

What is Intellectual Property?

Intellectual Property (IP) refers to creations of mind, such as inventions, literary and artistic works, designs, and symbols, names and images used in commerce.

Types of Intellectual Property:

1. Copyright: → It is a legal term used to describe the rights that creators have over their literary and artistic works. Covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.
2. Patents: → It is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.
3. Trade Marks: → A trade mark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trade marks date back to ancient times when artisans used to put their signature or "mark" on their products.

# Payment of Wages Act, 1936

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The Payment of Wages Act regulates the payment of wages to certain classes of persons employed in industry and its importance cannot be under estimated.

The object of the Act is to regulate the payment of wages to certain classes of persons employed in industry, to pay wages in particular form and at regular intervals and to prevent unauthorized deductions from the wages.

## Applicability of the Act: →

According to sec 1(4) of the Act, it applies to the first instance to the payment of wages to:

1. Person employed in factory.
2. Person employed upon any railway by a Railway Administration or either directly or through Sub-contractor.
3. Persons employed in industrial and other establishment specified in sub clauses (a) to (g) of clause (ii) of sec 2.

4. The State Govt may after giving 3 months notice by notification in the Official Gazette, extends the provision of this Act or any of them to payment of wages to any class of persons employed.

## Definitions: →

1. Employed person (sec 2 (i)) → Employed person includes the legal representative of a deceased employed person.

2. Employer (Sec 2 (i-a)) → The term Employer includes the legal representative of a deceased employer.

3.

Factories Act: 1948

In simple words, a factory is a premises whereon 10 or more persons are engaged if power is used, or 20 or more persons are engaged if power is not used, in a manufacturing process.

Provisions relating to Health under factories Act:

1. Cleanliness: (Sec. 11) Factory to be kept clean and free from effluvia and dirt.

2. Effective means of drainage.

3. Use of disinfectants, etc. painting and varnishing.

4. Exemption

2. Disposal of wastes and effluents (Sec. 12)

1. Treatment of wastes and effluents and their disposal.

2. Rule by the State Government prescribing arrangements.

- Liquid waste discharge into sea/river

3. Ventilation and Temperature: (Sec. 13)

1- Maintenance of adequate ventilation and temperature.

2- Process producing high temperature to be separated.

3- Standard of adequate ventilation and temperature to be prescribed and provision of measuring instruments.

4- Prescription of measures by the State government to reduce temperatures.

5- Service of notice by the chief inspector to adopt measures for reduction of temperature.

- amount of Gas or vapour smells strongly or dangerous to inhale.

4. DUST and fumes: → (Sec. 14)

1. Measures for prevention of inhalation or accumulation of dust and fumes.

2. Exhaust for internal combustion engine.

5. Artificial Humidification: → (Sec. 15)

1- Prescription of standards of humidification - ventilation and cooling of air.

2. Water used for artificial humidification to be clean.

3. Measures by Inspector if water used for humidification not purified.

6. Overcrowding (Sec-16)
1. Overcrowding injurious to health of workers to be avoided.
  2. 9.9/14.2 cubic meters of space per worker.
  3. Notice of maximum of workers to be employed in workroom.
  4. Exemption by chief Inspector.

7. Lighting: → (Sec. 17)
1. Sufficient and suitable lighting on every part of factory.
  2. Glazed windows and skylights to be kept clean.
  3. Measures for prevention of glare and formation of shadows.
  4. Prescription of standards of sufficient and suitable lighting.

8. Drinking Water (Sec. 18) <sup>conductive / suggestive of good health and physical wellbeing</sup>
1. Suitable points for wholesome drinking water.
  2. Drinking points to be legibly marked and to be away from urinal, latrine, etc.
  3. Cooling of drinking water where more than 250 workers employed.
  4. Rules by the state government.

9. Latrines and Urinals: (Sec. 19)
- (1) Separate latrines and urinals for male and female workers conveniently situated and adequately lighted and ventilated.
  - (2) Latrine and urinal accommodation to be of prescribed sanitary types - floors and walls to be glazed and their cleaning.
  - (3) Number of latrines and urinals to be prescribed by the State Government.

10. Spittoons (Sec: 20) → <sup>metal pot used for spitting into</sup>
- (1) Sufficient number of spittoons.
  - (2) Display of notice of provision of spittoons.
  - (3) Penalty.
  - (4) Prescription of rules by the State Government.

# SAFETY PROVISIONS: →

1. Fencing of machinery (Sec. 21)
  - 1- Dangerous part of every machinery to be securely fenced.
  - 2- Prescription of further precautions by State government.
2. Work on near machinery in motion (Sec. 22)
  - (1) Examination of machinery on motion by a trained adult male worker.
  - (2) Restriction on women and young persons.
  - (3) Restriction on cleaning etc. specified moving parts.
3. Employment of young persons on dangerous machines (Sec. 23)
  - (1) Restriction on young persons to work on dangerous machine.
  - (2) Machine dangerous for young persons to be specified by the State Government.
4. Striking gear and devices for cutting off power: (Sec. 24)
  - (1) Suitable striking gear to be provided, maintained and used.
  - (2) Suitable devices for cutting off power in emergencies from running machinery.
  - (3) Locking device to prevent accidental starting of transmission machinery.
5. Self-acting machines: → (Sec. 25)
  - (1) Traversing part not allowed to run within a distance of 45 centimeters from any fixed structure.
  - (2) Exemption in case of machines installed before the commencement of the Act.
6. Casing of a new machinery: (Sec. 26)
  - (1) Casing to prevent danger.
  - (2) Penalty - imprisonment up to 3 months or with fine up to Rs 500 or with both.
  - (3) Rule making by the State Government.

