

Business Law for Managers
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Module-5: Factories Act

Lecture – 25
Duties of Inspecting Officials

Welcome to lecture 25. This is the last lecture of module 5. In Module 5, we have been discussing primarily on the factories act. We discussed about the backgrounds various backgrounds definitions and we discuss about health and safety aspects. What are the health provision and safety provision which are mandated for factory management to implement in the workplaces and we also talked about employee welfare and services.

We talked about various services which are required part of the act. And also, the last lecture we discussed about working over which is one of the important aspects of the Act which is actually regulating the working hours. So that the workers do not have to work for a very long hours, it also talks about a break and we are also talking about the provisions related to overtime in case of a worker works and an overtime.

What has to be done? How it has to be paid? And weekly holidays compensate the holidays, all that were discussed. Now, we are coming into the last part of the legislative which is going to talk about the duties of the inspecting officials.

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BUSINESS LAW FOR MANAGERS

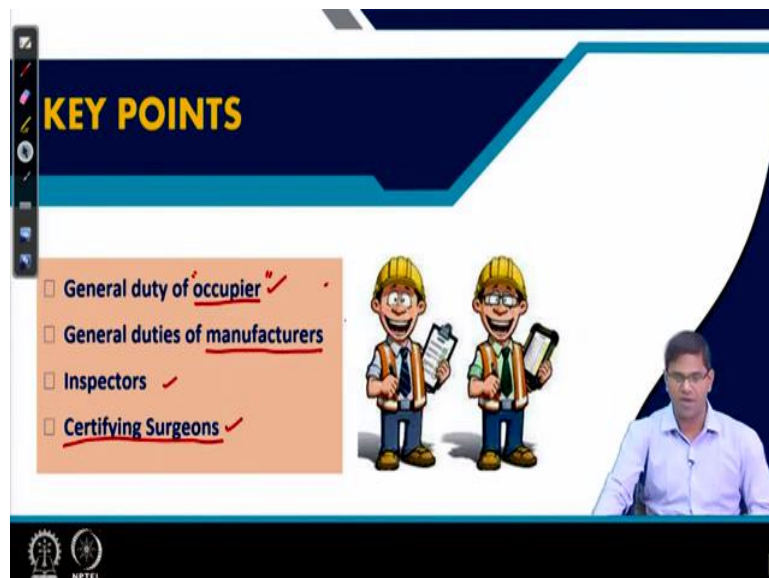
Introduction

As per provisions of the Act, the state government may, by notification, appoint Chief Inspectors, joint Inspectors. Dy chief Inspectors and Inspectors with prescribed duties and qualifications. It has been articulated that every Inspector is deemed to be a public servant within the meaning of Indian Penal Code (IPC)

And as per this provisions of this act, State Government through the notifications will definitely appoint one of them, either a Chief Inspector, Join Inspectors or Deputy Chief Inspector and Inspectors, who are apt these prescribed qualifications and they will be enshrined with certain duties and responsibilities. And you know, they are a public servant. As per this, legislations in every district are maybe combining few districts based on the State Governments looking at the amount of manufacturing companies existing.

So, they might even appoint an influx inspector of factories for a particular District or Mandel or a Zonal level, they will be appointed and they are definitely a Government Servant to be appointed as an Inspector of Factories.

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Now, what are we going to discuss today's lecture. So, we are going to discuss about general duties of an occupier we have already been discussed about who is an occupier. Occupier is nothing but owner of a company are in case a representative of the company whose name has been reflected on the factories license as I said, yes, when you wanted to register yourself as a factory, you will have to enclose who is the responsible persons.

Many times, the larger firms where they will have multiple factories under their particular conglomerations, they might deputy general manager or a responsible manager of the particular factory as the responsible person in that case, the occupier is the general manager or manager of the particular factory or otherwise to the smaller factories. Wherein the owner of the factory or the capitalist of the factory will remain as an occupier.

So, we are going to see what are the duties with respect to the occupier as an occupier or as a registered person who's going to taking care of the factory. What are the duties one has to do? And we are going to talk about the duties of a manufacturer? Yes, of course, the person who's going to manufacture the product at the factory. So, what are the duties they have to do under these legislations and we will also see the duties of the inspector.

