
STUDENT EDITION

**THE MANUAL OF LABOUR
AND INDUSTRIAL LAW**

EDITED BY
MD. ABDUL HALIM
BARRISTER-AT-LAW

CCB FOUNDATION

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PREFACE

The area of labour and industrial law is very wide compared to available syllabus in universities for students of law. Available books and manuals on the subject are designed for the practitioners and in most cases they contain much more than what the students need; nor are they available with bare Acts and Rules. This manual of labour and industrial law has been designed with bare Acts and Rules for the students of law and the selection is so made that it comprehends and covers the LL.B. syllabus on labour and industrial law papers prescribed in most of the universities of Bangladesh.

Collection of updated and upto-date legislation on labour and industrial law has all along been problem in Bangladesh as there is no initiative at the Government level to update them on a regular basis. Updating the law on individual initiative is a mammoth task. While preparing this manual care has been taken to collect updated information though lack of institutional assistance and initiative from the Government level might have left our initiative bit behind.

Special thanks go for Laila Sharmin, student of final year LL.B. Dhaka University and my typist Kamrul Hassan for their help in preparing this manual.

I express my heartfelt gratitude to my publisher the CCB Foundation for processing and publishing this edition.

Md. Abdul Halim
Barrister-at-Law

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[ACT VIII OF 1965]

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THE EMPLOYMENT OF LABOUR (STANDING ORDERS) ACT, 1965

[ACT VIII OF 1965]

[1st September, 1965]

An Act to repeal and, with certain amendments, re-enact the Industrial and Commercial Employment (Standing Orders) Ordinance, 1960.

WHEREAS it is expedient to repeal and, with certain amendments, re-enact the Industrial and Commercial Employment (Standing Orders) Ordinance, 1960 (Ordinance No. III of 1960) for regulating conditions of service of workers employed in Shops and Commercial and Industrial Establishments and for matters connected therein;

It is hereby enacted as follows:

1. Short title, extent, commencement and application.- (1) This Act may be called the Employment of Labour (Standing Orders) Act, 1965.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

(4) It shall apply to--

(a) every shop or commercial establishment to which the Shops and Establishments Act, 1965 (Act No VII of 1965) applies;

(b) every industrial establishment in the areas in which the Shops and Establishments Act 1965 (Act No VII of 1965) applies; and

(c) every industrial establishment in all other areas of Bangladesh in which five or more workers are employed, or were employed on any day of the preceding twelve months:

Provided that the provision of this act shall not apply to any shop or commercial or industrial establishment, owned and directly managed by the Government and the persons employed therein are governed by the Government Servants' Conduct Rules.

2. Definition.- In this Act, unless there is anything repugnant in the subject or context-

- (a) "**apprentice**" means a learner who is paid an allowance during the period of his training;
- (b) '**badli**' means a worker who is appointed in the post of a permanent worker or of a probationer who is temporarily absent;
- (c) '**casual worker**' means a worker whose employment is of casual nature;
- (d) '**commercial establishment**' means an establishment in which the business of advertising, commission or forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial undertaking, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any, commercial establishment or industrial establishment employs workers, a unit of a joint-stock company, an insurance company, a banking company or a bank, a broker's office or stock exchange, a club, a hotel or a restaurant or an eating house, a cinema or theatre, or such other establishment or class thereof as the Government may, by notification in the official Gazette, declare to be a commercial establishment for the purpose of this Act;
- (e) '**Director of Labour**' means an officer, so appointed by the Government;
- (f) '**discharge**' means the termination of services of a worker by the employer for reasons of physical or mental incapacity or continued ill health of the worker or such other similar reasons not amounting to misconduct;
- (g) '**dismissal**' means the termination of services of a worker by the employer for misconduct;
- (h) '**employer**' means a person, a body of person or body corporate, company or institutions owning or managing a shop, commercial establishment or industrial establishment, or their heirs, successors or assigns, as the case may be, and includes-

- (i) in a factory, any person working as manager of the factory,
- (ii) in any shop, commercial establishment or industrial establishment, carried on by or on behalf of a local authority, the officer appointed, the chief executive officer of that authority, and
- (iii) in relation to any other shop, commercial establishment or industrial establishment, every Director, Manager, Secretary, Agent or other officer or person concerned with the management thereof and responsible to the owner for the supervision and control of such shop, commercial establishment or industrial establishment;

(i) **'go-slow'** means an organised deliberate and purposeful slowing down of normal output of work by a body of workers in a concerted manner, and which is not due to any mechanical defect, breakdown of machinery, failure or defect in power supply or in the supply of normal materials and spare parts of machinery.

(j) **'industrial establishment'** means any workshop, or other establishment in which articles are produced, adapted or manufactured or where the work of making altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance, with a view to their use, transport, sale, delivery or disposal, is carried on or such other class of establishments including water transport vessel or any class thereof which the Government may, by notification in the official Gazette, declare to be an industrial establishment for the purpose of this Act, and includes--

- (i) any motor omnibus service,
- (ii) any dock, wharf or jetty
- (iii) any mine, quarry, gas-field or oil-field.
- (iv) any plantation, or
- (v) a factory as defined in the Factories Act 1965,

(k) **'Labour Court'** means a Court constituted under the Industrial Relations Ordinance, 1969 (Ord. XXIII of 1969);

(l) **'Lay-off'** means the failure, refusal or inability of an employer on account of shortage of coal, power or raw material or the

accumulation of stock or the break-down of machinery or for any other reason, to give employment of a worker whose name is borne on the muster-rolls of his shop, commercial establishment or industrial establishment;

(m) '**Permanent worker**' means a worker who has been engaged on a permanent basis or who has satisfactorily completed the period of his probation in the shop or the commercial or industrial establishment;

(n) '**Plantation**' means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea and includes agricultural farms under sugar mill for growing sugar-cane, employing twenty-five or more persons for that purpose;

(o) '**Public servant**' shall have the same meaning as in section 21 of the Penal Code, 1860 (XLV of 1860).

(p) '**Probationer**' means a worker who is provisionally employed to fill a permanent vacancy in a post and has not completed the period of his probation;

(q) '**retrenchment**' means the termination by the employer of services of workers, not as measure of punishment inflicted by way of disciplinary action, but on the ground of redundancy;

(r) '**shop**' means a shop as defined in the Shops and Establishments Act, 1965 (VII of 1965);

(s) '**temporary worker**' means a worker who has been engaged for work which is essentially of temporary nature and is likely to be finished within a limited period;

(t) '**trade union**' means a trade union registered under the Industrial Relations Ordinance, 1969 (Ord. XXIII of 1969)²;

(u) '**wage**' means wage as defined in the payment of Wages Act, 1936 (IV of 1936);

(v) 'worker' means any person including an apprentice employed in any shop, commercial establishment or industrial establishment to do any skilled, unskilled, manual, technical, trade promotional or clerical work for hire or reward, whether the terms of employment be expressed or implied, but does not include any such person--

(i) who is employed mainly in a managerial or administrative capacity; or

(ii) who, being employed in a supervisory capacity, exercise, either by nature of the duties attached to the office or by reason of power vested in him, functions mainly of managerial or administrative nature.

3. Conditions of employment.-- (1) In every shop or commercial or industrial establishment, employment of workers and other matters incidental thereto shall be regulated in accordance with the provisions of this Act:

Provided that any shop or commercial or industrial establishment may have its own rules regulating employment of workers or any class thereof, but no such rules shall be less favourable to any worker than the provisions of this Act.

(2) The service rules regulating employment of workers or any class thereof in any shop or commercial or industrial establishment as mentioned in the proviso to sub-section (1) shall be submitted by the employer of such shop or commercial or industrial establishment to the Inspector appointed under section 30 for approval and such service rules shall not be put into effect until such approval of the Inspector has been obtained.

(3) Any person aggrieved by the order of the Inspector may, within thirty days of the issue of such order, appeal to the Chief Inspector who may either confirm, modify or set aside the order of the Inspector.

(4) A second appeal from the order of the Chief Inspector shall lie to the Government ' if made within thirty days of the issue of the order of the Chief Inspector and the decision of the Government shall be final.

4. Classification of workers and period of probation: (1) A worker employed in any shop or commercial or industrial establishment

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shall be classified in any of the following classes according to the nature and condition of work and in the manner provided in this Act.-

- (a) apprentices,
- (b) badlis,
- (c) casual,
- (d) permanent,
- (e) probationer and,
- (f) temporary,

(2) The period of probation for a worker whose function is of clerical nature, shall be six months and for other workers such period shall be three months, including breaks due to leave, illegal lock-out or strike (not being an illegal strike) in the shop or commercial or industrial establishment:

Provided that in the case of a skilled worker, the period of probation may be extended by an additional period of three months if for any circumstances, it has not being possible to determine the quality of his work within three months' period of his probation.

(3) If any worker, whose service has been terminated during his probationary period, including the extended period of three months in case of a skilled worker as mentioned in sub-section (2), is again appointed by the same employer within a period of three years, he shall, unless appointed on a permanent basis, be deemed to be a probationer and the period or periods of his earlier probation shall be counted for determining his total period of probation.

(4) If a permanent worker is employed as a probationer in a new post, he may, at any time during the probationary period, be reverted to his old permanent post.

5. Leave and holidays: (1) Workers employed in shops or commercial or industrial establishments shall be entitled to leave and holidays with wages as provided in the Shops and Establishments Act, 1965 (VII of 1965); the Factories Act, 1965 (IV of 1965) or in any other law for the time being in force, as the case may be, and other holidays, which the Government may specially declare to be holidays for workers by notification in the official Gazette.

(2) A worker who desires to obtain leave of absence shall apply to the employer for the same, in writing, stating his leave-address therein, and the employer or his authorised officer shall issue orders on the application within a week of its submission to two days prior to the commencement of leave applied for, whichever is earlier;

Provided that if, due to emergent reasons the leave applied for is to commence on the date of application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused or postponed, the fact or such refusal or postponement and the reasons thereof shall be recorded in writing in a register to be maintained by the employer for the purpose. If the worker, after proceeding on leave, desires an extension thereof, he shall, if such leave is due to him, apply sufficiently in advance before the expiry of the leave to the employer who shall, as far as practicable, send a written reply either granting or refusing extension of leave to the worker to his leave-address.

(3) If the worker remains absent beyond the period of leave originally granted or subsequently extended, he shall be liable to lose his lien to his appointment unless he returns within ten days of the expiry of his leave and explains to the satisfaction of the employer his inability to return earlier;

Provided that in case any worker loses his lien to his appointment under this section, he shall not be deprived of the benefits and privileges which have already accrued to him under the law due to his past services and, in addition, he shall also be kept on the badli list, if any.

Provided further that if such a worker fails to explain to the satisfaction of the employer the reason of his failure to return at the expiry of the leave, the employer may, on consideration of extenuating circumstances, if any, suspend him, as a measure of punishment, for a period not exceeding seven days from the date of his return and the worker shall not be entitled to wages for such periods of unauthorised absence and of suspension; but he shall not lose the lien to his appointment.

(4) If the services of a worker, to whom any annual leave is due under the provisions of the Shops and Establishments Act, 1965 (VII of

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1965), the Factories Act, 1965 (IV of 1965), or of any other law for the time being in force, as the case may be, is dispensed with, whether as a result of retrenchment, discharge, dismissal, termination, retirement or by reason of his resignation before he has availed of any such leave, the employer shall pay his wages in lieu of the unavailed leave at the rate he is entitled to the payment of wages during the period of leave in accordance with the provisions of those laws and such payments shall be made before the expiry of the second working day after the day on which his employment is dispensed with.

6. Stoppage of work: (1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery, or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the shop or the commercial or industrial establishment, wholly or partly, for any period.

(2) In the event of such stoppage occurring at any time beyond working hours, the employer shall notify the workers affected, by notices posted, in the case of a factory, on the notice board in the section or department concerned and, in other cases, at a conspicuous place before the work is due to being next, indicating as to when the work will be resumed and whether such workers are to remain at their place of work at any time before the actual resumption.

(3) In the event of such stoppage occurring at any time during working hours, the workers affected shall be notified, as soon as practicable, by notices posted, in the case of a factory on the notice board in the section or department concerned, and in other cases, at a conspicuous place, indicating as to when the work will be resumed and whether such workers are to leave or remain at their place of work.

(4) In the case of detention of workers following such stoppage-

- (a) the workers so detained may not be paid for the period of such detention if it does not exceed one hour;
- (b) the workers so detained shall be paid wages for the whole period of such detention if it exceeds one hour.

(5) If the period of stoppage of work does not exceed one working day, a worker, unless entitled to wages under clause (b) of sub-section (4) for detention beyond one hour, may not be paid any wages but if the

period of stoppage of work continues for more than a working day, a worker affected (other than a casual or badli worker) shall be paid wages for the day or days by which it will exceed one working day, and if the stoppage of work extends beyond three working days the workers may be laid-off in accordance with the provisions of section 9 and such lay-off shall be effective from the day of stoppage of work and any wage paid to a worker for the first three days may be adjusted against the compensation payable for such subsequent lay-off:

Provided that for that for the piece-rated workers affected, their average daily earnings in the previous month shall be taken to be the daily wage for the purposes of the foregoing sub-sections.

(6) The employer may, in the event of a strike by any section or department of shop or commercial or industrial establishment, close down either, wholly or partly such section or department or any other section or department affected by such closing down and the workers affected may not be paid any wages for such closure:

Provided that the fact of such closure shall be notified by the employer, as soon as practicable, by notice posted, in the case of a factory, on the notice board in the section or department concerned and in the time-keeper's office, if any, and in any other case, in a conspicuous place and the fact of resumption of work, following such closure shall likewise be notified.

7. Calculation of 'one year' or 'six months' of continuous service- For the purpose of this Act, a worker who, during the preceding twelve calendar months, has actually worked in a shop or commercial or industrial establishment for not less than two hundred and forty days and one hundred and forty days, as the case may be, shall be deemed to have completed 'one year' or six months' respectively, of continuous service in the shop or the commercial or industrial establishment.

Explanation.- In computing the number of days on which a worker actually worked in a shop or commercial or industrial establishment the days on which-

(a) he has been laid-off under an agreement or as permitted under this Act or under any other law applicable to the shop or

the commercial or industrial establishment the total number of days during which he has been so laid-off;

(b) he has been on leave with or without wages due to sickness or accident;

(c) in the case of a female, she has been on maternity leave not exceeding twelve weeks;

8. Restrictions of application of sections 6, 9, 10 and 11.- Notwithstanding anything contained elsewhere in this Act-

(a) the provisions of sections 6, 9, 10 and 11 shall not apply to any shop, commercial or industrial establishment in which five or more workers are not employed, or were not employed on any day of the preceding twelve months;

(b) the provisions of sections 9 to 11, both inclusive, shall not apply to a shop, commercial or industrial establishment which is of seasonal character or in which work is performed only intermittently, irrespective of the number of workers employed therein;

Provided that if a question arises whether a shop or commercial or industrial establishment is of seasonal character or whether work is, performed therein intermittently, the decision of the Government' shall be final:

Provided further that it will not be necessary for an employer to follow the provisions of sections 9 of 11, in respect of any lay-off due to stoppage of work extending beyond three days as provided in sub-section (5) of section 6, in a shop, commercial or industrial establishment to which clause (b) of this section applies.

9. Right of laid-off workers for compensation.- (1) Whenever a worker (other than a badli or casual worker), whose name is borne on the muster rolls of a shop or commercial or industrial establishment and who has completed not less than one year of continuous service under the employer is laid-off, he shall be paid by the employer, for all days during which he is so laid-off, except for such weekly holidays as may intervene, compensation which shall be equal to half of the total of the basic wages and; dearness allowance, and the full amount of housing allowance, if any, that would have been payable to him had he not been so laid-off:

Provided that a badli worker whose name is borne on the muster-rolls of the shop or commercial or industrial establishment shall cease to be regarded as such for the purpose of this section, if he has completed one year of continuous service in the shop or the commercial or industrial establishment:

Provided further that no worker shall, unless there is an agreement to the contrary between him and the employer, be entitled to the payment of compensation in the aforesaid manner for more than forty-five days during any calendar year:

(2) Notwithstanding any thing contained in the proviso to subsection (1), if during a calendar year a worker is laid-off for more than forty-five days, whether continuously or intermittently, and the lay-off after the expiry of the first forty-five days comprises period or periods of fifteen days or more, the worker shall, unless there is an agreement to the contrary between him and the employer, be paid for all the days comprised in every subsequent period of lay-off for fifteen days or more, compensation which shall be equal to one-fourth of the total of the basic wages and dearness allowance, and the full amount of housing allowance if any, that would have been payable to his had he not been so laid-off.

(3) In any case where, during a calendar year, a worker is to be laid-off after the first forty-five days as aforesaid, for any continuous period of fifteen days or more, the employer may, instead of laying-off such a worker, retrench him under section 12.

10. Muster-roll for laid-off workers.- Notwithstanding that the workers or any section thereof employed in a shop or commercial or industrial establishment have been laid-off, it shall be the duty of every employer to maintain on muster-roll, and to provide for the making of entries therein by or for the laid-off workers who may present themselves for work at the shop or the commercial or industrial establishment at the appointed time during normal working hours.

11. Workers not entitled to compensation in certain cases.- Notwithstanding anything contained elsewhere in this Act, no compensation shall be payable to a worker who has been laid-off -

- (a) if he refuses to accept, on the same wages, any alternative employment not requiring any special skill or previous experience, in the same shop or the commercial or industrial establishment from which he has been laid off, or in any other shop or commercial or industrial establishment belonging to the same employer and situated in the same town or village or situated within a radius of five miles from the shop or the commercial or industrial establishment;
- (b) if he does not present himself for work at the shop or the commercial or industrial establishment at the appointed time during normal working hours at least once a day if so required by the employer; or
- (c) if such lay-off is due to a strike in another part of the shop or the commercial or industrial establishment.

Explanation.- For the purpose of clause (b), every laid-off worker who presents himself for work at the shop or the commercial or industrial establishment, as the case may be, at the time appointed for the purpose during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this section, and if the worker instead of being given employment at the commencement of any shift for any day, is asked to present himself for the purpose during the second half of the shift for the day, and if he so presents himself, he shall be deemed to have been laid-off only for one-half day, the other half being treated as on duty, irrespective of the fact whether he is given work or not.

12. Conditions of retrenchment.- No worker employed in any shop or commercial or industrial establishment, who has been in continuous service for not less than one year under an employer shall be retrenched by the employer unless-

- (a) the worker has been given one month's notice in writing, indicating the reasons for retrenchment or the worker has been paid in lieu of such notice, wages for the period of notice;
- (b) a copy of the notice in respect of the retrenchment is sent to the Chief Inspector or any other officer authorised by him; and
- (c) the worker has been paid, at the time of retrenchment, compensation which shall be equivalent to thirty days' wages for

every completed year of service or for any part thereof in excess of six months, or gratuity, if any, whichever is higher:

Provided that in case of retrenchment of a worker under subsection (3) of section 9, no notice as mentioned in clause (a) will be necessary but the worker shall be paid fifteen days' wages in addition to the compensation or gratuity, as the case may be, which may be payable to him under clause (c).

Explanation.- For the purpose of calculation of compensation under this section, wage shall mean the average of the basic wages plus dearness allowance, if any, paid to the worker during the period of twelve month immediately preceding the date of retrenchment.

13. Procedure for retrenchment.- where any worker is to be retrenched and he belongs to a particular category of workers, the employer shall, in the absence of any agreement between him and the worker in this behalf, ordinarily retrench the worker who was the last person to be employed in the category, unless for reasons to be recorded, in writing the employer retrenches any other worker.

14. Re-employment of retrenched workers.-- Where any number of workers are retrenched, and the employer proposes to take into his employ any person within a period of one year from the date of such retrenchment, he shall give an opportunity to the retrenched workers belonging to the particular category concerned by sending a notice to their last known addresses, to offer themselves for re-employment, and the retrenched workers who so offer themselves for re-employment shall have preference over other persons, each having priority according to the length of his service under the employer.

15. Fine.- A worker may be fined in accordance with the provisions of the Payment of Wages Act, 1936 (IV of 1936).

16. Discharge from service.- A worker may be discharged from service for reasons of physical or mental incapacity or continued ill-health or such other reasons not amounting to misconduct:

Provided that a worker having completed not less than one year of continuous service, so discharged, shall be paid by the employer

compensation at the rate of thirty days' wages for every completed year of service or for any part thereof in excess of six months, or gratuity, if any whichever is higher.

Explanation.- For the purpose of calculation of wages under this sub-section, wages shall mean the average of the basic wages and dearness allowance, if any, paid to the worker during the period of twelve months immediately preceding the date of discharge.

17. Dismissal from service- (1) Notwithstanding anything regarding lay-off, retrenchment, discharge and termination of service as provided elsewhere in this Act, a worker may--

- (a) be dismissed without prior notice or pay in lieu thereof or any compensation if he is convicted for an offence; or
- (b) be dismissed without prior notice or pay in lieu thereof if he is found guilty of misconduct under section 18:

Provided that the worker who is so dismissed shall, if his continuous service is not less than one year, be paid by the employer at the rate of fourteen days wages for every completed year of service, or for any part thereof in excess of six months or gratuity, if any, whichever is higher:

Explanation.- For the purpose of calculation of compensation under this sub-section "wages" shall mean the average of basic wages and dearness allowance, if any, paid to the worker during the period of twelve months immediately preceding the date of his dismissal.

(2) Any worker found guilty of misconduct but not dismissed under provisions of sub-section (1) in consideration of any extenuating circumstances, may be discharged, or suspended, as a measure of punishment, without wages as well as subsistence allowance, for a period not exceeding seven days and such period may be within or in addition to the period of suspension of the worker for enquiry under sub-section (2) section 18, if any or he may be otherwise punished less severely.

- (3) The following acts and omissions shall be treated as misconduct--
- (a) willful insubordination or disobedience, whether alone or in combination with others' to any lawful or reasonable order of a superior;

- (b) theft, fraud or dishonesty in connection with the employer's business or property;
- (c) taking or giving bribes or any illegal gratification in connection with his or any other worker's employment under the employer;
- (d) habitual absence without leave or absence without leave for more than ten days,
- (e) habitual late attendance;
- (f) habitual breach of any law or rule or regulation applicable to the shop or commercial or industrial establishment;
- (g) riotous or disorderly behaviour in the shop or commercial or industrial establishment, or any act subversive of discipline;
- (h) habitual negligence or neglect of work;
- (i) frequent repetition of any act or omission for which a fine may be imposed;
- (j) resorting to illegal strike or 'go-slow' or inciting others to resort to illegal strike or 'go-slow'
- (k) falsifying, tampering with, damaging or causing loss of employer's official records.

18. Procedure for punishment.- (1) No order for discharge or dismissal of a worker shall be made unless--

- (a) the allegations against him are recorded in writing;
- (b) he is given a copy thereof and not less than three days' time to explain;
- (c) he is given personal hearing if such a prayer is made; and
- (d) the employer or the manager approves of such order.

(2) A worker charged for misconduct may be suspended pending enquiry into the charges against him and, unless the matter is pending before any Court, the period of such suspension shall not exceed sixty days:

Provided that during the period of such suspension, a worker shall be paid by his employer a subsistence allowance equivalent to half of his average including dearness allowance, if any.

(3) An order of suspension shall be in writing and may take effect immediately on delivery to the worker.

- (4) (a) If, on enquiry a worker is found guilty of any of the charges alleged and is punished under sub-section (1) of section 17, he shall not be entitled to his wages for any period of suspension for enquiry but shall be entitled to the subsistence allowance under the proviso to sub-section (2).
- (b) If the worker is found not guilty, he shall be deemed to have been on duty for the period of suspension for enquiry, if any, and shall be entitled to his wages for such period of suspension and the subsistence allowance shall be adjusted accordingly.
- (c) in cases of punishment, a copy of the order inflicting such punishment shall be supplied to the worker concerned.

(5) If a worker refuses to accept any notice, letter, charge-sheet, order or any other document addressed to him by the employer, it shall be deemed that such notice, letter, charge-sheet, order or the document has been delivered to him if copy of the same has been exhibited on the notice board and another copy has been sent to the address of the worker as available from the records of the employer, by registered post.

(6) In awarding punishment under this Act the employer shall take into account the gravity of the misconduct, the previous record, if any, of the worker and any other extenuating or aggravating circumstances that may exist.

(7) Notwithstanding anything contained in the foregoing sub-sections or elsewhere in this Act, an employer, in cases of go -slow' or illegal strike, may discharge or dismiss one or more workers or inflict such other punishment on him or them, individually or collectively by notice posted on the notice board, after obtaining permission from the Labour Court.

19. Termination of employment.- (1) For terminating the employment of a permanent worker by employer, otherwise than in the manner provided elsewhere in this Act, one hundred and twenty days' notice in the case of monthly rate workers and Sixty days' notice in the case of other workers, in writing, shall be given by the employer;

Provided that wages for one hundred and twenty days in the case of monthly rated workers and Sixty days in the case of other workers, in writing, shall be given by the employer;

Provided further that the worker whose employment is so terminated, shall be paid by the employer compensation at the rate of Thirty days wages for every completed year of service for any part thereof in excess of six months, in addition to any other benefit to which he may be entitled under this Act or any other law for the time being in force.

Explanation- For the purpose of calculation of wages under this sub-section, wages shall mean the average of the basic wages and dearness allowance, if any, paid to the worker during the period of twelve months immediately preceding the date of termination.

(2) If a permanent worker desires to terminate his employment, one month's notice in the case of monthly rated workers, and fourteen days' notice in the case of other workers in writing, shall be given by him to his employer;

Provided that worker who terminates his employment under this subsection shall not be entitled to the payment of any compensation mentioned in sub-section (1) but he shall be entitled to other benefits, if any, under this Act or under any other law for the time being in force.

(3) For terminating the employment of a temporary worker by the employer, otherwise than in the manner provided elsewhere in this Act, and if it is not due to the completion, cessation, abolition or discontinuance of the temporary work which he was appointed to perform, one month's notice in the case of monthly rated workers and fourteen days' notice in other cases, in writing, shall be given by the employer ;

Provided that wages for one month or fourteen days as the case may be, may be paid in lieu of such notice.

20. Provident Fund.- No worker, who is a member of any provident Fund, shall be deprived due to retrenchment, dismissal, discharge or termination of service of the benefit of that Provident Fund

including the termination of service of the benefit of that Provident Fund including the employers' contribution thereto, if he is entitled to it under the rules of that Fund.

21. Certificate of service.- Every worker (other than a casual or badli worker) shall be entitled to a certificate of service at the time of his retrenchment discharge, dismissal, retirement or termination of service.

22. Protection of existing conditions of employment.- Nothing in this Act shall affect any law, custom, usage or any award, agreement or settlement, in force immediately before the commencement of this Act, if such law, custom, usage, award, agreement or settlement ensures conditions of employment more favourable to the workers than those provided in this Act.

23. Power to exempt.- The Government may by notification in the official Gazette, exempt, on such conditions as may be imposed any shop or commercial or industrial establishment or any class thereof from the operation of all or any of the provisions of this Act.

24. Eviction from residential accommodation.- (1) A worker occupying a residential accommodation provided by his employer, who has been retrenched, discharged, dismissed or whose services have been terminated, shall vacate such residential accommodation within a period of fifteen days from the date of his retrenchment, discharge, dismissal or termination of service, as the case may be, unless a case in respect of such retrenchment, discharge, dismissal or termination of service, as may be, unless a case in respect of such retrenchment, discharge, dismissal or termination of service is pending before and Court.

(2) On default of a worker in vacating the residential accommodation under sub-section (1) the employer may lodge a complaint to a magistrate, first class, having jurisdiction.

(3) The Magistrate, on hearing the parties, may notwithstanding anything contained in any other law for the time being in force, summarily decide the case and may pass an order of eviction giving the worker reasonable time to quit.

