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A Study on Factories Act, 1948: A Measures in Regard to Health, Safety and Welfare

MARTIN JEYA PRAKASH V.Y.¹ AND LOKA C. THLAIVANAR²

ABSTRACT

This study explores the health, safety, and welfare provisions under the Factories Act, 1948, focusing on its salient features and objectives. It examines the statutory health measures, safety standards, and welfare facilities designed to protect factory workers, ensuring safe and humane working conditions. A legal overview highlights key case laws that have influenced the enforcement and interpretation of these provisions. The study presents findings on the effectiveness of the Act and offers suggestions for improving compliance and addressing modern industrial challenges, concluding with recommendations for enhanced worker protection.

Keywords: *Factories; Health; Safety; Welfare, Facilities.*

I. INTRODUCTION

The Factories Act, 1948, was introduced with the primary objective of ensuring the well-being of workers employed in factories by laying down guidelines for their health, safety, and welfare. As industrialization expanded, the need for statutory regulations to protect workers from occupational hazards became crucial. The Act prescribes detailed measures to prevent workplace accidents, ensure hygienic conditions, and provide welfare amenities like restrooms, canteens, and first-aid facilities. This study aims to critically examine these provisions, analyzing how they contribute to worker protection and exploring their practical implications through case laws.

II. SALIENT FEATURES OF FACTORIES ACT

The important features of Factories Act, 1948 are as follows;

- i. Widening of the definition of the term “factory” to cover all industrial establishment employing ten or more workers where power was used, and 20 or more workers in all other cases;
- ii. Abolition of distinction between seasonal and non-seasonal factories;

¹ Author is a student at Tamil Nadu Dr Ambedkar Law University (SOEL), India.

² Author is a student at Ponnaiyah Ramajayam Institute Of Science & Technology (PRIST), India.

- iii. Splitting up of the Chapter III of the old Act into three-separate chapters, dealing with health, safety and welfare of workers, respectively and clear specification in the Act itself of the minimum requirement under those heads;
- iv. The basic provision of the old Act relating to health, safety and welfare are extended to all work places irrespective of the number of workers employed with the exception of a premises where manufacturing process is carried out with the aid of family members by the occupier.;
- v. The minimum age of employment for children in factories has been raised from 12 to 14 years and their working hours reduced from 5 to 4 and a half hours with power vested in the State Government to prescribe even higher minimum age for employment in hazardous undertaking;
- vi. The State Government are empowered to make rules requiring the association of the workers in the management for the welfare of the workers.³

(A) Objectives Of The Factories Act, 1948:

- i. **Working Hours:** No adult worker may be compelled or permitted to work in a factory for more than 48 hours per week in accordance with the provisions of the Adult Working Hours Act. Every week should have a holiday.
- ii. **Health:** The Act mandates that all factories be maintained clean and that all appropriate safety measures be adopted in order to preserve the workers' health. A suitable drainage system, enough lighting, ventilation, temperature control, etc., should be present in the factory. It is necessary to make adequate provisions for drinking water. Convenient locations should have enough latrines and urinals. Employees should have easy access to them, and they need to be maintained clean.
- iii. **Safety:** The Act mandates that all machinery be fenced off, that no young person operate any dangerous machinery, that restricted places be kept free of young people, and that manholes be large enough to allow workers to escape in an emergency.
- iv. **Welfare:** The Act stipulates that enough and acceptable facilities for washing shall be supplied and maintained for the use of workers in every plant, with the goal of promoting worker welfare. There should be places to hang and dry clothes, places to sit, first aid supplies, shelters, restrooms, lunchrooms, and creches.
- v. **Penalties:** Any violation of the Factories Act, 1948, its rules and regulations, or written

³ Labour And Industrial Laws – Prof. (Dr.) V. G. Goswami, Central Law Agency, Tenth Edition, Page No -315.

orders issued under its authority is considered an offense. Penalties of the following kinds may be applied: **a)** A fine of up to one lakh rupees; **b)** A sentence of imprisonment that can last up to a year; and **c)** A combination of fine and imprisonment. A worker may be fined Rs. 500 if they abuse an equipment that is connected to their job performance or the welfare, safety, or health of other workers.⁴

III. A MEASURES IN REGARDS TO HEALTH

Section 11 to 20 of the Factories Act, 1948 deals with the provisions ensuring the health of the workers in the conditions under which work is carried on in the factories.

1. Cleanliness (Sec 11)

It is required that all factories be maintained spotless and free of debris, including drain discharge. The floors need to be wiped down. It is required to have drainage. At least once every five years, interior walls, partitions, and ceilings need to be repainted. It is necessary to paint them once every three years and to wash them at least once every six months when using washable water paint. In 1976, this part underwent modification.

