(1) பக்கங்களின் எண்ணிக்கை 34

(2) புதுக்கித் திருப்பிய நாள் 10/90

(3) ஆதாரங்குறிப்பவர் சுருக்கெழுப்பம் 10

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

34

அரசாணை எண். — 49
மு. கோப்புத் தாள் எண்.

அச்சகம்
பலவகை

நாள் : 5-1-1892 198 .

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ஆவண. கா-1—18,006—15-6-87.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

49/1

READ—again the following paper :—

G.O., dated 7th July 1891, No. 1339, Judicial :—

ABSTRACT.—Communicating to officers and departments concerned letter from the Government of India on the subject of amendments made in the Indian Factories Act, 1881, by Act XI of 1891, in view to obtaining an early expression of opinion with regard to the rules to be framed under revised section 18 of the Indian Factories Act; and referring paragraphs 7 and 8 of the letter regarding fees to medical officers to the Surgeon-General for remarks.

READ—also the following papers :—

From W. F. DEFABECK, Esq., M.D., Surgeon-General with the Government of Madras, to the Chief Secretary to Government, dated Ootcamund, 24th July 1891, No. 444.

With reference to paragraph 2 of G.O., dated the 7th July 1891, No. 1339, Judicial, I have the honour to observe that the rate of remuneration proposed in paragraph 7 of the Government of India letter appears to be disproportionate to the work required. Rs. 10 per mensem can hardly be considered a sufficient allowance for an Inspector of a factory in which *over* 200 hands are employed. I would therefore suggest for consideration that the allowance be at least increased to Rs. 15 per mensem if not more. The minimum and maximum may remain as they are.

2. As regards the amount of fees payable to certifying Surgeons, I beg to remark that As. 4 per certificate is a very insignificant amount. The lowest possible fee to be charged for each certificate should be As. 8, and this amount, I am strongly of opinion, should be retained by the certifying officer.

From the District Magistrate, Salem, dated 29th July 1891, No. 1360-M.

From the District Magistrate, North Arcot, dated Chittoor, 29th July 1891, No. 876-M.

From the District Magistrate, Kurnool, dated 29th July 1891, No. 3547.

From M. HAMMICK, Esq., Acting District Magistrate of South Arcot, to the Chief Secretary to Government, dated Tiruvannamalai, 5th August 1891.

With reference to G.O., dated 7th July 1891, Judicial, No. 1339, I have the honour to say that I am of opinion that, as far as this district is concerned, it will be sufficient under the rules under the Factories Act to provide in the first place that the Inspector shall have power to order the manager of a factory to provide the necessary water-supply, leaving it to the manager to decide how and where such supply shall be afforded. Section 15, 1 (*f*) seems only to make it necessary to supply *water*, neither the quantity nor the quality being referred to. It is not even said for what use it is to be supplied, and if a manager supplied water in vessels for drinking use, he would presumably be doing all the Act requires him to do, though in some factories it must be very expedient that the Inspector should be able to insist on water being available in sufficient quantities for washing.

2. As regards 18, 1 (*c*), it would, in my opinion, be inadvisable to give more power under the rules to the Inspector than a general power of insisting that factories under his charge shall be properly ventilated. The method of such ventilation should be left to the managers. It seems to me important that in the

country where our inspecting agency must in almost all cases be amateur, not more power than is absolutely necessary should be given to the inspecting officers. I can imagine, if the rules are framed otherwise, that much unnecessary friction might arise between the factory managers and the Inspectors. The final court to decide these questions will be the Magistrate's court trying the manager for offences under section 15 of the Act; and as the District Magistrate will probably in all such cases try the matter himself, it may be left to him to say whether the provisions of the Act have been followed or not, and a dangerous power of interference in details not given to the local Inspector.

3. As regards whitewashing, a general rule might be laid down that the whitewashing of all inside walls of factories should be done once in every two years where the Inspectors thought it necessary to order such work to be done.

4. As regards sanitation, the rules should, I think, empower the Inspectors first of all to insist that sufficient latrine accommodation is afforded in all factories under his charge at such distances from the factory as to prevent any danger from obnoxious effluvia. He should also be empowered to order the refuse matter of any factory to be so dealt with as to prevent any nuisance, leaving the method of dealing with it to the manager of the factory, and only satisfying himself that its disposal is carried out with due regard to the health of the occupants of the factory. He should also be empowered to insist on the factory premises being kept, as far as possible, clean. But here again considerable caution is necessary, as some employments cannot be carried out with cleanliness. To take a sugar factory, for instance, it is, I imagine, impossible to prevent, in some of the processes, the products making the factory dirty; and it will lead to difficulty if the Inspector (often a person of very little judgment) is allowed to raise objections on the score. The dirt should be avoidable dirt and such dirt as is dangerous to health. Ordinary "matter out of place" need hardly be taken objection to.

5. As regards over-crowding, it will be possible to fix a minimum of cubic space and superficial area for each individual in a factory, and that, I think, should be done. But here again considerable care will be necessary as what may be over-crowding in one room will not necessarily be so in another. It much depends on what is going on in the room and what are its means of ventilation. However, it would, I imagine, be easy to prescribe a minimum of space for each person and to lay down that accommodation above that minimum should always be provided. In the mofussil, at all events, the question is not likely to cause difficulty.

6. I regret I have not yet had time to visit the only big factory in this district, that at Nellikuppam, where I might perhaps have learnt something in connection with this subject. But I have been strongly impressed with one point in my short experience here, viz., that it is very important that the framer of the new rules should bear in mind the fact that, in dealing with factories in this country, we have on the one side Inspectors who are generally absolutely ignorant of all technical details of the manufacture carried on in the factories they inspect and men of very little judgment, while on the other side we have highly trained managers who are working against difficulties which do not come in the way of the manufactories in western countries and who are often difficult to deal with from their tendency to think that they do not receive sufficient encouragement. In such a state of things it seems to me very important to reduce the Inspectors' powers of detailed interference to a minimum.

From Colonel T. WELDON, C.I.E., Commissioner of Police, to the Chief Secretary to Government, dated Madras, 11th August 1891, No. 57.

Referring to G.O., dated 7th July 1891, No. 1339, Judicial, calling for an expression of opinion with regard to rules to be framed under section 18 of the Factory Act as revised by Act XI of 1891, I have the honour to state that the rules at present in force might well be re-enacted with any necessary additions to meet clauses (*b*), (*c*) and (*d*) providing for the water-supply, ventilation and cleanliness and the prevention of over-crowding.

2. On these subjects I feel somewhat diffident in offering an opinion as to the terms in which rules should be framed, as this requires special knowledge. As to the water-supply, I would urge that, if possible, when the factory is built in several stories water should be laid on to each floor. The proper steps to be taken to secure sufficient ventilation and to decide when the premises should be whitewashed and painted would come, with the maximum number which should be employed in a given space, within the province of the engineers and sanitary officers. The Act itself provides for the most material protection of the employés.

From O. WOLFE-MURRAY, Esq., Acting District Magistrate of Cuddapah, to the Chief Secretary to Government, dated 28th August 1891, No. 1068, Magl.

With reference to G.O. No. 1339, dated 7th July 1891, I have the honour to state that there are no factories in this district and that as I have hardly any experience of factories in this country, I cannot offer any useful suggestion.

From C. F. MACCARTIE, Esq., Acting District Magistrate, Nílgiris, to the Chief Secretary to Government, dated Ootacamund, 11th September 1891, No. 924.

With reference to G.O., dated 7th July 1891, No. 1339, Judicial, I have the honour to submit a rough draft of rules under revised section 18, Indian Factories Act.

This draft is based with modifications to suit local conditions on a draft set of rules which have been more or less approved by the Bombay Mill Owners Association Committee.

ENCLOSURE.

RULES under section 18 (1) of Act XV of 1881 as amended Act XI of 1891.

Under clause (a).

(1) The Inspector may order any part of the machinery or mill-gearing of a factory to which section 12 (*c*) of the Act applies, and which may, in his opinion, be dangerous if left unfenced, to be securely fenced.

Under clause (b).

(2) Every occupier of a factory shall, on every day on which work is carried on in the factory he occupies, have available at the said factory for the use of the persons employed in the factory free of cost to them a water-supply consisting of not less than two gallons per head of operatives therein employed, half the aforesaid quantity to be potable.

(2-A) In order to determine whether the water-supply referred to in Rule (2) is fit for the purposes therein mentioned, the Inspector may take free of cost such samples of it as he may require for analysis.

Under clause (c).

(3) Every factory shall, when any work is carried on therein, be kept ventilated by the occupier in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

(4) If, in a factory where cotton pressing, ginning, carding or any other process is carried on by which dust is generated and caused to be inhaled by the workers to an injurious extent, it appears to the Inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the Inspector may order a fan or other mechanical means of a proper construction for preventing such inhalation to be provided by the occupier.

(4-A) All the inside walls of the rooms of every factory and all the ceilings or tops of such rooms (whether such walls, ceilings or tops be plastered or not) and all the passages and staircases of every factory, if they have not been painted with oil or varnished once at least within seven years, shall be lime-washed by the occupier once at least within every twelve months, to date from the period when last lime-washed; and if they have been so painted or varnished shall be washed by the occupier with hot water and soap once at least within every twelve months, to date from the period when last washed.

Where it appears to the Governor in Council that the foregoing provisions of this rule are not required to insure the cleanliness of any class of factories or parts thereof, or are by reason of special circumstances inapplicable to them, he may, by notification in the *Fort St. George Gazette*, exclude the said class of factories or parts thereof from the operation of the said provisions.

