

# THE FACTORY ACT- 1948

## **SHORT TITLE, EXTENT AND COMMENCEMENT**

- This Act may be called the Factories Act, 1948
- It extends to the whole of India
- It shall come into force on the 1st day of April 1949

# Object

- Protection against exploitation and unhygienic works
- To provide improved working conditions



# Definition

- “hazardous process” means any process or 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, or
  - (ii) result in the pollution of the general environment

# “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,
- (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; or
- (v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; 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, 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

# “Factory”



means any premises including the precincts thereof—

- (i) 10 or more worker + power + manufacturing process
  - (ii) 20 or more workers + manufacturing process
- but does not include a mine  
-armed forces of the Union,  
railway running shed or  
a hotel, restaurant or eating place

## 5. POWER TO EXEMPT DURING PUBLIC EMERGENCY

- by notification in the Official Gazette,
- exempt any factory or class or description of factories
- Period not beyond three months at time in notification
- Emergency means-
- Threaten to security of India by war, external aggression, internal disturbance

## 6. APPROVAL, LICENSING AND REGISTRATION OF FACTORIES

The State Government may make rules-

(a) submission of plans

(aa) previous permission in writing for the and for the construction or extension

(b) for the purpose of considering applications

(c) prescribing the nature of such plans and specifications and by whom they shall be certified;

(d) registration and licensing ,the fees payable for such registration and licensing and for the renewal of licences;

(e) requiring that no licence shall be granted or renewed unless the notice specified in section 7 has been given

- If no answer on an application within 3 months permission deemed to be granted
- If no permission granted permission appeal to the Central Government

# 7. NOTICE BY OCCUPIER

Notice in writing to Chief Inspector 15 days notice before use of premises as factory

Contents of Notice-

- (a) the name and situation of the factory;
- (b) the name and address of the occupier;
- (bb) the name and address of the owner
- (c) the address of communication
- (d) the nature of the manufacturing process -
  - (i) carried on in the factory during the last twelve months;
- (e) the total rated horse power installed or to be installed in the factory
- (f) the name of the manager
- (g) the number of workers
- (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

# 7A. GENERAL DUTIES OF THE OCCUPIER

(1) to ensure, the health, safety and welfare

(2) maintenance of plant and systems of work in the factory that are safe and without risks to health;

(b) the arrangements in the factory for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;

(c) the provision of such information, instruction, training and supervision to ensure the health and safety, of all workers at work;

(d) the maintenance of all places of work in the factory and maintenance of such means of access to, and egress from, such places as are safe and without such risks;

(e) the provision, maintenance or monitoring of such working environment in the factory for the workers that is safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.

## **7B. GENERAL DUTIES OF MANUFACTURERS, ETC., AS REGARDS ARTICLES AND SUBSTANCES FOR USE IN FACTORIES**

(1) Every person who designs, manufactures, imports or supplies any article for use in any factory shall -

(a) ensure, safety of article through its design and construction

(b) tests and examination

(c) steps to provide adequate information -

(i) 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 :

If article is manufactured out side India the same standard of safety as an article manufactured in India

(b) if standard of foreign country is better then adoption of such standard.

(2) research to discover elimination or minimization of risk to safety and health of the worker

# 8. INSPECTORS

1. Appointment by appropriate Government through notification in official gazette
2. Additional Chief Inspectors, Joint Chief Inspectors and Deputy Chief Inspectors and many other officers



# Powers of Inspector

(a) enter in any 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

(f) to instruct the employer not to disturb the things lying in factory in case of any accident

(g) take measurements and photographs

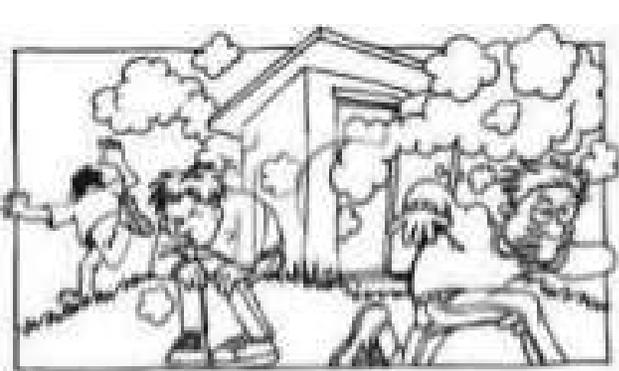
(h) to instruct about dismantling of dangerous part of machinery

(i) exercise such other powers as may be prescribed :

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

# Health Provisions





## 11. CLEANLINESS

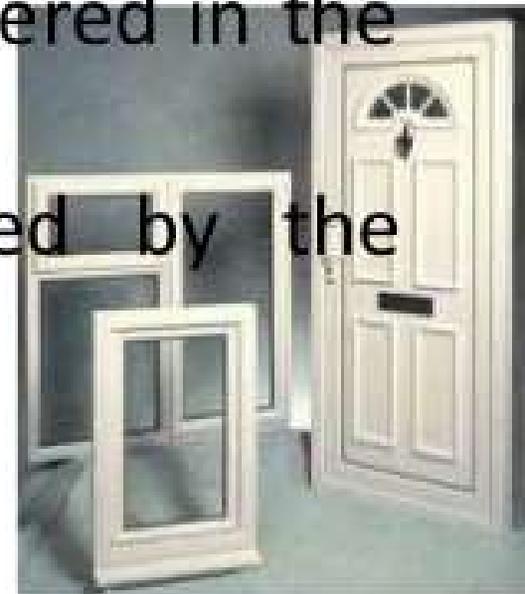


- clean and free from effluvia arising from any drain, privy or other, nuisance
- accumulations of dirt and refuse
- floors and benches of workrooms
- staircases and passages
- Washing of floor once at least in a week with disinfectant
- effective means of drainage shall be provided and maintained



