

## Chapter 1

### Factories act, 1948

#### Objectives:-

- a) To promote the safety of workers.
- b) To promote the welfare of the workers.
- c) To promote the health of the workers.
- d) To make provision for the employment of women and young persons.
- e) To regulate the working conditions, working hours, leave, holidays, overtime, employment of women, children etc.

#### Applicability:-

- a) It is applicable to whole of India **including** the state of Jammu & Kashmir.
- b) It covers all manufacturing process falling under the definition of term “factory”.
- c) This act is also applicable to establishment belonging to central/state governments.
- d) This act is applicable to all factories using power and employing 10 or more workers on any day of the preceding 12 months
- e) This act also applies to all factories not using power but employing 20 or more workers on any day of the preceding 12 months.

#### Meaning of Important Terms:-

- a) **"Adult"**:- It means a person who has completed his Eighteenth year of age.
- b) **"Adolescent"**:- It means a person who has completed his fifteen year of age but has not completed his eighteenth year.
- c) **"Child"**:- It means a person who has not completed his fifteenth year of age.
- f) **"Competent person"**:- In relation to any provision of this Act, means a person or an institution recognised as such by the Chief Inspector for the purposes of carrying out tests, examinations and inspections required to be done in a factory under the provisions of this Act having regard to-
  - (i) the qualifications and experience of the person and facilities available at his disposal;  
or

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- (ii) the qualifications and experience of the persons employed in such institution and facilities available therein. [Sec. 2(ca)]
- g) **"Hazardous process"**:- It means any process or activity in relation to an industry specified in the First Schedule where, **unless special care is taken**, raw materials used therein or the intermediate or finished products, by-products, wastes or effluents thereof would –
  - (i) cause material impairment to the health of the persons engaged in or connected therewith, or
  - (ii) result in the pollution of the general environment.

### ***This Point in Exam:-***

- 'Hazardous process' under the Factories Act, 1948. [2009(D)]- 5 Marks
- Provisions relating to 'hazardous processes' under the Factories Act, 1948. [2010(D), 2012 (D)] - 5 marks

- h) **"Young person"**:- It means a person who is either a child or an adolescent;
- i) **"Manufacturing process"**:- It means any process for-
  - i. making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use sale, 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 for printing, printing by letter press, lithography, photogravure or other similar process or book binding; or
  - v. constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or
  - vi. preserving or storing any article in cold storage. [Sec. 2(k)]

The following are not manufacturing process:-

- ✓ Exhibition of film process.
- ✓ Industrial schools or Institute imparting training, producing cloth not for sale.
- ✓ Preliminary packaging of raw material.
- ✓ Finished goods and packaging.
- ✓ Receiving news from various sources through tele- printer.

### ***High Impact Points:-***

- a. The definition of manufacturing process is exhaustive.
- b. The meaning of manufacturing process is artificially projected beyond its natural

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meaning.

- c. Transformation of substance or article is not essential.

### **Example of Manufacturing Process:-**

- a) Laundry and carpet beating are held to be manufacturing process.
- b) Sun-cured tobacco leaves subjected to moistening for manufacturing of cigarette.
- c) The operation of peeling, washing etc. of prawn for putting them in to cold storage.
- d) Stitching old gunny bags.
- e) Packing of bankas grass for paper manufacturing.
- f) Converting sea water in to salt.
- g) Conversion of latex in to rubber.
- h) Pumping of water.
- i) Making of bidies.
- j) Preparation of movies.
- k) Composing as in printing process is a manufacturing process.
- l) Preparation of food and beverages and its sale to members of club.
- m) Packing as per client's requirement.
- n) Construction of railway.
- o) Cutting of woods or converting the woods in to planks is essentially a part of manufacturing activity. (***Bharti Udyog vs. Regional Director ESI***)

### **Process not be construed as Manufacturing Process:-**

- a) Exhibition of film process.
- b) Industrial school imparting training.
- c) Receiving from news from various sources on a reel in a teleprinter.
- d) Preliminary packing of raw material.
- e) Finishing goods and packing thereof.
- f) Process undertaken at zonal and sub-station and electricity generating stations, transforming and transmitting does not fall within the definition of manufacturing process.

### ***This Point in Exam:-***

- 'Manufacturing process' under the factories Act, 1948. [2008, 2011(D)]- 5 Marks
- Difference between 'Young person' and 'adult' under the Factories Act, 1948. [2009(J)]- 5 Marks
- 'Premises' and 'precincts' under the Factories Act, 1948. [2010, 2011 (J)]- 5 Marks
- Ghee brought from various customers is sampled chemically, analysed and packed in tins for transportation to the head office of the company for sale in the market. Does it amount to manufacturing process under the Factories Act, 1948? [2009(J)]- 5 Marks
- 'Young person' and 'adult' under the Factories Act, 1948. [2013(J)]- 5 marks.
- Some workers were engaged in the processes of moistening, stripping, breaking-up and packing of sun-cured tobacco leaves with a view to transporting these to company's main factory for their use in manufacturing cigarettes. Do these processes amount to 'manufacturing process' under the Factories Act, 1948? [2013(J)] – 4 marks

### j) **"Worker":-**

- Worker means a person employed
- directly or by 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 a 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**. [Sec.2(l)]

**The concept of employment covers three things, employer, employee and employment.**

**All employees are workers but all workers may not be employees.**

### ***High Impact Points:-***

- a. The term "employment" consists of three components:- employer, employee and contract of employment.
- b. To constitute the relationship of employer and employee, there must be **supervision and control** by the employer.
- c. Employment should be in relation to manufacturing process.
- d. Employer should determine what will be manufactured and how the manufacturing process will be carried on. (***Shankar Balaji Waje vs. State of Maharashtra***)
- e. The word "employed" does not necessarily mean master and servant relationship.