(5) Every factory shall be kept by the occupier in as cleanly a state as the work carried on will permit of and free from effluvia arising from any drain, privy or other nuisance.

Under clause (*d*).

(6) No factory shall be allowed by the occupier to be so over-crowded while work is carried on therein as to be injurious to the health of the persons employed therein.

Under clauses (*a*) *and* (*e*).

(7) Every order passed by an Inspector under rule (1) or (4) shall be recorded by him in writing, and a copy thereof signed by the Inspector shall be delivered by him to the occupier of the factory to which the order relates, or, in his absence, to his principal agent in charge of the factory. The Inspector shall state clearly in the order what is required to be done, and shall specify a reasonable time within which what is required to be done shall be completed, and shall further give notice that if the thing required to be done shall not be so completed, the person responsible for the breach of the order will be prosecuted under section 15 of the Act.

Under clause (*e*).

(8) Every Inspector of factories under the Act shall inspect under section (4) every factory within the local limits for which he is appointed at least once in every three months. The Inspector shall examine during their working hours only the children employed in order to verify the register kept under section (9) of the Act; but for the purpose of seeing that the children are allowed the fixed intervals for food and rest, the Inspector may examine the children with the register during any such interval.

(9) Every order passed by an Inspector under section (4) (*c*) of the Act shall be in writing, and a copy thereof signed by the Inspector shall be delivered by him to the occupier of the factory, or, in his absence, to the principal agent in charge of the factory.

Under clause (*F*).

(10) Any occupier of a factory on whom or on whose agent an Inspector under the Act serves an order made under rule (1) or (4) may, within seven days after receipt of such order, appeal, if the factory is in the town of Madras, to the Government of Fort St. George in the Judicial Department, and if the factory is in the mofussil, to the District Magistrate of the district in which it is situated. There shall be no appeal from an order by a District Magistrate in appeal, but Government may, on application within one month, review any order under rule (1) or (4) either of an Inspector or of a District Magistrate in appeal and may pass any order thereon which may seem proper.

(11) An appeal against an order passed under rule (1) or (4) shall be made in the form of a memorandum of appeal similar to that prescribed in the fourth schedule to the Civil Procedure Code, No. 173, and bearing a court-fee stamp in accordance with Article XI, Schedule 2, of the Court-fees Act.

Under clause (*f*).

(12) 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.

Under clause (*G*).

(13) At the end of every quarter, every Inspector under the Act shall forward to Government a full report of the results of each inspection made during the past quarter and of his examination of the premises and machinery and of the registers of the children employed, together with a statement of all orders passed by him under section (4) (*c*) of the Act and numbers (1) and (4) of these rules, and of all prosecutions instituted by him or with his sanction under section (15) of the Act and their result.

Under clause (*g*).

14. If an order of an Inspector under No. (1) or (4) of these rules is set aside or altered in appeal, the Inspector shall, as early as possible, deliver to the occupier of the factory an intimation of the result of the appeal and such amended order (if any) as the decision of the appellate authority warrants.

Rule under section 13 of the Act.

A notice as required by section (13) shall be sent to the following authorities :—

(*a*) if the accident occurs in the Town of Madras to the Inspector appointed under the Act;

(*b*) if elsewhere in the mofussil to the District Magistrate;

(*c*) within one hour of the accident if death has been caused or is known to be likely to be caused, or a limb is broken; and

(*d*) in any other case within 12 hours of the time when it is known that the injuries caused are such as to require the sending of a notice under section (13).

From H. M. WINTERBOTHAM, Esq., Acting District Magistrate, Tanjore, to the Chief Secretary to Government, dated Negapatam, 12th September 1891, No. 167-M.C.

With reference to G.O., dated 7th July 1891, No. 1339, Judicial, I have the honour to state that, as the only factory in this district is the Railway Workshop at Negapatam, of which the Deputy Consulting Engineer for Railways is Inspector, I am not favorably placed for forming an opinion as to what rules under revised section 18 of the Indian Factories Act are requisite.

2. The existing rules were framed under clauses (*a*), (*e*), (*f*) and (*g*) of sub-section (1) of section 18. Rule XVII is no longer required. Rule XVI—for section 7, clause 4, *read* section 10 (1). I do not see that any other amendments are necessary.

3. As regards the rules to be framed under clauses (*b*) water-supply, (*c*) ventilation and (*d*) prevention of over-crowding, I would, with much diffidence, venture the opinion that it is impracticable, except in the most general terms, to frame rules which will apply to all factories.

The rules should, I think, merely declare the obligation of the occupier of the factory or other responsible person.

(*b*) to maintain a supply of water for the use of persons employed in the factory;

(*c*) to ventilate the factory and keep it in a cleanly state, free from any effluvia arising from any drain, privy or nuisance;

(*d*) to prevent the factory from being so over-crowded while work is carried on therein as to be injurious to the health of the persons employed therein;

Breach of the rules so worded would be punishable under section 15 (1) (*f*), (*g*), (*h*), of the Act, and the sanction of this section would sufficiently secure the benefits which the legislature desires in the way of water-supply, air and space.

4. I do not see that the forms appended to the rules require alteration.

From W. F. DEFABECK, Esq., M.D., Surgeon-General with the Government of Madras, to the Chief Secretary to Government, dated Ootacamund, 12th September 1891, No. 518.

With reference to your endorsement, dated the 28th July 1891, on G.O. No. 1339, Judicial, of the 7th idem, I have the honour to state that the Sanitary Commissioner was requested to favour this office with a copy of the set of rules drawn up by him for the approval of Government in order that further suggestions may be made to Government if necessary.

A copy of these rules is herewith forwarded. I consider that they meet all requirements.

ENCLOSURE.

PROPOSED sanitary rules for factories with reference to section 18 of the Factories Act.

1. A factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance.

2. A factory shall not be so over-crowded while work is carried on therein as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

3. For the purpose of securing the observance of the requirements as to cleanliness in every factory, all the inside walls of the rooms of a factory and all the ceilings or tops of such rooms (whether such walls, ceilings or tops be plastered or not) and all the passages and staircases of a factory, if they have not been painted or varnished once at least within seven years,

shall be lime-washed once at least within every fourteen months, to date from the period when last lime-washed, and if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed.

4. When it appears to Government that in any class of factories or parts thereof the regulations in the above paragraph are not required for the purpose of securing therein the observance of the requirements of the Act as to cleanliness, or are, by reason of special circumstances inapplicable, Government may by order made under this part of the Act grant to such class of factories or parts thereof a special exception that the regulations in this section shall not apply thereto.

5. It shall be the duty of owners of factories to provide within a reasonable distance an available supply of wholesome water sufficient for the use of the persons employed in their factories, and also to take such steps as may be necessary from time to time to ascertain the condition of the water-supplies.

6. If the water-supply in any factory used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man is found to be so polluted as to be injurious to health, then measures must be taken to remedy the same by permanently or temporarily closing the polluted supply, or ordering the water to be used for certain purposes only, or such other measures as may be necessary to prevent injury to the health of persons drinking the water.

7. When any factory has not such a supply within a reasonable distance, and where the "authority" are of opinion that such supply can be provided at a reasonable cost, a notice shall be served on the owner of the factory requiring him within a time specified in the notice to provide such a supply and to do all such works as may be necesssary for that purpose.

8. If at the expiration of the time so specified the notice is not complied with, the "authority" shall serve on the owner a second notice informing him that if the requirements of the notice are not complied with within one month from the date of the service of the second notice, the "authority" will provide such supply and that the expense of providing the supply will in that case be payable by the owner.

9. Any building used or intended to be used as a factory in which persons are employed or intended to be employed at one time in any manufacture, trade or business, the owner of such factory shall, within a specified time, construct a sufficient number of privies and urinals for the separate use of each sex.

10. Any owner of a factory who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding and to a further penalty not exceeding for every day during which the default is continued.

11. The latrines and urinals must be kept in a proper and cleanly condition by making arrangements for cleansing and removal at such intervals as thought fit. All manure or filth or other offensive or noxious matter ought to be removed periodically from the premises, and if this is not done, a notice should be served on the owner of the factory requiring him to do so. If after such notice has been given the owner fails to remove the manure or other refuse matters and permits a further accumulation and does not continue such periodical removal at such intervals as Government direct, he shall be liable without further notice to a penalty not exceeding for each day during which such manure or other refuse matter is permitted to accumulate.

12. A penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on of any business or manufacture if it be proved to the satisfaction of Government that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health.

No. 3581 S.

True copy forwarded to the Surgeon-General with the Government with reference to this office letter No. 3495 S, dated 28th August 1891.

(By Order.)

(Signed.) G. DIQUE, Manager and Assistant,
Office of Sanitary Commissioner.

MADRAS
10*th September* 1891.

From V. A. BRODIE, Esq., Acting District Magistrate of South Canara, to the Chief Secretary to Government, dated Mangalore, 19th September 1891, No. 3732.

With reference to para. 1 of G.O., dated 7th July 1891, No. 1339, Judicial, I have the honour to state that the recent amendment of the Indian Factories Act No. XV of 1881 by Act XI of 1891 which reduces the minimum number of working

hands in a factory required to bring such factory under the operation of the Act from 100 to 50 persons, appears to render the factories in this district enumerated in the accompanying statement (some of which are engaged in manufacturing an improved quality of machine-made tiles and bricks, and others in curing coffee for exportation) amenable to the provisions of the Act.

