FORM 26 - Abstract of the Factories Act, 1948 and the Maharashtra Factories Rules 1963

(To be fixed in a conspicuous and convenient place at or near entrance to the factory)

(See Rule 118)

INTERPRETATION

"Factory" means any premises including the precincts thereof:

(i) Whereon ten 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 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 [XXXV of 1952], or a railway running shed.

"Worker" means a person employed, directly or through any agency, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or on any other kind of work incidental to, or connected with, the manufacturing process.

"Manufacturing process" means any process for making altering, repairing ornamenting, finishing, packaging, oiling, washing, cleaning, breaking up, demolishing or otherwise treating or adopting any article or substance with a view to its use, sale, transport, delivery or disposal or pumping oil, water or sewage or generating, transforming or transmitting power, or composing types for printing, printing by letterpress, lithography, photogravure or other similar process or bookbinding or constructing, reconstructing, repairing, refitting, finishing or breaking up ship or vessels.

WORKING HOURS, HOLIDAYS, INTERVALS FOR REST ETC.

1. Hours of work [Adults] - Sections 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. The minimum daily limit may be exceeded in order to facilitate the change of shifts subject to the previous approval of the Chief Inspector.

2. Relation of hours of work [Adults] - Section 64 - the ordinary limits on work of adults may be relaxed in certain special works engaged on urgent repairs in preparatory or complimentary work which must necessarily be carried on outside the limits laid down for the general working of the factory; in work while is necessarily so intermittent that the intervals during which they do not work which on duty ordinarily amount to more than intervals for rest; in work for which 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 fixed seasons, or at time 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 which may be held up on account of break-down of machinery, in the loading and unloading of railway wagons.

Except in the case of urgent repairs, the relaxation shall not exceed the following limits:

(i) the total number of hours of work in any day shall not exceed ten;

(ii) the total number of hours of overtime work shall not exceed 50 for any one quarter.

(iii) the spread over inclusive of intervals for rest shall not exceed 12 hours in one day.

The restrictions imposed by clauses [i] and [ii] of sub-section [A] of section 64 shall not apply to case where a shift worker has failed to report for duty and another shift worker has to work the whole or part of a subsequent shift subject to the condition prescribed by Government.

In the case of any or all adult workers in any factory, the ordinary limits on working hours of adults may be relaxed for a period or periods not exceeding in the aggregate 3 months in any year, to enable the factory to deal with an exceptional press of work.

3. Payment for overtime - Section 59 - Where a worker works in a factory for more than 9 hours in a day or more than 48 hours in any week shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

4. Exemption of supervisory staff - Section 64 - Chapter VI of the Act working hours of adult does not apply to persons holding positions of supervision or management or employed in a confidential position in a factory.

5. Weekly holiday (Adults) - Section 52 - No adult worker shall be required or allowed to work in a factory on the first day of the week, unless 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 the manager of the factory has, before the said day or substituted day, whichever is earlier, delivered a notice at the office of the Inspector of his intention to require the worker to work on the said day and of the day which is to be substituted and 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 the whole day.

Where a worker in a factory as a result of exemption from the ordinary provision relating to weekly holiday, is deprived of any of the weekly holidays, he shall be allowed, within the month in which such holidays were due to him or within the two months immediately following that month, compensatory holiday equal to the holidays so lost.

6. Intervals of rest [Adults] - Section 55 & 56 - The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed 5 hours before he has had an interval of rest of at least half an hour and that inclusive of his intervals for rest they shall not spread over more than 10 hours any day or with the permission of the Chief Inspector in writing, 12 hours. Subject to the control of the State Government the Chief Inspector may, by written order and for the reasons specified therein, exempt any factory to however that the total number of hours worked by a worker in any intervals does not exceed six.

7. 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 and direct benefit from his wages shall be punishable with fine which may extend to Rs. 50 unless it appears to the Court that the child so worked without the consent or connivance of such parent, guardian or person.

