

Mod 6 - Sem 8 - EM - Dr. Asawari D

The Environment (Protection) Act was enacted in **1986** with the objective of providing for the protection and improvement of the environment. It empowers the Central Government to establish authorities [under section 3(3)] charged with the mandate of preventing environmental pollution in all its forms and to tackle specific environmental problems that are peculiar to different parts of the country. The Act was last amended in 1991.

Features of the Environment Protection Act 1986

The Environment Protection Act empowers the central government to deal with environmental problems specific to different parts of the country. According to the **Environment Protection Act 1986**, the central government has the power to take necessary measures to protect the environment.

- According to this act, no organization or person can emit any environmental pollutant in excess of the prescribed standards.
- Any person authorized by the Central Government has the right to enter any place for **the purpose of inspecting the compliance of any order and for the purpose of examining any plant**, equipment, document, etc.
- All types of pollution of water, waste, soil, etc. have been included in this act.
- It prohibits the use of hazardous materials without the prior permission of the Central Government.
- Under this Act, **a Government Analyst shall be appointed by the Central Government for the analysis of samples of water, air spirit, and other substances.**
- If any offense under this Act is committed by a company, every person shall be deemed to be guilty unless proved otherwise. *If a company breaks this law, someone in the company is assumed guilty until proven innocent.*

Objectives of the Environment Protection Act

The Environment Protection Act was passed with the following objectives:

1. To **protect the environment from degradation** and take actions to improve the current condition.
2. To implement the decisions made at the **UN Conference on the Human Environment held in Stockholm in 1972.**
3. To set up a government body to look after the industries and regulate the effect they have on the environment, and also issue direct orders such as for closure of industries.
4. To punish and penalize those posing a danger to the environment, **health**, and safety. For each failure, a **fine of up to 1 Lakh, a prison term of five years**, or both can be included. In certain cases, the term can be extended up to seven years.
5. To coordinate the work of the agencies for the protection of the environment under existing laws.
6. To enforce this law in all regions, including the places earlier exempted under previous laws.
7. To encourage and work towards sustainable development of the environment.

Main Provisions of the Environment Protection Act

The Environment Protection Act allows the center to take all actions deemed fit for the protection of the environment.

1. Under this act, protection of the environment against all forms of **pollution is covered, including air, water, soil, and noise.**
2. The Centre can carry out various activities and programs to further environmental protection.
3. The discharge or emission of environmental **pollutants** by industries will be regulated by safe standards, set by the Centre.
4. Any citizen, except the authorized government officers, can file a complaint regarding a breach of any of the provisions of the EPA.
5. Restrictions on certain locations for the establishment of a business or personal property can be imposed under this act if they seem to endanger the environment.
6. Under this act, samples of air, water, or **soil** from any place can be tested and analyzed by the authorized party.
7. The discharge of hazardous pollutants beyond safety standards by any individual or organization makes them liable for punishment and even a complete ban on their activity.
8. Management of hazardous substances should be done as per the regulatory norms of the government.

The Water (Prevention and Control of Pollution) Act was enacted in 1974 -

To provide for the prevention and control of water pollution, and for the maintaining or restoring of wholesomeness of water in the country. The Act was amended in **1988**. The Water (Prevention and Control of Pollution) Cess Act was enacted in 1977, to provide for the levy and collection of a cess on water consumed by persons operating and carrying on certain types of industrial activities. This cess is collected with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974. The Act was last amended in 2003.

About Water (Prevention & Control of Pollution) Act, 1974

- Water (Prevention & Control of Pollution) Act, 1974 is a comprehensive legislation that regulates agencies responsible for checking on water pollution and the ambit of pollution control boards both at the centre and states.
- The Water (Prevention & Control of Pollution) Act, 1974 was adopted by the Indian parliament with the aim of prevention and control of Water Pollution in India.

The salient features of Water (Prevention And Control Of Pollution) Act, 1974

- Water Act 1974 aims to prevent and control water pollution.
- The Act provides for maintenance and restoration of quality of all **types of surface and groundwater.**
- It provides for the establishment of Central and State Boards for pollution control. The Act assigns powers and functions to these Boards to control pollution.

This law protects water quality and has fees to reduce pollution by industries. The law was passed in 1974 and updated in 1988.

