

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

16th June 1881, No. 1193.

Factories Act.

Read the following paper :—

*From the Hon. C. GRANT, C.S., Officiating Secretary to the Government of India, Home, Revenue, and Agricultural Department (Judicial), to the Officiating Chief Secretary to Government, dated Simla, 27th May 1881, No. 12—710 [Current No. 1691].*

In inviting the attention of the Government of Madras to the Factories Act (No. XV) of 1881, I am desired to convey to you the following observations regarding the principles which should be observed in its administration.

2. The Act, it will be seen, does not apply to indigo factories or premises situated on and used solely for the purposes of tea or coffee plantations; nor to temporary establishments wherein operatives are employed for less than four months in the year; nor to comparatively small undertakings providing work on any day for less than one hundred persons. Moreover, the restrictions which it imposes on the hours of labor extend only to children; and, except in so far as the Act provides for the fencing of machinery and notice of accidents, it does not impose any obligation on mill-owners for the protection of adults.

3. The scope of the law is thus comparatively limited, and it will be apparent that, in framing it, the most careful regard has been paid to the representations of the mill-owners and commercial and other associations which have memorialised the Government of India on the subject of factory legislation. Indeed, consistently with the objects in view, it would have been scarcely possible to frame a more moderate measure; and the Governor-General in Council believes that the uneasiness which is still felt in some quarters regarding its possible effects on the manufacturing industries is caused not so much by objection to the protection of children and to the fencing of machinery as by the fear that the provisions designed for these purposes may be injudiciously worked to the detriment of legitimate operations. Such apprehensions are not altogether unnatural; for there is always a risk that, in the absence of suitable precautions, administrative zeal in enforcing a new law may overstep due limits and prove injurious to the conduct of commercial enterprise. Similar difficulties, however, have been satisfactorily surmounted in England; and, having regard to the great importance of providing for the people of this country fresh outlets for surplus labor, and of avoiding all unnecessary restraints upon industrial employment, the Governor-General in Council desires to impress upon all local Governments the necessity of regulating the machinery of inspection and of selecting the inspecting agency in such a manner as to prevent all reasonable cause of complaint. The Government of India attach great importance to the choice of Inspectors, who, while they will take care that the provisions of the Act are honestly and thoroughly carried out, will discharge their duties in the most conciliatory manner.

4. On the other hand it must be borne in mind that, although many factories are managed on enlightened and liberal principles, yet the inquiries of the Bombay Commission of 1875 did undoubtedly disclose the existence in many places of grave defects in factory management; and it was to prevent the possibility of such abuses that the present law was enacted. In consideration of the important interests involved and in deference to the opinions of many of the local Governments and public bodies and associations consulted, the restrictions which were at first thought necessary

KEEP WITH

Genl. No.

dated

18 .

have been very materially relaxed. In one respect indeed, viz., in the reduction to seven years of the minimum age at which a child may be employed, the Governor-General in Council does not yet feel sure that relaxation may not have been carried too far. He has assented to the experimental adoption of the existing limit on the grounds that children of seven years of age are at present largely employed in factories without apparent injury to them; and that several local Governments thought the limit of eight years as fixed in the Bill too high. But he considers that the working of this provision in the law will need to be carefully watched; and that it cannot be maintained unless it is found beyond doubt to provide an adequate measure of protection to children of tender years.

5. I am to request that the rules framed under Section 18 of the Act may be submitted to the Government of India; and a report will be required on the operation of the Act when a year has elapsed from the date of its introduction.

ORDER THEREON, 16th June 1881, No. 1193.

Communicated to all District Magistrates and to the Military and Public Works Departments, the Consulting Engineer for Railways, the Board of Revenue, and the Advocate-General, in view to obtaining an expression of opinion in regard to the rules required to be framed under Section 18 for the purposes of Sections 3, 7, 8, 11, 12 and 13 of the Indian Factories Act which is to come into force on the 1st July 1881.

2. Under Section 3 of the Act and in default of other special appointments, District Magistrates are *ex-officio* Inspectors of all Factories in their districts, and they will, without delay, furnish lists of those to which the Act will apply. Attention will be drawn by notice in the *Fort St. George Gazette* to these *ex-officio* appointments. For the Presidency Town in which there are not only Government factories but more private factories than in most places in the Presidency, the Collector of Madras will be appointed Inspector of Factories.

3. Copy of these Proceedings will be communicated to the Honorable the Judges of the High Court for their information.

(True Extract.)

*[Signature]*  
*[Signature]*  
 for Offg. Chief Secretary.

To the Honorable the Judges of the High Court with covering letter.

„ Military Department.  
 „ Public Works Department.  
 „ Consulting Engineer for Railways.  
 „ Board of Revenue.  
 „ Advocate-General.  
 To all District Magistrates.  
 To the Collector of Madras.

Exd. E. C. Shunker.

Act No. XV of 1881

P. M. C. No. 3778  
Govt. of (1881) Madras.  
JUDICIAL.

To  
THE HONORABLE THE  
JUDGES OF THE  
HIGH COURT.  
&c., &c., &c.

Date 1 June, 1881.

Issued

Recd. June 27<sup>th</sup> 1881 Encl.

G.O., 16th June 1881, No. 1193.

JUNE.

*Factories Act.*—Letter from Government of India conveying observations regarding the principles to be observed in the administration of the Factories Act No. XV of 1881, communicated to certain officers for opinion in regard to the rules required to be framed under Section 18 for the purposes of Sections 3, 7, 8, 11, 12 and 13 of the Act. Inspectors of Factories appointed for the several districts and for the Presidency town under Section 3 of the Act.

[ For Heads of Departments. ]

Circular No. XI Public Works.  
GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

GENERAL.

