

FORM No. 33

(See rule 135)

**ABSTRACT OF THE FACTORIES ACT, 1948 AND THE GOA, DAMAN AND DIU  
FACTORIES RULE, 1985**

(To be displayed in a conspicuous and convenient place at or neat the main entrance to the factory.)

1. “*Factory*” means any premises including the precincts thereof-
  - (i) whereon ten or more workers are working, on any day of the preceding twelve months, and in any part of which manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or
  - (ii) whereon twenty or more workers are working or were working on any day of the preceding twelve months and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on.

But does not include a mine subject to the operation of the Mines Act 1952 (Central Act 35 of 1952) or a mobile unit belonging to the armed forces of the Union, a railway running shed or hotel, restaurant or eating place.

*Explanation:-* For computing the number of workers for the purpose of this clause all the workers in different groups and relays in a day shall be taken into account.

2. “*Worker*” means a person employed directly 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 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.

3. “*Manufacturing process*” means process of –
  - (i) making, altering, repairing, cleaning, ornamenting, finishing, pacing, oiling, washing, breaking up, demolishing or otherwise treating or adapting any article or substance with a view to its use, sake, transport, delivery or disposal; or
  - (ii) pumping oil, water, sewage, or any other substance ; or
  - (iii) generating, transforming or transmitting power; or
  - (iv) composing types or printing, printing by letters press, lithography, photogravure or other similar process or book-binding; or
  - (v) constructing, reconstructing, repairing, refitting finishing or breaking up ships or vessels; and
  - (vi) preserving or storing any article in cold storage.

4. *General duties of the Occupier (section 7-A)* (1) Every occupier shall ensure, so far as is reasonably practicable, the health, safety, and welfare of all workers while they are at work in the factory.

(2) Without prejudice to the generality of the provisions of sub-section (1), the matter to which such duty extends, include :-

- (a) the provisional and maintenance of plant and systems of work in the factory that are

safe and without risks to health;

- (b) the arrangements in the factory for ensuring safety and absence or risks to health in connection with the use, handling, storage and transport of articles and substances;
- (c) the provision of such information, instruction, training and supervision as are necessary to ensure the health safety of all workers at work;
- (d) the maintenance of all places of work in the factory in a condition that is safe and without risks to health and the provision and maintenance of such means of access to, and egress from, such places as are safe and without such risks;
- (e) the provision, maintenance or morning of such working environment in the factory for the workers that is safe without risks to health and adequate as regards facilities and arrangements for their welfare at work.

(3) Except in such cases as may be prescribed, every occupier shall prepare, and as often as may be appropriate, revise, a written statement of his general policy with respect to the health and safety of the workers at work and the organisation and the arrangements for the time being in force for carrying out policy, and to bring the statement and any revision thereof to the notice of all the workers in such manner as may be prescribed.

#### **Working Hours, holidays, interval after rest, etc.**

5. *Hours of work for adults (Section 51 and 54).*- No adult worker shall be required or allowed to work in a factory for more than 48 hours in any week and for more than 9 hours in any day.

6. *Relaxation of hours of work for adults (section 64)* - The ordinary limits on working hours of adult may be relaxed in certain special cases, e.g. workers engaged on urgent repairs, in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory: in the work which is necessarily so intermittent that the intervals during which they do not work while no duty ordinarily amount to more than the intervals for rest: in any work which for technical reasons must be carried on continuously; in making or supplying articles of prime necessity which must be made or supplied every day; in a manufacturing process which cannot be carried on except during seasons, or at times dependent on the irregular action of natural forces; in engine rooms or boiler houses or in attending to power plant or transmission machinery; in the printing of newspapers, who are held up on account of the breakdown of machinery; in the loading or unloading of railway wagons or lorries or trucks; and in any work which is notified by the State Government in the Official Gazette as a work of National importance.

Except in the case of urgent repairs, the relaxation shall not exceed the following limits of work inclusive of overtime-

- (i) the total number of hours of work in any day shall not exceed ten;
- (ii) the spreadover inclusive of intervals for rest, shall not exceed 12 hours in any one day;
- (iii) the total number of hours of work in a week, including overtime, shall not exceed sixty;
- (iv) the total number of hours of overtime work shall not exceed fifty for any one quarter.

7. *Payment for overtime (section 59).*-Where a worker work in a factory for more than 9 hours in any day or for more than 48 hours in any week, he shall, in respect of overtime work,

be entitled to wages at the rate of twice his ordinary rate of wages.