- The Central and State Pollution Control Boards are given comprehensive powers to advise, coordinate, and provide technical assistance for the prevention and control of water pollution.
- The Act has provisions **for funds, budgets, accounts, and audit of the Central and State Pollution Control Boards.**
- Under Water Act 1974, Sewage or pollutants cannot be discharged into water bodies including lakes and it is the duty of the state pollution control board to intervene and stop such activity.
- The Act **prohibits disposal of any poisonous, noxious or polluting matter to the flow of water in a stream.** However, dumping of any material into a stream for the purpose of reclamation of land is not considered an offense.
- The Act provides for severe and deterrent punishments for violation of the Act which includes fine and imprisonment. Anyone failing to abide by the laws of under is liable for imprisonment under **Section 24 & Section 43 ranging from not less than one year and six months to six years along with monetary fines.**
- One of the important provisions of the Water Act, 1974 is to maintain and restore the 'wholesomeness' of our aquatic resources.

The Water (Prevention and Control of Pollution) Cess Act of 1977

- Passed to generate financial resources to meet expenses of the Central and State Pollution Boards.
- Creates economic incentives for pollution control and requires local authorities and certain designated industries to pay a cess (tax) for water effluent discharge.
- The Central Government, after deducting the expenses of collection, pays the central board and the states such sums, as it seems necessary.
- To encourage capital investment in pollution control, the Act gives a polluter a 70% rebate of the applicable cess upon installing effluent treatment equipment.
- The cess and the consent fees from the major sources of revenue to run the Central and State Water Boards.
- The Act has been amended in 1991 to provide rebates to the industries for complying with the consumption and effluent quality standard

Companies that put in equipment to clean their wastewater get 70% off the water pollution fee.

The **Air (Prevention and Control of Pollution) Act** was enacted in 1981 and amended in 1987 to provide for the prevention, control and abatement of air pollution in India.

Air Prevention and Control of Pollution Act 1981

The **Air Prevention and Control of Pollution Act** was the result of the extreme consequences caused by **climate change** in the 1970s. In June 1972, the UN organised a United Nations General Assembly on Human Environment in Stockholm. The reasons for extreme climate changes were found to be various types of pollutants in

the environment. During the Assembly, a proposal was approved urging all nations to protect natural resources from **air pollution** and reduce the existing pollution level for a healthier environment.

Main Objective of Air Pollution Act

Air Act 1981 was created after the **United Nations**, at the suggestion of Sweden, organised a global conference to discuss and debate the issue of pollution and the degradation of natural resources. Air Pollution was already a major problem in India due to rapid industrialization. Several reasons, such as **forest fires, improper industrial practices, fumes from transport, environmental variables**, etc., have been contributing to air pollution in the country.

The Indian government, under **Article 253**, which talks about the preservation of natural resources, passed the Air (Prevention and Control of Air Pollution) Act, 1981, to help tackle air pollution by preventing and controlling it.

Air Act 1981: Terms and Definitions

The important definitions under Air Act 1981 are listed below:

- Air Pollution – As per Section 2 (b), air pollution is defined as the presence of air pollutants in the atmosphere.
- Air Pollutant – It is defined in Section 2 (a) as any **solid, liquid, or gaseous matter that may impair or damage the environment, humans, ecosystems, wildlife, or even properties**.
- The noise was also included in the list of harmful substances in the amendment made to the Air Act in 1987.

Constitution of Boards Under Air Prevention and Control of Pollution Act

Under Section 2 (g), the **Central Pollution Control Board (CPCB)** was established. It has jurisdiction over the entire country. The Air Act also mandated the establishment of State Pollution Control Boards (SPCBs) for all Indian states. The functions of these were to act as subsidiaries of CPCB and carry out its directives.

Sections 3 and 4 of the Air Act 1981 also give these boards appropriate power. There is a certain set of responsibilities and power which the Board will have, and they have to work under that ambit. The central and all state boards must also have a Chairman and a full-time Secretary to look after their operations.

Salient Features of Air Act 1981

The Air Act 1981 has several provisions under it that are drafted to reduce and control air pollution. However, there are a few prominent **features of the Air Act** that must be known by everyone. These are important clauses and are listed down below:

States must set air pollution limits for factories and cars, following guidelines from a central board that considers national air quality.

