

FORM No. 19

[See Rule 133]

Abstract of the Factories act, 1948 and the

Karnataka Factories Rules, 1969

(To be affixed in a conspicuous and convenient place at or near the main entrance to the Factory)

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 date 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 carried on but does not include a mine subject to the operation of the Indian Mines Act, 1923 (IV of 1923) 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 manufacturing process, or in any other kind of work incidental to, or connected with the manufacturing process, or the subject of the manufacturing process.

“Manufacturing process” means any process for making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, 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 printing by letter press, lithography, photogravure or other similar work or book-binding, which is carried on by way of trade or for purposes of gain, or incidental to another business so carried on, or constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels.

Health

1. Cleanliness, Section 11

Except in cases specially exempted all inside walls and partitions, all ceiling or tops of passages and stair-cases in a factory shall be kept white washed or colour washed. The white washing or colour washing shall be carried out at least once in every period of fourteen months. The floors of every workroom shall be cleaned at least once in every week by washing, using disinfectant where necessary, or some other method.

2. Disposal of wastes and Effluents, Section 12

Effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.

3. 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 workers therein reasonable conditions of comfort and prevent injury to health. Inspector is to fix standards in certain cases.

4. Overcrowding, Section 16

Unless exemption has been granted, there shall be in every workroom of a factory in existence on 1<sup>st</sup> April, 1949 at least 9.9 cubic meters and of a factory built after this date at least 14.2 cubic meters of space for every worker employed therein and for this purpose no account shall be taken of any space which is more than 4.27 meters above the level of the floor of the room.

5. 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. Inspector is to fix standards in certain cases.

6. Drinking water, Section 18.

In every factory effective arrangements shall be made to provide and maintain at suitable points, conveniently situated for all workers employed therein sufficient supply of wholesome drinking water.

In every factory wherein more than 250 workers are ordinarily employed the drinking water shall, during the hot weather be cooled by ice or other effective methods. The cooled drinking water shall be supplied in every canteen, lunch room and rest room and also at conveniently accessible points throughout the factory. Cooling is not required in specified areas of the state where water normally remains cool.

7. Latrines and urinals, Section 19 and Rules.

In every factory sufficient latrine and urinal accommodation of the prescribed type (separate enclosed accommodation for male and female workers) shall be provided conveniently situated and accessible to workers at the time while they are at the factory. Every latrine shall be under cover and so partitioned off as to secure privacy and shall have proper door and fastening. Sweepers shall be employed whose primary duty it would be to keep clean latrines, urinals and washing places.

8. Spittoons, Section 20

In every factory, there shall be provided a sufficient number of spittoons of the type prescribed 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 spittoons provided for the purpose. Whoever spits in contravention of this provision shall be punishable with fine not exceeding five rupees.

SAFETY

9. Fencing of machinery, Section 21

In every factory dangerous parts of machines, e.g., every moving part of the prime mover and every fly-wheel connected to a prime mover etc., shall be securely fenced by safeguards of a substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.

10. Work on or near machinery in motion, Section 22

No woman or child shall be allowed in any factory to clean, lubricate or adjust any part of the machinery while that part is in motion, or work between moving parts, or between fixed and moving parts of any machinery which is in motion.

11. Employment of young persons in Dangerous Machinery, Section 23

No young person shall work at any machine declared to be dangerous unless he has been fully instructed as to the dangers arising in connection with the machinery and the precautions to be observed and has received sufficient training in work at the machinery or is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

12. Casing of New Machinery, Section 26

In all machinery driven by power and installed in any factory after 1<sup>st</sup> April, 1949, every set screw, belt or key or any revolving shaft, spindle, wheel or piston shall be so suck, encased or otherwise effectively guarded as to prevent danger, all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased.

Whoever sells or lets on hire or as agent of 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.

13. Prohibition of woman and children near cotton openers, Section 27

No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work.

14. Excessive Weight, Section 34

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 following limits:

Adult male	50kg
Adult female	30kg
Adolescent male	30kg
Adolescent Female	25kg
Male Child	20kg
Female Child	15kg

15. Protection of Eyes, Section 35

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

16. Precautions in case of Fire, Section 38

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 distinctively marked. Effective and clearly audible means of giving warning in case of fire to every person employed in the factory shall be provided. Effective measures shall be taken to ensure that therein, 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 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

17. Washing facilities, Section 42

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 brushes or other suitable means of cleaning and facilities shall be conveniently accessible and shall be kept in a clean and orderly condition

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

18. Facilities for storing and drying clothing, Section 43 and Rule

In 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 drying of wet clothing shall be provided and maintained.

