

CITIZENS CHARTER FOR THE INSPECTORATE OF FACTORIES & BOILERS

PREFACE

“Concern for man himself and his safety must always form the chief interest of all technical endeavour...”

- Albert Einstein

Since the first welfare Act was put on the Statute Book in 1802, there has been a steady development in safety and health legislations the world over aimed at improving the lot of those who work in mills, factories and even in offices.

The Factories Act, 1948, in India, is one such legislation concerned, primarily, in providing for the health, safety and welfare in factories. In fact, this legislation was a result of the efforts made by Industries' Associations all over the country to safeguard the interest of the working class. The Factories Act, 1948 concerns with the welfare and safety of the people in the neighbourhood and the environment as well.

Taking into growing realization of the importance of environment, in the growth of industries, the Central Government came out with an independent legislation, viz. The Manufacture ,Storage and Import of Hazardous Chemical Rules,1989 under the Environment (Protection) Act, 1986 for the management of the Hazardous Chemicals and thus protecting the environment.

Yet another legislation enacted for the protection of life and property is The Boilers Act, 1923, which regulates the working of boilers and ensures the safety of the plant and workers from the danger of explosions of these vessels.

All these laws are necessary for the Government for regulating the affairs and behaviours of individuals and communities for the benefit of all. As societies and communities grow and become more complex, so do the laws and the organisations implementing them.

The aim of this Citizens Charter is to bring out the salient features of the above three legislations which are implemented by the Inspectorate of Factories & Boilers, to explain the steps to be followed to meet the provisions and to view the Inspectorate of Factories & Boilers Department as a facilitating organisation rather than an regulating Agency.

(VIVEK P. MARATHE)
Chief Inspector of Factories & Boilers

THE FACTORIES ACT, 1948

What is meant by the Factories Act, 1948?

The Factories Act, 1948, with the rules prescribed thereunder, is a legislation to ensure the safety, health and welfare of the workers employed in factories, and also, to a certain extent, of the people in the neighbourhood and the environment.

To whom is this Act applicable?

This legislation is applicable to all factories as defined under the Act.

A factory means premises, including the precincts thereof, wherein 'manufacturing process' is carried on -

with 20 or more workers with the aid of power

or

wherein 40 or more workers are working without the aid of power

and

wherein less than 20 workers are engaged in certain manufacturing processes which could be brought under the Act by notification under Section 85.

Manufacturing process includes even repairing, oiling, cleaning, etc.

Does the Factories Act, 1948 and the rules thereunder apply to Government and semi-Government factories?

Unless otherwise provided for, this Act applies even to factories belonging to the Central or State Governments. Defence establishments and departmentally-run undertakings are also not exempted from this Act. There is no discrimination between private and Government establishments in the enforcement of this Act, as its main purpose is to ensure the safety, health and welfare of the persons employed therein.

Who is a worker?

Any person working within the factory premises, for wages or not, engaged directly or indirectly in the manufacturing process, and employed either directly or through any other agency (including contractor) is a worker.

If a person is found in the factory premises at any time; except during intervals for meals or rest; when work is going on he shall be deemed to be a worker.

Whose responsibility is it to comply with the provisions of the Act?

The occupier is responsible to comply with the provisions of the Act.

An occupier is a person who has ultimate control over the affairs of a factory and is defined as:

(a) the proprietor of the firm, or

(b) anyone of the individual partners of the firm or members thereof, unless a particular partner/member has been nominated to be the occupier, or

(c) any of the directors of a company, unless the company nominates one of the directors as its occupier, or

(d) the person appointed to manage the affairs of the factory, owned or controlled by the Central Government, or State Government or a local authority.

When should the Inspectorate be approached if a factory is to be started?

The first requirement for a person intending to start a factory is to obtain approval of site plan and building plans before construction, and also to apply for licence before using the premises as a factory.

