

A GUIDE TO
THE FACTORIES ACT, 1948
THE KARNATAKA FACTORIES
RULES, 1969

(With Upto Date Amendments)

First Edition-2019



Dr. Narayanappa T.V., *B.E., M.E., Ph.D.*

Deputy Director of Factories
Department of Factories, Boilers,
Industrial Safety and Health,
Government of Karnataka, Bengaluru

A Guide To
THE FACTORIES ACT, 1948
The Karnataka Factories Rules, 1969
(With Upto date amendments)

WITH

1. Full Text of : The Karnataka Welfare Officers (Duties, Qualifications and Conditions of Service) Rules, 1963.
2. Full Text of : The Karnataka Factories (Defining the Persons Holding Position of Supervision or Management) Rules, 1981.
3. Full Text of : The Major Accident Hazards Control (Karnataka) Rules, 1994.
4. Full Text of : The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996.
5. Full Text of : The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.
6. Few Notifications Issued by the Government of Karnataka.

By

Dr. Narayanappa T.V., B.E., M.E., Ph.D.

Deputy Director of Factories

**Department of Factories, Boilers, Industrial
Safety and Health, Government of Karnataka**



A Guide To THE FACTORIES ACT, 1948, The Karnataka Factories Rules, 1969 (With upto date amendments)

By **Dr. Narayanappa T.V.**, B.E., M.E., Ph.D.

Deputy Director of Factories, Department of Factories, Boilers, Industrial Safety and Health, Government of Karnataka.

Printer and Publisher : Ramesha M.H. for Niruta Publications, #326, 2nd Floor, Opp. Syndicate Bank, Near Dr. AIT College, Kengunte, Mallathahalli, Bengaluru-560056, India.

Ph : 080-23213710, 8073067542, Mobile : 9980066890

Email: ramesha.mh@gmail.com, nirutapublications@gmail.com

Web : www.niratanka.org, www.mhrspl.com

Copy Right : Author
First Edition : 2019
ISBN : 978-93-84262-62-4
Pages : 688
First Impression : 1000 copies
Paper : N.S. Maplitho 80 GSM
Price : Rs. 900-00
Size : 1/4th Demmy
Cover Page Design : Niruta Publications

Publisher Note:

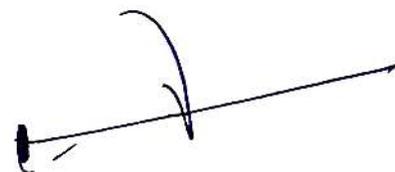
Every effort has been made to avoid errors or omissions in this publication. In spite of this errors may creep in. Any mistake, error or discrepancy noted may be brought to our notice which shall be taken care of in the next edition. It is notified that neither the publisher nor the author or seller will be responsible for any damage or loss of action to any one, of any kind, in any manner, therefrom. It is suggested that to avoid any doubt the reader should cross-check all the facts, law and contents of the publication with original government publication or notifications.

FOREWORD

Dr. Narayanappa T.V. has done a commendable job in preparing an up-to-date edition of the Factories Act and the Karnataka Factories Rules with case laws and notifications. Both the enacted laws and the concepts underlying the law, have undergone many changes since the act was first enacted in India in 1948. Many important changes have been introduced by the amendment act 20 of 1987.

The Environmental Protection Act, 1986 was brought in to protect the workmen, property and environment at large. The Factories Act was amended drastically in the year 1987 and the hazardous process definition was introduced, The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, was brought in and in the said rules, major accident hazard unit definition was introduced, On-site & Off-site emergency plans, Safety Audit, Safety reports were also introduced for major accident hazard units. The reason for this was that safety cannot be compromised for a healthy development of the society and is important irrespective of the size of the industry, cost of investment and type of industrial sector. Factors like globalization, privatization, liberalization are also contributing to the industry to elevate the safety standards and practices.

An up-to-date guide in the form of this book of Dr. Narayanappa T.V. meets all these requirements of the day. I wish him all success in his venture.



Captain Manivannan, I.A.S
Secretary to Government
Department of Labour
Vikasa Soudha, Bangalore.

PREFACE

Factories Act is one of the earliest welfare legislation. The Factories Act, 1948 (Act No. 63 of 1948), as amended by the Factories (Amendment) Act, 1987 (Act 20 of 1987), serves to assist in formulating national policies in India with respect to occupational safety, health, welfare, proper working hours and other benefits in factories in India. It deals with various problems concerning safety, health, efficiency and well-being of the persons at work places.

The Act is administered by the Ministry of Labour and Employment in India through its Directorate General Factory Advice Service & Labour Institutes (DGFASLI) and by the State Governments through their factory inspectorates. DGFASLI advises the Central and State Governments on administration of the Factories Act and coordinating the factory inspection services in the States.

Though lot of books on Factories Act and Rules are already available in the market, most of them are written in traditional way. But this book is designed to profess the subject matter in the form of a guide with case laws and notifications and is user friendly.

This book is a handy volume containing Factories Act, 1948 as amended by Act 20 of 1987 with Indian case laws. The Karnataka Factories Rules 1969 and notifications corrected up to September 2019 are all incorporated. The case laws referred to is up-to-date. The commentary is aimed at supplying the necessary cases in shortest and quickest manner. The Act underwent considerable changes by the amendment Act 20 of 1987. The amendments are indicated in the foot notes for ready reference.

As a regulatory authority, I feel myself that we have the onus of responsibility to make our readers aware of the rule position at the moment. I hope all our readers appreciate this job and make good use of this edition.

I will deem myself amply rewarded if this book serves the needs of the stake holders like Factories, Labours, Safety professionals, Regulatory agencies and those that concern with safety and health of the workers working in the factories.

I hope that the users will find this book useful in their day to day professional activity, any constructive suggestions are highly appreciated with due consideration.

Bangalore
5th November 2019.

Dr. T.V. Narayanappa, B.E, M.E, Ph.D
Deputy Director of Factories
Bangalore

ACKNOWLEDGEMENT

The book has been compiled based on consultation with many experts on the subject at state level and national level and the relevant officials in relevant organizations at national and state levels including DGFASLI, Department of Factories, Boilers, Industrial Safety and Health, Karnataka, Academic Institutes like JSSATE, Bangalore, etc. Comments of the reviewers on the draft of the book have been useful in improving the design and contents of the present edition.

I am grateful to Captain Manivannan, IAS, Secretary to Government, Department of labour, Government of Karnataka, Bangalore for giving his Foreword, Encouragement and support. I would like to express my deep and sincere gratitude to my Director Sri. K. Srinivas, Director of Factories, Boilers, Industrial safety and Health, Bangalore for their advice, support and guidance in compilation of this book. I would like to express my heartfelt thanks to my guide Dr. Swamy D R, Professor and Dean-Research, Sri. Vijaykumar, HOD, Sri. T.S. Nanjundeshwaraswamy, Associate Professor, Sri. Krishnaprasad, Asst. Professor, Miss. Rashmi, Assistant Professor, Department of Industrial Engineering and Management, JSS Academy of Technical Education, Bangalore, for his invaluable guidance, motivation and support.

I express my profound thanks to all my following colleagues, staff and friends for their support, encouragement and timely help in completion of this compilation work.

1. Sri. T.R. Ramesh, Additional Director of Factories
2. Sri. K.G. Nanjappa, Joint Director of Factories
3. Sri. Ravindranath S. Rathode, Joint Director of Factories
4. Sri. Navaneeth Mohan, Deputy Director of Factories
5. Sri. Narasimha Murthy, Deputy Director of Factories,
6. Sri. Thimmaraju, Deputy Director of Factories
7. Sri. Varun, Assistant Director of Factories
8. Sri. Ravi Babu Dhara, Assistant Director of Factories
9. Sri. Sukesh, Assistant Director of Factories
10. Smt. Parijatha, Assistant Director of Factories

11. Sri. Harshavardhan, Assistant Director of Factories
12. Dr. B.K. Kempegowda, General Manager-HR/IR (Southern Region), Sandhar Technologies Ltd, Bangalore
13. Sri. Nagesh, HR Manager, M/s Sandhar Automotives Pvt Ltd, Bangalore
14. Sri. Govindaraju N.S, General Manager, M/s Kern Libers (I) Pvt Ltd, Tumkur
15. Sri. Mahesh H, Director M/s Smart HR Services, Bangalore
16. Sri. Vijay Kumar L A, AGM, M/s Manappuram Jewellers Ltd, Bangalore
17. Sri. Satish babu, Head HR, M/s Ashirwad Pipes Ltd, Bangalore
18. Sri. Praveen Kumar Shetty, Manager HR, M/s Buhler India Ltd, Bangalore
19. Sri. Shivakumar A, Graphic Designer, Niruta Publications, Bangalore
20. Sri. Premanand, Vice President, HR, Schneider India Pvt. Ltd, Bangalore.

I thank my beloved father late Shri. Thimmarayappa, mother late Smt. Gowramma, wife Smt. Sharada, daughter Miss. Rashmi V.N., son Mr. Rakshith V.N, brothers, sisters, and my teachers, to whom this book has been dedicated, for their continuing blessings, support, encouragement, patience and love which helped me to bring this effort to fruition.

Lastly, I thank one and all who have helped me directly and indirectly in my pursuit of completing this book. We are greatly impressed by the agility and promptness of the management M/s Niruta Publications with only which they could afford to bring this edition on time.

5th November 2019.

Dr. T.V. Narayanappa, B.E, M.E, Ph.D
Deputy Director of Factories
Bangalore

CONTENTS

Foreword	- 3
Preface	- 4
Acknowledgement	- 5

PART - I THE FACTORIES ACT, 1948

1. History	- 25
------------	------

CHAPTER 1, PRELIMINARY

1. Short title, extent and commencement	- 28
2. Interpretation	- 28
3. References to time of day	- 50
4. Power to declare different departments to be separate factories or two or more factories to be a single factory.	- 50
5. Power to exempt during public emergency	- 51
6. Approval, licensing and registration of factories	- 51
7. Notice by occupier	- 54
7A. General duties of the occupier	- 55
7B. General duties of manufacturers, etc. as regards articles and substances for use in factories	- 56

CHAPTER II, THE INSPECTING STAFF

8. Inspectors	- 58
9. Powers of Inspectors	- 59
10. Certifying surgeons	- 60

CHAPTER III, HEALTH

11. Cleanliness	- 62
12. Disposal of wastes and effluents	- 63
13. Ventilation and temperature	- 63
14. Dust and fume	- 64
15. Artificial humidification	- 65
16. Over-crowding	- 65

17. Lighting	- 66
18. Drinking water	- 66
19. Latrines and urinals	- 67
20. Spittoons	- 68

CHAPTER IV, SAFETY

21. Fencing of machinery	- 69
22. Work on or near machinery in motion	- 72
23. Employment of young persons on dangerous machines	- 73
24. Striking gear and devices for cutting off power	- 73
25. Self-acting machines	- 74
26. Casing of new machinery	- 74
27. Prohibition of employment of women and children near cotton- openers	- 74
28. Hoists and lifts	- 75
29. Lifting machines, chains, ropes and lifting tackles	- 76
30. Revolving machinery	- 77
31. Pressure Plant	- 77
32. Floors, stairs and means of access	- 78
33. Pits, sumps, openings in floors, etc	- 78
34. Excessive weights	- 78
35. Protection of eyes	- 78
36. Precautions against dangerous fumes, gases, etc	- 79
36A. Precautions regarding the use of portable electric light	- 80
37. Explosive or inflammable dust, gas, etc	- 80
38. Precautions in case of fire	- 81
39. Power to require specifications of defective parts or test of stability	- 82
40. Safety of buildings and machinery	- 82
40A. Maintenance of buildings	- 83
40B. Safety Officers	- 83
41. Power to make rule to supplement this chapter	- 83

CHAPTER IV-A, PROVISIONS RELATING TO HAZARDOUS PROCESSES

41A. Constitution of Site Appraisal Committees	- 84
41B. Compulsory disclosure of information by the occupier	- 85

41C. Specific responsibility of the occupier in relation to hazardous processes	- 86
41D. Power of Central Government to appoint Inquiry Committee	- 86
41E. Emergency standards	- 87
41F. Permissible limits of exposure of chemical and toxic substances	- 87
41G. Workers' participation in safety management	- 87
41H. Right of workers to warn about imminent danger	- 87

CHAPTER V, WELFARE

42. Washing facilities	- 89
43. Facilities for storing and drying of wet clothing	- 89
44. Facilities for sitting	- 89
45. First aid appliances	- 89
46. Canteens	- 90
47. Shelters, rest rooms and lunch rooms	- 93
48. Crèches	- 94
49. Welfare officers	- 94
50. Power to make rules to supplement this Chapter	- 98

