

J&K Factories Rules, 1972

- ❖ Approval of Plans.
- ❖ Application for Registration and Grant of License.
- ❖ Renewal of License.

Inspection of Factories:

- ❖ Powers of Inspectors.
- ❖ Examination of certain hoists and lifts.
- ❖ Lifting machines, chain, ropes and lifting tackles.

❖ Approval of Plans:

- (1) No building shall be constructed or taken into use as a Factory or a part of a Factory after the date of commencement of the Act unless the previous permission in writing is obtained from the Chief Inspector of Factories.

Application for such permission shall be made in Form No. 1 which shall be accompanied by the following documents:-

- a) A flow chart of the manufacturing process supplemented by a brief description of the process in its various states.
 - b) Plans in triplicate drawn to scale showing:-
 - i) the site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains etc.;
 - ii) the plan elevation and necessary cross-sections of the various buildings, indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of plant and machinery, aisles and passage ways; and
 - c) Such other particulars as the Chief Inspector may require.
- (2) If the Chief Inspector is satisfied that the plans are in consonance with the requirements of the Act he shall subject to such conditions as he may specify approve them by signing and returning to the applicant one copy of each plan; or he may call for such other particulars as he may require to enable such approval to be given.

❖ Application for Registration and Grant of License.

The occupier of every factory shall submit to the chief Inspector and application in Form No.2 for the registration of the factory and grant of a license. The application shall be accompanied by the notice of occupation in Form No. 3, in duplicate, containing the particulars specified in section 7.

Provided that the occupier of premises in use as a factory on the date of the commencement of the Act shall submit such application within 30 days from the date of commencement of these Rules.

❖ Renewal of License.

- (1) A license may be renewed by the Chief Inspector.
- (2) Every application for the renewal of a license shall be accompanied by the notice of occupation in Form No. 3 in duplicated and shall be made not less than two months before the date on which the license expires, and if the application is so made the premises shall be held, to be duly licensed until such date as the Chief Inspector renews the license.
- (3) The same fee shall be charged for the renewal of a license as for the grant thereof:

Provided that if the application for renewal is not received within the time specified in Sub-Rule (2), the license shall be renewed only on payment of a fee 25 percent in excess of the fee ordinarily payable for the license.

Inspection of Factories:

❖ Powers of Inspectors.

An inspector shall, for the purpose of the execution of the Act, have power to do all or any of the following things, that is to say:-

- a) To photograph any worker, to inspect, examine, measure, copy photograph, sketch or test as the case may be, any building or room, any plant, machinery, appliance or apparatus, any register or document or anything provided for the purpose of the securing the health, safety or welfare of the workers employed in a factory;
- b) In the case of an Inspector who is a duly qualified medical practitioner, to carry out such medical examinations as may be necessary for the purpose of his duties under the Act;
- c) To prosecute, conduct or defend before a Court any complaint or other proceeding arising under the Act or in discharge of his duties as an Inspector;

Provided that the powers of the District Magistrate and such other Public Officer as are appointed to be additional Inspectors shall be limited to the inspection of factories in respect of the following matters namely:-

Cleanliness (Section-11), Over-Crowding (Section-16), Lighting (Section-17), Drinking Water (Section-18), Latrines and Urinals (Section-19), Spittoons (Section-20), Precautions in case of fire (Section-38), Welfare (Chapter-V), Working hours of adults (Chapter-VI except the power of exemption under the proviso to (Section-62), Employment of young persons (Chapter-VII), Leave with wages (Chapter-VIII) and Display of Notices (Section-108).

❖ Examination of certain hoists and lifts.

(1) A register shall be opened with the following columns to record particulars of examination of hoists and lifts:-

- i) Date of Examination.
- ii) Number of hoists and lifts, if more than one.
- iii) Details of tests made.
- iv) Result of Examination.
- v) Signature of Examiner.
- vi) Designation and qualification of the Examiner.

(2) In pursuance of the provision of Sub-Section (4) of Section (28), in respect of any class or description of hoist or lift specified in the first column of the following schedule, the requirements of the Section-28 specified in the second column of the said schedule and set opposite to that class or description of hoist or lift shall not apply.

SCHEDULE

Class or description Of hoist or lift.	Requirements which shall not apply
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Hoists or lifts mainly used for raising materials for charging blast furnaces or lime kills.	Sub-Section 1(b) in so far as it requires a gate at the bottom landing ; Sub-Section 1(d) ; Sub-Section 1(e) ; Sub-Section 1(d) in so far as it requires the hoist way or liftway enclosure to be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift any fixed structure or moving part
Hoists not connected with mechanical power and which are not used for carrying persons.	Sub-Section 1(e).

❖ Lifting machines, chain, ropes and lifting tackles.

(1) No lifting machine and no chain, rope or lifting tackle, except fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and all parts have been thoroughly examined by a competent person and a certificate of such test and examination specifying the safe working load or loads and signed by the person making the test and the examination, has been obtained and is kept available for instruction.

- (2) a) Every jib-crane so constructed that the safe working load may be varied by the rising or lowering of the jib, shall have attached thereto either an automatic indicator of safe working loads or an automatic jib angle indicator and a table indicating the safe working loads at corresponding inclination of the jib or corresponding radii of the load.
- b) A table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and in the case of a multiple sling the safe working loads at different angles of the legs and shall be posted in the store in which the chains, ropes or lifting tackle are kept and in prominent position on the premises and no chain, rope or lifting tackle not shown in the table shall be used. The foregoing provisions of this paragraph shall not apply in respect of such lifting tackle if the safe working load thereof, or in the case of a multiple sling, the safe working load at different angles of the legs, is plainly marked upon it.
- (3) Particulars of register to be maintained under Clause (a) (iii) of Sub-Section (1) of Section 29 of the Act shall be:-
- i) Name of Occupier of Factory ;
 - ii) Address of the Factory ;
 - iii) Distinguishing number or mark, if any, and description sufficient to identify the lifting machine, chain, rope or lifting tackle ;
 - iv) Date when the lifting machine, chain, rope or lifting tackle was first taken into use in the Factory ;
 - v) Date and number of the certificate relating to any test and examination made under Sub-Rules (1) and (8) together with the name and address of the person who issued the certificate.
 - vi) Date of each periodical thorough examination made under Clause (a) (iii) of sub-section (1) of Section-29 of the Act and Sub-Rule (6) and by whom it was carried out.
 - viii) Particulars of any defects affecting the safe working load found at any such thorough examination or after annealing and of the steps taken to remedy such defects.