ANNEXURE-I

THE FACTORIES ACT, 1948

Act No. 63 of 1948

An Act to consolidate and amend the law-regulating labour in factories.

[23rd September 1948]

WHEREAS it is expedient to consolidate and amend the law regulating labour in factories;
It is hereby enacted as follows: -

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Factories Act, 1948.
   (2) It extends to the whole of India [except the State of Jammu and Kashmir.]
   (3) It shall come into force on the 1st day of April, 1949.

Interpretation

2. In this Act, unless there is anything repugnant in the subject or context, —
   (a) "adult" means a person who has completed his eighteenth year of age;
   (b) "adolescent" means a person who has completed his fifteenth year of age but has not completed his eighteenth year;
   (bb) "calendar year" means the period of twelve months beginning with the first day of January in any year;
   (c) "child" means a person who has not completed his fifteenth year of age;
   (d) "young person" means a person who is either a child or an adolescent;
   (e) "day" means a period of twenty-four hours beginning at midnight;
   (f) "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;
   (g) "power" means electrical energy, or any other form of energy which is mechanically transmitted and is not generated by human or animal agency;
   (h) "prime mover" means any engine, motor or other appliance which generates or otherwise provides power;
   (i) "transmission machinery" means any shaft, wheel, drum, pulley, system of pulleys, coupling, clutch, driving belt or other appliance or device by which the motion of a prime mover is transmitted to or received by any machinery or appliance;
   (j) "machinery" includes prime mover, transmission machinery and all other appliances whereby power is generated, transformed, transmitted or applied;

1 Subs. by the A.O. 1950 for the former sub-section.
2 Subs. by Act 3 of '1951', for "except the State of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin".
3 Ins. by Act 25 of 1954, s.2.
(j) "machinery" includes prime mover, transmission machinery and all other appliances whereby power is generated, transformed, transmitted or applied;

(k) "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 or sewage, or

(iii) generating, transforming or transmitting power; or

(iv) composing types for repairing, printing by letter press, lithography, photogravure or other similar process or book binding;

(v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels;

(l) “worker” means a person employed, directly or through any agency, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with the manufacturing process, or the subject of the manufacturing process;

(m) “factory” means any premises including the precincts thereof –

(i) 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

(ii) 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 does not include a mine subject to the operation of 5[the Mines Act 1952], or a railway running shed;

(n) “occupier” of a factory means the person who has ultimate control over the affairs of the factory, and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory;

(o) “managing agent” has the meaning assigned to it in the Indian Companies Act, 19136.

(p) “prescribed” means prescribed by rules made by the State Government under this Act;

(q) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a “relay” and each of such periods is called a “shift”.

References to time of day

3. In this Act references to time of day are references to Indian Standard Time, being five and a half hours ahead of Greenwich Mean time:

5 Subs. by Act 25 of 1954, s.2, for former sub-clause.

6 Now see the Companies Act, 1956 (1 of 1956).
Provided that for any area in which Indian Standard Time is not ordinarily observed the State Government may make rules—

(a) specifying the area,
(b) defining the local mean time ordinarily observed therein, and
(c) permitting such time to be observed in all or any of the factories situated in the area.

**Power to declare different departments to be separate factories or two or more factories to be single factory.**

4. *[The State Government may, on an application made in this behalf by an occupier, direct, by an order in writing, that for all or any of the purposes of this Act different departments or branches of a factory of the occupier specified in the application shall be treated as separate factories or that two or more factories of the occupier specified in the application shall be treated as a single factory.]*

**Power to exempt during public emergency.**

5. In any case of public emergency the State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from all or any of the provisions of this Act *except section 67* for such period and subject to such conditions as it may think fit:

6. **Approval, licensing and registration of factories.**

(1) The State Government may make rules—
(a) requiring 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;
(b) requiring for the purpose of considering applications for such permission the submission of plans and specifications;
(c) prescribing the nature of such plans and specifications and by whom they shall be certified;
(d) requiring the registration and licensing of factories or any class or description of factories, and prescribing the fees payable for such registration and licensing and for the renewal of licences;
(e) requiring that no licence shall be granted or renewed unless the notice specified in section 7 has been given.

(2) If on an application for permission referred to in clause (a) of sub-section (1) accompanied by the plans and specifications required by the rules made under clause (b) of that sub-section, 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.

(3) Where a State Government or a Chief Inspector refuses to grant permission to the site, construction or extension of a factory or to the registration and licensing of a

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*subs, by Act 25 of 1954, s.3.
Ins. by the A. O. 1950.*
appeal to the Central Government it the decision appealed from was of the State Government and to the State Government in any other case.

Explanation — A factory shall not be deemed to be extended within the meaning of this section by reason only of the replacement of any plant or machinery, or within such limits as may be prescribed, of the addition of any plant or machinery.

7. **Notice by occupier.**

(1) The occupier shall, at least fifteen days before he begins to occupy or use any premises as a factory, send to the Chief Inspector a written notice containing —

(a) the name and situation of the factory;
(b) the name and address of the occupier;

[(bb) the name and address of the owner of the premises or building (including the precincts thereof) referred to in section 93;]
(c) the address to which communications relating to the factory may be sent;
(d) the nature of the manufacturing process —
   
(i) carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act, and
(ii) to be carried on in the factory during the next twelve months in the case of all factories;

(e) the nature and quantity of power to be used;
(f) the name of the manager of the factory for the purposes of this Act;
(g) the number of workers likely to be employed in the factory;
(h) the average number of workers per day employed during the last twelve months in the case of a factory in existence on the date of the commencement of this Act;

(i) Such other particulars as may be prescribed.

(2) In respect of all establishments which come within the scope of the Act for the first time, the occupier shall send a written notice to the Chief Inspector containing the particulars specified in sub-section (1) within thirty days, from the date of the commencement of this Act.

(3) Before a factory engaged in a manufacturing process which is ordinarily carried on for less than one hundred and eighty working days in the year resumes working, the occupier shall send a written notice to the Chief Inspector containing the particulars specified in sub-section (1) at least thirty days before the date of the commencement of work.

(4) Whenever a new manager is appointed, the occupier shall send to the [Inspector a written notice and to the Chief Inspector a copy thereof] within seven days from the date on which such person takes over charge.

(5) During any period for which no person has been designated does not manage the factory, any person found acting as manager, or if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes for this Act.

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10 Ins. by Act 25 of 1954, s.4
11 Subs. by Act 40 of 1949, s.3. and Sch. II, for “within thirty days”.
12 Subs. by Act 25 of 1954, s.4, for “Chief Inspector a written notice”.
CHAPTER – II
THE INSPECTING STAFF

8. **Inspectors**

(1) The State Government may, by notification in the Official Gazette, appoint such persons as possess the prescribed qualification to be Inspectors for the purposes of this Act and may assign to them such local limits as it may think fit.

(2) The State Government may, by notification in the Official Gazette, appoint any person to be Chief Inspector who shall, in addition to the power conferred on a Chief Inspector under this Act, exercise the power of an Inspector throughout the State.

(3) Every District Magistrate shall be an Inspector for his district.

(4) The State Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Act, within such local limits as it may assign to them respectively.

(5) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, and shall be officially subordinate to such authority as the State Government may specify in this behalf.

9. **Powers of Inspectors**

Subject to any rules made in this behalf, an Inspector may within the local limits for which he is appointed,-

(a) enter, with such assistants, being persons in the service of the Government, or any local or other public authority, as he thinks fit, any place which is used, or which he has reason to believe is used, as a factory;

(b) make examination of the premises, plant and machinery, require the production of any prescribed register and any other document relating to the factory, and take on the spot or otherwise statements of any persons which he may consider necessary for carrying out the purposes of this Act;

(c) exercise such other powers as may be prescribed for carrying out the purposes of this Act:

Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

10. **Certifying surgeons**

(1) The State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such factory or class or description of factories as it may assign to them respectively.

(2) The certifying surgeon shall carry out such duties as may be prescribed in connection with –

(a) the examination of person engaged in factories in such dangerous occupations or processes as may be prescribed;

(b) the examination of persons engaged in factories in such dangerous occupations or processes as may be prescribed;
CHAPTER – III

HEALTH

11. **Cleanliness.**

(1) Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and in particular –
   (a) 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;
   (b) 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;
   (c) 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;
   (d) all inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall –
      (i) where they are painted or varnished, be repainted or revarnished at least once in every period of five years.
      (ii) where they are painted or varnished or where they have smooth impervious surface, be cleaned at least once in every period of fourteen months by such method as may be prescribed;
      (iii) in any which case, be kept whitewashed or colourwashed, and the whitewashing or colourwashing shall be carried out at least once in every period of fourteen months;
   (e) the dates on which the processes required by clause (d) are carried out shall be entered in the prescribed register.

(2) If, in view of the nature of the operation carried on in a factory, it is not possible for the occupier to comply with all or any of the provisions of sub-section (1), the State Government may by order exempt such factory or class or description of factories from any of the provisions of that sub-section and specify alternative methods for keeping the factory in a clean state.

12. **Disposal of wastes and effluents.**

(1) Effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.

(2) The State Government may make rules prescribing the arrangements to be made under sub-section (1) or requiring that the arrangements made in accordance with sub-section (1) shall be approved by such authority as may be prescribed.

13. **Ventilation and temperature**

(1) Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom-
   (a) adequate ventilation by the circulation of fresh air, and
   (b) such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health; -
   and in particular –
   (i) walls and roofs shall be of such material and so designed that such temperature shall not be exceeded but kept as low as practicable;
(ii) where the nature of the work carried on in the factory involves, or is likely
involve, the production of excessively high temperatures, such adequate
measures as are practicable shall be taken to protect the workers therefrom, by
separating the process which produces such temperatures from the
workroom, by insulating the hot parts or by other effective means.