(4) The Magistrate may also pass an order directing a police-officer to evict such a worker, if necessary, by force, in case he fails to quit residential accommodation within the time allowed under sub-section (3).

(5) The police-officer, while acting under an order of the Magistrate under sub-section (4), shall notify the occupants of the premises in question, the contents of the Magistrate's order and his intention to enter into such premises and shall allow at least two hours' time to the occupants to vacate the premises and shall give all reasonable facilities to the children and female occupants, if any, before applying any force for taking over the possession of such premises.

25. Grievance procedure.- (1) Any individual worker including a person who has been dismissed, discharged, retrenched, laid-off or otherwise removed from employment who has a grievance in respect of any matter covered under this Act and intends to seek redress thereof under this section, shall observe the following procedure:

- (a) the worker concerned shall submit his grievance to his employer, in writing, by registered post within fifteen days of the occurrence of the cause of such grievance and the employer shall, within fifteen days of receipt of such grievance, enquire into the matter, give the worker concerned an opportunity of being heard and communicate his decision, in writing to the said worker.
- (b) if the employer fails to give a decision under clause (a) or if the worker is dissatisfied with such decision, he may make a complaint to the Labour Court having jurisdiction, within thirty days from the last date under clause (a) or within thirty days from the date of the decision, as the case may be, unless the grievance has already been raised or has otherwise been taken cognizance of as labour dispute under the provisions of the Industrial Relations Ordinance, 1969 (Ord. XIII of 1969):

Provided that no complaint shall lie against an order of termination of employment of a worker under section 19, unless the services of the worker concerned is alleged to have been terminated for his trade union activities or unless the worker concerned has been deprived of the benefits specified in that section; and

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- (c) on receipt of any complaint under clause (b), the Court, after notice and given the parties hearing, may decide the matter;
- (d) in deciding the matter, the Court may pass such orders including orders regarding cost, as it may deem just and proper and it may, in appropriate cases, require, by such order, the reinstatement of the complainant thereof and such order shall be final:

Provided that any complaint under this section shall not amount to prosecution under section 27 of this Act;

- (e) no court fee shall be payable for filing or exhibiting of any complaint or document of any kind in the Court.

26. Penalty for non-compliance of Court's order under section

25.- (1) Whoever refuses or fails to comply with an order passed by the Court under section 25, may be punished with simple imprisonment for a term not exceeding three months or with fine not exceeding Taka one thousand or with both.

(2) No court shall take cognizance of an offence under sub-section (1) except on complaint made by the aggrieved person.

27. Penalties and procedure.- (1) An employer who contravenes any provision of this Act, as application to his shop or commercial or industrial establishment, shall, for the first offence, be punishable with fine not exceeding Taka five hundred and in the case of a continuing offence, with a further fine which may extend to Taka fifty for every day after the first during which the offence continues and for each of the subsequent offence with a fine which may extend to Taka five hundred or with simple imprisonment not exceeding one month or with both and in the case of a continuing offence arising out of such subsequent offence with a further fine which may extend to Taka fifty for every day after the first during which such offence continues.

(2) Whoever contravenes any of the provision of this Act shall, if not other penalty is elsewhere provided by or under this Act for such contravention, be punishable for the first offence, with a fine which may extend to two hundred Taka and for each of the subsequent offence with a fine which may extend to Taka two hundred or with simple imprisonment not exceeding one month or with both.

(3) No prosecution for an offence punishable under this section, shall be instituted except by, or under the authority or, or with the previous permission, in writing, of the Chief Inspector or his authorised officers.

(4) No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this section as well as under section 26.

28. Display of notice of abstracts of the Act.- An abstract of the provisions of this Act and rules made thereunder as well as the rules of service regulating employment as mentioned in the proviso to section 3, if any, shall be prominently posted and kept in a legible condition by the employer in Bengali, and 1 English on special boards to be maintained for the purposes, in conspicuous places of the shop or commercial or industrial establishment.

Provided that this section shall not apply to any shop or commercial or industrial establishment where the total number of workers employed in less than seven.

29. Liability of employer.- The employer of every shop or commercial or industrial establishment shall personally be held responsible for proper and faithful observance of the provisions of this Act.

30. Chief Inspector and Inspectors.- (1) The Chief Inspector of Factories and Establishments shall be the Chief Inspector, who shall, in addition to the powers conferred on the Chief Inspector under this Act, have the powers of an Inspector throughout Bangladesh and shall also have powers of supervision and control over the Inspectors:

Provided that the Chief Inspector may authorise any other officer or officers under him to exercise all or any of his powers for such person as may be specified by him.

(2) The Government may, by notification in the official Gazette, appoint such persons or class of persons as it thinks fit to be Inspectors for the purposes of this Act, within the local limit as may be assigned to each.

(3) An Inspector may, at all reasonable hours, enter any premises and make such examination of any record, register or other document relevant to the enforcement of the provisions of this Act and take, on the spot or otherwise, such evidence of any person and may require the owner or the occupant of such premises to render all reasonable assistance which may be necessary for carrying out the purposes of this Act.

(4) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Penal Code, 1860.

31. Power to make rules.- (1) The Government may, subject to the conditions of previous publication in the official Gazette, make rules for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for all or any matter which is to be or may be prescribed under this Act.

(3) Rules made under this section may provide that a contravention thereof shall, be punishable with fine not exceeding Taka one hundred.

32. Repealed and savings.- (1) The Industrial and Commercial Employment (Standing Orders) Ordinance, 1960, is hereby repealed.

(2) Notwithstanding the repeal, anything done, action taken, rules framed or notification or order issued under the said Ordinance, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have done, taken, made or issued under the corresponding provisions of this Act.

(3) Any reference to the Industrial and Commercial Employment (Standing Orders) Ordinance, 1960, in any other law for the time being in force shall be construed to have a reference to this Act.

THE EMPLOYMENT OF LABOUR (STANDING ORDERS) RULES, 1968

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THE EMPLOYMENT OF LABOUR (STANDING ORDERS) RULES, 1968

[22nd May, 1968]

[No. 522-LW/IR-168-22nd May, 1968--In exercise of the powers conferred by sub-section (1) of section 31 of the Employment of Labour (Standing Orders) Act, 1965 (Act No. VIII of 1965), the Governor is pleased to make the following Rules the same having been previously published, as required under the said sub-section, in the Dacca Gazette, Extraordinary, dated 28th September, 1967].

1. Short Title- These Rules may be called the Bangladesh Employment of Labour (Standing Order) Rules, 1968.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context-

- (a) "**Act**" means the Bangladesh Employment of Labour (Standing Orders) Act, 1965
- (b) "**Form**" means a form appended to these Rules.
- (c) "**Section**" means a section of the Act.
- (d) "**Inspector**" means an Inspector appointed under sub-section (2) of section 30 of the Act
- (e) "**Establishment**" means a shop, a commercial or industrial establishment as defined in the Act.
- (f) The words and expressions used in the Act but not defined in these Rules shall have the same meaning as assigned to them in the Act.

3. Leave Register.- The leave register under section 5 of the Act shall be maintained in Form "A"

4. Notice of stoppage of work beyond working hours.- Notice of stoppage of work beyond working hours under sub-section (2) of section 6 of the Act shall be in Form "B".

5. Notice of Stoppage of work during working hours.- Notice of Stoppage of work during working hours under sub-section (3) of section 6 of the Act, shall be in Form "C"

6. Notice of closure due to strike.- Notice of closure under sub-section (6) of section 6 of the Act due to strike shall be in *Form "D"*

7. Notice of resumption of work after strike.- Notice of resumption of work after strike under sub-section (6) of section 6 of the Act shall be in *Form "E"*

8. Muster-roll of laid-off workers.- Muster-roll for laid-off workers under section 10 of the Act shall be maintained in *Form "F"*.

9. Notice of retrenchment.- Notice of retrenchment from service under section 12 of the Act shall be in *Form "G"*

10. Certificate of service.- Certificate of service under section 21 of the Act shall be in *Form "H"*

11. Complaint to the Labour Court.- A complaint to the Labour Court under clause (b) of section 25 of the Act shall be made in *Form "I"* The Labour Court may, however, in its discretion, entertain any complaint written on a plain paper provided other formalities have been complied with.

12. Sanction.- Sanction for prosecution under sub-section (3) of section 27 of the Act shall be in *Form "J"*.

13. Submission of draft service Rules.- (1) In the draft service rules to be submitted by an employer to the Inspector under sub-section (2) of section 3 of the Act, the particulars of the workers employed in any establishment shall be in duplicate and shall be in *Form "K"*

(2) The employer of any establishment desiring to have his own rules regulating employment of workers or any class thereof, as mentioned in the proviso to sub-section (1) of section 3 of the Act shall submit to the Inspector so empowered under clause (d) of Rule 2 of these Rules at least five copies of the draft service rules, as proposed by him for adoption in his establishment.

(3) Provisions shall be made in the draft service rules for every matter set out in the Act, excepting the provisions regarding eviction

from residential accommodation under section 24 of the Act and grievance procedure under section 25 of the Act which shall be applicable to the workers of the establishment and these provisions shall not be less favourable to any worker than the corresponding provisions of the Act.

(4) The draft service rules submitted to the Inspector shall be accompanied by a statement giving the number of the workers employed in the establishment in Form "L" including the particulars of the trade unions, if any, operating in the establishment.

(5) A group of employers in similar establishment desirous of submitting joint draft service rules may, through a person authorised in this behalf by the group, submit such draft service rules along with the following namely:-

- (i) a list of employers constituting the group with the name and address in full of each of the establishments, and
- (ii) a declaration that the establishments constituting the group will abide by the conditions laid down in the service rules submitted for the group.

(6) As soon as any establishment joins any group, the persons so authorised shall notify the fact to the Inspector within 7 (seven) days from the date on which the establishment joins the group.

(7) An establishment leaving the group shall continue to be governed by the service rules already approved until such time as it submits a separate draft service rules of its own and the same has been duly approved. Any establishment joining the group shall be governed by the service rules approved for the group by signing a declaration that it shall be so governed, and a copy thereof shall be sent to the Inspector.

14. Procedure for approval of service rules.-- (1) Within thirty days of receipt of the draft service rules, the Inspector shall forward a copy thereof by registered post with acknowledgment due together with a notice in Form "M" to the employer requiring him to publish, within seven days of receipt of the same, the notice along with the draft service rules in his notice board and to certify that the publication has been duly made, mentioning the actual date of publication.

Copies of the draft service rules shall also be forwarded by the Inspector to the registered and recognised trade unions of the establishment requiring them to submit within thirty days of receipt of the draft rules of such unions, their objections or suggestions, if any, in respect of the draft service rules.

(2) Workers or the trade unions may submit the suggestions or objections, if any, in Form "N"

(3) On receipt of objections or suggestions from the workers or trade unions concerned, the Inspector shall proceed to hear the objections or suggestions on the date, time and place already notified to workers and the trade unions, the employer shall be furnished with copies of objections or suggestions submitted by the workers or the trade unions immediately on receipt of the same by the Inspector.

The Inspector shall take into consideration the objections and suggestions and decide whether the draft service rules shall be adopted with or without modifications. While making his decision, he shall ensure that the provisions of the draft service rules, with or without amendments, are not less favourable than the corresponding provisions of the Act. He shall, then make an order approving the draft service rules.

(4) The Inspector may withhold his approval to the draft rules, if he considers that the same, with or without amendments, are contrary to the provisions of the Act or are otherwise inadequate or unacceptable. While withholding approval, the Inspector may also direct the employer to submit a fresh draft of the service rules incorporating such suggestions of the workers or trade unions as are considered proper.

(5) The employer shall re-submit the draft service rules referred to in sub-rule (4) within fifteen days, and the Inspector shall finalise the same after giving joint hearing to the parties concerned. The provisions of sub-rule (6) and (7) shall follow thereafter.

(6) The employer shall, within seven days of the approval of the draft service rules by the Inspector, submit to the Inspector at least 5

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fair copies of the service rules written on one side of the paper only duly signed and sealed by the employer with date.

(7) The service rules shall not come into force until after expiry of thirty days from the date on which the Inspector puts his seal and signature under sub-rule (6) or if any appeal has been preferred against the order of the Inspector under sub-section (3) of section 3 of the Act, until the disposal of the appeal.

(8) Certified copies of the service rules may be supplied to any person applying for them on payment of a fee of Taka one for the first 200 words or less and Paisa Fifty for every additional hundred words or less.

(9) One copy of the attested service rules shall be maintained in the office of the Inspector, one copy shall be sent to the office of the Chief Inspector, one copy shall be maintained by the employer and one copy each by the registered and or recognised trade unions.

(10) A registered shall be maintained in the office of the Chief Inspector in Form "O" and a copy thereof may be supplied to any person applying therefor on payment of Taka one for first 200 words or less, and Paisa fifty for every additional 100 words or fraction thereof.

15. Existing Service Rules.- Establishments which have already got their own service rules, in operation, before the enforcement of these rules, shall submit the same to the Inspector for approval and he shall follow the same procedures as laid down in rule 14 while according approval to those service rules.

16. Contravention of Rules.-- Contravention of any of these rules shall be punishable with fine which shall not exceed Taka one hundred.

17. Display of Abstract of Act and Rules.- Display of the abstract of the Act and Service Rules, as required under section 28 of the Act, shall be in Form "P"

**APPENDIX I
FORM 'A'
(Rule 3)**

Name of the Establishment.....
 Name of the Worker.....
 Section/ Department.....
 Date of appointment.....

Nature of leave asked for.		If refused or postponed, cause of refusal or postponement.	Leave due after adjustment
Annual	Casual	Sick	No of days granted

Signature of Employer or Manager

**APPENDIX II
FORM "B"
(Rules 4)**

Notice of stoppage of work beyond working hours

Notice is hereby given that the work of.....
 Section/ Department of the mills has/ have been stopped from
A.M./P.M. of (date) toA.M./P.M. of (date) due
 to.....The work is likely to be resumed at.....
 on.....and the workers are to remain at their place of work before
 the actual resumption of work.

Signature of Employer or Manger
 Date.....

APPENDIX III
FORM "C"
(Rule 5)

Name of Establishment.....

Notice of stoppage of work during working hours

Notice is hereby given that the work in.....section/
Department of the mills has/ have been stopped from.....
a.m./p.m. on.....due to.....The work is likely to be
resumed atonand workers are to leave/or remain
to their place or work or to report for duty at.....on

Signature of Employer or Manager
Date.....

APPENDIX IV
FORM "D"
(Rule 6)

Name of Establishment.....

Notice of closure due to strike

Notice is hereby given that the due to strike inSection
/DepartmentSection /Department will remain closed
from.....a.m./p.m. of(date) until further notice.

Signature of Employer or Manager
Date.....

APPENDIX V
FORM "E"
(Rule 7)

Name of Establishment.....

Notice of resumption of work after strike

Notice is hereby given that the..... section/Department of the
Millswhich was closed down from.....due to strike will
reopen onatThe work are informed to resume their work
accordingly

Signature of Employer or Manager
Date

FORM "F"
(Rule 8)

Muster-Roll for laid-off worker

Name of establishment (s)Section/Department

Sl No.	Name of the worker	Ticket No.	Date of appointment	Date on which the worker laid off	Cause of lay-off.	Total period of lay-off.	Amount paid as compensation (in Taka)	Housing allowance (in Taka)	Dearness allowance (in Taka)	Total amount paid (in Taka col. 8 to 10)	Date or dates on which the worker presented for work.
1	2	3	4	5	6	7	8	9	10	11	12

APPENDIX VII
FORM "G"
(Rule 9)

Name of the Establishment.....
Name of worker..... Ticket no..... class of worker..... date of
notice and the date from which retrenched cause of
retrenchment..... period of service rendered..... wages for
the period of notice period for which wages are to paid/total
amount paid as compensation gratuity Tk.

Copy to Chief Inspector/ Authorised Officer for information.

Signature of Employer or Manager
Date.....

APPENDIX VIII
FORM "H"
(Rule 10)
Certificate of Service

Name of the Establishment Name of
worker..... Ticket no. Section/
Department..... worked in the Establishment as a
..... from to He was
retrenched/ discharged/ retired from service with effect from
(Particulars of worker as per records of Establishment
.....)

- (1) Address in full -
- (2) Date of birth-
- (3) Religion-
- (4) Identification mark-
- (5) Rate of wages
- (6) Last wages drawn-

Signature of Employer or Manager
Date

APPENDIX IX
FORM "I"

(Rule 11)

Form of Complaint to the Labour Court

In the Labour Court at.....

1. Name, address and full description of the aggrieved worker;
2. Name, address and full description of the employer complained against;
3. Here describe the grievances clearly and serially:
 - (a)
 - (b)
 - (c)
 - (d)
4. Date of occurrence of the cause of grievance.....
5. Date on which the grievance was brought to the notice of the employer for redress:
6. State whether the employer has communicated his decision in the matter; if so, enclose a copy of such decision, or give the substance of the same:
7. Mention the date of decision, if any, of the employer:
8. State whether the grievance has already been raised or has otherwise been taken cognizance of as [Industrial dispute] under the provisions of the Industrial Relations Ordinance, 1969:
9. Enclosure, if any.....
10. Here describe the relief prayed for item by item.
 - (a)
 - (b)
 - (c)
 - (d)

Signature of the applicant aggrieved worker

Date.....

Copy to

- (1) Director of Labour, Bangladesh, and
- (2) Deputy Director of Labour, for information.

APPENDIX X
FORM "J"
(Rule 12)

Sanction for prosecution

Sanction is hereby accorded under section 27(3) of the Employment of Labour (Standing Orders) Act, 1965 for prosecution.....for violation of the following provisions of the Act/ Rules for which a complaint was lodged with the undersigned onby

- (1)
- (2)
- (3)

Chief Inspector or his Authorised Officer
Date

APPENDIX XI
FORM "K"
[Rule 13 (1)]

Matters which shall be provided for in the Service Rules	Reference to paragraph or clause of the Service Rules where provided
(1) Classification for workers, e.g. apprentices, badli, casual, parliament, probationer or temporary	
(2) Manner of intimating to the worker's hours of work and number of leave and holidays.	
(3) Conditions and procedures in applying for leave and the authority which may grant such leave and holidays.	
(4) Closing and re-opening of section of the establishment and temporary stoppage of work, and the rights and liabilities of the employers and workers arising therefrom.	
(5) Condition for compensation for the laid-off workers.	
(6) Conditions and procedures for retrenchment of worker, re-employment of such retrenched workers and the notice thereof to be given by the employers.	
(7) Conditions for fine.	
(8) Conditions for discharge, dismissals suspensions and the acts and omissions, which constitute misconduct, and the procedure in respect thereof.	
(9) Conditions for termination of employment and the notice thereof to be given by the employers and the workers.	
(10) Provident Fund.	
(11) Housing.	
(12) Medical facilities.	
(13) Insurance.	
(14) Any other matters not covered by the above.	

APPENDIX XII
FORM "L"
[Rule 13 (4)]

Name of Establishment.....

Workers		Trade Unions	
Classification of workers	No. of workers category wise	Name of Trade Union with address	Whether registered or recognised.
(1) Apprentice			
(2) Badli etc.			
(3)			
(4)			
(5)			
Total.....			

APPENDIX XIII
FORM "M"
[Rule 14 (1)]

All trade unions/ workers are hereby notified that the employer of.....has submitted to the undersigned a draft service rules (copy enclosed to regulate employment of its workers or any class thereof under section 3 (2) of the Employment of Labour (Standing Orders) Act, 1965 and that they may, within 30 days of the publication this notice by the employer, submit to the undersigned suggestions or objections if any, in Form "N" (copy enclosed in triplicate) in respect of draft service rules. Objections submitted will be heard at my office ata.m./ p.m., on Any one raising objection may appear in person or through an authorised agent on that date.

*Inspector under the
Employment of Labour (Standing Orders) Act, 1965*

APPENDIX- XIV
FORM "N"
[Rule 14 (2)]

Objections or suggestions in respect of draft Service Rules submitted by
.....Establishment

Objections or Suggestions with grounds:

- (1)
- (2)
- (3)

Workers

Signature/Signatures of the Workers
Trade Union representatives
Address.....
.....

Forwarded to:

The Employerfor comments on the objections noted above
to each me on or before.....

Inspector
Address and Date

Comments of employer:

Signature of employer
Date.....

Decision:

*Inspector under the Employment of
Labour (Standing orders) Act, 1965.*

APPENDIX XV
FORM "O"
Register of Service Rules

SL. No.	Date	Name and address of the shop or commercial or industrial establishment	Name of the officer signing the draft and submitting the same on behalf of the employer or group of employers	Date of Submission	Date of notice calling for objection
1	2	3	4	5	6

Objections if any, received			Approval Service Rule				
Name of parties submitting objections	Date of submission	Date of order by the Inspector	Date of receipt of final and fair copies of the Service Rule	Date of approval by the Inspector	Name of the employer or his agent receiving the authenticated Service Rules	Appal, if preferred with result and date thereof	Remark
7	8	9	10	11	12	13	14

The Employer.....for comments on the objections noted above to reach me on or before

APPENDIX XVI
FORM "P"
(Rule 17)

*Abstract of the Employment of Labour (Standing Orders) Act, 1965 and the
Employment of Labour (Standing Orders) Rules 1968.*

1. In every shop or commercial or industrial establishment the workers shall be classified according to section 4 of Act, i.e., apprentice, badlies, casual, permanent, probationer and temporary and there shall be Service Rules defining the conditions of employment of workers.

2. **Leave and holidays-** (a) Workers employed in establishments shall be entitled to leave and holidays with wages as provided in the Shops and Establishments Act, 1965 and the Factories Act, 1965 or any other law for the time in force, as the case may be, and only other holidays which the Government may specially declare.

(b) A worker desiring to obtain leave of absence shall apply to the employer in writing stating his leave address therein, and the employer or his authorised officer shall issue orders on the application within a week of its submission or two days prior to the commencement of leave applied for, whichever is earlier: provided that if, due to emergent reasons the leave is to begin on the date of application or within three days therefor, the orders shall be given on the same day. A leave pass shall be issued if the leave is granted. In case of refusal or postponement of the leave, the reasons thereof shall be recorded in a register to be maintained for the purpose. A worker desiring to extend his leave shall apply sufficiently in advance before the expiry of the leave and he should be informed whether the extension of leave has been granted or not.

(c) A worker remaining absent beyond the period of the leave originally granted or subsequently extended, shall be liable to lose his lien to his appointment unless he returns within ten days of the expiry of the leave, provided that a worker losing his lien to his appointment, shall not be deprived of the benefits and privileges, to which he is entitled and in addition he shall be kept on the *badli* list, if any. A worker failing to explain to the satisfaction of the employer the reason of his failure to return at the expiry of the leave may, on consideration of extenuating

circumstances, be suspended as a measure of punishment, for a period not exceeding even days and shall not be entitled to any wages for this period, but he shall not lose his lien to his post.

(d) If the services of a worker, who is entitled to any annual leave under the Shops and Establishments Act, 1965 and the Factories Act, 1965, are dispensed with as a result of discharge, dismissal, etc. before he has availed of any such leave, the employer shall pay his wages in lieu of the unavailed leave before the expiry of the second working day from the day on which the employment is dispensed with.

3. Stoppages of work.- (a) An employer may, at any time in the even of fire, catastrophe, break-down of machinery, etc., stop any section of his establishment, wholly or partly, for any period.

(b) In the event of such stoppage beyond working hours, the employer shall duly notify it indicating as to when the work will be resumed and whether the affected workers are to remain at their place of work before resumption.

(c) In the event of such stoppage during working hours, the affected workers shall be notified duly with the indication as to when the work will be resumed, and whether the workers are to leave or remain at their place of work. Wages will have to be paid to the workers for detention exceeding one hour.

(d) If the period of stoppage of work does not exceed one working day, a worker, unless as provided above, may not be paid any wages; but wages, shall be payable to him if the stoppage of work continues for more than a working day. Workers may be laid-off in accordance with provision of law if the stoppage of work continues for more than three working days and paid accordingly the wages for the first three days being adjusted against the compensation payable for such lay-off.

(e) The employer may, in the event of strike by any section of an establishment, close down, either wholly or partly, such section, and the affected workers may not be paid any wages for such closure, provided that the fact of such closure, and the resumption of work thereafter is duly notified by the employer.

4. Calculation of "One Year" or "Six Months", continuous service.- For the purpose of this Act, a worker who, during the preceding twelve calendar months has actually worked in any establishment for not less than two hundred and forty days and one hundred and forty days, as the case may be, shall be deemed to have completed 'one year' or 'six months' respectively, of continuous service in that establishment.

5. Restrictions- The provisions of sections regarding stoppage of work, right of laid-off workers, maintenance of muster-rolls and non-eligibility of compensation in certain cases are not applicable to establishments which employ less than five workers, and are of seasonal character.

6. Right of laid-off workers for compensation.- (a) A worker (other than a *badli* or casual worker) having his name in the muster-rolls of any establishment and completing not less than one year of continuous service, when laid-off, shall be paid by the employer for all days during which he is laid-off except for the intervening weekly holidays compensation for half of the total of basic wages and dearness allowance together with full amount of housing allowance, if any, that would have been payable to him had he not been so laid-off.

Provided that a badli worker having a continuous service of one year in any establishment shall cease to be regarded as such for the purpose of this section, and no worker, unless there is an agreement to the contrary between him and his employer, shall be entitled to compensation arising out of "lay off" for more than forty-five days during any calendar year.

(b) If a worker is laid-off for more than forty-five days during a calendar year and if the lay-off comprises period or periods of fifteen days or more after the expiry of the first forty-five days he shall, unless there is an agreement to the contrary, be paid for all the days comprised in every subsequent period of lay-off for fifteen days or more compensation equal to one-fourth of total of basic wages and dearness allowances, and full housing allowance, if any.

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(c) Any worker to be laid-off for any continuous period of fifteen days or more during a calendar year after the first forty-five days, the employer may retrench him instead of laying him off.

7. Muster-roll for laid-off worker.- Every employer shall maintain a muster-roll for the laid off workers who may present themselves for work at the establishment at appointed time.

8. No compensation for laid-off workers in certain cases.- (a) On compensation shall be payable to a laid-off worker if he refuses to accept any alternative employment on the same wage, in the same establishment from which he has been laid-off, or in any establishment belonging to the same employer situated within a radius of five miles;

(b) if he does not present himself for work at the establishment at the appointed time at least once a day if so required by the employer; or

(c) if such lay-off is due to strike in another part of the establishment.

9. Conditions for retrenchment.- No worker having a continuous service for not less than one year in any establishment shall be retrenched unless-

(a) He has been given one month's notice in writing indicating the reason for retrenchment or he has been paid wages for the period in lieu of notice;

(b) a copy of notice in respect thereof sent to the Chief Inspector or his authorised office; and

(c) he has been paid, at the time of retrenchment compensation equivalent to thirty days' wages for every completed year of service or any part thereof in excess of six months, or gratuity, if any, whichever is higher.

10. Procedure for retrenchment.- If any worker, belonging to a particular category is to be retrenched, the employer shall ordinarily retrench the worker who was employed last in that category, unless otherwise necessary.

11. Re-employment of retrenched workers.- An employer intending to take back any of his retrenched worker within one year of the date of retrenchment shall give opportunity to the retrenched

workers of that particular category by sending a notice to offer themselves for re-employment and the retrenched workers offering themselves for re-employment shall have preference over others, each having priority according to the length of his service.

12. Fine.- A workers may be fined in accordance with the provisions or the payment of Wages Act, 1936.

13. Discharge form service. A worker may be discharged form service for reasons of physical or mental incapacity or for such other reasons not amounting to misconduct, provided that a worker having completed not less than one year of continuous service is paid compensation at the rate of Thirty days wages for every completed year of service, or any part thereof in excess of six months or gratuity, if any, whichever is higher.

