

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following papers :—

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ABSTRACT.—Passing orders on the replies of the officers consulted regarding the question of revising the rules at present in force under section 18, clauses (b), (c) and (d), of the Indian Factories Act, 1881, as amended by Act XI of 1891, and addressing the Government of India, Home Department.

G.O., dated 1st April 1892, No. 646, Judicial.

ABSTRACT.—Passing orders on letter from Messrs. Dymes and Co. praying for certain concessions for Cotton-pressing Factories in this Presidency, and directing that the Government of India be addressed regarding the exemption of such factories for four months in the year from the restrictions imposed on Sunday labour by section 5 B (1) of the Indian Factories Act, 1881.

READ—also the following papers :—

From J. P. HEWETT, Esq., C.I.E., Officiating Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Calcutta, the 16th February 1892, No. 220.

I am directed to acknowledge the receipt of your letter, No. 2569, dated the 19th December 1891, and in reply to convey the following remarks and suggestions in connection with the rules framed by the Government of Madras under section 18 (1) of the Indian Factories Act, 1881, as amended by Act XI of 1891.

2. It is noticed that Rule 7 empowers the Inspector to take measures to ensure the proper working of the Act in respect of the matters specified in clauses (b), (c) and (d) of section 18 (1) of the Act, and that Rule 12 authorizes him to issue directions to occupiers of factories in respect of these matters. The Government of India are of opinion that these rules are *ultra vires* and open to objection, inasmuch as in the first place their practical effect is to delegate to the Inspector a power of subordinate legislation which the legislature (section 18 (1), Act XV of 1881) has conferred only on the Local Government; and secondly, because, as the rules at present stand, no obligations in respect of these matters mentioned have been imposed by the Local Government on the occupier of a factory, and he will therefore not be liable to the penalties prescribed in section 15 of the Act on failure to carry out the Inspector's orders. I am accordingly to suggest that the rules should be recast so as to impose positive obligations on employers, and thus bring them within the scope of section 15 of the Act, the Inspector being left to determine merely as a matter of fact whether the rules have been sufficiently complied with.

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3. The Government of India are also advised that it is desirable that Rule 7 should, as far as possible, prescribe some definite minimum standard in regard to—

- (1) the supply of water per head to be maintained for the use of operatives;
- (2) space and ventilation; and
- (3) latrine accommodation.

On these points I am to invite attention to the draft rules made by the Governments of Bombay and the North-Western Provinces and Oudh and the Chief Commissioner of the Central Provinces (copies of which have, it is presumed, been forwarded to you by the Local Governments concerned in accordance with the instructions given in this Office Circular No. 1710—15, dated 29th December 1891). Rule 3 of the draft rules for the Bombay Presidency provides for the maintenance of a water-supply comprising at least twice as many gallons of water as there are persons employed in the factory, at least as many gallons as there are persons employed being fit for drinking purposes, and the remainder for purposes of washing. Rule 16 of the Central Provinces rules prescribes that the minimum space ordinarily provided for each person employed in any room of a factory shall be 36 superficial feet and 500 cubic feet, with 10 square feet of lateral ventilating opening, and that in cases in which either lateral or forced ventilation cannot be secured, a minimum of 54 superficial feet and 900 cubic feet shall be provided for each person employed. Rules 7 and 8 of the rules for the North-Western Provinces and Oudh direct that in no case shall there be less latrine accommodation on a factory than one seat for every fifty persons employed, and that separate accommodation shall be provided for female operatives where they are employed.

The Governor-General in Council leaves it to the Madras Government to decide what minimum should in each case be fixed in the rules for the Madras Presidency. In regard to ventilation it would, perhaps, be expedient to fix a minimum for walled-in masonry buildings, discretion being given to the Inspector to make allowances for other edifices receiving more natural ventilation.

4. In conclusion I am to say that possibly the experience gained by Inspectors, after the working of the rules has been watched for some time, may render it desirable for the Local Government to make changes in them. The point will doubtless be kept in view by the Madras Government.

From Surgeon Lieut.-Colonel J. A. LAING, Sanitary Commissioner, to the Chief Secretary to Government, dated Vizianagrum, 20th March 1892, No. 987-S.

I have the honour to request that you will be pleased to allow me a perusal of the copies of the draft rules made by the Governments of Bombay and the North-West Provinces and the Chief Commissioner of the Central Provinces under section 18 (1) of the Indian Factories Act of 1881 as amended by Act No. XI of 1891 mentioned in letter, No. 220, dated 16th February 1892, of the Government of India, referred to me under your No. 472, dated 12th March 1892.

2. I will return the copies immediately after perusal.

Notification of the Government of India, Home Department (Judicial), dated Calcutta, 25th March 1892, No. 428.

In exercise of the power conferred by clause (2), section 18, of the Indian Factories Act, 1881, as amended by Act XI of 1891, the Governor-General in Council has been pleased to make the following rule:—

Every occupier of a factory shall furnish to the Magistrate of the district, or, if the factory is situate within the limits of a Presidency town, the Special Inspector of Factories or other officer designated in this behalf by the Local Government, the undermentioned returns on or before the dates specified against each:—

I.—On or before the 15th July and the 15th January, respectively, a half-yearly return relating to the first and second-half of each calendar year in the following form:—

Name and situation of factory.	Name of owner or occupier.	Name of manager.	Nature of industry.	Nature and amount of moving power.	Average daily number of operatives employed.				Whether the factory is worked by shifts or stoppages. If the latter, the hour and extent of daily stoppage.	Whether there is a general holiday on Sunday or on varying week days, or whether the factory has been exempted from the rule as to Sunday labour under section 5 B (1), clause (c), of the Act.	Remarks
					Adults.		Children.				
					Male.	Female.	Male.	Female.			