- For obtaining approval of factory plans the occupier of the factory has to make an application in the prescribed *Form 1*, which is available in the Inspectorate;
- For obtaining licence, the occupier has to make an application in *Form 2* at least 15 days before occupying the premises as a factory;
- For renewal of the licence, application in the prescribed *Form 3* has to be submitted before the 31st of October.

The Inspectorate grants licence, either for a year or for five years maximum, at a time, as applied for by the occupier.

If a factory has already been completed without getting the plans approved, what are the consequences?

In such cases the Chief Inspector of Factories may advise either to carry out modifications to the factory building to meet the statutory requirements, or to shift it to an appropriate site favourable for setting up such unit. He may also refuse the approval of factory plans and grant of licence and further he might also prosecute the occupier and manager.

What procedure is to be followed if an existing building is to be used as a factory?

The procedure applicable to construction of new factory building is applicable, in toto, to existing buildings which are intended to be taken into use as factories.

Is it necessary to obtain approval for site and building plans even if they are approved by other agencies?

A factory, whether to be located in an industrial estate or outside, has to go through all the formalities with respect to approval of site and building plans. One of the significant points which is considered by the Inspectorate at this stage is the location of the factory in relation to the surrounding units or other developments nearby, in order to verify whether it poses any danger to the other units or vice-versa. Safety of the workers, as well as local residents is also taken into consideration while approving the factory site.

From this point of view, it is essential to obtain approval for site as well as building plans under the Factories Act, even if approval for the same has already been obtained from other agencies.

What are the major issues that are looked into while scrutinizing plans?

Plans are scrutinized in the Inspectorate basically considering the safety of the building and the measures taken by the occupier to provide humane conditions of work in his factory with respect to safety, health and welfare of the workers. To be specific, measures taken to maintain a non-polluted environment in the factory, steps taken to provide good ventilation, good illumination, sanitation, welfare facilities, emergency exits, etc., are taken into account, in addition to the compliance of industrial buildings code/by-laws.

Does the inspectorate have any facilities for accessing the above parameters?

Yes. Surveying and monitoring of work environment through the Industrial Hygiene Laboratory.

Whose responsibility is it to make structural changes/provision of common facilities within the shed located in an industrial estate?

If any structural changes are required to be made to the sheds, acquired from the Industrial Development Corporation (IDC), to suit the specifications of the factory to be set up, it is the responsibility of the owner of the unit to comply with the statutory requirements under the Factories Act 1948.

How much time does it normally take to get the factory plans approved?

As per statute, the plans are to be approved or rejected within three months from the date of receipt of application. Otherwise they are deemed to have been approved.

However, the department has laid down a simplified procedure in dealing with approval of factory plans so that the applications are cleared within a period of one month, provided the application is found to be complete in all respects.

When a prospective entrepreneur desires to set up a factory :-

- He has to make an online application in Form-1(Application for approval of Factory plans).
- Once the completed application is received, a date is given on which the occupier himself or his attorney is called for technical scrutiny,
- If the technical scrutiny reveals that the plans could be accepted as they are or subject to certain conditions, the plans are cleared within a week.
- If however due to some technical reasons from the point of view of site location, manufacturing process or otherwise, the plans cannot be cleared the application is rejected giving the reasons there of.

If the applicant is not satisfied with the reasons for rejecting his application, he is free to appeal before the Government within 30 days.

When factory licence should be applied for?

When the factory is constructed and is ready to start the manufacturing process, the occupier is required to send to the Chief Inspector of Factories a written notice and application for registration & grant of licence, in Form 2, at least 15 days before he begins to occupy the premises as a factory.

The Chief Inspector of Factories or Inspector of Factories, within 15 days from the receipt of this application, will carry out the site inspection and, on satisfying that the factory construction and machinery layout is as per the approved plans, will grant the licence.

Should it be construed that factory production should not be commenced until licence is granted?

No occupier of a factory shall use any premises as a factory, except under a valid licence.

However, where application for the grant/renewal of licence is duly made in accordance with the Rules, the factory in respect of which the licence is to be granted / renewed, as the case may be, shall be deemed to be duly licenced, till the time the application is rejected.