14. Dismissal from service.- (1) A worker may be dismissed without prior notice or pay in lieu thereof or any compensation,-

- (a) if he is convicted for an offence involving moral turpitude, or
- (b) if he is found guilty of misconduct under section 18 of the Act.

(2) Any worker found guilty of misconduct but not dismissed for any extenuating circumstances, may be discharged or suspended as a measure of punishment, without wages as well as subsistence allowance for a period of not exceeding seven days and such period may be within or in addition to the period of suspension of the worker for enquiry under sub-section (2) of section 18]

15. Procedure of punishment.- No order for discharge or dismissal of a worker shall be made unless the allegations against him are recorded in writing, he is given not less than three days time to explain his conduct and is given a personal hearing, if necessary, and the provisions of section 18 of the Act are to be complied with in awarding punishment to a worker.

16. Termination of employment.- (a) For terminating the employment of a permanent worker one hundred and twenty days' notice in case of monthly rated worker and sixty days' notice in case of other worker shall be given in writing by the employer, or pay in lieu of notice

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thereof, together with compensation at the rate of thirty days wages for every completed year of service or for any part thereof in excess of six months;

(b) Any monthly rated or other worker desiring to terminate his employment shall give his employer one month or fourteen days' notice, as the case may be and in such a case the worker shall not be entitled to any compensation as aforesaid but shall be entitled to other benefits, if any, under the Act or under any other law for the time being in force.

(c) For terminating the employment of a temporary worker if it is not due to the completion, cessation, abolition or discontinuance of the temporary work which he was appointed to perform, the employer shall be given one month's notice in the case of monthly rated workers and fourteen days' notice in other case or shall give one month's or fourteen days' wages, as the case may be, in lieu thereof.

17. Provident Fund.- No worker contributing to provident fund shall be deprived of the benefit of the fund including the employee's contribution thereto for losing his employment except by way of dismissal for misconduct. But in case of dismissal for misconduct, he shall not be deprived of any portion of his own contribution of the Fund.

18. Certificate of service.- Every worker (other than a casual or *badli* worker) shall be entitled to a certificate of service at the time of his retrenchment, discharge, dismissal, retirement or termination of service.

19. Protection of existing conditions of employment.- Nothing in the Act shall affect any law, custom, usage etc., in force before the commencement of the Act, if such law, custom, etc., ensures more favourable conditions of employment to the workers.

20. Power to exempt.-The Government may exempt any such establishment from the operation of all or any provisions of this Act, by notification in the official Gazette.

21. Eviction from residential accommodation.- A worker occupying a residential accommodation provided by this employer and

losing his employment from the employer by way of discharge, dismissal, etc., shall vacate it within 15 days of such discharge, dismissal, etc., unless a case in respect thereof is pending before any Court. The provision of section 24 of the Act shall be complied with before evicting a worker from his residential accommodation.

22. Grievance procedure.- A worker intending to seek redress of his grievances under the Act shall observe the following procedure:-

(a) he shall bring his grievance to the notice of the employer, in writing within fifteen days of occurrence of the grievance, and the employer shall, within fifteen days of its receipt, enquire into the matter and communicate his decision in writing to the worker after giving him an opportunity of being heard;

(b) if the employer fails to give a decision as aforesaid or if the worker is dissatisfied with the decision, he may make a complaint to the Labour Court within thirty days, unless the grievance has been taken cognizance of as an industrial dispute under the Industrial Relations Ordinance, 1965.

Provided that no complaint shall lie against an order of termination of employment of a worker under section 19 unless the worker is an officer of a registered trade union and his employment has been terminated for his trade union activities, or unless the worker, whether an officer of a registered trade union or not, has been deprived of the benefits specified in section 19 (c) the Court may pass such orders including order regarding cost and require by such orders, the reinstatement of the complaint, and such order shall be final; and

(d) no court-fee shall be payable for filing or exhibiting of any complaint or document any kind in the Court.

23. Liability of the employer.- The employer of every establishment shall personally be held responsible for proper and faithful observance of the provisions of the Act.

THE FACTORIES ACT, 1965

Act No. IV of 1965

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THE FACTORIES ACT, 1965

Act No. IV of 1965

September 1, 1965

An Act to repeal and, with certain amendments, re-enact the Factories Act 1934 (XXV of 1934).

Whereas it is expedient to repeal and, with certain amendments, re-enact the Factories Act, 1934 (Act XXV of 1934) for regulating working conditions in factories and for matters connected therewith.

It is hereby enacted as follows:

CHAPTER I PRELIMINARY

1. **Short title, extent and commencement.**-- (1) This Act may be called the Factories Act, 1965.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

2. **Definitions.**--In this Act, unless there is anything repugnant in the subject or context,-

(a) '**adolescent**' means a person who has completed sixteen years but has not completed eighteen years of age;

(b) '**adult**' means a person who has completed eighteen years of age.

(c) '**child**' means a person who has not completed sixteen years of age;

(d) '**day**' means a period of twenty-four hours beginning at midnight;

(e) '**explosive substance**' includes any material for making any explosive substance;

(f) '**factory**' means any premises including the precincts thereof whereon ten 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 or without the aid of power, but does not include a mine subject to the operation of the Mines Act, 1923 (IV 1923).

(g) '**machinery**' includes prime movers, transmission machinery and other appliances, whereby power is generated, transformed, transmitted or applied;

(h) '**manufacturing process**' means any process-

(i) for making, altering, repairing, ornamenting, painting and washing, finishing, or packing, or otherwise treating any articles or substance with a view to its use, sale, transport, delivery, display or disposal, or

(ii) for pumping oil, gas water, sewage or other fluids or slurries, or

(iii) for generating, transforming or transmitting power or gas, or

(iv) for contracting, reconstructing, repairing, refitting, finishing or breaking up of ships or vessels, or

(v) for printing by letter press, lithography, photogravure or other similar work or book-binding which is carried on by way of trade or for purposes for gain or incidental to another business so carried on;

(i) '**occupier**' in relation to 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.

(j) '**prescribed**' means prescribed by rules made by the Government under this Act;

(k) '**prime mover**' means any engine, motor, or other appliance which generates or otherwise provides power;

(l) '**relay**' means, 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;

(m) '**shift**' means, 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 periods;

(n) '**transmission machinery**' means by shaft, wheel, drum pulley, system of pulleys, couplings clutch driving belt or other appliance or device by which the motion of a prime mover is transmitted to or received by any machinery or plant;

(o) 'week' means a period of seven days beginning with the preceding mid-night of the day specified as the weekly holiday;

(p) 'worker' means a person employed directly or through any agency, 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 incidental to or connected with, the manufacturing process, or the subject of the manufacturing process, but does not include any person solely employed in clerical capacity in any room or place where no manufacturing process is carried on;

(q) 'young person' means a person who is either a child or an adolescent;

(r) 'power' means electrical energy and any other form of energy which is mechanically transmitted and is not generated by human or animal agency; and

(s) 'wages' means wages as defined in the Payment of Wages Act, 1936, (VI of 1936).

3. Power to apply the provisions of this Act to certain places.-

(1) The Government may, by notification in the official Gazette, declare that all or any of the provisions of this Act shall apply to any place wherein a manufacturing process is being carried on or is ordinarily carried on whether with or without the use of power whenever five or more workers are working therein or have worked therein on any day of the twelve months immediately preceding.

(2) A notification under sub-section (1) may be made in respect of any one of such place or in respect of any class of such places or generally in respect of all such places.

(3) Notwithstanding anything contained in clause (f) of section 2, a place to which all or any of the provisions of this Act are, for the time being, applicable in pursuance of a declaration under sub-section (1), shall, to the extent to which such provisions are so made applicable but not otherwise, be deemed to be a factory.

4. Power to declare departments to be separate factories.-

The 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.

5. Power to exempt.-- The Government may, by notification in the official Gazette, exempt any factory or any class or description of factories from all or any of the provisions of this Act for such period as it may think fit in the public interest:

Provided that no such exemption shall be made for a period exceeding six months at a time.

6. Notice to Inspector before commencement of work.- (1) The occupier shall, at least fifteen days before he begins to occupy or use any premises as a factory send to the Chief Inspector a written notice containing--

- (a) name and situation of the factory;
- (b) name and address of the occupier;
- (c) address to which communications relating to the factory may be sent;
- (d) nature of the manufacturing process-
 - (i) carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act,
 - (ii) to be carried on in the factory during the next twelve months in the case of all factories;
- (e) nature and quantity of power to be used;
- (f) name of the Manager of the factory for the purposes of this Act;
- (g) number of workers likely to be employed in the factory;
- (h) average number of workers per day employed during the last twelve months in the case of a factory in existence on the date of the commencement of this Act; and
- (i) such other particulars as may be prescribed.

(2) In respect of all factories which come within the scope of this Act for the first time, the occupier shall send a written notice to the Chief Inspector containing particulars specified in sub-section (1) within thirty days from the date of the commencement of this Act.

(3) Before a factory engaged in a manufacturing process, which is ordinarily carried on for less than one hundred and eighty working days

in the year, resumes working, the occupier shall, send a written notice to the Chief Inspector containing the particulars specified in sub-section (1) within thirty days before the date of the commencement of work.

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

(5) During any period for which no person has been designated does not manages 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.

7. Seasonal factory.-- The Government may, by notification in the official Gazette, declare any 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.

8. Approval of plans and fees for licensing and registration.-(1)
The Government may--

(a) require that previous permission in writing be obtained in the prescribed manner from the Chief Inspector for the construction or extension of any factory or class or description of factory or class or description of factories;

(b) require registration and licensing of factories or any class or description of factories and payment of fees for such registration and licensing or for the renewal of licenses, in the prescribed manner.

(2) If, in accordance with the provisions of sub-section (1) an application for permission accompanied by the plans and specifications is sent to the Chief Inspector and no order is communicated to the applicant within two months from the date of its receipt by the Chief Inspector, the permission applied for in the said application shall be deemed to have been granted.

(3) Where the Chief Inspector refuses to grant permission to the site construction or extension of a factory or to registration and licensing of a factory the applicant may, within sixty days of the date of such refusal, appeal to the Government.

Explanation- A factory shall not be deemed to be extended within the meaning of this section by reason only of the replacement of any plant or machinery or, within such limits as may be prescribed, of the addition of any plant or machinery.

CHAPTER II

CHIEF INSPECTOR, INSPECTORS AND CERTIFYING SURGEONS

9. Chief Inspector and Inspectors.--(1) The Government may, by notification in the official Gazette, appoint any person to be the Chief Inspector, who shall, in addition to the powers conferred on the Chief Inspector under this Act, have the powers of an Inspector throughout the country and shall also have powers of supervision and control over the Inspectors appointed under sub-section (2):

Provided that the Chief Inspector may authorise any other officer or officers under him to exercise all or any of his powers for such area or areas as may be specified by him.

(2) The Government may, by notification in the 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.

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

(4) Every Deputy Commissioner shall be an Inspector for his district.

(5) No person shall be appointed to be an 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 any patent or machinery connected therein.

(6) In any area where there are more Inspectors than one, the 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) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of a section 21 of the Penal Code (Act XL V of 1860) and the Inspectors appointed under sub-section (3) shall be officially subordinate to such authority as the prescribed notices are to be sent.

(8) The Chief Inspector and every Inspector shall be deemed to be public servant within the meaning of section 21 of the Penal Code, (Act XL V of 1860) and the Inspectors appointed under sub-section (3) shall be officially subordinate to such authority as the Government may specify in this behalf.

10. Power of Inspector.- (1) For carrying out the purposes of this Act, an Inspector may, within the local limits for which he is appointed-

(a) enter with such assistants, being persons in the service of Bangladesh or of any municipal or other local authority, as he thinks fit, inspect and examine 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 3;

(b) require the production of the registers, certificates, notices and documents kept in pursuance of this Act, and inspect, examine and copy any of them;

(c) make such examination and enquiry as may be necessary to ascertain whether the provisions of this Act and other laws for the time being in force relating to health and hygiene, in respect to a factory and any person employed in a factory are complied with.

(d) require any person whom he finds in a factory to give such information as it is in his knowledge relating to the actual occupier of the factory;

(e) examine, in respect of matters pertaining to this Act, every person whom he finds in a factory, or whom he has reasonable cause to be or to have been within the preceding two months employed in a factory:

Provided that no person shall be required to answer any question or to give any evidence tending to incriminate himself; and

(f) require every person so examined to sign the record to answer any question or to give any evidence tending to incriminate himself; and;

(2) The occupier of every factory, his agents and servants, shall furnish the means required by an Inspector as necessary for an entry, inspection, examination, enquiry, the taking of samples, or otherwise for the exercise of his powers under this Act, in relation to that factory.

(3) An Inspector may seize any record, register or other documents of any factory, relevant to the enforcement of the provisions of this Act, as he may consider necessary in the prescribed manner for the purpose of carrying out his functions under this Act.

11. Certifying Surgeons.- (1) The Government may appoint such registered medical practitioners as it deems fit to be Certifying Surgeons, for the purposes of this Act within such local limits or for such factory or class or description of factories as may be assigned to them respectively.

(2) No person shall be appointed to be a Certifying Surgeon, or having been so appointed, continue to exercise such powers who is or becomes the occupier of a factory or is or becomes directly or indirectly interested therein or in any patent or machinery connected therewith or is otherwise in the employment of the factory.

(3) The Certifying Surgeon shall carry out such duties as may be prescribed in connection with--

- (a) examination and certification of young persons under this Act;
- (b) examination of persons engaged in factories in such dangerous occupations or processes as may be prescribed.
- (c) such medical supervision as may be prescribed of any factory or class or description of factory where--
 - (i) cases of illness having occurred which it is reasonable to believe are due to the nature of the manufacturing process carried on or other conditions of work prevailing therein;
 - (ii) by reason of any change in the manufacturing process carried on or in the substance used therein or by reason of the adoption

of any new manufacturing process or any new substance for use in a manufacturing process, there is likelihood of injury to the health of the workers employed in that manufacturing process; and

(iii) young persons are or are about to be, employed in any work which is likely to cause injury to their health.

CHAPTER III HEALTH AND HYGIENE

12. Cleanliness.- (1) Every factory shall be kept clean and free from effluvia arising from any drain, drain, privy or other nuisance, and in particular,-

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

(b) the floor of every work-room shall be cleaned at least once in every week by washing, using disinfectant where necessary or by some other effective method;

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

(d) all inside walls and partitions, all ceilings, or tops of rooms, and walls, side and tops or passages and staircases shall-

(i) where they are painted or varnished, be repainted or revarnished at least once in every five years;

(ii) Where they are painted or varnished and have smooth impervious surfaces, be cleaned at least once in every fourteen month, by such methods as may be prescribed;

(iii) in any other case, be kept white-washed or colour-washed and the white-washing or colour-washing shall be carried out at least once in every fourteen months; and

(e) the dates on which the process required by clause (d) are carried out shall be entered in the prescribed register.

(2) If, in view of the nature of the operations carried on in a factory it is not possible for the occupier to comply with all or any of the provisions of sub-section (1), the Government may, by an order exempt

such factory or class or description of factories from any of the provisions of that sub-section and specify alternative methods for keeping the factory in a clean state.

13. Disposal of wastes and effluents- (1) Effective arrangements shall be made in every factory for the disposal of wasters and effluents due to the manufacturing process carried on therein.

(2) The Government may make rules prescribing the arrangements to be made under sub-section (1) or requiring that the arrangement made in accordance with sub-section (1) shall be approved by such authority as may be prescribed.

14. Ventilation and temperature.- (1) Effective and suitable provisions shall be made in every factory for securing and maintaining in every work-room-

(a) adequate ventilation by the circulation of fresh air; and

(b) such temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health, and in particular,-

(i) the walls and roofs shall be of such material and so designed that such temperature shall not be exceeded but kept as low as practicable;

(ii) where the nature of the work carried on in the factory involves, or is likely to involve, the production of excessively high temperature, such adequate measures as are practicable, shall be taken to protect the workers there from by separating the process which produces such temperature from the work-room by insulating the hot parts or by other effective means.

(2) The Government may prescribe a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof and direct that a thermometer shall be provided and maintained in such place and position as may be specified.

(3) If it appears to the Government that in any factory or class or description of factories excessively high temperature can be reduced by such methods as white-washing spraying or insulating and screening outside walls or roofs or windows or by raising the level of the roof, or by insulating the roof either by an air space and double roof or by the use

of insulating roof materials, or by other methods, it may prescribe such of those or other methods to be adopted in the factory.

15. Dust and fume.- (1) In every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein, effective measures shall be taken to prevent its accumulation in any work-room and its inhalation by workers, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

(2) In any factory no stationary internal combustion engine shall be operated unless the exhaust is conducted into open air, and no internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to the workers employed in the work-room.

16. Artificial humidification.- (1) The Government may, in respect of all factories in which humidity of the air is artificially increased, make rules--

- (a) prescribing standards of humidification;
- (b) regulating the methods used for artificially increasing the humidity of the air;
- (c) directing prescribed test determining the humidity of the air to be correctly carried out and recorded; and
- (d) prescribing methods to be adopted for securing adequate ventilation and cooling of the air in the work-rooms.

(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 an Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the Manager

of the factory an order in writing, specifying the measures which, in his opinion, should be adopted, and requiring them to be carried out before a specified date.

17. Overcrowding.- (1) No work-room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein.

(2) Without prejudice to the generality of the provisions of subsection (1), there shall be provided for every workers employed in a work-room.

(a) at least three hundred fifty cubic feet of space in the case of a factory in existence on the date of the commencement of this Act, and

(b) at least five hundred cubic feet of space in the case of a factory built after the commencement of this Act.

Explanation- For the purpose of this sub-section no account shall be taken of a space which is more than fourteen feet above the level of the floor of the room.

(3) If the Chief Inspector by order in writing so requires, there shall be posted in each work-room of a factory a notice specifying the maximum number of workers who may, in compliance with the provisions of this section, be employed in the room.

(4) The Chief Inspector may, by order in writing, exempt, subject to such conditions as he may think fit to impose, any work-room from the provisions of this section if he is satisfied that compliance therewith in respect of such room is not necessary for the purpose of health of the workers employed therein.

18. Lighting.- (1) In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.

(2) In every factory all glazed windows and skylights used for the lighting of the work-room shall be kept clean, on both the outer and inner surfaces and free from obstruction as far as possible under the rules framed under sub-section (3) of section 14.

(3) In every factory effective provisions shall, so far as is practicable, be made for the prevention of--

(a) glare either directly from any source of light or by reflection from a smooth or polished surface, and

(b) the formation of shadows to such an extent as to cause eyestrain or risk of accident to any worker.

(4) The Government may prescribe standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.

19. Drinking water.- (1) In every factory effective arrangement shall be made to provide and maintain at a suitable point conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water.

(2) All such points shall be legibly marked "Drinking Water" in a language understood by the majority of the workers and no such point shall be situated within twenty feet of any washing place, urinal or latrine, unless a shorter distance is approved in writing by the Chief Inspector.

(3) In every factory wherein more than two hundred and fifty workers are ordinarily employed, provision shall be made for cooling the drinking water during the hot weather by effective means and for distribution thereof.

(4) The Government may, in respect of all factories or any class or description factories make rules for securing compliance with the provisions of this section.

20. Latrines and urinals.-- (1) In every factory--

(a) sufficient latrines and urinals of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are in the factory;

(b) enclosed latrines and urinals shall be provided separately for male and female workers;

(c) such latrines and urinals shall be adequately lighted and ventilated and no latrine or urinal shall, unless specially exempted in writing by the Chief Inspector, communicate with any work-room except through an intervening open space or ventilated passage;

(d) all such latrines and urinals shall be maintained in a clean and sanitary condition at all times with suitable detergents or disinfectants or with both;

(e) the floors and internal walls of the latrines and urinals and the sanitary blocks shall, up to a height of three feet, be finished to provided a smooth polished impervious surface.

(2) The Government may prescribe the number of latrines and urinals to be provided in any factory in proportion to the numbers of male and female workers ordinarily employed therein and such further matters in respect of sanitation in the factories.

21. Spittoons.-- (1) In every ^{factory} there shall be provided, at convenient places, a sufficient number of spittoons which shall be maintained in a clean and hygienic condition.

(2) The Government may make rules prescribing the type and the number of spittoons to be provided and their location in any factory and such further matters as may be deemed necessary relating to their maintenance in a clean and hygienic condition.

(3) No person shall spit within the premises of a factory except in the spittoons provided for the purpose. A notice containing this provision and the penalty for its violation shall be prominently displayed at suitable places in the premises.

(4) Whoever spits in contravention of sub-section (3) shall be punishable with a fine not exceeding Take Two.

CHAPTER IV SAFETY

22. Precautions in case of fire.- (1) Every factory shall be provided with such means of escape in case of fire as may be prescribed.

(2) If it appears to the Inspector that any factory is not provided with the means of escape prescribed under sub-section (1), he may serve on the Manager of the factory an order in writing specifying the measures which, in his opinion, should be adopted before a date specified in the order.

(3) In every factory the doors affording exit from any room, shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room, and all such doors, unless they are of the sliding type, shall be constructed 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 work is being carried on in the room.

(4) In every factory every window, door, or other exit affording means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked in a language understood by the majority of the workers and in red letters of adequate size or by some other effective and clearly understood sign.

(5) In every factory there shall be provided effective and clearly audible means of giving warning in case of fire to every person employed therein.

(6) A free passage-way giving access to each means of escape in case of fire shall be maintained for the use of all workers in every room of the factory.

(7) In every factory wherein more than ten workers are ordinarily employed in any place above the ground floor, or explosive or highly inflammable materials are used or stored, effective measures shall be taken to ensure that all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

(8) The Government may make rules prescribing in respect of any factory, or class or description of factories, the means of escape to be provided in case of fire and the nature and amount of fire-fighting apparatus to be provided and maintained.

23. Fencing of machinery.- (1) In every factory the following shall be securely fenced by the safeguards of substantial construction which shall be kept in a position while the part of machinery required to be fenced are in motion or in use, namely-

(a) every moving part of a prime mover and every fly wheel connected to a prime mover;

(b) the head-race and tail-race of every water wheel and water turbine;

(c) any part of a stock-bar which projects beyond the head stock of a lathe; and

(d) unless they are in such position or of such construction as to be as safe to every person employed in the factory as they would be if they were securely fenced-

- (i) every part of an electric generator, a motor or rotary convertor;
- (ii) every part of transmission machinery; and
- (iii) every dangerous part of any machinery:

Provided that, of the purpose of determining whether any part of machinery is in such a position or is of such construction as to be safe as aforesaid, account shall not be taken of any occasion when it being necessary to make an examination of the machinery while it is in motion or, as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation is made or carried out in accordance with the provisions of section 24,

(2) Without prejudice to any other provision of this Act relating to the fencing of machinery, every set screw, bolt and key on any revolving shaft, spindle wheel or pinion and all spur, worm and other toothed or friction gearing in motion with which such worker would otherwise be liable to come into contact, shall be securely fenced, or prevent such contact.

(3) The Government may exempt, subject to such conditions as may be imposed, for securing the safety of the workers, any particular machinery or part thereof from the provisions of this section.

(4) The Government may, by rules, prescribe further precautions as it may consider necessary in respect of any particular machinery or part thereof.

24. Work on or near machinery in motion.- (1) Where in any factory it becomes necessary to examine any part of machinery referred to in section 23 while the machinery is in motion, or as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation shall be made or carried out only by a specially trained adult male worker, wearing tight-fitting clothing whose name has been recorded in the register prescribed in this behalf and while he is so engaged such worker shall not handle a belt at a moving pulley unless the

belt is less than six inches in width and unless the belt-joint is either laced or flush with the belt.

(2) No woman or child shall be allowed in any factory to clean, lubricate or adjust any part of machinery while that part is in motion, or to work between moving parts or between fixed and moving parts, of any machinery which is in motion.

(3) The Government may, by notification in the official Gazette, prohibit, in any specified factory or class or description of factories, the cleaning, lubricating or adjusting by any person, of specified parts of machinery when those parts are in motion.

25. Employment of young-persons on dangerous machines.-

(1) No young person shall work at any machine unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and-

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

(2) This section shall apply to such machines as may be notified by the Government to be of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

26. Striking gear and devices for cutting off power- (1) In every factory-

- (a) suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and such gear or appliances shall be so constructed, placed and maintained to prevent the belt from cropping back on the first pulleys;
- (b) driving belts when not in use shall not be allowed to rest or ride upon shafting in motion.

(2) In every factory suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained in every work-room.

(3) In respect of factories in operation before the commencement of this Act the provisions of sub-section(2) shall apply only to work-rooms in which electricity is used for power.

27. Self-acting machines.- No traversing part of a self-acting machine in any factory and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass whether in the course of his employment or otherwise be allowed to run on its outward or inward traverse within a distance of eighteen inches from any fixed structures which is not part of the machine;

Provided that the Chief Inspector may permit the continued use of a machine installed before the commencement of this Act which does not comply with the requirements of this section on such condition for ensuring safety as he may think fit to impose.

28. Casing of new machinery.- (1) In all machinery driven by power and installed in any factory after the commencement of this Act-

(a) every set screw, belt or key or any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and

(b) all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased unless it is so situated as to be as safe as it would be if it were completely encased.

(2) Whoever sells or lets on hire or as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka five hundred or with both.

(3) The Government may make rules specifying further safeguards to be provided in respect of any other dangerous part of any particular machine or class description of machines.

29. Prohibition of employment of women and children near cotton openers.- No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work.

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

30. Cranes and other lifting machinery- (1) The following provisions shall apply in respect of cranes and all other lifting machinery, other than hoists and lifts, in any factory-

(a) every part thereof, including the working gear, whether fixed or movable, ropes and chains and anchoring and fixing appliances shall be-

- (i) of good construction, sound material and adequate strength;
- (ii) properly maintained;
- (iii) thoroughly examined by a competent person at least once in every period of twenty months, and a register shall be kept containing the prescribed particulars of every such examination;

(b) no such machinery shall be loaded beyond the safe working load which shall be plainly marked thereon; and

(c) while any person is employed or working on or near the wheel-tract of a traveling crane in any place where he would be liable to be struck by the crane effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place.

(2) The Government may make rules in respect of any lifting machinery or class or description of lifting machinery in factories-

(a) prescribing requirements to be complied with in addition to those set out in this section; or

(b) exempting from compliance with all or any of the requirements of this section, where, in its opinion, such compliances is unnecessary or impracticable.

31. Hoists and lifts.- (1) In every factory-

(a) every hoist and lift shall be-

(i) of good mechanical construction, sound material and adequate strength;

(ii) properly maintained, and shall be thoroughly examined by a competent person at least once in every period of six month and a register shall be kept containing the prescribed particulars of every such examination;

(b) every hoistway and liftway shall be sufficiently protected by an enclosure fitted with gates, and the hoist or lift and every such enclosure shall be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure or moving part;

(c) the maximum safe working load shall be plainly marked on every hoist or lift, and greater than such load shall be carried thereon;

(d) the cage of every hoist or lift used for carrying persons shall be fitted with a gate on each side from which access is afforded to a landing;

(e) every gate referred to in clause (b) or clause (d) shall be fitted with interlocking or other efficient device to secure that the gate cannot be opened except when the cage is at the landing and that cage cannot be moved unless the gate is closed.

(2) The following additional requirements shall apply to hoists and lifts used for carrying person and installed or reconstructed in a factory after the commencement of this Act, namely-

(a) where the cage is supported by rope or chain there shall be at least two ropes or chains separately connected with the cage and balance weight, and each rope or chain with its attachments shall be capable of carrying the whole weight of the cage together with its maximum load;

(b) efficient devices shall be provided and maintained capable of supporting the cage together with its maximum load in the event of brakeage of the ropes, chains or attachments;

(c) an efficient automatic device shall be provided and maintained to prevent the cage from over-running.

(3) The Chief Inspector may permit the continued use of a hoist or lift installed in a factory before the commencement of this Act which does not fully comply with the provisions of sub-section (1) upon such conditions for ensuring safety as he may think fit to impose.

