

LECTURE NOTES ON

ENTREPRENEURSHIP & MANAGEMENT (HMT-601)

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ENGINEERING

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UNIT-VII**Sales & Marketing :**

According to Philip Kotler, "Marketing management is the analysis, planning, implementation and control of programmes designed to bring about desired exchanges with target markets for the purpose of achieving organisational objectives.

It relies heavily on designing the organisations offering in terms of the target markets needs and desires and using effective pricing, communication and distribution to inform, motivate and service the market." Marketing management is concerned with the chalking out of a definite programme, after careful analysis and forecasting of the market situations and the ultimate execution of these plans to achieve the objectives of the organisation.

Further, their sales plans to a greater extent rest upon the requirements and motives of the consumers in the market. To achieve this objective, the organisation has to pay heed to the right pricing, effective advertising and sales promotion, distribution and stimulating the consumers through the best services.

To sum up, marketing management may be defined as the process of management of marketing programmes for accomplishing organisational goals and objectives. It involves planning, implementation and control of marketing programmes or campaigns.

Importance of Marketing Management:

Marketing management has gained importance to meet increasing competition and the need for improved methods of distribution to reduce cost and to increase profits. Marketing management today is the most important function in a commercial and business enterprise.

The following are the other factors showing importance of the marketing management:

- (i) Introduction of new products in the market.
- (ii) Increasing the production of existing products.
- (iii) Reducing cost of sales and distribution.
- (iv) Export market.
- (v) Development in the means of communication and modes of transportation within and outside the country.
- (vi) Rise in per capita income and demand for more goods by the consumers.

Consultative Selling

This approach is meant to create long-term, mutually beneficial sales relationships. Consultative selling is a problem solving technique through which the salesperson helps the customer to improve their profit by selling the right products and services. In the mean time the salesperson gains profit from selling its products and creates an advantage over competitors, by using this approach. This method requires long- term planning instead of quick sale, but creates a good customer relationship.

Application of Consultative Selling

The process of consultative selling is concerned with solving customer's problems. In order to do so four steps have to be followed:

Identifying the customer's problem in financial terms- What the problem is costing the customer, or what could have been earned without the problem?

Quantifying a profit improvement solution, without mentioning your product yet. In this stage the process is still strictly focussed on benefiting the customer.

Fitting the products or services in the customer's needs in order to contribute to the customer's profit. Proposing a long-term relationship in order to continue to benefit both parties.

Selling Methods :

High Octane/Creative Selling

High octane selling is a systematic process, stressing optimum performance, by being extraordinary in order to impress and challenge the prospective customer to buy your product or service. This involves selling in a creative manner. Creativity is essentially a process and behavior that produces new and useful ideas. The purpose of this method is to impress the prospects and make them remember the sales message by using an original approach of presenting the product.

Application of High Octane/Creative Selling

Creativity is a process, not just a behavior. Each creative idea should go through a six step process:

1. Preparation: absorption of information to make up an idea.
2. Incubation: this contains the period in which you store the idea in your subconscious's in order to 'brew' the idea.
3. Illumination: an unexpected moment when the answer to an approach pops out.
4. Evaluation: the judgment stage of the idea, and identifying all the pros and cons.
5. Transformation: Modifying and enhancing the idea to make it more acceptable.
6. Implementation: turning the idea into a product or method.

For small businesses it is recommended to train staff to be creative while selling. In retail selling prospects are very sensitive to new and convincing approaches. This is another opportunity to grab and gain a competitive advantage.

Non Manipulative Selling

Different sources of literature may call this method collaborative or guilt-free selling, but these methods have one collective objective:

In contrast to the traditional salesperson, the non manipulative salesperson takes time up front to build a sincere, committed relationship and to learn in depth about the customer's needs. This approach demonstrates how to eliminate pressure and tension from the sale process and select the solutions that reward both the salesperson and the customer. In the long run this approach works more effectively than the high-pressured traditional selling. When a longer lasting sincere relationship is created a higher customer satisfaction can be generated, which will eventually result in an increase of revenues.

Application of Non Manipulative Selling

To reduce the tension during non manipulative selling it is important to build a relation of trust.

The most effective way to reach this is by sequencing the following process:

1. Define the needs/problems: Establishing the trust bond. Identifying the current situation, client goals, objectives, needs and problems.
2. Find solution: Determine discussion making criteria, solicit and suggest potential solutions and finally agree upon the best solution. A possible solution might be to match customers needs to products.
3. Implement the solution: Outline the tasks and responsibilities and work out an implementation schedule. A schedule gives answers to questions like; How to meet the customers needs? How to adjust the product or service to the customer needs?
4. Track the results: Identify the criteria for successful results and monitor them.

Compelling/Traditional Selling

This method of selling is going by the statement, "Selling is the art of communication for persuasion". Compelling selling is salesperson oriented and is focussed on 'persuading' the customer to buy. Clearly this relationship with the customer is neither based on trust nor focussed on customer satisfaction and contains a high level of pressure.

Application of compelling/traditional selling

1. Composing a sales plan: This includes personal requirements for a salesperson, product knowledge and sales techniques;
2. Identifying the customer: Prospecting the market for the product;
3. Preparation phase: Adjusting the selling techniques and styles to the identified customer features;
4. Approaching the customer: The actual contact through, e.g. interview, presentation, telephone contact, etc.
5. Apply techniques: Handle at the right moment;
6. Closing the sale: Close the sale at the appropriate time and in the appropriate way. This method is on the long run not the most effective one and is not recommended for small businesses or any business types, looking at the fact that this will not create a long-term relationship. It is cheaper to maintain relationship than it is to create new ones. By avoiding this method costs of constantly having to attract new customers can be reduced.

Cross selling

Cross selling is the situation in which a salesperson gets a referral from a colleague within the company to increase the revenue of the relationship by selling parallel products or services in the company. Cross selling requires cooperation for everybody in order to enhance customers retention. The company's database can indicate which customers are the best cross selling candidates. Salespersons are expected to recognize cross selling opportunities when interacting with customers.

Application of Cross selling

1. Nurture and manage a good customer relationship;

2. Define a written cross selling plan;
3. Sales as well as all other employees in the company must be engaged. Cross selling is everyone's job!
4. Measure the results;
5. Give positive feedback to fellow employees to stimulate them and involve them in future engagements.

The word "Brand" has its origin in the Norwegian work "Brand", which means to burn. In ancient times, farmers used to put burn marks as identification on livestock to distinguish their possessions.

Definition of Branding

According to American Marketing Association - Brand is "A name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers. The legal term for brand is trademark. A brand may identify one item, a family of items, or all items of that seller. If used for the firm as a whole, the preferred term is trade name."

According to Philip Kotler - "Brand is a name, term, sign, symbol, design, or a combination of them, intended to identify the goods or services of one seller or group of sellers and to differentiate them from those of competitors"

Branding is "a seller's promise to deliver a specific set of features, benefits and services consistent to the buyers."

Meaning of Branding

Branding is a process of creating a unique name and image for a product in the mind of consumer, mainly through advertising campaigns. A brand is a name, term, symbol, design or combination of these elements, used to identify a product, a family of products, or all products of an organisation. Branding is an important component of product planning process and an important and powerful tool for marketing and selling products.