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- f. Piece rate workers are to be treated as workers within the meaning of the act provided that they should be regular workers and not workers who come and go at their sweet will.
- g. Partners and independent contractors cannot be treated as workers.
- h. Person employed in cleaning of machinery will be deemed as workers.
- i. It is irrelevant whether workmen are working for remuneration or not.
- j. All the workmen would be employees but all the employees would not be workmen.
- k. All person employed in or in connection with factory whether or not employed as worker are entitled to the benefit of the Act. **(UOI vs. GM Kokil)**

### **Examples of Workmen:-**

- a) Person should be engaged in manufacturing whether are working within or outside the factory premises. **(Shinde vs. Bombay Telephone)**
- b) Munim is a worker in a factory.
- c) Time keeper.
- d) Workers employed in canteen.
- e) Person employed as coolie for excavating and digging trenches outside the factory by gas manufacturing plant is not a workmen.
- f) Person employed by the paper factory to supervise the quality and quantity of the paper is workmen. **(Rohtas Industries Ltd vs. Ramlakhan Singh)**

### **This Point in Exam:-**

- Designers Ltd. is engaged in fabrication work of window grills with the aid of power and has employed 19 workers. Recently, it appointed 2 gardeners for gardening in its factory premises. Is the company liable to extend the benefits to the gardeners as applicable to other factory workers? [2009(D)]- 5 Marks.
- The workers were engaged by beedi manufacturer for rolling beedies at home subject to the rejection of defective beedies by manufacturer. The workers claimed that they should be treated as 'workers' under the provisions of the Factories Act, 1948. Will they succeed? [2010(J)] – 5 Marks. [Beedi roller at home will not be deemed as workmen]
- A government enterprises issues raw material to the weavers registered under it to manufacture handloom cloth as per the specifications given. The weavers take raw material and manufacture cloth in the looms installed by them. The government enterprise procures the finished goods from the weavers. State whether weavers are the workers of the

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government enterprise under the provisions of the Factories Act, 1948. [2011(J)]- 5 marks  
[Weavers cannot be called as workmen of the government because it is case of “contract for service” not “contract of service”.]

- Amar was the owner of a ginning factory. Certain persons were engaged in putting the ginned cotton into what was called *bojhas* and they were engaged for that work not by the owner but by the merchants who owned cotton. The owner had not entered their names in the attendance register of the factory. Are the persons employed by the merchants covered under the category of ‘workers’ under the provisions of the Factories Act, 1948? [When the works performed by workers are incidental to or connected with the manufacturing process then these workmen will be covered under the Act.]
- Hotel Harsha Ltd. has engaged an electrician to attend to electrical repairs required in the hotel. There is an agreement between the hotel and the electrician that he will be required to attend to repair work whenever required on call. The electrician is paid a consolidated sum of 10,000 per month for the services rendered by him. Can the electrician be called an employee of the hotel under the provisions of the Factories Act, 1948?

k) “**Factory**”:- Following conditions are required to constitute a factory:-

- There must be a premises including the precincts;
- There must be manufacturing process carried on or ordinarily carried on.
- There must be atleast 10 or 20 persons employed in the undertaking during the preceding 12 months
- 10 or more with the aid of power
- 20 or more without the aid of power

**Exclusion**:- Following are not excluded within the term “ factory”:-

- Railway Running shed.
- Mines
- Mobile units of armed forces.
- Hotels, eating places and restaurant.

### Notes :

1. For computing the number of workers for the purposes of this clause all the workers in **different groups and relays** in a day shall be taken into account.
2. The mere fact that an Electronic Data Processing Unit or a Computer Unit is installed in any premises or part thereof, shall not be construed to make it a factory no manufacturing process is being carried on in such premises or part thereof.

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### **High Impact Points:-**

- a. The term 'premises' denotes the open land or land with building or building alone.
- b. The term 'precincts' denotes a space surrounded by a wall.
- c. All the length of railway would be phase wise factory.
- d. Primary character of the main institution alone has to be taken in to consideration to determine whether it is factory or not. (**Dr. PSS Sundar Rao vs. Inspector of Factories, Vellore**)
- e. Company engaged in the construction of railway line is a factory.
- f. An open land for the conversion of sea water in to salt is a factory.
- g. It is not necessary that manufacturing process should be carried on for entire year i.e. seasonal establishments shall be deemed as a factory.
- h. Manufacturing process is not required to be carried on entire premises.
- i. A workshop of polytechnic institution shall be deemed as factory.

### **This Point in Exam:-**

- Sooraj Hospital has a laundry in its premises to ensure a high degree of hygiene standard for washing the linen used in the hospital. The employees of the hospital work in the laundry and the laundry cannot be separated from the hospital. The inspector of factories issued a notice to Sooraj Hospital to register it as a factory. Is he justified? [2011(D)]- 5 Marks

l) **"Occupier"**:- It means the person who has **ultimate control over the affairs** of the factory:-

Provided that-

- a. in the case of a **firm** or other association of individuals, any one of the individual partners or members thereof shall be deemed to be the occupier;
- b. in the case of a **company**, any one of the directors shall be deemed to be the occupier;
- c. in the case of a **factory owned or controlled by the Central Government or any State Government**, or any local authority, the person or persons appointed to manage the affairs of the factory by the Central Government, the State Government or the local authority, as the case may be, shall be deemed to be the occupier.
- d. in the case of a **dry dock** which is available for hire, the owner of the dock **shall be deemed to be the occupier**.
- e. in the case of a ship, the owner of the ship or his agent or master or other officer-in-charge of the ship.

