

¹[FORM NO.20

(Prescribed under Rule 126)
ABSTRACT OF THE FACTORIES ACT, 1948 AND
THE KETALA FACTORIES RULES, 1957

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

I N T E R P R E T A T I O N

“Factory” means any premises including the precincts thereof -

- (i) Wherein 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) Wherein twenty or more workers are working re working, or were working on any day of the preceding twelve months, and in any prt of which a manufacturing process is being carried on without the aid of power, or is ordinary so carried on but does not include a mine subject to the operation of the Indian Mines Act, 1952 (Central ACT XXXV of 1952) or a mobile unit belonging to the armed forces of the Union, a railway running shed or a hotel, restaurant or eating place.

“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 incident 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.

“Manufacturing Process” means any process for making altering repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adopting any article or substance with a view to it use sale, transport, delivery or disposal or pumping oil, water, sewage, or any other substance or generating, transforming or transmitting power, or composing types for printing, printing by letter press, lithography, photogravure or other similar process or book biding or constructing, reconstructing, repairing, refitting, finishing, or breaking up ships or vessels or preserving or storing any article in cold storage.

Working hour, holidays, intervals or rest etc. - 1. Hours 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 9 hours in any day.

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 the general working of the 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 through the day, 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,

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 twelve;
- (ii) the spread over, inclusive of intervals for rest, shall not exceed thirteen hours in any one day;
- (iii) the total number of hours of work in any week, including overtime, shall not exceed sixty;
- (iv) no workers shall be allowed to work overtime, for more than seven days at a stretch and the total number of hours of overtime work in any quarter shall not exceed seventy five.

In the case of any or all adult 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 3 months in any year, to enable the factory to deal with an exceptional press of work.

3 .Payment for overtime:- Section 59, where a worker works in a factory for more than 9 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 this ordinary rate of wages.

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

5 .Weekly holiday:- (Adults) Sections 52 and 53. No adult worker shall be required or allowed to work in a factory on the first day of the week (hereinafter

referred to as the said day): unless 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 to work 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, any worker works on the said day and has had a holiday on one of the three days immediately before it, that said day shall, for the purpose of calculating his weekly hours of work, be included in preceding week.

Where a worker in a factory as a result of exemption from the ordinary provisions 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) Sections 55 and 56, the periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour and the periods of work shall be so arranged that inclusive of his interval, 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.

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

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 any factory, (a) for more than four and a half hours in any day,

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

The provision relating to weekly holidays shall also apply to child workers and no exemption from this 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 for more than 9 hours in any day or between the hours of 7 p.m. and 6 a.m.

11. Leave with wages - Sections 79, 80 and 83 and Rules. 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 15 days of work performed by him during the previous calendar year.

For the above purpose any days of lay off, by agreement or contract or as permissible under the standing orders, in the case of female workers, maternity leave for any number of days not exceeding twelve weeks, and the leave earned in the year prior to that in which the leave is enjoyed; shall be deemed to be days on which the worker has worked in a factory for the purpose of computation of the period of 240 days or more, but the worker shall not earn leave for these days.

The period of leave shall be exclusive of all holidays, which may occur during or at either end of the period of leave.

For the leave allowed to him, a worker shall be paid at the rate equal to the daily average of his total full time earnings for the days 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 the advantage accruing through the concessional sale to the worker of foodgrains and other articles

A worker whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate laid down in clause (i) or,

as the case may be, clause (ii) of sub-section (1) of section 79 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 or quits his employment or is superannuated or dies while in service, during the course of the calendar year, he or his heir or nominee, as the case may be shall be entitled to wages in lieu of the quantum of leave to which he was entitled immediately before his discharge, dismissal, quitting of employment superannuation or death, calculated at the rates specified in sub-section (1), even if he had not worked for the entire period specified in sub-section (1) or sub-section (2) making him eligible to avail of such leave, and such payment shall be made (i) where the worker is discharged or dismissed or quits employment, before the expiry of the second working day from the date of such discharge, dismissal or quitting and (ii) where the worker is superannuated or dies while in, service before the expiry of two months from the date of such superannuation or death.

The Manger shall maintain a leave with wages register in the prescribed Form No.15 and shall provide each worker with a book called the "leave Book" in the prescribed Form No.16. The leave book shall be the property of the worker and the manager or his agent shall not demand it except to make entries 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 five paise and shall complete it from his record. Each worker shall be provided with an attendance card in Form No.28.

