

Current Legal Affairs-

Factories Act does not take the place of any other statute and does not supersede the Indian Penal Code: Punjab & Haryana HC

In a recent case of *Dhanpreet Singh And Anr v. State of Punjab*, the Bench comprising Justice Vinod S. Bhardwaj, dealing with a case in which the use of outdated machinery resulted in the deaths of two workers, the court decided that the provisions of the Factories Act, 1948 are supplementary to any other Act and hence do not override the provisions of the Indian Penal Code. It was Observed that a review of the Factories Act's statement of aims and reasoning reveals that the rules are concerned with workplace conditions and labor protection. However, the Act does not exclude the application of any other law.

The remark was made in a plea filed by two sons of a factory owner, who were seeking to have an order laying charges against him under Sections 304-A, 337, and 338 of the Indian Penal Code overturned. The accusation in the FIR was not that the petitioners failed to follow the safety precautions mandated by the Chief Inspector of Factories, but that the machinery installed had outlived its usefulness, and despite being brought to the attention of management, no action was taken, putting the lives of the workers at risk.

While refusing to acknowledge any responsibility for what happened, the Petitioners also claimed that the infringement in question would be ruled by a special statute, namely the Factories Act, 1948, because the field is occupied by a special statute and thus proceedings under the Indian Penal Code's general provisions could not have been instituted.

The Judge however noticed that the petitioners failed to point out any provisions of law that simply because an offence also happens to be in violation of a special statute, the offence punishable under the Indian Penal Code would not get attracted, despite, the essential components being satisfied.

The court said, *“In the absence of the petitioners being prosecuted or being tried under the Factories Act 1948, it cannot be contended by the petitioners that as the offence in question is also punishable under a separate statute, hence they must necessarily be prosecuted under the same statute only and cannot be prosecuted under any other statute despite the ingredients of the offence being made out.”*

The court found that for holding a person who is responsible for the crime under Section 304-A IPC, the consequences and act must have an immediate proximity. Thus, the prosecution needs to set up that the consequence was a direct outcome of an act of recklessness or negligence committed by the person charged.

Nonetheless, the Court held that the appellants cannot be forced to face a criminal prosecution because no evidence of their involvement in the factory's activities has been put on record. Furthermore, there was no expert testimony indicating that the machinery used was old or sub-standard, being outlived its useful life.

As a result, the current petition was granted because the Revisional Court did not properly acknowledge the testimony on file and its admissibility in law, as well as the requisite ingredients for prosecuting a person for the instant offence.