CHAPTER VI, WORKING HOURS OF ADULTS

51. Weekly hours	- 99
52. Weekly holidays	- 99
53. Compensatory holidays	- 100
54. Daily hours	- 102
55. Intervals for rest	- 102
56. Spread over	- 102
57. Night shifts	- 103
58. Prohibition of overlapping shifts	- 103
59. Extra wages for overtime	- 103
60. Restriction on double employment	- 109
61. Notice of periods of work for adults	- 109
62. Register of adult workers	- 110
63. Hours of work to correspond with notice under section 61 and register under section 62	- 112

- | | |
|---|-------|
| 64. Power to make exempting rules | - 113 |
| 65. Power to make exempting orders | - 116 |
| 66. Further restrictions on employment of women | - 116 |

CHAPTER VII, EMPLOYMENT OF YOUNG PERSONS

- | | |
|--|-------|
| 67. Prohibition of employment of young children | - 118 |
| 68. Non-adult workers to carry tokens | - 118 |
| 69. Certificates of fitness | - 118 |
| 70. Effect of certificate of fitness granted to adolescent | - 119 |
| 71. Working hours for children | - 120 |
| 72. Notice of periods of work for children | - 120 |
| 73. Register of child workers | - 120 |
| 74. Hours of work to correspond with notice under section 72 and register under section 73 | - 121 |
| 75. Power to require medical examination | - 121 |
| 76. Power to make rules | - 121 |
| 77. Certain other provisions of law not barred | - 121 |

CHAPTER VIII, ANNUAL LEAVE WITH WAGES

- | | |
|---|-------|
| 78. Application of Chapter | - 122 |
| 79. Annual leave with wages | - 123 |
| 80. Wages during leave period | - 126 |
| 81. Payment in advance in certain cases | - 127 |
| 82. Mode of recovery of unpaid wages | - 127 |
| 83. Power to make rules | - 127 |
| 84. Power to exempt factories | - 127 |

CHAPTER IX, SPECIAL PROVISIONS

- | | |
|--|-------|
| 85. Power to apply the Act to certain premises | - 128 |
| 86. Power to exempt public institutions | - 128 |
| 87. Dangerous operations | - 129 |
| 87A. Power to prohibit employment on account of serious hazard | - 129 |
| 88. Notice of certain accidents | - 130 |
| 88A. Notice of certain dangerous occurrences | - 130 |

89. Notice of certain diseases	- 131
90. Power to direct enquiry into cases of accident or disease	- 133
91. Power to take samples	- 133
91A. Safety and occupational health surveys	- 134

CHAPTER X, PENALTIES AND PROCEDURE

92. General penalty for offences	- 135
93. Liability of owner of premises in certain circumstances	- 153
94. Enhanced penalty after previous conviction	- 154
95. Penalty for obstructing Inspector	- 156
96. Penalty for wrongfully disclosing results of analysis under section 91	- 156
96A. Penalty for contravention of the provisions of Sections 41B, 41C 41C and 41H	- 157
97. Offences by workers	- 157
98. Penalty for using false certificates of fitness	- 157
99. Penalty for permitting double employment of child	- 158
100. [***]	- 159
101. Exemption of occupier or manager from liability in certain cases	- 159
102. Power of Court to make orders	- 177
103. Presumption as to employment	- 177
104. Onus as to age	- 177
104A. Onus of proving limits of what is practicable, etc	- 178
105. Cognizance of offences	- 178
106. Limitation of prosecutions	- 178
106A. Jurisdiction of a court for entertaining proceedings, etc. for offence	- 179

CHAPTER XI, SUPPLEMENTAL

107. Appeals	- 185
108. Display of notices	- 186
109. Service of notices	- 186
110. Returns	- 186
111. Obligations of workers	- 186
111A. Right of workers, etc	- 187

112. General power to make rules	- 187
113. Powers of Centre to give directions	- 187
114. No charge for facilities and conveniences	- 187
115. Publication of rules	- 187
116. Application of Act to Government factories	- 188
117. Protection to persons acting under this Act	- 188
118. Restriction on disclosures of information	- 188
118A.Restrictio n on disclosure of information	- 189
119. Act to have effect not with standing anything contained in Act 37 37 of 1970	- 189
120. Repeal and savings	- 189

The First Schedule [See Section 2 (CB)] List of Industries Involving Hazardous Processes - 190

The Second Schedule (See Section 41F) Permissible Levels of Certain Chemical Substances in Work Environment - 192

The Third Schedule (See Section 89 and 90) List of Notifiable Diseases - 199

**PART - II
THE KARNATAKA FACTORIES RULES, 1969**

CHAPTER I, PRELIMINARY

1. Title, extent and commencement	- 201
2. Definitions	- 201
3. Approval of site, construction or extension of a factory	- 202
3A. Recognising a Competent Person	- 204
4. Application for registration and grant of licence	- 206
5. Grant of Licence	- 206
6. Amendment of Licence	- 208
7. Renewal of Licence	- 209
7A. Revocation of licence	- 209
8. Transfer of Licence	- 209
9. Procedure on death or disability of licensee	- 210
10. Loss of Licence	- 210

-
- 11. Payment of Fees - 210
 - 12. Notice of occupation and change of Manager - 210

CHAPTER II, INSPECTING STAFF

- 13. Appointment of Inspectors - 211
- 14. Powers of Inspectors - 211
- 15. Duties of Certifying Surgeons - 211

CHAPTER III, HEALTH

- 16. Cleanliness of walls and ceilings - 215
- 17. Record of white washing, etc - 216
- 18. Disposal of trade wastes and effluents - 216
- 19. General Ventilation - 217
- 20. Measures required for cooling - 217
- 21. Ventilation in new Factories or Rooms - 217
- 22. When artificial humidification not allowed - 218
- 23. Provision of hygrometer - 219
- 24. Exemption from maintenance of hygrometers - 219
- 25. Copy of table in rule 22 to be affixed near every hygrometer - 219
- 26. Temperature to be recorded at each hygrometer - 219
- 27. Specifications of Hygrometer - 219
- 28. Thermometers to be maintained in efficient order - 220
- 29. An inaccurate thermometer not to be used without fresh Certificate - 220
- 30. Hygrometer not to be affixed to wall, etc., unless protected by wood - 220
- 31. No reading to be taken within fifteen minutes of renewal of water - 221
- 32. Introducing steam for humidification - 221
- 33. Provisions of rules 34 to 37 to apply in certain cases - 221
- 34. Lighting of interior parts - 221
- 35. Prevention of Glare - 222
- 36. Power of Chief Inspector to exempt - 222
- 37. Exemption from rule 34 - 222
- 38. Quantity of drinking water - 222
- 39. Source of supply - 222

40. Storage of water	- 223
41. Cleanliness of Well or Reservoir	- 223
42. Report from Health Officer	- 223
43. Cooling of Water	- 223
44. Latrine Accommodation	- 224
45. Latrines to conform to Public Health requirements	- 224
46. Privacy of Latrines	- 224
47. Sign boards to be displayed	- 225
48. Urinal accommodation	- 225
49. Urinals to conform to public health requirements	- 225
50. Certain latrines and urinals to be connected to sewerage System	- 225
51. White washing, colour washing of latrines and urinals	- 225
52. Construction and maintenance of drains	- 226
53. Water taps in latrines	- 226
54. Number and location of Spittoons	- 226
55. Type of Spittoons	- 226
56. Cleaning of Spittoons	- 226

CHAPTER IV, SAFETY

57. Further Safety Precautions	- 227
58. Register of specially trained adult workers	- 246
59. Employment of young persons on dangerous Machinery	- 246
60. Guarded Machinery	- 246
61. Hoists Examination—Particulars of	- 247
62. Exemption of certain Hoists and Lifts	- 247
63. Cranes and other lifting machinery	- 247
64. Examination required	- 247
65. Pressure vessels or plant	- 249
65A. Reaction vessels and Kettles	- 254
65B. Examination of eyesight of certain workers	- 255
65C. Railways in factories	- 256
65D. Quality of personal protective equipment	- 259

65E. Protective equipment	- 259
66. Excessive weights	- 260
67. Protection of Eyes	- 260
68. Minimum Dimensions of Man holes	- 262
69. Water sealed Gas holder	- 262
70. Exemptions	- 263
71. Fire protection	- 264
72. Proof against fire	- 276
73. Buckets	- 276
74. Chemical Extinguishers	- 276
75. Provision for Chemical Fire Extinguisher	- 276
76. Special provision for match factories	- 276
77. Fire Fighting Apparatus and Water Supply	- 276
78. Means of escape for Cotton Ginning Factories	- 276
79. Buildings and structures	- 276
79A. Fragile roofs	- 277
80. Belts, etc., to be regularly examined	- 277
81. Tight fitting clothing	- 277
82. Service Platforms, etc	- 277
83. Machinery and Plant	- 277
84. Methods of work	- 277
85. Stocking and storing of materials, etc	- 278
86. Electricity	- 278
87. Motor Vehicles Speed and light	- 278
88. Means of internal transport and layout	- 278
88A. (1) Qualifications	- 278
88B. Ovens and Driers	- 281
88C. Safety Committee	- 285
88D. Application to Site Appraisal Committee	- 286
88-E. The Health and Safety Policy	- 286
88F. Collection and development and dissemination of information	- 287

88G. Disclosure of information to workers	- 292
88H. Disclosure of Information to the Chief Inspector	- 293
88I. Information on Industrial Wastes	- 293
88J. Review of the Information furnished to workers, etc	- 293
88K. Confidentiality of Information	- 294
88L. Medical Examination	- 294
88M. Occupational Health Centres	- 295
88N. Ambulance Van	- 299
88O. Decontamination facilities	- 300
88P. Making available Health Records to workers	- 300
88Q. Qualifications, etc., of Supervisors	- 301

CHAPTER V, WELFARE

89. Washing Facilities	- 302
90. Facilities for storing and drying clothing	- 303
91. First aid appliance	- 303
91A. Notice regarding first aid	- 306
92. Ambulance Room	- 306
93. Canteens	- 308
94. Dining Hall	- 309
95. Canteen Equipment	- 310
96. Prices to be charged in canteen	- 310
97. Canteen accounts	- 311
98. Canteen Managing Committee	- 311
99. Food-stuffs to be served and prices to be charged	- 312
100. Shelters, rest rooms and lunch rooms	- 313
101. Creches	- 313
102. Washroom	- 314
103. Supply of Milk and Refreshment	- 315
104. Creche Staff	- 315
104A. Exemption from the provision of creche	- 315
104B. Exemption from the provision of creche in certain cases	- 316

CHAPTER VI, WORKING HOURS FOR ADULTS

105. Compensatory Holidays	- 317
106. Exemption from Section 58	- 317
107. Muster Roll for exempted factories	- 318
108. Cash equivalent how determined	- 318
109. Overtime work	- 318
110. Restriction of double employment	- 318
111. Notice of periods of work	- 319
112. Register of Adult Workers	- 319
113 to 115.x x x x x x	- 319
116. Exemption of certain adult worker	- 319

CHAPTER VII, EMPLOYMENT OF YOUNG PERSONS

117. Notice of periods of work for children	- 339
118. Register of child workers	- 339

CHAPTER VIII, LEAVE WITH WAGES

119. Leave with Wages Register	- 340
120. Preservation of Register	- 340
121. Leave Book	- 340
122. Medical Certificate	- 341
123. Notice to Inspector of involuntary unemployment	- 341
124. Notices by worker and Manager	- 341
125. Suitability of Leave period	- 341
126. Payment of Wages if a worker dies	- 341
127. Register to be maintained in case of exemption under Section 84	- 342
128. Exemption from the provisions of Rules 119 to 127	- 342

CHAPTER IX, SPECIAL PROVISIONS

129. Dangerous manufacturing processes or operations	- 343
130. Notification of Accidents and dangerous occurrences	- 465
131. Notice of poisoning or disease	- 466
131A.Precaution against certain chemical substances in work location	- 466

CHAPTER X

132. Procedure in appeals	- 476
133. Display of notices	- 477
134. Returns	- 477
135. Service of notices	- 478
136. Information required by the Inspector	- 478
137. Muster Roll	- 478
138. Register of accidents and dangerous occurrences	- 479
139. Maintenance of Inspection Book	- 479
140. The particulars of measurements of each room in the factory	- 480
141. The maximum number of workers who may be employed in each work-room or work-hall	- 480
142. Intimation of intended closure of factory	- 480

