

ACT No. II OF 1922.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
January, 1922.)

An Act further to amend the Indian Factories
Act, 1911.

XII of 1911. WHEREAS it is expedient further to amend the
Indian Factories Act, 1911; It is hereby
enacted as follows:—

1. (1) This Act may be called the Indian Fac- Short title,
tories (Amendment) Act, 1922. extent and
commence-
ment.

(2) It extends to the whole of British India,
including British Baluchistan and the Sonthal
Parganas.

(3) It shall come into force on the first day of
July, 1922.

XII of 1911. 2. In section 2 of the Indian Factories Act, 1911 Amendment
(hereinafter referred to as the said Act),— of section 2,
Act XII of
1911.

(a) in clause (1) for the word "fourteen" the
word "fifteen" shall be substituted;

(b) for clause (3) the following clause shall be
substituted, namely:—

"(3) 'factory' means—

(a) any premises wherein, or within the
precincts of which, on any one day in the
year not less than twenty persons are
simultaneously employed and steam,
water or other mechanical power or elec-
trical power is used in aid of any process
for, or incidental to, making, altering,
repairing, ornamenting, finishing or
otherwise adapting for use, for transport
or for sale any article or part of an
article; or

(b) any

[Price three annas and nine pies.]

(b) any premises wherein, or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on, whether any such power is used in aid thereof or not which have been declared by the Local Government, by notification in the local official Gazette, to be a factory;

A declaration under clause (b) may be made in respect of any class of premises, or in respect of any particular premises";

(c) for clauses (8) and (9), the following clause shall be substituted, namely:—

“(8) ‘week’ means the period between midnight on Saturday night and midnight on the succeeding Saturday night.”

Substitution
of new section
for Section 3, Act
XII of 1911.
Application
of Act.

3. For section 3 of the said Act, the following section shall be substituted, namely:—

“3. Nothing in this Act shall apply to any mine subject to the operation of the Indian Mines Act, VIII of 1901, 1901.”

Amendment
of section 7,
Act XII of
1911.

4. In section 7 of the said Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) A certifying surgeon may revoke any certificate granted to a child under sub-section (1) if, in his opinion, the child is no longer fit for employment in a factory.

(3) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory or revokes a certificate granted to a child in this behalf, he shall, if required by such person or child, or by the parent or guardian of such person or child, or by the manager of the factory in which such person or child desires to be employed, state in writing his reasons for such a refusal or revocation.”

5. In

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5. In section 8 of the said Act,—

(a) for the words “ any person practising medicine or surgery,” the words “ any registered practitioner ” shall be substituted; Amendment
of section 8,
Act XII of
1911.

(b) in the proviso for the words “ after the first date ” to the end of the section, the words “ for a period of more than three months ” shall be substituted;

(c) after the proviso, the following *Explanation* shall be added, namely:—

“ *Explanation.*—In this section the expression ‘ registered practitioner ’ means any person registered under the Medical Act, 1858, or any Act amending the same or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such last-mentioned Act is in force, any person declared by the Local Government, by notification in the local official Gazette, to be a registered practitioner for the purposes of this section.”

21 & 22 Vict.
C. 90.

6. After section 8 in Chapter II of the said Act, the following section shall be inserted, namely:— Insertion of
new section
8A in Act
XII of 1911.

“ 8A. Where an Inspector is of opinion that a child employed in a factory is no longer fit for employment, he may serve on the manager of the factory a notice requiring that such child shall cease to be employed until he has been re-examined by a certifying surgeon or by a registered practitioner authorised by a certifying surgeon in this behalf.” Compulsory
medical
examination.

7. To section 9 of the said Act, the following clause shall be added, namely:— Amendment
of section 9,
Act XII of
1911.

“(d) the atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the persons employed therein.”

8. In clause (c) of sub-section (1) of section 18 of the said Act; after the word “ machinery,” the words “ and electrical fittings including live wires and switches ” shall be inserted. Amendment
of section 18,
Act XII of
1911.

