

INDIA

Factories Act, 1934



**Government of India
Legislative Department**

**The Factories Act, 1934
(XXV of 1934)**

(As modified up to the 15th August 1937)

BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1939

STATEMENT OF REPEALS AND AMENDMENTS.

SECTIONS 2, 3 AND 4, AMENDED	...	...	The Government of India (Adaptation of Indian Laws) Order, 1937.
SECTION 5, AMENDED	...	...	<i>Ibid.</i> , and Act VIII of 1936, s. 2.
SECTIONS 6, 7, 8, 10, 11, 12, 14, 15, 16, 18, 24, 27, 28, 31, 32, 33, 38, 39, AND 41, AMENDED.	...	...	The Government of India (Adaptation of Indian Laws) Order, 1937.
SECTION 43, AMENDED	...	...	<i>Ibid.</i> , and Act XI of 1935, s. 2.
SECTIONS 44, 45, 46, 47, 49, 54, 55, 56, 59, 76, AND 77, AMENDED	...	...	The Government of India (Adaptation of Indian Laws) Order, 1937.
SECTION 78, REPEALED	...	...	<i>Ibid.</i>
SECTION 79, AMENDED	...	...	<i>Ibid.</i>
SECTION 82 AND SCHEDULE, REPEALED	Act XX of 1937, s. 3 and 2nd Schedule.

THE FACTORIES ACT, 1934.

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ACT No. XXV OF 1934¹.

[20th August 1934]

(As modified up to the 15th August, 1937.)

An Act to consolidate and amend the law regulating labour in factories.

WHEREAS it is expedient to consolidate and amend the law regulating labour in factories; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Factories Act, 1934. Short title, extent and commencement.

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

(3) It shall come into force on the 1st day of January 1935.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "adolescent" means a person who has completed his fifteenth but has not completed his seventeenth year;

(b) "adult" means a person who has completed his seventeenth year;

(c) "child" means a person who has not completed his fifteenth year;

(d) "day" means a period of twenty-four hours beginning at midnight;

(e) "week" means a period of seven days beginning at midnight on Saturday night;

(f) "power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency;

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1933, Pt. V, p. 175; for Report of Select Committee, see *ibid*, 1934, Pt. V, p. 44.

(g) "manufacturing process" means any process—

(i) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or

(ii) for pumping oil, water or sewage, or

(iii) for generating, transforming or transmitting power ;

(h) "worker" means a person employed, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or connected with the subject of the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on ;

(j) "factory" means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on,

but does not include a mine subject to the operation of the Indian Mines Act, 1923 ;

IV of
1923.

(k) "machinery" includes all plant whereby power is generated, transformed, transmitted or applied ;

(l) "occupier" of a factory means the person who has ultimate control over the affairs of the factory :

Provided that where the affairs of a factory are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory ;

(m) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a "relay", and the period or periods for which it works is called a "shift"; and

(n) "prescribed" means prescribed by rules made by the '[Provincial Government]' under this Act.

3. References to time of day in this Act are references— References to
time of day.

(a) in British India, ³ to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time, and

^{3*} * * * * *

Provided that for any area in British India in which Indian Standard Time is not ordinarily observed the '[Provincial Government]' may make rules—

(i) specifying the area,

(ii) defining the local mean time ordinarily observed therein, and

(iii) permitting such time to be observed in all or any of the factories situated in the area.

4. (1) For the purposes of this Act, a factory Seasonal
factories. which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, the decortication of ground nuts, the manufacture of coffee, indigo, lac, rubber, sugar (including *gur*) or tea, or any manufacturing process which is incidental to or connected with any of the aforesaid processes, is a seasonal factory :

Provided that the '[Provincial Government]' may, by notification in the '[Official Gazette]', declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Act.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws, Order, 1937.

² The words "excluding Burma," were omitted, *ibid.*

³ Clause (b) was omitted, *ibid.*

⁴ These words were substituted for the words "local Official Gazette", *ibid.*

(2) The ¹[Provincial Government] may, by notification in the ²[Official Gazette], declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this act.

Power to declare places to be factories.

5. (1) Notwithstanding anything contained in clause (j) of section 2, the ¹[Provincial Government] may, by notification in the ²[Official Gazette], declare any ³[place wherein], a manufacturing process is carried on whether with or without the aid of power and ⁴[wherein] on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this act.

(2) A notification under sub-section (1) may be made in respect of any specified ⁵[place or class of places].

(3) A notification under sub-section (1) shall cease to have effect in respect of any ⁶[place] after the lapse of twelve months during which not more than nine workers were employed ⁷[therein] on any day.

Power to declare departments to be separate factories.

6. The ¹[Provincial Government] may, by order in writing, direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Act.

Power to exempt on a change in the factory.

7. Where the ¹[Provincial Government] is satisfied that, following upon a change of occupier of a factory or in the manufacturing processes

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "Local Official Gazette", *ibid.*

³ These words were substituted for the words "premises whereon or within the precincts whereof" by s. 2 of the Factories (Amendment) Act, 1936 (VIII of 1936).

⁴ This word was substituted for the words "whereon or within the precincts whereof", *ibid.*

⁵ These words were substituted for the words "premises or class of premises" by s. 2 of the Factories (Amendment) Act, 1936 (VIII of 1936).

⁶ This word was substituted for the word "premises", *ibid.*

⁷ This word was substituted for the word "thereon", *ibid.*

carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Act :

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

8. In any case of public emergency the ^{Power to exempt during public emergency.} [Provincial Government] may, by notification in the ²[Official Gazette], exempt any factory from any or all of the provisions of this Act for such period as ³[it] may think fit.

9. (1) Before work is begun in any factory after the commencement of this Act, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice ^{Notice to Inspector before commencement of work.} containing—

- (a) the name of the factory and its situation,
- (b) the address to which communications relating to the factory should be sent,
- (c) the nature of the manufacturing processes to be carried on in the factory,
- (d) the nature and amount of the power to be used, and
- (e) the name of the person who shall be the manager of the factory for the purposes of this Act.

(2) Whenever another person is appointed as manager, the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as

¹ These words were substituted for the words "Governor General in Council", by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "Gazette of India", *ibid.*

³ This word was substituted for the word "he", *ibid.*

manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

CHAPTER II.

THE INSPECTING STAFF.

Inspectors.

10. (1) The ¹[Provincial Government] may, by notification in the ²[Official Gazette], appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) The ¹[Provincial Government] may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the province.

(3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(4) Every District Magistrate shall be an Inspector for his district.

(5) The ¹[Provincial Government] may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Act, within such local limits as it may assign to them respectively.

(6) In any area where there are more Inspectors than one, the ¹[Provincial Government] may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "local Official Gazette," *ibid.*

(7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the ¹[Provincial Government] may specify in this behalf.

11. Subject to any rules made by the ¹[Provincial Government] in this behalf, an Inspector may, ^{Powers of Inspector.} within the local limits for which he is appointed,—

(a) enter, with such assistants (if any), being persons ²[in the service of the Crown] or of any municipal or other public authority, as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory or capable of being declared to be a factory under the provisions of section 5 ;

(b) make such examination of the premises and plant and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act ;

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

12. (1) The ¹[Provincial Government] may ^{Certifying surgeons.} appoint such registered medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Act within such local limits as it may assign to them respectively.

(2) A certifying surgeon may authorise any registered medical practitioner to exercise any of his powers under this Act :

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is confirmed by the certifying surgeon himself after examination of the person concerned.

¹ These words were substituted for the words " Local Government " by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words " in the employment of Government ", *ibid.*

Explanation.—In this section a “registered medical practitioner” means any person registered under the Medical Act, 1858, or any subsequent enactment amending it, 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 register is maintained, any person declared by the ¹[Provincial Government], by notification in the ²[Official Gazette], to be a registered medical practitioner for the purposes of this section.

CHAPTER III.

HEALTH AND SAFETY.

Cleanliness. 13. Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed, and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorising.

Ventilation. 14. (1) Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

(3) If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation or inhalation could be prevented by the use of mechanical or other devices, he may serve on the manager of the factory an order in writing, directing that mechanical or other devices for preventing such generation or inhalation shall be

¹ These words were substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words “Local Official Gazette” *ibid.*

provided before a specified date, and shall thereafter be maintained in good order and used throughout working hours.

(4) The ¹[Provincial Government] may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, which may be injurious to workers and specifying the nature of such devices.

15. (1) The ¹[Provincial Government] may make rules— Artificial humidification.

(a) prescribing standards for the cooling properties of the air in factories in which the humidity of the air is artificially increased ;

(b) regulating the methods used for artificially increasing the humidity of the air ; and

(c) directing prescribed tests for determining the humidity and cooling properties of the air to be carried out and recorded.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to the Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under subsection (2) is not effectively purified, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

16. If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the ¹[Provincial Government] that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve on Cooling.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

Overcrowding. 17. In order that no room in a factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shall not be less than such standards as may be prescribed either generally or for the particular class of work carried on in the room.

Lighting. 18. (1) A factory shall be sufficiently lighted during all working hours.

(2) If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The ¹[Provincial Government] may make rules requiring that all factories of specified classes shall be lighted in accordance with prescribed standards.

Water. 19. (1) In every factory a sufficient supply of water fit for drinking shall be provided for the workers at suitable places.

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

(3) In every factory in which any process involving contact by the workers with injurious or obnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to such standards as may be prescribed.

Latrines and urinals. 20. For every factory sufficient latrines and urinals, according to the prescribed standards, shall be provided, for male workers and for female

¹ These words were substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.

workers separately, of suitable patterns and at convenient places as prescribed, and shall be kept in a clean and sanitary condition during all working hours.

21. In every factory the doors of each room in which more than twenty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards, or, where the door is between two rooms, in the direction of the nearest exit from the building, and no such door shall be locked or obstructed while any work is being carried on in the room. Doors to open outwards.

22. In every factory such precautions against fire shall be taken as may be prescribed. Precautions against fire.

23. (1) Every factory shall be provided with such means of escape in case of fire as can reasonably be required in the circumstances of each factory. Means of escape.

(2) If it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the factory.

24. (1) In every factory the following shall be kept adequately fenced, namely:— Fencing.

(a) every exposed moving part of a prime mover and every flywheel directly connected to a prime mover,

(b) every hoist or lift, hoist-well or lift-well, and every trap-door or similar opening near which any person may have to work or pass, and

(c) every part of the machinery which the ¹[Provincial Government] may prescribe.

(2) If it appears to the Inspector that any other part of the machinery in a factory is dangerous if not adequately fenced, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(3) All fencing required by or under this section or under sub-section (1) of section 26 shall be maintained in an efficient state at all times when the workers have access to the parts required to be fenced except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or altering the gearing or arrangements of the machinery.

(4) Such further provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery in a factory.

Power to require specifications of defective parts or tests of stability.

25. If it appears to the Inspector that any building or part of a building, or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date—

(a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or

(b) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

Safety of buildings and machinery.

26. (1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the manager of the factory an order in writing specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the Inspector that the use of any building or part of a building or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

27. (1) No woman or child shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power, or to work between moving parts or between fixed and moving parts of any machinery which is in motion under power.

Restrictions
on work near
machinery in
motion.

(2) The ¹[Provincial Government] may, by notification in the ²[Official Gazette], prohibit, in any specified factory or class of factories, the cleaning or oiling by any person of specified parts of machinery when these parts are in motion under power.

28. (1) The ¹[Provincial Government] may make rules prohibiting the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

Power to
exclude
children.

(2) If it appears to the Inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their health, he may serve on the manager of the factory an order in writing directing him to prevent the admission of such children to the factory or any part of it.

29. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work :

Prohibition of
employment
of women
and children
near cotton-
openers.

Provided that, if the feed-end of a cotton opener is in a room separated from the delivery end by a partition extending to the roof, or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

30. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed

Notice of
certain
accidents.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "local official Gazette" *ibid.*

in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

Appeals.

31. (1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within thirty days of the service of the order, appeal against it to the ¹[Provincial Government], or to such authority as the ¹[Provincial Government] may appoint in this behalf; and the ¹[Provincial Government] or appointed authority may, subject to rules made in this behalf by the ¹[Provincial Government], confirm, modify or reverse the order.

(2) The appellate authority may, and if so required in the petition or appeal shall, hear the appeal with the aid of assessors one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as the ¹[Provincial Government] may prescribe in this behalf:

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to attend at the time and place fixed for hearing the appeal, the appellate authority may, unless satisfied that the failure to attend is due to sufficient cause, proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

(3) In the case of an appeal against an order under section 16 the appellate authority shall, and in any other case except an appeal against an order under sub-section (2) of section 16 or sub-section (2) of section 28 the appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

Power of
Provincial
Government
to make
rules to
supplement
this Chapter.

32. The ¹[Provincial Government] may make rules—

(a) providing for any matter which, according to any of the provisions of this Chapter, is or may be prescribed;

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1957.

(b) requiring the managers of factories to maintain stores of first aid appliances and provide for their proper custody;

(c) providing against danger arising from the use of mechanical transport in factories, other than railways subject to the Indian Railways Act, 1890;

(d) prescribing the manner of the service of orders under this Chapter on managers of factories;

(e) regulating the procedure to be followed in presenting and hearing appeals under section 31, and the appointment and remuneration of assessors;

(f) regulating the exercise by Inspectors of their powers under this Chapter; and

(g) providing for any other matter which may be expedient in order to give the effect to the provisions of this Chapter.

33. (1) The ¹ Provincial Government] may make rules requiring that in any specified factory, wherein more than one hundred and fifty workers are ordinarily employed, an adequate shelter shall be provided for the use of workers during periods of rest, and such rules may prescribe the standards of such shelters. Power to make rules relating to shelters for workers during rest, and—

(2) The ¹[Provincial Government] may also make rules— rooms for children,

(a) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and

(b) prescribing the standards for such rooms and the nature of the supervision to be exercised over the children therein.

(3) The ¹[Provincial Government] may also make rules, for any class of factories and for the whole or any part of the province requiring that work on a manufacturing process carried on with certificates of stability—

¹ These words were substituted for the words "Local Government" by Government of India (Adaptation of Indian Laws) Order, 1937.

the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory after the commencement of this Act, until a certificate of stability in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

hazardous
operations.

(4) Where the ¹[Provincial Government] is satisfied that any operation in a factory exposes any persons employed upon it to a serious risk of bodily injury, poisoning or disease, ²[it] may make rules applicable to any factory or class of factories in which the operation is carried on—

(a) specifying the operation and declaring it to be hazardous,

(b) prohibiting or restricting the employment of women, adolescents or children upon the operation,

(c) providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment of persons not certified as fit for such employment, and

(d) providing for the protection of all persons employed upon the operation or in the vicinity of the places where it is carried on.

CHAPTER IV.

RESTRICTIONS ON WORKING HOURS OF ADULTS.

Weekly
hours.

34. No Adult worker shall be allowed to work in a factory for more than fifty-four hours in any week, or, where the factory is a seasonal one, for more than sixty hours in any week :

Provided that an adult worker in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

¹ These words were substituted for the words "Governor General in Council", by the Government of India (Adaptation of Indian Laws) Order, 1937.

² This word was substituted for the word "he", *ibid.*

35. (1) No adult worker shall be allowed to work in a factory on a Sunday unless— ^{Weekly holiday.}

(a) he has had or will have a holiday for a whole day on one of the three days immediately before or after that Sunday, and

(b) the manager of the factory has, before that Sunday or the substituted day, whichever is earlier,—

(i) delivered a notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted, and

(ii) displayed a notice to that effect in the factory :

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sub-section (1) may be cancelled by a notice delivered to the office of the Inspector and a notice displayed in the factory not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday and has had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

36. No adult worker shall be allowed to work in a factory for more than ten hours in any day : ^{Daily hour.}

Provided that a male adult worker in a seasonal factory may work for eleven hours in any day.

37. The periods of work of adult workers in a factory during each day shall be fixed either— ^{Intervals for rest.}

(a) so that no period shall exceed six hours, and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour ;

(b) so that no period shall exceed five hours and so that no worker shall work for more than five hours before he has had an interval for rest of

at least half an hour, or for more than eight and a half hours before he has had at least two such intervals.

Spread over. 38. The periods of work of an adult worker in a factory shall be so arranged that along with his intervals for rest under section 37, they shall not spread over more than thirteen hours in any day, save with the permission of the {Provincial Government} and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Notice of
Periods for
Work for
Adults and
preparation
thereof.

39. (1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 76 a Notice of Periods for Work for Adults showing clearly the periods within which adult workers may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the following provisions of this section and shall be such that workers working for those periods would not be working in contravention of any of the provisions of sections 34, 35, 36, 37 and 38.

(3) Where all the adult workers in a factory are required to work within the same periods, the manager of the factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work within the same periods, the manager of the factory shall classify them into groups according to the nature of their work.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods within which the group may be required to work.

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shift,

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

the manager of the factory shall fix the periods within which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts whereunder the periods within which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The [Provincial Government] may make rules prescribing forms for the Notice of Periods for Work for Adults and the manner in which it shall be maintained.

40. (1) A copy of the Notice referred to in sub-section (1) of section 39 shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Act, or, if the factory begins work after the commencement of this Act, before the day on which it begins work.

Copy of
Notice of
Periods of
Work to be
sent to
Inspector.

(2) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

41. (1) The manager of every factory shall maintain a Register of Adult Workers showing—

Register of
Adult
Workers.

(a) the name of each adult worker in the factory,

(b) the nature of his work,

(c) the group, if any, in which he is included,

(d) where his group works on shifts, the relay to which he is allotted, and

(e) such other particulars as may be prescribed :

¹ These words were substituted for the words "Local Government" the Government of India (Adaptation of Indian Laws) Order, 1937.

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives in respect of any or all of the workers in the factory the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the Register of Adult Workers in that factory :

Provided further that, where the ¹[Provincial Government] is satisfied that the conditions of work in any factory or class of factories are such that there is no appreciable risk of contravention of the provisions of this Chapter in the case of that factory or factories of that class, as the case may be, the ¹[Provincial Government] may, by written order, exempt, on such conditions as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

(2) The ¹[Provincial Government] may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

Hours of work to correspond with Notice under section 39 and Register under section 41.

42. No adult worker shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Adults displayed under sub-section (1) of section 39 and the entries made beforehand against his name in the Register of Adult Workers maintained under section 41.

Power to make rules exempting from restrictions.

43. (1) The ¹[Provincial Government] may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter, ²[other than the provisions of clause (b) of sub-section (1) of section 45 and of the provisoes to that sub-section,] shall not apply to any person so defined.

¹ These words were substituted for the words " Local Government " by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were inserted by s. 2 of the Factories (Amendment) Act, 1935 (XI of 1935).

(2) The ¹[Provincial Government] may make rules for adult workers providing for the exemption, to such extent and subject to such conditions as may be prescribed in such rules,—

(a) of workers engaged on urgent repairs—from the provisions of sections 34, 35, 36, 37 and 38;

(b) of workers engaged in work 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—from the provisions of sections 34, 36, 37 and 38;

(c) of workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest required under section 37—from the provisions of sections 34, 36, 37 and 38;

(d) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day—from the provisions of sections 34, 35, 36, 37 and 38;

(e) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day—from the provisions of section 35;

(f) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons—from the provisions of section 35;

(g) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces—from the provisions of section 35 and section 37; and

(h) of workers engaged in engine-rooms or boiler-houses—from the provisions of section 35.

(3) Rules made under sub-section (2) providing for any exemption may also provide for any consequential exemption from the provisions of sections 39 and 40 which the ¹[Provincial

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

Government] may deem to be expedient, subject to such conditions as it may impose.

(4) In making rules under this section the ¹[Provincial Government] shall prescribe the maximum limits for the weekly hours of work for all classes of workers, and any exemption given, other than an exemption under clause (a) of sub-section (2), shall be subject to such limits.

(5) Rules made under this section shall remain in force for not more than three years.

Power to
make orders
exempting
from
restrictions.

44. (1) Where the ¹[Provincial Government] is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of sections 39 and 40 in respect of such workers to such extent and in such manner as it may think fit, and subject to such conditions as it may deem expedient to ensure control over periods of work.

(2) The ¹[Provincial Government], or subject to the control of the ¹[Provincial Government] the Chief Inspector, may, by written order, exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 34, 35, 36, 37, 38, 39 and 40, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of section 43.

(4) An order under sub-section (2) shall remain in force for such period as it may specify, but in no case for more than two months from the date on which notice thereof is given to the manager of the factory.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

45. (1) The provisions of this Chapter shall, in their application to women workers in factories, be supplemented by the following further restrictions, namely:—

Further restrictions on the employment of women.

(a) no exemption from the provisions of section 36 may be granted in respect of any woman; and

(b) no woman shall be allowed to work in a factory except between 6 A.M. and 7 P.M.:

Provided that the ¹[Provincial Government] may, by notification in the ²[Official Gazette], in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (b) to any span of thirteen hours between 5 A.M. and 7-30 P.M.:

Provided further that, in respect of any seasonal factory or class of seasonal factories in a specified area, the ¹[Provincial Government] may make rules imposing a further restriction by defining the period or periods of the day within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (b) or under the above proviso and shall not be less than ten hours in the aggregate.

(2) The ¹[Provincial Government] may make rules providing for the exemption from the above restrictions, to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories where the employment of women beyond the said hours is necessary to prevent damage to or deterioration in any raw material.

(3) Rules made under sub-section (2) shall remain in force for not more than three years.

46. Where a worker works on a shift which extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day:

Special provision for night-shifts.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "local Official Gazette" *ibid.*

Provided that the ¹[Provincial Government] may, by order in writing, direct that in the case of any specified factory or any specified class of workers therein the ensuing day shall be deemed to be the period of twenty-four hours beginning when such shift begins and that the hours worked before midnight shall be counted towards the ensuing day.

Extra pay for overtime. 47. (1) Where a worker in any factory works for more than sixty hours in any week,

or where a worker in a factory other than a seasonal factory works for more than ten hours in any day,

he shall be entitled in respect of the overtime worked to pay at the rate of one-and-a-half times his ordinary rate of pay.

(2) Where a worker in a factory other than a seasonal factory works for more hours in any week than are permitted under section 34, he shall be entitled, in respect of the overtime worked excluding any overtime in respect of which he is entitled to extra pay under sub-section (1), to pay at the rate of one-and-a-quarter times his ordinary rate of pay.

(3) Where any workers are paid on a piece rate basis, the ¹[Provincial Government] in consultation with the industry concerned may for the purposes of this section fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(4) The ¹[Provincial Government] may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

Restriction on double employment.

48. No adult worker shall be allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

49. The ¹[Provincial Government] may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time save with the permission of the ¹[Provincial Government] and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Control of overlapping shifts.

CHAPTER V.

SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN.

50. No child who has not completed his twelfth year shall be allowed to work in any factory.

Prohibition of employment of young children.

51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

Non-adult workers to carry tokens giving

(a) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

reference to certificates of fitness.

(b) he carries while he is at work a token giving a reference to such certificate.

52. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a factory, or of the parent or guardian of such person, or of the manager of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

Certificates of fitness.

(2) The certifying surgeon, after examination, may grant to such person, in the prescribed form,—

(a) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the prescribed physical standards (if any), and that he is fit for such work ; or

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(b) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory.

(3) A certifying surgeon may revoke any certificate granted under sub-section (2) if, in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a factory.

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of section 12 refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state his reasons in writing for so doing.

Effect of
certificate
granted to
adolescent.

53. (1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (b) of sub-section (2) of section 52, and who, while at work in a factory, carries a token giving reference to the certificate, shall be deemed to be an adult for all the purposes of Chapter IV.

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult under sub-section (2) of section 52, shall, notwithstanding his age, be deemed to be a child for the purposes of this Act.

Restrictions
on the
working hours
of a child.

54. (1) No child shall be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of a child shall be so arranged that they shall not spread over more than seven-and-a-half hours in any day.

(3) No child shall be allowed to work in a factory except between 6 A.M. and 7 P.M. :

Provided that the ¹[Provincial Government] may, by notification in the ²[Official Gazette], in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 A.M. and 7-30 P.M.

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "local Official Gazette" *ibid.*

(4) The provisions of section 35 shall apply also to child workers, but no exemption from the provisions of that section may be granted in respect of any child.

(5) No child shall be allowed to work in any factory on any day on which he has already been working in another factory.

55. (1) There shall be displayed and correctly maintained in every factory, in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Children, showing clearly the periods within which children may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in section 39 and shall be such that children working for those periods would not be working in contravention of section 54.

(3) The provisions of section 40 shall apply also to the Notice of Periods for Work for Children.

(4) The ¹[Provincial Government] may make rules prescribing forms for the Notice of Periods for work for Children and the manner in which it shall be maintained.

56. (1) The manager of every factory in which children are employed shall maintain a Register of Child Workers showing—

(a) the name of each child worker in the factory,

(b) the nature of his work,

(c) the group, if any, in which he is included,

(d) where his group works on shifts, the relay to which he is allotted,

(e) the number of his certificate of fitness granted under section 52, and

(f) such other particulars as may be prescribed.

(2) The ¹[Provincial Government] may make rules prescribing the form of the Register of Child

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

Workers, the manner in which it shall be maintained, and the period for which it shall be preserved.

Hours of work to correspond with Notice and Register. 57. No child shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Children displayed under sub-section (1) of section 55 and the entries made beforehand against his name in the Register of Child workers maintained under sub-section (1) of section 56.

Power to require medical examination.

58. Where an Inspector is of opinion—

(a) that any person working in a factory without a certificate of fitness is a child or an adolescent, or

(b) that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the factory a notice requiring that such person, or that such child or adolescent, as the case may be, shall be examined by a certifying surgeon or by a practitioner authorised under sub-section (2) of section 12, and such person, child or adolescent shall not, if the Inspector so directs, be allowed to work in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

Power to make rules.

59. The ¹[Provincial Government] may make rules—

(a) prescribing the forms of certificates of fitness to be granted under section 52, providing for the grant of duplicates, in the event of loss of the original certificates, and fixing the fees which may be charged for such certificates and such duplicates:

(b) prescribing the physical standards to be attained by children and adolescents;

(c) regulating the procedure of certifying surgeons under this Chapter, and specifying other duties which they may be required to perform in connection with the employment of children and adolescents in factories; and

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(d) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

CHAPTER VI.

PENALTIES AND PROCEDURE.

60. If in any factory—

(a) there is any contravention—

(i) of any of the provisions of sections 13 to 29 inclusive, or

(ii) of any order made under any of the said sections, or

(iii) of any of the said sections read with rules made in pursuance thereof under clause (a) of section 32, or

(iv) of any rule made under any of the said sections or under clause (b), clause (c), or clause (g) of section 32 or section 33, or

(v) of any condition imposed under sub-section (3) of section 31, or

(b) any person is allowed to work in contravention—

(i) of any of the provisions of sections 34 to 38 inclusive, 42, 45 and 48, or

(ii) of any rule made under any of the said sections, or under section 49, or

(iii) of any condition attached to any exemption granted under section 43 or section 44 or section 45 or to any permission granted under section 38 or section 49, or

(c) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under section 41 or to any modification or relaxation made under section 44, or

(d) any person is not paid any extra pay to which he is entitled under the provisions of section 47, or

Penalty for
contraven-
tions of Act
and rules.

(e) any adolescent or child is allowed to work in contravention of any of the provisions of sections 50, 51, 54, 55, 57 and 58, or

(f) there is any contravention of section 53 or section 56 or of any rules made under either of these sections, or under clause (d) of section 59, the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees :

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted in respect of the same contravention shall not exceed this amount.

Enhanced penalty in certain cases after previous conviction.

61. If any person who has been convicted of any offence punishable under clauses (b) to (f) inclusive of section 60 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to seven hundred and fifty rupees and shall not be less than one hundred rupees, and if he is again so guilty shall be punishable on the third or any subsequent conviction with fine which may extend to one thousand rupees and shall not be less than two hundred and fifty rupees:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished :

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

Penalty for failure to give notice of commencement of work or of change of manager.

62. An occupier of factory who fails to give any notice required by sub-section (1) or sub-section (2) of section 9 shall be punishable with fine which may extend to five hundred rupees.

Penalty for obstructing Inspector.

63. Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or of any of the rules made

thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

64. A manager of a factory who fails to give notice of an accident as required under section 30 shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to give notice of accidents.

65. If in respect of any factory any return is not furnished as required under section 77, the manager and the occupier of the factory shall each be liable to fine which may extend to five hundred rupees :

Penalty for failure to make returns.

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted shall not exceed this amount.

66. Whoever smokes, or uses a naked light or causes or permits any such light to be used in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend to five hundred rupees.

Penalty for smoking or using naked light in vicinity of inflammable material.

Exception.—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process.

67. Whoever knowingly uses or attempts to use, as a certificate granted to himself under section 52, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

Penalty for using false certificate.

68. If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, or guardian person.

Penalty on guardian for permitting double employment of a child.

Penalty for failure to display certain notices.

69. A manager of a factory who fails to display the notice required under sub-section (1) of section 76 or by any rule made under this Act, or to display or maintain any such notice as required by sub-section (2) of that section, shall be punishable with fine which may extend to five hundred rupees.

Determination of "occupier" for purposes of this Chapter.

70. (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the firm or association may give notice to the Inspector that it has nominated one of its number who is resident in British India to be the occupier of the factory for the purposes of this Chapter, and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the company may give notice to the Inspector that it has nominated a director, or, in the case of a private company, a shareholder, who is resident in either case in British India, to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

Exemption of occupier or manager from liability in certain cases.

71. (1) Where the occupier or manager of a factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by

him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(a) that he has used due diligence to enforce the execution of this Act, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

(a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Act, and

(b) by what person the offence has been committed, and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders, the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

72. If a child over the age of six years is found inside any part of a factory in which children are working, he shall, until the contrary is proved, be deemed to be working in the factory. Presumption as to employment.

73. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age. Evidence as to age.

(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of the worker.

Cognizance of offences.

74. (1) No prosecution under this Act, except a prosecution under section 66, shall be instituted except by or with the previous sanction of the Inspector.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try any offence against this Act or any rule or order made thereunder, other than an offence under section 66 or section 67.

Limitation of prosecutions.

75. No Court shall take cognizance of any offence under this Act or any rule or order thereunder, other than an offence under section 62 or section 64, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed :

Provided that when the offence consists of disobeying a written order made by an Inspector, complaint thereof may be made within twelve months of the date on which the offence is alleged to have been committed.

CHAPTER VII.

SUPPLEMENTAL.

Display of factory notices.

76. (1) In addition to the notices required to be displayed in any factory by this Act or the rules made thereunder, there shall be displayed in every factory a notice containing such abstracts of this Act and of the rules made thereunder, in English and in the vernacular of the majority of the workers as the ¹[Provincial Government] may prescribe.

(2) All notices required to be displayed in a factory shall be displayed at some conspicuous

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

place at or near the main entrance to the factory and shall be maintained in a clean and legible condition.

77. The ¹[Provincial Government] may make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may in ²[its] opinion be required for the purposes of this Act. Power of Provincial Governments to make rules.

78. [Control of rules made by Local Governments] Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

79. (1) All rules made under this Act shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897, shall not be less than three months from the date on which the draft of the proposed rules was published. Publication of rules.

(2) All such rules shall be published in ³*** the '[Official Gazette]' ⁵*** and shall, unless some later date is appointed, come into force on the date of such publication.

80. This Act shall apply to factories belonging to the Crown. Application to Crown factories.

81. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection to persons acting under this Act.

82. [Repeal and Savings.] Repealed by s. 3 and Second Schedule of the Repealing and Amending Act, 1937 (XX of 1937).

(THE SCHEDULE.)

(Enactments Repealed). Repealed by s. 3 and Second Schedule of the Repealing and Amending Act, 1937 (XX of 1937).

¹ These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² This word was substituted for the word "his" *ibid.*

³ The words "the Gazette of India or", were omitted, *ibid.*

⁴ These words were substituted for the words "local Official Gazette", *ibid.*

⁵ The words "as the case may be" were omitted, *ibid.*

POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 18th November 1935.

No. 352/34.—In exercise of the powers conferred by the Factories Act, 1934 (XXV of 1934), the Governor in Council is pleased to make the following rules the same having been previously published as required by section 79 of the said Act, namely,—

Rules under the Factories Act, 1934.

RULES.

DEFINITIONS.

1. *Short title.*—These rules may be cited as the Bombay Factories Rules, 1935.

2. *Definitions.*—In these rules unless there is anything repugnant in the subject or context,—

(1) “The Act” means the Factories Act, 1934.

(2) “Appendix” means an appendix appended to these rules.

(3) “Artificial humidification” means humidification of the air of a room by any artificial means whatsoever except the use of gas or oil for lighting purposes, or the unavoidable escape of steam or water vapour into the atmosphere directly due to the treatment of fibre or fabric by water or steam in its passage through a machine:

Provided that the introduction of air directly from outside through moistened mats or screens placed in ventilation openings at times when the temperature of the room is 80 degrees or more, shall not be deemed to be artificial humidification.

(4) “Authorised medical practitioner” means a registered medical practitioner authorised under sub-section (2) of section 12 to exercise any of the powers of a certifying surgeon.

(5) “Commissioner of Labour” means the officer appointed to be the Commissioner of Labour.

(6) “Degrees (of temperature)” means degrees of the Fahrenheit scale.

(7) “District Magistrate” means in the case of the City of Bombay the Commissioner of Labour.

(8) “Form” means a form appended to these rules.

(9) “Hygrometer” means an accurate wet and dry bulb hygrometer conforming to the prescribed conditions as regards construction and maintenance.

(10) "Kata Thermometer" means an accurate instrument capable of measuring the cooling properties of the air in millicalories per square centimetre per second of the atmosphere by radiation, convection and evaporation, manufactured by James J. Hicks or such other firm manufacturing accurate instruments of this type to the satisfaction of the Chief Inspector.

(11) "Manager" means a manager of a factory.

(12) "Rules" means rules made under the Act.

(13) "Section" means a section of the Act.

(14) "Transmission machinery" includes every shaft, wheel, drum or pulley (including any system of fast and loose pulleys), coupling, clutch, strap, band, belt, chain, rope or other device incidental to the transmission of motion between any prime-mover and any machine or appliance, or by means of which, the machine or appliance receives its motion.

(15) Works and expressions not defined in these rules but defined or used in the Act shall be deemed to have the same meanings as in the Act.

(Section 9.)

3. *Form of notice to Inspector before commencement of work.*—The written notice prescribed under sub-section (1) of section 9 shall be in Form A.

INSPECTION.

(Section 10 and 32.)

4. *Duties of Inspector.*—The Inspector shall inspect every factory other than a seasonal factory within the local limits assigned to him under sub-section (1) of section 10 at least twice yearly and every seasonal factory within such local limits at least once during each season of work. He shall also make such further inspections as may appear to be necessary to him or to the authority to whom he is subordinate in order that he may satisfy himself that the provisions of the Act and of these rules are duly observed.

5. *Maintenance of Inspection book.*—The manager shall maintain a bound inspection book and shall produce it when so required by the Inspector or Certifying Surgeon. A list in Form B of the exemptions granted to the factory shall be posted in it.

6. *Duties of Inspector at inspections.*—(a). The Inspector shall at each inspection of a factory satisfy himself—

(i) that the provisions made in the Act and rules to secure the health and safety of the workers are observed ;

(ii) that the adolescents and children employed in the factory have been duly certified and that none are employed, who are obviously unfit ;

(iii) that the register of all the persons employed in such factory is kept in Form D or D-1 as the case may be ;

(iv) that the rest periods and the holidays provided by the Act are granted and that the limits of hours of work laid down are not exceeded ;

(v) that the provisions relating to the payment of overtime are duly observed in the case of persons exempted from the provisions of section 34 or section 36 ;

(vi) that the abstracts and notice in Forms C and C-1 required by sections 39 and 55 are duly affixed and that the registers required by these rules are properly maintained ;

(b) the Inspector shall further inquire into the causes of all accidents which have taken place since the last inspection ; and

(c) the Inspector shall also ascertain how far the defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with. Any defects which have come to light at the current inspection, as well as any orders passed by him under the Act, shall then be recorded in the inspection book. An extract from such record containing the orders of the Inspector, with such remarks on the defects found to exist as the Inspector may wish to bring to the Manager's notice, shall be sent to the Manager, and a copy of the said extract shall be sent to the District Magistrate.

