

WELFARE MEASURES UNDER THE FACTORIES ACT: A CRITICAL APPRAISAL

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ABSTRACT:

Welfare measures means such services, facilities and amenities as may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and to provide them with amenities conducive to good health and high morale. After the independence, the Government of India makes strict rules and regulations to safeguard the interest of the workers in the factories. The present article pertains to the welfare measures provided to the workers as per the provisions laid down in Chapter 5 (Section 42 to 50) of The Factories Act, 1948 for the benefit of employees of the factories. This article also tries to analyze the effectiveness of these welfare provisions. It is analytical and descriptive in nature and doctrinal in approach. The concept of 'labour welfare' is necessarily flexible and elastic and differs widely with time, region, industry, social values and customs, degree of industrialization, the general socio-economic development of the people and the political ideologies prevailing at a particular time. It is also moulded according to the Estelar age-group, sex socio-cultural background, marital and economic status and educational level of the workers in various industries. Accordingly, the concept cannot be very precisely defined. A series of sharply diverse opinions exists on the motives and merits of labour welfare as well. In

its widest sense, it is more or less synonymous with labour conditions and as a whole, including labour legislation and social insurance. Labour welfare implies providing better work conditions, such as proper lighting, heat control, cleanliness, low noise level, toilet and drinking-water facilities, canteen and rest rooms, health and safety measures, reasonable hours of work and holidays, and welfare services, such as housing, education, recreation, transportation and counseling.

KEY WORDS: Factories Act, Welfare Measures, Health, Security, Workers.

INTRODUCTION:

(Vaid 1970) The term 'Labour Welfare' refers to the facilities provided to workers in and outside the factory premises such as canteens, rest and recreation facilities, housing and all other services that contribute to the wellbeing of workers. (Sivarethinamohan 2010) Welfare measures are concerned with general wellbeing and efficiency of workers. In the early stages of industrialization, welfare activities for factory workers did not receive adequate attention.

Employers were not inclined to accept the financial burden of welfare activities. Wherever employers provided for such amenities, it was more with a paternalistic approach to labour rather than recognition of workers' needs. Hence the state had to intervene, in discharge of its welfare responsibility, by using its persuasive powers and/or by enforcing legislation, where persuasion failed. Compulsory provisions are thus incorporated in the Factories Act, 1948 with respect to the health, safety and welfare of workers engaged in the manufacturing process.

(Murugan 2013) Working conditions of factory workers in India has been historically very pathetic. Due to poverty and exploitation by factory owners, workers had practically no option. Due to an increase in industrial activity in the latter half of the 19th century, attempts were made to improve the condition of the workers many times by the reports of the Royal Commission through various acts. The act of 1948 builds upon the act of 1934 after understanding the defects and weaknesses of the earlier act. (Murugan 2013; R.j.reddy 2004) An important change was the widening the definition of a 'Factory' to include any industrial establishment employing 10 or more people that uses power, or any industrial establishment that employs more than 20 people that does not use any power. Other important changes were:

- The distinction between seasonal and non-seasonal factories was removed.
- Increasing the minimum age of children eligible to work from 12 to 14.
- Reducing the hours of work for children from 5 to 4 and a half.
- Prohibiting children from working after 7 PM and before 6 AM.
- Explicit and special focus on health, safety, and welfare of all sorts of workers.

PD.Mathew and KS.Jaiswar in their article states that the present factories Act has provided ample benefits to the factory workers and it has improved their working and employment conditions. Quality of Work Life might have different connotations to different persons but in academics it means the degree to which the members of work organization are able to satisfy important personal needs through their experiences in the organization. It refers to fair remuneration, safe and healthy environment, opportunities for growth and the like. Better quality of work life leads to motivation and satisfaction. The welfare aspect of the quality of work life plays a very significant role in increasing the productivity of manpower in the organization. Dr.M.Ashok Kumar, M.Parul and P.Bhati in their article they have analysed the impact of welfare provisions on employee satisfaction. CP.John, 2004 studied the large gaps existing between rich and poor unorganized workers and organized workers in several countries to provide social and economic security to poor and unorganized sectors (Gupta 2007).

AIM:

- To critically analyse Factories Act, 1948
- To study the benefits and welfare of workmen under Factories Act, 1948

HYPOTHESIS:

H₀- Welfare measures are not properly implemented in factories

H_a- Welfare measures are properly implemented in factories

MATERIALS AND METHODS:

This study is collected from secondary sources such as national and international journals, books, websites, etc.