Should any technical/administrative changes such as ownership, management, manufacturing process, strength of workers and connected power load, be intimated to the Chief Inspector of Factories?

Any changes of above nature need to be brought to the notice of the Chief Inspector of Factories, in the prescribed form, with a request to amend the licence accordingly.

If the working strength in the factory is reduced below 20 in the case of power running factories and below 40 in case of factories without power, the occupier may surrender the factory licence and ask for deregistration.

So also in case of closure of factory the occupier has to intimate such closure, in the prescribed form, indicating clearly whether the closure is temporary or permanent.

If any structural changes are to be made, including expansion of a factory, what is the procedure to be followed?

If any such changes or changes in the layout of the machinery are to be done then an application has to be made again in Form 1, together with plans indicating the nature of change to be made.

Is there any restriction to operate the factory on all days of the week?

Factories could be operated round-the-clock on all days of the week, subject to the conditions that -

- No worker shall be allowed to work for more than 48 hours in a week and a weekly holiday is given either on Sunday, or on any other day with prior intimation to the Chief

Inspector of Factories;

- No worker shall be allowed to work continuously, for more than five hours in a shift, unless he is allowed an interval of rest of at least half an hour;
- No worker shall be allowed to work for more than nine hours on any day and the spreadover of working hours and rest interval shall not exceed 10½ hours on any day.

Is there restriction in allowing workers to work beyond normal period of work?

Generally, no worker in a factory is permitted to work beyond normal period of work. Only in certain categories, workers are permitted to work overtime under special conditions prescribed under the Rules. In other cases, managements have to obtain prior approval for allowing the workers to work overtime.

The maximum limit of overtime work is specified as 50 hours for any one quarter.

This condition is imposed primarily to prevent exploitation of workers and, secondly, to provide employment to more workers, but more importantly to prevent accidents which could be caused due to overexertion.

What are the restrictions with respect to employment of a child?

Employment of a child, below the age of 14 years, is strictly prohibited.

What are the special benefits to be given to a female worker employed in a factory?

Following five benefits are extended to female workers:-

- 1) prohibition of employment between the hours of 7.00 p.m. and 6.00 a.m.;
- 2) provision of crèche facility;
- 3) special timing for feeding the children;
- 4) prohibition of employment on dangerous machines;
- 5) maternity benefits.

Whether accidents in factories are to be reported?

Accident means an event leading to damage to man, machine, material, time or environment.

- Every accident wherein as a result of injury, a worker is likely to absent himself from work for more than 48 hours shall be reported within 24 hours to the Inspectorate;
- Any of the specified dangerous occurrences shall be reported within four hours, in the prescribed form.

Fatal accidents have to be reported within four hours either by telephone, special messenger or telegram.

Is it compulsory that all workers in a factory are to be medically examined?

The Factories Act prescribes for pre-employment and periodical medical examinations of workers employed in certain hazardous processes. The periodicity and the nature of medical examinations vary according to the nature of process to which an individual worker is exposed to. Considering the fact that a healthy worker is a productive worker, and taking into account the latest Supreme Court decisions with respect to medical examination of workers in factories, it is strongly recommended that, in the management's interest, all the workers are subjected to pre-employment and periodical medical examinations.

Does the Inspectorate have any facility for Medical Check up?

Yes. Occupational health surveillance in factories is done by this Department to Cover

- pre-employment and periodical medical examinations, which include biological examinations of blood and urine, and other tests like audiometry, titmus vision, lung function, X-Ray, etc.

Which of the equipments in a factory need to be tested and how often?

Hoists and lifts, lifting machineries, ropes and lifting tackles are required to be tested periodically as specified, by a 'competent person' authorised by the Chief Inspector of Factories.

Pressure vessels are also required to be tested externally once in six months and internally once in twelve months by a competent person.

How often does the Inspector of Factories visit a factory?

