

2 THE ACT AND RULES AT A GLANCE

A framework of the Factories Act; 1948 (Amended up to 1987) and the Gujarat Factories Rules, 1963 (amended up to 1995) is given in Table 27.1 to understand the subject matter and inter-relation of Sections, Rules, Schedules and Forms in brief. This helps in speedy search of subjects. The latest Statute book for these provisions must be kept in each factory and with each .Safety Officer.

Table 27.1 : Framework of the Factories Act & Rules

Sec	Subject	Rule No.	Sch.	Form No.
Chapter – 1 : Preliminary				
1	Title, extent & commencement	1		
2	Interpretation (Definitions) Hazardous processes	2, 2A	1 st Sch.	4A, 26, 27
3	Reference to time	-		
4	Power to declare one or more factories	-		
5	Power to exempt during public emergency	-		
6	Drawing, licence and Registration	3 to 11, 3A to 3D	-	1, 1A
7	Notice by Occupier	12, 12A	-	2, 3A
7A	General duties of the occupier including work monitoring and health & safety policy.	12B, 12C	-	37
7B	General duties of manufactures etc.			
Chapter - 2 : Inspecting Staff				
8	Inspectors	13		
9	Power of Inspectors	14		
10	Certifying Surgeons	15		5, 20, 27A, 30, 32, 33
Chapter – 3 : Health				
11	Cleanliness	16, 17, 17A	Sch.	7
12	Waste disposal & Effluent.	18		
13	Ventilation & Temperature	18A	Sch.	
14	Dust & Fume	-		26 A
15	Humidification	19 to 29	Sch.	6
16	Over crowding	-		
17	Lighting	30 to 34	Sch.	
18	Drinking Water	35 to 40		
19	Latrines & Urinals	41 to 50		
20	Spittoon	51 to 53		
Chapter -4 : Safety				
21	Fencing of Machinery	54	1 to 7	8
22	Work near moving machinery	55, 55A, 56		8
23	Work near dangerous machines	57		
24	Power cutting devices	-		
25	Self acting machines	-		
26	Casing of new machinery	-		
27	Work near cotton openers	-		
28	Hoists & lifts	58, 59	Sch.	9
29	Lifting machines, tackles etc.	60, 60 A		10
30	Revolving machinery	-		
31	Pressure plant.	61, 61A, 61B		11, 11A
32	Floors, stairs, means of access			
33	Pits, sumps, floor Opening etc.			
34	Excessive weights			
35	Protection of eyes			
36	Dangerous gas, fumes etc.			
36A	Portable electric light			
37	Explosive / inflame mable gas etc.			
38	Fire			

39	Defective parts, stability etc.			
40	Safety of building & machinery			
40A	Maintenance of building			
40B	Safety Officer			
41	Power to make rules			
	Chapter -4A : Hazardous Process			
41A	Site appraisal committee			
41B	Disclosure of information			
41C	Medical examination, records and supervisors			
41D	Inquiry committee			
41E	Emergency Standards			
41F	Permissible exposure limits			
41G	Safety committee			
41H	Imminent danger.			
	Chapter – 5 : Welfare			
42	Washing facilities			
43	Storing & drying clothing			
44	Sitting			
45	First – Aid			
46	Canteen			
47	Shelter, Rest room, Lunch room			
48	Creche			
49	Welfare Officer			
50	Power to make rules			
	Chapter – 6 : Working Hours			
51	Weekly hours			
52	Weekly holidays			
53	Compensatory holidays			
54	Daily hours			
55	Rest intervals			
56	Spread over			
57	Night shifts			
58	Overlapping shifts			
59	Wages for overtime			
60	Double employment			
61	Notice of working hours			
62	Register of adult workers			
63	Work according to notice and Register			
64	Exempting rules			
65	Exempting orders			
66	Employment of Women	91 A		
	Chapter - 7			
67	Children – not allowed			
68	Non – adult workers.			
69	Fitness certificate			
70	Effect of certificate			
71	Working hours for children			
72	Notice of working hours for children			
73	Register of child workers			
74	Work according to notice and register			
75	Medical Examination			
76	Power to make rules			
77	Employment of Children Act applicable			
	Chapter - 8 : Leave with wages			
78	Applicability			
79	Annual leave with wages			
80	Wages during leave period			
81	Advance payment			