DISCUSSION:**WELFARE MEASURES**

The welfare measures involve three major aspects which are - occupational health care, suitable working time and appropriate salary. It refers to the physical, mental, moral, and emotional well-being of an individual (Vestergaard 1999). The safe work environment provides the basis for the person to enjoy working. The work should not pose a health hazard for the person. The welfare measures aim at integrating the socio-psychological needs of employees, the unique requirements of a particular technology, the structure and processes of the organization and the existing socio-cultural environment (Dr.R.Madhesh et al. 2012). It creates a culture of work commitment in organizations and society which ensure higher productivity and greater job satisfaction to the employees. The welfare measures are defined in the same way as defined by the I.L.O. at its Asian Regional Conference, "A term which is understood to include such services, facilities and amenities as may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and to provide them with amenities conducive to good health and high morale." Shoba Mishra and Dr.Manju Bhagat, 2007 in their article discusses about labour welfare activities in an industrialized society. It is the extension of democratic values in an industrialized society. Kwong- Leung Tang and Kiu Cheung (2007) Studies survey data from 1240 welfare recipients in Hong Kong investigate effectiveness of various measures to diminish welfare dependency. Findings offer support to generality of claim about effectiveness of welfare to work programs. Ashok Kumar Sheoron, 2013 has studied about the implementation of factories Act in three industries namely, national fertilizers ltd, panipat spl ltd, bahadurgarh and cooperative sugar mill Karnal in Haryana.

Due to the welfare measures, the employees feel that the management is interested in taking care of the employees that result in the sincerity, commitment and loyalty of the employees towards the organization. The employees work with full enthusiasm and energetic behavior which results in the increase in production and ultimately the increased profit. The article, awareness of workers to health, safety and welfare provisions under factories Act, 1948 has examined the awareness level of workers under factories Act (Kumar 2003). The author has analysed that female and married workers are more aware of the factories Act provisions compared to male

and unmarried workers. Likewise, Upadhaya, 2006 have examined awareness and implementation of statutory and non-statutory labour welfare measures in garment and hosiery industry. Keerthi Sriya A, Dr.Panatula Murali Krishna, 2014 their research focuses in exploring the status of awareness and satisfactory levels of various provisions of Indian factories Act, 1948 in target organization "Penna cement Industries", Andhra.

(S.Hariharan et al. 2011) The measures of welfare give result after a long period of time. It is a long process, so the management has to keep patience while providing the welfare facilities for the employees. While deciding the welfare facility for the employees, the management has to do discussions with the persons who are now going to avail the facilities. The communication increases the cohesiveness between the management and the employees and thus industrial relations improve.(S.Hariharan et al. 2011; Thiruchanuru and Vijeta 2013; Sankaralingam 2015)

Welfare measures in factories:

After the independence, the Government of India makes strict rules and regulations to safeguard the interest of the workers in the factories. The welfare facilities are provided to the workers as per the provisions laid down in Chapter 5 (Section 42 to 50) of 'The Factories Act, 1948' for the benefit of employees of the factories.(Upadhaya and V.V. Giri National Labour Institute 2003) Analyzing the benefits of the welfare provisions, the management bears the huge cost spend on the welfare activities. (Cole 1922)The experts have a firm opinion that by providing the welfare facilities to the employees the productivity of the employees increases and ultimately profit increases. According to Section 49 of 'The Factories Act, 1948' – "In every factory wherein five hundred or more workers are ordinarily employed the occupier shall employ in the factory such number of welfare officers as may be prescribed". (Vaid 1962)The major role of welfare officer is to facilitate and observe the welfare measures for the employees in the organization. BD.Singh in his study about factories Act says that, factories Act is made for social legislation enacted for occupational safety, health and welfare of workers in workplace. A.Sabarirajan, T.Meharajan and B.Arun in their study analysed the employee satisfaction towards welfare measures in cotton and textile industry, Salem where the study revealed that about 84% workers were satisfied. Victor Muchamwa, 2017 undertook literature review on health and safety that potentially affecting

operations at Konkola mining industries. Sapna, 2016 in her study examined the level of awareness of workers safety, health and welfare measures under factories Act, 1948.

