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NOTE ON FACTORIES ACT, 1948

OBJECTIVE

The main object of the Factories Act, 1948 (the “Act”) is to ensure adequate safety measures and to promote the health and welfare of the workers employed in factories. The Act also makes provisions regarding employment of women and young persons, annual leave with wages etc.

APPLICABILITY

- It extends to whole of India.
- Applicable to all **Factories** (i.e. any premises including the precincts thereof) using power and employing 10 or more workers, and if not using power, employing 20 or more workers on any day of the preceding 12 months. But it does not include a mine subject to the operation of the Mines Act, 1952 or a mobile or unit belonging to the armed forces of the Union, a railway running shed or a hotel, restaurant or eating place.
- The benefits of this Act are available to persons who are employed in the factory and be covered within the meaning of the term “Worker” as defined in the Act. But the definition of worker excludes any member of the armed forces of the Union.

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1. SOME IMPORTANT DEFINITIONS

Term	Definition
Factory	<p>"Factory" means any Premises including the precincts thereof--</p> <p>(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 <u>with the aid of power</u>, or is ordinarily so carried on, or</p> <p>(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 <u>without the aid of power</u>, or is ordinarily so carried on,--</p> <p>but does not include a mine subject to the operation of the Mines Act, 1952 or a mobile unit belonging to the armed forces of the Union, railway running shed or a hotel, restaurant or eating place.</p>
Manufacturing process	<p>"Manufacturing process" means any process for--</p> <p>(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</p> <p>(ii) pumping oil, water, sewage or any other substance; or</p> <p>(iii) generating, transforming or transmitting power; or</p> <p>(iv) composing types for printing, printing by letter press, lithography,</p>



	photogravure or other similar process or book binding; or (v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or (vi) preserving or storing any article in cold storage;
Occupier	"Occupier" of a factory means the person who has ultimate control over the affairs of the factory. Provided that i) in the case of a Firm or other association of individuals, any one of the individual partners or members thereof shall be deemed to be the occupier; (ii) in the case of a Company, any one of the Directors shall be deemed to be the Occupier; (iii) in the case of a Factory owned or controlled by the Central Government or any State Government, or any Local Authority, the person or persons appointed to manage the affairs of the Factory by the Central Government, the State Government or the local authority, as the case may be, shall be deemed to be the occupier.
Worker	"Worker" means a person employed, directly or by or through any Agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not, in any Manufacturing process, or in Cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process but does not include any member of the armed forces of the Union;

2. APPROVAL, LICENSING AND REGISTRATION OF FACTORIES

The State Government may make rules--

- a) requiring, for the purposes of this Act, the submission of plans of any class or description of factories to the Chief Inspector or the State Government;
- b) 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;
- c) requiring for the purpose of considering applications for such permission the submission of plans and specifications;
- d) prescribing the nature of such plans and specifications and by whom they shall be certified;



- e) 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;
- f) requiring that no licence shall be granted or renewed unless the notice specified in section 7 has been given.

If an application is submitted for the approval of site for construction or extension of the factory accompanied by required plans and specifications by registered post to the Chief Inspector or State Government and if no reply is received within 3 months from the date on which it is sent the application stands automatically approved.

NOTICE BY OCCUPIER

As per Section 7 of the Act, the Occupier shall at least fifteen days (15 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;
 - c) the name and address of the owner of the premises or building (including the precincts thereof)
 - d) the address to which communications relating to the factory may be sent;
 - e) 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;
 - f) the total rated horse power installed or to be installed in the factory, which shall not include the rated horse power of any separate stand-by plant;
 - g) the name of the manager of the factory for the purposes of this Act;
 - h) the number of workers likely to be employed in the factory;
 - i) 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;
 - j) such other particulars as may be prescribed.
- Before a factory engaged in a manufacturing process which is ordinarily carried on for less than one hundred and eighty working days (180 Days) in the year resumes working, the Occupier shall send a written notice to the Chief Inspector containing the particulars specified above at least thirty days before the date of the commencement of work.
 - 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.



GENERAL DUTIES:-

General Duties by Occupier (Section 7A)	General Duties by Manufacturer etc.as regards articles and substances for use in factories (Section 7B)
Every occupier shall ensure, so far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory.	Every person who designs, manufactures, imports or supplies any article for use in any factory, shall ensure health of Workers and carry out tests and examinations along with other duties as mentioned in Section 7B of the Act.

