

Factories Act, 1948

Definitions

Section 2(k) within the Factories Act, 1948

(k) “manufacturing process” means any process for—

- Making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, ending, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal
- Pumping oil, water, sewage or the other substance; or
- Generating, transforming or transmitting power; or
- Composing types for printing, printing by letterpress, lithography, photogravure or other similar process or bookbinding;
- Constructing, reconstructing, repairing, refitting, finishing or ending ships or vessels;
- preserving or storing any article in cold storage

Explanation 1 :

Judicial view

Some of the methods which are held to be the manufacturing process are as follow Decision./ Judgement

1. Making of bodies. Chintamanrao v.s.of m.p
2. Moulding and reworking of raw cinematography film into a finished product. (Gemini studio v. State)
3. Construction of the railway (Lal Mohammad v.indian)
4. process administered in salt works in converting seawater into salt (Ardeshir h . Bhiwandiwala v . the State of Bombay)
5. Gaining and pressing Cotton (Jafar gin & press factory v shaikh Ismail)
6. Collection of ghee (kotecha v. Regional inspector of factories)

Explanation: 2

Following process not held to be factory

1. Any preliminary packing of a staple for delivery to factory (Air 1969 Mad 155)
2. Finished good and packing thereof (FHare v. State) Air 1955 2710
3. transforming and transmitting electricity at the power plant (workmen of Delhi electric supply undertaking v. Management Desu Air 1973)
4. Exhibition of the film process
5. Receiving news from various sources

Worker Definition Section 2(I)

- **“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 payment 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 related 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

Judicial review

- Bidi roller not controlled by management is not a worker (Shankar Balajiwaje v. the State of Maharashtra)

- Piece rate worker can be a worker but must be a regular worker (Shankar Balaji waje v state of Maharashtra)
- Partners are not considered as a worker 1958(2)11j252sc
- Workmen in canteen attached to a Factory are employee(N .jagga rao v union of India 193530FIR38)
- Collies employed by an independent contractor is an employee (chintaman rao v state of MP)
- Munim Is a factory worker

Explanation

Generally worker definition is quite clear and revolve around Engagement and remuneration

If, Any one engaged with work and that engagement is through directly or indirectly with management

And whether for remuneration or not than that person is said to be worker

2(l) "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;

2(m) "factory"

means any premises including the precincts thereof-

- (i) whereon 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) whereon 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 (XXXV 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

Provision pertaining to

Health of Factory workers

- Section 11: Cleanliness in every factory
- Section 12: Disposal of effluents and wastes
- Section 13: Ventilation and Temperature

- Section 14: Dust and Fume
- Section 15: Artificial Humidification
- Section 16: Overcrowding
- Section 17: Lighting
- Section 18: Drinking Water
- Section 19 : Latrines & Urinals
- Section 20 : Spittoons

Section 11: Cleanliness in Every Factory

Under Section 11, every factory need to keep itself clean and free from effluvia arising from any drain, privy or other nuisance, and in particular-

- Accumulation of dirt and refuse should be removed daily by any effective method from the floors of workrooms and from staircases and passages and disposed of in a suitable and efficient manner.
- In case the floor is subject to become wet during the working time, then they should take proper drainage process or steps.
- Clean the worker's floor every week with proper disinfectant or any other effective method of cleaning.
- Paint or repaint walls, ceilings, and staircases of the factory once in every 5 years.
- Repaint the walls once in every 3 years in case of washable water paints.
- Paint and varnish all doors and window-frames and other wooden or metallic framework and shutters at least once in a period of 5 years.

Section 12: Disposal of Effluents and Wastes

Under this section following things should be considered:

(a) It is necessary for the factories to arrange proper and effective waste treatment and its disposal.

(b) The State Government may make rules prescribing the arrangements for the disposal and treatment of waste and effluents.

Section 13: Ventilation and Temperature

This section states:

- Effective and suitable provisions should be made in every factory for securing and maintaining in every workroom proper ventilation by circulation of fresh air. It also involves providing an adequate temperature at the workplace. For this, they should select the material of the walls accordingly.
- The State Government may prescribe a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories.
- Lastly, if it appears to the Chief Inspector that excessively high temperature in any factory can be reduced by the adoption of suitable measures, he can order them to use such a method.

Section 14: Dust and Fume

This section states that:

- If dust and fume release in the manufacturing process of a factory then they should take effective measures to prevent its inhalation and accumulation in the workplace. For this, they should use proper exhaust appliances in the workplace.
- In any factory, no stationary internal combustion engine shall be operated unless the exhaust is conducted into the open air.