Workers' Participation in Management:

(Averineni et al. 2012) Workers' Participation in Management (W.P.M.) is the tool of employee welfare and this encourages the employees to work hard for more productivity which ultimately increases the turnover of the organization. In WPM method, the management takes the decision with the consultancy and consensus of the workers. The workers are given the proper role and participation in the decision making process (Averineni et al. 2012; Mustafa and Sharma 1998). It has been found that the workers, the executives and the management people are all responsible for the proper implementation of the welfare measures in the organization. Garg and Jain, 2013 in their article they studied about the awareness, implementation and level of satisfaction regarding welfare provisions at cotton textile industry in Punjab. (Neuloh and International Industrial Relations Association 1973*) The study suggested management to formulate problem solving committee to conduct hearings from workers to solve their problems. Likewise, Logasakthi and Rajagopal, 2013 in their study highlighted the employees satisfaction level regarding welfare measures at chemical industry in Salem region. The study suggested that the industry should concentrate on settlement of funds internally and medical reimbursement facilities (Durga Prasad 1995).

WELFARE PROVISIONS UNDER THE FACTORIES ACT, 1948

The Factories Act, 1948 is one of the major central legislation designed to regulate the working conditions of workmen in the factories. It lays down all essential provisions relating to cleanliness, ventilation, lighting, sanitary arrangements, health, safety & welfare of the workers in the factories (Sriya A et al. 2014). This Act is applicable to the factories where in ten or more workers are working, or were working on any day of the preceding twelve months and in which a manufacturing process is being carried on with the aid of power or twenty or more workers without the aid of power. (Lewinsohn 1969)

Provisions Regarding Health of the Factory Workers

To take care of the health of workers in factories, the Factories Act, 1948 has provided for certain measures which are stated below:

(i) Cleanliness of the factory premises -

Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance. It is specifically provided that in a factory -

— Accumulations of dirt and refuse shall be removed daily, by sweeping or any other method, from the floors and benches of work rooms and from stair cases and passages, and disposed off in a suitable manner;

— The floor of every room shall be cleaned. This shall be done at least once every week by washing, using disinfectant or by some other effective method;

— Where a floor is liable to become wet in the course of any manufacturing process to such an extent as is capable of being drained, effective means of drainage shall be provided.

— All inside wall and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall

a) Be painted or varnished, and repainted and revarnished at least once in a period of five years; where they are painted or varnished, be cleaned at least once in a period of 14 months by such methods as may be prescribed by the Government.

b) Where painting or varnishing is not required, be kept white washed or colour washed, and the white washing or colour washing shall be carried out at least once in every period of 14 months.³

(ii) Disposal of Wastes and Effluents –

Effective arrangement shall be made for the disposal of wastes and effluents arising out of manufacturing process in the factories.

(iii) Ventilation and Temperature –

Provision to be made for ventilation and regulation of temperature in the factories. Effective and suitable measures shall be adopted for securing and maintaining in every room -

- Adequate ventilation by the circulation of fresh air, and
 - Such a temperature as will secure to workers reasonable conditions of comfort, and prevent injury to health, and in particular the walls and roofs shall be of such material and so designed that such temperature shall not exceed but kept within reasonable limits.
- The state government shall prescribe the standards of adequate ventilation and reasonable temperature for any factory or part thereof.

(iv) Dust and Fume –

In every factory, where due to manufacturing process, dust or fume or other impurity arise which is likely to be injurious to the health of workers employed, effective measures shall be taken to prevent its inhalation, and accumulation in any workroom. If it is necessary to install exhaust appliances, it would be installed near the point of origin of the dust, fumes, or other impurity. Measures shall be taken to enclose such points.

(v) Artificial humidification –

Artificial creation of humidity is employed in India in cotton textile mills and in cigarette making factories. In respect of factories, where humidity of the air is artificially increased, it is provided to make rules—

- Prescribing standard of humidification;
- Regulating the methods used for artificially increasing the humidity of the air;
- Directing prescribed tests for determining the humidity of the air to be correctly carried out and recorded, and
- Prescribing methods to be adopted for securing adequate ventilation and cooling of the air and the work rooms.

(vi) Overcrowding –

No room in any factory shall be overcrowded to such an extent which becomes injurious to the health of the workers employed therein. The Chief Inspector of factories by order in writing shall fix the maximum number of workers to be employed in each room in the factory.