9. After

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Insertion of
new section
18A in Act
XII of 1911.
Repairs to
buildings or
machinery.

9. After section 18 of the said Act, the following section shall be inserted, namely :—

“ 18A. (1) If an Inspector is of opinion—
(a) that any factory or part thereof is in such a condition as to be dangerous to human life or safety, or

(b) that any part of the ways, works, machinery or plant used in a factory is in such a condition that it cannot be used without danger to human life, or safety,

he may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for removing the danger, and requiring him to carry them out before such date as may be specified therein.

(2) If, in the opinion of the Inspector, the use of any part of the ways, works, machinery or plant in a factory involves imminent danger to human life, he may serve on the manager of the factory an order in writing prohibiting the use thereof until it is duly repaired or altered.”

Insertion of
new sections
19A and 19B
in Act XII
of 1911.

10. After section 19 of the said Act, the following sections shall be inserted, namely :—

Power to pro-
hibit presence
of children
in factories.

“ 19A. Where, in the opinion of the Inspector, the presence in any factory or any part thereof of children, who, by reason of their age, cannot, under the provisions of this Act, be lawfully employed therein, involves danger to, or injury to the health of, such children, he may serve on the manager of such factory an order in writing prohibiting the admission of such children to the factory or part thereof.

Prohibition
of employ-
ment of wo-
men and per-
sons under
eighteen
years in cer-
tain pro-
cesses.

19B. No person under the age of eighteen years and no woman shall be employed in any factory in any of the operations specified in Part I of the Schedule, or, save in accordance with the regulations contained in Part II of the Schedule, in any operation involving the use of lead compounds.”

Amendment
of section
20, Act
XII of 1911.

11. In the proviso to section 20 of the said Act, after the word “ roof ” the words “ or to such height as

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as the Inspector may, in any particular case, specify" shall be inserted.

12. For section 21 of the said Act, the following section shall be substituted, namely:—

" 21. (1) In every factory there shall be fixed,—

(a) for each person employed on each working day—

(i) at intervals not exceeding six hours, periods of rest of not less than one hour, or

(ii) at the request of the employees concerned, periods of rest of not less than half an hour each so arranged that, for each period of six hours work done, there shall be periods of rest of not less than one hour's duration in all, and that no person shall work for more than five hours continuously, and

(b) for each child working more than five and a half hours in any day, a period of rest of not less than half an hour.

(2) The period of rest under clause (b) shall be so fixed that no such child shall be required to work continuously for more than four hours."

13. To clause (b) of sub-section (1) of section 22 of the said Act, the following proviso shall be added, namely:—

" Provided that no such substitution shall be made as will result in any person working for more than ten consecutive days without a holiday for a whole day."

14. (1) In clause (a) of section 23 of the said Act for the word " nine " the word " twelve " shall be substituted.

(2) In clause (c) of section 23 of the said Act, for the word " seven " the word " six " shall be substituted.

(3) The provisions of clause (a) of section 23 of the said Act, as hereby amended, shall not apply to any

Substitution of new section for section 21, Act XII of 1911.

Rest periods in factories.

Amendment of section 22, Act XII of 1911.

Amendment of section 23, Act XII of 1911.

any child lawfully employed in a factory on or before the first day of July, 1921.

Amendment of section 25, Act XII of 1911.

15. In section 25 of the said Act, after the word " child " the words " or, save in such circumstances as may be prescribed, any other person " shall be inserted.

Amendment of section 26, Act XII of 1911.

16. In section 26 of the said Act, for the words " woman or child " and the words " woman and child " the word " person " shall be substituted.

Substitution of new sections for section 27, Act XII of 1911.

17. For section 27 of the said Act, the following sections shall be substituted, namely :—

Limitation of working hours per week.

" 27. No person shall be employed in a factory for more than sixty hours in any one week.

Limitation of working hours per day.

28. No person shall be employed in any factory for more than eleven hours in any one day."

Substitution of new Chapter for Chapter V, Act XII of 1911.

18. For Chapter V of the said Act, the following Chapter shall be substituted, namely :—

CHAPTER V.