FORMS

Form No.1	- 482
Form No.1A	- 483
Form No. 1B	- 484
Form No. 1C	- 485
Form No. 1D	- 486
Combined Application Form	- 487
Form No. 2	- 489
Form No. 3	- 491
Form No. 3A	- 492
Form No. 4	- 493
Form No. 5	- 494
Form No. 6	- 495
Form No. 7	- 496
Form No. 8	- 498
Form No. 9	- 499
Form No. 10	- 500

Form No. 11	- 501
Form No. 12	- 502
Form No. 13	- 503
Form No. 14	- 504
Form No. 15	- 505
Form No. 16	- 505
Form No. 17	- 506
Form No. 17A	- 508
Form No. 18	- 509
Form No. 19	- 510
Combined Annual Return - Form 20	- 520
Form No. 21	- 525
Form No. 22	- 526
Form No. 23	- 528
Form No. 24	- 528
Form No. 25	- 529
Form No. 26	- 530
Form No. 27	- 531
Form No. 28	- 532
Form No. 29	- 532
Form No. 30	- 533
Form No. 31	- 534
Form No. 32	- 536
Form No. 33	- 537
Form No. 34	- 538
Form No. 35	- 539
Form No. 36	- 541
Form No. 37	- 543
Form No. 39	- 544
Form No. 40	- 544

PART - III
ALLIED RULES FRAMED UNDER THE FACTORIES ACT, 1948 AND
THE KARNATAKA FACTORIES RULES, 1969

(1) The Karnataka Welfare Officers (Duties, Qualifications and Conditions of Service) Rules, 1963	
1. Title	- 545
2. Definitions	- 545
3. Number of Welfare Officers	- 545
4. Qualifications	- 545
5. Recruitment of Welfare Officers	- 546
6. Conditions of Service of Welfare Officer	- 546
7. Duties of Welfare Officers	- 547
7A. Welfare Officers not to deal with disciplinary cases or appear on behalf of Occupiers against workers	- 548
8. Powers of exemption	- 548
9. Repeal and Savings	- 548
(2) The Karnataka Factories (Defining the Persons Holding Position of Supervision or Management) Rules, 1981	
1. Title and Commencement	- 549
2. Definition	- 549
3. Persons defined to hold positions of supervision or management	- 549
4. Persons holding confidential position	- 549
5. List be maintained of persons holding confidential positions or position of supervision or management	- 550
6. Omission of rules 113, 114, 11S of the Karnataka Factories Rules, 1969	- 550
(3) The Major Accident Hazards Control (Karnataka) Rules, 1994	
1. Title and Commencement	- 551
2. Definitions	- 551
3. Collection, development 5a (or) dissemination of information	- 553
3A. Duties of Inspector	- 554
4. General responsibilities of the occupier	- 554

5.	Notification of major accidents	- 556
6.	Industrial activities, industrial activity and isolated storage to which Rules 7 to 15 apply	- 556
7.	Notification of sites	- 557
8.	Updating of site notification	- 558
9.	Omitted	- 558
10.	Safety report and Safety audit report	- 558
11.	Updating of safety reports under Rule 10	- 559
12.	Requirement for further information to be sent to the Inspector and the Chief Inspector	- 560
13.	Preparation of on-site emergency plan by occupier	- 560
14.	****	- 561
15.	Information to be given to persons liable to be affected by a major accident	- 561
16.	Disclosure of information	- 561
17.	Omitted	- 562
18.	Power of the State Government to modify the Schedules	- 562
(4)	The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996	
1.	Short Title and Commencement	- 595
2.	Definitions	- 595
3.	Constitution of Central Crisis Group	- 596
4.	Constitution of Crisis Alert System	- 597
5.	Functions of the Central Crisis Group	- 597
6.	Constitution of State Crisis Group	- 598
7.	Functions of the State Crisis Group	- 598
8.	Constitution of the District and Local Crisis Group	- 598
9.	Functions of the District Crisis Group	- 599
10.	Functions of the Local Crisis Group	- 599
11.	Powers of the Members of the Central, State and District Crisis Groups	- 600
12.	Aid and assistance for the functioning of the District and Local Crisis Group's	- 600
13.	Information to the Public	- 600

(5) The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989	
1. Short Title and Commencement	- 601
2. Definitions	- 601
3. Duties of Authorities	- 603
4. General Responsibility of the Occupier During Industrial Activity	- 603
5. Notification of Major Accident	- 603
6. Industrial Activity to Which Rules 7 to 15 Apply	- 604
7. Approval and Notification of Sites	- 604
8. Updating of the Site Notification Following Changes in the Threshold Quantity	- 605
9. Transitional Provisions-Where	- 605
10. Safety Reports and Safety Audit Reports	- 605
11. Updating of Reports Under Rule 10	- 606
12. Requirement for Further Information to be Sent to the Authority	- 606
13. Preparation to On-Site Emergency Plan by the Occupier	- 607
14. Preparation of Off-Site Emergency Plan by the Authority	- 607
15. Information to be Given to Persons Liable to be Affected by a Major Accident	- 608
16. Disclosures of Information	- 608
17. Collection, Development and Dissemination of Information	- 608
18. Import of Hazardous Chemicals	- 609
19. Improvement Notices	- 610
20. Power of the Central Government to Modify the Schedules	- 610

PART - IV

NOTIFICATIONS AND GOVERNMENT ORDERS ISSUED BY THE THE GOVERNMENT OF KARNATAKA

1. No. LD 31 KABASE 2015 (Part-1)/1, BENGALURU, DATED:25/02/2017	- 635
Sub: Classification of industries to streamline and simplify the inspection system	
2. No. LD 31 KABASE 2015 (Part-1)/2, BENGALURU, DATED: 25/02/2017	- 636
The Karnataka Factories (Safety Audit) Rules, 2016.	

3. No. KAE 102 KABANI 99, Bangalore, Dated, 30th March 2002. - 651
NOTIFICATION ISSUED UNDER PROVISIO TO CLAUSE (cb) OF SECTION 2 OF THE FACTORIES ACT, 1948
4. No. KAE 102 KABANI 99, Bangalore, Dated, 3rd April 2002. - 652
NOTIFICATION ISSUED UNDER PROVISIO TO CLAUSE (cb) OF SECTION 2 OF THE FACTORIES ACT, 1948
5. No. SWL 52 LFB 82, Bangalore, dated, 27th June 1983. - 652
NOTIFICATION ISSUED UNDER SECTION 40B (1) (i) OF THE FACTORIES ACT, 1948
6. No. SWL 119 LLE 89, Bangalore, dated, 7th June 1990 - 653
DETAILS OF CERTAIN MANUFACTURING PROCESS DE-NOTIFIED/RESCINDED, UNDER SECTION 85 (1) OF FACTORIES ACT, 1948, READ WITH SECTION 21 OF THE GENERAL CLAUSES ACT, 1897
7. No. KaE 39 KaBaNI 95 (P), Bangalore, dated, 5th November 1996. - 655
NOTIFICATION ISSUED UNDER SECTION 85 (1) OF THE FACTORIES ACT, 1948
8. ಸಂಖ್ಯೆ: ಸಕಕಾ 62 ಕಾಬಿನಿ 91, ಬೆಂಗಳೂರು, ದಿನಾಂಕ : 16-1-92. - 656
NOTIFICATION ISSUED UNDER SECTION 66(1) (b) OF FACTORIES ACT,1948,VARYINGTHE LIMITS OF HOURS OF EMPLOYMENT OF WOMEN WORKERS WORKING IN CERTAIN FACTORIES CARRYING ON SPECIFIED MANUFACTURING PROCESS
9. First published in the Karnataka Gazette Extraordinary on the Tenth day - 657
of January, 2003
The Factories (Karnataka Amendment) Act, 2002.
10. New Delhi, the 25th October 1976 - 658
NOTIFICATION ON DATE OF : ENFORCEMENT OF CERTAIN PROVISIONS CONTAINED IN THE FACTORIES (AMENDMENT) ACT, 1976 (94 OF 1976) MINISTRY OF LABOUR

- | | | |
|-----|--|-------|
| 11. | Government of India/Bharat Sarkar, Ministry of Labour/Shram
Mantralaya
New Delhi, the 29th October, 1987.
NOTIFICATION ON DATE OF ENFORCEMENT OF CERTAIN
PROVISIONS CONTAINED IN THE FACTORIES (AMENDMENT)
ACT, 1987 (20 OF 1987) | - 658 |
| 12. | No. SWL 117 LET 85, Bangalore, dated, 5th May, 1988
NOTIFICATION ISSUED UNDER SECTION 85 (1) OF THE
FACTORIES ACT, 1948 | - 659 |
| 13. | No. LD 10 LFB 95
NOTIFICATION ISSUED UNDER SECTION 85 (1) OF THE
FACTORIES ACT, 1948 : GOVERNMENT OF KARNATAKA | - 660 |
| 14. | No. KAE 62 KARANT 99
NOTIFICATION ISSUED UNDER SECTION 85 (1) OF THE
FACTORIES ACT, 1948: GOVERNMENT OF KARNATAKA | - 661 |
| 15. | No. SWL 34 LFB 75, Bangalore, dated, 3rd March 1976
NOTIFICATION ISSUED UNDER SECTION 85 (1) OF THE
FACTORIES ACT, 1948 | - 662 |
| 16. | GOVERNMENT ORDER NO.LD 07 KABASE 2003, BANGALORE,
DATED; 7th August, 2003
Subject: Re-designating of the Head of the Department and his subordinate
officers-issue of orders regarding. | - 663 |
| 17. | No. LD 04 KABANI 2015, Bengaluru, Dated: 25/01/2017.
Karnataka State Factories Self Certification Scheme-2016 | - 665 |

PART - V
COMPARISON OF THE FACTORIES ACT, 1948 WITH SIMILAR OTHER
SOCIAL WELFARE ENACTMENTS - 676

SUBJECT INDEX - 679

Only some of the selected pages are published here.

To purchase the book kindly contact us:



Niruta Publications

**#326, 2nd Floor, Opp. to Canara Bank, Near Dr. AIT College,
Kengunte, Mallathahalli, Bengaluru-560056.**

Ph: 080-23213710, 8073067542

Email: nirutapublications@gmail.com

www.nirutapublications.org

PART-I
THE FACTORIES ACT, 1948
[ACT NO. LXIII OF 1948]

(23rd September, 1948)

History :

Statement of Objects and Reasons:- The existing law relating to the regulation of labour employed in factories in India is embodied in the Factories Act, 1934. Experience of the working of the Act has revealed a number of defects and weaknesses which hamper effective administration. Although the Act has been amended in certain respects in a piecemeal fashion whenever some particular aspect of labour safety or welfare assumed urgent importance, the general framework has remained unchanged. The provisions for the safety, health and welfare of workers are generally found to be inadequate and unsatisfactory and even such protection as is provided does not extend to the large mass of workers employed in work places not covered by the Act. In view of the large and growing industrial activities in the country, a radical overhauling of the Factories law is essentially called for and cannot be delayed.

The proposed legislation differs materially from the existing law in several respects. Some of the important features are herein mentioned. Under the definition of "Factory" in the Act of 1934, several undertakings are excluded from its scope but it is essential that important basic provisions relating to safety, health, working hours, holidays, lighting and ventilation, should be extended to all work places in view of the unsatisfactory state of affairs now prevailing in unregulated factories. Further, the present distinction between seasonal and perennial factories which has little justification has been done away with.

The present Act is very general in character and leaves too much to the rule making powers of the Provincial Governments. While some of them do have rules of varying stringency, the position on the whole is not quite satisfactory. This defect is sought to be remedied by laying down clearly in the Bill itself the minimum requirements regarding health (cleanliness, ventilation and temperature, dangerous dusts and fumes, lighting and control of glare, etc.) safety (eye protection, control of explosive and inflammable dusts, etc.), and general welfare of workers (washing facilities, first-aid, canteens, shelter rooms, creches, etc.) and amplified, where necessary, by rules and regulations to be prescribed by Provincial Governments.

Further, the present Act leaves important and complex points to the discretion of inspectors placing heavy responsibility on them. In view of the specialised, and hazardous nature of the processes employed in the factories, it is too much to expect Inspectors to possess an expert knowledge of all these matters. The detailed provisions contained in the Bill will go a long way in lightening their burden.

Some difficulties experienced in the administration of the Act, especially relating to hours of employment, holdings with pay, etc. have been met by making the provisions more definite and clearer. The penalty clauses have also been simplified. An important provision has also been

made in the Bill empowering Provincial Governments to require that every factory should be registered and should take a licence for working to be renewed at periodical intervals. Provincial Governments are further being empowered to require that before a new factory is constructed or any extensions are made to an existing one, the plans, designs and specifications of the proposed construction should receive their prior approval.