- It is mandated that the states **impose emission standards for industries and automobiles after reviewing with the central board** and considering its air quality standards as per the AQI.
- There is also a provision under the air pollution act for SPCBs that states that they are free to test any facilities and **can collect fly ash or dust samples from any source for the purpose of examination.**
- In 1987, an amendment to the Air Pollution Prevention and Control Act also included noise pollution and formed provisions to reduce it.
- All operational industries inside specified air pollution control zones are directed by the Air Act to obtain a permit from the State Boards.

Penalties under Air Prevention and Control of Pollution Act

The Air Prevention and Control of Pollution Act 1981 has a number of penalties included in it. To ensure all the citizens comply with the rules and do not contribute to air pollution, there are directives mentioned in the act. These are aimed towards ensuring air pollution is reduced and mitigated wherever possible.

As per the Air act, anyone who does not comply with the policies and regulations of the Central Pollution Control Board can face a **one-year prison sentence. This can be extended to 6 years with a fine. Additionally, a daily fee of Rs. 5000** will be imposed if the rules are still not followed. The matters related to this can be taken to court as well if the complaint is made or authorized by CPCB officials.

Wildlife Protection Act, 1972

This Act provides for the protection of the country's wild animals, birds, and plant species, in order to ensure environmental and ecological security. Among other things, the Act lays down restrictions on hunting many animal species. The Act was last amended in the year 2006. An Amendment bill was introduced in the Rajya Sabha in 2013 and referred to a Standing Committee, but it was withdrawn in 2015.

Constitutional Provisions for the Wildlife Act

Article 48A of the Constitution of India directs the State to protect and improve the environment and safeguard wildlife and forests. This article was added to the Constitution by the **42nd Amendment** in 1976.

Article 51A imposes certain **fundamental duties** for the people of India. One of them is to protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures.

History of wildlife protection legislation in India

- The first such law was passed by the British Indian Government in 1887 called the **Wild Birds Protection Act, 1887**. The law sought to prohibit the possession and sale of specified wild birds that were either killed or captured during a breeding session.
- During the British Raj, wildlife protection was not accorded a priority. It was only in 1960 that the issue of protection of wildlife and the prevention of certain species from becoming extinct came into the fore.

Need for the Wildlife Protection Act

Wildlife is a part of 'forests' and this was a state subject until the Parliament passed this law in 1972. Now it is Concurrent List. Reasons for a nationwide law in the domain of environment particularly wildlife include the following:

1. India is a treasure-trove of varied flora and fauna. Many species were seeing a rapid decline in numbers. For instance, it was mentioned by Edward Pritchard Gee (A naturalist), that at the turn of the 20th century, **India was home to close to 40000 tigers. But, a census in 1972 showed this number drastically reduced to about 1827.**
2. A drastic decrease in the flora and fauna can cause **ecological imbalance, which affects many aspects of climate and the ecosystem.**
3. There were only five national parks in India prior to the enactment of this Act.

Salient Features of Wildlife Protection Act

This Act provides for the protection of a listed species of animals, birds, and plants, and also for the establishment of a network of ecologically-important protected areas in the country. [This law creates committees \(wildlife advisory boards\) and enforces roles \(wildlife wardens\) to protect wildlife.](#)

- The Act provides for the formation of wildlife advisory boards, wildlife wardens, specifies their powers and duties, etc.
- It helped India become a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (**CITES**).
 - CITES is a multilateral treaty with the objective of protecting endangered animals and plants.
 - It is also known as the **Washington Convention** and was adopted as a result of a meeting of **IUCN** members.
- For the first time, **a comprehensive list of the endangered wildlife of the country was prepared.**
- The Act **prohibited the hunting of endangered species.**
- Scheduled animals are prohibited from being traded as per the Act's provisions.
- The Act provides for licenses for the sale, transfer, and possession of some wildlife species.
- It provides for the establishment of wildlife sanctuaries, national parks, etc.
- Its provisions paved the way for the formation of the **Central Zoo Authority**. This is the central body responsible for the oversight of zoos in India. It was established in 1992.
- The Act created **six schedules** which gave varying degrees of protection to classes of flora and fauna.
 - Schedule I and Schedule II (Part II) get absolute protection, and offences under these schedules attract the maximum penalties.
 - The schedules also include species that may be hunted.

