FACTORIES ACT, 1948.
INTRODUCTION

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 employing 50 or more workers.
Definition of a Factory

“Factory” is defined in Section 2(m) of the Act. It 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 or a mobile unit belonging to the Armed forces of the Union, a railway running shed or a hotel, restaurant or eating place.
The following have held to be a factory:

i. Salt works

ii. A shed for ginning and pressing of cotton

iii. A Bidi making shed

iv. A Railway Workshop

v. Composing work for Letter Press Printing

vi. Saw Mills

vii. Place for preparation of foodstuff and other eatables
HIGHLIGHTS:

• The Factories Act, 1948 came into force on the 1st day of April, 1949 and extends to the whole of India. It was, in fact, extended to Dadra & Nagar Haveli, Pondicherry in 1963, to Goa in 1965 and to the State of Jammu & Kashmir in 1970.


• In Bhikusa Yamasa Kshatriya (P) Ltd. v UOI, the court observed that the Act has been enacted primarily with the object of protecting workers employed in factories against industrial and occupational hazards. For that purpose, it seeks to impose upon the owner or the occupier certain obligations to protect the workers and to secure for them employment in conditions conducive to their health and safety.
Some of the crucial Sections: **Sec. 6**

**Registration & Renewal of Factories**

To be granted by Chief Inspector of Factories on submission of prescribed form, fee and plan.
Employer to ensure health of workers pertaining to

- Cleanliness Disposal of wastes and effluents - Sec 12
- Ventilation and temperature dust and fume - Sec 13
- Overcrowding Artificial humidification Lighting – Sec. 14
- Drinking water Spittoons. - Sec. 18
Safety Measures

- Fencing of machinery – Sec. 21
- Work on near machinery in motion. – Sec 22
- Employment prohibition of young persons on dangerous machines. – Sec 23
- Striking gear and devices for cutting off power. – Sec 24
- Self-acting machines.- Sec 25
  - Casing of new machinery.- Sec 26
  - Prohibition of employment of women and children near cotton-openers.- Sec 27
  - Hoists and lifts.- Sec 28.
Welfare Measures

• Washing facilities – Sec 42

• Facilities for storing and drying clothing – Sec 43

• Facilities for sitting – Sec 44

• First-aid appliances – one first aid box not less than one for every 150 workers – Sec 45

• Canteens when there are 250 or more workers. – Sec 46

• Shelters, rest rooms and lunch rooms when there are 150 or more workers. – Sec 47

• Creches when there are 30 or more women workers. – Sec 48

• Welfare office when there are 500 or more workers. – Sec 49
Working Hours, Spread Over & Overtime of Adults

• Weekly hours not more than 48 - Sec: 51
• Daily hours, not more than 9 hours. - Sec: 54
• Intervals for rest at least ½ hour on working for 5 hours. - Sec: 55
• Spread over not more than 10½ hours. - Sec: 56
• Overlapping shifts prohibited. - Sec: 58
• Extra wages for overtime double than normal rate of wages - Sec:59
• Restrictions on employment of women before 6AM and beyond 7 PM. - Sec: 60
Annual Leave with Wages

• A worker having worked for 240 days @ one day for every 20 days and for a child one day for working of 15 days.
• Accumulation of leave for 30 days.
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<tr>
<th>OFFENCE</th>
<th>PENALTIES</th>
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<tr>
<td>• For contravention of the Provisions of the Act or Rules</td>
<td>• Imprisonment upto 2 years or fineupto Rs.1,00,000 or both</td>
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<td>• On Continuation of contravention</td>
<td>• Rs.1000 per day</td>
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<td>• On contravention of Chapter IV pertaining to safety or dangerous</td>
<td>• Not less than Rs.25000 in case of death.</td>
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<td>operations.</td>
<td>• Not less than Rs.5000 in case of serious injuries.</td>
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<td>• Subsequent contravention of some provisions</td>
<td>• Imprisonment upto 3 years or fine not less than Rs.10,000 which may extend to Rs.2,00,000.</td>
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<td>• Obstructing Inspectors</td>
<td>• Imprisonment upto 6 months or fineupto Rs.10,000 or both</td>
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<td>• Wrongful disclosing result pertaining to results of analysis.</td>
<td>• Imprisonment upto 6 months or fineupto Rs.10,000 or both</td>
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<td>• For contravention of the provisions of Sec.41B, 41C and 41H</td>
<td>• Imprisonment upto 7 years with fineupto Rs.2,00,000 and on</td>
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<td>pertaining to compulsory disclosure of information by occupier,</td>
<td>specific responsibility of occupier or right of workers to work imminent danger.</td>
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<td>specific responsibility of occupier or right of workers to work</td>
<td>• Imprisonment of 10 years when contravention continues for one year.</td>
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<td>imminent danger.</td>
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