Elements of Branding

Brand includes various elements like - brand names, trade names, brand marks, trade marks, and trade characters. The combination of these elements form a firm's corporate symbol or name.

Brand Name - It is also called Product Brand. It can be a word, a group of words, letters, or numbers to represent a product or service. For example - Pepsi, iPhone 5, and etc.

Trade Name - It is also called Corporate Brand. It identifies and promotes a company or a division of a particular corporation. For example - Dell, Nike, Google, and etc.

Brand Mark - It is a unique symbol, colouring, lettering, or other design element. It is visually recognisable, not necessary to be pronounced. For example - Apple's apple, or Coca-cola's cursive typeface.

Trade Mark - It is a word, name, symbol, or combination of these elements. Trade mark is legally protected by government. For example - NBC colourful peacock, or McDonald's golden arches. No other organisation can use these symbols.

Trade Characters - Animal, people, animated characters, objects, and the like that are used to advertise a product or service, that come to be associated with that product or service. For example - Keebler Elves for Keebler cookies

Branding Strategies

There are various branding strategies on which marketing organisations rely to meet sales and marketing objectives. Some of these strategies are as following :-

Brand Extension - According to this strategy, an existing brand name is used to promote a new or an improved product in an organisation's product line. Marketing organisations use this strategy to minimise the cost of launching a new product and the risk of failure of new product. There is risk of brand diluting if a product line is over extended.

Brand Licensing - According to this strategy, some organisations allow other organisations to use their brand name, trade name, or trade character. Such authorisation is a legal licensing agreement for which the licensing organisation receives royalty in return for the authorisation. Organisations follow this strategy to increase revenue sources, enhance organisation image, and sell more of their core products.

Mixed Branding - This strategy is used by some manufacturers and retailers to sell products. A manufacturer of a national brand can make a product for sale under another company's brand. Like this a business can maintain brand loyalty through its national brand and increase its product mix through private brands. It can increase its profits by selling private brands without affecting the reputation and sales of its national brand.

Co-Branding - According to this strategy one or more brands are combined in the manufacture of a product or in the delivery of a service to capitalise on other companies' products and services to reach new customers and increase sales for both companies' brands.

Packaging may be defined as formulating a design of the package and producing an appropriate and attractive container or wrapper for a product. The container itself can act a forceful though silent and powerful salesman at the point of purchase or an effective medium of advertisement encouraging impulse buying.

Many a time, package design itself can act as a registered brand. Packing is necessary to prevent flowing out of such liquids as milk, drinks, etc. It is essential to maintain freshness and quality, e.g., ghee, sauce, etc. It can prevent the danger of adulteration, e.g., butter, cheese, spices, edible oil, etc.

However, packaging is much more than mere packing. Packaging is a marketing necessity. The public does not want just the product. They want explanation, assurance, encouragement, confidence, and praise, i.e., pat-on-the-back, all integrated or combined with a pleasant and eye-catching get-up appearance on the top to gain action, i.e., close the sale.

Thus, a good package ensures ultimate success of the product as a commercial venture. Under keen competition, the consumer needs an effective means to recognise a difference and establish preference that will ensure repeated repurchases. Packaging does this job in a competitive market.

A label is also a part of a package or it may be attached directly to the product. There is a very close relationship between labelling and packaging as well as labelling and branding or grading.

Labelling is the act of attaching or tagging labels. Label is anything — may be a piece of paper, printed statement, imprinted metal, leather — which is either a part of a package or attached to it indicating contents, price names of product and produces and such useful information beneficial to the consumer. Example- labels on drugs and dangerous products contain factual information.

Labels are classified as- (a) brand, (b) grade, (c) descriptive, and (d) informative. Brand label mentions the brand name or mark. Grade label identifies the quality by a letter, number, or word, e.g., AAA, Fancy Grade, Grade No.1 and 2. Descriptive and informative labels are similar.

They give helpful information on the following-

(a) Brand name, (b) Name and address of producer, (c) Weight, measure, count, (d) Ingredients by percentages where possible, (e) Directions for the proper use of the product, (f) Cautionary measures concerning the product and its use, (g) Special care of the product, if necessary, (h) Recipes on food products, (i) Nutritional guidelines, (j) Date of packing and date of expiry, (k) Retail price, and (l) Unit price for comparison.

Labelling, in general, is not a very reliable guide to quality or an assurance of uniformity. The printing of labels costs very little and the superlatives given on the label cost nothing. Hence, consumers should guard against deceptive labels.

UNIT-VIII

Human Resource Management (HRM) is a modern approach of maintaining people at workplace which focuses on acquisition, development, utilization and maintenance of human resource. HRM is development oriented. It is concern of managers of all level and provides space for employee involvement, performance and growth. Several companies nowadays prefer HRM to personnel management because HRM plays vital role in maintaining quality team of working experts.

Importance of Human Resource Management :

Human Resource Planning is a Process by which an organization ensures that

- Right number of people
- Right kind of people
- At the Right time
- At the Right place

Doing the Right things for which they are suited for achieving the goals of the organization

- They are In- charge of Overall Recruitment and Training of the Workforce: In collaboration with hiring managers of employers, the HR provides leadership training, teamwork management, scheduling

assistance, a systematic hiring process, recruitment planning processes, interview expertise, selection monitoring, and more.

- **Monitors Company Culture:** Every organization has a distinct company culture. Some actions say that HR owns the culture, but as in all other employee relation matters, the ownership is generally with the management and employees. HR must also make sure that the company culture will allow creativity and productivity to thrive the most.
- **Supervises Overall Talent Management Processes:** This is one of the leading functions of the HR department. In collaboration with other managers, HR is on top of management development, performance management, succession planning, career paths, and other aspects of talent management. HR can't do it alone and rely heavily on managers and executive staff to help plan and execute strategies. However, HR has to bring new ideas and effective practices in the organization.
- **Develops Standardized, Fair, and Strategic Compensation Plan:** The HR department is knowledgeable in terms of rules and policies involving pay, depending on the city, state, or region. This must be applied when trying to evaluate salary grades for all levels of the organization. They guide managers as they determine the salary range within their organizations.
- **Finds Out, Recommends, and Implements Employee Benefits and Compensation Programs That Would Help Attract and Retain Superior Employees:** HR keeps track of these trends especially regarding employee benefits and compensation perks. They are also responsible for controlling costs and considering various options before recommending adoption of such measures.
- **Recommends and Implements HR Strategies in the Organization:** HR must always merge the current with future goals. This must be aligned to make sure that the momentum does not slow down at some point. If your organization is changing directions, developing new products, changing mission, vision, or goals, HR must lead the way with employee programs and processes. They must supervise with expansion and growth in mind, at all times.
- **Ensures an Active Workplace Environment Complete with Events, Celebrations, Field Trips, Celebrations, and Team Building Activities:** HR should be able to actively engage and keep employees nurtured and happy in the work environment. HR is generally responsible for monitoring the budget and providing committee oversight in terms of these activities planned and implemented in the calendar year.
- **Be Proactive in Terms of Resolving Issues or Conflict Within the Organization or Mapping Out an Effective Approach to Enhancing Productivity in the Workplace:** Conflicts are a part of any healthy and robust organization. Not everyone would feel the same way about each other, but they need to develop effective working relationships for contribution and productivity. HR can help by knowing the players and taking on the necessary role of an advocate, coach or mediator.

