

Factories Act, 1948

Introduction

On 28th August, 1948 bill was passed and it received the assent of Governor General on 23rd September, 1948. The Act, thus passed, came into force on 1st April, 1949.

It is a social legislation which has been enacted for occupational safety, health and welfare of workers at work places.

Being enforced by technical officers *i.e.* inspectors of factories, Dy Chief Inspectors of Factories who work under the control of the Chief Inspector of Factories and overall control of the Labour Commissioner, Government of National Capital Territory of Delhi.

Definition The Act defines a 'factory' as any premises including the precincts thereof: (a) whereon ten or more workers are working or were working on any day of the preceding twelve months and in any part of which, manufacturing process is being carried on with the aid of power or is ordinarily so carried on.

(b) Where on twenty or more workers are working or were working on any day of the preceding 12 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.

Salient Features

- Approval of factory building plans before construction/extension, under the Delhi Factories Rules, 1950
- Grant of Licenses under the Delhi Factories Rules, 1950, and to take action against factories running without obtaining License.
- Renewal of Licenses granted under the Delhi Factories Rules, 1950, by the Dy Chief Inspectors of Factories
- Inspections of factories by District Inspectors of Factories, for investigation of complaints, serious/fatal accidents as well to check the compliance of provisions of this Act relating to health, safety, welfare facilities, working hours, employment of young persons and annual leave with wages etc.

Objective of the Act

- To ensure adequate safety measures and to promote the health and welfare of the workers employed in factories.
- To prevent haphazard growth of factories through the provisions related to the approval of plans before the creation of a factory.

Main Points

1. Health
2. Safety
3. Welfare
4. Working hours of adults
5. Annual leave with wages

1. Health

- Cleanliness
- Disposal of wastes and effluents
- Ventilation and temperature
- Dust and fume
- Artificial humidification
- Overcrowding
- Lighting
- Drinking water
- Latrines and urinals
- Spittoons

2. Safety

- Fencing of machinery
- Work on or near machinery in motion

- Employment of young persons on dangerous machines
- Striking gear and devices for cutting off power
- Self-acting machines
- Casing of new machinery
- Prohibition of employment of women and children near cotton-openers
- Hoists and lifts
- Lifting machines, chains, ropes and lifting tackles
- Revolving machinery
- Pressure plant
- Floors, stairs and means of access
- Pits, sumps openings in floors, etc
- Excessive weights
- Protection of eyes
- Precautions against dangerous fumes, gases
- Precautions regarding the use of portable electric light
- Explosive or inflammable dust, gas, etc
- Precautions in case of fire
- Power to require specifications of defective parts or tests of stability
- Safety of buildings and machinery
- Maintenance of buildings
- Safety officers

3. Welfare

- Washing facilities
- Facilities for storing and drying clothing
- Facilities for sitting
- First-aid appliances
- Canteens
- Shelters, rest rooms and lunch rooms
- Creches
- Welfare officers

4. Working Hours for Adults

- Weekly hours
- Weekly holidays
- Compensatory holidays
- Daily hours
- Intervals for rest
- Spread over
- Night shifts
- Prohibition of overlapping shifts
- Extra wages for overtime
- Restriction on double employment

- Notice of periods of work for adults
- Register of adult workers
- Hours of work to correspond with notice under section 61 and register under Section 62
- Power to make exempting rules
- Power to make exempting orders
- Further restrictions on employment of women

5. Annual Leave with Wages

- Annual leave with wages
- Wages during leave period
- Payment in advance in certain cases
- Mode of recovery of unpaid wages
- Power to make rules
- Power to exempt factories

Applicability of the Act

Applicable to the whole of India including Jammu and Kashmir.

- The industries in which ten (10) or more than ten workers are employed on any day of the preceding twelve months engaged in manufacturing process being carried out with the aid of power or twenty or more than twenty workers employed in manufacturing process being carried out without the aid of power.
- Covers all manufacturing processes and establishments falling within the definition of 'factory'.
- Applicable to all factories using power and employing 10 or more workers, and if not using power, employing 20 or more workers on any day of the preceding 12 months.

Scheme of the Act

The Act consists of 120 Sections and 3 Schedules.

- **Schedule 1** contains list of industries involving hazardous processes.
- **Schedule 2** is about permissible level of certain chemical substances in work environment.
- **Schedule 3** consists of list of notifiable diseases.

Important Provisions of the Act

1. Facilities and Conveniences

- The factory should be kept clean [Section 11].
- There should be arrangement to dispose of wastes and effluents [Section 12].

- Ventilation should be adequate. Reasonable temperature for comfort of employees should be maintained [Section 13].
- Dust and fumes should be controlled below permissible limits [Section 14].
- Artificial humidification should be at prescribed standard level [Section 15].
- Overcrowding should be avoided [Section 16].
- Adequate lighting, drinking water, latrines, urinals and spittoons should be provided [Sections 17 to 19].
- Adequate spittoons should be provided [Section 20].

