

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1934**

The Factories Bill

List of Reports of Select or Joint Committees
presented to the Legislative Assembly in 1934.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Tariff(Amendment) Bill.	5. 2.34.	
2.	The Indian States(Protection) Bill.	14. 2.34.	
3.	The Negotiable Instruments(Amendment)Bill.	26. 2.34.	
4.	The Factories Bill.	27. 2.34.	
5.	The Indian Tariff(Textile Protection) Amendment Bill.	2. 4.34.	
6.	The Sugar (Excise Duty) Bill.	10. 4.34.	
7.	The Matches (Excise Duty) Bill.	14. 4.34.	
8.	The Indian Dock Labourers Bill.	16. 7.34.	
9.	The Mechanical Lighters(Excise Duty) Bill.	23. 7.34.	
10.	The Indian Carriage by Air Bill.	25. 7.34.	
11.	The Indian Aircraft Bill.	25. 7.34.	
12.	The Hedjaz Pilgrims(Muallims) Bill(<u>Second Report of the Select Committee</u>)	2. 8.34.	
13.	The Indian Army (Amendment) Bill.	7. 8.34.	
14.	The Indian Iron and Steel Duties Bill.	13. 8.34.	
15.	The Indian Petroleum Bill.	14. 8.34.	
16.	The Indian Income-tax(Amendment) Bill by Sir Hari Singh Gour.	22. 8.34.	
17.	The Indian Navy (Discipline) Bill.	25. 8.34.	

LEGISLATIVE ASSEMBLY.

We, the undersigned, Members of the Select Committee to which the Bill to consolidate and amend the law regulating labour in factories was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. The changes made by us are numerous and in many cases explain themselves. The more important ones are set out below.

Clause 2.—The changes made in the definitions are aimed generally at making these definitions more accurate and exhaustive, and meet various criticisms contained in the opinions received upon the Bill.

Clause 5.—The changes here made are consequential upon the alteration of the definition contained in clause 2 (*j*).

Clause 6.—We have omitted reference to the control of the Governor General in Council, which is in this connection unnecessary.

Clause 10.—We have recast this clause incorporating in it the provisions of clause 12 of the Bill as introduced in order to make applicable to a Chief Inspector the provisions of this clause relating to Inspectors and particularly those of sub-clauses (3) and (7).

Clause 11.—The alteration made in sub-clause (*a*) is necessary to implement the provisions of clause 5.

Clause 12.—This clause combines the provisions contained in clauses 13 and 14 of the Bill as introduced. We have modified them to provide that only registered medical practitioners may be appointed as certifying surgeons. Sub-clause (2) of clause 13 has been omitted on the ground that it might give rise to practical difficulties and might unduly limit the field of choice.

Clause 13.—The small alteration here made is intended to leave to the Local Government discretion to make or not to make detailed provision by rules for the time and methods of cleansing a factory.

Clause 15 (1) (c).—A necessary supplementary provision has been inserted to enable tests to be prescribed.

Clause 16.—Exercise of the power here conferred has now been confined to the Chief Inspector. We have provided in clause 31 that an order under this clause shall be suspended during the hearing of the appeal if any appeal is preferred against it.

Clause 17.—The alteration made enables standards to be prescribed either generally or for a particular class of work.

Clause 18 (3).—Some unnecessary words have been omitted.

Clause 19.—The change here made is designed to ensure that drinking water is supplied whether standards are prescribed or not.

Clauses 21, 22 and 23.—The provisions of clauses 23 and 24 of the Bill as introduced have been re-arranged, and have been supplemented.

Clause 24.—In sub-clause (1) two verbal amendments have been inserted. Sub-clause (3) has been expanded so as to apply to any fencing which may be required in pursuance of an order under clause 26 (1) and to make it clear that fencing may be removed for necessary attention to machinery.

Clause 26.—We have provided in both sub-clauses for the service of orders in writing in order to enable appeals to be made.

Clause 30.—The small change here made is intended to show that reference is made to injury to a person employed on work in the factory. It might be impossible for the manager of the factory to ascertain in the case of an outsider whether he was able to resume his ordinary work if that work were outside the factory.

Clause 31.—We have extended the period within which an appeal may be made, and have provided against an *ex parte* hearing where sufficient cause exists for failure by an assessor to attend. We have also provided for the suspension of an order under clause 16 until an appeal against the order is disposed of.

Clause 32.—We have added a general rule-making power and have omitted the power to make rules regarding returns of wages. This was in any case inappropriate in a Chapter concerned with Health and Safety, and is not really germane to a law "regulating labour in factories". We have provided in clause 47 for securing the recording of such particulars relating to wages as are needed for the purposes of this Act and consider that if general statistics of wages are to be collected, provision should be made for it by separate legislation.

Clause 33.—We have recast clause 34 of the Bill as introduced. The power there given by sub-clause (3), now sub-clause (4), to the Local Government to specify occupations as hazardous has been transferred to the Governor General in Council, to whom also is given power to provide for medical examination and certification of persons employed on such operations. It seems to us that uniformity throughout the various provinces is desirable in this matter, and can be best secured in the way we now propose. We think that provision for a children's room is necessary only in the case of children under the age of six, and have made the necessary alteration in sub-clause (2). We have omitted part (c) of this sub-clause, because clause 28 makes adequate provision for the exclusion of children when necessary. Sub-clause (3), which reproduces sub-clause (4) of clause 34 of the Bill as introduced, has been recast so as to confine the need for the certificate here provided for to factories erected or taken into use after this provision comes into force.

Clause 34.—The verbal alteration here, and in such clauses as 35(1), 36, 45(1) (b) and 48, is intended to bring the wording into accord with that used in such clauses as 50, 51 and 54.

