

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Factories' Act.

9th February 1882, No. 193.

Read again—

Proceedings of Government, dated 16th June 1881, No. 1193, and 7th July 1881, No. 1337, Judicial Department.

Read also the following replies from—

District Magistrate, Nellore,	dated 30th June 1881, No. 633	(Current No. 1967).
" Bellary,	" 2nd July "	" 3197 (" " 1975).
" Kurnool,	" 2nd " "	" 299 (" " 1976).
Advocate-General,	" 4th " "	" " 1987).
District Magistrate, Trichinopoly,	" 6th " "	" 2032 (" " 2013).
" Godáviri,	" 7th " "	" 54 (" " 2108).
" North Arcot,	" 13th " "	" 64 (" " 2095).
" Salem,	" 14th " "	" 1760 (" " 2086).
Proceedings, Board of Revenue,	" 20th " "	" 1447 (" " 2378).
District Magistrate, Cuddapah,	" 5th Aug. "	" 349 (" " 2347).
" Ganjam,	" 19th " "	" 2238 (" " 2582).
" Vizagapatam,	" 23rd " "	" 579 (" " 2581).
" Madura,	" 24th " "	" 665 (" " 2590).
Collector of Madras,	" 1st Sept. "	" 321 (" " 2652).
District Magistrate, South Arcot,	" 7th " "	" 55 (" " 2679).
" South Canara,	" 8th " "	" 1923 (" " 2716).
" Tanjore,	" 12th " "	" 5214 (" " 2719).
" Bellary,	" 15th " "	" 4447 (" " 2759).
" Kistna,	" 19th " "	" 446 (" " 2834).
" Chingleput,	" 20th " "	" 411 (" " 2827).
" Tinnevely,	" 24th " "	" 1507 (" " 2860).
" Malabar,	" 27th " "	" 3440 (" " 2858).
" Nilgiris,	" 24th Oct. "	" 181 (" " 3220).
" Coimbatore,	" 11th Nov. "	" 96 (" " 3357).

Read endorsement, No. 4335, dated 13th August 1881, from Military Department, transferring reports by the Commissary-General and Inspector-General of Ordnance on the Rules to be framed under the Factories Act, 1881.

Read endorsement from Public Works Department, No. 2529, dated 1st November 1881, transferring reports by the Superintendent of Works, Kistna; Superintendent of Workshops, Madras; and Superintendent of Works, Godáviri, on the rules to be made under the Indian Factories Act, 1881.

From the Government of Bombay, dated 29th November 1881.

" " Bengal, No. 1234, dated 1st December 1881.

ORDER THEREON, February 1882, No. .

The papers recorded above include the reports of the various authorities consulted* with regard to the Rules to be framed under Section 18 of the Indian Factories Act, XV of 1881.

* G.O., 16th June 1881, No. 1193, Judicial Department.

2. The Rules now made will be published in the *Fort St. George Gazette*, and as requested† a copy will be forwarded to the Government of India for their information. No rules regarding the "fencing of machinery and mill-gearing" are framed for the present. The Superintendent of Works, Kistna, and the Officer in charge of the Presidency Workshops make various suggestions, but the Act itself, in Sections 10 and 12, prescribes all that is immediately necessary. Should experience show that more specific rules are required, they will be framed as occasion demands.

† From Government of India, dated 13th Aug. 1881, No. 1012, Home Department, recorded in G.O., 24th August 1881, No. 740, Judicial Department.

3. On further consideration the Right Honorable the Governor in Council resolves to modify G.O., 7th July 1881, No. 1337, Judicial Department, notifying the appointment of "Inspectors of Factories" under Section 3 of the Act, and to appoint the following officers to be Inspectors:—

Fort St. George Gazette, dated 12th July 1881, p. 349.

The Joint Magistrate, Head Assistant Magistrate, and Assistant Magistrate for factories situated within the district in which they are employed.

The Deputy Commissioner of Police for all factories situated within the Presidency town.

The Deputy Consulting Engineer for Railways for all Railway Workshops.

The above appointments will be notified in the *Fort St. George Gazette*.

4. Civil Surgeons will continue‡ to be Certifying Surgeons under Section 5 of the Act; but, as this arrangement may in some cases prove inconvenient both to them and to employers of labor, Inspectors will report, through the authority to whom they are officially subordinate (Section 3), the names of officers or subordinates of the Indian Medical Service whom they would recommend to be appointed for this duty. As a rule, the nearest qualified officer should be nominated.

5. As soon as a factory has been entered in the Register, the Inspector, after making the inquiry contemplated by Section 7 of the Act, shall report the intervals he would recommend to be allowed to children employed in the factory for food and rest, in order that the same may be fixed by Government under the section quoted.