Section 15: Artificial Humidification

1. In respect of all factories in which the humidity of the air artificially increases, the State Government may make rules,-

- Firstly, prescribing standards of humidification;
- Secondly, regulating the methods used for artificially increasing the humidity of the air;
- directing tests for determining the humidity of the air for correct carrying out and recording.
- Lastly, prescribing methods for securing adequate ventilation and cooling of the air in the workrooms.

2. In any factory in which the humidity of the air artificially increases, they should purify the water (drinking water) before the supply.

Section 16: Overcrowding

This section states:

- Firstly, no room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein.
- Secondly, a factory built after the commencement of this Act at least 14.2 cubic meters of space for every worker employed therein, and for the purposes of this subsection, no account shall be taken of any space which is more than 4.2 meters above the level of the floor of the room.
- If the Chief Inspector by order in writing, may or may not post a notice specifying the maximum number of workers who may be employed in the room.

Section 17: Lighting

This section states:

Firstly, There should be proper lighting in all the places of the factory from where the workers of the factory pass.

In every factory, effective provision shall, so far as is practicable, be made for the prevention of-

- glare, either directly from a source of light or by reflection from a smooth or polished surface;
- the formation of shadows to such an extent as to cause eye-strain or the risk of accident to any worker.

Section 18: Drinking Water

This section states that in every factory, there should be proper arrangements for a sufficient supply of wholesome drinking water and shall be legibly marked as “drinking water”.

Section 19: Latrines and Urinals

This section states that every factory should make arrangements of latrine and urinals for the employees and the rules are laid down by the State Government in this behalf.

Section 20: Spittoons

There should be a sufficient number of spittoons in the factories for the employees and they should be in clean and hygienic condition according to this law

Provisions relating to safety for employees working in factories

Section 21 Fencing of machinery

In every factory where a motion or transmission machine is used in that condition, fencing is a must. The speed of the automatic moving machine is very high and it creates the danger of the life of workers. But we remove fencing with proper safeguards while it is necessary to oiling or lubricant. When belt mounting or shipping time we also remove the fencing of the machine.

The state government prescribes different rules to different factories because it depended upon the speed of the motion machine.

Section 22 When employees work on or near machinery in motion.

- If any worker is working near a motion machine and on the motion machine then proper cloth provided to that person.
- The only adult male can work on a motion machine.
- Do those people want to work on a motion machine more than before it? These people are given training on it. how to handle the motion machine?
- No young person or woman can work on a motion machine or near on that motion machine.
- If any adult person works on mounting a belt then the length of the belt is not more than 15 cm.
- If belt length is more than 15 cm then the worker denies doing work on the machine.
- In a time of mounting check, that belt joint is joint properly or not.
- To take all precautions when any person works on the machine.

Section 23 Employment of young person on dangerous machines

- In ordinary conditions, young persons are not allowed to work over the machine.
- Firstly we trained that person and provided thorough knowledge about that machine.
- That young person is working under the control of the supervisor or supervision of a trained person.

Section 24 Striking gear and devices for cutting off power.

There are some machines in the factory which are run through gear. In a gear mechanism, there is a separate switching box. So the switching box must be outside that room where the gear mechanism is running. Gear of machine and switch on or off the button must be covered. When a person is going to work on the machine then it is necessary to check that gear must be neutral. The switch of the gearbox is off. The name of the person who is going for work must be registered under the register maintained by the employer. Firstly switch off the gear and lock them after that person is allowed to do work on the machine. A person standing nearby switches his duty to check that everything is ok or not. The speed of the gear mechanism is very high if we do any negligence toward it then it causes the death of a worker who is working on the machine.

Section 25 Self-acting machine

Self-acting machine speed is very high so where the machine is established needs to leave a space. The person who is employed in the factory or not maintains distance from the self-acting machine. The distance between

machine and passage is 45 centimeter every industry follows this rule. The chief inspector feels that there is no maintenance of rule then passes an order to follow the rule in that area.

Section 26 Casing of new machinery

When a new machine is installed in a factory then measures to be adopted by the employer. All screw, bolt or key or any revolving shaft, wheel or pinion or spindle must in a proper way. Seller or hire check all the safety measures. Gear and various parts of the machine must be covered by the case so that it cannot harm the workers of the factory. After the commencement of this Act, all rules and regulations followed by the employer were made by the State government. After installing the machine some employees are trained by the employer how to run a machine. So, that worker can take all precautionary measures and no dangers on the health of workers.

Section 27 Prohibition of employment of women and children near cotton openers

In any factory of cotton, where there is a work of cotton opener no women or children are employed. Women and children are in a separate room of cotton opener. They are allowed to work on the cotton end portion. The inspector has to check that no women or child work in cotton openers part of the factory otherwise he is given notice to the occupier of the factory.

