

'The Factories Act, 1948'

Learning Objectives

- The definition of factory, manufacturing process, worker and occupier under the Act.
- The health, safety and welfare provisions under the Act.
- The provisions of the Act regarding hours of work, annual leave with wages, obligations of a worker, obligations of an occupier and administration of the Act.

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Introduction

The first factories 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 into force from April, 1949.

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Object

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.

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Definitions

The term 'factory' means :

[a] any premises in which 10 or more workers are employed and a manufacturing process is carried with the aid of the power.

[b] any premises in which 20 or more workers are employed and a manufacturing process is carried without the aid of power.

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Definitions

The term 'manufacturing process' refers to any process for :

[a] 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;

[b] pumping oil, water, sewage or any other substance;

[c] generating, transforming or transmitting power;

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[d] composing types for printing, printing by letter press, lithography, photogravure, or other similar process or book binding;

[e] constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels or;

[f] preserving or storing any article in cold storage.

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Definitions

The term 'worker' means

a person employed {directly or by or through any agency including a contractor}, with or without the knowledge of principal employer, whether for remuneration or not in any manufacturing process, or in cleaning any part of the machinery or premises used for manufacturing process, or in any 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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Definitions

The term 'occupier' means

the person who has ultimate control over the affairs of the factory; and

the partner, in the case of a firm or any association,

any director in case of a company

a person appointed to manage the affairs of a factory in case of factory owned or controlled by Central / State government.

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Factory Inspectorate

It is necessary that approval from the Chief Inspector of Factories is obtained for the plans of the factory. The Occupier has also to arrange to register the factory with the Chief Inspector of Factories and obtain necessary license.

Factory Inspector has authority to enter the Factory to examine premises, plant, machinery as well as registers & documents maintained under the Act.

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Health

It is necessary to provide appropriate health measures like :-

- To keep clean and free from effluvia
- To dispose off wastes & effluents
- To maintain adequate ventilation & reasonable temperature
- To prevent inhalation of dust & fumes and their accumulation in any room
- To ensure proper standards of humidity

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Health

- To avoid over crowding
- To provide sufficient and suitable natural & artificial lighting
- To provide for sufficient supply of wholesome drinking water
 - To provide separately for male & female workers sufficient latrine & urinal accommodation
 - To Provide sufficient number of spittoons and maintain them in clean and hygienic condition.

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Safety

It is necessary to undertake appropriate safety measures like

- To fence dangerous parts of machines
- To prohibit employment of women and children near cotton openers.
- To protect workers from repairing machinery in motion
- To maintain hoists & lifts of good mechanical construction of sound materials & adequate strength
- To keep all floors, steps, stairs, passages & gangways in good condition.

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Safety

- To prohibit any person from carrying or moving any load so heavy as to be likely to cause him injury
- To protect workers from injury to eyes from particles or fragments thrown off in the course of the manufacturing process
- To protect workers from dangerous fumes, inflammable dust, gas and such other materials.
- To protect workers from fire and provide for precautionary measures.

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Safety

In case any part of building, ways, plant & machinery is observed to be in a condition of disrepair, and is detrimental to health and safety of workers, the Chief Inspector of Factories can ask the occupier to take certain measures before a specified date.

The Act requires factories employing 1,000 or more workers or carrying manufacturing process that can cause hazard to health of workers, to appoint such number of safety officers as may be notified by the State Government.

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Additional Health & Safety Provisions

Additional provisions were added through amendments to ensure health and safety of workers. Suppliers to factory were required to consider health & safety aspects while designing, manufacturing and delivering materials.

Special provisions were added for compliance by factories carrying hazardous processes. Factories carrying hazardous process or handling hazardous substances were required to set up a 'Safety Committee' with equal representation from workers & management.

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Welfare

The Act prescribes following welfare measures

- [1] Separate & adequate washing facilities for male & female workers
- [2] Facilities for storing of clothes not worn during working hours and drying of wet clothing
- [3] Facilities for sitting of workers obliged to work normally in standing position.

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Welfare

[4] First aid boxes or cupboards , One such box for every 150 workers under a separate responsible person.

[5] Ambulance rooms in factories ordinarily employing 500 or more workers.

[6] Canteens of prescribed standards , in factories ordinarily employing more than 250 workers , to be run on non profit basis by Canteen Committee.

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Welfare

- [7] Suitable and adequate rest rooms / shelters & lunch rooms (if canteen not provided) to be provided by factories ordinarily employing 150 workers
- [8] A crèche is to be provided in a factory wherein ordinarily more than 30 women workers are employed.
- [9] In a factory wherein 500 or more workers are ordinarily employed the occupier shall employ such number of welfare officers as may be prescribed.

