

THE INDIAN FACTORIES ACT, 1911  
(XII OF 1911).

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## ACT NO. XII OF 1911.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 24th  
March 1911.)*

An Act to consolidate and amend the law  
regulating labour in factories.

**W**HEREAS 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 Indian Fac- Short title,  
commence-  
ment and  
extent.  
tories Act, 1911.

(2) It shall come into force on the first day of  
July 1912; and

(3) It extends to the whole of British India, in-  
cluding British Baluchistan and the Sonthal Par-  
ganas.

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

(1) "child" means a person who is under the "Child."  
age of fourteen years :

(2) a person who works in a factory, whether for "Employed."  
wages or not,—

(a) in a manufacturing process or handicraft, or

(b) in cleaning any part of the factory used for  
any manufacturing process or handi-  
craft, or

(c) in cleaning or oiling any part of the machin-  
ery, or

(d) in any other kind of work whatsoever, in-  
cidental to, or connected with, the manu-  
facturing process or handicraft, or con-  
nected with the article made or otherwise

the

## (Chapter I.—Preliminary.)

the subject of the manufacturing process or handicraft therein,

shall be deemed to be employed therein :

*Explanation.*—The term “ manufacturing process ” shall be deemed to include the baling of any material for transport :

“ Factory.” (3) “ factory ” means any premises wherein, or within the precincts of which, steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article :

“ Inspector.” (4) “ inspector ” includes an additional inspector :

“ Mill-gearing.” (5) “ mill-gearing ” includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, chain, wire, driving strap or band by which the motion of the first moving power is communicated to any machine appertaining to any manufacturing process :

“ Occupier.” (6) “ occupier ” includes a managing agent or other person authorised to represent the occupier :

“ Prescribed.” (7) “ prescribed ” means prescribed by this Act or by rules made thereunder :

“ System of shifts.” (8) “ system of shifts ” means a system of relays in which the time of the beginning and ending of the period or periods of the employment of each person is fixed for each relay :

“ Textile factory.” (9) “ textile factory ” means a factory wherein is carried on any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoanut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof :

Provided that the term “ textile factory ” shall not be deemed to include the following factories, namely :—

*(Chapter I.—Preliminary.)*

namely :—cloth-printing works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, silk filatures, factories for ginning cotton, decorticating fibre, pressing cotton, jute or other fibre, rope works and hat works.

3. (1) Nothing in the following chapters shall <sup>Application of Act,</sup> apply to—

VIII of 1901.]

- (a) any mine subject to the operation of the Indian Mines Act, 1901, or
- (b) any electrical generating or transforming station, or
- (c) any indigo factory, or
- (d) any factory situated on and used solely for the purposes of a tea or coffee plantation, or
- (e) any factory wherein on no day in the year are more than forty-nine persons simultaneously employed :

Provided that the Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, apply to any factory or class of factories, wherein any specified number of persons, not being less than twenty, are on any day simultaneously employed, all or any of the provisions of this Act which would, save for clause (e) of this sub-section, have applied.

(2) The provisions of Chapters IV and V and sections 35 and 36 shall not, unless the Local Government by order in writing otherwise directs, apply to any person employed solely in any place within the precincts of a factory, not being a cotton reeling-room or winding-room in which place no steam, water or other mechanical power or electrical power is used in aid of the manufacturing process carried on in such factory, or in which such power is used solely for the purpose of moving or working any appliances in connection with the bringing or taking of any goods into or out of the factory.

CHAPTER

(Chapter II.—Inspectors and Certifying Surgeons.)

## CHAPTER II.

### INSPECTORS AND CERTIFYING SURGEONS.

Inspectors.

4. (1) The Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of inspector, 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.

(3) The District Magistrate shall be an inspector under this Act.

(4) The Local Government may also, by notification as aforesaid, and subject to the control of the Governor General in Council, 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.

(5) 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.

(6) Every 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 indicate in this behalf. XLV of 1860.

Powers of  
inspector.

5. Subject to any rules in this behalf, an inspector may, within the local limits for which he is appointed,—

(a) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory :

(b) make

*(Chapter II.—Inspectors and Certifying Surgeons.)*

- (b) make such examination of the premises and machinery 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.

6. The Local Government may appoint such <sup>Certifying surgeons.</sup> qualified 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.

7. (1) A certifying surgeon shall, at the request <sup>Grant of certificate.</sup> of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

(2) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory, he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reasons for such refusal.