MEASURES TO BE TAKEN BY FACTORIES FOR HEALTH, SAFETY AND WELFARE OF WORKERS

<p><u>CHAPTER-III</u></p> <p>HEALTH (Section 11-20)</p>	<p><u>Cleanliness (Section 11):</u></p> <ul style="list-style-type: none"> • To keep the factory clean and free from effluvia arising from any drain, privy or other nuisance. • Dirt should be removed daily. • Floor should be cleaned atleast once in a week. • All doors and window frames and other wooden or metallic framework and shutters shall be kept painted or varnished at least once in every period of five years; • All inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall be repainted or re-varnished or washed at periodic intervals as specified in Section 11.
	<p><u>Disposal of water and effluents (Section 12):</u></p> <ul style="list-style-type: none"> • Every occupier of a factory shall make effective arrangements for the treatment and disposal of wastes and effluents due to the manufacturing process carried on in the factory.
	<p><u>Ventilation and temperature (Section 13):</u></p> <p>Every factory should make suitable and effective provisions for securing and maintaining</p> <ul style="list-style-type: none"> • adequate ventilation by the circulation of fresh air; and • such a temperature as will secure to the workers reasonable conditions of comfort and prevent injury to health
	<p><u>Dust and fume (Section 14):</u></p> <ul style="list-style-type: none"> • Effective measures should be taken to prevent the inhalation and accumulation of dust, fumes etc., in the work-rooms which is likely to be injurious or offensive to the workers employed • Wherever necessary, exhaust appliances should be fitted, as near as possible to the point of origin of dust fumes or other



	<p>impurities, and such point shall be enclosed so far as possible.</p>
	<p><u>Artificial Humidification (Section 15):</u></p> <ul style="list-style-type: none">• 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 in accordance with the rules made by State Government in relation thereto.
	<p><u>Overcrowding (Section 16):</u></p> <ul style="list-style-type: none">• No room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein.• Minimum working space for each worker should be 14.2 cubic meters of space. Further, for calculating the work area, the space more than 4.2 meters above the level of the floor, will not be taken into consideration.
	<p><u>Lighting (Section 17)</u></p> <ul style="list-style-type: none">• In every part of a factory where workers are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.• All glazed windows and skylights used for the lighting of the workrooms shall be kept clean on both the inner and outer surfaces.
	<p><u>Drinking Water (Section 18)</u></p> <ul style="list-style-type: none">• 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.• “Drinking Water” should be written in legible manner and in compliance with the Section 18.• Wherein more than two hundred and fifty workers (250 Workers) are ordinarily employed, provision shall be made for cool drinking water during hot weather by effective means and for distribution thereof.
	<p><u>Latrines and urinals (Section 19)</u></p> <ul style="list-style-type: none">• 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.• Separate enclosed accommodation shall be provided for male and female workers• Sweepers shall be employed whose primary duty it would be to keep clean latrines, urinals and washing places.• In Factory wherein more than 250 Workers are ordinarily Employed provisions of Section 19(2) should be followed.
	<p><u>Spittoons (Section 20)</u></p> <ul style="list-style-type: none">• A sufficient number of spittoons in convenient places and they shall be maintained in a clean and hygienic condition



<p><u>CHAPTER-IV</u></p> <p>SAFETY (Section 21-41)</p>	<p><u>Chapter IV of the Act contains the provisions relating to safety measures to be taken by the factory for the following:</u></p> <ul style="list-style-type: none"> • Fencing of Machinery • Work on or near machinery in motion • Employment of young persons on dangerous machines • Striking gear and devices for cutting off power • Self-acting machines • Casing of new machinery • Prohibition of employment of women and children near cotton-opener • Hoists and lifts • Lifting machines, chains, ropes and lifting tackles • Revolving machinery • Pressure plant • Floors, stairs and means of access • Pits, sumps, opening in floors, etc • Excessive weights • Protection of eyes • Precautions against dangerous fumes, gases, etc • Precautions regarding the use of portable electric light • Explosive or inflammable dust, gas, etc. • Precautions in case of fire • Power to require specifications of defective parts or tests of stability • Safety of buildings and machinery • Maintenance of buildings • Safety Officers
<p><u>CHAPTER-V</u></p> <p>WELFARE (Section 42-49)</p>	<p><u>Washing Facilities (Section 42)</u></p> <ul style="list-style-type: none"> • Adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein • Separate and adequately screened facilities shall be provided for the use of male and female workers • Such facilities shall be conveniently accessible and shall be kept clean. <p><u>Facilities for storing and drying clothing (Section 43)</u></p> <ul style="list-style-type: none"> • The State Government may, in respect of any factory or class or description of factories, make rules requiring the provision therein of suitable place for keeping clothing not worn during working hours and for the drying of wet clothing. <p><u>Facilities for sitting (Section 44)</u></p> <ul style="list-style-type: none"> • 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.



