

Lesson 22: Factories Act, 1948

1. Applicability

Any premises wherein 10 or more persons with the aid of power or 20 or more workers are/were without aid of power are working on any day in the preceding 12 months wherein manufacturing process is being carried on.

2. Important Definitions

- **"Adult"** means a person who has completed his fifteenth year of age;
- **"Adolescent"** means a person who has completed his fifteen year of age but has not completed his eighteenth year.
- **"Calendar Year"** means the period of twelve months beginning with the first day of January in any year.
- **"Child"** means a person who has not completed his fifteenth year of age.
- **"Young Person"** means a person who is either a child or an adolescent;
- **"Day"** means a period of twenty-four hours beginning at midnight;
- **"Week"** means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector of Factories.
- **"Power"** means electrical energy, or any other form of energy which is mechanically transmitted and is not generated by human or animal agency;
- **"Machinery"** includes prime movers, transmission machinery and all other appliances whereby power is generated, transformed, transmitted or applied.

3. Approval, Licensing and Registration of factories (Section 6)

If on an application for permission accompanied by the plans and specifications required by the rules made, sent to the State Government or Chief Inspector by registered post, no order is communicated to the applicant within three months from the date on which it is so sent, the permission applied for in the said application shall be deemed to have been granted.

Important Points:

- *The submission of plans of any class or description of factories to the Chief Inspector or the State Government.*
- *The previous permission in writing of the State Government or the Chief Inspector to be obtained for the site on which the factory is to be situated and for the construction or extension of any factory or class or description of factories.*
- *Considering application for such permission the submission of plans and specifications.*
- *Prescribing the nature of such plans and specifications and by whom they shall be certified for the registration and licensing of factories.*
- *Prescribing the fees payable for such registration and licensing and for the renewal of licences for the registration and licensing of factories.*

4. General duties of the occupier (Section 7A)

- Every occupier shall ensure so far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory.
- The matters to which the general duties of the occupier extends includes the following:
 - the provision and maintenance of plant and systems of work in the factory that are safe and without risks to health;
 - the arrangements in the factory for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
 - the provision of such information, instruction, training and supervision as are necessary to ensure the health and safety of all workers at work;
 - the maintenance of all places of work in the factory in a condition that is safe without risks to health and the provision and maintenance of such means of access to;
 - the provision, maintenance or monitoring of such working environment in the factory for the workers that is safe without risks to health and adequate as regards facilities and arrangements for their welfare at work.

5. Health

Cleanliness	<p>Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance.</p> <p><i>Important Points:</i></p> <ul style="list-style-type: none">▪ <i>Accumulation of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and benches of workrooms and from staircases and passages and disposed of in a suitable manner.</i>▪ <i>The floor of every workroom shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method.</i>▪ <i>Where a floor is liable to become wet in the course of any manufacturing process to such extent as is capable of being drained, effective means of drainage shall be provided and maintained.</i>▪ <i>All doors and window frames and other wooden or metallic framework and shutters shall be kept painted or varnished and the painting or varnishing shall be carried out at least once in every period of five years.</i>
Disposal of wastes and effluents	<p>Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous and for their disposal.</p>
Ventilation and temperature	<p>Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom adequate ventilation by the circulation of fresh air and such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.</p>

Overcrowding	No room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein.
Lighting	<ul style="list-style-type: none"> ▪ In every part of a factory where workers are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial or both. ▪ In every factory all glazed windows and skylights used for the lighting of the workrooms shall be kept clean on both the inner and outer surfaces.
Drinking water	<ul style="list-style-type: none"> ▪ In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water. ▪ In every factory wherein more than two hundred and fifty workers are ordinarily employed, provision shall be made for cooling drinking water during hot weather by effective means and for distribution thereof.

6. Annual Leave with Wages

- Accumulation of leave for 30 days.
- A worker having worked for 240 days one day for every 20 days.
- A child one day for working of 15 days.

7. Checklist under the Factories Act, 1948

Form No. 1	Application For Permission To Construct, Extend Or Take Into Use Any Building As A Factory
Form No. 2	Application For Registration And Grant Of Amendment Of Licence And Notice Of Occupation
Form No. 3	Certificate Of Stability
Form No. 4	Licence To Work A Factory
Form No. 5	Certificate Of Fitness For Young Person
Form No. 6	Humidity Register
Form No.7	Record Of Lime Washing, Painting, Etc
Form No. 8	Report Of Examination Or Test Of Pressure Vessels Or Plant
Form No.9	Register Of Compensatory Holidays
Form No.10	Overtime, Register For Exempted Workers
Form No.11	Notice Of Periods Of Work For Adult Workers
Form No.12	Register Of Adult Workers
Form No.13	Notice Of Periods Of Work For Child Workers
Form No.14	Register Of Child Workers
Form No.15	Register Of Leave With Wages
Form No.16	Leave Book
Form No.17	Health Register
Form No.18	<ul style="list-style-type: none"> ▪ Report Of Accident Including Dangerous Occurrence Resulting In Death Or Bodily Injury. ▪ Report Of Dangerous Occurrence Which Does Not Result In Bodily Injury.
Form No.19	Notice Of Poisoning Or Disease
Form No. 20	ABSTRACT OF THE FACTORIES ACT, 1948 AND THE KERALA FACTORIES

	RULES, 1957
Form No. 21	Annual Return
Form No. 22	Half Yearly Return
Form No. 23	Notice Of Change Of Manager
Form No. 25	Muster Roll
Form No.26	Register Of Accidents, Major Accidents Dangerous Occurrences
Form No.27	Certificate Of Fitness For Employment In Hazardous Processes/ Dangerous Operations
Form No. 28	Attendance Card
Form No. 29	Certificate Of Fitness For Employment In Hazardous Processes And Operations
Form No. 34	Register Of Workers Employed For Work On Or Near Moving Machine
Form No. 35	Particulars Of Rooms In The Factory
Form No. 37	Register Of Examination Of Gasholders
Form No. 38	Report Of Examination Of Water-Sealed Gasholder
Form No. 39	Certificate Of Fitness For Dangerous Operations
Form No. 42	Certificate Of Fitness
<i>Note: The Compliance List is inclusive not exclusive.</i>	