2. With regard to the rules to be framed under section 18 of the Act, I am of opinion that those issued by Government in 1882 under its Notification, dated 9th February 1882, No. 121 (G. O., dated 9th February 1882, No. 193, Judicial Department), and modified by the subsequent Notification, dated 31st July 1882, No. 328, are ample to meet requirements, except that additions to those rules under the following heads are now rendered necessary by the amendment of the section in question —

(*b*) the water-supply to be maintained for the use of persons employed in factories;

(*c*) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and freedom from effluvia arising from any drain, privy or other nuisance;

(*d*) the prevention of such over-crowding of factories while work is carried on therein, as is likely to be injurious to the health of the persons employed therein.

3. As regards (*b*), all that is apparently needed is a rule to the effect that a quantity of good drinking water which may be fixed at a pint for each working hand in the factory should always be maintained on the factory premises.

(*c*) and (*d*) appear to be matters more properly falling within the province of the Sanitary Commissioner, and I presume Government will prefer to call upon that officer for his more authoritative suggestions in order to secure the objects aimed at.

4. I am, however, in some doubt regarding the construction to be put upon the word "premises" on which the definition of the word "factory" depends, and take advantage of this opportunity to refer the same to Government. Is it to be considered limited to buildings within the four walls of which some mechanical power is employed, or does it include all the buildings and land occupied by the same proprietor, comprised within the same enclosure and used for the purposes of the same industry, although mechanical power may be employed in only one building out of many? For example, in the case of coffee-curing works there is not much machinery, and it is confined in all works I am acquainted with to one building, but such works have attached to them numerous godowns for the storage, &c., of coffee, barbecues for drying it and "garbling" sheds, as they are called, for the sorting of the coffee after it has been peeled, winnowed and sized by machinery, preliminary to its being packed, in which no mechanical power is of course used. For security against "theft" all these buildings and barbecues are included within a high ring wall. Is the whole space within this wall to be considered a "factory" on the ground that the "premises" contain one building in which mechanical power is employed, or is the term "factory" to be limited only to that part of the premises, *i.e.*, the building within which mechanical agency is employed? And are those persons employed in drying the coffee and garbling it to be considered "factory" operatives, or not, notwithstanding the fact that their operations are carried on in sheds or in open spaces quite distinct from the building or buildings in which the machinery is located and which they have no occasion whatever to enter? In the case of tile works we have the same distinction between persons employed in connection with machinery and in buildings in which machinery is located, and persons employed in ordinary cooly work outside the buildings containing machinery altogether, but within the enclosure devoted to the business.

5. I have, in preparing the accompanying list, taken the word "premises" in its widest sense to mean the whole space whether covered with buildings or not, devoted to one and the same business—coffee curing and packing for shipment or tile-making,—as the drying of coffee, for instance, is a necessary preliminary to the

peeling of it which is done by machinery and the garbling of coffee, though hardly a "process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article, or part of an article," is undoubtedly a work incidental to the packing, *i.e.*, preparation of coffee for sale, and the persons engaged in it appear to be included in the definition in section 2 of the word "employed," but I am not very sure that this construction is correct having regard to the provisions of limitation (*a*) appended to the definition of the word "factory," which would appear to limit the term to that part of the premises in which machinery of some kind is located, and should be glad to find I am wrong, for the drying of coffee and the preliminary mixing of clay preparatory to its being put through the puddling mill are both works carried on in the open air and far less laborious in character than the transplanting of paddy and beating out of coir yarn on which in this country women are exclusively employed, so that it is scarcely reasonable to apply the provisions of the Act to them. Again, the application of the Act to all parts of coffee-curing works in which machinery is employed on the processes of peeling, winnowing and sizing places such works at a disadvantage in comparison with those in which these processes are effected by manual labour, although more consideration is generally shown to the labourers in the former. In these women do no labour as a rule save garbling, whilst where no machinery is employed, they do the peeling by pounding the coffee in wooden mortars which is labour of a very severe kind.

6. The application of the Act to garbling women, though no children under 9 are employed in this work, is also calculated to cause much hardship to children between that age and 14, and inconvenience to their parents and coffee-curers. Many girls between 9 and 14 now earn something by sitting at their ease on a floor garbling coffee at their own pace as they are paid by results, and many boys of the same age do the same by drying coffee which is even lighter work, consisting as it does in carrying the coffee out of the godowns to the barbecues in the morning, turning it over by drawing wooden rakes through it during the day at intervals, and carrying it back in the after noon. At present the women and girls work $8\frac{1}{2}$ hours at the outside, viz., 7-30 A.M. to noon and 2 P.M. till 6 P.M., coffee being issued at 7-30 A.M., and they shut out at 6 P.M. whether their tasks are completed or not, but the usual daily task can be completed by many women under 7 hours, so that few or none remain at 6 P.M., when the doors are shut. The girls between 12 and 14 are decidedly nimbler workers than grown-up women, but such young girls only go out for this work and return home in the care of their mothers or friends or relations, and so have nothing to gain by finishing sooner than their care-taker. If the Act is applied to garblers, the first direct consequence will be not that fewer girls will be employed, but that such girls instead of being allowed to work at their own pace and merely required to keep up with their mother or friend, will be driven by the latter to get through the work they now do in $7\frac{1}{2}$ or 8 hours in 7, and then as they cannot go home alone, they will be turned out to wait outside by the road-side for an hour or so till the woman they are in charge of joins them, *i.e.*, their lot will be made harder instead of easier. Again, mothers now often take their children with them, and these frequently while away part of the time by helping, or trying to help, their mothers with their work even when they are 6 or 7 years' old only. If the Act applies, I am afraid curers will put a stop to this practice; with the result that mothers will have to stay at home themselves where they cannot find people to take charge of their children in their absence.

7. Under these circumstances, I should be glad to konw how I am to construe the term "factory" in the case of works consisting of various buildings in only some of which machinery is to be found. Does the term include every building and all the land occupied in connection with the business, or only land and buildings on which or in which machinery has been erected? In the latter case, some of the works mentioned in the accompanying list will have to be excluded from it, and in all there are a good many hands employed on work which has no connection with machinery and which cannot be with any accuracy described as "mill" or "factory" work as these terms are understood at home.

49/5

List of factories in South Canara.

Name and description of the factory and name of the place where located.	Description of the mechanical power used in such factory.	Number of persons on any day simultaneously employed in such factory on any manual labour in or incidental, &c.	Length of time or period for which such process is carried on in the course of a year.	Number of operations or persons employed, distinguishing males from females, and adults from children.	Intervals of rest allowed to persons so employed.	Whether the system of employment in shifts or sets is in force.	Whether any work is done on Sundays, and if so, under what circumstances.
1	2	3	4	5	6	7	8
1 Basel Mission—Tile works at Jeppu.	1 Steam engine of 10 horse-power. 1 Pug mill. 3 Double-action tile presses. 1 Single do. 1 Press for draining pipes.	300 Persons on the average.	More or less 10 months in the course of a year.	230 Males. 30 Females. 40 Children between 12 and 14 years of age. 9½ Working hours during the day-time and 2 firemen during night.	One hour at noon.	Firemen of the kilns work in day and night shifts.	No work on Sundays.
2 Tile works at Kudroli.	1 Steam engine. 25 horse-power. 1 Pug mill. 7 Double-action tile presses.	450 Persons on the average.	Do.	384 Males. } All above 14 years of 66 Females. } age. 9½ Working hours during the day-time and 6 firemen during night.	Do.	Do.	Do.
3 Tile works at Malpe.	1 Steam engine, 14 horse-power. 1 Pug mill. 1 Double-action tile press. 1 Single do.	200 Persons on the average.	Do.	154 Males. 34 Females. 12 Children between 12 and 14 years of age. 9½ Working hours during day-time and 2 firemen during night.	Do.	Do.	Do.
4 Messrs. Morgan & Sons—Jeppu Coffee works.	Steam power	70 Coolies. 600 Women and children.	From 2 to 5 months.	30 Men. 40 Boys above 14 years. 600 Women and Children (none under 9 years). From 6 A.M to 11-30 A.M. and 2 to 6 P.M.	2½ Hours for women children. One hour for men and boys.	...	Drying coffee when necessary for following day's work.
5 Jeppu Tile works.	Do.	60 Coolies including boys.	Whole year ...	40 Men. 20 Boys. From 7½ to 12 noon and 1 to 6 P.M.	One hour.	...	...
6 Messrs Alston, Low and Co.'s Mangalore Coffee works.	Portable steam engine, 10 horse power. Semi portable steam engine, 14 horse-power. 2 Peelers. 1 Winnower. 4 Sifters.	400 to 450 Persons.	6 to 6 months ...	About 30 male adults. 15 to 20 boys. 300 to 350 female adults. 50 to 60 girls. None under the age of 9 years is remembered to have been employed.	Two hours from 12 to 2 P.M. One hour in the middle of the day for men employed at the machinery.	The system of work in shifts or sets is not in force.	The works are kept open on Sunday occasionally when necessary.