So, we have an inspector of factories for each district or at these zonal levels. So, what are the duties they are going to do? And we are also going to talk about duties of a Certifying Surgeons. So, this part, when we are going into this place, I will be talking about why we are talking about surgeons. We are wherein we are only so far talked about the owner of the manufacturer and Inspectors. Where does the surgeon come? What is the role of the surgeons? I will be discussing it in that particular slide.

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Factories Act 1948: Duties of Inspecting Officials

General Duty of the Occupier

- Occupier shall ensure, the health, safety and welfare of all workers while they are at work in the factory.
- Every occupier shall prepare and revise, a written statement of his general policy with respect to the health and safety of the workers.
- Bring such statement and any revision thereof to the notice of all the workers.

Handwritten notes: ✓ Health, Safety, Welfare → Mandate Provisions; H.S.W.; Manager (i.e. Occupier); Employee; → Policy.

Let us get into the lecture now. Now, what are the general duties of the occupier? We've been discussing it in the previous lectures as well. The duties of an occupier should ensure that yes, health and safety and welfare to all workers are provided when they are at work in the factory. So, when you are talking about health and safety and welfare for all workers, what is the health and safety welfare that is already we discussed in the previous lectures?

Yes, whatever the provision, which are listed down under the health provisions under the safety provisions and also for welfare provision that has to be provided by the factory. And it is a responsibility of the occupier that yes, this has been supervised or time to time it has been

you know checked and verified that yes, it has been provided. One cannot, for example, we are talking about now employing a labour welfare officer.

So, we are already seen yes labour welfare officer has certain responsibility to oversee the activities and see the canteen facilities and various other facilities. That occupier should not you know, discount that yes, I do not know, because this is missing because the Labour Welfare Officer did not look into it, no, it is a responsibility of the occupier that, yes health and safety provisions are provided.

Then, the occupier shall prepare and revise a return statement of his policies with respect to health and safety of the workers. Now, I am just very critical. So, now, imagine that no one of you are going to be a manager and at the same time will also be an employee of the company, when the memorandum is also talking about a manager maybe you are responsible or also become an occupier what you have to do in a factory.

So, every factory has to have documents that a policy company has to create a policy with respect to health and safety aspects. So, you have to create a policy for your particular factory that what are your policies with respect to health perspective? So, health respect to is your policy should definitely cover all the mandated provisions, it is very very important, your policies should not exclude any of the provision which are mandated as per these legislations Yes, you have to have the policy.

Now, you have to time-to-time revisit, revise in mapping with the any amendment which are happening or maybe the standards are keep improving. And then it is important and that is occupied as to revisit, revise, review the policy and time to time. And then update the policy of health and safety to the workers. And any statement any revision which they are noting that they have to bring it to the notice of the workers, let us say they are making some changes on the employee welfare policies.

What will happen eventually, the workers may not be aware about the changes which are happening on this Labour Welfare Policies. So, it is also a duty it is not only about revisiting, reviewing, updating or coming with the new policies, it is also important that you have to communicate this to the workers who is concerned about these particular policies.

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Factories Act 1948: Duties of Inspecting Officials

General Duty of the Manufacturer

Every person who designs, manufactures, imports or supplies any article for use in any factory shall

- ensure, that the article is designed and constructed as to be safe and without risks to the health of the workers.
- carry out or arrange for the carrying out of tests and examination
- take such steps as may be necessary to ensure that adequate information will be available

Handwritten notes on the right side of the slide include: "90dB", "100dB", "Man Work", and "Fibre".

Then what are the other duties of a manufacturer, so every person who designs every person we are talking about a manufacturer who is also again happened to be the responsible person who is going to look after the manufacturing activity of a particular factory, who design manufactures imports or supplies any article for using the factory shall ensure that yes. The article designed and produced should be safe without any risk to health of the workers.

Now comes very critical. So, there are possibility in some certain products with our, you know, having will likely to have health hazards to the workers. In that case what will happen? So, we happen to see 2 different types of categories of the factory which let us say x and y. So, why we are talking about? Yes, the products maybe in the process of productions, the missionary maybe other aspects may be risky.

But as the product as it is the output of the product or the end product may not be that harmful to the health of the workers. But there can be situations, there are some activities, which might cause health hazards to the workers. Now, what do you have to do? So, the factory management has to ensure that yes, you have adequate system and practice in place that it reduces any harm to the workers.

