

---

**OBSERVANCE OF PROVISION OF THE FACTORIES ACT, 1948  
WITH REFERENCE TO MAINTENANCE OF RECORDS, INSPECTION,  
HOLIDAYS AND OVERTIME**

**Dr. R.K. Bharti**

Lecturer, Deptt. of Social Work, Institute of Social Sciences,  
Dr. B.R. Ambedkar University, Agra, U.P. (India)

**ABSTRACT**

In view of the complex problems and the changing pattern of Indian society, the Central and the State Governments have introduced a number of labour laws. These labour laws are not effectively implemented and have added new dimensions to already existing labour problems. The present survey study titled as the 'Observance of the Provisions of the Factories Act, 1948 with Reference to the Maintenance of Records, Inspection, Holidays and Overtime' is based upon the data collected from 100 factories (57 iron foundries and 43 engineering industries) and 500 workers-05 from each factory' of Agra, Mathura, Firozabad and Mainpuri districts of Agra Division of the Uttar Pradesh State of India. Observation Schedule, Interview Schedule and Interview Guide were used to gather information and facts from factories, their owners, occupiers, workers, trade unionists, lawyers and government officials of the labor department of U.P. Government. Empirical Conclusions have been drawn on observance of certain provisions relating to maintenance of records, inspection by competent officers, holidays and overtime wages.

**KEY WORDS** :Observance of Labour Laws; Records; Inspection; Holidays; Compensatory Holiday; Overtime; Overtime Wages.

**INTRODUCTION**

Industrial development has resulted in the advent of large enterprises with large workforce. Obviously, larger the workforce, greater the potential problems. Various complex problems have arisen in the field of labour as a result of industrialization, such as unfavorable work environment, unhealthy working and living conditions, lack of basic amenities for the toiling masses and the resultant low standard of living, constant dissatisfaction with and brierings about, low wages, insecurity of jobs and personal problems. These might lead to the problems of frequent absenteeism, high labour turnover, migration and inefficiency in productive work. These bring about a sense of frustration among the working class and culminate in industrial conflicts in various forms. The union and the state Governments in India have recognized that labourers are the backbone of the country. In view of the complex labour problems and the changing pattern of Indian society, the Governments have introduced a number of labour laws. These labour laws are not effectively implemented and they have added new dimensions to already exiting labour problems. The present survey study throws light on observance of certain provisions of the Factories Act, 1948, especially the maintenance of records, inspection, holidays and overtime etc. in iron foundries and engineering industries of Agra Division of U.P. state of India.

**Labour Research Centre (1969)** in its study noted that the means at the disposal of the authorities to ensure implementation of awards are inadequate and involve delays. Origin of many disputes and work stoppages can be traced to non-implementation or delayed or distorted implementation of awards. The study further pointed out the lack of uniformity in the various rules formed by the state governments and the large body of labour laws also hindered their implementation and enforcement. Quick and effective

implementation and consequently full realization of the potential benefits of the provisions of law is made possible if the law is simple, precise and easily comprehensible.

**Monga (1978)** stated that labour laws may have some unexpected effects, it is only when we study the implementation of a law that we are able to compare the actual results against the intended ones. Moreover, attention focused solely on this comparison can result in overlooking significant unintended consequences. A law passed to improve the conditions of work may result in enriching those supposed to enforce it.

**Basu (1974)** mentioned about certain provisions of labour laws, implementation of labour legislation in manufacturing industries in India being flouted and not implemented.

**Kerk (1981)** observed that labour legislations, government control or regulations had hardly any impact on the working conditions of the workers in the industrial units regardless of the fact that they are in the factory sector or the non-factory sector.

**Agrawal (1991)** made suggestions that strict and rigorous laws alongwith their faithful implementation by governments is urgently required and efforts for creating social awareness, consciousness and changing the psychology of employers are needed.

**Jugale (1992)** found that workers are being exploited mainly because legislative provisions and court awards are not being implemented by the sugar industry.