Section 28 Hoists and lifts

- Hoists and lifts made of strong material so they are capable to bring heavy materials.
- A competent person checks the hoists and lifts every six months at least. The registered is maintained in which all the entry is mentioned of an examination.
- The way of hoists and lifts is covered with an enclosure and the gate is used to prevent the person. This enclosure was also made by a sound material.
- There is a maximum limit of every hoist and lifts so no overloaded hoists and lifts used.
- If a hoist and lift are used to carry a person then it was covered by a gate on both sides so that the person must be safe in the hoist and lift.
- To pull the hoist and lift two chains or rope are used by the employer for the safety of workers. Efficient equipment is used to control the cage.
- The state government is not satisfied with the condition of the hoist and lift then State government given the order to maintain it properly because it was very necessary for the safety of workers.

Section 29 Lifting machines, chains, ropes, and lifting tackles

Aby lifting machines must be made by sound material because they are used to carry a person or materials, goods also. Chains, ropes are made of good material so that we can use in construction and another industrial purpose otherwise it creates the danger of the safety of workers. A competent person checks all lifting machines, chains, ropes, and lifting tackles in every twelve months. The register is maintained of examination. The chief inspector checks the register at any time so it should be properly maintained. The state government has the power to make the rules related to lifting machines etc.

Section 30 Revolving machinery

The grinding process is done in any factory. So that there is a necessity to establish a machine on that premises or nearby that. The grinding speed is very high and if anyone comes in the contract of the machine then it causes the death of the person. The diameter of the machine must be secured so that it cannot harm the workers. State government prescribes speed of machine no one can exceed the speed.

Those instruments who are revolving by self the speed of these instruments were also maintained like a revolving vessel, cage, basket, flywheel, pulley.

Section 31 Pressure Plant

- If any machine is used in a factory that is run by pressure more than atmospheric pressure then effective measures shall be taken by the employer for the safety of workers.
- For the examination and testing state government makes rules regarding pressure plants. The state governments also adopt various safety measures regarding the safety of workers.
- The state government also exempts any industry or plant for the provision of this section.

Section 32 Floors, stairs, and means of access

When the product is ready then the stock is placed in free space. It is not the right way to use this technique. When the stock is pending then it settled down by employer in upstairs, floors, etc. In the factory there is easy access to the way, to leave free space. The state government makes safety measures regarding floors, stairs, and means of access. It was made by a proper contraction and also maintained properly.

Section 33 Pits, sumps, openings in floors, etc.

Pits, tanks, sumps, and opening floors must be covered properly because of the depth, construction or contents. These are created a danger to the workers who are working near it.

The state government also exempt some industry or plant or class to this provision by giving the order in writing.

Section 34 Excessive weights

In any factory, no one carries excessive weight so that it causes injury to the person No employer can load a heavyweight on workers. The State government prescribe the maximum weight lifting by any adult men, adult women, adolescence and children employed in factories. They are fixing the various classes of industries or any description of factories.

Section 35 Protection of eyes

In a factory where the manufacturing process creates the particles in the air and also some explosive light comes from the manufacturing plant. This can affect the eyes of workers. So proper safety measure was adopted by the employer to protect the eyes of the worker. The state government provides an effective screen or suitable goggles so that the eyes of workers remain safe.

Section 36 Precaution against dangerous fumes, gases, etc.

- No person is allowed to enter any hole, Pit or tank. If they are filled with dangerous fumes and gases because it was dangerous to human health.
- The person is permitted to enter any pit, hole, and tank. Where the dangerous fumes are in permissible form. Before sending any person in dangerous fumes vapor firstly it was checked by a competent person. Competent people doing tests and given certificates after that person is allowed to enter any kind of chamber.
- A person who is entering any kind of chamber or pit. They bear all the safety. He is securely attached by a rope one end of rope carry by a person who is outside the pit and he will manage the rope properly.
- All apparatus and safety measures should be adopted.

Section 36A Precaution regarding the use of portable electric light

In-pit and chamber there is no facility of light so the workers are allowed to take a light with themselves. The voltage of light is not more than 24 volt otherwise it was dangerous to the health of workers.

Section 37 Explosive or inflammable dust, gas, etc.

The manufacturing process in the factory produces any kind of dust, fumes, gases, and vapor. These gases, dust, and vapor are inflammable and produce ignition then these types of the process must be stopped or that plant or manufacturing process should be enclosed properly so that it cannot harm any person. All prevention measures should be adopted properly and effective enclosure of dust, fumes, and gases.

Section 38 Precautions in case of fire

In the factory, all preventive measures should be available at the time of emergency. All the workers of factory-trained how to escape at the time of the fire. The extinguisher is at the factory in everywhere. Time to time check the validity of extinguisher and their expiry date also. Proper guidelines will be provided to the worker at the time of emergency. All effective measures should be adopted so it will help to spread the firm in the place.

