

31st May
Wednesday

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* Unit I *

* Ch. 16 :- Factories Act, 1948 *

- The main objective of this act is to promote labour's health & welfare.
- It also measures health, welfare & safety of labours.

* Applicable :-

- It is applicable in all factories where, 10 or more workers employed using power from last 12 months.

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- It is also applicable to all factories where, 20 or more workers are employed without using power from last 12 months.

- It does not includes mines, restaurants and hotels.

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* Factory :- Section 2(m)

Factory means any premises including the precincts where,

i] Ten or more workers are employed using power from last 12 months; and,

ii] all factories where, 20 or more workers are employed without power from last 12 months.

* Occupier. [Section 2(n)]

- Occupier is the one who have ultimate control over affairs of factory.

- In case of firm, partners shall be occupier.

- In case of company, director shall be occupier.

- In case of state & central government factory, occupier shall be the person who manages the affairs of factory.

- In case of dock, owner shall be occupier.

- In case of ship, owner / agent / master shall be occupier.

* Measures to be taken by factories :-

i) Health measures :-

i] Cleanliness - (Section 11)

- Every factory should be clean and safe. There should be daily sweeping of floors & benches of workrooms. The floor must be cleaned at least once in every week.

ii] Disposal of waste (Section 12)

- The occupier shall make effective arrangements for the disposal of wastes due to manufacturing process carried on factory.

iii] Ventilation & temperature. (Section 13)

- The factory should make effective measures for securing & maintaining the ventilation and temperature in factory / workplace.

iv] Dust and fume. (Section 14)

- If factory is engaged in manufacturing process which generates dust and fume or any other impurities which is injuries to health of workers, then effective measures should be taken to prevent inhalation of dust, if it is necessary then exhaust appliances should be fitted, in internal combustion engine exhaust should be connected to open air.

v] Artificial humidification. (Section 15)

- Humidity means presence of moisture in air. Increase or decrease of humidity affects on health of the workers. State government may make rules -

- prescribing standards of humidification,
- regulates the method for increase in humidity,
- directs prescribed test for determining humidity,
- prescribing methods to to be adopted for securing cooling of air in workrooms.

vii) Lightening (Section 17)

- In every factory, it is mandatory to provide lightening, artificial or natural in every part of factory, where workers are working. In every factory there should be windows and skylights used for lightening.

viii) Drinking water (Section 18)

- Every factory should have of effective arrangements to provide drinking water. The water place shall be marked as "drinking water" in a language which is understood by majority for workers.

viii) Latrines & urinals (Section 19)

It is compulsory in every factory that -

- Sufficient latrines & urinals accommodation shall be provided and situated to workers all the time while they are working.
- Separate closed accommodation shall be provided for both men & women.
- All accommodation shall be maintained in clean and sanity condition for all the times.
- Such accommodation shall be lighted & ventilated.

* Welfare measures.

i] Washing :- (Section 42)

Every factory shall provide suitable and separate washing facilities for male and female workers. Such facilities shall be kept clean all the time when workers are working.

ii] Disposal of waste

iii] Storing & drying clothing (Section 43)

State government may make rules for keeping clothing not worn during working hours and for the drying of wet clothing.

iv] Sitting (Section 44)

There should be suitable arrangement for sitting in every factory, maintained for all worker who work in a standing position all the day. These facility provides rest to workers and it will result in effective work.

v] First-aid (Section 45)

In every factory there shall be first-aid boxes or cupboards equipped with prescribed contents shall be provided during all working hours. There should be 150 workers must working in factory.

vi] Canteen. (Section 46)

- State government may make rules that the occupier shall provide and maintain a canteen for all workers in factory, where more than two hundred and fifty workers are employed.

