

## **R.M.M. Law College, Saharsa**

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**L.L.B Part- 3<sup>rd</sup>**

**Subject- Labour Law**

**Paper-6<sup>th</sup>**

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**Topic- Main safety Provisions of persons employed in the factory.**

**Introduction-** The factories Act 1948 was passed by the constituent assembly on 28 August 1948, assent was given by the Governor-General of India on 23 September 1948 and the said Act came into force from April 1949. It extends to the whole of India including the State of Jammu and Kashmir. Before the 1973 amendment, the Act was not extended to the State Jammu and Kashmir. Its main object is to protect and safeguard the interest of the workmen employed in the Industrial establishment and hence various provisions relating to health safety and welfare of the workmen are enshrined in the Act. Section 21 to 41 of the Factories Act 1948 deal with the provisions relating to safety to workers in a factory and Section 52 to 50 of the Factories Act, 1948 lays down the Provisions relating to the welfare of workers employed in Industrial Establishments.

**Safety Provisions of persons employed in the factory-** The Welfare of the workers also depends upon how and what manner they are required to operate the machines installed in the factory for carrying out the manufacturing operations. Some of the Machines Mechanical devices installed are dangerous in their very nature if they are not properly maintained or installed. Some of the Machines installed in the factory required mechanical skill on the part of the operators, and in case, they are allowed to be operated by young persons, their life is likely to be endangered. Therefore, in order to secure the safety of life of the workers required to operate machines and other mechanical devices, the employers or the occupiers are obliged to take certain precautions against the hazardous of operating machines and mechanical devices by the workers to ensure their safety and welfare. Broadly under the scheme of the Act, the following types of precaution are required to be taken by the occupier of a factory.

Section 21 to 41 of the Factories Act 1948 deal with the provisions relating to safety to workers in a factory are as follows –

### **(1) Fencing machinery -**

According to Section 21 of the Factories Act 1948, every dangerous machinery in a factory must be securely fenced to avoid accidents.

## **(2) Work on near machinery in motion -**

Section 22, this situation arises when machinery is to be tested, while it is in motion/operation. Then it is to be tested by an adult well-trained person, who is meant for that purpose. (And whose name is recorded in the register for such purpose).

## **(3) Employment of young person in dangerous machines -**

According to Section 23 of the said Act, no young person shall be required or allowed to work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and- (a) has received sufficient training in work at the machine or is under adequate supervision by a person who has a thorough knowledge and experience of the machine. Sub-section (1) shall apply to such machines as may be prescribed by the State Government, being machines which in its opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

## **(4) Striking gear and devices for cutting off power -**

According to Section 24 of the said Act, In every factory, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained in every workroom.

## **5) Self-acting machines -**

According to Section 25 of the Act, no traversing part of a self-acting machine in any factory and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed to run on its outwards or inward traverse within a distance forty-five centimetres from any fixed structure which is not part of the machine:

Provided that the Chief Inspector may permit the continued use of a machine installed before the commencement of this Act which does not comply with the requirements of this

section on such conditions for ensuring safety as he may think fit to impose.

**(6) Casing of new machinery -**

Section 26(1) of the said Act requires casing for new machinery to prevent accidents.

**(7) Prohibition of employment of women and children near cotton-openers -**

A cotton-opener is a dangerous machine, therefore, According to Section 27 of the Factories Act 1948, no woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work. Provided that if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

**(8) Hoist and lifts -**

According to section 28 of the said Act, Hoist, and lifts in a factory shall be maintained in a good mechanical condition and must be examined by a Competent Person at least once in every six months.

**(9) Lifting machines, chains, ropes and lifting tackles -**

Lifting machines, chains, rope and lifting tackles are used in factories for raising or lowering persons or good or materials. According to Section 29 of the Factories Act, they must be examined at least once in every 12 months by a confident person.

