

ACT No. XI OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th
March, 1891.)

An Act to amend the Indian Factories Act,
1881.

WHEREAS it is expedient to amend the Indian Factories Act, 1881; It is hereby enacted as follows:— XV of 1881

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Factories Act, 1891; and

(2) It shall come into force on the first day of January, 1892.

Repeal of
part of sec-
tion 1, Act
XV of 1881.

2. The words and figures "and shall come into force on the first day of July, 1881," in section 1 of the Indian Factories Act, 1881, are hereby repealed. XV of 188

Amendment
of definition
of "factory"
in section 2,
Act XV,
1881.

3. For clause (b) in section 2 of the said Act, in the definition of the word "factory", the following shall be substituted, namely:—

"(b) wherein, subject to the provisions of section 20, not less than fifty persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and"

Amendment
of definition
of "em-
ployed" in
section 2, Act
XV, 1881.

4. (1) For the word "child" in the same section of the said Act, in the definition of the word "employed", the word "person" shall be substituted.

(2) In the same section of the said Act, in the definition of the word "employed", the word "either" is hereby repealed.

Amendment
of sections 2,

5. For the word "twelve" in sections 2, 4, 5 and

16 of the said Act, the word "fourteen" shall be substituted.

4, 5 and 16,
Act XV,
1881.

6. (1) In the first paragraph of section 3 of the said Act, after the word "appoint" the words "by name or by office" shall be inserted.

Amendment
of section 3,
Act XV,
1881.

(2) For the second paragraph of the same section of the said Act, the following shall be substituted, namely:—

"The District Magistrate shall, in virtue of his office, be an Inspector of all factories, if any, in his district."

7. In clause (b) of section 4 of the said Act, for the word "provisions" the word "purposes" shall be substituted.

Amendment
of section 4,
Act XV,
1881.

8. In section 5 of the Act, before the word "examine" the words "and on payment by such person of such fee, if any, as may from time to time be prescribed by the Governor General in Council by notification in the Gazette of India" shall be inserted.

Amendment
of section 5,
Act XV,
1881.

9. For the word "seven" in sections 4, 5 and 16 of the said Act the word "nine" shall be substituted.

Amendment
of sections 4,
5 and 16, Act
XV, 1881.

10. For sections 6 to 11, both inclusive, of the said Act, and for the heading "*Children*" prefixed to the said section 6, the following shall be substituted, namely:—

Substitution
of new sections
for sections 6 to 11,
Act XV,
1881.

"All Operatives.

"5A. (1) In every factory, except a factory in which a system of employment in shifts or sets approved by the local Inspector is in force, there shall between noon and two o'clock in the afternoon be a stoppage of work for a full half-hour:

Limited
stoppage of
work daily
in certain
circum-
stances.

(2) Provided that nothing in this section shall apply to any factory of a class to which the Governor General in Council has, by notification in the Gazette of India, declared this section not to apply.

"5B. (1) No person shall be employed in any factory on a Sunday:

Holidays.

(2) Provided

(2) Provided as follows:—

- (a) any manager, foreman, mechanic, artisan or labourer may be employed in a factory on a Sunday in examining or repairing, or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory;
- (b) any person may be employed in a factory on a Sunday if he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday;
- (c) the Local Government may from time to time, by notification in the official Gazette, declare sub-section (1) of this section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—
 - (i) necessitates continuous production for technical reasons, or
 - (ii) supplies the public with articles of prime necessity which must be made every day, or
 - (iii) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces; and
- (d) the Governor General in Council may from time to time, by notification in the Gazette of India, declare sub-section (1) of this section not to apply to factories of any class described in the notification.

“ *Women.*

Employment
of women.

“ 6. (1) No woman shall be employed before five o'clock in the morning or after eight o'clock in the evening in any factory in which a system of employment in shifts or sets approved by the local Inspector is not in force.

(2) No

(2) No woman shall be actually employed in any factory in any one day for more than eleven hours.

(3) Every woman shall be allowed an interval or intervals of rest amounting in the aggregate to at least an hour-and-a-half in the day when she is actually employed for eleven hours and to a proportionately less time when she is actually employed for less than eleven hours.

(4) The Governor General in Council may from time to time, by notification in the Gazette of India, declare all or any of the foregoing sub-sections of this section not to apply to factories of any class described in the notification or to women employed in any process so described.

“ Children.

“7. (1) No child shall be employed in any factory if he is under the age of nine years. Employment of children.

(2) No child shall be employed in any factory before five o'clock in the morning or after eight o'clock in the evening.

(3) No child shall be actually employed in any factory for more than seven hours in any one day.

(4) Every child who is actually employed in any factory for six hours in any one day shall be allowed an interval or intervals of rest amounting in the aggregate to at least half-an-hour.

“8. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be. Prohibition of employment of child in certain dangerous work.

“9. The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may from time to time prescribe, registers of the children (if any) employed in such factory, and of their respective employments. Register of children in a factory.

“ Women

“ Women and Children.

Provisions
supplement-
ary to sec-
tions 6 and 7.

“10. (1) The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in English and the languages of the district in which the factory is situated, showing the times at which such intervals as are required by section 6, sub-section (3), and section 7, sub-section (4), to be allowed to women and children, respectively, shall be allowed and the length of each interval.

(2) A woman or child shall not be deemed to be actually employed within the meaning of section 6 or section 7 during any such interval as aforesaid.