- 
- walls and partitions, all ceilings or tops of rooms sides and tops of passages and staircases shall-
  - Non washable paints- repaint or revarnish 1 in 5 years
  - Washable paints – coat of paint once in 3 years period and washed once in 6 months
  - smooth impervious surfaces cleaned at least once in every period of fourteen months

- In any other case, be kept white washed or colourwashed at least once in every period of fourteen months;
- All doors and window frames and other wooden or metallic framework and shutters shall be kept painted or varnished at least once in every period of five years
- The dates on which the processes required by clause (d) are carried out shall be entered in the prescribed register
- Alternative method may be allowed by the Government



# 12. DISPOSAL OF WASTES AND EFFLUENTS

- Provision for waste and effluent treatment plant
- Arrangement as per the Governments rule





# 13. VENTILATION AND TEMPERATURE

- Effective and suitable provision to maintain-
- Adequate ventilation and circulation of air
- Maintenance of safe temperature
- material and design of wall and roof capable to maintain proper temperature
- Isolation of hot parts of machine to maintain temperature
- Ventilation and temperature as per standards of government
- Inspector can ask for adoption appropriate methods





## 14. DUST AND FUME

- Measures to prevent inhalation and accumulation of Injurious dust, fume, impurity
- Exhaust fan to the near point of dust, fume and impurity
- No use of internal combustion engine without exhaust fan



## 15. ARTIFICIAL HUMIDIFICATION



- 1) Where artificially humidity is increased State Government can make rules-
  - (a) Prescribing standards of humidification;
  - (b) Regulating the methods used for artificially increasing the humidity of the air,
  - (c) Directing prescribed tests
  - (d) Method to secure ventilation and cooling of workplace
- (2) Water used for humidification be purified
- (3) Inspector can specify methods to be adopted, and for purification.

## 16. OVERCROWDING



- No overcrowding to an extent injurious to health
- Factories before the enactment 9.9 cubic meter for per worker
- Factories after enactment 14.2 cubic meter for every worker
- Notice to specify maximum numbers of worker in workroom
- Exemption

## 17. LIGHTING

- provided and maintained sufficient and suitable lighting, natural or artificial, or both
- Cleaning of glazed windows and skylights

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 as to cause eye-strain or the risk of accident to any worker
- Government prescribe standards of sufficient and suitable lighting



## 18. DRINKING WATER



- Effective arrangement at suitable point with sufficient supply of water
- Marked as 'Drinking water' in language known to the majority of workers
- No such point within six meters of any washing place, urinal, latrine, spittoon, open drain carrying sullage or effluent or any other source of contamination
- Provision for cooling water if two hundred and fifty workers work
- examination by State Government authority

## 19. LATRINES AND URINALS



- (a) sufficient latrine and urinal accommodation
  - (b) separate enclosed accommodation shall be provided for male and female workers
  - (c) adequately lighted and ventilated
  - (d) clean and sanitary condition
  - (e) sweepers to wash
- where two hundred and fifty workers works-
- as per prescribed sanitary type
  - Floors, internal walls of 90 cm heights
  - Washing atleast once in 7 days with detergent or disinfectants
  - State Govt. may determine number of latrines and urinals



No Spitting

## 20. SPITTOONS



- (1) a sufficient number of spittoons in convenient places and they shall be maintained in a clean and hygienic condition.
- (2) The State Government may make rules prescribing the type and the number of spittoons
- (3) no spitting in premises except in spittoons. Notice of fine should be displayed.
- (4) Fine not exceeding five rupees



# Safety Provisions

**SAFETY**

## 21. FENCING OF MACHINERY



(1) In every factory the following, namely, -

- (i) every moving part of a prime mover and every flywheel connected to a prime mover,
  - (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
- every part of an electric generator, a motor or rotary converter;
  - every part of transmission machinery; and
  - every dangerous part of any other machinery, shall be securely fenced by

## 22. WORK ON OR NEAR MACHINERY IN MOTION.



- Lubrication, Examination or adjustment of built – by specially trained certified worker having name in register on this behalf.
  - (a) such worker shall not handle a belt at a moving pulley unless -
    - (i) the belt is not more than fifteen centimeters 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) 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 would otherwise be liable to come into contact, shall be securely fenced to prevent such contact.