(4) The Government may, if in respect of any class or description of hoist or lift, it is of opinion that it would be unreasonable to enforce any requirement of sub-sections (1) and (2), order direct that such requirement shall not apply to such class or description of hoist or lift.

32. Revolving machinery.- (1) In every room in a factory in which the process of grinding is carried on, there shall be permanently affixed to, or placed near, each machine in use a notice indicating the maximum safe working peripheral speed of every grind stone or abrasive wheel, the speed of the shaft or spindle upon which the wheel is mounted and the diameter of the pulley upon such shaft or spindle necessary to secure such safe working peripheral speed.

(2) The speeds indicated in notices under sub-section (1) shall not be exceeded.

(3) Effective measure shall be taken in every factory to ensure that the safe working peripheral speed of every revolving vessel, cage, basket, flywheel, pulley disc or similar appliance driven by power is not exceeded.

33. Pressure plant.- (1) If in any factory any part of the plant or machinery used in manufacturing process is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such part is not exceeded.

(2) The Government may make rules providing for the examination and testing of any plant or machinery such as is referred to in sub-section (1) and prescribing such other safety measures in relation thereto as may, in its opinion, be necessary in any factory or class or description of factories.

34. Floors, stairs and means of access.- In every factory-

(a) all floors, stairs, passages and gangways shall be of sound construction and properly maintained and where it is necessary to ensure safety, steps, stairs, passages and gangways shall be provided with substantial handrails; and

(b) there shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person is, at any time, required to work.

35. Pits, sumps, opening in floors, etc.- (1) In every factory, every fixed vessel, sump, tank, pit or opening in the ground or in a floor which, by reason of its depth, situation, construction or contents, is or may be a source of danger, shall be either securely covered or securely fenced.

(2) The Government may, by order in writing, exempt, subject to such conditions as may be imposed, any factory or class or description of factories in respect of any vessel, sump, tank pit or opening from compliance with the provisions of this section.

36. Excessive weights.- (1) No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury.

(2) The Government may make rules prescribing the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescent and children employed in factories or in any class or description of factories or in carrying on any specified process.

37. Protection of eyes.- The Government may, in respect of any manufacturing process carried on in any factory, by rules, require that effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of a process which involves-

(a) risk of injury to the eyes from particles or fragments thrown off in the course of the process, or

(b) risk to the eyes by reason of exposure to excessive light or heat.

38. Powers to require specifications of defective parts or tests of stability.- 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-

- (a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such buildings, ways, machinery or plant can be used with safety, or
- (b) to carry out such test as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

39. Safety of building and machinery.- (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 factory is in such a condition that it is dangerous to human life or safety, he may serve to 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.

(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.

40. Power to make rules to supplement his Chapter.- The Government may make rules requiring that (1) in any factory or in any class or description of factories, such further devices and measures for securing the safety of the person employed therein as it may deem necessary, shall be adopted; and

(2) work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building created or taken into use as a factory until a certificate of stability in the prescribed form and signed by a person possessing the prescribed, has been sent to the Chief Inspector.

41. Precautions against dangerous fumes.- (1) In any factory no person shall enter or be permitted to enter any chamber, tank, vat, pit, pipe, flue or other confined space in which dangerous fumes are likely to

be present to such an extent as to involve risks of persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress.

(2) No portable electric light of voltage exceeding twenty-four volts shall be permitted in any factory for use inside any confined space such as if referred to in sub-section (1) and where the fumes present are likely to be inflammable, lamp or light other than of flame proof constitution shall be permitted to be used in such confined space.

(3) No person in any factory shall enter or be permitted to enter any confined space such as is referred to in sub-section (1) until all practicable measures have been taken to remove any fumes which may be present and to prevent any ingress of fumes and unless either-

(a) a certificate in writing has been given by a competent person, based on a test carried out by himself, that the space is free from dangerous fumes and fit for persons to enter; or

(b) the workers is wearing suitable breathing apparatus and a belt securely attached to rope, the free end of which is held by a person standing outside the confined space.

(4) Suitable breathing apparatus, reviving apparatus and belts and ropes shall, in every factory, be kept ready for instant use beside any such confined space as aforesaid which any person has entered, and all such apparatus shall be periodically examined and examined and certified by a competent person to be fit for use; and a sufficient number of person employed in every factory shall be trained and practiced in the use of all such apparatus and in the method of restoring respiration.

(5) No person shall be permitted to enter in any factory, any boiler furnace, boiler, flue, chamber, tank, vat, pipe or other confined space for the purpose of working or making any examination therein until it has been sufficiently cooled by ventilation or otherwise to be safe for persons to enter.

(6) The Government may make rules prescribing the maximum dimensions of the manholes referred to in sub-section (1) and may, by order in writing, exempt, subject to such conditions as it may think fit to

impose, any factory or class or description of factories from compliance with any of the provisions of this section.

42. Explosive or inflammable dust, gas, etc.- (1) Where in any factory any manufacturing process produces dust, gas fume or vapor of such character and to such extent as to be likely to explode on ignition, all practicable measures shall be taken to prevent any such explosion by-

- (a) effective enclosure of the plant or machinery used in the process;
- (b) removal or prevention of the accumulation of such dust, gas, fume or vapour;
- (c) exclusion or effective enclosure of all possible sources of ignition.

(2) Where in any factory the plant or machinery used in a process such as is referred to in sub-section (1) is not so constructed as to withstand the probable pressure which such an explosion as aforesaid would produce all practicable measures shall be taken to restrict the spread and effects of the explosion by the provision in the plant or machinery of chokes, baffles, vents or other effective appliances.

(3) Where any part of the plant or machinery in a factory contains any explosive or

inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened except in accordance with that following provisions, namely-

- (a) before the fastening of any joint of any pipe connected with the part of the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part of any such pipe shall be effectively stopped by a stop-valve or other means;
- (b) before any such fastening as aforesaid is removed, all practicable measures shall be taken to reduce the pressure of the gas or vapour in the part or pipe to atmospheric pressure;
- (c) where any such fastening, as aforesaid, has been loosened or removed, effective measures shall be taken to prevent any explosive or inflammable gas or vapour from entering the part or pipe until the fastening has been secured; or as the case may be, securely replaced;

Provided that the provisions of this sub-section shall not apply in the case of plant or machinery installed in the open air.

(4) No plant, tank or vessel, which contains or has contained any explosive or inflammable substance shall be subjected in any factory to any welding, brazing, soldering or cutting operation which involves the application of heat unless adequate measures have first been taken to remove such substance and any fumes arising therefrom or to render such substance and fumes non explosive or non-inflammable, and no such substance shall be allowed to enter such plant, tank or vessel after any such operation until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The Government may, by rules, exempt, subject to such conditions as may be prescribed any factory or class or description of factories from compliance with all or any of the provisions of this section.

CHAPTER V WELFARE

43. Washing facilities.- (1) In every factory-

- (a) adequate and suitable facilities for washing and bathing shall be provided and maintained for the use of the workers therein,
- (b) separate and adequately screened facilities shall be provided for the use of male and female workers; and
- (c) such facilities shall be conveniently accessible and shall be kept clean.

(2) The Government may, in respect of any factory or class or description of factories of any manufacturing process, prescribe standards of adequate and suitable facilities for washing.

44. First-aid appliances - (1) There shall, in every factory or section of factory be provided and maintained, so as to be readily accessible during the working hours, first-aid boxes or cupboards equipped with the prescribed contents and the number of such boxes or cupboard shall not be less than one for every one hundred fifty workers ordinarily employed in the factory.

(2) Nothing except the prescribed contents shall be kept in the boxes and cupboards referred to in sub-section (1) and all such boxes and cupboards shall be kept in charge of a responsible person who is trained

in first-aid treatment and who shall always be available during the working hours of the factory.

(3) A notice shall be affixed in every work-room stating the name of person in charge of the first-aid box or cupboard provided in respect of that room and such person shall wear a badge so as to facilitate identification.

(4) In every factory wherein five hundred or more workers and employed, there shall be provided and maintained an ambulance room or dispensary of the prescribed size containing the prescribed equipment or similar facilities, in the charge of such medical and nursing staff as may be prescribed.

45. Canteens.- (1) The Government may make rules requiring that, in any specified factory wherein more than two hundred and fifty workers are ordinarily employed, an adequate canteen shall be provided for the use of workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provided for-

- (a) the date which such canteen shall be provided
- (b) the standards in respect of construction, accommodation, furniture and other equipment of the canteen;
- (c) the foodstuff of be served therein and the charges which may be made therefore ;
- (d) the constitution of a managing committee for the canteen and representation of the workers in the management of the canteen; and
- (e) the delegation to the Chief Inspector, subject to such conditions as may be specified, of the power to make rules in respect of matters referred to in clause (c).

46. Shelters, etc.- (1) In every factory wherein more than one hundred workers are ordinarily employed, adequate and suitable shelters or rest rooms, and a suitable lunch room with provision for drinking water where workers can eat meals brought by them, shall be provided and maintained for the use of the workers:

Provided that any canteen maintained in accordance with the provisions of section 45 shall be regarded as part of the requirements of this sub-section:

Provided further that where lunch room exists, no workers shall eat any food in the work room.

(2) The shelters, rest rooms or lunch rooms provided under sub-section (1) shall be sufficiently lighted and ventilated and shall be maintained in a cool and clean condition.

(3) The Government may--

(a) prescribe the standards in respect of construction, accommodation, furniture and other equipment of shelters, rest rooms and lunch rooms to be provided under this section;

(b) prescribe the type of shelter for persons, the nature of whose work require them to be exposed to the sun and the elements during the greater part of their work;

(c) by notification in the official Gazette exempt any factory or class or description of factories from the requirements of this section.

47. Rooms for children.- (1) In every factory, wherein more than fifty women workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.

(2) Such rooms shall provide adequate accommodation, be adequately lighted and ventilated and maintained in a clean and sanitary condition, and shall be under the charge of women trained or experienced in the care of children and infants.

(3) The Government may make rules--

(a) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;

(b) requiring the provisions, in factories to which this section applies, of additional facilities for the care of children belonging to women workers including suitable provision of facilities for washing and changing their clothing;

- (c) requiring the provision, in any factory, of free milk or refreshment or both for such children;
- (d) requiring that facilities shall be given in any factory for the mothers of such children to them at the necessary intervals.

48. Welfare officers.- (1) In every factory wherein five hundred or more workers are ordinarily employed, the occupier shall employ in the factory, such number of welfare officers as may be prescribed.

(2) The Government may prescribe the duties, qualifications and conditions of service of officers employed under sub-section (1).

49. Power to make rules to supplement this Chapter.-The Government may make rules-

- (a) exempting, subject to compliance with such alternative arrangements for the welfare of workers as may be specified, any factory or class or description of factories from compliance with any of the provisions of this Chapter; and
- (b) requiring in any factory or class or description of factories that representatives of the workers employed in the factory shall be associated with the management in the welfare arrangement of the workers.

CHAPTER VI WORKING HOURS OF ADULTS

50. Weekly hours.- (1) No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.

(2) Subject to the provisions of section 58, an adult worker may work for more than nine hours in a day for eight hours in a week:

Provided that the total hours of work of an adult worker shall not exceed sixty hours in any week and on the average fifty-six hours per week in any year.

51. Weekly holiday.- (1) No adult worker shall be required or allowed to work in a factory on Sunday or Friday as the case may be, 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 or Friday, as the case may be; and
- (b) the manager of the factory has, before that Sunday or Friday, or the substituted day, whichever is earlier-
- (i) given a notice to the Inspector of his intention to require the worker to work on the Sunday or Friday, as the case may be, 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 ten days consecutively without a holiday for whole day.

(2) Notice given under sub-section (1) may be cancelled by a notice given to the Inspector and a notice displayed in the factory not later than the day before the Sunday or Friday, or the substituted day to be cancelled, whichever is earlier.

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

52. Compensatory weekly holiday- (1) Where, as a result of the passing of an order or the making of a rule the provisions of this Act exempting a factory or the workers therein from the provisions of section 51, a worker is deprived of any of the weekly holidays provided for in sub-section (1) of that section, he shall be allowed, as soon as circumstances permit, compensatory holidays of equal number to the holidays so deprived of.

(2) The Government may make rules prescribing the manner in which the compensatory holidays under sub-section (1), shall be allowed.

53. Daily hours.- No adult worker shall be required or allowed to work in a factory for more than nine hours in any day:

Provided that, subject to the provisions of sections 50, 54, 55 and 58, an adult worker may work in a factory for more than nine hours, but not exceeding ten hours in any day.

54. Intervals for rest or meal.- No adult worker in a factory shall be liable to work either-

(a) for more than six hours in any one day unless he has been allowed an interval of at least one hour during that day for rest or meal;

(b) for more than five hours in any one day unless he has been allowed an interval of at least half an hour during that day for rest or meal; or

(c) for more than eight and half hours unless he has had an interval under clause (a) or two such intervals under clause (b) during that day for rest or meal.

55. Spread over.- The periods of work of an adult worker in a factory shall be so arranged that inclusive of his interval for rest or meal under section 54 shall not spread over more than ten and a half hours or where the factory is declared to be a seasonal one, eleven and a half hours in any day save with the permission of the Chief Inspector and subject to such conditions as he may impose, either generally or in the case of any particular factory.

56. Night shift.- Where an adult worker in a factory works on a shift which extends beyond midnight-

(a) for the purposes of section 51 a holiday for a whole day shall mean in his case a period of twenty-four consecutive hours beginning from the end of his shift; and

(b) the following day for him shall be deemed to be the period of twenty-four consecutive hours beginning from the end of his shift and the hours he has worked after midnight shall be counted towards the pervious day.

57. Prohibition of overlapping shift.- (1) Work shall not be carried on in any factory in by means of 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.

(2) The Government may make rules exempting, subject to such conditions as may be imposed, any factory or class or description of factories from the operation of the provisions of sub-section (1).

58. Extra allowance for overtime.- (1) Where a worker works in a factory for more than nine hours in any day or more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to allowance at the rate of twice his ordinary rate of wages:

Provided that the ordinary rate of wages for calculating allowance for overtime work under this sub-section shall not include any bonus or any other additional payment in lieu of bonus.

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

(3) The Government may prescribe the registers to be maintained in a factory for the purpose of securing compliance with the provisions of this section.

59. Restriction on double employment.- No adult worker shall be employed or allowed to be employed for work in more than one factory on any day, except on permission in writing from the Chief Inspector on such terms and conditions he may impose.

60. Notice of periods of work for adults and preparation thereof.- (1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 109, a notice of periods of work for adults showing clearly the period which adult workers may be required to work.

(2) The periods shown in the notice shall be fixed beforehand in accordance with provisions of this section and shall be such that workers working during such periods would not be working in contravention of the provision of sections 50,51,53, 54 and 55.

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

(4) Where all the adult workers in a factory are not required to work during the same periods, the manager of the factory shall classify them into groups according to the nature of their work, and indicate the number of workers in each group.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the period during 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 or are not intended to be subject to predetermined periodical changes of shifts, the manager of the factory shall fix the periods during 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 or are intended to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts, where under the periods during which any relay of the group may be required to work on the relay which will be working at any time of the day shall be known for any day.

(8) A copy of the notice 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 for approval of the periods of work by the Inspector.

The Inspector shall return a copy of the notice to the manager within one week of its receipt, indicating modifications, if any; the manager shall immediately comply with the modifications, if made and shall preserve the approval in the records of the factory.

(9) 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, on such changes shall be made.

(10) The Government may make rules prescribing the form and the manner in which it shall be maintained.

61. Register of adult workers and supply of ticket and cards.-

(1) The manager of every factory shall maintain a register of adult workers, to be available to the Inspector at all times during working hours, 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 all or any 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.

(2) The 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.

(3) Tickets or cards shall be supplied to the workers by the occupier or the manager of a factory in the following manner:-

- (a) every permanent worker shall be provided with a permanent Departmental ticket showing his number;
- (b) every 'badli' worker shall be provided with a 'badli card' on which shall be entered the days on which he has worked and which shall be surrendered if he obtains permanent employment;
- (c) every temporary worker shall be provided with a temporary ticket which shall be surrendered on his leaving the job or getting a permanent employment;

(d) every 'casual' worker shall be provided with a 'casual card' on which shall be entered the days on which he has worked in the factory; and

(e) every apprentice shall be provided with an 'apprentice card' which shall be surrendered if he obtains permanent employment of or if he leaves his training.

Explanation- The different classes of workers in this sub-section shall have the same meaning as in Employment of Labour (Standing Orders) Act, 1965.

(4) Every worker shall, on being required to do so, by the Inspector or any person authorised by the occupier or manager of the factory, produce his ticket or card for inspection.

62. Hours of work to correspond with notice under 60 and register under section 61. - No adult worker shall be required or allowed to work otherwise than in accordance with the notice under sub-section (1) of section 60 and the entries made beforehand against his name in the register maintained under section 61.

63. Power to make rules exempting from restrictions- (1) The Government may make rules specifying the persons who hold position of supervision or management or are employed in work of confidential nature in a factory, and the provisions of this Chapter except clause (b) of, and the proviso to, sub-section (1) of section 65, shall not apply to any person so specified.

(2) The Government may make rules to exempt to such extent and subject to such conditions as may be specified, the adult workers-

(a) engaged on urgent repairs, from the operation of provisions of sections 50, 51, 53, 54 and 55;

(b) engaged in work of a preparatory or complimentary nature which must necessarily be carried on outside the limits laid down for the general working of the factory, from the operation of the provisions of section 50, 53, 54 and 55;

(c) 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 54, from operation of provisions of sections 50, 53, 54, and 55;

(d) engaged in any work which for technical reasons must be carried on continuously throughout the day, from the operation of the provisions of sections 50, 51, 54 and 55;

(e) engaged in making or supplying articles of prime necessity which must be made or supplied everyday from the operation of the provisions of section 51;

(f) engaged in manufacturing process which cannot be carried on except during fixed seasons from the operation of the provision of section 51;

(g) engaged in manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces, from the operation of the provisions of section 51 and 54;

(h) engaged in engine, rooms or boiler house or in attending to power plant or transmission machinery from the operation of the provisions of section 51; and

(i) engaged in the printing of newspapers, are held up on account of the breakdown of machinery from the operation of the provisions of section 50, 53 and 55.

(3) Rules made under sub-section (2) providing for any exemption may also provided for any consequential exemption subject to such conditions, as may be imposed from the operations of the provisions of section 60.

(4) In making rules under this section, the Government shall not exceed except, in respect of clause (a) of sub-section (2), the following limits of work inclusive of overtime-

(i) ten hours of work in any day;

(ii) twelve hours of overtime work in any week;

(ii) twelve hours of spread over, inclusive of intervals for rest or meal in any one day:

Provided that subject to the previous approval of the Chief Inspector the daily maximum specified in section 53 may be exceeded in order to facilitate the change of shifts.

(5) Rules made under this section shall remain in force for such period, not exceeding three years, as may be specified therein.

64. Power to make exemption order.- (1) Where the 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 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 section 60 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 Government or, subject to the control of the 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 the operation of any or all of the provisions of sections 50, 51, 54 and 60 on the ground that the exemption is required to enable the factory or factories to deal with an exceptional pressure 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 63.

(4) An order under sub-section (2) shall remain in force for such periods not exceeding two months from the date on which notice thereof is given to the manager of the factory:

Provided that if in the opinion of the Government, the public interest so requires, it may from time to time, by notification in the official Gazette, extend the operation of any such order for such further periods, not exceeding six months at any one time, as may be specified in the notification.

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

- (a) no exemption from the provisions of section 53 shall be granted in respect of any woman; and
- (b) no women shall be allowed to work in a factory except between 7 a. m. and 8 p. m.:

Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part thereof, vary the limits laid down in clause (b) to any span of ten and a half hours between 5 a.m. and 8-30 p.m.

(2) The Government may make rules providing for the exemption from the above restrictions, to such extent and subject to such conditions as may be specified therein, 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 materials.

(3) Rules made under sub-section (2) shall remain in force for such period, not exceeding three years, as may be specified therein.

CHAPTER VII EMPLOYMENT OF YOUNG PERSONS

66. Prohibition of employment of children.- No child who has not completed fourteen years of age shall be required or allowed to work in any factory.

67. Non- adult workers to carry tokens.- A child who has completed fourteen years of age or an adolescent shall not be required or allowed to work in any factory unless.-

- (a) a certificate of fitness granted to him under section 68 is in the custody of the manager of the factory;
- (b) such child or adolescent carries while he is at work a token giving a reference to such certificate.

68. Certificates of fitness.- (1) A Certifying Surgeon shall, on the application of any young person or his parent or guardian, accompanied by a document signed by the manager of a factory that such person will

be employed therein if certified to be fit for work in a factory, or on the application of the manager of the factory in which any person wishes to work, examine such person and ascertain his fitness for work in such factory.

(2) The Certifying Surgeon may, after examination, grant to such young person in the prescribed form or renew

(a) a certificate of fitness to work in a factory as a child, if he is satisfied that the young person has completed his fourteenth year, has attained the prescribed physical standards and is fit for such work;

(b) a certificate of fitness to work in a factory as an adult, if he is satisfied that the young person has completed his sixteenth year and is fit for a full day's work in a factory:

Provided that unless the Certifying Surgeon has personal knowledge of the place where the young person proposes to work and of the manufacturing process in which he will be employed, he shall not grant or renew certificate under this sub-section until he has examined such place.

(3) A certificate of fitness granted or renewed under sub-section (2)

(a) shall be valid only for the period of twelve months from the date thereof;

(b) may be made subject to re-examination of the young persons before the expiry of a period of twelve months, or subject to conditions in regards to the nature of the work in which the young person may be employed.

(4) A Certifying Surgeon, shall revoke any certificate granted or renewed 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.

(5) Where a Certifying Surgeon 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 or the renewal therefore, state his reasons in writing for such refusal.

(6) Where a certificate under this section with reference to any young person is granted or renewed subject to such conditions as are referred to in clause (b) of sub-section (3), the young person shall not be required or allowed to work in any factory except in accordance with those conditions.

(7) Any fee payable for a certificate under this section shall be paid by the occupier and shall not be recoverable from the young person or his parents or guardian.

69. Effect of certificate of fitness granted to adolescents.- (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 68, and who, while at work in a factory, carries a token giving reference to the certificate, shall subject to the provisions of sub-section (1) of section 70, be deemed to be an adult for all the purposes of Chapters VI and VIII.

(2) An adolescent, who has not been granted a certificate of fitness to work in a factory as an adult under clause (b) of sub-section (2) of section 68, shall notwithstanding his age be deemed to be a child for the purposes of this Act.

70. Working hours for children.- (1) No child or adolescent shall be required or allowed to work in any factory.-

- (a) for more than five hours in any day; and
- (b) between the hours of 7 p.m. and 7 a. m.

(2) The period of work of all children employed in a factory shall be limited to two shifts which shall not overlap or spread-over more than seven and a half hours each.

(3) A child shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days.

(4) The provisions of section 51 shall apply also to child workers, on exemption from the provisions of that section shall be granted in respect of any child.

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

71. Notice of periods of work for children.- (1) In every factory in which children are employed, there shall be displayed in the manner laid down in sub-section (2) of section 109, a notice of periods of work for children, showing clearly the periods within which children may be required or allowed to work.

(2) The periods shown in the notice under sub-section (1) shall be fixed beforehand in the manner laid down for adult workers in section 60 and shall be such that children working on those periods would not be working in contravention of section 70.

(3) The provisions of sub-sections (8), (9) and (10) of section 60 shall apply also to the notice under sub-section (1).

(4) The Government may make rules prescribing the form of the notice under sub-section (1) and the manner in which it shall be maintained.

72. Register of child workers.- (1) The manager of every factory in which children are employed shall maintain a register of child workers to be available to the Inspector at all times during working hours showing-

(a) the name and date of birth of each child and adolescent 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 shift, the relay to which he is allotted;

(e) the number of his certificate of fitness granted under section 68 and the date of its renewal and

(f) such other particulars as may be prescribed.

(2) The 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.

73. Hours of work to correspond with notice under section 71 and register under section 72. No child shall be required or allowed to

work otherwise than in accordance with the notice under sub-section (1) of section 71 and the entries made beforehand against his name in the register maintained under section 72.

74. Power to require medical examination.- Where an Inspector is of opinion-

(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 of fitness 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 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, under section 68 or has been certified by the Certifying Surgeon examining him not to be a child or adolescent.

75. Power to make rules- The Government may make rules-

(a) prescribing the form of certificates of fitness to be granted under section 68, providing for grant of duplicates in the event of loss of the original certificates and renewals thereof and fixing the fees which may be charged for such certificates and renewals thereof and such duplicates;

(b) prescribing the physical standards to be attained by children and adolescent working in factories; and

(c) regulating the procedure of Certifying Surgeon under this Chapter and specifying other duties, which they may be required to perform in connection with the employment of children and adolescent in factories and fixing the fees which may be charged for such duties.

76. Provision of this Chapter not in derogation of Act XXVI of 1938.- The provisions of this Chapter shall be in addition to and not in derogation of, the provisions of the Employment of Children Act, 1938.

CHAPTER VIII
LEAVE AND HOLIDAYS WITH WAGES

77. Application of the Chapter.- Nothing in this Chapter shall affect any right or privilege to which a worker has been entitled on the date this Act comes into force, under any existing law or under any award, agreement, settlement, contract, custom or usage, if such right or privilege is more favourable to him.

78. Annual leave with wages.- (1) Every worker who has completed one year of continuous service in a factory, shall be allowed during the subsequent period of twelve months' leave with wages for a number of days calculated at the rate of

(i) if an adult, one for every twenty-two days of work performed by him during the previous period of twelve months;

(ii) if a child, one day for every fifteen days of work performed by him during the previous period of twelve months.

Provided that a period of leave shall be inclusive of any holiday which may occur during such period.

(2) If a worker does not, in any such period of twelve months, take the leave to which he is entitled under sub-section (1), either in whole or in part, any such leave not taken by him shall be added to the leave to be allowed to him under that sub-section in the succeeding period of twelve months:

Provided that a worker, if an adult, shall cease to earn any leave under this section when the earned leave due to him amounts to twenty days and if a child, shall cease to earn any such leave when earned leave due to him amounts to thirty days:

Provided further that any leave applied for by a worker but refused by the occupier or manager or his authorised officer for any reason shall be added to the credit of such worker beyond the aforesaid limit.

(3) For the purpose of this section a worker shall be deemed to have completed a period of continuous service in an establishment notwithstanding any interruption in service during that period due to-

- (a) any holiday;
- (b) any leave with wages;
- (c) any leave with or without wages due to sickness or accident;
- (d) any maternity leave not exceeding twelve weeks;
- (e) any period of law-off arising due to failure, refusal or inability of an employer on account of shortage of coal, power or raw material or the accumulation of stock or the break-down of machinery or for any other reason, to give employment to a worker whose name is borne in the muster rolls of his factory; worker whose name is borne in the muster rolls of his factory;
- (f) a strike which is not illegal or a lock-out which is not legal.

79. Festival holidays.- (1) Every worker shall be allowed at least ten days' festival holidays with wages in a year. The days and dates for such festivals shall be fixed by the occupier or manager in such a manner as may be prescribed.

(2) A worker may be required to work on any festival holiday, but two days' additional compensatory holidays with full pay and a substitute holiday shall be provided for him in accordance with the provisions of section 51.

80. Casual leave and sick leave.- (1) Every worker shall be entitled to casual leave with full wages for ten days in a year:

(2) Every worker shall be entitled to fourteen days' sick leave on half average wages in a year:

Provided that sick leave or casual leave admissible under this section shall not be accumulated and carried forward to the succeeding year.