HEALTH

12. Cleanliness - section 11. Except in cases specially exempted all inside wall and partitions, all ceiling or tops of rooms and all walls, sides and tops of passages and staircases in a factory shall be kept painted otherwise than with washable water paint or varnished, be re-painted or re-varnished at least once in every period of five years where they are painted with washable water paint be repainted with atleast one coat of such paint at least once in every period of 3 years and washed atleast once in every period of six months and where they are painted varnished or where they have smooth impervious surfaces, be claimed at least once in every period of fourteen months by such method as may be prescribed. The while washing or colour washing shall be carried out atleast once in every week by washing, using disinfectant, where necessary or by some other effective method.

13. Disposal of waste and Effluents - Section 12. Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous and for their disposal.

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

15. Over Crowding - Section 16. Unless exemption has been granted there shall be in every workroom of a factory in existence on 1st April 1951, at least 350 cubic feet and of a factory built after the 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 part of a factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water.

In every factory wherein more than two hundred and fifty workers are ordinarily employed provision shall be made for cooling drinking water during hot weather by effective means. 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 would be to keep clean latrines, urinals 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 places and they shall be maintained in a clean hygienic condition. No person shall spit within the premises of a factory except in the spittoons provided for the purposes. 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 dangerous parts of machines e.g. ever moving part of a prime mover and every fly wheel connected to a prime mover, etc., etc. shall be securely fenced by Safeguards of substantial construction which shall be constantly maintained and 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 child shall be allowed in any factory to clean, lubricate or adjust any part of the machinery while the parts in motion, or to work between moving parts or between fixed and moving parts of any Machinery which is in motion.

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 machines 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 thorough 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 1st April 1949 every set screw, belt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger, all spur, worn 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 encashed.

Whoever sells or lets on hire or, as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with the provisions, 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 a factory for pressing cotton in which a cotton-opener is at work.

24. A. Excessive weights - Section 34 and Rules. No woman or young person shall unaided by another person, lift carry or move by hand or on head, any material, article, tool or appliance exceeding the maximum limit in weight set out below.

Adult male	75 Kg.
Adult female	30 Kg.
Adolescent male	30 Kg.
Adolescent female	20 Kg.
Male child	16 Kg.
Female child	13 Kg.

25. Protection of eye - Section 35 and Rules. Effective Screens or suitable goggles shall be provided for the protection of persons employed in or in the immediate vicinity of processes which involve risk of injury to the eyes from particles or fragments thrown off in the course of the process or which involve risk of injury to the eyes by reason of exposure to excessive light or infra-red or ultraviolet radiations.

25.A. Precaution regarding portable electric light - Section 36A - No portable electric light or any other electric appliances of voltage exceeding 24 volt shall be permitted for use inside any chamber, tank, vat, pipe, flue or other confined space.

If any inflammable gas, fume or dust is likely is suspected to be preset in such space the lamp should be of flame proof construction.

26. Precaution in case of fire - Section 38. Every Factory shall be provided with adequate means of escape in case of fire for the person 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.

26A. Safety Officers - Section 40B. In every factory (1) wherein 1000 or more workers are ordinarily employed or (2) wherein the opinion of State Government any manufacturing processes or operation is carried which processes or operation involves any risk or bodily injury, poisoning or disease or any hazard to health to the person employed in any factory the occupier shall employ in the factory such number of safety officers as may be prescribed.

WELFARE

27. Washing facilities - Section 42. In every factory adequate and suitable facilities for washing shall be provided and maintained for the use of workers therein such facilities shall include soap and nail brushes 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 facilities shall be provided and so enclosed or screened that the interior are not visible from any place where persons of the other sex work or pass.

28. Facilities for storing and drying clothing - Section 43 and Rules. In the case of certain dangerous operation, 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.

29. 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.

30. First -aid and ambulance room - Section 45. there shall in every factory be provided and maintained so as to be readily accessible during all working hours first aid boxes or cup-boards 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 ordinarily employed there shall be provided and maintained an ambulance room of the prescribed size, containing the prescribed equipments. 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 and those facilities shall always be made readily available during the working hours of the factory.

31. 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 shall there be more than 5 or less than 2 workers in the Committee. The Committee shall be consulted from time to time on to the quality and quantity of food stuffs to be served in the canteen, the arrangement of the menu, etc. etc. Annual medical examination for fitness of each member of the canteen staff who handles food stuffs shall be carried out by the factory medical officer or the certifying surgeon.

