

# A Study on Factories Act, 1948

**Mathew Sinu Simon,**

Assistant Professor, Department of Law, Presidency University, Bangalore, India,  
Email Id-mathew.simon@presidencyuniversity.in

## **ABSTRACT:**

A key piece of law, the Factories Act, 1948, strives to protect the welfare, health, and working conditions of Indian factory employees. The essential clauses and goals of the Act are succinctly summarised in this abstract: The enterprises Act, 1948 provides a thorough framework for controlling enterprises and defending the rights of employees. Its main goals are to avoid accidents, eliminate workplace dangers, and advance employees' wellbeing in general. The Act covers factories that work in a variety of sectors, such as manufacturing, processing, and construction. The Factories Act of 1948 was crucial in protecting employees' rights and fostering a safer and better working environment in factories. It has aided in enhancing overall working conditions and the welfare of employees across India, fostering industrial growth with an emphasis on worker and human rights.

## **KEYWORDS:**

Adolescent, Constitution, Creches, Licensing, Machinery.

## **I. INTRODUCTION**

An important piece of law that controls the working conditions in factories in India is the Factories Act, 1948. It was implemented to protect workplace risks and exploitation of factory employees as well as to assure their safety, health, and wellbeing. All factories that participate in manufacturing processes and some hazardous activities are subject to the Act. In India, the adoption of the Factories Act, 1948, was a turning point in the development of industrial law. It sought to solve the difficulties employees had throughout the industrialization era and enhance their working environments. The Act demonstrates the government's commitment to defending employees' interests and fostering harmonious workplaces. The Factories Act of 1948 addresses a number of issues pertaining to worker welfare and industrial operations. It has regulations for things like factory registration and licencing, working hours, leave privileges, hiring women and minorities, safety precautions, health and hygiene requirements, social services, and fines for breaking the rules.

The Act outlines duties for factory managers and owners, including upholding safe working conditions, providing required safety equipment, making sure there is sufficient ventilation and lighting, performing routine inspections, and keeping records of accidents and occurrences. To keep up with evolving industrial dynamics and improvements in worker safety, the Factories Act of 1948 has undergone a number of revisions throughout time. These changes have enhanced worker rights and safety regulations while introducing new rules and broadening the coverage's reach. The Act also gives the government the authority to set up procedures for factory inspection, hire inspectors, and enforce adherence to the rules. For infractions, it outlines fines and legal repercussions, guaranteeing responsibility and deterrent.

The Factories Act of 1948, in its entirety, is essential for assuring the welfare and protection of people working in factories. In the industrial sector, it seeks to foster social justice, combat exploitation, and provide a safe and healthy work environment. The Act is still a crucial piece of law in India since it supports the rights and well-being of factory employees while also fostering economic progress [1]–[3].

## **II. DISCUSSION**

The primary piece of regulation that controls the health, safety, and welfare of employees in factories is the Factories Act. The Act applies to all of India. Mine and railway employees are excluded since they are protected by other Acts. The new Act addressed concerns related to welfare, health, and safety. To maintain the Act current

with advancements in the area of health and safety, several revisions were made. The aspects of occupational health and safety, as well as the prevention and protection of employees working in hazardous processes, were finally fully included into the Act in 1987. This unit's goal is to help the pupils understand fundamental phrases. You have to be able to comprehend a variety of topics related to the fundamental idea behind the Factories Act at the conclusion of this lesson.

### **Historical Development of Factory Legislation**

Modern industrial system was established in India with the creation of Cotton Mills in 1851 and a Jute Mill in Bengal in 1855. Children and women both worked. There were excessively lengthy workdays and insufficient downtime. In the past, the employers had the last say. The Indian Factories Act, which provided protection for workers, particularly for young children, was enacted in 1881. The Government of India established the Factory Commission in 1890. Based on the Commission's recommendations, a law was created in 1891 that expanded the definition of "factory" to cover locations with at least 50 employees.

The ability to expand it to locations with twenty or more employees was granted to the local governments. Women workers were given special considerations, and their workdays were restricted and included a 30-minute break. The Act underwent periodic amendments. In 1923 and 1926, it underwent two amendments. On the basis of the suggestions provided by the Royal Commission on Labour, which was constituted in 1929, the Act was completely amended and rewritten in 1934. The Factories Act of 1934 was changed several times until the current Act of 1948 was enacted.