8. *Exemption of supervisory staff (section 64).*- Chapter VI, of the Act other than the provisions of clause (b) of sub-section (1) of section 66 and of the proviso to that sub-section, of the Act, working hours for adults – does not apply to persons holding position of supervision or management or who are employed in the confidential position in a factory, provided that where the ordinary rate of wages of such person does not exceed rupees sixteen hundred per month, they are entitled to extra wages in respect of overtime worker under section 59.

9. *Weekly holidays (adults)(section 52.)* – No adult worker shall be required or allowed to work in factory on the first day of the week, unless.-

- a) he has, or will have a holiday for a whole day on one of the three days immediately before or after the said day; and
- b) the manager of the factory, has before the said day or the substituted day under clause (a) whichever is earlier.
  - (i) delivered a notice at the office of the Inspector of his mentioned to require the worker to work on the said day and of the day which is to be substituted and
  - (ii) displayed a notice to that effect in the factory.

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

10. *Compensatory holidays (section 53).*- Where a worker in a factory as a result of exemption from the ordinary provisions relating to weekly holidays, if deprived of any of the weekly holidays, he shall be allowed , within the month in which the holidays were due to him or within the two months immediately following that month, compensatory holidays of equal number of the holidays so lost.

11. *Intervals for rest for adults (section 55 and 56).*- The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed 5 hours and that no worker shall work for more than 5 hours before he has an interval for rest of at least half an hour and the inclusive of his intervals for rest they shall not spread over more than ten and a half hours in any day or, with the permission of the Chief Inspector in writing. 12 hours.

12. *Prohibition of double employment (section 60, 71 and 99).*- No child or, except in certain circumstances an adult worker, shall be required or allowed to work in any factory on any day on which he has already been working in any other factory.

If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to Rs. 1000/- unless it appears to the court that the child so worked without the consent or connivance of such parent, guardian or person.

13. *Prohibition of employment of children under 14 (section 67.)* – No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

14. *Hours of work for children (section 7).*- No child shall be employed or permitted to work in any factory for more than four and a half hours on any day and during the period of at least twelve consecutive hours which shall include the interval between 10 p.m. and 6 p.m. The periods of work of all children employed in a factory shall be limited to two shifts which shall

not overlap or spread over for more than 5 hours each and each child shall be employed in only one of the relays.

The provisions relating to weekly holidays shall also apply to child workers and no exemption from these provisions may be granted in respect of any child.

15. *Prohibition of employment of women (section 66).*- No women shall be required or allowed to work in any factory except between the hours of 7 a.m. and 7 P.m. The State Government may vary these limits or exempt this restriction in case of women working on fish-curing or fish-canning factories.

### **Leave With Wages**

16. *Leave with wages (section 79, 80, 83 and rules).*- Every worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed during the subsequent calendar year leave with wages for a number of days calculated at the rate of –

- (i) If an adult, one day for every twenty days of work performed by him during the previous calendar year; and
- (ii) If a child, one day for every 15 days of work performed by him during the previous calendar year.

*Explanation :-* For the purpose of this sub-section

- (a) any days of lay off, by agreement or contract or a permissible under the standing order.
- (b) In the case of female workers, maternity leave for any number of days not exceeding twelve weeks; and
- (c) The leave carried in the year prior to that in which the leave is enjoyed.

Shall be deemed to be days on which the worker has worked in a factory for the purpose of computation of the period of 240 days or more, but he shall not leave of these days.

*Explanation 2: -* The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at either end of the period of leave.

For the leave allowed to him, a worker shall be paid at a rate equal to the daily average of his total full-time earnings, for the days on which he actually worked during the month immediately preceding the leave exclusive of any overtime and bonus, but exclusive of dearness allowance and the cash equivalent of the advantage occurring through the concessional sale to the worker of food grains and other articles.

A worker whose service commences on a day other than the first day of January shall be entitled to leave with wages at the rate indicated above, if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

If a worker is discharged or dismissed from the service or quits his employment or is superannuated or dies while in service during the course of the calendar year, he or his or her or nominee as the case may be, shall be entitled to wage in lieu of the quantum of the leave to which he was entitled immediately before his discharge, dismissal, quitting of employment, superannuation or death, calculated at the rates specified above, even if he had not worked for the entire period specified above. Such payment shall be made:-

- (i) whether the worker is discharged or dismissed or quit employment, before the expiry of the second working days from the days of such discharge, dismissal or quitting and

- (ii) where the worker is superannuated or dies while in service, before the expiry of two months from the date such superannuation or death.