82	Unpaid wages			
83	Power to make rules			
84	Power to exempt factories			
	Chapter – 9 : Special Provisions			
85	Power to apply the Act to certain premises			
86	Power to exempt public institutions			
87	Dangerous operations			
87A	Power to prohibit due to serious hazard			
88	Notice of accidents			
88A	Notice of dangerous occurrences			
89	Notice of diseases			
90	Inquiry for accident or disease			
91	Power to take samples			
91A	Safety & Health surveys			
	Chapter – 10 : Penalties & Procedures			
92	General penalty for offences			
93	Owner's liability in certain cases			
94	Enhanced penalty			
95	Penalty for obstructing Inspector			
96	Penalty for offence u/s 91			
96A	Penalty for offence u/s 41B, C&H			
97	Offences by workers			
98	Penalty for using false certificate of fitness			
99	Penalty for double employment of child.			
100	Omitted in 1987.			
101	Exemption of liability.			
102	Power of court to make orders			
103	Presumption as to employment			
104	Onus as to age.			
104 A	Limits of practicable etc.			
105	Cognisance of offences.			
106	Limitation of prosecutions			
106 A	Jurisdiction of a court.			
	Chapter 11 : Supplemental			
107	Appeals			
108	Display of notices			
109	Service of notices			
110	Returns			
111	Obligations of workers			
111 A	Right of workers			
112	General power to make rules			
113	Power of centre to give directions			
114	No charge for facilities etc.			
115	Publication of rules			
116	Application of Act to Govt. factories			
117	Protection to persons acting under this Act.			
118, 118 A	Not to disclose information.			
119	Effect of this Act,			
120	Repeal and savings			

3 SUBJECTS OF THE SCHEDULES

The Schedules under the Factories Act and The Gujarat Factories Rules contain exhaustive details of the provisions regarding safety and health measures. The subjects of these Schedules are mentioned in Table 27.2.

Table 27.2 : Schedules under the GFR

Sr. No.	Subject of the Schedule	The Number of			
		Sch.	Rule	Sec.	Form
1	Hazardous industries.	1 st	-	2 (cb)	-
2	Hazardous chemicals, TLVs & STELs	2 nd	-	41F	-
3	Notifiable Diseases	3 rd	-	89, 90	-
4	Conditional exemption of factories from painting, colour/ white washing.	Sch.	16 17	11	7
5	Dry / wet bulb temperature in room.	Sch.	18A	13	-
6	When humidification not allowed	Sch.	19	15	6
7	Exemption from minimum lighting	Sch.	34	17	-
8	Textile machinery	1	54	21	-
9	Cottong Ginning machinery	2	54	21	-
10	Wood-working machinery	3	54	21	-
11	Rubber mills	4	54	21	-
12	Centrifugal machines	5	54	21	-
13	Power presses	6	54	21	-
14	Shears, slitters and Guillotine m/c	7	54	21	-
15	Exemption to Hoists & lifts	Sch.	59	28	9
16	Excessive weights (limits)	Sch.	62	34	-
17	Protection of eyes	1, 2	63	35	-
18	Portable FEEs	1	66A	38	-
19	Equipment with Trailer pump	2	66A	38	-
20	List of Hazardous (MAH) chemicals	1	68J	41	-
21	Threshold Quantity for Isolated Storage	2	68J	41	-
22	Threshold Quantity of Hazardous (MAH) chemicals.	3	68J	41	-
23	Hazardous processes/ operations.	4	68J	41	-
24	Safety data sheet (MSDS)	5	68J	41	-
25	Notification of Major Accident.	6	68J	41	-
26	Notification of Activity / site	7	68J	41	-
27	Safety Report	8	68J	41A	-
28	Equipment in Health centre	Sch.	68J	41C	-
29	Facility for storing / drying clothing.	Sch.	69A	43	-
30	Confidential positions.	Sch.	89	64	-
31	Exemption from working hours.	Sch.	91	64	-
32	Aerated water	1	102	87	-
33	Electrolytic plating.	2	102	87	20, 27A
34	Electric accumulators	3	102	87	-
35	Glass manufacture	4	102	87	-
36	Grinding / Glazing of metals.	5	102	87	26A
37	Lead and lead compounds	6	102	87	30
38	Generation of petroleum gas	7	102	87	-
39	Air blasting	8	102	87	26A
40	Liming / Tanning of raw hides.	9	102	87	-
41	Chromic acid or bi-chromates	10	102	87	-
42	Carcinogenic Dye intermediates	11	102	87	20, 33
43	Acids or Alkalis	12	102	87	-
44	Toxic and inflammable solvents	13	102	87	-
45	Manufacturer/ use of CS ₂ and H ₂ S	14	102	87	-
46	Dangerous pesticides	15	102	87	-
47	Water electrolysis and O ₂ and H ₂	16	102	87	-
48	Asbestos or its articles	17	102	87	20, 26A, 27A