8. A certifying surgeon may authorize any <sup>Delegation of certifying surgeon's functions.</sup> person practising medicine or surgery to exercise the functions assigned to him by section 7, and may revoke such authority :

Provided that no certificate granted under this section shall, unless confirmed, on personal examination

tion



*(Chapter III.—Health and Safety.)*

tion of the person named therein, by the certifying surgeon who conferred the authority, be valid after the first date subsequent to the grant thereof on which such certifying surgeon visits the factory in which the person named therein is employed.

## CHAPTER III.

## HEALTH AND SAFETY.

Sanitary provisions.

9. The following provisions shall apply to every factory :—

- (a) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance;
- (b) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;
- (c) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

Provision as to ventilation by fans in certain factories.

10. If in a factory, in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may serve on the manager of the factory an order in writing, directing that a fan or other mechanical means of a proper construction for preventing such inhalation be provided, maintained and used before a specified date.

Lighting.

11. (1) Every factory shall be sufficiently lighted.
- (2) In the case of any factory which is not in the opinion of the inspector so lighted, the inspector may serve

*(Chapter III.—Health and Safety.)*

serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

12. (1) In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified before being used for the purpose of producing humidity.

Purity of water used for humidifying.

(2) In the case of any factory in which any water required under sub-section (1) to be effectively purified is not in the opinion of the inspector so purified, the inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for effectively purifying the water and requiring him to carry them out before a specified date.

13. Every factory shall be provided with sufficient and suitable latrine accommodation, and if the Local Government so requires, with separate urinal accommodation for the persons employed in the factory :

Provision of latrines and urinal accommodation.

Provided that the inspector may, subject to such conditions as the Local Government may lay down in this behalf, by an order in writing exempt any factory from the provisions of this section.

14. In every factory there shall be maintained a sufficient and suitable supply of water fit for drinking for the use of the persons employed in the factory.

Water-supply.

15. In every factory, the construction of which is commenced after the commencement of this Act, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

Doors of factory to open outwards.

16. (1) Every factory shall be provided with such means of escape in case of fire for the persons employed

Provision of means for escape in case of fire.

*(Chapter III.—Health and Safety.)*

ed therein as can reasonably be required in the circumstances of each case.

(2) In the case of any factory which is not in the opinion of the inspector so provided, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for providing such means of escape, and requiring him to carry them out before a specified date.

Precautions  
against fire.

17. No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

Fencing.

18. (1) (a) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of any water-wheel or engine worked by any such power,

(b) every hoist or teagle and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed, and

(c) every part of the machinery which the Local Government may by rule require to be kept fenced, shall be securely fenced.

(2) If in any factory there is any other part of the machinery or mill-gearing which may in the opinion of the inspector be dangerous if left unfenced, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for fencing such part in order to remove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, 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 for altering

the

(Chapter III.—Health and Safety. Chapter IV.—  
Hours of Employment and Holidays.)

the gearing or arrangements of the parts of the machinery.

(4) Such provision as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery or boilers of any factory.

19. No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

Prohibition of employment of women and children in certain dangerous work.

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

Prohibition of employment of women and children where cotton-openers are at work.

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof women and children may be employed in the room in which the feed-end is situated.

## CHAPTER IV.

### HOURS OF EMPLOYMENT AND HOLIDAYS.

21. (1) In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

Periodical stoppage of work.

- (2) Nothing in sub-section (1) shall apply to—
- (a) any work performed by any person while employed in accordance with a system of shifts approved by the inspector, or
- (b) the work of sizing, calendering, finishing, sewing or tailoring in textile factories,

OF

(Chapter IV.—Hours of Employment and Holidays.)

or in cloth-printing works, or in bleaching or dyeing works, or

(c) work on urgent repairs executed in railway or tramway workshops or running sheds, or in engineering works or ship-repairing works, or

(d) any work mentioned in Part A or in Part B of Schedule I, or

(e) the factories mentioned in Part C of the said Schedule.

(3) Where it is proved to the satisfaction of the Local Government—

(a) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(b) that there is in any class of factories not specified in Part B of the said Schedule any work which necessitates continuous production for technical reasons, or

(c) that any class of factories not specified in Part C of the said Schedule requires, by reason of the exigencies or special circumstances of the trade carried on therein, an uninterrupted working day,

the Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, exempt,—

in case (a), such class of work,

in case (b), work of the nature described in such class of factories,

in case (c), such class of factories,

from the provisions of sub-section (1) on such conditions, if any, as it may impose.

