

NOTES

# The Factories Act, 1948: Part 2 - Welfare, Working Hours, and Enforcement

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## Provisions Relating to Welfare: Sections 42 to 50

Chapter V, spanning **Sections 42 to 50 of the Factories Act, 1948**, deals with the **welfare of workers**. [Section 42](#) requires the provision of washing facilities, and [Section 43](#) requires facilities for storing and drying clothing not worn during working hours.

[Section 44](#) requires the provision of seating arrangements for workers who are obliged to work in a standing position, so that they may take advantage of any opportunity for rest during working hours.

[Section 45](#) requires the ***maintenance of a first-aid box or cupboard in every factory, with the prescribed contents, and it mandates an ambulance room in factories employing more than five hundred workers.***

[Section 46](#) requires the ***provision of a canteen in factories employing more than two hundred and fifty workers, where the State Government so directs.***

[Section 47](#) requires rest rooms or shelters and a lunch room where workers can eat meals, applicable to ***factories employing more than one hundred and fifty workers.*** [Section 48](#) requires the provision of a ***creche in factories employing more than thirty women workers, for the care of children under six years of age.***

[Section 49](#) requires the appointment of a ***Welfare Officer in factories employing five hundred or more workers***, and [Section 50](#) empowers State Governments to make rules for supplementing these welfare provisions.

## Working Hours of Adults: Sections 51 to 66

Chapter VI regulates the **working hours of adult workers**. [Section 51](#) ***caps the working hours of an adult worker at forty-eight hours in any week.*** [Section 52](#) ***requires a weekly holiday,***

*and it prohibits requiring a worker to work on the first day of the week unless they have or will receive a compensatory holiday within a specified period. [Section 54](#) caps daily working hours at nine hours, and [Section 55](#) requires a rest interval of at least half an hour after five hours of continuous work.*

*[Section 56](#) provides that the total period of work, inclusive of rest intervals, shall not exceed ten and a half hours in a day. [Section 59](#) governs overtime wages, requiring payment at twice the ordinary rate for work exceeding nine hours in a day or forty-eight hours in a week.*

*[Section 61](#) requires every factory to display and correctly maintain a notice of periods of work, and [Section 66](#) restricts the employment of women, prohibiting their work between 7 p.m. and 6 a.m. except where the State Government varies these limits, and it prohibits requiring or permitting a woman to work in any factory except between 6 a.m. and 7 p.m.*

## **Employment of Young Persons: Sections 67 to 77**

Chapter VII contains special provisions for **young persons, meaning persons who have not completed eighteen years of age.**

This chapter splits **Young Persons** into two categories namely **Children**" (ages 14-15, governed by the 4.5-hour cap you mentioned) and **"Adolescents"** (ages 15-18, who can work adult hours if granted a certificate of full physical fitness.

*[Section 67](#) prohibits the employment of any child who has not completed fourteen years of age in any factory.*

*[Section 68](#) permits the **employment of a child who has completed fourteen years but not fifteen years of age only** if a certificate of fitness granted by a certifying surgeon is in force and the child carries a token giving reference to such certificate while working.*

*[Section 71](#) caps the working hours of a child at four and a half hours in any day, and it prohibits a child from working during the night. [Section 75](#) prohibits double employment of a child, meaning a child cannot be required or permitted to work in more than one factory on the same day.*

*[Section 77](#) clarifies that nothing in Chapter VII derogates from the more protective provisions applicable to a child under the Act's general scheme, and this framework has since been*

substantially reinforced by the **Child Labour (Prohibition and Regulation) Amendment Act, 2016**, which prohibits child labour altogether in most contexts.

## **Annual Leave with Wages: Sections 78 to 84**

Chapter VIII, spanning Sections 78 to 84, entitles a worker who has worked for at ***least two hundred and forty days in a calendar year to annual leave with wages, calculated at the rate of one day for every twenty days of work performed by an adult, and one day for every fifteen days of work performed by a child.***

[Section 79](#) further specifies *that leave not availed of by a worker can be carried forward to the succeeding year, subject to a maximum accumulation limit*, ensuring that unused leave does not simply lapse without compensation or the opportunity for future use.

[Section 80](#) requires the *payment of wages for the period of leave at a rate equal to the daily average of the worker's total full-time earnings*, and [Section 83](#) empowers the State Government *to make rules for the purpose of giving effect to the leave provisions under this Chapter.*

These provisions reflect the Act's underlying philosophy that adequate rest, distinct from the daily and weekly rest periods discussed earlier, forms an essential component of worker welfare.

## **Special Provisions: Sections 85 to 91A**

Chapter IX contains several special provisions. [Section 85](#) ***empowers the State Government to apply the Act's provisions to any place carrying on a manufacturing process, even if it does not otherwise meet the definition of a factory under Section 2(m), where such application serves the interest of workers employed there.***

[Section 87](#) empowers the State Government *to prohibit or restrict the employment of women, children, or young persons in any manufacturing process or operation exposing them to serious risk of injury, poisoning, or disease.*

[Section 87A](#) *prohibits employing any person in any manufacturing process or operation dangerous to human life or health unless adequate safeguards have been implemented.* [Section 88](#) requires notice to be given to the Inspector of any accident causing death or bodily injury preventing the injured worker from resuming duties within forty-eight hours.

Section 89 similarly requires notice of any ***occupational disease specified under the Third Schedule of the Act, contracted by any worker in the factory.***

Section 91A covers the **Safety and occupational health surveys** conducted by the Chief Inspector or Director General.

## **Penalties and Procedure: Sections 92 to 106A**

Chapter X deals with penalties and procedure. Section 92 **prescribes the general penalty** for contravening any provision of the Act or the rules made thereunder, or for contravening any order given in writing under the Act, punishable with imprisonment for a term extending to two years, or a fine extending to one lakh rupees, or both, with an additional continuing fine for continuing contravention.