(2) The State Government may prescribe a standard of adequate ventilation and
reasonable temperature for any factory or class or description of factories or
parts thereof and direct that a thermometer shall be provided and maintained in
such place and position as may be specified.

(3) If it appears to the State Government that in any factory or class or description
of factories excessively high temperatures can be reduced by such methods as
whitewashing, spraying or insulating and screening outside walls or roofs or
windows, or by raising the level of the roof, or by insulating the roof either by
an air-space and double roof or by the use of insulating roof materials, or y
other methods, it may prescribe such of these or other methods as shall be
adopted in the factory.

14. **Dust and fume.**

(1) In every factory in which, by reason of the manufacturing process carried on,
there is given off any dust or fume or other impurity of such a nature and to
such an extent as is likely to be injurious or offensive to the workers employed
therein, or any dust in substantial quantities, effective measures shall be taken to
prevent its inhalation and accumulation in any workroom, and if any exhaust
appliance is necessary for this purpose, it shall be applied as near as possible to
the point of origin of the dust, fume or other impurity, and such point shall be
enclosed so far as possible.

(2) In any factory no stationary internal combustion engine shall be opearted unless
the exhaust is conducted into the open air, and no other internal combustion
engine shall be operated in any room unless effective measures have been taken
to prevent such accumulation of fumes there from as are likely to injurious to
workers employed in the room.

15. **Artificial humidification**

(1) In respect of all factories in which the humidity of the air artificially increased,
the State Government may make rules, -
(a) prescribing standards of humidification;
(b) regulating the methods used for artificially increasing the humidity of the air;
(c) directing prescribed tests for determining the humidity of the air to be
correctly carried out and recorded;
(d) prescribing methods to be adopted for securing adequate ventilation and
cooling of the air in the workrooms.

(2) In any factory in which the humidity of the air is artificially increased, the water
used for the purpose shall be taken from a public supply, or other source of
drinking water, or shall be effectively purified before it is so used.

(3) If it appears to an Inspector that the water used in a factory for increasing
humidity which is required to be effectively purified under sub-section (2) is not
effectively purified he may serve on the manager of the factory an order in
writing, specifying the measures which in his opinion should be adopted, and
requiring them to be carried out before specified date.
16. **Overcrowding**

(1) No room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein.

(2) Without prejudice to the generality of sub-section (1), there shall be in every workroom of a factory in existence on the date of the commencement of this Act at least three hundred and fifty cubic feet and of a factory built after the commencement of this Act at least five hundred cubic feet of space for every worker employed therein, of any space which is more than fourteen feet above the level of the floor of the room.

(3) If the Chief Inspector by order in writing so requires, there shall be posted in each workroom of a factory a notice specifying the maximum number of workers who may, in compliance with the provision of this section, be employed in the room.

(4) The Chief Inspector may by order in writing exempt, subject to such conditions, if any, as he may think fit to impose, any workroom from the provisions of this section, if he is satisfied that compliance therewith in respect of the room is unnecessary in the interest of the health of the workers employed therein.

17. **Lighting**

(1) 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.

(2) 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 and, so as compliance with the provisions of any rules made under sub-section (3) of section 13 will allow, free from obstruction.

(3) In every factory effective provision shall, so far as is practicable, be made for the prevention of—

(a) glare, either directly from a source of light or by reflection from a smooth or polished surface;

(b) the formation of shadows to such an extent as to cause eye-strain or the risk of accident to any worker.

(4) The State Government may prescribe standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.

18. **Drinking water.**

(1) 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.

(2) All such points shall be legibly marked “drinking water” in a language understood by a majority of the workers employed in the factory, and no such point shall be situated within twenty feet of any washing place, urinal or latrine unless a shorter distance is approved in writing by the Chief Inspector.

(3) 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.

(4) In respect of all factories or any class or description of factories the State Government may make rules for securing compliance with provisions of sub-
sections (1), (2) and (3) and for the examination by prescribed authorities of the supply and distribution of drinking water in factories.

19. **Latrines and urinals.**

(1) In every factory -  
(a) sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are at the factory;  
(b) separate enclosed accommodation shall be provided for male and female workers;  
(c) such accommodation shall be adequately lighted and ventilate, and no latrine or urinal shall, unless specially exempted in writing by the Chief Inspector, communicate with any workroom except through an intervening open space or ventilated passage;  
(d) all such accommodation shall be maintained in a clean and sanitary condition at all times;  
(e) sweepers shall be employed whose primary duty it would be to keep clean latrines, urinals and washing places.

(2) In every factory wherein more than two hundred and fifty workers are ordinarily employed-  
(a) all latrine and urinal accommodation shall be of prescribed sanitary types;  
(b) the floors and internal walls, up to a height of three feet, of the latrines and urinals and the sanitary blocks shall be laid in glazed tiles or otherwise finished to provide a smooth polished impervious surface;  
(c) without prejudice to the provisions of clauses (d) and (e) of sub-section (1), the floors, portions of the walls and blocks so laid or finished and the sanitary pans of latrines and urinals shall be thoroughly washed and cleaned at least once in every seven days with suitable detergents or disinfectants or with both.

(3) The State Government may prescribe the number of latrines and urinals to be provided in any factory in proportion to the numbers of male and female workers ordinarily employed therein, and provide for such further matters in respect of sanitation in factories, including the obligation of workers in this regard, as it considers necessary in the interest of the health of the workers employed therein.

20. **Spittoons**

(1) In every factory there shall be provided a sufficient number of spittoons in convenient places and they shall be maintained in a clean and hygienic condition.

(2) The State Government may make rules prescribing the type and the number of spittoons to be provided and their location in any factory and provide for such further matters relating to their maintenance in a clean and hygienic condition.

(3) No person shall spit within the premises of a factory except in the spittoons provided for the purpose and a notice containing this provision and the penalty for its violation shall be prominently displayed at suitable places in the premises.

(4) Whoever spits in contravention of sub-section (3) shall be punishable with fine not exceeding five rupees.
CHAPTER-IV

SAFETY

21. **Fencing of machinery**

(1) In every factory the following, namely,-
   (i) every moving part of a prime mover and every flywheel connected to a prime mover, whether the prime mover or flywheel is in the engine house or not;
   (ii) the headrace and tailrace of every water-wheel and water turbine;
   (iii) any part of a stock-bar which projects beyond the head stock of a lathe; and
   (iv) unless they are in such position or of such construction as to be safe to every person employed in the factory as they would be if they were securely fenced, the following, namely.
      (a) every part of an electric generator, a motor or rotary converter;
      (b) every part of transmission machinery; and
      (c) every dangerous part of any other machinery, shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use:

Provided that for the purpose of determining whether any part of machinery is in such position or is of such construction as to be safe as aforesaid, account shall not be taken of any occasion when, it is in motion or shipping of belts, lubrication or other adjusting operation is made or carried out in accordance with the provisions 13[subsection (1) of section 22].

(2) The State Government may by rules prescribe such further precautions as it may consider necessary in respect of any particular machinery or part thereof, or exempt, subject to such condition as may be prescribed, for securing the safety of the workers, any particular machinery or part thereof from the provisions of this section.

22. **Work on or near machinery in motion.**

(1) Where in any factory it becomes necessary to examine any part of machinery referred to in section 21 while the machinery is in motion, or as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight fitting clothing whose name has been recorded in the register prescribed in this behalf and while he is so engaged,
   (a) such worker shall not handle a belt at a moving pulley unless the belt is less than six inches in width and unless the belt-joint is either laced or flush with the belt;
   (b) without prejudice to any other provision of this Act relating to the fencing of machinery, every set screw, bolt and key on any revolving shaft, spindle, wheel or pinion, and all spur, worm and other toothed or friction gearing in motion with which such worker would otherwise be liable to come into contact, shall be securely fenced to prevent such contact.

(2) 14[No woman or young person shall be allowed to clean, lubricate or adjust any part of a prime mover or of any transmission machinery while the prime mover

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13 Subs. by Act 25 of 1954, s. 5, for "section 22".
14 Subs. by Act 25 of 1954, s.6.
or transmission machinery is in motion, or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

23. **Employment of young persons on dangerous machines.**

(1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and –
(a) has received sufficient training in work at the machine, or
(b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) Sub-section (1) shall apply to such machines as may be prescribed by the State Government, being machines which in its opinion are of such a dangerous character that young persons ought not work at them unless the foregoing requirements are complied with.

24. **Striking gear and devices for cutting off power.**

(1) In every factory-
(a) suitable striking gear or other efficient mechanical appliance shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and such gear or appliances shall be so constructed shall be so constructed, placed and maintained as to prevent the belt from creeping back on to the fast pulley;
(b) driving belts when not in use shall not be allowed to rest or ride upon shafting in motion.

(2) In every factory suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained in every work-room;

Provided that in respect of factories in operation before the commencement of this Act, the provisions of this sub-section shall apply only to work-rooms in which electricity is used as power.

25. **Self-acting machines.**

No traversing part of a self-acting machine in any factory and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed to run on its outward or inward traverse within a distance of eighteen inches from any fixed structure which is not part of the machine.

Provided that the Chief Inspector may permit the continued use of a machine installed before the commencement of this Act which does not comply with the requirements of this section on such conditions for ensuring safety as he may think fit to impose.
26. **Casing of new machinery.**

(1) In all machinery driven by power and installed in any factory after the commencement of this Act,-

(a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger;

(b) all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased, unless it is so situated as to be as safe as it would be if it were completely encased.

(2) Whoever sells or lets on hire or, as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with the provisions of 15[sub-section (1) or any rules made under sub-section (3)], shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

(3) 16(The State Government may make rules specifying further safeguards to be provided in respect of any other dangerous part of any particular machine or class or description of machines).