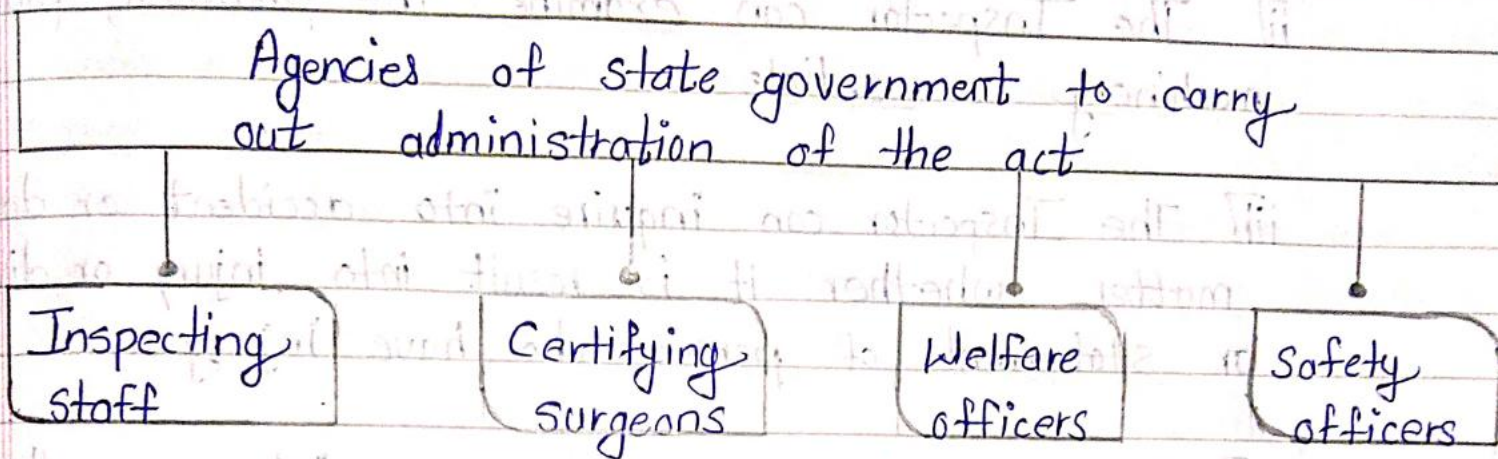
vii] Shelters, rest-rooms and lunch room. (Section 47)

- It is compulsory to provide and maintain suitable shelters or rest-rooms and a suitable lunch-room where workers can eat meals brought by them in every factory where more than 150 workers are employed.

viii] Creches. (Section 48)

- It is mandatory to provide and maintain suitable room or rooms for the use of children under the age of 6 years of women working in factory, where more than 30 women are working in factory.

* Statutory agencies and their powers for enforcement of the act.



1) Inspector (Section 8)

- State government may appoint Inspectors, additional inspectors and chief inspectors, who possess prescribed qualifications.

- A chief inspector is appointed for whole state.

- If a chief inspector files a complaint, then the court can legally take congnizance of an offence.

Powers of Inspector.

- i] The Inspector can enter with his assistance or the person in service of government or other public authority or an expert as he thinks fit.
- ii] The Inspector can examine the premises, plant, machinery or article.
- iii] The Inspector can inquire into accident or dangerous matter whether it is result into injury or disability or statement of person who have injury.
- iv] He can seize any copy or register or other documents which are on under offence under this act.
- v] Inspector can direct the occupier.
- vi] While examination inspector can take measurements or photographs.
- vii] Inspector can test the danger things or articles which is hazardeous or he may destroy dangerous things.
- viii] Inspector can require production of register or any other document related to factory.

* Certified Surgeons :-

- The state government can appoint certified surgeons.

- They are qualified medical practitioner.

- Certified agents / surgeons have such duties which are connected with, examination of young persons, examination of dangerous occupation and exercising medical supervision, where, young persons are working where likely to cause dangerous injury to their health.

* Welfare officer. (Section 49)

- It is statutory obligation upon every occupier that, welfare officer should be appointed where, 500 or more workers are working in a factory.

- Their duties, qualification and condition of service are prescribed by state government.

* Safety officer. (Section 40B)

- It is compulsory to appoint safety officer where more than 1000 workers are employed or engaged in manufacturing process where which involves high level of risk of injury, poisoning or disease.

* Duties of Occupier (Section. 7A)

1) Maintainance of plant & machinery in a factory, it should be safe & without risk to health.

2) Ensuring safety & absence of risk to health while handling, storage & transport of articles.

3) Giving instructions, training & supervision to ensure health & safety of all workers.

4) Maintainance of all places of work in a factory in a safe condition.

5) Maintainance of working environment in a factory in safe condition.

* General duties of manufacturers in regard to articles.

1) Ensure that articles are safe & without risk to health.

2) To carry necessary test & examination of such articles.

3) To ensure adequate information is available of such articles.

* Provision : relating to hazardous processes.

* Section 41(A) :- Constitution of site appraisal committees

- State government may appoint site appraisal committee for purpose of advising it for grant of permission of location of factory involving hazardous process.

- Committee shall within period of 90 days recommend to state government.

- When state government has granted permission then it is not to take further approval from central board & state board under water prevention and control of pollution, Act.

* Section 41(B) :- Compulsory disclosure of information by occupier.

Every occupier of factory shall inform chief inspector of the nature & detail of the process in such form as maybe prescribed if :-

- factories engaged in hazardous process after the amendment act → within 30 days of commencement of process.

- If factories engaged in hazardous process before commencement of factories amendment act 1987 (30 days of such commencement)

- License will be canceled if this provision is not complied.

- Occupier shall disclose all information regarding danger & his policy with respect to health safety to chief inspector.