2. Disposal of Wastes and Effluents (Sec 12)

Effective arrangements must be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein. The State Government may make rules prescribing the arrangement to be made in this regard.

3. Ventilation and Temperature (Sec 13)

By choosing the right wall materials, factory owners may guarantee that their workrooms have the right amount of ventilation and temperature. For any industry or class, the State Government may set ventilation and temperature requirements. The Chief Inspector has the authority to mandate the application of such techniques if they determine that unreasonably high temperatures may be lowered with appropriate action. This guarantees a cosy and secure working environment.

4. Dust and Fume (Sec 14)

If the manufacturing process used gives off injurious or offensive dust and fume steps must be taken so that they are not inhaled or accumulated. The exhaust fumes of internal combustion engines must be evacuated outside the factory.

⁴ https://blog.ipleaders.in/factories-act/#Objectives_of_Factories_Act_1948 (LAST VISITED: 07: 05 pm ON 27/09/2024)

5. Artificial Humidification (Sec 15)

The State Government has the authority to impose regulations on industries that artificially raise air humidity. These regulations may include criteria for humidification, guidelines for raising humidity, guidance on conducting humidity testing, and measures to guarantee that workrooms have enough ventilation and cooling. Furthermore, industries that artificially raise air humidity levels need to filter their drinking water before supplying it. Ensuring adequate ventilation and cooling in the workplace is the goal of these regulations.

6. Over Crowding (Sec 16)

The section prohibits factory rooms from being overcrowded to injure workers' health. It requires a minimum of 14.2 cubic meters of space for every worker, and no space above 4.2 meters above the floor level. The Chief Inspector can post a notice specifying the maximum number of workers in a room by order in writing.

7. Lighting (Sec 17)

The Factories must be well lighted. Effective measures must be adopted to prevent glare or formation of shadows which might cause eyestrain.

8. Drinking Water (Sec 18)

It is necessary to make arrangements in order to offer an adequate amount of clean drinking water. Such water must be designated as "drinking water" at all supply points. A toilet spittoon, urinal, open drain, washing area, or other source of pollution should all be more than six meters away from such a spot. When it's hot outside, factories with more than 250 employees are required to supply cold drinking water.

9. Latrines And Urinals (Sec 19)

Every factory must provide sufficient number of latrines and urinals. There must be separate restrooms for male and female workers. Latrine and Urinals must be kept in a clean and sanitary conditions. In factories where more than 250 workers are ordinarily employed, all latrines and urinals provided for the convenience of workers should be of prescribed sanitary type.

10. Spittoons (Sec 20)

In every factory, there shall be provided a sufficient number of spittoons at convenient places. No person shall spit within the premises of a factory except in the spittoons. Person who

disobeys the provision shall be liable to pay fine not exceeding Rs.5/-⁵

IV. A MEASURES IN REGARD TO SAFETY

Section 21 to 41 of the Factories Act, 1948 deals with the provisions ensuring the Safety of the workers in the factory. The Factories Act provides the guidelines for the occupier.

1. Fencing of Machinery (Sec 21)

All dangerous machinery must be securely fenced while such parts of the machinery are in motion. If it is not secured, then the manager is liable.

2. Work on or near machinery in motion (Sec 22)

Only a male adult worker who has received specialized training and is dressed in form-fitting clothing (provided by the occupier) and whose name is on the registry established in this regard, along with a certificate of appointment, may perform such an examination or operation on the machinery while it is operating.

3. Employment of Young Person's on Dangerous Machines (Sec 23)

No young person is allowed to operate any dangerous machinery unless they have received specific training about the risks involved, been informed of the necessary safety precautions, and are being watched over by someone with extensive experience and knowledge of the equipment.

4. Striking gear and devices for cutting or power (Sec 24)

In every factory suitable striking gear and other devices to cut off the Power and Electricity during emergency must be provided and maintained in every work room.

5. Self-Acting Machines (Sec 25)

Moving parts of a self-acting machine must not be allowed to come within 45 cm of any fixed structure which is not part of the machine.

6. Casing of new machinery (Sec 26)

In all machinery installed after the commencement of the act certain parts must be sunk, encased or otherwise effectively guarded like set screw bolt, toothed gearing etc.

7. Prohibition of Employment of women and children near cotton openers (Sec 27)

Women's and Children's must not be allowed to work near cotton openers, except in certain

⁵ <https://www.toppr.com/guides/fundamentals-of-laws-and-ethics/the-factories-act/health-measures-in-factories-act-1948/> (LAST VISITED: 11:00 am ON 28/09/2001)

cases.

8. Hoists and Lifts (Sec 28)

Every hoist and lift must be made of sound materials and should be properly maintained. Sufficient precautions and safeguards must be also provided.