The importance of HR is easily overlooked in the organization, especially in the busy day-to-day hustle and bustle of the workplace, but without an effective human resource management contribution in each of these areas, the organization would not be able to achieve its fullest potential and expand its horizon. Think of talent management as a business strategy that will help you retain exceptional employees. For effective talent management, every aspect of recruiting, hiring, and developing employees is affected positively.

Every HR department has its eye set on providing every company the best services and systems that would work to drive not just profit but team synergy. The goal of talent management is ensuring a superior workforce. Here are systems that the organization must include for best practices in talent management.

Functions of Human Resource Management:

- Design and come up with clear job descriptions, so you know the skills, abilities, and experience needed for every role in the organization.
- Recruitment and selection of the right employees who have superior potential and fit your organization's culture, with an appropriate selection process.
- Lead and negotiate varied requirements and accomplishment - based performance standards, outcomes, and measures within a performance development planning system.
- Map out and initiate effective employee on-boarding and ongoing training and development opportunities that would reflect both the benefits and response to the employee's and the organization's overall needs.
- Be steadfast in providing continuous coaching, mentoring, and feedback, so the employee feels valued and important.
- Conduct quarterly performance development planning discussions that focus on the employee's interests for career development.
- Discuss with management and be able to design an up-to-date and effective compensation and recognition systems that reward people for their contributions. Even if all of the rest of your employment processes are employee-oriented, people still work for money. Employers of choice aim to pay above the market to talented employees.
- Provide promotional and career development opportunities for employees within a system that includes career paths, succession planning, and on-the-job training opportunities.
- Hold exit interviews to understand why a valued employee decided to leave the organization. Make the necessary changes, if the reasons provide information about company systems that you can improve.

Streamlining every aspect in the workplace processes and systems is important to produce an effective human resource management strategy that will give you exactly the results you need in an organization in real-time.

Human resource management, when handled strategically, flows steadily from the organization's mission, vision, values, and goals. This, in turn, enables every employee to see where he or she fits within the organization. This helps further shape and define his or her role in the company. This, in turn, enables employees to

participate in the overall direction of the company. From a strategic perspective, an effective talent management system helps crucial employees feel as if they are part of something bigger than their current job.

Recruitment :

Recruitment is the process of searching for prospective employees and stimulating them for jobs in the organisation, Thus, the recruitment of employees involves the identification of the sources of personnel, evaluation of different sources available, selection of a particular source and stimulating the prospective candidates to apply for the job so that right candidates may be obtained for right job.

The various sources of recruitment can be broadly classified into two categories:

A. Internal Recruitment B. External Recruitment.

Internal Sources of Recruitment:

1. Promotions:

The promotion policy is followed as a motivational technique for the employees who work hard and show good performance. Promotion results in enhancements in pay, position, responsibility and authority. The important requirement for implementation of the promotion policy is that the terms, conditions, rules and regulations should be well-defined.

2. Retirements:

The retired employees may be given the extension in their service in case of non-availability of suitable candidates for the post.

3. Former employees:

Former employees who had performed well during their tenure may be called back, and higher wages and incentives can be paid to them.

4. Transfer:

Employees may be transferred from one department to another wherever the post becomes vacant.

5. Internal advertisement:

The existing employees may be interested in taking up the vacant jobs. As they are working in the company since long time, they know about the specification and description of the vacant job. For their benefit, the advertisement within the company is circulated so that the employees will be intimated.

Benefits of Internal Sources of Recruitment:

1. The existing employees get motivated.
2. Cost is saved as there is no need to give advertisements about the vacancy.
3. It builds loyalty among employees towards the organization.
4. Training cost is saved as the employees already know about the nature of job to be performed.
5. It is a reliable and easy process.

Limitations of Internal Sources of Recruitment:

1. Young people with the knowledge of modern technology and innovative ideas do not get the chance.
2. The performance of the existing employees may not be as efficient as before.
3. It brings the morale down of employees who do not get promotion or selected.
4. It may leads to encouragement to favouritism.
5. It may not be always in the good interest of the

organization. External Sources of Recruitment:

1. Press advertisement:

A wide choice for selecting the appropriate candidate for the post is available through this source. It gives publicity to the vacant posts and the details about the job in the form of job description and job specification are made available to public in general.

2. Campus interviews:

It is the best possible method for companies to select students from various educational institutions. It is easy and economical. The company officials personally visit various institutes and select students eligible for a particular post through interviews. Students get a good opportunity to prove themselves and get selected for a good job.

3. Placement agencies:

A databank of candidates is sent to organizations for their selection purpose and agencies get commission in return.

4. Employment exchange:

People register themselves with government employment exchanges with their personal details. According to the needs and request of the organization, the candidates are sent for interviews.

5. Walk in interviews:

These interviews are declared by companies on the specific day and time and conducted for selection.

6. E-recruitment:

Various sites such as jobs.com, naukri.com, and monster.com are the available electronic sites on which candidates upload their resume and seek the jobs.

7. Competitors:

By offering better terms and conditions of service, the human resource managers try to get the employees working in the competitor's organization.

Benefits of External Sources of Recruitment:

1. New talents get the opportunity.
2. The best selection is possible as a large number of candidates apply for the job.
3. In case of unavailability of suitable candidates within the organization, it is better to select them from outside sources.

Limitations of External Sources of Recruitment:

1. Skilled and ambitious employees may switch the job more frequently.
2. It gives a sense of insecurity among the existing candidates.
3. It increases the cost as advertisement is to be given through press and training facilities to be provided for new candidates.

SELECTION PROCESS :

Employee **selection** is a process of matching organization's requirements with the skills and the qualifications of individuals.

Brief details of the various steps in selection procedure are given as follows:

1. Inviting applications:

The prospective candidates from within the organization or outside the organization are called for applying for the post. Detailed job description and job specification are provided in the advertisement for the job. It attracts a large number of candidates from various areas.

2. Receiving applications:

Detailed applications are collected from the candidates which provide the necessary information about personal and professional details of a person. These applications facilitate analysis and

comparison of the candidates.

3. Scrutiny of applications:

As the limit of the period within which the company is supposed to receive applications ends, the applications are sorted out. Incomplete applications get rejected; applicants with un-matching job specifications are also rejected.

4. Written tests:

As the final list of candidates becomes ready after the scrutiny of applications, the written test is conducted. This test is conducted for understanding the technical knowledge, attitude and interest of the candidates. This process is useful when the number of applicants is large. Many times, a second chance is given to candidates to prove themselves by conducting another written test.

5. Psychological tests:

These tests are conducted individually and they help for finding out the individual quality and skill of a person. The types of psychological tests are aptitude test, intelligence test, synthetic test and personality test

6. Personal interview:

Candidates proving themselves successful through tests are interviewed personally. The interviewers may be individual or a panel. It generally involves officers from the top management.