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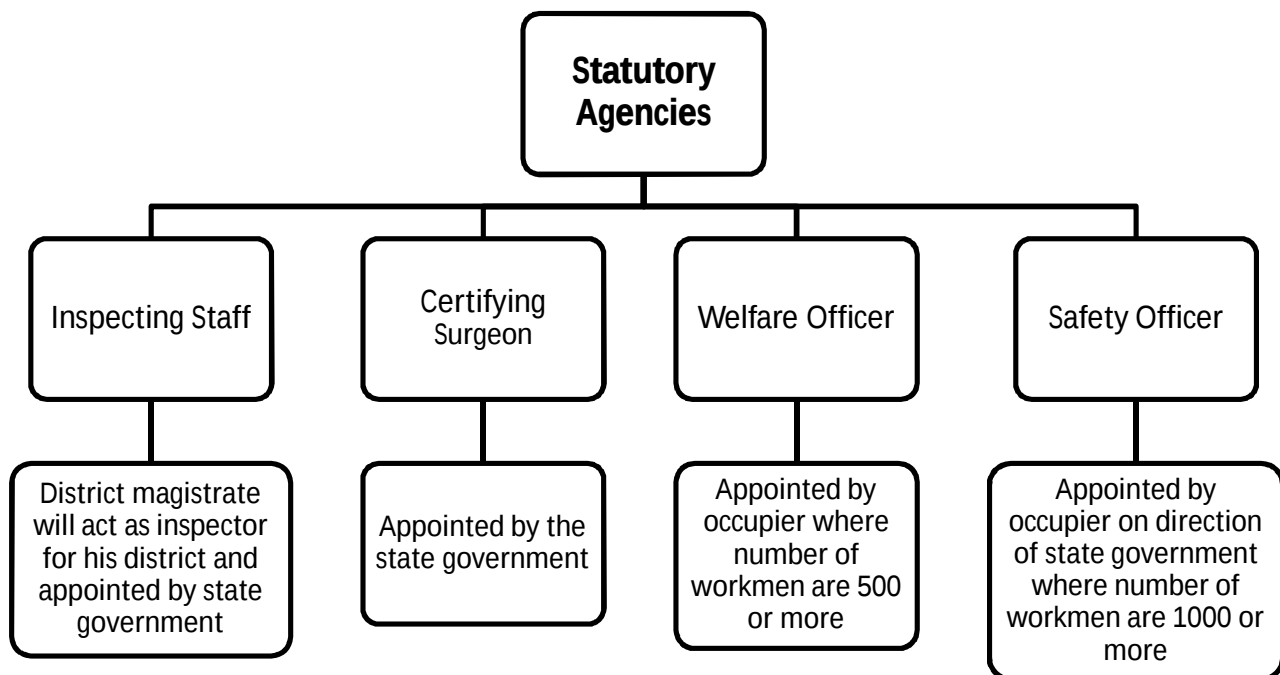
### General duties of the occupier:-

Every occupier shall ensure, the health, safety and welfare of all workers

The matters, to which such duty extends, shall include the following-

- a. Maintenance of plant and systems of work in the factory.
- b. Arrangements in the factory for ensuring safety and absence of 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 and safety of all workers at work;
- d. Maintenance of all places of work in the factory in proper.
- e. Maintenance or monitoring of working environment in the factory.

### Statutory Agencies under the Act:-



### ***This Point in Exam:-***

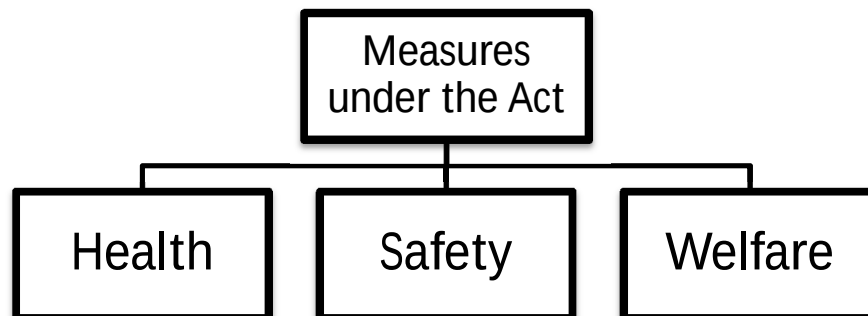
- Meaning of occupier under the factories Act, 1948. [2009(J)]- 5 Marks.
- General duties of an occupier under the factories Act, 1948. [2011(J)] – 5 Marks

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### Powers of Inspectors:-

- a. Enter in any place which is used, or which he has reason to believe is used, as a factory;
- b. Make examination of the premises, plant, machinery, article or substance;
- c. Inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry;
- d. require the production of any prescribed register or any other document relating to the factory;
- e. seize, or take copies of, any register, record or other document or any portion thereof, as he may consider necessary in respect of any offence under this Act, which he has reason to believe, has been committed;
- f. take measurements and photographs and make such recordings as he considers necessary for the purpose of any examination.

### Measures under the Act :-



#### ❖ Health Measures :-

- a) **Cleanliness (section 11):-** Every factory shall be kept clean and free from effluvia. The floor of every workroom shall be cleaned **at least once in every week** by washing, using disinfectant, where necessary, or by some other effective method. Whitewashing or color washing be done **at least once in every fourteen** months All inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall be repainted or varnished **at least once in every period of five years**.
- b) **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.
- c) **Ventilation and Temperature (section 13):-** Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom, adequate

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ventilation by the circulation of fresh air. Walls and roofs shall be of such material and design to keep temperature low.

- d) **Dust and Fume (section 14):** In every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein, or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and accumulation in any workroom, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.
- e) **Artificial humidification (section 15).** In respect of all factories in which the humidity of the air is artificially increased, the State Government may make rules, prescribing standards of humidification.
- f) **Overcrowding (section 16):-**No room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein. Working space for each worker shall **be 14.2 cubic meters**.
- g) **Lighting (section 17):-** where workers are working or passing, sufficient and suitable lighting shall be provided.
- h) **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 a sufficient supply of wholesome drinking water. All such points shall be legibly marked "drinking water" in a language understood by majority of the workers employed in the factory. and
- i) **Latrines and Urinals (section 19):-** sufficient latrine and urinals shall be provided. the floors, walls and the sanitary pans shall be washed and cleaned **in every seven days** with detergents or disinfectants or with both.
- j) **Spittoons (section 20):-** in every factory there shall be maintained sufficient number of spittoons at convenient places. These shall be maintained in a clean and hygienic condition.

### ❖ Safety Measures :-

- a) **Fencing of Machinery:-** Every moving part of a prime mover and every flywheel connected to a prime mover whether the prime mover or flywheel is in the engine house or not shall be fenced.
- b) **Employment of Young Persons on Dangerous Machines (section 23):-** No young person shall be required or allowed to work at any machine, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed.
- c) **Striking Gear and Devices for Cutting Off Power (section 24):-** In every factory suitable striking gear or other efficient mechanical appliance shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form

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part of the transmission machinery, and such gear or appliances shall be so constructed, placed and maintained as to prevent the belt from creeping back on to the fast pulley.