If the employment of a worker who is entitled to leave with wages is terminated by the occupier before he has taken the entire leave to which he is entitled, or if having applied for and having not been granted such leave, the worker quits his employment before he has taken the leave, the occupier of the factory shall pay him the amount payable in respect of the leave not taken and such payments shall be made before the expiry of the second working day after the day on which his employment is terminated and a worker, who quits his employment on or before the next pay day.

The manager shall maintain a register of leave with wages in Form No. 23 and shall provide each worker with a book called the "Leave Book" in Form No. 24. The leave book shall be the property of the worker and manager all his agent shall not demand it except to make an entries of days, holidays interruptions in service, and shall not keep it for more than a week at a time, if a worker losses his leave book, the manager shall provide with another copy on payment of paise 25 and shall complete it from his record.

### **Health**

17. *Cleanliness (section 11).*- Except in case specially exempted, all inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases in a factory shall be kept white washes or colour washed. The washing or colourwashing shall be carried out at least once in every period of fourteen months. The floor of every workroom shall cleaned at least once in every week by washing, using disinfectant where necessary, or by some other effective method.

18. *Disposal of wastes and effluents (section 12).*- Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous, and for their disposal.

19. *Ventilation and temperature (section 13).*- Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom adequate ventilation by the circulation of fresh air and such a temperature as will secure to the workers therein reasonable conditions of comfort and prevent injury to health.

20. *Overcrowding (section 16).*- Unless exemption has been granted there shall be in every workroom of a factory in existence on the date of commencement of this Act, at least 9.9 cubic meters and of a factory built after the commencement of this Act at least 14.2 cubic meters of space for every worker employed therein, and for this purpose no account shall be taken of ant space which is more than 4.25 meters above the level of the floor of the room.

21. *Lighting (section 17).*- In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.

22. *Drinking water (section 18 and rules).*- In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water.

In every factory wherein more than 250 workers are ordinarily employed the drinking water shall, during hot whether, so cooled by ice or other effective methods The cooled drinking water shall be supplied in every canteen, lunchroom and restroom and also at conveniently

accessible points throughout the factory.

23. *Latrines and urinals (section 19 and rules )*.- In every factory sufficient latrines and urinals of the specified types (separate enclosed latrines and urinals for male and female workers) shall be provided and conveniently situated so as to be accessible worker at all times while they are at the factory. Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastening. Sweepers shall be employed whose primary duty will be to keep clean latrines urinals and washing places.

24. *Spittons (section 20)*.- In every factory there shall be provided a sufficient number of spittons of the specified type in convenient places and they shall be maintained in a clean and hygienic conditions. No person shall spit within the premises of a factory except in the spittons provided for the purpose. Whoever spits in contravention of this provision shall be punishable with fine not exceeding five rupees.

### **Safety**

25. *Fencing of machinery (section 21)*.- In every factory dangerous parts of machinery e.g. every moving part of a prime mover and every flywheel connected to a prime mover, etc. shall be securely fenced safeguard if substantial construction which shall be constantly maintained and kept in position while the parts of machinery they are fencing are in motion or in use.

26. *Work on or near machinery in motion(section 22.)*.- No women or young person shall be allowed in any factory to clean, lubricate or adjust any part of a prime mover or any transmission machinery is in motion or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the women or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

27. *Employment of young persons on dangerous machines (section 23)*.- No young person shall be required or allowed to work at any machine declared to be dangerous unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and has received sufficient training in work at the machine or is under adequate supervision by a person who has a through knowledge and experience of the machine.

28. *Casing of new machinery (section 26)*.- In all machinery driven by power and installed in any factory after the commencement of this Act, every set screw, bolt or key on any revolving shaft, sprindle, wheel or opinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger, all spur, worm and other toothed of friction gearing which does not require frequent adjustment while in motion shall be completely encased, unless it so situated as to be as safe as it would be if it were completely encased.

Whoever sells or lets on hire or, as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with these provisions shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

29. *Prohibition of employment of women and children near cotton openers (section 27)*.- No women or young person shall, unaided by another person, lift, carry, or move by hand or on head, any material, article, tool or appliances exceeding the maximum limit in weight set out in the following schedule :-

30. *Excessive weights (section 34 and rules)*. - No women or young person shall, unaided by another person, lift, carry, or move by hand or on head, any material, article, tool or appliance exceeding the maximum limit in weight set out in the following schedule:-

SCHEDULE

Person	Maximum weight of material article tools or appliance	
a) Adult male	55	kilograms
b) Adult female	30	"
c) Adolescent male	30	"
d) Adolescent female	20	"
e) Male child	16	"
f) Female child	14	"

31. *Protection of eyes (section 35 and rules)* .- Effective screens or suitable goggles shall be provided for the protection of eyes of persons employed in or in immediate vicinity of processes which involve risk of injury to eyes from particles or fragment thrown off in the course of the processes or which involve risk of injury to eyes by reason of exposure to excessive light or infra-red or ultra-violet radiations.