7. *Procedure for inspection by District Magistrate or additional Inspector.*—When, in any area, an inspection is made by the District Magistrate or on Additional Inspector, he shall follow, as far as practicable, the procedure prescribed for an Inspector in rule 6 and shall send a copy of his orders and remarks to the Inspector.

8. *Submission of diary by Inspector.*—The Inspector shall keep a file of the records of his inspections arranged in monthly bundles and shall submit to the authority to whom he is subordinate on the 15th day of each month, a diary in Form E, showing the work done in the preceding month. A copy of the said diary shall be retained by the Inspector.

9. *Duty of Inspector to bring to the notice of local authorities breaches of sanitary provisions.*—It shall be the duty of the Inspector to bring to the notice of any municipal or other authority having jurisdiction over a place where any factory is situate a breach of any law, or rule or order passed by a competent authority relating to the removal of objectionable rubbish, the cleansing and fencing of water tanks or any sanitary matter.

CLEANLINESS.

(Sections 13 and 32.)

10. *Factory to be kept clean by limewashing, etc.*—(1) In every factory, all the inside walls of the rooms 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 shall be limewashed at least once in each year dating from the period when last limewashed. All the beams, rafters, doors, window frames and other wood work with the exception of floors shall be either limewashed or colourwashed at least once a year dating from the period when last limewashed or colourwashed or shall be painted or varnished once in seven years dating from the period when last painted or varnished and shall be kept in a cleanly state.

(2) All internal structural iron and steel work shall be cleaned and painted or varnished at least once in seven years from the period when last painted or varnished, unless the Inspector by written order requires more frequent treatment of specified portions. The dates on which limewashing, colourwashing, painting or varnishing is carried out shall be duly entered in Form F, which shall be shown to the Inspector when required :

Provided that the provisions of these sub-rules shall not apply to—

- (i) rooms used only for the storage of articles ;
- (ii) walls or tops of rooms which are made of galvanised iron, tiles, asbestos sheets or similar material or glazed bricks ;
- (iii) room in which a manufacturing process is carried on in any gas works, forage presses, chemical works and cement factories ;
- (iv) engineering workshops or foundries in which 2,000 cubic feet of air space is provided for each person employed ;
- (v) walls in oil mills below a height of 5 feet from the ground ;
- (vi) any other factory or parts thereof in which limewashing or painting is in the opinion of the Provincial Government unnecessary to satisfy the requirements of section 13 as to cleanliness.

11. *Rubbish not to be allowed to accumulate.*—(1) No rubbish, filth, or debris shall be allowed to accumulate or to remain on any premises in a factory in such position that effluvia therefrom can arise within the factory.

(2) All ducts used for the introduction of humidified air shall be kept clean whether they are actually in use for that purpose or not.

12. *Compound to be kept clean.*—The compound surrounding every factory shall be maintained in a sanitary and clean condition.

13. *Floors of certain factories to be drained.*—In factories or portions of factories constructed or reconstructed after the 1st day of January 1936, the floors of departments, in which processes are

carried on which render the floors wet, shall be effectively drained. In other factories such steps shall be taken to minimise the danger to health or safety as the Inspector may require by an order in writing.

14. *Areas around washing places, etc., to be drained and kept clean.*—Proper arrangements shall be made for maintaining in a clean and drained condition the areas around washing and bathing places and the places where drinking water is distributed to workers.

ARTIFICIAL HUMIDIFICATION AND COOLING.

(Sections 15 and 32.)

15. *When artificial humidification not allowed.*—There shall be no artificial humidification in any room of a cotton spinning or weaving factory—

(a) by the use of steam during any period when the dry bulb temperature of that room exceeds 85 degrees,

(b) at any time when the wet bulb reading of the hygrometer is higher than that specified in the following schedule in relation to the dry bulb reading of the hygrometer at that time; or, regards a dry bulb reading intermediate between any two dry bulb readings indicated consecutively in the schedule when the dry bulb reading does not exceed the wet bulb reading to the extent indicated in relation to the lower of those two dry bulb readings :—

Schedule.

Dry bulb.	Wet bulb.	Dry bulb.	Wet bulb.	Dry bulb.	Wet bulb.
60.0	58.0	77.0	75.0	94.0	86.5
61.0	59.0	78.0	76.0	95.0	87.0
62.0	60.0	79.0	77.0	96.0	87.5
63.0	61.0	80.0	78.0	97.0	88.0
64.0	62.0	81.0	79.0	98.0	88.5
65.0	63.0	82.0	80.0	99.0	89.0
66.0	64.0	83.0	80.5	100.0	89.5
67.0	65.0	84.0	81.0	101.0	90.0
68.0	66.0	85.0	82.0	102.0	90.0
69.0	67.0	86.0	82.5	103.0	90.5
70.0	68.0	87.0	83.0	104.0	90.5
71.0	69.0	88.0	83.5	105.0	91.0
72.0	70.0	89.0	84.0	106.0	91.0
73.0	71.0	90.0	84.5	107.0	91.5
74.0	72.0	91.0	85.0	108.0	91.5
75.0	73.0	92.0	85.5	109.0	92.0
76.0	74.0	93.0	86.0	110.0	92.0

Provided however that this clause shall not apply—

(i) when the difference between the wet bulb temperature as indicated by the hygrometer in the department concerned, and the wet bulb temperature taken with a hygrometer outside in the shade is less than 3.5 degrees, or

(ii) when the "cooling properties" of the air in the department concerned at a height of five feet from the floor in all usual working places is greater than 11 as measured by "wet" readings of a kata thermometer.

16. *Provision of hygrometers.*—In all departments of cotton spinning and weaving mills wherein artificial humidification is adopted, hygrometers shall be provided and maintained in such positions as are approved by the Inspector. The number of hygrometers shall be regulated according to the following scale:—

(a) *Weaving Department.*—One hygrometer for departments with less than 500 looms, and one additional hygrometer for every 500 or part of 500 looms in excess of 500.

(b) *Other Departments.*—One hygrometer for each room of less than 300,000 cubic feet capacity, and one extra hygrometer for each 200,000 cubic feet, or part thereof, in excess of this.

(c) One additional hygrometer shall be provided and maintained outside each cotton spinning and weaving factory wherein artificial humidification is adopted, and in a position approved by the Inspector, for taking hygrometer shade readings.

17. *Exemption from maintenance of hygrometers.*—When the Inspector is satisfied that the limits of humidity allowed by the Schedule to rule 15 are never exceeded, he may, for any department other than the weaving department, grant exemption from the maintenance of the hygrometer. The Inspector shall record such exemption in Form B.

18. *Copy of Schedule to rule 15 to be affixed near every hygrometer.*—A legible copy of the Schedule to rule 15 shall be affixed near each hygrometer.

19. *Temperatures to be recorded at each hygrometer.*—At each hygrometer maintained in accordance with rule 16, correct wet and dry bulb temperatures shall be recorded thrice daily during each working day by competent persons nominated by the Manager and approved by the Inspector. The temperatures shall be taken between 7 a.m. and 9 a.m., between 11 a.m. and 2 p.m. (but not in the rest interval), and between 4 p.m. and 5-30 p.m. In exceptional circumstances, such additional readings and between such hours, as the Inspector may specify, shall be taken. The temperatures shall be entered in a Humidity Register in Form G maintained in the factory. At the end of each month, the persons who have taken the readings shall sign the register and certify the correctness of the entries. The register shall always be available for inspection by the Inspector.

20. *Specifications of hygrometers.*—(a) Each hygrometer shall comprise two mercurial thermometers, respectively wet bulb and dry bulb of similar construction, and equal in dimensions, scale and divisions of scale. They shall be mounted on a frame with a suitable reservoir containing water.

(b) The wet bulb shall be closely covered with a single layer of muslin, kept wet by means of a wick attached to it and dipping into the water in the reservoir. The muslin covering and the wick shall be suitable for the purpose, clean and free from size or grease.

(c) No part of the wet bulb shall be within 3 inches from the dry bulb or less than 1 inch from the surface of the water in the reservoir and the water reservoir shall be below it, on the side of it away from the dry bulb.

(d) The bulbs shall be spherical and of suitable dimensions and shall be freely exposed on all sides to the air of the room.

(e) The bores of the stems shall be such that the position of the top of the mercury column shall be readily distinguishable at a distance of 2 feet.

(f) Each thermometer shall be graduated so that accurate readings may be taken between 50 and 120 degrees.

(g) Every degree from 50 degrees up to 120 degrees shall be clearly marked by horizontal lines on the stem; each fifth and tenth degree shall be marked by longer marks than the intermediate degrees, and the temperature marked opposite each tenth degree, i.e., 50, 60, 70, 80, 90, 100, 110 and 120.

(h) The markings as above shall be accurate, that is to say, at no temperature between 50 and 120 degrees shall the indicated reading be in error by more than two-tenths of a degree.

(i) A distinctive number shall be indelibly marked upon the thermometer.

(j) The accuracy of each thermometer shall be certified by the National Physical Laboratory, London, or some competent authority appointed by the Chief Inspector and such certificate shall be attached to the Humidity Register.

21. *Thermometers to be maintained in efficient order.*—Each thermometer shall be maintained at all times during the period of employment in efficient working order, so as to give accurate indications and in particular—

(a) The wick and the muslin covering of the wet bulb shall be renewed once a week.

(b) The reservoir shall be filled with water which shall be completely renewed once a day. The Chief Inspector may prescribe the use of distilled water or pure rain water in any particular mill or mills in certain localities.

(c) No water shall be applied directly to the wick or covering during the period of employment.

22. *An inaccurate thermometer not to be used without fresh certificate.*—If an Inspector gives notice in writing that a thermometer is not accurate, it shall not, after one month from the date of

such notice, be deemed to be accurate, unless and until it has been re-examined as prescribed and a fresh certificate obtained which certificate shall be kept attached to the Humidity Register.

23. *Hygrometer not to be affixed to wall, etc., unless protected by wood.*—No hygrometer shall be affixed to a wall, pillar or other surface unless protected therefrom by wood or other non-conducting material at least half an inch in thickness and distant at least one inch from the bulb of each thermometer.

24. *No reading to be taken within 15 minutes of renewal of water.*—No reading shall be taken for record on any hygrometer within 15 minutes of the renewal of water in the reservoir.

25. *Kata thermometers.*—The cooling properties of the air shall be determined by using "Kata thermometers". Tests shall be determined as laid down in the printed instructions issued with each instrument, or with those printed in Appendix I. Tests shall be carried out and recorded at such times and for such periods as the Chief Inspector may by written order require.

26. *How to introduce steam for humidification.*—In any room in which steam pipes are used for the introduction of steam for the purpose of artificial humidification of the air the following provisions shall apply:—

(a) The diameter of such pipes shall not exceed two inches, and in the case of pipes installed after 1st day of January 1936 the diameter shall not exceed one inch;

(b) Such pipes shall be as short as is reasonably practicable;

(c) All hangers supporting such pipes shall be separated from the bare pipes by an efficient insulator not less than half an inch in thickness;

(d) No uncovered jet from such a pipe shall project more than $4\frac{1}{2}$ inches beyond the outer surface of any covering;

(e) The steam pressure shall be as low as practicable and shall not exceed 70 lbs. per square inch.

PREVENTION OF OVERCROWDING.

(Sections 17 and 32.)

27. *Particulars of rooms to be entered.*—Particulars of each room of the factory in which workers are regularly employed shall be entered in Form H, which shall be shown to the Inspector when required.

LIGHTING.

(Sections 18 and 32.)

28. *Artificial Lighting.*—Artificial lighting in accordance with the following standards shall be provided and used in the interior

of cotton ginning factories at times when artificial lighting is necessary and is ordinarily used :—

(i) by means of electricity, to the satisfaction of the Inspector, one lamp per six gins, each lamp of not less than twenty-five candle power; or

(ii) by candles placed in glass lanterns of a pattern approved by the Inspector, not less than one such lantern for every two gins.

29. *Factories to be sufficiently lighted.*—As long as any workers are present in a factory, the latrines, passages, stairs, hoists, factory grounds and other parts of the factory, in so far as the entrance of the said places is not closed, shall be lighted in such manner that safety is fully secured in passing through or remaining in the same.

DRINKING WATER.

(Sections 19 and 32.)

30. *Supply of drinking water.*—Drinking water shall, in all cases, be supplied to the workers free of cost.

31. *Sources of supply of drinking water.*—Wherever practicable, drinking water shall be supplied—

(a) from taps connected with any public water-supply from which a sufficient supply of water can at all times be drawn as required, or

(b) from a well or wells so situated as not to be polluted or contaminated with organic matter or impurities.

32. *Provision of storage of water in certain cases.*—If it is not practicable in any factory to supply water in accordance with the methods prescribed in rule 31, or if the public water-supply is intermittent, then there shall be provided a storage of water, fit for drinking, supplying at least as many gallons per day as there are persons employed in the factory.

PROVISION OF WASHING ACCOMMODATION.

(Sections 19 and 32.)

33. *Washing accommodation.*—In every factory in which any process involving contact by the workers with injurious or obnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided before the 1st day of January 1936. For every fifteen workers so employed, at least one impervious wash basin fitted with a waste-pipe shall be provided together with a free supply of nail brushes and soap :

Provided that if in any factory, sufficient bathing accommodation has been already provided, the Inspector may vary the above standard to such extent as he may think fit.

PROVISION OF SANITARY ACCOMMODATION.

(Sections 20 and 32.)

34. *Provision of latrines and urinals.*—(1) Every factory shall be provided with latrine accommodation on the scale given below :—

	Seats.
Where the number of workers does not exceed 20	1
Where the number of workers exceeds 20 but does not exceed 35	2
Where the number of workers exceeds 35 but does not exceed 50	3
Where the number of workers exceeds 50 but does not exceed 150	4
Where the number of workers exceeds 150 but does not exceed 200	5
Where the number of workers exceeds 200	1 seat for every 50 or fraction of 50.

Such latrines shall be roofed and sufficiently ventilated and lighted. The surface of floors and inside walls shall be made of non-absorbent impermeable material to a height of 3 feet from the floor, within six months from the date of the coming into force of these rules.

Except with the written permission of the Inspector, such latrine accommodation shall be in a place detached from the other factory buildings :

Provided that in a seasonal factory situated in a place detached from other buildings, latrines may be constructed of the pit or bore hole type on such a scale as the Inspector may require in writing. The site of such latrines shall be as distant as practicable from any buildings or water-supply and in any case not within 50 feet of a source of drinking water-supply.

(2) In factories which employ more than 50 workers and which do not provide flushing arrangements in the latrines, one urinal shall be provided for every 100 workers or fraction of 100.

(3) If females are employed, separate latrines and urinals screened from those of males and marked in the vernacular in conspicuous letters "for women only" shall be provided. Those for males shall be similarly marked "for men only".

(4) The number of latrines required shall be calculated independently for males and females.

35. *Latrines and urinals to be limewashed, etc.*—The walls of latrines and urinals shall be limewashed, or colourwashed both inside and outside, not later than six months from the date of the last limewashing or colourwashing :

Provided that in non-seasonal factories working by shifts more than ten hours a day, limewashing or colourwashing shall be carried out not later than four months from the date of the last limewashing or colourwashing. The dates of limewashing or colourwashing shall be noted in Form F :

Provided also that this rule shall not apply to latrines made of corrugated iron, or to tiled latrines, or to any class of latrines exempted by an order in writing by the Inspector in Form B.

36. *Latrines and urinals to be kept sanitary.*—All latrines and urinals shall be kept in a sanitary state.

PRECAUTIONS AGAINST FIRE AND PROVISION OF MEANS OF ESCAPE IN CASE OF FIRE.

(Sections 22, 23 and 32.)

37. *Buildings of more than one storey to be provided with 2 stairs.*—Every building of more than one storey shall be provided with at least two sets of stairs or steps permanently fixed either inside or outside the building, so as to afford direct and unimpeded access from every part of the factory to the ground level. Such stairs shall be provided with a suitable and sufficient hand-rail or other convenient support. In factories employing less than forty persons, the Inspector may accept in lieu of a second set of stairs or steps, such other means of escape in case of fire as can reasonably be required in the circumstances of each case.

38. *Exits to external stairs to open from inside.*—Every window or door giving access to an external staircase shall be so arranged as to open immediately from the inside.

39. *Ginning factories to be provided with two earthen ramps, etc.*—Notwithstanding anything contained in rule 37, ginning factories shall be provided with at least two suitable earthen ramps or two flights of stairs made of brick-work or other fire-resisting material.

40. *Artificial lighting.*—Save in cases where the Inspector by written order otherwise permits at any time, artificial lighting shall not be provided, otherwise than by means of electricity, in any factory of the classes specified below or parts of such factories :—

(i) The interior of any cotton ginning factory, provided that candles placed in glass lanterns of a pattern approved by the Inspector may be used;

(ii) Any part of a factory in which any of the processes connected with the manufacture and packing of any matches or fireworks is carried on ;

(iii) All interior parts of cotton spinning and weaving factories, other than engine and boiler rooms, rope alleys, mechanic shops, calendering, finishing, dyeing and sizing departments.

FENCING.

(Sections 24 and 32.)

41. *Certain parts of transmission machinery to be fenced.*—The following parts of transmission machinery shall be securely fenced if in motion and likely to cause danger :—

(i) All shafts, couplings, collars, cultches, toothed wheels, pulleys, driving straps, chains and ropes, except such as are in the opinion of the Inspector, by reason of construction or position, equally safe to every person employed as they would be, if securely fenced or guarded.

(ii) All projecting set screws, keys, nuts or bolts on revolving parts, except such as are countersunk or otherwise made equally safe.

(iii) The underside of all heavy overhead main driving belts or ropes, if there is any probability of persons having to pass under them.

42. *Other precautions to be taken with certain parts.*—(i) Cotton openers, combined openers and scutchers, scutchers and lap-machines hard waste breakers and similar machines and spinning mules shall be driven from countershafts provided with fast and loose pulleys and efficient belt shifters.

(ii) In all openers, combined openers and scutchers, scutchers, scutcher-lap machines, hard waste breakers and similar machines, the cover of the beaters and doors which give access to any dangerous parts of the machines shall be secured by a self-locking apparatus maintained in efficient order in such manner as to make it impossible to open such cover or door when the machine is working. A similar device shall be applied to the doors or casings over the jack box motion and adjacent parts of all slubbing, intermediate and roving frames set up after the 1st day of July 1912.

(iii) In all openers, combined openers and scutchers, scutchers, scutcher-lap machines, hard waste breakers and similar machines, the openings giving access to the dust chamber shall be provided with permanently fixed fencing, which shall, while admitting light, yet prevent contact between any portion of a worker's body and the beater grid bars.

(iv) In all combined openers and scutchers, scutchers, scutcher-lap, sliver-lap and lap machines and similar machines, an efficient guard shall be fitted over the lap and maintained in such order that no person may handle the lap when the weight friction rack is exerting pressure on the lap spindle.

43. *Parts of carding machines to be fenced.*—(a) In every carding machine,—

(i) all feed roller wheels and doffer wheels, side shaft wheels, calender wheels and coiler wheels shall be efficiently fenced ;

(i) licker-in-covers shall be screwed down so that they cannot be readily lifted, while the machine is in motion.

(b) In every carding machine, other than roller and clearer waste cards or cards of a similar type erected after the 31st day of December 1927, the cylinder stripping door shall be secured by an automatic locking apparatus maintained in efficient order in such manner as to make it impossible to open such door until the cylinder is at rest.

(c) In every roller and clearer waste carding machine, the wooden cover over the rollers and clearers shall be secured in such manner that it cannot be readily opened.

44. *Certain parts to be guarded.*—Every ring-throistle-frame, flyer-throistle-frame and doubling frame, the tin rollers of which revolve in the usual directions, that is, in such manner as to draw upwards between them any object coming into contact with them from beneath, shall be guarded in the following manner :—

(i) A guard or guards shall be permanently fixed along the whole length of each side of every such frame and not further under the frame than the outer edge of the spindle rail.

(ii) These guards shall consist of strong horizontal iron bars not less than one and a quarter inches in width and one-quarter of an inch in thickness secured to suitable uprights spaced not more than four feet apart; the bars should be so placed that the vertical space between the topmost bar and the bottom of the spindle rail and between the lowest bar and the floor and between any bar and the next bar shall be not more than six inches. If any line of bars consists of more than one piece, the pieces forming the line shall overlap each other by at least two and a half inches and shall be effectively secured.

(iii) Whenever under the tail end of any such frame, there is a clear space exceeding 8 inches from the floor, a like guard shall similarly be fixed midway across such end.

(iv) Every frame shall be fenced in the above manner before being brought into use, unless secure fencing is adequately maintained by wooden guards, constructed of suitable dimensions from strong sound smooth wood, such as teak, permanently and suitably fixed.

45. *Calendering machines, etc., to be provided with a nip-guard.*—In respect of calendering machines, mangles and similar machines, all such machines shall be provided with an efficient "nip" guard along the whole length on the intake side of each pair of bowls and similar parts, which shall be so fitted and maintained, whilst the rollers or bowls are in motion, as to prevent access of any person's fingers to the point of contact of the rollers or bowls.

46. *Belts, etc., to be regularly examined.*—(i) All belts shall be regularly examined to ensure that the joints are safe and the belts at proper tension.

(ii) All hoist ropes and chains shall be regularly examined by a competent person nominated by the Manager to ensure that they

are in a safe condition. The Manager shall maintain a record of such examinations with dates and remarks under his signature in the inspection book maintained in accordance with rule 5.

47. *Emery and abrasive wheels to be provided with an iron coverguard.*—Except with the written permission of the Inspector, every emery or abrasive wheel shall be provided with a strong iron cover guard that shall enclose the wheel, as far as practicable. The guard shall be securely attached to the frame of the machine or other solid foundation.

Additional Fencing in Ginning and Pressing Factories:

48. *Additional provision for cotton ginning factories.*—The following special additional provisions shall apply to cotton ginning factories, to the extent therein indicated:—

(a) the line shaft or second motion in cotton ginning factories, when below floor level, shall be completely enclosed by a continuous wall or unclimbable fencing with only so many openings as are necessary for access to the shaft for removing cotton seed, cleaning and oiling; and such openings shall be provided with gates or doors which shall be kept closed and locked.

(b) The toothed rollers of the opener shall be guarded by securely fixing across the machine a strong wooden plank or metal guard so fixed that in no circumstances can a person's hand get into the rollers.

(c) The spur gearing at the side of the opener shall be completely covered by a strong metal guard.

(d) The crank shaft pulleys and roller-pulleys of all gins shall be securely fenced by strong box guards and hinged top covers.

(e) All ginning machines and openers shall be provided with fast and loose pulleys and efficient belt shifters.

(f) The intake side of the roller cog wheels on all double roller ginning machines shall be fenced by a strong metal guard. The oscillating mechanism on all these machines shall also be fenced by a strong metal cover.

(g) Any opening on the underside of saws on saw gins or similar gins shall be securely fenced by securely bolting an expanded metal or similar cover in such a manner that no person's hand can come in contact with the saws, when the saws are in motion.

(h) In phutties or kappas and cotton openers, the beater at the feed end shall be securely fenced by permanently fixing strong sound wooden planks or metal plates across the feed opening and to the sides of the machine, in such a manner that in no circumstances can any portion of a person's body come in contact with the beater, whilst it is in motion.

49. *Additional fencing in factories wherein decorticating is carried out.*—In any decorticator—

(a) The feed opening shall be securely fenced by permanently fixing iron bars not less than 5/8" in diameter, spaced not more than two inches apart from centre to centre, across such opening.

(b) The axial openings at the sides of the machine shall be securely fenced by permanently fixing expanded metal covers over such openings, in such manner that in no circumstances can a person's hand come in contact with the "pankha".

49A. *Additional fencing in gur-factories wherein crushing is carried on.*—All toothed gearing on crushing machinery in gur factories shall be effectively fenced by strong metal guards.

Protection of Workers attending to Machinery.

50. *Important pulleys to be provided with belt hangers.*—As far as possible all important pulleys shall be provided with belt hangers:

Provided that when the main belts of any machinery have to be adjusted, the machinery shall be stopped and shall not be set in motion again, until such belts have been completely adjusted.

51. *Fast running belts to be replaced, etc., only by experienced and trained worker.*—Replacing or adjusting of fast running belts shall be done only by an experienced and specially trained worker.

52. *Ladders.*—All ladders used in replacing belts shall be specially made and reserved for that work and provided with hooks or an effective non-skid device. Ladders provided with hooks must have hooks fitted in such suitable positions that they rest on the shaft when the bottom end of the ladder is resting on the floor.

53. *Certain workers to be supplied with certain clothing free of charge.*—(1) Every worker, who goes up to replace a belt or to oil bearings of a shaft, shall wear a tight loin cloth or tight trousers, and shall not wear any loose clothing which is liable to be caught in the machinery. The tight loin cloth or tight trousers shall be provided by the occupier, free of cost.

(2) The provisions of sub-rule (1) shall apply—

(a) to every worker, who goes down to replace a belt or to oil bearings of a shaft in a cotton ginning factory, and

(b) to all oilers and to attendants of prime movers, and to any person who is allowed to work in the shaft alley of a cotton ginning factory when the machinery is in motion.

(3) A dhotie wrapped round the body in any manner shall not be deemed to be a loin cloth within the meaning of sub-rule (1).

54. *Certain plant to be fitted with safety valves, etc.*—All kiers, digesters or steam jacketed pans or other vessels worked under pressure shall be fitted with safety valves and pressure gauges.

55. *Certain places to be securely fenced.*—All pits, tanks, gutters, or excavations of more than eighteen inches in depth and all open tanks or open vessels containing either chemicals or hot substances dangerous to human life or safety shall be securely fenced, except when they are, in the opinion of the Inspector, by reason of construction or position, equally safe to every worker as they would be if securely fenced.

PROHIBITION OF ADMISSION OF CHILDREN.

(Section 28.)

56. *Admission of certain children prohibited.*—In any factory of the classes specified below, the admission of children between the ages of two and twelve years is prohibited, to such part of such factories as is specified:—

(a) Cotton ginning factories, to any part of such factories or premises wherein any machinery is at work,

(b) Match factories, to any part of such factories other than rooms or an enclosed portion of the compound, specially reserved for the use of such children in which no manufacturing process is carried on and no articles or materials are stored, and

(c) Any factory in which explosives are manufactured.

NOTICES OF ACCIDENTS.

(Sections 30 and 32.)

57. *Notice of accidents.*—Notices of accidents resulting in death or causing such severe injury that there is no reasonable hope that the injured person will be able to return to work within 48 hours, shall be sent by telegram, telephone or special messenger within four hours of the occurrence to—

(i) the Inspector of the area in which the factory is situate, and

(ii) the District Magistrate or if he by general order so directs, the Sub-Divisional Magistrate.

58. *Notice to be given to police if death results immediately.*—In case of any accident resulting in death, notice shall also be sent to the officer in charge of the police station for the area in which the factory is situate, within the time and by the agency prescribed in rule 57.

59. *Notice when death follows within 7 days.*—If in the case of an accident, the injured person dies within seven days of the

accident, information of his death whenever known shall be sent by telegram, telephone or special messenger, within 24 hours of the occurrence to—

(i) the Inspector,

(ii) the District Magistrate or if he by general order so directs, the Sub-Divisional Magistrate, and

(iii) the officer in charge of the police station for the area in which the factory is situate.

60. *Such notice to be in form I.*—If the notice is sent by special messenger, it shall be in Form I and if it is sent by telegraph or telephone, it shall be confirmed by a written report in that Form. Copies of all such notices shall be maintained for a period of three years.

61. *Notice of minor accidents.*—Notices of accidents of a minor character, but which nevertheless prevent the injured person from returning to work within 48 hours of the occurrence, shall be given in Form I within 24 hours of the expiry of that time to both the Inspector and the District Magistrate, or if the latter by general order so directs, to the Sub-Divisional Magistrate.

62. *Notice of other accidents.*—Notices of accidents occurring in a factory which do not cause death or bodily injury but are due to any of the following causes, namely:—

(i) structural collapse,

(ii) the breaking of any rope, chain or other appliance used in raising or lowering persons or goods by the aid of mechanical or electrical power, or

(iii) fires in cotton openers in cotton pressing factories, shall be sent in Form I,—

(a) to the Senior Inspector of Factories, Ahmedabad, in the case of all factories situate in the districts of Ahmedabad, Kaira, Broach and Panch Mahals and Surat and in the Nawapur taluka of the West Khandesh district, and

(b) to the Chief Inspector, in all other cases, by registered post within four hours of the occurrence, or the accident shall be reported by telegraph, telephone, or by special messenger within the same period. If the notice is sent by special messenger, it shall be in Form I and if it is sent by telegraph or telephone, it shall be confirmed by a written report in that Form. Copies of all such notices shall be maintained for a period of three years.

63. *Inspector to investigate fatal or serious accidents.*—If the Inspector has reason to believe that a fatal or serious accident has occurred in any factory, whether he has received a notice under section 30 or not, the Inspector shall proceed to make an investigation either by himself or in co-operation with any official deputed

by the District Magistrate or the Police authorities, or with both, in order to determine, as soon as possible, the cause of, and responsibility for, the accident. If it should be found that the death or serious injury resulted from the occupier or manager or other person having neglected to observe any provision of the Act or rule or order made thereunder, the Inspector shall, if he considers that a prosecution should be instituted under the Act, report to the District Magistrate that he is instituting a prosecution under the Act :

Provided that where the Inspector considers that the prosecution should be instituted by a local official, he shall give the previous sanction in writing required by section 74 and forward the same to the District Magistrate with a request that a prosecution may be instituted. If the Inspector considers that action should also be taken under the Indian Penal Code, he shall record his opinion and send it to the District Magistrate for such action as he may think fit :

Provided further that no report to the District Magistrate shall be required in the case of any accident occurring in the City of Bombay or in the case of any accident which has resulted in death and in connection with which the Coroner of Bombay has held an inquest.

PROCEDURE IN APPEALS.

(Sections 31 and 32.)

64. *Procedure in Appeals.*—(1) An appeal presented under section 31 shall lie to the Chief Inspector or in cases where the order appealed against is an order passed by that officer, to the District Magistrate, and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing court-fee stamp in accordance with Article 11 of Schedule II to the Court-fees Act, 1870, and shall be accompanied by a copy of the order appealed against.

(2) The Millowners' Associations at Bombay and Ahmedabad in the case of the textile industry and the Chamber of Commerce, Bombay, or the Indian Merchants' Chamber, Bombay, in respect of other industries are hereby prescribed as the bodies empowered to appoint one of the two assessors referred to in sub-section (2) of section 31 :

Provided that in respect of industries other than the textile industry, the appellant shall state in the memorandum presented under sub-rule (1) whether he is a member of any of the aforesaid bodies and if he is a member of two such bodies, which of these two bodies he desires should appoint one of the two assessors as aforesaid; and the body empowered to appoint such assessor shall,

(1) if the appellant is a member of one of such bodies, be that body;

(2) if he is a member of two such bodies, be the body which the appellant desires should appoint such assessor ; and

(3) if the appellant is not a member of any of the aforesaid bodies or if he does not state in the memorandum which of such bodies he desires should appoint the assessor, be the body which the appellate authority considers as the best fitted to represent the industry concerned.

65. *Appointment of assessors.*—On receipt of the memorandum of appeal, the appellate authority shall, if it thinks fit or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the body, declared under sub-rule (2) of rule 64 to be the body representative of the industry concerned under sub-section (2) of section 31, to appoint an assessor within a period of 14 days. If an assessor is nominated by such body, the appellate authority shall appoint a second assessor itself. It shall then fix a date for the hearing of the appeal and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear upon such date to assist in the hearing of the appeal.

66. *Remuneration of assessors.*—An assessor appointed in accordance with the provisions of rules 64 and 65 shall receive, for the hearing of the appeal, a fee to be fixed by the appellate authority, subject to a maximum of fifty rupees per diem. He shall also receive reasonable travelling expenses to be fixed by the appellate authority. The fees and travelling expenses shall be paid to the assessors by Government ; but where assessors have been appointed at the request of the appellant and the appeal has been decided wholly or partly against him, the appellate authority may direct that the fees and travelling expenses of the assessor shall be paid in whole or in part by the appellant.

PROVISION AND CUSTODY OF FIRST-AID APPLIANCES.

(Section 32.)

67. *First-aid appliances to be stored.*—Before the 1st day of January 1936, the Manager shall maintain, free of any charge to the workers, stores of first-aid appliances specified in Appendix II.

INSPECTOR'S REGISTER OF FACTORIES.

(Section 32.)

68. *Inspector to maintain a register of factories.*—The Inspector shall maintain a register of all factories under his charge in Form J and shall furnish a copy thereof to the District Magistrate as early as possible in each year. He shall also intimate to the District Magistrate, at the time they are made, all changes in the register which are made in accordance with rules 69, 70 and 71.

69. *Notice to premises which ought to be registered as factories.*—When the Inspector has reason to believe that any premises situated within his local limits and not already registered as a factory ought to be included in his register, he shall send to the occupier of the premises a notice intimating his intention of placing such premises on his Register of Factories.

70. *Objections to such notice and their decision.*—Any person served with a notice under rule 69 may, within 15 days of the receipt of such notice, forward to the Inspector a statement setting forth his objections to the registration of his premises as a factory. The Inspector shall consider and dispose of such objections after making such enquiry as he may deem necessary, and shall communicate his decision to the person concerned.

71. *Removal of entries from register.*—When any premises cease to be occupied as a factory, the occupier may give notice of the fact to the Inspector who shall, if satisfied that the Act is no longer applicable to such premises, remove them from his Register of Factories. The Inspector may, without such notice, and of his own motion, at any time remove any factory from his register if satisfied that it is no longer used as such.

CERTIFICATES OF STABILITY OF BUILDINGS.

(Section 33.)

72. *Manufacturing process not to be begun in certain buildings without a stability certificate.*—(1) In any building or part of a building which is erected or used or intended to be used for a cotton spinning or weaving factory or a sugar factory, no work on any manufacturing process with the aid of power shall be commenced until a certificate of stability of the building or part of the building, as the case may be, in Form K signed by a person possessing the qualifications specified in sub-rule (4), has been approved by the Inspector for the area in which the factory is situate.

(2) Such certificate shall be accompanied by the plans of the building or part thereof which is erected or intended to be used as a factory showing its extent and construction and the position of machinery, plant and tanks thereon.

(3) No alteration or addition shall be made to such building or part thereof or to such machinery, plant or tanks, unless a fresh certificate in respect of such alteration or addition has been approved in the manner specified in sub-rule (1).

(4) No person who is not—

(a) a Member of the Royal Institute of British Architects,

(b) a Member of the Indian Institute of Architects,

(c) a Member or Associate Member of the Institute of Civil Engineers,

(d) a Member of the Institute of Structural Engineers,

(e) a Graduate in Engineering of the Indian University recognised by Government with three year's *bona fide* practice on his own account or as Chief Assistant of a recognised firm of Engineers,

or

(f) possessed of such other qualifications as the Chief Inspector shall approve,
shall sign such certificate.

(5) Nothing in this rule shall apply to cotton spinning or weaving factories situate within the limits of the City of Bombay or the municipal borough limits of Ahmedabad.