	<p><u>First aid appliances (Section 45)</u></p> <ul style="list-style-type: none">• In every factory, there shall be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents.• At least one such box or cupboard shall be provided and maintained for every one hundred and fifty workers (150 workers) ordinarily employed at any one time in the factory.• There shall be provided and maintained an ambulance room of the prescribed size, containing the prescribed equipment in every factory wherein more than five hundred workers (more than 500 workers) are ordinarily employed.
	<p><u>Canteens (Section 46)</u></p> <p>The State Government may make rules requiring that the occupier shall provide and maintain a canteen or canteens for the use of the workers in any specified factory wherein more than two hundred and fifty workers (more than 250 workers) are ordinarily employed.</p>
	<p><u>Shelters, rest rooms and lunch rooms (Section 47)</u></p> <ul style="list-style-type: none">• It is mandatory to provide and maintain 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 in every factory wherein more than one hundred and fifty workers (more than 150 Workers) are ordinarily employed.• The shelters or rest-room or lunch-room to be provided shall be sufficiently lighted and ventilated and shall be maintained in a cool and clean condition
	<p><u>Creches (Section 48)</u></p> <ul style="list-style-type: none">• It is compulsory to provide and maintain a suitable room or rooms for the use of children under the age of six years of women in every factory wherein more than thirty women workers (more than 30 women workers) are ordinarily employed.• 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.
	<p><u>Welfare Officers (Section 49)</u></p> <ul style="list-style-type: none">• In every factory wherein five hundred or more workers (500 or more workers) are ordinarily employed the occupier shall employ in the factory such number of welfare officers as may be prescribed



SPECIFIC PROVISIONS RELATING TO HAZARDOUS PROCESSES

SECTION	PROVISION
Section 41A (Site Appraisal Committee)	<ul style="list-style-type: none"> • The State Government may constitute Site Appraisal Committee and such committee shall examine an application for the establishment of a factory involving hazardous process and make its recommendation to the State Government within a period of ninety days of the receipt of such application in the prescribed form. • The main function of Site Appraisal Committee is to advise for grant of permission for initial location involving a hazardous process or for the expansion of any such factory. • Where the State Government has granted approval to an application for the establishment or expansion of a factory involving a hazardous process, it shall not be necessary for an applicant to obtain a further approval from the Central Board or the State Board established under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).
Section 41B (Compulsory disclosure of Information by the Occupier)	<ul style="list-style-type: none"> • The occupier of every factory involving a hazardous process shall disclose in the manner prescribed all information regarding dangers, including health hazards and the measures to overcome such hazards arising from the exposure to or handling of the materials or substances in the manufactures, transportation, storage and other processes, to the workers employed in the factory, the Chief Inspector, the local authority within whose jurisdiction the factory is situate and the general public in the vicinity. • Where any occupier of a factory contravenes the provisions, the licence can be cancelled.
Section 41C (Specific responsibility of the occupier in relation to hazardous processes)	<ul style="list-style-type: none"> • Every occupier of a factory involving any hazardous process shall <ol style="list-style-type: none"> a) Maintain accurate and up to date health records or medical records of the workers in the factory who are exposed to any chemical, toxic or any other harmful substances; b) appoint persons who possess qualifications and experience in handling hazardous substances and competent to supervise such handling and to provide at the working place all the necessary facilities for protecting the workers. c) provide for medical examination of every worker before such worker is assigned to a job involving the handling of, or working with, a hazardous substance and subsequently at such intervals not exceeding twelve months, in such manner as may be prescribed
Section 41G (Safety Committee)	<ul style="list-style-type: none"> • The occupier shall, in every factory where a hazardous process takes place, or where hazardous substances are used or handled, set up a Safety Committee consisting of equal number of representatives of workers and management to promote co-



