

CHAPTER – I

Salient Features of the Factories Act, 1948

1. OBJECTIVE

The main objective of the Act is to ensure adequate safety measures and promote health and welfare of the workers employed in factories as well as to prevent haphazard growth of factories. The Factories Act is meant to provide protection to the workers from being exploited and also provides for improvement of the working conditions within the factory premises.

2. COVERAGE OF THE ACT

The coverage of the Act is confined to the: -

- ❑ factories using power and employing 10 or more workers on any working day of the preceding twelve months;
- ❑ factories not using power and employing 20 or more workers on any working day of the preceding twelve months; and the
- ❑ factories specially notified under Section 85 of the Factories Act by the State Govts./Union Territories.

3. IMPORTANT CONCEPTS AND DEFINITIONS

(a) **Factory** means any premises including the precincts thereof:-

- i) wherein 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
- ii) wherein 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.

(b) **Worker** means a person (employed directly or through any agency including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any kind of work incidental to or connected with the manufacturing process, or the subject of manufacturing process (but does not include any member of the armed forces of the Union).

(c) **Manufacturing process** means any process for: -

- i) Making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal or
- ii) Pumping oil, water, sewage or any other substance or
- iii) Generating, transforming or transmitting power or
- iv) Composing types for printing, printing by letter press, lithography, photogravure of other similar process or book binding,
- v) Constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels,
- vi) Preserving or storing any article in cold storage.

(d) **Hazardous Process** means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, by-products, wastes or effluents thereof would cause material impairment of the health of the persons engaged in or connected therewith, or results in the pollution of the general environment, provided that the State Government may, by notification in the Official Gazette, amend the First Schedule by way of addition, omission or variation of any industry specified in the said Schedule.

(e) **Fatal Injury** means injury resulting from industrial accident which caused death to the worker.

(f) **Non-Fatal Injury** means injury resulting from industrial accident, which prevented injured worker from attending to work for a period of 48 hours or more immediately following the injuries.

(g) **Adult** means a person who has completed his eighteenth year of age.

(h) **Adolescent** means a person who has completed his fifteenth year of age but has not completed his eighteenth year.

(i) **Child** means a person who has not completed his fifteenth year of age.

(j) **Average Daily Number of Workers Employed** The average daily number of workers employed is calculated by dividing the aggregate number of attendances on all the working days (that is, mandays worked) by the number of working days in the year. Attendance on separate shifts (e.g. night and day shifts) should be counted separately. Days on which the factory was closed for whatever cause and days on which the manufacturing process was

not carried on should not be treated as working days. Partial attendance for less than half a shift on a working day should be ignored, while attendance for half a shift or more on such day should be treated as full attendance.

(k) Mandays Worked Mandays Worked means total number of attendances during a calendar year.

(l) Average Number of Hours Worked per week The Average number of hours worked per week means the total actual hours worked by all workers during the year excluding the rest intervals but including overtime worked divided by the product of average number of workers employed daily in the factory and 52 weeks or Average number of hours worked per week = total number of man hours worked/number of weeks in which production process has taken place.* average number of workers employed daily. In case the factory has not worked for the whole year, the number of weeks during which the factory worked should be used in place of 52