- d) **Self-Acting Machines:-** 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 outward or inward traverse within a distance of forty-five centimeters from any fixed structure which is not part of the machine.
- e) **Prohibition of Employment of Women 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. If the feed-end of a cotton –opener is in a room separated from the delivery end by a partition, women and children may be employed on the feed-end side.
- f) **Hoists and Lifts:-** In every factory every hoist and lift shall be of good mechanical construction, sound material and adequate strength, properly maintained, and shall be thoroughly examined by a competent person at least once in every period of six months, and a register shall be kept containing the prescribed particulars of every such examination;
- g) **Pressure Plant:-** 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.
- h) **Protection of Eyes (section 35)-** where any manufacturing process involves any risk of injury to the eyes from particles or fragments thrown off in the course of the process, or by reason of exposure to excessive light, effective screens or suitable goggles shall be provided.

### ❖ Welfare Measures :-

- a) **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.  
Separate facilities shall be provided for male and female workers.
- b) **Facilities for Storing and Drying Clothing (section 43):-** The State Government may, in respect of any factory or class or description of factories, make rules requiring the provision therein of suitable places for keeping clothing not worn during working hours and for the drying of wet clothing.
- c) **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.
- d) **First-Aid Appliances (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, and the number of such boxes or

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cupboards to be provided and maintained shall **not be less than one for every one hundred and fifty workers** ordinarily employed at any one time in the factory.

Where more than 500 workers are employed, an ambulance room with prescribed equipments shall be maintained.

- e) **Canteens (section 46):-** The State Government may make rules requiring that in any specified factory wherein **more than two hundred and fifty workers** are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers.
- f) **Shelters, rest rooms and lunch rooms (section 47):-** where more than one hundred and fifty workers are employed, an ambulance room with prescribed equipments shall be provided.
- g) **Creches (section 48):-** In every factory wherein **more than thirty 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 six years of such women. Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

### Provisions Relating To Hazardous Processes :-

#### ❖ Constitution of Site Appraisal Committees :-

The State Government may, for purposes of advising it to consider applications for grant of permission for the initial location of a factory involving a hazardous process or for the expansion of any such factory, appoint a Site Appraisal Committee consisting of—

- i. the Chief Inspector of the State who shall be its Chairman;
- ii. a representative of the Central Board for the Prevention and Control of Water Pollution appointed by the Central Government under section 3 of the Water (Prevention and Control of Pollution) Act, 1974.
- iii. a representative of the Central Board for the Prevention and Control of Air Pollution referred to in section 3 of the Air (Prevention and Control of Pollution) Act, 1981.
- iv. a representative of the State Board appointed under section 4 of the Water (Prevention and Control of Pollution) Act, 1974.
- v. a representative of the State Board for the Prevention and Control of Air Pollution referred to in section 5 of the Air (Prevention and Control of Pollution) Act **1981**.
- vi. a representative of the Department of Environment in the State;
- vii. a representative of the Meteorological Department of the Government of India;
- viii. an expert in the field of occupational health; and
- ix. a representative of the Town Planning Department of the State Government and not more than five other members who may be co-opted by the State Government who shall be—

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- o a scientist having specialised knowledge of the hazardous process which will be involved in the factory,
- o a representative of the local authority within whose jurisdiction the factory is to be established, and
- o not more than three other persons as deemed fit by the State Government.

### ❖ **Function of Site Appraisal Committee :-**

The Site Appraisal Committee shall examine an application for the establishment of a factory involving hazardous process and make its recommendation to the State Government **within a period of ninety days** of the receipt of such applications in the prescribed form.

### ❖ **Compulsory disclosure of information by the occupier :-**

The occupier of every factory involving a hazardous process shall disclose in the manner prescribed all information regarding dangers, including health hazards and the measures to overcome such hazards arising from the exposure to or handling of the materials or substances in the manufacture, transportation, storage and other processes, to the workers employed in the factory, the Chief Inspector, the local authority within whose jurisdiction the factory is situate and the general public in the vicinity.

### ❖ **Specific responsibility of the occupier in relation to hazardous processes :-**

Every occupier of a factory involving any hazardous process shall -

- maintain accurate and up-to-date health records or, as 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 prescribed;
- appoint persons who possess qualifications and experience in handling hazardous substances and are 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.
- provide for medical examination of every worker ) before such worker is assigned to a job involving the handling of, or working with, a hazardous substance, and 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 prescribed.

### ❖ **Power of Central Government to appoint Inquiry Committee :-**

The Central Government may, in the event of the occurrence of an extraordinary situation involving a factory engaged in a hazardous process, appoint an Inquiry Committee to inquire into the standards of health and safety observed in the factory with a view to finding out the causes of any failure or neglect in the adoption of any measures

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or standards prescribed for the health and safety of the workers employed in the factory or the general public affected or likely to be affected, due to such failure or neglect and for the prevention and recurrence of such extraordinary situations in future in such factory or elsewhere. **The recommendations of the Committee shall be advisory in nature.**

### ❖ **Emergency Standards :-**

Where the Central Government is satisfied that no standards of safety have been prescribed in respect of a hazardous process or class of hazardous processes, or where the standards so prescribed are inadequate, it may direct the Director-General of Factory Advice Service and Labour Institutes or any institution specialised in matters relating to standards of safety in hazardous processes, to lay down emergency standards for enforcement of suitable standards in respect of such hazardous processes.

### ❖ **Workers' participation in Safety Management :-**

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 of representatives of workers and management to promote cooperation between the workers and the 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 such 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 prescribed.

### ❖ **Right of workers to warn about imminent danger :-**

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.

## **Working Hours of Adults**

### ▪ **Weekly hours :-**

No adult worker shall be required or allowed to work in a factory for **more than forty-eight hours in any week.** (Sec.51)

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- **Weekly holidays :-**

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**. 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. (Sec. 52)

- **Compensatory holidays :-**

Where, as a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section 52, a worker 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 of the holidays so lost. (Sec. 53)

- **Daily hours :-**

Subject to the provisions of section 51, no adult worker shall be required or allowed to work in a factory for **more than nine hours in any day**. (Sec. 54)

- **Intervals for rest :-**

The periods of work of adult workers in a factory each day shall be so fixed that **no period shall exceed five hours** and that no worker shall work for more than five hours **before** he has had an interval for rest of at least half an hour. (Sec.55)

- **Spreadover :-**

The periods of work of an adult worker in a factory shall be so arranged that inclusive of his intervals for rest under section 55, they shall not spreadover **more than ten and a half hours in any day**.

- **Night shifts :-**

Where a worker in a factory works on a shift which extends beyond midnight:-

- a. for the purposes of sections 52 and 53, a holiday for a whole day shall mean in his case a period of 24 consecutive hours beginning when his shift ends;
- b. the following day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted in the previous day.

