

Factories Act, 1948

Section 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;

1 [(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;

2 [(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 inspection 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, bye-products, wastes or effluents thereof would--

(i) cause material impairment to the health of the persons engaged in or connected therewith, or

(ii) result in the pollution or 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 whereby 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

3 [(ii) pumping oil, water, sewage or any other substance; or]

(iii) generating, transforming or transmitting power; or

4 (iv) composing types for printing, printing by letter press, lithography, photogravure or other similar process or book binding;] 5 [or]

(v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; 5 [or]

5 [(vi) preserving or storing any article in cold storage;]

(l) "worker" means a person 6[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 5[but does not include any member of the armed forces of the Union];

(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 7 [the Mines Act, 1952 (35 of 1952)], or 8 [a mobile unit belonging to the armed forces of the Union, railway running shed or a hotel), restaurant or eating place].

5 [Explanation 9 [I]--For computing the number of workers for the purposes of this clause all the workers in 10 [different groups and relays] in a day shall be taken into account;]

11 [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;]

(n) "occupier" of a factory means the person who has ultimate control over the affairs of the factory 12 [***].

13 [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 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:]

[13](#) [[14](#) [Provided 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, [16](#) [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;

[15](#) [***]

(p) "prescribed" means prescribed by rules made by the State Government under this Act;

[16](#) [***]

(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 [17](#) ["group" or "relay"] and each of such periods is called a "shift".

1. Inserted by Act 25 of 1954, section 2 (w.e.f. 7-5-1954).

2. Inserted by Act 20 of 1987, section 2 (w.e.f. 1-12-1987).

3. Substituted by Act 94 of 1976, section 2, for Sub-clause (ii) of clause (ii) (w.e.f. 26-10-1976).

4. Substituted by Act 25 of 1954, section 2, for sub-clause (iv) (w.e.f. 7-5-1954).

5. Inserted by Act 94 of 1976, section 2, (w.e.f. 26-10-1976).

6. Substituted by Act 94 of 1976, section 2, for certain words (w.e.f. 26-10-1976).

7. Substituted by Act 25 of 1954, section 2, for "the Indian Mines Act, 1923 (4 of 1923)"

8. Substituted by Act 94 of 1976, section 2, for " a railway running shed" (w.e.f. 26-10-1976).

9. Explanation numbered as Explanation I by Act 20 of 1987, section 2 (w.e.f. 1-12-1987).

10. Substituted by Act 20 of 1987, section 2 for "different relays" (w.e.f. 1-12-1987).

11. Inserted by Act 20 of 1987, section 2 (w.e.f. 1-12-1987).
12. Certain words omitted by Act 20 of 1987, section 2, (w.e.f. 1-12-1987).
13. Inserted by Act 20 of 1987, section 2 (w.e.f. 1-12-1987).
14. Substituted by Act 20 of 1987, section 2, for "Provided that" (w.e.f. 1-12-1987).
15. Clause (o) omitted by Act 20 of 1987, section 2 (w.e.f. 1-12-1987).
16. Clause (q) omitted by Act A. O. 1950.
17. Substituted by Act 20 of 1987, section 2 for "relay" (w.e.f. 1-12-1987).