And you also provide ensure that yes, you are providing proper productive equipment and time to time regular health checkups of the workers and ensure that yes, held up the workers are ensured. So, you have to ensure that yes, it does not have any risk to the health of the

workers. And it they as I said, No, you have to as a manufacturer, you have to carry or arrange for tests and examinations.

So, you have to time to time examined conduct a test to see the health of the workers. For example, maybe some section in a manufacturing plant, where the noise level is really high, maybe 90 more than 90 decibels. Imagine this, you know, the noise is really high. And those people who are working in those noisy processes will be provided the earplugs are earmuff.

Maybe some of you would have seen earplugs where you have to it is like now that we have a handset in and that we can use the earphones. So that is been earplugs that actually reduces workers to be exposing to the higher level of noise continuously. Then also if it is it is even more, you know, I think you know, more than 100 decibels. So, it is always better to go for an ear muff which is kind of you know, headphones it is completely blocks reduces the noise which gets into one.

So, now comes the key thing every 6 months the factory management has to or check the you know hearing I do the examination of all the workers who are exposing to this particular you know noisy production processes to ensure that, yes, they are not having any health impact because of the production process they are engaged in. So as to conduct and examine so that is why we are talking about a test and examination to be conducted.

And also, when I were talking about as I was talking about the noisy production process, you have to see that ensure that yes, workers are not at a set not more than 5 hours they are exposing themselves to the high noisy production processes. So, you have to have a break but there should be rotations or after the break they have to come back. So, this has to be provided. So, you have to conduct the examinations for the workers.

For example, maybe you know, where you will see rays and UV rays or you know, X ray rooms or wherever you use laser operations. Now, you see that know many of the you know, laser cutters been used. There are many factories where they use laser operations. So, laser operations process are risky to the workers with the you know, continuous exposure to those lasers will create certain health impacts to the worker.

So, those workers has to be time to time go for an examination to ensure that yes, they are not having any health impact. And also, you have to take a man of steps may be necessary to ensure that as adequate information is available to the workers in terms of which are the processes which are going to have when a long term might have a health impact, what is the provision that factory has in terms of conducting examination of the health examination, all that information has to be available.

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Factories Act 1948: Duties of Inspecting Officials

General Duty of the Manufacturer

- carry out or arrange for the carrying out of necessary research with a view of the discovery
- to take the steps to ensure that the article will be safe and without risks to the health of the workers

Then carry out or arrange necessary research with respect to the risk area, what are the processes which are risky? And also, an auto is ensured that yes, the article will be safe without any risk to the health of the workers which if you look at know, this also goes with the same point as the duty of the occupier. So, these are the some of the duties of the manufacturer.

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Factories Act 1948: Duties of Inspecting Officials

Power of Inspector

- Enter factory premises for investigation
- Examine the premises, plants, machinery, article or substance
- Inquire into any accident or dangerous occurrence
- Require the production of any prescribed register or any other document
- Seize, or take copies of, any register, record or other document necessary in respect of any offence under this act, believe, has been committed

Handwritten notes: Factories Inspector, Accident Register, Minor, Major, Died, Casualties, Government.

Now, we are going to talk about the power of Inspector because we already said yes Inspector of a factory or we say Factories Inspector. They are our Government Servant. So, what are the power which are provided under this legislation. They can enter factory premises for investigation, we always see that you know, factories are fenced, they have a security service and nobody are the outsiders are not allowed inside the factory production premises.

Now, comes the Factories Inspector has the authority to enter the factory premises for investigation purpose. So, one cannot stop the factories inspected to entering a factory premises for the investigation. Then, they can also examine the premises plant machinery article or any substance. Maybe you know, now, we are India being the developing nations and we are also becoming a manufacturing hub.

And becoming a competitor to China you could see that a large number of foreign nationals' production process happens. Due to the product security and the IPR Intellectual Property Rights, certain products cannot be seen or verified but now the Factories Inspector for the purpose of examining so, they can examine the plants machinery article or any materials raw materials been used for the production process.

And they can also conduct inquiry into any accident or dangerous occurrences. Now, if we come into accident and occurrences the factory has to maintain, you know, register, which we will talk about accident register. They will classify minor accident, any major accident they have to have the accident register in place. So, regularly it has to maintain when the factories inspector inspects.