N.B.—The average daily number of children is to be taken from the register of children kept in the factory.

II.—On or before the 15th January of each year, an annual return in the following form regarding measurements and space:—

Name and situation of factory.	Name of occupier.	Measurements and cubical contents of each room in the factory.	Area of the floorspace of any room shown in the preceding column occupied by machinery or other fixtures.	Remarks.

III.—Before the end of each calendar month, a return giving notice of all the days on which the factory will be closed during the ensuing month.

(Signed) J. P. HEWETT,
Offg. Secy. to the Govt. of India.

Nos. 429—435.

Madras. Punjab. Copy forwarded to the Local Gov-
Bombay. Central Provinces. ernments and Administrations margin-
Bengal. Burma. ally noted for information and issue of
North-Western Provin- further necessary orders.
ces and Oudh.

Nos. 436—439.

Copy forwarded to the Chief Commissioners of Assam and Coorg, the Resident at Hyderabad, and the Foreign Department for information.

(By order.)

(Signed) J. P. HEWETT,
Offg. Secy. to the Govt. of India.

To the Government of Madras.

Endorsement, in the Public Works Department (Railway Branch), dated 13th April 1892, No. 1992 C.

Read—the following papers:—

From H. R. P. CARTER, Esq., Acting Agent and Manager, Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 22nd February 1892, No. 6596—154.

I have the honour to acknowledge receipt of your letter, No. 21, dated 11th ultimo, on the subject of the revised rules issued under the Indian Factories Act.

With reference to paragraph 2, the Locomotive Superintendent writes:—

"The following are the several engine stations at which more than 50 persons are employed:—

Madras.	Salem.	Cuddapah.
Jalárpét.	Pódanúr.	Gooty.
Bangalore.	Rénigunta.	Raichur.

"At Jalárpét and Pódanúr, machinery driven by steam power is used; at the other stations no steam power for the actual driving of the machinery exists, the machinery being worked by hand wheels, treadle or other hand labour. The work done at the engine-changing stations consists in cleaning, oiling and repairing locomotive engines, carriages and wagons, such repairs being of a more or less heavy or light character as may, from time to time, be required.

"I presume under the strict letter of the definition given in section 2 (a) of the Act, the only stations which should be considered as factories would be Jalárpét and Pódanúr, as I presume hand wheels, &c., would not be considered to be 'mechanical power.' In any case, it will be necessary to obtain complete exemption from the provisions of section 5-B, as we must be free to carry on Sunday work at each and all of these stations.

"It will, I think, further be necessary to obtain some relaxation of the rule with regard to Sunday work at Perambúr works. It is only on very rare occasions that work is carried on here on Sundays, but, in the exigencies of the service, in the event of a sudden call for engines or wagons or other urgent necessity, we have been, and shall no doubt continue to be, occasionally obliged to work overtime on a Sunday. If this is to be forbidden in future, I am afraid difficulties will arise."

2. It will thus be necessary to obtain exemption from the rule prohibiting Sunday labour at any rate in the cases of Perambúr works and the engine sheds at Jalárpét and Pódanúr. If you agree with Mr. Phipps' view of the meaning of the word "mechanical power," application for exemption in the case of the other stations named would appear to be unnecessary.

3. It is believed that the provisions of paragraph 7 of Notification II are fully complied with at all the factories on this railway.

4. No women are employed in any of the factories. Some boys are employed as bellows-boys in the smithy at the engineering shops at Ráyapuram, and as to these the necessary returns and forms will be maintained and the rules observed.

5. With reference to paragraph 5, I would draw your attention to your letter, No. 308, dated 5th March 1888, in which you stated that Form A need not be submitted. I shall be glad to know whether you now wish it to be reverted to. Forms C, D, E and F are not required at Perambúr works, as no women or children are employed.

6. I request that I may be furnished with 50 copies of the rules and forms in English and Tamil, to enable the provisions of paragraph 23 of Notification II to be complied with.

From W. S. BETTS, Esq., Agent, South Indian Railway, to the Consulting Engineer for Railways, dated Trichinopoly, 25th February 1892, No. 288.

With reference to paragraphs 3 and 7 of your letter, No. 40, of 11th January last, I have the honour to inform you that the Acting Chief Engineer reports as follows:—

"I beg to inform you that, as far as the Trichinopoly Engineering Workshop is concerned, the arrangements already in existence with regard to the fencing of machinery and mill gearing, the supply of water for drinking purposes, the ventilation and sanitation of the factory and the accommodation provided, meet all the requirements as per paragraph 7 of Notification II, and no further steps are therefore necessary in the matter.

"2. Children are employed in the Engineering Workshops, but not women, and the returns and forms relating to the former will be kept up and the rules regarding their employment will be observed."

And the Acting Locomotive Superintendent writes:—

"I beg to state that, with regard to paragraph 3 of the Consulting Engineer's letter, I know of nothing which requires to be done under paragraph 7 of Notification No. II.