It is expected that the Bill, when enacted into law, will considerably advance the condition of workers in factories.

The substantial changes made in the existing law are also indicated in the Notes on Clauses. Opportunity has also been taken to arrange the existing law, and to revise expressions, where necessary.

Amendment Act 94 of 1976 - Statement of Objects and Reasons:- The main object of the Factories Act, 1948 is to ensure adequate safety measures and to promote the health and welfare of the workers employed in factories. The Governments are, therefore, initiating various measures from time to time to ensure that adequate standards of safety, health and welfare are achieved at all work places. In particular, in the context of the need to secure maximum production and productivity, an appropriate work culture conducive to safety, health and happiness of workers has to be evolved in the factories.

To achieve these objectives more effectively, it has become necessary to amend the Factories Act. The amendments proposed to be made in the Act by the Bill mainly relate to (1) the modification of the definition of the term “worker”, so as to include within its meaning contract labour employed in any manufacturing process; (2) improvement of the provisions in regard to safety and appointment of safety officers; (3) reduction of the minimum number of women employees, for the purpose of providing creches by employers, from fifty to thirty; and (4) provisions for inquiry in every case of a fatal accident.

Amendment Act 20 of 1987:- Statement of Objects and Reasons :- The Factories Act, 1948 provides for the health, safety, welfare and other aspects of workers in factories. The Act is enforced by the State Governments through their Factory Inspectorates. The Act also empowers the State Government to frame rules, so that the local conditions prevailing in the State are appropriately reflected in the enforcement. The Act was last amended in 1976 for strengthening the provisions relating to safety and health at work, extending the scope of the definition of “workers”, providing for statutory health surveys, and requiring appointment of safety officers in large factories.

After the last amendment to the Act, there has been substantial modernization and innovation in the industrial field. Several chemical industries have come up which deal with hazardous and toxic substances. This has brought in its train problems of industrial safety and occupational health hazards. It is, therefore, considered necessary that the Act may be appropriately amended, among other things, to provide specially for the safeguards to be adopted against use and handling

of hazardous substances by the occupiers of factories and the laying down of emergency standards and measures. The amendments would also include procedures for setting of hazardous industries to ensure that hazardous and polluting industries are not set up in areas where they can cause adverse effects on the general public. Provision has also been made for the workers' participation in safety management.

3. Opportunity has been availed of to make the punishments provided in the Act stricter and certain other amendments found necessary in the implementation of the Act.
4. The Bill seeks to achieve the above Objects).

An Act to consolidate and amend the law regulating labour in factories.

WHEREAS it is expedient to consolidate and amend the law regulating labour in factories;

It is hereby enacted as follows:-

CHAPTER 1

PRELIMINARY

1. Short title, extent and commencement.-

(1) This Act may be called the Factories Act, 1948.

¹[(2) It extends to the whole of India. ²[***]]

(3) It shall come into force on the 1st day of April, 1949.

2. Interpretation.-

In this Act, unless there is anything repugnant in the subject or context,-

(a) “adult” means a person who has completed his eighteenth year of age;

(b) “adolescent” means a person who has completed his fifteenth year of age but has not completed his eighteenth year;

³[(bb) “calendar year” means the period of twelve months beginning with the first day of January in any year;]

(c) “child” means a person who has not completed his fifteenth year of age;

⁴[(ca) “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

(ii) the qualifications and experience of the persons employed in such institution and facilities available therein, with regard to the conduct of such tests, examinations and inspections, and more than one person or institution can be recognised as a competent person in relation to a factory;

(cb) “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, by e-products, wastes or effluents thereof would-

1. Subs. by the Adaptn. of Laws Order, 1950 for former sub-sec. and subsequently amended by Act 51 of 1970.

2. The words except the State of “Jammu and Kashmir” omitted by amended by Act 51 of 1970.

3. Ins. by Act 25 of 1954

4. Ins. by Act 20 of 1987 (w.e.f. 1.12.1987)

- (i) cause material impairment to the health of the persons engaged in or connected there with, or
- (ii) result in the pollution of the general environment: Provided that the State Government may, by notification in the Official Gazette, amend the First Schedule by way of addition, omission or variation, of any industry specified in the said Schedule.
- (d) “young person” means a person who is either a child or an adolescent;
- (e) “day” means a period of twenty-four hours beginning at midnight;
- (f) “week” means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector of Factories;
- (g) “power” means electrical energy, or any other form of energy which is mechanically transmitted and is not generated by human or animal agency;
- (h) “prime mover” means any engine, motor or other appliance which generates or otherwise provides power;
- (i) “transmission machinery” means any shaft, wheel, drum pulley, system of pulleys, coupling, clutch, driving belt or other appliance or device by which the motion of a prime mover is transmitted to or received by any machinery or appliance;
- (j) “machinery” includes prime movers, transmission machinery and all other appliances where by power is generated, transformed, transmitted or applied;
- (k) “manufacturing process” 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
 - ⁵[(ii) pumping oil, water, sewage, or any other substance; or]
 - (iii) generating, transforming or transmitting power; or
 - ⁶[(iv) composing types for printing, printing by letter press, lithography, photogravure or other similar process or book-binding;] ⁷[or]
 - (v) Constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or
 - ⁸[(vi) preserving or storing any article in cold storage.]

5. Cl. (ii) reading “pumping oil, water, sewage, or” sub. by Act 94 of 1976 (w.e.f. 26.10.1976)

6. Cl. (iv) by Act 25 of 1954.

7. Ins. cls. (iv) and (v), the word “or” added by Act 94 of 1976 (w.e.f.26.10.1976)

8. 4 Cl. (vi) ins. by Act 94 of 1976 (w.e.f.26.10.1976).

Case Laws :

- *Manufacturing Process:-The definition is exhaustive. The definition covers very wide range of activities. Where ghee brought from various customers are sampled, chemically analysed and packed in tin for sale, must be held to the manufacturing process. Lakshmidas Premji, Ghee merchants Guntur Vs. Regional Inspector of factories, Guntur AIR, 1959, AP147 ALT 1960, 938.*
 - *The process of washing and cleaning paper in the covers of grabbing and subsequent packing of the same with a view to its sale, transport, delivery or disposal clearly amounts to a manufacturing process. V.M Patel vs. Inspector of Factories AIR 1958 KAR.237.*
 - *The preparation of food stuffs in the kitchen of a hotel is covered by this provision. New Tajmahal Café Ltd., vs Inspector of Factories 1956(1) L.L.J.273.*
 - *Slicing of bread would fall within the meaning of words "altering, breaking up, demolishing or otherwise treating or adapting any article or substance with a view to sale. New Grand High Class Bakery vs ESIC(1976)33 FLR 385.*
 - *Use of electrical energy for ironing cloth AIR 1964 BOM.94. Salt Manufacturer AIR 1956 Bom. 219 cutting and drying arecanuts and grabbing of pepper AIR 1959 Ker.200 Discussed 1959 (2) ILJ 50. Packing of coconut bags for transporting for Transporting for sale 1959(2) LLJ750. Packing of motor cycle parts whether manufacturing process 97.W.651.*
 - *Manufacturing Process-Business Sense:- The definition of "Manufacturing Process" is to be interpreted in business sense of the term having regard to the meaning of the words in common parlance and the usage of the trade. The process of preserving of any article by a restaurant or a hotel in a refrigerator does not attract the definition as defined by section 2(K). Ritz Hotel (Vegetarian), Pune VS ESI Corp., Pune 1998(III) LLJ,309.*
- (1) "worker" means a person ⁹[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, ¹⁰[but does not include any member of the armed forces of the Union;]

Case Laws :

Employed:- *The first ingredient is that a person must be employed directly or through any agency including a contractor. This pre-supposes a contract of employment and a relationship of master and servant. In*

9. Subs. for "employed directly or through any agency, whether for wages or not" by Act 94 of 1976 (w.e.f.26.10.1976).

10. Ins. by Act 94 of 1976 (w.e.f. 26.10.1976).

Chintaman Rao vs State of MP., AIR 1958 S.C 388—1958(2)LLJ 252 the supreme court considered whether certain persons known as sattedars and those who work under them were works as defined under the factories Act. Their Lordships observed.

The concepts of employment involve three ingredients:

- (1) *Employer,*
- (2) *Employee; and*
- (3) *Contract of employment.*

The employer is one who employs i.e., one who engages the services of others persons. The employee is one who works for another for hire. The employment is the contract of service between the employer and employee where under the employee agrees to serve the employer subject to his control and supervision". This concept underwent considerable change in recent times. In Silver Jubilee Tailoring works vs Chief Inspector . AIR 1974 SC 37

- (m) "factory" means any premises including the precincts thereof-
- (i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or
 - (ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of ¹¹[the Mines Act, 1952 (35 of 1952) or ¹²[a mobile unit belonging to the armed forces of the Union, a railway running shed or a hotel, restaurant or eating place;]

¹³[Explanation ¹⁴[I].-For computing the number of workers for the purposes of this clause all the workers in ¹⁵[different groups and relays in a day shall be taken into account;]

¹⁶[Explanation II.-For the purposes of this clause, 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 if no manufacturing process is being carried on in such premises or part thereof.];

11. Subs. Šfor "The Indian Mines Act, 1923 (4 of 1923)" by Act 25 of 1954

12. Subs. for "A railway running shed" by Act 94 of 1976

13. Explanation ins. by Act 94 of 1976

14. Renumbered by Act 20 of 1987

15. Subs. by Act 20 of 1987 (w.e.f. 1.2.1987)

16. Ins. by Act 20 of 1987

Case Laws :**Factory:-**

- *Construction work temporarily done with the aid of power at certain places does not amount to a factory-manufacturing on same premises temporary use for manufacturing such articles with the aid of power will not include premises in the term factory –Simon Carves India ltd., vs state of AP 1980(41)FLR 75*
- *Premises:- Premises is a generic to a term meaning open land or land with building alone. Salt workers where sea water,was processed into salt in the open come within premises. AIR 1962 S.C.29.*
- *Precincts mean a space enclosed by walls. AIR 1953 Mad.269.In the English Act a Factory is defined in section175 (Old Section151) as premises where persons are employed as manual labour by way of trade or for the purpose of gain in making or repairing an article or adopting for sale.*
- *In the light of this definition in the case of Bank vs Diekker and Cltd.,(1906)AC 325. it was held that there must be “Geographical boundaries” and the factory must be an undertaking “with in a physical area” But there need be no boundary wall or fence Barry vs Cleve Land Bridge and Engineering co.ltd(1963)ER.192.*
- *In The Nagpur electric light and power co.ltd vs The employers, AIR1967 SC 1364 The supreme court considered the definition and held that the premises constituting a factory may be building or open land or both.In side the same compound wall there may be two or more premises, The premises used in connection with manufacturing process may constitute a factory, and the other premises within the same compound wall may be used for purposes un connected with any manufacturing process and may form no part of the factory.*
- *The word “Ordinarily” must be interpreted with reference to the intention and the purposes of the act in which it has been used with reference to the subject matter to which the act is to be applied. employer association vs .state UP (1951 to 1952) and 3FLR 369.*

(n) “occupier” of a factory means the person who has ultimate control over the affairs of the factory,

¹⁷[***]

¹⁸[Provided that-

- (i) 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;
- (ii) in the case of a company, any one of the directors, shall be deemed to be the occupier;
- (iii) in the case of a factory owned or controlled by the Central Government, or any

17.Del. by Act 20 of 1987 (w.e.f. 1.12.1987)

18.Proviso by ibid. Ins. by Act 20 of 1987

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]:

¹⁹[²⁰Provided further that] in the case of a ship which is being repaired, or on which maintenance work is being carried out, in a dry dock which is available for hire,-

- (1) the owner of the dock shall be deemed to be the occupier for the purposes of any matter provided for by or under-
 - (a) section 6, section 7, ²¹[section 7A, section 7B], section 11 or section 12;
 - (b) section 17, in so far as it relates to the providing and maintenance of sufficient and suitable lighting in or around the dock;
 - (c) section 18, section 19, section 42, section 46, section 47, or section 49, in relation to the workers employed on such repair or maintenance;
- (2) the owner of the ship or his agent or master or other officer-in-charge of the ship or any person who contracts with such owner, agent or master or other officer-in-charge to carry out the repair or maintenance work shall be deemed to be the occupier for the purposes of any matter provided for by or under section 13, section 14, section 16 or section 17 (save as otherwise provided in this proviso) or Chapter IV (except section 27 or section 43, section 44 or section 45, Chapter VI, Chapter VII, Chapter VIII or Chapter IX or section 108, section 109, or section 110, in relation to-
 - (a) the workers employed directly by him, or by or through any agency; and
 - (b) the machinery, plant or premises in use for the purpose of carrying out such repair or maintenance work by such owner, agent, master or other officer-in-charge or person;]
- (o) ²²[***]
- (p) “Prescribed means prescribed by rules made by the ²³[State Governments under this Act];
- (q) ²⁴[***]
- (r) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a ²⁵[“Group” or “relay”] and each of such periods is called a “shift”.

