the device is fitted.



## 25. Self-acting machines:

- No traversing part of a self-acting machine in any factory and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed to run on its outward or inward traverse within a distance of 2[forty-five centimetres] from any fixed structure which is not part of the machine: Provided that the Chief Inspector may permit the continued use of a machine installed before the commencement of this Act, which does not comply with the requirements of this section on such conditions for ensuring safety as he may think fit to impose.







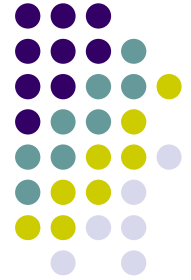
- Section 40B(1)- Safety Officers- In every factory
  - (i) wherein one thousand or more workers are ordinarily employed, or
  - (ii) wherein any manufacturing process or operation is carried on which involves any risk of bodily injury, poisoning or disease, or any other hazard to health, to the persons employed in the factory,the occupier shall, if required by the State Government, appoint Safety Officers
- (2) Their duties, qualifications and conditions of service are to be as prescribed

# PROVISIONS RELATING TO HAZARDOUS PROCESS

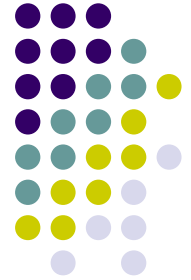


- Section 41A(1)- Constitution of Site Appraisal Committees for advising the State Government in considering application for grant of permission for opening or expansion of factory involving a hazardous process
  - (2) Site Appraisal Committee to examine and recommend within ninety days
  - (3) If the factory belongs to Central Government a representative nominated by it is to be co-opted

- Section 41B- (1) Compulsory disclosure of information by the occupier
  - (2) Occupier is required to lay down policy regarding health and safety
  - (3) Emergency plans and detailed disaster control measures



- Section 41C- Specific responsibility of the occupier in relation to hazardous processes
- Section 41D- Power of Central Government to appoint Inquiry Committee
- Section 41E- Emergency standards







- Section 41F- Permissible limits of exposure of chemical and toxic substances
- Section 41G- Workers' participation in safety management
- Section 41H- Right of workers to warn about imminent danger



# WELFARE

- Section 42- Washing facilities
- Section 43- Facilities for storing and drying clothes
- Section 44- Facilities for sitting
- Section 45- First-aid appliances
- Section 46- Canteens
- Section 47- Shelters, rest rooms and lunch rooms
- Section 48- Creches



- Section 49- Welfare Officers- In every factory  
(i) wherein five hundred or more workers are ordinarily employed, the occupier shall employ in the factory such number of Welfare Officers as may be prescribed.  
(2) Their duties, qualifications and conditions of service are to be as prescribed

- Section 50- Power to make rules to supplement this Chapter



# WORKING HOURS FOR ADULTS



- Section 51- Weekly hours

No adult worker is to be required or allowed to work more than forty-eight hours in a week



- Section 52- Weekly holidays

No adult worker is to work on the first day of the week unless he has or will have a holiday for a whole day on one of the three days immediately before or after that day, and

manager has before that day or substituted day whichever is earlier given prior notice to the Inspector of his intention to require him to work on that day, and displayed a notice to this effect in the factory

provided substitution will not result in work for more than ten days consecutively



- Section 53- Compensatory holidays
  - In the event of exemption from the provisions of Section 52 a worker deprived of weekly holiday is to be allowed compensatory holidays of equal number within that month or within two months immediately following that month
- Section 54- Daily hours
  - Not more than nine hours
- Section 55- Intervals for rest
  - Not more than five hours before interval of rest of half an hour
  - Not to exceed six hours



- Section 56- Spreadover  
Not more than ten and half hour  
Not to exceed twelve hours
- Section 57- Night shifts  
Holiday for a whole day means twenty-four hours following end of shift,  
following day begins when shift ends, hours after midnight to be counted in previous day
- Section 58- Prohibition of overlapping shifts





- Section 59- Extra wages for overtime

When a worker works in a factory more than nine hours in any day or more than forty-eight hours in a week he is to be paid overtime at twice his ordinary rate

Ordinary rate means basic and D A and cash equivalent of food etc. concession but not bonus and OT

Time rate not piece rate

Cash equivalent is for total entitlement

State Government has right to make rules



- Section 60- Restriction of double employment
- Section 61- Notice of period of work or adults
- Section 62- Register of adult workers
- Section 63-
- Section 64- Power to make rules
- Section 65- Power to make exempting rules



- Section 66(1)- Further restrictions on employment of women
  - a) No exemption from Section 54 i.e. proviso of Daily Hours
  - b) Working Hours between 6 A. M. to 7 P.M., in no case between 10 P.M. to 5 A.M.
  - c) Shift change only after a weekly holiday
    - (2) Exception to be noted
    - (3) Rule made regarding (2) to be in force only for three years