(vii) Lighting –

The Factories Act provides for sufficient and suitable lighting, natural or artificial where workers are working or passing through. Provision of cleaning of inner and outer surface is provided for all glazed windows and skylights used for the lighting of the workrooms. In every factory, effective provision shall be made for the prevention of

- a) glare, either directly from a source of light or by reflection from a smooth or polished surface;
- b) the formation of shadows to such an extent as to cause eyestrain or the risk of accident to any worker.

(viii) Drinking Water –

In every factory, effective arrangement shall be made at suitable places for sufficient supply of wholesome drinking water. Such places shall be legibly marked 'Drinking Water' in a language understood by a majority of the workers employed in the factory. In case of factories employing more than 250 workers, provisions shall be made for cooling drinking water during hot weather by effective means, and for its distribution.

(ix) Latrines and Urinals –

The Factories Act requires that provision should be made for –

- a) Sufficient latrine and urinal accommodation conveniently situated and accessible to workers while they are in the factory;
- b) Separate enclosed accommodation for male and female workers;
- c) Such accommodation being adequately lighted and ventilated;
- d) All such accommodation being maintained in a clean and sanitary condition;
- e) Sweepers being employed to clean latrines, urinals and washing places.

Where the number of workers in a factory is more than 250 –

- i) Latrines and urinals shall be of prescribed sanitary types;
- ii) The floor and internal walls of the latrines and urinals shall be laid with glazed tiles;
- iii) Floors and walls and the sanitary pans of latrines and urinals shall be thoroughly washed and cleaned at least once in every seven days with suitable detergents or disinfectants or with both.

(x) Spittoons –

Sufficient number of spittoons must be provided in every factory and maintained in clean and hygienic condition. No person shall spit within the premises of a factory except in the spittoons. A notice containing this provision and the penalty for its violation shall be prominently displayed at suitable places in the factory premises.

Neeraj Kumari, Rajnish Ratna in their study have focused on health, safety and welfare provisions of factories Act, 1948 in manufacturing sectors, Gujarat.

Safety Provisions in the Factories Act (Swanston 1969)

The Factories Act provides for the following safety measures:—

(i) Fencing of Machinery -

In every factory, measures should be taken for secured fencing of machinery. Safeguards of substantial construction must be raised and constantly maintained and kept in position while the parts of machinery (they are fencing) are in motion or in use.

Fencing is necessary in respect of:

- Every moving part of a prime mover;
- Headrace and tailrace of every water-wheel and water turbine;
- Every part of an electric generator, a motor or a rotary convertor;
- Every part of transmission machinery; and
- Every dangerous part of any other machinery.

It was held in *Carroll v. Andrew Barelly and Sons Ltd.* that the duties under Sec 21 is not only confined to shutting off the employee from danger, but includes shutting in the machinery so that it cannot fly out and strike the workmen if it breaks.

(ii) Work on or near Machinery in Motion –

Where in any factory, it becomes necessary to examine any part of machinery, while the machinery is in motion, such examination shall be carried out only by specially trained adult male workers. Such workers shall wear tight fitting clothing and their names shall be recorded in the register prescribed in this connection. The machinery in motion with which such workers would otherwise be liable to come in contact during the course of its examination, shall be securely fenced to prevent such contact. No woman or young person shall be allowed to clean,

lubricate or adjust any part of a prime mover or transmission machinery, while the machinery is in motion.

(iii) Employment of Young Persons on Dangerous Machines –

The Factories Act prohibits employment of young persons on certain types of machines as specified under Sec.23 of the Act.

They can work only after they have been fully instructed as to the dangers arising in connection with the machines and the precautions to be observed. They should have received sufficient training in work at such machines. They should be under adequate supervision by a person who has a thorough knowledge and experience of the machines.

(iv) Striking Gear and Devices for cutting off Power –

In every factory —

- i) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained, and used to move driving belts to and from fast and loose pulleys which form part of transmission machinery. Such gear or appliances shall be so constructed, placed and maintained as to prevent the belt from creeping back on to the fast pulley.
- ii) Driving belts when not in use, shall not be allowed to rest or ride upon shaft in motion.

In every factory, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained in every workroom.