2. Welfare

- Adequate facilities for washing, sitting, storing cloths when not worn during working hours [Section 42].
- If a worker has to work in standing position, sitting arrangement to take short rests should be provided [Section 44].
- Adequate First aid boxes shall be provided and maintained [Section 45].

3. Facilities in Case of Large Factories

Following facilities are required to be provided by large factories

- Ambulance room if 500 or more workers are employed.
- Canteen if 250 or more workers are employed. It should be sufficiently lighted and ventilated and suitably located [Section 46].
- Rest rooms/shelters with drinking water when 150 or more workmen are employed [Section 47].
- Creches if 30 or more women workers are employed [Section 48].
- Full time welfare officer if factory employs 500 or more workers [Section 49].
- Safety Officer if 1000 or more workmen are employed.

4. Safety

- All machinery should be properly fenced to protect workers when machinery is in motion [Section 21 to 27].
- Hoists and lifts should be in good condition and tested periodically [Section 28 and 29].
- Pressure plants should be checked as per rules [Section 31].
- Floor, stairs and means of access should be of sound construction and free from obstructions [Section 32].
- Safety appliances for eyes, dangerous dusts, gas, and fumes should be provided [Sections 35 and 36].

- Worker is also under obligation to use the safety appliances. He should not misuse any appliance, convenience or other things provided [Section 111].
- In case of hazardous substances, additional safety measures have been prescribed [Sections 41 A to 41 H].
- Adequate fire fighting equipment should be available [Section 38].
- Safety officer should be appointed if number of workers in factory is 1000 or more [Section 40B].

5. Working Hours

- A worker cannot be employed for more than 48 hours in a week [Section 51].
- Weekly holiday is compulsory. If he is asked to work on weekly holiday, he should have full holiday on one of three days immediately or after the normal day of holiday [Section 52(1)].
- He cannot be employed for more than 9 hours in a day [Section 54].
- At least half an hour rest should be provided after 5 hours [Section 55].
- Total period of work inclusive of rest interval cannot be more than 10.5 hours [Section 56].
- A worker should be given a weekly holiday. Overlapping of shifts is not permitted [Section 58].
- Notice of period of work should be displayed [Section 61].

6. Overtime Wages

- If a worker works beyond 9 hours a day or 48 hours a week, overtime wages become double the rate of wages payable [Section 59(1)].
- A workman cannot work in two factories. There is restriction on double employment [Section 60].
- However, overtime wages are not payable when the worker is on tour.
- Total working hours including overtime should not exceed 60 in a week and total overtime hours in a quarter should not exceed 50. Register of overtime should be maintained.
- An employee working outside the factory premises like field workers etc. on tour outside headquarters are not entitled to overtime.

7. Employment of Women

- A woman worker cannot be employed beyond the hours 6 am to 7 pm.

- State Government can grant exemption to any factory or group or class of factories, but no woman can be permitted to work during 10 pm to 5 pm.
- Shift change can be only after weekly or other holiday and not in between [Section 66].

8. Night Shift for Women

- Factories Act is proposed to be amended to allow night shift for women workers.
- The government has decided to amend Section 66 of the Factories Act, 1948 to allow employment of women workers between 7 pm and 6 am.
- The demand of women's organisations and in time with the present economic globalisation, the government has decided to bring in then required changes in the Act.
- This flexibility would be available to all manufacturing units including the apparel sector.
- The proposed Bill will empower the State Governments for allowing the necessary flexibility in employment of women during night shift in factories.
- The proposed amendment would inter-alia provide that the employer has to ensure occupational safety and adequate protection to the women workers. However, the State Government or any person authorised by it would be allowing employment of women during night only after consulting the workers or their representative organisations and concerned employers or their representatives.
- The State Governments are also empowered to frame their own rules for allowing such permissions.

9. Record of Workmen

- A register (muster roll) of all workers should be maintained.
- No worker should be permitted to work unless his name is in the register.
- Record of overtime is also required to be maintained. [Section 62].

10. Leave

- A worker is entitled in every calendar year annual leave with wages at the rate of one day for every 20 days of work performed in the previous calendar year, provided that he had worked for 240 days or more in the previous calendar year.
- Child worker is entitled to one day per every 15 days.
- While calculating 240 days, earned leave, maternity leave up to 12 weeks and lay off days will be

considered, but leave shall not be earned on those days [Section 79].

- Leave can be accumulated up to 30 days in case of adult and 40 days in case of child.
- Leave admissible is exclusive of holidays occurring during or at either end of the leave period.
- Wage for period must be paid before leave begins, if leave is for 4 or more days [Section 81].
- Leave cannot be taken for more than three times in a year.
- Application for leave should not normally be refused.
- These are minimum benefits. Employer can, of course, give additional or higher benefits.

11. Wages for Overtime and Leave Salary

- 'Wages' for leave encasement and overtime will include dearness allowance and cash equivalent of any benefit. However, it will not include bonus or overtime.

12. Child Employment

- Child below age of 14 cannot be employed [Section 67].
- Child above 14 but below 15 years of age can be employed only for 4.5 hours per day or during the night [Section 71].
- He should be certified fit by a certifying surgeon [Section 68].
- He cannot be employed during night between 10 pm to 6 am [Section 71].
- A person over 15 but below 18 years of age is termed as 'adolescent'.