7. Prohibition of employment of women and children near cotton openers. (Sec: 27)

8. <sup>ropes/Rully</sup> Hoists and Lifts: (Sec: 28)

- (1) Hoists and lifts to be of good mechanical construction and to be properly maintained and examined once in every 6 months.
- (2) Exemption by Chief Inspector in case of hoists or lifts installed before the commencement of Act.
- (3) Additional requirements.
- (4) Exemption by the State Govt.

9. Lifting machines, chains, ropes, and lifting brackles (Sec. 29)

- (1) Cranes and lifting machines etc. to be of good construction and to be examined one in every 12 months.
- (2) Cranes and lifting machines not to be loaded beyond safe working load.
- (3) Cranes not to approach within 6 meters of a place where any person is employed or working.
- (4) Exemption from compliance with the above requirements.

10. Revolving Machinery (Sec 30) →

- (1) Notice of maximum safe working speed of grindstone to be kept near machine.
- (2) Speeds not to be exceeded.

11. Pressure Plant (Sec. 31)

- (1) Safe working pressure not to be exceeded.
- (2) Rule making power of the State government providing for examination and exemption.

12. Floors, stairs and means of access (Sec. 32)

13. Pits, Sumps, openings in floors, etc. (Sec. 33)

- (1) Pits, Sumps etc to be securely covered or fenced.
- (2) Exemption.

Excessive weights (Sec: 34)

- (1) Prohibition on lifting or carrying of excessive weights.
- (2) Maximum weights to be lifted or carried to be prescribed.

15. Protection of Eyes: (Sec. 35) - Use goggles, ~~helmet~~.  
~~and~~ during working hours.

16. Precautions against dangerous fumes: (Sec 36)

- (1) Prohibition on entry into any chamber, tank, vat, pit, pipe etc
- (2) Practicable measures to be taken the removal of gas, fume, etc.

17. Precautions regarding the use of portable electric lights: (Sec. 36-A)

18. Precautions against explosive or inflammable dust, gas etc. (Sec. 37)

- (1) Practicable measures to prevent explosions on ignition of gas, fumes etc.
- (2) Provision of chokes, vents, etc. an opening allow air, gas, liquid.
- (3) Special measure where explosive gas or vapour in under pressure greater than atmospheric pressure
- (4) Exemption.

19. Precautions in case of fire (Sec. 38)

- (1) Practicable measures to prevent outbreak of fire and its spread.
- (2) Familiarity of workers with means of escape.
- (3) Rule of making power of the State government.
- (4) Additional measures.

20. Powers to require specifications of defective parts or test of stability (Sec 39)



21. Safety of building and machinery (Sec. 40)
22. Maintenance of Building (Sec. 40 A)
23. Safety Officer (Sec. 40-B) - Where more than 1000 or more workers employed

## CHAPTER-10

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### WELFARE PROVISIONS UNDER FACTORY ACT.

1. Washing facilities (Sec 42)
  - 1- Separate washing facilities for male and female workers.
  - 2- Prescription standards by the State Govt.
2. Facilities for storing and drying clothing: (Sec 43)
3. Facilities for sitting (Sec. 44)
  - (1) Provision of sitting arrangement for workers obliged to work in a standing position.
  - (2) Provision of seating arrangement for workers doing work which can be done in a sitting position.
  - (3) Exemption.
4. First-aid appliances: (Sec 45)
  - (1) At least one first-aid box with prescribed contents for every 150 workers.
  - (2) First-aid box to have prescribed contents.
  - (3) First-aid box to be in charge of responsible person.
  - (4) Ambulance room in a factory employing more than 500 workers.
5. Canteen: (Sec. 46)
  - (1) Canteen in factory employing more than 250 workers the State Govt. may make rules.
  - (2) Provisions of rules:

Shelters, rest rooms, and Lunch Rooms (Sec 47)

- (1) Provision for shelters, rest rooms, and lunch rooms in factories employing more than 150 workers.
- (2) shelters etc. to be sufficiently lighted.
- (3) Prescription of standards and exemption by the State government.

*nursery where babies and young children are cared during the working day.*

7. Creches: (Sec 48)

- (1) Provision of creches in factories employing more than 30 <sup>women</sup> workers.
- (2) creches to be adequately lighted and ventilated and to be under the charge of trained women.
- (3) Prescription of rules by the State Government.

8. Welfare officers (Sec 49)

- (1) Employment of welfare officers in factories employing 500 or more workers.
- (2) Duties, qualifications and conditions of service to be prescribed by the State Government.

WORKING HOURS OF ADULTS:

- 1. Weekly hours: (Sec 51) No adult worker shall be required or allowed to work in a factory for more than 48 hours in any week.
- 2. Daily Hours: (Sec 54) → Adult worker shall be allowed to work in a factory for more than 9 hours in any day.
- 3. Intervals for rest (Sec 55): The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed 5 hours.

EMPLOYMENT OF WOMEN:

- 1- Work on or near machinery in motion (Sec 22)
- 2- Prohibition of employment near Cotton openers. (Sec 22)
- 3- Creches (Sec 48)
- 4- Working hours (Sec 51 & 54)
- 5- Restrictions on employment of women - 6AM to 7PM  
Govt. office 10AM - 5PM

6. Effect of certificate of fitness granted to female adolescent. - who has completed his 15th year age but has not completed his 18th year.
7. Dangerous operations. see 87(A)

## The Workmen's Compensation Act, 1923

The Act considers compensation payable by an employer to his workmen in case of an accident as a measure of relief and social security.

### Rules Regarding worker's compensation.

- 1) Personal injury by accident.  
Arising out of and in the course of employment  
out of employment.  
Employer's liability for compensation
- 2) For any occupational disease contracted by him.