“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 Environment (Protection) Act, 1986 for the protection and improvement of the environment.

Yet another legislation enacted for the protection of life and property is the Indian 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
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 10 or more workers with the aid of power
or
wherein 20 or more workers are working without the aid of power
and
wherein less than 10 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 Mobile Industrial Hygiene Laboratory and In house laboratory which The Central Government has notified the laboratory under the Inspectorate of Factories & Boilers and under the National Institute of Oceanography as environmental laboratories. These laboratories are empowered to analyse the samples only if there is a dispute on laboratory analysis made by the Pollution Control Board.

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 approaches this office:

- He is given Form I (application for approval of factory plans) which is self explanatory,
- On compiling all the relevant documents the applicant can approach the concerned officer for preliminary scrutiny with prior appointment,
- If the application is found to be complete in all respects it is received in the office and the applicant is given the next date for technical scrutiny.
  
  If not the applicant is advised to approach this office only after the required rectification is done.
- 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 10 in the case of power running factories and below 20 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 persons handling hazardous processes and dealing in the transportation of hazardous goods. The Department has necessary infrastructure and faculty for such training
The Department conducts the following Courses

ONE DAY PROGRAMME -
- Emergency Preparedness
- Legislations on safety, health and environment
- Safety Management
- Occupational Health & Hygiene
- Emergency Medical Management
- Fire prevention and Control -
  - Selection, use and care of PPE -
  - Noise Hazards and their control -
  - Material Handling
- Electrical hazards and their control
- Welding hazards and their control
- Grinding hazards and their control
- Refresher on Safe transportation of Hazardous goods by Road

TWO DAYS PROGRAMME
- Safe handling of chemicals
- Emergency preparedness

THREE DAYS PROGRAMME
- Safety Management
- Safe transportation of Hazardous goods by Road
FIVE DAYS PROGRAMME
- Industrial Hygiene
- Industrial Safety
- Basic First Aid

ONE MONTH
- Boiler Attendant course

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.

In case of factories involving hazardous processes, what are the obligations of an occupier?
Those factories involving “hazardous processes” as defined under the Act shall require clearance of High Powered Co-ordination Committee (HPCC) for large process and medium scale units.
Hazardous industries are required to keep a clear distance as ‘safe zone’ from other industries, settlements, etc.

They have also to prepare on-site emergency plans. These plans are also to be submitted to the District Collector to facilitate him in preparing District Off-site Emergency Plans. They have also to obtain an insurance policy under the Public Liability Insurance Act.

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.

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. Incase 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 Indian Boilers Act?
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 is a fired pressure vessel, having a volumetric capacity of not less than 25 lts. of water, essentially used for generating steam under pressure.

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 Indian Boilers Act?

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 700 sq. mtrs. of heating surface.
(ii) Boiler Attendant - Class II for operating boiler not exceeding 140 sq. mtrs. of heating surface.
(iii) Boiler Operation Engineers for operating boiler of any type or size.

However, small industrial boilers having a volumetric capacity of 500 litres could be operated by a person having passed Std. X or equivalent.

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.


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 the Environment (Protection) Act.

What are the other agencies empowered by the Central Government under the Environment (Protection) Act?
Other agencies empowered to enforce the Act, under their respective jurisdictions are the -
- State Pollution Control Board,
- Mines Inspectorate,
- Dock Safety Inspectorate

OTHER ACTIVITIES

What are the activities, in brief, of the Inspectorate of Factories & Boilers?
- Training courses
The Inspectorate has set up an Institute of Safety, Occupational Health & Environment, through which it conducts various industry need based training courses, on safety, pollution control, occupational health and industrial hygiene, etc. For details please see annexure.
- Rendering advice on accident prevention
- Implementation and enforcement of the Factories Act, 1948 with the State Rules thereunder, covering the following activities
- approval of plans of factories

- inspection of factories for site approval, construction, installation of machinery, accident investigation, complaints

- prosecutions

- conducting surveys on safety
  - arranging conferences, seminars, meetings.

Implementation and enforcement of Indian Boilers Act 1923 and the rules there under
- registration of boilers
- annual inspection of boilers
- inspection of mountings of boilers, fittings and other pipeline material, including erection, inspection & testing of steam boilers
- inspection during repairs of boilers

Implementation of Environment Protection Act Boilers Act and the rules there under and the Child Labour (Prohibition and regulation) Act
  Conducting statutory exams for boiler attendants
  Surveying and monitoring of work environment through the Mobile Industrial Hygiene Laboratory

Safety promotional activities
  - screening of safety films in factories
  - display of safety hoardings in industrial estates
  - display of safety slides in theatres
  - display of safety publicity material such as stickers and posters
  - celebration of safety week and the National Safety Day

Library facilities
  - having around 5000 books on various topics of safety and pollution control.

Safety and Health data base
Computerised safety and health data base putting over details of three lakh chemicals, giving antidotes and precautions to be observed in emergencies arising of these chemicals. Chemical data sheets could be made available to interested industries.
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 between 10.00 hours to 13.00 hrs. on every working Tuesdays.

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, Department is in the final stages of setting up its own web-site and 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
Institute of Safety, Occupational Health and Environment
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