*(Chapter IV.—Hours of Employment and Holidays.)*

**22.** (1) No person shall be employed in any factory on a Sunday, unless— Weekly holiday.

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

(b) the manager of the factory has previous to the Sunday or the substituted day, whichever is earlier, given notice to the inspector of his intention so to employ the said person and of the day which is to be substituted and has at the same time affixed a notice to the same effect in the place mentioned in section 36.

(2) Nothing in sub-section (1) shall apply to work on urgent repairs executed in railway or tramway workshops or running sheds or in engineering works or ship-repairing works.

(3) Nothing in sub-section (1) shall apply to any person employed on any work specified in Part A of Schedule I or in Part A of Schedule II or to any factory specified in Part B of Schedule II.

(4) Where it is proved to the satisfaction of the Local Government—

(a) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(b) that there is in any class of factories not specified in Part A of Schedule II any work which necessitates continuous production for technical reasons, or

(c) that any class of factories not specified in Part B of Schedule II supplies the public with articles of prime necessity which must be made or supplied every day, or

(d) that

*(Chapter IV.—Hours of Employment and Holidays.)*

- (d) that in any class of factories the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons, or at times dependent on the irregular action of natural forces,

the Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, exempt,—

in case (a), such class of work,

in case (b), work of the nature described in such class of factories, and

in cases (c) and (d), such class of factories,

from the provisions of sub-section (1), on such conditions, if any, as it may impose.

Employment  
of children.

**23.** With respect to the employment of children in factories the following provisions shall apply :—

- (a) no child shall be employed in any factory unless he is in possession of a certificate granted under section 7 or section 8 showing that he is not less than nine years of age and is fit for employment in a factory and while at work carries either the certificate itself or a token giving reference to such certificate;
- (b) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;
- (c) no child shall be employed in any factory for more than seven hours in any one day.

Employment  
of women.

**24.** With respect to the employment of women in factories the following provisions shall apply :—

- (a) no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;
- (b) no women shall be employed in any factory for more than eleven hours in any one day.

**25.** No

(Chapter IV.—Hours of Employment and Holidays.  
Chapter V.—Special Provisions for Textile  
Factories.)

25. No person shall employ, or permit to be employed, in any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

Prohibition of employment of woman or child in two factories on same day.

26. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

Hours of employment of women and children to be fixed.

27. Nothing in section 24 or section 26 shall apply to any woman in any factory for ginning or pressing cotton, in which such number of women are employed as are in the opinion of the inspector sufficient to make the hours of employment of each woman not more than eleven in any one day.

Exception to provisions relating to employment of women.

## CHAPTER V.

### SPECIAL PROVISIONS FOR TEXTILE FACTORIES.

28. No person shall be employed in any textile factory for more than twelve hours in any one day.

Limitation of hours of work.

29. (1) No person shall be employed in any textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

Limits between which a person may be employed.

(2) Nothing in sub-section (1) shall apply to any person while employed in accordance with a system of shifts approved by the inspector.

30. (1) Nothing in section 28 or section 29 shall apply to—

Exceptions from sections 28 and 29.

(a) the work of calendering, finishing, sewing or tailoring, or

(b) the work of cloth-printing, bleaching or dyeing, or

(c) any work specified in Part A of Schedule I.

(2) Where it is proved to the satisfaction of the Local Government that any work not specified in

Part



(Chapter V.—*Special Provisions for Textile Factories.* Chapter VI.—*Notices and Registers.*)

Part A of Schedule I is of an urgent nature, or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, the Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, exempt any person employed on such work from the operation of section 28 or section 29 on such conditions, if any, as it may impose.

Limit of  
use of  
machinery.

**31.** (1) The period for which mechanical power or electrical power is used in any textile factory shall not in any one day exceed twelve hours.

(2) Nothing in sub-section (1) shall apply to any mechanical power or electrical power while being solely used in aid of the work performed by any person employed in accordance with a system of shifts approved by the inspector.

(3) Nothing in sub-section (1) shall apply to any mechanical power or electrical power required in connection with any work specified in sub-section (1) of section 30 or in connection with any work which is exempted by the Local Government under sub-section (2) of the same section.

Limitation  
of hours of  
children.