"The provisions of the Act mentioned in paragraph 7 of the Consulting Engineer's letter are and have been observed."

From W. S. BETTS, Esq., Agent, South Indian Railway, to the Consulting Engineer for Railways, dated Trichinopoly, 29th March 1892, No. 481.

With reference to your letter, No. 293, of 2nd instant, and in continuation of my letter, No. 288, dated 25th February last, I have the honour to inform you that I do not consider the engine-changing station shops at Madras, Nellore, Villupuram and Trichinopoly should be classed as factories within the meaning of the Act, because the machinery employed therein is not driven by steam or water power.

2. The following are the engine-changing shops at which more than fifty work-people are employed:—

Madras.	Cuddalore.	Madura.
Nellore.	Trichinopoly.	

3. The machinery at Cuddalore and Madura shops is worked by steam power.

4. At Madras, Trichinopoly and Nellore shops, treadle lathes are used.

5. I consider it necessary that the rule regarding Sunday labour should be relaxed in the case of the locomotive workshops at Negapatam, the engineering workshops at Trichinopoly, and the engine-changing shops at Cuddalore and Madura, also as regards the engine-changing shops at Madras, Nellore, Villupuram and Trichinopoly, should the Government decide that these shops are to be classed as factories.

6. No women or children are employed in the Negapatam workshops, nor at any of the engine-changing shops named in the foregoing paragraphs. Children are employed in the engineering workshops at Trichinopoly.

No. 298.

Submitted to Government.

2. The Agents, Madras and South Indian Railways, submit for orders certain points in connection with the revised rules under the Indian Factories Act issued with G.O., No. 2568, Judicial, dated 19th December 1891.

3. With reference to paragraph 4 (a) of the above order, the Agent and Manager, Madras Railway, reports that the work done at the engine-changing stations consists in cleaning, oiling and repairing locomotive engines, carriages and wagons, such repairs being of a more or less heavy or light character as may, from time to time, be necessary.

4. The engine stations on the Madras Railway at which more than 50 persons are employed are—

Madras.	Salem.	Cuddapah.
Jalárpét.	Pódanúr.	Gooty.
Bangalore.	Rénigunta.	Raichur.

5. At Jalárpét and Pódanúr and at the Perambúr workshops, the machinery is worked by steam power, but at the other stations no steam power is employed, hand-wheels, treadle or other methods of transmitting power being used.

6. The Agent and Manager, Madras Railway, presumes that, under the strict letter of the definition given in section 2 (a), hand-wheels, &c., are properly not "mechanical power." If this meaning of the word is accepted—and it appears sound—only the three stations referred to in paragraph 5 above should, in his opinion, be considered as "factories," and application for exemption from the rules regarding Sunday labour will, in the case of the others, be unnecessary. If however, this view be not held, exemption from the provisions of section 5-B will be required in the case of all the engine-changing stations named above, as well as for the Perambúr workshops.

7. On the South Indian Railway the machinery at the engine station shops of Cuddalore and Madura and the locomotive workshops at Negapatam is worked by steam power, and these the Agent, South Indian Railway, considers should be classed as "factories."

8. The engine shops at which more than 50 people are employed are Trichinopoly, Madura and Nellore, but at these shops treadle lathes are employed, and for this reason they are not considered to be "factories."

9. The Agent, South Indian Railway, requires the provisions of section 5-B to be relaxed in the case of the stations referred to in paragraphs 7 and 8, as also in the case of the engine-changing shop at Villupuram, which, however, does not appear to fall under the definition of "factory," as it employs less than 50 work-people and does not use mechanical power.

10. No women are employed in any of the factories on the Madras or South Indian Railways, but the services of children are utilised in the engineering shops at Rayapuram and Trichinopoly. The necessary returns and forms relating to them will be maintained in the case of those classed as "Factories."

11. It is observed that in Appendix I, Notification I, of the draft revised Factory rules issued with G.O., No. 2568, Judicial, dated 19th December 1891, the Local Government has proposed to appoint the Deputy Consulting Engineer for Railways to be the "Inspector of Factories" for all Railway workshops. In Rule 2, Notification II, of the same Appendix, the Deputy Consulting Engineer for Railways has also been appointed as the "Registering Inspector" for all Railway workshops. Government of India Notification, No. 428, dated 26th March 1892, however, requires occupiers of factories to furnish certain returns to the "Special Inspector of Factories" if the factory is situated within the limits of a Presidency town, and to the Magistrate of the district in other cases. As these rules are apparently conflicting, some modification of them may be necessary. Further, it may be pointed out that according to the Local Government's draft rules the Inspector must maintain a register in Form A and submit an annual return in form of Appendix II, whilst in Government of India Gazette notification quoted above, the occupiers of a factory must submit certain returns in certain shapes. As these do not give quite the same information, it is suggested for consideration whether the return to be furnished by occupiers and Inspectors may not be made more alike.

MADRAS, (Signed) W. V. CONSTABLE, Major, R.E.,
7th April 1892. for Consulting Engineer for Railways.

Endorsement—dated 13th April 1892, No. 1992-C., Public Works (Railway).

Transferred to the Judicial Department, with reference to its G.O., No. 2568, dated 19th December 1891.

(Signed) W. H. COAKER, Lieut.-Col., R.E.,
Joint Secy. to Govt., P.W.D.,
Railway Branch.