HOLIDAYS.

(Section 35.)

73. *Return of holidays.*—(1) Before the end of each calendar month, unless exempted, the manager of every factory shall deliver or cause to be delivered to the office of the Inspector of the area in which the factory is situate, a return giving notice of all the days on which the factory will be closed during the succeeding month.

(2) The return of holidays shall be delivered whether the factory is or is not working during the calendar month preceding the one to which the return relates, and if any change of date is subsequently made, notice shall be delivered to the office of the Inspector in accordance with section 35.

NOTICES AND REGISTERS.

(Sections 39, 41, 55 and 56.)

74. *Form of notice of periods for work.*—The notice of periods for work of adult workers prescribed under section 39 shall be in Form C while that prescribed under section 55 for child workers shall be in Form C-1.

75. *Form of register of workers.*—The register of adult workers prescribed under section 41 shall be in Form D and that for child workers prescribed under section 56 shall be in Form D-1. These registers shall be written up afresh each year and shall always be available for inspection and be preserved for 12 months.

76. *Form of abstract of Act and Rules.*—The abstract of the Act and Rules required by section 76 to be affixed shall be in Form L for non-seasonal factories and in Form M for seasonal factories.

ADULTS EXEMPTED UNDER SECTION 43.

77. *Persons defined to hold positions of supervision or management.*—The following persons shall be deemed to hold positions of supervision or management:—

(a) All persons specified in the Schedule below.

(b) Any other person who, in the opinion of the Inspector, holds a position of supervision or management.

SCHEDULE.

LIST OF PERSONS TO HOLD POSITIONS OF SUPERVISION OR
MANAGEMENT IN FACTORIES.*I. All Factories.*

Manager.
 Assistant Manager.
 Departmental heads and Assistants.
 Engineer and certified Assistants.
 Electrical Engineer.
 Head Storekeeper and Assistants.
 Boiler Serang.
 Technical Experts.

II. Engineering Workshops.

Foremen.
 Inspectors.
 Chargemen.
 Workshop Overseers.
 (In addition to persons in the list "I. All Factories" above.)

*III. Spinning and Weaving Mills.**Engineering Department.*

Foremen Mechanics.

Spinning Departments.

Jobbers or Muccadams.

(Note.—Spinning departments shall, for the purposes of this Rule, be deemed to include also the blowing, carding, drawing and frame departments.)

Weaving Departments.

Jobbers, Overseers or Muccadams.

(Note.—Weaving departments shall, for the purposes of this Rule, be deemed to include the preparatory departments of winding, warping and sizing.)

*Dyeing, Bleaching, Calendering, Finishing and Cloth Printing
Departments.*

Jobbers, Overseers or Muccadams.

(In addition to persons in the list "I. All Factories" above.)

78. *Persons defined to hold confidential position.*—All clerks and timekeepers employed in a factory within the meaning of clause (h) of section 2 shall be deemed to be employed in a confidential position in the factory.

79. *List to be maintained of persons holding confidential position or position of supervision or management.*—A list showing the names and designations of all persons to whom the provisions of sub-section (1) of section 43 have been applied shall be maintained in every factory.

Adult workers exempted under section 43 (2), (3) and (4) from certain Restrictions on Working Hours.

80. *Exemption of certain adult workers.*—Adult workers engaged in factories specified in column 2 of Appendix III on the work

specified in column 3 of the said Appendix shall be exempt from the provisions of the sections specified in column 4, subject to the conditions specified in column 5 of the said Appendix.

OVERTIME LIMITS AND PAYMENTS FOR EXEMPTED WORKERS.

(Section 47.)

81. *Muster-roll for exempted factories.*—The manager or occupier of every factory in which workers are exempted under section 43 or 44 from the provisions of section 34 or 36 shall keep a muster-roll in Form N showing the normal piece-work rate of pay, or the rate of pay per hour, or per day of nine hours in non-seasonal factories, or per week of fifty-four hours in non-seasonal factories other than those employed on continuous production work for technical reasons, or of fifty-six hours in non-seasonal factories employed on continuous production work, or of sixty hours in seasonal factories, of all exempted employees. In this muster-roll shall be correctly entered the overtime hours of work and payments therefor of all exempted workers. The muster-roll in Form N shall always be available for inspection.

82. *Total overtime for women exempted from section 34.*—Where women are exempted from the provisions of section 34, under the provisions of section 43, the total overtime permitted shall not exceed six hours during the week.

83. *Total overtime for male adult workers exempted from sections 34 and 36.*—Where male adult workers are exempted from the provisions of section 34 and section 36, the overtime permitted shall not exceed twelve hours in any one week. But nothing in this rule shall apply to work on urgent repairs carried out under the conditions laid down in item 1 of Appendix III.

EMPLOYMENT OF MEN IN MORE THAN ONE FACTORY.

(Section 48.)

84. *When employment of men in more than one factory may be sanctioned.*—The Inspector may sanction the employment of adult workers in more than one factory on the same day if he is satisfied that such adult worker—

- (a) is employed in accordance with section 34, and
- (b) has the holiday prescribed by section 35.

85. *Note of such employment to be made in Register.*—A note, under the initials of the Inspector, shall be made in the remarks column of the Register against all adult workers permitted to work in more than one factory under rule 84.

EMPLOYMENT OF ADOLESCENTS AND CHILDREN.

(Sections 51, 53 and 59.)

86. *Token of child and adolescent to bear numbers.*—The token which a child or adolescent at work wears under section 51 shall have the number of the child or adolescent in the Register stamped upon it.

CERTIFYING SURGEONS.

(Section 59.)

87. *Duties of Certifying Surgeons and authorised medical practitioners.*—(1) The duties of a Certifying Surgeon and of an authorized medical practitioner shall include the examination of children and adolescents desirous of being employed, and the re-examination of those in respect of whom a notice under section 58 has been served upon the manager, and who desire to be re-employed. Certificates of age and fitness shall be given to such children and adolescents as are found qualified to receive them. No fee shall be charged for such examination or for the grant of a certificate in pursuance thereof.

(2) The Certifying Surgeon or authorised medical practitioner shall fix suitable places and times for the attendance of persons wishing to obtain certificates of age and physical fitness. Notice of the place and the times thus fixed shall be given to the managers.

88. *Certificates by Certifying Surgeon.*—(1) Every Certifying Surgeon shall keep a bound book containing certificates in Form O in foil and counterfoil. The forms shall be numbered consecutively and shall be printed on cloth-backed paper.

(2) Every certificate granted under section 52 to a person desirous of being employed in a factory shall be prepared by filling up the foil and counterfoil, on which shall also be impressed the left thumb mark of the person in whose name the certificate is granted.

(3) The Certifying Surgeon shall, when satisfied as to the correctness of the entries made therein, sign the foil and initial the counterfoil, and shall deliver the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate granted under section 52.

(4) If the Certifying Surgeon refuses to grant to any person a certificate under this rule, no fresh application for a certificate shall be made on behalf of such person until a period of three months has elapsed, unless the Certifying Surgeon otherwise gives permission in writing at the time of refusing to grant the certificate.

(5) A Certifying Surgeon revoking a certificate under subsection (3) of section 52 shall cause the word "revoked" to be stamped in red ink on the foil and counterfoil.

89. *Certificate by authorised medical practitioners.*—Every authorised medical practitioner shall grant certificates in the manner prescribed in rule 88; and the word "Provisional" shall be printed or stamped in red ink at the top of each foil and counterfoil of such certificate.

90. *Duplicates of certificates.*—(1) When a person, to whom a certificate under section 52 has been granted, loses such certificate, he may apply to the Certifying Surgeon, who after making such enquiry as he deems fit from such person's employer or if unemployed

from such person's last employer and from other sources, may grant a duplicate thereof. The word "Duplicate" shall be clearly written in red ink across such certificate and initialled by the Certifying Surgeon. The counterfoil in the bound book of forms shall be similarly marked "Duplicate" and initialled.

(2) For every copy of a certificate granted under sub-rule (1), a fee of eight annas shall be charged, which shall be credited to Government. The Certifying Surgeon shall maintain a register in Form P of all fees paid for the issue of copies of certificates, and shall initial each entry made therein.

(3) No duplicate of a certificate granted under section 52 shall be granted to any person otherwise than in accordance with the provisions of this rule.

91. *Certifying Surgeon to visit factories.*—(1) The Certifying Surgeon shall ordinarily visit every factory situate within his local limits in which children or adolescents are known to be employed, at least once in four months and shall give previous notice of his visits. When a Certifying Surgeon visits a factory, the manager shall produce before him at such time as the Certifying Surgeon may fix all children and adolescents employed in the factory, whether actually at work or not, who are not in possession of certificates granted by him under section 52.

(2) The Certifying Surgeon shall personally examine every child, or adolescent who is in possession of a "Provisional" certificate, granted under rule 89, and shall, if satisfied that a certificate should be granted, destroy the provisional certificate and issue his own certificate in lieu thereof.

(3) If on such examination, the Certifying Surgeon is of opinion that the person in possession of a "Provisional" certificate, granted under rule 89, is under the age of twelve years or is not fit for employment in a factory, he shall impound the certificate, write on it the word "Cancelled" and sign the same, and shall forward the certificate with such remarks, if any, as he may offer to the Inspector for information, and inform the authorised medical practitioner who issued it.

92. *Revocation of certificates.*—The Certifying Surgeon, at his periodical visits, shall satisfy himself as to the fitness of the children and adolescents employed in a factory and shall revoke the certificates of any whom he deems no longer fit to work in the capacity stated therein.

93. *Results of visits of Certifying Surgeon to be noted.*—The Certifying Surgeon shall enter in the inspection book a note detailing the results of each visit to the factory. A copy of this note shall be forwarded to the Inspector and to the authority to whom the Certifying Surgeon is subordinate for the purposes of this Act.

MANNER OF SERVICE OF NOTICE.

(Sections 32, 47 and 59.)

94. *Service of orders how effected.*—The despatch through the post under registered cover of any notice, order or extract of an Inspector's report sent under the Act or under these rules, shall be deemed sufficient service on the occupier or manager of the factory of such notice or order or of any directions contained in such extract.

FORM A.

(See rule 3.)

NOTICE OF OCCUPATION.

Written notice prescribed under section 9 (1) of the Act.

1. Name of Occupier
2. Name of factory
3. Full postal address of factory
4. Nature and amount of power to be used
5. Nature of the manufacturing process to be carried on
6. Name of Manager for the purposes of Factories Act

(Full signature of Occupier.)

(Full signature of Manager.)

Date

Note 1.—In the case of seasonal factories this notice must be forwarded to the Inspector before the date of starting work for each season.

Note 2.—If the Occupier or Manager of a factory wishes his factory removed from the operation of the Act he must make application to the Inspector stating his reasons in accordance with Rule 71.

FORM B.

(See rule 5.)

Section or Rule from which exemption is given.	Subject dealt with.	Extent of and conditions of exemptions (compensatory rest periods, if any, should be mentioned).	Date and number of order.

FORM C.

(See rules 6 and 74).

NOTICE OF PERIODS OF WORK FOR ADULT WORKERS PRESCRIBED UNDER SECTION 39 OF THE FACTORIES ACT, 1934.

Name of Factory..... Place..... District.....

	*Group Number.					
	*Relay Number.			*Relay Number.		
	Starting time.	Stopping time.	Intervals for rest.	Starting time.	Stopping time.	Intervals for rest.
Sunday						
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						

*Where workers are employed on a system of groups or on relays in a shift system, the particulars as to starting and stopping time with rest intervals for each period of work of each such group or relay as the case may be, shall be shown.

FORM C-1.

(See rules 6 and 74.)

NOTICE OF PERIODS OF WORK FOR CHILD WORKERS PRESCRIBED UNDER SECTION 55 OF THE FACTORIES ACT, 1934.

Name of Factory..... Place..... District.....

	Group Number.*					
	Relay Number.*			Relay Number.*		
	Starting time.	Stopping time.	Intervals for rest.	Starting time.	Stopping time.	Intervals for rest.
Sunday						
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						

* Where child workers are employed on a system of groups or on relays in a shift system, the particulars as to starting and stopping time with rest intervals for each period of work of each such group or relay, as the case may be, shall be shown.

FORM D.

(See rules 6 and 75.)

REGISTER OF ADULT WORKERS PRESCRIBED UNDER SECTION 41 OF THE FACTORIES ACT, 1934,
FOR THE MONTH OR PERIOD ENDING.....

Name of Factory..... Place..... District.....

Serial No.	Name and Father's name.	Nature of work.	Group number.	Relay number.	Number and date of certificate if an adolescent.		Remarks.
					Number of certificate with date.	Token number giving reference to the certificate.	

Note.—Where workers are employed on a system of groups or on relays in a shift system, reference to the particular group or the relay, as the case may be, to which the worker is allotted shall be given in the columns provided.

FORM D-1.

(See rules 6 and 75.)

REGISTER OF CHILD WORKERS PRESCRIBED UNDER SECTION 56 OF THE FACTORIES ACT, 1934,
FOR THE MONTH OR PERIOD ENDING.....

Name of Factory.....Place.....District.....

Serial No.	Name and Father's name.	Nature of work.	Group Number.	Relay Number.	Number of certificate and its date.	Token Number giving reference to the certificate.	Remarks.

Note.—Where child workers are employed on a system of groups or on relays in a shift system, reference to the particular group or the relay, as the case may be, to which the worker is allotted shall be given in the columns provided.

SR BK B 41-5

FORM E.

(See rule 8.)

Diary of Factory Inspector for the month ending 19 .

Date.	Place.	Factories inspected.	Factories inspected for definite purposes.	Remarks of defects found and directions and orders issued.

FORM F.

(See rule 10.)

Limewashing, etc.

Part of Factory, e.g., name of room.	Parts lime-washed, painted or varnished, e.g., walls, ceilings, wood-work, etc.	Treatment (whether lime-washed, painted or varnished).	Date on which lime-washing, painting, or varnishing was carried out (according to the English Calendar).			Signature of Occupier or Manager.	Remarks.
			Day.	Month.	Year.		

(Signature of Occupier.)

(Signature of Manager.)

FORM G.

(See rule 19.)

Humidity Register.

Department—

Hygrometer— { Distinctive mark or number
 { Position in department

Date, year, Month, Day.	Readings of Hygrometer.							Remarks.
	Between 7 and 9 a.m.		Between 11 a.m. and 2 p.m. (but not in the rest period).		Between 4 and 5-30 p.m.		If no humidity insert none.	
	Dry bulb.	Wet bulb.	Dry bulb.	Wet bulb.	Dry bulb.	Wet bulb.		
1st	...							
2nd	...							
3rd	...							
4th	...							
5th	...							
6th	...							
7th	...							
8th	...							
9th	...							
10th	...							
11th	...							
12th	...							
13th	...							
14th	...							
15th	...							
16th	...							
17th	...							
18th	...							
19th	...							
20th	...							
21st	...							
22nd	...							
23rd	...							
24th	...							
25th	...							
26th	...							
27th	...							
28th	...							
29th	...							
30th	...							
31st	...							

At the beginning of the month the Sundays, whole holidays, and in the shorter months the 31st or other excess days should be erased.

Certified that the above entries are correct. (Signed)

(Signed)

FORM II.

(See rule 27.)

Particulars of rooms in the Factory.

Name of room in Factory.	Dimensions of room in feet.			Total floor area in square feet.	Floor area occupied by machinery in the room.	Breathing space (cubical contents in cubic feet.)	Maximum number of persons who may be employed in the room.	Remarks.
	Length.	Breadth.	Height.					

(Signature of Occupier.)

(Signature of Manager.)

FORM I.

(See rules 60, 61 and 62.)

(REPORT OF ACCIDENTS.)

*Required under the Factories Act, 1934, and the Bombay
Factories Rules, 1935.*

Not to be filled up by
the management. { District
Date of Receipt
Accident No.
Classification, i.e. fatal, serious or minor
Date of Enquiry
Result of Enquiry

1. Name of occupier
2. Address of Works
3. Nature of Industry
4. Branch or Department in which accident occurred
5. (a) Was injury caused to any person?
(b) If so, the injured person's name
Address

Sex	Age	Caste
-----	-----	-------

- *6. Usual occupation of injured person
7. Date and hour of accident
8. Hour at which he stated work on day of accident
9. Cause of accident (a)

If cause by machinery give:—

(b) Name of machine and part causing accident. (b)

(c) State whether it was moved by mechanical power at the time. (c)

* (d) State exactly what injured person was doing at the time. (d)

*10. Describe fully nature and extent of injuries, e.g. fatal, loss of finger, etc.

*11. If accident not fatal, state whether injured person was disabled for 48 hours (*see* section 30 of Act XXV of 1934).

12. Has duplicate copy of this return been kept?

*13. Under whose treatment is injured person?

Signature of Occupier, Manager or Agent.

Date

FORM J.

(See rule 68.)

Register of Factories.

Part I—Non-seasonal.

Part II—Seasonal.

Year 19 .

Serial No.	District.	Name of Factory.	Postal Address.	Nature and amount of power.	Nature of manufacturing process carried on.	Name of Occupier.	Name of Manager.	Date of Inspection.	Remarks.

FORM K.

(See rule 72.)

Certificate of Stability of Buildings.

This is to certify that (a) buildings
(b) part of the buildings

marked

in the attached plans, which have been prepared under the personal supervision and bear the signature of the undersigned,

(1) were erected and completed

(2) are to be taken into use

as a factory for the manufacture of

situated at

(full details of survey

or plot No. and postal address required)

the property of

have been personally examined by the

undersigned, and, from calculations made, examination of the various materials used, and of the workmanship employed, the undersigned

is satisfied that the strength of the aforesaid ^{buildings} part of a building is not

less than that required by sound engineering practice and Government Resolution, General Department, No. 5646, dated

4th January 1926, as amended by Government Resolution, Political Department, No. 9112, dated 19th August 1932. The undersigned

is also satisfied that the foundations, floors, columns, stanchions, walls or other portions supporting machinery, plant, shafting, or

tanks are strong enough to support such machinery, plant, shafting or tanks with safety.

(Signature)

(Qualifications)

FORM L.

(See rule 76.)

ABSTRACT OF THE FACTORIES ACT, 1934, AND THE BOMBAY
FACTORIES RULES, 1935.

(To be fixed in a conspicuous place near the main entrance.)

Non-seasonal Factories.

1. No adult worker shall be allowed to work in any factory for more than ten hours in any day.

2. No adult worker shall be allowed to work in any non-continuous process factory for more than fifty-four hours in any week or for more than fifty-six hours in a continuous process factory.

3. No child shall be allowed to work in any factory for more than five hours in any day. (This also applies to adolescents who have not received a certificate of fitness to work as adults.)

4. Unless otherwise notified no woman or child shall be allowed to work before or after the hours noted below. (Male adolescents may only be so employed if they are in possession of a certificate of fitness to work as an adult and either carry the certificate or a token giving reference to the certificate) :—

From November 1st to March 31st inclusive ...	{ before 6-30 a.m. and after 7-30 p.m.
...	

From April 1st to October 31st inclusive ...	{ before 6-00 a.m. and after 7-00 p.m.
...	

5. There must be fixed for every worker on each working day—

(a) either an interval for rest of at least one hour's duration before more than six hours' work; or

(b) an interval for rest of at least half an hour's duration before more than five hours' work; or two half hour intervals before more than eight and half hours' work, and no period of work shall exceed five hours.

6. No worker shall be allowed to work in any factory on a Sunday, unless—

(a) he has had, or will have, a holiday for a whole day on one of the three days immediately before or after that Sunday, and

(b) the manager of the factory has before that Sunday or the substituted day whichever is earlier, delivered notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted, and displayed a notice to that effect in the factory :

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

7. The periods of work together with intervals for rest shall not spread over more than,—

(a) thirteen hours in any day for an adult;

(b) seven and half hours in any day for a child.

8. No child or adolescent shall be allowed to work in any factory unless he is in possession of a certificate granted under section 52 (2) and while at work carries a token giving reference to the certificate. (An adolescent who has not been granted a certificate of fitness to work in a factory as an adult shall, notwithstanding his age, be deemed to be a child.)

9. No person shall employ or permit to be employed in any factory any child or, except in prescribed circumstances, any other worker whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

10. A register in Form D or D-1 as the case may be must be kept for all workers employed in every factory unless the Provincial Government or the Inspector specially grants exemption from the maintenance of this register by written order.

11. The notice required by sections 39 and 55 shall be written in Form C or C-1 as the case may be and shall be posted in a conspicuous place near the main entrance of the factory.

12. Every factory shall be suitably and sufficiently lighted by safe methods.

13. (a) In every factory there shall be maintained a free, sufficient and suitable supply of drinking water ;

(b) In every factory stores of first-aid appliances shall be maintained for the use and free treatment of injured persons ;

(c) In factories in which workers come in contact with injurious or obnoxious substances suitable washing accommodation shall be maintained.

14. Every factory shall be provided with latrine accommodation. If females are employed, separate screened and marked latrines and urinals shall be provided.

15. Unless specially exempted factories must be lime-washed each year and the date recorded in Form F.

16. Any person who smokes or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of section 66 shall be punishable with fine which may extend to five hundred rupees.

17. All accidents within the scope of section 30 must be reported as required by rules 57-62.

18. All structural collapses, the breakage of ropes, chains or other lifting gear, and fires in cotton openers, must be reported in accordance with rule 62, that is, whether injury is caused or not.

19. No woman, adolescent or child shall be employed on lead processes save in accordance with the Hazardous Occupations (Lead) Rules, 1937.

20. *Exceptions.*—

(a) Chapter IV does not apply to clerks, time-keepers or accountants or to persons included in the Schedule in rule 77.

(b) Sections 34, 35, 36, 37, 38, 39 and 40 do not apply to any work or classes of persons specifically exempted by the Provincial Government under the provisions of section 43 (2), to the extent specified in Appendix III.

(c) Sections 34, 35, 36, 37, 38, 39 and 40 do not apply to factories specifically exempted by the Provincial Government under the provisions of section 44 (2) to the extent noted in the exemption order.

(d) No woman under any circumstances shall be employed for more than ten hours in any one day.

21. All persons who exceed fifty-four hours' work a week but not more than sixty hours under any exemption granted in factories other than those employed on continuous production work for technical reasons and all persons who exceed fifty-six hours' work a week but not more than sixty hours employed on continuous production work for technical reasons, shall be paid for the overtime at a rate at least one and a quarter times the normal rate. All persons who exceed sixty hours of work a week as above, or exceed ten hours a day, shall be paid overtime at a rate of at least one and half times the normal rate.

Chief Inspector of Factories.

FORM M.

(See rule 76.)

ABSTRACT OF THE FACTORIES ACT, 1934, AND THE BOMBAY
FACTORIES RULES, 1935.

(To be fixed in a conspicuous place near the main entrance.)

Seasonal Factories.

1. (a) No male adult worker shall be allowed to work in any factory for more than eleven hours in any day.

(b) No female adult worker shall be allowed to work in any factory for more than ten hours in any day.

2. No adult worker shall be allowed to work in any factory for more than sixty hours in any week.

3. No child shall be allowed to work in any factory for more than five hours in any day. (This also applies to adolescents who have not received a certificate of fitness to work as adults.)

4. No woman or child shall be allowed to work before or after the hours noted below. (Male adolescents may only be so employed if they are in possession of a certificate of fitness to work as an adult and carry a token giving reference to the certificate) :—

From November 1st to March	}	before 6-30 a.m.
31st inclusive ...		and
... ..	}	after 7-30 p.m.

From April 1st to October 31st	}	before 6-00 a.m.
inclusive ...		and
... ..	}	after 7-00 p.m.

5. There must be fixed for every worker on each working day :—

(a) either an interval for rest of at least one hour's duration before more than six hours' work ; or

(b) an interval for rest of at least half an hour's duration before more than five hours' work, or two half hour intervals before more than eight and half hours' work and no period of work shall exceed five hours.

6. No worker shall be allowed to work in any factory on a Sunday, unless—

(a) he has had, or will have, a holiday for a whole day on one of the three days immediately before or after that Sunday, and

(b) the manager of the factory has before that Sunday or the substituted day, whichever is earlier, delivered notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted, and displayed a notice to that effect in the factory :

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

7. The periods of work together with intervals for rest shall not spread over more than—

(a) thirteen hours in any day for an adult,

(b) seven and half hours in any day for a child.

8. No child or adolescent shall be allowed to work in any factory unless he is in possession of a certificate granted under section 52(2) and while at work carries a token giving reference to the certificate. (An adolescent who has not been granted a certificate of fitness to work in a factory as an adult, shall, notwithstanding his age, be deemed to be a child.)

9. No person shall employ or permit to be employed in any factory any child, or, except in prescribed circumstances, any other worker whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

10. A register in Form D or D-1 as the case may be must be kept for all workers employed in every factory unless the Provincial Government or the Inspector specially grants exemption from the maintenance of this register by written order.

11. The notice required by sections 39 and 55 shall be written in Form C or C-1 as the case may be, and shall be posted in a conspicuous place near the main entrance of the factory.

12. Every factory shall be suitably and sufficiently lighted by safe methods. Cotton ginning factories must not be lighted by lamps burning vapour under pressure and if candles are used they must be in satisfactory glass lanterns and at least one per 2 gins used.

13. (a) In every factory there shall be maintained a free, sufficient and suitable supply of drinking water ;

(b) In every factory stores of first-aid appliances shall be maintained for the use and free treatment of injured persons ;

(c) In factories in which workers come in contact with injurious or obnoxious substances suitable washing accommodation shall be maintained.

14. Every factory shall be provided with latrine accommodation. If females are employed, separate screened and marked latrines and urinals shall be provided.

15. Unless specially exempted factories must be lime-washed each year and the date recorded in Form F.

16. Any person who smokes or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of section 66 shall be punishable with fine which may extend to five hundred rupees.

17. All accidents within the scope of section 30 must be reported as required by rules 57-62.

18. All structural collapses, the breakage of ropes, chains or other lifting gear, and fires in cotton openers, must be reported in accordance with rule 62, that is, whether injury is caused or not.

19. *Exceptions.*—

(a) Chapter IV does not apply to clerks, time-keepers or accountants or to persons included in the Schedule in rule 77.

(b) Sections 34, 35, 36, 37, 38, 39 and 40 do not apply to any work or classes of persons specifically exempted by the Provincial Government under the provisions of section 43 (2), to the extent specified in Appendix III.

(c) Sections 34, 35, 36, 37, 38, 39 and 40 do not apply to factories specifically exempted by the Provincial Government under the provisions of section 44 (2) to the extent noted in the exemption order.

(d) No woman under any circumstances shall be employed for more than ten hours in any one day.

Chief Inspector of Factories.

FORM N.

(See rule 81.)

Overtime Muster Roll for workers on exempted work.

Month ending

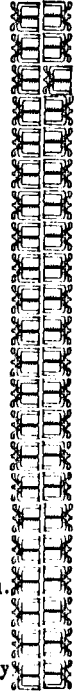
Number in Register.	Name.	Department.	Dates on which overtime has been worked.	Extent of overtime on each occasion.	Total overtime worked.	Normal hours.	Normal rate of pay.	Overtime rate of pay.	Normal earnings.	Overtime earnings.	Total earnings.

FORM O.

(See rule 88.)

Certificate.

1. Serial No.
Date
2. Name
3. Father's name
4. Sex and caste or religion
5. Residence
6. Age certified
7. Physical fitness
as ^{a child} _{an adult}
8. Distinctive marks.
9. *Reason for—
(1) refusal of certificate
or
(2) certificate being revoked.
Thumb impression.



Serial No.

Date

I hereby certify that I have personally examined (name)

^{son} _{daughter} of , (Caste, etc.) , residing at who is desirous

of being employed in a factory, and that ^{his} _{her} age, as nearly as can be

ascertained from my examination, is years, and that ^{he} _{she} is fit

for employment as ^{a child} _{an adult} in a factory. ^{His} _{Her} descriptive marks are

Thumb impression.

Initials of Certifying Surgeon

Certifying Surgeon.

*Note.—Exact details of cause of physical disability should be clearly stated.

FORM P.

(See rule 90.)

Register of fee paid for the issue of duplicate certificates under section 52 of the Factories Act, 1931.

Date.	Serial No.	No. of previous certificate.	Name of person to whom granted.	Initial of Certifying Surgeon.

Paid into Treasury.

Date

Signature of Certifying Surgeon.

APPENDIX I.

(See rule 25.)

Directions for the use of Kata Thermometers.

Object.—Measurement of the cooling properties of the air exerted on its surface, at approximately body temperature (36.5° C.) in millicalories ($\frac{1}{1000}$) gramme calories per sq. cm. per sec. The wet kata gives the cooling properties by radiation, convection and evaporation.

To take "wet" readings.—Heat the bulb *with its silk net finger stall on* in warm water (a thermos flask is convenient) till the spirit rises into the top bulb, and the column is free from bubbles. Never leave the instrument in hot water, for it will burst if the spirit fills the top bulb. Remove excess of water from the bottom of the bulb either by a cloth or by a gentle flick of the thermometer (the same method should always be used) and hold the instrument by the stem well away from the body at about 5 feet from the floor. Take the time in seconds taken by the spirit column in falling from 100° to 95° F. A stop watch is most convenient. Take three to five readings and the average of these. Always neglect the first reading of all.

The Factor.—The factor of each instrument is inscribed on the stem prefixed by F. Divide the factor by the average time of cooling in seconds. The result gives the cooling properties in millicalories per sq. cm. per sec.

APPENDIX II.

(See rule 67.)

PROVISION AND CUSTODY OF FIRST-AID APPLIANCES.

[Sections 32 (b) and 32 (g).]

(1) (a) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard [see (2) below], and where more than one hundred and fifty workers are employed, an additional box or cupboard for every additional one hundred and fifty workers.

The number of first-aid boxes or cupboards required under this provision shall be calculated on the largest number of workers employed at any one time, and fractions of one hundred and fifty shall be reckoned as one hundred and fifty. Where the workers are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time.

(b) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

(c) Keys of each first-aid box or cupboard shall be in charge of the Manager, who shall ensure that duplicate keys are maintained, and readily available in the departments in which boxes or cupboards are kept during all working hours:

Provided that if an ambulance room or a dispensary with facilities for the adequate treatment of injured cases is maintained, the Inspector may by written certificate exempt the factory from the requirements of rule 67 to such extent and subject to such conditions as he may specify. Provided further that where the

employees of a factory are not exposed to a serious risk of accident, the Inspector may, by written certificate, exempt the factory from the requirements of rule 67 to such extent as he may specify but no certificate shall totally exempt any factory from the necessity of maintaining first-aid appliances.

(2) Prescribed standards :—

(a) For factories employing 50 workers or less—
each first-aid box or cupboard shall contain at least—

(i) Printed English and vernacular instructions for the treatment of different types of injuries.

(ii) A sufficient number (not less than a dozen) of small sterilised dressings for injured fingers.

(iii) A sufficient number (not less than six) of medium sterilised dressings for injured hands or feet.

(iv) A sufficient number (not less than six) of large sterilised dressings for other injured parts.

(v) A sufficient number of sterilised burn dressings (small and large).

(vi) A sufficient supply of sterilised cotton wool, in $\frac{1}{2}$ oz. packets.

(vii) A two per cent. alcoholic solution of iodine.

(viii) A bottle of sal volatile, having the dose and mode of administration indicated on the label.

(ix) Eye drops.

(x) A supply of suitable splints and cotton wool or other material for padding.

(xi) A supply of adhesive plaster.

(xii) A tourniquet.

(xiii) Six roller bandages.

(xiv) Three triangular bandages.

(xv) Safety pins.

Provided that items (x) to (xv) inclusive need not be included in the standard first-aid box or cupboard (a) where there is a properly equipped ambulance room, or (b) if at least one box containing such items and placed and maintained in accordance with the requirements of rule 67 is separately provided.

Each first-aid box or cupboard shall be distinctively marked with a white cross on a red ground.

(b) For factories employing more than 50 workers—
each first-aid box or cupboard shall contain at least—

(i) Printed English and vernacular instructions for the treatment of different types of injuries.

(ii) A sufficient number (not less than two dozens) of small sterilised dressings for injured fingers.

(iii) A sufficient number (not less than one dozen) of medium size sterilised dressings for injured hands or feet.

(iv) A sufficient number (not less than one dozen) of large sterilised dressings for other injured parts.

(v) A sufficient number of sterilised burn dressings (small and large).

(vi) A sufficient supply of sterilised cotton wool, in $\frac{1}{2}$ oz. packets.

(vii) A two per cent. alcoholic solution of iodine.

(viii) A bottle of sal volatile, having the dose and mode of administration indicated on the label.

(ix) Eye drops.

(x) A supply of suitable splints and cotton wool or other material for padding.

(xi) A supply of adhesive plaster.

(xii) A tourniquet.

(xiii) One dozen roller bandages.

(xiv) Half a dozen triangular bandages.

(xv) Safety pins.

Provided that items (x) to (xv) inclusive need not be included in the standard first-aid box or cupboard (a) where there is a properly equipped ambulance room, or (b) if at least one box containing such items and placed and maintained in accordance with the requirements of rule 67 is separately provided.

Each first-aid box or cupboard shall be distinctively marked with a white cross on a red ground.

(c) For factories in which owing to the nature of the manufacturing process additional materials are necessary for the treatment of injuries, such additional materials shall be maintained as the Inspector may by written order require.

(d) All materials for dressings contained in first-aid boxes or cupboards shall be those designated in and of a grade or quality not lower than the standard prescribed by the British Pharmaceutical Codex, 1923.

(3) Notices in Gujerathi, Marathi, Kanarese or Urdu in Form hereto shall be affixed and maintained in every workroom, stating the nearest first-aid box or cupboard in respect of that room, also warning workers of the dangers of neglecting even small injuries and urging them to obtain proper treatment. The Form may be obtained from the Chief Inspector, Bombay, and the Senior Inspector of Factories, Ahmedabad.

(4) Arrangements shall be made to replace as soon as possible articles used from first-aid boxes or cupboards from a reserve supply.

NOTICE (FORM).

It is dangerous to neglect injuries.

Without proper care, blood poisoning or infection with serious consequences may result from slight injuries, such as cuts, punctures, scratches, splinters, burns, etc.

Workmen are urged to get proper attention to all such injuries and to report at once to their immediate superiors and the First-Aid Officer.

The nearest first-aid box is in

APPENDIX III.*

(See rule 80.)

Adult Workers exempted from certain restrictions on working hours.

Section of the Act empowering grant of exemption. 1	Class of Factory. 2	Nature of exempted work. 3	Extent of exemption. 4	Conditions. 5
48 (2) (a) and 48 (8)	1. All factories	... Urgent repairs ...	Sections 84, 85, 86, 87, 88, 89 and 40.	<p>Unless the Inspector gives permission in writing for reporting, otherwise than as herein laid down, the employment of persons on urgent repairs, the manager—</p> <p>(i) Shall send within twenty-four hours of the commencement of work on urgent repairs, written notice to the Inspector describing briefly the nature of the urgent repairs and the probable period of their duration, and</p> <p>(ii) Shall send weekly during the continuance of the work on urgent repairs a statement giving the names of all persons who have worked for more than ten hours on any day or more than fifty-four hours of the</p>

43 (2) (i)	... 2. All non-seasonal factories other than those on continuous processes.	(i) Work performed by engine drivers.	Section 35	<p>... (a) Such workers shall receive two holidays in each period covered by four consecutive statutory factory holidays and shall not be allowed to work for more than six hours on the other two weekly holidays;</p> <p>(b) the notice required by section 85 must be delivered to the office of the Inspector showing on which days holidays will be observed.</p>
43 (2) (i)	...	(ii) Work performed by ordinary firemen working with one working boiler, and work performed by all engine oilers.	Section 35	<p>... (a) Such workers shall receive two holidays in each period covered by four consecutive statutory holidays. (This exemption shall not apply to firemen working in factories with two or more working boilers nor to coal breakers nor coal carriers.)</p> <p>(b) The notice required by section 85 must be delivered to the office of the Inspector showing on which days holidays will be observed.</p>
43 (2) (i)	... 3. All seasonal factories other than those employed on continuous processes.	Work performed by all workers in the engine room and boiler house.	Section 35	<p>... No worker shall be allowed to work more than six hours on the weekly holidays.</p>

55

*Note.—The attention of Managers of all factories is drawn to section 47 and rule 81 regarding payments for over-time work of exempted workers.