- **Prohibition of overlapping shifts (section 58) :-**

Work shall not be carried on in any factory by means of a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time.

- **Extra wages for overtime :-**

Where a worker works in a factory for more than nine 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**.

- **Restriction on double employment (section 60) :-**

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No 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, save in such circumstances as may be prescribed.

- **Register of adult workers (section 62):-**

The manager of every factory shall maintain a register of adult workers, to be available to the Inspector at all times during working hours, or when any work is being carried on in the factory, showing –

- a. the name of each adult worker in the factory;
- b. the nature of his work;
- c. the group, if any, in which he is included;
- d. where his group works on shifts, the relay to which he is allotted;
- e. such other particulars as may be prescribed.

- **Further restrictions on employment of women (section 66) :-**

- a. no exemption from the provisions of section 54 may be granted in respect of any woman;
- b. no woman shall be required or allowed to work in any factory except between the hours of 6 A.M. and 7 P.M.

***This Point in Exam:-***

- Provisions relating to employment of women under the Factories Act, 1948. [2013(J)]- 5 Marks

### Employment of Young Persons

- **Prohibition of employment of young children (section 67) :-**

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

- **Non-adult workers to carry tokens (section 68):-**

A child who has completed his fourteenth year or an adolescent shall not be required or allowed to work in any factory unless –

- a. a certificate of fitness granted with reference to him under section 69 is in the custody of the manager of the factory, and
- b. such child or adolescent carries while he is at work a token giving a reference to such certificate.

## CS EXECUTIVE

### ▪ **Certificates of fitness (section 69):-**

- o A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the manager of a factory that such person will be employed therein if certified to be fit for work in a factory, or on the application of the manager of the factory in which any young person wishes to work, examine such person and ascertain his fitness for work in a factory.
- o The certifying surgeon, after examination, may grant to such young person, in the prescribed form, or may renew :-
  - a. a certificate of fitness to work in a factory as a child, if he is satisfied that the young person has completed his fourteenth year, that he has attained the prescribed physical standards and that he is fit for such work;
  - b. a certificate of fitness to work in a factory as an adult, if he is satisfied that the young person has completed his fifteenth year, and is fit for a full day's work in a factory.
  - c. A certificate of fitness granted or renewed **shall be valid only for a period of twelve months** from the date thereof.
  - d. Any fee payable for a certificate under this section shall be paid by the occupier and shall not be recoverable from the young person, his parents or guardian.
  - e. No female adolescent or a male adolescent who has not attained the age of seventeen years but who has been granted a certificate of fitness to work in a factory as an adult, shall be required or allowed to work in any factory except between 6 A.M. and 7 P.M:

### ▪ **Working Hours for Children (section 71):-**

No child shall be employed or permitted to work, in any factory:-

- a. for more than four and a half hours in any day;
- b. during the night.
- c. The period of work of all children employed in a factory shall be limited to two shifts which shall not overlap or spread over more than five hours each; and each child shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days.
- d. No children shall work more than 48 hours in a week.
- e. No child shall be required or allowed to work in any factory on any day on which he has already been working in another factory.
- f. No female child shall be required or allowed to work in any factory except between 8 A.M. and 7 P.M

### Annual Leave with Wages (section 79)

#### ▪ Applicability:-

- This provisions of the act shall not operate to the prejudice of any right to which a worker may be entitled under any other law or under the terms of any award, agreement (including settlement)] or contract of service.
- The provisions of this Chapter shall not apply to workers in any factory of any railway administered by the Government, who are governed by leave rules approved by the Central Government.

#### ▪ Annual leave with wages:-

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.

#### **Explanations :-**

##### **1. Following days shall be included in the calculation of above working days :- (but shall not earn leave on these days)**

- a. any days of lay off, by agreement or contract or as permissible under the standing orders;
- b. in the case of a female worker, maternity leave for any number of days not exceeding twelve weeks; and
- c. the leave earned in the year prior to that in which the leave is enjoyed.

##### **2. Fraction of leave of half a day or more shall be treated as one full day's leave, and fraction of less than half a day shall be omitted.**

##### **3. If a worker does not in any one calendar year take the whole of the leave allowed to him, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year. Provided that the total number of days of leave that may be carried forward to a succeeding year **shall not exceed thirty** in the case of an adult or forty in the case of a child.**

##### **4. A worker may at any time apply in writing to the manager of a factory **not less than fifteen days** before the date on which he wishes his leave to begin, to take all the leave or any portion thereof allowable to him during the calendar year.**

##### **5. Annual leave with wage **cannot** be availed for **more than three times during any year.****

## CS EXECUTIVE

### ▪ Wages during leave period :-

For the leave allowed to him, a worker shall be entitled to wages 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 his leave, **exclusive** of any overtime and bonus but **inclusive** of dearness allowance and the cash equivalent of the advantage accruing through the concessional sale to the worker of foodgrains and other articles.

### ▪ Payment in advance in certain cases :-

A worker who has been allowed leave for not less than **four days**, in the case of an adult, and **five days**, in the case of a child shall, before his leave begins, be paid the wages due for the period of the leave allowed.

### ▪ Carry Forward of leave:-

If a worker does not take in any calendar year the whole of his due leave, the balance shall be added to his leave of the succeeding calendar year.

The total number of days of leave to be carried forward shall not exceed 30 in the case of an adult and 40 in the case of a child.

A worker who has applied for leave with wages but has not been given such leave, shall be entitled to carry forward such leave refused beyond the limit.

### Overtime (section 59)

- Where a worker works more than 9 hours in any day or for more than 48 hours in any week, he shall be entitled to wages twice of his ordinary wages for the extra hours called overtime.
- 'Ordinary rate of wages' means the basic wages plus dearness allowances, including the cash equivalent for concessional sale of food grains and other articles. It does not include bonus and wages for overtime work.