From Surgeon Lieut.-Colonel J. A. LAING, Sanitary Commissioner, Madras, to the Chief Secretary to Government, dated Fort St. George, 21st April 1892, No. 1207-S.

With reference to No. 472, dated 12th March 1892, and endorsement,* dated 1st April 1892 (both herewith returned

* On this office letter, No. 987-S., dated 20th March 1892, with enclosures), I have the honour to make the following remarks.

2. 1st, *The supply of water which should be maintained for the use of operatives.*—The quantity of water required for drinking purposes is found to bear a relation to the weight of the individual, being nearly half-an-ounce for every pound weight. Thus a man weighing 150 lb. would require $3\frac{3}{4}$ pints; of this water about one-third is taken in the food, the remainder, averaging $2\frac{1}{2}$ pints, being required as drink. There are, however, wide ranges from the averages. In hot climates and during great exertion a man will, of course, drink much more. As it is necessary, in estimating the

quantity of water required daily for each person, to allow a liberal supply and that any error in supply had far better be on the side of excess, I am of opinion that the quantity of water which should be available at factories for the use of the persons employed therein should be at least 2 gallons per head. Of this supply one gallon should be wholesome potable water and the remainder should be fit for purposes of washing.

3. 2nd, *Space and Ventilation.*—The space which is required for each individual in a factory is regulated by the ventilation. It is usual to fix a limit within which it is not safe to pass, but the cubic space of a room is really of less importance than the capacity for frequent interchanges of air. In deciding, therefore, as to whether the space is sufficient or not, I think that each factory should be judged on its own merits on inspection—particular attention being given as to whether the size of each room is sufficient to admit of free perfilation of air by numerous doors and windows and also that the apertures are so placed and capable of such control as to ensure abundance of uncontaminated air. With regard to walled-in masonry buildings it is necessary to have some guide as to the space which must be provided, and the minimum space in such cases should be as prescribed in Rule 16 of the Central Provinces rules, viz., 36 superficial feet, 500 cubic feet and 10 square feet of lateral ventilating opening.

4. 3rd, *Latrine Accommodation.*—Latrine and urinal accommodation should be provided for every factory, and there should be at least one latrine seat for every fifty persons employed.

From P. G. MELITUS, Esq., Officiating Deputy Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Simla, 25th April 1892, No. 7 Judl.—524.

With reference to the correspondence ending with the letter from this department, No. 220, dated the 16th February 1892, I am directed to forward a copy of a despatch from Her Majesty's Secretary of State, and to request that, with the permission of the Governor in Council, thirty-five copies of the rules as finally issued under section 18 (1) of the Indian Factories Act, 1881, as amended by Act XI of 1891, may be furnished to the Government of India as early as possible.

ENCLOSURE.

Despatch from the Right Honorable Lord CROSS, Her Majesty's Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council, dated India Office, London, 10th March 1892, No. 13 (Statistics).

With reference to the enclosed copy of a question and answer in the House of Commons regarding rules under the Indian Factory Act, I request that copies of any rules issued by your Excellency's Government or by the local Governments under section 18 of the Indian Factory Act may be furnished to me as soon as such rules receive the force of law under clause (3) of section 18 of that Act.

Question—by Mr. Provand.

No. 28, dated Friday, 19th February 1892.

To ask the Under Secretary of State for India, if he will obtain and lay upon the table a copy of the Regulations which were to be prepared by the Government of India relating to the Factory Act, which became law in India on the 1st January last.

Answer.

Yes, Sir, the regulations when received will be laid on the table.

ORDER—dated 20th May 1892, No. 953, Judicial.

The papers read above relate to the rules to be issued under the Indian Factories Act, 1881, as amended by Act XI of 1891.

2. With reference to the Government of India's letter, dated 16th February 1892, No. 220, the following will be substituted for Rule 7 of the draft rules contained in Appendix I, Notification II, appended to G.O., dated 19th December 1891, No. 2568, Judicial:—

“7. It shall be the duty of every occupier of a factory—

- “(1) to fence all machinery and mill-gearing in such a manner as to provide for the safety of the operatives;
- “(2) to provide a supply of not less than two gallons of water *per diem* for each operative; of this one half at least must be suitable for drinking and the remainder for washing purposes;
- “(3) to arrange for the proper ventilation of the factory so that each operative shall have a sufficient quantity of air; in the case of walled-in masonry buildings the *minimum* space provided for each person shall be 36 superficial feet, 500 cubic feet and 10 square feet of lateral ventilating opening, and in cases in which lateral ventilation cannot be contrived, sufficient supply of fresh air shall be ensured by forced ventilation or such other means as are considered suitable by the Inspector, or, if this cannot be effected, a *minimum* of 54 superficial feet and 900 cubic feet shall be provided for each person;
- “(4) to provide suitable and sufficient latrines and urinals, the former containing at least one seat for every 50 operatives, separate accommodation of this nature being provided for female operatives when any are employed;
- “(5) to ensure that the factory is generally in a clean and wholesome condition.”

3. With reference to G.O., dated 1st April 1892, No. 646, Judicial, the following will be substituted for the first sentence of Rule 8 of the draft rules above referred to:—

“Every factory shall be inspected by an Inspector as often as may be deemed sufficient, but it shall be inspected at least three times in every calendar year if the factory is open for more than eight months in the year, at least twice if it is open for not more than eight months in the year, and at least once if it is open for not more than four months in the year.”