Section of the Act empowering grant of exemption.	Class of Factory.	Nature of exempted work.	Extent of exemption.	Conditions.
1	2	3	4	5
43 (2) (l) and 43 (3).	4. All factories other than those employed on continuous processes.	Work performed by workers employed in the engine room or boiler house. (See also exemption No. 1.)	Sections 34, 36, 37 and 38 and from section 39 and 40 provided the register or muster-roll required by section 41 is maintained up to date and correctly giving the particulars of periods within which such workers may be required to work.	<p>(a) The intervals for food and rest shall be given to all workers allowed to work on such work ;</p> <p>(b) no worker shall be allowed to work for more than sixty hours of any one week in a non-seasonal factory or for more than sixty-six hours of any one week in a seasonal factory ;</p> <p>(c) no worker shall be allowed to work more than—</p> <p>(i) eleven hours in any one day in factories which work main machinery nine hours a day ;</p> <p>(ii) twelve hours in any one day in non-seasonal factories which work main machinery ten hours a day or for more than six hours on the day on which such factories work machinery only four hours ;</p> <p>(iii) thirteen hours in seasonal factories working main machinery eleven hours a day or for more than seven hours on the day when such factories work machinery five hours or less ;</p>

43 (2) (b) and 43 (3).	5. All factories other than those employed on continuous processes.	Work performed by night firemen during periods when the main departments of the factory are not working.	Sections 34, 36, 37 and 38 and from sections 39 and 40 provided the "spread-over" does not exceed fourteen hours and is shown correctly in the D register or muster-roll required by section 41.	<p>(iv) twelve hours in seasonal factories working main machinery ten hours a day;</p> <p>(d) no woman shall be allowed to work more than ten hours a day;</p> <p>(e) in seasonal factories which work main machinery eleven hours a day no worker shall be allowed to work in such a manner that the spreadover exceeds fourteen hours in any one day.</p> <p><i>Note.</i>—Workers in other factories are not exempted from section 38.</p>
43 (2) (c) and 43 (3).	6. All non-seasonal factories.	Work performed by drivers on lighting, ventilating and humidifying apparatus.	Sections 34, 36 and 37 and from sections 39 and 40 provided the register or muster-roll required by section 41 is maintained up to date and correctly giving particulars of periods within which such workers may be required to work.	<p>No worker shall be allowed to work for more than sixty-six hours in any one week in a non-seasonal factory, or for more than seventy-two hours in any one week in a seasonal factory.</p> <p>No worker shall be allowed to work more than—</p> <p>(a) twelve hours in any one day;</p> <p>(b) sixty-six hours in any one week;</p> <p>(c) intervals for food and rest shall be given to all such workers.</p>

Section of the Act empowering grant of exemption. 1	Class of factory. 2	Nature of exempted work. 3	Extent of exemption. 4	Conditions. 5
48 (2) (c) ...	7. (i) Cotton spinning and weaving mills.	Work performed by fire pumpmen.	Sections 34, 36 and 37 and from sections 39 and 40 provided the register and muster-roll required by section 41 is maintained up to date and correctly giving particulars of periods within which such workers may be required to work.	No worker shall be allowed to work for more than sixty-six hours in any one week.
48 (2) (b) ...	(ii) Do. ...	Work involved in cleaning blow room flues.	Sections 34, 36 and 38 ...	(a) No worker shall be allowed to work for more than fifty-seven hours in any one week; (b) the spreadover shall not exceed fourteen hours in any one day.
48 (2) (b) ...	8. Dyeing and bleaching factories or departments.	Work performed by kirmen.	Sections 34, 36 and 37 ...	(i) No worker shall be allowed to work more than sixty-six hours in any one week; (ii) no worker shall be allowed to work more than— (a) eleven hours in any one day in factories which work machinery nine hours a day; or (b) twelve hours in any one day in factories which work machinery ten hours a day or more than six on days when main machinery works four hours; (iii) the intervals for rest and food totalling one hour shall be given

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43 (2) (d)	...	9. Cloth printing departments.	All work	...	Section 37.	
43 (2) (d)	...	9A. Bleaching and Dyeing Departments worked on shifts of not longer than 8½ hours' duration.	Do.	...	Do.	An unspecified rest period of half an hour shall be given to each worker.
43 (2) (c) and 43 (2) (e).	43 10.	(i) All factories other than cotton spinning and weaving mills.	Work performed by fire pumpmen.	Sections 34, 36 and 37 and from sections 39 and 40 provided the register or muster-roll required by section 41 is maintained up to date and correctly giving particulars of periods within which such workers may be required to work.	No worker shall be allowed to work for more than— (i) sixty-six hours in any one week in a non-seasonal factory; or (ii) seventy-two hours in any one week in a seasonal factory.	
43 (l)	...	(ii) All factories other than cotton spinning and weaving mills.	(a) Work performed by oilers, and (b) Work in mechanic shops, smithies or foundries so far as such work is complementary to the main operations.	Sections 34 and 36	...	No worker shall be allowed to work— (a) in a seasonal factory more than 72 hours in any one week or for more than 12 hours in any one day; (b) in a non-seasonal factory more than 66 hours in any one week or for more than 12 hours in any one day. <i>Provided that this exemption shall not apply:—</i> (i) in the case of work performed by oilers, where these workers or the factories in which they work have been exempted from the provisions of sections 35 or 37; and (ii) to the work in the mechanic shop, smithy or foundry portion of engineering workshops or to a smithy or foundry used solely as such.

Section of the Act empowering grant of exemption. 1	Class of Factory. 2	Nature of exempted work. 3	Extent of exemption. 4	Conditions. 5
43 (2) (b) and 43 (3).	11. Oil tank installations...	Work performed by workers in connection with pumping operations.	Sections 34, 35, 36, 37 and 38 and from compliance with sections 39 and 40 during the continuation of pumping operations, in respect of such workers.	<p>(a) Sufficient intervals for rest and food are given.</p> <p>(b) No worker is allowed to work more than sixty-six hours in any one week.</p> <p>(c) A compensatory rest period of at least twenty-four consecutive hours is given to each worker after the cessation of the pumping operations.</p> <p>(d) Notice of such pumping operations with the number of workers allowed to work shall be sent to the Inspector as soon as possible after commencement of such work.</p>
43 (2) (d)	... 12. Hydro-electric public supply-factories.	Operation and maintenance of prime movers and auxiliaries, transformers and switches.	Sections 35, 36 and 37 ...	<p>(a) The workers engaged on continuous processes shall ordinarily work on eight-hour shifts.</p> <p>(b) Each worker shall have a rest period of at least 24 hours' duration on an average once per fortnight and as far as possible on every fourteenth day except where temporary difficulties prevent it.</p>
43 (2) (d)	... 13. Public electric supply companies generating electricity from oil in internal combustion engines.	The work of engine drivers and assistants, generator attendants, oilers and greasers, switch board operators and pumpmen.	Do. ...	As in exemption No. 12.

48 (2) (d)	...	14. Public electricity supply companies generating electricity from oil or coal fired boilers.	The work of the firemen and assistants, engine or turbine drivers and assistants, generator attendants, oilers, pumpmen and switch board operators.	Do.	...	Do.
Do.	...	15. Electrical transforming factories.	The work, viz., operation and maintenance of the transforming plant, switches and synchronous condensers.	Do.	...	Do.
Do.	...	16. Distilleries	Work on the extraction of sugar from various bases, fermentation of sugar juice and distillation of fermented wash.	Do.	...	(a) The workers engaged on continuous processes shall ordinarily work on 8-hour shifts. (b) Each worker shall receive a rest period of at least 24 consecutive hours in at least each 14 days.
Do.	...	17. Sugar factories	Extraction of the juice from the cane, clarification, evaporation and boiling of the juice. Curing of the massecuite. Bagging.	Do.	...	As in exemption No. 16.
Do.	...	18. Chemical factories	Work on the sulphur burners, chambers, concentrators and pumps, the manufacture of hydrochloric and nitric acid, sulphates, sulphides, nitrates and superphosphates. Work on the steam service.	Do.	...	Do.

Section of the Act empowering grant of exemption.	Class of Factory.	Nature of exempted work.	Extent of exemption.	Conditions.
1	2	3	4	5
43 (2) (d)	... 19. Vegetable oil hydrogenation factories.	The work, viz., refining, bleaching, filtering, hydrogenating and deodorising processes and also the compression of oxygen and the filling of cylinders.	Sections 35, 36 and 37 ...	As in exemption No. 16.
Do.	... 20. Magnesium chloride factories.	The work on concentrating process.	Do. ...	Do.
Do.	... 21. Municipal pumping and compressor stations.	All work ...	Do. ...	Do.
Do.	... 22. Train gas lighting factories of railways.	Do. ...	Do. ...	Do.
Do.	... 23. Water supply pumping factories of railway workshops.	Do. ...	Do. ...	Do.
Do.	... 24. Ice factories	Work of the engine and compressor drivers and assistants and oilers.	Do. ...	Do.
Do.	... 25. Carbonic acid gas works.	Work of firemen, pumpmen, plant drivers, oilers and the filling of cylinders.	Do. ...	Do.
Do.	... 25A. Carbonic acid gas solidification works.	All work except packing blocks.	Do. ...	Do.

Do.	...	26. Oxygen factories	...	Engine and plant drivers, oilers and the filling of cylinders.	Do.	...	Do.
Do.	...	27. The silver refinery at the Bombay Mint.	...	All work	Do.	...	Do.
Do.	...	28. Coal gas factories	...	All work in the retort house and on the water gas plant. Work of the yard labour staff in unloading coal, feeding hoppers and removing coke. Work on the syphons, boilers, station meters and governors.	Do.	...	Conditions (a) and (b) to Exemption No. 16, and (c) The exemption for the yard labour staff shall be limited to male adults only, who shall as far as possible receive compensatory holidays.
Do.	...	29. Oil mills (working on 3 eight-hour shift system).	...	All work	Sections 36 and 37	...	Workers shall ordinarily be allowed to work on eight-hour shifts.
Do.	...	30. Oil mills (working on the 2 shift or single shift system).	...	Do.	Section 37	...	.....
Do.	...	31. (i) Flour mills	...	Do.	Do.	...	.....
43 (2) (b)	...	(ii) Do.	...	Cleaning overhaul and repair of flour mill machinery.	Section 34	...	No worker is allowed to work more than six hours in a week on this work and that no worker shall be engaged thereon who has worked on a night shift in the previous week.

Section of the Act empowering grant of exemption. 1	Class of Factory. 2	Nature of exempted work. 3	Extent of exemption. 4	Conditions. 5
43 (2) (b) ...	82. (i) Gur factories ...	The work performed by workers in crushing sugarcane.	Sections 34 and 37 ...	No worker shall be allowed to work more than sixty-six hours in any one week.
43 (2) (c) and 44 (1)	(ii) Do. ...	All other work except in crushing sugarcane.	Sections 34, 36, 37, 39, 40 and 41.	A notice showing the hours of work of the crusher shall be exhibited in the factory and a copy sent to the Inspector.
43 (2) (d)	83. Cement tile factories ...	Work on the "curing" of tiles.	Section 35 ...	(a) No worker is allowed to work for more than four hours on the weekly holiday. (b) No worker is allowed to work on consecutive weekly holidays. (c) No worker is allowed to work for more than 56 hours in any one week.
Do.	84. Glass factories ...	Work in attending to furnace. All work and processes from mixing of batch to removal of the manufactured glassware from the lears.	Sections 35 and 37 ... Section 35 ...	..... (a) No worker is allowed to work more than six hours on the weekly holiday. Conditions (b) and (c) to Exemption No. 33.

Do.	...	35. Hydraulic Pumping Stations.	All work	Sections 35, 36 and 37 ...	As in Exemption No. 16.
Do.	...	36. Paper factories working on three eight-hour shift system.	All work on paper making machinery and on the generation and supply of power connected therewith.	Sections 36 and 37 ...	As in Exemption No. 20.
Do.	...	37. Smelting and Refining factories.	Work on the reducing furnaces.	Section 37	(a) Workers shall ordinarily be allowed to work on eight-hour shifts, and (b) Each worker shall receive an unspecified rest period of at least half an hour during the period of his shift.
Do.	...	38. Asbestos Cement factories.	All work on continuous process units.	Do.	Do.
43 (2) (b)	...	39. Film Studios	(i) work involved in erection and dismantling of "settings". (ii) work on the "make up" of actors and actresses.	Sections 34, 36 and 38 ... Do.	(a) No worker shall work for more than eleven hours in any one day. (b) The spreadover shall not exceed 14 hours in any one day. Do.

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By order of the Governor of Bombay,

G. WILES,
Chief Secretary to Government.

POLITICAL AND SERVICES DEPARTMENT.

Bombay Castle, 14th June 1938.

Factories
Act, XXV
of 1934.

No. 1262/34.—In exercise of the powers conferred by clause (g) of section 32 and sub-section (2) of section 33 of the Factories Act, 1934 (XXV of 1934), the Government of Bombay is pleased to make the following Rules the same having been previously published as required by sub-section (1) of section 79 of the said Act :—

Rooms for Children.

1. The occupier of every factory other than a seasonal factory wherein more than 100 women workers are ordinarily employed and which may be specified hereafter by a notification in this behalf shall provide a suitable room or rooms for the use of children below the age of six years belonging to such women. Such children shall not be refused admission to such portions of the factory premises.

2. These rooms shall comply with the following conditions :—

(a) In every such room sufficient floor space shall be provided for each child accompanying such women. The Chief Inspector of Factories may, if he considers the floor space to be insufficient, serve on the manager an order requiring further accommodation within three months of the order.

(b) The height of the roof of every such room measured to its lowest part shall be at least ten feet from the floor.

(c) Every such room shall be well lighted and ventilated and built of heat resisting materials.

(d) The structure of every such room shall be waterproof and damp proof and shall be maintained in a clean condition.

3. The use of every such room shall be restricted to children, their attendants, and mothers of children.

4. The occupier shall provide in such rooms proper sanitary utensils and a sufficient supply of hot and cold water or a sufficient supply of water with adequate facilities for heating the same.

5. The occupier shall employ a "trained nurse" and a female servant for attending to the children occupying such rooms, and either such nurse or servant shall always be present in such rooms during the hours when women are employed in the Factory.

From 1st May 1939 "a trained nurse" shall be one certified to have taken a six months' training course in any Maternity Home or Child Welfare Centre approved as satisfactory for this purpose by the Chief Inspector of Factories.

Bombay Castle, 30th July 1938.

Factories
Act, XXV
of 1934.

No. 1262/34.—The Government of Bombay is pleased to specify, with effect from the 15th day of August 1938, the factories mentioned in the schedule hereto, for the purposes of rule 1 of the rules made under section 32 (g) and section 33 (2) of the Factories

Act, 1934 (XXV of 1934), and published in Government Notification in the Political and Services Department, No. 1262/34, dated the 14th June 1938 :—

SCHEDULE.

FACTORIES.

TOWN AND ISLAND OF BOMBAY.

Cotton Spinning and Weaving.

1. Alexandra Mills, Limited.
2. Apollo Mills, Limited, No. 3.
3. Bombay Cotton Manufacturing Company, Limited.
4. Bombay Dyeing and Manufacturing Company, Limited (Spring Mills).
5. Bombay Dyeing and Manufacturing Company, Limited (Textile Mills).
6. Bombay Suryodaya Mills, Limited.
7. Bradbury Mills, Limited.
8. Century Spinning and Manufacturing Company, Limited.
9. Crown Spinning and Manufacturing Company, Limited.
10. Colaba Land and Mill Company, Limited.
11. Dawn Mills Company, Limited.
12. Dhanraj Mills, Limited.
13. Digvijay Spinning and Weaving Company, Limited.
14. Edward Sassoon Mills, Limited.
15. Elphinstone Spinning and Weaving Mills Company, Limited.
16. Finaly Mills Company, Limited.
17. Gold Mohur Mills, Limited.
18. Hindustan Spinning and Weaving Company, Limited.
19. Hirji Mills Company, Limited.
20. Indian Manufacturing Company, Limited.
21. Jacob Sassoon Mills, Limited.
22. Jam Manufacturing Company, Limited, No. 1.
23. Jam Manufacturing Company, Limited, No. 2.
24. Jehangir Wadia Mills, Limited.
25. Jubilee Mills, Limited.
25. Kamala Mills, Limited.
27. Khatau Mackanji Spinning and Weaving Company, Limited.
28. Kohinoor Mills Company, Limited, No. 1.

TOWN AND ISLAND OF BOMBAY—*contd.*● *Cotton Spinning and Weaving—contd.*

29. Kohinoor Mills Company, Limited, No. 2.
30. Madhowji Dharamsi Manufacturing Company, Limited.
31. Meyer Sassoon Mills, Limited.
32. Moon Mills, Limited.
33. Morarji Goculdas Spinning and Weaving Company, Limited, No. 1.
34. Morarji Goculdas Spinning and Weaving Company, Limited, No. 2.
35. Modern Mills, Limited.
36. Madhusudan Mills, Limited.
37. New City of Bombay Manufacturing Company, Limited.
38. New China Mills, Limited.
39. New Kaiser-I-Hind Spinning and Weaving Company, Limited.
40. Phoenix Mills, Limited.
41. New Great Eastern Spinning and Weaving Company, Limited, No. 1.
42. New Pralhad Mills, Limited.
43. Raghuvamshi Mills, Limited.
44. Ruby Mills, Limited.
45. Sir Shapurji Broacha Mills, Limited (Empress No. 2).
46. Sir Shapurji Broacha Mills, Limited (Empress No. 1).
47. Sassoon Spinning and Weaving Company, Limited.
48. Victoria Mills, Limited, No. II.
49. Simplex Mills Company, Limited.
50. Shree Ram Mills, Limited.
51. Standard Mills Company, Limited.
52. Shrinivas Cotton Mills, Limited.
53. Tata Mills, Limited.
54. Toyo Podar Cotton Mills, Limited.
55. New Union Mills, Limited.
56. Victoria Mills, Limited, No. I.
57. Western India Spinning, Weaving and Manufacturing Company, Limited.
58. Zenith Mills, Limited.

Textile—Woollen Mills.

59. Indian Woollen Mills, Limited.

THANA DISTRICT.

Match Factories.

- 60. Thana Match Works.
- 61. Western India Match Company, Limited.

BOMBAY SUBURBAN DISTRICT.

Cotton Spinning and Weaving.

- 62. Svadeshi Mills Company, Limited, No. I.
- 63. Svadeshi Mills Company, Limited, No. II.
- 64. Coorla Spinning and Weaving Company, Limited.

Match Factories.

- 65. Bombay Match Works.
- 66. New Era Match Works.
- 67. Santacruz Match Works.

EAST KHANDESH DISTRICT.

Cotton Spinning and Weaving.

- 68. Gendalal Mills, Limited.
- 69. Khandesh Spinning and Weaving Mills.
- 70. Pratap Spinning, Weaving and Manufacturing Company, Limited, No. I.
- 71. Pratap Spinning, Weaving and Manufacturing Company, Limited, No. II.
- 72. Chalisgaon Shri Laxmi Narayan Mills, Limited.

WEST KHANDESH DISTRICT.

Cotton Spinning and Weaving.

- 73. New Pratap Spinning, Weaving and Manufacturing Company, Limited.

POONA DISTRICT.

- 74. Reay Paper Mills, Limited.

SHOLAPUR DISTRICT.

Cotton Spinning and Weaving.

- 75. Jam Shri Ranjitsinghji Mills, Limited.
- 76. Laxmi Cotton Mills, Limited.

SHOLAPUR DISTRICT—*contd.**Cotton Spinning and Weaving—contd.*

77. Narsinggirji Manufacturing Company, Limited.
78. Sholapur Spinning and Weaving Company, Limited,
No. I.
79. Sholapur Spinning and Weaving Company, Limited,
No. II.
80. Sholapur Spinning and Weaving Company, Limited,
No. III.
81. Vishnu Cotton Mills, Limited.
82. Jayshankar Mills, Limited.
83. Lokmanya Mills, Limited.
84. Barsi Spinning and Weaving Mills, Limited.

BELGAUM DISTRICT.

Cotton Spinning and Weaving.

85. Gokak Mills, Limited, Nos. 1 and 2.

DHARWAR DISTRICT.

Cotton Spinning and Weaving.

86. Bharat Spinning and Weaving Mills, No. II.
87. Narayandas Chunilal Mills, Limited.

AHMEDABAD DISTRICT.

Cotton Spinning and Weaving.

88. Ahmedabad Advance Mills, Limited.
89. Ahmedabad Astodia Manufacturing Company, Limited.
90. Ahmedabad Cotton and Waste Manufacturing Company,
Limited.
91. Ahmedabad Cotton Manufacturing Company, Limited.
92. Ahmedabad Industrial Mills Company, Limited.
93. Ahmedabad Jubilee Spinning and Manufacturing Company,
Limited, No. I.
94. Ahmedabad Jupitor Spinning Weaving and Manufacturing
Company, Limited.
95. Ahmedabad Kaiser-I-Hind Mills Company, Limited.
96. Ahmedabad Manufacturing and Calico Printing Company,
Limited, No. I.
97. Ahmedabad Laxmi Cotton Mills Company, Limited.
98. Ahmedabad New Standard Mills Company, Limited.
99. Ahmedabad New Textile Mills Company, Limited, No. I.
100. Ahmedabad Sarangpur Mills Company, Limited, No. I.
101. Ahmedabad Spinning and Weaving Company, Limited,
Nos. 1 and 2.
102. Anant Mills, Limited.
103. Aruna Mills, Limited.

AHMEDABAD DISTRICT—*contd.**Cotton Spinning and Weaving—contd.*

104. Arvind Mills, Limited.
105. Aryodaya Gin and Manufacturing Company, Limited.
106. Aryodaya Spinning and Weaving Mills, Nos. 1 and 2.
107. Becharadas Spinning and Weaving Mills Company, Limited.
108. Bhalakia Mills Company, Limited.
109. Bharatkhand Cotton Mills Company, Limited, Nos. 1 and 2.
110. Bharatkhand Textile Manufacturing Company, Limited, No. 1.
111. City of Ahmedabad Spinning and Manufacturing Company, Limited.
112. Commercial Ahmedabad Mills Company, Limited.
113. Girdhardas Harivallabhdas Mills, Limited.
114. Gujerath Cotton Mills Company, Limited.
115. Gujerath Spinning and Weaving Company, Limited.
116. Gujerath Gin and Manufacturing Company, Limited, No. I.
117. Harivallabhdas Mulchand Mills Company, Limited.
118. Himabhai Manufacturing Company, Limited.
119. Jehangir Vakil Mills Company, Limited.
120. Kalyan Mills, Limited.
121. Lalbhai Tricumalal Mills, Limited.
122. Maneckchowk and Ahmedabad Manufacturing Company, Limited, Nos. 1 and 2.
123. Maneklal Hiralal Spinning and Manufacturing Company, Limited, No. I.
124. Marsden Spinning and Manufacturing Company, Limited.
125. Monogram Mills Company, Limited.
126. Motilal Hirabhai Spinning, Weaving and Manufacturing Company, Limited, Nos. 1 and 2.
127. Nagri Mills Company, Limited.
128. National Mills Company, Limited.
129. New Commercial Mills, Limited.
130. New Maneck Chowk Mills Spinning and Weaving Company, Limited.
131. New Swadeshi Mills of Ahmedabad, Limited.
132. Raipur Manufacturing Company, Limited.
133. Rajnagar Spinning, Weaving and Manufacturing Company, Limited, No. 2.
134. Rohit Mills, Limited.
135. Rustom Jehangir Vakil Mills Company, Limited.
136. Sarangpur Cotton Manufacturing Company, Limited, No. I.
137. Sarangpur Cotton Manufacturing Company, Limited, No. II.
138. Saraspur Mills, Limited.
139. Shorrocks Spinning and Manufacturing Company, Limited.

AHMEDABAD DISTRICT—*concl'd.**Cotton Spinning and Weaving—concl'd.*

140. Shrinagar Weaving and Manufacturing Company, Limited.
141. Shri Ambica Mills, Limited.
142. Shri Vivekanand Mills, Limited.
143. Vikram Mills, Limited.
144. Chandrodaya Mills, Limited, Nos. 1 and 2.
145. Jayanti Mills, Limited.

KAIRA DISTRICT.

Cotton Spinning and Weaving.

146. New Shorrock Spinning and Manufacturing Company, Limited.

BROACH AND PANCH MAHALS DISTRICT.

Cotton Spinning and Weaving.

147. Broach Fine Counts Spinning Weaving Company, Limited.
148. Gopal Mills, Limited, No. III.
149. Vasant Spinning Weaving Mills Company, Limited.

SURAT DISTRICT.

Cotton Spinning and Weaving.

150. Surat Cotton Spinning and Weaving Mills, Limited.

Bombay Castle, 31st January 1939.

Factories
Act, XXV of
1934.

No. 1262/34.—The Government of Bombay is pleased to specify, with effect from the 1st day of March 1939, the factories mentioned in the schedule hereto, for the purposes of rule 1 of the rules made under section 32 (g) and section 35 (2) of the Factories Act, 1934 (XXV of 1934), and published in Government Notification in the Political and Services Department, No. 1262/34, dated the 14th June 1938 :—

SCHEDULE.

FACTORIES.

TOWN AND ISLAND OF BOMBAY.

Cotton Spinning and Weaving.

1. David Mills, Limited.
2. Seksaria Cotton Mills, Limited.
3. Swan Mills, Limited.

AHMEDABAD DISTRICT.

Cotton Spinning and Weaving.

4. Asoka Mills, Limited.
5. Ahmedabad Jaya Bharat Cotton Mills Company, Limited.
6. Ahmedabad New Cotton Mills Company, Limited.
7. Hathising Manufacturing Company, Limited.

POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 31st March 1937.

No. 9073.—The following notification by the Government of India, Department of Industries and Labour, is republished:—

of Factories Act, XXV of 1934.

No. L-3050, dated New Delhi, the 18th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 79 of the said Act, namely:—

RULES.

1. (a) *Title and application.*—These rules may be called the Hazardous Occupations (Lead) Rules, 1937.

(b) They shall apply to all factories in which any operation specified in the Schedule is carried on.

2. *Declaration of occupations as Hazardous.*—The operations specified in the Schedule are declared to be hazardous operations when carried on in any factory.

3. *Definition of "lead compound".*—(1) In these rules "lead compound" means any compound of lead, other than galena, or any mixture which contains a compound of lead, other than galena (but does not include an alloy containing lead):

Provided that the compound or mixture when subjected to the treatment prescribed in sub-rule (3) yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis.

(2) In the case of paints and similar products and other mixtures containing oil or fat the "dry weight" means the dry weight of the material remaining after the substance has been thoroughly mixed and treated with suitable solvents to remove oil, fats, varnish or other media, and the treatment referred to in sub-rule (1) shall be applied to the material so remaining.

(3) The treatment referred to in sub-rule (1) shall be as follows:—

A weighed quantity of the material which has been dried at 100°C and thoroughly mixed shall be continuously shaken for one hour, at the common temperature, with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0.25 per cent. by weight of hydrogen chloride. This solution shall thereafter be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate shall then be precipitated as lead sulphide and weighed as lead sulphate.

4. *Sampling.*—When an Inspector of Factories suspects that any substance used or intended for use in any factory contains

a lead compound he may at any time take for analysis sufficient samples of that substance :

Provided that the manager of the factory may, at the time when a sample is taken and on providing the necessary appliances, require the Inspector to divide the sample into two parts and to make and seal and deliver to him one such part.

5. *Prohibition of employment of women, adolescents and children.*—No woman, adolescent or child shall be employed in any factory in any of the operations specified in items (i) to (vii) inclusive of the Schedule.

6. *Medical certification and examination.*—(1) No person shall be employed in any factory for more than 15 days in the year, in any of the operations specified in the Schedule unless a special certificate of fitness in the Form appended to these rules granted to him by a certifying surgeon appointed under section 12 of the Factories Act, 1934, is in the custody of the manager of the factory.

(2) The Chief Inspector of Factories may require that any person granted a certificate under sub-rule (1) shall carry with him while at work a token giving reference to such certificate.

(3) Every person so employed shall be medically examined by a certifying surgeon or by a registered medical practitioner specially appointed by the Provincial Government to be a certifying surgeon for the purpose of these rules, at intervals of not more than six months, and a record of such examinations shall be entered in the Form appended to these rules and be preserved by the manager of the factory.

(4) If at any time the certifying surgeon is of opinion that any person is no longer fit for employment in any of the operations specified in the Schedule, he shall cancel the special certificate of fitness of that person.

(5) No person whose special certificate of fitness has been cancelled shall be employed in any of the operations specified in the Schedule unless the certifying surgeon again certifies him to be fit.

7. *Exhaust draughts.*—Where gas, dust or fume is produced in any of the operations specified in the Schedule, provision shall be made for removing the gas, dust or fume by means of an efficient exhaust draught so contrived as to operate on the gas, dust or fume as closely as possible to the point of origin :

Provided that where the provision of an efficient exhaust draught is not reasonably practicable the Inspector of Factories may require :—

(a) respirators of a type approved by him to be provided and maintained in a clean and efficient condition by the occupier and worn by every person working under such conditions ;

(b) the damping of floors, apparatus and material to prevent the raising of dust.

Explanation.—“Efficient exhaust draught” means localised ventilation effected by heat or mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fumes or dust originate.

8. *Floors and work-benches.*—(1) The floor of every room, in which any person is employed on any of the operations specified in items (i) to (vi) of the Schedule, shall be of smooth cement or other smooth impervious material.

(2) The top of every work-bench in every such room shall be of smooth impervious material.

(3) The said floors and work-benches shall be kept clean and in good condition.

(4) The Chief Inspector of Factories may require by order in writing the said floors and work-benches to be kept wet in such manner as he may deem suitable, in order to reduce dust.

9. *Washing facilities.*—The occupier shall provide and maintain in a cleanly state and in good repair for the use of persons employed on any of the operations specified in the Schedule either—

(i) a trough with a smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow at least two feet for every five such persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet; or

(ii) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste pipe and plug, having a constant supply of water;

together with, in either case, a sufficient supply of nail brushes, soap or other suitable cleansing material, and clean towels.

10. *Food, drink and tobacco.*—(1) No food, drink, *pansupari*, or tobacco shall be brought into any room in which any person is employed upon any of the operations specified in the Schedule.

(2) No food, drink, *pansupari*, or tobacco shall be consumed in any room in which any person is employed upon any of the operations specified in the Schedule.

11. *Protective clothing.*—Adequate protective clothing such as overalls in a clean condition shall be provided by the occupier and worn by every person employed on any of the operations specified in the Schedule.

12. *Tools and apparatus.*—All tools and apparatus used in any operation specified in the Schedule and all rooms in which such operations are carried on shall be kept clean.

13. *Exemptions.*—The Chief Inspector of Factories may grant exemption from the operation of rule 8, 9, 10 (1) or 11 to the extent he deems suitable, where he is satisfied that their observance is not necessary for safeguarding the health of the operatives.

SCHEDULE.

(i) Work at a furnace where the reduction or treatment of zinc or lead ores is carried on.

(ii) The manipulation, treatment, or reduction of ashes containing lead, the desilverising of lead or the refining of dross containing lead.

(iii) The manufacture of alloys containing more than ten per cent. of lead.

(iv) The manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead.

(v) Handling or mixing of lead tetra ethyl.

(vi) Mixing or pasting in connection with the manufacture or repair of electric accumulators.

(vii) The cleaning of work-rooms where any of the processes aforesaid are carried on.

(viii) Every other manufacturing operation involving the use of any lead compound or the cleaning of work-rooms where any such operation is carried on.

FORM.

SPECIAL CERTIFICATE OF FITNESS.

In respect of persons employed in operations involving the use of lead compounds.

[Rule 6 of the Hazardous Occupations (Lead) Rules, 1937.]

Serial No.

Date

I HEREBY certify that I have personally examined (named)

son
daughter of
 wife

(caste, etc.)

residing at

who is desirous of being employed for more than 15 days in a year
 as

in the

Factory and that his/her age as nearly as can be ascertained from my examination is _____ years and that he/she is in my opinion fit for employment at work involving the use of lead compounds, until _____. His/her descriptive marks are _____
Left thumb impression of person examined.

Certifying Surgeon.

I certify that I re-examined the person mentioned above on	I extend this certificate until	Signature of certifying Surgeon.	Note of symptoms of lead poisoning (if any).

No. 377/34.—The following Notification by the Government of India, Department of Industries and Labour, is republished:—

Factories Act, XXV of 1934.

No. L-3050 (1), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 79 of the said Act, namely:—

RULES.

1. *Title and application.*—(a) These rules may be called the Hazardous Occupations (Miscellaneous) Rules, 1937.

(b) They shall apply to all factories in which any operation specified in the Schedule is carried on.

2. *Declaration of operations as hazardous.*—The operations specified in the Schedule are declared to be hazardous operations when carried on in any factory.

3. *Prohibition of the employment of children and adolescents.*—
 (1) No child shall be employed in any factory in any of the operations specified in the Schedule.

(2) No adolescent shall be employed in any factory in any of the operations specified in items 1 to 7 inclusive of the Schedule.

(3) No female adolescent shall be employed in any factory in any of the operations specified in items 8 and 9 of the Schedule.

Schedule.

1. The manufacture or recovery of any of the following :—

(a) Carbonates, chromates, chlorates, oxides or hydroxides of potassium, sodium, iron, aluminium, cobalt, nickel, arsenic, antimony, zinc or magnesium,

(b) Ammonia and the hydroxide and salts of ammonium,

(c) Sulphurous, sulphuric, nitric, hydrochloric, hydrofluoric, hydriodic, hydrosulphuric, boric, phosphoric, arsenious, arsenic, lactic, acetic, oxalic, tartaric or citric acids and their metallic or organic salts, and

(d) Cyanogen compounds.

2. A wet process—

(a) when carried on for the extraction of metal from ore or from any by-product or residual material; or

(b) in which electrical energy is used in any process of chemical manufacture.

3. The manufacture or production of carbon disulphide or the production or use of hydrogen sulphide.

4. The manufacture of bleaching powder or the production or use of chlorine gas in any process of chemical manufacture.

5. The distillation or use of gas tar or coal tar, or any product or residue of such tars, in any process of chemical manufacture.

6. The utilization of nitric acid in the manufacture of nitro compounds.

7. The manufacture of explosives with the use of nitro compounds.

8. Melting and blowing glass and mixing, grinding and sieving glass-making materials.

9. Vitreous enamelling.

10. Handling wool, hair, bristles, hides and skins.

11. Mixing, grinding and sieving ceramic materials in the dry state.

12. Grinding materials for the manufacture of portland cement and burning and grinding cement clinker, in portland cement factories.

13. Mixing and handling yellow orpiment.

No. 377/34 (a).—The following notification by the Government of India, Department of Industries and Labour, is republished :—

Factories
Act, XXV of
1934.

No. L.-3050 (2), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 79 of the said Act, namely :—

RULES.

1. *Title and application.*—(a) These rules may be called the Hazardous Occupations (Aerated Waters) Rules, 1937.

(b) They shall apply to all factories in which the manufacture of aerated waters and processes incidental thereto are carried on.