27. **Prohibition of employment of women and children near cotton-openers.**

No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work:

Provided that if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

28. **Hoists and lifts.**

(1) In every factory-

(a) every hoist and lift shall be –

(i) of good mechanical construction, sound material and adequate strength;

(ii) properly maintained, and shall be thoroughly examined by a competent person at least once in every period of six months, and register shall be kept containing the prescribed particulars of every such examination;

(b) every hoistway and liftway shall be sufficiently protected by an enclosure fitted with gates, and the hoist or lift and every such enclosure shall be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure or moving part;

(c) the maximum safe working load shall be plainly marked on every hoist or lift, and no load greater than such load shall be carried thereon;

(d) the cage of every hoist or lift used for carrying persons shall be fitted with a gate on each side from which access is afforded to a landing.

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15 Subs. by Act 25 of 1954, s. 7, for “sub-section (1)”.
16 Subs. by Act 25 of 1954, s. 7.
(e) every gate referred to in clause (b) or clause (d) shall be fitted with interlocking or other efficient device to secure that the gate cannot be opened except when the cage is at the landing and that the cage cannot be moved unless the gate is closed.

(2) The following additional requirements shall apply to hoists and lifts used for carrying persons and installed or reconstructed in a factory after the commencement of this Act, namely:-

(a) where the cage is supported by rope or chain, there shall be at least two ropes or chains separately connected with the cage and balance weight, and each rope or chain with its attachments shall be capable of carrying the whole weight of the cage together with its maximum load;

(b) efficient devices shall be provided and maintained capable of supporting the cage together with its maximum load in the event of breakage of the ropes, chains or attachments;

(c) an efficient automatic device shall be provided and maintained to prevent the cage from over-running.

(3) The Chief Inspector may permit the continued use of a hoist or lift installed in a factory before the commencement of this Act which does not fully comply with the provisions of sub-section (1) upon such conditions for ensuring safety as he may think fit to impose.

(4) The State Government may, if in respect of any class or description of hoist or lift it is of opinion that it would be unreasonable to enforce any requirement of sub-sections (1) and (2), by order direct that such requirements shall not apply to such class or description of hoist or lift.

29. **Lifting machines, chains, ropes and lifting tackles.**

(1) In any factory the following provisions shall be complied with in respect of every lifting machine (other than a hoist and lift) and every chain, rope and lifting tackle for the purpose of raising or lowering persons, goods or materials:--

(a) all parts, including the working gear, whether fixed or movable, of every lifting machine and every chain, rope or lifting tackle shall be--

(i) of good construction, sound material and adequate strength and free from defects;

(ii) properly maintained; and

(iii) thoroughly examined by a competent person at least once in every period of twelve months, or at such intervals as the Chief Inspector may specify in writing; and a register shall be kept containing the prescribed particulars of every such examination;

(b) no lifting machine and no chain, rope or lifting tackle shall, except for the purpose of test, be loaded beyond the safe working load which shall be plainly marked thereon together with an identification mark and duly entered in the prescribed register; and where this is not practicable, a table showing the safe working loads of every kind and size of lifting machine or chain, rope or lifting tackle in use shall be displayed in prominent positions on the premises;

(c) while any person is employed or working on or near the wheel track of a travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place.

17 Subs. by Act 25 of 1954, s. 8.
(2) The State Government may make rules in respect of any lifting machine or any chain, rope or lifting tackle used in factories—
(a) prescribing further requirements to be complied with in addition to those set out in this section;
(b) providing for exemption from compliance with all or any of the requirements of this section, where in its opinion, such compliance is unnecessary or impracticable.
(3) For the purposes of this section a lifting machine or a chain, rope or lifting tackle shall be deemed to have been thoroughly examined if a visual examination supplemented, if necessary, by other means and by the dismantling of parts of the gear, has been carried out as carefully as the conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined.

Explanation—In this section,—
(a) “lifting machine” means a crane, crab, winch teagle pulley block, gin wheel, transporter or runway;
(b) “lifting tackle” means chain slings, rope slings, rings, hooks, shackles and swivels.

30. **Revolving machinery**

(1) In every room in a factory in which the process of grinding is carried on there shall be permanently affixed to or placed near each machine in use a notice indicating the maximum safe working peripheral speed of every grindstone or abrasive wheel, the speed of the shaft or spindle upon which the wheel is mounted, and the diameter of the pulley upon such shaft or spindle necessary to secure such safe working peripheral speed.
(2) The speeds indicated in notices under sub-section (1) shall not be exceeded.
(3) Effective measures shall be taken in every factory to ensure that the safe working peripheral speed of every revolving vessel, cage, basket, flywheel, pulley, disc or similar appliance driven by power is not exceeded.

31. **Pressure plant.**

(1) If in any factory any part of the plant or machinery used in a manufacturing process is operated at a pressure above atmospheric pressure effective measures shall be taken to ensure that the safe working pressure of such part is not exceeded.
(2) The State Government may make rules providing for the examination and testing of any plant or machinery such as is referred to in sub-section (1) and prescribing such other safety measures in relation thereto as may in its opinion be necessary in any factory or class or description of factories.

32. **Floors, stairs and means of access.**

In every factory—
(a) all floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained, and where it is necessary to ensure safety, steps, stairs, passages and gangways shall be provided with substantial handrails;
(b) there shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person is at any time required to work.
33. **Pits, sumps, openings in floors, etc.**

(1) In every factory every fixed vessel, sump, tank, pit or opening in the ground or in a floor which, by reason of its depth, situation, construction or contents, is or may be a source of danger, shall be either securely covered or securely fenced.

(2) The State Government may, by order in writing, exempt, subject to such conditions as may be prescribed, any factory or class or description of factories in respect of any vessel, sump, tank, pit or opening from compliance with the provisions of this section.

34. **Excessive weights**

(1) No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury.

(2) The State Government may make rules prescribing the maximum weights which may be lifted, carried or moved by adult or in any class or description of factories or in carrying on any specified process.

35. **Protection of eyes**

In respect of any such manufacturing process carried on in any factory as may be prescribed, being a process which involves –

(a) risk of injury to the eyes from particles or fragments thrown off in the course of the process, or

(b) risk to the eyes by reason of exposure to excessive light, the State Government may by rules require that effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of, the process.

36. **Precautions against dangerous fumes**

(1) In any factory no person shall enter or be permitted to enter or be permitted to enter any chamber, tank, vat, pit, pipe, flue or other confined space in which dangerous fumes are likely to be present to such an extent as to involve risk or persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress.

(2) No portable electric light of voltage exceeding twenty-four volts shall be permitted in any factory for use inside any confined space as is referred to in sub-section (1), and where the fumes present are likely to be inflammable, on lamp or light other than of flame-proof construction shall be permitted to be used in such confined space.

(3) No person in any factory shall enter or be permitted to enter any confined space such as is referred to in sub-section (1) until all practicable measures have been taken to remove any fumes which may be present and to prevent any ingress of fumes and unless either-

(a) a certificate in writing has been given by a competent person, based on a test carried out by himself, that the space is free from dangerous fumes and fit for persons to enter, or

(b) the worker is wearing suitable breathing apparatus and a belt securely attached to a rope, the free end of which is held by a person standing outside the confined space.
(4) Suitable breathing apparatus, reviving apparatus and belts and ropes shall in every factory be kept ready for instant use beside any such confined space as aforesaid which any person has entered, by and all such apparatus shall be periodically examined and certified by a competent person to be fit for use; and a sufficient number of persons employed in every factory shall be trained and practised in the use of all such apparatus and in the method of restoring respiration.

(5) No person shall be permitted to enter in any factory any boiler furnace, boiler flue, chamber, tank, vat, pipe or other confined space for the purpose of working or making any examination therein until it has been sufficiently cooled by ventilation or otherwise to be safe for persons to enter.

(6) The State Government may make rules prescribing the minimum dimensions of the manholes referred to in sub-section (1), and may by order in writing exempt, subject to such conditions as it may think fit to impose, any factory or class or description of factories from compliance with any of the provisions of this section.

37. **Explosive or inflammable dust, gas, etc.**

(1) Where in any factory any manufacturing process produces dust, gas, fume or vapour of such character and to such extent a to be likely to explode on ignition, all practicable measures shall be taken to prevent any such explosion by —

(a) effective enclosure of the plant or machinery used in the process;
(b) removal or prevention of the accumulation of such dust, gas, fumes or vapour;
(c) exclusion or effective enclosure of all possible sources of ignition.

(2) Where in any factory the plant or machinery used in a process such as is referred to in sub-section (1) is not so constructed as to withstand the probable pressure which such an explosion as aforesaid would produce, all practicable measures shall be taken to restrict the spread and effects of the explosion by the provision in the plant or machinery of chokes, baffles, vents or other effective appliances.

(3) Where any part of the plant or machinery in a factory contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened except in accordance with the following provisions, namely:

(a) before the fastening of any joint of any pipe connected with the part or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part of any such pipe shall be effectively stopped by a stop-valve or other means;
(b) before any such fastening as aforesaid is removed all practicable measures shall be taken to reduce the pressure of the gas or vapour in the part or pipe to atmospheric pressure;
(c) where any such fastening as aforesaid has been loosened or removed effective measures shall be taken to prevent any explosive or inflammable gas or vapour from entering the part or pipe until the fastening has been secured, or, as the case may be, securely replaced:

Provided that the provisions of this sub-section shall not apply in the case of plant or machinery installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected in any factory to any welding, brazing, soldering or cutting operation which involves the application of heat unless adequate measures have first been taken to remove such substance and any fumes non-explosive or not-inflammable, and no such substance shall be allowed to enter such
plant, tank or vessel after any such operation until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The State Government may by rules exempt, subject to such conditions as may be prescribed, any factory or class or description of factories from compliance with all or any of the provisions of this section.