4. In Appendix I, Notifications I and II, appended to G.O., dated 19th December 1891, No. 2568, Judicial, the words “Railway factories” shall be substituted for the words “Railway workshops,” throughout.

5. In paragraph 4 (a) of G.O., dated 19th December 1891, No. 2568, Judicial, the question was raised whether “engine-changing stations” are factories within the meaning of the Act, and the Government observed that if they are so, the Government of India would be moved to exempt them from the restrictions upon Sunday labour. It now appears that steam power is employed at the “engine-changing stations” at Jalárpét, Pódanúr, Perambúr, Cuddalore, Madura and Negapatam, and that in other respects these stations fall under the definition of “factories;” the Government of India will therefore be moved to exempt these stations from the rules against Sunday labour.

In nine other “engine-changing stations” the machinery used is worked by hand, and, this being so, the Consulting Engineer doubts whether the term “factory” as used in the Act covers them. The Government concurs with the view taken by the Consulting Engineer on this point.

6. In paragraph 11 of the Consulting Engineer's note, he observes that occupiers of factories are required by the Government of India notification, dated 25th March 1892, No. 428, Judicial, to submit returns in the mofussil to the District Magistrate,

while under the draft rules framed by this Government, the Deputy Consulting Engineer is Inspector of Factories and “registering Inspector” for all Railway workshops throughout the Presidency, and he suggests that the two sets of rules are so far contradictory. The Government sees no such contradiction, but, in order to meet the apparent wishes of the Consulting Engineer, is pleased to direct that the returns in question, when they relate to Railway factories, shall be forwarded on receipt by the District Magistrate to the Deputy Consulting Engineer for Railways.

7. The Consulting Engineer further suggests that the “Register of Factories” and the “Form of annual report” prescribed in G.O., dated 19th December 1891, No. 2568, Judicial, should be amended so as to correspond with the forms of returns now prescribed by the Government of India. The Government, however, sees no reason for any change.

8. With an endorsement, Nos. 429—435, the Government of India has forwarded a copy of a notification prescribing three sets of returns to be furnished by occupiers of factories to the District Magistrate in the mofussil and to the special Inspector of Factories or other officer designated in this behalf by the Local Government in the Presidency town. With reference to this last provision the Government is pleased, there being no special Inspector in this Presidency, to designate the Deputy Commissioner of Police, Madras, as the officer to whom the returns shall be submitted in the City of Madras; this officer shall send on the returns to the Commissioner of Police for information. The attention of all occupiers of factories should be drawn to the Government of India notification in question, which will be printed as Appendix II, Notification A, to this Proceedings.

9. The amended rules framed under sections 3 and 18 of the Indian Factories Act, 1881, as amended by Act XI of 1891, will now be finally published in the *Fort St. George Gazette* as rules having the force of law, and thirty-five copies of the rules will be furnished to the Government of India in conformity with Home Department letter, dated 25th April 1892, No. 7-524, Judicial.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To all District Magistrates.
“ the Public Department.
“ the Public Works Department.
“ the Revenue Department.
“ the Consulting Engineer for Railways.
“ the Commissioner of Police.
“ the Inspector-General of Police.
“ the Sanitary Commissioner.
Gazette.

Exd. A. Raitt.

[Appendix.

APPENDIX I.

NOTIFICATION I.

In supersession of the notification, dated the 9th February 1882, published at page 199 of the *Fort St. George Gazette* of the 1st April 1882, the Governor in Council is pleased, under section 3 of the Indian Factories Act, 1881, as amended by Act XI of 1891—

(1) to appoint the following officers to be Inspectors of Factories:—

(a) The District Medical officer and the Assistant Magistrate or Magistrates for all factories, not being railway factories, situated within the districts in which they are employed and all sub-divisional Magistrates within the meaning of the Code of Criminal Procedure for all factories, not being railway factories, situated within their respective sub-divisions;

(b) The Deputy Commissioner of Police for all factories situated within the Presidency town; and

(c) the Deputy Consulting Engineer for Railways for all railway factories.

(2) to declare that—

(a) Every Inspector, other than the *ex-officio* Inspector, whose jurisdiction is limited to a district or part of a district, shall be officially subordinate to the Magistrate of the district to which he is appointed;

(b) in the Presidency Town the Deputy Commissioner of Police shall be officially subordinate to the Commissioner of Police;

(c) the Deputy Consulting Engineer for Railways shall be officially subordinate to the Consulting Engineer for Railways.

NOTIFICATION II.

In exercise of the powers conferred upon him by section 18 of the Indian Factories Act, 1881, as amended by Act XI of 1891, the Governor in Council is pleased to prescribe the following rules in supersession of those published upon page 429 of the *Fort St. George Gazette*, dated the 15th August 1882, and upon page 700 of the *Fort St. George Gazette*, dated the 28th November 1882:—

1. All references to "the Act" or "the Factories Act" in these rules are to be understood as referring to the Indian Factories Act, 1881, as amended by Act XI of 1891.

2. A register of Factories in Form A annexed to these rules shall be maintained by each Sub-divisional Magistrate for all factories other than railway factories within his Sub-division, by the Deputy Commissioner of Police for all factories within the Presidency Town and by the Deputy Consulting Engineer for Railways for all railway factories. In these rules the words "registering Inspectors" mean and include these Inspectors only.

