

Abstract of the Factories Act, 1948 and the U. P. Factories Rules, 1950

( To be fixed in a conspicuous and convenient place at or near the main entrance to the factory )

### **INTERPRETATION**

"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, any in any part of which a manufacturing process is being carried on without the use of power, or is ordinarily so carried on ; but does not include a mine subject to the operation of the Mines Act, 1952 (XXXV of 1952) of a railway running shed.

"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.

"Manufacturing process" means any process for making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating, adapting any article or substance with a view to its use, sale, transport, delivery or disposal or pumping oil, water sewage, or generating, transforming or transmitting power, or composing types for printing by letterpress, lithography, photogravure or other similar process or book-binding, which is carried on by way of trade or for purposes of gain, or incidentally to another business so carried on, or constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels.

PRELIMINARY Licensing and registration, Section 6 and 7 - The owner or occupier of any premises which is liable to be treated as a "Factory" as defined under the Act shall get it registered and obtained from the Chief Inspector of Factories a licence after paying the prescribed fee. He shall also get the plans etc. approved before using the premises as a "factory" .

### **WORKING HOURS, HOLIDAYS, INTERVALS FOR REST, ETC.**

1. Hour of work (adults), Sections 51 and 54 :- No adult worker shall be required, or allowed, to work in a factory for more than 48 hours in any week and for more than nine hours in any day ; provided that, subject to the previous approval of the Chief Inspector of Factories, the daily maximum specified in Section 54 may be exceeded in order to facilitate the change of shifts.

2. Relaxation of hours of work (adults), Section 64 :- The ordinary limits on working hours of adults may be relaxed in certain special cases, e.g. workers

engaged on urgent repairs ; in preparatory or complementary work which must necessarily be carried on outside the limits laid down for general working of factory ; 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 for rest ; in work which for technical reasons must be carried on continuously ; in making or supplying articles of prime necessity which must be made or supplied every day ; in a manufacturing process which cannot be carried on except during fixed seasons, or at times dependent on the irregular action of natural forces ; in engine rooms or boiler houses or in attending to power plant or transmission machinery in the printing of newspapers, which are held up on account of the breakdown of machinery ; in loading or unloading of Railway wagon.

Except in the case of urgent repairs, the relaxation shall not exceed the following limits -

- (i) the total number of hours of work in any day shall not exceed ten ;
- (ii) the total number of hours of overtime work shall not exceed 50 for any one quarter ;
- (iii) the spreadover inclusive of intervals for rest shall not exceed 12 hours in any one day. In the case of any or all adults workers in any factory, the ordinary limits on working hours of adults may be relaxed, for a period or periods not exceeding in the aggregate three months in any year, to enable the factory to deal with exceptional press of work.

3. Payment for overtime, Section 59 :- Where a worker works in a factory for more than nine hours in any day or for more than 48 hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice its ordinary rate of wages.

4. Exemption of supervisory staff, Section 64 :- Chapter VI of the Act - working hours of adults - does not apply to persons holding positions of supervision or management or employed in a confidential position in a factory.

5. Weekly holidays (adults), Section 52 :- No adult worker shall be required or allowed to work in a factory on the first day of the week, unless 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 the manager of the factory has before the said day or the substituted day whichever is earlier, delivered a notice at the office of the Inspector of his intention to require the worker on the said day and of the day which is to be substituted, and 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.

Where a worker in a factory, as a result of exemption from the ordinary provision relating to weekly holidays, is deprived of any of the weekly holidays, 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.

6. Intervals for rest (adults), Section 55 and 56 :- The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed 5 hours before he has had an interval for rest of at least half an hour and that inclusive of his intervals for rest they shall not spread over more than 10 1/2 hours in any day or with the permission of the Chief Inspector in writing, 12 hours : Provided that the State Government or subject to the control of State Government the Chief Inspector of factories may by written orders, and for the reasons specified therein, exempt any factory in such a way that the total number of hours put in by a worker without an interval, does not exceed six.

7. Prohibition of double employment, Section 60, 71 and 99 :- No child or except in certain circumstances an 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.

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 Rs. 50 unless it appears to the court that the child so worked without the consent or connivance of such parent, guardian or person.

8. Prohibition of employment of children under 14, Section 67 :- No child, who has not completed his fourteenth year, shall be required or allowed to work in any factory.

9. Hours of work (children), Section 71 :- No child shall be employed or permitted to work in any factory for more than 4 1/2 hours in any day and during the night, which shall mean a period of at least twelve consecutive hours including the period between 10 p.m. and 6 a.m. The periods of work of all children employed in a factory shall be limited to two shifts which shall not overlap or spread over more than 5 hours each and each child shall be employed in only one of the relays. The provision relating to weekly holidays shall also apply to child workers and no exemption from the provision may be granted in respect of any child.