32. Shelters, rest rooms and lunch rooms - Section 47. In every factory wherein more than 150 workers are ordinarily employed, adequate and suitable shelter 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.

33. Creches - Section 48 and rules. In every factory wherein more than thirty 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 suitable cot or cradle with necessary bedding for each child, at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child, and a sufficient supply of suitable toys for the 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 to an adequate supply of wholesome refreshment. A suitably fenced and shady open air play ground shall also be provided for the elder children.

34. Welfare Officers - 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

35. Dangerous Operations- Section 87 and rules. Employment of women, adolescents and children is prohibited or restricted in certain operations declared to be dangerous eg. Manufacture of aerated water, electroplating, manufacture and repair of electric accumulators, glass manufacture, grinding or glazing of metals, manufacture and treatment of lead and certain compounds of lead, generating petrol gas from petrol, sand blasting and liming and tanning of raw

hides and skins, extraction of cashew shell oil, roasting and shelling of cashewnuts, certain operations in coir and fibre factories, cellulose spraying, graphite powdering, certain lead processes in printing processes and type foundries, manufacture or manipulation of acricinogenic dye intermediates, manganese and its compounds, dangerous pesticides, handling and use of benzene and process of extracting oils and fats from vegetable and animal sources in solvent extraction plants.

36. Notice of accidents - Section 88 and rules. Wherein 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 one of the following types:-

(a) Bursting of a plant used for containing or supplying steam under pressure greater than atmospheric pressure.

(b) Collapse or failure of crane, derrick, which, hoist or other appliance used in raising or lowering persons or goods, or any part thereof, or the over turning of a crane.

(c) Explosion or fire or bursting out, leakage or escape of any hot (molten) metal, liquor or gas causing damage to any person or any room or place in which persons are employed, or fire in rooms of cotton pressing factories where a cotton pressing factories where a cotton opener is in use..

(d) Explosion of a receiver 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.

(e) 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 by telephone, special messenger or telegram to the Inspector, to then Deputy Chief Inspector, and to the chief Inspector and if the accident is fatal or of such a serious nature that it is likely to prove fatal, notice of aforesaid shall also be sent to the District Magistrate, the officer-in-charge of the nearest Police Station and the relatives of the injured or deceased person.

37. 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 sent notice thereof forthwith both to the Chief Inspector and the Certifying Surgeon.

Lead, Phosphorus, mercury, manganese, arsenic, carbon bisulphide or benzene poisoning or poisoning by nitrous fumes, or any halogens or halogen derivative of the hydro-carbons of the aliphatic series, or of chrome ulceration, anthrax, silicosis, toxic anaemia, toxic jaundice, primary epitheliomatous cancer

of the skin, or pathological manifestations due to radium or other radio active substances or x-rays.

38. No charge for facilities and conveniences - Section 114. No fee or charge shall be realised from any worker in respect of any arrangements or facilities to be provided or any equipments or appliances to be supplied by the occupier under the provisions of the Act.

39. Powers of Inspectors - Section 9 and 82. Inspectors have power to inspect factories at any time and may require the production of registers, certificates, etc. prescribed under the Act and the Rules.

Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid by an employer under the provisions relating to leave with wages, which the employer has not paid..

40. Obligations of workers - Section 97 and III. No worker in a factory.

- (a) shall wilfully interfere with or misuse any appliance , convenience or other thing provided in a factory for the purposes of securing the health, safety or welfare of the workers therein;
- (b) shall wilfully and without reasonable cause to anything likely to endanger himself or others; and
- (c) shall wilfully neglect to make use of any appliance or other thing provided in the factory for the purposes or securing the health or safety of the workers therein.

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.

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 worker he shall be punishable with fine which may extend to twenty rupees.

41. Certificate of fitness - Section 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 carried, while he is at work a token giving a reference to such certificate. Any fee payable for 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 purposes of the provisions of the Act relating to the working hours of adults and the employment of young persons. An adolescent who has not been granted a certificate of fitness to work in a 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, a certificate of fitness granted to another 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 fifty rupees or with both.

42. Registers, notices and returns - sections 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.14 shall be maintained by the manager of every factory.

A Notice of periods of work for adult and a notice of periods of work for children in the prescribed Form Nos.11 and 13 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).