3. On the publication of these rules the registering 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 (Form A).

4. 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 registering Inspector a statement setting forth his objections to the registration of his premises as a factory. The registering 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.

5. The registering 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.

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

7. It shall be the duty of every occupier of a factory—

(1) to fence all machinery and mill-gearing in such a manner as to provide for the safety of the operatives;

- (2) to provide a supply of not less than two gallons of water *per diem* for each operative; of this one half at least must be suitable for drinking and the remainder for washing purposes;
- (3) to arrange for the proper ventilation of the factory so that each operative shall have a sufficient quantity of air; in the case of walled-in masonry buildings the minimum space provided for each person shall be 36 superficial feet, 500 cubic feet and 10 square feet of lateral ventilating opening, and in cases in which lateral ventilation cannot be contrived, sufficient supply of fresh air shall be ensured by forced ventilation or such other means as are considered suitable by the Inspector, or, if this cannot be effected, a minimum of 54 superficial feet and 900 cubic feet shall be provided for each person;
- (4) to provide suitable and sufficient latrines and urinals, the former containing at least one seat for every 50 operatives, separate accommodation of this nature being provided for female operatives when any are employed;
- (5) to ensure that the factory is generally in a clean and wholesome condition.

8. Every factory shall be inspected by an Inspector as often as may be deemed sufficient, but it shall be inspected at least three times in every calendar year if the factory is open for more than eight months in the year, at least twice if it is open for not more than eight months in the year, and at least once if it is not open for more than four months in the year. At the inspection the Inspector shall muster all children employed on the premises, examine all registers required to be kept under the Act or these rules and see that all orders respecting the secure fencing of machinery and mill-gearing and respecting the water-supply, the ventilation and the sanitation of the factory and the accommodation provided therein are observed and generally that the provisions of the Act and the rules made thereunder are being duly carried out.

9. An Inspector may enter a factory for the purpose of section 4 of the Act at any time during the day or night according as work is being carried on therein by day or night, but he shall not examine the children employed therein for the purpose of verifying the registers kept under section 9 of the Act except during working hours.

10. The result of each inspection and all orders and remarks made by the Inspector on the occasion of inspection shall be recorded in the Register of Factories (Form A). When the inspecting officer is not the registering officer, a copy of the record of inspection shall be sent to that officer in view to the insertion of the necessary particulars in the Register of Factories.

11. A copy of every order passed by an Inspector under section 4 (c) or section 12 (c) of the Act or under these rules in respect of the matters referred to in clauses (b), (c) and (d) of section 18 (1) of the Act and of any remarks made by him on the occasion of each inspection, shall be transmitted to the occupier of the factory, or in his absence to the principal agent in charge of the factory, within twenty-four hours of the same being passed. The despatch through the post, under registered cover, of a copy of such orders and remarks shall be deemed to be sufficient service on the occupier of the factory of any directions contained therein. When the inspection is not performed by the registering Inspector, a copy of any orders or remarks passed should be sent to that officer.

12. 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 and any direction given under these rules with reference to clauses (b), (c) and (d) of section 18 (1) of the Act shall state clearly what is required 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.

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

14. Certifying Surgeons under section 5 of the Act shall grant certificates in the Form B appended. Forms of certificate in counterfoil will be supplied to certifying Surgeons.

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

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

17. In addition to the notice required by section 10 (1) 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, in Form F appended, of the daily working hours of the factory. An alternative form is provided to meet the case of factories working on the shift system in which the hours of the shifts are substituted for those of opening and closing work. In factories where the shift system is adopted for a part of the year only, the register will be maintained in either of the alternative forms as may be necessary.

18. Any occupier of a factory on whom an Inspector serves an order under section 12 (c) of the Act may, within seven days after receipt of such order, appeal—

- (1) in the mofussil to the Magistrate of the district;
- (2) in the Presidency Town to the Commissioner of Police; and
- (3) in the case of railway factories to the Consulting Engineer for Railways.

Appeals from orders passed by District Magistrates in their capacity as *ex-officio* Inspectors shall lie direct to Government. 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 herein shall be transmitted to Government as soon as they are passed.

19. An appeal under the preceding rule 18 shall be made in the form of a memorandum of appeal in Form G bearing a stamp fee as regulated by article 11 of schedule II of the Court Fees Act and shall be accompanied by a copy of the order appealed against.

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

21. 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 occupier of the factory such amended order as may seem to him to be required.

22. Notice 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 they occur. 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 of the Act. Such notices shall be sent both to the Sub-Magistrate and to the Divisional Magistrate within whose jurisdiction the factory is situated and also to the registering Inspector. Notice of fatal injuries shall at the same time be given at the nearest police station as required by section 45 of the Code of Criminal Procedure, 1882. All such notices shall contain full particulars of the accident and shall be sent by special messenger except in the case of the copy to the Inspector which may be sent by post. This notice shall be in Form H appended.

In the case of accidents occurring within the Presidency Town, notice of the same will be given to the Commissioner of Police or his Deputy.

23. A copy of these rules and of the forms appended, 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.

FORM A.
(Vide rules 2 and 10 of the rules framed under the Factories Act.)