81. Wages during leave or holiday periods.- For the leave or holidays allowed to a worker under the provision of this Act, he shall be paid-

- (a) in case of leave with full wages / at the rate equal to the daily average of his full time earnings, including dearness allowance, if any, for the days on which he worked during the month immediately preceding his leave, but excluding any over-time earnings and bonus; and

(b) in case of leave with half-average wages at the rate equal to half the daily average of his earnings calculated in the manner provided in clause (a).

82. Payment in advance in certain case.- Any worker who has been allowed leave for not less than four days in the case of an adult, and five days in the case of a child, under section 78 shall, before his leave begins, be paid, the wages due for the period of the leave allowed.

83. Power of Inspector to act for workers.- Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be, but has not been paid under this Chapter by an occupier or manager:

84. Power to make rules- (1) The Government may make rules to carry into effect the provisions of this Chapter.

(2) Without prejudice to generality of the foregoing power, rules made under this section may provided for maintaining by managers of factories of registers showing such particulars as may be specified and requiring such registers to be preserved made available for examination by Inspectors.

85. Power to exempt factories.- Where the Government is satisfied that the leave rules applicable to the workers in a factory provided benefits which, in its opinion, are on the whole not less favorable than those provided for in this Chapter, it may, by order in writing, exempt a factory from all or any of the provisions of this Chapter subject to such conditions as may be specified in the order.
Notes/Comments/Precedents

CHAPTER IX SPECIAL PROVISIONS

86. Power to exempt public institution.- The Government may exempt, subject to such conditions as it may impose, any workshop, or workplace where a manufacturing process is carried on, which is attached

to a public institution and maintained for the purpose of education, training or reformation, from all or any of the provisions of this Act.

Provided that no exemption shall be granted from the provisions relating to hours of work and holidays unless the person having the control of the institution submits for the approval of the Government a scheme for the regulation of the hours of employment, intervals for rest and meals and holidays of the person employed in or attending the institutions and the Government is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions for this Act.

87. Dangerous operations.- Where the Government is satisfied that any operation carried on in a factory exposes any person employed in it to a serious risk of bodily injury, poisoning, or disease, it may make rules applicable to such factory or class of factories in which such 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 in the operation;
- (c) providing for the periodical medical examination of persons employed in the operation and prohibiting the employment of persons not certified as fit for such employment;
- (d) providing for the protection of all persons employed in the operation or in the vicinity of the places where it is carried on; and
- (e) prohibiting, restricting or controlling the use of any specified materials or processes in connection with the operation.

88. Notice of certain accidents.-Where in any factory an accident occur which cause 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 immediately following the accident or which is of such a nature as may be prescribed in this behalf, the manager of the factory shall send notice thereof to the Inspector in such form and within such time, as may be prescribed.

89. Notice of dangerous occurrences.- The Government may, by notification in the official Gazette, extend the provisions of section 88 to special class of accidents, such as explosion, fire, and collapse of

buildings, accidents to machinery or plant occurring in a factory, although no death or bodily injury has been caused to any person.

90. Notice of certain disease.- (1) Where any worker in a factory contacts any disease specified in the Schedule, the manager of the factory shall send notice thereof to the Inspector in such form and within such time as may be prescribed.

(2) If any medical practitioner attends on a person who is, or has been employed in a factory and who is, or is believed by such medical practitioner to be, suffering from any disease specified in the Schedule, the medical practitioner shall, without delay, send a report in writing to the Chief Inspector stating-

- (a) the name and full postal address of the patient;
- (b) the disease from which he believes the patient to be suffering;
- (c) the name and address of the factory in which the patient is or was last employed.

(3) The Government may add to or subtract from the Schedule any disease by notification in the official Gazette.

91. Power to direct enquiry into cases of accident of disease.-

(1) The Government may, if it considers it expedient so to do, appoint a competent person under intimation to all concerned to enquire into the causes of any accident occurring in a factory, or into any case where a disease specified in the Schedule has been, or is suspected to have been, contracted in a factory and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such enquiry.

(2) The person appointed to hold an enquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects, and may also, so far as may be necessary for the purpose of the enquiry, exercise any of the powers of an Inspector under this Act; and every person required by the person making the enquiry to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Penal Code, 1860 (XLV of 1860).

(3) The person holding an enquiry under this section shall make a report to the

Government stating the cause of the accident or as the case may be, disease, and any attendant circumstances, and adding thereto any observations which he, or any of the assessors, may think fit to make.

(4) The Government may, if it thinks fit, cause to be published any report made under this section or any extract there from.

(5) The Government may make rules for regulating the procedure of enquires under this section.

92. Power to take samples.- (1) An Inspector may, at any time during the normal working hours of a factory, after informing occupier or the manager of the factory or other person, for the time being purporting to be the manager of the factory, take, in the manner hereinafter provided, a sufficient sample of any substance used or intended to be used in the factory, such use being, in the opinion of the Inspector-

(a) in contravention of any of the provisions of this Act or the rules made there under, or

(b) likely to cause bodily injury to or injury to the health of, workers in factory.

(2) Where the Inspector takes sample under sub-section (1), he shall, in the presence of the person informed under the sub-section unless such person willfully absents himself, divide the sample into three portions and effectively seal and suitably mark them shall permit such person to add his own seal and mark thereon.

(3) The person informed as aforesaid shall, if the Inspector so requires, provided the appliances for diving, sealing and marking sample taken under this section.

(4) The Inspector shall-

(a) forthwith give one portion of the sample of the sample to the person informed under sub-section (1) ;

(b) forthwith send the second portion to a Government Analyst for analysis and report thereon; and

(c) retain the third portion for production to the Court before which proceeding, if any, are instituted in respect of the substance.

(5) Any document, purporting to be a report under the hand of any Government Analyst upon any substance submitted to him for analysis and report under this section, may be used as evidence in any proceedings instituted in respect of the substance.

CHAPTER X PENALTIES AND PROCEDURE

93. General penalty for offences.- Save as is otherwise expressly provided in this Act and subject to the provisions of section 94, if in, or in respect of, any factory, there is any contravention of any of the provisions of this Act or any rules made thereunder, or of any order in writing given thereunder, the occupier and the manager of the factory shall each be guilty of an offence punishable with fine which may extend to Taka one thousand and, if the contravention is continued after conviction, with a further fine which may extend to Taka seventy-five for every day of the period during which the contravention continues.

94. Liability of owner of premises in certain circumstances- (1) Where in any premises separate building are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for the provision and maintenance of common facilities and service, such as approach roads, drainage, water supply lighting and sanitation.

(2) The Chief Inspector shall have, subject to the control of the Government, power to issue orders to the owner of the premises in respect of the carrying out of the provisions of sub-section (1).

(3) Where in any premises, independent or self-contained floors or flats are leased to different occupiers for use as separate factories, the owner of the premises shall be liable as if he were the occupier or manager of a factory, for any contravention of the provisions of this Act in respect of

- (i) latrines, urinals and washing facilities in so far as the maintenance of the common supply of water for these purposes is concerned;
- (ii) fencing of machinery and plant belonging to the owner and not specifically entrusted to the custody or use of an occupier;
- (iii) safe means of access to the floors or flats and maintenance and cleanliness of staircases and common passages;
- (iv) precaution in case of fire;
- (v) maintenance of hoists and lifts; and
- (vi) maintenance of any other common facilities provided in the premises.

(4) The Chief Inspector shall, subject to the control of the Government, power to issue orders to the owner of the premises in respect of the carrying out of the provisions of sub-section (3).

(5) The provisions of sub-section (3) relating to the liability of the owner shall apply where in any premise independent rooms with common latrines, urinals and washing facilities are leased to different occupiers for use as separate factories;

Provided that the owner shall be responsible also for complying with the requirements relating to the provisions and maintenance of latrines, urinals and washing facilities.

(6) The Chief Inspector shall have, subject to the control of the Government, the powers to issue orders to the owner of the premises referred to in sub-section (5) in respect of the carrying out of the provisions of section 45 or 47.

(7) Where, in any premises, portions of a room or a shed are leased to different occupiers for use as separate factories, the owner of the premises shall be liable for any contravention of the provisions of -

- (i) Chapter III, except section 15 and 16;
- (ii) Chapter IV, except section 24, 25, 29, 36, 37, and 41;

Provided that in respect of the provisions of sections 23, 26 and 34 the owner's liability shall be only in so far as such provisions relate to things under his control:

Provided further that the occupier shall be responsible for complying with the provisions of Chapter IV, in respect of plant and machinery belonging to or supplied by him;

(iii) Section 43.

(8) The Chief Inspector shall have, subject to the control of the Government, power to issue orders to the owner of the premises in respect of carrying out the provisions of sub-section (7)

(9) In respect of subsections (5) and (7), while computing for the purposes of any of the provisions of this Act the total number of workers employed, the whole of the premises shall be deemed to be a single factory.

95. Enhanced penalty after previous convictions.- If any person, who has been convicted of any offence punishable under section 93 is again convicted of an offence involving a contravention of the same provision, he shall be punished, on a subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to Taka one thousand or with both:

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 subsequent offence.

96. Penalty for obstructing Inspector.- Whoever willfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand by the Inspector any register or other document in his custody kept in pursuance of this Act or of any 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 imprisonment for a term which may extend to three months, or with fine which may extend to Taka five hundred or with both.

97. Penalty for wrongful disclosure of information.- Whoever, except in so far as it may be necessary for the purpose of a prosecution for any offence punishable under this Act, publishes or disclose to any person the results of any analysis made under section 92 shall be

punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka five hundred or with both.

98. Restriction on disclosure of information.- (1) No Inspector shall, while in service or after leaving the service, disclose other than in connection with the administration of this Act any information relating to any manufacturing or commercial secret which may come to his knowledge in the course of his official duties.

(2) Nothing in sub-section (1) shall apply to any disclosure of information made with the previous consent in writing of the owner of such business or process or for the purposes of any legal proceedings (including arbitration) pursuant to this Act or of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise, or for the purpose of any report of such proceedings as aforesaid.

(3) In any Inspector contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Taka one thousand or with both.

99. Offences by workers.- (1) Subject to the provisions of section III, if any worker employed in any factory contravenes any provisions of this Act or any rules or orders made thereunder imposing any duty or liability on workers, he shall be punishable with fine which may extend to Taka fifty.

(2) Where a workers is convicted of an offence punishable under subsection (1), the occupier of manager of the factory shall not be deemed to be guilty of an offence in respect of that contravention unless it is proved that he failed to take all reasonable measures for its prevention.

100. Penalty for using false certificates of fitness.- Whoever knowingly use or attempts to use, as a certificate of fitness granted to himself under section 68, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows

it to be used, or allows another person to attempt such a use, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to Take fifty or with both.

101. Penalty for double employment of a child.- 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 or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to Take fifty unless it appears to the Court that the child so worked without the consent, connivance or willful default of such parent, or guardian or person.

102. Offences by a firm, company, etc.- (1) Where a person guilty of an offence punishable under this Chapter for which the occupier of a factory is punishable-

(a) is a firm or other body of individuals every partner or member thereof; or

(b) is a company, other than a private company every director thereof; or

(c) is a private company, every shareholder thereof shall be deemed to be guilty of such offence:

Provided that where any such firm, body or company gives notice to the Inspector nominating one of its partners, members, directors or in the case of a private company, shareholders who is a resident of Bangladesh to be the occupier of the factory for the purposes of this Chapter, such partner, member, director, or shareholder, as the case may be, shall so long as he is so resident, be deemed to be such occupier until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner, member, director or shareholder.

(2) Where a person guilty of an offence punishable under section 94 for which the owner of a premises or building is punishable is a firm, body of individuals or company, reference in this section to an occupier shall be deemed to be a reference to an owner and the provisions of this section shall apply accordingly.

103. Exemption of occupier or manager from liability in certain cases.- (1) Where the occupier or manager of a factory is charged with

an offence under 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.

(2) If, after the commission of the offence has been proved, the occupier or manager of the factory, as the case may be, proves to the satisfaction of the Court that he has used due diligence to prevent to the commission of the offence and that the said other person committed the offence in question without his knowledge, consent or connivance, that other person shall be punished for the offence as if he were the occupier or manager and the occupier or manager shall be discharged from any liability for the offence.

(3) Where it is made to appear to the satisfaction of the Inspector at any time before the institution of proceeding for an offence under this Act-

(a) that the occupier or manager of the factory has used all due diligence to prevent the commission of the offence;

(b) that it had been committed without the knowledge, consent or connivance and in contravention of the orders, of the occupier or manager; and

(c) that it has been committed by any other person, the Inspector shall proceed against that other person who shall be punishable for the offence as if he were the occupier or manager.

104. Power of the Court to make orders.- (1), the occupier or manager of the factory, as the case may be, shall not, during the period specified therein or extended period, if any, be liable under this Act for continuation of the offence for which he has been convicted

(2) Where an order is made under sub-section (1), the occupier or manager of the factory, as the case may be, shall not, during the period specified therein or extended period, if any, be liable under this Act for continuation of the offence for which he has been convicted.

(3) If the order of the Court under sub-section (1) is not fully complied with during the aforesaid period, the occupier or manager, as the case may be, shall, on the expiry of such period, be deemed to have committed further offence punishable with imprisonment for a term

which may extend to six months, or with fine which may extend to Taka one hundred for every day after the expiry of the said period during which the order has not been complied with, or with both.

105. Presumption as to employment.- Every person, who is found in a factory at any time, except during intervals for meals or rest, when work is going on or the machinery is in motion, shall until the contrary is proved, be deemed for the purposes of this Act and the rules made there under, to be, at that time employed in the factory.

106. Onus as to age.- (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, the burden of proving that such person is not under or over such age shall be on the accused.

(2) A declaration in writing by a Certifying Surgeon 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 the workers.

107. Cognizance of offences.- (1) No court shall take cognizance of an offence under this Act except upon complaint made by, or under the authority of or with the previous permission in writing of, an Inspector:

Provided that no case lying before a Court shall be withdrawn without the prior permission of the Chief Inspector of Factories.

(2) No Court inferior to that of a Magistrate of the First Class shall try an offence under this Act or any rules or order made thereunder.

CHAPTER XI SUPPLEMENT

108. Appeals.- (1) Where an order in writing of an Inspector has been served under this Act on the manager of a factory, such manager or the occupier of the factory may, within thirty days of the service of the order, appeal against it to the Appellate Authority which may, subject to rules made in this behalf, confirm, modify or reverse the order.

(2) Subject to rules made in this behalf, the Appellate Authority may, and, if the appellant so requires, shall, hear an appeal under sub-section (1) with the aid of two assessors, one of whom shall be appointed by the Appellate Authority and the other by such body representing the industry concerned as may be prescribed:

Provided that on 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 appeal without the aid of such assessor or, if it thinks fit, without the aid of any assessor.

(3) Subject to such rules as the Government may make in this behalf and subject to such conditions as to partial compliance or the adoption of temporary measures as the Appellate Authority may, in any case think it fit to impose, the Appellate Authority may, if it thinks fit, suspend the order appealed against pending the decision of the appeal.

(4) The Government may make rules for the purpose of this section and such rules may specify the classes of appeals which shall not be heard with the aid of assessors.

(5) In this section "Appellate Authority" means the Government or such Authority as the Government may appoint in this behalf.

109. Display of notices.- (1) In addition to notices required to be displayed in any factory by this Act or the rules made hereunder, there shall be displayed in every factory the official address of the Inspector and the Certifying Surgeon and a notice containing such abstracts of this Act and of the rules made thereunder as may be prescribed.

(2) All notices required to be displayed in a factory by or under this Act shall be-

- (a) written in Bengali
- (b) displayed at a conspicuous and convenient place at or near the main entrance to the factory; and
- (c) maintained in a clean and legible condition.

(3) The Chief Inspector may, by order in writing served on the manager of any factory, require that there shall be displayed in the

factory any other notice or poster relating to the health, safety or welfare of the workers in the factory.

110. Service of notices and returns.- The Government may make rules-

- (a) prescribing the manner of the service of orders under this Act, and
- (b) requiring owners, occupiers or managers of factories to submit such return, occasional or periodical, as it may consider necessary for the purposes of this Act.

111. Obligation of workers.- (1) No workers in a factory shall-

- (a) willfully interfere with or misuse any appliance, convenience or other thing provided in a factory for the purposes of securing the health, safety or welfare of the workers therein;
- (b) willfully and without reasonable cause do anything which is likely to endanger himself or other.
- (c) willfully neglect to make use of any appliance or other things provided in the factory for the purposes of securing the health or safety of the workers therein.

(2) If any worker employed in a factory contravenes any provision of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka one hundred, or with both.

112. General power to make rules.- The Government may make rules providing for any matter which under any of the provision of this Act is to be or may be prescribed or which may be considered expedient in order to give effect to the purposes of this Act.

113. No charge for facilities and convenience.- Subject to the provisions of section 45, no fee or charge shall be realised from any worker in respect of any arrangements or facilities to be provided or an equipment or appliances to be supplied by the occupier under this Act.

114. Publication of rules.- (1) All rules made this Act shall be subject to the condition of previous publication of the draft thereof with a notice specifying a date, not later than three months from the date of

such publication on or after which the draft will be taken into consideration.

(2) All such rules shall be published in the official Gazette and shall come into force on the date of such publication.

(3) Rules made under this Act may provide that a contravention thereof shall be punishable with fine not exceeding Taka two hundred and fifty.

115. Protection to persons acting under this Act.- 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 Act.

116. (Repealed)- Repealed by the East Pakistan Repealing and Amending Ordinance, 1966 (E.P. Ord. XIII of 1966).

THE SCHEDULE

(See Sections 90 and 91)

List of notifiable diseases

1. Lead poisoning, including poisoning by any preparation or compound of lead or their sequelae.
2. Lead tercthyl poisoning.
3. Phosphorus poisoning or its sequelae.
4. Mercury poisoning or its sequelae.
5. Manganese poisoning or its sequelae.
6. Arsenic poisoning or its sequelae.
7. Poisoning by Nitrous fumes.
8. Carbon bi-sulphide poisoning.
9. Benzene poisoning including poisoning by any of its homologues, their nitro or amido derivatives or its sequelae.
10. Chrome ulceration or its sequelae.
11. Anthrax.
12. Silicosis.
13. Poisoning by Halogens or Halogen derivatives of the Hydrocarbons of the aliphatic series.
14. Pathological manifestations due to-
 - (a) Radium or other radio-active substances.
 - (b) X- rays.
15. Primary equithalimatous cancer of the skin.
16. Toxic anaemia.

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THE FACTORIES RULES, 1979

No. S.R.O. No 101-L/78/LSWVI/11 (4)/ 78. In exercise of the powers conferred by section 112 of the Factories Act, 1965 (Act IV of 1965), and in suppression of the Factories Rules, 1953, the Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 114 of the said Act, namely:-

THE FACTORIES RULES, 1997

1. Short title.- These rules may be called the Factories Rules, 1979

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context-

(a) "**Act**" means the Factories Act, 1965 (Act IV of 1965) ;

(b) "**artificial humidification**" means the introduction of moisture into the air of a room by any artificial means whatsoever, except the unavoidable escape of steam or water vapour into the atmosphere directly due to a manufacturing process:

Provided that the introduction of air directly from outside through moistened mats or screens placed in opening at time when the temperature of the room is 80 degrees or more, shall not be deemed to be artificial humidification;

(c) "**belt**" includes any driving strap or rope;

(d) "**degree**" means degrees on the Fahrenheit scale;

(e) "**Form**" means a form appended to these rules;

(f) "**Fume**" includes gas or vapor"

(g) "**Section**" means a section of the Act; and

(h) "**Septic tank latrine**" means a latrine of the septic tank type together with its filter beds, and includes includes activated sludge latrines and aero bacterial latrines.

CHAPTER I

APPROVAL OF PLANS OF FACTORY, FEES FOR LICENSING AND REGISTRATION

3. Application for construction and extension of factory: (1)

There shall not be any construction or extension of any factory unless

previous permission in writing is obtained from the Chief Inspector for such construction or extension.

(2) All applications for the previous permission shall be made in *Form No. 1* which shall be accompanied by the following documents, namely--

(a) a flow chart of the manufacturing process supplemented by a brief description of the process in its various stages;

(b) plans in duplicate showing-

(i) the site of the factory and its immediate surroundings including adjacent buildings and other structures, roads and drains; and

(ii) the plan, elevation and necessary cross-sections of the various buildings drawn to scale indicating all relevant details relating to construction of walls, roofings, natural lighting, ventilation and means of escape in case of fire, the position of the plant, machinery, aisles and passage way; and

(c) such other particulars as the Chief Inspector may require.

(3) The Chief Inspector, if satisfied, shall, in returning to the applicant one copy of the plan submitted under sub-rule (2) and subject to such conditions as he may specify, approve the plans of construction or, as the case may be, the extension of a factory, or may call for such other particulars as he may require to enable him to approved the plan.

(4) No deviation of any kind from approved plans shall be made without the written permission of the Chef Inspector.

(4) Application for registration and licence: The occupier of every factory shall submit to the Chief Inspector an application in *Form No. 2* in duplicate, for its registration and grant of licence.-

(a) in the case of a factory already in existence and engaged in manufacturing process, within six months from the date of coming into force of these rules, and

(b) in the case of a factory coming into existence and engaging in manufacturing process on or after the coming into

5. Granting of licence: (1) Every licence for a factory shall on the payment of the fees specified in the Schedule below, be granted by the Chief Inspector in *Form No. 3*

Provided that the fee payable by a factory declared under section 3 of the Act shall be Taka five.

(2) Every licence shall remain in force up to the 31st December of the year in which the licence is granted.

(3) The Chief Inspector, on receipt of an application in *Form No. 2*, may renew the licence.

(4) The licence or a copy of it shall be displayed at a conspicuous place of the factory.

THE SCHEDULE

Scale of fee payable for licence and annual renewal of licence by factories:

Maximum number of workers to be employed on any day during the year	Licence fees Tk.	Renewal licence fees Tk.
A. 10 to 30	80.00	16.00
B. 31 to 50	200.00	40.00
C. 51 to 100	400.00	80.00
D. 101 to 200	600.00	120.00
E. 201 to 300.....	800.00	160.00
F. 301 to 500.....	1400.00	280.00
G. 501 to 750.....	1600.00	320.00
H. 715 to 1000	2000.00	400.00
I. above 1001.....	2400.00	480.00

(2) Every application for renewal of licence shall be submitted in *Form No. 2* in duplicate, on or before the 31st December every year.

6. Amendment in Licence.- (1) A licence granted under rule 5 may be amended by the Chief Inspector.

(2) A licensee whose licence requires to be amended due to increase in the number of workers in the factory shall submit an application in *Form No. 2* to the Chief Inspector stating the nature of amendment. Fee

for such amendment shall be Taka Forty and, in addition, the licensee shall be required to pay the amount of licence fee as may be applicable to the factory minus the amount which was originally paid for such licensing.

(7) Default in payment of renewal fee.-- If the fee for renewal of licence is not deposited within the time specified in sub-rule (2) of rule 5, then, notwithstanding any other action which may be taken under the Act or these Rules, the amount of the fee for renewal of the licence shall be 25 per cent, in excess of the amount which would otherwise be payable if the payment is made within three calendar months of the time specified and shall be 50 per cent, in excess of the amount which would otherwise be for further default beyond three calendar months:

Provided that if part of the renewal fee is paid within the due date, the excess fee shall only be payable on the balance due.

8. Loss of licence.- Where a licence granted under these Rules is lost or accidentally destroyed, a duplicate may be granted on payment of Taka Five.

9. Payment of fees.- Every application under these Rules shall be accompanied by a Treasury receipt showing that the non-refundable fee has been paid into the local Treasury under the head of account "XXXVI-Miscellaneous Department-Inspector of Factories and Establishment- Miscellaneous Receipt on account of sale of Forms."

CHAPTER II INSPECTING STAFF

10. Duties of Certifying Surgeons.- (1) A Certifying Surgeon shall fix such place and time as he thinks fit for the attendance of persons wishing to obtain certificate of fitness. Notice of places and times so fixed shall be given to the Manager of the factory concerned.

(2) The Certifying Surgeon shall grant certificate of fitness in *Form No. 4*.

(3) While preparing a certificate of fitness which shall be deemed to be a certificate of fitness under section 68 of the Act, the required particulars shall be filled in on the certificate and the counterfoil, and on

both shall be impressed the left thumb mark of the person to whom the certificate is being granted.

(4) The Certifying Surgeon shall submit such report to the Chief Inspector as the Chief Inspector may call for from time to time in respect of any factory or class or description of factory determined by him.

(5) The Certifying Surgeon shall visit the factories to examine persons engaged in dangerous occupations or processes at such intervals as the Chief Inspector may specify in this behalf.

(6) The Certifying Surgeon shall record the result of the examination in each visit in a register, known as the Health Register, in *Form No. 5* maintained with the Manager.

(7) If the Certifying Surgeon finds as a result of the examination that any person employed in any process is no longer fit for medical reasons to work in the process, such person shall be withdrawn from working in that process for such time as the Certifying Surgeon may think fit and no person, after suspension, shall be employed in that process without the written sanction of the Certifying Surgeon in the Health Register.

(8) the Manager of the factory shall afford to the Certifying Surgeon all facilities to inspect any process in which any person is employed or is likely to be employed.

(9) The Manager of the factory shall provide, for the purpose of any medical examination which the Certifying Surgeon wishes to conduct at the factory, a room which shall be properly cleaned and adequately ventilated and lighted and furnished with a screen, table and chairs.

(10) If the examination of persons employed in dangerous occupations or processes cannot be carried out at the factory owing to the special nature of the examination that may be necessary, the Manager of the factory shall arrange to send such persons to such places as may be required by the Certifying Surgeon.

CHAPTER III HEALTH

11. Lime-washing and painting-- In every factory, all inside walls and partitions, all ceilings or tops of rooms and all wall, sides and tops of

passages and staircases if painted or varnished and have smooth impervious surfaces, shall be washed with water once in every fourteen months and, if necessary, by soap and brush.

12. Record of cleanliness.- The dates on which the processes required by clause (d) of section 12 are carried out shall be entered in a Register maintained in *Form No. 6*.

13. Disposal of wastes and effluents.- In the case of a factory situated in a place where no public sewerage system exists, prior approval of the arrangements made for the disposal of the wastes and effluents shall be obtained from the Chief Inspector who shall act in this behalf in consultation with the Directorate of Health Services.

14. Construction and maintenance of drains.- All drains carrying waste or sludge water shall be constructed in masonry or other impervious material and shall be regularly flushed and the effluent shall be disposed of by connecting such drains with suitable drainage line:

Provided that, where there is no such drainage line, the effluent shall be deodorized and rendered innocuous and then disposed of in a suitable manner to the satisfaction of the Inspector.

15. Artificial humidification in cotton mills.- There shall be no artificial humidification in any room of a cotton spinning or weaving factory--

(a) by the use of steam during any period when the dry bulb temperature of that room exceeds 85 degrees;

(b) at any time when the wet bulb reading of the hygrometer is higher than that specified in the Schedule below in relation to the dry bulb reading of hygrometer at that time, or as regards a dry bulb reading intermediate between any two dry bulb readings indicated consecutively in the Schedule when the dry bulb reading does not exceed the wet bulb reading to the extent indicated in relation to the lower of these two dry bulb readings:

Provided that clause (b) shall not apply when the difference between the wet bulb temperature as indicated by the hygrometer in the department concerned and the wet bulb temperature taken with a hygrometer outside in the shed is less than 3.5 degrees.