No woman or young person allowed to do the all the tasks above discussed

### 23. EMPLOYMENT OF YOUNG PERSONS ON DANGEROUS MACHINES



- No young person is allowed to work on dangerous machine, unless he has been –
- Fully instructed
- Sufficient training
- Under supervision of knowledgable, experienced person

## 24. STRIKING GEAR AND DEVICES FOR CUTTING OFF POWER



- (a) Provision for suitable striking gear or other efficient mechanical appliance to move driving belts to and from fast and loose pulleys
- (b) driving belts to remove from shafting in motion when not in use
- (2) provision for suitable devices for cutting off of power in emergency
- (3) When a device, which can inadvertently 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 forty-five centimeters from any fixed structure which is not part of the machine :

## 26. CASING OF NEW MACHINERY



- a) every set screw, bolt or key on any revolving shaft, spindle, wheel pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger;
- (b) all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased,

### (2) Responsibility of seller or hirer

Default punishable with up to 6 months imprisonment and fine up to Rs. 500/-

**27. PROHIBITION OF  
EMPLOYMENT OF WOMEN  
AND CHILDREN NEAR  
COTTON-OPENERS**



- No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work

## 28. HOISTS AND LIFTS



every hoist and lift shall be -

- (i) of good mechanical construction, sound material and adequate strength;
  - (ii) properly maintained, examination in 6 months, entry in register
- (b) sufficiently protected by an enclosure fitted with gates, protection from trapping
- (c) Maximum workload should be prescribed
- (d) Gate for cage of every hoist or lift used for carrying persons
- (e) Gate with interlocking.
- (2) additional requirements :
- a) there shall be at least two ropes or chains separately connected with the cage
  - (b) efficient devices in the event of breakage of the ropes, chains or attachments;
  - (c) an efficient automatic device shall be provided and maintained to prevent the cage from over-running.

## 29. LIFTING MACHINES, CHAINS, ROPES AND LIFTING TACKLES



Crane



Winch



Teagle



Pulley  
Block



Gin  
wheel



Transporter

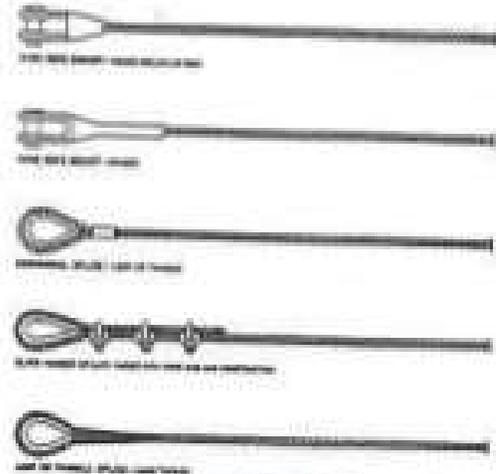
- a) all parts, including the working gear, whether fixed or movable, of every lifting machine and every chain, rope or lifting tackle shall be -
    - (i) of good construction, sound material and adequate strength and free from defects;
    - (ii) properly maintained; and
    - (iii) thoroughly examined once in every period of twelve months, entry in register
  - (b) only safe working load, a table showing the safe working loads of every kind and size of lifting machine or, chain, rope or lifting tackle in use shall be displayed in prominent positions on the premises;
  - (c) Effective measure to protect person from travelling cranes
- (2) The State Government may make rules in respect of any lifting machine or any chain, rope or lifting tackle used in factories
- (b) providing for exemption from
    - (a) "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway;
    - (b) "lifting tackle" means any chain, sling, rope sling, hook, shackle, swivel, coupling, socket, clamp, tray or similar appliance, whether fixed or movable, used in connection with the raising or lowering of persons, or loads by use of lifting machines.

"lifting tackle" means



Coupling

Chain



Sling

Rope Sling



Hook

Socket



Tray



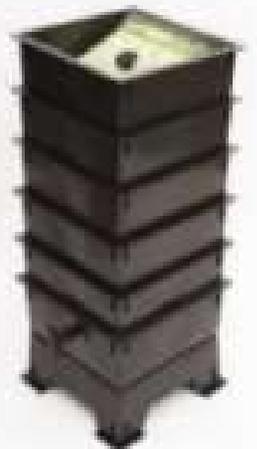
Clamp



Shackle



Swivel



## 30. REVOLVING MACHINERY



- Near grinding machine notice indicating the maximum safe working peripheral speed of every grindstone or abrasive wheel, the speed of the shaft or spindle upon which the wheel is mounted must be displayed
- The speeds indicated in notices shall not be exceeded
- Effective measures shall be taken in every factory to ensure that the safe working peripheral speed of every revolving vessel, cage, basket, flywheel, pulley, disc or similar appliance driven by power is not exceeded

## 31. PRESSURE PLANT



- If in any plant or machinery is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such plant or machinery or part is not exceeded
- State Govt.'s power to make rules for test and examination
- exemption

## 32. FLOORS, STAIRS AND MEANS OF ACCESS



- all floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall be kept free from obstructions and substances likely to cause persons to slip
- Provision for safety of workman works at a height

### 33. PITS, SUMPS, OPENINGS IN FLOORS, ETC.



- fixed vessel, sump, tank, pit or opening in the ground or in a floor shall be either securely covered or securely fenced.
- Exemption

### 34. EXCESSIVE WEIGHTS



- No lift, carry or move any load so heavy as to be likely to cause him injury.
- State Govt. make rules prescribe weight to be lifted by adult, old, women worker.