* Section 41(C) :- Specific responsibility of occupier in relation to hazardous process

- Every occupier of a factory involving hazardous process shall maintain upto date health records, medical records of workers such records shall be accessible to workers.

- Occupier shall appoint person who's qualified and have experience in handling hazardous substance.

- There shall be medical examination of every worker by occupier in following cases -

- before worker is assigned a hazardous job
- at interval not exceeding 12 months while continuing such job.

* Section 41(D) :- Power of Central government to appoint injury committee.

- Central government may appoint injury committee to inquire standards of health & safety observed in the factory.

- Committee shall consist of chairmen and two other member appoint by central government.

- Recommendations of committee shall be advisory in nature.

* Section 41(E) :- If central government is satisfied then no standard of safety is prescribed for hazardous process or if it is inadequate it may direct director, general of factory advise service & labour institutes or any institution specialised in this matter to make emergency standards.

* Section 41(F) :- Permissible limits of exposure of toxic & chemical substance.

Permissible limits are given in schedule 2 and central government may charge it by giving notification & official gazette.

* Section 41 (G) :- Workers participation in safety management

- Every factory where hazardous process takes place or where hazardous substance are handled shall constitute a safety committee.

- Safety committee shall consist of equal number of representative of workers & management

- Safety committee shall promote cooperation between workers & management.

* Section 41 (H) :- Write off worker to warn about immediate danger.

- If workers are likely hood of danger to their lives or health they may bring the same to the notice of occupier, agent, manager or any other person who is incharge of factory or to safety committee & they should also give notice to inspector.

* Safety measures :-

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) Hoists and lifts.

6) Pressure plant.

7) Precautions in case of fire.

8) Maintenance of buildings.

9) Protection of eyes.

10) Pits, sumps, opening in floors, etc.

11) Casting of new machinery.

* Chapter 16 *

* Unit III :- The child and adolescent labour Act, 1986 *

- The child labour and adolescent labour Act is made to prohibit the engagement of children in all occupations or hazardous occupations.

* Prohibition of employment of children

Section 3 :- It states that no child is allowed to work in any occupation or process except-

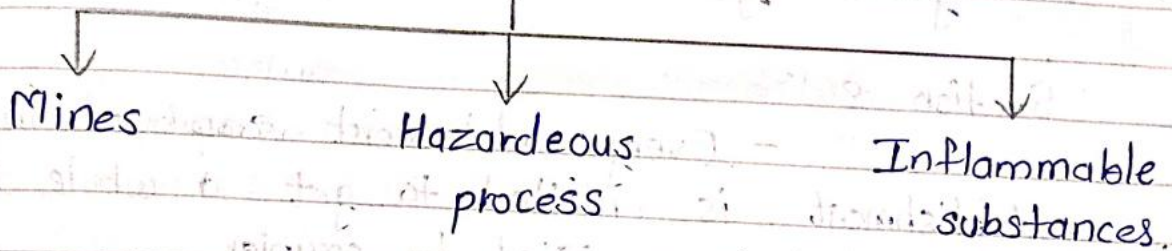
Family business and Work as artist audio

• child can help his family to run business after the school hours or during vacations.

• family business must not be engaged in hazardous process.

The child can work in visual entertainment, film, advertisement, TV serial, sports activities & other entertainment except circus, but with safety.

Child should not work in:



* Section 7 :- Hours and period of work.

- No child should not work for more than 3 hours.

- The period of rest should be at least 1 hour.

- The period of work of child should not be spread over more than six hours including rest.

This section also states that :-

- No child / adolescent is require to work between 7, p.m. and 8, a.m.

- No child / adolescent is require to work overtime.

- The child / adolescent can work in only one establishment at a time. He cannot work in another establishment.

* Weekly holiday

Section 8 :-

- Every adolescent employed in any establishment is entitled to get a whole day or as holiday, which is specified by occupier.

- The day of holiday shall not be altered / changed by occupier more than once in 3 months.

* Notice to Inspector :-

Section 9 :- If a child is working in factory then the occupier shall give notice to inspector within 30 days.

The notice should contain following particulars

- The name of establishment.
- The address of establishment.
- The name of person who is in actual management of establishment.
- The nature of process carried on establishment.

* Maintainance of Register :-

- Every occupier should maintain the register of adolescent employed in any establishment.

- The register should be available for inspection ^{Inspector} all the time during working hours.

The register should contain -

The name & date of birth of adolescent

Working hours of adolescent and rest time.

The nature of work of adolescent

other particular as may prescribed

* Penalties :-

- If anyone employs child to work in contravention of section 3 should be punishable with

- imprisonment of six months to 2 years,
- fine of rupees 20,000/- to 50,000/-
- or both.

- However the parents or guardians of child shall not be punished.