Clause 35.—We have reduced the period of notice required under sub-clause (1) (b) and under sub-clause (2) and have provided for delivery of the notice under sub-clause (1) (b) at the office of the Inspector instead of to the Inspector personally.

Clause 38.—We have omitted the concluding words as unnecessary for the protection of the workers and likely to cause difficulty in changing shifts, and have provided for the relaxation of the clause in cases where the Local Government considers this desirable.

Clauses 39 and 40.—We have re-drafted and re-arranged the provisions contained in clauses 40 and 41 of the Bill as introduced with a view to

expressing more clearly the intention of those clauses. The latter part of sub-clause (4) of clause 39, formerly sub-clause (3) of clause 40, has been omitted as not relevant to the preparation of the notice, and as covered by the provisions of clause 41.

Clause 41.—Small verbal alterations have been made in the interests of clarity. The power of exemption given by the Indian Factories Act, 1911, but omitted in the Bill as introduced, has been restored in a slightly modified form:

Clause 42.—The prohibition contained in this clause was contained by implication in clause 60 of the Bill as introduced. We have inserted it explicitly in this new clause, and in clause 57, the analogous clause relating to children, with a view to the simplification of clause 60 relating to penalties.

Clause 43.—We have added a power which seems clearly necessary to exempt workers specified in item (d) of sub-clause (2) from the provisions fixing a weekly maximum of hours of work. Under the clause as it previously stood it would have been impossible to permit a worker in a continuous process factory to stay on after his 56 hours if his relief failed to appear promptly. We have omitted reference to maximum limits for daily hours of work in sub-clause (4), as the weekly limitation on hours should give adequate protection. The concluding words of sub-clause (5) and of clause 45 (3) have been omitted so as to make it possible to bring rules into force from any date that may be specified in them.

Clause 44.—We have extended to the Local Government the power given by sub-clause (2) to the Chief Inspector. The change in sub-clause (3) is consequential on the omission made in clause 43 (4).

Clause 46.—The rigid application of the clause as it originally stood would have made certain schemes of shifts, which involved no additional hardship on the workers, impossible in continuous process factories and we have therefore inserted a proviso enabling the week to be reckoned from the beginning instead of the end of the final night-shift.

Clause 47.—The small change in sub-clause (2) expresses more accurately the intention of this provision. We have omitted sub-clause (3) of the clause as it stood in the Bill when introduced, on the ground that payment at overtime rates is not justified when the worker gets a holiday in exchange for the Sunday or substituted day. We have added a provision dealing with rates of overtime pay for workers paid on a piece rate basis, and have provided for the maintenance of registers to serve as a check on the operation of the provisions for payment of overtime pay.

NEW DELHI ;

The 26th February, 1934.

Clause 52.—The changes in sub-clauses (2) and (3) are designed to make it clear that the certificates relate to factory work generally and not to work in a particular factory.

Clauses 55 and 56.—The re-draft of these clauses follows the lines adopted in our re-draft of clauses 39 and 40.

Clause 57.—The reason for the insertion of this clause is given in our remarks on clause 42.

Clause 58.—We have combined in one clause the provisions of clauses 57 and 58 of the Bill as introduced.

Clause 60.—We have recast in a more succinct form the list of offences contained in the clause. We have also provided both here and in clause 65 that where the manager and occupier are held jointly responsible for a breach of the law, the combined penalty shall not be in excess of the maximum penalty that might be inflicted on either of them.

Clause 61.—We have provided for a gradual increase of the penalty in the case of repeated offences, and we have limited the operation of the whole clause to offences relating to the provisions of Chapters IV and V, as it is only in respect of such offences that the need of such a provision has been felt.

Clause 70.—This restores a provision of the Indian Factories Act, 1911, which was omitted in the Bill as introduced.

Clause 71.—We have provided that the member of the firm or association to be nominated as occupier of a factory must be a resident in British India, in order that he may at all times be amenable to control by law.

Clause 77.—We have extended the period of limitation in the case of an offence committed in disobedience of a written order of an Inspector, as offences of this character frequently fail to come to light within six months of their commission.

Clause 81.—We have separated these provisions from the preceding clause and have provided that rules made by the Government of India shall also be subject to the condition of prior publication.

3. The Bill was published in the Gazette of India, dated the 16th September, 1933.

4. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

5. We desire to record our appreciation of the valuable assistance given to us during our sessions by Mr. T. W. Johnstone, M.B.E., Chief Inspector of Factories, Bombay, Mr. J. B. McBride, Chief Inspector, Bengal, and Mr. W. H. Abel, Inspector for Delhi, the Punjab, the North-West Frontier Province and Ajmer-Merwara.

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F. NOYCE.

*ABDUL MATIN CHAUDHURY.

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* Subject to a Minute of Dissent.

† Subject to a Note.

MINUTE OF DISSENT.

Clause 2.—In the definition of "Factory", we would like to substitute the word "ten" in place of the word "twenty". We consider that time has come when the provisions of the Factory Act should be made applicable automatically by this Bill itself to all factories using power, where ten or more workers are employed; and it is not enough merely to give the Local Governments power to do it.

Clause 32 (c).—We are not sure whether there is adequate provision to guard against dangers arising from the use of mechanical transport in those factories within the precincts of which there are railways, subject to the Indian Railways Act, 1890.

We suggest that Local Governments should be endowed with power to issue welfare orders as suggested by the Royal Commission on Indian Labour.

Clause 33 (4).—The Select Committee has restricted the application of safeguards against dangers

arising out of hazardous operations to those arising in factories only. We would like safeguards to be provided against dangers arising from all operations, which may be declared hazardous by Local Governments.