## 35. PROTECTION OF EYES



- Protection to eyes from particles or
- fragments thrown of
- Excessive light
- State Government may by rules require that effective screens or suitable goggles shall be provided

### 36. PRECAUTIONS AGAINST DANGEROUS FUMES, GASES, ETC



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- No entry in any chamber, tank, vat, pit, pipe, flue or other confined space in any factory in which any gas, fume, vapor or dust is likely to be present to such an extent as to involve risk to persons
- Manhole of adequate size
- Measure remove gases, fumes
- Certificate that the space is free from gases, vapor and fumes.....
- suitable breathing apparatus and a belt securely attached to a rope

**36A. PRECAUTIONS  
REGARDING THE USE OF  
PORTABLE ELECTRIC LIGHT**



- no portable electric light or any other electric appliance of voltage exceeding twenty-four volts shall be permitted for use inside any chamber, tank, vat, pit, pipe, flue or other confined space
- No use of lamp or light inside the chamber.....

### 37. EXPLOSIVE OR INFLAMMABLE DUST, GAS, ETC.



- Measures to prevent explode to ignition dust, gas, fume or vapour produced in manufacturing process
  - a) effective enclosure of the plant or machinery used in the process;
  - (b) removal or prevention of the accumulation of such dust, gas, fume or vapour;
  - (c) exclusion or effective enclosure of all possible sources of ignition.



### 38. PRECAUTIONS IN CASE OF FIRE.



- practicable measures shall be taken to prevent outbreak of fire and its spread, both internally and externally
- Provision for safe means of escape for all persons in the event of a fire
- means of escape familiar to workers
- State Govt. can make rules

**39. POWER TO REQUIRE  
SPECIFICATIONS OF  
DEFECTIVE PARTS OR TESTS  
OF STABILITY**



- If inspector found any building or part of building of factory or any machine or any part of the machine is dangerous he may ask for drawings and specifications
- He may carry suitable tests

## 40. SAFETY OF BUILDINGS AND MACHINERY



- any building or part of a building or any part of the ways, machinery or plant in a factory specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

**40A. MAINTENANCE OF BUILDINGS.**

- any building or part of a building or any part of the ways, machinery or plant in a factory specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date

#### 40B. SAFETY OFFICERS.



- wherein one thousand or more workers are ordinarily employed, or
- any manufacturing process or operation is carried on, which process or operation involves any risk of bodily injury,
- poisoning or disease, or any other hazard to health, to the persons employed in the factory
- employ such number of Safety Officers as may be specified in that notification

# Welfare Provisions

## 42. WASHING FACILITIES



(a) adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein;

(b) separate and adequately screened facilities to male and female workers;

(c) conveniently accessible and shall be kept clean.

(2) The State Government may, prescribe standards of adequate and suitable facilities for washing.

### 43. FACILITIES FOR STORING AND DRYING CLOTHING



- The State Government may, in respect of any factory or class or description of factories, make rules requiring the provision therein of suitable places for keeping clothing not worn during working hours and for the drying of wet clothing.

#### 44. FACILITIES FOR SITTING. -

(1) arrangements for sitting to take advantage of any opportunities for rest which may occur in the course of their work.

(2) If, in the opinion of the Chief Inspector may, by order in writing, require the occupier of the factory to seating arrangements

(3) The State Government's power to exempt



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#### 45. FIRST AID APPLIANCES.



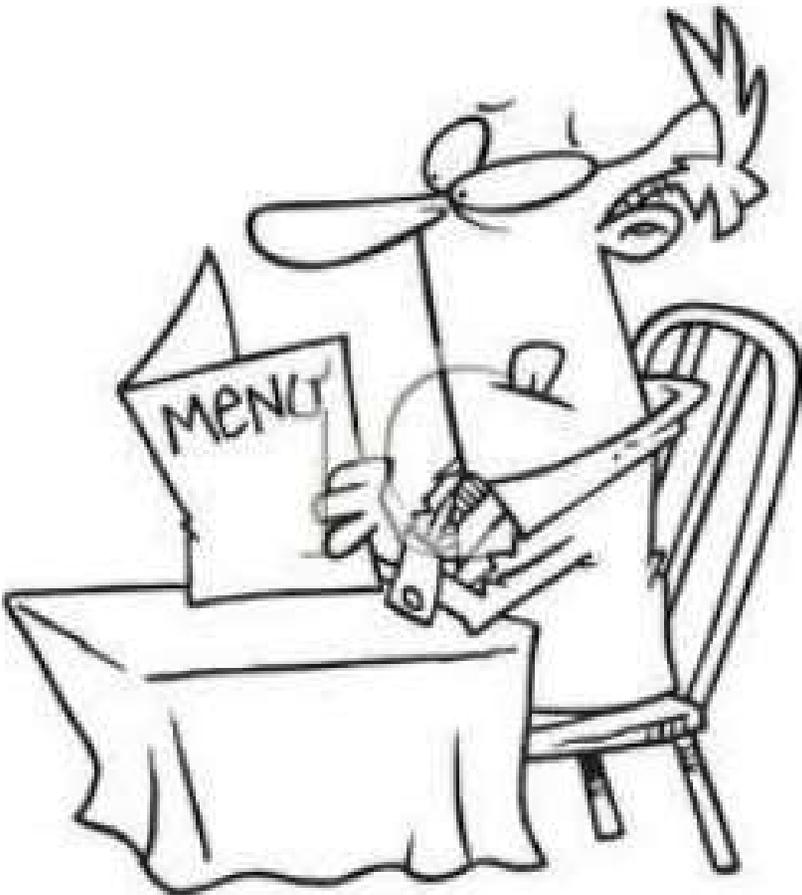
(1) Not less than one well equipped first aid medical box or cupboard for one hundred and fifty workers

(2) Nothing except the prescribed contents shall be kept in a first-aid box or cupboard.

