

The Factories Act, 1948(Amended On 1987)

The Factories Act is the principal legislation, which governs the health, safety, and welfare of workers in factories. The Act extends to the whole of India. Mines and Railways workers are not included as they are covered by separate Acts. The new Act addressed the issues of safety, health, and welfare. Many amendments were aimed to keep the Act in tune with the developments in the field of health and safety. However, it was not until 1987 that the elements of occupational health and safety, and prevention and protection of workers employed in hazardous process, got truly incorporated in the Act.

A factory under the Act is defined as a place using power, employs 10 or more workers, or 20 or more workers without power or were working any day of the preceding 12 months. However, under section 85, the state governments are empowered to extend the provisions of the Act to factories employing fewer workers also. This section has been used to extend the coverage of the Act to workplaces like power looms, rice mills, flour mills, oil mills, saw mills, pesticide formulating units and other chemical units where hazards to health are considered to put workers at risk.

Electronic Data Processing Unit or a Computer Unit is installed in any premises or part thereof, shall not be construed to make it a factory if no manufacturing process is being carried on in such premises.

"Occupier" of a factory means the person who has ultimate control over the affair of the factory.

The Act does not permit the employment of women and young in a dangerous process or operation. Children are defined, "who have not attained an age of 15 years", are not permitted to be hired (Sec. 2, 67) and need to have medical fitness certificates if he/she is has to work and age is not confirmed (Sec 69).

Section 11 to 20 deal with provision of environmental sanitation that protect the worker from hazardous environment. Cleanliness of the working place, privy, benches, stairs, wall etc. are explained (Sec. 11). Disposal of wastes and effluents should be without any risk (sec. 12). Ventilation, temperature inside factory, dust and fumes emission, lighting, artificial humidification, overcrowding (minimum of 50 cubic meters per person) are specified (Secs. 13-17). There should be a provision for sae and cool drinking water and provision of water in the latrine and urinal. One latrine for 25 female workers but one for 25 male workers up to 100 and one for 50 thereafter. One urinal for 50 person up to 500 men and after that one for every 100 more.

Safety measures like fencing of machines, protection of eyes by use of goggles, precautions against fire, dangerous fumes, etc. are defined (Secs 21-40).Facilities for washing, and sitting, canteens, creche (one for more than 30 women) and first aid appliances are provided (Secs. 42-48). One Welfare Officer for 500 or more workers is suggested (Sec. 49).

There is provision for one weekly holiday, and not more than 48 hours in a week an adult worker should work. There is at least half an hour rest after a stretch of 5 hours of continuous work. No women should be employed between 7 p.m. and 6 a.m. (Secs. 51-66). No person less than 14 years of age should work in the factory. No child should work more than 4 hours a day and should not work in the night between 10 p.m. to 6 a.m. One full wage leave should be given to an adult worker for every 20 days of work and one for every 15 days to the child worker. 12 weeks of maternity leave should be given to a woman.

If an accident occurs in any factory causing death or bodily injury or prevents a worker from working for more than 48 hours, the manager must immediately send notice to the prescribed authority (i.e. Labour commissioner).

Following are the Notifiable Diseases:

1. Lead poisoning or its sequelae
2. Lead tetra-ethyl poisoning or its sequelae
3. Phosphorus poisoning or its sequelae
4. Mercury poisoning or its sequelae
5. Manganese poisoning or its sequelae
6. Arsenic poisoning or its sequelae
7. Poisoning by nitrous fumes
8. Carbon bisulphite poisoning
9. Benzene and its derivatives poisoning or its sequelae
10. Chrome ulceration or its sequelae
11. Anthrax
12. Silicosis
13. Poisoning by halogens or its derivatives of hydrocarbons
14. Pathological manifestation due to radium, radioactive substances, or X-rays
15. Primary epitheliomatous cancer of the skin
16. Toxic anemia
17. Toxic jaundice due to poisonous substances
18. Oil acne or dermatitis due to mineral oil or its derivatives in any form
19. Byssinosis
20. Asbestosis
21. Occupational or contact dermatitis caused by direct contact with chemical or paints. It could be primary irritants or allergic sensitisers.
22. Noise induced hearing loss
23. Beryllium poisoning
24. Carbon monoxide
25. Coal miner's pneumoconiosis
26. Phosgene poisoning
27. Occupational cancers
28. Isocyanates poisoning
29. Toxic nephritis

these diseases were inserted by act 20 of 1987.

- However, the Act do not have provision for some important places of work like hospitals, fire stations, and other where serious health and safety risks may exist.
- The process of automation and the industrial revolution heralded by microelectronics which has resulted in computer based production methods, increasing use of robots, lasers, and new welding technologies have totally transformed the workplace. Consequent upon this change, the role of labour inspection has also changed and needs reorientation. Inspectors need additional skills and expertise and a new approach when assessing and evaluating workplace hazards. This has not happened in India. The increasing complexity of workplace and transfer of technologies due to a burst in economic activities requires that inspectors should possess reasonable amount of knowledge of occupational safety and health. Many new chemicals and processes which could be hazardous like garment manufacturing, and colouring, ergonomic problems, should be included in notifiable diseases.
- It is more logical to notify the hazards exposure rather than diseases. From same exposure one can have many diseases or health effects. There is a difficulty of making diagnosis of occupational diseases because of non-availability of skilled manpowers and laboratories in the country.

Reference

Govt of India. The Factories Act. 1948: Act No. 63 of 1948