2. *Declaration of operations as hazardous.*—The manufacture of aerated waters and processes incidental thereto are declared to be hazardous operations when carried on in any factory.

3. *Fencing of machines.*—All machines for filling bottles or syphons shall be so constructed, placed or fenced, as to prevent as far as may be practicable a fragment of a bursting bottle or syphon from striking any person employed in the factory.

4. *Face guards and gauntlets.*—(1) The occupier shall provide and maintain in good condition for the use of all persons engaged in filling bottles or syphons :—

(a) suitable face guards to protect the face, neck and throat, and

(b) suitable gauntlets for both arms to protect the whole hand and arms :

Provided that :—

(i) this rule shall not apply where bottles are filled by means of an automatic machine so constructed that no fragment of a bursting bottle can escape, and

(ii) where a machine is so constructed that only one arm of the bottler at work upon it is exposed to danger, a gauntlet need not be provided for the arm which is not exposed to danger.

(2) The occupier shall provide and maintain in good condition for the use of all persons engaged in corking, crowning, screwing, wiring, foiling, capsuling, sighting or labelling bottles or syphons—

(a) suitable face guards to protect the face, neck and throat, and

(b) suitable gauntlets for both arms to protect the arm and at least half of the palm and the space between the thumb and forefinger.

5. *Wearing of face guards and gauntlets.*—All persons engaged in any of the processes named in rule 4 shall, while at work in these processes, wear the face guards and gauntlets provided in pursuance of these rules.

Factories Act, XXV of 1934. No. 377/34 (b).—The following notification by the Government of India, Department of Industries and Labour, is republished :—

No. L.-3050 (3), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 79 of the said Act, namely :—

RULES.

1. *Title and application.*—(a) These rules may be called the Hazardous Occupations (Rubber) Rules, 1937.

(b) They shall apply to all factories in which the operations specified in rule 2 are carried on.

2. *Declaration of operations as hazardous.*—Work on a rubber mixing machine and the use of any organic solvents in the manufacture of goods containing rubber, are declared to be hazardous operations when carried on in any factory.

3. *Prohibition of the employment of children.*—No child shall be employed in any factory on any of the operations specified in rule 2.

4. *Exhaust draughts.*—An efficient exhaust draught shall be provided by mechanical means for any process in which an organic solvent is used in the manufacture of goods containing rubber. The draught shall operate on the vapour given off in the process as near as may be at the point of origin, so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on.

Factories Act, XXV of 1934. No. 377/34 (c).—The following notification by the Government of India, Department of Industries and Labour, is republished :—

No. L.-3050 (4), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same

having been previously published as required by sub-section (1) of section 79 of the said Act, namely :—

RULES.

1. *Title and application.*—(a) These rules may be called the Hazardous Occupations (Chromium) Rules, 1937.

(b) They shall apply to all factories in which any operation involving the use of soluble chromium compounds is carried on.

2. *Declaration of operations as hazardous.*—Operations involving the use of soluble chromium compounds are declared to be hazardous operations when carried on in any factory.

3. *Prohibition of the employment of women, children and adolescents.*—No woman, child or adolescent shall be employed in any factory in any of the operations specified in rule 2.

4. *Protective clothing.*—(a) The occupier shall provide water-proof aprons (of a pattern approved by the Chief Inspector of Factories) or overalls in a clean condition which every person employed on any of the operations specified in rule 2 shall wear.

(b) The occupier shall provide loose fitting rubber gloves of suitable length and rubber boots or other waterproof footwear for the use of those working at any vessel in which the electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds, or any process subsequent thereto, is carried on :

Provided that the Chief Inspector of Factories may grant exemption from any or all the provisions of this rule where he is satisfied that they are not necessary to secure the health of the workers.

5. *Exhaust draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process of electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds. The draught shall operate on the vapour or spray given off in the process as near as may be at the point of origin, so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on.

No. 377/34 (d).—The following notification by the Government of India, Department of Industries and Labour, is republished :—

Factories
Act, XXV of
1934.

No. L-3050 (5), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same

having been previously published as required by sub-section (1) of section 79 of the said Act, namely :—

1. *Title and application.*—(a) These rules may be called the Hazardous Occupations (Cellulose Spraying) Rules, 1937.

(b) They shall apply to all factories in which the spraying of cellulose ester paints and lacquers is carried on.

2. *Declaration of operation as hazardous.*—The spraying of cellulose ester paints, or lacquers, is declared to be hazardous operation when carried on in any factory.

3. *Prohibition of the employment of children and adolescents.*—No child or adolescent shall be employed in any factory on the operation specified in rule 2.

4. *Exhaust draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process specified in rule 2. The draught shall operate on the vapour given off in the process as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. The draught shall be maintained working for a period of at least five minutes after the cessation of the operation :

Provided that the Chief Inspector of Factories may grant exemption from the provisions of this rule if he is satisfied that due to the casual nature of the operation they are not necessary to secure the health of the workers.

5. *Position of spray operators.*—Arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between the ventilating outfit and the article being sprayed.

Factories
Act, XXV of
1934.

No. 377/34 (e).—The following notification by the Government of India, Department of Industries and Labour, is republished :—

No. L.-3050 (6), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 79 of the said Act, namely :—

RULES.

1. *Title and application.*—(a) These rules may be called the Hazardous Operations (Sand Blasting) Rules, 1937.

(b) They shall apply to all factories in which the operation of sand blasting, as defined in rule 2, is carried on.

2. *Definition.*—In these rules “sand blasting” means the use of a jet of sand, metal shot, grit or other abrasive, propelled by a blast of compressed air or steam.

3. *Declaration of operation as hazardous.*—Sand blasting is declared to be a hazardous operation when carried on in any factory.

4. *Prohibition of the employment of women, adolescents and children.*—No woman, adolescent or child shall be employed in any factory on sand blasting.

5. (1) *Protective Clothing.*—No person shall be allowed to perform or to assist at sand blasting in the open air or to work within 30 feet of sand blasting apparatus in operation in the open air, unless he is wearing a suitable protective helmet and gauntlets.

(2) No person shall be allowed to work in or remain in a sand blasting chamber unless he is wearing a suitable protective helmet, overalls and gauntlets, or to insert his arm or hand into the chamber unless he is wearing a suitable gauntlet, while sand blasting is being carried on.

(3) The occupier shall provide and maintain in good condition all helmets, gauntlets and overalls necessary for compliance with sub-rules (1) and (2).

(4) A protective helmet shall not be considered suitable unless it carries the distinguishing mark of the person to whom it is issued and by whom it is intended to be used and is provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

(5) No person shall wear a protective helmet that has been worn by another person unless and until such protective helmet shall have been thoroughly disinfected.

NOTIFICATIONS.

I. The following factories situated in the Town and Island of Bombay and in the City of Ahmedabad are declared under section 4(1) of the Factories Act, 1934 (XXV of 1934), to be non-seasonal factories for the purposes of the said Act :—

By Notification, Political and Reforms Department, No. 352/34(a), dated 18th November 1935 :—

Town and Island of Bombay.

- (1) The Hyderally Manufacturing and Press Factory.
- (2) The Madras United Press Factory.
- (3) The Press Factory of the New Prince of Wales Press Company Limited.
- (4) The Krishna Press Factory.
- (5) The Wadi Bunder Cotton Press Factory.
- (6) The Lidget Cotton Press Factory.
- (7) The Cotton Seeds Cleaning Factory of the Hyderally Manufacturing Co.
- (8) The Ladakchand Oghaddas Cotton Cleaning Factory.
- (9) The Swadeshi Cotton Cleaning Factory.

Ahmedabad.

- (1) The Press Factory of the Indian Gin and Press Co. Ltd.
- (2) The Press and Opener Factory of the Dudhia Ginning and Pressing Company.
- (3) The Press Factory of the Ahmedabad Pressing, Ginning and Manufacturing Co.

II. The following factories are declared under section 4(2) of the Factories Act, 1934 (XXV of 1934), to be seasonal factories for the purposes of the said Act :—

By Notification, Political and Reforms Department, No. 352/34, dated 22nd April 1937 :—

The Pioneer Magnesia Works, Limited, situated at Kharaghoda, district Ahmedabad.

By notification, Political and Reforms Department, No. 352/34, dated 11th May 1937 :—

All bhussa presses and bone mills in the Province of Bombay.

III. Under section 5 of the Factories Act, 1934 (XXV of 1934), the Act has been extended to the following classes of places and individual concerns as per notifications detailed below :—

By notification, Political and Reforms Department, No. 352/34(c), dated 18th November 1935 :—

Classes of Places.

- (1) All premises whereon or within the precincts whereof the process of manufacturing glass is carried on and whereon or within the precincts whereof twenty or more workers are employed.

(2) All premises whereon or within the precincts whereof splints are converted into matches and whereon or within the precincts whereof twenty or more workers are employed.

(3) All premises whereon or within the precincts whereof cotton or waste is cleaned with the aid of power and whereon or within the precincts whereof ten or more workers are employed.

(4) All premises whereon or within the precincts whereof type is cast, polished, packed or otherwise adapted for use or for sale and whereon or within the precincts whereof ten or more workers are employed.

(5) All hand yarn dyeing premises whereon or within the precincts whereof lead compounds are used in the dyeing processes and whereon or within the precincts whereof ten or more workers are employed.

(6) All premises whereon or within the precincts whereof gas is manufactured for train lighting purposes with the aid of power and whereon or within the precincts whereof ten or more workers are employed.

Individual Concerns.

(1) The Metal Factory and Calendar Works, near Raipur Gate, Ahmedabad, at present known as the Valji Bhanji Metal Factory and Calendar Works.

(2) The Printing Press at Old Bombay Bank House, Soni Falia, Surat, at present known as the Gujarat Standard Printing Press.

(3) The Printing Press at Old Bombay Bank House, Soni Falia, Surat, at present known as the Jain Vijaya Printing Press.

(4) The Printing Press at Chauta Bridge, Surat, at present known as the Surat City Printing Press.

(5) The Cotton Ginning Factory at Newasa in the Ahmednagar District, at present owned by Mr. Krishnaji Janardhan Behere.

(6) The factory at Nipani in the Belgaum district, at present owned by G. A. Ambale Brothers.

(7) The Ginning Factory No. 1 at Nidgundi in the Bijapur district, at present known as B. H. Nagral Ginning Factory No. 1.

By Notification, Political and Reforms Department, No. 412/34, dated 30th January 1936 :—

The premises of the ginning factory situated at Varkhedi, district East Khandesh, and at present owned by Mr. Champalal Gordhandas.

By Notification, Political and Reforms Department, No. 1224/34, dated 23rd April 1936 :—

The premises of the oil mill at Pachora, district East Khandesh, at present owned by Mr. Mulchand Bhagwandas and Mr. Narsulal Ghasiram and known as the Mulchand Bhagwandas Oil Mill.

By Notification, Political and Reforms Department, No. 772/34, dated 3rd July 1936 :—

The class of places in the Province of Bombay wherein cloth manufactured in mills is subjected to the process of washing or bleaching, or both, as part of or in aid of a manufacturing process, whether with or without the aid of power and employing ten or more workers for the purposes of the provisions of Chapters IV and V and of sections 9, 30, 76 and 77.

By Notification, Political and Reforms Department, No. 1365/34, dated 16th September 1936 :—

The class of places situated in the Town and Island of Bombay wherein the manufacturing process of crushing and sizing stone is carried on with the aid of power and employing ten or more workers.

By Notification, Political and Reforms Department, No. 1596/34, dated 23rd February 1937 :—

The place of (i) the Dyeing Works at Taj Sheri, Ahmedabad, known as the Mahmoodji Aliji Dyeing Works and (ii) the Dyeing and Calendering Works at Tajpur, Ahmedabad, known as the Mahmoodji Aliji Dyeing and Calendar Works, and at present both owned by Mr. Noor Mohmed Mahmoodji.

By Notification, Political and Reforms Department, No. 1365/34, dated 31st March 1937 :—

The class of places situated in the Province of Bombay (excluding the Town and Island of Bombay) wherein the manufacturing process of crushing and sizing stone is carried on with the aid of power and employing ten or more workers.

By Notification, Political and Reforms Department, No. 1664/34, dated 31st March 1937 :—

The class of places situated in the town of Surat wherein artificial or natural silk cloth is manufactured with the aid of power and employing ten or more workers.

By Notification, Political and Reforms Department, No. 1868, dated 5th October 1937 :—

The oil mill situated at Potla, post Kola, taluka Karad, district Satara, known as the Annappa Narayan Kalyani Oil Mill and at present owned by Mr. Annappa Narayan Kalyani.

By Notification, Political and Reforms Department, No. 1822, dated 8th November 1937 :—

(1) All places wherein the process of manufacturing of leather goods or articles is carried on without the aid of power and employing 20 or more workers—for the provisions of Chapter V and sections 9, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(2) All places wherein the process of manufacturing bread, biscuits or confectionery is carried on with or without the aid

* (In so far as the posting of the Abstract of the factories Act, 1934, and the Rules made thereunder is concerned, it shall be sufficient compliance with the provisions of section 76 if the portions of the Abstract that affect each individual factory are posted).

of power and employing 10 or more workers—for the provisions of Chapter V and sections 9, 24, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(3) All places wherein the process of printing, book-binding or type setting is carried on with or without the aid of power and employing 10 or more workers—for the provisions of Chapter V and sections 9, 24, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(4) All places wherein the process of weaving cloth from cotton yarn is carried on with or without the aid of power and employing 10 or more workers—for the provisions of Chapter V and sections 9, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(5) All places wherein the process of dyeing cloth, yarn or articles is carried on with or without the aid of power and employing 10 or more workers—for the provisions of Chapter V and sections 9, 24, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(6) All places wherein metal is manipulated into articles with or without the aid of power and employing 10 or more workers—for the provisions of Chapter V and sections 9, 24, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(7) All places wherein the process of tanning is carried on without the aid of power and employing 20 or more workers—for the provisions of Chapter V and sections 9, 19, 20, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(8) All places wherein the process of manufacturing bricks is carried on without the aid of power and employing 50 or more workers—for the provisions of Chapter V and sections 9, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(9) All places commonly known as saw mills where the process of cutting or otherwise treating wood is carried on with the aid of power and employing 10 or more workers—for the provisions of the whole Act.

(10) All places wherein any manufacturing process enumerated in the Schedule to the Hazardous Occupations (Lead) Rules, 1937, is carried on and any place wherein any manufacturing process involving the use of any lead compound as defined in Rule 3 of the said Rules is carried on whether with or without the aid of power and employing 10 or more workers—for the provisions of sections 9, 24, 30, 33(4), 35, 36, 39, 40, 45, 47(1), 76* and 77.

(11) All places commonly known as general engineering works wherein the manufacturing process is carried on with the aid of power and employing 10 or more workers—for the provisions of Chapter V and sections 9, 24, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

(12) All places wherein the manufacturing process of extracting oil is carried on with the aid of power and employing 10 or more workers—for the provisions of the whole Act.

* (In so far as the posting of the Abstract of the Factories Act, 1934, and the Rules made thereunder is concerned, it shall be sufficient compliance with the provisions of section 76 if the portions of the Abstract that affect each individual factory are posted.)

(13) All places commonly known as rice mills wherein the manufacturing process of cleaning rice from husks is carried on with the aid of power and employing 10 or more workers—for the provisions of Chapters IV and V and sections 9, 24, 30, 76* and 77.

(14) All places commonly known as ginning factories wherein the process of separating raw cotton from its seeds is carried on with the aid of power and employing 10 or more workers—for the provisions of Chapters IV and V and sections 9, 24, 30, 76* and 77.

By Notification, Political and Reforms Department, No. 1822/34, dated 22nd June 1938 :—

The class of places wherein any of the manufacturing processes incidental to treating and/or packing cashew nuts is carried on with or without the aid of power and employing 50 or more workers—for the provisions of sections 9, 24, 30, 35, 36, 39, 40, 45, 47(1), 76* and 77.

IV. By Notification, Political and Reforms Department, No. 352/34(d), dated 18th November 1935, the Governor in Council is pleased—

* * * * *

(3) to direct that—

(a) the Chief Inspector of Factories shall be officially subordinate to the Commissioner of Labour, Bombay, and

(b) the Senior and Junior Inspectors and the Lady Inspector of Factories shall be subordinate to the Chief Inspector of Factories. They shall act as technical advisers to the District Magistrate in matters connected with factories and shall perform any special work in connection with factories which the District Magistrate may require them to do ;

(4) to declare that the notices and returns prescribed under the said Act and Rules made thereunder shall be sent to—

(a) the Senior Inspector of Factories at Ahmedabad, so far as they relate to factories situated in the districts of Ahmedabad, Kaira, Broach and Panch Mahals, Surat and the Nawapur taluka of the West Khandesh district ;

(b) the Chief Inspector of Factories, Secretariat, Bombay, so far as they relate to factories situated in the Town and Island of Bombay and in the districts of Thana, Bombay Suburban, East and West Khandesh, Nasik, Kolaba and Ratnagiri .

By Notification, Political and Services Department, No. 623/34, dated 7th June 1938 :—

The Government of Bombay is pleased to declare that the notices and returns prescribed under the Act and Rules made thereunder shall be sent to the Inspector of Factories, having

* (In so far as the posting of the Abstract of the Factories Act, 1934, and the Rules made thereunder is concerned, it shall be sufficient compliance with the provisions of section 76 if the portions of the Abstract that affect each individual factory are posted.)

his headquarters at Poona, so far as they relate to factories situated in the districts of Ahmednagar, Poona, Sholapur, Satara, Belgaum, Bijapur, Dharwar and Kanara.

V. By Notification, Political and Reforms Department, No. 352/34(e), dated 18th November 1935, it is declared that the District Magistrate [who is an Inspector of Factories for his district under sub-section (4) of section 10 of the Act] shall not pass any original orders or remarks under sections 13, 14, 15, 18, 23, 24, 25, 26, 28 and 29 of the Act but shall confine his orders or remarks under those sections to the point or points to which the full-time Inspector of Factories has already directed the attention of the manager or occupier of the factory as the case may be.

VI. Under Notification, Political and Reforms Department, No. 352/34(f), dated 18th November 1935, the undermentioned officers are appointed to be additional Inspectors of Factories :—

(1) All sub-divisional Magistrates in the Province of Bombay within the local limits of their respective jurisdictions ;

(2) All Mamlatdars and Mahalkaris in the Province of Bombay within the limits of their talukas, mahals or petas as the case may be ; and

(3) it is declared that the powers of every such additional Inspector shall be limited to the authority given by section 11 of the said Act to enter any factory within the limits of his jurisdiction as aforesaid and to make such examination of the premises and of any prescribed notices, registers and muster rolls as may be necessary for satisfying himself that the requirements of Chapters IV and V of the said Act are being properly observed.

VII. Under Notification, Political and Reforms Department, No. 352/34(g), dated 18th November 1935 :—

(1) the Director of Public Health and all Assistant Directors of Public Health in the Province of Bombay, the Certifying Surgeon for the Town and Island of Bombay, the Certifying Surgeon, Ahmedabad, the Bombay Medical Service Officers specified in Schedule A hereto and the Subordinate Medical Service Officers of not less than seven years' service stationed at the places specified in Schedule B hereto annexed are appointed as additional Inspectors of Factories within the limits of their respective jurisdictions ;

(2) it is declared that the powers of every such additional Inspector shall be limited to the power to enter any factory within the limits of his jurisdiction and to make such examination of the premises and of any prescribed notices, registers and muster rolls as may be necessary for satisfying himself that the requirements of sections 13, 14, 15(2), 17, 18, 19, 20, 32 (b) and 33 (4) of the Act are being properly observed ; and

(3) it is directed that the defects found and remedies suggested for enforcing compliance with the requirements of sections referred to in clause (2) shall be reported by such additional Inspectors to the Chief Inspector of Factories who shall pass final orders in each case.

SCHEDULE A.

Bombay Medical Service Officers.

- | | | |
|------------|-------------|---------------|
| 1. Nadiad. | 4. Kalyan. | 7. Kapadvanj. |
| 2. Gadag. | 5. Bandra. | |
| 3. Hubli. | 6. Andheri. | |

Under Notifications, Political and Reforms Department,
No. 352/34-II, dated 12th April 1937 and 14th April 1937 :—

(8) Bhiwandi.

(9) Ahmednagar.

SCHEDULE B.

Subordinate Medical Service Officers of not less than seven years' service.

- | | | |
|--------------------------------|---------------|-----------------|
| 1. Viramgaum. | 10. Ilkal. | 19. Ilav. |
| 2. Broach. | 11. Hungund. | 20. Thasra. |
| 3. Surat. | 12. Dhulia. | 21. Chalisgaon. |
| 4. Sholapur. | 13. Talegaon | 22. Bardoli. |
| 5. P o o n a a n d
Mundhwa. | (Dabhada). | 23. Jalalpure. |
| 6. Karad. | 14. Jalgaon. | 24. Bailhongal. |
| 7. Gokak. | 15. Amalner. | 25. Devgad. |
| 8. Bijapur. | 16. Jambusar. | 26. Belgaum. |
| 9. Bagalkot. | 17. Thana. | 27. Umreth. |
| | 18. Amod. | 28. Dhandhuka. |

VIII. By Notification, Political and Services Department,
No. 1554/34-II, dated 26th March 1938 :—

(1) the Inspector appointed under sub-section (3) of section 14 of the Payment of Wages Act, 1936 (IV of 1936), in Government Notification in the Political and Reforms Department, No. 1554/34; dated the 30th August 1937, is appointed to be an additional Inspector of Factories within the limits of his jurisdiction specified in the said notification ; and

(2) it is declared that the powers of such additional Inspector of Factories shall be limited to the authority given by section 11 of the Factories Act, 1934 (XXV of 1934), to enter any factory within the limits of his jurisdiction as aforesaid and to make such examination of the premises, and of any prescribed notices, registers and muster rolls as may be necessary for satisfying himself that the requirements of Chapters IV and V of the last mentioned Act are being properly observed.

IX. Under Notification, Political and Reforms Department,
No. 352/34(h), dated 18th November 1935, the undermentioned

medical officers are appointed to be certifying surgeons for factories within the limits of the places or areas shown against their names :—

Serial No.	Names or designations of Medical Officers.	Place or area (i.e., city, town or village as the case may be unless otherwise specified).
1	Mr. R. J. Tata, L.M. & S., D.P.H., etc. ...	Town and Island of Bombay, Kurla and Ghatkopar.
2	,, V. B. Gupta, M.B., B.S., B.M.S. ...	City of Ahmedabad.
3	The Civil Surgeon, Broach and Panch Mahals	Broach.
4	The Civil Surgeon, Surat	Surat.
5	The Civil Surgeon, Sholapur... ..	Sholapur.
6	The Civil Surgeon, Bijapur	Bijapur.
7	The Civil Surgeon, Dhulia	Dhulia.
8	The Civil Surgeon, Jalgaon	Jalgaon.
9	The Civil Surgeon, Thana	Thana.
10	The Civil Surgeon, Belgaum	Belgaum village limits including the municipal borough of Belgaum.
11	The Assistant to the Civil Surgeon, Poona	Poona and Mundhwa.
12	The Medical Officer in charge of the Dispensary at Bandra.	Bandra.
13	The Sub-Assistant Surgeon, Talegaon	Talegaon.
14	The Sub-Assistant Surgeon, Jambusar (district Broach and Panch Mahals).	Jambusar.
15	The Government Medical Officer in charge of the dispensary at Ilav.	Ilav in Broach and Panch Mahals district.
16	The Medical Officer in charge of Arsenal and Ammunition Factory Establishments, Kirkee.	Kirkee.
17	The Medical Officer in charge of the Government dispensary at Andheri.	Andheri.
18	The Medical Officer in charge of the Government dispensary at Bardoli.	Bardoli.
19	The Medical Officer in charge of the dispensary at Viramgaum.	Viramgaum.
20	The Medical Officer in charge of the dispensary at Karad.	Karad.
21	The Medical Officer in charge of the dispensary at Gokak.	Gokak.

Serial No.	Names or designations of Medical Officers.	Place or area (i.e., city, town or village as the case may be unless otherwise specified).
22	The Medical Officer in charge of the dispensary at Gadag.	Gadag.
23	The Medical Officer in charge of the dispensary at Hubli.	Hubli.
24	The Medical Officer in charge of the dispensary at Kalyan.	The municipal district of Kalyan and Ambernath town.
25	The Medical Officer in charge of the dispensary at Amalner.	Amalner.
26	The Medical Officer in charge of the dispensary at Amod in Broach and Panch Mahals district.	Amod.
27	The Medical Officer in charge of the dispensary at Chalisgaon in the East Khandesh district.	Chalisgaon.
28	The Medical Officer in charge of the dispensary at Tadkeshwar in Surat district.	Kim.
29	The Medical Officer in charge of the dispensary at Devgad.	Taluka of Devgad (district Ratnagiri).
30	The Medical Officer in charge of the municipal dispensary at Nadiad.	Nadiad.
31	The Medical Officer in charge of the municipal dispensary at Bagalkot.	Bagalkot taluka.
32	The Medical Officer in charge of the municipal dispensary at Ilkal.	Ilkal.
33	The Medical Officer in charge of the municipal dispensary at Kapadvanj.	Kapadvanj taluka.
34	The Medical Officer in charge of the municipal dispensary at Dakore.	Thasra taluka.
35	The Medical Officer in charge of the municipal dispensary at Umreth.	Umreth.
36	The Medical Officer in charge of the municipal dispensary at Barsi.	Barsi.
37	The Medical Officer in charge of the municipal dispensary at Anand.	Town of Anand (district Kaira).
38	The Medical Officer in charge of the local board dispensary at Hungund.	Hungund taluka.
39	The Medical Officer in charge of the local fund dispensary at Jalalpure.	Jalalpure.
40	The Medical Officer in charge of the grant-in-aid municipal dispensary at Bailhongal.	Municipal district of Bailhongal.

Serial No.	Names or designations of Medical Officers.	Place or area (i.e., city, town or village as the case may be unless otherwise specified).
41	The Subordinate Medical Service Officer at Peint ...	Peint taluka in Nasik District.
42	The Bombay Medical Service Officer in charge of C. R. Wadia dispensary at Thana.	Town of Mulund in the Bombay Suburban District.
43	The Medical Officer in charge of the dispensary attached to the Government Central Distillery, Nasik.	Nasik Road.
44	The Medical Officer in charge of the dispensary at Dhandhuka.	Dhandhuka.
45	(Under G. N., P. & R. D., No. 352/34 of 1st June 1936 and No. 352/34 of 28th April 1937). The Subordinate Medical Service Officer in charge of the dispensary at Vagra.	Vagra, district Broach and Panch Mahals.
46	(Under G. N., P. & R. D., No. 450/34 of 3rd November 1936 and No. 352/34 of 28th April 1937). The Subordinate Medical Service Officer in charge of the dispensary at Prantij.	Talod, district Ahmedabad.
47	(Under G. N., P. & R. D., No. 352/34-I of 12th April 1937). The Bombay Medical Service Officer in charge of the dispensary at Bhiwandi.	Bhiwandi.
48	(Under G. N., P. & R. D., No. 352/34-I of 14th April 1937). The Civil Surgeon, Ahmednagar.	Ahmednagar.
49	(Under G. N., P. & S. D., No. 352/34-I of 30th August 1938). The District Medical Officer of the M. & S. M. Railway, Hubli.	For the area occupied by factories of the M. & S. M. Railway situated in the Province of Bombay.
50	The Medical Officer of the B. B. & C. I. Railway Company at Dohad.	Dohad, Broach and Panch Mahals district.
51	The Medical Officer, Central Prison, Yeravda ...	Yeravda, near Poona.
52	(Under G. N., P. & S. D., No. 352/34-I of 20th January 1939). The Medical Officer in charge of the grant-in-aid dispensary at Gcgha.	Gogha, Ahmedabad district.

X. By Notification, Political and Reforms Department, No. 377/34, dated 25th November 1937, as subsequently amended by Government Notification, Political and Services Department, No. 352/34-II, dated 30th August 1938, the Government of Bombay is pleased to appoint the Medical Officers mentioned in column 2 of the Schedule hereto, in the employ of the concerns specified against them in column 3 of the said schedule, to be Certifying Surgeons for the purposes of the Hazardous Occupations (Lead) Rules, 1937,

within the local limits specified against them in column 4 of the said schedule :—

Schedule.

No.	Designation of Medical Officers.	Name of concerns.	Local Limit.
1	2	3	4
1	The District Medical Officer (Health), 335, Parel Road, Byculla, Bombay.	G. I. P. Railway.	Transportation workshop at Wadi Bunder and Parel and Matunga Workshops of the G. I. P. Railway.
2	Assistant Medical Officer (Health), 335, Parel Road, Byculla, Bombay.	Do. ..	Do. do.
3	The Medical Officer, Parel Bombay.	B. B. & C. I. Railway Company.	Train lighting workshop at Parel and Bombay Central and Parel Workshop of the B. B. & C. I. Railway Co.
4	The Chief Medical Officer ...	Do. ...	The Agent's Office Printing Press, Churchgate.
5	The Officer in charge H. M.'s Indian Naval Dockyard Dispensary, Bombay.	H. M.'s Indian Naval Dockyard, Bombay.	H. M.'s Indian Naval Dockyard, Bombay.

XI. By Notification, Political and Reforms Department,

- (a) Government factories,
 (b) Cotton spinning and Weaving factories,
 (c) Hosiery factories,
 (d) Silk factories,
 (e) Woollen factories, and
 (f) Railway workshops.

No. 352/34(i), dated 18th November 1935, the marginally noted factories have been exempt from the provisions of the sub-section (1) of section 41 of the Factories, Act, 1934,

(XXV of 1934) in respect of workers other than children or adolescents not possessing certificates of fitness to work in a factory as adults employed therein for definite periods of work laid down in the notice required by sub-section (3) of section 39 of the said Act:

Provided that this exemption shall not apply to any factory in which all the adult workers are not required to work within the same periods, nor to workers exempted from the provisions of sections 34 and/or 36, under clauses (b) and (c) of sub-section 2 of section 43 or under sub-section (2) of section 44 of the said Act.

XII. By Notification, Political and Reforms Department, No. 352/34(j), dated 18th November 1935, it is directed that in respect of all factories except cotton spinning and weaving mills the limits of working hours for women and children shall be varied from between 6 a.m. and 7 p.m. to between 6-30 a.m. and 7-30 p.m. during the period from November 1st to March 31st, both days inclusive.

XIII. By Notification, Political and Reforms Department, No. 352/34(k), dated 18th November 1935, the Chief Inspector of Factories, Senior and Junior Inspectors of Factories have been appointed under section 492(1) of the Code of Criminal Procedure, 1898 (V of 1898), to be Public Prosecutors throughout the Province of Bombay for the purpose of conducting prosecutions under the Factories Act, 1934, (XXV of 1934).

XIV. By Notification No. L.-3050, Government of India, Department of Industries and Labour, dated 8th August 1935, republished in Government Notification, Political and Reforms Department, No. 377/34, dated 13th August 1935, the Governor-General in Council is pleased to make the following rule :—

RULE.

The Manager of every factory shall furnish to the Inspector of Factories or other officer designated by the Provincial Government in this behalf the following returns, namely :—

I. On or before the 15th January of each year, an annual return in duplicate in the form set forth in the schedule hereto annexed :

Provided that in the case of a factory in which work is carried on only during a certain season or certain seasons of the year, the Manager shall, if so required by the Provincial Government, or, if the Provincial Government so directs, by the Chief Inspector of Factories, submit the annual return within fifteen days after the close of that season or of the last of those seasons as the case may be.

II. Before the end of each calendar month, a return giving notice of all the days on which it is intended to close the factory during the next ensuing month. This return shall be submitted whether the factory is or is not working during the calendar month preceding the month to which the return relates :

Provided that the Provincial Government may dispense with this return in the case of any specified factory or of any class of factories or of the factories in any particular area.

SCHEDULE.

Name of factory.	Year ending 31st December 193 Seasons (s) ending 193
Name of Occupier.	Name of Manager.
1. District	
2. Postal Address	
3. Nature of Industry	

4. *Average number of workers employed daily. { Men.
Women.
Adolescents :—
Male.
Female.
Boys.
Girls.
5. Normal hours worked per week. { Men.
Women.
Children.
6. Number of days worked in the year.
7. †What rest intervals were given to adults ?
8. Were rest intervals given to children ?
9. Were week-days sometimes substituted for Sundays as weekly holidays ?
10. Were the majority of workers { 34 ?
exempted from the provisions { 35 ?
of sections. { 36 ?
{ 37 ?
{ 38 ?
11. Was the factory exempted under the second proviso to section 41(1) ?
12. (Fish curing and fish canning factories only)
Was the factory exempted under section 45(2) ?

* The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days in the year. In reckoning attendances, attendances by temporary as well as permanent employees should be counted, and all employees should be included, whether they are employed directly or under contractors. Attendances on separate shifts (e.g. night and day shifts) should be counted separately. Days on which the factory was closed, for whatever cause, and days on which the manufacturing processes were not carried on should not be treated as working days.

† Enter "one hour", "two half-hours", "one half-hour", or "none", as the case may be. If none of these categories applied to all the adult employees, enter the category applicable to the majority of adult employees. Where the majority received an interval exceeding one hour, enter "one hour".

XV. By Notification, Political and Reforms Department, No. 352/34-II, dated 9th October 1935, the Governor in Council is pleased to dispense with the submission of the monthly return of holidays, in the case of all factories in the Province of Bombay :—

- (1) which regularly observe Sundays as holidays, or
- (2) which regularly observe a fixed day in the week as a holiday, or
- (3) which observe holidays according to a list approved by the Inspector of Factories :

Provided, however, that where the Manager of any factory makes any departure from such a holiday or list of holidays as aforesaid, prior intimation shall be given to the Inspector of Factories.

Cocaine eye-drops.

Managers of Factories.

Possession of — by, for use in
first-aid boxes.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. 4362/33.

Bombay Castle, 26th September 1935.

Letter from the Commissioner of Excise (Mr. J. P. Brander, I.C.S.), No. 73-31/35, dated the 14th September 1935 :—

* * * * *

RESOLUTION.—Government are pleased to direct that managers of factories should be allowed to possess, in their first-aid boxes, eye-drops containing 0·5 per cent. of cocaine under permits issued by the Collector and in such quantities as he may deem fit considering the requirements of each factory.

2. The managers of factories should be required to maintain accounts of cocaine eye-drops obtained and used by them in the forms* submitted by the Commissioner of Excise which are approved.

By order of the Government of Bombay
(Transferred Departments),

T. E. STREATFIELD,

Under Secretary to Government.

* Printed on pages 127 and 128.

Accompaniments to Government Resolution, Revenue Department,
No. 4362/33, dated the 26th September 1935.

*Permit for the possession of cocaine eye-drops by managers
of factories.*

The Manager of
is hereby authorised to possess eye-drops containing in the aggregate grains of cocaine in the first-aid box which he is required to maintain in accordance with the rules framed under the Factory Act.

The manager shall maintain in the appended form an account of the quantities of the cocaine eye-drops received, used and held in balance by him.

This permit will hold good up to the evening of 31st March 193 .

Collector of

Form of account of cocaine to be kept by managers of factories who have been granted special permits for possession for use in first-aid boxes.

	Cocaine eye-drops.	Remarks.
	Grains.	
Opening balance		Names of persons from whom and dates on which purchased.
Purchased during the month		
Total		
Used during the month		
Closing balance carried to next month		

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

**THE TRADE DISPUTES ACT,
1929
(VII OF 1929).**

(As modified up to the 1st May, 1939.)

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI,
1939.

Price annas 2 or 3d.

STATEMENT OF AMENDMENTS.

SECTIONS.

