

FACTORY INSPECTORATE- FACTORIES ACT, 1948

The Factories Act, 1948 is a comprehensive piece of legislation covering all aspects relating to factories including approval, licensing and registration of factories, the inspecting authorities under the Act, health, safety, welfare, working hours, employment of adults and young children, annual leave and penalties

In section 2 (m), a factory has been defined as any premises including the precincts thereof-

1. 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
2. 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.

Under Section 85 of the act, the state government has been vested with the powers to apply the act to certain premises wherein

1. The number of persons employed therein is less than ten, if working with the aid of power and less than twenty if working without the aid of power, or
2. The persons working therein are not employed by the owner thereof but are working with the permission of, or under agreement with, such owner.

Accordingly considering the potentiality of danger involved, this administration have notified 41 manufacturing process to be covered under the Factories Act, 1948 in the year 1989 vide G.O. Ms. No. 35/89-Lab/G dated 12th June 1989.

SALIENT FEATURES OF THE FACTORIES ACT, 1948

(a) Health

Section 11 to 20 deals with the health of workers in the work place defining the various parameters in maintaining the cleanliness, disposal of effluent, standard of lightening, noise levels, latrines, etc.,

(b) Safety

Section 21 to 41 deals with the safety provisions. Fencing of machineries, restriction of women and children in certain type of process, testing of pressure plants, hoists and lifts, lifting machineries, chains, ropes and lifting tackles by competent persons, appointment of safety officers etc., are explained.

(c) Welfare

Section 42 to 50 specifies the necessity for welfare of workers such as washing facilities, first aid appliances, rest room, crèches, canteen, appointment of welfare officers, etc.,

(d) Provision relating to Hazardous Process

Section 41(A) to 41(H) deals various special provisions for factories wherein hazardous process are carried on. Here compulsory disclosure of information by the occupier to the workers as well as to the public, permissible limit of exposure of chemicals and toxic substance, workers participation in safety management etc, are prescribed.

(e) Working Hours

Section 51 to 66 handles the restriction of working hours such as weekly hours, weekly holidays, compensatory holidays, night shifts, over time, etc.,

(f) Employment of Young Persons

Section 67 to 77 explains the working conditions of young persons, regarding the certificate of fitness reduced working hours etc.

(g) Annual Leave with wages

Section 78 to 84 deals with the leave eligibility for a worker

(h) Penalty and Procedure

Section 92 to 106A deals with the penalty provisions. For any contravention of the provisions of this act, or of any rules made there under, the occupier and the manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to 2 Years or with fine which may extend to 1 lakh rupees or with both.

List of Industries involving hazardous process under Section 2 (cb) of the Factories Act, 1948

1. Ferrous Metallurgical Industries.
 - Integrated Iron and Steel
 - Ferro Alloys
 - Special Steels
2. Non-ferrous Metallurgical Industries
 - Primary Metallurgical Industries, namely, zinc, lead, copper, manganese and aluminum
3. Foundries (Ferrous and Non-ferrous)
 - Castings and forgings including cleaning or smoothening / roughening by sand and shot blasting

4. Coal (including coke) industries
 - Coal Lignite, coke, etc.
 - Fuel Gases (Including Coal Gas, Producer Gas, Water Gas)
5. Power Generating Industries
6. Pulp and paper (including paper products) industries
7. Fertilizer Industries.
 - Nitrogenous
 - Phosphatic
 - Mixed
8. Cement Industries
 - Portland Cement (including slag cement, puzzolona cement and their products)
9. Petroleum Industries
 - Oil Refining
 - Lubricating Oils and Greases
10. Petro-Chemical Industries
11. Drugs and Pharmaceutical Industries,
 - Narcotics, Drugs and Pharmaceuticals
12. Fermentation Industries (Distilleries and Breweries)
13. Rubber (Synthetic Industries)
14. Paints and Pigment Industries
15. Leather Tanning Industries
16. Electro-plating Industries
17. Chemical Industries
 - Coke Oven By-products and Coal tar distillation products
 - Industrial Gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphur dioxide, nitrous oxide halogenated hydrocarbon, ozone, etc.
 - Industrial Carbon
 - Alkalies and Acids
 - Chromates and dichromates
 - Leads and its compounds
 - Electrochemicals (metallic sodium, potassium and magnesium, chlorates, per chlorates and peroxides)
 - Electro thermal produces (artificial abrasive, calcium carbide)
 - Nitrogenous Compounds (cyanides, cyanamides, and other nitrogenous compounds)
 - Phosphorous and its compounds

- Halogens and Halogenated compounds (Chlorine, Fluorine, Bromine and Iodine)
- Explosives (including industrial explosives and detonators and fuses) - Hazardous Manufacture and Process

18. Insecticides, Fungicides, Herbicides and other Pesticides Industries
19. Synthetic Resin and Plastics
20. Man-made Fiber (Cellulosic and non-cellulosic) industry
21. Manufacture and repair of electrical accumulators
22. Glass and Ceramics
23. Grinding or glazing of metals
24. Manufacture, handling and processing of asbestos and its products
25. Extraction of oils and fats from vegetables and animal sources
26. Manufacture, handling and use of benzene and substances containing benzene
27. Manufacturing process and operations involving carbon disulphide
28. Dyes and Dyestuff including their intermediates
29. Highly flammable liquids and gases.