The Inspector of Factories invariably visits a factory initially at the time of grant of license. He also visits a factory to meet the safety committee members, for accidents investigations or for investigations into the complaints received from the workers/trade union/public or for inspection to ensure compliance with the factories Act, and the rules there under.

Considering that the Factories Act is **social welfare legislation** and the responsibility of compliance of this law rests with the manager and occupier, the Factory Inspectorate advocates self-regulatory measures by the management. The Inspectorate strongly recommends that each factory should constitute Safety Committees, which should monitor the working conditions, safety, and health of the workers.

Does the Inspectorate have any facilities for imparting formal Safety Training?

Yes. Every worker should know the hazards associated with his job.

There are provisions under the Act requiring compulsory training of First Aiders and other workers. The Department has necessary infrastructure and faculty for such training

The Department conducts various training programmes and the details of which may be obtained from Training Section.

What are the obligations of workers?

A worker in a factory shall -

- Not willfully interfere with or misuse any appliance or other things provided in a factory for the purposes of securing the health, safety or welfare of the workers therein;
- Not willfully and without reasonable cause do anything likely to endanger himself or others; and
- Not willfully neglect to make use of any appliance or other thing provided in the factory for the purpose of securing the health or safety of the workers therein.

What are the rights of workers?

Every worker shall have the right to-

- obtain from the occupier information relating to workers' health and safety at work;
- get trained within the factory, wherever possible, or to get himself sponsored by the occupier for getting trained at a training centre or institute, duly approved by the Chief Inspector of Factories, where training is imparted for workers' health and safety at work;
- represent to the Inspector, directly or through his representative, in the matter of inadequate provision for protection of his health or safety in the factory.

Do workers have a right to warn about danger in the factory?

Where the workers employed in any factory engaged in a hazardous process have reasonable apprehension that there is a likelihood of imminent danger to their lives or health due to any accident, they may bring the same to the notice of the occupier, agent, manager or any other person who is in charge of the factory or the process concerned, directly or through their representatives in the Safety Committee, and simultaneously bring the same to the notice of the Inspector.

Can a worker be prosecuted under the Factories Act?

Yes. A worker employed in a factory, if found willfully interfering with or misusing any appliance provided in the factory for the purpose of securing the health and safety of the workers, is punishable with fine, which may extend to Rs. 100/- or with imprisonment for a term which may extend to three months.

What is the specific responsibility of the occupier in relation to hazardous processes?

Hazardous process has been defined under Section 2 of the Factories Act. The processes which have the potential of causing a major hazard within a factory and also outside the factory premises are normally covered under this definition.

The occupier of every factory involving a hazardous process shall disclose, in the manner prescribed, all information regarding dangers, including health hazards, and the measures to overcome such hazards arising from the exposure to or handling of materials or substances in the manufacture, transportation, storage, and other processes, to the workers employed in the factory, to the Chief Inspector, the local authority within whose jurisdiction the factory is situated and the general public in the vicinity.

He shall also maintain accurate and up-to-date health records or, as the case may be, medical records of the workers in the factory who are exposed to any chemical, toxic, or any other harmful substances, which are manufactured, stored, handled, or transported, and such records shall be accessible to the workers.

The Occupier of every factory involving in hazardous process shall prepare on-site emergency plan. This plan is to be reviewed and updated for any changes carried out in the factory in respect of storages of hazardous substance, process etc.

What is the penalty for offences?

If there is any contravention of the Act, or any rule or order made under this Act, both the factory occupier and the factory manager may be held guilty for an offence and punished with a fine which may extend to Rs 1 lakh and/or with imprisonment for a term which may extend to two years.

Contraventions of Sections 41 -B, 41 -C and 41-H and the rules there under are punishable with imprisonment upto seven years and fine upto Rs. two lakhs. In case the contravention continues, additional fine of Rupees five thousand for every day, during which such contravention continues

Obstructing an Inspector in the discharge of his duties is punishable with imprisonment upto six months or fine upto Rupees ten thousand.