The candidates are asked several questions about their experience on another job, their family background, their interests, etc. They are supposed to describe their expectations from the said job. Their strengths and weaknesses are identified and noted by the interviewers which help them to take the final decision of selection.

7. Reference check:

Generally, at least two references are asked for by the company from the candidate. Reference check is a type of crosscheck for the information provided by the candidate through their application form and during the interviews.

8. Medical examination:

Physical strength and fitness of a candidate is must before they takes up the job. In spite of good performance in tests and interviews, candidates can be rejected on the basis of their ill health.

9. Final selection:

At this step, the candidate is given the appointment letter to join the organization on a particular date. The appointment letter specifies the post, title, salary and terms of employment. Generally, initial appointment is on probation and after specific time period it becomes permanent.

10. Placement:

This is a final step. A suitable job is allocated to the appointed candidate so that they can get the whole idea about the nature of the job. They can get adjusted to the job and perform well in future with all capacities and strengths.

TRAINING :

A. On-the-job Training Methods:

1. Coaching
2. Mentoring
3. Job Rotation
4. Job Instruction Technology
5. Apprenticeship
6. Understudy

B. Off-the-Job Training Methods:

1. Lectures and Conferences
2. Vestibule Training

3. Simulation Exercises
4. Sensitivity Training
5. Transactional Training

A. On-the-job training Methods:

Under these methods new or inexperienced employees learn through observing peers or managers performing the job and trying to imitate their behaviour. These methods do not cost much and are less disruptive as employees are always on the job, training is given on the same machines and experience would be on already approved standards, and above all the trainee is learning while earning. Some of the commonly used methods are:

1. Coaching:

Coaching is a one-to-one training. It helps in quickly identifying the weak areas and tries to focus on them. It also offers the benefit of transferring theory learning to practice. The biggest problem is that it perpetrates the existing practices and styles. In India most of the scooter mechanics are trained only through this method.

2. Mentoring:

The focus in this training is on the development of attitude. It is used for managerial employees. Mentoring is always done by a senior inside person. It is also one-to-one interaction, like coaching.

3. Job Rotation:

It is the process of training employees by rotating them through a series of related jobs. Rotation not only makes a person well acquainted with different jobs, but it also alleviates boredom and allows to develop rapport with a number of people. Rotation must be logical.

4. Job Instructional Technique (JIT):

It is a Step by step (structured) on the job training method in which a suitable trainer (a) prepares a trainee with an overview of the job, its purpose, and the results desired, (b) demonstrates the task or the skill to the trainee, (c) allows the trainee to show the demonstration on his or her own, and (d) follows up to provide feedback and help. The trainees are presented the learning material in written or by learning machines through a series called 'frames'. This method is a valuable tool for all educators (teachers and trainers). It helps us:

- a. To deliver step-by-step instruction
- b. To know when the learner has learned
- c. To be due diligent (in many work-place environments)

5. Apprenticeship:

Apprenticeship is a system of training a new generation of practitioners of a skill. This method of training is in vogue in those trades, crafts and technical fields in which a long period is required for gaining proficiency. The trainees serve as apprentices to experts for long periods. They have to work in direct association with and also under the direct supervision of their masters.

The object of such training is to make the trainees all-round craftsmen. It is an expensive method of training. Also, there is no guarantee that the trained worker will continue to work in the same organisation after securing training. The apprentices are paid remuneration according the apprenticeship agreements.

6. Understudy:

In this method, a superior gives training to a subordinate as his understudy like an assistant to a manager or director (in a firm). The subordinate learns through experience and observation by participating in handling day to day problems. Basic purpose is to prepare subordinate for assuming the full responsibilities and duties.

B. Off-the-job Training Methods:

Off-the-job training methods are conducted in separate from the job environment, study material is supplied, there is full concentration on learning rather than performing, and there is freedom of expression. Important methods include:

1. Lectures and Conferences:

Lectures and conferences are the traditional and direct method of instruction. Every training programme starts with lecture and conference. It's a verbal presentation for a large audience. However, the lectures have to be motivating and creating interest among trainees. The speaker must have considerable depth in the subject. In the colleges and universities, lectures and seminars are the most common methods used for training.

2. Vestibule Training:

Vestibule Training is a term for near-the-job training, as it offers access to something new (learning). In vestibule training, the workers are trained in a prototype environment on specific jobs in a special part of the plant.

An attempt is made to create working condition similar to the actual workshop conditions. After training workers in such condition, the trained workers may be put on similar jobs in the actual workshop.

This enables the workers to secure training in the best methods to work and to get rid of initial nervousness. During the Second World War II, this method was used to train a large number of workers in a short period of time. It may also be used as a preliminary to on-the job training. Duration ranges from few days to few weeks. It prevents trainees to commit costly mistakes on the actual machines.

3. Simulation Exercises:

Simulation is any artificial environment exactly similar to the actual situation. There are four basic simulation techniques used for imparting training: management games, case study, role playing, and in-basket training.

(a) Management Games:

Properly designed games help to ingrain thinking habits, analytical, logical and reasoning capabilities, importance of team work, time management, to make decisions lacking complete information, communication and leadership capabilities. Use of management games can encourage novel, innovative mechanisms for coping with stress.

Management games orient a candidate with practical applicability of the subject. These games help to appreciate management concepts in a practical way. Different games are used for training general managers and the middle management and functional heads – executive Games and functional heads.

(b) Case Study:

Case studies are complex examples which give an insight into the context of a problem as well as illustrating the main point. Case Studies are trainee centered activities based on topics that demonstrate theoretical concepts in an applied setting.

A case study allows the application of theoretical concepts to be demonstrated, thus bridging the gap between theory and practice, encourage active learning, provides an opportunity for the development of key skills such as communication, group working and problem solving, and increases the trainees' enjoyment of the topic and hence their desire to learn.

(c) Role Playing:

Each trainee takes the role of a person affected by an issue and studies the impacts of the issues on human life and/or the effects of human activities on the world around us from the perspective of that person.

It emphasizes the "real- world" side of science and challenges students to deal with complex problems with no single "right" answer and to use a variety of skills beyond those employed in a

typical research project.

In particular, role-playing presents the student a valuable opportunity to learn not just the course content, but other perspectives on it. The steps involved in role playing include defining objectives, choose context & roles, introducing the exercise, trainee preparation/research, the role-play, concluding discussion, and assessment. Types of role play may be multiple role play, single role play, role rotation, and spontaneous role play.

(d) In-basket training:

In-basket exercise, also known as in-tray training, consists of a set of business papers which may include e-mail SMSs, reports, memos, and other items. Now the trainer is asked to prioritise the decisions to be made immediately and the ones that can be delayed.

4. Sensitivity Training:

Sensitivity training is also known as laboratory or T-group training. This training is about making people understand about themselves and others reasonably, which is done by developing in them social sensitivity and behavioral flexibility. It is ability of an individual to sense what others feel and think from their own point of view.

It reveals information about his or her own personal qualities, concerns, emotional issues, and things that he or she has in common with other members of the group. It is the ability to behave suitably in light of understanding.

A group's trainer refrains from acting as a group leader or lecturer, attempting instead to clarify the group processes using incidents as examples to clarify general points or provide feedback. The group action, overall, is the goal as well as the process.