(v) Self-acting Machine –

No traversing part of a self-acting machine in any factory, and no material carried thereon shall, if the space over which it runs, is a space cover which any person is liable to pass, whether in the course of his employment or otherwise, be allowed to run on its outward or inward traverse within a distance of eighteen inches from any fixed structure which is not a part of the machine. This is to safeguard the workers from being injured by self acting machines.

(vi) Casing of New Machinery –

Every set screw, bolt or key on any revolving shaft, spindle, wheel, or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger in all machinery driven by power and installed in the factory.

The State government is authorized to make rules specifying further safeguards to be provided in respect of any dangerous part of any particular machine or class or description of machines in this connection.

(vii) Prohibition of Employment of Women and Children near Cotton openers –

No women or child shall be employed in any part of a factory where pressing a cotton-opener is at work.

(viii) Hoists and Lifts –

In every factory—

- i) Hoists and lifts shall be of good mechanical construction, sound material and of adequate strength;
- ii) They shall be properly maintained, and shall be thoroughly examined by a competent person at least once in every period of six months. A register shall be kept containing the prescribed particulars of each such examination;
- iii) Every hoistway and liftway shall be sufficiently protected by an enclosure fitted with gates, and the hoist or lift and every such enclosure shall be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure or moving part.
- iv) The maximum safe working load shall be plainly marked on every hoist or lift, and no load greater than such load shall be carried thereon.
- v) The cage of every hoist or lift used for carrying persons shall be fitted with a gate on each side from which access is afforded to a landing.
- vi) Every gate shall be fitted with interlocking or other efficient device to secure that the gate cannot be opened except when the cage is at the landing and that the cage cannot be moved unless the gate is closed.

Where in the hoists and lifts used for carrying persons, the cage is supported by rope or chain, there shall be at least two ropes or chains separately connected with the cage and balance weight, and each rope or chain with its attachments shall be capable of carrying the whole weight of the cage together with its maximum load.

Efficient devices shall be provided and maintained capable of supporting the cage together with its maximum load in the event of breakage of the rope, chain or attachments. An efficient automatic device shall be provided and maintained to prevent the cage from overrunning.

(ix) Lifting Machines, Chains, Ropes and Lifting Tackles –

‘Lifting machine’ means any crane, crab, winch, teagle, pulley block, gin wheel, and runway.

‘Lifting tackle’ means chain slings, rope slings, hooks, shackles and swivels.

In every factory, following safety measures shall be adopted in respect of every lifting machine (other than a hoist and lift) and every chain, rope and lifting tackle for the purpose of raising or lowering persons, goods or materials—

a) All parts including the working gear of every lifting machine and every chain, rope or lifting tackle shall be -

a. of good construction, sound material and adequate strength, and free from defect;

b. properly maintained ; and

c. thoroughly examined by a competent person at least once in every period of twelve months.

b) No lifting machine and no chain, rope, or lifting tackle shall be loaded beyond the safe working load which shall be plainly marked on it.

c) While any person is employed or working on or near the wheel track of a travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place.

A lifting machine or a chain, rope or lifting tackle shall be thoroughly examined in order to arrive at a reliable conclusion as to its safety.

(x) Revolving Machinery –

Effective measures shall be taken in every factory to ensure that the safe working peripheral speed of every revolving vessel, cage, basket, flywheel, pulley disc or similar appliance driven by power is not exceeded. A notice indicating the maximum safe working peripheral speed of every revolving machinery shall be put up in every room in a factory in which the process of grinding is carried on.

(xi) Pressure Plant –

If in any factory, any part of the plant or machinery used in a manufacturing process is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such part is not exceeded.

(xii) Floors, Stairs, and Means of Access –

In every factory—

- a) all floors, steps, stairs and passages shall be of sound construction and properly maintained, and where it is necessary to ensure safety, steps, stairs, and passages shall be provided with substantial hand rails;
- b) there shall, so far as is reasonably practicable, be provided, and maintained safe means of access to every place at which any person is at any time required to work.

It was held in *Davies v. Havill and Aircraft Co. Ltd.* that no breach of statutory duty imposed under this section is occasioned if an injury is caused by accumulation of rain water in little depression in the concrete of the passage. In *Cole v. Blackstone Co. Ltd.* it was held that the obligation imposed by this section is not discharged by saying that the occupier has taken all practical steps to ascertain the goodness and efficiency.