6. At the close of the calendar year every Inspector shall forward to Government, through the officer to whom he is "officially subordinate," a full report of the results of each inspection made during the year and of his examination of the premises and machinery and of the registers of children, together with a statement of all orders passed by him and of all prosecutions instituted by him or with his sanction under the Act and their result. He will also state his opinion regarding the working of the Act during the year.

NOTIFICATION.

In modification of Notification, dated 7th July 1881, published at page 349 of the *Fort St. George Gazette* of 12th idem, the Right Honorable the Governor in Council hereby appoints, under Section 3 of the Indian Factories Act (XV of 1881), the following officers to be Inspectors of Factories:—

the Joint Magistrate, Head Assistant Magistrate, and Assistant Magistrate for all Factories, not being Railway Workshops, situated within the district in which they are employed;

the Deputy Commissioner of Police for all factories situated within the Presidency town; and

the Deputy Consulting Engineer for Railways for all Railway Workshops.

(By Order of the Right Honorable the Governor in Council.)

R. DAVIDSON,
Chief Secretary.

Rules made by the Right Honorable the Governor in Council under Section 18 of the Factories Act, 1881.

In exercise of the powers conferred by Section 18 of Act XV of 1881 (The Indian Factories Act), the Governor of Fort St. George in Council is pleased to make the following rules:—

I. Every Inspector shall be "officially subordinate" to the Magistrate of the District to which he is appointed; in the Presidency town the Deputy Commissioner of Police to the Commissioner of Police, and the Deputy Consulting Engineer for Railways to the Consulting Engineer for Railways.

II. Each Inspector shall keep a register of all factories within his jurisdiction in the Form A attached to these Rules.

III. On the publication of these Rules, the Inspector shall give notice to the manager or occupier of every factory within his jurisdiction, intimating his intention of placing such factory upon his Register of Factories.

IV. Any person served with a notice under Rule 3, whose premises do not fall within the definition of a factory given in the Act, may, within fifteen days of the receipt of such notice, forward to the Inspector a statement setting forth his objections to the registration of his premises as a factory. The Inspector shall consider and dispose of such objections, after making such inquiry as he may deem necessary, and shall make up his Register of Factories in accordance with the provisions of the Act.

V. The Inspector may at any time serve a notice, as provided in Rule 3, upon the occupier of any factory which is not already entered in his Register of Factories, and the provisions of Rule 4 shall apply to the subsequent proceedings in all such cases.

VI. When any premises cease to be occupied as a factory, the occupier may give notice of the fact to the Inspector, who shall, if satisfied that the Act is no longer applicable to such premises, remove them from his Register of Factories.

VII. Every factory shall be inspected by the Inspector as often as he may deem sufficient, and at least three times in each calendar year, and at the inspection he shall muster all children employed on the premises, examine all registers required to be kept under the Act, and see that all orders respecting the secure fencing of machinery are being duly carried out.

VIII. The Inspector may enter a factory for the purpose of Section 4 of the Act at any time during the day, except that he shall examine the children employed in order to verify the register kept under Section 11 of the Act only in working hours. The Inspector may take with him as assistant or assistants any person or persons whom he may deem qualified to give a professional opinion as to the secure fencing of machinery and mill-gearing.

IX. The Inspector shall keep a register of his inspections of each factory in Form B attached to these Rules, in which he shall record all orders and remarks made by him on each occasion of his inspection.

X. A copy of every order passed by an Inspector under Section 4 (c) or Section 12 (c) of the Act, of any remarks made by him on each occasion of his inspection, and shall be transmitted to the occupier of the factory, or in his absence to the principal agent in charge of such factory, within 24 hours of the same being passed. The despatch through the post, under registered cover, of the copy of such orders and

remarks shall be deemed to be sufficient service on the occupier of the factory of any orders or directions therein contained.

XI. Every order for the fencing of any part of the machinery or mill-gearing of a factory which an Inspector may pass under Section 12 (c) of the Act shall state clearly what is required, so that the said machinery or gearing may be securely fenced, and shall specify a reasonable time within which what is required to be done shall be completed, and shall further give notice that, if it shall not be so completed, the person responsible for the breach of the order will be prosecuted under Section 15 of the Act.

XII. The occupier of a factory shall, if required by the Inspector, bring before him, on the occasion of any inspection, all children employed in the factory and any other persons in the service of such occupier whom the Inspector may wish to see.

XIII. Certifying Surgeons under Section 5 of the Act shall grant certificates in the Form C appended. Forms of certificate in counterfoil will be supplied to Certifying Surgeons.

XIV. Every occupier of a factory shall keep a file of all certificates of Certifying Surgeons relating to persons in his employ, and shall produce it when required by the Inspector. Every such certificate shall be returned by such occupier to the parent or guardian of the person to whom it relates on his leaving the factory for other employ and on demand of such parent or guardian.

