

THE FACTORIES ACT, 1965
[E. P. Act No. IV of 1965]

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

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 mid-night;

- (e) 'explosive substance' includes any materials 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 of 1923).

Note

The word "premises" ordinarily includes lands and "precincts" means the "*limit, bound or exterior line encompassing a place*".

- (g) 'machinery' includes prime movers, transmissin 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) ofr pumping oil, gas, water, sewage or other fluids or slurries, or

- (iii) for generating, transforming or transmitting power or gas, or
- (iv) for constructing, reconstructing, repairing, refitting, finishing or breaking up of ships or vessels, or
- (v) for printing by letter press, lithography, or book-binding which is carried on by way of trade or for purposes for gain or incidental to another business so carried on,

(f) '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 any 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 (*IV of 1936*).

Note

See Section 2 (Vi)

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.

following sections, namely, section 5 and sections 7 to 13, both inclusive, shall be punishable with fine which may extend to Taka five hundred.

(2) Whoever contravenes the provisions of section 4, section 6 or section 25 shall be punishable with fine which may extend to Taka two hundred.

21. Procedure in trial of offences.—(1) No Court shall take cognizance of a complaint against any person for an offence under sub-section (1) of section 20 unless an application in respect of the facts constituting the offence has been presented under section 15 and has been granted wholly or in part and the authority empowered under the latter section or the appellate Court granting such application has sanctioned the making of the complaint.

(2) Before sanctioning the making of complaint against any person for an offence under sub-section 15 or the appellate Court, as the case may be, shall give such person an opportunity of showing cause against the granting of such sanction, and the sanction shall not be granted if such person satisfies the authority or Court that his default was due to—

- (a) a *bonafide error or bonafide dispute* as to the amount payable to the employed person, or
- (b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment of the wages was unable, though exercising reasonable diligence, to make prompt payment, or

- (c) the failure of the employed person to apply for or accept payment.

(3) No Court shall take cognizance of a contravention of section 4 or of section 6 or of a contravention of any rule made under section 26 except on a complaint made by or with the sanction of an Inspector under this Act.

(4) In imposing any fine for an offence under sub-section (1) of section 20, the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 15.

22. Bar of suits.—No Court shall entertain any suit for the recovery of wages or of any deduction from wages in so far as the sum so claimed—

- (a) forms the subject of an application under section 15 which has been presented by the plaintiff and which is pending before the authority appointed under that section or an appeal under section 17; or
- (b) has formed the subject of a direction under section 15 not to be owed to the plaintiff; or
- (c) has been adjudged, in any proceeding under section 15, not to be owed to the plaintiff; or
- (d) could have been recovered by an application under section 15.

23. Contracting out.—Any contract of agreement whether made before or after the commencement of this Act, whereby an employed person relinquishes any right conferred

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 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 licences, 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 the 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, for 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 section 21 of the Penal code (Act XLV 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 servants within the meaning of section 21 of the Penal Code (Act XLV 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.

40. 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 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 of such examination by way of verification.

(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.

41. 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 connectin 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 supervison as may be prescribed for 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 privy or other nuisance, and in particular,—

- (a) accumulation of dirt and refuse shall be moved 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 workroom 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 of 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 fourteenth months, 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 processes 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 wastes 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 therefrom 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.

W. 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 sub-section (1), there shall be provided for every worker 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 sections 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.

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 provision 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 eye strain 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 of 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 provide 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. Spittoon.—(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 this violation shall be prominently displayed at suitable places in the premises.

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

CHAPTER IV

SAFETY

24. Precautions in case of fire.—(1) Every factory shall be provided with such means for 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 not 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 warnig 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 perscribing, 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 position while the pat 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 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, for the purpose of determining whether any part of machinery is in such 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, to 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 such 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 as to prevent the belt from crooping 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 structure 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 conditions 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 or 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 twelve 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 travelling 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 compliance 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 months, 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 no load 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 the cage cannot be moved unless the gate is closed.

(2) The following additional requirements shall apply to hoists and lifts used for carrying persons 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 breakage 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 unreasonably to enforce any requirement of sub-sections (1) and (2), by 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 measures shall be taken in every factory to ensure that the safe working peripheral speed of every revolving vessel, cage, basket, fly wheel, 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 a 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 building, ways, machinery or plant can be used with safety; or
- (b) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

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 a factory is in such a condition that it is dangerous to human life or safety; he may serve on the Manager of the factory, an order in writing specifying the measures which in his opinion, should be adopted, and requiring them to be carried out before a specified date.