List of factories in South Canara—*cont.*

Name and description of the factory and name of the place where located.	Description of the mechanical power used in such factory.	Number of persons on any day simultaneously employed in such factory on any manual labour in or incidental, &c.	Length of time or period for which such process is carried on in the course of a year.	Number of operations or persons employed, distinguishing males from females, and adults from children.	Intervals of rest allowed to persons so employed.	Whether the system of employment in shifts or sets is in force.	Whether any work is done on Sundays, and if so, under what circumstances.
1	2	3	4	5	6	7	8
7 Messrs Saldanha and Sons' Bolar Coffee works.	1 Steam engine for driving coffee-cleaning machinery of 14 horse-power. 1 Steam engine for driving bone-crushing machinery of 5 horse-power.	About 500 ...	Coffee-curing business about 5 months and bone-crushing about 2 months.	40 Males and the rest females. Ages cannot be ascertained as they are not at work now. 7 A. M. to 12 noon and 1½ to 6 P.M. For a few days on emergent occasions, 2 or 3 hours after 6 P.M.	1½ hour rest.	The system of work in shifts is not in force.	Only packing and shipping coffee in case of a steamer coming on Sundays.
8 Messrs. Lobo and Sons' Bolar Tile works.	1 Steam engine. 1 Mud crusher. 1 Pugging mill.	About 75 persons during fair season and about 50 during monsoon.	Throughout the year.	Fair season. Monsoon. Males ... ... 35 19 Females ... ... 12 5 Boys ... ... 28 26 75 50 9 Hours during day-time; night work is rare.	1½ hour.	The system of the work is permanent.	No work is done on Sundays.
9 Messrs A. Albuquerque and Sons' Tile Factory at Bolar.	1 Steam engine. 1 Mud crusher. 1 Pug mill. 1 Tile press.	About 100 during fair season and about 50 during monsoon.	Do.	Fair season. Monsoon. Males ... ... 45 25 Females ... ... 20 12 Boys ... ... 35 13 100 50 9 Hours during day-time, night work is rare.	Three hours' time is allowed during the day.	Do.	Do.
10 Bolar Kotaur Tile works.	1 Steam engine of 6 horse-power. 1 Crusher. 1 Pug mill.	About 70 coolies during fair season and 50 during the monsoon.	Do.	Fair season. Monsoon. Males ... ... 30 20 Females ... ... 20 15 Boys above 9 years age 20 15 70 50 Working hours 9 during day-time; night work is exceptional.	Three hours' rest is allowed.	Do.	Do.
11 D. J. Rego and Sons' Tile works.	No mechanical power is used.	About 40 coolies from November to June and 28 from June to November.	Do.	Fair season. Monsoon. Males ... ... 20 15 Females ... ... 2 2 Children under 14 years. 18 11 40 28 9 Hours during day-time.	Two hours rest is allowed.	The system of work is in sets and rarely in shifts.	Do.
12 Coelho Brothers' Tile and Brick works.	Do. do.	About 45 coolies from November to June and about 30 from June to November.	Do.	Nov. to June. June to Nov. Males ... ... 20 15 Females ... ... 10 7 Boys above 10 years 15 8 45 30 Working hours 9 during day-time. No work is done at night.	Do.	Do.	Do.
13 P. G. Abreo's Tile factory at the Jeppu ferry.	Do. do.	About 48 coolies from November to June and about 40 coolies from June to November.	Do.	Nov. to June. June to Nov. Males ... ... 30 25 Women ... ... 6 5 Boys above 14 years ... 12 10 48 40 The working hours are 9 during day-time. No work is done during night.	Do.	Do.	Do.

(Signed) V. A. BRODIE,
Ag. District Magistrate.

MANGALORE,
19th September 1891.

47/3

From the Surgeon-General with the Government of Madras, Ootacamund, dated 22nd September 1891, No. 532.

From the District Magistrate, Anantapur, dated 22nd September 1891, M.D. No. 655.

From the District Magistrate, Ganjam, dated 24th September 1891, R.C. No. 1361-Mag.

From the District Magistrate of Nellore, dated 26th September 1891, No. 1881-Tour.

From the Agent, South Indian Railway, to the Consulting Engineer for Railways, dated Trichinopoly, 14th August 1891, No. 1301.

Referring to your docket, No. 1061, dated 30th July 1891, on the subject of the Factory Act, I beg to say that I have no remarks to offer in regard to the rules to be framed under revised section 18 of the Indian Factories Act. Having consulted the Acting Chief Engineer on this point, I have received his reply as follows :—

"I have read through the complete amended Act as published in the *Gazette of India*, Part IV, page 26, dated 21st March 1891, and I do not consider that for the purpose of carrying out the provision of the Act in the Engineering workshop at Trichinopoly (which is the only establishment in charge of the Engineering Department which comes under the Factory Act) any further rules are necessary."

I have also written to the Acting Locomotive Superintendent, who has replied :—

"I have no suggestions to make with reference to revised section 18 of the Factory Act."

From the Agent, South Indian Railway, to the Consulting Engineer for Railways, dated Trichinopoly, 23rd September 1891, No. 1510.

In reply to your letter, No. 1343, dated 17th September 1891, on the subject of the Factory Act, I have to state that exemption from the requirements of the Act will be necessary at the undermentioned stations :—

Madras.	Trichinopoly.
Villupuram.	Madura.
Cuddalore Old Town.	Nellore.
Negapatam.	

From the Agent, South Indian Railway, to the Consulting Engineer for Railways, dated Trichinopoly, 7th October 1891, No. 1575.

Referring to paragraph 3 of your letter, No. 1343, dated 17th September 1891, on the subject of the Factory Act, I beg to inform you that the Acting Chief Engineer reports as under :—

"It is not customary or necessary to work often on Sundays in the Engineering shop at Trichinopoly, but on occasion, when urgent work has to be done, a proportion of the men are employed.

"It is therefore desirable that the shops here should be exempted from clause 5-B, sub-section (1), section 6 of the Act."

The Acting Locomotive Superintendent reports :—

"The only clause we ask exemption from is '5-B (1)—no person shall be employed in any factory on a Sunday.'"

From F. B. HANNA, Agent and Manager, Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 11th September 1891, No. 6596-B—992.

I have the honour to inform you that with reference to your endorsement, No. 676, of 30th July 1891, the Locomotive Superintendent writes as follows :—

"The rules in question appear, so far as I see, to be framed more for the guidance of the Inspectors, Judicial land other Government officers, and we do not seem to have any voice with reference to them.

"The only alterations in the revised Act which would seem to affect us in any way are the following :—

Old Act.	*New Act.*
"1. Section 3—100 Persons constitute a factory.	50 Persons constitute a factory.
"2. Section 5—Age of child fixed at 12 years.	Age of child fixed at 14 years.
	Section 5-B—Sunday work forbidden.

"No question need perhaps be raised as regards sections 3 and 5, but with regard to Section 5-B, it might be well to point out that the revision of section 3 will probably bring nearly all of our engine changing stations under the operation of the Act, and if this is so, it will be necessary to obtain special exemption for the continuance of work on Sundays."

2. I shall be glad to receive authority to have necessary work carried on at engine changing stations on Sundays.

No. 887.

Submitted to Government with reference to G.O., No. 1339, Judicial, dated 7th July 1891.

2. No extension of the application of Act No. XI of 1891 under revised section 18 appears necessary in connection with the Railway Department.

3. By the amendments now introduced, the operation of the Act is extended to Madura and Nellore, on the South Indian Railway, and to the stations at Madras, Villupuram, Cuddalore Old Town, Negapatam, Trichinopoly, Sunday work can be consequently carried on at these stations, it will be necessary for exemptions to be made under section 5-B (2) (*d*) of the Act as (*c*) does not appear to apply to the work done at an engine changing station, and it is requested that necessary action may be taken with the Government of India.

4. The Acting Chief Engineer, South Indian Railway, desires that the Engineering workshops at Trichinopoly should be exempted from clause 5-B (1), but although the exemption would be a convenience, it is not a necessity and is not recommended.

(Signed) W. CAREW SMYTH, Lieut., R.E.,
for *Consulting Engineer for Railways.*

MADRAS,
9th October 1891.

To the Chief Secretary to Government, Judicial Department.

From the District Magistrate of Nellore, dated 9th October 1891, No. 1098-Mag.

From A. W. B. HIGGENS, Esq., Acting District Magistrate, Vizagapatam District, to the Chief Secretary to Government, dated Vizagapatam, 9th October 1891, No. 2816.

With reference to G.O., No. 1339, dated the 7th July last, Judicial, I have the honour to submit herewith a note from the Inspector of the Gunny Factory at Chittivalsa, the only factory hitherto falling within the scope of the Factories Act in this district.

2. I have had no personal experience of the working of the existing rules, and I am therefore not in a position to offer any further remarks except that I see no need for releasing the Divisional officers from responsibility in the matter of bringing factories under the operation of the rules, and that rule VIII might be

modified so as to make it clear that an Inspector may enter at night any factory in which work goes on at night.

ENCLOSURE.

NOTE on the rules to be framed by the Local Government under section 18 of the Indian Factories Act, 1881, as amended by Act No. XI of 1891.

1. The reference in the preamble of the old rules should be to section 18, clause (1) as amended by Act XI of 1891.

2. Rule I has to be modified with reference to section 6 of the new Act.

3. The register to be maintained under rule II should be in the form prescribed in Appendix II, G.O., dated 25th June 1891, No. 1246, the only column wanting in it being "nature and amount of moving power therein." The omission may be supplied.

No reason is given, and I see no sufficient cause for the change.

(Intld.) A. W. B. H.

4. The power of bringing a factory as now defined under the operation of the Act should, I think, be confined to the ex-officio Inspector, *i.e.*, the District Magistrate, and not to the Inspector as provided in rule III.