Clause 34.—We suggest that the maximum weekly hours in perennial factories should be 48 and in seasonal factories they should be 54.

Clause 36.—We suggest that the maximum daily hours of work in perennial factories should be nine and in seasonal factories they should be ten.

Clause 37.—We suggest that the interval for rest for all workers should be simultaneous.

Clause 38.—We suggest that the maximum period of spread-over allowed in the case of a worker should not exceed twelve hours.

Clause 47.—We suggest that the payment for the deprivation of weekly rest should be at one and a half times of the worker's ordinary rate of pay.

N. M. JOSHI.

K. P. THAMPAN.

ABDUL MATIN CHAUDHURY.

The 25th February, 1934.

NOTE.

In signing this Report, it is necessary to state that the interests I represent have withdrawn their opposition to the 54 hour week solely out of consideration for the welfare of the workers in the factories. While they opposed the change in the first instance, they recognised that it was bound to come some day, and they would have been prepared to welcome it at the proper time. All that they felt was that, under present conditions, a shorter working week would undoubtedly raise the cost of manufacture, and increase the difficulties of Indian industries in their competition with the products of other countries. In waiving my

objection, however, I strongly urge the Government of India to do all they can to secure the adherence of the Indian States to the provisions of the legislation which is now under consideration. Already, industries in Indian States enjoy considerable advantages in costs of production over those in British India; and if Indian capital and enterprise are not to turn increasingly away from British India, it is necessary that there should be a closer approximation between the conditions obtaining there and those prevalent in the territories of Indian Princes.

H. P. MODY.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

THE FACTORIES BILL, 1933.

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THE SCHEDULE.

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BILL

TO

*Consolidate and amend the law regulating labour
in factories.*

WHEREAS it is expedient to consolidate and
amend the law regulating labour in factories ;
It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Factories
Short title, extent and Act, 1934.
commencement.

(2) It extends to the whole of British India,
including British Baluchistan and the Sonthal
Parganas.

(3) It shall come into force on the 1st day
of January, 1935.

2. In this Act, unless there is anything re-
Definitions. pugniant in the subject
or context,—

- (a) "adolescent" means a person who has completed his fifteenth but has not completed his seventeenth year ;
- (b) "adult" means a person who has completed his seventeenth year ;
- (c) "child" means a person who has not completed his fifteenth year ;
- (d) "day" means a period of twenty-four hours beginning at midnight ;
- (e) "week" means a period of seven days beginning at midnight on Saturday night ;
- (f) "power" means *electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency ;*
- (g) "manufacturing process" means any process—
 - (i) for making, altering, *repairing, ornamenting, finishing* or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or
 - (ii) for *pumping oil, water or sewage, or*
 - (iii) for generating, transforming or transmitting power ;
- (h) "worker" means a person employed, *whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or connected with the subject of the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on ;*

IV of 1923.

(j) "factory" means any premises *including the precincts thereof* whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on,

but does not include a mine subject to the operation of the Indian Mines Act, 1923 ;

(k) "machinery" includes all plant whereby power is generated, transformed, * transmitted or applied ;

(l) "occupier" of a factory means the person who has ultimate control over the affairs of the factory :

Provided that where the affairs of a factory are entrusted to a managing agent * * , such agent * * shall be deemed to be the occupier of the factory ;

(m) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a "relay", and the period or periods for which it works is called a "shift" ; and

(n) "prescribed" means prescribed by rules made by the Local Government under this Act.

3. References to time of day in this Act are References to time of references— day.

(a) in British India, excluding Burma, to Indian Standard Time, which is five and a half hours ahead of Greenwich Mean Time, and

(b) in Burma, to Burma Standard Time, which is six and a half hours ahead of Greenwich Mean Time :

Provided that for any area in British India in which Indian Standard Time is not ordinarily observed the Local Government may make rules—

(i) specifying the area,

(ii) defining the local mean time ordinarily observed therein, and

(iii) permitting such time to be observed in all or any of the factories situated in the area.

4. (1) For the purposes of this Act, a factory which is exclusively Seasonal factories. engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, the decortication of ground nuts, * the manufacture of coffee, indigo, lac, rubber, sugar (including gur) or tea, or any manufacturing process which is incidental to or connected with any of the aforesaid processes, is a seasonal factory :

Provided that the Local Government may, by notification in the local official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Act.

(2) The Local Government may, by notification in the local official Gazette, declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one

hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Act.

5. (1) Notwithstanding anything contained in clause (j) of section 2, the Local Government may, by notification in the local official Gazette, declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power, and whereon or within the precincts whereof, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Act.

(2) A notification under sub-section (1) may be made in respect of any specified premises or class of premises.

(3) A notification under sub-section (1) shall cease to have effect in respect of any premises after the lapse of twelve months during which not more than nine workers were employed thereon on any day.

6. The Local Government may, by order in writing, direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Act.

7. Where the Local Government is satisfied that, following upon a change of occupier of a factory or in the manufacturing processes carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Act:

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

8. In any case of public emergency the Governor General in Council may, by notification in the Gazette of India, exempt any factory from any or all of the provisions of this Act for such period as he may think fit.

9. (1) Before work is begun in any factory after the commencement of this Act, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice containing—

- (a) the name of the factory and its situation,
- (b) the address to which communications relating to the factory should be sent,
- (c) the nature of the manufacturing processes to be carried on in the factory,
- (d) the nature and amount of the power to be used, and
- (e) the name of the person who shall be the manager of the factory for the purposes of this Act.