(xiii) Pits, Sumps, openings in floor etc. –

In every factory, every fixed vessel, sump, tank etc. which may be a source of danger, shall be either securely covered or securely fenced. Securely fencing a pit means covering or fencing it in such a way that it ceases to be a source of danger.

(xiv) Excessive Weights –

No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him an injury.

(xv) Protection of Eyes –

If the manufacturing process carried on in any factory is such that it involves (a) risk of injury to the eyes from particles thrown off in the course of the process or (b) risk to the eyes by reason of exposure to excessive lights, effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate nearness of, the process.

In *Finch v. Telegraph Construction and Maintenance Co. Ltd.*, it was held that hanging of goggles in the office room is not enough, but the workers must be informed of their whereabouts, only then the requirements of Sec 35 can be said to have been complied with.

(xvi) Precautions against Dangerous Fumes and use of Portable Light -

- i) No person shall enter any chamber, tank, vat, pit, pipe or other confined space in a factory in which dangerous fumes are likely to be present to such an extent as to cause risk of persons being overcome thereby;
- ii) No portable electric light of voltage exceeding twenty four volts shall be permitted in any factory for use inside any confined space. Where the fumes present are likely to be inflammable no lamp or light, other than of flame-proof nature, shall be allowed to be used.
- iii) No person in any factory shall be allowed to enter any confined space, until all practicable measures have been taken to remove any fumes which may be present and to prevent any ingress of fumes.
- iv) Suitable breathing apparatus, reviving apparatus and belts and ropes shall be kept in every factory for instant use. All such apparatus shall be periodically examined and certified by a competent person to be fit for use.
- v) No person shall be permitted to enter in any factory, any boiler, furnace, chamber, tank, pipe, or other confined space for the purpose of working or making any examination until it has been sufficiently cooled by ventilation or otherwise to be safe for persons to enter.

(xvii) Explosive or Inflammable Dust, Gas etc. –

If any manufacturing process in the factory produces dust, gas, fume, or vapour of such a nature as is likely to explode on ignition, measures shall be taken to prevent any such explosion by:

- Effective enclosure of the plant or machinery used in the process;
- Removal or prevention of the accumulation of such dust, gas, fume or vapour;
- Exclusion or effective enclosure of all possible source of ignition.

Measures shall also be adopted to restrict the spread and effects of the explosion by providing in the plant or machinery of chokes, baffles, vents, or other effective appliances.

(xviii) Precautions in case of fire -

- i) Every factory shall be provided with such means of escape in case of fire as may be prescribed;
- ii) In every factory, the doors affording exit from any room shall not be locked so that they cannot be easily and immediately opened from the inside while any person is within the room, and all such doors, unless they are of sliding type, shall be constructed to open outwards.
- iii) Every door, window or other exit affording a means to escape in case of fire shall be distinctively marked in a language understood by the majority of the workers. Such marking should be in red letters of adequate size or by some other effective and clearly understood sign.
- iv) An effective and clearly audible means of giving warning, in case of fire, to every person shall be provided in the factory.
- v) A free passage-way giving access to each means of escape in case of fire shall be maintained for the use of all workers in the factory.
- vi) Effective measures shall be taken to ensure that in every factory all workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such a case.

(xix) Safety of Building and Machinery –

In case it appears that any building, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, the manager of the factory may be served an order specifying measures to be adopted as prescribed. Further, in case it appears that the use of any building, machinery or plant in a factory involves imminent danger to human life or safety, an order may be served prohibiting the use of such building or machinery, until it has been repaired

or altered. Pandey and Agarwal, 2013 in their article studied health and safety provisions with respect to factories Act at Godawari power and Ispat limited of siltara, Raipur. The study suggested to add some more value added services and advancement of safety provisions.

Sanjay Gupta, 2011 the researcher has taken up a project of study on health, safety and welfare as per the factories Act, 1948. The study focuses on the detailed measures taken by the organization "Mazagon Dock ltd" as given in the factories Act, 1948. Dr.Mahfuzul Haque, 2013 research aims to figure out the unresolved issues regarding health and safety status of the garments workers, states the necessity of health and safety policies in work place and provide guidelines for proper health and safety.

Welfare Provisions in the Factories Act

(i) Washing facilities -

The Factories Act provides for -

- a) adequate and suitable facilities for washing for the use of workers in the factories. The workers who live in crowded areas have inadequate facilities for washing at their homes, and bathing facilities add to their comfort, health and efficiency.
- b) Separate and adequately screened washing facilities for the use of male and female workers.
- c) Such facilities being conveniently accessible, and being kept clean.

