

DIRECTORATE OF INDUSTRIAL HEALTH & SAFETY GOVERNMENT OF MADHYA PRADESH

Frequently Asked Questions

Q 1. Which types of establishments are covered under the Factories Act?

Ans: The Factories Act, 1948 applies on premises in which manufacturing process as defined under the provisions of the Factories Act, 1948 is carried out with employment of 10 or more workers with use of power in the manufacturing process or with 20 or more workers employed without use of power in the manufacturing process.

Q 2. Whether a place wherein a manufacturing process are carried out with or without the aid of power employing less than 10 or 20 workers respectively can be covered under the Factories Act?

Ans. The State Government is empowered to declare that all or any of the provisions of the Act shall apply to any place wherein manufacturing process carried out irrespective of number of workers employed therein. Madhya Pradesh Government has made this act applicable to stone crushers, slate pencil factory, Rice mill, Oil mill, saw mills, chuna bhatti, Factories using asbestos ,certain industries which use hazardous chemicals, and certain processes carried out using flammable solvents by publishing a notification, even if the number of workers employed therein are less than 10. Occupier is not allowed to use any of these premises as a 'factory' unless he has obtained a valid factory licence.

Q 3. What is the definition of 'worker' as per Factories Act 1948?

Ans: Worker means a person employed (directly or by or through any agency including a contractor), with or without the knowledge of the principal employer, whether for remuneration or not in any manufacturing process or in cleaning any part of the machinery or premises used for a manufacturing process or in any other kind of work incidental to or connected with the manufacturing process or the subject of the manufacturing process (but does not include any member of the armed forces of the Union)

Q 4. What are the important provisions in the Factories Act?

Ans: The important provisions in the Factories Act, 1948 relates to

- Approval, licensing and registration of factory
- Appointment of Inspectors,
- Responsibility of the Occupier and Manufacturer of Articles used in factories, (This provisions was incorporated in 1987 after the Bhopal Tragedy)
- Health Provisions
- Safety provisions
- Welfare Provisions
- Working Hours.
- Employment of Young Persons.
- Annual Leave with Wages.

- Special Provisions (power to apply the Act to certain premises, dangerous operations, notice of accidents and occupational diseases, power of enquiry, etc.)
- Penalties and Procedures.

The important provisions relating to Safety and Health of workers are given below.

Health Provisions -- Every factory must take the following measures as per the provisions of the Act to ensure health of the workers.

- To keep its premises in a clean state;
- To dispose of wastes and effluents:
- To maintain adequate ventilation and reasonable temperature;
- To prevent accumulation of dust and fume;
- To avoid overcrowding;
- To provide sufficient lighting, drinking water, latrines and urinals.

Safety Provisions --- Every factory must take the following measures as per the provisions of the Act to ensure safety of the workers

- To fence certain machinery;
- To protect workers on or near machinery in motion;
- To protect young persons working on dangerous machines;
- To ensure hoists and lifts and pressure vessels are of sound construction and maintained in good working conditions;
- Floors, stairs and means of access in every factory shall be of sound construction and properly maintained to ensure safety of the works.
- To protect workers from injury to their eyes;
- To ensure precaution in case of fire

- To protect workers from dangerous dust, gas, fumes and vapors;
- To protect workers from fire, explosives or flammable dust or gas, etc.
- To ensure safety of building and machinery and maintenance of building

Q 5. Whether the approval, licensing and registration of a factory are compulsory?

Ans: Yes, It is compulsory. The approval, license and registration of a factory is compulsory before starting the manufacturing process. The occupier of the factory should submit the plan to the Chief Inspector of the State for approval. Not less than 15 days before to use any premises as a factory application for registration and grant of licence to be made in Form. No.- 4 along with fees prescribed and other relevant documents.

Q6. Can a Licence be renewed for more than one year at a time?

Ans. Yes, a factory may get the licence renewed either for one year or up to ten years at a time.

Q 7. When an Application is to be submitted for renewal?

Ans: An Application for renewal of Licence complete in all respects is required to be made in advance delivered in the office of the renewal authority at least 30 days before the due date of expiry of the Licence, i.e. upto 1st December of the Calendar year for which the Licence has been granted/renewed

Q8. Whether any late fee is payable, in case Application for renewal is not submitted in time?

Ans. Yes, a late fee @25% of the fee payable for a calendar year is charged wherein the Application has been submitted after expiry of the time limit mentioned in the Answer to question No 7.

Q.9 Whether a child is allowed to work in a factory?

Ans. The child below 14 years of age is not allowed to work in any factory.

Q10. What are the weekly hours of work in a factory?

Ans. No adult is allowed to work in a factory for more than 48 hours in any week.

Q11. What are the daily hours of work?

Ans. No adult worker is allowed to work in a factory for more than 9 hours in any day.

Q 12. What is the provision for compensatory holidays?

Ans. -Compensatory holidays which are regulated under section 53 of the Factories Act, 1948 are given to a workers, who are deprived of any of the weekly holidays under provisions of sub-section (1) of section 52 of this Act, as a result of passing of an order or making of a rule under the provisions of this Act, exempting a factory or its workers from the provisions of section 52 of this Act.

Q12. Who are the certain employees in a factory who are not entitled to overtime for working beyond duty hours. Should any records in respect of such employees be kept?

Ans. -The persons who hold the position of supervision or management or are employed in confidential position in a factory and who are drawing wages more than the limit for applicability of the payment of Wages Act, 1936, which at present is Rs. 18,000/- pm , are not entitled to overtime wages, in respect of overtime work performed by such employees. A list of such persons deemed to hold such positions by designation have been given in the rules framed under section 64 of the Factories Act, 1948 (rules 97 to 99 of the MP Factories Rules, 1962)

Q 13. Which returns, an occupier of a factory is required to submit under Factories Act?

Ans. Occupier of a factory is required to submit Annual Return in Form no. 27 on or before 15 January of every year for the past calendar year. Half -Yearly Return to be submitted in Form no. 28 on or before 15th July and 15 January of each year.

Q 14. How the management of a factory is supposed to inform any accident under provisions of factories Act 1948?

Ans. When any accident which result in the death of any person or which result in such bodily injury to any person as it likely to cause his death or any incident of any dangerous occurrence specified in the schedule takes place in the factory the manager of the factory shall forthwith send a notice thereof by telephone or by special messenger to the inspector and the Chief inspector. Further a

written report in form no. 22 is required to be submitted within 12 hours to the Directorate of industrial Safety & Health office.

If accident takes place, which will prevent or will probably prevent the person injured from working for a period of 48 hours, the information of such accident has to be given in Form No. 22 within next 24 hours.

Q15. As per Factories Act, when the Safety officers are required to be appointed in factories?

Ans. Safety officers are required to be appointed in every factory.

- Wherein 1000 or more workers are ordinarily employed

OR

- Where in, in the opinion of the State Govt., any manufacturing process or operation is carried on, which process or operation involves risk of bodily injury poisoning or disease, or any other hazard to health, to the persons employed..
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