10. Prohibition of employment of women, Section 66 :- No women shall in any circumstances be employed in any factory more than 9 hours in any day or between the hours of 7 p.m. and 6 a.m. and there shall be no change of shifts except after a weekly or any other holiday.

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 his application for leave is not made within the time specified above.

Where the employment of a worker, who is entitled to leave, 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 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.

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 to the advantage accruing through the concessional sale to the worker of foodgrains and other articles.

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 leave allowed.

The Manager shall maintain an account of the leave with wages in a register which shall be on the prescribed Form No. 14 and shall provide each worker with a book called the 'Leave Book', on the lines of Form No. 15. The Leave Book shall be the property of the worker and the Manager or his agent shall not demand it except to make entries of the dates of leave or interruptions in service and shall not keep it for more than a week at a time, if a worker loses his Leave Book, the Manager shall provide him with another copy on payment of four annas and shall complete it from his record.

Any sum required to be paid by an employer, for leave with wages, but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (Act No. IV of 1936).

## **HEALTH**

12. Cleanliness, Section 11 :- Except in cases specially exempted, all inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases in a factory shall be kept white-washed or colour washed. The white-washing or colour washing shall be carried out at least once in every period of fourteen months. The floors of every work-room shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or some other method.

13. Disposal of wastes and effluents, Section 12 :- Effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.

14. Ventilation and temperature, Section 13 :- Effective and suitable provision shall be made in every factory for securing and maintaining in every work-room adequate ventilation by the circulation of fresh air and such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

## **LEAVE WITH WAGES**

11. Annual leave with wages, Sections 79, 80, 82 and 83 :- 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 ;

Any days of lay off, by agreement or contract or as permissible under the standing orders maternity leave for any number of days not exceeding twelve weeks in the case of a female worker, and leave earned in the year prior to that in which 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 :

Provided that a period of leave shall be exclusive of all holidays whether occurring during or at either end of the period of leave. A worker, who quits his employment on or before the next pay day of January, shall be entitled to leave with wages at the rate as laid down in clause (i) or (ii) above, as the case may be, if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

If a worker is discharged or dismissed from service during the course of the year, he shall be entitled to leave with wages calculated at the rate as laid down above, even if he has not worked for the entire period as specified in clause (i) and (ii) above entitling him to earned leave.

In calculating leave under Section 79, half a day or more shall be treated as one full day and fraction of less than half shall be omitted.

If a worker does not in any calendar year take the whole of the leave admissible to him, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year :

Provided that the total number of days of leave that may be carried forward to the succeeding year shall not exceed 30 in the case of an adult and 40 in the case of a child :

Provided further that a worker, who has applied for leave with wages but has not been given such leave shall be entitled to carry forward the unavailed leave without any limit.

A worker may at any time apply for leave with wages but not less than fifteen days before the date on which he wishes his leave to begin, to take all 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 a worker wishes his leave to begin if he is employed in a public utility service as defined in clause (n) of Section 2 of the Industrial Disputes Act, 1947 (XIV of 1947) :

Provided further that the number of times in which the leave may be taken during any year shall not exceed three.

15. Overcrowding, Section 16 :- Unless exemption has been granted, there shall be in every work-room of a factory in existence on April 1, 1949 at least 350 cubic feet and of a factory built after this date at least 500 cubic feet of space for every worker employed therein and for this purpose no account shall be taken of any space which is more than 14 feet above the level of the floor of the room.

16. Lighting, Section 17 :- 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.

17. Drinking water, Section 18 :- In every factory effective arrangement shall be made to provide and maintain at suitable points, conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water. In every factory wherein more than 250 workers are ordinarily employed, the drinking water shall during the hot weather, be cooled by ice or other effective means. The cooled drinking water shall be supplied in every canteen-lunch -room and rest room and also at conveniently accessible points throughout the factory.

18. Latrines and urinals, Section 19 and rules :- In every factory sufficient latrine and urinal accommodation of the prescribed type (separate enclosed accommodation for male and female workers) shall be provided conveniently situated and accessible to workers at all times while they are at the factory. Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings. Sweepers shall be employed whose primary duty is would be to keep clean latrines and washing places.

19. Spittoons, Section 20 :- In every factory, there shall be provided a sufficient number of spittoons of the type prescribed in convenient place and they shall be maintained in a clean and hygienic condition. No person shall spit within the premises of a factory except in the spittoons provided for the purpose. Whoever spits in contravention of this provision shall be punishable with fine not exceeding five rupees.