(3) Certified incharge in first aid medical aid

(4) Provision for well equipped ambulance room wherein more than five hundred workers work

## 46. CANTEENS



(1) Where 250 worker works, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers.

(2) The State Govt. may provide for -

(a) the date by which such canteen shall be provided;

(b) the standards in respect of construction, accommodation, furniture and other equipment of the canteen;

(c) the foodstuffs to be

(d) the constitution of a managing committee

(dd) the items of expenditure in the running of the canteen which are not to be taken into account in fixing the cost of foodstuffs and which shall be

borne by the employer;

(e) the delegation of powers to the Chief Inspector

**47. SHELTERS, REST ROOMS AND LUNCH ROOMS. -**



(1) adequate and suitable shelters or rest rooms and a suitable lunch room, with provision for drinking water, where 150 workers work

(2) The shelters or rest rooms or lunch rooms to be shall be sufficiently lighted and ventilated

(3) The State Government may - (a) prescribe the standards in respect of construction, accommodation, furniture and other equipment of shelters, rest rooms and lunch rooms to be provided under this section;

(b) exempt any factory or class or description of factories from the requirements of this section.

## 48. Creaches



(1) If 150 women workers employed – provision for well maintained a suitable room or rooms for the use of children under the age of six years of such women.

(2) adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

(3) The State Government may make rules - (a) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided, under this section;

(b) requiring the provision in factories to which this section applies of additional facilities for the care of children belonging to women workers, including suitable provision of facilities for washing and changing their clothing;

(c) requiring the provision in any factory of free milk or refreshment or both for such children;

(d) requiring that facilities shall be given in any factory for the mothers of such children to feed them at the necessary intervals

## 49. WELFARE OFFICERS



(1) In every factory 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) The State Government may prescribe the duties, qualifications and Conditions of service of officers

# Protection in Hazardous Process

## **41 POWER TO MAKE RULE TO SUPPLEMENT THIS CHAPTER**

The State Government may make rules requiring the provision in any factory or in any class or description of factories of such further devices and measures for securing the safety of persons employed therein as it may deem necessary

## 41A. CONSTITUTION OF SITE APPRAISAL COMMITTEES

- (a) the Chief Inspector - Chairman;
- (b) a representative of Central Board for the Water (Prevention and Control of Pollution) Act, 1974
- (c) a representative of the Central Board for the [Air \(Prevention and Control of Pollution\) Act, 1981](#)
- (d) a representative of the State Board the Water (Prevention and Control of Pollution) Act,
- (e) a representative of the State Board of the [Air \(Prevention and Control of Pollution\) Act, 1981](#)
- (f) a representative of the Department of Environment in the State;

(g) a representative of the Meteorological Department of the Government of India;

(h) an expert in the field of occupational health;  
and

i) a representative of the Town Planning Department of the State Government,

and not more than five other co-opted members

(i) a scientist of the hazardous process

(ii) a representative of the local

(iii) not more than three other persons as deemed fit by the State Government.

(2) The Site Appraisal Committee shall examine an application and makes recommendations within 90 days.

(3) Central Government or to a corporation or a company owned or controlled by the Central Government, the State Government shall co-opt in the Site Appraisal Committee a representative nominated by the Central Government as a member of that Committee.

(4) The Site Appraisal Committee shall have power to call for any information from the person making an application for the establishment or expansion of a factory involving a hazardous process.

(5) Where the State Government has granted approval to an application for the establishment or expansion of a factory involving hazardous process, it shall not be necessary for an applicant to obtain a further approval from the Central Board or the State Board established under the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974) and the [Air \(Prevention and Control of Pollution\) Act, 1981](#) (14 of 1981).

# 41B. COMPULSORY DISCLOSURE OF INFORMATION BY THE OCCUPIER

(1) dangers, including health hazards and the measures to overcome such hazards arising from

- ❖ the exposure to or
- ❖ handling of the materials or
- ❖ substances in the manufacture,
- ❖ transportation,
- ❖ storage and
- ❖ other processes, to the workers employed in the factory,
- ❖ the Chief Inspector, the local authority within whose jurisdiction the factory is situate and
- ❖ the general public in the vicinity.

(2) to lay down a detailed policy with respect to the health and safety of the workman

(3) information furnished should be accurate information

(4) draw up an on-site emergency plan and detailed disaster control measures

(5) Every occupier of a factory shall, - (a) if such factory engaged in a hazardous process or proposes to engage in hazardous process on the commencement of the Factories (Amendment) Act, 1987 (2 of 1987), within a period of thirty days of such commencement, inform the Chief Inspector of the nature and details of the process

(6) Contravention of this provision results in penalty and cancellation of license.