**32.** No child shall be employed in any textile factory for more than six hours in any one day.

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## CHAPTER VI.

### NOTICES AND REGISTERS.

Person  
occupying  
factory to  
give notice.

**33.** (1) Every person occupying a factory shall,—

(a) in the case of existing factories, within one month after the commencement of this Act, or

(b) in the case of a factory which starts work after the commencement of this Act,  
within

*(Chapter VI.—Notices and Registers.)*

within one month after he begins to occupy the factory,

send to the inspector a written notice containing—

- (i) the name of the factory and of the place where it is situate,
- (ii) the address to which he desires his letters to be directed,
- (iii) the nature of the work performed in such factory,
- (iv) the nature and amount of the moving power therein, and
- (v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Act :

Provided that in the case of a seasonal factory such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Act.

**34.** When any accident occurs in a factory causing death or bodily injury, whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of the accident to such authorities in such form and within such time as may be prescribed.

Notice to be given of accident.

**35.** In every factory there shall be kept, in the prescribed form, a register of the children (if any) employed in such factory, and of the nature of their respective employment.

Register of children.

**36.** (1) There

(Chapter VI.—Notices and Registers. Chapter VII.—Rules.)

Affixing of  
abstract and  
notices.

36. (1) There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority of the operatives in such factory, the prescribed abstracts of this Act and of the rules made thereunder, and also a notice containing the standing orders of the factory upon the following matters, namely:—

- (a) the time of beginning and ending work on each day;
- (b) the periods during which all work is discontinued under section 21;
- (c) the hours of beginning and ending work for each shift (if any); and
- (d) the hours of employment of women and children respectively, if not employed in shifts.

(2) A copy of the said notice shall be sent to the inspector within one month of the commencement of this Act, or, in the case of a factory which starts work after the commencement of this Act, within one month of commencing work.

(3) The said notice shall be correctly maintained and kept up to date, and intimation of any change therein shall be sent by the manager to the inspector within seven days.

(4) Nothing in this section, except in so far as it relates to affixing the prescribed abstracts of this Act and the rules made thereunder, shall apply to any seasonal factory.

## CHAPTER VII.

### RULES.

Power to  
make rules.

37. (1) Subject to the control of the Governor General in Council, the Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In

*(Chapter VII.—Rules.)*

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the inspection of factories;
- (b) the manner in which inspectors are to exercise the powers conferred on them by this Act;
- (c) the duties to be performed by certifying surgeons;
- (d) the form of the certificate prescribed by section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate;
- (e) the methods, including lime-washing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia;
- (f) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein;
- (g) standards of ventilation, and the methods to be adopted in order to secure their observance;
- (h) standards of latrine and urinal accommodation;
- (i) standards of water-supply;
- (j) the parts of the machinery to be kept fenced in accordance with section 18, sub-section (1), clause (c), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers;
- (k) the form of the notice prescribed by section 34, and the time within which and the authorities to whom it shall be sent;

(l) the

## (Chapter VII.—Rules. Chapter VIII.—Penalties and Procedure.)

- (l) the form of the register prescribed by section 35;
- (m) the abstracts of the Act and of the rules required by section 36;
- (n) the procedure to be followed in presenting and hearing appeals under this Act, including the appointment and remuneration of assessors; and
- (o) the manner of service of notices and orders upon occupiers or managers of factories.

Returns.

**38.** The Governor General in Council may from time to time make rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical, as may in his opinion be necessary for the effectual carrying out of this Act.

Prior publication of rules.

**39.** (1) The power to make rules conferred by section 37, except clauses (k), (l) and (m) of subsection (2) thereof, and by section 38 is subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under sections 37 and 38 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information. <sup>X of 1897.</sup>

Commencement of rules.

**40.** Rules made under this Chapter shall be published in the local official Gazette or the Gazette of India, as the case may be, and shall thereupon have effect as if enacted in this Act.

## CHAPTER VIII.

## PENALTIES AND PROCEDURE.

Penalties.