32. *Precautions in case of fire (section 38 and rules)*.- Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein. The doors affording exit from any room shall, unless they are of the sliding type, be constructed to open outwards. Every window, door or other exit affording a means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked. Effective and clearly audible means of giving warning in case of every person employed in the factory shall be provided. Effective measure shall be taken to ensure that wherein more than twenty workers are ordinarily employed in any place above the ground floor, or wherein explosive or highly inflammable materials are used or stored, all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

**Provision relating to hazardous processes**

33. *Compulsory disclosure of information by the occupier (section 41-B)* - The occupier of every factory involving hazardous process shall disclose in the manner prescribed all information regarding dangers, including health hazards and the measures to overcome such hazard arising from the exposure to or handling of the materials or substances in the manufacture of transportation, storage and other process, to be workers employed in the factory, the Chief Inspector, the local authority within whose jurisdiction the factory is situated and the general public in the vicinity.

The occupier shall, at the time of registering the factory involving a hazardous process lay down a detailed policy with respect to the health and safety of the workers employed therein and intimate such policy to the Chief Inspector and the local authority and thereafter, at such intervals as may be prescribed inform the Chief Inspector, and shall the local authority of any change made in the said policy.

The information furnished under sub-section (1) shall include accurate information as to the quantity, specifications and other characteristics of wastes and the manner of their disposal.

Every occupier shall, with the approval of the Chief Inspector, draw up an on-side emergency plan and details disaster control measure for his factory and make known to the workers employed therein and to the general public living in the vicinity of the factory the safety measures required to be taken in the event of an accident taking place.

Every occupier of a factory shall :-

- (a) if such factory engaged in hazardous process on the commencement of the Factories (Amendment) Act, 1987, within a period of thirty days of such commencement; and
- (b) if such factory proposes to engage in a hazardous process at any time after such commencement, within a period of thirty days before the commencement of such process.

Inform the Chief Inspector of the nature and details of the process in such form and in such manner as may be specified.

Where any occupier of a factory contravenes the provisions of sub-section (5), the licence issued under section 6 to such factory shall, notwithstanding any penalty to which the occupier or factory shall be subjected to under the provisions of this Act, be liable for cancellation.

The occupier of a factory involving a hazardous process shall with the previous approval of the Chief Inspector, lay down measures for the handling, usage, transportation and storage of hazardous substances inside the factory premises and the disposal of such substances outside the factory premises and publicise them in the manner prescribed among the workers and the general public in the vicinity.

#### **Section 41 – C:**

34. *Specific responsibility of the occupier in relation to hazardous processes* :- Every occupier of a factory involving any hazardous processes shall –

- a) maintain accurate and up-to-date health records or, 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 subject to such conditions as may be specified;
- b) appoint persons who possess qualifications and experience in handling hazardous substances and competent to supervise such handling within the factory and to provide at the working place all the necessary facilities for protecting the workers in the manner prescribed:

Provided that where any question arises as to the qualifications and experience of a person so appointed the decision of the Chief Inspector shall be final;

- c) Provide for medical examination of every worker:
  - i) before such worker is assigned a job involving the handling of, or working with a hazardous substance; and
  - ii) while continuing in such job, and after he has ceased to work in such job, at intervals not exceeding twelve months, in such manner as may be specified.



35. *Permissible limits of exposure of chemical and toxic substance (section 41-F)* – The maximum permissible threshold limits of exposures of chemical and toxic substances in manufacturing processes (where hazardous or otherwise) in any factory shall be of the value indicated in Second Schedule to the Act.

36. *Workers' participation in safety management (section-41 G)*.- The occupier shall, in every factory where a hazardous process takes place, or where hazardous substances are used or handled, set up a Safety Committee consisting of equal number representatives of workers and management to promote co-operation between the workers and management in maintaining proper safety and health at work and to review periodically the measures taken in that behalf.

Provided that the State Government may, by order in writing and for reasons to be recorded, exempt the occupier of any factory or class of factories from setting up some committee.