(7) lay down measures for the handling, usage, transportation and storage of hazardous substances inside the factory premises and the disposal of such substances outside the factory premises and publicise them in the manner prescribed among the workers and the general public living in the vicinity.

## **41C. SPECIFIC RESPONSIBILITY OF THE OCCUPIER IN RELATION TO HAZARDOUS PROCESSES**

Every occupier of a factory involving any hazardous process shall-

(a) maintain accurate and up-to-date health records or, medical records

(b) appoint qualified and experienced person in handling hazardous substances and to provide all the necessary facilities for protecting the workers

Decision of Chief inspector in final on a dispute over qualification and experience of workman

(c) provide for medical examination of every worker -

(i) before work is assigned to any worker in any such process

(ii) while continuing in such job, and after he has ceased to work in such job, at intervals not exceeding twelve months

# 41D. POWER OF CENTRAL GOVERNMENT TO APPOINT INQUIRY COMMITTEE

(1) Appointment of inquiry committee in the occurrence of an extraordinary situation in a factory engaged in a hazardous process,

The Committee inquire into –

the standards of health and safety observed in the factory

(2) The Committee shall consist of

-a chairman and two other members and

the terms of reference of the Committee and the tenure of office of its members shall be such as may be determined by the Central Government according to the requirements of the situation.

(3) The recommendations of the Committee shall be advisory in nature

## **41E. EMERGENCY STANDARDS**

(1) In case of no safety measures or inadequate measures Central Govt. may direct the Director-General of Factory Advice Service and Labour Institutes or any institution specialised in matters relating to standards of safety in hazardous processes, to lay down emergency standards for enforcement of suitable standards in respect of such hazardous processes.

## **41F. PERMISSIBLE LIMITS OF EXPOSURE OF CHEMICAL AND TOXIC SUBSTANCES.**

- (1) The maximum permissible threshold limits of exposure of chemical and toxic substances in manufacturing processes (whether hazardous or otherwise) in any factory shall be of the value indicated in the Second Schedule.
- (2) The Central Government may, at any time, for the purpose of giving effect to any scientific proof obtained from specialised institutions or experts in the field,, by notification in the Official Gazette, make suitable changes in the said Schedule.

# **41G. WORKERS' PARTICIPATION IN SAFETY MANAGEMENT**

(1) Safety Committee - equal number of representatives of workers and management to promote cooperation regarding safety and health measure

State Government may exempt

(2) The composition of the Safety Committee, the tenure of office of its members and their rights and duties shall be such as may be prescribed

# **41H. RIGHT OF WORKERS TO WARN ABOUT IMMINENT DANGER**

(1) Workman to inform about the possibility of imminent danger due to any accident, to the occupier, agent, manager or any other person who is in charge of the factory or the to the Safety Committee and to the Inspector.

(2) Immediate remedial action by occupier, agent, manager or the person in charge of the factory.

(3) If the occupier, agent, manager or the person is not satisfied about the existence of any imminent danger as apprehended by the workers, he shall, nevertheless, refer the matter forthwith to the nearest Inspector whose decision on the question of the existence of such imminent danger shall be final.

Chapter VI

# Working Hours of Adults

## **51. WEEKLY HOURS**

No adult workers shall be required or allowed to work in a factory for more than forty-eight hours in any week

## **52. WEEKLY HOLIDAYS**

(1) No adult worker shall be required or allowed to work in a factory on the first day of the week (hereinafter referred to as the said day), unless -

(a) he has or will have a holiday for a whole day on one of the three days immediately before or after the said day, and

(b) the manager of the factory has, before the said day or the substituted day, whichever is earlier, -

(i) delivered a notice at the office of the Inspector of his intention to require the worker to work on the said day and of the day which is to be substituted, and

(ii) displayed a notice to that effect in the factory :  
Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices may be cancelled by a notice delivered at the office of the Inspector and a notice displayed in the factory not later than the day before the said day or the holiday to be cancelled, whichever is earlier.

(3) Where any worker works on the said day and has had a holiday on one of the three days immediately before it, that said day shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

# 53. COMPENSATORY HOLIDAYS

(1) If any factory is exempted from this provision, a worker is deprived of any of the weekly holidays for which provision is made in sub-section (1) of that section, he shall be allowed, within the month in which the holidays were due to him or within the two months immediately following that month, compensatory holidays of equal number to the holidays so lost.

(2) The State Government may prescribe the manner in which the holidays for which provision is made in sub-section (1) shall be allowed.

## **54. DAILY HOURS**

No work allowed for more than nine hours in any day:

The above prescribed limit may be exceeded in order to facilitate the change of shifts

## **55. INTERVALS FOR REST**

(1) No work beyond 5 hour without interval for rest of half an hour

(2) The State Government may exempt any factory from the above provisions and may provide interval for rest after 6 hours works

## **56. SPREADOVER**

The periods of work of an adult worker in a factory shall be so arranged that inclusive of his intervals for rest under section 55, they shall not spread over more than ten and a half hours in any day : Provided that the Chief Inspector may, for reasons to be specified in in writing, increase the spreadover up to twelve hours.