19. 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 in order that they may take advantage of any opportunities for rest which may occur in the course of their work. Standards may be fixed in cases where work can be done in sitting position.

20. First aid and Ambulance Room, Section 45

There shall in every factory be provided and maintained so as to be readily accessible during all working hours first aid boxes or cupboards equipped with the prescribed contents. All such boxes and cupboards shall be kept in charge of a responsible person who is trained in first aid treatment and who shall always be available during the 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.

21. 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 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 on the quantity of foodstuffs to be served in the canteen, the arrangements of menus, etc. , etc.

22. 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 suitable lunch rooms, with provision for drinking water, where workers can eat meals brought by them shall be provided and maintained for the use of the workers.

23. Crèche, 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 use of children under the age of six years of such women. The crèche shall be adequately furnished and equipped and in particular there shall be one suitable cot or cradle with the necessary bedding for each child at least one chair or equipment sitting accommodation for the use of the mother while she is feeding or attending to her child and sufficient supply of suitable toys for other children.

There shall be in order adjoining the crèche a suitable washroom for 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 crèche. Atleast half a pint of clean pure milk shall be available for each child on every day it is accommodated in the crèche 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 refreshments, a suitably fenced and shady open air play-grounds shall also be provided for other children.

24. Welfare Officers, Section 49

In every factory therein 500 or more workers are ordinarily employed, the occupier shall employ in the factory such number of Welfare Officers as may be prescribed under sub-section (2) of Section 49.

25. 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., manufacture of aerated water, electroplating, manufacture and repair of electric accumulators, glass manufacture, grinding or glazing of metals, manufacturing and treatment of lead and certain compound of lead, generation of gas from dangerous petrol, sand blasting and liming and tanning of raw hides and skins, and handling lubricants etc.,

26. Notice of Accidents, Section 88 and Rules

Where in any factory an accident occurs which causes death or which causes bodily injury by reason of which the person injured is prevented from working for a period of 48 hours or more immediately following the accident or which, though not attended by personal injury or disablement, is one of the following types:-

- (i) Bursting of a plant used for containing or supplying steam under pressure greater than atmospheric pressure other than plant which comes within the scope of Indian Boilers Act.
- (ii) 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..
- (iii) Explosion or fire causing damage to any room or place in which persons are employed, or fire in rooms of cotton pressing factories, where a cotton opener is in use.
- (iv) Explosion of receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.
- (v) Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall or building forming part of a factory or within the compound or curtilage of factory.

The Manager of the factory shall forthwith send notice thereof to the Inspector and the Administrative Medical Officer of the State Employees’ Insurance Scheme. If the accident is fatal, or of such a serious nature that it is likely to prove fatal, notice shall also be sent to the District Magistrate or the Sub-Divisional Officer and the Officer-in-charge of the nearest Police Station.

**27. Notice of certain Diseases, Section 89 and Rules**

Where any worker in a factory contracts any of the following diseases, the Manager of the factory shall send notice thereof forthwith both of the Chief Inspector and Certifying Surgeon.

Lead, Phosphorous, Mercury, Arsenic, Carbon Disulphide or Benzene Poisoning, or poisoning by nitrous fumes, or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series; or of chrome uncertain anthrax, silicosis, toxic anaemia, toxic jaundice, primary opitheliomatous cancer of the skin, or pathological manifestations due to radium or other radioactive substances or X-ray.

**28. Certificate of fitness, Sections 68, 70 and 98**

No child who has completed his fourteenth 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 carried, while he is at work, a token giving reference to such certificate. Any fee payable to such a certificate shall be paid by the occupier and shall not be recoverable from the young person, his parents or guardian.

An adolescents who has been granted a certificate of fitness to work in a factory as an adult and who while at work in a factory carried 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 child for all the purpose 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 procured such certificate knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment for a term which may extend to one month fine which may extend to Rs. 50 or with both.

**WORKING HOURS, HOLIDAYS, INTERVAL FOR REST, ETC.**

**29. 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.

**30. Relaxation of hours of work (Adults), Section 64**

The Ordinary Limits on working hours of adults may be relaxed in certain special cases e.g., workers engaged on urgent repairs; in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory, in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the interval for rest; in work which for technical reasons must be carried on continuously throughout the day, in making or supplying articles or prime necessity which must be made or supplied every day; in a manufacturing process which cannot be carried on except during fixed season, or at times dependant on the irregular action of natural forces or transmission machinery in engine rooms or boiler houses or in attending to power plant.