19. Ins. by Act 94 of 1976 (w.e.f. 26.10.1976.)

20. Subs. by Act 20 of 1987 (w.e.f. 1.12.1987)

21. Ins. by Act 20 of 1987 (w.e.f. 1.12.1987)

22. Omitted by Act 20 of 1987 (w.e.f. 1.12.1987)

23. Subs. for “Provincial” by the Adaptn. of Laws Order, 1950

24. Omitted by the Adaptn. of Laws Order, 1950

25. Subs. by Act 20 of 1987 (w.e.f. 1.12.1987)

Case Laws :**WHICH IS NOT THE “MANUFACTURING PROCESS” ?**

- (i) *The definition of “manufacture” makes it clear that the use, transport, delivery or disposal of a manufactured product does not come within the ambit of “manufacturing process”. [Mahalakshmi Oil Mills v E. S. I. Corporation, 1971 Lab. IC 825].*
- (ii) *The distribution or transport of an article after it was manufactured was not a “manufacturing process” and such work could not also be said to be incidental to, or connected with a manufacturing process. [Ramalanshan Jageshar v Bombay Gas Co. Ltd., 1961 I LV 38 Bom.]*
- (iii) *Mere exhibiting films in a Theatre is not covered by the definition “manufacturing process”. [Shankar Madhava Rao Solav v M. K. Sarode, AIR 1959 Bom. 371 (372)].*
- (iv) *No manufacturing process takes place either in the sub-stations or in the zonal stations of Electric Supply Undertaking. [Workmen, Delhi Electric Supply Undertaking v The Management, Delhi Electric Supply Undertaking, AIR 1973 SC 365].*
- (v) *Receiving news from various agencies on a reel in a Teleprinter or editing of news are not covered under the expression, “manufacturing process”. “News” is neither an article nor a substance. [Hindus tan Journal Ltd., V Dinesh Awasthi AIR 1957 Madh B. 125 (127)].*
- (vi) *In a technical school, weaving of cloth has to be carried out for the purposes of instruction, demonstration as well as to train the students. As such it cannot be said that the cloth so manufactured is intended for sale. Though the cloth may ultimately be sold but the purpose for which cloth was manufactured was not for sale. Therefore, the word, “sale” though is an important ingredient of the expression, “manufacturing process”, it cannot be concluded that the “manufacturing process” is carried on in the said technical school. [State of Kerala v V. M. Mulloth, 1961 LLJ 184 (HC) (Ker.) (1961) 2 Fac LR 189 (HC) (Ker.)].*
- (vii) *The Laundry, a subsidiary minor wing, attached to Christian Medical College and Hospital, Vellore is engaged in washing the clothes and linen of the patients, who are admitted to the Hospital. This is incidental work, to the main activities of the Hospital. In such cases, the primary character of the main Hospital has to be considered. When the main Hospital is not a factory, a Section of it cannot be so, though the “manufacturing process” is carried on therein. [Christian Medical College and Hospital v Inspector of Factories, Vellore, 1984 II LV 238 Mad: 1985 Lab IC 555 (Mad.,): [This judgment is also quoted in (1993) 67 Fac LR 627 (Mad.)].*
- (viii) *The work of digging and excavating trenches for laying pipes to carry the gas, which was already manufactured, is not connected with the manufacturing of the gas. [Ramlanshan Jagashar V Bombay Gas Co. Ltd., AIR 1961 (HC) (Bom.) 184 : (1961) I LV 38 (HC) (Bom.) : (1961) 2 Fac LR 22 (HC) (Bom)].*
- (ix) *Painting the sign board in a soap factory is not incidental to, or connected with the “manufacturing process”. [1957 I LLJ 280].*

Only some of the selected pages are published here.

To purchase the book kindly contact us:



Niruta Publications

**#326, 2nd Floor, Opp. to Canara Bank, Near Dr. AIT College,
Kengunte, Mallathahalli, Bengaluru-560056.**

Ph: 080-23213710, 8073067542

Email: nirutapublications@gmail.com

www.nirutapublications.org

CHAPTER IX

SPECIAL PROVISIONS

85. Power to apply the Act to certain premises.-

- (1) The ¹[State] Government may by notification in the Official Gazette, declare that all or any of the provisions of the Act shall apply to any place wherein a manufacturing process is carried on with or without the aid of power or is so ordinarily carried on notwithstanding that-
- (i) the number of persons employed therein is less than ten, if working with the aid of power and less than twenty if working without the aid of power, or
 - (ii) the persons working therein are not employed by the owner thereof but are working with the permission of, or under agreement with, such owner:

Provided that the manufacturing process is not being carried on by the owner only with the aid of his family.

- (2) After a place is so declared it shall be deemed to be a factory for the purpose of this Act, and the owner shall be deemed to be the occupier, and any person working therein, a worker.

Explanation.-For the purposes of this section 'owner' shall include a lessee or mortgagee with possession of the premises.

86. Power to exempt public institutions.-

The ²[State] Government may exempt, subject to such conditions as it may consider necessary, any workshop or workplace where a manufacturing process is carried on and which is attached to a public institution maintained for the purposes of education, ³[training research] or reformation, from all or any of the provisions of this Act:

Provided that no exemption shall be granted from the provisions relating to hours of work and holidays, unless the persons having the control of the institution submit for the approval of the ⁴[State] Government a scheme for the regulation of the hours of employment, intervals for meals and holidays of the persons employed in or attending the institution or who are inmates of the institution, and the ⁵[State] Government is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions of this Act.

1. Subs. for "Provincial" by the Adaptn. of Laws Orders, 1950.

2. Subs. for "Provincial" by the Adaptn. of Laws Orders, 1950.

3. Subs. for "training" by Act 94 of 1976 (w.e.f.26.10.1976)

4. Subs. for "Provincial" by the Adaptn. of Laws Orders, 1950.

5. Subs. for "Provincial" by the Adaptn. of Laws Orders, 1950.

87. Dangerous operations.-

Where the ⁶[State] Government is of opinion that any ⁷[manufacturing process or operation] carried on in a factory exposes any persons employed in it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class or description of factories in which the ⁸[manufacturing process or operation] is carried on-

- (a) specifying the ⁹[manufacturing processor operation] and declaring it to be dangerous;
- (b) prohibiting or restricting the employment of women, adolescents or children in the ¹⁰[manufacturing process or operation;]
- (c) providing for the periodical medical examination of persons employed, or seeking to be employed, in the ¹¹[manufacturing process or operation] and prohibiting the employment of persons not certified as fit for such employment ¹²[and requiring the payment by the occupier of the factory of fees for such medical examination;]
- (d) providing for the protection of all persons employed in the ¹³[manufacturing process or operation] or in the vicinity of the places where it is carried on;
- (e) prohibiting, restricting or controlling the use of any specified materials or process in connection with the ¹⁴[manufacturing process or operation;]
- ¹⁵[(f) requiring the provision of additional welfare amenities and sanitary facilities and the supply of protective equipment and clothing, and laying down the standards thereof, having regard to the dangerous nature of the manufacturing process or operation;]
- (g) ¹⁶[***]

¹⁷[87A. Power to prohibit employment on account of serious hazard.-

- (1) Where it appears to the Inspector that conditions in a factory or part thereof are such that they may cause serious hazard by way of injury or death to the persons employed therein or to the general public in the vicinity, he may, by order in writing to the occupier of the factory, state the particulars in respect of which he considers the factory or

6. Subs. for "Provincial" by the Adaptn. of Laws Orders, 1950.

7. Subs. for "operation" by the Adaptn. of Laws Orders, 1950.

8. Subs. for "operation" by the Adaptn. of Laws Orders, 1950.

9. Subs. for "operation" by the Adaptn. of Laws Orders, 1950.

10. Subs. for "operation" by the Adaptn. of Laws Orders, 1950.

11. Subs. for "operation" by the Adaptn. of Laws Orders, 1950.

12. Ins. by the Adaptn. of Laws Orders, 1950.

13. Subs. for "operation" by the Adaptn. of Laws Orders, 1950.

14. Subs. for "operation" by the Adaptn. of Laws Orders, 1950.

15. Cls.(f) ins. by the Adaptn. of Laws Orders, 1950.

16. Del. by Act 20 of 1987 (w.e.f.1.12.1987)

17. Ins. by Act 20 of 1987 and sec. 87-A ins. by the same Act.

part thereof to be the cause of such serious hazard and prohibit such occupier from employing any person in the factory or any part thereof other than the minimum number of persons necessary to attend to the minimum tasks till the hazard is removed.

- (2) Any order issued by the Inspector under sub-section (1) shall have effect for a period of three days until extended by the Chief Inspector by a subsequent order.
- (3) Any person aggrieved by an order of the Inspector under sub-section (1), and Chief Inspector under sub-section (2) shall have the right to appeal to the High Court.
- (4) Any person whose employment has been affected by an order issued under sub-section (1), shall be entitled to wages and other benefits and it shall be the duty of the occupier to provide alternative employment to him wherever possible and in the manner prescribed.
- (5) The provisions of sub-section (4) shall be without prejudice to the rights of the parties under the Industrial Disputes Act, 1947 (14 of 1947).]

Case Laws :

Ss. 87 and 112 : RULES CAN BE FRAMED PERTAINING TO DANGEROUS OPERATIONS:-

On plain reading of Ss. 87 and 112, it is clear that the State Government has power to make Rules which can be made applicable to the factory or class or description of factories wherein dangerous operations are being carried on. [State of Gujarat vs Bipin N. Shah, Director, Beep Jyoti Engineering Pvt. Ltd., 1997 I LLJ 482 (HC) (Guj.)]

88. Notice of certain accidents.-

- ¹⁸[(1) Where in any factory an accident occurs which causes death or which causes any bodily injury by reason of which the person injured is prevented from working for a period of forty eight hours or more immediately following the accident or which is of such nature as may be prescribed in this behalf the manager of the factory shall send notice thereof to such authorities and in such form and within such time as may be prescribed.
- ¹⁹[(2) Where a notice given under sub-section (1) relates to an accident causing death, the authority to whom the notice is sent shall make an inquiry into the occurrence within one month of the receipt of the notice, or if such authority is not the Inspector cause the Inspector to make an inquiry within the said period.
- (3) The ²⁰[State] Government may make rules for regulating the procedure at inquiries under this section.]

²¹**[88A. Notice of certain dangerous occurrences.-**

Where in a factory any dangerous occurrence of such nature as maybe prescribed occurs, whether causing any bodily injury or disability or not, the manager of the factory shall sent notice thereof to such authorities, and in such form and within such time as may be prescribed.]

18. Sec.88 re numbered as sub- sec.(1) by Act 94 of 1976 (w.e.f.26.10.1976.)

19. Sub-secs.(2)and(3)ins.byAct94of1976.

20. Subs.for"Provincial"bytheAdaptn.ofLawsOrders,1950.

21. Sec.88-Ains.bytheAdaptn.ofLawsOrders,1950.

89. Notice of certain diseases.-

- (1) Where any worker in a factory contracts any disease specified in ²²[the third schedule], the manager of the factory shall send a notice thereof to such authorities, and in such form and within such time, as may be prescribed.
 - (2) If any medical practitioner attends on a person who is or has been employed in a factory and who is or is believed by the medical practitioner to be suffering from any disease specified in ²³[the third schedule], the medical practitioner shall without delay send a report in writing to the office of the Chief Inspector stating-
 - (a) The name and full postal address of the patient,
 - (b) the disease from which he believes the patient to be suffering, and
 - (c) the name and address of the factory in which the patient is or was last employed.
 - (3) Where the report under sub-section (2) is confirmed to the satisfaction of the Chief Inspector, by the certificate of a certifying surgeon or otherwise, that the person is suffering from a disease specified in ²⁴[the third schedule], he shall pay to the medical practitioner such fees as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the occupier of the factory in which the person contracted the disease.
 - (4) If any medical practitioner fails to comply with the provisions of sub-section (2), he shall be punishable with fine which may extend to ²⁵[one thousand rupees].
- ²⁶[(5) The Central Government may, by notification in the Official Gazette, add to or alter the Third Schedule and any such addition or alteration shall have effect as if it had been made by this Act.]