# EMPLOYMENT OF YOUNG PERSONS



- Section 67- Prohibition of employment of young children
  - No child who has not completed his fourteenth year is to be required or allowed to work in any factory
  - “Child” means a person who has not completed his fifteenth year of age

- Section 68- Non-adult workers to carry tokens

A child who has completed his fourteenth year or an adolescent is not to be required or allowed to work in a factory unless

- Certificate of fitness granted to him to is in the custody of the manager of the factory, and
- A token giving a reference to the certificate is carried by him while at work





- Section 69(1)- Certificate of fitness  
Certifying surgeon on application by young person or his parent accompanied by a document by manager or on application by manager is to examine and ascertain his fitness
- (2) Certifying surgeon, if satisfied after examination, may grant or renew Certificate of fitness
  - (a) to work in a factory as a child
  - (b) to work in a factory as an adult
- (3) Certificate is to be valid only for twelve months, may be subject to requiring re-examination before this period

(4) He may revoke Certificate of fitness if holder is no longer fit

(5) If he refuses to grant Certificate, he is to give reasons

(6) If Certificate is given under certain conditions, conditions are to be followed

(7) Fee, if any, is payable





- Section 70(1)- Effect of Certificate of fitness granted to adolescent

Adolescent granted Certificate of fitness and carrying token will be deemed to be adult

(1A) but unless he has attained seventeen years he is not to be required to work except between 6 A.M. to 5 P.M.

(2) If Certificate has not been issued under Section 69(2)(b) he is to be deemed to be a child



- Section 71(1)- Working hours for children
  - Not more than four and a half hour in a day
  - Not during the night



(2) Period of work to be limited to two shifts, no overlap or spread over more than five hours each, in only one relay not to be changed in thirty days

(3) Weekly holidays with no exemption

(4) Not to work in a factory on a day if he has worked in another factory,

(5) Female child only between 8 A.M. to 7 P.M.

- Section 72- Notice of period of work for children
- Section 73- Register of child workers
- Section 74-
- Section 75- Power to require medical examination
- Section 76- Power to make rules
- Section 77- Certain other provisions of law not barred



# ANNUAL LEAVE WITH WAGES



- Section 78(1)- Application of Chapter

These provisions are not to operate to the prejudice of any right of a worker under any law, award, agreement, settlement or contract if longer annual leave with wages is provided but in relation to matters not provided or less favourable, these provisions are to apply

(2) Not applicable to workers in any factory of any railway administered by the government,



- Section 79(1)- Annual leave with wages

Every worker who has worked for 240 days or more in a calendar year will be allowed in subsequent calendar year leave with wages calculated at the rate of

(i) if adult, one day for every twenty days of work

(ii) if child, one day for every fifteen days of work

Explanation 1- Lay-off by agreement, contract or permissible by standing orders, Maternity leave, prior earned leave are to be counted for calculation of 240 days but not for earning leave

2- Leave admissible is to be exclusive of all holidays

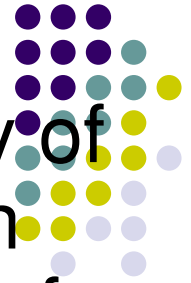
(2) If service does not commence on first day of January, worker is to be entitled to leave with wages provided he has worked for two-third of the number of days in the remainder of the year


(3) If worker is discharged or dismissed or quits or superannuates or dies, he is to be entitled for leave with wages and payment is to be made

(i) If worker is discharged or dismissed or quits, before the expiry of second working day, and

(ii) If worker superannuates or dies before the expiry of two months

(4) Fraction of leave of half a day or more to be treated as a full day





(5) Leave not taken is to be added to the leave to be allowed provided leave carried forward to succeeding year is not to exceed thirty days for adult and forty days for child provided further leave not granted is to be carried forward without limit

(6) Application for leave fifteen days in advance

(7) Leave required to cover illness to be granted

(8) Ensuring continuity of work

(9) Displaying the scheme

(10) Leave not to be refused

(11) If employment is terminated payment

(12) Unavailed leave not to be taken into consideration for computing the period of notice before discharge or dismissal





- Section 80(1)- Wages during leave period  
Daily average wage of total full time earning for days actually worked during the month preceding leave, excluding bonus and OT but including DA and cash equivalent of food concession or if not worked during the month preceding leave, for days actually worked during the last calendar month





- Section 81- Payment in advance in certain cases
  - A worker, adult, who has been allowed leave for not less than four days and, child, not less than five days is to be paid in advance for the leave period
- Section 82- Mode of recovery of unpaid wages
  - Under the provisions of Payment of Wages Act, 1936
- Section 83- Power to make rules
- Section 84- Power to exempt factories