5. If this suggestion be approved, a corresponding alteration will be necessary in rules IV, V and VI.

6. Rules VII and VIII seem to call for no alteration.

7. Form B prescribed in rule IX is superfluous, as form A has necessarily to be filled up at each inspection and as it contains all necessary information. The Inspector can record his orders and remarks in it as required by rules X and XI.

8. In the medical certificate (form C) prescribed in rule XIII, the ages 7 and 12 should be altered into 9 and 14 with reference to the new Act.

9. Rules XII, XIV and XV seem to call for no remark, except that forms C, D and E, will have to be marked B, C and D, respectively, if my suggestion in para. 7 be approved.

10. The allusion to section 7, clause 4, in rule XVI and to section 8 in rule XVII are obsolete, and these rules have to be recast in accordance with the express provisions of sections 5 A to 11 of the new Act, as explained in para. 3 of the Government of India's letter. The clauses alluded to in the last-named document as enabling the Government of India or the local Government to exempt certain factories from the operation of the general rules in certain respects will have simply to be omitted in framing the new rules under sections 5 A to 11, section 9 being omitted. The new rules will then consist of :—

Section 5 A (1); 5 B (1), 5 B (2) (*a*) and (*b*); 6 (1), (2) and (3); 7 (1), (2), (3) and 4); 8; 10 (1) and (2); and 11 as now amended.

11. Registers D and E to be kept under rule XV meet the purposes of section 9 of the new Act.

12. If my suggestion in para. 4 *supra* be adopted, the appellate authority for purposes of rule XVIII should be the (local Government *vide* section 12 C) or some other authority as it may appoint in this behalf so far as the orders of the District Magistrate are concerned.

13. The words "on stamp paper of the value of one rupee" in rule XIX seem to be out of place and may be omitted. The question of stamp-duty is beyond the province of these rules. If the Stamp Law already provides for it, the present provision would be superfluous. If it does not, it would be illegal.

14. Rules XX to XXIII seem to call for no remark except that the reference to section 90, Civil Procedure Code in Rule XXII should be altered into section 45, Civil Procedure Code (Act X of 1882.)

15. This brings me to the end of the old rules. New rules are required to give effect to clauses (*b*), (*c*) and (*d*) of section 18 (1), and they relate to questions of sanitation and drinking water-supply. Any suggestions which I may make on the subject cannot be of much value, and the proper authority to whom a reference might be made on the subject is, in my humble opinion, the Sanitary Commissioner, Madras, just as the Surgeon-General for purposes of paras. 7 and 8 of the Government of India letter under consideration.

From G. S. FORBES, Esq., District Magistrate, Tinnevelly, to the Chief Secretary to Government, dated 17th October 1891, No. 1197.

I have the honour to reply to G.O. No. 1339, dated the 7th July 1891, regarding the rules to be framed under section 18 of the Indian Factories Act, 1881, as amended by Act XI of 1891.

2. Before passing to the particular modifications which the new law will ntroduce into the existing set of rules, it is desirable first to consider more in

detail the substantial additions for which under the Act of 1891 fresh rules have to be framed. These fall into two main categories (1) the subjects of the water-supply, the ventilation and the over-crowding of factories, clauses (*b*), (*c*) and (*d*) of section 18 (1); and (2) the returns which occupiers of factories shall be required to furnish under sub-section (2) of the same section.

3. As regards the former class of subjects, the Government will doubtless resort to professional opinion, and I can only suggest certain points to which attention may advantageously be directed. In respect of the *water-supply*, rules are needed prescribing the minimum quantity available per head of those employed; that it shall be always freely accessible; that it shall be a pure or good filtered drinking water; and shall be so stored and served as not to be liable to contamination.

As to the ventilation and cleanliness of the premises.—Provision is required for the necessary currents to secure a sufficiently oxygenized atmosphere. The occupier should also be bound to provide for the removal or prevention of dust, exhalations, gases or impurities generated in the course of the processes of the factory to an extent injurious to health, or the protection of the operatives from the same in some other way, as, for example, by respirators should be secured. In the cotton ginning factories the air is laden with dust in suffocating quantities, and the laborers find it necessary to protect nose and mouth with a covering of cloth. How far this may be remedied by better ventilation or how far special means are needed it is for professional men to decide, but the matter requires attention. As to the cleanliness of the premises, lime-washing of the inside walls should, I think, be enforced once every two months. Where this would be detrimental to the processes of the factory an equivalent mode of cleansing or disinfecting should be laid down. If the operatives are housed on the premises or within the factory curtilage, it would be desirable to bring their quarters under special sanitary regulation, but from the definition of the word "factory" (section 2), I fear that such regulation cannot be enforced under this enactment, and must be left to the ordinary law. Regarding unwholesome effluvia, the rules may simply direct that every drain, privy or other nuisance within the factory premises shall, to the satisfaction of the local Inspector, be kept in a sanitary state and free from such effluvia, and that the privies shall also be placed at such distance from the premises or in such situation as the Inspector may approve. A rule is also required for the provision by the occupier of sufficient latrine accommodation with three separate buildings or apartments having separate entrances for men, women and children respectively. Finally, as to *over-crowding* clause (*d*), the minimum number of cubic feet per head of persons employed in each separate room of the premises during the hours of work must be prescribed. Perhaps under this clause a rule may be imposed requiring that to meet the case of fire the premises shall be provided with adequate means of exit from the building with fire-escapes for the upper stories—*vide* G.O., dated 10th May 1888, No. 1090, Judicial. Whether such a rule would be *ultra vires* of the clause or not is however a point open to question. It certainly aims at the prevention of dangerous over-crowding in special circumstances and may be deemed to fall legitimately within the intention of the clause.

The rules made under these clauses may perhaps at first be mainly confined to directions of a more or less general character, the Inspector being empowered, on the analogy of section 12 (*c*), to issue orders in enforcement of the rules.

The issue of more specific rules would then be left to await further experience of the practical working of the Act.

4. Next, with regard to the returns which under sub-section (2) of section 18 occupiers of factories should furnish, the following may be prescribed :—

(1) the occupier may be required to give *notice* of the existence of a factory as defined in the Act and to which the Act applies: such notice to be given within two (say) months of the date on which the Act applies to it, or in the case of but if the factory is already on the register, further notice need not be given.

Under the present rules the local Inspector must discover for himself the existence of every factory. Now that the qualification of a factory in respect of the number of operatives employed is reduced to 50, or, where a notification under section 20 has issued, to less than that number, the matter of discovery may be difficult, and it seems desirable therefore to throw on the occupier the duty of informing the Inspector. Where an occupier has neglected to give notice, it will, of course, be still open to the Inspector to take action under Rule III of the old rules (as proposed to be amended below).

(II) With the said notice the occupier should be required to transmit to the Inspector in a form to be prescribed a return giving particulars as to (1) the local situation of the premises, (2) name and description of factory, (3) nature of business, (4) name of proprietor, (5) name of resident occupier, (6) number of persons employed—adults, male and female, and children, (7) whether proposed to be worked on the shifts system, (8) the number of cubic feet of free air space in each apartment of the factory, with the number of operatives to be employed in each and (9) the nature and amount of motive power. This return will furnish substantially the particulars contained in Form A of the old rules and will give the Inspector the preliminary information necessary for his register.

(III) A periodical return in the same form with additional columns for information as to the nature of the water-supply, of the ventilation and sanitary arrangements, and the rules enforced as to the over-crowding of the factory should be furnished by the occupier at the end of each half of the calendar year. This return will be a useful check on the inspection and at the same time make the occupier more careful in his observance of the requirements of the law.

5. Turning now to the existing set of rules, the following are some of the modifications required: In the *title* add after "Factories Act, 1881," the words "as amended by Act XI of 1891;" and before the word "Factories," the word "Indian." In the *preamble* after the words "Factories Act" add the words "as amended by Act XI of 1891." In the *forms* appended to the rules some similar alteration is needed.

In *rule I* before the word "Inspector" insert "local." The same alteration is required throughout the rules in order to distinguish the Magistrate of the district who, though *ex-officio* Inspector at all district factories, is the appellate authority from the local Inspectors. The term is used throughout the new amending Act. For the words "every" and "each" at the commencement of rules I and II, it may be an improvement to substitute the word "the."

Between rules II and III, I would insert a rule giving effect to the proposal explained in para. 4 (I) *supra* regarding the occupier's duty to give notice of the existence or opening of a factory with a statement of certain particulars; and there should be a clause requiring the occupier to furnish to the local Inspector such information as at any time he may demand to enable him to make up his register of factories or otherwise, to carry out the provisions of the Act and the rules.

Rule III would then run "the local Inspector shall give to the occupier of any premises within his jurisdiction which have not been registered under these rules and which he has reason to believe to be a factory within the meaning of the Act notice of his intention of placing the said premises upon his register of factories."

Rule V will, in view of the above alterations, become unnecessary.

Rule VII.—At the end of the rule after the word "machinery" insert "and mill-gearing and respecting the water-supply, the ventilation and cleanliness, and the over-crowding of the factory are observed, and generally that the provisions of the Act and the rules made thereunder are being duly carried out."

Rule VIII.—For "section 11" read "section 9" and for the words "as to the secure fencing of machinery and mill-gearing" substitute the words "in respect of the matters provided for under clauses (*a*), (*b*), (*c*) and (*d*) of section 18 sub-section 1 of the Act."