Case Laws**S.89 SCHEDULE I, SERIAL NO. 20 - ASBESTOSIS, [NOW, RE.-NUMBERED AS "THE THIRD SCHEDULE" BY ACT 20 OF 1987, (W.E.F. 1-12-1987)] :**

[The employer is vicariously liable to pay Liquidated damages by way of compensation in case of occupational diseases. (in this Case, "Asbestosis" Serial No. 20 of Schedule HI, framed under S. 89)]. The Employees' State Insurance Act and the Workmen's Compensation Act provide for payment of mandatory compensation for the injury or death caused to the workman while in employment. Since the Act, does not provide for payment of compensation after cessation of employment, it becomes necessary to protect such persons from the respective dates of cessation of their employment till date. Liquidated damages by way of compensation are accepted principles of compensation. In the light of the law above laid down and also on the doctrine

22.Subs. by Act 20 of 1987 (w.e.f.1.12.1987)

23.Subs. by Act 20 of 1987 (w.e.f. 1.12.1987)

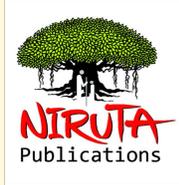
24.Subs. by Act 20 of 1987 (w.e.f. 1.12.1987)

25.Subs. by Act 20 of 1987 (w.e.f. 1.12.1987)

26.Ins. by Act 20 of 1987 (w.e.f. 1.12.1987)

Only some of the selected pages are published here.

To purchase the book kindly contact us:



Niruta Publications

**#326, 2nd Floor, Opp. to Canara Bank, Near Dr. AIT College,
Kengunte, Mallathahalli, Bengaluru-560056.**

Ph: 080-23213710, 8073067542

Email: nirutapublications@gmail.com

www.nirutapublications.org

CHAPTER VIII

LEAVE WITH WAGES

119. Leave with Wages Register

- (1) The Manager shall keep a register in Form 14, here in after called the Leave with Wages Register:

Provided that if the Chief Inspector is of the opinion that any muster roll or register maintained as a part of the routine of the factory, or return made by the Manager, gives, in respect of any or all of the workers, in the factory, the particulars required for the enforcement of Chapter VIII of the Act, he may, by order in writing, direct that such muster roll or register or return shall to the corresponding extent, be maintained in place of and treated as the register or return required under this Rule in respect of that Factory:

Provided further that in case of a worker who is discharged from service at the end of his work every year, the Inspector by written order, may accept any other abridged form of leave with wages register, so that wages in lieu of leave with wages accrued may be readily foreseen.

- (2) The cash equivalent of the advantage accruing through the concessional sale of foodgrains and other articles, payable to workers proceeding on leave shall be the difference between the value of the average rates in the nearest market prevailing during the month immediately preceding his leave and the value at the concessional rates allowed of food grains and other articles he is entitled to.

For the purpose of each cash equivalent, monthly average market rate of food grains and other articles shall be computed at the end of the month.

120. Preservation of Register:-

The Leave with Wages Register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

121. Leave Book

- (1) The Manager shall provide each worker who has become entitled to leave during a calendar year, with a book in Form 15 (hereinafter called the leave book) not later than the 31st January of that year. 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:

Provided that in the case of a worker who is discharged or dismissed from service during the course of the year who is covered by Sub-section (3) of Section 79, the Manager shall issue an abstract from the "Register of Leave with Wages" (Form 15) within a week from the date of discharge or dismissal as the case may be.

- (2) If a worker loses his leave book, the Manager shall provide him with another copy on payment of fifteen paise, and shall complete it from his record.

122. Medical Certificate:-

If any worker is absent from work due to his illness and he wants to avail himself of the leave with wages due to him to cover the whole or part of the period of his illness, under the provisions of clause (7) of Section 79, he shall, if required by the Manager, produce a Medical Certificate signed by a registered Medical Practitioner or by a registered or recognised Vaid or Hakim stating the cause of absence and the period for which the worker is in the opinion of such Medical Practitioner, Vaid or Hakim, unable to attend to his work, or other reliable evidence to prove that he was actually sick during the period for which leave is to be availed of.

123. Notice to Inspector of involuntary unemployment:-

The Manager shall give, as soon as possible, a notice to the Inspector of every case of involuntary unemployment of workers, giving numbers of unemployed and the reason for their unemployment. Entries to this effect shall be made in the Leave with Wages Register and the Leave Book in respect of each worker concerned.

124. Notices by worker and Manager

- (1) Before or at the end of every calendar year, a worker, who may be required to avail in accordance with sub-section (8) of Section 79 of the Factories Act, 1948, may give notice to the Manager of his intention not to avail himself of the leave with wages falling due during the following calendar year. The Manager shall make an entry to that effect in the Leave with Wages Register and in the Leave Book of the worker concerned.
- (2) The Manager shall cause a notice to be displayed giving the names of all workers whose leave, which has been carried forward, has reached the maximum limit allowed under the first proviso to sub-section (5) of Section 79, as soon as possible in the first quarter of each calendar year. The notice shall state that no further leave can be carried forward and that application for leave shall be made within one month from the date of the notice. A copy of the notice shall be given to each worker concerned. A copy shall also be delivered at the Office of the Inspector of Factories.

125. Suitability of Leave period

- (1) As far as circumstances permit, members of the same family, comprising husband, wife and children, shall be allowed leave on the same date.
- (2) A worker may exchange the period of his leave with another worker, subject to the approval of the Manager.

126. Payment of Wages if a worker dies:-

If a worker dies before he resumes work, the balance of his pay due for the period of leave with wages not availed of shall be paid to his nominee within one week of the intimation of the

death of the worker. For this purpose, each worker shall submit a nomination in Form 25 duly signed by himself and attested by two witnesses. The nomination shall remain in force until it is cancelled or revised by a fresh nomination.

127. Register to be maintained in case of exemption under Section 84

- (1) Where an exemption is granted under Section 84, the Manager shall maintain a register showing the leave due, the leave taken and wages granted in respect of each worker.
- (2) He shall display, at the main entrance of the factory, a notice giving the full details or the system established in the factory for leave with wages and shall send a copy of it to the Inspector.
- (3) No alteration shall be made in the scheme approved by the State Government at the time of the granting of exemption under Section 84 without its previous sanction.

128. Exemption from the provisions of Rules 119 to 127:-

The Chief Inspector may grant exemption from all or any of the provisions of Rules 119 to 127 in respect of all or any of the workers in any factory subject to such conditions as he may impose.

CHAPTER IX

SPECIAL PROVISIONS

¹[129. Dangerous manufacturing processes or operations

- (1) The following manufacturing processes or operations when carried on in any factory are declared to be dangerous manufacturing processes or operations under Section 87, namely:—
- (i) Manufacture of aerated water and processes incidental thereto.
 - (ii) Electrolytic plating or oxidation of metal articles by use of an electrolyte containing acids, bases or salts of metals such as chromium, nickel, cadmium, Zinc, Copper, Silver, Gold, etc.
 - (iii) Manufacture and repair of electric accumulators,
 - (iv) Glass Manufacture,
 - (v) Grinding or glazing of metals.
 - (vi) Manufacture and treatment of lead and certain compounds of lead.
 - (vii) Generating petrol gas from petrol.
 - (viii) Cleaning or smoothing, roughening, etc., of articles by a jet of sand, metal shot or grit or other abrasive propelled by blast of compressed air or steam.
 - (ix) Liming or tanning of raw hides and skins and processes incidental thereto.
 - (x) Certain lead processes carried on in printing presses and type foundries.
 - (xi) Manufacture of pottery,
 - (xii) Chemical works
 - (xiii) Manipulation of stone or any other materials containing free silica.
 - (xiv) Handling and processing of asbestos, manufacture of any article of asbestos and any other process of manufacture or otherwise in which asbestos is used in any form.
 - (xv) Handling or manipulation of corrosive substances.
 - (xvi) Compression of oxygen and hydrogen produced by the electrolysis of water.
 - (xvii) Process of extracting oils and fats from vegetable and animal sources insolvent extraction plants.
 - (xviii) Manufacture or manipulation of manganese and its compounds.
 - (xix) Manufacture or manipulation of dangerous pesticides.

1. Rule 129 substituted by Notification No. SWL 46 LET 85 (Karnataka Factories (Amendment) Rules, 1986) KGD6-9-1990.

- (xx) Manufacture, handling and usage of benzene and substances containing benzene.
- (xxi) Manufacturing process or operations in Carbon-di- sulphide plants.
- (xxii) Manufacture or manipulation of carcinogenic dye intermediates.
- (xxiii) Operations involving high noise levels,
- (xxiv) Manufacture of rayon by viscose process,
- (xxv) Highly flammable liquids and flammable compressed gases.
- (xxvi) Operations in Foundries.

Explanation:- For the purpose of this rule:

“first employment” means employment for the first time in a hazardous process or operation so notified under Section 87, or re-employment therein after cessation of employment in such process or operation for a period exceeding three calendar months.

- (2) The provisions contained in the schedule annexed to this rule (hereinafter referred to as ‘the schedules’) shall apply to every class or description of factory wherein dangerous manufacturing processes or operations specified in each of the schedule are carried on.
- (3) (a) The occupier of every factory shall, for the purpose of medical examinations of workers to be carried out by the Certifying Surgeon as required by the provisions in the schedules shall pay fees at the rate of rupees five per examination of each worker every time he is examined.
- (b) The fees payable under clause (a) shall be exclusive of any charges for biological, radiological or other tests which may have to be carried out in connection with the medical examinations. Such charges shall also be payable by the occupier;
- (c) The fees payable for medical examinations shall be paid into local treasury under the head of account [“087 Labour And Employment, (4) Fees Realised under the Factories Act, 1948”.]
- (4) Notwithstanding anything contained in the schedules the Inspector may, by issue of orders in writing to the Manager or occupier, or both, direct them to carry out such measures and within such time, as may be specified in such order, with a view to removing conditions dangerous to the health of the workers or to suspend any process where such process constitutes in the opinion of the Inspector, an imminent danger of poisoning or toxicity.
- (5) Any register or record of medical examinations and tests connected therewith required to be carried out under any of the schedules in respect of any worker shall be kept readily available to the Inspector and shall be preserved till the expiry of one year after the worker ceases to be in employment of the factory.

Schedule I

Manufacture of aerated waters and processes incidental thereto

1. Fencing of Machines:-

All machines for filling bottles or siphons shall be so constructed, placed or fenced, as to prevent, as far as may be practicable, a fragment of a bursting bottle or siphon from striking any person employed in the factory.

2. Face guards and gauntlets:-

(1) The occupier shall provide and maintain in good condition for the use of all persons engaged in filling bottles or siphons,

(a) suitable face guards to protect the face, neck and throat; and

(b) suitable gauntlets for both arms to protect the whole hand and arms:

Provided that the provisions of this sub-paragraph (a) (1) shall not apply where bottles are filled by means of an automatic machine so constructed that no fragment of a bursting bottle can escape:

Provided further that where a machine is so constructed that only one arm of the bottle at work upon it is exposed to danger, a gauntlet need not be provided for the arm which is not exposed to danger.

(2) The occupier shall provide and maintain in good condition for the use of all persons engaged in corking, crowning, screwing, wiring, foiling, capsuling, sighting or labelling bottles or siphons;

(a) suitable face-guards to protect the face, neck and throat; and

(b) suitable gauntlets for both arms to protect the arm and at least half of the palm and the space between the thumb and forefinger.

3. Wearing of face guards and gauntlets:- All Persons engaged in any of the processes specified in paragraph 2 of this schedule shall, while at work in such processes, wear the face guards and gauntlets provided under the provisions of the said paragraph.

Schedule II

Electrolytic plating or oxidation of metal articles by use of an electrolyte containing acids, bases or salts of metals such as chromium, nickel, cadmium, zinc, copper, silver, gold, etc.

1. Definitions:-

For the purpose of this schedule—

(a) “electrolytic process” means the electrolytic plating or oxidation of metal articles by the use or an electrolyte containing acids, bases or salts of metals such as chromium, nickel, cadmium, zinc, copper, silver, gold, etc.

- (b) “bath” means any vessel used for an electrolytic process or for any subsequent process; and
- (c) “employed” means employed in any process involving contact with liquid from a bath.