Probably you will see what are the occurrences of the accidents he can go examine the reason for this accident, is it systematic in nature or is it a one-off incident in the factory. So, Factory Inspector has the authority to inquire any incident or dangerous occurrence in the factory. Then the factory inspector requires a production of any prescribed register or any other document.

So, he can actually ask the factory management to show him whatever the registers they have been maintaining because as per this register, there are a lot of registers to be maintained by the factory management. You can actually ask them to show this you know, registers, for his verifications. And you can also see take away some of the copies, I mean some of the certificates are registers.

And they can also take copies of any register record other document necessary for in order to examine the particular occurrence of incident in dispute any offence under this act. So that you know he has the authority to see those register. For example, let us say we are talking about an accident register. There is a major accident happened and it has been recorded know some worker have no permanent disability permanent disability are probably you know; somebody has died causality.

So, now, in this situation, yes, it is you know very serious things that have happened in the factory maybe because of the workplace accident. So, to investigate, he can seize those register with him to see investigate the fact to understand what is happening on this particular incident.

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Factories Act 1948: Duties of Inspecting Officials

Certifying Surgeon

State Government may appoint qualified medical practitioners to be certifying surgeons. Duties of surgeons may be as follows:

- the examination and certification of young persons under this Act which is likely to cause injury to their health;
- the examination of persons engaged in factories in such dangerous occupations or processes

The slide features an illustration of a worker in a red hard hat and white uniform holding a clipboard and a lightbulb, standing next to a yellow factory building. A video inset in the bottom right corner shows a man in a white shirt. The NPTEL logo is visible in the bottom left corner.

And you know, these directors of the occupier that any premises or any shall be left disturbed, so long the purpose for the examinations. And you know, he can also take photographs or record such conversations for the purpose of the examination. Examination, we are talking about again examining these certain occurrences of incidences happen in the factory premises.

Which are offence you know, which are violating the norms of these our violating the provisions under this Act and any other power which he can exercise as prescribed in the legislations. And no person shall be compelled under this section to answer any questions give evidence in you know incriminate himself. You know, it is you know, you cannot actually be you know, forcing mineral one can actually force him to you know, not to perform his duty.

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Now, as I as I was discussing about the power of the inspector, now, we are coming to the next section, which I said no, in the beginning of the lecture, yes, we are going to talk about certifying surgeon. Now, let us talk about the appointment then I will talk about these duties. So, the State Government can appoint a qualified medical practitioner as a certifying surgeon.

Now, when of our State Government is appointing what are his duties? So, the certifying surgeon and the can examine and certified young person under this act which is likely to cause injury to his health. So, now, as I said in the act, we are talking about child young person, we have had the when we are started with the first lecture, so, we discussed about the definition of this.

So, the certifying surgeon have to examine an issue a certificate declaring, yes, he or she is an in person and examination of the person engaged in practice such dangerous occupations or processes. He can also examine a person who are engaged in a certain dangerous occupations or processes. Now, we also understand so, what is generally happened in some of the you know, factories.

So, now, you see you know Aadhaar is being widely been provided everybody have holds Aadhaar that actually become a verification of your age of worker. But there are some instances where I visited many factories, which I observed that yes, based on their you know, school leaving certificate or their grade card, something like that they used to show their age. So, but again, anybody who is just between this, you know, coming into this year range.

So, there is always a risk if they do not have a proper documents and records. So, you know, the certifying surgeon has to certify the age of the person by you know, examining his age and ascertaining his age.

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The image shows a presentation slide with a blue header and a white background. The title is 'Factories Act 1948: Duties of Inspecting Officials' in a yellow box. Below it is a green box with the text 'Certifying Surgeon'. The main content is in an orange box, listing three points: (i) cases of illness due to manufacturing process, (ii) likelihood of injury to health, and (iii) young persons in risky work. A red handwritten note 'Risk Assessment' is written next to the list. In the bottom right corner, there is a video inset of a man in a light blue shirt speaking. The NPTEL logo is visible in the bottom left corner.

The certifying surgeon will also certify the age of the person. And you know, he is also exercise medical supervision of the factories where case of illness have occurred, where due to the nature of the manufacturing process. And you can also see whether this due to manufacturing process, is there a likelihood of injury to the health of the workers, it is kind of a risk assessment.