* If the rules of adolescent is violated then,

- Imprisonment of 6 months to 2 years

- fine of ₹ 20,000/- to ₹ 50,000/-

- The parents or guardians of child are not liable unless they permit it.

* District Magistrate to Implement the provisions

Section 17A says that government may impose such duties on District Magistrate to ensure that provisions of this act are properly followed or not.

District Magistrate can specify a officer to ensure provisions and rules of Act are followed or not.

* Chapter 16 *

* Unit - II :- The contract labour *

* Object and Scope of the act,

According to Section 1, it extends to whole India.

It applies to — All establishment where 20 or more workers are employed in any day of the preceding twelve months as contract labour.

— Those contractor who employ 20 or more contract labour in preceding 12 months as workmen.

* Advisory Boards

1] Central advisory boards

— Central Government constitutes Central advisory boards.

— Central advisory board consist of

- chairmen appointed by Central government.
- Chief labour commissioner
- Number of members maximum 17 and minimum 11 which are nominated by Central government.

2] State advisory board

- It is compulsory to Central government to appoint / constitute Central board.

- It is not mandatory to State government to constitute State board.

- State advisory board is consist of

- Chairperson appointed by state government.
- Labour Commissioner
- Number of members maximum 11 and minimum 9.

3] Power to constitute committees

- State government or Central government may constitute such committees for such purpose.

- The committee shall meet at such time & place and observe rules or procedure with respect to transaction of business.

- The members shall pay fees and allowances for attend meetings.

- If any member is government officer then he does not require to pay fees.

* Welfare and Health of Contract Labour.

• Canteens :-

According to Section 16, One or more canteen shall be provided and maintained for contract labours where number of labours are 100 or more.

• Rest - rooms :-

According to Section 17, It is compulsory to provide and maintain rest - rooms for contract labours by the contractor.

• First - aid :-

According to Section 19, It is mandatory to provide & maintain first - aid boxes to contract labours during all working hours by contractor.

• All amenity shall provided by contractor, if not provided by contractor then principle employer will provide such amenities & such amount shall be re-covered by employer from contractor.

* Inspecting staff :-

• Section 28 :- Government can appoint inspecting staff, by notification in official gazette.

• Powers :-

1] Inspecting staff can enter at all reasonable hours, with assistant.

ii] Inspecting staff can examine any person whom he finds and who has reasonable cause to believe.

iii] Inspecting staff can require any information regarding name, address of persons and payment made for work.

iv] Inspecting staff can seize any copy or register and record of wages, notices, portions etc.

* Registration of establishment employing contract labour

i] Appointment of Registering officers

- appropriate government may appoint by order in an official gazette registering officers.

2] Registration of Establishment :-

- Every principle employer employing 20 or more contract labour should make an application to registering officer for registration of establishment.

3] Revocation of registration

- Registration will be revoked if obtained by misrepresentation or separation of material fact.
- Application will also be rejected if principle employer fails to amend the application on order of registering officer.

4] Effect of non-registration

- If principle employer fails to do registration he will not be allowed to appoint contract labour.

5] Prohibition of employment of contract labour

- Appropriate government may after consultation with central board or state board prohibit employment of contract labour in any process operation or work after giving regard to:-
 - 1) Whether process or operation is necessary for industry.
 - 2) Whether it is of pretermial nature.
 - 3) Whether it is done ordinarily.

a) Whether it is sufficient to employ considerable number of whole time workmen.

* Section 11 :-

- Empower appropriate government to appoint licensing officers by order in official gazette

- No contractor can execute any kind of work through contract labour until license is issued.

* Penalties and procedure

1) Obstructions :- (Section 22)

- If a person interrupts in inspection, examination, inquire, investigation or any other duty of inspector shall be punishable.

- Imprisonment of 3 months or fine of 500 rupees or both.

2) Contravention of provisions regarding employment of contract labour :- Section 23

- If a person contravenes any provision of this act or any rules made under this act shall be punishable.

with respect to contract labour

- Imprisonment of 3 months or fine of 1000 rupees or both.

3) Other offences :- Section 24.

- Any provision made under this act or rules made is no contravention by a person then he shall be punishable.

- Imprisonment of 3 months or fine of 1000 rupees or both.

4) Offences by Companies :- Section 25

- If the person committing an offence is a company and as well as person in charge of conduct of business, at the time of commission offence shall be deemed to be guilty of an offence and liable to be proceeded against and accordingly punished.

5) Cognizance of offence :- Section 26.

- No court shall take cognizance of any offence unless complaint is made by written sanction and inspector.

- No court inferior to presidency magistrate or magistrate of first class shall try any offence punishable.

6) Limitation or prosecution :- Section 27.

- As per this section no court shall take cognizance of offence punishable unless the complaint is made within 3 months from the date of offence come to the knowledge of inspector.

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