- The **National Board for Wildlife** was constituted as a statutory organization under the provisions of this Act.
 - This is an advisory board that offers advice to the central government on issues of wildlife conservation in India.
 - It is also the apex body to review and approve all matters related to wildlife, projects of national parks, sanctuaries, etc.
 - The chief function of the Board is to promote the conservation and development of wildlife and forests.
 - It is chaired by the Prime Minister.
- The Act also provided for the establishment of the **National Tiger Conservation Authority**.
 - It is a statutory body of the Ministry of Environment, Forest and Climate Change with an overall supervisory and coordination part, performing capacities as given in the Act.
 - Its mandate is to strengthen **tiger conservation in India**.
 - It gives statutory authority to **Project Tiger** which was launched in 1973 and has put the endangered tiger on a guaranteed path of revival by protecting it from extinction.

Protected Areas under the Wildlife Protection Act

There are five types of protected areas as provided under the Act. They are described below.

1. Sanctuaries: “Sanctuary is a place of refuge where injured, abandoned, and abused wildlife is allowed to live in peace in their natural environment without any human intervention.”

1. They are naturally-occurring areas where endangered species are protected from poaching, hunting, and predation.
2. Here, animals are not bred for commercial exploitation.
3. The species are protected from any sort of disturbance.
4. Animals are not allowed to be captured or killed inside the sanctuaries.
5. A wildlife sanctuary is declared by the State government by a Notification. Boundaries can be altered by a Resolution of the State Legislature.
6. Human activities such as timber harvesting, collecting minor forest products, and private ownership rights are permitted as long as they do not interfere with the animals' well-being. **Limited human activity is permitted.**
7. They are open to the general public. But people are not allowed unescorted. There are restrictions as to who can enter and/or reside within the limits of the sanctuary. Only public servants (and his/her family), persons who own immovable property inside, etc. are allowed. People using the highways which pass through sanctuaries are also allowed inside.
8. Boundaries of sanctuaries are not generally fixed and defined.
9. Biologists and researchers are permitted inside so that they can study the area and its inhabitants.
10. The **Chief Wildlife Warden (who is the authority to control, manage and maintain all sanctuaries)** may grant permission to persons for entry or

residence in the sanctuary for the study of wildlife, scientific research, photography, the transaction of any lawful business with persons residing inside, and tourism.

11. Sanctuaries can be upgraded to the status of a 'National Park'.

12. **Examples:** Indian Wild Ass Sanctuary (Rann of Kutch, Gujarat); Vedanthangal Bird Sanctuary in Tamil Nadu (oldest bird sanctuary in India); Dandeli Wildlife Sanctuary (Karnataka).

2. National Parks: "National Parks are the areas that are set by the government to conserve the natural environment."

1. A national park has more restrictions as compared to a wildlife sanctuary.
2. National parks can be declared by the State government by Notification. No alteration of the boundaries of a national park shall be made except on a resolution passed by the State Legislature.
3. The main objective of a national park is to protect the natural environment of the area and biodiversity conservation.
4. The landscape, fauna, and flora are present in their natural state in national parks.
5. Their boundaries are fixed and defined.
6. Here, **no human activity is allowed**.
7. Grazing of livestock and private tenurial rights are not permitted here.
8. Species mentioned in the Schedules of the Wildlife Act are not allowed to be hunted or captured.
9. No person shall destroy, remove, or exploit any wildlife from a National Park or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within a national park.
10. They cannot be downgraded to the status of a 'sanctuary'.
11. **Examples:** Bandipur National Park in Karnataka; Hemis National Park in Jammu & Kashmir; Kaziranga National Park in Assam. See more on [List of National Parks in India](#).

This area bans farming animals and private ownership to protect the environment.

3. Conservation Reserves: The State government may declare an area (particularly those adjacent to sanctuaries or parks) as conservation reserves after consulting with local communities.

4. Community Reserves: The State government may declare any private or community land as a community reserve after consultation with the local community or an individual who has volunteered to conserve the wildlife.

5. Tiger Reserves: These areas are reserved for the protection and conservation of tigers in India. They are declared on the recommendations of the National Tiger Conservation Authority.

The amended Wildlife Act doesn't allow any commercial exploitation of forest produce in both wildlife sanctuaries and national parks, and local communities are allowed to collect forest produce only for their bona fide requirements.

Schedules of the Wildlife Protection Act

There are six schedules provided in the Wildlife Protection Act. They are discussed in the table below.