2. Exhaust draught:-

An efficient exhaust draught shall be applied to every vessel in which an electrolytic process is carried on. Such draught shall be provided by mechanical means and shall operate on the vapour or spray given off in the process as near as may be at the point of origin. The exhaust draught appliance shall be so constructed, arranged and maintained as to prevent the vapour or spray entering into any room or place in which work is carried on.

3. Prohibition relating to women and young person's:-

No women, adolescent or child shall be employed or permitted to work at a bath.

4. Floor of work rooms:-

The floor of every work room containing a bath shall be impervious to water. The floor shall be maintained in good and level condition shall be washed down at least once a day.

5. Protective devices

- (1) The occupier shall provide and maintain in good and clean condition the following articles of protective devices for the use of all persons employed on any process at which they are liable to come in contact with liquid from a bath and such devices shall be worn by the persons concerned—
 - (a) Water proof aprons and bibs; and
 - (b) for persons actually working at a bath, loose fitting rubber gloves and rubber boots or other water proof footwear, and chemical goggles.
- (2) The occupier shall provide and maintain for the use of all persons employed suitable accommodation for the storage and drying of protective devices.

6. Water facilities

- (1) There shall be provided and maintained in good repairs for the use of all persons employed in electrolytic process and processes incidental to it:—
 - (a) A wash place under cover, with either—
 - (i) a trough with a smooth impervious surface fitted with a waste pipe, and of sufficient length to allow at least 60 cms. for every 5 persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals or not more than 60 cms. or
 - (ii) at least one wash basin for every five such persons employed at any one time, fitted with a waste pipe and having a constant supply of water laid on.
 - (b) Sufficient supply of dean towels renewed daily, and soap or other suitably cleaning material.

- (2) In addition to the facility in sub-paragraph 1, an approved type of emergency shower with eye fountain shall be provided and maintained in good working order. Wherever necessary, in order to ensure continuous water supply, storage tank of 1500 litres capacity shall be provided as a source of clean water for emergency use.

7. Cautionary Placard:-

A cautionary placard in the form specified below and printed in the language of the majority of the workers employed shall be affixed in a prominent place in the factory where it can be easily and conveniently read by the workers.

Cautionary Notice Electrolytic Plating

- (i) Chemicals handled in this plant are corrosive and poisonous.
- (ii) Smoking, chewing tobacco, eating food or drinking, in this area is prohibited. No food stuff or drink shall be brought in this area.
- (iii) Some of these chemicals may be absorbed through the skin and may cause poisoning.
- (iv) A good wash shall be taken before meals,
- (v) Protective devices supplied shall be used while working in this area.
- (vi) Spill age of the chemicals on any part of the body or on the floor shall be immediately washed away with water.
- (vii) All workers shall report for the prescribed medical tests regularly to protect their own health.

8. Medical facilities and records of examinations and tests

- (1) The occupier of every factory in which electrolytic processes are carried on shall—
 - (a) employ a qualified medical practitioner for medical surveillance of the workers employed there in whose appointment shall be subject to the approval of the Chief Inspector of Factories;
 - (b) Provide to the said medical practitioner all the necessary facilities for the purpose referred to in clause (a) and;
 - (c) maintain a sufficient supply of suitable barrier cream, ointment and impermeable water proof plaster in a separate box readily accessible to the workers and used solely for the purpose of keeping these substances. In case cyanides are used in the bath, the box shall also contain an emergency cyanide kit.
- (2) The medical practitioner shall examine all workers before they are employed in electrolytic processes. Such examination in case of chrome plating shall include inspection of hands, forearms and nose and will be carried out once at least in every fortnight.
- (3) The record of the examinations referred to in sub-paragraph (2) shall be maintained in a separate register approved by the Chief Inspector of Factories which shall be kept readily available for inspection by the Inspector.

9. Medical examination by the Certifying Surgeon :

- (1) Every worker employed in the electrolytic processes shall be examined by a Certifying Surgeon before his first employment. Such examination shall include X-ray of the chest and—
 - (a) in case of chromium plating include examination for nasal septum perforation and test for chromium in urine;
 - (b) in case of nickel plating, test for nickel in urine; and
 - (c) in case of cadmium plating, test for cadmium in urine and 2 micro-globulin in urine.
- (2) No worker shall be employed in any electrolytic processes unless certified fit for such employment by the Certifying Surgeon.
- (3) Every worker employed in the electrolytic processes shall be re-examined by a Certifying Surgeon at least once in every year, except in case of the workers employed in cadmium, chromium and nickel plating processes for whom this examination shall be carried out once in every six months. Such re-examination shall, wherever the Certifying Surgeon considers appropriate, include tests as specified under sub-paragraph (1) excluding the X-ray of the chest which shall not be required normally to be carried out earlier than once in three years.
- (4) The Certifying Surgeon after examining a worker, shall issue a Certificate of Fitness in Form-4. The record of examination and re-examinations carried out shall be kept in the custody of the manager of the factory. The record of each examination carried out under sub-paragraphs(1) and (2), including the nature and the results of the tests, shall also be entered by the Certifying Surgeon in a health register in Form 16.
- (5) The Certificate of Fitness and the health register shall be kept readily available for inspection by the Inspector.
- (6) If at any time the Certifying Surgeon is of the opinion that a worker is no longer fit for employment in the electrolytic processes on the ground that continuance therein would involve danger to the health of the worker, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in those documents should also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the Certifying Surgeon, in which case the person affected shall be suitably rehabilitated.
- (7) No person who has been unfit to work as said in sub-paragraph (6) shall be re-employed or permitted to work in the said processes unless the Certifying Surgeon, after further examination, again certifies him fit for employment in those processes.

Only some of the selected pages are published here.

To purchase the book kindly contact us:



Niruta Publications

**#326, 2nd Floor, Opp. to Canara Bank, Near Dr. AIT College,
Kengunte, Mallathahalli, Bengaluru-560056.**

Ph: 080-23213710, 8073067542

Email: nirutapublications@gmail.com

www.nirutapublications.org

**14. NOTIFICATION ISSUED UNDER SECTION 85 (1) OF
THE FACTORIES ACT, 1948:
GOVERNMENT OF KARNATAKA**

No. KAE 62 KARANT 99

Karnataka Government Secretariat,
M.S. Building,
Bangalore, dated, 16th August 1999.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 85 of the Factories Act, 1948 (Central Act, ¹[6 of 1948], the Government of Karnataka hereby declares that all the provisions of the said Act shall apply to any place in the State of Karnataka wherein storing, handling any of the chemicals specified in Part-II of the Schedule-I and Schedule-II of Control of Industrial Major Accident Hazard Rules, 1994 carrying on activity or ordinarily carried on specified in detail in the Schedule below, ²[.....] notwithstanding that :-

- (i) the number of persons employed therein is less than ten, if working with the aid of power and less than twenty, if working without the aid of power, or
- (ii) the persons working ³[there is] are not employed by the owner thereof, but are working with the permission of, or under agreement with such owner:

Provided the manufacturing process is not being carried on by the owner only with the aid of his family.

SCHEDULE

- 1). L.P.G. storing in bullets or spears and Bottling.
- 2). Industrial gases such as organ, carbon-dioxide, Oxygen, Nitrogen, Hydrogen etc., storing in ⁴[bullers] and spears and bottling.
- 3). Storing and handling of any of the chemicals specified in Part II of the Schedule-I and Schedule-II of Control of Industrial Major Accident Hazard Rules, 1994 in connection with an industrial activity to manufacture a product or distribute them in different mode by handling them.

By Order and in the name of the Governor of Karnataka

S.M.SHETTY

I/c Under Secretary to Government,

Labour Department.

1. Note : 1. The figure "6" printed in the Gazette may be a printing mistake or an error; The said figure may be read as "63".

2. Note : 2. The words, "is carried on, or is so ordinarily carried on" might have been omitted. The said words may also be read, to understand the meaning and spirit of law.

3. Note : 3. The words, "there is" printed in the Gazette may be printing mistake; it may be read as, "therein".

4. Note : 4. The word, "buUers" printed in the Gazette may be a printing mistake; it may be read as, "bullets".

15. NOTIFICATION ISSUED UNDER SECTION 85 (1) OF

THE FACTORIES. ACT, 1948 :

Notification No. SWL 34 LFB 75,

Bangalore, dated, 3rd March 1976

In exercise of the powers conferred by sub-section (1) of Section 85 of the Factories Act, 1948 (Central Act 63 of 1948) and in supersession of Notification No. SWL 131 LFB 73, dated, 27th May 1974, the Government of Karnataka hereby declares, that all the provisions of the Factories Act, 1948 shall apply to any place in the State of Karnataka wherein a manufacturing process as specified in the schedule below is carried on, or is so ordinarily carried on, notwithstanding that:-

- (i) the number of persons employed therein is less than ten if working with the aid of power, and less than twenty if working without the aid of power, or
- (ii) the persons working therein are not employed by the owner thereof but are working with the permission of, or under agreement with, such owner :-

SCHEDULE

¹ [1.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
² [2.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
³ [3.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
⁴ [4.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
⁵ [5.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
⁶ [6.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
⁷ [7.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
8.	Tanning of hides and skins - with or without the aid of power.													
⁸ [9.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10.	*[Manufacture of Manipulation] of pesticides and insecticides - with or without the aid of power:													

Provided that in all the cases specified above as items (1) to (10) the manufacturing process in not being carried on by the owner with the aid of his family.

[No. SWL 34 LFB 75]

By Order and in the name of the Governor of Karnataka.

Sd.

Under Secretary to Government,
Social Welfare and Labour Department

Note: 1 to 7 and 9: With effect from 8-6-1990, the manufacturing process, specified at Serial Numbers, i.e., 1 to 7 and 9 are denotified/rescinded by S.O. 649, under Section 85 (1) of the Factories Act, 1948 read with Section 21 of the General Clauses Act, 1897; Notification No. SWL 119 LLE 89, dated, 7-6-1990, published in the Karnataka Gazette (Extraordinary), dated, 8-6-1990.

Note: * The words, "Manufacture of Manipulation", printed in the Gazette may be printing mistake; it may be read as, "Manufacture or Manipulation".

LABOUR DEPARTMENT

16. Subject: Re-designating of the Head of the Department and his subordinate officers- issue of orders regarding.

Read:

1. Government of India, Ministry of Labour letter No. S-25025174175-FAC addressed to All the state Governments and Union Territories.
2. Letter No DPAR 1021Bng/2003 dated 28th January 2003 of Department of Personnel And Administrative Reforms.
3. Proposal of the Chief Inspector of Factories & Boilers vide letter No. EST-IIRPP/CR-1412002-03 dated 3rd February 2003.

PREAMBLE:

The Department of Factories & Boilers is functioning under the direct control and supervision of the Labour Secretariat. The Department is headed by the Chief Inspector of Factories & Boilers and is assisted by Joint Chief Inspectors of Factories/ Boilers, Deputy Chief Inspectors of Factories Boilers, Senior Inspectors of Factories/Boilers, Inspectors of Factories/Boilers and Medical Inspector of Factories and others.

The functions of the department are regulatory in nature, which enforces social legislations Related to Boilers Safety, Industrial Safety, Health, Welfare and Environment. The enactments like the Factories Act-1948 and the Boiler Act - 1923 provides for appointment of Chief Inspector, Joint Chief Inspector, Deputy Chief Inspector, Inspector and such other officers as deemed fit by the Government. The name and designations assigned to such officers has remained in the present form as provided in the said acts.

The Government of India vide letter cited at reference (1) had issued directions to all the State Governments to effect the change in designation of the enforcement officers appointed under the said enactments to bring in conductive bureaucratic approach and uniformity in designation across the country. Keeping in mind the attitudinal and behavior shift of the department from policing to service provider, the Peenya Action Task Force had addressed a letter to the Chief Secretary, Government of Karnataka, with an appeal to re-designate the departmental officers suitably.

The Chief Inspector of Factories & Boilers has submitted a proposal to the Government vide letter under reference (3) above for re-designating the department and the officers. He has reiterated the opinion expressed by the Government of India and the Peenya Action Task Force. The department has shifted its role from regulatory to advisory nature. The department is functioning as a Service provider by giving technical advice and is assisting in the field of design manufacturing and maintenance of Boilers and Industrial Safety.

The Government has examined the proposal of the Chief Inspector of Factories & Boilers in detail. It is considered appropriate to change the name of the inspectorate and designation of the officers.

Hence the following orders:

GOVERNMENT ORDER NO.LD 07 KABASE 2003, BANGALORE, DATED; 7th August, 2003

In the circumstances explained in the preamble and after careful consideration the government are pleased to make the following orders with immediate effect.