**41.** If in any factory—

- (a) any person is employed or allowed to work contrary to any of the provisions of this Act;

(b) any

*(Chapter VIII.—Penalties and Procedure.)*

- (b) any of the provisions of section 9 are not complied with;
- (c) latrine or urinal accommodation in accordance with the provisions of section 13 is not provided;
- (d) a supply of water for the persons employed is not maintained in accordance with the provisions of section 14;
- (e) any door is constructed in contravention of section 15;
- (f) any of the provisions of section 18, subsections (1), (3) and (4), regarding fencing and the protection from danger of persons employed in attending to the machinery or boilers are not complied with;
- (g) any order of an inspector under section 10, section 11, section 12, section 16 or section 18 is not complied with;
- (h) the register prescribed by section 35 is not kept up to date;
- (i) any of the provisions of section 36 are not complied with;
- (j) any notice or return required by this Act or by rules made thereunder to be furnished is not furnished;

the occupier and manager shall be jointly and severally liable to a fine which may extend to two hundred rupees :

Provided that in cases where an appeal is allowed by section 50 no prosecution under clause (g) of this section shall be instituted until either the time prescribed by section 50 for the presentation of an appeal has expired or such appeal, if made, has been determined.

42. (1) Where the occupier or manager of a factory is charged with an offence against this Act, he shall

Exemption of occupier or manager

## (Chapter VIII.—Penalties and Procedure.)

from liability  
in certain  
cases.

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.

43. Any person who—

- (a) wilfully obstructs an inspector in the exercise of any power under section 5, or fails to produce on demand by an inspector any registers

Penalties  
for certain  
offences.

*(Chapter VIII.—Penalties and Procedure.)*

registers or other documents kept in pursuance of this Act or the rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an inspector;

(b) smokes, or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of section 17; or

(c) does or omits to do any other act prohibited or prescribed by this Act or any order or rule made thereunder;

shall be punishable with fine which may extend to two hundred rupees.

44. Any person who knowingly uses or attempts to use, as a certificate granted to himself under section 7 or section 8, a certificate granted to another person under either of those sections, 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. Using false certificate.

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

(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 one of employing or allowing to be employed two or more persons contrary to the provisions of this Act.

46. If a child over the age of six years is found inside any room or part of a factory in which room or part children are employed and in which any manufacturing process or work incidental to any manufacturing Presumption as to employment.



(Chapter VIII.—Penalties and Procedure. Chapter IX.—Supplemental Provisions.)

manufacturing process is being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory.

Evidence as to age.

47. (1) When an act or omission would, if a person were under or 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, it 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 surgeon that he has personally examined a person employed in a factory 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 person.

Cognizance of offences.

48. (1) No prosecution under this Act, except a prosecution under section 43, clause (b), shall be instituted 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 thereunder, other than an offence against section 43, clause (b).

Limitation of prosecutions.

49. No Court shall take cognizance of any offence against this Act or any rule or order thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

## CHAPTER IX.

### SUPPLEMENTAL PROVISIONS.

Appeals.

50. (1) Any person on whom an order under section 10, section 11, section 12, section 16 or section 18 has been served may, within fourteen days from the date of service of the order, appeal against such order.

*(Chapter IX.—Supplemental Provisions.)*

order to the Local Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(2) Where an inspector refuses to approve a system of shifts, he shall, if required by the manager of the factory, record his order of refusal with the reasons therefor, and the manager of the factory may, within fourteen days from the date of such order, appeal against it to the Local Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(3) In the case of any appeal under sub-section (1) the appellate authority may, and if so requested by the appellant in the petition of appeal shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Local Government may in this behalf prescribe :

Provided that if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

51. (1) In respect of any area in which the hours of the day are not ordinarily reckoned according to local mean time, the times and hours referred to in section 2, sub-section (8), section 26 and section 36 shall be reckoned according to the standard of time ordinarily observed in such area.

Special provision regarding computation of time.

(2) The Local Government may, by notification in the local official Gazette, direct that, for any specified area and during any specified months, for the morning and evening hours mentioned in section 23, clause (b), section 24, clause (a), and section 29, such one of the following sets of morning and evening

hours

*(Chapter IX.—Supplemental Provisions.)*

hours, as it deems suitable, reckoned according to the standard of time ordinarily observed in such area, shall be substituted, namely :—

five o'clock in the morning and half past six o'clock in the evening;

six o'clock in the morning and half past seven o'clock in the evening;

half past six o'clock in the morning and eight o'clock in the evening;

seven o'clock in the morning and half past eight o'clock in the evening.

Computation of hours of employment.

52. In computing the hours referred to in section 23, clause (c), section 24, clause (b), section 28 and section 32, any interval by which work is interrupted for half an hour or more shall be excluded.

Power to declare parts of a factory to be separate factories.