49	Stone or Free silica	18	102	87	26A
50	Chemical works.	19	102	87	-
51	Benzene	20	102	87	-
52	Solvent Extraction plant	21	102	87	-
53	CS ₂ plant.	22	102	87	-
54	High Noise levels	23	102	87	-
55	Gas welding of cutting	24	102	87	-
56	Pottery	25	102	87	30
57	Foundry	26	102	87	20, 26A, 27A
58	Cotton dust	27	102	87	
59	Dangerous Occurrences.	Sch.	103	88 A	21A

4 SUBJECTS OF THE FORMS

Some 46 forms have been prescribed under the Gujarat Factories Rules, 1963. To know their subjects and ease for implementation, their headlines are mentioned in Table 27.3

Table 27.3 : Forms under the GFR

Form No.	Subject	Rule No
1	Permission to construct or start a factory, to be submitted in duplicate with plans	3
1A	Stability certificate	3C
1B	Application to the site appraisal committee to be submitted in 15 copies	68-I
2	Application for Registration and licence, to be submitted to triplicate.	4
3	Application for renewal of licence, to be submitted in duplicate.	4, 7
3A	Notice of change of Manager,	12 A
4	Licence to work as a factory	5
4 A	Certificate of competency.	2A
5	Fitness certificate for young person.	15
6	Humidity Register	23
7	Record of Limewashing, Painting etc.	17
8	Register of workers attending moving machinery.	54, 55
9	Test report of hoist of lift.	58
10	Test report of lifting machines	60
11	Test report of pressure vessel	61
11A	Test report of water sealed gas holder.	61 A
12	Register of compensatory holidays	84
13	Overtime register for exempted workers.	85
14	Notice of working hours of adults	87
15	Register of adults workers	88
16	Notice of working hours for child workers	92
17	Register of child workers	93
18	Resister of leave with wages	94
19	Leave books (copy of Form No. 18) for workers	95
20	Health Register.	15, 102
21	Accident report for death or injury	103
21A	Report of dangerous occurrence not resulting in injury	103
22	Notice of poisoning or disease.	104
23	Abstract of the Act & Rules.	106
24	Annual return under the F.A. and other Acts	107
25	Half yearly return	107
26	Application for competency certificate (Person)	2A
26A	Test report of local exhaust ventilation (Dust/ Fume Extraction System).	102
27	Application for competency certificate (Institution)	2A
27A	Fitness certificate	102
29	Muster roll	110
29	Register of Accident / occurrences.	111

30	Special fitness certificate (Lead compound Sch. 6)	102
31	Inspection Books.	112
32	Health Register.	68T, 102
33	Fitness certificate (Hazardous process/ operation)	68T, 102
34	Deleted	-
35	Nomination for leave-wages	100
36	Identity card	110A
37	Format for work environment monitoring.	12B.