	operation between the workers and the management in maintaining proper safety and health at work and to review periodical the measures taken in that behalf:
Section 41H (Right of workers to warn about imminent danger)	<ul style="list-style-type: none"> • Where the workers employed in any factory engaged in a hazardous process have reasonable apprehension that there is a likelihood of imminent danger to their lives or health due to any accident, they may bring the same to the notice of the occupier, agent, manager or any other person who is in charge of the factory or the process concerned directly or through their representatives in the Safety Committee and simultaneously bring the same to the notice of the Inspector. • Such occupier, agent, manager or any other person in charge of the factory or process shall take remedial action, if he is satisfied, otherwise, he shall refer the matter forthwith to the nearest Inspector.

PROVISIONS REGARDING WORKING HOURS OF ADULTS, EMPLOYMENT OF YOUNG PERSON AND ANNUAL LEAVE WITH WAGES

WORKING HOURS OF ADULTS	<u>Weekly Hours (Section 51)</u> <ul style="list-style-type: none"> • No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.
	<u>Weekly Holidays (Section 52)</u> <ul style="list-style-type: none"> • There shall be holiday for the whole day in every week and such weekly holiday shall be on the first day of the week. • However, such holiday may be substituted for any one of the three days immediately before or after the first day of the week provided the manager of the factory has: <ol style="list-style-type: none"> (i) delivered a notice at the office of the Inspector; and (ii) displayed a notice in the factory to this effect. • No adult worker shall work for more than 10 days consecutively without a holiday for the whole day.
	<u>Compensatory Holidays (Section 53)</u> <ul style="list-style-type: none"> • Where a worker is deprived of any of the weekly holidays for which provision is made that section, he shall be allowed, either 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.
	<u>Daily Hours (Section 54)</u> <ul style="list-style-type: none"> • Subject to the provisions of section 51, no adult worker (male or female) shall be required or allowed to work in a factory for more than nine hours in any day;
	<u>Intervals for rest (Section 55)</u> <ul style="list-style-type: none"> • No adult worker shall work continuously for more than 5 hours unless a rest interval of at least half an hour is given to him or



	<p>if any factory takes prior permission of Chief Inspector, then total number of hours worked by a worker without an interval does not exceed six.</p>
	<p><u>Spread Over (Section 56)</u></p> <ul style="list-style-type: none"> • The period 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 spread over more than ten and a half hours in any day • Chief Inspector may, for reasons to be specified in writing increase the spread over up to twelve hours.
	<p><u>Nights Shifts (Section 57)</u></p> <ul style="list-style-type: none"> • Where a worker in a factory works on a shift which extends beyond midnight, <ul style="list-style-type: none"> (a) for the purposes 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.
	<p><u>Prohibition of overlapping shifts (Section 58)</u></p> <ul style="list-style-type: none"> • 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.
	<p><u>Extra Wage for overtime (Section 59)</u></p> <ul style="list-style-type: none"> • 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.
	<p><u>Restriction on double employment (Section 60)</u></p> <ul style="list-style-type: none"> • 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.
	<p><u>Further restrictions on employment of women (Section 66)</u></p> <ul style="list-style-type: none"> • Chief Inspector has no power to exceed the maximum daily hours of women prescribed under Section 54. • No woman shall be required or allowed to work in any factory] except between the hours of 6 A.M. and 7 P.M • There shall be no change of shifts except after a weekly holiday or any other holiday
<p>EMPLOYMENT OF YOUNG PERSON</p>	<p><u>Prohibition of employment of young children (Section 67)</u></p> <ul style="list-style-type: none"> • No child who has not completed his fourteenth year shall be required or allowed to work in any factory.