Sensitivity training Program comprises three steps (see Figure 18.7)

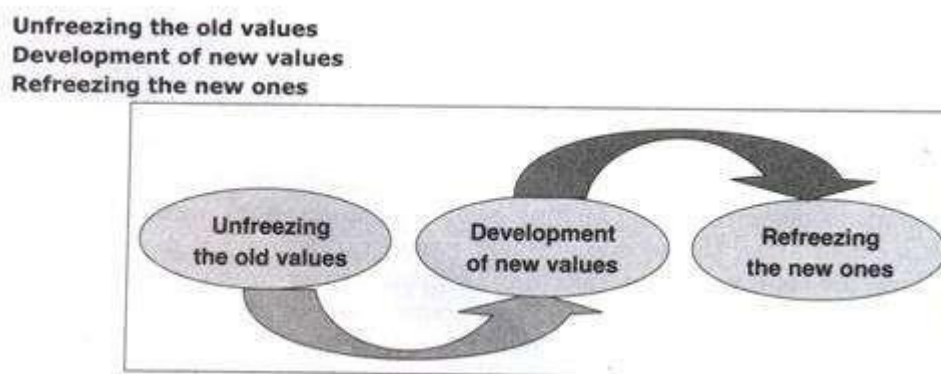


Figure 18.7 Procedure for Sensitivity Training

5. Transactional Analysis:

It provides trainees with a realistic and useful method for analyzing and understanding the behavior of others. In every social interaction, there is a motivation provided by one person and a reaction to that motivation given by another person.

This motivation reaction relationship between two persons is known as a transaction.

Transactional analysis can be done by the ego (system of feelings accompanied by a related set of behaviors states of an individual).

Child:

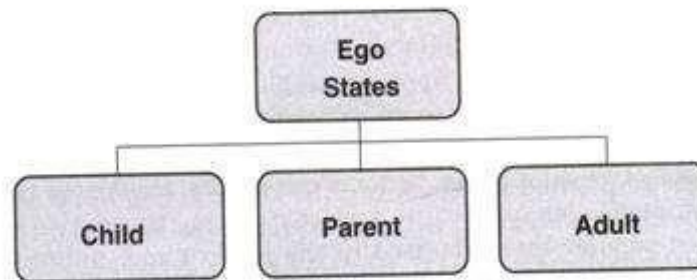
It is a collection of recordings in the brain of an individual of behaviors, attitudes, and impulses which come to him/her naturally from his/her own understanding as a child. The characteristics of this ego are to be spontaneous, intense, unconfident, reliant, probing, anxious, etc. Verbal clues that a person is operating from its child state are the use of words like "I guess", "I suppose", etc.

and non verbal clues like, giggling, coyness, silent, attention seeking etc.

Parent:

It is a collection of recordings in the brain of an individual of behaviors, attitudes, and impulses imposed on her in her childhood from various sources such as, social, parents, friends, etc.

The characteristics of this ego are to be overprotective, isolated, rigid, bossy, etc. Verbal clues that a person is operating from its parent states are the use of words like, always, should, never, etc and non-verbal clues such as, raising eyebrows, pointing an accusing finger at somebody, etc.



Adult:

It is a collection of reality testing, rational behaviour, decision making, etc. A person in this ego state verifies, updates the reaction which she has received from the other two states. It is a shift from the taught and felt concepts to tested concepts.

All of us show behaviour from one ego state which is responded to by the other person from any of these three states.

Performance Appraisal :

A performance appraisal is a systematic and objective method of judging the quality of an employee in performing his job and a part of guiding and managing career development. It is the process to obtain, analyze, and record the information about the relative worth of an employee to the organization. Performance appraisal is an analysis of an employee's recent successes and failures, personal strengths and weaknesses, and his/her suitability for promotion or further training.

Need of Performance Appraisal :

- To provide employees feedback on their performance.
- Identify employee training needs.
- Document criteria used to allocate organisational rewards.
- A basis for decisions relating to salary increases, promotions, disciplinary actions, bonuses, etc.
- Provide the opportunity for organisational diagnosis and development.
- Facilitate communication between employee and employer.
- Validate selection techniques and human resource policies to meet regulatory requirements.
- To improve performance through counseling, coaching and development.
- To motivate employees through recognition and support.

UNIT- X

Important Definitions:

Term	Definition	Section
Adult	An 'Adult' means a person who has completed his eighteenth year of age.	Sec.2(a)
Adolescent	An "Adolescent" means a person, who completes his fifteenth year of age but not his eighteenth year. Hence, he is someone who crosses the age of a child but is not an adult yet.	Sec. 2(b)
Child	A 'child' means a person who has not completed his 15th year of age.	Sec. 2 (c)
Competent Person	A "competent person", in relation to any provision of this Act, means a person or an institution recognized as such by the Chief Inspector for the purposes of carrying out tests, examinations and inspections required to be done in a factory	Sec. 2(ca)
Calendar year	'Calendar Year' means the period of 12 months beginning with the first day of January in any year. Hence, it is different from the Financial Year (starts from 1st April).	Sec. 2(bb)
Week	It means a period of seven days beginning at midnight on Saturday night or such other night (which CIF certifies).	Sec. 2(f)
Day	It means a period of 24 hours beginning at midnight.	Sec. 2(e)
Transmission machinery	It means any shaft, wheel, drum, pulley, a system of pulleys, coupling, clutch, driving belt or other appliance or device by which the motion of a prime mover reaches any machinery or appliance.	Sec. 2 (i)
Worker	"Worker" means a person 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 the 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 but does not include any member of the armed forces of the union.	Sec. 2(l)
Shift and relay	Where work of the same kind is carried out by 2 or more sets of workers working during different periods of the day, each of such sets is called a 'relay' and each of such periods is called a 'shift'.	Sec. 2(r)
Manufacturing Process	"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 (ii) Pumping oil, water, sewage or any other substance; or; iii) Generating, transforming or transmitting power; or (iv) Composing types for printing, printing by letterpress, lithography, photogravure, other similar process or bookbinding; (v) Constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; (Inserted by the Factories (Amendment) Act, 1976, w.e.f. 26-10-1976.) Preserving or storing any article in cold storage	Sec. 2(k)
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Health Provisions :

Health Provisions: - Provisions relating to the health and cleanliness under the Factories Act, 1948 are contained in Chapter III of the Act.