(ii) Facilities for storing and drying clothes –

A suitable place for keeping clothes not worn during working hours shall be provided in every factory. Facilities shall also be provided for the drying of wet clothes.

(iii) Facilities for sitting –

For workers who are to work in a standing position, suitable arrangement for sitting shall be provided in the factories. This is to enable workers to take advantage of any opportunity for rest which may occur in the course of their work.

(iv) First-aid appliances –

First-aid boxes or cupboards equipped with the required contents should be provided for workers in every factory. This should be readily accessible to them during all working hours. The number of such first aid boxes shall not be less than one for every 150 workers employed in the factory. Such first-aid box shall be kept in the charge of a responsible person who is trained in first-aid treatment and who shall be available during the working hours of the factory.

In factories employing more than 500 workers, there shall be an ambulance room. It should contain the prescribed equipments, and be in the charge of such medical and nursing staff as may be prescribed.

(v) Canteens –

In factories employing more than 250 workers, there shall be a canteen for the use of workers.

The government may prescribe the rules in respect of the —

- Food stuff to be served in the canteen;
- Charges to be made;
- Constitution of a managing committee for the canteen; and
- Representation of the workers in the management of the canteen.

It is true that so far as employer is concerned where the staff canteen has to be provided in pursuance of this section it must be run on a no profit basis as prescribed by sub-rule (2) of Rule 85. But a contractor who conducts the canteen not out of any philanthropic considerations but for profit carries on a trade of keeping a catering establishment, for which he must obtain a licence, if provided under the relevant statute.

It was held by the Madras High Court in *Elangovan M. and Others v. Madras Refineries Ltd.*, that the employees of a canteen run in compliance to statutory duty are workmen of the establishment running the canteen for the purposes of Factories Act, 1948 only and not for all purposes.

In *Haldia Refinery Canteen Employees Union and Another v. Indian Oil Corporation Ltd. and Others*, the respondent corporation was running a statutory canteen through a contractor. The workmen employed by the contractor in the canteen claimed regularization in service of the corporation. The Supreme Court held their claim as not sustainable because the control that the respondent corporation exercised over the contractor was only to ensure that the canteen was run in efficient manner. Further the corporation was not reimbursing to the contractor the wages of the workmen. Secondly two settlements had been made between the contractor and the canteen workmen and the respondent was not a party to either of them. Therefore, it was held that the workmen in canteen became workers of the respondent corporation only for the purposes of the Factories Act, 1948 and not for any other purpose. Murty and Abhinov, 2010 in their article have studied relationship between canteen facility, healthy physical work environment of the industrial units in Andhra Pradesh. The study revealed that bigger organizations in both public and private sectors providing clean and hygienic food for workers in minimum prices.

(vi) Shelters, restrooms and lunch rooms –

Adequate and suitable shelters, rest rooms, and lunch rooms with drinking water facility shall be made in factories employing 150 workers or more. Workers can eat meals brought by them in such rooms. Rest and lunch rooms shall be sufficiently lighted and ventilated. It shall be maintained in cool and clean conditions.

(vii) Creches –

In every factory, where more than 50 women workers are employed, provision shall be made for suitable and adequate room for the use of children under the age of six years of such women. Such a room shall be adequately lighted and ventilated.

It shall be maintained in clean and sanitary conditions under the charge of a woman trained in the care of children and infants.

(viii) Welfare Officer –

The factories Act also provides for employment of welfare officers with prescribed qualification to look into the implementation of various facilities provided for. Such a provision exists in every factory employing more than 500 workers.

It was held in *Employees' Association of Northern India v. Secretary of Labour*, that the provision of this section shall apply to those sugar factories also wherein five hundred or more workers are employed for a few months in a year.

Under what circumstances and subject to what conditions, an employee's services can be terminated can well be the subject matter of a contract of employment, because conditions of service would take in the termination of service and incidentally, the conditions subject to which such termination could be brought about. That being so a rule imposing on the management obligation to secure the concurrence of the Labour Commissioner before inflicting the punishment, cannot be said to fall outside Section 49(2) of the Factories Act.