9. Lifting Machines, Chains, Ropes and Lifting Tackles (Sec 29)

In case of lifting machines, chains and ropes sufficient safeguards must be prescribed for the purpose of raising and lowering persons, goods or materials.

10. Revolving Machinery (Sec 30)

Where grinding is carried on the maximum safe working speed of every revolving machinery, connected therewith must be notified. Steps must be taken to ensure that the safe speed is not exceeded.

11. Pressure Plant (Sec 31)

Where any operation is carried on at a pressure higher than the atmospheric pressure, steps must be taken to ensure that the safe working pressure is not exceed of the provision.

12. Floors, Stairs and means of Access (Sec 32)

All floors, steps, stairs, passage and gangways shall be of sound construction and properly maintained. Handrails shall be provided where necessary. Safe means of access shall be provided to the place where the worker will carry on any work.

13. Pits, Sumps Opening in Floors etc. (Sec 33)

The pits, sumps opening in floors which by its nature of construction is dangerous and it should be securely fenced or covered.

14. Excessive Weights (Sec 34)

No workers shall be employed to carry or move any load or machinery which is likely to cause injuries.

15. Protection of Eyes (Sec 35)

Effective screen or suitable goggles shall be provided to protect the eyes of the worker from fragments thrown off in course of any manufacturing process and from excessive light if any.

16. Precautions against Dangerous Fumes, Gases, etc. (Sec 36)

It states that unless there is a suitable means of exit, such a manhole, no one should be needed or allowed to enter confined areas in workplaces where hazardous gases, fumes, vapors, or dust

pose a risk. All reasonable steps must be made to decrease dangerous chemicals to acceptable levels prior to admission. Only those who are properly certified as safe by an authority figure or who are wearing the proper breathing equipment and are fastened with a safety rope are permitted entry.

17. Precautions regarding the use of Portable Electric Light (Sec 36 A)

This section stipulated that in factories, portable electric lights or appliances with a voltage exceeding 24 volts cannot be used in confined space unless safety devices are in place. Additionally, if flammable gases, fumes or dust are likely present in such spaces, only flame-proof lights or lamps may be used to prevent ignition hazards.

18. Explosive or Inflammable Dust, Gas, etc. (Sec 37)

If the manufacturing process involves the emission of explosives, inflammable dust, etc., such emission must be prevented at the sources of production. In such a case, the worker must wear suitable breathing apparatus and a belt securely attached to rope, and the free end must be held by a person standing outside the confined space.

19. Precaution in case of Fire (Sec 38)

Fire escapes shall be provided. Windows and doors shall be constructed to open outwards. The means of exit in case of the fire shall be clearly marked in red letters. Arrangements must be made to give warning in case of fire.⁶

20. Specification of defective parts or Test of Stability and Safety of buildings and machinery (Sec 39 AND 40)

If any building or machine is in a defective or dangerous conditions, the inspector of the factories can ask for holding tests to determine how they can be made safe. He can also direct the adoption of the measure necessary to make them safe. In case of immediate danger, the use of the building or machine can be prohibited.

21. Maintenance of Buildings (Sec 40 A)

If the Inspector of Factories thinks that any building in a factory, or any part of it is in such a state of disrepair that it is likely to affect the health and welfare of the workers he may serve on the occupier or manager or both in writing specifying the measures to be done before the specified date. Sec. 40A.

⁶ The Factories Act, 1948

22. Safety Welfare Officers (Sec 40 B)

In any factory where 1000 or more workers are employed, which involves risk of bodily injury, etc, then the State Government may employ necessary number of safety officers. The duties of such officers are prescribed by the State Government.⁷

V. A MEASURES IN REGARD TO WELFARE

Section 42 to 50 of the Factories Act, 1948 deals with the provisions ensuring the Welfare of the workers in the factory.

1. Washing Facilities (Sec 42)

In every factory adequate and suitable facilities for washing shall be provided and maintained. They shall be conveniently accessible and shall be kept clean. There must be separate provisions for male and female workers.

2. Storing and Drying (Sec 43)

The State Government may make rules requiring the factories to provide suitable places for drying wet clothes. The places must be free from risk of theft.

3. Facilities for Sitting (Sec 44)

Sitting facilities must be provided for workers who have to work in a standing position so that they may take rest when possible. If work can be done in a sitting position efficiently the Chief Inspector may direct the provision of sitting arrangements.

4. First Aid Appliances (Sec 45)

Every factory must provide first aid boxes or cupboard. They must contain the prescribed materials and they must be in charge of persons trained in first aid treatment. Factories employing more than 500 persons must maintain an ambulance room containing the prescribed equipment and in charge of the prescribed medical and nursing staff

5. Canteens (Sec 46)

Where more than 250 workers are employed the state Government may require the opening of canteen or canteens for workers. Rules may be framed regarding the food served its management etc.