Section 39 Power to require specifications of defective parts or tests of stability.

The inspector sees the condition of the factory if he thinks that there is something dangerous to the safety of workers then an inspector in writing given the order to the manager and occupier of the factory and specified the date of all testing related to machine and building. Before the expiry of the date, all manager or occupier does all the specified result and reported to the inspector. Inspector does all these inquiries because of the safety of workers.

Section 40 Safety of buildings and machinery

The inspector checks all the industries, Manufacturing plants and machines there is any danger to the health of workers. All effective measures should be adopted to take precautions. Inspector has given notice to the manager or occupier of a factory that is there is any danger to the worker then this type of building is closed immediately. If manufacturing plants or machine is dangerous then it was also stopped to using them.

Section 40A Maintenance of buildings

Building in which the factory, manufacturing plant or machines are running should be properly maintained. If the inspector thinks that this causes danger to the life of the worker then an inspector in writing given notice to the manager or occupier of the factory to repair that building otherwise shift to another building. All effective measures should be adopted.

Section 40B safety officers

In a factory, if one thousand or more than workers are working then the employer has to hire a safety officer. The safety officer helps the workers who have any injury in the course of employment or disease. The qualification and conditions are prescribed by state government according to it employer appoint a safety officer.

Provisions related to Welfare (Under Factories Act, 1948)

Section 42: Washing facilities

This section states that every factory should:

- (a) Firstly, provide and maintain adequate and suitable facilities for washing for all the workers in the factory
- (b) Secondly, provide separate and adequately screened facilities separately for men and women.
- (c) Thirdly, make accessible all the facilities to all the workers

Section 43: Facilities for storing and drying clothes

This section contests some powers with the State Government. It states that the State Government has the powers to direct the factories regarding the place of storing the clothes of the workers.

Moreover, they can also direct them regarding the manner of drying the clothes of the workers. It applies to the situation when workers are not wearing their working clothes.

Section 44: Facilities for sitting

There are various kinds of jobs in a factory. Some of them require the workers to stand for a longer period of time. There is no doubt that human power to stand has limits. Looking at such case, this section states:

- (a) Firstly, the factory should provide suitable arrangements for sitting for the workers. This is important because whenever the worker gets some free time, he/she may be able to take some rest by sitting. This will also enhance their efficiency.
- (b) Secondly, if the Chief Inspector finds that any worker can do his work more efficiently while sitting, then he can direct the factory officials to arrange sitting arrangements for him.

Section 45: First-aid-appliance

Injuries are somehow an inescapable part of life for the workers especially working in the factories. Looking at the safety and welfare of the workers this section provides that:

- (a) The factory should provide and maintain proper first-aid boxes at every workroom. Under this Act, the number of boxes should not be less than one for every 100 or 50 workers. Moreover, the first-aid boxes should have all the relevant contents according to the Act.
- (b) There should be nothing except the prescribed contents in a first-aid box.

(c) Each box should be under control of a first-aid in-charge who will handle all its requirements and its utilization. The in-charge should be an expert in First-aid field.

(d) In case the number of workers exceeds 500, then the factory should arrange an 'Ambulance Room' with the availability of all necessary equipment.

Section 46: Canteens

This section states:

(a) Every factory where the number of workers exceeds 250, then the State Government may direct the factory owners to provide and maintain a canteen for the workers.

(b) Moreover, the government may lay down certain conditions in the construction of canteen, like:

1. the standard in respect of construction, accommodation, furniture and other equipment of the canteen
2. the foodstuffs to be served therein
3. the date by which such canteen shall be provided
4. the constitution of a managing committee for the canteen
5. the delegation to Chief Inspector subject to such conditions as may be prescribed

Section 47: Shelters, rest-rooms, and lunch-rooms

This section states:

(a) If the number of workers in a factory crosses 150, then the factory owners should construct and maintain shelters, rest-rooms and lunch rooms for the workers. It allows the workers to eat the food which they bring along with them.

(b) The shelters, rest-rooms and lunch rooms should be properly ventilated and lighted.

(c) The State Government may prescribe the standards, in respect of construction accommodation, furniture, and other equipment.

Section 48: Creches

Due to workforce diversity nowadays, women's participation is increasing in all the sectors especially the industrial sector.

One of the factors that stop women to work in factories or any other sector is lack of care for their children during their working hours. In order to solve this problem and increase the engagement of women in factories, section 48 states:

(a) Where numbers of women workers exceed 30, then the factory should arrange a special room for the worker's kids who are below the age of 6 years.

(b) The room should be properly lighted and ventilated