**(10) Revolving machinery -**

According to Section 30, In every factory in which the process of grinding is carried on there shall be permanently affixed to or placed ear each machine in use a notice indicating the maximum safe working peripheral speed of every grindstone or abrasive wheel, the speed of the shaft or spindle upon which the wheel is mounted, and the diameter of the pulley upon such shaft or spindle necessary to secure such safe working peripheral speed. The speeds indicated in notices under sub-section (1) shall not be exceeded. The effective measure shall be taken in

every factory to ensure that the safe working peripheral speed of every revolving vessel, cage, basket, flywheel pulley, disc or similar appliance driven by power is not exceeded.

**(11) Pressure plant -**

Section 31 of the Act, If in any factory, any plant or machinery or any part thereof is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such plant or machinery or part is not exceeded. State Government may make rules providing for the examination and testing plant or machinery such as referred in sub-section (1).

**(12) Floors, stairs and means of Access -**

According to Section 32 Floors, stairs and means of Access must be of sound construction and shall be free from obstructions, causing persons to slip.

**13) Pits, sumps, opening in floors, etc -**

According to Section 33 of the Said Act, In every factory every fixed vessel, sump, tank, pit or opening in the ground or in a floor which, by reason of its depth, situation, construction or contents, is or may be a source of danger, shall be either securely covered or securely fenced. The State Government may, by order in writing, exempt, subject to such conditions as may be prescribed, any factory or class or description of factories in respect of any vessel, sump, tank, pit or opening from compliance with the provisions of this section.

**(14) Excessive weights -**

Section 34 of Factories says that no person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him an injury. The State Government may make rules prescribing the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescents and children employed in factories or in any class or description of factories or in carrying on in any specified process.

**(15) Protection of eyes (Section 35) -**

In respect of any such manufacturing process carried on in any factory as may be prescribed, being a process which involves -

(a) risk of injury to the eyes from particles or fragments thrown off in the course of the process, or

(b) risk to the eyes by reason of exposure to excessive light, the State Government may by rules require that effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of, the process.

**(16) Precautions against dangerous fumes, gases etc. -**

According to Section 36 of the Act, - (1) No person shall be required or allowed to enter any chamber, tank, vat, pit, pipe, flue or other confined space in any factory in which any gas, fume, vapour or dust is likely to be present to such an extent as to involve risk to persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress.

(2) No person shall be required or allowed to enter any confined space as is referred to in sub-section (1), until all practicable measures have been taken to remove any gas, fume, vapour or dust, which may be present so as to bring its level within the permissible limits and to prevent any ingress of such gas, fume, vapour or dust and unless -

(a) a certificate in writing has been given by a competent person, based on a test carried out by himself that space is reasonably free from dangerous gas, fume, vapor or dust: or

(b) such person is wearing suitable breathing apparatus and a belt securely attached to a rope the free end of which is held by a person outside the confined space.

**(17) Precaution regarding the use of portable electric light -**

According to Section 36(a), no electric light or appliance voltage exceeding 24 volts shall be permitted in the chamber, tank pipe or other confined place.

**(18) Power to require specifications of defective parts or tests of stability  
(Section 39) -**

If it appears to the Inspector that any building or part of a building or any part of the ways,

machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing requiring him before a specified date -

(a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such buildings, ways, machinery or plant can be used with safety, or

(b) to carry out such tests in such manner as may be specified in the order, and to inform the Inspector of the results thereof.

### **(19) Safety of building and machinery -**

According Section 40 of the Act (1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures, which in his opinion should be adopted and requiring them to be carried out before a specified date. (2) If it appears to the Inspector that the use of any building or part of a building or any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety he may serve on the occupier or manager or both of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

### **(20) Maintenance of buildings -**

According to Section 40A of the said Act, If it appears to the Inspector that any building or part of a building in a factory is in such a state of disrepair as is likely to lead to conditions detrimental to the health and welfare of the workers, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which in his opinion should be taken and requiring the same to be carried out before such date as is specified in the order.

### **(21) Safety officers -**

Section 40(b) was inserted in the act in 1976 making provision for the appointment of for safety officer in the factories, where 1000 or more workers are employed or the State government by notification in official gazette may require the occupier, carrying on dangerous and hazardous nature of manufacturing process to appoint safety officers.

**(22) Power to make rules to supplement-**

Section 41 of the Factories Act, 1948 empowers the State Government to make any rules .