# 57. NIGHT SHIFTS

Where a worker in a factory works on a shift which extends beyond midnight, -

(a) for the purposes of sections 52 and 53, a holiday for a whole day shall mean in his case a period of twenty-four consecutive hours beginning when his shift ends;

(b) the following day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted in the previous day.

## **58. PROHIBITION OF OVERLAPPING SHIFTS**

(1) Work shall not be carried on in any factory by means of a system of shifts so arranged that more than one relay of workers is engaged, in work of the same kind at the same time.

<sup>1</sup>(2) The State Government or subject to the control of the State Government, the Chief Inspector, may, by written order and for the reasons specified therein, exempt on such conditions as may be deemed expedient, any factory or class or description of factories or any department or section of a factory or any category or description of workers therein from the provisions of sub-section (1).

# 59. EXTRA WAGES FOR OVERTIME

(1) Extra wages in case of working for more than 9 hours on any day or for more than 48 hours in a week

(2) For the purposes of sub-section (1), "ordinary rate of wages" means the basic wages plus such allowances, including the cash

Value of concession

(3) Where any workers in a factory are paid on a piece-rate basis, the time rate shall be deemed to be equivalent to the daily average of their full-time earnings for the days on which they actually worked

Provided that in the case of a worker who has not worked in the immediately preceding calendar month on the same or identical job, the time rate shall be deemed to be equivalent to the daily average of the earnings of the worker for the days on which he actually worked in the week in which the overtime work was done.

The State Government may make rules prescribing -

(a) the manner in which the cash equivalent of the advantage accruing through the concessional sale to a worker of foodgrains and other articles shall be computed; and

(b) the maintenance of registers

## **60. RESTRICTION ON DOUBLE EMPLOYMENT**

No adult worker shall be required or allowed to work in any factory on any day on which he has already been working in any other factory

# NOTICE OF PERIODS OF WORK FOR ADULTS

- (1) There shall be displayed and correctly maintained in every factory, a notice of periods of work for adults, showing clearly for every day the periods during which adult workers may be required to work.
- (2) The periods shown in the shall be fixed beforehand
- (3) Where all the adult workers in a factory are required to work during the same periods, the manager of the factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work during the same periods, the manager of the factory shall classify them into groups according to the nature of their work indicating the number of workers in each group.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods during which the group may be required to work.

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shifts, the manager of the factory shall fix the periods during which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts where under the periods during which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The State Government may prescribe forms of the notice required by sub-section (1) and the manner in which it shall be maintained.

(9) In the case of a factory beginning work after the commencement of this Act, a copy of the notice referred to in sub-section (1) shall be sent in duplicate to the Inspector before the day on which work is begun in the factory.

(10) Any proposed change in the system of work in any factory which will necessitate a change in the notice referred to in sub-section (1) shall be notified to the Inspector in duplicate before the change is made, and except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

# 62. REGISTER OF ADULT WORKERS

(1) The manager of every factory shall maintain a register of adult workers, to be available to the Inspector at all times during working hours, or when any work is being carried on in the factory, showing - (a) the name of each adult worker in the factory;

(b) the nature of his work;

(c) the group, if any, in which he is included;

(d) where his group works on shifts, the relay to which he is allotted; and

(e) such other particulars as may be prescribed :

Provided that if the Inspector is of opinion that any muster roll or register maintained as a part of the routine of a factory gives in respect of any or all the workers in the factory the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of, and be treated as, the register of adult workers in that factory.

<sup>1</sup>[(1A) No adult worker shall be required or allowed to work in any factory unless his name and other particulars have been entered in the register of adult workers.]

(2) The State Government may prescribe the form of the register of adult workers, the manner in which it shall be maintained and the period for which it shall be preserved.

**63. HOURS OF WORK TO CORRESPOND WITH NOTICE UNDER SECTION 61 AND REGISTER UNDER SECTION 62**

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 beforehand against his name in the register of adult workers of the factory.

# **PROHIBITION OF EMPLOYMENT OF YOUNG PERSONS**

# 66. FURTHER RESTRICTIONS ON EMPLOYMENT OF WOMEN

(a) no exemption u/s 54 may be granted in respect of any women;

(b) no work for woman allowed except between hours 6 A.M. and 7 P.M. :

State govt. may exempt any factory from this provision but so that no such variation shall authorize the employment of any woman between the hours of 10 P.M. and 5 A.M.;

(c) there shall be no change of shifts except after a weekly holiday or any other holiday.

(2) The State Government may make rules providing for the exemption from the restrictions set out in sub-section (1), to such extent and subject to such conditions as it may prescribe, of women working in fish curing or fish-canning factories, where the employment of women beyond the hours specified in the said restrictions is necessary to prevent damage to or deterioration in, any raw material.

(3) The rules made under sub-section (2) shall remain in force for not more than three years at a time.

## **67. PROHIBITION OF EMPLOYMENT ON YOUNG PERSONS**

- No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

## **68. NON-ADULT WORKERS TO CARRY TOKENS**

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

- (a) having a certificate of fitness
- (b) carries token with reference to such certificate.