Rule X.—After the words "section 12 (*c*) of the Act" insert "or under these rules in respect of the matters referred to in clause (*b*), (*c*) and (*d*) of sub-section

(1) of section 18 and." This assumes that rules will be made with reference to the clauses quoted and that certain powers of approval or of direction will be conferred on the local Inspector.

Rule XI.—After the words "section 12 (*c*) of the Act" insert "and every direction given under these rules with reference to clauses (*b*), (*c*) and (*d*) of section 18, sub-section (1) of the Act." Omit the words "so that the said machinery or gearing may be securely fenced."

Rule XVI.—For "section 7, clause 4," read "section 10, clause 1."

Rule XVII is now unnecessary and should be removed with reference to section 5 B of the new Act.

Rule XVIII.—After the words "section 12 (*c*)" of the Act insert "or an order in respect of the water-supply, ventilation, cleanliness or over-crowding of the factory." While making this suggestion, I would, however, explain that its validity requires consideration. Section 18 (1), clause (*f*) empowers the making of rules consistent with the Act to provide for the manner in which appeals under the Act are to be presented and heard. The only section of the Act which specifically relates to an appeal is section 12 (*c*), orders as to fencing machinery. The question is whether the Government may by rule make orders passed by an Inspector relative to water-supply, ventilation and over-crowding similarly subject to appeal, and under section 18 (1), clause (*f*) prescribe the manner in which such appeal is to be presented and heard. If it be held that the Government has this power, and if Government propose to place orders as to ventilation and the like on the same footing as orders regarding machinery, then an amendment in the direction suggested is required. The omissions enumerated in section 15 constitute offences, and evidently the procedure in respect of an appeal on conviction for any such offence must be governed by the Criminal Procedure Code.

Before the second clause of rule XVIII, I would insert a provision empowering the appellate authority, on the hearing of the appeal, not merely to reverse or affirm the Inspector's order, but to modify the same and pass such other orders as the circumstances of the case may seem to require.

After rule XVIII.—I would also insert a rule empowering the District Magistrate of his own motion or on application to suspend any order passed by a local Inspector pending an appeal from the said order or a reference to Government for its revision. It seems desirable to have a local authority who may give immediate relief from the order of an Inspector which is *primâ facie* improper or vexatious. The new law appoints the District Magistrate an Inspector of all the factories in his district, and apparently, therefore, the constituting him a reviewing authority to this extent would, I think, be within the contemplation of the section.

Rule XXI.—This rule seems to be unnecessary. If any rule is required, it should simply be a direction requiring the Inspector to carry out as early as practicable the orders passed under rule XVIII by the appellate or reviewing authority.

Rule XXII.—For "section 90, Civil Procedure Code," read "section 45, Civil Procedure Code."

In form A, Register of factories.—I would add a column showing "whether a factory in which a system of employment by shifts is in force, and, if so, date of order approving same," with a column giving the periods of the shifts or sets, and also a column showing whether it is a factory exempted under section 5 B (2) (*c*) with date of the order, as this may be a specific and not a class exemption.

In form B, Register of inspections.—To the heading of column (2) add "and if a factory on the shifts system are exempted under section 5 B (2) (*c*) to be so stated with date of orders approving same." This form may also advantageously include columns showing separately the result of the inspection as regards (*a*) the fencing of the machinery, (*b*) the water-supply, (*c*) the cleanliness and ventilation of the premises and (*d*) the rules as to over-crowding.

In form C, the figures for minimum and maximum age have to be corrected to 9 and 14, respectively.

Form F.—If the factory is on the shifts system, the hours of the shifts should be substituted for those of opening and closing work.

Telegram from the Secretary to the Government of India, Home Department, Simla, dated 19th October 1891.

From C. J. WEIR, Esq., Acting District Magistrate of Trichinopoly, to the Chief Secretary to Government, Judicial Department, dated 21st October 1891, No. 89—2.

With reference to G.O., No. 1339, dated 7th July 1891, I have the honour to forward, herewith, copies of letters from the General Charge Deputy Collector, Ariyalúr and the Deputy Collector, Trichinopoly. There is only one factory in this district, viz., Messrs. Binny and Co.'s Cotton Press in Ariyalúr employing 40 hands.

2. As regards the rules to be framed under section 18 (*b*), Act XV of 1881, the only suggestions I have to offer are that the source of supply should be approved by the certifying Surgeon. That all the water, before being used, should be passed through filters similarly approved. That separate vessels be kept for caste and non-caste labourers, and lastly that powers should be taken to compel the occupier of the factory to provide by the sinking of wells or otherwise as much water as may be determined to be necessary for the use of the persons employed.

3. The rules to be framed under section 18 (*c* and *d*) as well as the supply of water necessary for each person employed seem to be matters to be decided upon by experts, and I do not feel competent to offer any suggestions on the subject.

4. Some of the suggestions of the Deputy Collector, Ariyalúr, especially those regarding privies, seem to me to merit consideration. The suggestions were made in consultation with Messrs. Binny and Co.'s manager at Ariyalúr.

ENCLOSURES.

(*a*) The fencing of machinery and mill-gearing in factories.

(1) The fence should be of a moderate height, such as would admit of the people working inside the fence jumping out in cases of accident.

(2) The fence should be sufficiently strong to withstand, in cases of accident, the force of any disengaged or broken part of the machinery that may come in violent contact with it.

(*b*) The water-supply to be maintained for the use of persons employed in factories.

(1) A sufficient stock of drinking water-supply must be maintained in the factory.

(2) It must be kept in a room which has glass windows to let in light and to keep out dust.

(3) The supply kept must be of filtered water.

(4) The vessels, in which water is kept should be emptied every morning, cleaned and refilled with new filtered water. The small vessels in which water is given to each workman should also be cleaned every day.

(5) Hotwater should be maintained for the use of such of the workmen as may suddenly get fever, &c.,-and also for fomentation purposes in cases of accident rendering fomentation necessary to the injured persons.

(6) When there are no tanks within the compound of a factory, one or more wells should be sunk to enable workmen to wash their persons and clothes. A separate supply of water for caste workmen should be maintained in factories in the compound of which there are no wells containing drinkable water.

(*c*) The ventiation of factories and their cleanliness (including lime-washing, painting, varnishing and walhing) and freedom from effluvia arising from any drain, privy or other nuisance.

(1) No window should be left unprovided with doors, so that the latter may be kept closed or open according to necessity. The height of windows should not be less than half that of the roof from the floor.

(2) The width of all the windows put together must be equal to half the length of the wall in which they are set. But if the existing number is insufficient to meet the above requirement, fresh windows must be opened to the extent necessary.

(3) *Cleanliness, lime-washing.*—Walls must be lime-washed twice in the year, once in January and again in July months, in which cholera generally makes its appearance. The floor should be bricked or slabbed so as to admit of being swept properly every day.

(4) *Painting.*—The doors, windows and frames of the machinery should be painted and varnished once a year. They should be cleaned with water once a week.

(5) *Drains.*—The drains close to the factory should be covered with masonry work so that the effluvia may remain confined within the drain. Water must be flushed into these drains once a week to clean their interior.

(6) The privy walls should be tarred inside for half their height. The floor of the privies should be asphalted. The tarring of the privy walls should be repeated once a month.

(7) A sufficient supply of disinfectant powder should be maintained in factories to be sprinkled in the various rooms once a day during the prevalence of cholera and fever.

(8) The drains carrying away refuse water from factory premises into the compound should terminate in a cesspool, and the liquid matter collecting in it should be baled out daily and carried in covered carts out of the factory compound.

(9) The privies should be cleaned thrice a day and the filth removed in a covered cart. The privies for females should be distinct from those for males; and there should be an interval of at least ten yards between them.

(10) The privy accommodation provided must be sufficient to admit of a certain proportion of the number of workmen in the factory easing themselves at one and the same time. This proportion will be fixed and modified from time to time by the Inspector.

(11) There must be a small out-house in the factory compound to afford temporary accommodation to workmen suddenly falling ill, pending their removal to their own houses or to a hospital.

(12) Workmen attacked by cholera should be removed to hospital forthwith.

(13) Dholies should be maintained in the factory for the removal of sick and wounded workmen unable to walk to their respective quarters from the factory premises. One dhooly should be maintained for the above purpose for every 100 workmen or part thereof.

(*d*) The prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein.

(1) In every room in which the same people have to work incessantly from morning to evening without relief the number to be locked in it should be fixed by the Inspector with reference to the space available. The number so fixed should be painted over the entrance into the room.

(2) The number of spectators allowed into a factory should not exceed six at a time.

(Signed) A. KRISHNASWAMIER,
Deputy Magistrate.

From SYED KHADER PADSHAH SAHIB, Bahadur, Deputy Magistrate, Trichinopoly, to the District Magistrate, Trichinopoly, dated 18th September 1891, No. 1119.

In reply to your communication No. 207, Mis., dated 28th July 1891, on G.O., No. 1339, dated 7th July 1891, I have the honour to report that clauses (*b*), (*c*) and (*d*) are provisions newly introduced under the revised section 18 of the Factories Act. The rules already published (*vide* page 429 of the *Fort St. George Gazette* of 1882, Part I) relate to the old clauses which also appear under the revised section. These rules do not therefore, in my opinion, require alteration. The new provisions of clauses (*b*), (*c*) and (*d*) are of considerable importance. They solely treat of the sanitation of the factory and the health and convenience of the working classes. In connection with these provisions, the following rules, which appear to be of some practical value, may be adopted, if approved.