## METHODOLOGY

This is a survey study of 100 factories (57 iron foundries and 43 engineering industries) of Agra, Mathura, Firozabad and Mainpuri districts of Agra division of U.P. State of India. 500 workers-05 workers from each factory, were interviewed through an Interview Schedule and an Observation Schedule was used to collect first hand primary data from the factories. An Interview Guide was also used to gather information from owners, occupiers or managing agents, workers, trade unionists, lawyers and labour officials.

## ANALYSIS AND INTERPRETATION

**Table 1: Maintenance of Prescribed Records**

S.No.	Records and Registers	Foundries	%	Eng.,	%	Total
1.	Register maintained in Form 8	15	41.7	21	58.3	36
2.	Record of persons attending to machinery in Form 25	05	28.6	15	71.4	21
3.	Register for particulars of examination of hoists and lifts	16	80.0	04	20.0	20
4.	Register for lifting machines, chains, ropes and lifting tackles	11	73.3	04	26.7	15

Table 1 shows that 36% of the factories maintained the registers in Form No.8 for cleaning of walls and ceilings, white-washing and colour- washing whereas 64% of the industries did not maintain the registers. The percentage of the foundries and engineering industries maintaining the registers in Form No.8 was 41.7% and 58.3% respectively. Only 21 % of the factories maintained the records of persons attending to machinery in Form 25, of which 71.4% were engineering industries and 28.6% were foundries. Registers for particulars of examinations of hoists and lifts were maintained in 20% of the factories surveyed, in which 80% foundries and 20% engineering units were included. 15% of the industries maintained registers for lifting machines, chains, ropes and lifting tackles, of which maximum (73.3%) were foundries and remaining (26.7%) were engineering industries.

**Table 2: Reasons for Not Maintaining the Prescribed Records**

S.No.	Records and Registers	Foundries	%	Engg.Ind	%	Total
1.	Not needed	42	65.6	22	34.4	64
2	Authorities do not inspect	05	31.2	11	68.8	16
3.	Authorities do not ask for these records	36	59.0	25	41.10	61
4.	Contract basis workers, hence records not maintained.	21	58.3	15	41.7	36

Table 2 describes the reasons for not maintaining the prescribed records. 64% of the respondents said that there was no need to maintain such records at all, of which 65.6% of the respondents belonged to foundries and remaining 34.4% belonged to the engineering industries. Of all the industries surveyed, 61 % respondents said that enforcement authorities did not require production of these records, of which 59.0% were foundries and 41.0% were engineering units. 36% of the occupiers did not maintain the prescribed records because they employed contract-basis workers. Surprisingly 16% of the respondents revealed that authorities did not bother to inspect the factories and check the prescribed records.

**Table 3: Visit by Competent Person(S) and Inspector(s) To Examine And Inspect The Health. Safety and Welfare Measures.**

S. No.	Response	Foundries	%	Engg.	%	Total
1.	Yes	52(91.2)	61.9	32(74.4)	38.1	84
2.	No	05(8.8)	31.2	11(25.6)	68.8	16
	Total	57(100.0)		43(100.0)		100

Table 3 contains data gathered through interview, observation and hard probe by the researcher. It reveals that 84% of the total industries surveyed-61.9% foundries and 38.1 engineering industries - the Competent Person(s) and Inspectors) regularly visited factories to examine and inspect the health, safety and welfare measures. But these authorities did not pay the regular visits in 16% of the factories, of which 68.8% were engineering industries and 31.2% were foundries. It also shows that 91.2% of the foundries and 74.4% of the engineering industries were regularly visited by the Competent Person(s) and Inspectors) whereas these authorities did not regularly visit 8.8% and 25.6% of the total foundries and engineering industries respectively.