1	2	3	4	5	6	7		8	9	10
Serial number.	Name and description of factory.	Village and taluk wherein situated.	Name of resident manager.	Name of proprietor.	Date of inspection.	Number of persons at work at date of inspection.		Number of children mustered at inspection.	Whether registers C, D and E and the file of certificates in Form B are kept.	Whether (1) Form F under rule 17, (2) a copy of the rules as required by rule 23, and (3) the notices required by section 10 of the Act are put up in a conspicuous place.
						Adults.	Children.			
						Male.	Female.	Male.	Female.	
11	Whether the machinery is properly fenced or not.	12	13	14	15	16	17	18	19	Remarks.*
	State of water-supply, ventilation, sanitation and accommodation.	Number of persons employed at the end of the year under report.	Maximum number of hands employed on any day during the year.	Nature and amount of moving-power employed.	Whether the shift system is in force; if so, the date of the order establishing it.	Periods of shifts where the system is in force.	Whether the factory has been exempted from the rules against Sunday labour, if so, the date of the notification exempting it.			
		Adults.	Children.	Adults.	Children.					
		Male.	Female.	Male.	Female.					

* NOTE.—[In column 19 will be entered particulars of accidents, &c.]

FORM B.

(Vide rule 14 of the rules framed under the Factories Act.)

CERTIFICATE UNDER SECTION 5 OF THE INDIAN FACTORIES ACT.

No. _____

Dated the _____ day of _____ 18 _____.

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.

No. _____

Dated the _____ day of _____ 18 _____.

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

and I consider _____ him _____ to be _____ above 9 or 14, _____, about _____ years of age.
her _____ below 9 or 14,

(Signed) _____

Certifying Surgeon.

Factory Register of Children admitted to Employment in

Name and Locality of Factory

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

FORM D.

(*Vide* rule 16 of the rules framed under the Factories Act.)

Weekly muster register for children—

Name of factory

Department of factory.

8	9	10	11
---	---	----	----

NOTE.—[Hours should be given for each child on each day.]

FORM E.

(Vide rule 16 of the rules framed under the Factories Act.)

Weekly muster register for women—

Name of factory

Name of department

* NOTE.—[In column 7 should be entered such particulars (among others) as these: whether the shift system is in force; whether Sunday labour is allowed; whether the factory has been exempted from the effect of clauses (1), (2) and (3) of section 6 of the Act under clause (4) of the same section.]

(*Vide* rule 17 of the rules framed under the Factories Act.)

Form of register of hours of employment.

Alternative form for use where the shift system is in force.

FORM G.

(*Vide* rule 19 of the rules framed under the Factories Act.)

Memorandum of Appeal.

(NAME) _____ Appellant, Owner (occupier or manager) of
Factory, situated at _____, in Taluk of _____, District of _____

The said _____ above named, appeals to the District Magistrate of _____
[Commissioner of Police, or Consulting Engineer for Railways, *as the case may be*] against the
order of _____ Esq., Inspector of Factories, dated the _____ day of _____
for the following reasons, namely [here state the grounds of objection].

FORM H.

(*Vide* rule 22 of the rules framed under the Factories Act.)

Form of Notice of Accident occurring in a Factory.

To

SIR,

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 :—

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.

APPENDIX II.

NOTIFICATION A.

The following notification is published for general information :—

Notification of the Government of India, Home Department (Judicial), dated Calcutta, 25th March 1892, No. 428.

In exercise of the power conferred by clause (2), section 18, of the Indian Factories Act, 1881, as amended by Act XI of 1891, the Governor-General in Council has been pleased to make the following rule :—

Every occupier of a factory shall furnish to the Magistrate of the district, or, if the factory is situate within the limits of a Presidency town, the Special Inspector of Factories or other officer designated in this behalf by the Local Government, the undermentioned returns on or before the dates specified against each :—

I.—On or before the 15th July and the 15th January, respectively, a half-yearly return relating to the first and second-half of each calendar year in the following form :—

Name and situation of factory.	Name of owner or occupier.	Name of manager.	Nature of industry.	Nature and amount of moving power.	Average daily number of operatives employed.				Whether the factory is worked by shifts or stoppages. If the latter, the hour and extent of daily stoppage.	Whether there is a general holiday on Sunday or on varying week days, or whether the factory has been exempted from the rule as to Sunday labour under section 5 B (1), clause (c), of the Act.	Remarks.
					Adults.		Children.				
					Male.	Female.	Male.	Female.			

N.B.—The average daily number of children is to be taken from the register of children kept in the factory.

II.—On or before the 15th January of each year, an annual return in the following form regarding measurements and space :—

Name and situation of factory.	Name of occupier.	Measurements and cubical contents of each room in the factory.	Area of the floorspace of any room shown in the preceding column occupied by machinery or other fixtures.	Remarks.

III.—Before the end of each calendar month, a return giving notice of all the days on which the factory will be closed during the ensuing month.

NOTIFICATION B.

With reference to the above Notification A, the Governor in Council is pleased to designate the Deputy Commissioner of Police, Madras, as the officer to whom the returns in question shall be furnished by occupiers of factories in the City of Madras.

Gobt. of {1892} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 20th May 1892, No. 953.

MAY.

Indian Factories Act, 1881.

Directing, with remarks, that the amended rules framed under sections 3 and 18 of the —, as amended by Act XI of 1891, be now finally published in the *Fort St. George Gazette*; that copies be forwarded to the Government of India; and that Government be requested to exempt certain engine-changing stations from the rules against Sunday labour.