8. Prohibition of employment of children under 14 - Section 57 - No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

9. Hours of work [Children] - Section 71 - No child shall be employed or permitted to work in any factory for more than 4 and 1/2 hours in any day and during the night (night means a period of at least twelve consecutive hours which shall include the interval between 10 p.m.
23. Casing of new machinery - Section 26 - In all machinery driven by power and installed in any factory after 1st April 1949, every set screw, belt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger, all spurr, worm and other toothed friction gearing which does not require frequent adjustment while in motion shall be completely encased, unless it is so situated as to be as safe as it would be if it were completely encased.

Whoever sells or lets on hire as agent of a seller or hires 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 may extent to five hundred rupees or both.

24. Prohibition of employment of women and children near cotton openers - Section 27 - No women or child shall be employed in any part of a factory for pressing cotton in which cotton opener is at work.

25. Lifting machine chains, ropes and lifting tackle - Section 29 - All parts including the working gear whether fixed or movable, of every lifting machine and every chain, rope or lifting tackle shall be of good construction, sound material and adequate strength and free from defects; properly maintained and thoroughly examined by a competent person at least once in every period of twelve months and a register shall be maintained in prescribed form of every such examination. Effective measure shall also be taken to ensure that the crane does not approach within twenty feet of the place where a person is employed or working on or near the wheel track of a travelling crane.

26. Excessive weight - Section 34 - No woman or young person shall unarmed by another person lift, carry or move by hand or on head any materials, article, tools or appliance exceeding the following limits:

- Adult female: 30 Kgs.
- Adolescent male: 30 Kgs.
- Adolescent female: 20 Kgs
- Male child: 16 Kgs.
- Female child: 13 Kgs.

27. Protection of eyes - Section 35 - Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the vicinity of processes which involve risk of injury to the eyes from particles or fragment thrown off in the course of the process or which involve risk of injury to the eyes by reason of exposure to excessive light.

28. Precaution in case of fire - Section 38 - Every factory shall be provided with adequate means of escape in case of fire for the person 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 distinctly marked. Effective and clearly audible means of giving warnings in case of fire to every person employed in the factory shall be provided. Effective measures shall be taken to ensure that wherein more than twenty workers are ordinarily employed in any place above ground floor, or wherein explosive or highly inflammable materials are used to store 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.

WELFARE

29. Washing facilities - Section 42 - In every factory adequate and suitable facilities; for washing shall be provided and mentioned for the use of the workers therein. Such facilities shall include soap and nail brushes 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 shall be provided and so enclosed or screened that the interior are not visible from any place where persons of the other sex work pass.

30. 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 for the drying of wet clothing shall be provided and maintained.

31. Facilities for sitting - Section 44 - In every factory suitable arrangement for sitting shall be provided and maintained for all workers obliged to work in a standing order that they may take advantage of any opportunities for rest occur in the course of their work.

32. First-Aid and Ambulance Room - Section 45 - There shall in every factory be provided and maintained so as to readily accessible during all working hours first-aid boxes or cupboard equipped with the prescribed contents. Each first-aid box or cupboard shall be kept in the charge of a separate responsible person who is trained in first aid treatment and who shall always be available during working hours of the factory.

In every factory wherein more than 500 workers are employed there shall be provided and maintained an ambulance room of the prescribed size and containing the prescribed equipment. The ambulance room shall be in charge of a qualified medical practitioner assisted by at least one qualified nurse and such other staff as may be prescribed.

33. Canteens - 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, drink and other items served in the canteen shall be sold on a non-profit basis and 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 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 on the quantity and quality of food stuff to be served in the canteen, the arrangement of the means, etc. et.

34. Shelters, Rest Rooms and Lunch Rooms - Section 47 - In every factory wherein more than 150 workers are ordinarily employed, adequate and suitable shelters or rest rooms and a suitable lunch rooms, with provision for drinking water, where workers can eat meals brought by them shall be provided and maintained for use of the workers.

35. Creches - Section 48 and Rules - In every factory wherein more than 50 women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of the children under the age of six years of such women. The creches shall be adequately furnished and equipped and in particular shall be one suitable cot or cradle with the necessary bedding for each child, at least one chair or equivalent seating accommodation for the use of the mother while she is feeding or attending her child and a sufficient supply of suitable toys for older children.