Data Contained in table no. 4 shows that in 16% of the factories, the Competent Person(s) and Inspectors) did not pay regular visits because a fixed agreed-upon amount was sent regularly to them. 10% of the respondents said that their factories were very small, thus non-beneficial to the authorities to inspect. 09% of the total respondents revealed that they went to the authorities and satisfied them.

**Table 4:Reasons for Competent Person(s) and Inspector(s) Not Visiting the Factories**

S. No.	Reasons	Foundries	%	Engg. Ind.	%	Total
1	Not aware of the location	02	50.0	02	50.0	04
2	We go to him and satisfy	04	44.4	05	55.6	09
3	Fixed amount sent regularly	06	37.5	10	62.5	16
4	Don't Know	02	66.7	01	33.3	03
5	Small factory, so no benefit to authorities	03	30.0	07	70.0	10
6	Only Contract basis workers	05	62.5	03	37.5	08

8% of the factories were not visited by the enforcement authorities because there were employed only contract - basis workers, however, owners were not exempt from their legal obligations due to it. 4% of the respondents said that authorities were not aware of the location. A minimum (3%) of respondents

did not know the exact reasons for Competent Person(s) and Inspectors) not visiting the factories. Comparatively, the respondents of engineering industries were more revealing than those of foundries.

**Table 5: Working Hours of Adult Workers in Factories**

S. No.	Time Duration (in hrs) Per Week	Foundries	%	Engg., Ind.	%	Total
1	<48	05(8.8)	38.5	08(18.6)	61.5	13
2	48-52	21(36.8)	80.5	5(11.6)	19.2	26
3.	52-56	04(7.0)	28.6	10(23.3)	71.4	14
4.	56-60	27(47.4)	57.4	20(46.6)	42.6	47
	Total	57(100.0)		43(100.0)		100

Section 51 of the Factories Act, 1948 lays down that no adult worker shall be required or allowed to work in a factory for more than forty eight hours in any week. Table 5 depicts the actual working hours of adult workers in the factories covered in this study. 61.5% engineering industries and 38.5% foundries-number of actual working hours of adult workers was less than 48 hrs.

In most (47%) of the factories, workers actually worked for hours between 56 and 60. 26% of the industries required the workers to work for hours between 48 and 52 per week whereas the workers worked for 52 to 56 hours per week in 14% of the factories, of which 71.4% were engineering industries and 28.6% were iron foundries. The table clearly shows that workers were required to work for more than prescribed working hours in most of the iron foundries and engineering industries.

Section 52 of the Factories Act, 1948 and corresponding State Rules require the employer to grant weekly holidays to the workers. Data in table 6 shows that weekly holidays were observed in 88% of the factories. Weekly holidays were not granted in 21 % of the factories, of which 75% were foundries and 25% engineering industries.

**Table 6: Observance of Weekly Holidays**

S. No.	Response	Foundries	%	Engg. Ind	%	Total
1.	Yes	48(84.2)	54.5	40(93.0)	45.5	88
2.	No.	09(15.8)	75.0	03(7.0)	25.0	12
	Total	57(100.0)		43(100.0)		100

The table also shows that 15.8% of the total foundries and 7% of the total engineering industries did not observe weekly holidays. The number of iron foundries not granting weekly holidays was comparatively greater than that of engineering industries.

**Table 7: Showing Weather Compensatory Holidays Granted To the Workers**

S.No.	Response	Foundries	%	Engg.	%	Total
1.	Yes	37(64.9)	66.1	19(44.2)	33.9	56
2.	No	20(35.1)	45.5	24(55.8)	54.5	44
	Total	57(100.0)		43(100.0)		100

Table 7 shows that compensatory holidays were granted to the workers in 56% of the factories whereas they were not granted in 44% of the factories, of which 45.5% were foundries and 54.5% were engineering industries. The data in the table also shows that compensatory holidays were not granted in 35.1 % of the total foundries and 55.8% of the engineering industries. Hence, violation of Section 53 of the Factories Act, 1948 was noted in the Factories. Section 53 of the Act provides for Compensatory holidays to the workers deprived of any weekly holidays as a result of an exemption rule or order.