38. **Precautions in case of fire**

(1) Every factory shall be provided with such means of escape in case of fire as may be prescribed, and if it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing specifying the measures which, in his opinion should be adopted to bring the factory into conformity with the provisions of this section and any rules made thereunder, and requiring them to be carried out before a date specified in the order.

(2) In every factory the doors affording exit from any room shall not be locked or fastened so that they cannot be easily and immediately opened from the inside while any person is within the room, and all such doors, unless they are of the sliding type, shall be constructed to open outwards.

(3) In every factory, every window, door or other exit affording a means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked in a language, understood by the majority of the workers and in red letters of adequate size or by some other effective and clearly understood sign.

(4) There shall be provided in every factory effective and clearly audible means of giving warning in case of fire to every person employed in the factory.

(5) A free passage-way giving access to each means of escape in case of fire shall be maintained for the use of all workers in every room of a factory.

(6) Effective measures shall be taken to ensure that in every factory-

(a) wherein more than twenty workers are ordinarily employed in any place above the ground floor, or

(b) wherein explosive or highly inflammable materials are used or stored, all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

(7) The State Government may make rules prescribing, in respect of any factory or class or description of factories, the means of escape to be provided in case of fire and the nature and amount of fire-fighting apparatus to be provided and maintained.

39. **Power of require specifications of defective parts or tests of stability**

If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date-

(a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building ways, machinery or plant can be used with safety, or

(b) to carry out such test in such manner as may be specified in the order, and to inform the Inspector of the results thereof.
40. **Safety of buildings and machinery**

(1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the manager of the factory an order in writing specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the Inspector that the use of any building or part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

41. **Power to make rules to supplement this Chapter.**

The State Government may make rules requiring the provision in any factory or in any class or description of factories of such further devices for securing the safety of persons employed therein as it may deem necessary.

CHAPTER-V

WELFARE

42. **Washing facilities**

(1) In every factory —
   (a) adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein;
   (b) separate and adequately screened facilities shall be provided for the use of male and female workers;
   (c) such facilities shall be conveniently accessible and shall be kept clean.

(2) The State Government may, in respect of any factory or class or description of factories or of any manufacturing process, prescribe standards of adequate and suitable facilities for washing.

43. **Facilities for storing and drying clothing**

The State Government may, in respect of any factory or class or description of factories, make rules requiring the provision therein of suitable places for keeping clothing not worn during working hours and for the drying of wet clothing.

44. **Facilities for sitting**

(1) In every factory suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position, in order that they may take advantage of any opportunities for rest which may occur in the course of their work.

(2) If, in the opinion of the Chief Inspector, the workers in any factory engaged in a particular manufacturing process or working in a particular room are able to do their work efficiently in a sitting position, he may, by order in writing, require the occupier of the factory to provide before a specified date such seating arrangements as may be practicable for all workers so engaged or working.
3. The State Government may, by notification in the Official Gazette, declare that the provisions of sub-section (1) shall not apply to any specified factory or class or description of factories or to any specified manufacturing process.

45. First-aid appliances

(1) There shall in every factory be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents, and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every one hundred and fifty workers ordinarily employed [at any one time] in the factory.

(2) [Nothing except the prescribed contents shall be kept in a first-aid box or cupboard.

(3) Each first-aid box or cupboard shall be kept in the charge of a separate responsible person who is trained in first-aid treatment and who shall always be readily available during the working hours of the factory.

(4) [In every factory wherein more than five hundred workers are employed there shall be provided and maintained an ambulance room of the prescribed size, containing the prescribed equipment and in the charge of such medical and nursing staff as may be prescribed.]

46. Canteens

(1) The State Government may make rules requiring that in any specified factory wherein more than two hundred and fifty workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for –

(a) the date by which such canteen shall be provided;

(b) the standards in respect of construction, accommodation, furniture and other equipment of the canteen;

(c) the foodstuffs to be served therein and the charges which may be made therefor;

(d) the constitution of a managing committee for the canteen and representation of the workers in the management of the canteen;

(e) the delegation to the Chief Inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (c).

47. Shelters, restrooms and lunch-rooms.

(1) In every factory wherein more than one hundred and fifty workers are ordinarily employed, adequate and suitable shelters or rest rooms and a suitable lunch room, with provision for drinking water, where workers can eat meals brought by them, shall be provided and maintained for the use of the workers:

Provided that any canteen maintained in accordance with the provisions of section 46 shall be regarded as part of the requirements of this sub-section:

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18 Ins. by Act 25 of 1954, s. 9
19 Subs. by s. , ibid., for original sub-section (2).
20 Sub-section (3) renumbered as sub-section (4) by s. 9, ibid.
Provided further that where a lunch-room exists no worker shall eat any food in
the work-room.
(2) The shelters or rest rooms or lunch-rooms to be provided under sub-section (1)
shall be sufficiently lighted and ventilated and shall be maintained in a cool and
clean condition.
(3) The State Government may —
(a) prescribe the standards in respect of construction, accommodation, furniture and
other equipment of shelters, rest rooms and lunch rooms to be provided under this
section.
(b) by notification in the Official Gazette, exempt any factory or class or description of
factories from the requirements of this section.

48. Crèches

(1) In every factory wherein more than fifty women workers are ordinarily employed
there shall be provided and maintained a suitable room or rooms for the use of
children under the age of six years of such women.
(2) Such rooms shall provide adequate accommodation, shall be adequately lighted and
ventilated, shall be maintained in a clean and sanitary condition and shall be under
the charge of women trained in the care of children and infants.
(3) The State Government may make rules —
(a) prescribing the location and the standards in respect of construction,
accommodation, furniture and other equipment of rooms to be provided under
this section;
(b) requiring the provision in factories to which this section applies of additional
facilities for the care of children belonging to women workers, including
suitable provision of facilities for washing and changing their clothing;
(c) requiring the provision in any factory of free milk or refreshment or both for
such children.
(d) requiring that facilities shall be given in any factory for the mothers of such
children to feed them at the necessary intervals.

49. Welfare officers

(1) In every factory wherein five hundred or more workers are ordinarily employed the
occupier shall employ in the factory such number of welfare officers as may be
prescribed.
(2) The State Government may prescribe the duties, qualifications and conditions of
service of officers employed under sub-section (1).

50. Power to make rules to supplement this chapter

The State Government may make rules -

(a) exempting, subject to compliance with such alternative arrangements for the welfare
of workers as may be prescribed, any factory or class or description of factories from
compliance with any of the provisions of this Chapter;
(b) requiring in any factory or class or description of factories that representatives of the
workers employed in the factory shall be associated with the management of the
welfare arrangements of the workers.
CHAPTER VI

WORKING HOURS OF ADULTS

51. Weekly hours

No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.

52. Weekly holidays

(1) No adult worker shall be required or allowed to work in a factory on the first day of the week (hereinafter referred to as the said day), unless -
(a) he has or will have a holiday for a whole day on one of the three days immediately before or after the said day, and
(b) the manager of the factory has, before the said day or the substituted day under clause (a), whichever is earlier,-
   (i) delivered a notice at the office of the Inspector of his intention to require the worker to work on the said day and of the day which is to be substituted, and
   (ii) displayed a notice to that effect in the factory:

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sec-section (1) may be cancelled by a notice delivered at the office of the Inspector and a notice displayed in the factory not later than the day before the said day or the holiday to be cancelled, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on the said day and has had a holiday on one of the three days immediately before it, that said day shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

53. Compensatory holidays

(1) Where, as a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of this section 52, a worker is deprived of any of the weekly holidays for which provision is made in sub-section (1) of that section, he shall be allowed, within the month in which the holidays were due to him or within the two months immediately following that month, compensatory holidays of equal number to the holidays so lost.

(2) The State Government may prescribe the manner in which the holidays for which provision is made in sub-section (1) shall be allowed.

54. Daily hours

Subject to the provisions of section 51, no adult worker shall be required or allowed to work in a factory for more than nine hours in any day:
21 [Provided that, subject to the previous approval of the Chief Inspector, the daily maximum specified in this section may be exceed in order to facilitate the change of shifts.]

55. **Intervals for rest**

22 [(1)] 23 [The periods of work] of adult workers in a factory in a factory each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

24 [(2) The State Government or, subject to the control of the State Government, the Chief Inspector, may, by written order and for the reasons specified therein, exempt any factory from the provisions of sub-section (1) so however that the total number of hours worked by a worker without an interval does not exceed six.]

56. **Spreadover**

The periods of work of an adult worker in a factory shall be so arranged that inclusive of his intervals for rest under section 55, they shall not spreadover more than ten and a half hours in any day:

Provided that the Chief Inspector may, for reasons to be specified in writing, increase the spreadover to twelve hours.

57. **Night shifts**

Where a worker in a factory works on a shift which extends beyond midnight, -

(a) for the purpose of sections 52 and 53, a holiday for a whole day shall mean in his case a period of twenty-four consecutive hours beginning when his shift ends;

(b) the following day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted in the previous day.

58. **Prohibition of overlapping shifts**

(1) Work shall not be carried on in any factory by means of a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time.

(2) 25 [The State Government or subject to the control of the State Government, the Chief Inspector, may, by written order and for the reasons specified therein, exempt on such conditions as may be deemed expedient, any factory or any category or description of factories or any department or section of a factory or any category or description of workers therein from the provisions of sub-section (1).]

