

SOS POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

MBA HRD 403

SUBJECT NAME: LABOUR LAW

UNIT V

TOPIC NAME: THE FACTORIES ACT 1948



*FACTORIES
ACT, 1948*



INITIATION:

- *In great Britain, the second half of the 18th century, there was a rapid growth of industrial towns & factories.*
- *As it was started without planning, they employed the women as well as their children in factories who needed to work for more than 12 hours a day.*
- *Some of the employees took initiative to implement labour legislations, Facories Act came into existence in 1819.*
- *After some modifications, the final amended of Factories Act took place in 1948.*

FACTORIES ACT IN INDIA:

In India, the First factories Act was passed in 1881. This Act was basically designed to protect children and to provide few measures for health and safety of the workers.

This law was applicable to only those factories, which employed 100 or more workers.

In 1891 another Factories Act was passed which extended to the factories employee 50 or more workers.

FACTORIES ACT INCLUDES:

- *Health*
- *Safety*
- *Welfare*
- *Working Hours Of Adults*
- *Annual Leave With wages*

DEFINITIONS:

“Factory” is defined in section 2(m) of the Act. It means any premises including the precincts thereof-

- a) Whereon 10 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 with the aid of power, or is ordinarily so carried on; or*
- b) Whereon 20 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.*

But does not include a mine subject to the operation of the Mines Act, 1952 or a mobile unit belonging to the Armed forces of the Union, a railway running shed or a hotel, restaurant or eating place.

OTHER DEFINITIONS:

“Manufacturing process” means 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 ;*
or
- b) Pumping oil, water, sewage or any other substance; or*
- c) Generating, transforming or transmitting power; or*
- d) Composing types for 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;*
- f) Preserving or storing any article in cold storage:*

- DAY: means a period of 24 hours beginning at midnight;
- WEEK: means a period of 7 days beginning at midnight on Saturday night
- CALENDAR YEAR: means the period of 12 months beginning with the first day of January in any year
- 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;

OBJECTIVES:

The main objective of Factories Act, 1948 is to ensure adequate safety measures and to promote the health and safety and welfare of the workers employed in factories. The act also makes provisions regarding employment of women and young persons (including children & adolescents), annual leave with wages etc.

The Act extended to whole of India including Jammu & Kashmir and covers all manufacturing processes and establishments falling within the definitions of "factory" as defined u/s 2(m) of the act. Unless otherwise provided it is also applicable to factories belonging to Central/State Government (section 116)

PROVISIONS REGARDING HEALTH:

- 1) *Cleanliness*
- 2) *Disposal of Wastes & Effluents*
- 3) *Ventilations & Temperature*
- 4) *Dust & Fumes*
- 5) *Artificial Humidification*
- 6) *Overcrowding*
- 7) *Lighting*
- 8) *Drinking Water*
- 9) *Latrines & Urinals*
- 10) *Spittoons*

PROVISIONS REGARDING SAFETY:

- 1) *Fencing of Machinery*
- 2) *Work on or near Machinery in motion*
- 3) *Employment of Young Persons on Dangerous Machines*
- 4) *Striking Gear and Devices for cutting off power*
- 5) *Self Acting Machines*
- 6) *Casing of New Machinery*
- 7) *Prohibition of Employment of Women & Children near Cotton openers*
- 8) *Hoists, lifts, Lifting Machines and others*
- 9) *Revolving Machinery*
- 10) *Pressure Plant*

- 1) *Floors, Stairs & Means or Access*
- 2) *Pits, Sumps, Opening in Floors and others*
- 3) *Excessive Weights*
- 4) *Protection of Eyes \precautions against Dangerous Fumes, Gases & others*
- 5) *Precautions Regarding use of portable electric light*
- 6) *Explosive or Inflammable Dust, Gas*
- 7) *Precautions in case of fire*
- 8) *Specifications of Defective Parts or Tests of Stability*
- 9) *Safety of Buildings and machines*
- 10) *Safety officers*

PROVISIONS REGARDING WELFARE OF WORKERS

- 1) *Washing Facilities*
- 2) *Facilities for Storing & Drying clothing*
- 3) *Facilities for Sitting*
- 4) *First Aid facilities*
- 5) *Canteens, Shelters, Rest Rooms & Lunch Rooms*
- 6) *Creches*
- 7) *Welfare Officers*

HAZARDOUS PROCESSES

Provisions regarding Hazardous Process were instructed in the Act under a new chapter by the Factories (Amendment) Act, 1987.

This Act instructed two new schedules:

- I. Listing the industries involving hazardous process*
- II. Relating to permissible levels of certain chemical substances in work environment*


PROVISIONS REGARDING HAZARDOUS PROCESSES

- 1) *Constitution of Site Appraisal Committee*
- 2) *Compulsory Disclosure of Information*
- 3) *Special Responsibility of the occupier in relation to Hazardous processes:*
- 4) *Maintaining accurate and up-to-date health and medical records of workers exposed to any chemical, toxic or any other harmful substances manufactured, stored, handled or transported*
- 5) *Appointing qualified, experienced & competent persons in handling such substances to supervise handling and for protecting the workers from the hazard*
- 6) *Providing for medical examination of every worker at intervals*

- ❖ *Appointment of Inquiry Committee*
- ❖ *Emergency Standards*
- ❖ *Permissible Limits of Exposure of chemical and toxic*
- ❖ *Substances*
- ❖ *Workers' participation in safety management*
- ❖ *Right of workers to warn about imminent danger*

WORKING HOURS OF ADULTS:

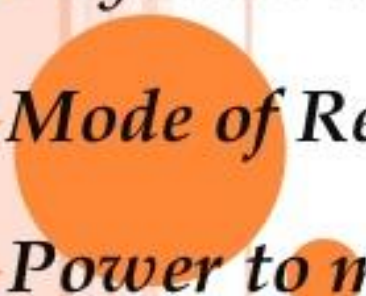
- *Weekly Hours: < 48 hours*
- *Weekly Holidays : at least 1 holiday in a week
, substitute holidays*
- *Compensatory Holidays*
- *Daily Hours : < 9 hours*
- *Intervals for rest : at least half an hour*
- *Spread Over*
- *Night Shifts*

- *Prohibition of Overlapping Shifts : not more than 2 continuous shift*
 - *Extra wages for overtime : wages at the rate of twice at his ordinary rate of wages for overtime*
 - *Notice of period of work*
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RESTRICTION ON EMPLOYMENT OF WOMEN & CHILDREN:

- *Work between 6 a.m. to 7 p.m. only*
- *Strictly restriction for women for employment between 10 p.m. to 5 a.m.*
- *Employment of women in night shift is permitted only in the case of fish-curing and fish-canning*

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*
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OFFENCES

*A court can take cognizance of the offence only when the complaint is made **within 3 months** of the date on which the alleged commission of the offence came to the knowledge of the inspector, but where the offence consist of disobeying a written order made by an Inspector, complaint may be made **within 6 months** of the commission of the offence*

PENALTIES:

- *General penalties for offence*
- *Penalty for the contravention of Provisions Relating to Hazardous process*
- *Penalty for obstructing Inspector*
- *Penalty for wrongfully Disclosing Results of Analysis*
- *Penalty relating to casing of new machinery*
- *Penalties for Offences by workers & Parents*
- *Penalty for offence by a medical practitioner*
- *Penalty for employing child labour*

THANK YOU