Except in case of urgent repairs, continuous shift operations, the relaxations 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 any one day.
- 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.

**31. Payment of overtime, Section 59**

Where a worker works in a factory for more than 9 hours in any day or for 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.

**32. Exemption of supervisory staff, section 64**

Chapter VI of the act on working hours does not apply to persons holding positions of supervision or management or employed in a confidential position in a factory.

**33. Weekly Holiday (Adults), Section 52**

No adult worker shall be required or allowed to work in factory in the first day of the week, unless he had, 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 the 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 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 a whole day.

Where a worker in a factory as a result of exemption from the ordinary provision relating to weekly holidays, is 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 to the holidays so lost.

**34. Interval for Rest-Adults, Sections 55 and 56**

The period of work for Adult workers in a factory each day shall be so fixed that no period shall exceed 5 hours before he has had on interval for rest atleast ½ an hour, and that inclusive of his interval of rest. They shall not spread over more than 10 ½ hours in any day or with permission of the Chief Inspector 12 hours.

**35. Prohibition of double employment, Sections 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 in 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 many 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.

**36. Prohibition of Employment of Children under 14 years of age, Section 67**

No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

**37. Hours of work (Children), Section 71**

No child shall be employed or permitted to work in any factory for more than 4 ½ hours in any day and between the hours of 7 p.m. and 6 a.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 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 this provision may be granted in respect of any child.

**38. Prohibition of Employment of women, Section 66**

No woman shall in any circumstances be employed in any factory for more than 9 hours in any day or between 7 p.m. and 6 a.m.

**39. Leave with wages under Sections 79, 80 and 83**

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;
- (ii) If a child, one day for every fifteen days of work performed by him during the previous calendar year.

The qualifying attendance of 240 days, will include also lay off; maternity leave and leave earned in the previous year.

Leave admissible shall be exclusive of all holidays whether occurring during or at the end of the period of leave.

Workers whose services commence otherwise than on first day of journey shall be entitled to have at the specified rate if qualifying attendance in two thirds of the calendar days during the remainder of the calendar year.

If a worker is discharged or dismissed from service during the course of the year, he shall be entitled to payment in lieu of leave with wages.

Worker may accumulate and carry forward leave not exceeding thirty days. He shall avail of leave to his credit shown in the leave book issued to him, by applying at least fifteen days in advance, or through a scheme agreed by workers or the manager may fix dates of his leave after due notice.

For leave allowed a worker shall be paid at the rate equal to the daily average of his total full time earnings, during the immediate preceding month, inclusive of dearness allowance and the cash equivalent of the advantages occurring through concessional sale to the workers of food grains and other articles.

If leave allowed is not less than four days, in the case of an adult and five days in case of a child, payment for leave shall be made in advance.

If employment of a worker 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, he 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 payment shall be made before the expiry of the second working day after such termination and where a worker who quits his employment on or before the next pay day.

The manager shall maintain a leave with wages register in the prescribed Form No. 14 and shall provide each worker with a book called the “Leave Book” in prescribed Form No. 15. The leave book shall be the property of the worker and the manager or his agent shall not demand it except to make entries of the dates of holidays or interruptions in service and shall not keep it for more than a week at a time. If a worker loses his leave book, the Manager shall provide him with another copy on payment of six paise and shall complete it from his register.

**40. No charge for facilities and conveniences, Section 114**

No fee or charge shall be realised from any worker in respect of any arrangements or facilities to be provided or any equipment’s or appliances to be supplied by the occupier under the provisions of the Act.

**41. Powers of Inspectors, Sections 9 to 82**

Inspectors have power 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 worker to recover any sum required to be paid by any employer under the provisions relating to leave with wages, which the employer has not paid.

**42. Obligations of workers, Sections 97 and 111**

No worker in a factory:-

- (i) shall wilfully interfere with or misuse any appliance, convenience or other thing provided in a factory for the purposes of securing the health, safety or welfare of the workers therein;
- (ii) shall wilfully and without any reasonable cause do anything likely to endanger himself or others; and
- (iii) shall wilfully neglect to make use of any appliance or other things 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 or any rule or order made thereunder, he shall be punishable with imprisonment for a 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 provisions 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. 20

**43. Registers, Notices and Returns, Sections 61, 62, 72, 74, 79, 80, and 110**

A register of adult workers in the prescribed Form No. 11 and a register of child workers in the prescribed Form No. 13 shall be maintained by the Manager of every factory.

A notice of periods of work for adults and a notice of work for children in the prescribed Form No. 10 and 12 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 managers of factories shall submit the prescribed periodical returns to the Inspector regularly.