- a) The Office of the Chief Inspector of Factories & Boilers is renamed as Directorate of Factories and Boilers.
- b) The Chief Inspector of Factories & Boilers is re-designated as Director of Factories and Boilers.
- c) The existing designation of the subordinate officers are hereby re-designated as under

SI.No	Designation of the Existing Post	Changed Designation
1	Joint Chief Inspector of Factories	Joint Director of Factories
2	Joint Chief Inspector of Boilers	Joint Director of Boilers
3	Deputy Chief Inspector of Factories	Deputy Director of Factories
4	Deputy Chief Inspector of Boilers	Deputy Director of Boilers
5	Medical Inspector of Factories	Deputy Director of Factories (Medical)
6	Senior Inspector of Factories	Senior Assistant Director of Factories
7	Senior Inspector of Boilers	Senior Assistant Director of Boilers
8	Inspector of Factories	Assistant Director of Factories
9	Inspector of Boilers	Assistant Director of Boilers

- d) The holders of the above posts shall not seek any revision of the pay scale attached to such posts in future.
- e) This order issues with the concurrence Law Department vide No. 175 opn-II/2003 dated: 05-03-2003, Finance Department, vide No. AE 354 SE-4/2003, dated: 21-06-2003 and DPAR vide their No. ಸಿಆಸುಇ 93 ಸೇನಿಡಿ 2003, dated: 26-07-2003.

By Order and in the name of the Governor of Karnataka,

B.H. UMAPATHY

Under Secretary to Government,

Labour Department, (Factories & Boilers)

LABOUR SECRETARIAT**NOTIFICATION****17. No. LD 04 KABANI 2015, Bengaluru, Dated: 25/01/2017.**

Government of Karnataka as pleased to introduce Karnataka State Factories Self Certification Scheme by issuing the draft notification inviting objections and suggestions from the persons likely to be affected hereby within 45 days from the date of publication of the draft notification in the official Gazette objections if any shall be submitted in the Additional Chief Secretary to Government, Labour Department, Room No. 414, 4th floor, Vikasa Soudha, Bengaluru-01.

Karnataka State Factories Self Certification Scheme-2016 to consolidate and streamline the enforcement procedures under prevailing labour laws for voluntary compliance by the Occupier. The Scheme aims at fostering the rights and interests of the workers/employees by the Employer through provision of voluntary compliance mechanism stipulated under The Factories Act 1948, The Payment of Wages Act 1936, The Maternity Benefits Act 1961 and their respective rules thereof.

This Scheme is also to further protect the life, health, rights and interests of the workers/employees by the Department of Factories, Boilers, Industrial Safety and Health by creating a peaceful, harmonious and productive environment for work and promotes better cooperation among employees, employers and the Government in this regard.

1. Commencement of the Scheme:-

- (a) The scheme shall be called the Karnataka State Factories Self Certification Scheme-2016.
- (b) It shall come into force from the date of its notification in the Official Gazette.

2. Definitions:-

In this Scheme, unless the context otherwise requires,—

- a) **“Scheme”** means the Karnataka State Factories Self Certification Scheme 2016
- b) **“Application Form”** means the Form in which Occupier submits his intention of entry into this Scheme as prescribed in Form-I.
- c) **“Non Hazardous Factories”** means the factories not included under Section 2(cb) of the Factories Act, 1948
- d) **“Occupier”** means persons defined under Section 2(n) of the Factories Act, 1948
- e) **“Notified Authority”** means authorities notified under Section 8 of the Factories Act, 1948.
- f) **“Self Certification”** means, a certificate submitted by the employer/entrepreneur to the notified authority, who opts to register his/her Factory under this scheme to the effect that

his/her Factory is in full compliance with the statutory requirements under applicable enactments included in this Scheme as prescribed in Form-II.

- g) “Workers”** means worker defined under Section 2(1) of the Factories Act, 1948.
- h) Registering Authority” shall mean Chief Inspector of Factories or Authorities appointed by him.**

3. Object of the Scheme:-

The object of the Karnataka State Self Certification Scheme 2016 is to solicit voluntary compliance from the Occupier and to reduce multiple inspections by the enforcement authorities notwithstanding any relaxation in the service conditions, safety, health and welfare of the workers.

4. Applicability of the Scheme:-

This Scheme is applicable to the Non Hazardous Factories employing less than 100 workers to which the following enactments are applicable;

- (1) The Factories Act-1948 and Rules their under
- (2) The Payment of Wages Act, 1936 and Rules their under
- (3) The Maternity Benefits Act, 1961 and Rules their under
- (4) The Karnataka Industries (Fecilitation) Act,2002

5. Accountability under the Scheme:-

This Scheme is optional and any Occupier of the Factories to which this scheme is applicable may opt for certification under this Scheme by applying to the Notified Authority in the prescribed format along with details in Form-I and a self-declaration in Form-II. Provided that this Scheme shall be applicable to an Occupier only after obtaining Karnataka Labour Identification Number from the appropriate authority.

6. Mode of Registration and Approval:-

The Occupier of the factory shall submit an application under Form –I, II and III to the Notified Authority.

- (1) Any discrepancy shall be communicated to the applicant within 15 days from date of receipt of the application by the Notified Authority.
- (2) The Registering Authority shall issue a certificate under Form-V within 15 days from the date of submission of a complete application by the Occupier.

7. Validity of Scheme: -

- (1) Information provided in the prescribed formats and declaration shall be true and correct as on the date of filing the application. The Self-Certified declaration and affidavit shall

be in accordance with laws specified in the Scheme and shall be valid for a period of 5 years.

- (2) The Occupier shall have an option to renew or withdraw from the Scheme upon completion of the stipulated 5 years. This option must be exercised in writing to the Notified Authority.

8. Registration Fee and Amount of Security to be deposited: -

Subject to the provisions of this Act, the Occupier of any Factory may opt to enroll for the Scheme by remitting registration and security deposit provided as under :-

Sl.No.	No. of Workers Employed	Registration Fee. (In Rs.)	Amount of Security Deposit (In Rs.)
1	Workers less than 50	Rs. 10,000/-	Rs. 50,000/-
2	Workers 50 or more but less than 100	Rs. 15,000/-	Rs. 1,00,000/-

In case of increase in number of workers/employees after being enrolled for the said Scheme, the Occupier shall remit the remaining applicable amount of security deposit and registration fee within one month of such increase.

8(A) Payment of Security Deposits & Registration Fees:-

- 1) The Security Deposit under this scheme shall be paid to Head of Account 8443-00-103-0-00 through e-payment.
- 2) The Registration Fees under this scheme shall be paid to Head of Account 0230-00-101-0-05 through e-payment.

9. Forfeiture of Security Deposit :

- (1) Any Occupier who fails to comply with the terms and conditions of the Scheme or fails to abide by affidavit submitted or violates any provision of law, then the amount of security so deposited shall deemed to be forfeited.
- (2) Notwithstanding anything mentioned in clause (1) in case of any violation of law the Occupier shall be deemed guilty in accordance to the provisions of Section 92 of the Factories Act, 1948.

However, there shall be no bar to the return of Occupier under the Scheme after compliance under applicable laws under the scheme subject to the satisfaction of the Notified Authority.

- (3) Any Occupier who withdraws from the Scheme before the expiry of 5 years, shall be refunded on annual prorated basis on the amount of security so deposited.

10. Annual Returns:-

The Occupier of factory shall file annual returns in Form-IV to the Notified Authority on or before January 31st of the year preceding the year to which the return relates.

11. Responsibilities of Notified Authority: -

Notified authority shall maintain a register containing all the information of the Factory covered under the scheme including amendments made from time to time.

12. Procedure of Inspection under the Scheme: -

All the Factories enrolled under this Scheme, shall not be inspected more than once in a year. In any year, not more than 30% of the units covered under the Scheme or the percentage specified as and when notified in the official Gazette shall be inspected arbitrarily and without notice notwithstanding specific written complaints by the workers, investigation of accidents and occupational disease even if it is inspected in said year and training/awareness programmes with the consent of Occupier or Manager.

13. Applicability of prevailing laws:-

The Factories not subject to this Scheme shall be subjected to the procedures prescribed under the prevailing labour laws.

14. Transparency and Accountability:

The Occupier, who has obtained registration under this Scheme shall maintain all Records, Registers and other information up-to-date as required under the applicable laws either in soft copy or hard copy at the work-spot/ unit office. Whenever Department authorities require records/ registers/information of the Factory, under the provisions of all applicable laws, then the Occupier is duty-bound to produce the same to the concerned authority, as required by the Authorities.

15. Display of Compliance Information:-

The Occupier shall display the terms and conditions of this Scheme as well as the status of compliance in a conspicuous place and in the language familiar to the employees. The Occupier shall also declare that affiliation to the Karnataka State Self Certification Scheme-2016, on their website, if available.

Removal of Difficulties:- In case, there are any difficulties in implementation of this Scheme, the decision of the Director of Factories, Boilers, Industrial Safety and Health in Karnataka, on the specific issue, shall be final and binding on the concerned parties

By order and in the name of the Governor of Karnataka

G.M.SIDDARAJU

Under Secretary to Government,

Labour Department

(Factories and Boilers)



Author's Profile

Dr. Narayanappa T.V., B.E., M.E., Ph.D

Deputy Director of Factories,
Department of Factories, Boilers, Industrial Safety and Health,
Government of Karnataka, Karmika Bhavan, Bengaluru-560029

- Dr. Narayanappa T.V., is from farmer's family from Mulbagal of Kolar Dis. He joined the Department of Factories and Boilers, Govt of Karnataka in the Year 1995 as Inspector of Factories. He has been serving in the department in the various positions and presently working as Deputy Director of Factories, Bengaluru.
- Prior to this, he was associated with M/s National Aerospace Laboratories, Bengaluru during year 1994 – 1995 as scientist and involved in Flight Mechanics and Controls, Commissioning and testing of Low Speed Wind Tunnel, and Testing of Scaled Aerodynamic Models.
- He also served for 7 years (1987-1994) in M/s Hindustan Aeronautics Ltd., Bengaluru and involved in Design and Development of Advanced Light Helicopter (ALH) Components, CAD, Development of Casting drawings, etc.

Academic Profile:

- He was awarded Doctor of Philosophy (Ph.D) in the faculty of Mechanical Engineering Science from VTU, Belagavi for the thesis of "A Study of Safety Climate and Safety Engineering Systems in Major Hazardous Industries (MHI's) in Karnataka" through JSSATE, Bengaluru in March 2019
- Acquired Master of Engineering in Mechanical Machine Design, in the year 1994 and Bachelor of Engineering in Mechanical Engineering from BMS College of Engineering, Bangalore University in the year 1992.

Areas of Expertise:

- Research on Industrial Safety, Safety Climate, Safety Culture, Implementation of BBS in Industries, Organising seminars and workshops to train Industrial workers, management personnel on safety and health. Conducting safety audits, Hazop study and Risk assessment in Chemical Industries.
- He is instrumental in developing a measuring instrument to measure safety climate in MAH factories.

Research Publications:

- He published many research papers in National and International Journals on Industrial Safety. To quote a few of them are: 2018, Safety climate in the Indian manufacturing industry - an exploratory study. *Journal of Safety Studies* 4 (1), 39-53.
- 2018, Identification of the critical factors of safety systems in Major Hazardous Industries in Karnataka state, India. *Journal of Advance Research in Dynamical & Control Systems* 10(01-Special Issue), 566-577.
- 2018, Identification of safety climate factors for Major Hazardous Industries: A study in Karnataka state, India. *Journal of Industrial Safety Engineering* 5 (1), 1-12.
- 2018, A study on safety climate status in oil and gas industries of Karnataka. *Journal of Industrial Safety Engineering* 5 (1), 35-43.
- 2018, Status of safety climate in chemical industry-Karnataka. *Journal of Safety Engineering* 7 (1), 32-36.
- 2018, Safety Climate and Safety Systems Factors and Their Relationship with Organisational Attributes and Demographic Characteristics of Employees in MAH Industries in Karnataka State, India. *Journal of Industrial Safety Engineering* ISSN: 2395-6674 (Online) Volume 6, Issue 1.



NIRUTA PUBLICATIONS

Nirathanka, #326, 2nd Floor, Opp. Syndicate Bank,
Near Dr. AIT College, Kengunte, Mallathahalli,
Bengaluru-560056.

Mob: 9980066890, Ph: 080-23213710, 8073067542

Email: nirutapublications@gmail.com

Website: www.hr-directory.com, www.mhrspl.com

ISBN 978-93-84262-62-4



9 789384 262624

Price : Rs. 900/-