CHAPTER 5

THE
MAHARASHTRA
FACTORIES RULES, 1963
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The Maharashtra Factories Rules, 1963 extend to the whole State of Maharashtra.

FURTHER SAFETY PRECAUTIONS

Under section 57 of the Rules, without prejudice to the provisions of Section 21 of the Act in regard to the fencing of machine, further precautions are specified in various schedule under this section applying to the machines mentioned therein. There are nine schedules covering details of machines in various industries.

Under Section 65 of these rules, detailed safety measures for pressure and plant and vessels operated under pressure over atmospheric pressures are laid down.

Under Section 73, a provision is made for protection of workers attending to prime movers in details under various sub-clauses for safety measures with different type of conditions.

Under Rule 73J, there shall be a safety committee in every factory carrying on dangerous operations under section 87 of the Act employing 250 or more workers, factory, which carries on hazardous process. The committee will consist of a senior official as a chairman who, by his position in organization, calls contribute effectively to the functioning of the committee. A safety officer and a factory medical officer as well as representative each from production, maintenance and purchase department will be members with safety officer as the secretary of the committee.
The section envisages elected workers representative on this committee and the tenure of the committee shall be two years. The safety committee meets at least once in every quarter and the minutes of the meeting shall be recorded and produced to the inspector on demand.

**FUNCTIONS AND DUTIES OF THE SUB-COMMITTEE**

The functions and duties of sub-committees are under rule 73 J.

(a) assisting and cooperating with the management in achieving the aims and, objectives outlined in the health and safety policy of the occupier.

(b) dealing with all matters concerning health, safety and environment and to arrive at practicable solution to problems encountered.

(c) creating safety awareness amongst all workmen.

(d) undertaking educational, training and promotional activities.

(e) deliberating on reports of safety, environmental and occupational health surveys, emergency plans, safety audits, risk assessment and implementation of the recommendations made in the report.

(f) carrying out health and safety surveys and identify causes of accidents.

(g) looking into any complaint made on the likelihood of an imminent danger to the safety and health of the workers and suggest corrective measures and

(h) reviewing the implementation of the recommendations made by it.
Note: The safety committee shall have the right to:

(a) ask for necessary information concerning health and safety of the workers and

(b) seek any relevant information concerning health and safety of the workers.

HEALTH AND SAFETY POLICY: (SECTION 73 – 4)

The occupier of every factory, under certain rules, shall prepare written statement of his policy in respect of health and safety of the workers at work. The section further says that the health and safety policy should contain or deal with decreased intention and commitment of the top management to health, safety and environment and compliance, with all relevant statutory requirement, organizational set up to carry the said policy with assigning the responsibilities at different levels and making arrangements for the policy to be effected. It further specified:

(i) Fixing responsibility of contractor, transporters and other agencies entering the premises.

(ii) Providing resume of health and safety performance of the factory in its annual report.

(iii) Intention of taking into account the health and safety of individuals at different levels while considering their career advancement.

(iv) Arrangements for involving the workers.
(v) Relevant techniques and methods, such as safety audit and risk assessment for periodical assessment of the status on health, safety and environment and taking all the remedial measures.

(vi) Stating its intention to integrate health and safety in all decisions including those dealing with purchase of plant, equipment, machinery and material as well as selection and placement of personnel.

(vii) Arrangements for informing, educating and training and restraining its own employees at different levels and the public wherever required.

Note: The policy will be made widely known and it can be revised by the occupier as often as may be appropriate but under contain conditions prescribed.

Under Section 73M

The occupier of every factory carrying on a hazardous process shall arrange to obtain or develop information in the form of material safety data sheet in respect of every hazardous substance or material handled in the manufacture, transportation and storage in the factory. This shall be accessible on request to a worker for reference.

Note: This sheet is given under this section as a schedule.

Under Rule 76

The First Aid Boxes or Cupboard shall be distinctively marked with a Red Cross on a white background. A list of contents is specified for different categories of factories in details.
SPECIAL PROVISIONS

Under Rule 114

A list of operations when carried on in any factory are declared to be dangerous operations.

Schedule XXIV : This schedule applies to all operations in any manufacturing process having high noise level.

Under Para 2, some definitions are given as follows :

(a) "Noise" means any unwanted sound.

(b) "High noise level" means any noise level measured. On the A - weighted scale in 90 dB or above.

(c) "Decibel" means one tenth of "Bel" which is fundamental division of a logarithmic scale used to express the ratio of two specified or implied quantities, the number of "Bels" denoting such a ratio being the logarithm to the base of 10 of this ratio. The decided in abbreviated form is dB.

(d) "Frequency" is to rate of pressure variations expressed in cycles per second on hertz.

(e) "DBA" refers to sound level in decibels as measured on a sound level meter operating on the A - weighting network with slow meter response.