What are those process? Which are likely to cause certain health impacts on the workers and any young person are employed in any work which is likely to cause injury to their health. So, we should also know the certifying surgeon can also see what are the processes? Which are risky that prepare young or child worker cannot be placed on these particular processes?

Now comes as we discussed about various stakeholders, we started from the occupier right, occupier, we talked about the manufacturer. And we talked about the inspector and surgeon, certifying surgeon. Now comes the next important stakeholder is employee are the worker.

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Factories Act 1948: Duties of Inspecting Officials

Obligations of workers

1. No worker in a factory-

(a) shall willfully interfere with or misuse any appliance, convenience or other thing provided in a factory for the purposes of securing the health, safety or welfare of the workers therein;

(b) shall willfully and without reasonable cause do anything likely to endanger himself or others; and

(c) shall willfully neglect to make use of any appliance or other thing provided in the factory for the purposes of securing the health or safety of the workers therein.

PPE's

So, now we are going to discuss about what are the obligations? What are the expectations from the workers? No worker in a factory shall willfully interfere or misuse any appliance or convenience or any other things provided in the factory for the purpose of securing health and safety of the welfare of the workers. Wherein, so, you know, should not interfere.

And similarly, no worker in a factory shall willfully and without any reasonable cause, do anything likely to endanger himself and others. So, one cannot engage willfully, wantedly to abstract something or do something, which is going to cause harm to oneself and also to others in the factory. So, it has to be a this very clearly stated that, yes, you know, workers cannot do it and if they do so, it is an offence under this act.

It is not only about this act is you know, protecting only trying to provide health and safety to the workers from the management perspective. It is also having certain obligations for the worker side that Yes, you are being one of the workers in a factory, what you he or she has to do to obey these certain provisions provided. And the workers are now shall willfully neglect to make any use of the appliance or other things provided in the factory to secure the health and safety of the workers.

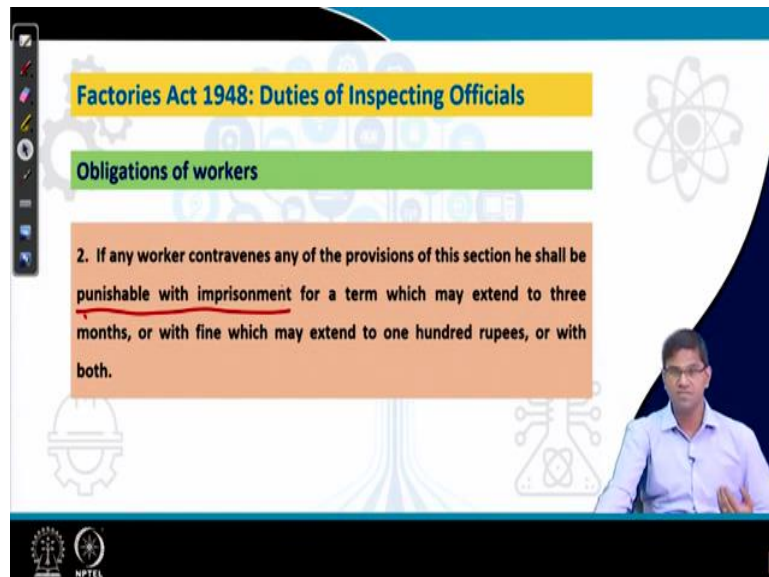
Now can I can give an example, let us say there is a process and this process has certain risks, so they are providing personal protective equipment, which should be called a PPE's. Let us say somebody is working in a welding operation or somebody is working on with chemicals you have been provided with the goggles, or maybe you are working with highly noise producing production process.

You have been provided earplugs or earmuffs or maybe you know, the proper suit when you are going in a chemical mixing room. Imagine that you know, you are being asked where a proper shoes and goggles and gloves and masks, there are pain sprays, if you visit any of the processes where the pain process happened, pain spray, there are which are dangerous operations.

You might you know, inhale those and you are sprinkles on the particles, so you are being asked to wear a mask. So, this is your requirement and factory is also providing those supplies of the personnel productive equipments. Now, despite that they give that these are the protective equipment that one has to wear when you are working in this workstation. And if a worker wantedly fails to use those, you know, PPE's, factory can you know taken action against these workers.

That is why you should not willfully you know, abstain doing something which are require to do because to protect your health and safety of the workers.