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21 Added by Act 25 of 1954, s. 10
22 S. 55 renumbered as sub-section "(1)" of that section by s. 11, ibid.
23 Subs. by Act 40 of 1949, s. 3 and Sch. II, for "The period".
24 Added by Act 25 of 1954, s. 11
25 Subs. by Act 25 of 1954, s. 12.
Extra wages for overtime

(1) Where a worker works in a factory for more than nine hours in any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

(2) Where any workers in a factory are paid on a piece rate basis, the State Government, in consultation with the employer concerned, and the representatives of the workers shall, for the purposes of this section, fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of wages of those workers.

(3) For the purpose of this section, “ordinary rate of wages” means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional sale to workers of food grains and other articles, as the worker is for the time being entitled to, but does not include a bonus.

(4) The cash equivalent of the advantage accruing through the concessional sale to a worker of food grains and other articles shall be computed as often as may be prescribed on the basis of the maximum quantity of food grains and other articles admissible to a standard family.

Explanation 1. - “Standard family” means a family consisting of the worker, his or her spouse and two children below the age of fourteen years requiring in all three adult consumption units.

Explanation 2. - “Adult consumption unit” means the consumption unit of a male above the age of fourteen years; and the consumption unit of a female above the age of fourteen years and that of a child below the age of fourteen years shall be calculated at the rates of .8 and .6 respectively of one adult consumption unit.

(5) The State Government may make rules prescribing –

(a) the manner in which the cash equivalent of the advantage accruing through the concessional sale to a worker of food grains and other articles shall be computed; and

(b) the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

Restriction on double employment.

No adult worker shall be required or allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

Notice of periods work for adults.

(1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 108, a notice of periods of work for adults, showing clearly for every day the periods during which adult workers may be required to work.

(2) The periods shown in the notice required by sub-section (1) shall be fixed beforehand in accordance with the following provisions of this section, and shall be

26 Subs. by Act 25 of 1954, s. 12.
such that workers working for those periods would not be working in contravention of any of the provisions of sections 51, 52, 54, 55, 56 and 58.

(3) Where all the adult workers in a factory are required to work during the same periods, the manager of the factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work during the same periods, the manager of the factory shall classify them into groups according to the nature of their work indicating the number of workers in each group.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods during which the group may be required to work.

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shifts, the manager of the factory shall fix the periods during which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts where under the periods during which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The State Government may prescribe forms of the notice required by sub-section (1) and the manner in which it shall be maintained.

(9) In the case of a factory beginning work after the commencement of this Act, a copy of the notice referred to in sub-section (1) shall be sent in duplicate to the Inspector before the day on which work is begun in the factory.

(10) Any proposed change in the system of work in any factory which will necessitate a change in the notice referred to in sub-section (1) shall be notified to the Inspector in duplicate before the change is made, and except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

62. Register of adult workers

(1) The manager of every factory shall maintain a register of adult workers, to be available to the Inspector at all times during working hours, or when any work is being carried on in the factory showing—

(a) the name of each adult worker in the factory;
(b) the nature of his work;
(c) the group, if any, in which he is included;
(d) where his group works on shifts, the relay to which he is allotted;
(e) such other particulars as may be prescribed:

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory given in respect of any or all the workers in the factory the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of, and be treated as, the register of adult workers in that factory.

(2) The State Government may prescribe the form of the register of adult workers, the manner which it shall be maintained and the period for which it shall be preserved.

27 Subs. by Act 25 of 1954, s. 14, for “55 and 56”.
63. **Hours of work to correspond with notice under section 61 and register under section 62.**

No adult worker shall be required or allowed to work in any factory otherwise than in accordance with the notice of periods of work for adults displayed in the factory and the entries made beforehand against his name in the register of adult workers of the factory.

64. **Power to make exempting rules.**

(1) The State Government may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter, other than the provisions of clause (b) of sub-section (1) of section 66 and of the proviso to that sub-section, shall not apply to any person so defined.

(2) The State Government may make rules in respect of adult workers in factories providing for the exemption, to such extent and subject to such conditions as may prescribed—

(a) of workers engaged on urgent repairs, from the provisions of section 51, 52, 54, 55 and 56;

(b) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory, from the provisions of sections 51, 54, 55 and 56;

(c) of workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals of rest required by or under section 55, from the provisions of sections 51, 52, 54, 55 and 56;

(d) of workers engaged in any work which for technical reasons must be carried on continuously from the provisions of sections 51, 52, 54, 55 and 56;

(e) of workers engaged in any work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest required by or under section 55, from the provisions of sections 52;

(f) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons, from the provisions of section 52;

(g) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces, from the provisions of sections 52 and 55.

(h) of workers engaged in engine-rooms or boiler-houses or in attending to power-plant or transmission machinery, from the provisions of section 52;

(i) of workers engaged in the printing of newspapers, who are held up on account of the breakdown of machinery, from the provisions of sections 51, 54, and 56.

Explanation — In this clause the expression “newspapers” has the meaning assigned to it in the Press and Registration of Books Act, 1867;

(j) of workers engaged in the loading or unloading of railway wagons, from the provisions of sections 51, 52, 54, 55 and 56.

28 The word “throughout the day” omitted by Act of 1954, s. 15.

29 Added by Act 25 of 1954, s. 15.
(3) Rules made under sub-section (2) providing for any exemption may also provide for any consequential exemption from the provisions of section 61 which the State Government may deem to be expedient, subject to such conditions as it may prescribe.

(4) [In making rules under this section, the State Government shall not exceed, except in respect of exemption under clause (a) of sub-section (2), the following limits of work inclusive of overtime:

(i) the total number of hours of work in any day shall not exceed ten;
(ii) the spread over, inclusive of intervals for rest, shall not exceed twelve hours in any one day:

Providing that the State Government may, in respect of any or all of the categories of workers referred to in clause (d) of sub-section (2), make rules prescribing the circumstances in which, and the conditions subject to which, the restrictions imposed by clause (i) and clause (ii) shall not apply in order to enable a shift worker to work the whole or part of a subsequent shift in the absence of a worker who has failed to report for duty;

(iii) the total number of hours of overtime shall not exceed fifty for any one quarter.

Explanation: - "quarter" means a period of three consecutive months beginning on the 1st of April, the 1st of July or the 1st of October.]

(5) Rules made under this section shall remain in force for not more than three years.

65. **Power to make exempting orders.**

(1) Where the state Government is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the period of work of any adult workers in any factory or class or description of factories should be fixed beforehand, it may, by written orders, relax or modify the provisions of section 61 in respect of such workers therein to such conditions as it may deem expedient to ensure control over periods or work.

(2) The state Government or, subject to the control of the state Government, the chief Inspector, may by written order exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory or group or class or description of factories from any or all of the provisions of section 51, 52, 54 and 56 on the ground that the exemption is required to enable the factory of factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of working hours shall be subject 64.

(4) No factory shall be exempted under sub-section (2) for a period or periods exceeding in the aggregate three months in any year.

66. **Further restrictions on employment of women.**

(1) The provisions of this Chapter shall, in their application to women in factories, be supplemented by the following further restrictions, namely: -

(a) no exemption from the provisions of section 54 may be granted in respect of any woman;

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30 Subs. by s. 15, ibid., for the original sub-section (4).
31 Sub by Act 25 of 1954, s. 16, for "weekly hours of work".
(b) no women shall be employed in any factory except between the hours of 6 AM and 7 PM.\(^2\)

Provided that the State Government may, by notification in the Official Gazette, in respect of any class or description of factories vary the limits laid down in clause (b), but so that no such variation shall authorize the employment of any woman between the hours of 10 PM and 5 AM;

\(^3\) [c] There shall be no change of shifts except after a weekly holiday or any other holiday.]

(2) The State Government may make rules providing for the exemption from the restrictions set out in sub-section (1), to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories, where the employment of women beyond the hours specified in the said restrictions is necessary to prevent damage to, or deterioration in, any raw material.

(3) The rules made under sub-section (2) shall remain in force for not more than three years at a time.

CHAPTER-VII

EMPLOYMENT OF YOUNG PERSONS

67. **Prohibition of employment of young children**

No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

68. **Non-adult workers to carry tokens.**

A child who has completed his fourteenth year or an adolescent shall not be required or allowed to work in any factory unless-

(a) a certificate of fitness granted with reference to him under section 69 is in the custody of the manager of the factory, and

(b) such child or adolescent carries while he is at work a token giving a reference to such certificate.

69. **Certificates of fitness**

(1) A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the manager of a factory that such person will be employed therein if certified to be fit for work in a factory, or on the application of the manager of the factory in which any young person wishes to work, examine such person and ascertain his fitness for work in a factory.

(2) The certifying surgeon, after examination, may grant to such young person, in the prescribed form, or may renew-

\(^1\) The Central Cabinet has amended the Factories Act, 1948 on March 5, 2003 allowing the women workers to work at night if they can conveniently come to and go from the factory premises. (As Published in THE HINDUSTAN TIMES, New Delhi, March 5, 2003.

\(^2\) Ins. by Act 25 of 1954, s. 17.
(a) a certificate of fitness to work in a factory as a child, if he is satisfied that the young person has completed his fourteenth year, that he has attained the prescribed physical standards that his is fit for such work;
(b) a certificate of fitness to work in a factory as an adult, if he is satisfied that the young person has completed his fifteenth year, and is fit for a full day's work in a factory.

Provided that unless the certifying surgeon has personal knowledge of the place where the young person proposes to work and of the manufacturing process in which he will be employed, he shall not grant or renew a certificate under this sub-section until he has examined such place.

(3) A certificate of fitness granted or renewed under sub-section (2)-
(a) shall be valid only for a period of twelve months from the date thereof;
(b) may be made subject to conditions in regard to the nature of the work in which the young person may be employed, or requiring re-examination of the young person before the expiry of the of the period of twelve months.

(4) A certifying surgeon shall revoke any certificate granted or renewed under sub-section (2) if in his opinion the holder of it is no longer fit to work in the capacity stated therein in factory.