XV. Every occupier of a factory shall keep registers in Forms D and E attached to these Rules, and no such register shall be destroyed or removed from the factory without the written permission of the Inspector.

XVI. In addition to the notice required by Section 7, Clause 4, of the Act, every occupier of a factory shall set up and maintain in a conspicuous place in the factory a printed or written notice, in English and the Vernacular, of the daily working hours of the factory in Form F appended.

XVII. Every occupier of a factory shall give notice to the Inspector of the four days fixed by him as monthly holidays for children under Section 8 of the Act.

XVIII. Any occupier of a factory on whom an Inspector serves an order under Rules IV and V of these rules, or under Section 12 (c) of the Act, may, within seven days after receipt of such order, appeal,

in the Mofussil, to the Magistrate of the District ;

in Madras, to the Commissioner of Police ;

in the case of Railway Workshops, to the Consulting Engineer for Railways.

There shall be no further appeal from an order passed by the aforesaid appellate authorities, but Government may review any order mentioned in this rule, either of an Inspector or of an appellate authority, and may issue any orders thereon which may seem proper. In order that effect may be given to the latter part of this Rule, copies of all the orders referred to therein shall be transmitted to Government as soon as they are passed.

XIX. An appeal under the preceding Rule XVIII shall be made in the form of a petition on stamp paper of the value of one rupee, which shall contain a statement of the facts and grounds of appeal, and shall be accompanied by a copy of the order complained of.

XX. The appeal shall be heard at as early a date as may be convenient, due notice of which shall be given to the appellant and the Inspector.

The appellate authority shall make, or cause to be made, in such manner as he may see fit, such inquiry as may appear to him to be necessary for the purpose of deciding the appeal.

XXI. If the order of an Inspector under Section 12 (c) of the Act is set aside or modified in appeal, the Inspector shall, as early as possible, deliver to the occupant of the factory such amended order as may seem to him required.

XXII. Notices of all accidents resulting in death, or from which the injury is evidently so severe that there is no reasonable hope that the injured person will be able

remarks shall be deemed to be sufficient service on the occupier of the factory of any orders or directions therein contained.

XI. Every order for the fencing of any part of the machinery or mill-gearing of a factory which an Inspector may pass under Section 12 (c) of the Act shall state clearly what is required, so that the said machinery or gearing may be securely fenced, and shall specify a reasonable time within which what is required to be done shall be completed, and shall further give notice that, if it shall not be so completed, the person responsible for the breach of the order will be prosecuted under Section 15 of the Act.

XII. The occupier of a factory shall, if required by the Inspector, bring before him, on the occasion of any inspection, all children employed in the factory and any other persons in the service of such occupier whom the Inspector may wish to see.

XIII. Certifying Surgeons under Section 5 of the Act shall grant certificates in the Form C appended. Forms of certificate in counterfoil will be supplied to Certifying Surgeons.

XIV. Every occupier of a factory shall keep a file of all certificates of Certifying Surgeons relating to persons in his employ, and shall produce it when required by the Inspector. Every such certificate shall be returned by such occupier to the parent or guardian of the person to whom it relates on his leaving the factory for other employ and on demand of such parent or guardian.

XV. Every occupier of a factory shall keep registers in Forms D and E attached to these Rules, and no such register shall be destroyed or removed from the factory without the written permission of the Inspector.

XVI. In addition to the notice required by Section 7, Clause 4, of the Act, every occupier of a factory shall set up and maintain in a conspicuous place in the factory a printed or written notice, in English and the Vernacular, of the daily working hours of the factory in Form F appended.

XVII. Every occupier of a factory shall give notice to the Inspector of the four days fixed by him as monthly holidays for children under Section 8 of the Act.

XVIII. Any occupier of a factory on whom an Inspector serves an order under Rules IV and V of these rules, or under Section 12 (c) of the Act, may, within seven days after receipt of such order, appeal,

in the Mofussil, to the Magistrate of the District;

in Madras, to the Commissioner of Police;

in the case of Railway Workshops, to the Consulting Engineer for Railways.

There shall be no further appeal from an order passed by the aforesaid appellate authorities, but Government may review any order mentioned in this rule, either of an Inspector or of an appellate authority, and may issue any orders thereon which may seem proper. In order that effect may be given to the latter part of this Rule, copies of all the orders referred to therein shall be transmitted to Government as soon as they are passed.

XIX. An appeal under the preceding Rule XVIII shall be made in the form of a petition on stamp paper of the value of one rupee, which shall contain a statement of the facts and grounds of appeal, and shall be accompanied by a copy of the order complained of.

XX. The appeal shall be heard at as early a date as may be convenient, due notice of which shall be given to the appellant and the Inspector.

The appellate authority shall make, or cause to be made, in such manner as he may see fit, such inquiry as may appear to him to be necessary for the purpose of deciding the appeal.