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| Schedule I <ul style="list-style-type: none">• This Schedule covers endangered species.• These species need rigorous protection and therefore, the harshest penalties for violation of the law are under this Schedule.• Species under this Schedule are prohibited to be hunted throughout India, except under threat to human life.• Absolute protection is accorded to species on this list.• The Trade of these animals is prohibited.• Examples: tiger, blackbuck, Himalayan Brown Bear, Brow-Antlered Deer, Blue whale, Common Dolphin, Cheetah, Clouded Leopard, hornbills, Indian Gazelle, etc. | Schedule II <ul style="list-style-type: none">• Animals under this list are also accorded high protection.• Their trade is prohibited.• They cannot be hunted except under threat to human life.• Examples: Kohinoor (insect), Assamese Macaque, Bengal Hanuman langur, Large Indian Civet, Indian Fox, Larger Kashmir Flying Squirrel, Kashmir Fox, etc. |
| Schedule III & IV <ul style="list-style-type: none">• This list is for species that are not endangered.• This includes protected species but the penalty for any violation is less compared to the first two schedules.• Examples: hyena, Himalayan rat, porcupine, flying fox, Malabar tree toad, etc. | Schedule V <ul style="list-style-type: none">• This schedule contains animals that can be hunted.• Examples: mice, rat, common crow, fruit bats, etc. |
| Schedule VI <ul style="list-style-type: none">• This list contains plants that are forbidden from cultivation.• Examples: pitcher plant, blue vanda, red vanda, kuth, etc. | |

Indian Forest Act of 1927 – An Overview

The Indian Forest Act was **first enacted in 1865**. The Indian Forest Act was **amended** in 1878 and once again it was amended in 1927. The Indian Forest Act, 1927 did not focus on the conservation of forests, rather the laws of the British Colonial Government focused on control of extraction of timber from the forests.

Indian Forest Act – Reasons for Implementation of New Forest Laws

- The British wanted forests in order to meet the demands of the massively expanding railways.
- Expansion of railways was very important for the movement of Imperial troops and to carry out trade.
- Wood was needed to lay down railway sleepers, and it also served as fuel for running locomotives.
- There was a problem of timber supply for the Royal British Navy. They needed wood to build their ships in order to protect their massive empire.
- The British were worried about the use of forests in India by the local people.
- All these reasons led to the implementation of forest laws by the Colonial British Government.

Indian Forest Act – Division of Forests into 3 Categories

As per the Indian Forest Act of 1878, the forests in India were divided into 3 different categories.

- Reserved Forests
- Protected Forests
- Village Forests

Villagers could not take anything from the Reserved Forests for their own use. Villagers could use the forest products only from the village forests and protected forests, either to build their house or for fuel.

Impact of Indian Forest Act on Villagers Across the Country

There was a very severe negative impact on villagers across the country due to the Indian Forest Act of 1927.

- Fishing, hunting, collecting roots and fruits, grazing the cattle, and cutting wood became illegal activities.
- Due to the restrictions imposed by Indian Forest Act, villagers were compelled to steal wood by entering forests without permission.
- The villagers were forced to offer bribes to forest guards as they were at the mercy of these forest guards who would capture these villagers.
- The villagers were also harassed to give free food to these forest guards and police constables.

Indian Forest Act – Impact on Cultivation

Through the Indian Forest Act, the British colonial government decided to **ban shifting cultivation**, which was practiced by villagers. This resulted in forcible displacement of many communities from their homes in forests.

- Villagers used to practice shifting cultivation.
- The British believed that the practice of shifting cultivation would affect the supply of timber for railways.

- They also thought that valuable timber would be lost in flames, as shifting cultivation involved cutting forest and burning them in rotation.
- The Government also found it difficult to calculate the taxes due to shifting cultivation.
- As a result shifting cultivation was banned by the Government.

Indian Forest Act – Loss of Livelihoods for Nomads

- Many nomadic communities like the Yerukula of the Madras Presidency, Korava, and Karacha lost their livelihoods due to the restrictions imposed on hunting and grazing by the local people. Some of the tribes were branded as ‘criminal tribes’.
- Under strict supervision of the British colonial government, they were forced to work in mines, factories and plantations.
- Workers were not allowed to visit their homes, their working conditions were very poor and their wages were very low.
- The tea plantations in Assam had workers from forest dwelling communities like Gonds of Chhattisgarh, Oraons and Santhals of Jharkhand.