Table 8 shows that compensatory holidays were provided to the workers only when they needed in 44% of the factories, of which 59.1% were foundries and 40.9% were engineering industries.

**Table 8:Reasons For Not Providing Compensatory Holidays**

S. No.	Reasons	Foundries	%	Engg.	%	Total
				Ind.		
1.	Weekly holidays given regularly	11	39.3	17	60.7	28
2.	Workers don't need	01	25.0	03	75.0	04
3.	Excessive workload of production	02	28.6	05	71.4	07
4.	Weekly hours of work are less	02	40.0	03	60.0	05
5.	Unnecessary financial burden	23	54.8	19	45.2	42
6.	Authorities don't compel	03	25.0	09	75.0	12
7.	Provided only when a worker needs	26	59.1	18	40.9	44
8.	Contract workers employed by contractor	04	44.4	05	55.6	09
9.	Already many holidays	02	33.3	04	66.7	06
10.	Not needed at all	08	42.1	11	57.9	19

42% of the respondents-belonging to 54.8% of the foundries and 45.2% of the engineering industries-gave the reason for not providing compensatory holidays to the workers that these holidays caused unnecessary financial burden on the factory. In 28% of the factories -39.3% foundries and 60.7% engineering industries -there was no need for granting Compensatory holidays because weekly holidays were given regularly. 19% of the respondents said that compensatory holidays were not needed at all, irrespective of the fact that weekly holidays were not provided. 4% of the total respondents held the opinion that workers did not need Compensatory holidays. In 7% of the factories - 71.4% engineering industries and 28.6% foundries - excessive workload of production did not permit the occupiers to grant Compensatory holidays in lieu of weekly holidays lost. Compensatory holidays were not provided in 05% of the factories because of weekly working hours being less than required. 12% of the total respondents said that enforcement authorities did not require or compel them to provide compensatory holidays to the workers. 9% of the owners did not grant any compensatory holidays because only contractual workers were employed by contractors. 6% of the respondents said that they did not provide compensatory holidays because there were already many holidays available to the workers.

**Table 9:Display of Notice of Compensatory Holidays and Subsequent Changes Therein**

S.	Response	Foundries	%	Engg. Ind.	%	Total
1.	Yes	17(29.8)	68.0	80(18.6)	32.0	25
2.	No.	20(35.1)	64.5	11(25.6)	34.15	31
3.	N.A.	20(35.1)	45.5	24(55.8)	54.5	44
Total		57(100.0)		43(100,0)		100

Rule 72 of the U.P. Factories Rules, 1950 requires the Manager of factory to display notice regarding compensatory holidays and subsequent changes. Data contained in table 9 shows that 44% of the factories-54.5% engineering industries and 45.5% foundries did not display the notice of compensatory holidays because they did not provide compensatory holidays to the workers hence Rule 72 was not applicable to them. Notice of compensatory holidays and subsequent changes therein was not displayed in 31 % of the total factories, of which 64.5% were foundries and 34.5% were engineering industries. Only 25% of industries-68% foundries and 32% engineering units-displayed the notice of compensatory holidays and subsequent changes therein. Notice of Compensatory holidays was displayed only in 29.8% of the foundries and 18.6% of the engineering industries.

**Table 10 :Reasons For Not Displaying The Notice Of Compensatory Holidays**

S.No.	Reasons	Foundries	%	Engg. Ind	%	Total
1.	Compensatory holidays not provided	30	68.2	14	31.8	44
2.	Workers don't like to read notice	09	75.0	03	25.0	12
3.	Workers are illiterate	09	56.3	07	43.7	16
4.	Workers are personally informed	02	40.0	03	60.0	05
5.	Workers inquire in the Office	17	68.0	08	32.0	25

Table 10 shows that 44% of the total industries did not display the notice of compensatory holidays because they did not provide compensatory holidays. Of these, 68.2% were foundries and 31.8% were engineering industries. Workers inquired about compensatory holidays themselves in 25% of the factories, of which 68% were foundries and 32% were engineering industries. 12% of the occupiers did not display the notice of compensatory holidays because workers did not like to read the notices. A minimum 05% of the respondents said that workers were personally informed, instead of displaying the notice of compensatory holidays.