XXI. If the order of an Inspector under Section 12 (c) of the Act is set aside or modified in appeal, the Inspector shall, as early as possible, deliver to the occupant of the factory such amended order as may seem to him required.

XXII. Notices of all accidents resulting in death, or from which the injury is evidently so severe that there is no reasonable hope that the injured person will be able

to return to his work within 48 hours, shall be given on the same day on which the accident occurs. Notice of accidents of a less severe character, but which nevertheless prevent the person injured from returning to his work within 48 hours of the occurrence shall be given immediately on the expiry of the 48 hours' interval allowed by Section 13. Such notice shall be sent both to the Sub-Magistrate and to the Divisional Magistrate within whose jurisdiction the factory is situated, and also to the Inspector. Notice of fatal injuries shall at the same time be given at the nearest police station, as required by Section 90, Criminal Procedure Code. All such notices shall contain full particulars of the accident, and (except the copy to the Inspector, which may be sent by post,) shall be sent by special messenger. This notice shall be in the Form G appended.

XXIII. A legible copy of these rules and forms, with a translation thereof in the vernacular of the district in which the factory is situated, shall be kept hanging in a conspicuous place in each factory.

(By Order of the Right Honorable the Governor in Council.)

R. DAVIDSON,
Chief Secretary.

To all District Magistrates.

„ the Collector of Madras.

„ the Public Works Department.

„ the Consulting Engineer for Railways.

„ the Board of Revenue.

„ the Surgeon-General with the Government of Madras.

REGISTER OF FACTORIES.

N.B.—This Register should be rewritten at the commencement of each Calendar year.

FORM B.

REGISTER OF INSPECTIONS OF FACTORIES.

District _____ Division _____

Remarks and Orders.

(Under Rule 13 of the Rules made under Section 18 of the Indian Factories Act, 1881).

CERTIFICATE UNDER SECTION 5 OF THE INDIAN FACTORIES ACT, 1881.

No. _____

Dated the _____ day of _____ 188_____.

I hereby certify that I have this day examined—

(Name)

Son of }
Daughter of }

Residing at—

who is	employed	in the	state name and locality of Factory
desirous of being employed			

and I consider him to be $\frac{\text{above 7 or 12}}{\text{below 7 or 12}}$, *i.e.*, about _____ years of age.

(Signed)

Certifying Surgeon.

No. _____

Dated the — day of — 188 .

Name of person examined-

Son of }
Daughter of }

Residing at -

Name and locality of Factory at which to be employed _____

Age certified -

(Signed)

Certifying Surgeon.

FORM D.

(Under Rule 15 of Rules made under Section 18, Indian Factories Act, 1881).

FACTORY REGISTER OF CHILDREN ADMITTED TO EMPLOYMENT IN _____
Name and Locality of Factory _____

1	2	3	4	5	6	7	8	9	10	11
Serial Number.	Name of Child.	Sex.	Name of Parent or present Guardian.	Parent's or Guardian's residence.	Age on Admission as given by Parent or Guardian or certified by Certifying Surgeon.	Nature of Employment.	Date of first Admission.	Name of Certifying Surgeon (if any) and Number and Date of his Certificate.	Date of termination of Employment or Discharge.	Remarks.*

* NOTE.—The purport of any order passed by the Inspector regarding the child should be here entered.

FORM E.

(Under Rule 15 of the Rules made under Section 18, Indian Factories Act, 1881).

WEEKLY MUSTER REGISTER FOR CHILDREN.

Name of Factory _____

Department of Factory _____

1	2	3	4	5	6	7	8	9	10
Serial Number.	Name of Child and Number on Factory Register.	Sex.	Age.	Occupation.	Days and Hours worked.	Total Days.	Rate of Wages per Week.	Amount earned.	Remarks.
					1 2 3 4 5 6				
									Hours should be given for each child for each day.

FORM F.

(Under Rule 16 of the Rules made under Section 18, Indian Factories Act, 1881).

FORM OF REGISTER OF HOURS OF EMPLOYMENT.

Hours of commencing and closing work daily.

Commencing hour.

A.M.

Closing hour.

P.M.

FORM G.

(Under Rule 22 of Rules made under Section 18, Indian Factories Act, 1881).

FORM OF NOTICE OF ACCIDENT OCCURRING IN A FACTORY.

To _____

SIR,

I _____ beg hereby to give notice under Section 13 of the Indian Factories Act that an accident occurred in the Factory of _____ at _____ o'clock this day causing _____ to the persons mentioned below :—

Name.	Caste.	Sex.	Age.	Nature of Injury.

2. The accident was caused by _____.

3. The injured persons are under treatment by _____ (or have been removed to the hospital at _____).

I have, &c.,

Dated _____

Manager.