### Penalties and Procedure

| Sl.No. | Penalty head                 | Amount of Penalty                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.     | General penalty for offences | If there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any order in writing given thereunder, the occupier and manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both, and if the contravention is continued after conviction, with a further fine which may extend to one thousand rupees] for each day on which the contravention is so continued. |

## CS EXECUTIVE

|    |                                                                                |                                                                                                                                                                                                                                                                                                                                                                                   |
|----|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. | If contravention result in to accident causing death or serious bodily injury. | The fine shall not be less than twenty five thousand in the case of an accident causing death, and five thousand rupees in the case of an accident causing serious bodily injury.                                                                                                                                                                                                 |
| 3. | Liability of owner of premises in certain circumstances.                       | Where in any premises separate buildings are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for the provision and maintenance of common facilities and services, such as approach roads, drainage, water supply, lighting and sanitation.                                                                            |
| 4. | Enhanced penalty after previous conviction.                                    | He shall be punishable on a subsequent conviction with imprisonment for a term which may extend to three years or with fine which shall not be less than ten thousand rupees but which may extend to two lakh rupees or with both                                                                                                                                                 |
| 5. | Penalty for obstructing Inspector                                              | Punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.                                                                                                                                                                                                                                         |
| 6  | Penalty for contravention of the provisions of sections 41B, 41C and 41H.      | Punishable with imprisonment for a term which may extend to seven years and with fine which may extend to two lakh rupees, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. |
| 7  | Penalty for using false certificate of fitness                                 | Punishable with imprisonment for a term which may extend to two month or with fine which may extend to one thousand rupees or with both.                                                                                                                                                                                                                                          |
| 8  | Penalty for permitting double employment of child.                             | Punishable with fine which may extend to one thousand rupees unless it appears to the Court that the child so worked without the consent or connivance of such parent, guardian or person.                                                                                                                                                                                        |

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**MCQs on Factories Act 1948 (1)**

1. Which of the following is not a statutory welfare facility under the Factories Act, 1948?

- (A) Crèche
- (B) Canteen
- (C) Transport
- (D) First-Aid Boxes

2. The constitution of site appraisal committees is under the:

- (A) Factories Act, 1948
- (B) Contract labour (Regulation and Abolition) Act, 1970
- (C) Maternity Benefit Act, 1965
- (D) Employees State Insurance Act, 1948

3. To avoid overcrowding the space provided for each worker under the Factories Act, 1948 is

- (A) 12 cubic metres for factories built before 1948 and 14.2 cubic meters for those built after 1948
- (B) 10 cubic metres for factories built before 1948 and 14.2 cubic meters for those built after 1948
- (C) 9.9 cubic metres for factories built before 1948 and 14.2 cubic meters for those built after 1948
- (D) 9.9 cubic meters for factories built before 1948 and 14.4 cubic meters for those built after 1948.

4. Under the Factories Act, 1948 the working hours of 8 per day and 48 per week

- (A) Include spread over.
- (B) Are minimum working hours
- (C) Include rest interval period.
- (D) Do not include rest interval period.

## CS EXECUTIVE

Answer - (D)

5. Which of the following statements relating to the Factories Act is not true?

- (A) There is a provision in the Act relating to the constitution of a Managing Committee for the management of the canteen.
- (B) There is a provision in the Act regarding the setting up of a safety committee.
- (C) The Act does not have a provision relating to the setting up of welfare committee.
- (D) The Act has a provision relating to the establishment of a Grievance Committee.

Answer - (D)

6. Which of the following authorities has the power to prescribe the form of certificate of fitness to work in a factory under the Factories Act?

- (A) The certifying surgeon
- (B) The owner or occupier of the factory
- (C) The Chief Inspector of Factories of the State
- (D) The State Government

Answer - (D)

7. Which part of the definition of 'worker' under the Factories Act is incomplete?

- (A) A person employed directly or by or through any agency.
- (B) With or without the knowledge of the principal employer.
- (C) For remuneration
- (D) In the manufacturing process

Answer - (C)

8. Ambulance room shall be provided if

- (A) 30 women workers are employed under Maternity Benefit Act, 1965.
- (B) Creche is provided under the Factories Act, 1948.
- (C) 500 workers are employed in the factory under the Factories Act, 1948.
- (D) The Workmen's Compensation Act, 1923 is applicable to the factory.

Answer - (C)

## CS EXECUTIVE

9. The maximum daily hours of work in a day with normal wage allowed in factories is

- (A) 11 hours
- (B) 10 hours
- (C) 9 hours
- (D) 8 hours

Answer - (C)

10. Which of the following statements relating to Welfare Officer is not true?

- (A) The provision of Welfare Officer is given in both the Factories Act, 1948 and the Mines Act, 1952.
- (B) Welfare Officer's duties and responsibilities are defined and prescribed in the legislation.
- (C) Welfare Officer's appointment is tagged to the provision of minimum workforce employed in an organisation
- (D) The Welfare Officer's role was designed as a 'Third force'.

Answer - (B)

\*\*\*\*\*

**MCQs on Factories Act 1948 (2)**

**1. The first Factories Act was enacted in**

- (A) 1881
- (B) 1895
- (C) 1897
- (D) 1885

Answer - (A) ▼

**2. Who is an adult as per Factories Act, 1948?**

- (A) Who has completed 18 years of age
- (B) Who is less than 18 years
- (C) Who is more than 14 years
- (D) Who is more than 15 years

Answer - (A) ▼

**3. A person who has ultimate control over the affairs of the factory under Factories Act, 1948 is called as**

- (A) Occupier
- (B) Manager
- (C) Chairman
- (D) Managing Director.

Answer - (A) ▼

**4. A premises including precincts thereof is a 'factory' within the meaning of the Factories Act, 1948 wherein a manufacturing process is being carried on without the aid of power and where the number of workers working is**

- (A) 10 or more workers
- (B) 20 or more workers
- (C) 15 or more workers
- (D) 50 or more workers.

Answer - (B) ▼

## CS EXECUTIVE

**5. Which Schedule of the Factories Act, 1948 specifies Beryllium poisoning, Anthrax and Arsenic poisoning or its sequelae etc, as notifiable diseases?**

- (A) First Schedule
- (B) Second Schedule
- (C) Third Schedule
- (D) Fifth Schedule

Answer - (C)

**6. The space for every worker employed in the Factory after the commencement of Factories Act, 1948 should be ..... Cubic Meters.**

- (A) 9.9
- (B) 10.2
- (C) 14.2
- (D) 13.2

Answer - (C)

**7. The provision for cooling water during hot weather should be made by the organization if it employs ..... or more employees.**

- (A) 200
- (B) 250
- (C) 300
- (D) 150

Answer - (B)

**8. Who is an Adolescent as per Factories Act, 1948?**

- (A) Who has completed 17 years of age?
- (B) who is less than 18 years
- (C) who has completed 15 years but less than 18 years.
- (D) None of these

Answer - (C)

## CS EXECUTIVE

**9. Which one of the following is not Welfare provision under Factories Act, 1948**

- (A) Canteen
- (B) Crèches
- (C) Alcoholic Beverage
- (D) Drinking Water.