Indian Forest Act – Rebellion in the Forests

- Forest Communities in different parts of India rebelled against the British colonial Government due to the restrictions imposed on them.
- Some of the most popular leaders who carried out rebellion in forests were Alluri Sitarama Raju of Andhra Pradesh, Birsa Munda of Chhotanagpur, Siddhu and Kanu in the Santhal Parganas.

Forest Conservation in India

- To address the problem of deforestation, the **Forest Conservation Act (FCA), 1980**, came into force.
- The Forest Conservation Act was amended twice in 1988 and 1996.

The Factories Act, 1948 is a law created to improve working conditions in Indian factories. It replaced earlier laws and aimed to address shortcomings in earlier versions.

The Factories Act, 1948

There has been rise of large scale factory/ industry in India in the later half of nineteenth century. Major Moore, Inspector-in- Chief of the Bombay Cotton Department, in his Report in 1872-73 first of all raised the question for the provision of legislation to regulate the working condition in factories; the first Factories act was enacted in 1881.

Since then the act has been amended on many occasions. The Factories Act 1934 was passed replacing all the previous legislation in regard to factories. This act was drafted in the light of the recommendations of the Royal Commission on Labour. This Act has also been amended suitably from time to time.

The experience of working of the Factories Act, 1934 had revealed a number of defects and weakness which have hampered effective administration of the Act, and the need for wholesale revision of the act to extend its protective provisions to the

large number of smaller industrial establishments was felt. Therefore, the Factories Act, 1948 consolidating and amending the law relating to labour in factories, was passed by the Constituent Assembly on August 28, 1948. The Act received the assent of Governor General of India on 23 September 1948 and came into force on April 1, 1949.

Objective of Factories Act ,1948

The main objectives of the Indian Factories Act, 1948 are to regulate the working conditions in factories, to regulate health, safety welfare, and annual leave and enact special provision in respect of young persons, women and children who work in the factories.

1. Working Hours:

According to the provision of working hours of adults, no adult worker shall be required or allowed to work in a factory for more than 48 hours in a week. There should be a weekly holiday.

2. Health:

For protecting the health of workers, the Act lays down that every factory shall be kept clean and all necessary precautions shall be taken in this regard. The factories should have proper drainage system, adequate lighting, ventilation, temperature etc. Adequate arrangements for drinking water should be made. Sufficient latrine and urinals should be provided at convenient places. These should be easily accessible to workers and must be kept cleaned.

3. Safety:

In order to provide safety to the workers, the Act provides that the machinery should be fenced, no young person shall work at any dangerous machine, in confined spaces, there should be provision for manholes of adequate size so that in case of emergency the workers can escape.

4. Welfare:

For the welfare of the workers, the Act provides that in every factory adequate and suitable facilities for washing should be provided and maintained for the use of workers.

Facilities for storing and drying clothing, facilities for sitting, first-aid appliances, shelters, rest rooms' and lunch rooms, crèches, should be there.

4. Penalties:-

The provisions of The Factories Act, 1948, or any rules made under the Act, or any order given in writing under the Act is violated, it is treated as an offence. The following penalties can be imposed:-

- (a) Imprisonment for a term which may extend to one year;
- (b) Fine which may extend to one lakh rupees; or
- (c) Both fine and imprisonment.

If a worker misuses an appliance related to welfare, safety and health of workers, or in relation to discharge of his duties, he can be imposed a penalty of Rs. 500/-.

At least 10 workers with power or 20 workers without power, on average over the past year. Engaged in manufacturing. Not a mine, military unit, railway shed, hotel, restaurant, or eatery.

Applicability of Factories Act, 1948

The Act is applicable to any factory 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 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, or a mobile unit belonging to the armed forces of the union, a railway running shed or a hotel, restaurant or eating place.

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Importance of Factories Act, 1948

The Factories Act, 1948 is a beneficial legislation. The aim and object of the Act is essentially to safeguard the interests of workers, stop their exploitation and take care of their safety, hygiene and welfare at their places of work. It casts various obligations, duties and responsibilities on the occupier of a factory and also on the factory manager. Amendments to the Act and court decisions have further extended the nature and scope of the concept of occupier, especially vis-a-vis hazardous processes in factories.