According to the 1934 Act, the Provincial Government had the authority to apply the Act to enterprises that consumed power and had more than 10 employees. It attempted to enhance factory working conditions by reducing the number of hours workers were required to work. Provisions were also created for the Act's proper enforcement and inspection. The Factories Act of 1934 was updated in 1948, expanding its purview to include overtime compensation, welfare, hygiene, and other comparable measures. The purpose of the Factories Act was to guarantee proper, safe, and healthy working conditions in factories so that employees could invest their time and labour in the manufacturing process without worrying about physical stress or the risk of accidents. Up to 1976, the Act underwent frequent amendments. A significant number of chemical facilities that produce and handle hazardous and poisonous substances had already been established at this point. This resulted in further health and safety issues. The world's biggest catastrophe struck Bhopal before the government could evaluate the potential effect of the issue and anticipate the likelihood of catastrophic disasters, obliterating thousands of innocent, naive lives in hours and leaving many more disabled. The Factories (Amendment) Act, 1987 was enacted in 1987 as a tribute to the Bhopal victims.

It offers improved protections while handling and using hazardous materials in industries. The management is urged to implement more robust safety measures, appoint safety officers in factories with 1,000 or more employees, or carry out any manufacturing process or operation that poses a risk of bodily harm, poisoning, disease, or any other health hazard to those working there, and to take other safety-related precautions. The new Act also mandated that all fatal incidents be investigated within a month of their occurrence. Additionally, it gave the authority to conduct safety and occupational health surveys to the Chief Inspector, Director General of Factory Advice Service and Labour Institutes, Director General of Health Services to the Government of India, or any other person that they may have permitted. The Act included contract workers as well as any other kind of labour that was engaged directly or via any agency with or without the knowledge of the primary employer, whether for compensation or not, within its protection provision. In addition, any factory with more than 30 women employees (rather than 50, as required under the Principal Act) must provide a creche facility, according to the modified Act. According to the Act, a worker's heirs or nominee, as applicable, will be entitled to earnings in place of the amount of leave that is owed if they are discharged or dismissed from service, resign their jobs, become superannuated, or pass away while working throughout the course of the calendar year. The new Act also included revised general penalty rates for violations and increased penalties for prior convictions [4]–[6].

The new Sections 36 and 38 deal with safety measures against harmful vapours, gases, etc. and safety measures in the event of a fire, respectively. Following Chapter IV of the main Act, a new Chapter IV-A is introduced. It contains the following requirements regarding hazardous processes:

1. Constitution of Site Appraisal

2. Compulsory disclosure of information by the occupier
3. Specific responsibility of the occupier in relation to hazardous processes
4. Power of Central Government to appoint Inquiry Committees
5. Emergency standards
6. Permissible limits of exposure of chemical and toxic substances
7. Workers' participation in safety management
8. Right of workers to warn about imminent danger.

Prior to the Principal Act's Schedule, additional schedules were added that specify the industries with hazardous operations and the maximum amounts of certain chemicals that may be present at work.

Except for the Schedule providing a list of notifiable illnesses and Sections 7-13 and 41-F, all of the provisions of the Factories (Amendment) Act, 1987 went into effect on the first of December, 1987.

### **Object of the Act**

The Act's goal is to safeguard people from being subjected to too extended periods of physical exertion or manual employment. It also aims to stipulate that, to the extent that the production process permits, personnel should work in hygienic circumstances, and that safety measures should be implemented to avoid accidents.

### **Scope and Applicability of the Act**

The Act is applicable to all of India. Unless specifically stated differently, it applies to all factories, including those owned by the Central or any State Government. Persons classified under the definition of "worker" in the Act who are working in the plant are eligible for the benefits of the Act. We should thus talk about what "factory" and "worker" imply and how they are defined. It would be useful to understand what the Act means by "manufacturing process" as the word "factory" alludes to a manufacturing process.

### **Approval, Licensing and Registration of Factories**

When a factory is to be created, it is the occupier's obligation to have the property authorised. The State Government has been given the authority to create regulations that must be followed under Section 6. If the occupier submits a written request to the State Government in accordance with Section 4 designating some departments or branches of a plant as distinct factories, the State Government may do so. However, there is no provision that would allow more than one factory belonging to the same occupier to be deemed to be a single plant. In the event of a public emergency, which is defined as a serious emergency wherein the security of India or any portion of it is threatened, whether by war, external aggression, or internal disturbance, the State Governments are also empowered to exempt any factory or any class of factories from all or any of the provisions of the Act (except section 67) for a specified period of time under the conditions notified. Three months at a time may be covered by such a notice.