THE SCHEDULE

Dry bulb.	Wet bulb.	Dry bulb.	Wet bulb.	Dry bulb.	Wet. bulb.
1	2	3	4	5	6
60.0	58.0	77.0	75.0	94.0	86.0
61.0	59.0	78.0	76.0	95.0	87.0
62.0	60.0	79.0	77.0	96.0	87.0
63.0	61.0	80.0	78.0	97.0	88.0
64.0	62.0	81.0	79.0	98.0	88.5
65.0	63.0	82.0	80.0	99.0	89.0
66.0	64.0	83.0	80.5	100.0	89.5
67.0	65.0	84.0	81.0	101.0	90.0
68.0	66.0	85.0	82.0	102.0	90.0
69.0	67.0	86.0	82.5	103.0	90.5
70.0	68.0	87.0	83.0	104.0	90.5
71.0	69.0	88.0	83.5	105.0	91.0
72.0	70.0	89.0	84.0	106.0	91.0
73.0	71.0	90.0	84.5	107.0	91.5
74.0	72.0	91.0	85.0	108.0	91.5
75.0	73.0	92.0	85.0	109.0	92.0
76.0	74.0	93.0	86.0	110.0	92.0

16. Hygrometer- (1) In all departments of cotton spinning and weaving mills wherein artificial humidification is adopted, hygrometers shall be provided and maintained in such proportions as are approved by the Inspector.

(2) The number of hygrometers shall be regulated according to the following scales, namely:-

(a) *Weaving Department.*- One hygrometer for departments with less than 250 looms, and thereafter one additional hygrometer for every 250 looms, or part thereof.

(b) *Other Departments.*- One hygrometer for each room of less than 2,00,000 cubic feet capacity and thereafter one extra hygrometer for each 1, 50, 000 cubic feet capacity or part thereof.

(c) One additional hygrometer shall be provided and maintained outside each cotton spinning and weaving factory wherein artificial humidification is adopted.

(3) A legible copy of the Schedule annexed to Rule 15 shall be affixed near each hygrometer.

17. Exemption from maintenance of hygrometer.- If the Chief Inspector is satisfied that the limits of humidity allowed by the Schedule to Rule 15 are never exceeded, he may grant exemption to any department of a factory from the maintenance of the hygrometer.

18. Temperature to be recorded at each hygrometer.- (1) At each hygrometer maintained in accordance with rule 16 correct wet and dry bulb temperature shall be recorded thrice daily during each working day by the persons nominated by the Manager of the factory and approved by the Inspector. The temperatures shall be taken between 7 a.m. and 9 a.m., between 11 a.m. and 2 p.m. (but not between the rest interval) and between 4 p.m. and 5-30 p.m. In exceptional circumstances, such additional readings shall be taken in such manner as the Inspector may specify.

(2) The temperatures shall be entered in a Humidity Register in *Form No. 7*, maintained in the factory. At the end of each month, the persons who have taken the readings shall sign the Register and certify the correctness of the entries. This Register shall always be available for inspection by the Inspector.

19. Specifications of hygrometer.- (1) Each hygrometer shall comprise two mercurial thermometers of wet bulb and dry bulb of similar construction and equal in dimensions, scale and divisions of scale. They shall be mounted on a frame with a suitable reservoir containing water.

(2) The Wet bulb shall be, closely covered with a single layer of muslin, kept wet by means of a wick attached to it and dipping into the water in the reservoir.

(3) No part of the wet bulb shall be within 3 inches of the dry bulb or less than 1 inch from the surface of the water in the reservoir and the water reservoir shall be below it, on the side of it away from the dry bulb.

(4) The bulb shall be spherical and of suitable dimensions and shall be freely exposed on all sides to the air of the room.

(5) The bores of the stems shall be such that the position of the top of the mercury column shall be readily distinguishable at a distance of 2 feet.

(6) Each thermometer shall be graduated so that accurate readings may be taken between 50 and 120 degrees.

(7) Every degree from 50 degrees up to 120 degrees shall be clearly marked by horizontal lines on the stem, each fifth and tenth degree shall be marked by longer marks than the intermediate degrees and the temperature marked opposite each tenth degree, that is, 50, 60, 70, 80, 90, 100, 110 and 120.

(8) A distinctive number shall be indelibly marked upon the thermometer.

(9) The accuracy of each thermometer shall have to be certified by such authority as the Chief Inspector may specify and such certificate shall be attached to the Humidity Register.

20. Maintenance of thermometer.- (1) Thermometers shall be maintained at all factories in such manner as the Chief Inspector may, by instruction, direct in this behalf.

(2) If the Inspector gives notice in writing that a thermometer is not accurate it shall not be deemed to be accurate unless and until a fresh certificate is obtained declaring its fitness.

21. Affixing of hygrometers.- (1) No hygrometer shall be affixed to a wall pillar, or other surface unless protected by wood or other non-conducting material at least half an inch in thickness.

(2) No hygrometer shall be fixed at a height of more than 5 feet 6 inches from the floor to the top of thermometer stem or in the direct draughts, from a fan, window or ventilating opening.

22. Recording of reading on hygrometer.- No reading shall be taken for record on any hygrometer within 15 minutes of the renewal of water in the reservoir.

23. Introduction of steam of stem for humidification.- The steam pipes used for the introduction steam for the purposes of artificial

humidification of the air in any room shall be subject to the following namely:-

- (a) the diameter of the pipes shall not exceed two inches and, in the case of pipes installed after the 1st day of March, 1979, the diameter shall not exceed one inch
- (b) the pipes shall be as short as is reasonably practicable;
- (c) all hangers supporting the pipes shall be separated from the bare pipes by an efficient insulator not less than half an inch in thickness.
- (d) the steam pressure of the pipes shall be as low as practicable and shall not exceed 70 lbs. Per square inch; and
- (e) the pipes employed for the introduction of steam into the air in a department shall be effectively covered with such nonconducting material as may be approved by the Inspector in order to minimise the amount of heat radiated by them into the department.

24. Lighting of interior parts.- The lighting of, and the light fittings in the interior parts of a factory where persons are regularly employed and in other part shall be of such specification or, as the case may be, of such manner, as the Chief Inspector may specify in this behalf.

25. Provisions for drinking water.- (1) In every factory there shall be provided and maintained at suitable points conveniently accessible to all workers a supply of water fit for drinking. The quantity supplied daily shall be at least as many gallons as there are workers.

(2) The drinking water required to be supplied under sub-rule (1) shall be contained in suitable vessels and shall be renewed at least daily. All practicable steps shall be taken to preserve the water and vessels from contamination.

(3) Any open well or reservoir from which the drinking water is derived shall be so situated and protected as not be liable to pollution by any organic matter of other impurities.

(4) The area around any place where drinking water is supplied to the workers shall be maintained in a clean and drained condition.

(5) The Inspector may, by order in writing, require the Manager of the factory to obtain a report from the Directorate of Health Services as to whether the drinking water supplied to the workers is fit for drinking or otherwise.

26. Cooling of water.- In every factory wherein more than two hundred and fifty workers are ordinarily employed, the drinking water supplied to the workers' canteen, lunch room and rest room shall, from the 1st of April to the 30th September, in every year, be cooled by ice or other effective method:

provided that if ice is placed in the drinking water, the ice shall be clean and wholesome;

Provided further that in the case of factories where provisions for water-coolers have been made, the Chief Inspector may, by order in writing, relax the provision of this rule.

27. Latrine accommodation.- (1) Latrine accommodation shall be provided in every factory on the following scale:-

(a) Where females are employed, there shall be at least one latrine for every 25 females.

(b) Where males are employed, there shall be at least one latrine for every 25 males:

Provided that, where the number of male employees exceeds 100, it shall be sufficient if there is one latrine for every 25 males upto the first 100, and one for every 50 thereafter.

Explanation.- In calculating the number of latrines required under this rule, any odd number of workers less than 25 or 50, as the case may be, shall be reckoned as 25 or 50.

(2) The number of workers in a factory for whom septic tank latrine accommodation shall be deemed to be adequate shall be the maximum number of daily users as approved by the Directorate of Health Services under clause (a) of rule 29, or the number of workers provided for on the scale specified in sub-rule (1), whichever is less; and where the number so calculated is less than the total number of workers employed, the accommodation provided by way of septic tank latrines shall not be deemed to be sufficient within the meaning of section 20.

28. Design, situation, etc. of latrines.- The following provisions shall apply to latrines:-

(1) The design and the site or situation shall be subject to the approval of the Directorate of Health Services, and the construction shall

be subject to the approval of the Chief Inspector. Application for such approval shall be accompanied by plans in duplicate showing-

- (a) the site or situation and immediate surroundings including adjacent buildings and drinking water source, and
- (b) the plan, elevation, and necessary cross-section drawn to scale indicating all relevant details.

(2) They shall be situated, unless otherwise approved in writing by the Inspector, within the factory precinct and so located that every worker may have ready access there to and no effluvia therefrom can arise within a workroom.

(3) They shall not communicate with any workroom except through the open air or through an intervening ventilated space and shall be adequately lighted during working hours.

(4) They shall be under over can so partitioned off as to secure privacy and shall have proper hinged doors and fastenings:

Provided that the Chief Inspector may, by order in writing, exempt factories existing on the commencement of these rules from providing hinged doors and fastening for these latrines which have been constructed before such commencement.

(5) Where workers of both sexes are employed, separate latrines shall be provided for each sex and outside such each latrine, at the entrance, there shall be displayed in a conspicuous position, an approved sign or a notice in Bengali clearly indicating the sex for which the latrine is provided. All latrines intended for females shall be so placed or so screened that the interior shall not be visible, even when the door is open, from any place where persons of other sex have to work or pass, if the latrines for one sex adjoin those for the other sex the approaches shall be separate and there shall be no common entrance.

(6) Where piped water-supply is available, a sufficient number of water taps, conveniently accessible, shall be provided in or near such latrine accommodation.

29. Septic tank latrine.- The following provisions shall apply to septic tank latrines:-

- (a) The maximum number of daily users for whom the tank is designed shall be approved by the Directorate of Health Services, and a notice board showing such number shall be fixed in a prominent position on each latrine.

(b) The latrines shall be so designed as to allow a space of 2 cubic feet to 3 cubic feet per user and the ordinary filter beds shall have 6 cubic feet of filtering media per every user, and for rotary filters the capacity may be reduced to 3 cubic feet per user.

(c) Efficient automatic recording turnstile or turnstiles shall be provided for recording the total number of users admitted on any day, and a register showing the number of daily users shall be maintained.

(d) The effluent therefrom shall conform to such standards as the Government may, by notification in the official Gazette, specify in its behalf.

(e) For the satisfactory disposal of the sludge or other solid matters, a pit of cubical capacity equal to the total flow of not less than an hour shall be provided to receive the solid matter. When the pit becomes full, the valves should be closed and the solid matter and sludge shall be allowed time to settle. The effluent shall then be drawn off and sterilised, and the solid matter and sludges shall be trenched or burnt.

Provided that where the Chief Inspector is satisfied that in respect of any septic tank the requirements of clause (c) are not necessary he may, by order in writing, grant exemption from that clause on such conditions, if any, as he may impose.

30. Reference to municipal and local authorities.-In the case of factories situated in places within the limits of a local authority if it appears to the Inspector that there has been a breach of the provisions of any Act constituting the local authority relating to sanitary arrangements, removal of objectionable rubbish, the cleaning and fencing of water tanks, or the like matters, the Inspector shall, without prejudice to any action which he is empowered to take under the Act or the rules made thereunder, draw the attention of the local authority to the breach of such provisions.

31. Urinal accommodation.- Urinal accommodation shall be provided for the use of male workers which shall not be less than 2 feet in length. It shall be sufficient if there is one urinal for every 50 males up to the first 500 employed, and one for every 100 thereafter. In calculating the urinal accommodation required under this rule any odd number of

workers less than 50 or 100, as the case may be, shall be reckoned as 50 or 100.

32. Urinals to conform to public health requirement.- Urinal other than those connected with an efficient waterborne sewerage system and urinals in a factory wherein more than 250 workers are ordinarily employed shall comply with the requirements of the Directorate Health Service.

33. White- washing, colour-washing of latrines and urinals.- The walls, ceilings and partitions of every latrine and urinal shall be whitewashed or colour-washed and the white-washing or colour-washing shall be repeated at least once in every period of four months. The dates on which the white-washing or colour-washing is carried out shall be entered in the Register in *Form No 6*:

Provided that parts of latrines and urinals which are laid in glazed tiles or otherwise finished to provided a smooth polished impervious surface shall be washed with suitable detergents and disinfectants at least once in every period of four months.

34. Number and location of spittoons.- The number and location of spittoons to be provided shall be to the satisfaction of the Chief Inspector.

35. Type of spittoons.- Type of spittoons shall be of either of the following types-

- (a) a galvanised iron container with a conical funnel shaped cover. A layer of suitable disinfectant liquid shall always be maintained in the container; or
- (b) a container filled with dry and clean sand and covered with a layer of bleaching powder; or
- (c) any type approved by the Chief Inspector.

36. Cleaning of spittoons.- The spittoons shall be emptied, cleaned and disinfected at least once in every day and the spittoons mentioned in clause (b) of rule 35 shall be cleaned by scraping out the top layer of sand as often as necessary or at least once in every day.

CHAPTER IV SAFETY

37 Safety precautions.- Without prejudice to the provisions of subsection (1) of section 23, in regard to the fencing of machines, the further precautions as may be directed by the Chief Inspector in writing shall apply to the machines specified in such direction.

38. Building and structures.- No building, wall, chimney, bridge, tunnel, road, gallery, stairway, ramp, floor, platform, staging or other structure, whether of a permanent or temporary character, shall be constructed, situated or maintained in any factory in such a manner as to cause risk of bodily injury.

39. Electrical and mechanical transport.--No railway or other electrical or mechanical means of transport within the precincts of a factory shall be constructed, situated or maintained in any factory in such a manner as to cause risk of bodily injury.

Provided that the Chief Inspector shall not allow the use of any such railway or means of transport if it is designed, maintained or operated in contravention of any provisions of any other Act, for the time being in force.

40. Machinery and plant.-No machinery, plant or equipment shall be constructed, situated, operated or maintained in any factory in such a manner as to cause risk of bodily injury.

41. Precautions against electrical hazards.- (1) In every factory all electric supply lines and apparatus shall be of proper size and sufficient strength and shall be constructed, situated, protected, worked and maintained in such a manner as to cause no risk of bodily injury:

Provided that where automatic mechanism is installed which renders 'dead' any electrical equipment on the occurrence of any danger, such mechanism shall be taken into account by the Inspector when considering the adequacy or otherwise of the protection furnished:

Provided further that in no case shall the Inspector accept as adequate any conditions or combination of conditions which are subject to objection under any law for the time being in force.

(2) Every portable hand lamp must be equipped with an insulating handle and the bulb must be enclosed in a wire cage which must be insulated from the metal parts of the lamp-holder.

(3) Wherever practicable, connection between the flexible cable of a portable apparatus and the supply line shall be made by a properly designed three pin plug and socket so that wrong insertion will not be possible.

(4) The type and the layout of electrical apparatus to be used and the method of electrical wiring in any part of a factory in which any substance likely to induce ignitable or explosive mixture is used or stored, shall be subject to the approval of the Chief Inspector.

Explanation.-'Apparatus' includes all apparatus, machines and fittings in which conductors are used, or of which they form parts.

42. Methods of work.- No process or work shall be carried on in any factory in such a manner as to cause risk of bodily injury.

43. Stacking and storing of materials etc.- No materials or equipment shall be stacked or stored in such a manner as to cause risk of bodily injury.

44. Work on or near machinery in motion.- (1) One or more adult male workers shall be appointed for the purposes of sub-section (1) of section 24. A list of such workers shall be maintained in a Register in *Form No. 8*.

(2) No worker shall be appointed unless he has been sufficiently trained for such examination or operation and is acquainted with the dangers from moving machinery arising in connection with such work.

(3) A worker required to wear tight fitting clothing under subsection (1) of section 24 shall be provided by the occupier and such clothing shall consist of at least a pair of closely fitting shorts and a closely fitting half sleeve shirt or vest. Such clothing shall be returned to the occupier on termination of service of when new clothing is provided.

45. Employment of young persons on dangerous machinery.- The following machines shall be deemed to be of such dangerous character that young persons shall not work at them unless the provisions of subsection (1) of section 25 are complied with-

- (a) power presses other than hydraulic presses, milling machines used in the metal trades;
- (b) guillotine machine;
- (c) circular saws; and
- (d) plate printing machines.

46. Lifting machines, chains, ropes and lifting tackles.- (1) No lifting machines and no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken in use in any factory for the first time in that factory unless it has been tested and all parts have been thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load or loads and signed by the person taking the test and the examination, has been obtained and is kept available for inspection.

(2) Every jib-crane so constructed that the safe working load may be varied by the raising or lowering of the jib, shall have attached thereto either an automatic indicator or safe workings loads at corresponding inclination of the jib or corresponding radii of the load.

(3) A table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use and in the case of a multiple sling, the safe working loads of different angles of the legs shall be posted in the store room or place where or in which the chains, ropes or lifting tackles are kept, and in prominent positions on the premises and no rope, chain or lifting tackle not shown in the table shall be used. The provisions of this sub-rule shall not apply in respect of a lifting tackle if the safe working load thereof, or in the case of a multiple sling, the safe working load at different angles of the legs, is plainly marked upon it.

(4) A register in *Form No. 9* shall be maintained containing the following particulars, which shall be available for inspection:-

- (i) name of the occupier of the factory;
- (ii) address of the factory;
- (iii) distinguishing number or mark and description to identify the lifting machine, chain, rope or lifting tackle;
- (iv) date when the lifting machine, chain, rope or lifting tackle was first taken into use in the factory;
- (v) date and number of the certificate relating to any test and examination made under sub-rule (1) together with the name and address of the person who issued the certificate;

- (vi) date of each periodical thorough examination made and by whom it was carried out;
- (vii) date of annealing or other heat treatment of the chain and other lifting tackle and by whom it was carried out;
- (viii) particulars of any defects affecting the safe working load found at any examination or after annealing and of the steps taken to remedy such defects.

(5) All chains and lifting tackles, except a rope sling, shall unless they have been subjected to such other heat treatment as may be approved by the Chief Inspector, be effectively annealed under the supervision of a competent person at the following intervals:-

- (i) all chains, slings, rings, hooks, shackles and swivels used in connection with molten metal or molten slag or when they are made of half inch bar or smaller, once at least every six months;
- (ii) all other chains, rings, hooks, shackles and swivels in general use once at least in every twelve months:

Provided that chains and lifting tackle not in frequent use shall, subject to the approval of the Chief Inspector, be annealed only when necessary particulars of such annealing shall be entered in the register mentioned under sub-rule (4).

(6) Nothing in sub-rule (5) shall apply to the following classes of chains and lifting tackle:-

- (i) chains made of malleable cast iron;
- (ii) plate link chains;
- (iii) chains, rings, hooks, shackles and swivels made of steel or of any non-ferrous metal;
- (iv) pitched chains, workings on sprocket or pocketed wheels;
- (v) rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines;
- (vi) hooks and swivels having screw threaded parts or ball bearing or other case hardened parts;
- (vii) socket shackles secured to wire ropes by white metal capping;
- (viii) bordeaux connections;
- (ix) any chains or lifting tackle which has been subjected to heat treatment known as "normalising" instead of annealing. Such chains and lifting tackle shall be thoroughly examined by a competent

person once at least in every twelve months and particulars entered in the register kept in accordance with sub-rule (4).

(7) All lifting machines, chains, ropes and lifting tackles, except a fibre rope or fibre rope sling, which have been lengthened, altered or repaired by welding or otherwise, shall before being again taken into use, be adequately tested and re-examined by a competent person and a certificate of such test and examination be obtained.

(8) All rails on which a traveling crane moved and every track on which the carriage of a transporter or runway moves, shall be of proper size and adequate strength and have an even running surface and every such rail or track shall be properly laid, adequately supported and properly maintained.

(9) No person under 18 years of age and no person who is not sufficiently trained and reliable shall be employed as driver of a lifting machine whether driven by mechanical power or otherwise or to give signals to the driver.

(10) Overhead traveling cranes shall be provided with safe access by stairways or fixed ladders from the ground or floor to the crane cab and from the crane cabs to the bridge footwalks.

(11) Where the regular footwalks or platforms provided on the bridges of overhead traveling cranes do not afford safe support for changing or repairing wheels of end tracks, special platforms shall be provided for the purpose at both ends of each bay.

Provided that the Chief Inspector may exempt any factory in respect of any particular overhead traveling crane from the operation of any provision of this sub-rule subject to such condition as he may direct in writing.

47. Pressure plant.- (1) Every plant or machinery other than working cylinder of prime movers used in a factory, and operated at a pressure greater than atmospheric pressure, shall be-

- (a) of good construction, sound material, adequate strength and free from any patent defect;
- (b) properly maintained in a safe condition;
- (c) fitted with-
 - (i) a suitable safety or other effective device to ensure that the maximum permissible working pressure of the vessel shall not be exceeded;

- (ii) a suitable pressure gauge easily visible and designed to show, at all times, the correct internal pressure in pounds, per sq. inch, and marked with a prominent red mark at the safe working pressure of the vessel;
- (iii) a suitable stop valves by which the vessel may be isolated from other vessels or source of supply of pressure;
- (iv) a suitable drain cock or valve at the lowest part of the vessels for the discharge of collected liquid:

Provided that it shall be sufficient for the purpose of clause (c) if the safety valves, pressure gauge and stop valve are mounted on a pipe line immediately adjacent to the vessels and where there is a range to two or more similar vessels in a plant served by the same pressure load, only one set of such mountings need be fitted, provided they cannot be isolated;

- (d) thoroughly examined by a competent person-
 - (i) externally, once in every period of six months, to ensure general condition of the vessel and the workings of its fitting;
 - (ii) internally, once in every period of twelve months, to ensure condition of the walls, seams and ties, both inside and outside vessel, soundness of the parts of the vessel, and the effects of corrosion. If by reason of construction of the vessel, thorough internal examination is not possible, then examination may be replaced by a hydraulic test which shall be carried out once in every two years, provided that the vessels in continuous processes which cannot be frequently opened, the period of internal examination may be extended to four years;
 - (iii) hydraulically, at intervals of not more than four years:

Provided that in respect of pressure vessels with thin walls, such as, sizing cylinders made of copper or any other non-ferrous metal, periodic hydraulic test may be dispensed with on the condition that the requirements laid down in sub-rule (2) are fulfilled.

(2) In respect of pressure vessels of thin walls, such as sizing cylinder made of copper or any other non-ferrous metals, the safe working pressure shall be reduced at the rate of 5 per cent. of the original working pressure for every year of its use after the first 5 years and no such

cylinder shall be continued to be used for more than twenty years after it was first taken into use.

(3) If no information as to the date of construction, thickness of walls and safe working pressure is available, the age of the sizing cylinder shall be determined by the competent person in consultation with the Chief Inspector from any other particulars available with the Manager of the Factory.

(4) Every new and second hand cylinder of thin walls to which repairs have been carried out and which may effect its safety, shall be tested before use at least once and half times its working pressure.

(5) Every vessel other than part of a prime mover operated at a pressure greater than atmospheric pressure, and not so constructed as to withstand safety, the maximum permissible working pressure at the source of supply, or the maximum pressure which can be obtained in the pipe connecting the vessel with any other source of supply shall be fitted with a suitable reducing valve or other suitable automatic device to prevent the safe working pressure of the vessel being exceeded.

(6) If during thorough examination, doubt arises as to the ability of a vessel to work safely until the next examination provided for in these rules then the competent person shall enter in his report in *Form No 10* a statement mentioning the reasons for authorizing the vessel for further work subject to a lowering of pressure or to more frequent inspection or subject to both of these requirements.

(7) No vessel which has undergone alterations or repairs shall be taken into use unless it is thoroughly examined by a competent person.

(8) A report on the result of every examination made shall be completed in *Form No. 10* and signed by the person making the examination and shall be kept available for perusal by an Inspector.

(9) No vessel which has perviously been used elsewhere shall be taken into use in every factory for the first time in another factory until it has been examined and reported in accordance with these rules and no new vessel shall be taken into use unless a certificate specifying the maximum permissible working pressure thereof, and the nature of the tests to which the vessel and its fittings, if any have been subjected, has been obtained from the maker of the vessel, or from a competent person. The certificate shall be kept available for perusal by an Inspector, and the vessel to which the certificate relates shall be so marked as to enable it to be easily identified.

(10) Where the report of any examination under this rule specifies conditions for securing the safe working of a vessel, the vessel shall not be used except in accordance with these conditions.

(11) The competent person making the report of any examination under this rule shall, within seven days of the completion of the examination, send to the Inspector a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the part cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(12) The requirements of this rule shall be in addition to and not in derogation of the requirement of any other law, rule or regulation for the time being in force.

(13) Nothing in this rule shall apply to--

(a) any pressure plant which comes within the scope of the Boilers Act, 1923; and;

(b) portable cylinders of vessels used for transport of gases.

(14) the Chief Inspector may exempt on such conditions as may be deemed expedient any or all the pressure vessels from compliance with any or all the provisions of this rule if he is satisfied that the construction or use of these vessels is such that inspection provisions are not necessary or are not practicable.

Explanation.- In this rule, "vessel" means any closed vessel of any capacity but does not include feed pumps, steam traps, turbine casings, compressor cylinders, valves, air vessels or pumps, pipe coils of the normal design, accessories of instruments and appliances, such as, cylinders and piston assemblies used for operating relays and interlocking type of guards, gas holders with working pressure only slightly over atmospheric pressure and of capacity less than 5,000 cubic ft, vessels with liquids subject to static head only and hydraulic operating cylinders other than any communicating with an air loaded accumulator.

48. Excessive weights.- (1) No man, women of young person shall be employed in any factory to lift, carry or move by hand or on lead, unaided by another person, any material, article, tool or appliance exceeding the following maximum limit in weight:

(a) adult male	68lbs
(b) adult female	50"
(c) adolescent male	50"
(d) adolescent female	40"
(e) male child	35"
(f) female child	30"

(2) No woman, while she is pregnant, shall be employed in any factory to lift, carry or move by hand or on head, any material, article, tools or appliance.

49. Protection of eyes.--Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the immediate vicinity of the following processes :-

- (a) dry grindings of metals or articles applied by hand to a revolving wheel, or disc driven by mechanical power; turning (external or internal) of non-ferrous metals or of cast iron, or articles of such metals or such iron, where the work is done dry, other than precision turning where the use of goggles or screen would seriously interfere with the work, or turning by means of hand tools;
- (b) welding or cutting of metals by means of electric, oxyacetylene or similar processes;
- (c) fettling, cutting out cold rivets or bolts, chipping or scaling, and breaking or dressing of stone, concrete slag and the like by hand tools or other portable tools.

50. Minimum dimension of manholes.- Every chamber, tank, vat, pipe, flue or other confined space in which persons may have to enter and which may contain dangerous fumes to such extent as to involve risk of the persons beings overcome thereby, shall unless there is other effective means of egress, be provided with a manhole which may be rectangular, oval or circular in shape, and which shall-

- (a) in the case of a rectangular or oval shape, be not less than 16" long and 12" wide;
- (b) in the case of a circular shape, be not less than 16" in diameter.

51. Means of escape in case of fire.- (1) Each room of a factory building shall be provided with not less than two exits for use in case of

fire, so positioned that each person will have a reasonably free and unobstructed passage from his work place to an exit.

(2) No such exit shall be less than 32'-0" in width and less than 6'-6" in height.

(3) In the case of a factory building or part of a factory building of more than one storey and in which not less than 20 persons work at any one time, there shall be provided at least with one substantial stairway permanently constructed either inside or outside the building and which affords direct and unimpeded access to ground level.

(4) In the case of factory building or part of a factory building in which 20 or more persons work at any one time above the level of the ground floor or wherein explosive or highly inflammable material are used or stored, or which is situated below ground level, the means of escape shall include at least two separate and substantial stairways permanently constructed either inside or outside the building and which afford direct and unimpeded access to ground level.

(5) Every stairway in a factory which affords means of escape in case of fire shall be provided with a substantial handrail which, if the stairway has open side shall be on that side, and if the stairway has two open sides, such handrail shall be provided on both sides.