(f) "A weighing" means making graded adjustment in the intensities of sound of various frequencies for the purpose of noise measurement, so that the sound pressure level measured by an instrument reflects the active response of the human ear to the sound measured.
Under Para 3 of this schedule, in every factory, suitable engineering control or administrative measure shall be taken to ensure that no worker is exposed to sound levels exceeding the maximum permissible noise exposure levels specified in Table I and II. Similarly no exposure in excess of 115 dB is to be permitted.

<table>
<thead>
<tr>
<th>Total Time of Exposure (Continuous or a number of short term exposure) per day in hours</th>
<th>Sound Pressure level in dBA</th>
</tr>
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<tbody>
<tr>
<td>8</td>
<td>90</td>
</tr>
<tr>
<td>6</td>
<td>92</td>
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<tr>
<td>4</td>
<td>95</td>
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<td>3</td>
<td>97</td>
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<td>2</td>
<td>100</td>
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<tr>
<td>1.5</td>
<td>102</td>
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<tr>
<td>1</td>
<td>105</td>
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<td>3/4</td>
<td>107</td>
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<tr>
<td>1/2</td>
<td>110</td>
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<tr>
<td>1/4</td>
<td>115</td>
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</tbody>
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<table>
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<tr>
<th>Peaksound pressure level in dB</th>
<th>Permitted number of impulse or impacts per day</th>
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</thead>
<tbody>
<tr>
<td>140</td>
<td>100</td>
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<tr>
<td>135</td>
<td>315</td>
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<tr>
<td>130</td>
<td>1,000</td>
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<tr>
<td>125</td>
<td>3,160</td>
</tr>
<tr>
<td>120</td>
<td>10,000</td>
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</tbody>
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Any accident or dangerous occurrence as specified if takes place in a factory, the manager of the factory shall, within four hours of happening of such accident or occurrence, send notice thereof to the Inspector and the Administrative Medical Officer, ESIS, Mumbai. The Notice shall be sent to the nearest Police Station, the nearest relatives and the District Magistrate in case the accident is likely to be fatal.

Under Section 116

The manager of a factory where occurs a case of lead, phosphorus, mercury, manganese, carbon bi-sulphide or benzene poisoning or poisoning by nitrous fumes, or by Halogen derivatives of the hydro carbons, chronic ulceration, toxic anemia, toxic jaundice, primary cancer of the skin or pathological manifestation due to radium or other radioactive substances or x-rays take place, a notice in Form 25 shall be sent forthwith to the Chief Inspector, Medical Inspector of Factories and the Employees State Insurance Scheme, Mumbai.

SAFETY ORGANISATION AND ADMINISTRATION

Mission accomplishment requires an orderly pursuit of the objectives. Organisation, administration and management usually distribute assignments for achieving these objectives systematically. Organizing means structuring of authority and activity relationship using the resources at hand. Administering is different from managing. Administering means carrying out all the functions of planning, organizing, co-ordinating and measuring involving variety of people. The administration may employ specialists. Managing as a function is much more than administrating. It is more related to leadership requirements for effective managing.
RESPONSIBILITIES

It is heresaid that "safety is everyone's responsibility". It might be true, in general but is grossly misleading. Because most functions in modern society are fulfilled through an organizational hierarchy the responsibility for safety of others significantly increases. Therefore an organization has to have long-range objectives and one such operating objective is safety. The main reason for status of safety on par with quality and production arises due to not only injuries but the valuable loss of time of productive work, damage to property, compensation to injured persons, etc. The organization should regard a provision of safe working condition and the establishment of safe work practices as fundamental to playing their part in the fair and co-operative relationship with labour and society.

After laying down the adequate safety as one of the prime requirements, the next responsibility of the organization is to appoint a chief executive to carry out the mission for safety by achievement. Alternatively, the new concept in industry is to appoint a risk manager who usually deals with insurance contracts to cover the loss possibilities. Safety and health programmes may be his responsibility. In any factory none of the operations of designing of a process, machines, jigs and fixtures will be considered complete and ready for use, until it is clear that the operation will be safe to the worker involved and will not constitute a hazards to other employees.

This introduces, part by part, responsibilities of production, maintenance, design, research purchasing departments related to their functions.

SAFETY AND EMPLOYEE

Every worker has a safety responsibility. Therefore, mere fact that the law makes the employer responsible for workers compensation payment should not warrant the workers failing to look out for themselves and their co-workers. It must be made clear to all employees that all safety regulations and instructions are expected to be followed seriously. Employees must regard safety measures as
part of their job. There must be successive heavier penalty for safety violation. Safety should be more cooperative than enforced. Employee should be willing to act in the interest of his safety.