(2) Whenever another person is appointed as manager, the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

CHAPTER II.

THE INSPECTING STAFF.

10. (1) The Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) The Local Government may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the province.

(3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or, having been so appointed, shall continue to hold * office * , who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(4) Every District Magistrate shall be an Inspector * * for his district.

(5) The Local Government may also, by notification as aforesaid * * * , appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Act, within such local limits as it may assign to them respectively.

(6) In any area where there are more Inspectors than one, the Local Government may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

(7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Local Government may specify in this behalf.

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1860.

11. Subject to any rules made by the Local Government in this behalf, Powers of Inspector. an Inspector may, within the local limits for which he is appointed,—

(a) enter, with such assistants (if any), being persons in the employment of Government or of any municipal or other public authority, as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory or capable of being declared to be a factory under the provisions of section 5 ;

(b) make such examination of the premises and plant and of any prescribed

registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act :

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

* * * * *

12. (1) The Local Government may appoint such *registered* medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Act within such local limits as it may assign to them respectively.

* * * * *

(2) A certifying surgeon may authorise any registered medical practitioner to exercise any of his powers under this Act :

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is confirmed by the certifying surgeon himself after examination of the person concerned.

Explanation.—In this section a “registered medical practitioner” means any person registered under the Medical Act, 1858, or any subsequent enactment amending it, or under any Act of any legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such register is maintained, any person declared by the Local Government, by notification in the local official Gazette, to be a registered medical practitioner for the purposes of this section. 21 & 22
Vis., s. 90.

CHAPTER III.

HEALTH AND SAFETY.

13. Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed, and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorising.

14. (1) Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

(3) If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation or inhalation could be prevented by the use of mechanical or other devices, he may serve on the manager of the factory an order in writing,

directing that mechanical or other devices
* * * for preventing such generation
or inhalation shall be provided before a specified
date, and shall thereafter be maintained in good
order and used throughout working hours.

(4) The Local Government may make rules
for any class of factories requiring mechanical
or other devices to be provided *and maintained*
for preventing the generation or inhalation of
gas, dust or other impurities which may be
injurious to workers and specifying the nature
of such devices.

15. (1) The Local Government may make
Artificial humidifica- rules—
tion.

(a) prescribing standards for the cooling pro-
perties of the air in factories in which the
humidity of the air is artificially
increased ;*

(b) regulating the methods used for artifi-
cially increasing the humidity of the
air ; and

(c) *directing prescribed tests for determining the
humidity and cooling properties of the air
to be carried out and recorded.*

(2) 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.

(3) If it appears to the 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 them
to be carried out before a specified date.

16. If it appears to the Chief Inspector or to
Cooling. an Inspector specially
authorised in this behalf
by the Local Government that the cooling pro-
perties of the air in any factory are at times
insufficient to secure workers against injury to
health or against serious discomfort, and that
they can be to a great extent increased by
measures which will not involve an amount of
expense which is unreasonable in the circum-
stances, the Chief Inspector may serve on the
manager of the factory an order in writing,
specifying the measures which in his opinion
should be adopted, and requiring them to be
carried out before a specified date.

17. In order that no room in a factory shall
Overcrowding. be crowded during work-
ing hours to a dangerous
extent or to an extent which may be injurious
to the health of the workers, the proportion
which the number of cubic feet of space in a room
and the number of superficial feet of its floor
area bears to the number of workers working
at any time therein shall not be less than *such*
standards as may be prescribed either generally
or for the particular class of work carried on in
the room.

18. (1) A factory shall be sufficiently lighted
Lighting. during all working
hours.

(2) If it appears to the Inspector that any
factory is not *sufficiently* lighted, 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 them to be
carried out before a specified date.

(3) The Local Government may make rules requiring that all factories of specified classes shall be lighted in accordance with prescribed standards.

19. (1) In every factory a sufficient supply of water fit for drinking shall be provided for the workers at suitable places. * * * *

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

(3) In every factory in which any process involving contact by the workers with injurious or obnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to such standards as may be prescribed.

20. For every factory sufficient latrines and urinals, according to the prescribed standards, shall be provided, for male workers and for female workers separately, of suitable patterns and at convenient places as prescribed, and shall be kept in a clean and sanitary condition during all working hours.

21. In every factory the doors of each room in which more than twenty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards, or, where the door is between two rooms, in the direction of the nearest exit from the building, and no such door shall be locked or obstructed while any work is being carried on in the room.

22. In every factory such precautions against fire shall be taken as may be prescribed.

23. (1) Every factory shall be provided with such means of escape in case of fire as can reasonably be required in the circumstances of each factory.

(2) If it appears to the Inspector that any factory is not so provided, 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 them to be carried out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the factory.

24. (1) In every factory the following shall be kept adequately fenced, namely :—

- (a) every exposed moving part of a prime mover and every flywheel directly connected to a prime mover,
- (b) every hoist or lift, hoist-well or lift-well, and every trap-door or similar opening near which any person may have to work or pass, and
- (c) every part of the machinery which the Local Government may prescribe.

(2) If it appears to the Inspector that any other part of the machinery in a factory is dangerous if not adequately fenced, 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 them to be carried out before a specified date.

(3) All fencing required by or under this section or under sub-section (1) of section 26 shall be * maintained in an efficient state at all times when the workers have access to the parts required to be fenced except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or altering the gearing or arrangements of the machinery.

(4) Such further provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery in a factory.

25. If it appears to the Inspector that any building or part of a building, or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date—

Power to require specifications of defective parts or tests of stability.

(a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or

(b) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

26. (1) If it appears to the Inspector that any building or part of a building, or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, 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 them to be carried out before a specified date.

