

MEPL CLASSES

FACTORIES ACT

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(TIME ALLOTTED - 1 HOURS)

(MARKS ALLOTTED - 30 MARKS)

EACH QUESTION CARRIES 5 MARKS

Question 1.

Write a short note on 'Cleanliness' as per Factories Act, 1948

Answer -

Section 11 of the Factories Act, 1948, provides every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and in particular-

- removal of accumulated dirt and refuse on floors, benches of workroom, stair cases and passages and effective disposal of the same;
- cleaning of the floor of every workroom - once in every week by washing with disinfectant or by some other effective method;
- providing effective drainage for removing water to the extent possible;
- to ensure that interior walls and roofs etc., are kept clean the following is to be complied with
 - ✚ white wash or colour wash should be carried out at least once in every period of 14 months;
 - ✚ where surface has been painted or varnished, repair or re varnish should be carried out once in every five years, if washable then once in every period of six months;
 - ✚ where they are painted or varnished or where they have smooth impervious surface, it should be cleaned once in every period of 14 months by such method as may be prescribed.
- all doors, windows and other framework which are of wooden or metallic shall be kept painted or varnished at least once in every period of five years. The dates on which such processes are carried out shall be entered in the prescribed register.

Question 2.

Srivastava is the owner of a unit manufacturing Beedi in Jabalpur. 22 persons are employed in the unit. Of these 22 employees, one is a graduate for supervising the work and another apprentice learning work. The remaining 20 are employed not on the time wage system, but on the piece work system. Is the unit, a 'factory' within the meaning of the term under the Factories Act, 1948?

Answer –

According to Section 2(m) of the Factories Act, 1948, a '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 this 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."

For computing number of workers, all the workers in different groups in a day shall be taken into account. Therefore, in the given case as per Section 2(m) of the Factories Act, the unit of Mr. Srivastava is a factory within the meaning of the definition.

Question 3.

M Ltd. has a textile plant situated in Bhiwandi, Maharashtra. Mudit is the head of the plant, who possesses Master Degree in Mechanical Engineering from a reputed Institute. Mudit is appointed as the occupier of the plant under the Factories Act, 1948. What are the measures Mudit has to adopt for health of workers employed in the manufacturing process which generates dust, fume and other impurities?

Answer –

Mudit has to adopt the following measures in the manufacturing process which generates lot of dust, fume and other impurities to ensure health and safety of the workers:

(1) Effective measures should be taken to prevent the inhalation and accumulation of dust, fumes

etc. in the work-rooms.

(2) Wherever necessary, an exhaust appliance should be fitted, as far as possible, to the point of origin of dust, fumes or other impurities. Such point shall also be enclosed as far as possible.

(3) In case stationery internal combustion engine is operated in factory, exhaust should be connected into the open air.

(4) In cases of other internal combustion engine is operated in factory, effective measures should be taken to prevent the accumulation of fumes there from.

(5) Precautions against dangerous fumes, gases, etc. should be taken and it must ensure that: a. person shall not be allowed to enter any chamber, tank, vat, pit, pipe, flue or other confined space in any factory in which any gas, fume vapour or dust is likely to be present to such an extent as to involve risk to persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress. b. person shall not be allowed to enter any confined space, until all practicable measures have been taken to remove any gas, fume, vapour or dust, which may be present so as to bring its level within the permissible limits and to prevent any ingress of such gas, fume, vapour or dust and unless—

☐ a certificate in writing has been given by a competent person, based on a test carried out by Himself that the space is reasonably free from dangerous gas, fume, vapour or dust; or

☐ such person is wearing suitable breathing apparatus and a belt securely attached to a rope the free end of which is held by a person outside the confined space.

Question 4.

ABC Ltd. carrying manufacturing activities with aid of power and with eight workers for last two years ending on 31.03.2014. Three more workers were appointed on 01.04.2014, two workmen left the company on 30.04.2014. Thereafter no workman was employed nor any workmen left. Mr. Basant, one of the workmen demanded that Factories Act, 1948 shall be applicable to this company but the management denied. Give your opinion.

Answer –

According to Sec 2 (m) of the Factories Act, 1948, „factory“ means any premises including the Precincts thereof—

(i) Wherein 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

(ii) Wherein 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. In the given case, during the period 01.04.2014 to 30.04.2014, there were 11 workers carrying manufacturing activities with aid of power. So, the Factories Act, 1948 is applicable on ABC Ltd. Mr. Basant is correct.

Question 5.

What are the responsibilities of the occupier?

Answer –

The occupier has to follow the procedure-

- ❑ to lay down a detailed policy with respect to the health and safety of the workers;
- ❑ to disclose all the information regarding 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;
- ❑ to draw up an onsite emergency plan and detailed disaster control measures for the factory and make known to the workers and to the general public living in the vicinity of the factory, the safety measures required to be taken in the event of accident taking place.
- ❑ to 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 publicize them in the manner prescribed among the workers and the general public living in the vicinity.

Section 41C provides that the occupier is having specific responsibilities in relation to hazardous processes. He has to maintain the health records of the employees. He is to appoint experienced persons who possess specified qualifications in handling hazardous substances and competent to supervise such handling within the factory.

Question 6.

Discuss the procedures to be adopted on the safety of working place in a factory under Chapter IV of the factories act 1948.

Answer-

Chapter IV of the Factories Act, 1948 (sections 21 to 41) prescribes the procedures to be adopted on the safety of the working place in a factory. The factory is to take safety measures in respect of the following-

- ✚ 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 a new machinery;
- ✚ Prohibition of employment of women and children near cotton openers;
- ✚ Lifting machines, chains, ropes and lifting tackles;
- ✚ Revolving machinery;
- ✚ Floors, stairs and means of access;
- ✚ Pits, sumps openings in floors etc.,
- ✚ Excessive weights;
- ✚ Protection of eyes;
- ✚ Precaution against dangerous fumes, gases, etc.,
- ✚ Precautions regarding the use of portable electric light;
- ✚ Explosive or inflammable dust, gas etc.,
- ✚ Precaution in case of fire;
- ✚ Safety on buildings and machinery;
- ✚ Maintenance of buildings;
- ✚ Appointment of safety officers.

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