The composition of the Safety Committee, the tenure of office of its members and their rights and duties shall be such as may be specified.

37. *Right of workers to warn about imminent danger (section 41-H)*.- 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.

It shall be the duty of such occupier, agent, manager or the person in charge of the factory or process to take immediate remedial action if he is satisfied about the existence of such imminent danger and send a report forthwith of the action taken to the nearest Inspector.

If the occupier, agent, manager or the person in charge referred to in sub-section(2) is not satisfied about the existence of any imminent danger as apprehended by the workers, he shall, nevertheless, refer the matter forthwith to the nearest Inspector whose decision on the question of the existence of such imminent danger shall be final.

## **Welfare**

38. *Washing facilities (section 42 and rules)*.- In every factory adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein. Such facilities shall include soap and nail brushed or other, suitable means of cleaning and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

If female workers are employed separate washing facilities shall be provided and so enclosed or screened that the interior are not visible from any place where persons of the other sex work or pass.

39. *Facilities for storing and drying clothing (section 43 and rules)*.- In the case of certain dangerous operations e.g. lead processes, liming and tanning of raw hides and skins, etc. suitable places for keeping clothing not worn during working hours and the drying of wet clothing shall be provided and maintained.

40. *Facilities for sitting (section 44)*.- In every factory suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position order that they may take advantage of any opportunities for rest, which may occur in the course of their work.

41. *First-aid and ambulance room (section 45).*- In every factory there will be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents. Each first-aid box or cupboard shall be kept in the charge of a separate responsible person who holds a certificate in first-aid treatment recognised by the State Government who shall always be available during the working hours of the factory.

In every factory wherein more than 500 workers are ordinarily employed there shall be provided and maintained an ambulance room of the prescribed size, containing the specified equipment, and in the charge of such medical and nursing staff as may be specified and those facilities shall always be made readily available during the working hours of the factory.

42. *Canteen (section 46 and rules).*- In specified factories wherein more than 250 workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers. Food, drinks and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of a canteen Managing Committee which shall be appointed by the manager and shall consist of an equal number of persons nominated by the occupier and elected by the workers. The number of elected workers shall be in the proportion of 1 for every 1,000 workers employed in the factory provided that in no case shall there be more than 5 or less than 2 workers on the committee. The committee shall be consulted from time to time as to the quality and quantity of food stuffs to be served in the canteen, the arrangement of the menus, etc. Where the canteen is managed by co-operative society, it is not necessary to appoint a canteen Managing Committee and the prices to be charged may include a margin of profit upto a maximum of 5 per cent of its working capital.

43. *Shelter, restrooms and lunchroom (Section 47).*- In every factory wherein more than 150 workers are ordinarily employed, adequate and a suitable lunchroom, with provision for drinking water, where workers can eat meals brought by them, shall be provided and maintained for the use of the workers.

44. *Creches (section 48 and rules).*- In every factory wherein more than 30 women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of such women. The creche shall be adequately furnished and equipped and in necessary bedding for each child, at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child and a sufficient supply of suitable toys for older children.

There shall be in or adjoining the creche a suitable washroom for the washing of the children and their clothing. An adequate supply of clean clothes, soap and clean towels shall be made available for each child while it is in the creche. At least a quarter litre of pure milk shall be available for each child on every day it is accommodated in the creche and the mother of such a child shall be allowed in the course of her daily work suitable intervals to feed the child. For children above two years of age, there shall be provided, in addition, an adequate supply of wholesome refreshment. A suitably fenced and shady open air playground shall also be provided for the older children.

45. *Welfare Officer (section 49).*- In every factory wherein 500 or more workers are ordinarily employed the occupier shall employ in the factory such number of Welfare Officers as may be specified by the Government from time to time.

## Special Provisions

46. *Dangerous operations (section 87 and rules).*- Employment of women adolescents and children is prohibited or restricted in certain operations declared to be dangerous, e.g. electroplating, manufacturing and repair of electric accumulators, glass manufacture, grinding or glazing of metals, manufacture and treatment of lead and certain compounds of lead, sandblasting etc.

47. *Notice of accidents (section 88 and rules).*- When an accident occurs which results in the death of any person or which results in such bodily injury to any person as is likely to cause his death, or any dangerous occurrence specified in the Schedule annexed hereto, takes place in a factory, the manager of the factory shall forthwith send a notice thereof by telephone, special messenger or telegram to the Inspector and the Chief Inspector. When any accident or any dangerous occurrence specified in the Schedule annexed hereto, which results in such bodily injury to any person as is likely to cause his death, takes place in a factory, a notice thereof shall be sent also to the District Magistrate or Sub-divisional Officer or the Office-in-charge of the nearest police station and to the relatives of the injured or deceased person.