Safety of buildings and machinery.

(2) If it appears to the Inspector that the use of any building or part of a building or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

27. (1) No woman or child shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power, or to work between moving parts or between fixed and moving parts of any machinery which is in motion under power.

Restrictions on work near machinery in motion.

(2) The Local Government may, by notification in the local official Gazette, prohibit, in any specified factory or class of factories, the cleaning or oiling by any person of specified parts of machinery when these parts are in motion under power.

28. (1) The Local Government may make rules prohibiting the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

Power to exclude children.

(2) If it appears to the Inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their

health, he may serve on the manager of the factory an order in writing directing him to prevent the admission of such children to the factory or any part of it.

29. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work :

Prohibition of women and children near cotton-openers.

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.

30. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his * work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

Notice of certain accidents.

31. (1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within *thirty* days of the service of the order, appeal against it to the Local Government, or to such authority as the Local Government may appoint in this behalf; and the Local Government or appointed authority may, subject to rules made in this behalf by the Local Government, confirm, modify or reverse the order.

Appeals.

(2) The appellate authority may, and if so required in the petition or appeal shall, hear the appeal with the aid of assessors, one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as the Local Government may prescribe in this behalf :

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to attend at the time and place fixed for hearing the appeal, the appellate authority may, *unless satisfied that the failure to attend is due to sufficient cause*, proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

(3) *In the case of an appeal against an order under section 16 the appellate authority shall, and in any other case except an appeal against an order under sub-section (2) of section 26 or sub-section (2) of section 28, the appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.*

32. The Local Government may make rules—

Power of Local Government to make * rules to supplement this Chapter.

(a) providing for any matter which, according to any of the provisions of this Chapter, is or may be prescribed ;

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- (b) requiring the managers of factories to maintain stores of first-aid appliances and provide for their *proper* custody ;
- (c) *providing against danger arising from* the use of mechanical transport in factories, other than railways subject to the Indian Railways Act, 1890 ;

- * * * *
- (d) prescribing the manner of the service of orders *under this Chapter* on managers of factories * * * ;
 - (e) regulating the procedure to be followed in presenting and hearing appeals under section 31, and the appointment and remuneration of assessors ; *
 - (f) regulating the exercise by Inspectors of their powers under this Chapter, *and*
 - (g) *providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.*

33. (1) The Local Government may make rules requiring that in any *specified factory* * * *, wherein more than one hundred and fifty workers are *ordinarily employed*, an adequate shelter shall be provided for the use of workers during periods of rest, and such rules may prescribe the standards of such shelters.

(2) The Local Government may also make rules—
rooms for children,—

- (a) requiring that in any *specified factory* * * *, wherein more than fifty women workers are *ordinarily employed*, a suitable room shall be reserved for the use of * children *under the age of six years belonging to* such women, *and*
- (b) prescribing the standards for such rooms and the nature of the supervision to be exercised over the children therein,*

* * * *

(3) The Local Government may also make rules, for any class of factories and for the whole or any part of the province, * requiring that work on a manufacturing process *carried on with the aid of power* shall not be begun in any *building or part of a building erected or taken into use as a factory after* the commencement of this Act, *

* * * *

until a certificate *of stability* in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

(4) Where the *Governor General in Council* is satisfied that any operation hazardous *in a factory* exposes any persons employed upon it to a serious risk of bodily injury, poisoning or disease, he may make rules *applicable to any factory or class of factories in which the operation is carried on—*

- (a) specifying the operation and declaring it to be hazardous, *
- (b) prohibiting or restricting the employment of women, adolescents or children upon the operation,
- (c) *providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment of persons not certified as fit for such employment, and*
- (d) providing for the protection of all persons employed upon the operation or in the vicinity of the places where it is carried on.

CHAPTER IV.

RESTRICTIONS ON WORKING HOURS OF ADULTS.

34. *No adult worker shall be allowed to work in a factory for more than fifty-four hours in any week, or, where the factory is a seasonal one, for more than sixty hours in any week :*

Weekly hours.

Provided that *an adult worker* in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

35. (1) *No adult worker shall be allowed to work in a factory on a Sunday unless—*

(a) he has had or will have a holiday for a whole day on one of the three days immediately before or after that Sunday, and

(b) the manager of the factory has, * * * before that Sunday or the substituted day, whichever is earlier,—

(i) delivered a notice to the *office of the Inspector* of his intention to *require* the worker to work on the Sunday and of the day which is to be substituted, and

(ii) displayed a notice to that effect in the factory :

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sub-section (1) may be cancelled by a notice delivered to *the office of the Inspector* and a notice displayed in the factory *not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.*

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday and has had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

36. *No adult worker shall be allowed to work in a factory for more than ten hours in any day :*

Daily hours.

Provided that a male adult worker in a seasonal factory may work for eleven hours in any day.

37. The periods of work of adult workers in a factory during each day shall be fixed

Intervals for rest.

either—

(a) so that no period shall exceed six hours, and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour ;

or

(b) so that no period shall exceed five hours, and so that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour, or for more than eight and a half hours before he has had at least two such intervals.

38. The periods of work of an adult worker in a factory shall be so arranged that, along with his intervals for rest under section 37, they shall not spread over more than thirteen hours in any day, save with the permission of the Local Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

39. (1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 78 a Notice of Periods for Work for Adults showing clearly the periods within which adult workers may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the following provisions of this section and shall be such that workers working for those periods would not be working in contravention of any of the provisions of sections 34, 35, 36, 37 and 38.