EXCEPTIONS.

Exceptions for persons holding positions of supervision, etc.

29. Nothing in any of the following sections namely, 21, 22, 24, 26, 27 and 28, shall apply to persons who may, by rules made by the Local Government under this Act, be defined to be persons holding positions of supervision or management or to persons employed in a confidential capacity.

Exemptions.

30. (1) Where it is proved to the satisfaction of the Local Government—

(a) that any class of work in a factory is in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory; or

(b) that the work of any class of workers is essentially intermittent; or

(c) that

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- (c) that there is in any class of factories any work which necessitates continuous production for technical reasons; or
- (d) that any class of factories supplies the public with articles of prime necessity which must be made or supplied every day; or
- (e) that in any class of factories the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces;

the Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, exempt on such conditions, if any, as it may impose—

in case (a) such class of work from all or any of the provisions of sections 27 and 28;

in case (b) work of the nature described from all or any of the provisions of sections 22, 27 and 28;

in case (c) work of the nature described from the provisions of sections 21 and 22;

in cases (d) and (e) such class of factories from the provisions of section 22.

(2) The Local Government may, by general or special order, exempt for such period as may be specified in the order and on such conditions, if any, as it may impose, any factory from all or any of the provisions of sections 21, 22, 27 and 28, on the ground that such exemption is necessary in order to enable such factory to deal with an exceptional press of work.

(3) In such circumstances and subject to such conditions as may be prescribed, nothing in section 21, section 22, section 27 or section 28 shall apply to work on urgent repairs.

31. Where, under the provisions of sub-section (1) of section 30, any factory has been exempted from the provisions of section 27, every person employed in such

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such factory for more than sixty hours in any one week shall be paid, in respect of the overtime, at a rate which shall be at least one and a quarter times the rate at which he is normally paid.

Special exemptions for indigo, tea and coffee factories.

32. The Local Government may, subject to the control of the Governor General in Council, by notification in the local official Gazette, exempt any indigo factory or any factory situated on, and used solely for the purposes of, a tea or coffee plantation, from all or any of the provisions of sections 21 and 22, on such conditions, if any, as it may impose."

Amendment of section 33, Act XII of 1911.

19. In sub-section (1) of section 33 of the said Act, for clauses (a) and (b), the words " on or before the date on which the factory commences working as such " shall be substituted.

Substitution of new section for section 35, Act XII of 1911.
Register of workers.

20. For section 35 of the said Act, the following section shall be substituted, namely :—

" 35. In every factory there shall be kept, in the prescribed form, a register of all the persons employed in such factory, of their hours of work and of the nature of their respective employment."

Amendment of section 36, Act XII of 1911.

21. In section 36 of the said Act,—

(a) for clause (b) of sub-section (1), the following shall be substituted, namely :—

"(b) the periods of rest fixed under section 21;"

(b) in clause (d) of sub-section (1), for the words " women and children, respectively, if not employed in shifts," the words " all persons employed " shall be substituted;

(c) after clause (d) of sub-section (1), the following shall be inserted, namely :—

"(e) the weekly holidays fixed under section 22."

Amendment of section 37, Act XII of 1911.

22. In sub-section (2) of section 37 of the said Act,—

(a) in clause (g) after the word " ventilation," the words " and artificial humidification " shall be inserted.

(b) In

(b) in clause (j), after the word "machinery," the words "and electrical fittings" shall be inserted;

(c) after clause (j), the following clause shall be inserted, namely:—

"(jj) the definition of 'persons' under section 29 who shall be deemed to be persons holding positions of supervision or management or persons employed in a confidential capacity."

23. After section 38 of the said Act, the following section shall be inserted, namely:—

Insertion of new section 38A in Act XII of 1911.

"38A. The Governor General in Council may make rules for the adequate disinfection of wool used in factories which may be infected with anthrax spores."

Rules for prevention of anthrax.

24. In section 39 of the said Act,—

Amendment of section 39, Act XII of 1911.