SAFETY AND THE UNION

The union should back up the management in the enforcement of safety rules and regulations. Sometimes management, anxious to promote safety also seriously thinks of the cost aspects. This leads the Unions to complain about the management. But any Unions interested in its members welfare must be concerned with working safety. They must show the awareness of their responsibility for cooperating with management in safety. Because of labour having a big step in safety and the need for union support in safety programme, labour leaders insist on union management safety committee. In India this has been legally accepted.

SAFETY SPECIALISTS

It is a common thinking that with the appointment of a safety specialist, the organisation's responsibility for controlling hazards become that of the specialists'. This is however, wrong. His function should be resting with organizing, stimulating and guiding the safety programmes. He does not have, therefore, administrative powers over the line managers. The strength of the safety specialist lies in his power to persuade the line managers to act on safety's behalf.

SAFETY OBJECTIVES

The prime purpose of safety work is to prevent personal injuries and deaths. Therefore, the effective prevention work will fetch better results clearly. Personal injuries result following consequences:

(i) Immediate suffering of the person hurt
(ii) Possibility of the person's permanent impairment

(iii) Loss of earnings of the worker.

The second objective of safety work is to reduce production or operating costs. The reduction provides a direct purpose for preventing all kinds of unwanted events. Cost reduction is regarded as a major purpose of the safety programme. For offsetting the cost of injury, prevention activities are chosen regardless of costs involved. The prevention injuries result in intangible gain of high morale and good public relation.

SAFETY DEPARTMENT

The safety functions position in an organization differs. Although the actual responsibility for safety is line management and while superiors are the immediate administrators of safety in an organization, many industries establish safety departs whose members work exclusively to advance safety.

The safety person either called as safety engineer or a safety specialist or safety officer is a management's representative. Generally, a chief operating executive is responsible for safely conduct of the organization and the safety department (specialist/officer) only develops the needed information as a stock member or advisor enabling the line to exercise its authority effectively on behalf of safety.

Some industries give unilateral authority to the safety departmental head such as shutting down jobs and operations deemed as hazardous, final review for plans for new facilities, processes, equipment, renovations and determining their safety effectiveness. This results in perhaps prompt and corrective actions but cannot be implemented effectively.
The size of the safety department depends upon the size of the company and its nature of activities. However, the Factories Act, 1948 has given the guidelines.

As far as the duties of the safety departments is concerned, staffs safety department works in advisory capacity mostly to promote safety efforts, collect data and pursue various actions vis-a-vis safety, accidents, injuries etc. Its other duties include accomplishment through persuasion, education and cooperation.

Usually, the location of the safety department is found in the Personnel Department involves welfare of all employees and there is a belief that safety is more a matter of training workers. It is also understood that it is not just a personnel problem but involves techniques of engineering, purchasing and layout and production techniques.

AUTHORITY OF SAFETY FUNCTION

It is not certain in many industries about the specific powers the safety specialist enjoys. However, he has to remember that very rarely he enjoys full authority of his own and therefore, he has to rely on education and persuasion. Usually the function includes making recommendations on their own. He, in his capacity, as advisor can only recommend, suggest, action, changes based on his experience in handling safety cases, the action being left to the line executives. In case he has a full safety function, then he has to be knowledgeable on all aspects of safety and must execute safety functions like a Line Manager in which case he enjoys the status of a line executive.

For a full time safety officer, knowledge of hazards, safety principles and techniques have to be the principal characteristics particularly when safety has become a more demanding and broader speciality in the current new development. Similarly, he has to work with the knowledge of engineering along with engineers for thorough understanding of the processes of industries vis-a-vis
safety problems. In addition, he has to have a perfect knowledge about working of the business administration because of the cost involvement, labour welfare and productivity with quality.

SAFETY ACTIVITIES

Safety activities include many areas, a few important of which are given below:

1. Checking safety aspects of training.

2. Monitoring safety committees of the company as Executive secretary.


4. Consulting and monitoring compensation with the help of insurance companies and Government Agencies.

5. Preparation of reports of current safety performance with safety measures and further plan.

6. Maintaining and submitting to the desired authorities, injury, accidents, fatal cases, illness records, carrying out investigations in all the four items mentioned above.

7. Carrying out inspection to locate unsafe conditions or unsafe practices.

8. Developing and administering the company's safety programmes.
SAFETY OFFICER CHARACTERISTICS

A safety officer has to deal with people throughout the company using advice and persuasion rather than command. Therefore, some of the following characteristics are important for a safety officer:

(a) A graduate with knowledge of psychology, sociology and human relation.
(b) Ability for getting along with all types of people.
(c) Evergreen enthusiasm, drive and perseverance.
(d) Man of creative ideas and approaches.
(e) Ability to make others do the work.