**Table 11: Maintenance of Register For Weekly And Compensatory Holidays**

S. No.	Response	Foundries	%	Engg. Ind	%	Total
1.	Yes	11	73.3	04	26.7	15
2.	No.	40	64.5	22	35.5	62
	Total	57(100.0)		43(100.0)		100

Table 11 indicates that register for weekly and compensatory holidays was maintained in 86% of the factories surveyed in this study. And this register was not maintained in 14% of the factories, of which 71.4% were foundries and 28.6% were engineering industries. 17.5% if the iron foundries and 9.3% of the engineering industries did not maintain the registers for weekly and compensatory holidays and these violated Rule 74 of the U.P. Factories Rules, 1950

**Table 12:Reasons for Not Maintaining the Register for Weekly and Compensatory Holidays**

S.No.	Reasons	Foundries	%	Engg. Ind	%	Total
1.	Not needed	6	75.0	2	25.0	8
2.	Compensatory holidays not given	10	71.4	4	28.6	14
3.	Workers don't ask for weekly and compensatory holidays	7	70.0	3	30.0	10
4.	Lack of necessary staff	3	50.0	3	50.0	06

Data contained in table 12 shows that 14% of the factories and 28.6% engineering units-did not maintain the register for weekly and compensatory holidays because they did not provide compensatory holidays to the workers. 10% of the respondents said that workers did not require weekly and compensatory holidays, therefore, prescribed register for weekly and compensatory holidays was not maintained. 6% of the respondents-50% foundries (50%) and engineering units could not maintain the register because of lack of necessary staff. Moreover, 8 respondents said that these registers were not needed at all.

In most (77%) of the factories - 63.6% foundries and 36.4% engineering industries - there was a necessity of overtime work and workers were required by employers to work beyond normal working hours. In 23% of the factories, there was no need of overtime work and workers were not required to work overtime. The data also points out that there was a necessity of overtime work in 86% and 65% of the foundries and engineering industries respectively.

**Table 13 : Payment of Wages for Overtime Work**

S. No.	Response	Foundries	%	Engg. Ind	%	Total
1.	Yes	11	73.3	04	26.7	15
2.	No.	40	64.5	22	35.5	62
	Total	57(100.0)		43(100.0)		100

Table 13 shows that out of 77% industries wherein workers worked overtime, only 15% industries paid overtime wages. 62% industries did not pay any wages for overtime work. Overtime wages were not paid in most (64.5%) of the foundries and a minimum of 35.5% of the engineering industries.

**Table 14: Rate of Overtime Wages**

S. No.	Rate	Foundries	%	Engg.	%	Total
				Ind.		
1.	@ Ordinary wages	02	66.7	01	33.3	03
2.	@ 1½ the ordinary wages	00	00.0	02	100.0	02
3.	@ Twice the ordinary wages	07	77.8	02	22.2	09
4.	@ Higher than twice the ordinary	01	100.0	00	00.0	01

Section 59 (1) of the Factories Act, 1948 provides for entitlement to wages at the rate of twice the ordinary rate of wages to a worker who works in a factory for more than nine hours on any day or for more than forty eight hours in any week. Table 14 depicts that workers' were paid overtime wages at the rate of twice the ordinary wages in only 9% of the total industries, of which 77.8% were foundries and 22.2% were engineering industries. Overtime wage was paid at the rate of ordinary wages in 3% of the factories, consisting of 66.7% of the foundries and 33.3% of the engineering units. Interestingly, 2% of the factories paid overtime wages at the rate of 1½ the ordinary wages, and 1% industry paid it even at the rate higher than statutory rate of twice the ordinary wages of the workers.