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Then, if any worker contravenes which disturbs the provisions of this section shall be punishable with imprisonment, it should be noted that knowing the worker also punishable with imprisonment with can extend to 3 months or with fine or with both also. So, there is also an offence anybody obstructs are in a contravenes the centre which we discussed about all this you know willfully obstructing the any other workers are harming somebody within the factory he or she is can be imprisoned for 3 months or fine or both as well.

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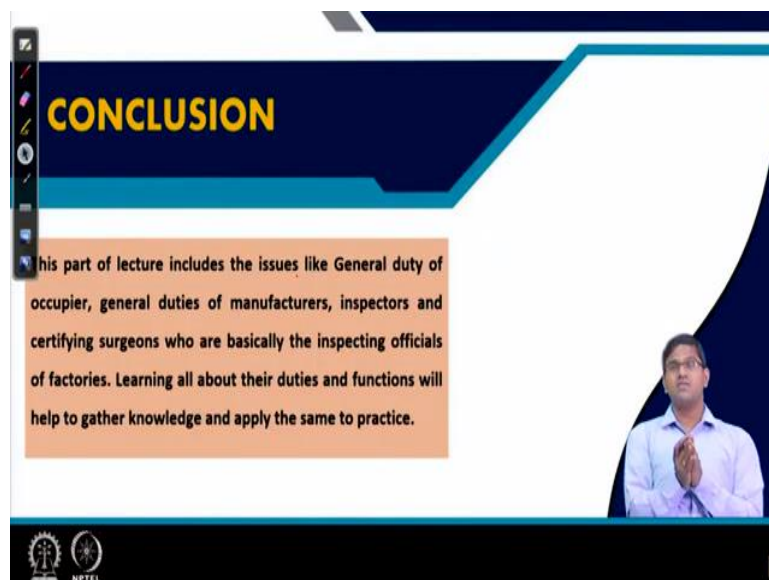


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CONCLUSION

This part of lecture includes the issues like General duty of occupier, general duties of manufacturers, inspectors and certifying surgeons who are basically the inspecting officials of factories. Learning all about their duties and functions will help to gather knowledge and apply the same to practice.

The slide features a dark blue header with the word 'CONCLUSION' in yellow. Below the header is a text box with a summary of the lecture content. A video inset in the bottom right corner shows the same man in a light blue shirt with his hands clasped. The NPTEL logo is visible in the bottom left corner.

So, what today the last lecture of this particular you know legislations we discussed about various aspect of it, where we discussed about the duties of the occupier, duties of the manufacturer. And we also discussed about in fact, the State Government or the competent Government has to appoint an factories inspector, the factories inspector has a lot of power.

Who can actually visit enter the premises of the factory, examine the factory and take the registers, verify the register, walk into the factory, talk to the workers and also if they observe any instances or occurrences happened, he can examine to understand what really caused this particular accident in the particular factory. And he can also take away the registered certificates for the examination purpose.

So, the factories inspector has a lot of power to even because if the factory violates, he or she can be the factory can be withdrawn with a certificate. Then we also talked about a certifying surgeon. The certifying surgeon is appointed by the State Government who can actually visit and examine any dangerous process for young person and also examine any health risks associated with the processes and also can declare the age of the certificate.

As I was discussing, yes, some young workers may work, some factory may prohibit the child workers only want to have the adult worker who does not have the certificate. You have to be certified by the certifying surgeon that, yes, this person is adult worker. Similarly, in case of a child worker, or adolescent workers are working in the factory. The certifying surgeon has to examine or the health of those child worker and the adolescent worker and provide a certificate.

That certificate has to be always handled by the HR department of the factory as in when which are required that has to be verified. And these are the surgeons and also as a stakeholder being a worker an employee, you are also having certain obligation on this particular aspect and what you have to do you should have to follow the rules and regulations which are going to secure your health and safety in the factory premises.

And we should not willfully disobey or create any risk for the other workers in the factory. So, with this what, we have comprehensive discussion about these legislations. This is one of the important legislations which are talking about health and safety, welfare and the regulating the working hours for the workers and also special provisions also be discussed about women employing women and also children and adolescent worker.

This is one of the important legislations if you are working in an industry or about to work in an industry, this will help you to be aware about what are the provisions? Or what are the mandated health and safety provisions are enshrined by the legislations? Thank you we will be seeing in the next module. Thank you.