Answer - (C)

**10. First Aid Boxes is to be provided for ..... of persons**

- (A) 125
- (B) 135
- (C) 150
- (D) 160

\*\*\*\*\*

**MCQs on Factories Act 1948 (3)**

1. Crèche is to be provided if \_\_\_\_\_ or more lady employees are engaged.

- (A) 25
- (B) 32
- (C) 30
- (D) 40

2. The term Sabbatical is connected with

- (A) Paid leave for study
- (B) Paternity leave
- (C) Maternity leave
- (D) Quarantine leave

3. Section 2 (K) of the Factories Act 1948 Says about

- (A) Manufacturing Process
- (B) Factory
- (C) Worker
- (D) None of these

4. If the factory employs more than 1000 Workers, they should appoint qualified —— to carry out the prescribed duties

- (A) Safety Officer
- (B) Welfare officer
- (C) Security officer
- (D) None of these

## CS EXECUTIVE

5. For contravention of provisions of Factories Act or Rules, the occupier shall be liable for punishment up to

- (A) 2 years or fine up to Rs.1,00,000 or both
- (B) 6 months or fine up to 10,000 or both
- (C) 3 years or fine 10,000 or both
- (D) None of these

Answer - (A)

6. If any employee found violating the section 20 of Factories Act 1948 shall be fined up to

- (A) Rs. 10
- (B) Rs. 5
- (C) Rs. 15
- (D) Rs. 20

7. Section 41-G of the Factories Act 1948 says about

- (A) Fencing of machineries
- (B) Facing of machineries
- (C) Work on near machinery in motion
- (D) Workers participation in safety management

Answer - (D)

8. The occupier of a Factory has to submit the document on or before \_\_\_\_\_ of every year to renewal of a license for a factory.

- (A) 31st October of every year.

## CS EXECUTIVE

- (B) 30th June of every year
- (C) 31st March of every year
- (D) 31st December of every year

Answer - (A)

9. The renewal application for a license submitted by a factory after December 31st of the every year shall pay the fine amount.

- (A) 10 % of the license fee
- (B) 20% of the license fee
- (C) 30 % of the license fee
- (D) none of these.

Answer - (B)

10. Where—————or more workers are employed in a factory, then there shall be a Safety Committee in the factory.

- (A) 100 or more workers
- (B) 150 or more workers
- (C) 200 or more workers
- (D) 250 or more workers

Answer - (D)

\*\*\*\*\*

**MCQs on Factories Act 1948 (4)**

1. The annual return under the Factories Act shall be submitted to Inspector of Factories on or before

- (a) 31st January
- (b) 31st December
- (c) 30th April
- (d) 31st March

Answer - (a)

2. The number of elected workers in the canteen managing committee shall not be more than ----- or less than -----

- (a) more than 5 or less than 2
- (b) more than 20 or less than 10
- (c) more than 15 or less than 10
- (d) more than 10 or less than 5

Answer - (a)

3. As per Factories Act, "child" means a person who has not completed his ----- year of age

- (a) 18 th
- (b) 21 st
- (c) 15 th
- (d) 14 th

Answer - (c)

4. As per Factories Act, "hazardous process" means any process or activity in relation to an industry specified in the 'First Schedule' where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would-

- (a) Cause material impairment to the health of the persons engaged in or connected therewith
- (b) Result in the pollution of the general environment
- (c) Only (a)

## CS EXECUTIVE

(d) Both (a) and (b)

Answer - (d)

5. "factory" means any premises including the precincts whereon ----- 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.

(a) 10

(b) 20

(c) 15

(d) 25

Answer - (a)

6. In any case of a public emergency the State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from all or any of the provisions of this Act except section ----- for such period and subject to such conditions as it may think fit; provided that no such notification shall be made for a period exceeding three months at a time.

(a) Section 20

(b) Section 67

(c) Section 60

(d) Section 53

Answer - (b)

7. As per Factories (Amendment) Act, 1987, if a factory engaged in a hazardous process, the occupier of a factory shall inform the Chief Inspector about the nature and details of the process in such form and in such manner as may be prescribed within a period of ----- days of such commencement

(a) 60

(b) 25

(c) 30

(d) 50

Answer - (c)

## CS EXECUTIVE

8. The maximum permissible threshold limits of exposure of chemical and toxic substances in manufacturing processes (whether hazardous or otherwise) in any factory shall be of the value indicated in the ----- Schedule.

- (a) First Schedule
- (b) Third Schedule
- (c) Fourth Schedule
- (d) Second Schedule

Answer - (d)

9. No adult worker shall be required or allowed to work in a factory for more than ----- hours in any week.

- (a) 48
- (b) 52
- (c) 60
- (d) 45

Answer - (a)

10. No substitution shall be made which will result in any worker working for more than -----days consecutively without a holiday for a whole day.

- (a) seven days
- (b) ten days
- (c) twelve days
- (d) fourteen days

Answer - (b)

\*\*\*\*\*

**MCQs on Factories Act 1948 (5)**

**1. The Bhopal Gas Tragedy led to an amendment under which of the following legislations?**

- (A) Factories Act
- (B) Mines Act
- (C) Plantation Labour Act
- (D) None of the above

Answer - (A)

**2. The Factories Act, 1948 requires the appointment of the 'Safety Officer' in factories employing at least**

- (A) 250 workers
- (B) 500 workers
- (C) 1000 workers
- (D) None of the above

Answer - (C)

**3. Which section of the Factories Act deals with appointment of Welfare Officers?**

- (A) Section 45
- (B) Section 49
- (C) Section 51
- (D) Section 55

Answer - (B)

**4. Appointment of Welfare Officer under Factories Act, 1948 is compulsory where ..... employees are employed.**

- (A) 50
- (B) 500

## CS EXECUTIVE

(C) 1000

(D) 100

Answer - (B)