**Table.15:Reasons For Not Giving Overtime Wages At The Required Rate**

S.No.	Reasons	Foundries	%	Engg. Ind,	%	Total
1.	No necessity	40	64.5	22	35.5	62
2.	No such demand from workers	16	66.7	08	33.3	24
3.	Outside workers are available at normal rate	10	83.3	02	16.7	12
4.	Financial inability of factory	28	59.6	19	40.4	47
5.	Workers employed by contractor	04	33.3	08	66.7	12

Data contained in table 15 shows that 62% of the total respondents said that there was no necessity of giving overtime wages at the required statutory rate. 47% of the respondents belonging to 59.6% of the foundries and 40.4% of the engineering industries, told that financial inability of factory was the prime reason for not giving the overtime wages at the required rate of twice the ordinary wages. In 12% of the total industries, overtime wages were not paid to the workers at the required rate because outside workers were available at the normal rate of ordinary wages and an equal number of factories did not pay the overtime wages at the statutory rate because of workers being employed by the contractors.

**Table 16: Daily Maximum Hours of Overtime Work**

S.no.	Maximum hours (per day)	Foundries	%	Engg. Ind.	%	Total
1	1-----2	6	66.7	2	33.3	08
2	2-----3	19	61.3	12	38.7	31
3	3-----4	05	65.2	03	37.5	08
4	4-----5	12	63.2	07	36.8	19
5	5-----6	07	63.6	04	36.4	11

Table 16 contains data regarding the daily maximum hours of overtime work, which a worker was required or allowed to do. In 31 % of the industries -61.3% foundries and 38.7% engineering industries - workers were required or allowed to work for overtime for hours between 2 and 3 daily. In 19 of the factories, they were required to work overtime upto 4 and 5 hrs. 11% of the factories-63.6% foundries and 36.4% engineering industries-allowed or required the workers to work between 5 and 6 hours beyond normal working hours daily. 8% of the factories required the workers to work overtime between 3 and 4 hours daily, whereas a similar number of factories allowed the workers to render the work between 1 and 2 hours beyond normal work-schedule. It is evident from data contained in table 16 that there was rampant violation of Section 64 and 65 of the Factories Act, 1948.

**Table 17:Method of Allocating Hours of Overtime Work**

S. No.	Method	Foundries	%	Engg. Ind.	%	Total
1.	Scheme of overtime work	13	65.0	07	35.0	20
2.	Seniority list is followed	10	71.4	04	28.6	14
3.	Selected few are given overtime work	03	25.0	09	75.0	12
4.	All willing workers are given overtime work	07	77.8	02	22.2	09
5.	As per demands of circumstances	08	80.0	02	20.0	10
6.	All workers work simultaneously	03	75.0	01	25.0	04
7.	As per work requirements and nature	05	62.5	03	37.5	08

Table 17 shows methods of allocating hours of overtime work in the factories. A scheme of overtime work was laid down and followed in 20% of the factories, of which 65% were foundries and the remaining 35% were engineering industries. The seniority list was followed to allocate hours of overtime work in 14% of the factories. Only selected few workers were given overtime work in 12% of the factories, of which 75% were engineering industries and 25% were foundries. A pragmatic approach was followed in 10% of the industries wherein overtime work was allocated to the workers as per demands of the circumstances. In 9% of the total factories - 77.8% foundries and 22.2% engineering industries-all willing workers were given overtime work. In 8% of the factories, workers were allocated overtime job as per requirements and nature of the job. In a minimum (04%) of the factories, all the workers worked simultaneously during overtime hours. It is clear from the above table that the prescribed scheme for allocation of overtime work was non-existent in 80% of the industries covered under this study.