1. Cleanliness: - Section 11 of the Act deals with Cleanliness it prescribes certain standard of cleanliness which every factory has to maintain. It says that every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance. The duties in particular are as follows:

a) Accumulation of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and benches of workrooms and from staircases and passages, and disposed of in a suitable manner;

b) The floor of every workroom shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method;

c) Where a floor is liable to become wet in the course of any manufacturing process to such extent as is capable of being drained, effective means of drainage shall be provided and maintained;

d) All inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall be. Where they are painted otherwise than with washable water paint or varnished, be repainted or revarnished at least once in every period of five years. ia. Where they are washable waterpaint, be repainted with at least one coat of such paint at least once in every period of three years and washed at least once in every period of six months. ii. Where they are painted or varnished or where they have smooth impervious surfaces, be cleaned at least once in every period of fourteen months by such method as may be prescribed; iii. In any other case, be kept white washed or colour washed, and the white washing or colour washing shall be carried out at least once in every period of fourteen months. dd) all doors and window frames and other wooden or metallic frame work and shutters shall be kept painted or varnished and the painting or varnishing shall be carried out at least once in every period of five years.

e) The date on which the processes required by clause (d) are carried out shall be entered in the prescribed register. Section 11(2) lays down, if in view of the nature of the operations carried out in a factory or class or description of factories or any part of a factory or any class or description of factories, it is not possible for the occupier to comply with all or any of the provisions of sub section (1), the state government may by order exempt such factory or class or description of factories or part thereof from any of the provisions of that sub-section and specify alternate methods for keeping the factory in a clean state.

2. Disposal of wastes and effluents: - Section 12 of the Act deals with Disposal of wastes and effluents. It states that effective arrangements must be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on it, so as to render them innocuous. Where the drainage system of a factory is proposed to be connected to the public sewage system, prior approval of the arrangements must be obtained from the local authority. In case of other factories prior approval of the arrangements made for the disposal of trade-wastes and effluents must be obtained from the Health Officer.

3. Ventilation and temperature: - Section 13 of the Act deals with Ventilation and temperature. It states that effective and suitable provisions must be made in every workroom for securing and maintaining:

a) Adequate ventilation by circulation of fresh air, and

b) Such temperature as will secure to workers reasonable comfort and prevent injury to their health. The walls and roofs should be of such type as to keep the temperature low. Where the nature of work carried on in the factory is likely to produce excessively high temperatures, practicable measures should be taken to protect the workers by separating such process from the work-room by insulating hot parts or by other means. The state Government may prescribe

a) Standards of adequate ventilation and reasonable temperature and direct a thermometer to be maintained as specified. b) Where excessive high temperatures can be reduced by white-washing, spraying or insulating and screening outside walls or roofs or windows, or by raising the level of the roof or by insulating the roof, such or other methods as shall be adopted in the factory.

4. Dust and fume: - Section 14 of the Act deals with Dust and fume. According to Section 14, where dust or fume or impurity of such a nature is given off as a result of the manufacturing process which is likely to be injurious or offensive, effective measures must be taken to prevent its inhalation and accumulation in a workroom and if an exhaust appliance is necessary for this purpose, it shall be applied very near to the point of origin which must be enclosed. An internal combustion engine which is stationary shall not be operated unless the exhaust is conducted into the open air. No internal combustion engine shall be operated in any rooms unless effective measures have been taken to prevent accumulation of fumes which are injurious.

5. Artificial humidification: - Section 15 of the Act deals with artificial humidification. It says that in respect of all factors in which the humidity of the air is artificially increased, the State Government may make rules a) Prescribing standards of humidification; b) Regulating the

methods used for artificially increasing the humidity of the air.; c) Directing prescribed test for determining the humidity of the air to be correctly carried out and recorded; d) Prescribing methods to be adopted for securing adequate ventilation and cooling of the air in the workrooms. Section 15(2) states that in any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply, or other source of drinking water, or shall be effectively purified before it is so used. Section 15(3) further states that if it appears to an Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under Sub-Section (2) is not effectively purified he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring that they be carried out before the specified date.

6. Overcrowding: - Section 16 of the Act deals with overcrowding in the factories. According to it-

- No room in any factory shall be overcrowded to an extent injurious to the health of the workers employed there.
- There shall be in every workroom of a factory in existence on the date of the commencement of the Act at least 9.9 cubic meters and of a factory built after the commencement of the Act at least 14.2 cubic meters of space for every worker employed in it.
- If the Chief Inspector by order in writing so requires, there shall be posted in each workroom of a factory a notice specifying the maximum number of workers who may, in compliance with the provisions of this section, be employed in the room.
- The Chief Inspector by order in writing exempt, subject to such conditions, if any, as he may think fit to impose, any workroom from the provisions of this section, if he is satisfied that compliance with it in respect of the room is unnecessary in the interest of the health of the workers employed there.

7. Lighting: - Regarding lightning in the factories, section 17 of the Act provides that in every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both. Section 17(2) states that in every factory all glazed windows and skylights used for the lighting of the workrooms shall be kept clean on both the inner and outer surfaces and this is subject to the requirements of Section 13 as to ventilation and temperature. Section 17(3) states that in every factory effective provision shall, so far as is practicable, be made for the prevention of – a) Glare, either directly from a source of light or by reflection from a smooth or polished surface; b) The formation of shadows to such an extent as to cause eye-strain or the risk of accident to any worker. The State Government shall prescribe standards of sufficient and suitable lighting for factories of any class or description of factories or for any manufacturing process.

8. Drinking water: - Section 18 provides that a sufficient supply of wholesome drinking water must be provided and maintained at suitable and convenient points which shall be marked 'drinking water' in the language understood by a majority of workers. No such point shall be within 7.5 meters of any working place, urinal or latrine unless a shorter distance is approved in writing by the Chief Inspector. In the factory where more than 250 workers are ordinarily employed, effective arrangements must be made for cooling drinking water during hot weather, and its distribution. The State Government may make rules for securing compliance with above

provisions and for examination of the supply and distribution of drinking water in factories.

9. Latrines and Urinals: - According to section 19, in every factory sufficient and separate latrines and urinals as prescribed for male and female workers must be provided. The State Government is empowered to prescribe the number of latrine and urinals to be provided in any factory, in proportion to the number of male and female workers employed. Further these must be adequately lighted and ventilated and no latrine or urinal shall, unless specially exempted by the Chief Inspector in writing, communicate with any workroom except, through an intervening open space or ventilated passage. Such accommodation must be kept in a clean and sanitary condition, and sweepers must be employed for keeping latrines, urinals and washing places clean. In factories where more than 250 workers are ordinarily employed i) All latrines and urinals accommodation shall be prescribed sanitary types, ii) The floors and walls up to height of 90 cms of the latrines and urinals and the sanitary blocks shall be in glazed tiles or otherwise provided with a smooth polished impervious surface. iii) The floors, portions of the walls and blocks and sanitary pans of latrines and urinals shall be thoroughly washed and clean at least once in every 7 days with suitable detergents or disinfectants or both. The State Government may provide for further matters of sanitation including the obligation of workers in this regard.

10. Spittoons: - Spittoons as prescribed by the State Government shall be provided at such convenient places and shall be kept in a clean and a hygienic condition. Section 20 provides that no person shall spit within the premises of the factory except in Spittoons and a notice containing this [provision and the penalty for its violation shall be prominently displayed at suitable places. Contraventions of this provision are punishable with a fine.

Provisions related to Welfare (Under Factories Act, 1948)

Section 42: Washing facilities

This section states that every factory should:

- (a) Firstly, provide and maintain adequate and suitable facilities for washing for all the workers in the factory
- (b) Secondly, provide separate and adequately screened facilities separately for men and women.
- (c) Thirdly, make accessible all the facilities to all the workers

Section 43: Facilities for storing and drying clothes

This section contests some powers with the State Government. It states that the State Government has the powers to direct the factories regarding the place of storing the clothes of the workers.