- | | |
|---------------------|---|
| 1. AMENDED . . . | Act XIII of 1934, s. 2.
The Government of India (Adaptation of
Indian Laws) Order, 1937. |
| 2. AMENDED . . . | The Government of India (Adaptation of
Indian Laws) Order, 1937.
Act XX of 1937, s. 3 and Sch. II.
Act XVII of 1938, s. 2. |
| 3. AMENDED . . . | The Government of India (Adaptation of
Indian Laws) Order, 1937.
Act XVII of 1938, s. 3. |
| 4. AMENDED . . . | Act XVII of 1938, s. 4. |
| 6. AMENDED . . . | Act XVII of 1938, s. 5. |
| 8. AMENDED . . . | The Government of India (Adaptation of
Indian Laws) Order, 1937. |
| 10. AMENDED . . . | Act XVII of 1938, s. 6. |
| 13. AMENDED . . . | Act XIX of 1932, s. 2. |
| 15. AMENDED . . . | The Government of India (Adaptation of
Indian Laws) Order, 1937.
Act XVII of 1938, s. 7. |
| 16. AMENDED . . . | The Government of India (Adaptation of
Indian Laws) Order, 1937.
Act XVII of 1938, s. 8. |
| 17. AMENDED . . . | The Government of India (Adaptation of
Indian Laws) Order, 1937.
Act XVII of 1938, s. 9. |
| 18A. INSERTED . . . | Act XVII of 1938, s. 10. |
| 19. AMENDED . . . | The Government of India (Adaptation of
Indian Laws) Order, 1937. |

THE TRADE DISPUTES ACT, 1929
(VII OF 1929).

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ACT No. VII OF 1929.¹

[12th April, 1929.]

An Act to make provision for the investigation and settlement of trade disputes, and for certain other purposes.

(As modified up to the 1st May, 1939.)

WHEREAS it is expedient to make provision for the investigation and settlement of trade disputes, and for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Trade Disputes Act, 1929.

Short title, extent, commencement and duration.

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

(3) It shall come into force on such date² as the³ [Central Government] may, by notification in the⁴ [official Gazette], appoint.

* * * * *

2. In this Act, unless there is anything repugnant in the subject or context,—

Interpretations.

(a) "Board" means a Board of Conciliation constituted under this Act;

(b) "Court" means a Court of Inquiry constituted under this Act;

(c) "employer",

¹ For Statement of Objects and Reasons, see Gazette of India, 1928, Pt. V, p. 150 and for Report of Select Committee, see *ibid*, 1929, Pt. V, p. 95.

² This Act was brought into force on the 8th May, 1929, see Gazette of India, Extraordinary, dated the 8th May, 1929.

³ These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴ These words were substituted for the words "Gazette of India", *ibid*.

⁵ Sub-section (4) of section 1 was omitted by s. 2 of the Trade Disputes (Extending) Act, 1934 (XIII of 1934).

(c) "employer", in the case of any industry, business or undertaking carried on by any department of ¹[any Government in British India], means the authority prescribed in this behalf or, where no authority is prescribed, the head of the department;

²[(cc) Federal Railway has the same meaning as in the Government of India Act, 1935.]

(d) a person shall be deemed to be "independent" for the purpose of his appointment as the chairman or other member of a Court or a Board if he is unconnected with the dispute with reference to which the Court or the Board is appointed and with any trade or industry directly affected by the dispute;

(e) "lock-out" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, where such closing, suspension or refusal occurs in consequence of a dispute and is intended for the purpose of compelling those persons, or of aiding another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "public utility service" means—

(i) any railway service which ³[in the case of a Federal Railway, the Central Government, and in the case of any other railway, the Provincial Government] may, by notification in the ⁴[official Gazette], declare to be a public utility service for the purposes of this Act; or

[(ia) any

¹ These words were substituted for the words "the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² This clause was inserted, *ibid.*

³ These words were substituted for the words "the Governor General in Council", *ibid.*

⁴ These words were substituted for the words "Gazette of India", *ibid.*

I of 1917.

¹[(*ia*) any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam-vessels Act, 1917, apply or tramway service, if the Provincial Government by notification in the official Gazette, declares the water transport or tramway service, as the case may be, to be a public utility service for the purposes of this Act, or];

(*ii*) any postal, telegraph or telephone service; or

(*iii*) any industry, business or undertaking which supplies ²[power] light or water to the public; or

(*iv*) any system of public conservancy or sanitation;

(*h*) "railway company" means a railway company as defined in section 3 of the Indian Railways Act, 1890;

IX of 1890.

(*i*) "strike" means a cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment;

(*j*) "trade dispute" means any dispute or difference ³[between employers and employers or] between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment or with the conditions of labour, of any person; and

(*k*) "workman" means any person employed in any trade or industry to do any skilled or unskilled manual or clerical work for hire or reward ³[and includes for the purposes of any proceedings under this Act

in

¹ This sub-clause was inserted by s. 2 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

² This word was inserted, *ibid.*

³ These words were inserted, *ibid.*

in relation to a trade dispute a workman discharged during that dispute], but does not include any person employed in the naval, military or air service of the Crown * *1.

Reference of Disputes to Courts and Boards.

Reference of disputes to Courts or Boards.

3. If any trade dispute exists or is apprehended * *2, the ³[Provincial Government] or, where ⁴[an employer concerned] is the head of a department under the control of the ⁵[Central Government] ⁶[or is the Federal Railway Authority or a railway company operating a Federal Railway], the ⁵[Central Government] may, by order in writing,—

- (a) refer any matters appearing to be connected with or relevant to the dispute to a Court of Inquiry to be appointed by the ³[Provincial Government] or the ⁵[Central Government], as the case may be; or
- (b) refer the dispute to a Board of Conciliation to be appointed by the ³[Provincial Government] or the ⁵[Central Government], as the case may be, for promoting a settlement thereof:

Provided that, where both parties to the dispute apply, whether separately or conjointly, for a reference to a Court, or where both parties apply, whether separately or conjointly, for a reference to a Board, and the authority having the power to appoint is satisfied that the persons applying represent the majority of each party, a Court or a Board, as the case may be, shall be appointed accordingly.

Courts of Inquiry.

Constitution of Courts.

4. (1) A Court shall consist of an independent chairman and such other independent persons as the appointing authority thinks fit, or may, if such authority thinks fit, consist of one independent person.

[(2) A Court,

¹ The words "or in the Royal Indian Marine Service" were repealed by s. 3 and Sch. II of the Repealing and Amending Act, 1937 (XX of 1937).

² The words "between an employer and any of his workmen" were omitted by s. 3 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

³ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴ These words were substituted for the words "the employer" by s. 3 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

⁵ These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁶ These words were substituted for the words "or is a railway company", *ibid.*

¹[(2) A Court, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number:

Provided that if the appointing authority notifies the Court that the services of the chairman have ceased to be available the Court shall not act until a new chairman has been appointed.]

5. (1) A Court shall, either in public or in private, at its discretion, inquire into the matters referred to it and report thereon to the authority by which the Court was appointed.

Duties of Courts.

(2) A Court may, if it thinks fit, make interim reports.

Boards of Conciliation.

6. (1) A Board shall consist of a chairman and two or four other members, as the appointing authority thinks fit, or may, if such authority thinks fit, consist of one independent person.

Constitution of Boards.

(2) Where the Board consists of more than one person, the chairman shall be an independent person and the other members shall be either independent persons or persons appointed in equal numbers to represent the parties to the dispute; all persons appointed to represent any party shall be appointed on the recommendation of that party:

Provided that, if any party fails to make the necessary recommendation within the prescribed time, the appointing authority shall select and appoint such persons as it thinks fit to represent that party.

²[(3) A Board, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number:

Provided that if the appointing authority notifies the Board that the services of the chairman or where the Board includes an equal number of persons representing the parties to the dispute the services of any such person have ceased to be available the Board shall not act until a new chairman or member, as the case may be, has been appointed.]

7. (1) Where

¹ This sub-section was substituted by s. 4 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

² This sub-section was substituted by s. 5, *ibid.*

Duties of
Boards.

7. (1) Where a dispute has been referred to a Board under this Act, it shall be the duty of the Board to endeavour to bring about a settlement of the same, and for this purpose the Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits thereof and the right settlement thereof, and in so doing may do all such things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period sufficient in its opinion to allow the parties to agree upon terms of settlement.

(2) If a settlement of a dispute is arrived at by the parties thereto after it has been referred to a Board and during the course of the investigation thereof, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and the Board shall send a report of the settlement, together with the memorandum, to the authority by which the Board was appointed.

(3) If no such settlement is arrived at during the course of the investigation, the Board shall, as soon as possible after the close thereof, send a full report regarding the dispute to the authority by which the Board was appointed, setting forth the proceedings and steps taken by the Board for the purpose of ascertaining the facts and circumstances relating to the dispute and of bringing about a settlement thereof, together with a full statement of such facts and circumstances and its findings thereon and the recommendation of the Board for the determination of the dispute.

(4) The recommendation of the Board shall deal with each item of the dispute, and shall state in plain language what in the opinion of the Board ought and ought not to be done by the respective parties concerned.

General.

8. No order of the ¹[Central Government] or of a ²[Provincial Government] appointing any person as a member of a Court or a Board shall be called in question in any manner.

9. (1) Courts

¹ These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "Local Government", *ibid.*

Finality of
orders consti-
tuting a Court
or Board.

9. (1) Courts and Boards shall, subject to the provisions of ^{Procedure and powers.} this Act, follow such procedure as may be prescribed.

v of 1908.

(2) Courts and Boards shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents and material objects; and

(c) issuing commissions for the examination of witnesses; and shall have such further powers as may be prescribed; and every inquiry or investigation by a Court or Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

XLV of 1860.

10. (1) If the services of the chairman or of any other independent member of a Court or Board cease to be available at any time for the purposes of the Court or Board, the appointing authority shall in the case of a chairman, and may in the case of any other member, appoint another independent person to fill the vacancy, and the proceedings shall be continued before the Court or Board so re-constituted. ^{Filling of vacancies.}

(2) Where the Court or Board consists of one person only and his services cease to be available as aforesaid, the appointing authority shall appoint another independent person in his place, and the proceedings shall be continued before the person so appointed.

¹[(3) Where a Board includes an equal number of persons representing the parties to the dispute, and the services of any such person have ceased to be available as aforesaid, the appointing authority shall appoint in the manner specified in sub-section (2) of section 6 another person to take his place, and the proceedings shall be continued before the Board so reconstituted.]

11. The report of a Court or Board shall be in writing and ^{Form of report.} shall be signed by all the members of the Court or Board:

Provided that nothing in this section shall be deemed to prevent any member of a Court or Board from recording a
minute

¹ This sub-section was added by s. 6 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

minute of dissent from a report or from any recommendation made therein.

Publication of results of enquiry.

12. (1) The final and any interim report of a Court or Board, together with any minute of dissent recorded therewith, shall, as soon as possible after its receipt by the authority by which the Court or Board was appointed, be published by that authority in such manner as it thinks fit.

(2) The said authority may publish or cause to be published from time to time, in such manner as such authority thinks fit, any information obtained, or conclusions arrived at, by the Court or Board as the result or in the course of its inquiry or investigation.

Certain matters to be kept confidential.

13. (1) Notwithstanding anything contained in section 12, there shall not be included in any report or publication made or authorised by a Court or Board or the authority appointing a Court or Board any information obtained by the Court or Board in the course of its inquiry or investigation as to any Trade Union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through evidence given before the Court or Board, ¹[if the Trade Union, person, firm or company in question has preferred a request to the Court or Board that such information shall be treated as confidential] nor shall any individual member of the Court or Board or any person concerned in the proceedings before it disclose any such information ²[without the consent in writing of the Secretary of the Trade Union or the person, firm or company in question, as the case may be].

(2) If any member of a Court or Board or any person present at or concerned in the proceedings before a Court or Board ³[wilfully] discloses any information in contravention of the provisions of sub-section (1), he shall, on complaint made by or under the authority of the Trade Union or individual business affected,

¹ These words were substituted for the words "except with the consent in writing of the Secretary of the Trade Union or of the person, firm or company in question", by s. 2 of the Trade Disputes (Amendment) Act, 1932 (XIX of 1932).

² These words were substituted for the words "without such consent", *ibid.*

³ This word was inserted, *ibid.*

affected, be punishable with fine which may extend to one thousand rupees:

XLV of 1880.

Provided that nothing in this sub-section shall apply to the disclosure of any such information for the purposes of a prosecution under section 193 of the Indian Penal Code.

¹[(3) No Criminal Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

(4) No Criminal Court shall take cognizance of any offence under this section except with the previous sanction of the authority appointing such Court or Board; and no Civil Court shall without the like sanction entertain any suit against a member of a Court or Board, or any person present at or concerned in the proceedings before a Court or Board, for any matter arising out of such proceedings.]

14. Subject to such conditions and restrictions as may be prescribed, any party to a dispute under inquiry or investigation by a Court or Board shall be entitled to be represented before the Court or Board by a legal practitioner. Representa-
tion of parties.

Special provision regarding Public Utility Services.

15. (1) Any person who, being employed in a public utility service, goes on strike in breach of contract without having given to his employer, within one month before so striking, not less than fourteen days' previous notice in writing of his intention to go on strike or, having given such notice, goes on strike before the expiry thereof, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both. Sudden strikes
and lock-outs
in utility
services.

(2) Any employer carrying on any public utility service who locks out ²[any of his workmen] in breach of contract without having given them, within one month before such lock-out, not less than fourteen days' notice in writing of his intention to lock them out, or, having given such notice, locks them out before the expiry thereof, shall be ³[punishable with] imprisonment which may extend to one month, or ⁴[with fine] which may extend to one thousand rupees, or with both.

[(2A) If

¹ Sub-sections (3) and (4) were inserted by s. 2 of the Trade Disputes (Amendment) Act, 1932 (XIX of 1932).

² These words were substituted for the words "his workmen" by s. 7 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

³ These words were substituted for the words "liable to", *ibid.*

⁴ These words were substituted for the words "to a fine", *ibid.*

¹[(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any person employed by him any such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees.]

(3) Where the employer committing an offence ²[under sub-section (2) or sub-section (2A)] is a corporation, company or other association of persons, any secretary, director or other officer or person concerned with the management thereof shall be punishable as therein provided unless he proves that the offence was committed without his knowledge or without his consent.

³[(4) No Court shall take cognisance of any offence under this section or of the abetment of any such offence save on complaint made by or under authority from the Central Government where the public utility service in question is a railway service connected with a Federal Railway or a postal, telegraph or telephone service and the Provincial Government in other cases.]

(5) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

Special provision for Illegal Strikes and Lock-outs.

Illegal strikes
and lock-outs.

16. (I) A strike or a lock-out shall be illegal which—

(a) has any object other than ⁴[or in addition to] the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and

(b) is

¹ This sub-section was inserted by s. 7 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

² These words, brackets and figures were substituted for the words, brackets and figure "under sub-section (2)", *ibid.*

³ This sub-section was substituted by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴ These words were inserted by s. 8 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

(b) is designed or calculated to inflict severe, ¹[and general] hardship upon the community and thereby to compel ²[any Government in British India, the Federal Railway Authority or the Crown Representative] to take or abstain from taking any particular course of action.

(2) It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lock-out.

(3) For the purposes of this section—

(a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of persons in that trade or industry;

(b) without prejudice to the generality of the expression "trade or industry", workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with agreements made with the same employer or group of employers.

(4) A strike or a lock-out shall not be deemed to be calculated to compel ²[any Government in British India, the Federal Railway Authority or the Crown Representative] unless such compulsion might reasonably be expected as a consequence thereof.

17. (1) If any person ³[commences, continues,] instigates, ^{Penalty.} incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under the provisions of section 16, he shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both:

Provided that no person shall be deemed to have committed an offence under this section by reason only of his having
ceased

¹ These words were substituted for the words "general and prolonged" by s. 8 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

² These words were substituted for the words "the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ These words were substituted for the word "declares" by s. 9 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

ceased work or refused to continue to work or to accept employment.

(2) No Court shall take cognisance of any offence under this section save on complaint made by, or under authority from, ¹[the appropriate Government].

²[In this sub-section 'the appropriate Government' means—

(a) in relation to industries, businesses and undertakings carried on by the Central Government or by the Federal Railway Authority or by a railway company operating a Federal Railway, the Central Government; and

(b) in other cases, the Provincial Government.]

(3) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

Protection of persons withholding from illegal strike or lock-out.

18. (1) No person refusing to take part, or to continue to take part, in any strike or lock-out which is illegal under the provisions of section 16 shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society, anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any right or exemption secured by this section, and in any such proceeding the Civil Court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade

¹ These words were substituted for the words "the Governor General in Council or the Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were inserted, *ibid.*

trade union or society such sum by way of compensation or damages as that Court thinks just.

¹[*Conciliation Officers.*]

18A. (1) The Central Government, in respect of industries, businesses and undertakings carried on by them or under their authority or by a railway company, and the Provincial Government, in respect of other businesses, industries or undertakings within their Province, may, by notification in the official Gazette, appoint officers, herein referred to as conciliation officers, charged with the duty of mediating in or promoting the settlement of trade disputes.

Appointment
of conciliation
officers.

(2) A conciliation officer may be appointed for a specified area or for specified businesses, industries or undertakings in a specified area or for one or more specified businesses, industries or undertakings and either permanently or for a limited period.

(3) A conciliation officer may, for the purposes of inquiring into an existing or apprehended trade dispute after giving reasonable notice, enter the premises occupied by any industry, business or undertaking and may call for and inspect any document which he has ground for considering to be relevant to the trade dispute, and for the purposes of any such inquiry shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

(4) If any person supplying information or producing a document to a conciliation officer requests in writing that the information or the document or any part thereof shall be treated as confidential the conciliation officer shall not disclose such information or the contents of such document or part thereof except to—

- (a) the authority which appointed him to be a conciliation officer; or
- (b) the parties concerned in the dispute for the purpose of mediating therein or promoting the settlement thereof.

(5) If the conciliation officer contravenes the provisions of sub-section (4), he shall be punishable with fine which may extend to one hundred rupees.

(6) No Criminal Court shall take cognizance of an offence under this section except with the previous sanction of the authority appointing the conciliation officer; and no Civil Court shall

¹ This heading and section were inserted by s. 10 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

shall without the like sanction entertain any suit against a conciliation officer in respect of the disclosure of any information or the contents of any document or part thereof of the nature referred to in sub-section (4).]

Rules.

Power to make rules.

19. (1) The ¹[Central Government] in respect of industries, businesses and undertakings carried on by ²[it] or under ³[its] authority, ⁴[or by the Federal Railway Authority or a railway company operating a Federal Railway], and the ⁵[Provincial Governments] in respect of other businesses, industries or undertakings within their respective provinces, may make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the powers and procedure of Courts and Boards, including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry or investigation and the number of members necessary to form a quorum;

(b) the allowances admissible to members of Courts and Boards and to witnesses;

(c) the ministerial establishment which may be allotted to a Court or Board and the salaries and allowances payable to members of such establishments;

(d) the conditions and restrictions subject to which persons may be represented by legal practitioners in proceedings under this Act before a Court or Board;

(e) any other matter which is to be or may be prescribed.

(3) All rules made under this section shall be published in the ⁶[official Gazette] ⁷[* * *] and shall, on such publication, have effect as if enacted in this Act.

¹ These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² This word was substituted for the word "him", *ibid.*

³ This word was substituted for the word "his", *ibid.*

⁴ These words were substituted for the words "or by a railway company", *ibid.*

⁵ These words were substituted for the words "Local Government", *ibid.*

⁶ These words were substituted for the words "Gazette of India", *ibid.*

⁷ The words "or the local official Gazette, as the case may be" were omitted, *ibid.*

TRADE DISPUTES (CENTRAL) RULES, 1938.

DEPARTMENT OF LABOUR.

NOTIFICATION.

Simla, the 20th April 1938.

No. L.-1785.—In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), and by the said section of the said Act as in force in Berar, and in supersession of all previous rules made in this behalf in so far as such rules relate to industries, businesses and undertakings carried on by the Central Government or under its authority or by the Federal Railway Authority or by a railway company operating a federal railway, the Central Government is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act.

Preliminary.

1. *Title and application.*—(1) These rules may be called the Trade Disputes (Central) Rules, 1938.

(2) These rules apply in respect of industries, businesses and undertakings carried on by the Central Government or under its authority or by the Federal Railway Authority or by a railway company operating a federal railway.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Trade Disputes Act, 1929;
- (b) "section" means a section of the Act;
- (c) "Form" means a form appended to these rules;
- (d) "Chairman" means the Chairman of a Court or Board, or, if the Court or Board consists of one person only, such person.

3. *Definition of employer in the case of a railway administered by the Central Government.*—In the case of a railway administered by the Central Government or by the Federal Railway Authority the Agent or Manager of the railway shall be the authority who is the employer within the meaning of clause (c) of section 2.

PART I.

Procedure for reference to Courts of Inquiry or Boards of Conciliation.

4. *Application.*—An application for the reference of a trade dispute to a Court or Board shall be made in Form A, set out in the Schedule and

shall be forwarded by registered post in triplicate to the Secretary to the Government of India in the Department of Labour. The application shall be accompanied by a statement setting forth:—

- (a) the parties to the dispute;
- (b) the nature and cause of the dispute, including any demands made by either party on the other to which exception is taken by the opposite party;
- (c) an estimate of the number of persons affected or likely to be affected by the dispute;
- (d) the efforts made by the parties themselves to adjust the dispute;
- (e) in the case of an application for the appointment of a Court of Inquiry the specific matters on which an enquiry by a Court is desired.

5. *Attestation of application.*—The application and the statement accompanying it shall be signed—

- (a) in the case of an employer, by the employer himself, or, when the employer is an incorporated company or other body corporate, by the Agent, Manager or other principal officer of the Corporation;
- (b) in the case of employees—
 - (i) where the employees are members of a registered trade union, by two of the officers of the union duly authorised in writing in this behalf by a majority of the union members affected;
 - (ii) where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorised in writing in this behalf by the majority of the employees.

6. *Notification of appointment.*—The appointment of a Court or Board together with the names of persons constituting the Court or Board shall be notified in the *Gazette of India*.

7. *Notice to nominate representatives.*—(1) If the Central Government propose to appoint a Board consisting partly of representatives of the parties to the dispute, a notice shall be sent in Form B set out in the Schedule to the parties to nominate persons to represent them on the Board.

The time to be allowed for making nominations shall not be less than seven days nor more than one month from the date of the service of the notice.

(2) The notice shall—

- (i) in the case of an employer, be sent to the employer himself, or, when the employer is an incorporated company or other body corporate, to the Agent, Manager or other principal officer of the Corporation;
- (ii) in the case of employees who are members of a registered trade union, be sent to the Secretary of the Union;
- (iii) in the case of employees any or all of whom are not members of a registered trade union, be served on any two of the signatories to the application under sub-clause (ii) of clause

(b) of rule 5, or, if service on the signatories is not practicable, be served by affixing a copy thereof in some conspicuous place at or near the place where the employees work or where a majority of them reside or by advertisement in one or more suitable newspapers.

PART II.

Powers and procedure of Courts and Boards.

8. *Place and time of hearing.*—The sittings of the Court or Board shall be held at such times and places as are from time to time fixed by the Chairman, who shall inform the parties in such manner as he may deem necessary of the time and place at which sittings are to be held; provided that, so far as practicable, the Court or Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

9. *Quorum.*—The quorum necessary to constitute a sitting of a Court or Board shall be as follows:—

	<i>Quorum.</i>
where the number constituting the Court or Board is 2	1
where the number constituting the Court or Board is more than 2 but less than 5	2
where the number constituting the Court or Board is 5 or more	3

10. *Administration of oath.*—Any member of a Court or Board may administer an oath.

11. *Evidence.*—The Court or Board may accept, admit or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

12. *Summons.*—A summons issued by the Court or Board shall be in Form C. set out in the Schedule.

13. *Service of summons or notice.*—Any summons or notice issued by the Court or Board may be served either personally or by registered post.

14. *Procedure at the first sitting.*—At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

15. *Information to be kept confidential.*—All Books, papers and other documents or things produced before a Court or Board whether voluntarily or in pursuance of a summons may be inspected by the Court or Board and also by such parties as the Court or Board allows; but the information obtained therefrom shall not, except as provided in the Act, be made public and such parts of the books, papers, documents or things as in the opinion of the Court or Board do not relate to the matters at issue may be sealed up.

16. *Court or Board may proceed ex-parte.*—If without good cause shown any party to proceedings before the Court or Board fails to attend or to be represented the Court or Board may proceed as if he had duly attended or had been represented.

17. *Power of entry and inspection.*—A Court or Board or any member thereof or any other person authorised in writing by a Court or Board in this behalf may for the purposes of any enquiry or investigation entrusted to the Court or Board under the Act, at any time between the hours of sunrise and sunset, enter any building factory, workshop, or other place

or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject-matter of the enquiry or investigation.

18. *Court or Board may appoint experts or assessors.*—The Court and Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination without the consent of both the parties to the dispute.

19. *Powers of Courts and Boards.*—In addition to the powers conferred by sub-section (2) of section 9 of the Act, Courts and Boards shall have the following power also, namely:—

Powers vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

- (a) discovery and inspection,
- (b) granting adjournments,
- (c) reception of evidence taken on affidavit,

and the Court or Board may summon and examine *suo motu* any person, whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

20. *Decision by majority.*—All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

21. *Right of representatives.*—The representatives of the parties, appearing before a Court or Board, shall have the right of examination, cross-examination and re-examination and of addressing the Court or Board when all evidence has been called.

PART III.

Remuneration of members of Courts and Boards and witnesses and Establishment.

22. *Travelling allowance.*—A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible, and subject to the conditions applicable, to a Government servant of the first grade under the Supplementary Rules issued by the Central Government.

23. *Fees.*—The Chairman and members of a Court or Board shall be granted such fees as may be sanctioned by the Central Government in each case.

24. *Expenses of witnesses.*—Every person who is summoned and duly attends as a witness before a Court or Board shall be entitled to an

allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the Province where the enquiry or investigation is being conducted.

25. *Establishment.*—The Central Government may appoint such persons to be the Secretary and clerks of a Court or Board as it may think necessary and may fix the salaries and allowances payable to them.

PART IV.

Representation of parties.

26. *How parties may be represented.*—Any party to a reference may be represented before a Court or Board by not more than three persons designated by him for the purpose, of whom one may be a legal practitioner as hereinafter provided.

27. *Representation by a legal practitioner.*—Any party to a reference before a Court or Board may be represented by a legal practitioner, subject to such procedure or rules of evidence as the Court or Board may prescribe.

28. *Parties bound by acts of representatives.*—Every party appearing by a representative shall be bound by the acts of such representative.

SCHEDULE.

FORM A.

(*Vide* rule 4.)

Form of application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a Court of Inquiry Board of Conciliation.

Whereas a trade dispute is apprehended exists between _____ and _____ and it is expedient that the matters specified in the enclosed statement, which are connected with or relevant to the dispute the dispute should be referred for enquiry investigation and settlement by a Court of Inquiry, Board of Conciliation, an application is hereby made under section 3 of the Trade Disputes Act, 1929, that the said matters and disputes should be referred to a Court of Inquiry Board of Conciliation.

This application is made by the undersigned who have been duly authorised to make this application by*

A statement giving particulars of the dispute as required by rule 4 of the Trade Disputes (Central) Rules, 1938, is enclosed.

Signature of applicant(s).....

To

The Secretary to the Government of India,

Department of Labour.

* Where an application is made on behalf of the employees, State the manner in which the authority was given.

FORM B.

(Vide rule 7.)

Whereas a trade dispute has arisen between.....
is apprehended
 and.....
 and it is expedient to refer the said dispute under section 3 of the Trade Disputes Act, 1929, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the.....the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

If you fail to make the recommendation by the date specified above, the Central Government will select and appoint such person (persons) as it thinks fit to represent you.

Secretary to the Government of India.

FORM C.

(Vide rule 12.)

Whereas a trade dispute between.....and.....
 has been referred to this Court of Inquiry for investigation under
Board of Conciliation
 section 3 of the Trade Disputes Act, 1929, you are hereby summoned to appear before this Court in person on the day of
Board
 at o'clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Court.
Board

Secretary, Court of Inquiry
Board of Conciliation.

Dated.....

N. MAHADEVA AYYAR,
 Secretary to the Government of India.

GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

**THE WORKMEN'S
COMPENSATION ACT, 1923**

(VIII OF 1923)

(AS MODIFIED UP TO THE 1st AUGUST, 1938.)

N.B.—The amendments made in Sections 2, 3, 4, 5 and Schedules II, III and IV of this Act by Sections 2, 3, 4, 5, 21, 22 and 23, respectively, of the Workmen's Compensation (Amendment) Act, 1933 (XV of 1933), shall have effect only in respect of compensation payable on account of an injury caused to a workman by an accident occurring on or after the 1st July, 1934.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI,
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI,
1938.

Price annas 3 or 4d.

STATEMENT OF AMENDMENTS.

Section 2, amended	<ul style="list-style-type: none"> { Act XV of 1933, s. 2. The Government of India (Adaptation of Indian Laws) Order, 1937. Act IX of 1933, s. 2.
Section 3, amended	<ul style="list-style-type: none"> { Act V of 1929, s. 2. Act XV of 1933, s. 3. The Government of India (Adaptation of Indian Laws) Order, 1937. Act IX of 1933, s. 3.
Section 4, amended	<ul style="list-style-type: none"> Act XV of 1933, s. 4.
Section 5, amended	<ul style="list-style-type: none"> { Act V of 1929, s. 3. Act XV of 1933, s. 5. Act IX of 1933, s. 4.
Section 8, amended	<ul style="list-style-type: none"> { Act V of 1929, s. 4. Act XV of 1933, s. 6.
Section 10, amended	<ul style="list-style-type: none"> { Act VII of 1924, s. 2 and Sch. I. Act XV of 1933, s. 7. The Government of India (Adaptation of Indian Laws) Order, 1937. Act IX of 1933, s. 5.
Sections 10A and 10B, inserted	<ul style="list-style-type: none"> Act XV of 1933, s. 8.
Section 10B, amended	<ul style="list-style-type: none"> The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 11, amended	<ul style="list-style-type: none"> Act IX of 1933, s. 6.
Section 12, amended	<ul style="list-style-type: none"> Act XV of 1933, s. 9.
Section 15, amended	<ul style="list-style-type: none"> { Act VII of 1924, s. 2 and Sch. I. Act XV of 1933, s. 10. The Government of India (Adaptation of Indian Laws) Order, 1937. Act IX of 1933, s. 7.
Section 16, amended	<ul style="list-style-type: none"> The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 18, amended	<ul style="list-style-type: none"> Act IX of 1933, s. 8.
Section 18A, inserted	<ul style="list-style-type: none"> Act XV of 1933, s. 11.
Section 19, amended	<ul style="list-style-type: none"> Act XV of 1933, s. 12.
Section 20, amended	<ul style="list-style-type: none"> { Act XV of 1933, s. 13. The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 21, amended	<ul style="list-style-type: none"> { Act XV of 1933, s. 14. The Government of India (Adaptation of Indian Laws) Order, 1937. Act IX of 1933, s. 9.

(ii)

Section 22, amended	{ Act XXXVII of 1925, s. 2 and Sch. I. Act XV of 1933, s. 15.
Section 22A, inserted	Act XV of 1933, s. 16.
Section 23, amended	Act V of 1929, s. 5.
Section 24, amended	Act IX of 1938, s. 10.
Section 28, amended	{ Act VII of 1924, ss. 2 and 3 and Schedules I and II. Act V of 1929, s. 6.
Section 30, amended	Act XV of 1933, s. 17.
Section 30A, inserted	Act XV of 1933, s. 18.
Section 32, amended	The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 33, clauses (a) to (f) re-lettered (i) to (n) and added to s. 32 and the rest omitted	The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 34, amended	The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 35, inserted	{ Act XV of 1933, s. 20. Act VII of 1937, s. 2. The Government of India (Adaptation of Indian Laws) Order, 1937.
Schedule II, amended	{ Act XV of 1933, s. 21. Act IX of 1938, s. 11.
Schedule III, amended	{ Act XV of 1933, s. 22. Act IX of 1938, s. 12..
Schedule IV, substituted	Act XV of 1933, s. 23.

**The Workmen's Compensation Act, 1923 (8 of 1923)
(As modified up to the 1st August, 1938.**

ERRATUM.

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In section 35, for the words " Provided that no sum deposited under this Act in respect " where they occur for the second time, *substitute* " (2) Where money deposited with a Commissioner has ".

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ACT No. VIII OF 1923.¹

[5th March, 1923.]

An Act to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.

(As modified up to the 1st August, 1938.)

WHEREAS it is expedient to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Workmen's Compensation Act, 1923. Short title, extent and commencement.

(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, 1924.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "adult" and "minor" mean respectively a person who is not and a person who is under the age of fifteen years;

(b) "Commissioner" means a Commissioner for Workmen's Compensation appointed under section 20;

(c) "compensation" means compensation as provided for by this Act;

(d) "dependant"

¹ For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V, p. 313, and for Report of Joint Committee, see *ibid*, 1923, Pt. V, p. 37.

This Act has been declared in force in the district of Khondmals by s. 3 and Sch. of the Khondmals Laws Regulation, 1936 (IV of 1936), and in the district of Angul by s. 3 and Sch. of the Angul Laws Regulation, 1936 (V of 1936).

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¹[(a) "dependant" means any of the following relatives of a deceased workman, namely:—

- (i) a ²[widow], a minor legitimate son, and unmarried legitimate daughter, or a widowed mother; and
- (ii) if wholly or in part dependent on the earnings of the workman at the time of his death, a ³[widower], a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if, widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, ⁴[a minor child of a deceased daughter where no parent of the child is alive.] or, where no parent of the workman is alive, a paternal grandparent;]
- (e) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him;
- (f) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;
- (g) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and,

where

¹ This clause was substituted by s. 2 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² This word was substituted for the word "wife" by s. 2 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

³ This word was substituted for the word "husband", *ibid.*

⁴ These words and the comma were inserted, *ibid.*

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where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement;

- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "qualified medical 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, or, in any area where no such last-mentioned Act is in force, any person declared by the ¹[Provincial Government], by notification in the ²[Official Gazette], to be a qualified medical practitioner for the purposes of this Act;

^{21 & 22 Vict.}
^{c. 90.}

* * * * *

- (k) "seaman" means any person forming part of the crew of any ⁴* * ship, but does not include the master of ⁵[the] ship;

- (l) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement: provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent.;

(m) "wages"

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "local official Gazette", *ibid.*

³ Clause (j) was omitted by s. 2 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

⁴ The word "registered" was omitted, *ibid.*

⁵ This word was substituted for the words "any such", *ibid.*

(Chapter I.—Preliminary.)

- (m) "wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;
- (n) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is—
- (i) a railway servant as defined in section 3 of the Indian Railways Act, 1890, not permanently employed in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or IX of 1890.
- (ii) employed * * * * on monthly wages not exceeding three hundred rupees, in any such capacity as is specified in Schedule II,

whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of His Majesty's naval, military or air forces ²* * * *; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(2) The exercise and performance of the powers and duties of a local authority or of any department ³[acting on behalf of the Crown] shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(3) The

¹ The words "either by way of manual labour or" were omitted by s. 2 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² The words "or of the Royal Indian Marine Service" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ These words were substituted for the words "of the Government", *ibid.*

(Chapter I.—Preliminary. Chapter II.—Workmen's Compensation.)

¹[(3) The ²[Provincial Government], after giving, by notification in the ³[Official Gazette], not less than three months' notice of ⁴[its] intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which ⁵[it] is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply ⁶[within the Province] to such classes of persons:

Provided that in making such addition the ²[Provincial Government] may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only.]