## SCHEDULE

1. Bursting of a plant used for containing or supplying steam under pressure greater than atmospheric pressure.
2. Collapse or failure of a crane, derrick, winch. Hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.
3. Explosion, fire bursting out, leakage or escape of any molten metal, or hot liquid or gas causing bodily injury to any person or damage to any room or place in which persons are employed, or fire in rooms of cotton pressing factories when a cotton opener is in use.
4. Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or solid resulting from the compression of gas.
5. Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall, building or any other structure.

48. *Notice of certain disease (section 89 and rules).*- Where any worker in a factory contracts any of the following disease, the manager of the factory shall send forthwith notice in Form No. 32 thereof both to the Chief Inspector and Certifying Surgeon:

Lead, phosphorous, mercury, manganese, arsenic, carbon bisulphide or benzene poisoning; or poisoning by nitrous fumes or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series; or of chrome ulceration, anthrax, silicosis, toxic anaemia, toxic jaundic, primary epitheliomatous cancer of the skin, or pathological manifestations due to radium or other radio active substances or X-rays.

49. *No charge for facilities and convenience (section 114)* - No fee or charge shall be realised from any worker in respect of any arrangements or facilities to be provided, or any equipments or facilities to be provided, or any equipments or appliances to be supplied by the occupier under the provisions of this Act.

50. *Power of Inspectors (section 9 and 82).*- Inspectors have powers to inspect factories any time and may require the production of registers, certificates, etc., prescribed under the Act

and the rules.

Any inspector may institute proceedings on behalf of any workers to recover any sum required to be paid by an employer under the provisions relating to leave with wages, which the employer has not paid.

51. *Obligations of workers (section 97 and 111).*- No worker in the factory-

- (i) shall willfully interfere with or misuse any appliance, convenience or other thing provided in a factory for the purpose of securing the health, safety or welfare of the workers therein;
- (ii) shall willfully and without any reasonable cause do anything likely to endanger himself or others; and
- (iii) shall 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.

If any worker employed in a factory contravenes any of these provisions he shall be punishable with imprisonment for term which may extend to three months or with fine which may extend to Rs. 100/- or with both.

If any worker employed in a factory contravenes any provision of the Act or any rules or orders made thereunder, imposing any duty or liability on workers, he shall be punishable with fine which may extend to Rs. 500/-

52. *Right of workers, etc.(section 111-A)*- every worker shall have the right to –

- (i) obtain from the occupier, information relating to workers health and safety at work;
- (ii) 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, where training is imparted for workers' health and safety at work;
- (iii) 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.

53. *Certificates of fitness (section 69, 70 and 98)* – No child that is a person who has not completed his fourteen year or an adolescent shall be required or allowed to work in any factory unless a certificate of fitness granted with reference to him is in the custody of the manager of the factory and such child or adolescent carries, while he is at work, a token giving a reference to such certificate. Any fee payable for such a certificate shall be paid by the occupier and shall not be recoverable from the young person, his parents or guardian.

An adolescent who has been granted a certificate of fitness to work in a factory as an adult and who while at work in a factory carries a token giving reference to the certificate shall be deemed to be an adult for all the purposes of the provisions of the Act relating to the working hours of adults and the employment of young persons. An adolescent who has not been granted a certificate of fitness to work in a factory as an adult shall, notwithstanding his age, be deemed to be a child for all the purposes of the Act.

Whoever knowingly uses or attempts to use, as a certificate of fitness granted to himself, a certificate granted to another adolescent to work in a factory as an adult or who having produced such a certification knowingly allows it to be used, or an attempt to use to be made, by another person shall be punishable with imprisonment for a term which may extend to two months or with fine which may extend to Rs. 1000/- or with both.

54. *Registers, notices and returns (section 61,62,63,72,73,74 and 110 and rules).*- A register of adult workers in the Form No. 20 and a register of child workers in the Form No. 22 shall be maintained by the manager of every factory.

A notice of periods of works for adults and notice of period of work for children in the Form Nos. 19 and 21 shall be correctly maintained and displayed in every factory. No adult worker or child shall be required or allowed to work in any factory otherwise than in accordance with their respective notices of periods of work displayed in the factory.

The owners, occupiers or manager of factories shall submit the prescribed periodical returns to the Inspector regularly.