Moreover, they can also direct them regarding the manner of drying the clothes of the workers. It applies to the situation when workers are not wearing their working clothes.

Section 44: Facilities for sitting

There are various kinds of jobs in a factory. Some of them require the workers to stand for a longer period of time. There is no doubt that human power to stand has limits. Looking at such case, this section states:

(a) Firstly, the factory should provide suitable arrangements for sitting for the workers. This is important because whenever the worker gets some free time, he/she may be able to take some rest by sitting. This will also enhance their efficiency.

(b) Secondly, if the Chief Inspector finds that any worker can do his work more efficiently while sitting, then he can direct the factory officials to arrange sitting arrangements for him.

Section 45: First-aid-appliance

Injuries are somehow an inescapable part of life for the workers especially working in the factories. Looking at the safety and welfare of the workers this section provides that:

(a) The factory should provide and maintain proper first-aid boxes at every workroom. Under this Act, the number of boxes should not be less than one for every 100 or 50 workers. Moreover, the first-aid boxes should have all the relevant contents according to the Act.

(b) There should be nothing except the prescribed contents in a first-aid box.

(c) Each box should be under control of a first-aid in-charge who will handle all its requirements and its utilization. The in-charge should be an expert in First-aid field.

(d) In case the number of workers exceeds 500, then the factory should arrange an 'Ambulance Room' with the availability of all necessary equipment.

Section 46: Canteens This section states:

(a) Every factory where the number of workers exceeds 250, then the State Government may direct the factory owners to provide and maintain a canteen for the workers.

(b) Moreover, the government may lay down certain conditions in the construction of canteen, like:

1. the standard in respect of construction, accommodation, furniture and other equipment of the canteen
2. the foodstuffs to be served therein
3. the date by which such canteen shall be provided
4. the constitution of a managing committee for the canteen
5. the delegation to Chief Inspector subject to such conditions as may be prescribed

Section 47: Shelters, rest-rooms, and lunch-rooms

This section states:

(a) If the number of workers in a factory crosses 150, then the factory owners should construct and maintain shelters, rest-rooms and lunch rooms for the workers. It allows the workers to eat the food which they bring along with them.

(b) The shelters, rest-rooms and lunch rooms should be properly ventilated and lighted.

(c) The State Government may prescribe the standards, in respect of construction accommodation,

furniture, and other equipment.

Section 48: Creches

Due to workforce diversity nowadays, women's participation is increasing in all the sectors especially the industrial sector.

One of the factors that stop women to work in factories or any other sector is lack of care for their children during their working hours. In order to solve this problem and increase the engagement of women in factories, section 48 states:

- (a) Where numbers of women workers exceed 30, then the factory should arrange a special room for the worker's kids who are below the age of 6 years.
- (b) The room should be properly lighted and ventilated

Safety Provisions :

Safety measures result in improving the conditions under which workers are employed and work. It improves not only their physical efficiency, but also provides protection to their life and limb. Inadequate provision of safety measures in factories may lead to increase in the number of accidents. Human failure due to carelessness, ignorance, inadequate skill, and improper supervision have also contributed to accidents, and the consequent need

Fencing of machinery (Section-21)

Section 21 provides for the fencing of the machinery in the factory. It provides that in every factory the things mentioned below shall be securely fenced by safeguard of substantial construction which shall be constantly maintained and kept in position while the parts of machinery they are fencing are in motion or in use —

- (i) every moving part of a prime mover and every flywheel connected to a prime mover, whether the prime mover or flywheel is in the engine house or not:
- (ii) headrace and tailrace of every water-wheel and water-turbine
- (iii) any part of a stock bar which projects beyond the head stock of a lathe; and
- (iv) unless they are in such position or of such construction as to be safe to every person employed in the factory as they would be if they were securely fenced, namely —
 - (a) every part of an electric generator, a motor or rotary converter;
 - (b) every part of transmission machinery; and
 - (c) every dangerous part of any other machinery.

This section further provides that for the purpose of determining whether any part of machinery is in such position or is of construction as to be safe as aforesaid account shall not be taken of any occasion when--

- (i) it is necessary to make an examination of any part of the machinery aforesaid while it is in motion or, as a result of such examination, to carry out lubrication or other adjusting operation while the machinery is in motion, being an examination or operation which it is necessary to be carried out while that part of the machinery is in motion, or

(ii) in the case of any part of a transmission machinery used in such process as may be promised (being a process of a continuous nature) the carrying on of which shall be, or is likely to be, substantially interfered with by the stoppage of the part of the machinery, it is necessary to make an examination of such part of the machinery while it is in motion, or as result of such examination, to carry out any mounting or shipping of belt or lubrication or other adjusting operation while the machinery is in motion and such examination or operation is made or carried out in accordance with the provisions of sub-section (1) of section 22.

Under sub-section (2) of section 21, the State Government is empowered to prescribe by way of rules such precautions as it may consider necessary in respect of any particular machinery or part thereof, or exempt, subject to such condition as may be prescribed, for securing the safety of the workers, any particular machinery or part thereof from the provisions of this section.

Employment of young persons on dangerous machines (Section-23)

Section 23 of the Act prohibits for the employment of young person on dangerous machines. Section 23(1) provides that no young person shall be required or allowed to work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and—

- (a) has received sufficient training in work at the machine, or
- (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

Section 23(2) further provides that sub-section (1) shall apply to such machines as may be prescribed by the State Government, being machines which in its opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

Prohibition of employment of women or children near cotton openers(Section-27)

This section prohibits the employment of woman and children near cotton openers. It provides that no woman or child shall be employed in any part of a factory-for pressing cotton in which a cotton-opener is at work.

Provided that if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

Excessive weights (Section-34)

Section 34(1) provides that no person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury. Section 34(2) further provides that the State Government may make rules prescribing the maximum weights which may be lifted, carried or

moved by adult men, adult women, adolescents and children employed in factories or in any class or description of factories or in carrying on any specified process.

Therefore, it is clear that the maximum load permissible to be lifted or moved about shall be determined by the State Government by making rules which would prescribe the maximum weight which may be lifted or carried by adult men, women, adolescents and children employed in factories or any class or description of factories.

Protection of eyes (Section-35)

The spirit of section 35 is to provide effective and suitable measures for the protection of eyes of the workers who are engaged in a manufacturing process where particles or fragments are thrown off in the course of process or where there is excessive light likely to cause risk to eyes of the workers in any factory. Section 35 provides that in respect of any such manufacturing process carried on in any factory as may be prescribed, the State Government may by rules require that effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of the process, provided such process involves :-

- (a) risk of injury to the eyes from particles or fragments thrown off in the course of the process, or
- (b) risk to the eyes by reason of exposure to excessive light.

Section 49 of the (English) Factories Act, 1937 imposed similar obligation on the employers. The word 'suitable' as used in section 49 of the Act does not mean 'perfect' but means well-adapted.[4] Where the employers provide the goggles and are not in breach of their statutory duty, they are not liable for damages to a worker who suffers injury on his eye.