17TH DECEMBER 1891, No. 3405 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

General.
Account.

READ—the following papers:—

Office-note from the Examiner, Public Works Accounts, dated Madras, 14th December 1891, No. 7776.

Submitted for favour of early sanction of Government to the issue of the accompanying circular letter to Executive Engineers, authorising the discontinuance of certain forms of procedure in the accounts of divisional offices with effect from 1st January 1892.

2. The objections raised by Executive Engineers to the present procedure under I, II, III and IV will be found in the letters herewith forwarded in original (to be returned). They are most practical objections and I may say that the procedure complained of is peculiar to this province.

3. The rule under V is nowhere else laid down or observed and I believe the Chief Engineer is one with me in the opinion that it unduly fetters Executive Engineers in the execution of work.

4. VI is a most troublesome task to Superintending and Executive Engineers which is not required under the Civil Service Regulations.

5. What is tantamount to an "annual verification of service books" is ordered to be done in the Examiner's office in connection with certain detailed annual statements of establishment that are received from each Superintending Engineer and Executive Engineer for each official year.

6. When the Government of India Code is introduced, the rules here brought to notice will disappear; but, in view to relieving divisional offices of unnecessary burdens at once, I would strongly recommend that the proposals herewith submitted be brought into effect from 1st January 1892.

ENCLOSURE.

From I. S. SHERLOCK-HUBBARD, Esq., Officiating Examiner, Public Works Accounts, to all Executive Engineers, dated Madras, 14th December 1891, No. 7775.

Under the orders of Government, as contained in G.O., No. 3405 W., dated 17th December 1891, the following changes of procedure should be observed with effect from 1st January 1892:—

I. The second cash-book ordered in appendix Z, para. 2, should be discontinued and all transactions should be recorded in one cash-book under the respective columns, "cash" and "bank or treasury."

II. Cheques should be entered in the cash-book as paid on the dates on which they are drawn without waiting until they are finally made over to the payee as ordered in para. 1744-A.

(i) This will of course dispense with the register (form No. M. 3-A) prescribed in para. 1744-B.

III. The prohibition in para. 1602-A against the receipt in cash of dues to Government is removed.

IV. Orders for payment of contractors' and other bills should be recorded on the bills themselves, without the use of the form of pay-order, in trefoil, prescribed in appendix Z, para. 10.

V. The restriction imposed in para. 1344-A against getting certain descriptions of work done by piece-work is removed, and it is left to Executive Engineers to get any kind of work done either by piece-work or by contract at their own discretion.

VI. The annual verification of service books, as laid down in para. 864, is countermanded. All that is necessary in connection with these books is—

- (i) That every event in a man's service is recorded in his service book *at the time of its occurrence.*
- (ii) That every entry is attested, as soon as *it is made*, by the head of the office.
- (iii) That the annual detailed statements of establishments as or the 1st April of each year, which are now rendered to the Examiner, are proved by comparison with entries in service books.

Note by the Chief Engineer, Public Works Department.

I concur in the Examiner's proposals, as regards items I, III, IV, V and VI.

2. The maintenance of a second cash-book is sheer waste of stationery and space.

3. Para. 1344-A is at present practically a dead letter, as it is inconceivable that the Chief Engineer should refuse his sanction to the execution as "piece-work" of any work which a Superintending Engineer recommended for execution in this manner. The selection of the agency by which work is executed should be usually left to the Executive Engineer, subject only to the general control of the Superintending Engineer, for which no special rules are required.

4. I am not able to concur in proposal II; it is desirable that a record should be maintained of all cheques not actually handed to the payee, and, if the rules contained in para. 1744-A—C, or something equivalent to them, are not contained in the Government of India Code, it will be a question whether they should not be introduced.

(Signed) J. PENNYCUICK, Colonel, R.E.,
Chief Engineer, P.W.D.

14th December 1891.

ORDER—dated 17th December 1891, No. 3405 W., Public Works.

His Excellency the Governor in Council approves of the Examiner's proposals as regards items I, III, IV and V.

2. As regards item II, His Excellency the Governor in Council agrees with the Chief Engineer that it is desirable that a record should be maintained of all cheques not actually handed to the payee. The existing practice in this respect will accordingly be maintained, and the Examiner will explain how far the rules of the Government of India Code accord with the procedure prevailing in this Presidency.

3. The annual verification of service registers dealt with under item VI is a useful measure prescribed by the Pension Department for certain purposes which must be provided for in the Public Works Department as well as other departments. The Examiner will accordingly explain his proposals fully and submit forms to illustrate the desired amount of verification. The matter will thereupon be referred to the Pension Department for consideration.

4. Subject to these modifications the proposed circular can be issued by the Examiner.

(True Extract.)

Major, R.E.,
Under-Secy. to Govt., P.W.D.

To the Examiner, Public Works Accounts.
" the Pension Department.
" all Superintending Engineers.
" the Superintendent of Works, No. I Periyár division.
" the Consulting Architect to Government.
" the Chief Engineer for Irrigation.

Exd. A. D. Xavier.
Spare Copies

Govt. of {1891} Madras.
PUBLIC WORKS.

Recd.

Encl.

DECEMBER.

Orders on proposals of the Examiner,
Public Works Accounts, regarding the dis-
continuance of certain forms of procedure
in the —.