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Hours of Work

Rules for adult worker in a factory

A worker cannot be employed for more than 48 hours in a week.

He must be given a holiday for whole day in every week, or a compensatory holiday in lieu of weekly holiday.

A worker cannot be employed for more than nine hours a day & should get an interval of rest of at least half an hour after maximum five hours of work.

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Hours of Work

Total period of work including rest period cannot exceed $10\frac{1}{2}$ hours in a day.

For overtime work above
nine hours a day or
48 hours a week,

he shall be paid at twice the normal rate of wages.

The state government can make rules under certain conditions providing for exemption but not beyond 10 hours of work a day, twelve hours of spread over or sixty hours a week including overtime.

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Hours of Work

Rules for women & children worker in a factory

A woman worker cannot be employed except between the hours of six in the morning and seven in the evening.

Employment of children below 14 years is totally prohibited.

A child above 14 years but below 15 years can be employed for maximum $4\frac{1}{4}$ hours a day.

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Hours of Work

Rules for women children worker in a factory

A child cannot be employed during the night time i.e. from 10 pm to 6 am

Child worker must have a certificate of fitness granted by a Certifying Surgeon. A child above 15 years can be employed as an adult if he has a certificate of fitness to perform full day's work.

A prescribed Register is to be maintained for child workers.

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Annual Leave with Wages

A worker shall be allowed each year, annual leave with wages at the rate of one day for every 20 days [15 days in case of child worker] of work performed in the previous year.

Leave can be accumulated for up to 30 days in case of an adult and 40 days in case of a child.

The leave admissible is exclusive of all holidays and wages for the leave are to be paid before leave begins. On termination of service for any reason wages are to be paid in lieu of annual leave.

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Special Coverage & Exemption

The State Government by notification can extend the coverage of the Act & declare that provisions of the Act are applicable to any place where manufacturing is carried with or without power.

During emergency it can exempt any factory from any or all provisions of the Act for a period not > three months at a time and on conditions it thinks fit. It can also exempt any workshop or a manufacturing place attached to educational or similar institution.

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Abstract & Notices

A notice containing abstracts of the Act and the rules, in English and the local language understood by a majority of workers, made there under are to be displayed in every factory at a conspicuous or convenient place.

In case of accidents resulting in death or absence of the worker for more than 48 hours, a notice is to be sent by the manager to appropriate authorities.

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Obligations of a Worker

A worker shall not interfere with any appliance or articles provided for securing health, safety & welfare of the workers.

He should not carry any act that endangers himself or others & shall not willfully neglect to make use of safety appliances.

Any worker contravening above provisions is punishable with fine or imprisonment or both.

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Obligations of Employers

Obtain approval from the Government regarding location, plan and construction of factory and license and registration certificate for operations.

Implement all provisions of the Act concerning health, safety and welfare.

Send a written notice with prescribed data to Chief Inspector 15 days before using any premises as a factory.

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Obligations of Employers

Display notices maintain registers and records and submit returns under the Act.

Report fatal accidents , occupational diseases contracted by any workman to the Government or its specified authority in such a form or manner as may be prescribed.

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Offences and Penalties

If in any factory, there is a contravention of the provisions of the Act or of any rule there under, the occupier or manager may be punished by fine of up to one lakh rupees or imprisonment of up to two years or both. Greater punishments are prescribed for subsequent contraventions.

Punishment is prescribed for obstructing Inspector or not allowing worker to meet Inspector or for refusing to produce records demanded by Inspector.

If any worker contravenes any provision of the Act he may be punished with prescribed fine.

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Administration

The Act is most comprehensive piece of labour legislation.

Though it is a central legislation its implementation is left to state governments.

They administer the Act through factory inspectors, certifying surgeons and District Magistrates who are inspectors for their districts.

Even though rules of the State Governments differ their intent is uniform and implementation varies depending upon number of factories and their respective strength in each state.

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Summary

The Factories Act, 1948 applies to all establishments employing 10 or more workers where power is used, and to establishments employing 20 or more workers where power is not used.

The Act contains many important provisions regarding health, safety, welfare, employment of young persons & women, hours of work, for adults and children, holidays and leave with wages.

The responsibility for administration of the Act rests with the State Governments who administer it through their own factory inspectors.

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The End!

In the next session we cover chapter twenty on

'The Industrial Disputes Act, 1947'

Good Luck!