- He can be employed as an adult if he has a certificate of fitness for a full day's work from certifying surgeon.
- An adolescent is not permitted to work between 7 pm and 6 am [Section 70].
- There are more restrictions on employment of female adolescent.
- Register of child workers should be maintained [Section 73].

13. Display on Notice Board

- A notice containing abstract of the Factories Act and the rules made there under, in English and local language should be displayed.
- Name and address of Factories Inspector and the certifying surgeon should also be displayed on notice board [Section 108(1)].

14. Notice of Accidents, Diseases Etc.

- Notice of any accident causing disablement of more than 48 hours, dangerous occurrences and any worker contracting occupational disease should be informed to Factories Inspector [Section 88].
- Notice of dangerous occurrences and specified diseases should be given [Sections 88(A) and 89].

15. Obligation Regarding Hazardous Processes/Substances

- Information about hazardous substances/processes should be given.
- Workers and general public in vicinity should be informed about dangers and health hazards.
- Safety measures and emergency plan should be ready.
- Safety Committee should be appointed.

List of Industries Involving Hazardous Processes

- Ferrous Metallurgical Industries
- Integrated iron and steel
- Ferro-alloys
- Special steels
- Non-ferrous metallurgical industries
- Primary Metallurgical Industries namely- zinc, lead, copper, manganese and aluminium
- Foundries (ferrous and non-ferrous)
- Castings and forgings including cleaning or smoothing/roughening by sand and shot blasting.
- Coal (including coke) industries, coal, lignite, coke, etc.

- Fuel Gases (including coal gas, producer gas, water gas)
- Power generating Industries
- Pulp and paper (including paper products) industries
- Fertilizer Industries
- Nitrogenous
- Phosphatic
- Mixed
- Cement industries
- Portland cement (including slag cement, puzzolona cement and their products)
- Petroleum industries
- Oil refining

- Lubricating oils and greases
- Petro-chemical industries
- Drugs and pharmaceutical industries
- Narcotics, drugs and pharmaceuticals
- Fermentation industries (distilleries and breweries)
- Rubber (synthetic) industries
- Paints and pigment industries
- Leather tanning industries
- Electro-plating industries
- Chemical industries
- Coke oven by-products and coal tar distillation products
- Industrial gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphur dioxide, nitrous oxide, halogenated hydro-carbon, ozone etc.)
- Industrial carbon
- Alkalis and acids
- Chromates and dichromate
- Leads and its compounds
- Electrochemical (metallic sodium, potassium and magnesium, chlorates, per chlorates and per oxides)
- Electro thermal produces (artificial abrasive, calcium carbide)
- Nitrogenous compounds (cyanides, cyanamide and other nitrogenous compounds)
- Phosphorus and its compounds
- Halogens and halogenated compounds (chlorine, fluorine, bromine and iodine)
- Explosives (including industrial explosives and detonators and fuses)
- Insecticides, fungicides, herbicides and other pesticides industries
- Synthetic resin and plastics
- Man-made fibre (cellulosic and non-cellulosic) industry
- Manufacture and repair of electrical accumulators
- Glass and ceramics
- Grinding or glazing of metals
- Manufacture, handling and processing of asbestos and its products
- Extraction of oils and fats from vegetable and animal sources
- Manufacture, handling and use of benzene and substances containing benzene

- Manufacturing processes and operations involving carbon disulphide
- Dyes and dyestuff including their intermediates
- Highly flammable liquids and gases

List of Notifiable Diseases

- Lead poisoning, including poisoning by any preparation or compound of lead or their sequelae.
- Lead tetraethyl poisoning.
- Phosphorus poisoning or its sequelae.
- Mercury poisoning or its sequelae.
- Manganese poisoning or its sequelae.
- Arsenic poisoning or its sequelae.
- Poisoning by nitrous fumes.
- Carbon disulphide poisoning.
- Benzene poisoning, including poisoning by any of its homologues, their nitro or amido derivatives or its sequelae.
- Chrome ulceration or its sequelae.
- Anthrax.
- Silicosis.
- Poisoning by halogens or halogen derivatives of the hydrocarbons of the aliphatic series.
- Pathological manifestations due to radium or other radio-active substances.
- X-rays.
- Primary epitheliomatous cancer of skin.
- Toxic anaemia.
- Toxic jaundice due to poisonous substances.
- Oil acne or dermatitis due to mineral oils and compounds containing mineral oil base.
- Byssionosis.
- Asbestosis.
- Occupational or contract dermatitis caused by direct contact with chemicals and paints. These are of two types, that is primary irritants and allergic sensitizers.
- Noise induced hearing loss (exposure to high noise levels).
- Beryllium poisoning.
- Carbon monoxide.
- Coal miners' pneumoconiosis.
- Phosgene poisoning.
- Occupational cancer.
- Isocyanates poisoning.
- Toxic nephritis.