5 SOME ABSTRACT OF THE ACT AND RULES

Actually the structure (tables) given in the foregoing part gives also the abstract of safety, health and welfare provisions stating the subject of each section, rule, schedule and the form in one line. This is most useful to study the whole law on a particular topic at a time.

See the statutory Form No. 23 for the Abstract of the Factories Act 1948 and the Gujarat Factories Rules, 1963. This abstract is readily available and is to be displayed on the notice board in each factory. Therefore it-is not repeated here.

Most of the chapters of this book also provide relevant subject under the heading of Statutory Provisions. Thus the abstract of the Factories Act and Rules is already divided chapter wise at proper places. See the theme of each chapter to search the relevant statutory provisions.

See Part 6.3.8 of Chapter-6 and Part 2 of Chapter-? for 'Statutory requirements under the Act & rules.

Notwithstanding that a brief abstract of the provisions pertaining to Safety, Health and Welfare is given below. For full details the readers are advised to refer the Statute Book.

5.1 Safety Provisions :

Chapter 4 and 4A (sections 21 to 41H) and chapter 9 (sections 87 to 91 A) of the Factories Act 1948 and rules made there under (Rule 54 to 68Y and 102 to 104 of the Gujarat Factories Rules 1963) give provisions pertaining to industrial safety. Some major aspects are as under:

Machine Guarding : All moving parts of prime mover, flywheel, turbine, lathe, motor, generator, transmission machinery (shaft, wheel, pulley, belt, coupling etc.) should be securely fenced by guards. Only trained workers are allowed to work (test, lubricate, examine etc.) near machinery in motion and without guard. No women or young person is allowed for such work. Self acting machines (e.g. planning m/c) revolving machines, (e.g. grinding wheel, revolving basket, etc.) dangerous machines (power presses, milling m/cs, guillotine m/cs, circular saws, platen printing m/cs, hoists, lifts and lifting m/cs) and ginning, textile, wood-working and rubber-mill machines and their dangerous parts must be securely guarded and interlocked as prescribed.

Pressure Plant : Section 31 -and Rule 61, 61 A & 61B provide that all vessels operating at a pressure higher than the atmospheric pressure should be considered as "pressure vessels" and examined externally at 6 months, internally at 1 year and hydraulically at 2 years (4 years for vessel in continuous process) by a competent person. Safety valve, pressure reducing valve or pressure regulator, rupture disk, pressure gauge, stop valve, drain cock etc. should be provided and well maintained. Safe pressure limit shall never be exceeded. Pressure reduction or repair shall be carried out as suggested by a competent person.

Floors, Stairs, Means of Access shall be safely maintained and steps, platforms, fencing; handrails etc. shall be provided.

Pits, Sumps, Vessels, Tarik, Floor- openings etc. shall be securely covered, fenced or guarded.

Excessive weights are prescribed under rule 62 for male, female and use of hand cart No person will lift, carry or move more weight than that. Eyes, shall be protected from flying particles or excessive light as per schedule 1 & 2 under rule 63.

Precautions against dangerous fumes, gases, dust, vapour etc. are necessary. Manhole of prescribed air/gas test, safety work-permit, safety belt, size, enclosure, exhaust/venting, prevention or removal of toxic or inflammable substance etc. are prescribed.

Fire Precaution under section 38 and rules 66, 66A and 67 require measures to prevent out break of fire and its spread, safe means of escape, fire extinguishers, trained staff, hydrants, sprinklers, trailer pump etc.

Safety Officers are required for all factories employing more than 1000 workers and also by those hazardous factories notified by the Government. The Gujarat Safety Officers (duties, qualifications and conditions of service) Rules, 1983 prescribe their duties, status, qualification and need of possessing degree or diploma in Industrial Safety.