Section 96 **provides an enhanced penalty** for contravening the provisions relating to dangerous operations under Section 87, and Section 96A imposes stringent penalties, including imprisonment extending to seven years and fine extending to **up to five lakh rupees** (with an additional fine of up to ₹25,000 per day for continuing contraventions), for contravening provisions relating to hazardous processes under Chapter IV-A, particularly where such contravention results in death or serious bodily injury.

Section 97 **provides for enhanced penalties on subsequent conviction for an offence involving contravention of the same provision.** Section 101 protects the occupier or manager from liability where the actual offender can be identified and proceeded against, if certain procedural conditions are satisfied.

Section 105 **requires that no prosecution** under the Act shall be instituted except by, or with the previous sanction of, an Inspector, and it bars a court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class from trying an offence under the Act.

Section 106 **prescribes a limitation period of three months from the date the alleged commission of the offence came to the knowledge of an Inspector,** within which prosecution must be instituted.

## **Supplemental Provisions: Chapter XI**

Chapter XI contains supplemental provisions, including [Section 108](#), which requires the display of abstracts of the Act and rules made thereunder in every factory, and [Section 111](#), *which imposes a general duty on every worker to comply with the provisions applicable to them and not to wilfully interfere with any safety device or appliance.*

[Section 111A](#) ***recognises specific rights of workers, including the right to obtain information from the occupier relating to their health and safety at work, the right to be trained within the factory on occupational safety and health.***

## Judicial Contributions

In [M.C. Mehta v. Union of India \(Oleum Gas Leak case\), \(1987\) 1 SCC 395](#), arising after a gas leak from Shriram Foods and Fertilisers, the Supreme Court evolved the principle of ***absolute liability for enterprises engaged in inherently hazardous activities, holding that such an enterprise owes an absolute and non-delegable duty to the community and cannot claim any exception, even where it took all reasonable care.***

Though this ruling arose independently of the Factories Act itself, it deeply influenced the standard of accountability courts expect from hazardous industries operating under the Act's Chapter IV-A framework.

In [Bandhua Mukti Morcha v. Union of India, \(1984\) 3 SCC 161](#), the Supreme Court examined the conditions of workers in stone quarries and directed strict enforcement of labour welfare legislation, including provisions analogous to those under the Factories Act, reinforcing that welfare obligations are not mere directory guidelines but enforceable rights flowing from Article 21's guarantee of a life with dignity.

## Comparative Note: Transition to the OSH Code, 2020

The ***Occupational Safety, Health and Working Conditions Code, 2020 has subsumed the Factories Act, 1948*** along with twelve other labour statutes, with the Code brought into force on 21 November 2025.

*The OSH Code retains the substantive core of the Factories Act's health, safety, and welfare framework, including provisions on fencing of machinery, hazardous processes, and welfare amenities, but it restructures these obligations under a unified Code applicable across*

establishment types rather than factories alone.

For CLAT PG purposes, understanding the Factories Act's structure remains valuable both because many fact patterns still test its historical framework and because its provisions map closely onto the corresponding OSH Code sections, making this comparative literacy a distinct examinable skill in itself.



## The Factories Act, 1948

### Part 2 – Welfare, Working Hours & Enforcement

Safer Workers,  
Healthier Workplaces,  
Stronger Industries

1
**Welfare Provisions (Sections 42 – 50)**

- S.42 – Washing facilities
- S.43 – Storage & drying of clothes
- S.44 – Seating for standing workers
- S.45 – First-aid box + Ambulance room (if > 500 workers)
- S.46 – Canteen (if > 250 workers, when State directs)
- S.47 – Rest rooms & lunch room (if > 150 workers)
- S.48 – Creche (if > 30 women workers)
- S.49 – Welfare Officer (if > 500 workers)
- S.50 – State can make rules



Better facilities = Healthier workforce

2
**Working Hours of Adults (Sections 51 – 66)**

- S.51 – Max 48 hours per week
- S.52 – Weekly holiday (no work on 1st day unless compensatory holiday)
- S.54 – Max 9 hours per day
- S.55 – Rest interval (≥ 30 mins after 5 hours)
- S.56 – Total work (incl. rest) ≤ 10.5 hours/day
- S.59 – Overtime wages (2x rate)
- S.61 – Display notice of working hours
- S.66 – Women: 7 p.m. – 6 a.m. (restricted)



Fair hours + Rest = Productivity

3
**Employment of Young Persons (Sections 67 – 77)**

- < 14 years – No employment (S.67)
- 14 – 15 years – Only with fitness certificate (S.68)
- 15 – 18 years – Can work adult hours with fitness certificate
- S.71 – Child's max hours: 4.5/day; no night work
- S.75 – No double employment
- S.77 – More protective provisions apply; 2016 Amendment – child labour prohibited in most cases.



CHILDREN DESERVE EDUCATION, NOT EXPLOITATION

4
**Annual Leave with Wages (Sections 78 – 84)**

- ≥ 240 days worked/year → annual leave
- 1 day / 20 days (adult)
- 1 day / 15 days (child)
- S.79 – Can carry forward (max limit)
- S.80 – Pay = daily average earnings
- S.83 – State can make rules



Rest is a right, not a privilege

5
**Special Provisions (Sections 85 – 91A)**

- S.85 – Apply Act to other premises (if needed for workers' interest)
- S.87 – Restrict/prohibit women, children or young persons in hazardous processes
- S.88 – Prohibit use of certain machines by women/young persons
- S.90 – Prohibit employment in unloading of hazardous substances



SAFETY IS NON-NEGOTIABLE