THE BOILERS ACT, 1923

What is meant by The Boilers Act , 1923?

It is the Act which regulates the construction, operation of the boilers, with an aim to regulate the safe use of the boiler.

What is a boiler?

A boiler means a pressure vessel in which steam is generated for use external to itself by application of heat which is wholly or partly under pressure when steam is shut off but does not include a pressure vessel, -

- (i) With capacity less than 25 litres (such capacity being measured from the feed check valve to the main steam stop valve);
- (ii) With less than one kilogram per centimeter square design gauge pressure and working gauge pressure; or
- (iii) In which water is heated below one hundred degrees centigrade;

What is the role of Inspector of Boilers?

The role of the Inspector of Boilers is to register boilers, inspect them regularly, and certify them for their use.

He has to inspect and certify the boilers, steam lines and other fittings during the construction stage and while in use.

What is the procedure for registering boilers under The Boilers Act, 1923?

Registration of boilers includes submission of boiler documents, received from the boiler manufacturer, to the Chief Inspector of Boilers, with a written request to inspect and register the boilers. Within 15 days from the receipt of such request the Inspector will inspect the Boiler, verify the documents and carry out hydraulic test for registration purpose. The Inspector will then issue a provisional certificate to operate the Boiler which will be valid for six

months only. Within this period, the Boiler should be offered for steam test. If the Inspector is satisfied, the owner will be issued a licence for a period of one year which has to be renewed every year thereafter.

What is the procedure to be followed for registering boilers transferred from other States?

A boiler owner who has obtained a second-hand boiler from other States should inform the Chief Inspector of Boilers as soon as the boiler is received and erected in his factory. On receipt of such intimation, the Chief Inspector of Boilers obtains the registration documents of the boiler from the Chief Inspector of Boilers of the State from which the boiler has been transferred. On receiving these documents, within 10 days the boiler is inspected and, depending upon its condition, the boiler is issued a certificate for its usage.

What is the procedure for inspection, licensing and repairs to boilers?

Registered boilers are inspected annually and license is issued, for which the owner of the boiler has to make an application in a simple form to the Chief Inspector of Boilers.

The steam line attached to the boilers also needs to be approved at different stages, i.e. the materials used, weld preparations and final testing. Steam line drawings are also to be got approved in advance, before the steam line is fabricated and erected.

So also repairs to be carried out on boilers need to be got approved from the Chief Inspector of Boilers before they are executed.

When a boiler owner or user requests for inspection he has to give a minimum 15 days time to the Inspector of boilers for this inspection. Normally inspections are offered within a week's time on receipt of such requests.

Who should operate the boilers?

It is the responsibility of the boiler owner to operate the boilers through qualified persons.

Boilers of higher capacity are essentially to be operated by persons certified by the Chief Inspector of Boilers. The certificate is issued after conducting examination for different class of certification, i.e.

- (i) Boiler Attendant – Class I for operating boiler not exceeding 1000 sq. mtrs. Of heating surface.
- (ii) Boiler Attendant – Class II for operating boiler not exceeding 200 sq. mtrs. Of heating surface.
- (iii) Boiler Operation Engineers for operating boiler of heating surface area of more than 1000 sq.mtrs .

For small Industrial boilers upto capacity of 500 litres and 7 Kg/cm² W.P. for shell type and upto 150 litres and 12 Kg/cm² W.P for coil type the boilers could be operated by a person having passed S.S.C examination or equivalent qualification and some training in boiler operation.

Whether accidents on boilers are to be reported?

Accidents on boilers need to be reported, forthwith, to the Inspector of Boilers or Chief Inspector of Boilers.

The owner of the Boiler is required to contact the Inspector of Boilers/ Chief Inspector of Boilers under the following circumstances:

1. For registering newly purchased boiler.
2. When a boiler is transferred from any other State to this State.
3. When a Boiler is transferred from this State to any other State.
4. For renewal of license or annual inspections.
5. When any accident occurs to a Boiler
6. When any repairs are to be carried out on a Boiler/Steam Pipeline
7. For approval of Steam Pipeline drawings
8. For seeking permission for fabrication of IBR steam pipeline.
9. When a Boiler is to be restarted when not in use for a considerable period of time.