(6) In the case of a building constructed or converted for use as a factory, after coming into force of these rules, the following additional requirements shall apply :

- (a) at least one of the stairways shall be of fire resisting materials;
- (b) every hoistway or lift-way inside a factory building shall be completely enclosed with fire-resisting materials and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials;
- (c) no fire escape stair shall be constructed at an angle greater than 45" from the horizontal;
- (d) no part of a factory building shall be at a distance (along the line of travel) of 150 more from any fire escape stair; and
- (e) no stairway shall be less than 45" in width.

52. Fire fighting apparatus and water supply.- (1) In every factory there shall be provided and maintained two fire buckets of not less than two gallon capacity each for every 1,000 sq. ft. of floor area subject to a minimum of four such buckets on each floor and every bucket shall-

- (a) conform to appropriate Bangladesh standard specification;
- (b) be kept in a position approved by the Inspector and shall be used for no other purpose than for extinguishing fire; and
- (c) at all times be kept full of water, except where the principal fire risk arises from inflammable liquid or other substances where water cannot be used:

Provided that the Chief Inspector may, for reasons to be recorded in writing, relax the requirements of this clause.

(2) In factories having more than 1,000 sq. ft. floor area and where fire may occur due to combustible materials other than inflammable liquids, electrical equipment and ignitable metals, soda acid or equivalent type of portable extinguishers at the rate of one for every 5,000 sq. ft. of area spaced at not more than 100 ft. apart subject to a minimum of one extinguisher shall be provided in addition to fire buckets required under sub-rule (1).

(3) In factories where fire may occur due to inflammable liquids or grease or paint, the extinguishers to be provided at the scale laid down in sub-rule (2) shall consist of foam, carbon tetrachloride, dry powder, carbon dioxide, carbonate tetrachloride or equivalent type.

(4) In factories where fire may occur due to electrical equipment, the extinguishers to be provided at the scale laid down in sub-rule (2) shall consist of carbon dioxide, dry powder, carbon tetrachloride or equivalent type.

(5) In factories where fire may occur due to magnesium, aluminum or zinc dust or shavings or other ignitable metals, the use of liquids, carbon dioxide or foam type extinguishers shall be prohibited and an ample supply of clean, fine dry sand, stone dust or other inert material shall be kept ready for extinguishing such fires.

(6) Every type of portable fire extinguisher shall be kept mounted in a position approved by the Inspector;

Provided that where the Chief Inspector is of opinion that owing to the adequate automatic fire fighting installations approved by any recognised fire association or fire insurance company provided in the factory building or room, the provisions of this sub-rule may be relaxed, he may issue a certificate in writing specifying the extent to which the above requirements are relaxed in respect of that building or room.

(7) Every portable fire extinguisher to be provided under sub-rule (2) shall-

- (a) conform to the appropriate standard specification;
- (b) be kept charged ready for use, properly mounted in a position approved by the Inspector and accompanied by maker's pointed instructions for its use; and
- (c) be examined, tested or discharged periodically in accordance with the maker's recommendation.

(8) Every factory shall keep and maintain sufficient number of spare charges for each type of extinguisher provided in the factory with a maximum of 12 spare charges always in stock and readily available.

(9) Every worker of the factory should, as far as possible, be trained in the use of portable the proper extinguishers subject to a minimum of at least one fourth of the numbers engaged separately in each section of the factory.

(10) Each factory shall have a trained officer who shall be responsible for the proper maintenance and upkeep of all fire fighting equipments.

(11) The Manager of the factory shall prepare a detailed 'Fire Safety Plan' for proper enforcement of fire safety rules and for actions to be taken, in proper sequence, in the case of a fire in the factory.

53. Prohibition of smoking and naked lights.- There shall be exhibited in Bengali and in English languages, a notice prohibiting smoking and the use of naked lights in any place where they would be dangerous, or where the Inspector may require, and all other reasonable precautions against fire shall be taken.

CHAPTER V WELFARE

54. Washing facilities.- (1) There shall be provided and properly maintained in every factory for the use of the workers adequate and suitable facilities for washing which shall include soap and nail brushes or other suitable means of cleaning and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) Without prejudice to the generality of the foregoing provisions the washing facilities shall include-

- (a) trough with tap or jets at intervals of not less than 2'-0" or
- (b) wash-basins with taps attached thereto, or
- (c) taps on stand-pipes, or
- (d) showers controlled by taps, or
- (e) circular troughs of the fountain type:

Provided that the Inspector may, having regard to the need and habits of the workers, fix the proportions in which the aforementioned types of facilities shall be installed.

(3) Every trough and basin shall have a smooth, impervious surface and shall be fitted with a waste-pipe and plug.

(4) The floor or ground under and in the immediate vicinity of every trough, tap, wash-basin, stand pipe and shower shall be so laid or furnished as to provide a smooth impervious surface and shall be adequately drained.

(5) For persons whose work involves contact with any injurious or noxious substance, there shall be at least one tap for every 15 persons and for persons whose work not involve contact the number of taps shall be as following:

No. of workers No. of traps

Upto to 20.....	1
21 to 35	2
36 to 50.....	3
51 to 150	4
151 to 200.....	5

Exceeding 200 but not exceeding 500 5 plus 1 tap for every 50 or fraction of 50.

Exceeding 500 11 plus one tap for every 100 or fraction of 500.

(6) If female workers are employed separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where persons of the other sex work or pass. The entrance to such facilities shall bear conspicuous notice in the language understood by the majority of the workers "For Women only" and shall also be indicated pictorially.

(7) The water-supply to the washing facilities shall be capable of yielding at least two gallons a day for each person employed in the factory.

55. First-aid appliances.--The first-aid boxes or cup-board shall be distinctively marked with a red cross on a whit ground and shall contain the following equipments:-

(a) for factories in which the number of persons employed does not exceed ten or in the case of factories in which mechanical power is not used does not exceed fifty persons, each first-aid box or cup-board shall contain the following equipments:-

- (i) 6 small sterilized dressings,
- (ii) 3 medium size sterilized dressings,
- (iii) 3 large size sterilized dressings ,
- (iv) 3 large size sterilized burn dressings, .
- (v) 1 (1 oz.) bottle containing a 2 per cent. Alcoholic solution of iodine,
- (vi) 1 (1 oz.) bottle containing rectified spirit.
- (vii) one pair of scissors.
- (viii) 1 copy of the fist-aid leaflet, and
- (ix) analgesic tablets, ointment for burns and suitable surgical antiseptic solutions:

(b) for factories in which mechanical power is used and in which the number of persons employed exceeds ten but does not exceed fifty, each first-aid box or cup-board shall contain the following equipments:-

- (i) 12 small sterilized dressings,
- (ii) 6 medium size sterilized dressings,
- (iii) 6 large size sterilized dressings
- (iv) 6 large size sterilized burn dressings,
- (v) 6 (1/2 oz.) packets of sterilized cotton wool.
- (vi) 12 (2 oz.) bottle containing a 2 per cent. Alcoholic solution of iodine.
- (vii) 1 (2 oz.) bottle containing rectified spirit,
- (viii) 1 roll of adhesive plaster,
- (ix) tourniquet,
- (x) 1 pair of scissors,
- (xi) 1 copy of first-aid leaflet, and

(xii) analgesic tablets, ointment for burns and suitable surgical antiseptic solution;

(c) for factories employing more than fifty persons, each first-aid box or cup-board shall contain the following requirements:-

- (i) 24 small sterilized dressings,
- (ii) 12 medium size sterilized dressings,
- (iii) 12 large size sterilized dressings,
- (iv) 12 large size sterilized burn dressings,
- (v) 12 large size sterilized burn dressing,
- (vi) 12 (1/20z.) packets of sterilized cotton wool,
- (vi) tourniquet,
- (vii) 1 I (4 oz.) bottle containing a 2 per cent, alcoholic solution of iodine,
- (viii) one pair of scissors,
- (ix) 1 (4 zo.) bottle of rectified spirit,
- (x) 1 copy of first-aid leaflet,
- (xi) 12 (4" wide) roller bandages,
- (xii) 12 (2" wide) roller bandages,
- (xiii) 2 rolls of adhesive plaster,
- (xiv) 6 triangular bandages,
- (xv) 2 packets of safety pins,
- (xvi) a supply of suitable splints, and
- (xvii) analgesic tablets, ointment for burins and suitable surgical antiseptic solution :

Provided that items xi to xvii (both inclusive) need not be included in the standard first-aid box or cup-board in case there is a properly equipped ambulance room, or where there is at least one box containing such items is maintained.

56. Ambulance room- (1) The ambulance room or dispensary shall be in charge of a qualified medical practitioner assisted by at least one qualified compounder and nurse and such subordinate staff as the Chief Inspector may direct. The medical practitioner shall always be available on call during working hours.

(2) The ambulance room or dispensary shall be separate from the rest of the factory and shall be not situated in close proximity to any part of the factory in which noisy processes are carried on.

(3) Plan and site plan, in duplicate, of the building to be constructed or adapted as the ambulance room or dispensary shall be submitted for the approval of the Chief Inspector.

(4) The ambulance room shall have smooth, hard impervious floor and walls impervious up to a height of 5 ft. and shall be adequately ventilated and lighted by both natural and artificial means. It shall be used only for the purpose of first-aid treatment and rest and shall contain at least-

- (a) a glazed sink with hot and cold water
- (b) a table with a smooth top of at least 6'-0" X 3'-6"
- (c) means for sterilizing instruments,
- (d) a couch,
- (e) two stretchers,
- (f) two buckets or containers with close fitting lids,
- (g) two rubber hot water bags and two ice bags, where required,
- (h) a kettle and spirit stove or other suitable means of boiling water,
- (i) 12 plain (36" X 4" X 1/4") wooden splints,
- (j) 12 plain (14" X 3" X 1/4") wooden splints,
- (k) 6 plain (10" X 2" X 1/4") wooden splints,
- (l) 6 woolen blankets,
- (m) one pair of artery forceps,
- (n) two medium size sponges,
- (o) 6 hand towels,
- (p) four kidney trays,
- (q) four cakes of carbolic soap,
- (r) 2 glass tumblers and wine glasses,
- (s) 2 clinical thermometers and a few hypodermic syringes.
- (t) graduated measuring glasses and teaspoon,
- (u) eye bath arrangements,
- (v) one bottle (2 lbs.) carbolic lotion 1" In 20.
- (w) 3 chairs,
- (x) one screen,
- (y) one electric hand torch,
- (z) four first-aid boxes or cup-boards stocked to the standards prescribed under clause (c) of rule 55, and
- (zz) adequate supply of anti-tetanus serum.

(5) The Chief Inspector may, in the case of Ordnance Factories, relax the provisions of sub-rules (1), (2) (3) and (4).

(6) The occupier of every factory shall, for the purpose of removing serious cases of accident or sickness, provide in the premises and maintain in good condition a suitable transport unless he has made arrangements for obtaining such a transport from a hospital.

(7) A record of all cases of accident and sickness treated at the ambulance room shall be kept and produced to the Inspector or Certifying Surgeon when required.

(8) The scale of medicines to be provided in the dispensary shall be as notified by the Chief Inspector from time to time.

57. Canteen- (1) The occupier of every factory as may be specified by notification in the Official Gazette wherein more than 250 workers are ordinarily employed shall provide in the factory an adequate canteen according to the standards specified, in these rules.

(2) The occupier of a factory shall submit for the approval of the Chief Inspector, plans and site plans in duplicate, of the building to be constructed or adapted for use as a canteen.

(3) The canteen building shall be situated not less than 50 ft. from any latrine, urinal, boiler house, coal stacks, ash dumps and other source of dust, smoke or obnoxious fumes:

Provided that the Chief Inspector may, in any particular factory, relax the provisions of this sub-rule to such extent as may be reasonable in the circumstances and may require measures to be adopted to secure the essential purposes of this sub-rule.

(4) The canteen building shall be constructed in accordance with the plans approved by the Chief Inspector and shall contain at least a drinking hall, kitchen, store room, pantry and washing places separately for workers and for utensils:

Provided that the Chief Inspector may, in the case of factories existing on the date of commencement of these rules, relax the provisions of this sub-rule to such extent as he considers reasonable.

(5) The height of every room in the building shall be not less than 12 feet from the floor level to the lowest part of the roof. The floor and inside walls up to a height of 4 ft. from the floor shall be made of smooth and impervious material;

Provided that in the case of factories existing on the date of commencement of these rules, the Chief Inspector may, by order in writing, relax the provision of the sub-regarding height.

(6) The doors and windows of a canteen building shall be to fly-proof construction and shall allow adequate ventilation.

(7) The canteen shall be sufficiently lighted at all times when any person has access to it.

(8) (a) In every canteen.--

(i) all inside walls of rooms and all ceilings and passages and stair-cases shall be lime-washed or colour-washed at least once in each year or painted once in every three years;

(ii) all wood work shall be varnished or painted once in every three years;

(iii) all internal structural iron or steel work shall be varnished or painted once in every three years;

(iv) inside walls of the kitchen shall be lime-washed once in every four months.

(b) Records of dates on which lime-washing, colour-washing, varnishing or painting is carried out, shall be maintained in the Register in Form No. 6.

(9) The canteen building shall be maintained in a clean and hygienic condition and its precincts shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance. Suitable arrangement shall be made for the collection and disposal of garbage.

58. Dining hall.- (1) The dining hall shall accommodate at least 30 percent. of the workers working at a time:

Provided that, in any particular factory or in any particular class of factories, the Chief Inspector may, by an order in writing in this behalf, alter percentage of workers to be accommodated.

(2) The floor area of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs, shall be not less than 10 sq. ft. per worker to be accommodated as specified in sub-rule (1).

(3) A portion of the dining hall and service counter shall be partitioned off and reserved for women workers in proportion to their

number. Washing places for women shall be separate and screened to secure privacy.

(4) Sufficient tables with impervious tops, chairs or benches shall be available for the number of workers to be accommodated as specified in sub-rule (1).

59. Equipment.- (1) There shall be provided and maintained sufficient utensils, crockery, cutlery furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.

(2) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service counter, if provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

60. Prices to be charged.-- (1) Food, drink and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Managing Committee.

(2) The Charges of foodstuff, beverages and any other item served in the canteen shall be conspicuously displayed in the canteen.

61. Accounts.- (1) All books of accounts, registers and any other documents used in connection with the running of the canteen shall be produced on demand to an Inspector.

(2) The accounts pertaining to the canteen shall be audited, once in every 12 months, by registered accountants and auditors. The balance sheet prepared by the said auditors shall be submitted to the Canteen Managing Committee not later than 2 months after the closing of the audited accounts:

Provided that the accounts pertaining to the canteen in a Government factory having its own Accounts Department, may be audited by such Department.

62. Managing Committee.- (1) The Manager shall consult the Canteen Managing Committee from time to time to-

- (a) the quality and quantity of foodstuffs to be served in the canteen;
- (b) the arrangement of the canteen; and

- (c) the time of meals in the canteen; and . .
- (d) any other matter as may be found necessary for the purpose efficient administration of the canteen.

(2) The Canteen Managing Committee shall consider of an equal number of persons nominated by the Manager and elected by the workers. The number of elected workers shall be in the proportion of 1 for every 1,000 workers employed in the factory:

Provided that, in no case, there shall be more than 5 or less than 2 workers in the Committee.

(3) The Manager of the factory shall determine and supervise the procedure for elections to the Canteen Managing Committee.

63. Shelters, rest rooms and lunch rooms.- The shelters or rest rooms and lunch rooms shall conform to such standard and size as the Chief Inspector may direct and the Manager of the factory shall submit for approval of the Chief Inspector plan and site plan, in duplicate, of the building to be constructed or adapted.

64. Creches.- (1) The creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable it shall not be situated in close proximity to any part of the factory where obnoxious fumes, dust or odours are given off or in which excessively noisy processes are carried on. Plan or site plan, in duplicate, of the building to be constructed or adapted, shall be submitted for the approval of the Chief Inspector.

(2) The building in which the crèche is situated shall be soundly constructed and all the walls and roof shall be of suitable heat resisting materials and shall be water-proof. The floor and internal walls up to a height of 4 feet from the floor of the creche shall be so laid or finished as to provide a smooth impervious surface.

(3) The height of the rooms in the building shall not be less than 12 ft. from the floor to the lowest part of the roof and there shall be not less than 20 sq. ft. floor area for each child to be accommodated.

(4) Effective and suitable provisions shall be made in every part of the crèche for securing and maintaining adequate ventilation by the circulation of fresh air.

(5) The crèche shall be adequately furnished and equipped and in particular there shall be one suitable cot or cradle with the necessary

bedding for each child, at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child, and a sufficient supply of suitable toys for the older children.

(6) A suitable fenced and shady open air play-ground shall be provided for the older children:

Provided that the Chief Inspector may by order in writing, exempt any factory from compliance with this sub-rule if he is satisfied that there is not sufficient space available for the provision of such a play-ground.

65. Wash-room.-There shall be in or adjoining the crèche a suitable wash-room for the washing of the children and their clothing. The wash-room shall conform to the following standards:-

(a) the floor and internal walls of the room to a height of 3 ft. shall be so laid or finished as to provide smooth impervious surface. The room shall be adequately lighted and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition.

(b) There shall be at least one basin or similar vessel for every five children accommodated in the crèche at any one time together with a supply of water provided, if practicable, through taps at the rate of at least 5 gallons per child per day.

(c) An adequate supply of clean clothes, soap and clean towels shall be made available for each child.

66. Supply of milk and refreshment.- At least 2-1/2 lb. (one pawa) of pure milk shall be made available for each child on every day for the children while in crèche. There shall be provided in addition an adequate supply of wholesome refreshment.

67. Clothes for crèche staff.-The crèche staff shall be provided with suitable clean clothes for use while on duty in the crèche.

CHAPTER VI WORKING HOURS OF ADULTS

68. Compensatory holidays.- (1) Except in the case of workers engaged in any work which, for technical reasons, must be allowed under-sub-section (1) of section 52, holidays shall be so spaced that not more than two holidays are given in one week.

(2) The Manager of the factory shall display, on or before the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the month in which they are due or the two subsequent months and of the days thereof, at the place at which the notice of periods of work specified under section 60 is displayed, Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than 5 days in advance of the date of that holiday.

(3) No worker shall be discharged or dismissed before he has been given compensatory holiday to which he may be entitled and no such holiday or holiday shall be reckoned as part of any period of notice required to be given before discharge or dismissal.

(4) The Manger of the factory shall maintain a Register in Form No. 11. The register shall be preserved for a period of three years after the last entry in its and shall be produced before the Inspector on demand.

69. Cash equivalent.- The cash equivalent of the advantage accruing through the confessional sale to a worker of foodgrains and other articles shall be computed at the end of every wage period fixed under section 4 of the Payment of Wages Act, 1936.

70. Manner of calculating of ordinary rate of wages, overtime slips and muster-roll.- (1) For the purposes of section 58 of the Act the ordinary rate of wages per hour payable to workers shall be calculated in the following manner:

- (i) for workers employed on daily wages- $\frac{1}{9}$ th of the daily wages;
- (ii) for workers employed on weekly wages- $\frac{1}{48}$ th of the weekly wages; or
- (iii) for workers employed on monthly wages- $\frac{1}{20}$ th of the monthly wages.

(2) The Manager of every factory in which workers are exempted from the operation of the provisions of section 50 or section 51 shall keep a muster-roll in Form No. 12 showing the normal piece-work rate of pay, or rate of pay per hour of all exempted employees. In this muster-roll there shall be correctly entered the overtime hours of work and payments thereof of all exempted workers. The must-roll shall be made in ink and the muster-roll shall be preserved for three calendar years after the last entry in it.

(3) Period of overtime work shall be entered in overtime slips, in duplicate, a copy of which duly signed by the Manager of the factory or by a person duly authorised by him shall be given to the workers immediately after completion of the overtime work.

71. Employment in two factories on the same day.- An adult worker employed in one factory may work on the day in one or more other factories provided that:-

(a) he does not thereby change his employer;

(b) unless working under the provisions of the rule providing for the exemption of workers engaged on urgent repairs under clause (a) of sub-section(2) of section 63, he does not work for longer periods or for more hours than he might legally have worked in the factory in which he is employed;

(c) any time spent in travelling between one factory and other shall be deemed to be time during which he has worked; and

(d) in computing any pay due to the worker for overtime, the total of all hours worked by him in any factory, including any time necessarily spent in traveling between one factory and another shall be deemed to be the total hours worked by him on that day.

72. Notice of periods of work for adults.- The notice of periods of work for adult workers shall be in Form No. 13. Form No. 13A or Form No. 13B, as the case may be.

73. Register of adult workers.- (1) The register of adult workers shall be maintained in form No. 14.

(2) There shall be maintained a separate register for each group of workers classified under section 60.

(3) Where a workers is transferred from one group to another or from one relay to another, the particulars of his transfer shall be entered against him name.

(4) All entries in the registers shall be made in ink, shall be legible and shall be maintained up-to date.

(5) All registers shall be maintained in Bengali or English and all dates entered in a register shall be in accordance with English calendar year.

(6) All registers for the preceding three calendar years shall be preserved and be made available in the factory for examination by the Inspector.

CHAPTER VII EMPLOYMENT OF YOUNG PERSONS AND EXCLUSION OF UNDER-AGE CHILDREN

74. Notice of periods of work for children.- The notice of period of work of children workers shall be in Form No. 13, *Form No. 13A* or *Form No. 13B*, as the case may be.

75. Register of children worker.- (1) The register of child workers shall be maintained in Form No. 15

(2) there shall be maintained a separate register for each group of children classified under section 70.

(3) Where a child is transferred from one group to another or from one relay to another, the particulars of his transfer shall be entered against his name.

(4) All entries in the registers shall be made in ink, shall be legible and shall be maintained up-to-date.

(5) All registers shall be maintained in Bengali or English and all dates entered in accordance with the English calendar year.

(6) All registers for the preceding three calendar years shall be preserved and shall be available in the factory for examination by the Inspector.

76. Exclusion of under -age children.- No child under the age of 14 years shall be permitted within the work rooms and godowns of any factory at any time during which work is carried on.

77. Register of leave with wages.- (1) The Manager of every factory shall keep an up-to-date register in Form No. 16 showing the particulars of leave with wages:

Provided that if the Chief Inspector is of the opinion that any muster-roll or register maintained as part of the routine of the factory, or return made by the Manager, gives in respect or any or all of the workers in the factory the particulars required for the enforcement of Chapter VII of the Act, he may, by order in writing direct that such muster-roll or

register or return shall, to the corresponding extent, be maintained in place of and be treated as the register or return required under this rule in respect of that factory.

(2) The register of leave with wages shall be preserved for a period of 3 years after the last entry in it and shall be produced before the Inspector on demand.

78. Leave Book- (1) The Manager shall provide each worker with a book to be called Leave Book in Form No. 17. The Leave Book shall be the property of the worker and the Manager of the factory or his agent shall not demand it except to make relevant entries therein whenever necessary and shall not keep it for more than a week at a time. All entries in the Leave Book shall be made in ink, shall be legible and shall be maintained up-to-date.

(2) If a worker loses his Leave book the Manager of the factory shall provided him with another copy on payment of 25 poisha and sahl complete in from his record.

79. Medical certificate.- If any worker is absent from work due to his illness, and wants to avail himself of the leave with wages due to him to cover the whole or part of the period of his illness, under the provisions of sub-section (2) of section 80, he shall, if required by the Manager of the factory, produce a medical certificate signed by a registered medical practitioner stating the cause of the absence and the period for which the worker is, in the option of such medical practitioner, unable to attend his work.

80. Notice of Inspector of lay-off or closure.- The occupier or Manager of every factory shall give to the Inspector a notice of every case of lay-off as soon as possible, and of every extended closure of the factory or any section or department thereof stating the reason for the lay-off or closure. The particulars of workers working in the factory, section or department, as the case may be, on the date of the notice, the number of workers or worker or worker on lay off or likely to be unemployed on account of the closure and the possible period of the closure and the possible period of the closure shall be brought to the notice of the Inspector in writing. The occupier or Manger shall also send a notice to the Inspector as soon as the factory section or

department this effect shall be made in the leave with wages register and the Leave Book in respect of each worker concerned.

81. Notice of leave with.- (1) As far as circumstances permit, members of the same family, comprising husband, wife and children, shall be allowed leave under section 78 on the same date.

(2) A worker may exchange the period of his leave with another worker, subject to the approval of the Manager of the factory.

(3) "Year" in section 79 and 80 shall mean the English calendar year.

82. Payment of wages if the worker dies.- If a worker dies before availing himself of leave with wages due to him leave pay shall be paid to his legal heir.

CHAPTER VIII SPECIAL PROVISIONS

83. Dangerous operation.- (1) The following operations shall be considered hazardous operations for the purpose of section 87-

- (a) manufactures of aerated water and processes incidental thereto;
- (b) electrolytic plating or oxidation of metal articles by use of electrolytes containing chromic acids or other chromium compounds;
- (c) manufacture or repair of electric accumulators;
- (d) glass manufacture;
- (e) grinding or glazing of metals;
- (f) manufacture, treatment or handling of lead, lead alloys or certain compounds of lead;
- (g) generation of gas from dangerous petroleum;
- (h) cleaning or smoothing of articles by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air of steam;
- (i) liming and tanning of raw hides and skins and processes incidental thereto;
- (j) feeding of jute, hemp or other fibres into softening machines;
- (k) lifting, stacking storing and shipping of bales in and from finished good's godowns of Jute Mills;
- (l) manufacture, use or storage of cellulose solutions;

- (m) manufacture of chromic acid or manufacture or recovery of the bichromate of sodium, potassium or ammonium;
- (n) printing presses and type foundries wherein certain load processes are carried on
- (o) manufacture of compressed hydrogen or compressed oxygen;
- (p) manufacture of pottery;
- (q) manufacture of rayon by the viscose process; and
- (r) manufacturing processes and processes incidental thereto carried out in such works as the Chief Inspector may specify in writing.

(2) The Chief Inspector shall, by instructions in writing, specify the requirements for the purpose of clauses (b), (c), (d) and (e) of section 87.

84. Reporting of accidents.- (1) When there occurs in any factory an accident to any person which results in death or such injury that there is no reasonable prospect that he will be able to resume his employment in the factory within 20 days, such accidents shall be called in all communication as "Fatal" or "Serious", as the case may be, and the Manager of the factory shall give notice of the occurrence forthwith by telephone, telegram or special messenger to-

- (a) the Chief Inspector
- (b) the Deputy Commissioner,
- (c) Inspector
- (d) the commissioner for Workmen's Compensation appointed under section 20 of the Workmen's Compensation Act, 1923; and
- (e) in the case of fatal accident only, the Officer-in Charge of the Police station within the local limits of which the factory is located.

(2) Reports by special messenger shall be in Form No. 18 and those sent by telephone or telegram shall be confirmed within 24 hours by a written report in that Form.

85. Minor accidents.- When there occurs in any factory an accident to any person less serious than those described in rule 84 but which prevents or is likely to prevent him from resuming the employment in the factory within 48 hours after the accident occurred, such accident shall be recorded by the Manager and reported by him *in Form No. 18* as soon as practicable, but in any case within 7 days of its occurrence, to the

authorities mentioned in clauses (a), (b) and (c) of rule 84. Such accidents shall be called in the communications as "Minor Accidents"

86. Supplementary report.- (1) When an accident which has been reported to the Inspector as either "Serious" or "Minor" afterwards proves to be "Fatal", Manager of the factory shall make the necessary correction in a supplementary report which shall be sent forthwith to the authorities mentioned in clauses (a), (b), (c) and (d) of rule 84.

(2) When an accident which has been reported to the Chief Inspector and Inspector as "Minor" afterwards proves to be "Serious", or when one reported as "Serious" afterwards proves to be "Minor", the Manager of the factory shall make the necessary corrections in a supplementary report which shall be sent forthwith to the authorities mentioned in clauses (a), (b) and (c) of rule 84.

(3) A final accident report shall be sent by the Manager of the factory to the Chief Inspector and Inspector, in Form No. 18A within one month from the date of occurrence of the accident.