(5) Where a certifying surgeon refuses to grant or renew a certificate or a certificate of the kind requested or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate or the renewal thereof, state his reasons in writing for so doing.

(6) Where a certificate under this section with reference to any young person is granted or renewed subject to such conditions as are referred to in clause (b) so sub-section (3), the young person shall not be required or allowed to work in any factory except in accordance with those conditions.

(7) Any fee payable for a certificate under this section shall be paid by the occupier and shall not be recoverable from the young person, his parents or guardian.

70. **Effect of certificate of fitness granted to adolescent.**

(1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult under clause (b) of sub-section (2) of section 69, and who while at work in a factory carries a token giving reference to the certificate, shall be deemed to be an adult for all the purpose of Chapters VI and VIII.

33[Provided that no such adolescent who has not attained the age of seventeen years shall be employed or permitted to work in any factory during night.

Explanation - For the purpose of this sub-section “night” shall mean a period of at least twelve consecutive hours which shall include an interval of at least seven consecutive hours falling between 10 PM and 7 AM.]

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult under the aforesaid clause (b) shall, notwithstanding his age, be deemed to be a child for all the purposes of this Act.

71. **Working hours of children**

(1) No child shall be employed or permitted to work, in any factory-
(a) for more than four and a half hours in any day;

33 Added by Act 25 of 1954, s. 18
(b) 34 during the night.

Explanation - For the purpose of this sub-section "night" shall mean a period of at least twelve consecutive hours which shall include the interval between 10 PM and 6 AM.

(2) The period of work of all children employed in a factory shall be limited to two shifts which shall not overlap or spread over more than five hours each; and each child shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days.

(3) The provisions of section 52 shall apply also to child workers and no exemption from the provisions of that section may be granted in respect of any child.

(4) No child shall be required or allowed to work in any factory on any day on which he has already been working in another factory.

72. Notice of periods work for children

(1) There shall be displayed and correctly maintained in every factory in which children are employed, in accordance with the provisions of sub-section (2) of section 108 a notice of periods of work for children, showing clearly for every day the periods during which children may be required or allowed to work.

(2) The periods shown in the notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down working for those periods would not be working in contravention of any of the provisions of section 71.

(3) The provisions of sub-sections (8), (9) and (10) of section 61 shall apply also to the notice required by sub-section (1) of this section.

73. Register of child workers

(1) The manager of every factory in which children are employed shall maintain a register of child workers, to be available to the Inspector at all times during working hours or when any work in being carried on in a factory, showing -
   (a) the name of each child worker in the factory,
   (b) the nature of his work,
   (c) the group, if any, in which he is included,
   (d) where his group works on shifts, the relay to which he is allotted, and
   (e) the number of his certificate of fitness granted under section 69.

(2) The State Government may prescribe the form of the register of child workers, the manner in which it shall be maintained and the period for which it shall be preserved.

74. Hours of work to correspond with notice under section 72 and register under section 73.

No child shall be employed in any factory otherwise than in accordance with the notice of periods of work for children displayed in the factory and the entries made beforehand against his name in the register of child workers of the factory.

34 Subs. by s. 19, ibid.
75. **Power to require medical examination**

Where an Inspector is of opinion –
(a) that any person working in a factory without a certificate of fitness is a young person, or  
(b) that a young person working in a factory with a certificate of fitness is no longer fit to work in the capacity stated therein, -

He may serve on the manager of the factory a notice requiring that such person or young person, as the case may be, shall be examined by a certifying surgeon, and such person or young person shall not, if the Inspector so directs, be employed, or permitted to work, in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be, or has been certified by the certifying surgeon examining him not to be a young person.

76. **Power to make rules.**

The State Government may make rules -
(a) prescribing the forms of certificates of fitness to be granted under section 69, providing for the grant of duplicates in the vent of loss of the original certificates, and fixing the fees which may be charged for such certificates and renewals thereof and such duplicates;  
(b) prescribing the physical standards to be attained by children and adolescents working in factories;  
(c) regulating the procedure of certifying surgeons under this Chapter;  
(d) specifying other duties which certifying surgeons may be required to perform in connection with the employment of young persons in factories, and fixing the fees which may be charged for such duties and the persons by whom they shall be payable.

77. **Certain other provisions of law not barred.**

The provisions of this Chapter shall be in addition to, and not in derogation of, the provisions of the Employment of Children Act, 1938.

35 Subs. by Act 25 of 1954, s. 20, for the former Ch. VIII.

**[CHAPTER - VIII]**

**ANNUAL LEAVE WITH WAGES**

78. **Application of Chapter.**

(1) The provisions of this Chapter shall not operate to the prejudice of any right to which a worker may be entitled under any other law or under the terms of any award, agreement or contract of service.

Provided that when such award, agreement or contract of service provides for a longer annual leave with wages than provided in this Chapter, the worker shall be entitled only to such longer annual leave.
(2) The provisions of this Chapter shall not apply to workers in any workshop of any railway administered by the Government, who are governed by leave rules approved by the Central Government.

79. **Annual leave with wages.**

(1) Every worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of—

(i) if an adult, one day for every twenty days of work performed by him during the previous calendar year;

(ii) if a child, one day for every fifteen days of work performed by him during the previous calendar year.

*Explanation 1.*— For the purpose of this sub-section—

(a) any days of law off, by agreement or contract or as permissible under the standing orders;

(b) in the case of a female worker, maternity leave of any number of days not exceeding twelve weeks; and

(c) the leave earned in the year prior to that in which the leave is enjoyed shall be deemed to be days on which the worker has worked in a factory for the purpose of computation of the period of 240 days or more, but he shall not earn leave for these days.

*Explanation 2.*— The leave admissible under this sub-section shall be exclusive of all holidays whether occurring or at either end of the period of leave.

(2) A worker whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate laid down in clause (i) or, as the case may be, clause (ii) of sub-section (1) if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

(3) If a worker is discharged or dismissed from service during the course of the year he shall be entitled to leave with wages at the rates laid down in sub-section (1) even if he has not worked for the entire period specified in sub-section (1) or sub-section (2) entitling him to earn leave.

(4) In calculating leave under this section, fraction of leave of half a day or more shall be treated as one full day's leave, and fraction of less than half a day shall be omitted.

(5) If a worker does not in any one calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year.

Provided further that a worker, who has applied for leave with wages but has not been given such leave in accordance with any scheme laid down in sub-sections (8) and (9) shall be entitled to carry forward the unavailed leave without any limit.

(6) A worker may at any time apply in writing to the manager of a factory not less than fifteen days before the date on which he wishes his leave to begin, to take all the leave or any portion thereof allowable to him during the calendar year.

Provided that the application shall be made not less than thirty days before the date on which the workers wishes his leave to begin, if his employed in a public utility service as defined in clause (n) of section 2 of the Industrial Disputes Act, 1947:
Provided further that the number of times in which leave may be taken during any year shall not exceed three.

(7) If a worker wants to avail himself of the leave with wages due to him to cover a period of illness, he shall be granted such leave even if the application for leave is not made within the time specified in sub-section (6); and in such a case wages as admissible under section 81 shall be paid not later than fifteen days, or in the case of public utility service not later than thirty days from the date of the application for leave.

(8) For the purpose of ensuring the continuity of work occupier or manager of the factory, in agreement with the Works Committee of the factory constituted under section 3 of the Industrial Disputes Act, 1947, or a similar Committee constituted under any other Act or if there is no such Works Committee or a similar Committee in the factory, in agreement with the representatives of the workers therein chosen in the prescribed manner, may lodge with the Chief Inspector a scheme in writing whereby the grant of leave allowable under this section may be regulated.

(9) A scheme lodged under sub-section (8) shall be displayed at some conspicuous and convenient places in the factory and shall be in force for a period of twelve months from the date on which it comes into force, and may thereafter be renewed with or without modification for a further period of twelve months at a time, by the manager in agreement with the Works Committee or a similar Committee, or as the case may be, in agreement with the representatives of the workers as specified in sub-section (8), and a notice of renewal shall be sent to the Chief Inspector before it is renewed.

(10) An application for leave which does not contravene the provisions of sub-section (6) shall not be refused, unless refusal is in accordance with the scheme for the time being in operation under sub-sections (8) and (9).

(11) If the employment of a worker who is entitled to leave under sub-section (1) or sub-section (2), as the case may be, is terminated by the occupier before he has taken the entire leave to which he is entitled, or if having applied for and having not been granted such leave, the worker quits his employment before he has taken the leave, the occupier of the factory shall pay him the amount payable under section 80 in respect of the leave not taken, and such payment shall be made, where the employment of the worker is terminated by the occupier, before the expiry of the second working day after such termination, and where a worker who quits his employment, on or before the next pay day.

(12) The unavailed leave of a worker shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal.

80. **Wages during leave period**

(1) For the leave allowed to him under section 79, a worker shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave, exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of the advantage accruing through the concessional sale to the worker of food-grains and other articles.

(2) The cash equivalent of the advantage accruing through the concessional sale to the worker of foodgrains and other articles shall be computed as often as may be prescribed, on the basis of the maximum quantity of foodgrains and other articles admissible to a standard family.
**Explanation 1.**—“Standard family” means a family consisting of a worker, his or her spouse and two children below the age of fourteen years requiring in all three adult consumption units.

**Explanation 2.**—“Adult consumption unit” means the consumption unit of a male above the age of fourteen years and that of a child below the age of fourteen years shall be calculated at the rates of .8 to .6 respectively of one adult consumption unit.