(3) Where all the adult workers in a factory are required to work within the same periods, the manager of the factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work within the same periods, the manager of the factory shall classify them into groups according to the nature of their work,
* * * *

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods within which the group may be required to work.

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shift, the manager of the factory shall fix the periods within which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays are to be subject to predetermined periodical changes of shift, the manager of the factory shall draw up a scheme of shifts whereunder the periods within which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The Local Government may make rules prescribing forms for the Notice of Periods for Work for Adults and the manner in which it shall be maintained.
* * * *

40. (1) A copy of the Notice referred to in sub-section (1) of section 39 shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Act, or, if the factory begins work after the commencement of this Act, before the day on which it begins work.

(2) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change * * * *
* * * *

41. (1) The manager of every factory shall maintain a Register of Adult Workers showing—

- (a) the name of each adult worker in the factory,
- (b) the nature of his work,

- (c) the group, if any, in which he is included,
- (d) where his group works on shifts, the relay to which he is allotted, and
- (e) such other particulars as may be prescribed :

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives in respect of any or all of the workers in the factory the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of and * be treated as the Register of Adult Workers in that factory :

Provided further that, where the Local Government is satisfied that the conditions of work in any factory or class of factories are such that there is no appreciable risk of contravention of the provisions of this Chapter in the case of that factory or factories of that class, as the case may be, the Local Government may, by written order, exempt, on such conditions as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

(2) The Local Government may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

42. *No adult worker shall be allowed to work otherwise than in accordance with the Notice of Hours of work to correspond with Notice under section 39 and Register Periods for Work for Adults under section 41. displayed under sub-section (1) of section 39 and the entries made beforehand against his name in the Register of Adult Workers maintained under section 41.*

43. (1) The Local Government may make rules defining the persons who hold positions of exemption from restrictions. supervising or management or are employed in a confidential position in a factory, and the provisions of this Chapter shall not apply to any person so defined.

(2) The Local Government may make rules for adult workers providing for the exemption, to such extent and subject to such conditions as may be prescribed in such rules,—

- (a) of workers engaged on urgent repairs —from the provisions of sections 34, 35, 36, 37 and 38 ;
- (b) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory—from the provisions of sections 34, 36, 37 and 38 ;
- (c) of workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest required under section 37—from the provisions of sections 34, 36, 37 and 38 ;
- (d) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day —from the provisions of sections 34, 35, 36, 37 and 38 ;

- (e) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day— from the provisions of section 35 ;
- (f) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons—from the provisions of section 35 ;
- (g) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces—from the provisions of section 35 and section 37 ; and
- (h) of workers engaged in engine-rooms or boiler-houses—from the provisions of section 35.

(3) Rules made under sub-section (2) providing for any exemption may also provide for any consequential exemption from the provisions of sections 39 and 40 which the Local Government may deem to be expedient, subject to such conditions as it may impose.

(4) In making rules under this section the Local Government shall prescribe the maximum limits for * * * the weekly hours of work for all classes of workers, and any exemption given, other than an exemption under clause (a) of sub-section (2), shall be subject to such limits.

(5) Rules made under this section shall remain in force for not more than three years. * *

44. (1) Where the Local Government is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of sections 39 and 40 in respect of such workers to such extent and in such manner as it may think fit, and subject to such conditions as it may deem expedient to ensure control over periods of work.

(2) * * The Local Government, or subject to the control of the Local Government the Chief Inspector * * , may, by written order, exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 34, 35, 36, 37, 38, 39 and 40 * * , on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of * * weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of section 43.

(4) An order under sub-section (2) shall remain in force for such period as it may specify, but in no case for more than two months from the date on which notice thereof is given to the manager of the factory.

45. (1) The provisions of this Chapter shall, Further restrictions on in their application to the employment of women workers in factories, be supplemented by the following further restrictions, namely :—

- (a) no exemption from the provisions of section 36 may be granted in respect of any woman ; and

(b) no woman shall be allowed to work in a factory except between 6 A.M. and 7 P.M. :

Provided that the Local Government may, by notification in the local official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (b) to any span of thirteen hours between 5 A.M. and 7-30 P.M. :

Provided further that, in respect of any seasonal factory or class of seasonal factories in a specified area, the Local Government may make rules imposing a further restriction by defining the period or periods of the day within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (b) or under the above proviso and shall not be less than ten hours in the aggregate.

(2) The Local Government may make rules providing for the exemption from the above restrictions, to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories where the employment of women beyond the said hours is necessary to prevent damage to or deterioration in any raw material.

(3) Rules made under sub-section (2) shall remain in force for not more than three years.

* * *

46. Where a worker works on a shift which extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day :

Special provision for night-shifts.
Provided that the Local Government may, by order in writing, direct that in the case of any specified factory or any specified class of workers therein the ensuing day shall be deemed to be the period of twenty-four hours beginning when such shift begins and that the hours worked before midnight shall be counted towards the ensuing day.

47. (1) Where a worker in any factory works for more than sixty hours in any week,
 Extra pay for over time and for work on Sundays.

or where a worker in a factory other than a seasonal factory works for more than ten hours in any day,

he shall be entitled in respect of the overtime worked to pay at the rate of one-and-a-half times his ordinary rate of pay.

(2) Where a worker in a factory other than a seasonal factory works for more * * * hours in any week than are permitted under section 34, he shall be entitled, in respect of the overtime worked excluding any overtime in respect of which he is entitled to extra pay under sub-section (1), to pay at the rate of one-and-a-quarter times his ordinary rate of pay.