CHAPTER II.

WORKMEN'S COMPENSATION.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter: Employer's liability for compensation.

Provided that the employer shall not be so liable—

- (a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding ⁷[seven] days;
- (b) in respect of any ⁸[injury, not resulting in death, caused by] an accident which is directly attributable to—
 - (i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the

¹ This sub-section was substituted by s. 2 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ These words were substituted for the words "Gazette of India", *ibid.*

⁴ This word was substituted for the word "his", *ibid.*

⁵ This word was substituted for the word "he", *ibid.*

⁶ These words were inserted, *ibid.*

⁷ This word was substituted for the word "ten" by s. 3 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

⁸ These words were substituted for the words "injury to a workman resulting from," *ibid.*

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- (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
- (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen, ^{1*}

1* * * * *

(2) ²If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment] or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in ³[Part B of] Schedule III, contracts, any disease specified therein as an occupational disease peculiar to that employment; the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

Explanation.—For the purposes of this sub-section a period of service shall be deemed to be continuous which has not included a period of service under any other employer ⁴[in the same kind of employment].

(3) The ⁵[Provincial Government] after giving, by notification in the ⁶[Official Gazette], not less than three months' notice of ⁷[its] intention so to do, may, by a like notification,

add

¹ The word "or" and clause (c) were omitted by s. 2 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

² These words were substituted by s. 3 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

³ These words were inserted, *ibid.*

⁴ These words were added, *ibid.*

⁵ These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁶ These words were substituted for the words "Gazette of India", *ibid.*

⁷ This word was substituted for the word "his", *ibid.*

(Chapter II.—Workmen's Compensation.)

add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the diseases which ¹[within the Province] shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and the provisions of sub-section (2) shall thereupon apply ¹[within the Province] as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

(4) Save as provided by sub-sections (2) and (3), no compensation shall be payable to a workman in respect of any disease unless the disease is ²* * directly attributable to a specific injury by accident arising out of and in the course of his employment.

(5) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury—

- (a) if he has instituted a claim to compensation in respect of the injury before a Commissioner; or
- (b) if an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Act.

4. ³[(1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

Amount of compensation.

A. Where death results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and

(ii) in the case of a minor—two hundred rupees;

B. Where permanent total disablement results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and

(ii) in the case of a minor—twelve hundred rupees;

C. Where

¹ These words were inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

² The words "solely and" were omitted by s. 3 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

³ This sub-section was substituted by s. 4, *ibid.*

(Chapter II.—Workmen's Compensation.)

C. Where permanent partial disablement results from the injury—

- (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
- (ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and
- (ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees:

Provided that—

- (a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such

lump

(Chapter II.—Workmen's Compensation.)

lump sum or of the first half-monthly payment, as the case may be; and

- (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.]

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

5. ¹ * For the purposes of ²[this Act] the monthly wages of a workman shall be calculated as follows, namely:—

Method of calculating wages.

- (a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

- ³[(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;]

- ⁴[(c) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding

the

¹ The brackets and figure "(1)" were omitted by s. 4 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

² These words were substituted for the word and figure "section 4" by s. 5 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

³ This clause was inserted, *ibid.*

⁴ Original clause (b) was re-lettered clause (c), *ibid.*

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the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

1* * * * *

Explanation.—A period of service shall, for the purposes of ²[this ³[section]] be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

4* * * * *

Review.

6. (1) Any half-monthly payment payable under this Act, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner, on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Act, on application made without such certificate.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Act, be continued, increased, decreased or ended, or if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

Commutation of half-monthly payments.

7. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Distribution of compensation.

8. ⁵(1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal

¹ The proviso was omitted by s. 5 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² The words "this sub-section" were substituted for the words "this section" by s. 3 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

³ This word was substituted for the word "sub-section" by s. 4 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

⁴ Sub-section (2) was omitted by s. 5 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

⁵ Sub-sections (1)—(3) were substituted by s. 4 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

(Chapter II.—Workmen's Compensation.)

legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation:

¹[Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant, shall be deducted by the Commissioner from such compensation and repaid to the employer].

(2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.]

(4) On the deposit of any money under sub-section (1) ²[as compensation in respect of a deceased workman] the Commissioner ³[shall deduct] therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding ⁴[twenty-five rupees] and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

⁵[(5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (4), be

¹ This proviso was substituted by s. 6 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² These words were inserted by s. 4 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

³ These words were substituted for the words "may deduct" by s. 6 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

⁴ These words were substituted for the words "fifty rupees or so much of that cost or of fifty rupees, whichever is less, as has not already been advanced by the employer on account of such expenses", *ibid.*

⁵ Sub-sections (5)—(7) were substituted for original sub-section (5) by s. 4 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

(Chapter II.—Workmen's Compensation.)

(4), be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

(6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a woman or a person under a legal disability, and may, in other cases, pay the money to the person entitled thereto.

(7) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.]

¹[(8)] Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

²[(9) Where the Commissioner varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other
improper

¹ Original sub-section (6) was renumbered as (5) by s. 4 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

² This sub-section was added, *ibid.*

(Chapter II.—Workmen's Compensation.)

improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in section 31.]

9. Save as provided by this Act, no lump sum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Compensation not to be assigned, attached or charged.

10. (1) ¹[No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death:]

Notice and claim.

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease:

²[Provided further, that the want of or any defect or irregularity in a notice shall not be a bar to the ³[entertainment of a claim—]

- (a) if the claim is ⁴[preferred] in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) if

¹ These words were substituted by s. 5 of the Workmen's Compensation (Amendment) Act, 1935 (9 of 1935).

² This proviso was inserted by s. 7 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

³ These words were substituted for the words "maintenance of proceedings" by s. 5 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

⁴ This word was substituted for the word "made", *ibid.*

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(b) if the employer ¹[or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed] had knowledge of the accident from any other source at or about the time when it occurred:]

Provided further, that the Commissioner may ²[entertain] and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been ³[preferred] in due time as provided in this subsection, if he is satisfied that the failure so to give the notice or ⁴[prefer] the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon ⁵[any one of] several employers, or upon any person ⁶* responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

⁷[(3) The ⁸[Provincial Government] may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bona fide* on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to the residence or any office or place of business of the person on whom it is to be served, or, where a notice-book is maintained, by entry in the notice-book.]

10A. (1) Where

¹ These words were inserted by s. 5 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

² This word was substituted for the word "admit", *ibid.*

³ This word was substituted for the word "instituted", *ibid.*

⁴ This word was substituted for the word "institute", *ibid.*

⁵ These words were substituted for the words "any one or" by s. 2 and First Schedule of the Repealing and Amending Act, 1924 (7 of 1924).

⁶ The word "directly" was omitted by s. 5 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

⁷ Sub-sections (3) and (4) were substituted by s. 7 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

⁸ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

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¹[10A. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

Power to require from employers statements regarding fatal accidents.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

10B. (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death:

Reports of fatal accidents

Provided that where the ²[Provincial Government] has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

(2) The ²[Provincial Government] may, by notification in the ³[Official Gazette], extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner.]

11. (1) Where

¹ Sections 10-A and 10-B were inserted by s. 8 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ These words were substituted for the words "local official Gazette", *ibid.*

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Medical
examination.

11. (1) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-monthly payment under this Act shall, if so required, submit himself for such examination from time to time:

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Act, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting

period

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period referred to in clause D of sub-section (1) of section 4, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, ¹[if it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable], in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner ²[whose instructions he had followed], and compensation, if any, shall be payable accordingly.

12. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed. Contracting

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor, ³[or any other person from whom the workman could

¹ These words were substituted by s. 6 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

² These words were inserted, *ibid.*

³ These words were inserted by s. 9 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

(Chapter II.—Workmen's Compensation.)

could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation] and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

Remedies of employer against stranger.

13. Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Insolvency of employer

14. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) Where

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(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premia), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman :

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under section 49 of the Presidency-towns Insolvency Act, 1909, or under section 61 of the Provincial Insolvency Act, 1920, or under section 230 of the Indian Companies Act, 1913, are in the distribution of the property of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation the liability whereof accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Acts shall have effect accordingly.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 7, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

(Chapter II.—Workmen's Compensation.)

Special provisions relating to masters and seamen.

15. This Act shall apply in the case of workmen who are masters of ¹* ships or seamen subject to the following modifications, namely:—

(1) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident.

(2) In the case of the death of a master or seaman, the claim for compensation shall be made within six months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost.

(3) Where an injured master or seaman is discharged or left behind in any part of His Majesty's dominions or in a foreign country, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the ²[Central Government] or any ³[Provincial Government] shall in any proceedings for enforcing the claim, be admissible in evidence—

- (a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made;
- (b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness; and
- (c) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding

¹ The word "registered" was omitted by s. 10 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

³ These words were substituted for the words "Local Government". *ibid.*

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proceeding was made in the presence of the person accused shall unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

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²[(~~4~~)] No ³[half-monthly payment] shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being in British India relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman.

16. The ⁴[Provincial Government], may, by notification in the ⁵[Official Gazette], direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the ⁴[Provincial Government] may direct. Returns as to compensation.

17. Any contract or agreement whether made before or after the commencement of this Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act. Contracting out.

18. Where any question arises as to the age of a person injured by accident arising out of and in the course of his employment Proof of age.

¹ Sub-section (~~4~~) was omitted by s. 7 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

² The original sub-section (5) was re-numbered (~~4~~), *ibid.*

³ These words were substituted for the words "monthly payment" by s. 2 and First Schedule of the Repealing and Amending Act, 1924 (7 of 1924).

⁴ These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁵ These words were substituted for the words "Gazette of India", *ibid.*

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Commissioners.)

employment in a factory, ¹[a valid certificate granted in respect of such person under section 12 or section 52 of the Factories Act, 1934], before the occurrence of the injury shall **XXV** of 1934. be conclusive proof of the age of such person.

Penalties

²[18A. (1) Whoever—

- (a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or
- (b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10A, or
- (c) fails to send a report which he is required to send under section 10B, or
- (d) fails to make a return which he is required to make under section 16,

shall be punishable with fine which may extend to one hundred rupees.

(2) No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognizance of any offence under this section, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.]

CHAPTER III.

COMMISSIONERS.

Reference to
Commissioners.

19. (1) If any question arises in any proceedings under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by ³[a Commissioner].

(2) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Act.

20. (1) The

¹ These words and figures were substituted for the words and figures "a certificate granted in respect of such person under section 7 or section 8 of the Indian Factories Act, 1911" by s. 8 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

² This section was inserted by s. 11 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

³ These words were substituted for the words "the Commissioner" by s. 12, *ibid.*

(Chapter III.—Commissioners.)

20. (1) The ¹[Provincial Government] may, by notification Appointment of Commissioners. in the ²[Official Gazette], appoint any person to be a Commissioner for Workmen's Compensation for such local area as may be specified in the notification.

³[(2) Where more than one Commissioner has been appointed for any local area, the ¹[Provincial Government] may, by general or special order, regulate the distribution of business between them.]

³[(3)] Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

³[(4)] Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

21. (1) Where any matter is under this Act to be done by or before a Commissioner, the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before ⁴[a Commissioner] for the local area in which the accident took place which resulted in the injury: Venue of proceedings and transfer.

Provided that, where the workman is the master of a ⁵* ship or a seaman, any such matter may be done by or before ⁴[a Commissioner] for the local area in which the owner or agent of the ship resides or carries on business.

(2) If a Commissioner is satisfied ⁶[that any matter arising out of any proceedings pending before him] can be more conveniently dealt with by any other Commissioner, whether in the same province or not, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does

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¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "local official Gazette", *ibid.*

³ New sub-section (2) was inserted and the old sub-sections (2) and (3) were re-numbered (3) and (4) by s. 13 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

⁴ These words were substituted for the words "the Commissioner" by s. 14. *ibid.*

⁵ The word "registered" was omitted, *ibid.*

⁶ These words were substituted for the words "by any party to any proceedings under this Act pending before him that such matter" by s. 9 of the Workmen's Compensation (Amendment) Act, 1933 (9 of 1933).

(Chapter III.—Commissioners.)

so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings :

¹[Provided that the Commissioner shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a lump sum without giving such party an opportunity of being heard:]

Provided ²[further], that no matter other than a matter relating to the actual payment to a workman or the distribution among dependants of a lump sum shall be transferred for disposal under this sub-section to a Commissioner in the same province save with the previous sanction of the ³[Provincial Government] or to a Commissioner in another province save with the previous sanction of ⁴[the Provincial Government of that Province], unless all the parties to the proceedings agree to the transfer.

(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Act, inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

⁵[⁽⁵⁾ The ³[Provincial Government] may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it.]

22. (1) No application for the settlement of any matter by a Commissioner, ⁶[other than an application by a dependant or

Form of
application

¹ This proviso was inserted by s. 9 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

² This word was inserted, *ibid.*

³ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴ These words were substituted for the words "the Governor General in Council", *ibid.*

⁵ This sub-section was inserted by s. 14 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

⁶ These words were inserted by s. 15. *ibid.*

(Chapter III.—Commissioners.)

or dependants for compensation,] shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) ¹[An application to a Commissioner] may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars namely:—

- (a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims;
- (b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission;
- (c) the names and addresses of the parties; and
- (d) ²[except in the case of an application by dependants for compensation,] a concise statement of the matters on which agreement has and ³[of] those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

⁴[22A. (1) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

Power of Commissioner to require further deposit in cases of fatal accident.

(2) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner may make an award determining

¹ These words were substituted for the words "Where any such question has arisen, the application" by s. 15 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² These words were inserted, *ibid.*

³ This word was substituted for the word "on" by s. 2 and First Schedule of the Repealing and Amending Act, 1925 (37 of 1925).

⁴ This section was inserted by s. 16 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

(Chapter III.—Commissioners.)

determining the total amount payable, and requiring the employer to deposit the deficiency.]

Powers and procedure of Commissioners.

23. The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, ^{v of 1908.} ¹[and the Commissioner shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1893.] ^{v of 1893.}

Appearance of parties.

24. Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or ²[by an official of an Insurance Company or registered Trade Union authorised in writing by such person or, with the permission of the Commissioner, by any other person so authorised].

Method of recording evidence.

25. The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record:

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record:

Provided further, that the evidence of any medical witness shall be taken down as nearly as may be word for word.

Costs.

26. All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Act, be in the discretion of the Commissioner.

Power to submit cases.

27. A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

23. (1) Where

¹ These words were added by s. 5 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

² These words were substituted for the words "other person authorised in writing by such person" by s. 10 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

(Chapter III.—Commissioners.)

28. (1) Where the amount of any lump sum payable as ^{Registration of agreements.} compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable ¹[to a woman or a person under a legal disability] ² * * * * a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a register in the prescribed manner:

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned:

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(c) the Commissioner may at any time rectify the register;

(d) where it appears to the Commissioner that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable ⁴[to a woman or a person under a legal disability] ⁵ * * * * ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement ⁶[and may make such order] including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

(2) Au

¹ These words were substituted for the words "to a person under a legal disability" by s. 6 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

² The words "or to a dependant" were repealed by s. 3 and Second Schedule of the Repealing and Amending Act, 1924 (7 of 1924).

³ Clause (b) was omitted by s. 6 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

⁴ These words were substituted for the words "to a person under any legal disability", *ibid.*

⁵ The words "or to any dependant" were repealed by s. 3 and Second Schedule of the Repealing and Amending Act, 1924 (7 of 1924).

⁶ These words were substituted for the words "or may make such order" by s. 2 and First Schedule, *ibid.*

(Chapter III.—Commissioners.)

(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Act notwithstanding anything contained in the Indian Contract Act, 1872, or in any other law for the time ^{IX of 1872.} being in force.

Effect of failure to register agreement.

29. Where a memorandum of any agreement the registration of which is required by section 28, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Act, and notwithstanding anything contained in the proviso to sub-section (1) of section 4, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Appeals.

30. (1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely:—

- (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;
- (b) an order refusing to allow redemption of a half-monthly payment;
- (c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 12; or
- (e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than three hundred rupees:

Provided

(Chapter III.—Commissioners. Chapter IV.—Rules.)

Provided further, that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.

¹[Provided further, that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.]

(2) The period of limitation for an appeal under this section shall be sixty days.

(3) The provisions of section 5 of the Indian Limitation Act, 1908, shall be applicable to appeals under this section.

²[30A. Where an employer makes an appeal under clause (a) of sub-section (1) of section 30, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him.]

Withholding of certain payments pending decision of appeal.

31. The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890.

Recovery.

I of 1890.

CHAPTER IV.

RULES.

32. (1) The ³[Provincial Government] may make ⁴[rules] to carry out the purposes of this Act.

Power of the Provincial Government to make rules.

(2) In

¹ This proviso was added by s. 17 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² This section was inserted by s. 18, *ibid.*

³ These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴ For Workmen's Compensation Rules, 1924, see General Statutory Rules and Orders, Vol. V, p. 262.

(Chapter IV.—Rules.)

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 6 when not accompanied by a medical certificate;
- (b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (1) of section 11;
- (c) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Act and by the parties in such cases;
- (d) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases;
- (e) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another;
- (f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;
- (g) for prescribing the form and manner in which memoranda of agreements shall be presented and registered;
- (h) for the withholding by Commissioners, whether in whole or in part of half-monthly payments pending decision on applications for review of the same;^{1*}

1* * * * *

(i) for

¹ The word "and" and clause (i) were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

(Chapter IV.—Rules.)

- 1* * * * *
- ¹[(i)] for regulating the scales of costs which may be allowed in proceedings under this Act;
- ¹[(j)] for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Act;
- ¹[(k)] for the maintenance by Commissioners of registers and records of proceedings before them;
- ¹[(l)] for prescribing the classes of employers who shall maintain notice-books under sub-section (3) of section 10, and the form of such notice-books;
- ¹[(m)] for prescribing the form of statement to be submitted by employers under section 10A; ²[and].
- ¹[(n)] for prescribing the cases in which the report referred to in section 10B may be sent to an authority other than the Commissioner. ^{2*}
- 1* * * * *

34. (1) The power to make rules conferred by ³[section 32] shall be subject to the condition of the rules being made after previous publication. Publication of rules.

X of 1897

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under section 32 * * * will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) Rules so made shall be published in ⁵* * * * the ⁶[Official Gazette], ⁷* * * and on such publication, shall have effect as if enacted in this Act.

35. (1) The

¹ Clauses (a) to (f) of section 33 after being re-lettered as (i) to (n) respectively, were added to section 32 and the rest of section 33 was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

² This word "and" at the end of clause (m) as so re-lettered was inserted and the word "and" at the end of clause (n) as so re-lettered was omitted, *ibid.*

³ This word and figures were substituted for the words and figures "sections 32 and 33", *ibid.*

⁴ The words and figures "or section 33" were omitted, *ibid.*

⁵ The words "the Gazette of India or" were omitted, *ibid.*

⁶ These words were substituted for the words "local official Gazette," *ibid.*

⁷ The words "as the case may be" were omitted, *ibid.*

(Chapter IV.—Rules.)

Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.

1[35. 2[(1)] The 3[Central Government] may, by notification in the 4[Official Gazette], make rules for the transfer to any part of His Majesty's Dominions or to any other country of money 5[deposited with] a Commissioner under this Act 6[which has been awarded to or may be due to] any person residing or about to reside in such part or country and for the receipt 7[, distribution] and administration in British India of any money 8[deposited] under the law relating to workmen's compensation in any part of His Majesty's Dominions or in any other country, 9[which has been awarded to or may be due to] any person residing or about to reside in British India].

10[Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5) of section 8.]

10[Provided that no sum deposited under this Act in respect been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money.]

SCHEDULE I.

1 Section 35 was inserted by s. 20 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

2 Section 35 was re-numbered as sub-section (1) of that section by s. 2 of the Workmen's Compensation (Amendment) Act, 1937 (7 of 1937).

3 These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

4 These words were substituted for the words "Gazette of India", *ibid.*

5 These words were substituted for the words "paid to" by s. 2 of the Workmen's Compensation (Amendment) Act, 1937 (7 of 1937).

6 These words were substituted for the words "for the benefit of", *ibid.*

7 This word was inserted, *ibid.*

8 This word was substituted for the word "awarded", *ibid.*

9 These words were substituted for the words "and applicable for the benefit of", *ibid.*

10 The proviso and sub-section (2) were added, *ibid.*

(Schedule I.)

SCHEDULE I.

[See sections 2 (1) and 4.]

List of injuries deemed to result in permanent partial disablement.

Injury.	Percentage of loss of earning capacity.
Loss of right arm above or at the elbow	70
Loss of left arm above or at the elbow	60
Loss of right arm below the elbow	60
Loss of leg at or above the knee	60
Loss of left arm below the elbow	50
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye	30
Loss of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger other than index finger	5

NOTE.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE II.

(Schedule II.)

SCHEDULE II.

[See section 3 (1) (n).]

List of persons who, subject to the provisions of section 3 (1) (n), are included in the definition of workmen.

The following persons are workmen within the meaning of section 3 (1) (n) and subject to the provisions of that section, that is to say, any person who is—

- 1[(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of 2[a lift or a vehicle propelled by steam or other mechanical power or by electricity]; or
- (ii) employed otherwise than in a clerical capacity in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in 3[clause (j) of section 2 of the Factories Act, 1934], or in XXV of 1934. any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used; or
- (iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty, or more persons have been so employed; or
- (iv) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed; or
- (v) employed, in any mine as defined in clause (j) of section 3 of the Indian Mines Act, 1923, in any mining operation, or in IV of 1923. any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground:

Provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause; or

- (vi) employed as the master or as a seaman of—
 - (a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled, or
 - (b) any

¹ These clauses and the explanation were substituted by s. 21 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

² These words were substituted for the words "mechanically propelled vehicles" by s. 11 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

³ These words, brackets, letter and figures were substituted for the words, brackets and figures "clause (j) of section 2 of the Indian Factories Act, 1911", *ibid.*

(Schedule II.)

XV of 1908.

- (b) any ship not included in sub-clause (a) of fifty tons net tonnage or over; or
- (vi) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits of any port subject to the Indian Ports Act, 1908, of goods which have been discharged from or are to be loaded into any vessel; or
- (viii) employed in the construction, repair or demolition of—
 - (a) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or
 - (b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point; or
 - (c) any road, bridge, or tunnel; or
 - (d) any wharf, quay, sea-wall or other marine work including any moorings of ships; or
- (ix) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same; or
- (x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer; or
- (xi) employed in the service of any fire brigade; or
- (xii) employed upon a railway as defined in clause (4) of section 3, and sub-section (1) of section 148 of the Indian Railways Act, 1890, either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or
- (xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or
- (xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or
- (xv) employed in any occupation involving blasting operations; or
- (xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet; or
- (xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

IX of 1890.

(xviii) employed,

(Schedule II).

- (xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twentyfive or more persons have been so employed; or
- (xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or
- (xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927; or XVII of 1927.
- (xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or
- (xxii) employed in the training, keeping or working of elephants or wild animals; or
- ¹[(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires; or
- (xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or]
- ¹[(xxv)] employed as a diver; ²[or]
- ²[(xxvi) employed in the handling or transport of goods in, or within the precincts of,—

 - (a) any warehouse or other place in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed; or
 - (b) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed; or

- (xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio-active substances.]

Explanation.—In this Schedule, 'the preceding twelve months' relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.]

SCHEDULE III.

¹ Clauses (xxiii) and (xxiv) were inserted and the original clause (xxiii) was re-numbered (xxv) by s. 11 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

² The word "or" and clauses (xxvi) and (xxvii) were inserted, *ibid*.

(Schedule III.)

SCHEDULE III.

(See section 3.)

List of occupational diseases.

Occupational disease.	Employment.
[PART A.	
Anthrax	Any employment— (a) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns; or (b) in connection with animals infected with anthrax; or (c) involving the loading, unloading or transport of any merchandise.
Compressed air illness or its sequelæ .	Any process carried on in compressed air.
Poisoning by lead tetra-ethyl	Any process involving the use of lead tetra-ethyl.
Poisoning by nitrous fumes	Any process involving exposure to nitrous fumes.
PART B]	
Lead poisoning or its sequelæ ¹ [excluding poisoning by lead tetra-ethyl].	Any process involving the use of lead ² [or any of its preparations or compounds except lead tetra-ethyl].
Phosphorous poisoning or its sequelæ	Any process involving the use of phosphorous or its preparations or compounds.
³ Mercury poisoning or its sequelæ	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene and its homologues, or the sequelæ of such poisoning.	Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues.
	Chrome

¹ Part A and the word and letter "Part B" were inserted by a. 12 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).
² These words were added, *ibid.*
³ These words were substituted for the words "or its preparations or compounds", *ibid.*
⁴ These entries were added by a. 22 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

(Schedule III.)

Occupational disease.	Employment.
Chrome ulceration or its sequelæ .	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations.
1/2 Arsenical poisoning or its sequelæ .	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to— (a) radium and other radio-active substances ; (b) X-rays.	Any process involving exposure to the action of radium, radio-active substances, or X-rays.
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances].]

¹ These entries were substituted by s. 12 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

SCHEDULE IV.

(Schedule IV.)

1. SCHEDULE IV.

(See section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for—		Half-monthly payment as compensation for Temporary Disablement of Adult.
		Death of Adult.	Permanent Total Disablement of Adult.	
1	2	3	4	
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. a
0	10	500	700	Half his monthly wages.
10	15	550	770	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	8 8
27	30	900	1,260	9 0
30	35	1,050	1,470	8
35	40	1,200	1,680	10 0
40	45	1,350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,500	4,900	30 0
200	..	4,000	5,600	30 0]

¹ This Schedule was substituted by s. 23 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

**THE
WORKMEN'S COMPENSATION
RULES, 1924**

(As amended up to the 31st March 1937)

**The Workmen's Compensation (Transfer of Money)
Rules, 1935**

**The Workmen's Compensation (Transfer of Money,
Burma) Rules, 1938**

List of authorised Officers

(As amended up to 1st July 1938)

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THE WORKMEN'S COMPENSATION RULES, 1924.

Government of India, Department of Industries and
Labour, Notification No. L.-1182, dated 26th June 1924,
(as subsequently amended up to the 31st March 1937).

No. L.-1182.—In exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor General in Council is pleased to make the following rules :—

PRELIMINARY.

1. These rules may be called the Workmen's Compensation Rules,
Short title. 1924.
2. In these rules, unless there is anything repugnant in the subject or
Definitions. context,—
 - (a) "the Act" means the Workmen's Compensation Act, 1923 ;
 - (b) "Form" means a form appended to these rules ;
 - (c) "section" means a section of the Act.

PART I.

REVIEW OF HALF-MONTHLY PAYMENTS AND COMMUTATION THEREOF.

3. Application for review of a half-monthly payment under section 6
When application may be made without medical certificate. may be made without being accompanied by a medical certificate—

- (a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased ;
- (b) by the workman, on the ground that since the right to compensation was determined his wages have diminished ;
- (c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation ;
- (d) either by the employer or by the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means ;
- (e) either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

5. (1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one-half per cent. of that total for each month comprised in that period :

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

DEPOSIT OF COMPENSATION.

6. (1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8 in respect of a workman whose injury has resulted in death shall furnish therewith a statement in Form A, and shall be given a receipt in Form B. In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form AA, and shall be given a receipt in Form B.

(2) If, when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (1) that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman or, as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of section 8 shall be in Form C.

7. The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

8. (1) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of such application in accordance with the provisions of Part V of these rules :
 Application by dependants of the workman. Such application shall be made for deposit of compensation, in Form G.

(2) If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these rules :

Provided that—

(a) the Commissioner may, at any time before issues are framed, cause notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf ;

(b) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If, after completing the enquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join the application.

9. An employer depositing compensation in accordance with sub-section (2) of section 8, shall furnish therewith a statement in Form D, and shall be given a receipt in Form E.

10. Money in the hands of Commissioner may be invested for the benefit of the dependants of a deceased workman in Government securities or Post Office Cash Certificates, or may be deposited in a Post Office Savings Bank.

PART III.

REPORTS OF ACCIDENTS.

11. The report required by section 10B shall, subject to such rules, if any, as may be made by the Local Government, be in Form EE.

12. (1) Any employer who has received information of an accident may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.

Right of employer to present memorandum when information received.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV.

MEDICAL EXAMINATION.

13. A workman who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this Part and not otherwise.

Workman not to be required to submit to medical examination save in accordance with rules.

14. When such workman is present the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

Examination when workman and medical practitioner both on premises.

15. In cases to which rule 14 does not apply the employer may—

Examination in other cases.

- (a) send the medical practitioner to the place where the workman is residing for the time being in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner, or
- (b) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified.

Provided that—

- (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 P.M. and 6 A.M., and
- (ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

16. A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Restriction on number of examinations.

17. If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

Examination after suspension of right to compensation.

18. (1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

Examination of Women.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V.

PROCEDURE.

19. Save as otherwise provided in these rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in this Part.

Introductory.

20. (1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in the appropriate Form, if any, and shall be signed by the applicant.

Applications.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

21. (1) When the application for relief is based upon a document, the document shall be appended to the application.

Production of documents.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be shall not, without the sanction of the Commissioner, be admissible in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

22. (1) If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.

Application presented to wrong Commissioner.

(2) If it appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner, he shall send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application under rule 26), accordingly.

(3) The Commissioner to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

23. (1) On receiving an application of the nature referred to in section 22, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by the Local Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in section 25.

24. (1) The Commissioner may, after considering the application and the result of any examination of the applicant under rule 23, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(2) The dismissal of the application under sub-rule (1) shall not of itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

25. If the application is not dismissed under rule 24, the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

26. If the Commissioner does not dismiss the application under rule 24 or rule 25, he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

27. (1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

28. (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

29. When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Power to postpone trial of issues of fact where issues of law arise.

30. The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

Diary.

31. If the Commissioner finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.

Reasons for postponement to be recorded.

32. (1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issues framed and his reasons for such finding.

Judgment.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

33. If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

Summoning of witnesses.

34. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees.

Exemption from payment of costs.

If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

35. A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings :

Right of entry for local inspection.

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

36. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

Procedure in connection with local inspection.

(2) Such notice may be given orally or in writing, and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fee, shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

37. (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by persons examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

38. (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

39. (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form J.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form JJ.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed in the notice in Form JJ or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him: Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

40. (1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

Procedure in connected cases.

(2) Where action is taken under sub-rule (1) the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the

Commissioner shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross-examining the witnesses.

41. Save as otherwise expressly provided in the Act or these rules the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, rules 9 to 13 of Civil Procedure, 1908, to and 15 to 30; Order IX; Order XIII, rules 3 apply. to 10; Order XVI, rules 2 to 21; Order XVII; and Order XXIII, rules 1 and 2, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

Provided that—

- (a) for the purpose of facilitating the application of the said provisions the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;
- (b) the Commissioner may, for sufficient reason, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

42. Any form, other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Provision regarding signature of forms.

43. The provisions of this Part, except those contained in rules 26, 27 and 39 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

Apportionment of compensation among dependants.

PART VI.

TRANSFER.

44. (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement, in the form of questions for answer, of the matter on which report is required.

Transfer for report.

(2) A Commissioner to whom a case is so transferred for report shall not be required to report on any question of law.

45. Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 21 shall be transmitted either by remittance transfer receipt, or by money order, or by messenger, as the Commissioner transmitting the money may direct.

Transmission of money.

PART VII.

APPOINTMENT OF REPRESENTATIVES.

46. Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointment, to represent such party for the purposes of the proceeding.

When representative must be appointed.

47. If the Commissioner considers that the interests of any party for whom a representative has been appointed under rule 46 are not being adequately protected by that representative or if a person appointed to act as representative dies or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

When new representative to be appointed.

PART VIII.

RECORD OF MEMORANDA OF AGREEMENT.

48. Memoranda of agreement sent to the Commissioner under sub-section (1) of section 28 shall unless the Commissioner otherwise directs be in duplicate, and shall be in as close conformity, as the circumstances of the case admit with Form K or Form L or Form M as the case may be.

Form of memorandum.

49. (1) On receiving a memorandum of agreement, the Commissioner shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form N to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed:

Procedure where Commissioner does not consider that he should refuse to record memorandum.

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed, the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and, if any party desiring the memorandum to be recorded is not present, he shall send information to that party in Form O.

50. (1) If, on receiving a memorandum of agreement, the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

Procedure where Commissioner considers he should refuse to record memorandum.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form P or Form Q, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If, on the date fixed under sub-rule (1) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 49.

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form O to any party who did not receive information under sub-rule (1).

51. (1) If in any case the Commissioner refuses to record a memorandum Procedure on refusal to of agreement, he shall briefly record his reasons record memorandum. for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

52. In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form R, and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely :—

“ This memorandum of agreement bearing Serial No. of
19 in the register has been recorded this day of

(Signature)

Commissioner ”.

FORM A.

[See rule 6 (1).]

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

[Section 8 (1) of the Workmen's Compensation Act, 1923.]

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries resulting in the death of the workman, whose particulars are given below, which occurred on

.....

Name.....

Father's name.....

(Husband's name in case of married woman and widow.)

Caste.....

Local address

Permanent address

$\frac{\text{His}}{\text{Her}}$ monthly wages are estimated at Rs..... $\frac{\text{He}}{\text{She}}$ was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of $\frac{\text{his}}{\text{her}}$ death.

2. The said workman had, prior to the date of his/her death received the following payments, namely :—

Rs. on Rs. on

Rs. on Rs. on

Rs. on Rs. on

amounting in all to Rs.

3. An advance of Rs. has been made on account of compensation to being $\frac{\text{his}}{\text{her}}$ dependant.

4. *I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated.....19 .

.....

Employer.

* An employer desiring to be made a party to the proceedings should strike out the words "do not".

FORM AA.

[See rule 6 (1).]

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON
UNDER LEGAL DISABILITY.

[Section 8 (1) of the Workmen's Compensation Act, 1923.]

Compensation amounting to Rs. is hereby presented for deposit in respect of injuries sustained by residing at on 19 , resulting in $\frac{\text{the loss}}{\text{temporary}}$ of $\frac{\text{His}}{\text{Her}}$ monthly wages are estimated at Rs. $\frac{\text{He}}{\text{She}}$ was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half-monthly payments, namely :—

Rs. on Rs. on
Rs. on Rs. on
Rs. on Rs. on

Dated, 19 *Employer.*

FORM B.

[See rule 6.]

RECEIPT FOR COMPENSATION.

[Deposited under section 8 (1) of the Workmen's Compensation Act, 1923.]

Book No.	Receipt No.	Register No.
Depositor		
Deceased or injured workman		
Date of deposit 19 ..		
Sum deposited Rs.		

.....
Commissioner.

FORM C.

[See rule 6.]

STATEMENT OF DISBURSEMENTS.

[Section 8 (4) of the Workmen's Compensation Act, 1923.]

Serial No.....

Depositor.....

Date.	Rs.
Amount deposited	
Amount deducted and repaid to the employer under the proviso to section 8 (1)	
Funeral expenses paid	
Compensation paid to the following dependants :—	
Name.	Relationship.
Total .	

Dated 19 ..

.....
Commissioner.

FORM D.

[See rule 9.]

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS, OTHER THAN TO A
WOMAN OR PERSON UNDER LEGAL DISABILITY.

[Section 8 (2) of the Workmen's Compensation Act, 1923.]

Compensation amounting to Rs.....is hereby presented for
deposit in respect of permanent injuries sustained by
temporary
residing at which occurred on
.....19

Dated 19 Employer.

FORM E.

[See rule 9.]

RECEIPT FOR COMPENSATION.

[Deposited under section 8 (2) of the Workmen's Compensation Act, 1923.]

Book No.

Receipt No.

Register No.

Depositor.....

In favour of.....

Date of deposit 19 ..