	<p><u>Non-adult workers to carry tokens (Section 68)</u></p> <ul style="list-style-type: none"> • A child who has completed his fourteenth year or an adolescent (More than 14 years-18 years) can required or allowed to work in any factory only if <ul style="list-style-type: none"> (a) a certificate of fitness granted with reference to him under section 69, is in the custody of manager of the factory, and (b) such child or adolescent carries while he is at work, a token giving a reference to such certificate. <p><u>Certificate of fitness (Section 69)</u></p> <ul style="list-style-type: none"> • 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. • A certificate of fitness granted or renewed shall be valid only a period of twelve months from the date thereof <p><u>Effect of certificate of fitness granted to adolescent (Section 70)</u></p> <ul style="list-style-type: none"> • An adolescent who has been granted a certificate of fitness to work in a factory as an adult in terms of provisions 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 purposes of Chapter VI and VIII. • No female adolescent or a male adolescent who has not attained the age of seventeen years but who has been granted a certificate of fitness to work in a factory as an adult, shall be required or allowed to work in any factory except between 6 A.M. and 7 P.M. <p><u>Working hours of children (Section 71)</u></p> <ul style="list-style-type: none"> • No child shall be employed or permitted to work, in any factory for more than four and a half hours in any day and during the night [10 P.M.- 6 A.M.]. • 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. • No female child shall be required or allowed to work in any factory except between 8 A.M. and 7 P.M.
<p>ANNUAL LEAVE WITH WAGES</p>	<p><u>Application of Chapter VIII (Section 78)</u></p> <ul style="list-style-type: none"> • Where any award, agreement including settlement or contract of services provide for a longer annual leave with wages than provided in this Chapter, the worker shall be entitled to such longer annual leave but if those provisions are less favourable, then, provisions of Section 79 to 82 shall apply.



	<p><u>Annual leave with wages (Section 79)</u></p> <ul style="list-style-type: none"> • 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— <ol style="list-style-type: none"> (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.
	<p><u>Wages during leave periods (Section 80)</u></p> <ul style="list-style-type: none"> • For the leave allowed to him under section 78 or section 79, as the case may be, a worker shall be entitled to wages at a rate equal to the daily average of his total full time earnings for the day on which he actually worked during the month immediately preceding his leave, exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of advantage accruing through the concessional sale to the worker of food grains and other articles.
	<p><u>Payment in advance in certain cases (Section 81)</u></p> <ul style="list-style-type: none"> • 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.
	<p><u>Mode of recovery of unpaid wages (Section 82)</u></p> <ul style="list-style-type: none"> • Any sum required to be paid by an employer, under his Chapter but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936.

NOTICES TO BE GIVEN TO AUTHORITY IN CERTAIN CIRCUMSTANCES

Section	Particulars
Section 88: Notice of certain accidents	<ul style="list-style-type: none"> • 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. • Where a notice given under sub-section (1) relates to an accident causing death, the authority to whom the notice is sent shall make an inquiry into the occurrence within one month of the receipt of the notice or, if such



	authority is not the Inspector, cause the Inspector to make an inquiry within the said period.
Section 88A: Notice of certain dangerous occurrences	Where in a factory any dangerous occurrence of such nature as may be prescribed occurs, whether causing any bodily injury or disability or not, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.
Section 89: Notice of certain diseases	Where any worker in a factory contracts any disease specified in the Third 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.

OBLIGATIONS AND RIGHTS OF WORKERS

Obligation of Workers (Section 111)	Right of Workers (Section 111A)
<p>As per Section 111 of the Act, a worker in a factory shall not be indulged in the following activities:</p> <p>(a) 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;</p> <p>(b) Willfully and without reasonable cause do anything likely to endanger himself or others; and</p> <p>€ 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.</p> <p>Punishment for contravention of this Section:- If any worker employed in a factory contravenes any of the provisions of this section or of any rule or order made thereunder, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.</p>	<p>Section 111A of the Act, gives certain right to every worker as follows:</p> <p>(3) Obtain from the occupier, information relating to workers' health and safety at work,</p> <p>(ii) Get trained within the factory wherever possible, or, to get himself sponsored by the occupier for getting trained at a training centre or institute, duly approved by the Chief Inspector, where training is imparted for workers' health and safety at work,</p> <p>(iii) Represent to the Inspector directly or through his representative in the matter of inadequate provision for protection of his health or safety in the factory.</p>



REGISTERS AND RECORDS TO BE KEPT BY FACTORY

Every factory is required to keep and maintain following registers or records under Factories Act, 1948:

Section	Registers
Section 11E	Register for specifying the date on which all inside walls and partitions, all ceilings or tops of rooms and walls, sides and tops of passages and staircases are re-painted, revarnished, whitewashed or colour washed in terms of the provisions given under Section 11(d).
Section 13(2)	Records in relation to ventilation and temperature
Section 62	<p>Register of adult workers showing the following particulars:</p> <ul style="list-style-type: none">(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 shift, the relay to which he is allotted; and(e) such other particulars as may be prescribed. <p>Note: No adult worker shall be required or allowed to work in any factory unless his name and other particulars have been entered in the register of adult workers</p>
Section 73	<p>Register of child workers which consists the following particulars:</p> <ul style="list-style-type: none">(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.