**Table 18: Maintenance of Separate Register for Overtime Work**

S. No.	Response	Foundries	%	Engg. Ind.	%	Total
1.	Yes	11(19.3)	73.3	04(9.3)	26.7	15
2.	No.	40(70.2)	64.5	22(51.2)	35.5	62
3.	N.A.	06(10.5)	26.1	17(39.5)	73.9	23
	Total	57(100.0)		43(100.0)		100



Section 59 (5)(b) of the Factories, Act, 1948 and Rule 76(3) of the U.P. Factories Rules, 1950 lay down that a separate overtime register shall be maintained in prescribed form No. 10. Table 18 depicts that 15% of the factories maintained separate register of overtime work, whereas, 62% of the total industries, of which 64.5% were foundries and 35.5% were engg. industries, did not maintain a separate register for overtime work. Separate register for overtime work was not required in 23% of the factories which included 73.9% engineering industries and 26.1% foundries. The table also shows that majority of the foundries (70.2%) and engineering industries (51.2%) did not maintain any separate register for overtime work.

**Table 19: Reasons for Not Maintaining Overtime Register**

S.No.	Reasons	Foundries	%	Engg.Ind.	%	Total
1.	Lack of staff	00	00.0	02	100.0	02
2.	Overtime period shown in attendance register	01	33.3	02	66.7	03
3.	Overtime work is written in the personal diary of worker	05	71.4	02	28.6	07
4.	Overtime work is written on loose papers	12	66.7	06	33.3	18
5.	Not needed at all	03	75.0	01	25.0	04
6.	Workers employed by contractor	08	66.7	04	33.3	12
7.	Piece-rate workers	10	83.3	02	16.7	12
8.	Overtime treated as a normal work	01	25.0	03	75.0	04

Table 19 shows reasons for not maintaining an overtime register. 18% of the industries - 66.7% foundries and 33.3% engineering industries - did not maintain overtime register because overtime work was written on loose papers only. Overtime register was not maintained in 12% of the factories because workers were employed by the contractor; and in an equal number of factories the overtime register was not maintained because workers were paid their wages at piece-rate basis. In 7% of the factories,- 71.4% foundries and 28.6% engineering units-overtime work and wages were written in the personal diaries of the workers. 4% of the factories did not maintain it because it was not needed at all; and in the same number of industries, overtime register was not maintained because overtime work was treated as normal work. 3% of the respondents told that they did not maintain overtime register because overtime period was shown the Attendance Register. 2% of the factories could not maintain separate register for overtime work because of lack of staff.

## CONCLUSIONS

1. Register in Form no.8 for cleaning of walls and ceilings, white-washing and colour washing was maintained in 36% factories whereas record of persons attending to machinery was maintained in Form no. 25 in 21% factories only. 20% factories had register for particulars of examination of hoists and lifts. And register for lifting machines, chains, ropes and lifting tackles was maintained in 15% of the factories.
2. For not maintaining the prescribed records, the reasons were disclosed as: (i) not needed (64%); (ii) authorities don't ask for production of these records (61%); (iii) contract basis workers (36%); and (iv) authorities don't inspect the factory (16%).
3. The Competent Person(s) and the Inspector(s) regularly visited the factory to examine and inspect the health, safety and welfare measures in 84% of the industrial establishments.
4. Reasons for Competent Person(s) and Inspector(s) not visiting the factory included, (i) fixed amount (bribe) sent regularly (16%); (ii) small factory, therefore, no benefit to the authorities (10%); (iii)