(3) Where any workers are paid on a piece rate basis, the Local Government in consultation with the industry concerned may for the purposes of this section fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(4) *The Local Government may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.*

48. No adult worker shall be allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed. *

49. The Local Government may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time, save with the permission of the Local Government and subject to such conditions as it may impose, either generally * * * or in the case of any particular factory.

CHAPTER V.

SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN.

50. No child who has not completed his twelfth year shall be allowed to work in any factory.

51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless he has been granted a certificate of fitness under section 52 and, while at work in the factory, carries either the certificate itself or a token giving reference to it.

52. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a factory, or of the parent or guardian of such person, or of the manager of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

(2) The certifying surgeon, after examination, may grant to such person, in the prescribed form,—

- (a) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the prescribed physical standards (if any), and that he is fit for such work ; or
- (b) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory * * * .

(3) A certifying surgeon may revoke any certificate granted under sub-section (2) if, in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a factory * * *

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of section 12 refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state his reasons in writing for so doing.

53. (1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (b) of sub-section (2) of section 52, and who, while at work in a factory, carries either the certificate itself or a token giving reference to it, shall be deemed to be an adult for all the purposes of Chapter IV.

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult, under sub-section (2) of section 52, shall, notwithstanding his age, be deemed to be a child for the purposes of this Act.

54. (1) No child * shall be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of a child shall be so arranged that they shall not spread over more than seven and a half hours in any day.

(3) No child shall be allowed to work in a factory except between 6 A.M. and 7 P.M. :

Provided that the Local Government may, by notification in the local official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 A.M. and 7-30 P.M.

(4) The provisions of section 35 shall apply also to child workers, but no exemption from the provisions of that section may be granted in respect of any child.

(5) No child shall be allowed to work in any factory on any day on which he has already been working in another factory.

55. (1) There shall be displayed and correctly maintained in every factory, in accordance with the provisions of sub-section (2) of section 78, * * * a Notice of Periods for Work for Children, showing clearly the periods within which children may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in section 39 and shall be such that children working for those periods would not be working in contravention of section 54.

(3) The provisions of section 40 shall apply also to the Notice of Periods for Work for Children.

(4) The Local Government may make rules prescribing forms for the Notice of Periods for Work for Children and the manner in which it shall be maintained.

56. (1) The manager of every factory in which children are employed shall maintain a Register of Child Workers showing—

- (a) the name of each child worker in the factory,
- (b) the nature of his work,
- (c) the group, if any, in which he is included,
- (d) where his group works on shifts, the relay to which he is allotted,
- (e) the number of his certificate of fitness granted under section 52, and
- (f) such other particulars as may be prescribed.

(2) The Local Government may make rules prescribing the form of the Register of Child Workers, the manner in which it shall be maintained, and the period for which it shall be preserved.

57. No child shall be allowed to work otherwise than in accordance with
Hours of work to correspond with Notice and Register. *the Notice of Periods for Work for Children displayed under sub-section (1) of section 55 and the entries made beforehand against his name in the Register of Child Workers maintained under sub-section (1) of section 56.*

58. Where an Inspector is of opinion—
Power to require medical examination.

- (a) that any person working in a factory without a certificate of fitness is a child or an adolescent, or
- (b) that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the factory a notice requiring that such person, or that such child or adolescent, as the case may be, shall be examined by a certifying surgeon or by a practitioner authorised under sub-section (2) of section 12, and such person, child or adolescent shall not, if the Inspector so directs, be allowed to work in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

59. The Local Government may make rules—
Power to make rules.

- (a) prescribing the forms of certificates of fitness to be granted under section 52, providing for the grant of duplicates in the event of loss of the original certificates, and fixing the fees which may be charged for such certificates and such duplicates ;
- (b) prescribing the physical standards * * * to be attained by children and adolescents * * * ;
- (c) regulating the procedure of certifying surgeons under this Chapter, and specifying other duties which they may be required to perform in connection with the employment of children and adolescents in factories ; and
- (d) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

CHAPTER VI.

PENALTIES AND PROCEDURE.

60. If in any factory —
Penalty for contraventions of Act and Rules.

- (a) there is any contravention—
 - (i) of any of the provisions of sections 13 to 29 inclusive, or
 - (ii) of any order made under any of the said sections, or
 - (iii) of any of the said sections read with rules made in pursuance thereof under clause (a) of sub-section (2) of section 32, or

- (iv) of any rule made under any of the said sections or under section 32 or section 33, or
- (v) of any condition imposed under sub-section (3) of section 31, or
- (b) any person is allowed to work in contravention—
 - (i) of any of the provisions of sections 34 to 38 inclusive, 42, 45 and 48, or
 - (ii) of any rule made under any of the said sections, or under section 49, or
 - (iii) of any condition attached to any exemption granted under section 43 or section 44 or section 45 or to any permission granted under section 38 or section 49, or.
- * * * *
- (c) there is any contravention of any of the provisions of sections 39 to 42 inclusive, or of any rule made under section 40 or section 41 or section 47, or
- (d) any person is not paid any extra pay** to which he is entitled under the provisions of section 47, or
- (e) any adolescent or child is allowed to work in contravention of any of the provisions of sections 50, 51, 54, 55, 57 and 58, or
- * * * *
- (f) there is any contravention of section 55 or section 56 or of any rules made under either of these sections,

the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees :

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted in respect of the same contravention shall not exceed this amount.

61. If any person * * * who has been convicted of any offence punishable under clauses (b) to (f) inclusive of section 60 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to seven hundred and fifty rupees and shall not be less than one hundred rupees, and if he is again so guilty, shall be punishable on the third or any subsequent conviction with fine which may extend to one thousand rupees and shall not be less than two hundred and fifty rupees :

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished :

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

62. An occupier of a factory who fails to give any notice required by sub-section (1) or sub-section (2) of section 9 shall be punishable with fine which may extend to five hundred rupees.

63. Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce on demand by an Inspector

any registers or other documents in his custody kept in pursuance of this Act or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

64. A manager of a factory who fails to give notice of an accident as required under section 30 shall be punishable with fine which may extend to five hundred rupees.

65. If in respect of any factory any return is not furnished as required * * * under section 79, the manager and the occupier of the factory shall each be liable to fine which may extend to five hundred rupees :

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted shall not exceed this amount.

66. Whoever smokes, or uses a naked light or causes or permits any such light to be used in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend to five hundred rupees.

67. Whoever knowingly uses or attempts to use, as a certificate granted to himself under section 52, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

68. If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, guardian or person.

69. A manager of a factory who fails to display the notice required under sub-section (1) of section 78 or by any rule made under this Act, or to display or maintain any such notice as required by sub-section (2) of that section, shall be punishable with fine which may extend to five hundred rupees.

70. Whoever does or omits to do any act prohibited or prescribed by this Act or any order or rule made thereunder shall, if no penalty is provided therefor elsewhere in this Chapter, be punishable with fine which may extend to five hundred rupees.

71. (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable :

Provided that the firm or association may give notice to the Inspector that it has nominated one of its number who is resident in British India to be the occupier of the factory for the purposes of this Chapter, and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable :

Provided that the company may give notice to the Inspector that it has nominated a director, or, in the case of a private company, a shareholder, who is resident in either case in British India, to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

72. (1) Where the occupier or manager of a factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court —

- (a) that he has used due diligence to enforce the execution of this Act, and
- (b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

- (a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Act, and
- (b) by what person the offence has been committed, and
- (c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

73. A person shall not be liable in respect of a
Limit to penalty in repetition of the same
case of repetition of kind of offence from day
offence. to day to any larger
amount of fines than the highest fine fixed by this
Act for the offence, except—

(a) where the repetition of the offence occurs
after a prosecution has been instituted
in respect of the original offence, or

(b) where the offence is committed in respect
of two or more persons, and is a contra-
vention of sub-section (1) of section 27
or section 29 or is an offence punishable
under clauses (b) to (f) inclusive of sec-
tion 60.

74. If a child over the age of six years is found
inside any part of a
Presumption as to em- factory in which children
ployment. are working, he shall,
until the contrary is proved, be deemed to be
working in the factory.

75. (1) When an act or omission would, if a
person were under or
Evidence as to age. over a certain age, be
an offence punishable under this Act, and such
person is in the opinion of the Court apparently
under or over such age, the burden shall be on
the accused to prove that such person is not under
or over such age.

(2) A declaration in writing by a certifying sur-
geon relating to a worker that he has personally
examined him and believes him to be under
or over the age set forth in such declaration shall,
for the purposes of this Act, be admissible as
evidence of the age of that worker.

76. (1) No prosecution under this Act, except
a prosecution under sec-
Cognizance of offences. tion 66, shall be insti-
tuted except by or with the previous sanction
of the Inspector.

(2) No Court inferior to that of a Presidency
Magistrate or of a Magistrate of the first class
shall try any offence against this Act or any rule
or order made thereunder, other than an offence
under section 66 or section 67.

77. No Court shall take cognizance of any
offence under this Act
Limitation of prosecu- or any rule or order
tions. thereunder, other than an offence under section
62 or section 64, unless complaint thereof is made
within six months of the date on which the offence
is alleged to have been committed :

*Provided that when the offence consists of disobey-
ing a written order made by an Inspector complaint
thereof may be made within twelve months of the date
on which the offence is alleged to have been committed.*

CHAPTER VII.

SUPPLEMENTAL.

78. (1) In addition to the notices required to
be displayed in any fac-
Display of factory tory by this Act or the
notices. rules made thereunder,
there shall be displayed in every factory a notice
containing such abstracts of this Act and of the

rules made thereunder, in English and in the vernacular of the majority of the workers, as the Local Government may * * * prescribe.

(2) All notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory, and shall be maintained in a clean and legible condition.

79. The Governor General in Council may *
Power of Governor General in Council to make rules. * * * make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may in his opinion be required for the purposes of this Act.

80. All rules made by a Local Government under this Act shall be subject to the control of the Governor General in Council.
Control of rules made by Local Governments.

81. (1) All * rules made under this Act shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897, shall not be less than three months from the date on which the draft of the proposed rules was published. X of 1897.

(2) All such rules shall be published in the Gazette of India or the local official Gazette, as the case may be, and shall, unless some later date is appointed, come into force on the date of such publication.

82. This Act shall apply to factories belonging to the Crown.
Application to Crown to the Crown.

83. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.
Protection to persons acting under this Act.

84. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof :
Repeal and savings.

Provided that anything done under the said enactments which could have been done under this Act if it had then been in force shall be deemed to have been done under this Act.

THE SCHEDULE.
ENACTMENTS REPEALED.
(See section 84.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1911	XII	The Indian Factories Act, 1911.	The whole.
1922	II	The Indian Factories (Amendment) Act, 1922.	The whole.
1923	IX	The Indian Factories (Amendment) Act, 1923.	The whole.
1926	XXVI	The Indian Factories (Amendment) Act, 1926.	The whole.
1930	VIII	The Repealing and Amending Act, 1930.	So much of the First Schedule as relates to the Indian Factories Act, 1911.
1931	XIII	The Indian Factories (Amendment) Act, 1931.	The whole.

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GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the
Bill to consolidate and amend the law
regulating labour in factories, with the
Bill as amended.