RETURNS

As per Section 110 of the Act, the State Government may make rules requiring owners, occupiers or managers of factories to submit such returns, occasional or periodical, as may be, in its opinion be required for the purposes of this Act.

DISPLAY OF NOTICES

Section 108 of the Act, provides for statutory requirement of displaying 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. This



requirement is in addition to the notices required to be displayed in any factory by or under this Act.

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.

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.

APPEALS

Section 107 of the Act gives an opportunity to the manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Act or the occupier of the factory that he may appeal against it to the prescribed authority.

Such authority may confirm, modify or reverse the order. Appeal shall be filed within thirty days of the service of the order.

PENALTIES

S. No.	Section	Provision	Penalty
1.	Section 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 of the factory shall each be guilty of an offence	Imprisonment- Max. 2 years OR Fine- Max. 1 lakh rupees OR Both
		Continued Contravention	Further fine which may extend to one thousand rupees for each day on which the contravention is so continued.
		If any of following contravention has resulted in an accident causing death or serious bodily injury:	<ul style="list-style-type: none"> • Fine: Min. Rs. 25,000 (in case of an accident causing death) • Fine: Min. Rs. 5,000



		<ul style="list-style-type: none"> the provisions of Chapter IV(Provisions related to safety) or any rule made thereunder or under section 87 (Dangerous operation) 	(in case of an accident causing serious bodily injury)
2.	Section 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	Imprisonment: Max. 3 years OR Fine: Min. Rs. 10,000 and Max. Rs. 2,00,000 OR Both
		If any of following contravention has resulted in an accident causing death or serious bodily injury: <ul style="list-style-type: none"> the provisions of Chapter IV(Provisions related to safety) or any rule made thereunder or under section 87 (Dangerous operation) 	<ul style="list-style-type: none"> Fine: Min. Rs. 35,000 (in case of an accident causing death) Fine: Min. Rs. 10,000 (in case of an accident causing serious bodily injury)
3.	Section 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	Imprisonment: Max. 6 months OR Fine: Max. Rs. 10,000 OR Both
4.	Section 96A: Penalty for contravention of the provisions of	Whoever fails to comply with or contravenes any of the provisions of section	Imprisonment: Max 7 years AND



	sections 41B, 41 C and 41 H	41B , 41 C or 41 H or the rules made thereunder, shall, in respect of such failure or contravention, be punishable	Fine: Max Rs. 2 Lakh
		Continued Contravention	Additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues. Further, If the failure or contravention continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to ten years.
5.	Section 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, (2) Where a worker is convicted of an offence punishable under subsection (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.	Fine: Max. Rs. 500
6.	Section 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	Imprisonment: Max. 2 months OR Fine: Max. Rs. 1,000



		granted to another person under that section, or who, having procured such a certificate, knowingly allow it to be used, or an attempt to use it to be made by, another person shall be punishable	OR Both
7.	Section 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	Fine: Max. Rs. 1,000 unless it appears to the Court that the child so worked without the consent or connivance of such parent, guardian or person.

POINTS TO BE CHECKED WHILE CONDUCTING AUDIT

1. Whether the Factory is registered or not? If so, registration number of the Factory be given.
2. Item of Manufacture.
3. Where the factory engaged in hazardous processes, then all the provisions relating to hazardous processes as specified in Chapter IVA of the Act are complied or not;
4. Whether the occupier of factory send written notice to the Chief Inspector before he begins to occupy or use any premises as a factory or not;
5. Whether all the prescribed registers or records maintained by the factory or not;
6. Whether all the statutory returns filed on time or not;
7. Whether all the notices required to be displayed in factory are displayed in a factory in English and in a language understood by the majority of the workers in the factory or not;
8. Whether the manager of the factory send notice to specified authority on occurrence of event specified in Section 88, 88A and 89.
9. Whether the factory take all the measures specified in Chapter III, IV & V of the Act in relation to health, safety and welfare of workers or not;
10. Whether all the provisions regarding working hours of adults, employment of young person and annual leave with wages specified in this Act are complied or not;
11. Whether all the provision of the Act has been complied by factory or not.