## **69. CERTIFICATES OF FITNESS**

1. Examination by certifying surgeon
2. Issuance of the certificate on the satisfaction of physical fitness by certifying surgeon
3. Nature and place of employment should be considered for issuance of fitness certificate or for renewal
4. Certificate of fitness valid only for 12 months
5. Revocation of certificate
6. Reasons for refusal to grant, renewal or revocation on the application of any person
7. Fees for medical examination by occupier and not recoverable from workman

## **70. EFFECT OF CERTIFICATE OF FITNESS GRANTED TO ADOLESCENT**

1. Adolescent having certificate of fitness will be treated as an adult for chapter VI and III
2. No female or male adolescent who has not attended the age of 17 and having certificate of fitness shall be required or allowed to work in any factory except between 6 A.M. and 7 P.M.
3. State Govt. may extend the time but no employment between 10 pm to 5 am
4. Exemption in emergency and in the interest of nation
5. Adolescent having no certificate of fitness shall be treat as a child

# 71. WORKING HOURS FOR CHILDREN

- (1) No child shall be employed or permitted to work, in any factory -
- (a) for more than four and a half hours in any day;
  - (b) during the night.

“night” shall mean a period of at least twelve consecutive hours which shall include the interval between 10 P.M. and 6 A.M.

- Work of child limited to two shifts and no overlapping or spread over more than five hours each
- each child shall be employed in only one of the relays which shall not, be changed more frequently than once in a period of thirty days
- Section 52 applicable to child worker and no exemption to any factory with respect to child workers
- Prohibition on double employment
- Female child workman work only for 8 am to 7 pm

## **72. NOTICE OF PERIODS OF WORK FOR CHILDREN**

1. Notice of period of work for everyday
2. Notice prepared beforehand
3. No work in contravention of notice of period of work

## **73. REGISTER OF CHILD WORKER**

Occupier to maintain register containing following details-

- (a) the name of each child worker in the factory,
- (b) the nature of his work,
- (c) the group, if any, in which he is included,
- (d) where his group works in shifts, the relay to which he is allotted, and
- (e) the number of his certificate of fitness granted under section 69

No work without enrolment in register

State Govt. prescribe form and manner to maintain register

## **74. HOURS OF WORK TO CORRESPOND WITH NOTICE UNDER SECTION 72 AND REGISTER UNDER SECTION 73**

- No child shall be employed in any factory otherwise than in accordance with the notice of periods of work for children displayed in the factory and the entries made beforehand against his name in the register of child workers of the factory.

## **75. POWER TO REQUIRE MEDICAL EXAMINATION**

- If in the opinion of inspector-
- Young person is working without certificate
- Though certificate of fitness is issued but no longer fit to work

Require the occupier to conduct medical examination of young persons employed

No work allowed without following direction by inspector

## 76. POWER TO MAKE RULES

- The State Government may make rules-
  1. Form of certificate, duplicate certificate and fees payable
  2. Physical standard for adolescent and children working in factory
  3. Regulating the procedure of certifying surgeon
  4. Duties of surgeon

Annual leave with wages

## **78. APPLICATION OF CHAPTER**

- 1) This chapter is not applicable to the prejudice of any right of workman under any law or under agreement or settlement or contract of service.
- 2) longer annual leave with wages – applicable  
If less annual leave with wages provided - then provisions of sections 79 to 82, shall apply.
- 3) No applicability to factories administered by railway administration.

## **79. ANNUAL LEAVE WITH WAGES**

If Working for 240 or more days in a calendar year, annual leave with wages allowed in subsequent calendar year at following rate-

- (i) if an adult, one day for every twenty days of work performed by him during the previous calendar year;
- (ii) if a child, one day for every fifteen days of work formed by him during the previous calendar year.

The period of 240 days includes days of lay off, maternity leave not exceeding 12 weeks, the leave earned in the year prior to that in which the leave is enjoyed

- The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at either end of the period of leave.
- wages in lieu of the quantum of leave to the employee or his heirs or nominee in case of discharge, dismissal, quit, superannuation or death
- Leave earned can be carried forward in succeeding year
- total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of a child
- 15 days notice to occupier to avail annual leave with wages
- Payment in case of termination of worker or if he quit without availing annual leave earned

## **80. WAGES DURING LEAVE PERIOD**

- For the leave allowed to him a worker shall be entitled to wages at a rate equal to the daily average of his total full time earnings for the days on which he actually worked
- It does not include- overtime, bouns, DA, cash value of concession in food grain charges,

## **81. PAYMENT IN ADVANCE IN CERTAIN CASES**

- A worker who has been allowed leave for not less than four days, in the case of an adult, and five days, in the case of a child, shall, before his leave begins, be paid the wages due for the period of the leave allowed.

## 82. MODE OF RECOVERY OF UNPAID WAGES

- Any sum required to be paid by an employer, under this chapter but not paid by him shall be recoverable as delayed wages under the provisions of the [Payment of Wages Act, 1936](#) (4 of 1936)

## **83. POWER TO MAKE RULES**

- The State Government may make rules directing managers of factories to keep registers containing such particulars as may be prescribed and requiring the registers to be made available for examination by Inspectors..