(3) The State Government may make rules prescribing—

(a) the manner which the cash equivalent of the advantage accruing through the concessional sale to a worker of foodgrains and other articles shall to a worker of foodgrains and other articles shall be computed; and

(b) the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

81. **Payment in advance in certain cases.**

A worker who has been allowed leave for not less than four days, in the case of an adult, and five days, in the case of a child, shall, before his leave begins, be paid the wages due for the period of the leave allowed.

82. **Mode of recovery of unpaid wages**

Any sum required to be paid by an employer, under this Chapter but not paid by him shall be recoverable as delayed wages under the provisions of the payment of Wages Act, 1936.

83. **Power to make rules**

The State Government may make rules directing managers of factories to keep registers containing such particulars as may be prescribed and requiring the registers to be made available for examination by Inspectors.

84. **Power to exempt factories**

Where the State Government is satisfied that the leave rules applicable to workers in a factory provide benefits which in its opinion are not less favourable than those for which this Chapter makes provision it may, by written order, exempt the factory from all or any of the provisions of this Chapter subject to such conditions as may be specified in the order.

**CHAPTER-IX**

**SPECIAL PROVISIONS**

85. **Power of apply the Act to certain premises**

(1) The State Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply to any place wherein a manufacturing process is carried on with or without the aid of power or is so ordinarily carried on, notwithstanding that—

(i) 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
(ii) the persons working therein are not employed by the owner thereof but are working with the permission of, or under agreement with, such owner:

Provided that the manufacturing process is not being carried on by the owner only with the aid of his family.

(2) After a place is so declared, it shall be deemed to be a factory for the purposes of this Act, and the owner shall be deemed to be the occupier, and any person working therein, a worker.

Explanation – For the purposes of this section, “owner” shall include a lessee or mortgagee with possession of the premises.

86. The State Government may exempt, subject to such conditions as it may consider necessary, any workshop or workplace where a manufacturing process is carried on and which is attached to a public institution maintained for the purposes of education, training or reformation, from all or any of the provisions of this Act:

Providing that no exemption shall be granted from the provisions relating to hours of work and holidays, unless the persons having the control of the institution submit, for the approval of the State Government, a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the person employed in or attending the institution or who are inmates of the institution, and the State Government is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions of this Act.

87. **Dangerous operations**

Where the State Government is of opinion that any operation carried on in a factory exposes any persons employed in it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class or description of factories in which the operation is carried on –

(a) specifying the operation and declaring it to be dangerous;
(b) prohibiting or restricting the employment of women, adolescents or children in the operation;
(c) providing for the periodical medical examination of persons employed, or seeking to be employed, in the operation, and prohibiting the employment of persons not certified as fit for such employment;
(d) providing for the protection of all persons employed in the operation or in the vicinity of the places where it is carried on;
(e) prohibiting, restricting or controlling the use of any specified materials or processes in connection with the operation.

88. **Notice of certain accidents.**

Where in any factory an accident occurs which causes death, or which causes any bodily injury by reason of which the person injured is prevented from working for a period of forty-eight hours or more immediately following the accident, or which is of such nature as may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.
89. **Notice of certain diseases**

(1) Where any worker in a factory contract any disease specified in the Schedule, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

(2) If any medical practitioner attends on a person who is or has been employed in a factory, and who is, or is believed by the medical practitioner to be, suffering from any disease specified in the Schedule, the medical practitioner shall without delay send a report in writing to the office of the Chief Inspector stating –
   (a) the name and full postal address of the patient,
   (b) the disease from which the believes the patient to be suffering, and
   (c) the name and address of the factory in which the patient is, or was last, employed.

(3) Where the report under sub-section (2) is confirmed to the satisfaction of the Chief Inspector, by the certificate of a certifying surgeon or otherwise, that the person is suffering from a disease specified in the Schedule, he shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land-revenue from the occupier of the factory in which the person contracted the disease.

(4) If any medical practitioner fails to comply with provisions of sub-section (2), he shall be punishable with fine which may extend to fifty rupees.

90. **Power to direct enquiry into cases of accident or disease**

(1) The State Government may, if it considers it expedient so to do, appoint a competent person to inquire into the causes of any accident occurring in a factory or into any case where a disease specified in the Schedule has been, or is suspected to have been, contracted in a factory, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil procedure, 1908 for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects, and may also, so far as may be necessary for the purposes of the inquiry, exercise any of the powers of an Inspector under this Act; and every person required by the person making the inquiry to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code.

(3) The person holding an inquiry under this section shall make a report to the State Government stating the causes or the accident, or as the case may be, disease, and any attendant circumstances, and adding any observations which he or any of the assessors may think fit to make.

(4) The State Government may, if it thinks fit, cause to be published any report made under this section or any extracts therefrom.

(5) The State Government may make rules for regulating the procedure at inquiries under this section.

91. **Power of take samples**

(1) An Inspector may at any time during the normal working hours of a factory, after informing the occupier or manager of the factory or other person for the time being purporting to be in charge of the factory, take in the manner
hereinafter provided a sufficient sample of any substance used or intended to be used in the factory, such use being —

(a) in the belief of the Inspector in contravention of any of the provisions of this Act or the rules made thereunder, or
(b) in the opinion of the Inspector likely to cause bodily injury to, or injury to the health of, workers in the factory.

(2) Where the Inspector takes a sample under sub-section (1), he shall, in the presence of the person informed under that sub-section unless such person willfully absents himself, divide the sample into three portions and effectively seal and suitably mark them, and shall permit such person to add his own seal and mark thereto.

(3) The person informed as aforesaid shall, if the Inspector so requires, provide the appliances for dividing, sealing and marking the sample taken under this section.

(4) The Inspector shall —

(a) forthwith give one portion of the sample to the person informed under sub-section (1);
(b) forthwith send the second portion to a Government Analyst for analysis and report thereon;
(c) retain the third portion for production to the Court before which proceedings, if any, are instituted in respect of the substance.

(5) Any document purporting to be a report under the hand of any Government Analyst upon any substance submitted to him for analysis and report under this section, may be used as evidence in any proceedings instituted in respect of the substance.

CHAPTER-X

PENALTIES AND PROCEDURE

92. General penalty for offences

Save as is otherwise expressly provided in this Act and subject to the provisions of section 93, if in, or in respect of, any factory there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any order in writing given thereunder, the occupier and manager or the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both, and if the contravention is continued after conviction, with a further fine which may extend to seventy-five rupees for each day on which the contravention is so continued.

93. Liability of owner of premises in certain circumstances

(1) Where in any premises separate buildings are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for the provision and maintenance of common facilities and services, such as approach roads, drainage; water supply, lighting and sanitation.

(2) The Chief Inspector shall have, subject to the control of the State Government, power to issue orders to the owner of the premises in respect of the carrying out of the provisions of sub-section (1).

36 Subs. by Act 25 of 1954, s. 21
(3) Where in any premises, independent or self-contained, floors or flats are leased to different occupiers for use as separate factories, the owner of the premises shall be liable as if he were the occupier or manager of a factory, for any contravention of the provisions of this Act in respect of:

(i) latrines, urinals and washing facilities in so far as the maintenance of the common supply of water for these purposes is concerned;
(ii) fencing of machinery and plant belonging to the owner and not specifically entrusted to the custody or use of an occupier;
(iii) safe means of access to the floors or flats and maintenance and cleanliness or stair cases and common passages;
(iv) precautions in case of fire;
(v) maintenance of hoists and lifts; and
(vi) maintenance of any other common facilities provided in the premises.

(4) The Chief Inspector shall have, subject to the control of the State Government, power to issue orders to the owner of the premises in respect of the carrying out the provisions of sub-section (3).

(5) The provisions of sub-section (3) relating to the liability of the owner shall apply where in any premises independent rooms with common latrines, urinals and washing facilities are leased to different occupiers for use as separate factories:

Provided that the owner shall be responsible also for complying with the requirements relating to the provision and maintenance of latrines, urinals and washing facilities.

(6) The Chief Inspector shall have, subject to the control of the State Government, the power to issue orders to the owner of the premises referred to in sub-section (5) in respect of the carrying out of the provisions of section 46 or section 48.

(7) Where in any premises portions of a room or a shed are leased to different occupiers for use as separate factories, the owner of the premises shall be liable for any contravention of the provisions of—

(i) chapter III, except sections 14 and 15;
(ii) chapter IV, except section 22, 23, 27, 34, 35 and 36:

Provided that in respect of the provisions of sections 21, 24 and 32 the owner’s liability shall be only in so far as such provisions relate to things under his control:

Provided further that the occupier shall be responsible for complying with the provisions of Chapter IV in respect of plant and machinery belonging to or supplied by him;

(iii) section 42.

(8) The Chief Inspector shall have, subject to the control of the State Government, power to issue orders to the owner of the premises in respect of the carrying out the provisions of sub-section (7).

(9) In respect of sub-section (5) and (7), while computing for the purposes of any of the provisions of this Act the total number of workers employed, the whole of the premises shall be deemed to be a single factory.
94. **Enhanced penalty after previous conviction.**

If any person who has been convicted of any offence punishable under section 92 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

95. **Penalty for obstructing Inspector.**

Whoever willfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or of any rules made thereunder, or conceals or prevents any worker in a factory from appearing before, or being examined by, an Inspector, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

96. **Penalty for wrongfully disclosing results of analysis under section 91**

Whoever, except in so far as it may be necessary for the purposes of a prosecution for any offence punishable under this Act, publishes or discloses to any person the results of an analysis made under section 91, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

97. **Offences by workers**

(1) Subject to the provisions of section 111, if any worker employed in a factory contravenes any provision of this Act or any rules or orders made thereunder, imposing any duty or liability on workers, he shall be punishable with fine which may extend to twenty rupees.

(2) Where as worker is convicted of an offence punishable under sub-section (1), the occupier or manager of the factory shall not be deemed to be guilty of an offence in respect of that contravention, unless it is proved that he failed to take all reasonable measures for its prevention.