(a) in sub-section (1) for the word and figures "section 38," the words and figures "sections 38 and 38A" shall be substituted;

(b) in sub-section (2), for the words and figures "sections 37 and 38," the words and figures "sections 37, 38 and 38A" shall be substituted.

25. In section 41 of the said Act,—

Amendment of section 41, Act XII of 1911.

(a) in clause (f), for the words "machinery or boilers," the words "machinery, electrical fittings or boilers" shall be substituted;

(b) in clause (g), for the words and figures "or section 18," the words and figures "section 18, section 18A or section 19B" shall be substituted;

(c) for the words "two hundred," the words "five hundred" shall be substituted.

26. In section 43 of the said Act, for the words "two hundred" the words "five hundred" shall be substituted.

Amendment of section 43, Act XII of 1911.

27. After section 43 of the said Act, the following section shall be inserted, namely:—

Insertion of new section 43A in Act XII of 1911.

"43A. Where under this Act a Criminal Court imposes a fine or confirms in appeal, revision or otherwise

Power of Court to pay compensation out of fine.

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wise, a sentence of fine in respect of an offence causing bodily injury or death, the Court may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured or, in the case of his death, to his legal representative;

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal."

Amendment
of section 48,
Act XII of
1911.

28. In section 48 of the said Act, at the end of sub-section (2), the words and figures " or section 44 " shall be added.

Amendment
of section 50,
Act XII of
1911.

29. In section 50 of the said Act,—

(a) in sub-section (1), for the words and figures " section 18," the words and figures " section 18, section 18A or section 19A " shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Except in the case of an appeal against an order under section 19A, the appellate authority may, on the application of the appellant, suspend the operation of an order of the Inspector pending the decision of the appeal. But where no such suspension has been granted, such order shall be complied with notwithstanding the fact that an appeal has been presented."

Amendment
of section 51,
Act XII of
1911.

30. In sub-section (2) of section 51 of the said Act, for the words and figures " section 24, clause (a) and section 29," the words and figures " and section 24, clause (a) " shall be substituted.

Amendment
of section 52,
Act XII of
1911.

31. In section 52 of the said Act, for the words and figures " section 28 and section 32," the words and figures " section 27, section 28 and section 31 " shall be substituted.

Amendment
of Schedules
I and II of
Act XII of
1911.

32. For Schedules I and II to the said Act, the Schedule contained in Schedule I to this Act shall be substituted.

33. The

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33. The provisions of the said Act specified in ^{Repeals.} Schedule II are hereby repealed to the extent shown in the second column thereof.

SCHEDULE I.

SCHEDULE TO BE SUBSTITUTED IN THE INDIAN FACTORIES
ACT, 1911.

(See section 32.)

“ THE SCHEDULE.

(See section 19B.)

PART I.

1. Work at a furnace where the reduction or treatment of zinc or lead ores is carried on :

2. The manipulation, treatment, or reduction of ashes containing lead, the desilverising of lead or the melting of scrap lead or zinc :

3. The manufacture of solder or alloys containing more than ten per cent. of lead :

4. The manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead :

5. Mixing or pasting in connection with the manufacture or repair of electric accumulators :

6. The cleaning of work-rooms where any of the processes aforesaid are carried on.

PART II.

1. Where dust or fume from a lead compound is produced in the process, provision must be made for drawing the fume or dust away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin :

2. The persons employed must undergo the prescribed medical examination at the prescribed intervals, and the prescribed record must be kept with respect to their health ;

3. No food, drink, or tobacco, shall be brought into, or consumed in, any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times :

4. Adequate

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4. Adequate protective clothing in a clean condition shall be provided by the employer and worn by the persons employed :

5. Such suitable cloak-room, mess-room and washing accommodation as may be prescribed shall be provided for the use of the persons employed :

6. The rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean condition.

SCHEDULE II.

(See section 33.)

REPEALS.

Section 2	Clause (4)
Section 22	Sub-sections (2), (3) and (4).
Section 36	Sub-section (4).
Section 38	The words " from time to time."
Section 55	The whole.
Section 59	Ditto.