## SAFETY

20. Fencing of machinery, Section 21 :- In every factory, mover and every flywheel connected to a prime mover or dangerous parts of machines, e.g. every moving part of a prime mover, etc. 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.

21. Work on or near machinery in motion, Section 22 :- No woman or young person shall be allowed to clean, lubricate or adjust any part of a prime mover or any transmission machinery while the prime mover 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 any adjacent machinery.

22. Employment of young persons on dangerous machinery, Section 23 :- No young person shall work at any machine declared to be dangerous unless he has been fully instructed as to the dangers arising in connection with the machine and the precaution to be observed and has received sufficient training in work at the machine or is under adequate supervision by a person, who has through knowledge and experience of the machine.

23. Casing of new machinery, Section 26 :- In all machinery driven by power and installed in any factory after April 1, 1949, every set screw, bolt or key on any revolving shaft, spindle wheel or pinion shall so sunk encased or otherwise effectively guarded as to prevent danger ; 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.

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 these provisions, 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.

24. Prohibition of employment of women and children near cotton openers, Section 27 :- No woman or child shall be employed in any part of factory for pressing cotton in which a cotton opener is at work.

25. Excessive weight, Section 34 :- No woman or young person shall unaided by another person lift, carry or move by hand or on head any material, articles, tool or appliance exceeding the following limits :

Person	Maximum weight of material, article, tool or appliance	
	When the work is intermittent	When the work is continuous
	Lbs.	Lbs.
(a) Adult females	66	44
(b) Adolescent male	66	44
(c) Adolescent female	50	33
(d) Male child	35	21

(e) Female child	30	20
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26. Protection of eyes : Section 35. Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the vicinity of processes which involve risk of injury to the eyes from particles or fragments thrown of in the course of the process or which involve risk of injury to the eyes by reason of exposure to excessive light.

27. Precautions in case of fire : Section 38 :- Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein. The doors affording exit from any room shall, unless they are of the sliding type, be constructed to open outwards. 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. Effective and clearly audible means of giving warning in case of fire to every person employed in the factory shall be provided. Effective measures shall be taken to ensure that wherein more than twenty workers are ordinarily employed in any place above the ground floor, or 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.

## **WELFARE**

28. Washing facilities : Section 42 :- In every factory, adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein. Such facilities shall include soap or other suitable means of cleaning and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition. If female workers are employed separate shall be provided and so enclosed or screened that the interiors are not visible from any place where persons of the other sex work or pass.

29. Facilities for storing and drying clothing : Section 43 and rules :- In the case of certain dangerous operations, e.g. lead processes, liming and tanning of raw hides and skins, etc., suitable places for keeping clothing not worn during working hours and for the drying of wet clothing shall be provided and maintained.

30. Facilities for sitting : Section 44 :- 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.

31. First-aid ambulance room : Section 45 :- There shall, in every factory be provided and maintained so as to readily accessible during all working hours, first-aid boxes or cupboards equipped with the prescribed contents. All such boxes and cupboards shall be kept in the charge of a responsible person, who is trained in first-aid treatment and who shall always be available during the working hours of the factory.

In every factory wherein more than 500 workers are employed, there shall be provided and maintained an ambulance room of the prescribed size and containing the prescribed equipment. The ambulance room shall be in charge of a qualified medical practitioner assisted by at least one qualified nurse and such other staff as may be prescribed.

32. Canteens : Section 46 and rules :- In specified factories wherein, more than 250 workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers. Food , drink and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of a Canteen Managing Committee which shall be appointed by the manager and shall consist of an equal number of persons nominated by the occupier and elected by the workers. The number of elected workers shall be in the proportion of 1 for every 1,000 workers employed in the factory, provided that in no case there be more than 5 or less than 2 workers on the Committee. The Committee shall be consulted from time to time on the quality and quantity of foodstuffs to be served in the canteen, the arrangement of the menus, etc.

33. Shelters, rest-rooms and lunch rooms : Section 47 :- In every factory wherein more than 150 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.

34. Creches : Section 48 and rules :- In every factory wherein more than 50 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. The creche shall be adequately furnished and equipped and in particular there shall be one chair or equivalent seating accommodation for the use of the mother while she is feeding or attending to her child and sufficient supply toys for older children.

There shall be in or adjoining the creche a suitable wash-room for the washing of the children and their clothing. An adequate supply of clean clothes, soap and clean towels shall be made available for each child while it is in the creche. At least half a pint of clean pure milk shall be available for each child on every day it is accommodated in the creche and the mother of such a child shall be allowed in the course of her daily work suitable intervals to feed the child. For children above two years of age, there shall be provided, in addition, an adequate supply of wholesome refreshment. A suitably fenced and shady open air playground shall also be provided for the older children.