Hazardous industries are listed in the 1st Schedule of the Act, hazardous processes in 4th Schedule of Rule 68J(GFR) and hazardous chemicals in Schedules I to 3 of the Rule 68J(GFR). Provision of site appraisal committee is not implemented by many states including Gujarat. Information of hazards and control measures should be given to workers, inspectors and the public. Onsite & Offsite emergency plans, qualified supervisors, medical examinations and health records, occupational health centre, factory medical officer, ambulance van, control of permissible exposure limits (TLV & STEL) given in 2nd Schedule are required for hazardous factories. Safety policy, safety committee and removal of imminent danger are prescribed.

Safety audit is to be carried out internally once in a year and externally once in two years. Public likely to be affected out side the site is to be informed about major accident hazard and "DOS" and "Donts" for that. Occupier has to dispose off all hazardous material on site before closure of manufacturing process and to inform the inspector (Notification dated 2-6-2006).

For workers in hazardous process pre-employment and six- monthly periodical medical examinations by a factory medical officer, report in form No: 32, 33, qualified supervisors, occupational health centre for workers more than 50 and ambulance van for workers required.. List of notifiable diseases is given in the 3rd Schedule of the Act. It should be reported in Form No. 22 u/r 104. Rule 102 requires medical examination, local exhaust ventilation, washing facilities, protective clothing, medical requisites, spacing, cloakroom, mess room, vacuum cleaning, cautionary notices, prohibition of food, drink etc. in workrooms, waste disposal method etc. under different schedules.

Notices of Accidents and Diseases are required in form No. 21 & 22. Dangerous occurrences (Fire, explosion, gas leak, collapse etc.) are also to be reported in form No. 21A.

Special provisions are prescribed for dangerous machines, reaction vessels, polymerising & curing machines,, thermic fluid heaters, fragile roofs, ovens & driers, ship building, repairing and breaking, hazardous chemicals, processes and chemical works, electroplating, carcinogenic dye-intermediates, asbestos, solvent extraction plants, CS, plants, high noise, pottery, foundry and cotton dust. Amendments of 1995 in GFR provide details thereof. (See Ref No.IO at the end).

5.2 Health Provisions :

Chapter 3 (Sections 11 to 20) chapter 4A (section 41C) and chapter 9 (Sections 89 to 91A) of the Act and rules made there under (Rule 16 to 53, 68R to 68X, 102 and 104 GFR) give provisions pertaining to occupational health and hygiene. Some major aspects are as under :

Factory should be kept clean, white washed, or colour washed. Doors, windows etc. shall be painted. Waste & effluents be rendered innocuous. Room temperature should be less than 30°C (80°F), air movement more than 30 mt /min, ventilating opening more than 15% of the floor area and mechanical ventilation (air changes) should be six times the workroom volume per hour. Dust & fumes should be removed by exhaust ventilation. Artificial humidification should be controlled as per the table of dry and wet bulb temperatures. No overcrowding permitted. Breath- air volume per worker should be at least 14.2 m³ with room height limited to 4.2 mt. Natural and artificial lighting is required with avoidance of glare, shadows and eye-strain. Light intensity may vary from 20 to 1000 Lux depending on nature of work i.e. depth of observation required. Drinking water should be sufficient, clean and cool where more than 250 workers employed. At least one water centre for 150 workers required. Latrines, urinals and spittoons should be clean and in hygienic condition. For males and females, latrines and urinal shall be of prescribed number and dimensions. They shall be whitewashed every four months.

5.3 Welfare Provisions :

Chapter 5 (Sections 42 to 50) and rules made thereunder (69 to 83A, GFR) give provisions pertaining to welfare of workers. Some major aspects are as under:

Facilities of washing/bathing, storing & drying, clothing, sitting, first-aid, ambulance room, canteen, shelters, rest room, lunch room, creche and welfare officers are required. One first-aid box for every 150 workers, ambulance room for more than 500 workers, canteen for > 250, restroom & lunch room for > 150, creche for > 30 female workers and welfare officers for > 500 workers are required. Welfare Officers (Recruitment and Conditions of service) (Gujarat) Rules, 1963 prescribe number of welfare officers, their qualifications, duties, etc. The size and type of rooms for canteen, rest/lunch room, creche ambulance etc. are also prescribed.

For other chapters and the provisions see the full text of the Act.