

FAQ Enforcement under the Factories Act, 1948

Q. Do a hand driven lifting equipment need certification from competent person under article 29 of Factories Act?

A. Section 29 of the Factories Act deals with lifting machines and lifting tackles which are defined under explanation. In our opinion hand driven lifting equipment does not require certification.

Q. Definition of “worker” under Factories Act 1948 & Maharashtra Factories Rules? Whether officers/executives are to be considered for calculation of the employment strength with regard to recruitment of Welfare Officer under the Act?

A. Under the Factories Act, definition of “worker” is clearly given. For the purpose of calculation of employment strength, officers and executives etc. have to be taken into account.

Q. Which type of establishments are covered under the Factories Act?

A. The term “factory” is defined in Section 2(m) of the Factories Act, 1948. It means that in any premises if 10 or more workers are engaged in a manufacturing process with aid of power or if 20 or more workers are engaged in the manufacturing process without aid of power such premises will be covered under the Factories, 1948

Q. Whether a child is allowed to work in a factory?

A. The child below 14 years of age is not allowed to work in any factory.

Q. Whether a woman is allowed to work in a factory?

A. The women are allowed to work in any factory except between the hours of 7 pm to 6 am i.e. women are not allowed to work during night time. However, there are certain operations/processes, which are considered hazardous. In such operations/processes women are not allowed to work.

Q. What are the weekly hours of work in a factory?

A. No adult is allowed to work in a factory for more than 48 hours in any week.

Q. What are the daily hours of work?

A. No adult worker is allowed to work in a factory for more than 9 hours in any day.

Q. Which authority enforces the Factories Act 1948?

A. The Factories Act and the rules framed thereunder are enforced by respective states/UTs. through the office of Chief Inspector of Factories under the Labour Department of the State Government/UTs.

Q. Whether a place wherein a manufacturing process are carried out with or without the aid of power employing less than 10 or 20 workers respectively can be covered under the Factories Act?

A. The State Government is empowered to declare that al or any of the provisions of the Act shall apply to any place wherein manufacturing process carried out irrespective of number of workers employed therein.

Q. Whether a workshop of a teaching institute employing more than 10 workers will be in a factory?

A. The State Government may exempt with certain conditions, in workshops whether manufacturing processes are carried out for purposes of education, training, research or reformation from all or any of the provisions of this Act.

Q. Whether the approval, licensing and registration of a factory are compulsory?

A. Yes, It is compulsory. The approval, license and registration of a factory is compulsory before starting the manufacturing process. The occupier of the factory should submit the plan to the Chief Inspector of the State for approval. After the approval, the licensee will be granted by the CIF and the factory will be registered.

Q. What are the various provisions to be abided by the occupier of the factory?

A. There are many provisions, which are to be strictly followed by the occupier. The details are available in a publication known as the Factories Act, 1948. There are 120 sections divided into 11 chapters, which can be referred for detailed.