(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 this 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 persons employed therein as it may deem necessary shall be adopted; and
- (b) work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory until a certificate of stability in the prescribed form and signed by a person possessing the prescribed qualifications, 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

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space such as is referred to in sub-section (1) and where the fumes present are likely to be inflammable, lamp or light other than of flame proof construction 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 worker is wearing suitable breathing apparatus and a belt securely attached to a 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 as entered, and all such apparatus shall be periodically examined and certified by a competent person to be fit for use; and a sufficient number of persons employed in every factory shall be trained and practised 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 vapour of such character and to such extent as to be likely to explode on ignition, all practicable measure 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 the 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 or 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~~ 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 or of any manufacturing process, prescribe standards of adequate and suitable facilities for washing.

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

~~45~~ (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 are 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.

5. **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 the workers.

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

- (a) the date by which such canteen shall be provided;
- (b) the standards in respect of construction, accommodation, furniture and other equipment of the canteen;
- (c) the foodstuff to be served therein and the charges which may be made therefor;
- (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).

16. 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 a lunch room exists, no workers shall eat any food in the work room.

(2) The shelters, rest rooms or lunch rooms provided under sub-sections (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.

✓ 47. (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 feed them at the necessary intervals.

✓ 48. **Welfare officers.**—(i) 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 or forty-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.

Note

Rule 4 of the Factories (Exemption) Rules, 1969 provides that no adult worker exempted from the provisions of this section, other than an adult male worker employed under rule 6 on urgent repairs, shall be allowed to work for more than sixty hours in any week and on the average fifty-six hours per week in any year.

51. Weekly holidays.—(1) No adult worker shall be required or allowed to work in a factory on a Sunday or a Friday as the case may be, unless—

- (a) he has had or will have a holiday or 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 than ten days consecutively without a holiday for a 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 or 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 under 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.

Note

Rule 5 (Ibid) provides for compensatory holidays as under:—

(1) Where, as a result of any of these rules exempting the workers in a factory from the operation of the provisions of section 51, a worker is deprived of any of the weekly holidays of which provision is made by sub-section (1) of section 52, he shall be allowed compensatory holidays of equal number to the holidays so lost in the manner prescribed by this rule.

(2) Every worker shall be allowed compensatory holidays admissible to him under sub-rule (1), as soon as the circumstances permit, either within the same month in which the holidays were due to him or within two months next immediately following that month :

Provided that in case of a seasonal factory, a worker shall be allowed the compensatory holidays before the close of the current session.

(3) All the workers may be allowed the compensatory holidays either simultaneously or by rotation as may be deemed expedient.

(4) Notwithstanding anything contained in the foregoing sub-rule, in the case of seasonal factory having continuous manufacturing process, a worker may, subject to the approval of the Chief Inspector, be allowed the compensatory holidays admissible under sub-rule (1) at the end of the current session at a time, commencing from a day not later than the date immediately following the day on which the current season comes to a close, and such worker shall be paid the wages due for the number of compensatory holidays so allowed before he is discharged for the season.

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 $\frac{1}{2}$ an hour during that day for rest or meal; or
- (c) for more than eight and a 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. Spreadover.—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 it 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 previous day.

57. Prohibition of overlapping shifts.—(1) Work shall not be carried on in any factory 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 workers 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.

Notes

As is evident, overtime is payable after nine hours of work in a day or forty-eight hours of work in a week; for example—

If a worker works for ten hours on Monday and seven hours daily from Tuesday till Saturday, his total weekly working hours would be forty-five. He would, still, be paid one hour overtime for Monday: because, on that day, his working hours exceeded nine hours notwithstanding the fact that he only worked for forty-five hours in the week.

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 as 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 periods which adult workers may be required to work.

(2) The periods shown in the notice shall be fixed beforehand in accordance with the provisions of this section and shall be such that workers working during such periods would not be working in contravention of the provisions 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 is the notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made.

(10) The Government may make rules prescribing the form and 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 worker, 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;
- (d) 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 or if he leaves his training.

Explanation.—The different classes of workers in this subsection shall have the same meaning as in the Industrial and Commercial Employment (Standing Orders) Ordinance, 1960.

(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 section 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 the 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 sections 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 the operation of the 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, 53, 54 and 55;
- (e) engaged in making or supplying articles of prime necessity which must be made or supplied every day, 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 provisions 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 sections 51 and 54;
- (h) engaged in engine rooms or boiler houses 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 sections 50, 53 and 55.

(3) Rules made under sub-section (2) providing for any exemption may also provide 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;
- (iii) twelve hours of spreadover, 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 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 woman 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.