98. **Penalty for using false certificate of fitness.**

Whoever knowingly uses or attempts to use, as a certificate of fitness granted to himself under section 70, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.
99. **Penalty for permitting double employment of child**

If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to fifty rupees, unless it appears to the Court that the child so worked without the consent or connivance of such parent, guardian or person.

100. **Determination of occupier in certain cases.**

(1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members, residing within **India to be the occupier of the factory for the purposes of this Chapter, and such individual shall, so long as he is so resident, be deemed to be the occupier of the factory for the purposes of this Chapter, until further notice canceling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the Company may give notice to the Inspector that it has nominated a director, or in the case of a private company, a shareholder, who is resident in either case within **India, to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder, as the case may be, shall, so long as he is so resident, be deemed to be the occupier of the factory for the purposes of this Chapter, until further notice canceling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

(3) Where the owner of any premises or building referred to in section 93 is not an individual, the provisions of this section shall apply to such owner as they apply to occupiers of factories who are not individuals.

101. **Exemption of occupier or manager from liability in certain cases**

Where the occupier or manager of a factory is charged with an offence punishable under this Act, he shall be entitled, upon complaint duly made by him and on giving to the prosecutor not less than three clear days' notice in writing of his intention so to do, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory, as the case may be, proves to the satisfaction of the Court —

(a) that he has used due diligence to enforce the execution of this Act, and

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37 The words "the Provinces of" rep. by the A.O. 1950.
That other person shall be convicted of the offence and shall be liable to the like punishment as if he were the occupier or manager of the factory, and the occupier or manager, as the case maybe, shall be discharged from any liability under this Act in respect of such offence:

Provided that in seeking to prove as aforesaid, the occupier or manager of the factory, as the case maybe, may be examined on oath, and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination on behalf of the person he charges as the actual offender and by the prosecutor:
Provided further that, if the person charged as the actual offender by the occupier or manager cannot be brought before the Court at the time appointed for hearing the charge, the Court shall adjourn the hearing from time to time for a period not exceeding three months and if by the end of the said period the person charged as the actual offender cannot still be brought before the Court, the Court shall proceed to hear the charge against the occupier or manager and shall, if the offence be proved, convict the occupier or manager.

102. **Power of Court to make orders**

(1) Where the occupier or manager of a factory is convicted of an offence punishable under this Act the Court may, in addition to awarding any punishment, by order in writing require him, within a period specified in the order (which the Court may, if it thinks fit and on application in such behalf, from time to time extend) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(2) Where an order is made under sub-section (1), the occupier or manager of the factory, as the case may be, shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, if any, allowed by the Court, but if, on the expiry of such period or extended period, as the case may be, the order of the Court has not been fully complied with, the occupier or manager, as the case may be, shall be deemed to have committed a further offence, and may be sentenced therefor by the Court to undergo imprisonment for a term which may extend to six months or to pay a fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with, or both to undergo such imprisonment and to pay such fine, as aforesaid.

103. **Presumption as to employment**

If a person is found in a factory at any time, except during intervals for meals or rest, when work in going on or the machinery is in motion, he shall until the contrary is proved, be deemed for the purposes of this Act and the rules made thereunder to have been at that time employed in the factory.

104. **Onus as to age**

(1) When any act or omission would, if a person were under a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court prima facie under such age, the burden shall be on the accused to prove that such person is not under such age.
(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under the age stated in such declaration shall, for the purposes of this Act and the rules made thereunder, be admissible as evidence of the age of that worker.

105. **Cognizance of offences**

(1) No Court shall take cognizance of any offence under this Act except on complaint by, or with the previous sanction in writing of, an Inspector.

(2) No Court below that of a Presidency Magistrate or of a Magistrate of the first class shall try any offence punishable under this Act.

106. **Limitation of prosecutions**

No Court shall take cognizance of any offence punishable under this Act unless complaint thereof is made within three months of the date on which the alleged commission of the offence came to the knowledge of an Inspector:

Provided that where the offence consists of disobeying a written order made by an Inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

**CHAPTER-XI**

**SUPPLEMENTAL**

107. **Appeals**

(1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Act of the occupier of the factory may, within thirty days of the service of the order, appeal against it to the prescribed authority, and such authority may, subject to rules made in this behalf by the State Government, confirm modify or reverse the order.

(2) Subject rules made in this behalf by the State Government (which may prescribe classes of appeals which shall not be heard with the aid of assessors), the appellate authority may, or if so required in the petition of appeal shall, hear the appeal with the aid of assessors, one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as may be prescribed.

Provided that if no assessor is appointed by such body before the time fixed for hearing the appeal, or if the assessor so appointed fails to attend the hearing at such time, the appellate authority may, unless satisfied that the failure to attend is due to sufficient cause, proceed to hear the appeal without the aid of such assessor or, if it thinks fit, without the aid of any assessor.

(3) Subject to such rules as the State Government may make in this behalf and subject to such conditions as to partial compliance or the adoption of temporary measures as the appellate authority it thinks fit, suspend the order appealed against pending the decision of the appeal.

108. **Display of notices**

(1) In addition to the notices required to be displayed in any factory by or under this Act, there shall be displayed in every factory a notice containing such abstracts of
this Act and of the rules made thereunder as may be prescribed and also the name
and address of the Inspector and the certifying surgeon.
(2) All notices required by or under this Act to be displayed in a factory shall be in
English and in a language understood by the majority of the workers in the factory,
and shall be displayed at some conspicuous and convenient place at or near the main
entrance to the factory, and shall be maintained in a clean and legible condition.
(3) The Chief Inspector may, by order in writing served on the manager of any factory,
require that there shall be displayed in the factory any other notice or poster relating
to the health, safety or welfare of the workers in the factory.

109. Service of notices

The State Government may make rules prescribing the manner of the service of
orders under this Act on owners, occupiers or managers of factories.

110. Returns

The State Government may make rules requiring owners, occupiers or managers
of factories to submit such returns, occasional or periodical, as may in its opinion
be required for the purposes of this Act.

111. Obligations of workers

(1) No worker in a factory –
   (a) shall willfully interfere with or misuse any appliance, convenience or other thing
       provided in a factory for the purposes of securing the health, safety or welfare of
       the workers therein;
   (b) shall willfully and without reasonable cause do anything likely to endanger
       himself or others; and
   (c) shall willfully neglect to make use of any appliance or other thing provided in
       the factory for the purposes of securing the health or safety of the workers
       therein.
(2) If any worker employed in a factory contravenes any of the provisions of this section
   or of any rule or order made thereunder, extend to three months, or with fine which
   may extend to one hundred rupees, or with both.

112. General power to make rules

The State Government may make rules providing for any matter which, under
any of the provisions of this Act, is to be or may be prescribed or which may be
considered expedient in order to give effect to the purpose of this Act.

113. Powers of Centre to give directions

The Central Government may give directions to a State Government as to the
carrying into execution of the provisions of this Act.

114. No charge for facilities and conveniences

Subject to the provisions of section 46 no fee or charge shall be realised from any
worker in respect of any arrangements or facilities to be provided, or any
equipments or appliances to be supplied by the occupier under the provisions of this Act.

115. **Publication of rules**

All rules made under this Act shall be published in the Official Gazette, and shall be subject to the condition of previous publication; and the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897, shall be not less than three months from the date on which the draft of the proposed rules was published.

116. **Application of Act to Government factories**

Unless otherwise provided this Act shall apply to factories belonging to the Central or any State Government.

117. **Protection to persons acting under this Act.**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

118. **Restriction on disclosure of information**

(1) No Inspector shall, while in service or after leaving the service, disclose otherwise than in connection with the execution, or for the purposes, of this Act any information relating to any manufacturing or commercial business or any working process which may come to his knowledge in the course of his official duties.

(2) Nothing in sub-section (1) shall apply to any disclosure of information made with the previous consent in writing of the owner of such business or process or for the purposes of any legal proceeding (including arbitration) pursuant to this Act or of any criminal proceeding which may be taken, whether pursuant to this Act or otherwise, or for the purposes of any report of such proceedings as aforesaid.

(3) If any Inspector contravenes the provisions of sub-section (1) he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

119. **[Amendment of section 3, Act 26 of 1938.] Rep. By the Repealing and Amending Act, 1950 (35 of 1950), s. 2 and Sch. 1.**

120. **Repeal and savings**

The enactments set out in the Table appended to this section are hereby repealed: Provided that anything done under the said enactments which could have been done under this Act if it had then been in force shall be deemed to have been done under this Act.

TABLE – **[Enactments repealed.] Rep. By the Repealing and Amending Act, 1950 (35 of 1950), s. 2 and Sch. 1.**
THE SCHEDULE
(See sections 89 and 90.)

LIST OF NOTIFIABLE DISEASES

1. Lead poisoning, including poisoning by any preparation or compound of lead or their sequelae.

PART XIII. - FACTORIES
(The Schedule)

2. Lead tetra-ethyl poisoning.
3. Phosphorus poisoning or its sequelae.
4. Mercury poisoning or its sequelae.
5. Managanese poisoning or its sequelae.
6. Arsenic poisoning or its sequelae.
7. Poisoning by nitrous fumes.
8. Carbon bisulphide poisoning.
9. Benzene poisoning, including poisoning by any of its homologues, their nitro or amido derivatives or its sequelae.
10. Chrome ulceration or its sequelae.
11. Anthrax.
12. Silicosis.
13. Poisoning by halogens or halogen derivatives of the hydrocarbons of the aliphatic series.
14. Pathological manifestations due to –
   (a) radium or other radio-active substances;
   (b) x-rays
15. Primary epitheliomatous cancer of the skin
16. Toxic anemia
17. Toxic jaundice due to poisonous substances.