35. Welfare Officer : Section 49 :- In every factory wherein 500 or more workers are ordinarily employed, the occupier shall employ in the factory such number of Welfare Officers as may be prescribed.

## **SPECIAL PROVISIONS**

36. Dangerous operations : Section 87 and rules :- Employment of women, adolescents and children is prohibited / or restricted in certain operations

declared to be dangerous, e.g. manufacture of aerated water, electroplating, manufacture and repair of electric accumulators, glass manufacture, grinding or glazing of metals, manufacture and treatment of lead, generating petrol, gas from petrol, sandblasting and liming and tanning of raw hides and skins.

37. Notice of accidents : Section 88 and rules :- Where in any factory an accident occurs which causes death or which causes bodily injury by reason of which the person injured is prevented from working for a period of 48 hours or more immediately following the accident or which, though not attended by personal injury or disablement is of one of the following types :

(i) Bursting of vessel used for containing steam under pressure greater than atmospheric pressure other than plant which comes within the scope of the Indian Boilers Act.

(ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods or any part thereof, or the overturning of a crane.

(iii) Explosion or fire causing damage to any room or place in which persons are employed, or fire in rooms of cotton pressing factories where a cotton opener is in use.

(iv) Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air ) or any liquid or solid resulting from the compression of gas.

(v) Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall or building forming part of a factory or within the compound or curtilage of factory, the manager of the factory shall forthwith send notice thereof to the Chief Inspector and the Inspector of Factories of the region concerned. If the accident is fatal or of such a serious nature that it is likely to prove fatal, notice shall also be sent to the District Magistrate or the Sub-Divisional Officer and the officer-in-charge of the nearest police station.

38. Notice of certain diseases : Section 89 and rules :- Where any worker in a factory contracts any of the following diseases, the manager of the factory shall send notice thereof forthwith to the Chief Inspector of Factories, the Inspector of Factories of the region concerned and the certifying surgeon.

Lead phosphorus, mercury, manganese, arsenic, carbon bisulphide or benzene poisoning or poisoning by nitrous fumes, or by halogen derivatives of the hydrocarbons of the aliphatic series : or of chrome ulceration, anthrax, silicosis, toxic anaemia, toxic jaundica, primary ophthalmic cancer of the skin, or pathological manifestations due to radium or other radio-active substances or x-rays.

39. No charge of facilities and conveniences : Section 114 :- No fee or charge shall be realized 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 the Act. 40. Powers of Inspectors : Section 9 :- Inspector have power to inspect factories any time and may require the production of registers, certificates, etc., prescribed under the Act and the

rules. 41. Obligations of workers : Sections 97 and 111 :- No worker in a factory -

(i) shall wilfully interfere with or misuse any appliance, convenience or other thing provided in a factory for the purpose of securing the health, safety or welfare of the workers therein ;

(ii) shall wilfully and without any reasonable cause do anything likely to endanger himself or others ; and

(iii) shall wilfully neglect to make use of any appliance or other thing provided in the factory for the purpose of securing the health or safety of the workers therein. If any worker employed in a factory contravenes any of these provisions or 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 Rs.100, or with both.

If any worker employed in a factory contravenes any provision of the 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 Rs.20.

42. Certificates of fitness, Sections 68, 70 and 98 :- No child who has completed his fourteenth year or an adolescent shall be required or allowed to work in any factory unless a certificate of fitness granted with reference to him is in the custody of the manager of the factory and such child or adolescent carries, while he is at work a token giving a reference to such certificates. Any fee payable of such a certificate shall be paid by the occupier and shall not be recoverable from the young person, his parents or guardian.

An adolescent who has been granted a certificate of fitness to work in a factory as an adult 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 the provisions of the Act relating to the working hours of adults and the employment of young person :

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 :- 'Night' for the purposes for his sub-paragraph means a period of at least twelve consecutive hours which shall include the period of at least seven consecutive hours falling between 10 p.m. and 7 a.m.

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

Whoever knowingly uses or attempts to use as certificates of fitness granted to himself a certificate granted to other adolescent to work in a factory as an adult, 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 Rs.50 or with both.

43. Registers, notice and returns : Section 61, 63, 72, 74, 79, 80 and 110 :-  
A register of adult workers in the prescribed Form No. 12 and a register of child workers in the prescribed Form No. 12 and a register of child workers in the prescribed Form No. 13 shall be maintained by the Manager of every factory.

A notice of periods of work for adults and a notice of periods of work for children in the prescribed Form No. 11 shall be correctly maintained and displayed in every factory. No adult worker or child shall be required or allowed to work in any factory otherwise than in accordance with their respective notices of periods of work displayed in the factory.

The owners, occupiers or managers of factories shall submit the prescribed periodical returns to the Inspector regularly.