(1) (*b*) *Water-supply.*—Supply of water should be drawn from a well or stream approved of by the certifying Surgeon.

(2) Supply ought to be sufficient.

(3) Supply for drinking purposes should be kept apart undefiled from that intended for mechanical and other requirements of the factory.

(*c*) *Ventilation.*—The instructions of the Medical officer in this respect should be carried out.

(*d*) *Overcrowding.*—Overcrowding of factories should be regulated in accordance with the rules in force in jails subject to the supervision of the Inspector.

2. The introduction of the new provision relating to the furnishing of returns is useful for statistical purposes. This provision apparently does not require any rule to be framed thereunder.

From A. KRISHNASWAMIER, Avergal, Deputy Magistrate, Ariyalúr, to the District Magistrate, Trichinopoly, dated 13th October 1891, No. 560.

With reference to your letter, No. 33, dated 3rd October 1891, I have the honour to report that this morning I inspected the Ariyalúr Cotton Press belonging to Messrs. Binny and Co., Madras, in which the average number of workmen is about 40 per diem. The presses in it are not worked by steam but by the mechanical power of a screw. It is not a good specimen of a factory and its inspection did not make me much wiser, but still I have, in consultation with its manager, drawn up a few rough rules under the heads (*a*), (*b*), (*c*) and (*d*) of section 18 of the Indian Factories Act.

2. Several of the rules relate to very common matters which factory authorities themselves provide for, but it seems to me that, unless those requirements are enforcible by law, the workmen in the factories will not be sufficiently protected.

From the District Magistrate of Kistna, dated 20th October 1891, No. 1118.

From the District Magistrate of Madura, dated 22nd October 1891, No. 67.

From J. W. F. DUMERGUE, Esq., Acting District Magistrate, Malabar, to the Chief Secretary to Government, Judicial Department, dated Calicut, 27th October 1891, No. 626-M.—Gl.

With reference to paragraph 1 of G.O., dated 7th July 1891, No. 1339, Judicial, I have the honour to submit my opinion on the question of rules to be framed under clauses (*b*), (*c*) and (*d*) of section 18 of Act XV of 1881, as amended by Act XI of 1891.

2. (1) *Clause* (*b*).—I am of opinion that the manager or occupier of a factory should provide daily not less than a quart bottle of drinking water for every person employed in the factory.

(2) *Clause* (*c*).—Every factory should be washed or swept *daily*, lime-washed at least *half-yearly* and painted or varnished *yearly*. The manager should see that no effluvia arises from any drain, privy or other nuisance, and that the latrines attached to the factory are kept scrupulously clean. As regards ventilation, the Inspector's orders on the occasion of his inspection should be carried out.

(3) *Clause* (*d*).—While work is carried on in a factory, every person employed therein should have at least 600 cubic feet of space.

Any violation of the rules framed under the above clauses will be punishable under section 15, clauses (*f*), (*g*) or (*h*).

3. I beg also to suggest that a register for women in form E, similar to the "weekly muster register for children," be opened in every factory in which women are also employed with a view to ascertaining the number of hours each woman works in a day.

4. Occupiers of factories may be directed to furnish quarterly returns showing—

(*a*) The number of hands employed in the factory on the last day of the quarter.

1. Men.
2. Women.
3. Children.

(*b*) Machinery whether fenced or not.

(*c*) The source from which water is supplied for the use of persons employed in the factory.

(*d*) Dates of last lime-washing and painting of factory and measures adopted for keeping the latrines clean.

(*e*) The daily average number of persons employed within the building, the cubic contents of which are to be specified.

(*f*) Number and nature of accidents and whether notice was sent in each case to the Sub-Magistrate, Divisional Magistrate and Inspector.

(*g*) Whether the prescribed registers are maintained.

(*h*) Date of last inspection of the factory and whether the orders of the Inspector on the occasion of his inspection have been carried out.

From the Collector of the Chingleput District, dated 2nd November 1891, Reference on No. 169-G and B.

From R. SEWELL, Esq., District Magistrate of Bellary, to the Chief Secretary to Government, dated 7th November 1891, Index No. 153.

I have the honour to submit draft rules under section 18 of the Factories Act called for in G.O., dated 7th July 1891, No. 1339, Judicial.

2. I regret that I have had no experience of much factory work in India and can be of little assistance.

The old rules for—

(*a*) the fencing of machinery and mill-gearing in factories;

(*e*) the inspection of factories;

(*f*) the manner in which appeals under this Act shall be presented and heard; and

(*g*) otherwise carrying out the provision of this Act

may stand, new rules being added under the new clauses of section 18 (as amended).

3. In reply to the last clause of para. 5 of the Government Order, I think that a return of children employed in each factory, showing the number at work of each age and the work they all employed on and a return of accidents submitted monthly to the Inspector of factories is all that is necessary.

ENCLOSURE.

DRAFT rules framed under clauses (*b*), (*c*) and (*d*) of section 18 of the Indian Factories Act (XV of 1881) as modified up to 1st April 1891.

Water-supply.

Sufficient quantity of water should always be kept (*a*) for drinking purposes, (*b*) for other purposes and a fire-engine must always be at hand.

(*a*) Drinking water must be obtained from the best sources available in the locality and must be well protected. In all cases, where caste prejudices do not prevent it, it must be filtered, must be kept free from contamination by sub-soil drainage and the neighbourhood for at least 50 yards all round it must be kept scrupulously clean; where possible, draw wells should be resorted to.

(*b*) The water for other purposes must be as free from impurities as possible. A supply sufficiently large in proportion to the requirements of the building must be maintained in tanks or cisterns at all times for use in cases of accidents by fire.

Ventilation and cleanliness.

(1) The working rooms should be provided with sufficient ventilation on all sides. Both roofs as well as lateral or side ventilation should be ensured.

(2) The building should be thoroughly swept every day before the work people are admitted. Floors should be washed or flushed at least once in a week.

(3) Walls must be lime-washed once in every six months.

(4) No rubbish or filth of any kind must be allowed to accumulate or deposited within the premises. The surroundings should be kept always clean and care must be taken to keep the premises and surroundings free from bad smell. In times of cholera or other epidemics disinfectants should be used freely.

Latrines and urinals, with sign-boards at each, must be provided separately for men and women within reasonable distance from working rooms, worked on the dry-earth system, a supply of the earth being maintained for each. Walls and floors of latrines and urinals should

be tarred. They should be cleaned out twice a day. Sufficient quantity of water must be provided for flushing and washing. All the premises should be properly drained and all sources of effluvia prevented.

Prevention against overcrowding.

The building should be spacious enough to give not less than 500 cubic feet of air for each workman. In the vicinity of furnaces, &c., an addition of 100 cubic feet is desirable. A sign-board, showing the cubical contents of each room and number of people it can accommodate, must be posted in every room and the scale given must be adhered to.

From the District Magistrate of Coimbatore, dated 20th November 1891, No. 1061-Mag.

From W. A. HAPPELL, Esq., District Magistrate of Godávari, to the Chief Secretary to Government, dated Cocanada, 30th November 1891, No. 63.

In reference to G.O., No. 1339, dated the 7th July last, communicating letter No. 858, dated 18th June 1891, from the Government of India *anent* certain proposed amendments in the Indian Factories Act, 1881, I have the honour to report that the Joint Magistrate, Mr. Hamnett, makes the following suggestions:—

(*a*) Form A (Register of the Factories) should have additional columns opened in it to show—

(i) The nature of the water-supply maintained for the use of persons employed in the factory.

(ii) The cubical contents of each room in the factory; the size and number of the windows, doors and ventilators and the maximum number of persons employed in each room at any one time.

(iii) The number of privies provided for the hands in the factory and the number of times they are cleaned.

(iv) The dates on which the factory is lime-washed, painted, varnished or cleaned.

(*b*) Register B (Register of Inspections) should have columns opened for the Inspector's remarks as regards the water-supply and sanitary arrangements in the factory.

(*c*) Rules should be prescribed, in consultation with competent Medical officers, for—

(i) Fixing the cubical air capacity to be allowed for each person in a factory.

(ii) Making the up-keep of separate latrines of sufficient size for females and males employed and their regular cleaning.

(iii) The supply of sufficient pure water for drinking purposes for the employés.

(*d*) Inspectors should be empowered to issue orders for the improvement of the ventilation, water-supply, accommodation or the latrines provided, for the cleaning or disinfecting of any part of the factory, premises or compound, for white-washing, painting or washing the premises, and the breach of such orders should be made punishable under section 15 of the amended Act, unless such order is reversed on appeal.

(*e*) Appeals from orders passed by the Inspector should go to the District Magistrate as heretofore and the time for appeal against orders of the kind referred to in paragraph (*e*) may be extended to 15 days.

2. There are no large factories in this district, and I have not had the practical experience of factories necessary to enable me to make suggestions which would be of any practical utility.

ORDER, dated 19th December 1891, No. 2568, Judicial.

In its letter, dated the 18th June 1891, No. 858, Judicial, the Government of India desired this Government to consider the advisability of revising the rules at

present in force under section 18 of the Indian Factories Act, 1881, in view of the amendments introduced into that section by Act XI of 1891. These amendments consist of the insertion of three clauses giving the Local Government power, subject to the control of the Governor-General in Council, to make rules to provide for the water-supply, ventilation and sanitation of factories and the prevention of over-crowding therein. The Government has now considered the replies of the officers who have been consulted upon the subject and has resolved to revise entirely the existing rules and to prescribe fresh forms in lieu of those at present in force. His Excellency in Council agrees with those officers who consider that the rules should be of the most general description and considers that detailed rules such as those suggested by the District Magistrates of Trichinopoly and the Nílgiris and by the Sanitary Commissioner would be entirely out of place.