Simla, June 16, 1881.

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.  
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.  
The Resident, Hyderabad.  
The Agents to the Governor General for Central India, Rajputana, and Beluchistan.  
The Accountant General, Public Works Department.  
The Inspector General of Military Works.  
The Director General of Railways.  
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.  
The Director General of Telegraphs in India.  
The Director-in-Chief, Indo-European Telegraph.  
The Director, Persian Telegraph.  
The Deputy Director, Persian Gulf Telegraph.

The following is  
forwarded to the  
Local Governments,  
Administrations, and  
Officers marginally  
noted.

By order,

*W. S. P. S. S.*  
Under Secretary to the Govt. of India.

Nos. 12-710-19, dated 27th May 1881.

From—HON'BLE C. GRANT, Officiating Secretary to the Government of India, Home, Revenue and Agricultural Department,

To—All Local Governments and Administrations.

In inviting attention to the Factories Act (No. XV) of 1881, I am desirous to convey to you the following observations regarding the principles which should be observed in its administration.

2. The Act, it will be seen, does not apply to indigo factories or premises situated on and used solely for the purposes of tea or coffee plantations; nor to temporary establishments wherein operatives are employed for less than four months in the year; nor to comparatively small undertakings providing work on any day for less than one hundred persons. Moreover, the restrictions which it imposes on the hours of labour extend only to children; and, except in so far as the Act provides for the fencing of machinery and notice of accidents, it does not impose any obligation on mill-owners for the protection of adults.

3. The scope of the law is thus comparatively limited, and it will be apparent that, in framing it, the most careful regard has been paid to the representations of the mill-owners and commercial and other associations which have memorialised the Government of India on the subject of factory legislation. Indeed, consistently with the objects in view, it would have been scarcely possible to frame a more moderate measure; and the Governor General in Council believes that the uneasiness which is still felt in some quarters regarding its possible effects on the manufacturing industries is caused not so much by objection to the protection of children and to the fencing of machinery as by the fear that the provisions designed for these purposes may be injudiciously worked to the detriment of legitimate operations. Such apprehensions are not altogether unnatural; for there is always a risk that, in the absence of suitable precautions, administrative zeal in enforcing a new law may overstep due limits and prove injurious to the conduct of commercial enterprise. Similar difficulties, however, have been satisfactorily surmounted in England; and, having regard to the great importance of providing for the people of this country fresh outlets for surplus labour, and of avoiding all unnecessary restraints upon industrial employment, the Governor General in Council desires to impress upon all Local Governments the necessity of regulating the

To The Secretary to the Govt. of Madras  
*W. S. P. S. S.*

machinery of inspection and of selecting the inspecting agency in such a manner as to prevent all reasonable cause of complaint. The Government of India attach great importance to the choice of Inspectors, who, while they will take care that the provisions of the Act are honestly and thoroughly carried out, will discharge their duties in the most conciliatory manner.

4. On the other hand, it must be borne in mind that although many factories are managed on enlightened and liberal principles, yet the enquiries of the Bombay Commission of 1875 did undoubtedly disclose the existence in many places of grave defects in factory management; and it was to prevent the possibility of such abuses that the present law was enacted. In consideration of the important interests involved, and in deference to the opinions of many of the Local Governments and public bodies and associations consulted, the restrictions which were at first thought necessary have been very materially relaxed. In one respect, indeed, *viz.*, in the reduction to seven years of the minimum age at which a child may be employed, the Governor General in Council does not yet feel sure that relaxation may not have been carried too far. He has assented to the experimental adoption of the existing limit on the grounds that children of seven years of age are at present largely employed in factories without apparent injury to them; and that several Local Governments thought the limit of eight years as fixed in the Bill too high. But he considers that the working of this provision in the law will need to be carefully watched; and that it cannot be maintained unless it is found beyond doubt to provide an adequate measure of protection to children of tender years.

5. I am to request that the rules framed under section 18 of the Act may be submitted to the Government of India; and a report will be required on the operation of the Act when a year has elapsed from the date of its introduction.

No. 12-721, dated 27th May 1881.

Office memo. by—HON'BLE C. GRANT, Officiating Secretary to the Government of India,  
Home, Revenue and Agricultural Department.

In transmitting to the Public Works Department the accompanying copy of a circular now under issue to Local Governments, regarding the principles to be observed in carrying out the Factories Act, the undersigned is directed to suggest that all Superintendents of Government Factories should be instructed to give the fullest possible effect to the restrictive provisions of the Act, as the Government of India will not consistently be able to insist on their observance in the private factories, unless it shows a good example in its own establishments. It is also the desire of the Governor General in Council that no child under eight years of age should be employed in any Government factory.

G.O. No 1193 of 16 June 1881

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
GENERAL.

To

Circular No. XI Public Works.  
Dated Simla, June 16, 1881.  
Received

Encl. in Receipt Regr

Principles to be observed in carrying out the  
Factories Act.

502 W of 3rd February 1881  
" 856 W of 29. March 1881  
Memo 1471 W of 24. June 1880.

From D. H. C. L.

N<sup>o</sup> 1876 W

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 30 July 1881

Read the following:—

Pres: in the Judicial Department (P.L. No. 1193 of 16 June/81.)  
From the Govt. of India (P.L. No. XI P.D. of 16-6-81.)

Communicated to  
the officers in charge  
of P.D. Workshops for  
an expression of their  
opinion as to the rules  
to be framed under  
Section XV of the Act  
as required in para  
1 of the orders in the  
Judicial Department,  
No. 1193, dated 16 June 1881.

R.S.  
Supt: of Works  
Godavari } with copy  
Do - Krishna } of Act  
Supt: of Works }  
Supt: of Works }  
Supt: of Works }

[Signature]