Of course these are specific characters in addition to the thorough knowledge of safety inclusive of legal aspects associated with it.

APPOINTMENT/QUALIFICATION OF SAFETY OFFICER

In every factory wherein one thousand or more workers are ordinarily employed or wherein such process or operation are present which may be hazardous to health of the persons employed in the factory or disease, the occupier shall employ qualified safety officer.

The Government of Maharashtra has made specific rules defining duties and qualifications required in respect of appointment of safety officer.

The rule says that safety officer must possess a degree in any branch of engineering or technology and practical experience of working in a supervisory
capacity for a period of not less than two years and or a diploma with five years of practical experience with additional qualification of a Diploma In Industrial Safety. This means no other person shall be allowed to hold the position without above said qualifications. Moreover, the safety officer must possess adequate knowledge of Local Language (i.e. Marathi).

DUTIES OF SAFETY OFFICER

In order to maintain safe working environment and to fulfill statutory obligations concerning prevention of accidents, the safety officer is required to plan, assist and advise factory management to take appropriate actions.

The Duties include:

(a) Advise on how to have effective control of accidents i.e., personal injury.

(b) Recommend how to carry out job safety.

(c) Preventive measures are undertaken to minimise accidents.

(d) Carry out safety audits and plant safety inspections.

(e) Introduce safe working practices and procedures in the company.

(f) Attend to matters of - recording, reporting and investigation of accidents and diseases.

(g) Maintain all records related to industrial safety, health and hygiene matters.

(h) Recommend formation of safety committee and see that it functions smoothly and effectively with involvement of workmen.
(i) Organise campaigns, competitions, contests to develop safety awareness amongst employees.

(j) Organise suitable training programme to educate employees.

(k) Ensure that the contractor and his employees working on the company premises, observe safe methods of work.

(l) Propose budget for safety activities to be carried out in the company.

(m) Always be in contact with various industries, institutes anal government authorities with a view to promote safety standards, improve methods, secure safety apparels and appliances.

The safety officer in his capacity, will have to ensure that management and workmen strictly adhere to provisions made in the Factories Act and comply with rules and regulations made therein regarding safety, health and environments e.g.

**Heath**:

(a) Housekeeping, Cleanliness.

(b) Disposal of Waste.

(c) Lighting and Ventilation.

(d) Water Centres.

(e) Latrines and Urinals.

(f) Spittoons.

(g) First Aid And Ambulance Room etc.
Safety :

(a) Fire Protection.

(b) On Site and Off Site Emergency Plan.

(c) Safety Appliances and Apparels.

(d) Safety Policy.

(e) Occupational Health Centre.

(f) Information And Disclosure of Hazards.

Environment :

(a) Disposal of Waste.

(b) Survey to Monitor Dust, Fumes and Gases.

(c) Plantation of Trees.

SAFETY COMMITTEE

Safety Committee has to be established under legal act. Usually committees are cumbersome and slow moving to be very effective. On the other hand, these are excellent instruments of educating large number of people in any activity. They are also useful for securing cooperation, co-ordination and exchange of ideas among people and therefore, effective in making broad policy decision. Any safety committee must start functioning with:

(a) Laying down the mission or responsibility.

(b) Authority resting with committee inclusive of budget provision.
(c) Procedures for functioning (frequency, time, duration, agenda, minutes or records of the meeting included).

The size and number of committees depend upon the size of a factory. In case number of committees or sub committees are in force they might be assigned various responsibilities such as, policy mating, inspection procedures, education and training, department committee or employees committee etc. Several committees are the result of convenience and efficiencies to deal with various safety aspects.

Injuries :

Safety depends upon recognition of the known injuries and the causative factors thereof. This needs to collect data following the investigation of injurious events. The purpose of obtaining injury data is to identify factors that need the correction most. This also is useful in settlement of workers compensation or public liability insurance claim filed against the employer A standard method for complying injury causes should be followed to facilitate comparisons and exchange of information. A sound safety programme needs to identify the correct sources of injury and the most reliable data thereafter. The causes of all injuries are of two categories : (1) unsafe physical condition (2) unsafe personal acts.

Practically, every injury is a result of more than one factor. Unsafe physical condition or those factors that are present due to defects in condition, errors in design, faulty planning of omissions of safety requirement for maintaining a hazard free physical environment. The unsafe physical condition can be described as :

(a) Inadequate guarding.

(b) Defective condition of equipment such as stairs, ladders, piping; floors etc.
Unsafe personnel acts are types of behaviour which can lead to injuries. Some of the common unsafe acts are as below:

(a) Operating at unsafe speeds.

(b) Using equipments unsafely.

(c) Removing safety devices.

(d) Carrying out operations without necessary permission.

(e) Failure to use the protective devices.

(f) Use of improper equipment.

(g) Working unsafely.