87. Site of fatal accident.- Where loss of life has immediately resulted from an accident, the place where the accident occurred shall be left as it was immediately after the accident until the expiration of at least three days after the time when the notice required under rule 84 was given, or until the visit to the place by an Inspector, whichever first happens, unless compliance with this rule would tend to increase or continue the danger.

88. Explosions, fire and accidents to plant.- When there occurs in any factory any explosion, fire, collapse of buildings, or serious accident to the machinery or plant, whether or not attended by personal injury or disablement, such occurrence shall be reported by the Manager of the factory within five hours of the occurrence to the authorities mentioned in clauses (a) and (b) of rule 84 in from No. 18B.

89. Notice of occupational and poisoning disease.- Notice in Form Nos. 19 and 20 shall be sent forthwith both to the Chief Inspector and to the Certifying Surgeon by the Manager of a factory in which there occurs a case of lead, phosphorous, mercury, manganese, arsenic, carbon disulphide or benzene poisoning, or poisoning by nitrous fumes, or by halogens or halogen derivatives of the hydro-carbons of the aliphatic

series, of or chrome ulceration, anthrax, silicosis, toxic anaemia. Toxic jaundice, primary epithelomatous cancer of the skin, or pathological manifestations due to radium of other radio-active substances or X-rays.

CHAPTER IX SUPPLEMENTAL

90. Procedure in appeals.- An appeal presented under section 108 shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing Court-fees stamps in accordance with Article 11 of Schedule 11 to the Court-fees Act, 1870, and shall be accompanied by a copy of the order appealed against.

(2) On receipt of the memorandum of appeal, the appellate authority shall, if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the appellant to deposit an amount to be fixed by it for payment to the assessors, if necessary after conclusion of the appeal.

(3) On receipt of the memorandum of appeal, the appellate authority shall, if it thinks fit or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the registered association of employers declared under sub-rule (4) to be representative of the industry concerned to appoint an assessor within a period of 14 days. If an assessor is appointed by such association, the appellate authority shall appoint a second assessor itself. It shall then fix a date and place for the hearing of the appeal and shall give due notice of such date and place to the appellant and to the Chief Inspector or, as the case may be, Inspector, whose order is appealed against and also to the two assessors.

(4) If, in the memorandum of appeal, the appellant has requested that the appeal should be heard with the aid of assessors he shall declare in the memorandum the name or names of registered associations of employers of which he is a member.

(5) The association entitled to appoint the assessor within the meaning of sub-section (2) of section 108 shall be determined as hereinafter stated-

(a) if the appellant is a member of one such association it shall be that association.

(b) if he is a member of more than one such association, it shall be the association which desires that the assessor should be appointed.

(c) if the appellant does not declare in the memorandum of appeal that he is a member of any association, or if he does not declare which of such associations desires to appoint the assessor, then the appellate authority shall call upon the association which it considers to be best fitted to represent the industry, to appoint the assessor.

(6) An assessor appointed in accordance with the provisions of sub-rule (3) and (5) shall receive, for the hearing of appeal, a fee to be fixed by the appellate authority, subject to a maximum of fifty taka per diem. He shall also receive the actual travelling expenses. The fees and travelling expenses shall be paid to the assessors by the Government, but where assessors have been appointed at the request of the appellant the travelling expenses of the assessors shall be paid in whole or in part out of the money deposited under sub-rule (2) and the balance of the deposit, if any, refunded to the appellant.

91. Display of extract of the Act and the rules.- The Manager or occupier of a factory shall display such extracts of the Act and the rules as the Chief Inspector may direct in a conspicuous place of the factory.

92. Returns.- The Manager of every factory shall furnish to the chief Inspector-

(a) annual returns, in duplicate, in Form Nos. 21, 22, 23 and 24 by the 31st January of the year subsequent to that to which it relates; and

(b) a half-yearly return in Form No. 25 by the 15th July and 15th January each year.

CHAPTER X WELFARE OFFICERS

93. Number of welfare officers.- In every factory where five hundred or more workers are ordinarily employed there shall be appointed at least one welfare officer, and when the number of workers exceed two thousand, one welfare officer shall be appointed for every two thousand workers or a fraction thereof.

94. Duties of welfare officers.- The duties of a welfare officer shall be-

- (a) to establish contacts and hold consultations with a view to maintaining harmonious relations between the management of the factory and workers;
- (b) to bring to the notice of the management of the factory the grievance of workers, individual as well as collective, with a view to securing their expeditious redress;
- (c) to study and understand the point of view of the workers and to help the management and the workers to resolve their differences in a spirit of understanding and cooperation;
- (d) to watch industrial relations with a view to using his influence in the event of a dispute arising between the management of the factory and workers and to help to bring about a settlement through mutual discussion and joint consultation;
- (e) to deal with wages and employment matters by joint consultation with the management of the factory and the worker's representative body;
- (f) to promote healthy labour-management practices;
- (g) to keep co-ordination with the medical officer of the factory for better services and treatment of the workers;
- (h) to encourage the formation of works committees and joint production committees, co-operative societies and welfare committees and to supervise their workings;
- (i) to look after the provisions of amenities, such as canteen, shelters for rest, creche, adequate latrine facilities, drinking water, and the like;
- (j) to help the management of the factory in regulating the grant of leave with wages and explain to the workers the provisions relating to leave with wages and leave privileges and to guide the workers in the matters of submission of application for grant of leave and of regulating authorised absence;
- (k) to look after the welfare provisions, such as, housing facilities, supply of food stuffs, establishment of cooperative stores and fair price shops, social and recreational facilities, sanitation and advised on personnel problems and education of children;
- (l) to suggest measure which will serve to raise the working and living conditions of the workers and promote their general well being;

(m) to advise the management of the factory on questions relating to the training of new starters, apprentices, to further education of workers and to encourage their attendance to Technical Institutes.

95. Supply of information.- Every occupier or Manager of a factory shall send a report to the Chief Inspector as soon as a welfare officer is appointed. A report on the termination of employment of such officer shall also be sent to the Chief Inspector within seven days of the termination of service of such officer.

96. Creche Return.- The Manager of every factory, wherein more than 50 women workers are ordinarily employed, shall furnish to the Chief Inspector and Inspector not later than 31st January of the year subsequent to that to which it relates a creche return in Form No. 26.

97. Shelters, rest rooms and lunch rooms.- The Manager of every factory wherein more than 150 workers are ordinarily employed, shall furnish to the Chief Inspector not later than 31st January of the year subsequent to that to which it relates a return in respect of shelters, rest rooms and lunch rooms Form No. 27.

98. Service of notice.- Any notice of order required by the provisions of the Act or these rules to be served on any person shall be served by tendering the notice or order or sending it by registered post to the person for whom it is intended.

99. Information required by the Inspector.- The occupier or Manager of every factory shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provision of the Act has been carried out. Any information, if demanded during the course of an inspection, shall be complied with forthwith if the information is available in the factory, or, if demanded in writing, shall be complied with within seven days of receipt thereof.

100. Filing and preservation of Inspector's reports, letters, etc.- All certificates, orders letters, reports or other documents issued by the Inspector or other officer duly appointed in this behalf by the Government with regard to the fitness of safety of the factory or any portion of its buildings, works, machinery and plants, apparatus or ways,

or with respect to the fitness of workers employed in the factory shall be properly filed and preserved for a period of three years and shall be available in the factory for examination by the Inspector.

FORM NO. 1

(see rule 3)

**APPLICATION FOR PERMISSION TO CONSTRUCT OR
EXTEND A FACTORY**

1. Applicant's name.....
2. Applicant's address.....
3. Full name and postal address of the Factory
4. Situation of the Factory:
District..... Town or Village..... Police-station
..... Nearest Railway station, Steamer or launch
ghat..... Bus stoppage.....
5. Particulars of plant to be install.....

Date:

Signature of Applicant

FORM NO. 2**(See rules 4 and 6)****(To be submitted in duplicate)**

1. (a) Full name of the Factory.....
- (b) Previous name of the factory (if different from the present name)

2. Situation of factory : Address.....

- P.O.....
- Sub-division..... P.S.
- Dist.....

3. Name and address of the owner of the premises occupied as factory
4. Nature of the manufacturing process./processes--
- (a) Carried on in the factory during the preceding twelve months (if the factory was then in existence).....
- (b) To be carried on the factory during the next twelve months

5. Name and residential address of the Manager for the purpose of the Factories Act, 1965
- S/o.....
6. Name and residential address of the occupier.....
- (a) Director or the Managing Agents.....
- (b) Director in case of public company.....
- (c) Share-holders in case of a private company
- (d) Partners/Proprietors.....

7. Nature and total amount of power installed or proposed to be installed. (Total rate of H.P. in case of all factories except Electric Generating Station).....

8. Maximum number of workers (including contract labour) likely to be employed during the next twelve months.

Adults:

Men
Women

Adolescents:

Male
Female

Children:

Boys
Girls

Total

Maximum number of workers (including contract labour employed on any day during the previous twelve months)

10. In case of factory constructed or extended or taken into use after the date of commencement of the Act and the Rules. Reference No. and date of approval of plans by the Chief Inspector of Factories and Establishments.....

11. Amount of fee/ Renewal fee Taka(Taka.....) paid inTreasury /Bank on (vide chalan Noenclosed) for the year ending 31st December, 20.....

12. In case of registered Factories, number and date of issue of original licence.....

Signature of occupier

Date

FORM NO 3
See rule 5 (1) and 7
FORM OF LICENCE

Licence No. Rge No.....Date.....
RegistrationCategory.....Fee Take .

Licence is hereby granted to

Valid only for the factory known as.....

Situated at.....

Subject to the provisions of the Factories Act, 1965 The licence shall remain in force till 31st December, 20.....

The20.....

Chief Inspector of Factories,.....

Government of the Peoples Republic of Bangladesh

RENEWALS

Valid for the year	Category	Fee for Renewal	Date of payment	Late fee for Renewal	Signature and date of the Chief Inspector of Factories
1	2	3	4	5	6

CHANGE OF CATEGORY

Date when category changed	Changed category	Date of payment of amendment fee	Signature and date of the Chief Inspector of Factories
1	2	3	4

FORM NO. 4
See rule 10 (2)
CERTIFICATE OF FITNESS

1. Serial No. Serial No.	Token No.....Token No.....
Date.....	Date.....
2. Name	I certify that I have personally examined (name)
3. Father's name	3. Son/daughter of
4. Sex.....	Residing at.....
5. Residence
6. Certificate age and date of birth...	Who is desirous of being employed in a factory, that his/her age as can be ascertained from my examination is.....years, and that/she is fit for employment in a factory as an adult/children.
7. Physical fitness.....	
8. Descriptive marks	His/her descriptive marks are.....

Thumb
impression

Thumb
impression

Initial of the Certifying
Surgeon

Certifying Surgeon

FORM. NO. 5
See rule 10 (6)

HEALTH REGISTER

Sl No	Name of worker	Sex	Age and Date of birth	Date of employment of present work	Date of leaving or transfer or discharge	Nature of job or occupation	Raw material or by product handled	Date of leaving or transfer to other work
1	2	3	4	5	6	7	8	9

Date of Medical Examination by Certifying Surgeon	If suspended from work, state the period of such suspension and detailed reasons	Certified to be fit to resume duty on	If certificate of unfitness or suspension issued to worker	Signature with date of the Certifying surgeon.
Result of Examination				
10	11	12	13	14

FORM NO. 7

See rule 18 (2)

HUMIDITY REGISTER

Department Distinctive mark of number

Hygrometer Position in department

Date Month	Year Day	Reading of Hygrometer						If no humidi ty insert none	Remar ks
		Between 7 and 9 a. m.		Between 11 a. m. and 2 p. m. (but not in the rest period)		Between 4 a. m. and 5- 30 p. m.			
		Dry bulb	Wet bulb	Dry bulb	Wet bulb	Dry bulb	Wet bulb		
1st									
2nd									
3rd									
4th									
5th									
6th									
7th									
8th									
9th									
10th									
11th									
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18th									
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21th									
22th									
23th									
24th									
25th									
26th									
27th									
28th									
29th									
30th									
31th									

At the beginning of the month, the Sundays, whole holidays and in the months, which are less than 31 days, the excess days should be deleted.

Certified that the above entries are correct.

(Signed)

(Signed)

FORM NO. 8

See rule 44 (1)

REGISTER OF SPECIALLY TRAINED WORKERS

Serial No. in the Register of adult workers.	Name of worker	Age	Nature of work	Date when tight fitting clothing is provided.	Signature or LTI of worker	Remarks

FORM NO. 9 See rule 46 (4)**PART 1**

THE AND THOROUGH EXAMINATION OF LIFTING MACHINES, CHAINS, LIFING TACKLES OR ROPES (OTHER THAN FIBER ROPES AND POPE SLINGS) BEFORE BEING TAKEN INTO USE IN ANY FACTORY FOR THE FIRST TIME IN THAT FACTORY.

Distinguishing No. or mark and description to identify the machine, chain, lifting tackle or rope.	Certificate of Test and Thorough Examination		Name and address of persons who issued the certificate.
	Date of certificate.	Reference No. of certificate	
1	2	3	4

Signature of Occupier

Name and address of the Factory

PART II

Form No. See rule 46 (4)

**ANNUAL EXAMINATION OF ALL LIFTING MACHINES,
CHAINS, LIFTING TACKLES OR ROPE.**

Distinguishing No. or mark and description to identify the machine, chain, lifting tackle or rope.	Reference No. of certificate of test and examination	Date and name by whom carried on	Remarks (giving brief particulars of defects and steps taken).
1	2	3	4

PART III

FORM NO. 9. See rule 46 (4)

**ANNEALING OR OTHER APPROVED FORM OF HEAT
TREATMENT
OF CHAINS OR LIFTING TACKLE EXCEPT ROPE SLINGS.**

Distinguishing No. or mark to identify the chain or lifting tackle	No. of certificate of test and examination.	Date of annealing or other Heat treatment and by whom carried out.	Particulars of any defects affecting the safe working load and the steps taken to rectify such defects.
1	2	3	4

FORM NO. 12

See rule 70 (2)

REGISTER OF OVER-TIME

Name of Factory:

Registered No.....

for week endings.....20

1	2			3						
Name	Serial No., Group No. and Relay No. in Register of adult workers			Total number of hours worked on each day						
	SI No	Group No.	Relay No.	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
4		5			6			7		
Total hours work.		Total No. of hours over time payable at twice the ordinary rate of wages.			Rate of wages per hour.			Total amount payable as over time.		

FORM NO. 13

See rules 72 and 75

NOTICE OF PERIODS OF WORKS

	Starting time	Stopping time	Intervals for rest.
Sunday ..			
Monday ..			
Tuesday:			
Wednesday..			
Thursday			
Friday..			
Saturday..			

.....
Signature of Manager

Date.....

FORM NO. 13A.

See rules 72 and 75

NOTICE OF PERIODS OF WORKS

Name of Factory :

Registered No.....

	Group No.			Group No.		
	Nature of works			Nature of works		
	Starting time	Stopping time	Intervals for rest	Starting time	Stopping time	Intervals for rest
Sunday..						
Monday..						
Tuesday						
Wednesday						
Thursday :						
Friday ..						
Saturday ..						

Signature of Manager

Date.....

FORM . NO. 13B

See rules 72 and 74

NOTICE OF PERIODS OF WORKS

Name of Factory.....

Registered No.....

Group No.						
	Nature of works			Nature of works		
	Relay No			Relay No		
	Starting time	Stopping time	Intervals for rest	Starting time	Stopping time	Intervals for rest
Sunday ..						
Monday..						
Tuesday..						
Wednesday..						
Thursday..						
Friday ..						
Saturday ..						

Signature of Manager

Date

FORM NO. 17

See rule 78

LEAVE BOOK.

Shall be the name as 'From 16' but shall be made out separately for each worker on a thick bound sheet

FORM NO. 18

(See rule 84)

Registered No.

ACCIDENT REPORT

1. (a) Name and address of the factory
(b) Telephone No.....
2. Name and address of occupier.....
3. Principal product (s) services rendered:
(i)
(ii)
(iii)
4. Particulars of the injured person:
(a) Name:
(b) Address:
(i) Present:
(ii) Permanent:
(c) Age:
(d) Sex:
(e) Occupation:
5. Date and time of accident:
6. Branch/Department/ Place where accident occurred:
7. Brief description :
(a) Causes of accident:
(b) Nature of injuries:
8. Name and address of witnesses to the accident:
1.....
2.....
9. Name and address of the medical officer under whose treatment the injured person has been placed.....
10. Date and time of despatch of

.....
Signature of Occupier/Manager

FORM NO. 18A

See rule (3)

Registered.....

1. (a) Name and address of the factory
(b) Telephone No.
2. Name and address of occupier
3. Principal Product (s) service rendered:
 - (i)
 - (ii)
 - (iii)
4. Particulars of the injured persons:
 - (a) Name:
 - (b) Address :
 - (i) Present:
 - (ii) Permanent:
 - (c) Age:
 - (d) Sex:
 - (e) Occupation: /
5. Nature of accident: (Please tick which is applicable) :
 - (i) Date
 - (ii) Permanent total disablement.....
 - (iii) Permanent partial disablement
 - (iv) Injury causing absence from work exceeding 20 days
 - (v) Injury causing absence from work for more than 16 hours and up to 20 days.....
 - (vi) Injury causing less than 48 hours absence (If this sub. itmes is ticked, please do not fill up item 6 to 10).
6. If the accident resulted in permanent partial disablement to the injured person, tick one or more (as may be the case) in the following list of injuries.-
Loss of:

Right arm above or at the elbow.	Left arm above or at the elbow
Right arm below elbow	Left arm below the elbow
Leg at or above the knee	Leg below the knee
Hearing permanent total	One eye
Thumb	All toes of one foot
One phalanx of thumb	Index finger
Great toe	Any finger or other than index finger.

N.B.-Loss of any limb or member also includes loss of its use.

7. Classification by type of accident (please tick which is applicable):

- (i) Falls of persons
- (ii) Falling objects
- (iii) Stepping or strike against or struck of objects including falling objects..
- (iv) Electricity....
- (v) Poison, corrosive and harmful substances, including radiation
- (vi) Explosion.....
- (vii) Fire.....
- (viii) Irruption of water
- (ix) Suffocation by gases.....
- (x) Any other (specify, e.g., over exertion/strenuous movement etc.)

8. Classification by agency of accident (Please tick which is applicable)

- (i) Prime movers.....
- (ii) Transmission machinery.....
- (iii) Lifting machinery.....
- (iv) Working machinery.....
- (v) Other equipment and installations
- (vi) Rail transport
- (vii) Other transport and haulage.....
- (viii) Hand tools
- (ix) Any other (specify, e.g., water transport, pressure vessels, furnaces. Ovens, liins etc.)

9. Period (working hours) of absence from duty in the case of non-fatal accident:-

10. Name and address of the medical officer under whose treatment the injured person has been placed-

11. Date of despatch of report:-

Signature of Occupier/ Manager/ Agent,

Date.....

Dated.....

Registered No.....

FORM NO. 18B

(See rule 88)

NOTICE OF DANGEROUS OCCURRENCE

To

Sir

I hereby give notice under section 89 of the Factories Act, 1965 of a dangerous occurrence in the factory as detailed below:-

1. Date and hours of dangerous occurrence:
2. Full account of dangerous occurrence:
3. Name of persons who saw dangerous occurrence and can give important evidence:
4. Name of Factory:

Address:

Signed.....

Date.....

EXPLANATORY NOTES

1. The information in the above proformas should be supplied separately for perennial and seasonal factories.

2. The following definitions of the terms involved should be borne in mind while filling in the same.

Permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the primary reporting form where the aggregate percentage of the loss of earning capacity, as specified therein, amounts to or exceeds one hundred per. Cent.

Permanent partial disablement means such disablement as reduces earning capacity of the injured workman in every employment which he was capable of undertaking at that time provided that every injury specified in the primary reporting form shall be deemed to result in permanent partial disablement.

Serious bodily injury means an injury other than that resulting in permanent partial disablement but which causes a forced absence of the injured person from work for a period exceeding twenty days.

Minor accident means any injury due to which the injured person is unable to return to his work within 48 hours of occurrence of accident.

FORM NO. 19

See rule 89

Registered No.....

REPORT OF OCCUPATIONAL DISEASES

To be submitted within 24 hours of the detection of the diseases.

1. Name and address of the factory
2. Name and address of occupier:
3. Principal products/services rendered:
 - (i)
 - (ii)
 - (iii)
4. Particulars of the injured person :
 - (a) Name:
 - (b) Address:
 - (i) Present:
 - (ii) Permanent:
 - (c) Age :
 - (d) Sex:
 - (e) Occupation:
5. Name of the occupational disease the workman is found suffering from (tick applicable):

(i) Anthrax	<input type="checkbox"/>
(ii) Compress air illness or its sequelae	<input type="checkbox"/>
(iii) Poisoning by lead tetra-ethyl	<input type="checkbox"/>
(iv) Poisoning by nitrous fumes	<input type="checkbox"/>
(v) Lead poisoning or its sequelae (excluding poisoning by lead tetra-ethyl	<input type="checkbox"/>
(vi) Phosphorus poisoning or its sequelae.....	<input type="checkbox"/>
(vii) Mercury poisoning or its sequelae.....	<input type="checkbox"/>
(viii) Poisoning by benzene and its homologue or the sequelae of such poisoning.....	<input type="checkbox"/>
(ix) Chrome ulceration or its sequelae.....	<input type="checkbox"/>

FORM NO. 21.
See rule 92 (a)
ANNUAL RETURN

Reg No.....

Under the Factories Act, 1965

Year ending 31st December, 20.....

Name of Factory.....

Name of Manager.....

Name of Factory

Name of Occupier.....

1. District.....

2. Postal address.....

3. Nature of Industry.....

Adult:

Men:

Women:

Adolescent:

Male:

Female:

Children:

Boys :

Girls:

4. Average number of
worker employed daily

Men:

Women:

5. Normal hours worked
per week.

Children:

6. Number of days worked in the year:

7. What rest intervals were given to adults?

8. Were week-days sometimes substituted for Sundays/ Fridays as
weekly holidays?

50?

51?

53?

9. Were the majority of workers expected from
the provisions of sections

54?

55?

10. Was factory exempted under the second proviso to section 61(1) ?
11. Total number of(i) Fatal accidents.
(ii) Non-fatal accidents
12. Total number of man-days lost de to the accidents shown against item (ii) above:
13. Average daily number of workers employed in dangerous operations:

Dated.....20.....

.....
Manager

The average daily number should be calculated by dividing the aggregate number of attendance on working days by the number of working days in the year. In reckoning attendances by temporary as well as permanent employees should be counted, and all employees should be included. Whether they are employed directly or under contractors. Attendances on separate shifts (e.g., night and day shifts) should be counted separately. Days on which the factory was closed, for whatever cause, and days on which the manufacturing processes were not carried on should not be treated as working days.

Enter "one hour", "two-half hours," "one-half hour" or "none," as the case may be. If none of these categories applied to all the adult employees, enter the category applicable to the majority of adult employees. Where the majority received an interval exceeding one hour, enter "one hour".

Manufacture of aerated water and process incidental thereto: manufacture or repairs to electric accumulators; manufacture of Class; grinding or glazing metals; manufacture or handling of lead or lead-alloys; generation of gas from petroleum; sand-blasting; liming or tanning of raw hides; manufacture, use or storage of cellulose solution; feeding of jute or other fibres into softening machines; manufacture of compressed air : compressed hydrogen or compressed oxygen; manufacture of rayon by viscose process; manufacturing processes varied on in the chemical works and work on cranes and other lifting machines.

FROM NO. 22

See rule 92 (a)

ANUAL LEAVE WITH WAGES-ANNUAL RETURN

Under the Factories Act, 1965

Reg: No.

For the year endings 31st December, 20...

Name of Factory :

Name of Occupier : Name of Manger

District:

Postal address:

Nature of Industry:

1. Total number of workers employed during the year:

Men:

Women:

Children:

2. Number of workers who completed twelve months' continuous service during the year :

Men:

Women:

Children:

3. Number of workers who were granted holidays during the year:

Men:

Women:

Children:

4. Number of workers who were granted holidays during the year:

Men:

Women:

Children:

5. Number of workers discharged/dismissed from service during the year:

Dated.....20.....

.....

Manager

FROM NO. 23

See rule 92 (a)

COMPENSATORY HOLIDAY-ANNUAL RETURN

Under the Factories Act, 1965

Reg. No.....For the year ending 31st December, 20.....

Name of Factory.....Name of Manager.....

1. District:
2. Postal address:
3. Nature of Industry:
4. Number of workers exempted from section 51 of the Factories Act, 1965:
 - Men:
 - Women:
5. Number of workers who received (Compensatory) holidays in the:
 - (i) Same month:
 - (ii) Following month:
 - (iii) Third month:
 - (iv) Fourth month:

Dated20

.....
Manger.

FORM NO. 24

See rule 92 (a)

ANNUAL RETURN

Under the Factories Act, 1965

CANTEEN

Year endings 31st December 20.....

1. Reg. No.....
2. Name of Factory
3. Number of workers employed during the year:

Providing:

- (i) Cooked food and refreshment:
- (ii) Cooked food only:
- (iii) Refreshment and Tea only:
- (iv) Tea only:

4. Items of expenditure borne by the occupier, if any:
5. State the items provided below the ordinary cost price:
6. Remark, if any:

Dated.....20.

.....
Manager

FORM NO. 25

See rule 92 (b)

HALF-YEARLY RETURN

Under the Factories Act, 1965

Reg. No.Half-year endings 30th June, 20.....
31st December, 20..

Name of Factory

Name of Occupier Name of Manger

1. District.....
2. Postal address.....
3. Nature of Industry.....

	Adults:-
	Men:-
	Women:
	Adolescent:-
Average number of workers employed daily.	Male:
	Female:
	Children:-
	Boys :
	Girls:

5. Number of days worked in the half-year :

Dated.....20

.....

Manger

The average daily number should be calculated by dividing the aggregate number of attendance or working days by the number of working days in the half-year. In reckoning attendances by temporary as well as permanent employees should be counted and all employees should be included, separate shifts (e.g., night and day shifts) should be counted separately. Days which the factory was closed, for whatever cause and days on which the manufacturing process were not carried on should not be treated as working days.

FORM NO. 26

See rule 96.

ANNUAL CRECHE RETURN

(Under the Factories Act, 1965)

CRECHE

1. Reg. No..... Year ending 31st December, 20.....
2. Name of Factory
3. Number of women workers employed:.....
4. Average daily attendance of children at the Creche:.....
 - (a) 2 years and below:
 - (b) Above 2 years
5. Facilities provided with regard to:
 - (a) Milk:
 - (b) Food:
 - (c) Clothes:
 - (d) Toys:
 - (e) Medical aid:
6. Number of staff employed:
 - (a) Doctors:
 - (b) Nurses:
 - (c) Ayah:
 - (d) Teacher:
 - (e) Sweeper:

Dated.....20.....

.....
Manager

FORM NO. 27

See rule 97

ANNUAL RETURN**SHELTERS, REST ROOMS AND LUNCH ROOMS.**

Year endings 31st December, 20.....

1. Reg. No.....
2. Name of Factory.....
3. No. of workers ordinarily employed :
4. Average daily attendance of workers :
room
5. Facilities provided
6. Accommodation, furniture and other :
equipments provided
7. Remarks (if any)

Date20....

.....
*Signature of Manager***FORM NO. 28**

See rule 100

REGISTER OF ACCIDENTS AND DANGEROUS OCCURRENCES.

Name and address of the Factory:

Name of injured workers	Date of accident of dangerous occurrence.	Date of report of Inspector of Factories.	Nature of accident or dangerous occurrence	Date of return to work	Number of days the injured workers were absent from work.	Remarks
1	2	3	4	5	6	7