### **Procedure for Approval, Licensing and Registration of Factories**

After the occupier obtains a permit in accordance with the requirements set out by the State Government in this regard, the factory must be authorised and registered. The State Governments have the authority to create regulations that mandate that, for the purposes of this Act, the occupier of a factory submit plans for any category or description of factories to the Chief Inspector or State Government and obtain prior approval from the Chief Inspector of Factories with regard to the location where the factory is intended to be built, or an addition if the factory already exists. A factory shall not be deemed to have been expanded simply by the replacement of any plant or machinery if the replacement or addition does not reduce the minimum clear space needed for safe working around the plant or machinery or adversely affect the environment through the evolution or emission of steam, heat, dust, or flames that are harmful to human health.

The occupant must submit complete building designs together with all relevant specification's information in order for the building to be authorised in line with the law. The occupant must follow the rules and pay the required fees in order to register, receive a licence, or renew their licence, as applicable. The authority to whom the request is submitted must provide authorization within three months about the site on which the factory is intended to be built or the expansion that will be carried out in the already-existing factory in line with the plan. If a response is not received within the specified time frame, authorization is assumed. If approval is denied, the applicant has 30 days

to file an appeal, either to the State Government if the Chief Inspector denied permission or to the Central Government if the State Government denied permission.

The notification must provide the factory's complete information, including:

1. the name and situation of the factory;
2. the name and address of the occupier;
3. the name and address of the owner of the premises or building;
4. the nature of manufacturing process;
5. the total rated horse power installed or to be installed in the factory, which shall not include
6. the rated horse power of any separate standby plant;
7. The name of manager of the factory for the purpose of this Act;
8. The number of workers likely to be employed in the factory;
9. the average number of workers per day employed during the last twelve months, in case of
10. a factory, is in existence on the date of the commencement of this Act;
11. such other particulars as may be prescribed under the rules. [Section 7 (1)]

Within 30 days of the Act's start date, the occupier must notify the Chief Inspector of Factories of the foregoing information about any factories that were already operating before the Act [Section 7 (2)]. The occupier must submit the Chief Inspector complete details on the factory within 30 days after the commencement of work before a factory engaged in a manufacturing process that typically lasts for fewer than 180 working days in a year may resume operations [Section 7(3)]. According to Section 7(4), the occupier must inform the Chief Inspector of any change in a manager's or factory's appointment within 7 days. The occupier is regarded as the manager for the purposes of the Act if there is no management working in the plant. A violation of Sections 6 and 7 is a crime for which the occupier may be held accountable.

### **Health, Safety and Welfare Measures of Employees**

A safe and supportive workplace must have policies about employee health, safety, and welfare. These actions are intended to safeguard workers' bodily and mental health, eliminate working dangers, and advance their general welfare. Here are some crucial areas for employee welfare, health, and safety measures:

#### **Occupational Health and Safety:**

It is the duty of employers to provide a secure and healthy workplace. This entails carrying out risk analyses, putting safety rules and procedures into place, and guaranteeing adherence to health and safety laws. To preserve employee health and minimise accidents and injuries, steps including optimum ventilation, ergonomic workstations, sufficient lighting, and personal protection equipment (PPE) are crucial.

#### **Work-Life Balance:**

Promoting work-life balance is essential for workers' wellbeing. Employers may put in place policies like flexible work schedules, remote work choices, and paid time off to assist staff in successfully juggling their personal and professional obligations. Encouragement of breaks, downtime, and vacations also helps to lower stress and avoid burnout.

#### **Employee Wellness Programs:**

In order to promote the physical and emotional health of their workers, businesses might implement wellness programmes. These efforts might consist of things like access to fitness centres, health checks, counselling, stress-reduction classes, mindfulness training, and healthcare resources. Employee morale and productivity may be raised by encouraging a healthy lifestyle and offering tools for sustaining wellbeing.

#### **Prevention of Workplace Harassment and Discrimination:**

Employers should have rules and guidelines in place to combat bullying, discrimination, and harassment at work. These steps might include disciplinary consequences that are appropriate, clear reporting methods, inquiry processes, and awareness training. For the wellbeing of workers, it is crucial to foster a courteous, welcoming, and inclusive work environment where they feel valued and safe.

### **Training and Skill Development:**

Offering employees, the chance to grow professionally improves not just their productivity but also their general wellbeing. Employees may work more efficiently and safely by receiving regular training on safety procedures, equipment use, emergency protocols, and job-specific skills [7]–[9].

### **Employee Assistance Programs (EAP):**

Employee assistance programmes (EAPs) provide private counselling and support services to workers facing difficulties at work or at home. EAPs may provide advice on handling stress, money problems, family challenges, and mental health help. These initiatives support workers' welfare by focusing on their overall wellbeing.