Precautions against dangerous fumes, gases etc. (Section-36)

Section 36 provides protection and precaution against dangerous fumes. Section 36(1) provides that no person shall be required or allowed to enter any chamber, tank, vat, pit, pipe, flue or other confined space in any factory in which any gas, fume, vapor or dust is likely to be present to such an extent as to involve risk to persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress.

It has been laid down under sub-section (2) of section 36 that no person shall be required or allowed to enter any confined space as is referred to in sub-section (1), until all practicable measures have been taken to remove any gas, fume, vapor or dust, which may be present so as to bring its level within the permissible limits and to prevent any ingress of such gas, fume, vapor or dust and unless---

- (a) a certificate in writing has been given by a competent person, based on a test carried out by himself that the space is reasonably free from dangerous gas, fume, vapor or dust; or
- (b) such person is wearing suitable breathing apparatus and a belt securely attached to a rope the free end of which is held by a person outside the confined space.

Precaution in case of fire (Section-38)

It has been provided by section 38 that precautions must be taken in every factory for escape in case of fire. Section 38(1) provides that in every factory, all practicable measures shall be taken to prevent outbreak of fire and its spread, both internally and externally, and to provide and maintain

- (a) safe means of escape for all persons in the event of a fire. and (b) the necessary equipment and facilities for extinguishing fire.

Section 38(2) lays down that effective measures shall be taken to ensure that in every factory all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such cases. Under sub-section (3) of section 38. the state Government has the power to make rules, in respect of any factory or class or description of factories, requiring the measures to be adopted to give effect to the provisions of sub-sections (1) and (2). Section 38(4) provides that notwithstanding anything contained in clause (a) of sub-section (1) or subsection (2), if the Chief Inspector, having regard to the nature of the work carried on in any factory, the construction of such factory, special risk to life or safety, or any other circumstances., is of the opinion that the measures provided in the factory whether as prescribed or not, for the purposes of clause (a) of sub-section (1) or sub-section (2), are inadequate, he may, by, order in writing, require that such additional measures as he may consider reasonable and necessary, be provided in the factory before such date as is specified in the order.

Therefore, where it appears to the Chief inspector, that any factory is not so provided. or additional means of escape or other measures are ensured, he may serve on the manager of factory an order in writing specifying the measures which, in his opinion should be adopted to bring the factory into conformity with the provisions of the section and any rules made there under.

Conclusion

Due to health & safety provisions of Factories Act, 1948, the worker's life is protected. If they were exposed to serious accidents due to not properly screened machines then they have right to compensation. Without a valid reason the labours are not discharged, suspended or dismissed. Due to health provisions of Factories Act, 1948, labours have proper sanitation and healthy working environment.

Factory Inspector :

The State Government is empowered to appoint Inspectors/ Additional Chief Inspector of Factories and as many officers, it thinks fit to ensure that provisions of the Act are complied with (Commercial Law Publications, 1998). These Inspectors are empowered to:

- 1) enter any factory or any place which he believes is being used as a factory,
- 2) make examination of the premises, plant, machinery, article or substance,
- 3) inquire into any accident or dangerous occurrence,

- 4) inspect registers or any other document relating to the factory,
- 5) seize, any register, or other document, in respect of any offence under this Act,
- 6) direct the occupier to leave undisturbed any part of the factory for the purpose of an enquiry into violation of the Factories Act.,
- 7) take measurements and photographs necessary for inquiry into violations of the Factories Act.

Powers & duties of factory inspector :

1. Entry In Factory :-

According to the factories act inspector can visit the factory premises with his assistants without getting any permission.

2. Power Of Examination :-

Inspector has power to get necessary evidence at the spot or otherwise such evidence of a person for the purpose of factories act.

3. Powers Of Evidence :-

According to the act inspector has power to examine the prescribed registers plants and premises of the factory.

4. Other Powers :-

Keeping in view the purposes of the factories act inspector can use other powers also.

5. With In The Limits :-

Inspector is allowed to use his powers within the district or allocated specified area. He cannot use his powers in other areas.

6. Lawful Direction :-

It is the duty of the inspector that he should issue the directions to the manager of factory, not to do unlawful actions. He can direct the manager not to employ the children as a worker.

7. Prohibition Of Any Person :-

Inspector can prohibit the employment of any person and manager of factory will obey his orders.

8. Subordination Of Authority :-

Inspector can act as subordinate to specified authority. His all actions relating to factory will be according to the law of factories act.

Compensation Act :

Employee's Compensation Act, 1923 is very old enactment for providing social security to workmen. The Act was known as Workmen's Compensation Act, but was named as Employee's Compensation Act w.e.f. 18-1-2010 as now employees in clerical capacity are also eligible for compensation.

Under this Act, an employee who dies or suffers disablement (partial or total) due to accident is entitled to get compensation from employer.

The Employees Compensation Act applies to the following entities are listed below:

- It applies to employees working in factories, mines, docks, construction establishments, plantations, oilfields and other establishments listed in Schedule II of the Employee's Compensation Act.
- It applies to persons recruited for working abroad and who is employed outside India as in Schedule II of the Act.
- It applies to a person recruited as the driver, helper, mechanic, cleaner or any other in connection with a motor vehicle and to a captain or other member of the crew of an aircraft.

- Also, the act does not apply to the members of armed forces of the Union & Workmen who are covered under ESI (Employee State Insurance) Act.

An employer is responsible for paying compensation to the employee under the following circumstances are:

Personal injury by accident- An employer is responsible for paying compensation to workman if personal injury is let to him by accident arising out during his employment.

Occupational diseases- workers employed in certain occupations are exposed to certain diseases which are inherent in that occupation.

An employer who is not liable for paying compensation to workers under the following conditions:

In case of any injury which does not result in the partial or total disablement of the workers for a period exceeding three days.

In case of any injury, not resulting in death or permanent total disablement, caused by an accident which is directly attributable to the following:

- the workman present at the time thereof under the influence of drink or drugs.
- the intentional disobedience of the workman to an order expressly given, or to a rule framed, to secure the safety of workers,
- the willful removal or disregard by the workman of any safety guard or other devices which he knew to have been provided for securing the safety of workers.

According to the provisions of this Act, the amount of compensation depends upon the nature of the injury, average monthly wages and age of the workers and the same are tabulated below:

Cases	Amount of Compensation
In case of injury resulting in Death	Amount equal to 50% of the monthly salaries of the deceased employee multiplied by the appropriate factor or with the amount of 80,000 or more.
In case of injury resulting in permanent total disablement	Amount equal to 60% of the monthly wages of the injured workmen multiplied by the relevant factor or an amount of 90,000 or more.
In case of an injury occurring in permanent partial disablement	In case of an injury mentioned in part-II of schedule I, such percentage of the compensation which will be payable in the case of permanent total disablement as is defined as being the percentage of the lack of earning capacity caused by that injury. In case of an injury not mentioned in schedule I, such percentage of the compensation payable for permanent total disablement as is proportionate to the lack of earning capacity (as examined by the medical practitioner) permanently caused by the injury.
In case of injury resulting in temporary disablement.	Half-monthly payment which is equal to 25% of the monthly salaries of the workmen, to be paid by the provisions of section 4(2).