6. Shelters, Rest Rooms and Lunch Rooms (Sec 47)

⁷ <https://www.legalserviceindia.com/legal/article-149-the-factories-act-1948.html> (LAST VISITED: 2:00 pm ON 28/09/2024)

Every factory with more than 150 employees needs to have enough and appropriate shelters, restrooms, and a lunch area (with a drinking water supply) where employees can consume food that they bring with them. These types of spaces need to be kept cool and tidy, with adequate lighting and ventilation. The State Government may decide to set the standards.

7. Creches (Sec 48)

Every factory with more than thirty employees must have a room set aside for the use of the women's younger children. The room must have enough space, be well-ventilated and lit, be kept clean and hygienic, and be supervised by a woman with experience caring for young children. The State Government will establish the requirements.

8. Welfare Officers (Sec 49)

Welfare officers must be appointed in every factory where 500 or more workers are employed. The State Government may prescribe the duties, qualifications etc, of such officers.⁸

VI. LEGAL OVERVIEW

(i) Gregson vs. Hick Hargreaves and Co. Ltd.,⁹

The plaintiff, a moulder in an iron foundry, contracted silicosis from dust exposure. The defendants had implemented adequate safety measures, but the dust was identified as potentially containing silica in 1951. The court ruled that the defendants were not liable for breach of statutory duty as they had taken all necessary precautions based on available knowledge. The new knowledge did not impose retrospective liability, as neither the defendants nor anyone else was aware of the risk. It was held in *Carroll v. Andrew Borely and Sons Ltd.*¹⁴ that the duties under Sec 21 is not only confined to shutting off the employee from danger, but includes shutting in the machinery so that it cannot fly out and strike the workmen if it breaks.

(ii) Finch vs. Telegraph Construction and Maintenance Co. Ltd.,¹⁰

It was held that hanging of goggles in the office room is not enough, but the workers must be informed of their whereabouts, only then the requirements of Sec 35 can be said to have been complied with.

(iii) Elangovan M and Others vs. Madras Refineries Ltd.,¹¹

⁸ An Introduction To Labour And Industrial Law – Dr. S. K. Puri, Allahabad Law Agency, Ninth Edition, Page No- 205

⁹ (1995) All E.R. 860

¹⁰ (1949) All E.R. 452

¹¹ (2005) IILLJ 653 MAD

It was held by the Madras High Court that the employees of a canteen run in compliance to statutory duty are workmen of the establishment running the canteen for the purposes of Factories Act, 1948 only and not for all purposes.

(iv) State of Gujarat vs. Jethalal Ghelabhai Patel ¹²

In an oil mill workers hand caught in spur gear while greasing, it appeared spur gear had cover, but it was removed. Both trial court and HC of Gujarat relieved the manager from liability. However, the SC held that providing and making provision for the safeguard is not sufficient, but it should be kept in position, when it is not in position foreseeability theory is applicable, can't take the defence of no knowledge and permission.

VII. FINDINGS OF THE STUDY

1. The Factories Act, 1948, provides comprehensive measures to protect the health, safety, and welfare of workers. However, implementation remains inconsistent, especially in small-scale industries where compliance is often overlooked.
2. The health measures under Sections 11-20 ensure basic hygiene, proper ventilation, and access to clean drinking water, but many factories struggle with overcrowding and inadequate cleanliness standards.
3. Safety provisions like fencing of machinery, handling dangerous substances, and proper use of safety equipment are crucial but frequently neglected, leading to workplace accidents.
4. Welfare provisions such as the availability of creches, canteens, and first-aid facilities are essential for worker well-being, though enforcement of these rules is often weak, particularly in factories with a smaller workforce.
5. Case laws highlight gaps in the enforcement of safety protocols and provide guidance for stricter adherence to the Act's provisions.

VIII. SUGGESTIONS FOR THIS STUDY

1. Strengthen monitoring mechanisms to ensure that factories, especially smaller ones, comply with health and safety regulations;
2. Increase penalties for non-compliance to act as a deterrent for violations of the Act; Improve awareness and training for workers and factory owners about the provisions of the Act, focusing on safety protocols and emergency measures;

¹² AIR 1964 SC 779

3. Encourage the adoption of modern technology and safety devices to enhance worker protection and reduce industrial accidents;
4. Ensure that welfare measures, such as first-aid facilities and creches, are provided in all factories as per the required standards.

IX. CONCLUSION

The Factories Act, 1948, is a crucial piece of legislation for ensuring the well-being of factory workers, but its success depends on strict enforcement and awareness among all stakeholders. With better monitoring, training, and the use of modern safety methods, compliance with the Act can be improved, resulting in safer, healthier, and more humane working conditions for factory workers.

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7. AIR 1964 SC 779