# SPECIAL PROVISIONS

- Section 85- Power to apply the Act to certain premises

The State Government may declare that all or any of the provisions of this Act to a place wherein a manufacturing process is carried on notwithstanding that number of persons employed is less than ten if working with aid of power and less than twenty if working without the aid of power or not employed but working with permission or under agreement with the owner



- Section 86- Power to exempt public institutions
  - If attached to a public institution maintained for the purposes of education, training, research or informationexcept provisions relating to hours of work and holidays



- Section 87- Dangerous operations- Where State Government is of opinion that any manufacturing process or operation exposes any employee to risk of injury, poisoning or disease, it may make rules
  - specifying that the process or operation is dangerous
  - prohibiting employment of women and young persons
  - providing for medical examination
  - providing for protection
  - prohibit, control or restrict process or operation
  - require additional welfare, sanitary, protection



- Section 87A- Power to prohibit employment on account of serious hazard- Where it appears to Inspector the the condition of factory may cause serious hazard he may by order in writing prohibit the occupier from employing till the hazard is removed

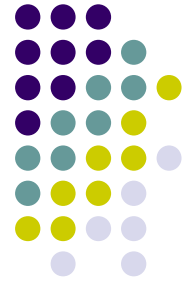


- Section 88-Notice of certain accidents  
Notice of accident is to be sent immediately to prescribed authority. The Authority is to make enquiry into accidents causing death within one month of receipt of notice. Government may make rules regulating the procedure at enquiries
- Section 88A- Notice of certain dangerous occurrences as prescribed
- Section 89- Notice of certain diseases  
Where any worker contracts any disease specified in the Third Schedule notice is to be sent

- Section 90- Power to direct enquiry into case of accident or disease
- Section 91- Power to take sample
- Section 91A- Safety and occupational health surveys



# PENALTIES AND PROCEDURE



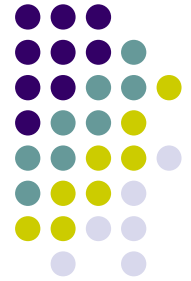
- Section 92- General Penalty for offences

For contravention of any provision of this Act, Rules or order occupier and manager shall each be guilty of offence and punishable with imprisonment extending to two years or with fine extending to one lakh rupees or both and if contravention is continued after conviction, further fine extending to one thousand rupees for each day contravention is continued



Provided contravention of any provisions of Chapter IV or under Section 87 resulting in death or serious bodily injury fine not less than twenty-five thousand rupees in the case of accident causing death and five thousand rupees in the case of accident causing serious bodily injury





- Section 93- Liability of owner of premises in certain circumstances
- Section 94- Enhanced penalty after previous conviction
- Section 95- Penalty for obstructing Inspector
- Section 96-96A- Other offences
- Section 97- Offences by workers

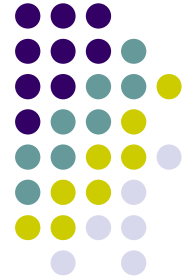
If any worker contravenes any provision or rule or order he is to be punishable with fine extending to five hundred rupees. Where a worker is convicted of an offence occupier or manager is not to be deemed to be guilty



- Sections 98-99-
- Section 101- Exemption of occupier or Manager from liability in certain cases
- Section 102- Power of Court to make orders
- Section 103- Presumption as to employment  
If any person is found in a factory except during intervals for meals or rest he is to be deemed to be in employment
- Section 104-104A-



- Section 105- Cognizance of offence
  - Only on complaint by or with the previous sanction in writing of an Inspector
  - Presidency Magistrate or Magistrate of first class
- Section 106- Limitation of prosecution
  - Within three months
- Section 106A- Jurisdiction of a court for entertaining proceedings, etc, for offence
  - The place where the plant is



# SUPPLEMENTAL

- Section 107- Appeals
- Section 108- Display of notices
- Section 109- Service of notices
- Section 110- Returns
- Section 111- Obligation of workers
- Section 111A- Right of workers

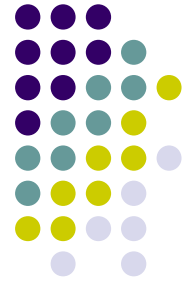


- Section 112- Power to make rules
- Section 113- Power of Centre to give directions
- Section 114- No charge for facilities and conveniences
- Section 115- Publication of orders
- Section 116- Application of Act to Government factories
- Section 117- Protection of persons acting under the Act
- Section 118-118A- Restriction on disclosure of information



- Section 119- The provisions of this act are to have effect notwithstanding anything inconsistent therewith contained in the Contract Labour (Regulation and Abolition ) Act, 1970 or any other law for the time being in force

- Section 120- The enactments set out in the Table appended to this section is hereby repealed



- Provided that anything done under the said enactments which could have been done under this Act if it had then been in force shall be deemed to have been done under this Act