Prohibition
of employ-
ment of
woman or
child in
two factories
on same day.

“11. No occupier of a factory shall employ there- in on any day any woman or child who has to his knowledge already been employed on the same day in any other factory.”

Amendment
of section 12,
Act XV,
1881.

11. In clause (a) of section 12 of the said Act the word “or”, where it first occurs, is hereby repealed.

Amendment
of section 13,
Act XV,
1881.

12. In section 13 of the said Act, after the word “hours” the word “next” shall be inserted, and for the words “such accident” the words “the accident” shall be substituted.

Amendment
of section 14,
Act XV,
1881.

13. (1) In section 14 of the said Act, before the words “the place” the words “and of” shall be inserted.

(2) The words “(if any)” in the same section of the said Act are hereby repealed.

Substitution
of new sec-
tion for sec-
tion 15, Act
XV, 1881.
Penalties.

14. For section 15 of the said Act the following shall be substituted, namely:—

“15. (1) Any person who, in breach of this Act or of any order or rule made thereunder,—

(a) employs any person in any factory;

(b) allows any child to perform the work for-
bidden by, or to work in contravention of,
section 8;

(c) neglects

- (c) neglects to keep a register in manner prescribed under section 9;
- (d) neglects to set up or maintain the notice required by section 10, sub-section (1);
- (e) neglects to fence any machinery or mill-gearing in any factory;
- (f) neglects to maintain a supply of water for the use of persons employed in any factory;
- (g) neglects to ventilate any factory or to keep any factory in a cleanly state and free from effluvia arising from any drain, privy or other nuisance;
- (h) suffers any factory to be so overcrowded, while work is carried on therein, as to be injurious to the health of the persons employed therein; or
- (i) neglects to send any notice or furnish any return,

shall be punished with fine which may extend to two hundred rupees:

Provided that—

- (i) no prosecution under this sub-section shall be instituted except by, or with the previous sanction of, the local Inspector; and
- (ii) no person shall be liable under this sub-section to more than one penalty for any one description of offence committed on the same day, except where two or more persons are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each person so employed.

(2) Any person who corruptly uses or attempts to use, as a certificate granted to himself under section 5, a certificate granted to another person under that section, or who, having procured a certificate under the said section, corruptly allows it to be used, or an attempt to use it to be made, by another person, shall

be

be punished with fine which may extend to twenty rupees."

Amendment
of section 17,
Act XV,
1881.

Occupier
primarily
liable for
breaches of
Act or orders
or rules
thereunder.

15. For section 17 of the said Act the following shall be substituted, namely:—

"17. Every occupier of a factory shall be deemed primarily liable for any breach thereof of this Act or of any order or rule made thereunder, but he may discharge himself from such liability by proof that such breach was committed by some other person without his knowledge or consent, and in that case the person committing such breach shall be liable therefor."

Amendment
of section 18,
Act XV,
1881.

Power to
make rules.

16. (1) For section 18 of the said Act the following shall be substituted, namely:—

"18. (1) Subject to the control of the Governor General in Council, the Local Government may from time to time make rules consistent with this Act to provide for—

- (a) the fencing of machinery and mill-gearing in factories;
- (b) the water-supply to be maintained for the use of persons employed in factories;
- (c) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and freedom from effluvia arising from any drain, privy or other nuisance;
- (d) the prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein;
- (e) the inspection of factories;
- (f) the manner in which appeals under this Act are to be presented and heard; and
- (g) otherwise carrying out the purposes of this Act.

(2) The Governor General in Council may from time to time make rules requiring occupiers of factories

tories to furnish such returns, occasional or periodical, as may be necessary for the effectual carrying out of this Act.

(3) Such rules shall be published in the local official Gazette, or the Gazette of India, as the case may be, and shall thereupon have the force of law.

(4) Before making rules under clause (b), clause (c) or clause (d) of sub-section (1) of this section the Local Government, and before making rules under sub-section (2) of this section the Governor General in Council, shall publish in such manner as may in its or his opinion be sufficient for giving information to persons interested a draft of the proposed rules, with a notice specifying a date (not less remote than two months from the publication of the notice) at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified."

17. In section 19 of the said Act, the word "such", where it occurs before the word "factory", is hereby repealed.

Amendment of section 19, Act XV, 1881.

18. To the said Act the following shall be added, namely:—

Addition of a section to Act XV, 1881.

"20. (1) Notwithstanding anything in clause (b) of the definition of the word "factory" in section 2, the Local Government may from time to time, by notification in the official Gazette, declare any premises, or premises of any class, which fulfil the other conditions of the said definition, to be a factory for all the purposes of this Act, or for such of those purposes as may be specified in the notification, if the number of persons simultaneously employed in the premises on any day in any manual labour in, or incidental to, any such process as is referred to in the said clause (b) is less than fifty and not less than twenty.

Power to Local Government to extend definition of "factory."

(2) The Local Government may, by such notification, fix any number below fifty and not below
twenty

twenty as the number of persons whose simultaneous employment as aforesaid is to be held to subject premises, as a factory, to all or any of the provisions of this Act and of the orders and rules made thereunder."

References to Act XV of 1881 to be read as references to that Act as amended by this Act.

19. A reference in any enactment or document to the Indian Factories Act, 1881, shall be read as a reference to that Act as amended by this Act.