- respondents go to them and satisfy (09%); (iv) contract basis workers (8%); (v) authorities not aware of location (04%); and (vi) don't know (03%).
5. In most (47%) of the factories, weekly working hours of adult workers varied between 56 and 60 hrs. Working hours were between 52 and 56 per week in 14% factories. However, weekly working hours were less than 48 hours in 13% factories.
  6. In 12% of the factories, weekly holiday was not observed and provided to the workers. And 44% industries did not grant compensatory holidays to their workers.
  7. Reasons cited for not providing compensatory holidays were: (i) provided only when a worker needed (44%); (ii) unnecessary financial burden on the factory (42%); (iii) weekly holidays given regularly (28%); (vi) not needed at all (19%); (v) authorities didn't require (12%) (vi) contract-basis workers (09%); (vii) excessive workload of production (07%); (viii) already many holidays (6%); (ix) weekly hours of work are less (05%); and (x) workers don't demand (04%).
  8. 31% Industrial establishments did not display the notice of compensatory holidays and subsequent changes therein. Reasons for not displaying the notice included: (i) compensatory holidays not provided (44%); (ii) workers inquired in the office (25%); (iii) workers were illiterate (16%); (vi) workers did not like to read such notices (12%); and (v) workers were personally informed (05%).
  9. 14% of the industrial establishments did not maintain register for weekly and compensatory holidays. Reasons were: (i) compensatory holidays were not given (14%); (ii) workers didn't demand weekly and compensatory holidays (10%) (iii) not needed at all (08%); and (vi) lack of necessary staff to maintain such register (06%).
  10. There was necessity of overtime work in 77% of the total factories. However, overtime wage was paid to the workers in 15% of the factories only. Rates of overtime wages were: (i) twice the ordinary rate of wages (09%); (ii) ordinary wages (3%); (iii)  $1\frac{1}{2}$  of the ordinary wages (02%); and (vi) higher than twice the ordinary wages (1%).
  11. Reasons for not giving overtime wages at the required rate were: (i) no necessity (62%); (ii) financial inability of the factory (47%); (iii) no such demand from workers (24%); (vi) outside workers were available at normal rate (12%); and (vii) workers employed by contractors (12%).
  12. Daily maximum working hours of overtime work were 4 to 5 hrs. in (19%); 5 to 6 hrs in 1%; and 2 to 3 hrs in 31% factories.
  13. Various methods of allocating hours of overtime work were (i) through the Scheme of overtime work (20%); (ii) seniority list was followed (14%); (iii) selected few were given overtime work (12%); (vi) as per demands of circumstances (10%); (v) all willing workers were given overtime work (9%); (vi) as per work requirements (8%); and (vii) all workers worked simultaneously (4%).
  14. Separate register for overtime work was not maintained in 62% of the factories. The industrial establishments did not maintain overtime register because of: (i) overtime work was written on loose papers (18%); (ii) Contract basis workers (12%); (iii) piece rate workers (12%); (iv) overtime work was written in the personal dairy of the workers (07%); (v) overtime work was treated as normal work (4%); (vi) not needed (4%); (vii) overtime period shown in attendance register (3%) and (viii) lack of staff.

## REFERNECES

1. Agrawal Dinesh. (1991) Child Labour- An Analytical Study of the Socio-Economic Condition with Special Reference to Agra and Moradabad Towns. Available with author.
2. Basu, Shree Lekha. (1974). Share of Labour in Manufacturing Industries. *Economic and Political Weekly*, July, 1974.
3. Jugale, V.B. (1992). Wages, Employment and Industrial Relations of Migrant Cane Cutters in Sugar Co-operatives in Maharashtra. New Delhi, India; I.C.S.S.R.
4. Kerk, H.S. (1981). Employment in Small Scale Industries in South Gujarat. *Economic and Political Weekly*, April, 1981.

5. Labour Research Centre (1969). A Study of Implementation of Labour Laws in U.P. Lucknow, India: Department of Economics, University of Lucknow.
6. Monga, M.L. (1978). The Bonus Paradox. *Indian Management* Vol. 17, No. 11, pp. 17-22.
7. The Factories Act, 1948; Bare Act, 2012. Universal Law Publishing, New Delhi, India.
8. The Uttar Pradesh Factories Rules, 1950. Eastern Book Company, Lucknow, 2012.