53. The Local Government may, subject to the control of the Governor General in Council, by special order in writing, direct, with respect to any factory or class of factories, that different branches or departments of work carried on in the same factory shall for all or any of the purposes of this Act be treated as if they were separate factories.

Application to Crown factories.

54. This Act shall apply to factories belonging to the Crown.

Special provision for Burma for employment on Sunday.

55. Notwithstanding anything in section 22, subsection (1), any person may in the province of Burma be employed on Sunday for any time not exceeding four hours in cleaning the machinery and apparatus in a factory, provided that he has not worked in the factory later than two o'clock in the afternoon on the previous day.

Power to exempt from Act.

56. In case of any public emergency, the Local Government may, by an order in writing, exempt any factory from this Act to such extent and during such period as it thinks fit.

57. The

## (Chapter IX.—Supplemental Provinces. Schedule I. Part A.)

57. The Governor General in Council may, if he thinks fit, exercise any power which is by this Act conferred upon the Local Government.

Exercise of powers by Governor General in Council.

58. 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 Act.

XV of 1881.

XI of 1891.

59. The Indian Factories Act, 1881, and the Indian Factories Act, 1891, are hereby repealed:

Repeal and savings.

Provided that all appointments made and all certificates given under the said Acts shall be deemed to have been made or given under this Act.

### SCHEDULE I.

(See sections 21, 22, 30.)

#### PART A.

[See sections 21 (2), (3); 22 (3); 30.]

WORK OF AN URGENT NATURE OR SUCH AS IN THE INTERESTS OF EFFICIENCY IS COMMONLY PERFORMED WHILE THE MAIN MANUFACTURING PROCESS OF THE FACTORY IS DISCONTINUED.

- (a) Work by the supervising staff, clerks, watchmen or messengers;
- (b) work in the mechanic shop, the smithy or foundry, the boiler-house, the engine-room or power-house, or in connection with the mill-gearing, the electric driving or lighting apparatus, mechanical or electrical lifts, or the steam or water pipes or pumps;
- (c) work on the cleaning of walls, ceilings or other portions of factory buildings, tanks, wells, humidifying or ventilating apparatus, tunnels, blow-room flues or line-shaft alleys or of galleries in ginning factories;
- (d) work by persons engaged in oiling, examining or repairing or in supervising or aiding in the oiling, examination or repair of any machinery or other thing whatsoever which is necessary for the carrying on of the work in a factory.

*Explanation.*

## (Schedule I. Part B. Part C.)

*Explanation.*—Periodical cleaning is not included in the terms “examining” or “repairing;”

- (e) work on the processes of packing, bundling or baling of finished articles or the receiving or despatching of goods.

## PART B.

[See section 21 (2), (3).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.  
 Sugar refineries.  
 Breweries.  
 Distilleries.  
 Oil refineries.  
 Oil mills.  
 Cement works.  
 Cloth-printing works.  
 Bleaching and dyeing works.  
 Carbonic acid gas works.  
 Chemical works.  
 Glass works.  
 Paper mills.  
 Shellac factories.  
 Potteries.  
 Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

## PART C.

[See section 21 (2), (3).]

FACTORIES WHICH BY REASON OF THE EXIGENCIES OR THE SPECIAL CIRCUMSTANCES OF THE TRADE CARRIED ON THEREIN REQUIRE AN UNINTERRUPTED WORKING DAY, NAMELY:—

Flour mills.  
 Rice mills.  
 Letter-press printing works.  
 Dairies.  
 Bakeries.  
 Ice factories.  
 The mints.  
 Gas works.  
 Air-compressor stations.  
 Water works or water-supply pumping stations.

SCHEDULE

## (Schedule II. Part A. Part B.)

## SCHEDULE II.

(See section 22.)

## PART A.

[See section 22 (3), (4).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.  
Sugar refineries.  
Breweries.  
Distilleries.  
Oil refineries.  
Cement works.  
Carbonic acid gas works.  
Chemical works.  
Glass works.  
Shellac factories.  
Potteries.  
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

## PART B.

[See section 22 (3), (4).]

FACTORIES WHICH SUPPLY THE PUBLIC WITH ARTICLES OF PRIME NECESSITY WHICH MUST BE MADE OR SUPPLIED EVERY DAY, NAMELY:—

Ice factories.  
Dairies.  
Bakeries.  
Gas works.  
Air-compressor stations.  
Water works or water-supply pumping stations.