For more details, The Boilers Act, 1923, The Goa Boilers Rules, 1983, The Boiler Attendants Rules, 2011, The Goa Economiser Rules, 1983, The Boiler Operation Engineers Rules, 2011, and the Indian Boiler Regulations, 1950, may be relied upon.

THE ENVIRONMENT (PROTECTION) ACT 1986

What is the aim of the Environment (Protection) Act, 1986?

The aim of this Act is the protection and improvement of the environment, prevention of hazards to human beings and other living creatures, plants and property.

What is the role of the Inspectorate under this Act?

Inspectorate is responsible for part implementation and enforcement of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 in factories framed under the Environment (Protection) Act.

What are the activities, in brief, of the Inspectorate of Factories & Boilers?

- The Factories Enforcement Section

- Approval of factory plans
- Registration & grant of factory license.
- Renewal of factory license
- Routine inspections of registered factories
- Inspections for new coverage of factories
- Attend complaints
- Investigation of major accidents, occupational diseases & dangerous occurrences reported.
- Furnishing updated data pertaining to the factories declared as Major Accident Hazard installations to the Ministry of Environment & Forests, Govt of India.
- Initiate legal proceedings against the defaulters in the court of law & follow up for the same.

- The Boilers Enforcement Section

- Registration of boilers
- Material inspection of boilers & its components
- Annual inspection of boilers & its components
- Recognition of 'boiler attendants' (Ist Class and IInd Class) & Boiler Operation Engineer.
- Recognition of boiler & its component repairers, Boiler mountings & fittings manufacturer.
- Accident investigations pertaining to boilers.
- Initiate legal proceedings against the defaulters in the court of law & follow up for the same.

Industrial Health Section

- This section conducts the medical examination of the employees working in the various factories as per the requirement of the factories and also as and when directed by the head of the department.
- Co-ordinates Three Month Certified course in Associate Fellow of Industrial Health affiliated to DGFASLI, Mumbai.

Industrial Hygiene Section

This section conducts industrial hygiene surveys like noise, ventilation, illumination, heat stress & work zone monitoring in the factories as per the requirement of the factories and also as and when directed by the head of the department.

Training Section

This section caters to the various training needs of the factories and others as per the requirement.

Facilities Available:

1. An in-house laboratory with analytical instruments for chemical, microbiological and toxicological studies
2. Mobile occupational health laboratory bus for occupational health surveillance programme
3. Library facilities-having around 5000 books on various topics of safety and pollution control.
4. Training and conference halls
5. Safety Museum
6. Hostel facility of 20 rooms (18 double occupancy AC rooms and 02 A.C. suite rooms) along with canteen (dining area & kitchen).(But only 10 rooms functional)

Avenues for Grievance redressal.-

At any stage if any guidance or information is required the PRO whose name has been displayed on the Board at the Reception of this office may be contacted.

The Department is very sensitive to the redressal of grievances of the factory occupier in particular and public in general.

For the redressal of the grievances.-

1. The Citizens may please note that a complaint box has been maintained at the entrance of the office to the Chief inspector of Factories and Boilers.
2. The Chief Inspector of Factories & Boilers personally attends to the grievances.
3. The public in general is requested to contact the Public Grievances Officer whose name is given below.
4. The public in general is requested to contact the Public Relations Officer whose name is given below.
5. With a view to effectively implement the R.T.I. Act, 2005, and to disseminate the information to the general public, PIO/APIO have been appointed to furnish the information as required by the public as per the provisions of RTI Act, 2005.

In case there are any grievances or any suggestions the Chief Inspector of Factories and Boilers may be contacted, and thereafter if required the Secretary, Factories & Boilers.

Inspectorate of Factories & Boilers
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