### **Ergonomics and Workplace Design:**

Employers should create work environments and job duties that are as physically comfortable as possible. Workstations that can be adjusted, comfortable seating, and ergonomic equipment may all help to increase employee comfort and productivity while lowering the risk of musculoskeletal problems.

### **Employee Recognition and Engagement:**

Employee morale is raised and their welfare is promoted when efforts are acknowledged and valued. Regular feedback, performance reviews, and recognition initiatives may improve the working environment, promote a feeling of community, and increase job satisfaction.

Overall, ensuring employee health, safety, and welfare is essential for fostering a positive work environment, safeguarding the physical and emotional health of workers, and advancing their general welfare. Organisations may increase employee happiness, productivity, and retention by giving these indicators top priority, which will help them succeed in the long run [10]–[12].

## **III. CONCLUSION**

This study on the Factories Act, 1948 has shed light on the significance and relevance of this historic legislation in the realm of industrial safety and labor welfare. The Act, implemented more than seven decades ago, remains a cornerstone of factory regulations in many countries, including India. Its provisions encompass a wide range of aspects, such as working conditions, health and safety measures, welfare amenities, and the overall well-being of workers.

Throughout this study, we have examined the objectives and key provisions of the Act, as well as its impact on the industrial landscape and the lives of workers. It has become evident that the Act plays a vital role in safeguarding the rights and interests of workers, ensuring their physical and mental well-being, and promoting a harmonious work environment.

The Factories Act, 1948 has not only evolved with time but has also influenced subsequent labor legislations globally. Its principles of occupational health and safety, the prohibition of child labor, and the establishment of welfare measures have become benchmarks for other countries to follow.

While the Act has undoubtedly brought about positive changes in the industrial sector, there are still challenges to be addressed. The enforcement of its provisions, particularly in smaller factories and informal sectors, remains a persistent issue. Moreover, emerging technologies and new forms of employment necessitate continuous updates and adaptations to ensure the Act's continued relevance.

In conclusion, the Factories Act, 1948 stands as a testament to the importance of legislations that prioritize the welfare of workers and foster safe working environments. By acknowledging its successes and addressing its limitations, policymakers and stakeholders can work together to further enhance the Act's efficacy and create a brighter future for workers across industries.

## **REFERENCES**

- [1] Government of India, "the Factories Act, 1948," The Factories Act, 1948, India, 1987.
- [2] R. P. Rangeela and G. Anil, "Welfare Measures Under The Factories Act: A Critical Appraisal," Int. J. Pure Appl. Math., 2018.

- [3] K. Shukla, M. Purohit, and S. P. Gaur, "Studying 'Make in India' from the Lens of Labour Reforms," *Manag. Labour Stud.*, 2017, doi: 10.1177/0258042X17690842.
- [4] T. Ishimaru et al., "Systems and human resource development for occupational health in India: Effective occupational health management for Japanese enterprises with overseas branches," *Sangyo Eiseigaku Zasshi*, 2020, doi: 10.1539/sangyoeisei.2019-014-E.
- [5] P. Bharti and A. Kumar M, "Provision Of Welfare Under Factories Act & Its Impact On Employee Satisfaction," *J. Bus. Manag. Soc. Sci. Res.*, 2013.
- [6] P. Chandrasekaran and P. Ganeshprabhu, "A study on employee welfare measures in construction industry in India," *Int. J. Sci. Technol. Res.*, 2020.
- [7] D. P. P. Singh, "Silicosis in a Flourmill Worker: A Case Report," *J. Med. Sci. Clin. Res.*, 2019, doi: 10.18535/jmscr/v7i9.81.
- [8] A. Karani and R. Panda, "'Make in India' Campaign: Labour Law Reform Strategy and Its Impact on Job Creation Opportunities in India," *Manag. Labour Stud.*, 2018, doi: 10.1177/0258042X17753177.
- [9] M. Gupta, "Attrition and Retention of employees in hospitality industry : Reality Vs Myth," *Indian J. Hosp. Manag.*, 2020.
- [10] Sucheta Ratnakar Dalvi, "Strategies For Achieving Work Life Balance," *Sch. Res. JOURNALS*, 2014.
- [11] M. Babu, U. B. Raju, S. Rama, and A. V Raju, "Occupational Safety and Health Policy – A tool for improving working conditions of an organization," *Curie*, 2010.
- [12] T. Agarwal, B. Suresh Kumar Shetty, A. Boloor, P. P. Jagadish Rao, H. Pavanchand Shetty, and M. S. Kotian, "Estimation of age and sex using chest radiograph – An useful tool in identification," *Indian J. Forensic Med. Toxicol.*, 2018, doi: 10.5958/0973-9130.2018.00091.9.