In *Arun Kumar Bali v. Government of N.C.T. of Delhi and Others*, the petitioner was employed as a Welfare Officer. As per his letter of appointment his services could be terminated by the employer either by giving two months' prior notice or by paying two months' salary in lieu of notice. The service of petitioner were terminated in terms of his letter of appointment. Feeling aggrieved by his termination he moved a Writ Petition. Dismissing the petition the High Court held that the termination of Welfare Officer's service in terms of contract of employment could not be challenged as it was a termination simpliciter in terms of stipulation contained in his letter of appointment.

Welfare facilities outside factory premises

In addition to providing welfare facilities in the factory premises, workers are also provided certain benefits and facilities outside the factory. These include:

- maternity benefits;
- gratuity, pension and provident fund benefits;
- medical benefits;

- educational facilities;
- housing facilities;
- recreational facilities including sports and cultural activities;
- library and reading rooms;
- holiday home and leave travel facilities;
- consumers' cooperative stores and fair price shops;
- vocational training; and
- transportation facility to and from the place of work.

A CRITICAL APPRAISAL

Indian workers are generally considered to be less efficient as compared to workers in other countries (Ashok Kumar Sheoran and Ashok Kumar Sheoran Ashok 2013). Such a statement does not reflect any inherent deficiency on the part of workers. It is stated to be due to longer hours of work, low wages, and poor living conditions. Health and safety measures provided in factories are also of poor standard. This may be stated as the basic reason for the inefficiency of workers in India. Climatic factors, illiteracy, low standard of living may also affect the efficiency adversely, but the poor working conditions happen to be the main reasons. Working environment in the factory is not conducive to increased efficiency of worker. Under unhealthy surroundings, we cannot expect workers to put in hard and sustained work. Safety measures as listed above partly prevent workers from being exposed to the risk of accidents, and protection against dust and fumes and inflammable gases, etc. These are partly welfare in nature e.g., preventing employment of young person's on dangerous machines. Other safety measures reduce the strain from working under difficult conditions.

Health, Safety and Welfare measures which are provided in the Factories Act, 1948, are considered to be minimum in terms of adequacy. Such measures are required to be effectively implemented. In addition to implementing these measures provided in the Factories Act, there is also need for providing training in safety to workers, and installing safety equipment in the factories. Employers should take the initiative in providing training in safety to employees. Workers' unions should take interest in the promotion of their health, safety and welfare.

Periodic training courses in accident prevention can be organized. Welfare should become a habit with employers and the workers alike.

The workers should have certain responsibilities for the proper implementation of these provisions. The most important responsibilities as an employee are -

- To take reasonable care of their own health and safety.
- If possible avoid wearing jewellery or loose clothing while operating machinery.
- If any worker has long hair or wear a headscarf, he/she should make sure that it's tucked out of the way (it could get caught in machinery).
- To take reasonable care not to put other people - fellow employees and members of the public - at risk by what a worker does or doesn't do in the course of his/her work.
- To co-operate with the employer, making sure that the workers get proper training and understand and follow the company's health and safety policies.
- Not to interfere with or misuse anything that's been provided for the health, safety or welfare of the workers.
- To report any injuries, strains or illnesses that a worker suffers as a result of doing his/her job (the employer may need to change the way he/she works).
- To tell the employer if something happens that might affect the ability of the workers to work (e.g. - becoming pregnant or suffering an injury). The employer has a legal responsibility for the health and safety of the workers, they may need to suspend the worker while they find a solution to the problem, but a worker will normally be paid if this happens.
- If a worker drives or operates machinery, to tell the employer if the worker has taken medication that makes him/her drowsy - they should temporarily be moved to another job if they have one for him/her to do.

CONCLUSION:

There is a close relationship between safety measures and the efficiency of workers i.e. if the proper welfare measures are taken then the productivity of the employees will increase and ultimately the profit of the organization will increase. Efficiency results in increasing the average output per worker. It is reflected in increased productivity. The welfare measures increases the productivity of the organization as well as it enhances the morale and motivation of the

employees which gives a positive impact on the efficiency level of the organization. These measures are concerned not only with the physical efficiency, and safety of the workers, but also his general well being. They result in improving the conditions under which workers are employed and work. It provides protection to their life and limb. Inadequate provision of safety measures in factories may lead to increase in the number of accidents. Human failures due to carelessness, ignorance, inadequate skill and improper supervision have also contributed to accidents and the consequent need for such measures.

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