2. The revised rules are printed in Appendix I, Notification II, attached to these Proceedings. Of these rules, numbers 7, 8, 9, 11 and 12 have been modified with reference to clauses (*b*), (*c*) and (*d*) of sec. 18 (1) of the Act as amended, and it is therefore necessary that they should be published in draft for criticism before being finally issued as rules having the force of law. Accordingly these rules 7, 8, 9, 11 and 12 will be published in the *Fort St. George Gazette* with the notification printed as Appendix I, Notification III, to this Proceedings, and after the lapse of the period specified in that Notification, all the rules will be finally issued as rules having the force of law.

3. The Government further resolves to appoint the District Medical officer of each district under section 3 of the Act as amended, to be an Inspector of all factories within the district and a notification in the form appearing in Appendix I Notification I, will accordingly be published when the rules are finally issued after the lapse of the period specified in Notification III.

4. A few points raised in the replies received from the various officers consulted require special notice—

(*a*) The Consulting Engineer for Railways observes that it will be necessary to exempt engine-changing stations from the rules forbidding Sunday labour. It has first to be shown that such stations are factories within the meaning of section 2 of the Act; the mere fact that engines are cleaned and oiled therein will not make them so. If, however, these stations are factories, then the Government of India will be moved to declare that section 5 B (1) does not apply to them.

(*b*) Mr. Brodie enters upon a discussion of the meaning of the term "factory" and asks whether it includes every building and all lands occupied in connection with the business or only land and buildings on or in which machinery has been erected. The point is a difficult one, but the Government inclines to the opinion that the word "premises" used in section 2 should be taken to include all the buildings or enclosures constituting a block in which processes of the kind described are carried on if any of the processes in any of the buildings is aided by mechanical power. If any other views were taken, the object of the Act might be defeated by the employment of persons admitted to the premises for processes not aided by machinery upon processes which are so aided in contravention of the provisions of the Act. It must be a question of fact in each case whether the premises in which the processes unaided by mechanical power are carried on are separate premises or not.

(*c*) Mr. Forbes suggests that the rules should make provision for suitable means of escape from factories in case of fire. The matter is important, but the Government considers that any rules to this effect would be *ultra vires*. The purpose of the Act is declared in the preamble to be the regulation of labour and rules providing generally for the safety of the labourer could not, therefore, be framed under clause (*g*) of section 18.

(*d*) The Government is also of opinion, with reference to Mr. Forbes' remarks, that section 18 (1) (*f*) of the Act as amended does not give power to go beyond the provisions of section 12 (*c*) and that rules giving the privilege of appeal against orders relating to ventilation, &c, would be invalid. This view was

adopted by the Government of India also in its letter read in G.O., dated 31st July 1882, No. 842, Judicial.

5. The form appearing in appendix II will in future be adopted as the form of annual return to be submitted to Government by each Inspector. It is prescribed in lieu of that appended to G.O., dated 25th June 1891, No. 1246, Judicial, and will be compiled from the register of factories in form A given in Appendix I, Notification II.

6. The Government of India will now be addressed on the subject of the other matters upon which the opinion of this Government was sought in Mr. Lyall's letter of the 18th June last, No. 858, Judicial, and the views of His Excellency in Council upon the question of the returns to be required of the occupiers of factories in future will be communicated to the Government of India by telegram.

(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, Madras.
" the Inspector-General of Police.
Gazette (Notification III, Appendix I).

Appendix.

Exd. P. L. Pereira.

4?/03

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 workshops, 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 workshops, 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 workshops.

(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*, 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 workshops within his Sub-division; by the Deputy Commissioner of Police for all factories within the City of Madras, and by the Deputy Consulting Engineer for Railways for all railway workshops. 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 enquiry 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 Inspector to take measures to ensure in the case of every factory within his jurisdiction—

(1) that all machinery and mill-gearing is properly fenced;

(2) that the water-supply is sufficient and suitable for drinking purposes or, if need be, for purposes of cleanliness also;

(3) that the factory is properly ventilated and that its sanitary condition is otherwise satisfactory;

(4) that there is suitable and sufficient accommodation in the way of privies and urinals and that they are kept in a cleanly condition ;

(5) that there is no overcrowding of the factory ; and

(6) generally that the provisions of the Act are enforced.

8. Every factory shall be inspected by an Inspector as often as may be deemed sufficient, but shall be inspected at least three times in every calendar 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 Madras to the Commissioner of Police ; and

(3) in the case of railway workshops 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 Town of Madras, 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
						Number of persons at work at date of inspection.				Number of children mustered at inspection.			
						Adults.		Children.					
Serial number.	Name and description of factory.	Village and taluk wherein situated.	Name of resident manager.	Name of proprietor.	Date of inspection.	Male.	Female.	Male.	Female.	Male.	Female.	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 notice required by section 10 of the Act are put up in a conspicuous place.

11	12	13				14		15	16	17	18	19
		Number of persons employed at the end of the year under report.										
		Adults.		Children.								
Whether the machinery is properly fenced or not.	State of water-supply, ventilation, sanitation and accommodation.	Male.	Female.	Male.	Female.	Maximum number of hands employed on any day during the year. Adults.	Children.	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.	Remarks. *

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

28

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 / desirous of being employed in the ——— state name and locality of Factory

and I consider him / her to be above 9 or 14 / below 9 or 14, *i.e.*, about——years of age.

(Signed)———

Certifying Surgeon.

29

FORM C.

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

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 D.

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

Weekly muster register for children—

Name of factory

Department of factory

1	2	3	4	5	6							7
Serial number.	Name of child and number on factory register.	Sex.	Age.	Occupation.	Number of hours during which employed on each day.							Total number of days employed.
					1	2	3	4	5	6	7	

8							9	10	11
Time of opening and closing work on each day.							Rate of wages per week.	Amount earned.	Remarks.
1	2	3	4	5	6	7			

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

Serial number.	Name of woman and number on factory register.	Occupation.	Number of hours during which employed on each day.							Total number of days employed.	Time of opening and closing work on each day.							Remarks.*
			1	2	3	4	5	6	7		1	2	3	4	5	6	7	

* 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.]

FORM F.

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

Form of register of hours of employment.

Hours of commencing and closing work daily.	
Commencing.	Closing.

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

Number of shifts in the 24 hours.	Period of each shift.

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 [*briefly* 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,

I _____ beg hereby to give notice under section 18 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.,

_____

Manager.

Dated _____

NOTIFICATION III.

In exercise of the power conferred upon him by sub-section (1) of section 18 of the Indian Factories Act, 1881, as amended by Act XI of 1891, the Governor in Council proposes to make the following rules under clauses (*b*), (*c*) and (*d*) of the above sub-section and section. In accordance with sub-section (4) of section 18 of the Act these rules will be taken into consideration on or after the 1st March 1892, and any objection or suggestion which may be received from any person with respect to them before the date so specified will be considered before the rules are finally issued.

1. It shall be the duty of every Inspector to take measures to ensure in the case of every factory within his jurisdiction—

(1) that all machinery and mill-gearing is properly fenced;

(2) that the water-supply is sufficient and suitable for drinking purposes or, if need be, for purposes of cleanliness also;

(3) that the factory is properly ventilated and that its sanitary condition is otherwise satisfactory;

(4) that there is suitable and sufficient accommodation in the way of privies and urinals and that they are kept in a cleanly condition;

(5) that there is no overcrowding of the factory; and

(6) generally that the provisions of the Act are enforced.

2. Every factory shall be inspected by an Inspector as often as may be deemed sufficient but shall be inspected at least three times in every calendar 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 water-supply, the ventilation and the sanitation of the factory and the accommodation provided therein are observed and generally that the machinery and mill-gearing and respecting the fencing of machinery and the rules made thereunder are being duly carried out.

3. 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 for the purpose of verifying the registers kept under section 9 of the Act except during working hours.

4. A copy of every order passed by an Inspector under section 4 (*e*) 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.

5. 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.

APPENDIX II.

Form of return to be annually submitted by Inspectors of Factories so as to reach Government by the 31st March.

1	2	3	4				5		6	7	8	9	10				11		12
Name and description of factory.	Name of resident manager.	Date of inspection.	Number of persons at work on the 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 notice required by section 10 of the Act are put up in a conspicuous place.	Whether the machinery is properly fenced or not.	State of water-supply, ventilation, sanitation and accommodation.	Number of persons employed at the end of the year.				Maximum number of hands employed on any day during the year.		Number of accidents during the year.
			Adults.		Children.								Adults.		Children.				
			Male.	Female.	Male.	Female.	Male.	Female.					Male.	Female.	Male.	Female.	Adults.	Children.	

23/93

Govt. of {1891} Madras.

JUDICIAL.

Issued

Recd. Encl.

G.O., 19th Dec. 1891, No. 2568.

DECEMBER.

Indian Fa[illegible]es Act, 1881.

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 —, as amended by Act XI of 1891, and addressing the Government of India, Home Department.

No. 49 Wdy 5th Jany 1892

Communicated to officers concerned in continuation of Gt. 22326 Lakes 17th August 1891.

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17

To The S.E. I Circle
" S.E. II "
" S.E. V "