**5. Crèche is mandatory under the Factories Act where ..... workers are employed**

(A) 30

(B) 100

(C) 30 women

(D) 250

Answer - (C)

**6. Safety Officers are to be appointed if Organization is engaging .....or more employees.**

(A) 1000

(B) 2000

(C) 500

(D) 750

Answer - (A)

**7. Canteen is to be provided if engaging Employees more than ..... persons.**

(A) 250

(B) 230

(C) 300

(D) 275

Answer - (A)

## CS EXECUTIVE

8. Leave with wages is allowed for employees if they work for ..... days in a month.

- (A) 15
- (B) 25
- (C) 20
- (D) 28

Answer - (C)

9. Welfare Officers are to be appointed if Organization is engaging ..... or more employees.

- (A) 500
- (B) 250
- (C) 600
- (D) 750

Answer - (A)

10. The Ambulance Room is to be provided If engaging employees more than.....

- (A) 400
- (B) 350
- (C) 500
- (D) 450

Answer - (C)

\*\*\*\*\*

**MCQs on Factories Act 1948 (6)**

**1. A general manager of a factory can be appointed as an Inspector of factory under the Factories Act, 1948.**

- (a) True
- (b) False
- (c) Depend on the Organizational Structure of the company
- (d) None of the above

Answer - (b)

**2. The Factories employing more than 1000 workers are required to submit their plan for approval to**

- (a) Deputy Chief Inspector of Factories
- (b) Joint Chief Inspector of Factories
- (c) Chief Inspector of Factories
- (d) Additional Chief Inspector of Factories.

Answer - (c)

**3. A weekly holiday was introduced in the Factories for the first time in the year**

- (a) 1948
- (b) 1931
- (c) 1926
- (d) 1923

Answer - (d)

**4. Under the Section 41A of the Factories Act, the Site Appraisal Committee shall be constituted once in ..... year under the chairmanship of Chief Inspector of Factories.**

- (a) Once in 5 Year
- (b) Once in 2 Year
- (c) Once in 3 Year
- (d) Once in a Year.

Answer - (a)

## CS EXECUTIVE

**5. To close down a factory, the occupier has to give ..... days' notice to the authorities.**

- (a) 30 Days
- (b) 60 Days
- (c) 90 Days
- (d) 14 Days

Answer - (b)

**6. The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least ----- hours.**

- (a) one and half hours
- (b) one hour
- (c) half an hour
- (d) None of the above

Answer - (c)

**7. The period of work of an adult worker in a factory shall be so arranged that inclusive of his intervals for rest under section 55, they shall not spread over more than ----- in any day:**

- (a) nine and a half hours
- (b) eight and a half hours
- (c) ten hours
- (d) ten and a half hours

Answer - (d)

**8. No woman shall be required or allowed to work in any factory except between the hours**

- (a) 6 A.M. and 7 P.M.
- (b) 5 A.M. and 6 P.M.
- (c) 7 A.M. and 10 P.M.
- (d) 6 A.M. and 10 P.M.

Answer - (a)

## CS EXECUTIVE

**9. No child shall be employed or permitted to work in any factory**

- (a) for more than eight and a half hours in any day
- (b) for more than four and a half hours in any day
- (c) for more than four hours in any day
- (d) for more than six hours in any day

Answer - (b)

**10. As per section 111 of the Act, if any worker employed in a factory contravenes any provision of this Act , he/she shall be punishable with fine which may extend to --  
----- rupees.**

- (a) 5000
- (b) 1000
- (c) 500
- (d) 100

\*\*\*\*\*

## MCQs on Factories Act 1948 (7)

**1. The objective of the which of the following act is to ensure adequate safety measures and to promote the health and welfare of the workers employed in factories**

- (a) Factories Act 1948
- (b) Employees' State Insurance Scheme 1948
- (c) Workmen's Compensation Act 1923
- (d) Industrial Dispute Act 1947

Answer - (a)

**2. The Factories Act 1948 extends to**

- (a) Whole of India including Jammu & Kashmir
- (b) Whole of India excluding Jammu & Kashmir
- (c) Whole of India including North Eastern Tribal Area
- (d) Whole of India excluding North Eastern Tribal Area

Answer - (a)

**3. Which Section of the Factories Act 1948 defines 'Adult'**

- (a) Section 2(b)
- (b) Section 2(d)
- (c) Section 2(a)
- (d) Section 2(f)

Answer - (c)

**4. Section 2(c) of Factories Act 1948 define child as a person who has not completed his ..... year of age**

- (a) 14 th
- (b) 18 th
- (c) 12 th
- (d) 15 th

Answer - (d)

**5. As per Factories Act 1948, 'Adolescent' means a person who has completed his 15 the year of age but has not completed his 21st year. This statement is**

- (a) True
- (b) False
- (c) True in respect of young person
- (d) True in respect of adult

Answer - (b)

## CS EXECUTIVE

6. As per section 2(d) of the Factories Act 1948, 'young person' means a person who is

- (a) a child
- (b) an adolescent
- (c) either a child or an adolescent
- (d) a adult

Answer - (c)

7. Which Section of the Factories Act 1948 defines 'factory'

- (a) Section 2(h)
- (b) Section 2(k)
- (c) Section 2(m)
- (d) Section 2(n)

Answer - (c)

8. Which of the following is not a essential element of a factory

- (a) There must be a premises
- (b) There must be manufacturing process being carried on at the premises
- (c) There must be ten or more workers where the manufacturing process is being carried on with the aid of power
- (d) there electronic data processing units are installed

Answer - (d)

9. Which of the following are not covered by the definition of factory

- (i) Railway running sheds
- (ii) mines
- (iii) mobile units of armed forces
- (iv) hotels, eating places or restaurants

Chose the correct options:

- (a) (i) & (ii)
- (b) (i), (ii) & (iii)
- (c) (ii), (iii) & (iv)
- (d) (i), (ii), (iii) & (iv)

Answer - (d)

## CS EXECUTIVE

**10. As per Factories Act 1948, which of the following is not included in the definition of 'manufacturing process'**

- (a) Preserving or storing any article in cold storage
- (b) Any preliminary packing of raw material for delivery it to the factory
- (c) Generating, transforming, transmitting power
- (d) Pumping oil, water or sewage or any other substance

Answer - (b)

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