Sum deposited Rs.

.....
Commissioner.

FORM EE.

[See rule 11.]

REPORT OF FATAL ACCIDENTS.

To
.....

SIR,

I have the honour to submit the following report of an accident which
occurred on (date), at (here
enter details of premises) and which resulted in the
death of the workman of whom particulars are given in the statement annexed.
workmen

2. The circumstances attending the death of the workman were as
workmen
under :—

- (a) Time of the accident :
- (b) Place where the accident occurred :
- (c) Manner in which deceased was/were employed at the time.
- (d) Cause of the accident :
- (e) Any other relevant particulars.

I have, etc.,

Signature and designation of person making the report.

Statement.

Name.	Sex.	Age.	Nature of employment.	Full postal address.

FORM F.

[See rule 20.]

APPLICATION FOR COMPENSATION BY WORKMAN.

To the Commissioner for Workmen's Compensation,

.....
residing at, applicant

versus

.....
residing at, opposite party.

It is hereby submitted that—

- (1) the applicant, a workman employed by (a contractor with) the opposite party on the day of
 19 received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (*here insert briefly in ordinary language the cause of the injury.*).....

- (2) the applicant sustained the following injuries, namely :—

- (3) the monthly wages of the applicant amount to Rs.
 the applicant is ^{over} the age of 15 years.
 under

- * (4) (a) Notice of the accident was served on the day of.....

(b) Notice was served as soon as practicable.

- (c) Notice of the accident was not served (in due time) by reason of

- (5) the applicant is accordingly entitled to receive—

(a) half-monthly payments of Rs. from the
 day of 19 to

(b) a lump sum payment of Rs.

- (6) the applicant has taken the following steps to secure a settlement by agreement, namely

but it has proved impossible to settle the questions in dispute because.....

*You are therefore requested to determine the following questions in dispute, namely :—

(a) whether the applicant is a workman within the meaning of the Act ;

(b) whether the accident arose out of or in the course of the applicant's employment ;

(c) whether the amount of compensation claimed is due, or any part of that amount ;

(d) whether the opposite party is liable to pay such compensation as is due ;

(e) etc., (as required).

..... Applicant.

Dated 19 ..

FORM G.

[See rule 20.]

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION.

To the Commissioner for Workmen's Compensation,

.....
..... residing at
....., applicant

versus

..... residing at
....., opposite party.

It is hereby submitted that—

(1) a workman employed by (a contractor with) the opposite party on the day of 19 received personal injury by accident arising out of and in the course of his employment resulting in his death on the day of 19..... The cause of the injury was (*here insert briefly in ordinary language the cause of the injury*).....

(2) The applicant(s) $\frac{\text{is a}}{\text{are}}$ dependant(s) of the deceased workman being his.....

(3) The monthly wages of the deceased amount to Rs. The deceased was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of his death.

* (4) (a) Notice of the accident was served on the day of

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of

(5) The deceased before his death received as compensation the total sum of Rs.....

(6) The applicant(s) $\frac{\text{is}}{\text{are}}$ accordingly entitled to receive a lump sum payment of Rs.....

You are therefore requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

.....Applicant.

Dated 19 .

* Strike out the clauses which are not applicable.

FORM H.

[See rule 20.]

APPLICATION FOR COMMUTATION.

(Under section 7 of the Workmen's Compensation Act, 1923.)

To the Commissioner for Workmen's Compensation,

.....
..... residing at
....., applicant

versus

..... residing at
....., opposite party.

It is hereby submitted that—

- (1) The ^{applicant}/_{opposite party} has been in receipt of half-monthly payments from to in respect of temporary disablement by accident arising out of and in the course of his employment.
- (2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.
- (3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.
- (b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders—

- (a) directing that the right to receive half-monthly payments should be redeemed,
- (b) fixing a sum for the redemption of the right to receive half-monthly payments.

..... Applicant.

Dated..... 19 .

FORM J.

[See rule 39.]

NOTICE.

Whereas a claim for compensation has been made by applicant, against and the said has claimed that you are liable under section 12 (2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

.....
Commissioner.

Dated.....19 .

FORM JJ.

[See rule 39.]

NOTICE.

Whereas a claim for compensation has been made by applicant, against and the said has claimed that is liable under section 12 (2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said on notice served has claimed that you stand to him in the relation of a contractor from whom the applicant could have recovered compensation you are hereby informed that you may appear before me on and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party In default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

.....
Commissioner.

Dated..... 19 .

FORM K.

[See rule 48.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the day of 19....., personal injury was caused to residing at by accident arising out of and in the course of employment in The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than of his previous wages for a period of months. The said workman ^{any} has been in receipt of half-monthly payments which have continued from the day of 19 until the day of 19 , amounting to Rs..... in all. The said workman's monthly wages are estimated at Rs. The workman is over the age of 15 years. will reach the age of 15 years on...

It is further submitted that the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer

Witness.....

Signature of workman

Witness.....

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible).

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....



.....

.....Workman.

Dated.....19 . . .

The money has been paid and this receipt signed in my presence.

..... Witness.

NOTE.—This form may be varied to suit special cases, e.g., injury by occupational disease, agreement when workman is under legal disability, etc.

FORM L.

[See rule 43.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the day of 19, personal injury was caused to, residing at, by accident arising out of and in the course of his employment in
 The said injury has resulted in permanent disablement to the said workman of the following nature, namely :
 The said workman's monthly wages are estimated at Rs.
 The workman is over the age of 15 years. The said workman has, prior to the date of this agreement, received the following payments, namely :—

Rs. on Rs. on
 Rs. on Rs. on
 Rs. on Rs. on

It is further submitted that, the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer

Witness.....

Signature of workman

Witness.....

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....



.....Workman.

Dated.....19 .

The money has been paid and this receipt signed in my presence.

..... Witness.

NOTE.—This form may be varied to suit special cases, e.g., injury by occupational disease, agreement when workman is under legal disability, etc.

FORM M.

[See rule 48.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the day of ,..... 19, personal injury was caused to, residing at by accident arising out of and in the course of employment in The said injury has resulted in temporary disablement to the said workman, who is at present in receipt wages amounting to Rs. _____ per month ^{no wages}. The said workman's monthly wages prior to the accident are estimated at Rs. The workman is subject to a legal disability by reason of.....

It is further submitted that the employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs. for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Act on account of an alteration in the earnings of the said workman

during disablement. It is further stipulated that all rights of commutation under section 7 of the said Act are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer

Witness.....

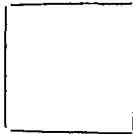
Signature of workman

Witness.....

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....



..... Workman.

Dated.....19 .

The money has been paid and this receipt signed in my presence.

..... Witness.

NOTE.—This form may be varied to suit special cases, e.g., injury by occupational disease, etc.

FORM N.

[See rule 49.]

Whereas an agreement to pay compensation is said to have been reached between and and whereas has/have applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, notice is hereby given that the said agreement will be taken into consideration on 19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

.....

Commissioner.

Dated.....19 .

FORM O.

[See rules 49 and 50.]

Take notice that registration of the agreement to pay compensation said to have been reached between you and on the 19 has been refused for the following reasons, namely :—

.....
.....
.....

.....
Commissioner.

Dated.....19 .

FORM P.

[See rule 50.]

Whereas an agreement to pay compensation is said to have been reached between and and whereas ^{has} ~~have~~ applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....
an opportunity will be afforded to you of showing cause on 19 , why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

.....
Commissioner.

Dated.....19 .

FORM Q.

[See rule 50.]

Whereas an agreement to pay compensation is said to have been reached between and and whereas has/have applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :

.....
an opportunity will be afforded to the said
of showing cause on 19 , why the said agreement
should be registered. Any representation which you have to make with regard
to the said agreement should be made on that date. If adequate cause is
then shown, the agreement may be registered.

.....
Commissioner.

Dated19 .

FORM R.

[See rule 52.]

Register of agreements for the year 19 .

Serial number.	Date of agreement.	Date of registration.	Employer.	Workman.	Initials of Commissioner.	Reference to orders rectifying the register.

THE WORKMEN'S COMPENSATION (TRANSFER OF MONEY) RULES, 1935.

(Government of India, Department of Industries and Labour, Notification No. L.-3033, dated the 13th March 1935, as subsequently amended up to 1st July 1938).

No. L.-3033.—In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor General in Council is pleased to make the following rules for the transfer to any part of His Majesty's Dominions or to any other country of money paid to a Commissioner under the Act for the benefit of any person residing or about to reside in such part or country and for the receipt and administration in British India of any money awarded under the law relating to workmen's compensation in any part of His Majesty's dominions or in any other country, and applicable for the benefit of any person residing or about to reside in British India.

RULES.

PART I.—*General.*

1. These rules may be called the Workmen's Compensation (Transfer of Money) Rules, 1935.

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) "the Act" means the Workmen's Compensation Act, 1923,

(b) "authorised officer" means any officer whom the Provincial Government may designate either generally or in respect of any area or class of cases, for the purpose of performing the functions assigned by these rules to the authorised officer,

(c) "transferring authority" means any authority in any part of His Majesty's Dominions or in any other country who transfers or causes to be transferred any lump sum awarded under the law relating to workmen's compensation in such part or country and applicable for the benefit of any person residing or about to reside in British India.

3. When any sum is transmitted by any authority in British India to any other authority in accordance with these rules, the costs of such transmission may be deducted from the sum so transmitted.

4. Money transmitted by any authority in British India to any other authority in British India in accordance with these rules, shall be transmitted by remittance transfer receipt or by money order.

NOTE.—The function of appointing 'authorised officers' under rule 2 (b) has been entrusted to Provincial Governments with their consent under section 124(1) of the Government of India Act, 1935.

PART II.—*Transfer of money paid to a Commissioner for the benefit of any person residing or about to reside in another country.*

5. When the whole or any part of a lump sum deposited with a Commissioner for payment as compensation under the Act is payable to any person or persons residing or about to reside in any other country, the Commissioner may order the transfer to that country of the sum so payable.

6. When the Commissioner has ordered the transfer of any sum under rule 5, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it, and of the name and address of each person to whom payment is to be made.

7. If the Commissioner is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer and may either remit the sum to be transferred to the authorised officer or retain it and dispose of it in accordance with the directions of the authorised officer. If the Commissioner is himself the authorised officer, he shall proceed as provided in rule 8.

8. The authorised officer, after satisfying himself that the memorandum is complete, shall forward it, and remit or cause to be remitted the sum to which it relates by such means of safe transmission as he may consider convenient to the authority appointed in this behalf for the country to which the sum is to be transferred, or if no such authority has been appointed, to such authority as the Provincial Government may by general or special order direct, and shall at the same time request the authority addressed—

- (a) to arrange for payment to be made in accordance with the directions contained in the memorandum; and
- (b) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

9. (1) The authorised officer shall, if he is not the Commissioner with whom the matter originated, forward to such Commissioner a copy of any report received in response to a request made under rule 8.

(2) Any sum returned in accordance with rule 8 shall be disposed of in accordance with the Act.

PART III.—*Receipt and administration in British India of any money awarded under the law relating to workmen's compensation in another country.*

10. (1) The authorised officer shall be the proper authority to receive moneys from transferring authorities.

(2) If any Commissioner or other Government servant, not being the authorised officer, receives any sum from a transferring authority he shall either forward such sum, together with any papers relating thereto, to the authorised officer for disposal or obtain the instructions of the authorised officer as to the disposal of the sum and papers and act in accordance with his instructions.

NOTE.—The function of giving a direction under rule 8 has been entrusted to Provincial Governments with their consent under section 124 (1) of the Government of India Act, 1935.

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11. The authorised officer may himself dispose of any sum or part of any sum which he receives or of which he assumes control under rule 10 or may send it or any part of it for disposal to such Commissioner or Commissioners as he considers proper.

12. All sums received from a transferring authority shall be disposed of as far as possible in accordance with the provisions of the Act and the Workmen's Compensation Rules, 1924 :

Provided that the directions, if any, received from the transferring authority as to the manner in which the sum should be administered shall be complied with.

13. (1) The authorised officer shall forward to the transferring authority a report showing how the sum received from him has been disposed of.

(2) Any Commissioner, not being the authorised officer, who has disposed of any part of the sum, shall make a report in duplicate as to the disposal of that part to the authorised officer, and, if the sum was received by him from another such Commissioner acting in accordance with section 21 of the Act, shall forward his report through that Commissioner.

14. Any part of the sum received from the transferring authority which shall have remained undischursed after the completion of the proceedings shall be returned to the transferring authority by, or under the direction of, the authorised officer.

THE WORKMEN'S COMPENSATION (TRANSFER OF MONEY, BURMA) RULES, 1938.

(Government of India, Department of Labour, Notification No. L-3033, dated the 19th February 1938).

In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Central Government is pleased to make the following rules for the transfer to Burma of money deposited with a Commissioner under the Act, which has been awarded to or may be due to any person residing or about to reside in Burma, and for the receipt, distribution and administration in British India of any money deposited under the law relating to workmen's compensation in Burma, which has been awarded to or may be due to any person residing or about to reside in British India, namely :—

RULES.

PART I.—INTRODUCTORY.

1. (1) These rules may be called the Workmen's Compensation (Transfer of Money, Burma) Rules, 1938.

(2) The Workmen's Compensation (Transfer of Money) Rules, 1935, shall cease to be applicable to transfers of money from India to Burma or from Burma to India.

2. In these rules, unless there is anything repugnant in the subject or context—

(a) " authorised officer " means an authorised officer appointed by the Provincial Government under the Workmen's Compensation (Transfer of Money) Rules, 1935.

(b) " section " means a section of the Workmen's Compensation Act, 1923 (VIII of 1923).

(c) " transferring authority " means the authority in Burma who transfers or causes to be transferred any lump sum deposited under the law relating to Workmen's Compensation in Burma as compensation awarded to or due to any person residing or about to reside in British India.

3. When any sum is transmitted by an authority in British India to any other authority in accordance with these rules, the costs of such transmission may be deducted from the sum so transmitted.

PART II.—TRANSFERS TO BURMA : FATAL ACCIDENTS.

4. When compensation has been deposited with a Commissioner in respect of a workman, whose injury has resulted in death, and it appears to the Commissioner after proceeding under sub-section (4) of section 8, that all persons with a *prima facie* claim to payment as dependants are residing or are about to reside in Burma, he shall cause a notice to be sent to the employer concerned

NOTE.—The function of appointing ' authorised officers ' under the Workmen's Compensation (Transfer of Money) Rules, 1935 has been entrusted to Provincial Governments with their consent under section 124 (1) of the Government of India Act, 1935.

asking him to state whether he consents to the transfer of the sum so deposited to Burma before the Commissioner has passed orders determining its distribution and apportionment in accordance with the provisions of the Act.

5. Where the consent of the employer to such transfer is withheld, the Commissioner shall proceed in accordance with sub-section (5) of section 8 and, thereafter, may dispose of the sum in accordance with rules, 11, 12, and 13.

6. Where the employer has communicated his consent to such transfer, the Commissioner may order the transfer of the sum to Burma.

7. When the Commissioner has ordered the transfer of any sum under rule 6, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the names and addresses of any persons who appear to him to have a *prima facie* claim to payment as dependants.

8. If the Commissioner is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer, but shall retain the sum to which it relates until he receives the directions of the authorised officer. If the Commissioner is himself the authorised officer he shall proceed as provided in rule 9.

9. The authorised officer, after satisfying himself that the memorandum is complete, shall forward it, and in cases where this is necessary direct the Commissioner to forward the sum to which it relates by remittance transfer receipt, or, if the amount involved is less than Rs. 25, by money order, to the appropriate authority appointed in this behalf in Burma and shall at the same time request the authority addressed.

(a) to arrange for distribution and administration of the sum remitted ;
and

(b) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

10. (1) The authorised officer shall, if he is not the Commissioner with whom the matter originated, forward to such Commissioner a copy of any report received in response to a request made under rule 9.

(2) Any sum returned in accordance with rule 9 shall be disposed of in accordance with the Act.

PART III.—TRANSFERS TO BURMA : NON-FATAL ACCIDENTS.

11. When compensation has been deposited with a Commissioner in cases other than those mentioned in rule 4, and the whole or any part of it is payable to a person residing or about to reside in Burma, the Commissioner may order the transfer to that country of the whole or any part of the sum so payable.

12. When the Commissioner has ordered the transfer of any sum under rule 11, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the name and address of each person to whom payment is to be made.

13. If the Commissioner is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer, but shall retain the sum to which it relates until he receives the directions of the authorised officer. If the Commissioner is himself the authorised officer, he shall proceed as provided in the rule next following and rule 10.

14. The authorised officer after satisfying himself that the memorandum is complete, shall forward it, and direct the Commissioner to forward the sum to which it relates by remittance transfer receipt, or, if the amount involved is less than Rs. 25, by money order, to the appropriate authority appointed in this behalf in Burma and shall at the same time request the authority addressed—

- (a) to arrange for payment to be made in accordance with the directions contained in the memorandum ; and
- (b) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

PART IV.—TRANSFERS FROM BURMA.

15. (1) The authorised officer shall be the proper authority to receive moneys from the transferring authority.

(2) If any Commissioner or other Government servant, not being the authorised officer, receives any sum from the transferring authority he shall either forward such sum, together with any papers relating thereto, to the authorised officer for disposal or obtain the instructions of the authorised officer as to the disposal of the sum and papers and act in accordance with his instructions.

16. If the money received has been awarded to be paid to a specified person or persons, the authorised officer may himself dispose of such sums, or part of such sums, which he receives or of which he assumes control under rule 15 or may send it, or any part of it, in accordance with rule 21 for disposal to such Commissioner or Commissioners as he considers proper.

17. If the transferring authority requests that proceedings for distribution should be conducted, the authorized officer shall, if he is not himself the Commissioner, send the sum with any connected documents to such Commissioner or Commissioners as he considers proper for distribution and disposal.

18. All sums received from the transferring authority shall be disposed of, and all proceedings conducted, as far as possible in accordance with the provisions of the Workmen's Compensation Act, 1923, and the rules made under the said Act for the area where the Commissioner exercises jurisdiction, provided that the directions, if any, received from the transferring authority as to the manner in which the sum should be administered shall be complied with.

19. (1) The authorized officer shall forward to the transferring authority a report showing how the sum received from him has been disposed of.

(2) Any Commissioner, not being the authorised officer, who has disposed of any part of the sum, shall make a report in duplicate as to the disposal of that part to the authorized officer, and, if the sum was received by him from another such Commissioner acting in accordance with section 21, shall forward his report through that Commissioner.

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RULES.

20. Any part of the sum received from the transferring authority which shall have remained undischursed after the completion of the proceedings shall be returned to the transferring authority by, or under the direction of, the authorized officer.

21. Money transmitted by any authority in British India to any other authority in British India in accordance with these rules shall be transmitted by remittance transfer receipt, or, if the amount involved is less than Rs. 25, by money order.

LIST OF 'AUTHORISED OFFICERS' APPOINTED UNDER THE WORKMEN'S COMPENSATION (TRANSFER OF MONEY) RULES, 1935.

(CORRECTED UP TO 1ST JULY 1938.)

Authorised officer or officers.	Area for which appointed.
The Commissioner for Workmen's Compensation, Madras	Madras.
The Ceylon Emigration Commissioner, Trichinopoly	Madras in respect of disbursement of compensation transferred from Ceylon in cases of non-fatal accidents.
The Commissioner for Workmen's Compensation, Bengal, Calcutta	Bengal.
The Commissioner for Workmen's Compensation, Bombay	Bombay.
The Director of Industries, Bihar, Ranchi	Bihar.
The Director of Development, Orissa, Cuttack	Orissa.
The Labour Commissioner, United Provinces, Allahabad	The United Provinces.
Secretary to Government, Central Provinces, Commerce and Industry Department, Nagpur	The Central Provinces and Berar.
The Director of Industries, Punjab, Lahore	The Punjab.
Chief Secretary to the Government of Assam, Shillong	Assam.
The Revenue and Divisional Commissioner, North-West Frontier Province, Peshawar	The North-West Frontier Province.
The Assistant Director of Industries and Warden of Weights and Measures, Karachi	Sind.
The Additional District and Sessions Judge and Commissioner for Workmen's Compensation Ajmer-Merwara, Ajmer	Ajmer-Merwara.
The Revenue Commissioner, Baluchistan, Quetta	British Baluchistan.
The Commissioner for Workmen's Compensation, Delhi	Delhi.
The Subordinate Judge of Coorg, Coorg	Coorg.

THE WORKMEN'S COMPENSATION RETURNS.

(Government of India, Department of Industries and Labour, Notification No. L.-1189, dated the 28th March 1935.)

No. L.-1189.—In exercise of the powers conferred by section 16 of the Workmen's Compensation Act, 1923 (VIII of 1923), and in supersession of the Notification of the Government of India in the Department of Industries and Labour, No. L.-1189, dated the 26th June 1924, the Governor General in Council is hereby directed that an annual return in the form set forth in the Schedule hereto annexed shall be furnished by every person employing workmen who are :—

- (A) employed in a place which is a factory within the meaning of clause (j) of section 2 of the Factories Act, 1934 ;
- (B) employed within the meaning of clause (d) of section 3 of the Indian Mines Act, 1923, in any mine which is subject to the operation of that Act ;
- (C) employed as railway servants otherwise than in a factory or mine ;
- (D) employed, otherwise than in a clerical capacity or in a factory or mine, in connection with the operation or maintenance of a tramway as defined in section 3 of the Indian Tramways Act, 1886 ;
- (E) employed in any of the following categories but not falling under any of the foregoing heads (A), (B), (C) and (D) :—
 - (i) otherwise than in a clerical capacity in the service of any Port Trust or Port Commission within the limits of any port subject to the Indian Ports Act, 1908 ;
 - (ii) in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed ;
 - (iii) in the service of any fire brigade ;
 - (iv) otherwise than in a clerical capacity in connection with operations for winning natural petroleum or natural gas ;
 - (v) otherwise than in a clerical capacity on any estate which is maintained for the purpose of growing cinchona, coffee, rubber, or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed ;
 - (vi) otherwise than in a clerical capacity in the generating, transforming or supplying of electrical energy ;
 - (vii) in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures.

2. The return, which shall relate to a calendar year, shall be furnished on or before the 1st February following the year to which the return relates, and the first return shall relate to the year 1935.

3. The return shall be signed (a) by the employer, or where there is more than one employer by any employer, or (b) by any person directly responsible to the employer or employers for the management of the establishment to which it relates.

4. The return shall be furnished :—

(a) for workmen of all categories except (C) in paragraph 1—

(i) in the Punjab—to the Inspector of Factories ;

(ii) in other provinces—to the Commissioner for Workmen's Compensation for the area within which the said workmen are normally employed unless the local Government by notification in the local official Gazette specifies any other authority to whom the return shall be furnished ;

(b) for workmen falling in category (C) in paragraph 1—
to the Secretary to the Railway Board (Railway Department),
Government of India.

5. When the local Government or the Railway Board so direct the return shall be furnished in duplicate.

6. Notwithstanding anything hereinbefore contained, the aforesaid return is not required to be submitted by any employer in respect of compensation paid on account of injuries suffered by his workmen during any period for which his liability under the Act has been insured with a Mutual Indemnity or other Insurance Company or during which he is a member of an association of employers which deals on behalf of its members with claims for compensation under the Act, if such company or association has with the consent of the local Government undertaken to submit returns as nearly as may be in the form set forth in the Schedule hereto annexed in respect of the employers insured with such company or belonging to such association. Such undertaking shall provide that the said returns shall be submitted not later than the 1st February, or at the discretion of and subject to such conditions as the local Government may impose, the 1st March following the year to which they relate.

SCHEDULE.

WORKMEN'S COMPENSATION.

Returns relating to period from to 31st December 19 ..

Province..... }
 District..... } (To be omitted in case of railways).
 Town or village..... }
 Post Office }
 Name of establishment¹.....
 Nature of work².....
 Average numbers³ employed per day..... } Adults.....
 } Minors

	Accidents.						Nature of disease.*	Occupational diseases ⁸ .					
	Number of cases of injuries ⁴ in respect of which final compensation has been paid during the year.			Amount of compensation ⁵ paid.				Number of cases of diseases ⁶ in respect of which final compensation has been paid during the year.			Amount of compensation ⁵ paid.		
	Death.	Permanent disablement.	Temporary disablement.	Death.	Permanent disablement.	Temporary disablement.		Death.	Permanent disablement.	Temporary disablement. ⁷	Death.	Permanent disablement.	Temporary disablement. ⁷
			Rs.	Rs.	Rs.				Rs.	Rs.	Rs.		
Adults .													
Minors .													

(Signed).....

Date.....19 ..

(Designation).....

¹ In cases where more establishments than one are owned by the same employer, a separate return should be furnished for each establishment. When in any establishment the workmen employed fall in two or more of the distinct categories to which the return relates, [e.g., in the case of a tea estate categories A and E (e)] a separate sheet should be used for the statistics of each category.

² Enter the class of establishment according to the process or product, e.g., cotton weaving and spinning factory, coal mine.

³ Include all employees whether permanent or temporary who would, in the case of accidents, be eligible for compensation under the Act and for whom a return is required to be furnished. Numbers employed should be shown even if there are no payments of compensation to report.

⁴ Include only those cases in which the final payment of compensation was made during the year. A deposit with the Commissioner should be treated as a payment by the employer.

⁵ Include all compensation paid in respect of the cases mentioned in footnote 4, whether such compensation was paid during the year or previous to its commencement. Exclude all payments in cases in which the final payment had not been made by the end of the year to which the return relates.

⁶ Only such disablements as last for more than seven days should be shown [section 4 (1) D of the Act].

⁷ Where the benefit actually allowed, (e.g., hospital leave on full pay) is in excess of the compensation admissible under the Act, only the amount of the compensation so admissible should be entered in the return.

⁸ Viz., anthrax, lead poisoning, phosphorus poisoning, mercury poisoning, benzene poisoning, chrome ulceration and compressed air illness only.

⁹ Enter separately each of the diseases specified in foot-note 8 which resulted in cases in respect of which compensation was paid.

THE BOMBAY MATERNITY BENEFIT ACT, 1929.

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BOMBAY ACT No. VII OF 1929.¹

[THE BOMBAY MATERNITY BENEFIT ACT, 1929]

[23rd May, 1929]

Amended by Bom. Act 5 of 1934.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them.

WHEREAS it is expedient to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided; and Whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6
Geo. V,
c. 61.

1. This Act may be called the Bombay Maternity Benefit Act, 1929. Short title.

2. (1) This Act shall apply in the first instance to the Bombay Extent and Suburban District and the cities of Bombay, Ahmedabad, Viramgam, operation. Surat, Broach, Jalgaon, Sholapur, Belgaum, Amalner and Karachi. ²[The Provincial Government] may, from time to time, by notification in the ³[Official Gazette] extend* this Act to such other places as it thinks fit.

(2) It shall come into operation on the first day of July 1929.

3. In this Act, unless there is anything repugnant in the subject or Definitions. context,—

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(a) "Employer" includes an occupier of a factory as defined in the ⁴Indian Factories Act, 1911, and the manager of a factory.

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1911.

(b) the expressions "employ", "employed", "factory", and "inspector of factories" shall have the same meanings as are respectively assigned to them under the ⁴Indian Factories Act, 1911.

(c) "maternity benefit" means the amount of money payable under the provisions of this Act to a woman employed in a factory.

⁵[(d) "wages" includes the money value of any earned grain concession, and any money paid to cover high cost of living but does

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Part V, p. 15; for Report of the Select Committee, see *ibid*, 1928, Part V, p. 132; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1928, Vol. XXIII and 1929, Vol. XXV.

² The words "The Provincial Government" were substituted for the words "The Government" by the Adaptation of Indian Laws Order in Council.

³ The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by *ibid*.

⁴ See now the Factories Act, 1934 (25 of 1934).

⁵ Clause (d) was inserted by Bom. 5 of 1934, s. 2.

* This Act was extended to the Districts of East and West Khandesh, Sholapur, Dharwar, Thana and Kaira and to the City of Poona with effect from the 1st July 1931 (*Vide* Political Department, Notification No. 8178, dated the 26th May 1931 published in the *Bombay Government Gazette*, 1931, Part I, p. 1335).

not include a bonus given for regular attendance, or any deduction or payment made on account of fines.]

4. After this Act comes into operation—

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery; and

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

5. (1) Subject to the provisions of this Act, every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of eight annas a day ¹[in the cities of Bombay, Almedabad and Karachi, and elsewhere at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6, or at the rate of eight annas a day, whichever is less] for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2):

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than ²[nine] months immediately preceding the date on which she ³[gives notice] under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be ⁴[eight] weeks, that is to say, ⁴[four] weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Act, who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.

⁵(3) Maternity benefit shall be paid by the employer to the woman entitled thereto after taking her wishes into consideration in any one of the following three ways, namely:—

(i) for four weeks—within forty-eight hours of the production of a certificate signed by a registered medical practitioner certifying that

¹ These words, figures and brackets were inserted by Bom. 5 of 1934, s. 3.

² The word "nine" was substituted for the word "six" by *ibid.*, s. 3.

³ The words "gives notice" were substituted for the words "notifies her intention" by *ibid.*

⁴ The words "eight" and "four" were substituted for the words "seven" and "three" by *ibid.*

⁵ This sub-section was substituted for the original sub-section (3) by *ibid.*, s. 4.

Employment of or work by women in factories prohibited during certain period.

Right to payment of maternity benefit.

Procedure regarding payment of maternity benefit.

the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child ; or

(ii) for the period up to and including the day of delivery—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—punctually four weeks after the production of such certified extract from a birth register ; or

(iii) for the entire period for which the woman is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production within six weeks of her delivery of a certified extract from a birth register stating that she has given birth to a child ;

Provided that no woman shall be entitled to any maternity benefit or any part thereof the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.

7. If a woman entitled to maternity benefit under this Act dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child ; and if the child does not survive her to her legal representative.

Payment of maternity benefit in case of a woman's death.

8. When a woman absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

No notice of dismissal to be given to a woman during period of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Forfeiture of maternity benefit.

10. If any employer contravenes the provisions of this Act he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

Penalty for contravention of the Act by an employer.

11. If any woman works in any factory within four weeks of the date of her delivery she shall be liable, on conviction, to a fine not exceeding ten rupees.

Penalty for contravention of the Act by a woman.

12. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the inspector of factories.

Cognisance of offences.

(2) No court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence against this Act or any rules thereunder.

Limitation of
prosecutions.

13. No Court shall take cognisance of any offence against this Act or any rule thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Rules.

14. (1) The ¹[Provincial Government] may make ²rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

³(a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register or combined muster roll and register or in the register kept or deemed to have been kept under section 35 of the ⁴Indian Factories Act, 1911;

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1911.

(b) the inspection of factories for the purposes of this Act by inspectors of factories;

(c) the exercise of powers and the performance of duties by inspectors of factories for the purposes of this Act;

(d) the method of payment of maternity benefit in so far as provision has not been made in this Act; and

(e) any other matter for which no provision has been made in this Act and for which provision is, in the opinion of the ¹[Provincial Government], necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

² For Rules under this section, see Government Notification in the G. D. No. 1066, dated the 2nd August 1929, published in the *Bombay Government Gazette*, 1929, Part I, pp. 1703-1705.

For amendments in the above Rules, see

Political and Reforms Department Notification No. 9699-II, dated the 1st June 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 1340.

Political and Reforms Department Notification No. 9721, dated the 7th December 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 2876.

Political and Reforms Department Notification No. 9721, dated the 29th January 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 245.

Political and Reforms Department Notification No. 8574-II, dated the 20th September 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 2096 see also *Bombay Local Rules and Orders Vol. IV* where the notifications have been reprinted.

³ Clause (a) was substituted for the original clause (a) by Bom. 5 of 1934, s. 5.

⁴ See now the Factories Act, 1934 (25 of 1934).

(4) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid ¹[before each Chamber of the Provincial Legislature] for one month previous to the next session thereof and shall be liable to be rescinded or modified ²[by a Resolution in which both the Chambers concur]. If any rule is modified the ³[Provincial Government] may accept the modification and reissue the rule accordingly or may rescind the rule.

15. ⁴[An abstract] of the provisions of this Act and the rules thereunder in the local vernacular shall be exhibited in a conspicuous ⁵[manner] by the employer in every ⁶[part of a] factory in which women are employed.

Copies of this Act and rules thereunder to be exhibited.

¹ The words "before each Chamber of the Provincial Legislature" were substituted for the words "on the table of the Bombay Legislative Council" by the Adaptation of Indian Laws Order in Council.

² These words were inserted by *ibid.*

³ The words "Provincial Government" were substituted for the words "Governor in Council" by *ibid.*

⁴ The words "An abstract" were substituted for the words "A copy" by Bom. 5 of 1934, s. 6.

⁵ The word "manner" was substituted for the word "place" by *ibid.*

⁶ The words "part of a" were inserted by *ibid.*

THE BOMBAY MATERNITY BENEFIT RULES, 1929.

Bombay Castle, 2nd August 1929.

No. 1066.—In exercise of the powers conferred by section 14 of the Bombay Maternity Benefit Act, 1929 (Bom. VII of 1929), the Governor in Council is pleased to make the following rules, for the purpose of carrying into effect the provisions of the said Act, namely :—

1. *Short title.*—These rules may be cited as the Bombay Maternity Benefit Rules, 1929.

2. *Definitions.*—In these rules :—

(a) “ Act ” means the Bombay Maternity Benefit Act, 1929.

(b) “ Inspector ” means an inspector of factories appointed under sub-section (1) of section 4 of the Indian Factories Act, 1911, and includes an additional inspector appointed under sub-section (4) of the said section.

3. *Muster roll.*—The employer of every factory in which women are employed shall prepare and maintain a muster roll in the form of Schedule I to these rules. The names and record of employment of all women employed in the factory shall be entered therein and also the other particulars prescribed therein. All entries in the muster roll shall be maintained up to date, and it shall always be available for inspection by the Inspector.

4. *Responsibility of Inspector.*—The Inspector shall be primarily responsible for the administration of the Act within the area assigned to him under the Indian Factories Act, 1911; provided that in areas where there are more than one inspector, the Collector of Bombay may allocate the factories within such areas to such inspector as he shall deem proper.

5. *Powers of Inspector.*—(1) The Inspector may, within the area for which he is appointed, examine the muster roll maintained under rule 3 and shall have power to make such enquiries and to require the production of such papers or documents as he considers necessary for the purpose of ascertaining whether the provisions of the Act and of these rules are properly carried out in any factory or not; provided that he shall not require any employer to answer any question or to give any evidence tending to criminate himself.

(2) Every notice given under sub-section (1) of section 6 of the Act and every receipt for maternity benefit paid to any person under the provisions of the Act or of these rules shall, on demand, be produced before the Inspector.

6. *Penalty.*—If any employer contravenes the provisions of rule 3 he shall be liable, on conviction, to a fine not exceeding fifty rupees.

7. *Penalty.*—Any person who wilfully obstructs an Inspector in the exercise of his powers or the performance of his duties or fails to produce on demand the muster roll, or notices given under section 6 (1) of the Act or receipts for maternity benefits paid or other papers or documents necessary to enable the Inspector to ascertain that the provisions of the Act and these rules have been complied with, shall be liable, on conviction, to a fine not exceeding fifty rupees.

8. *Return.*—Every employer of women in a factory shall furnish to the Chief Inspector of Factories by the 1st of August in each year a return in the form of Schedule II to these rules:

9. *Records.*—Records relating to the payment of maternity benefit under the provisions of the Act or these rules shall be preserved for a period of two years from the date of their preparation.

SCHEDULE I.

(See Rule 3.)

Form of muster roll.

Name of Factory.....

(Muster Roll to be maintained up to date under the Bombay Maternity Benefit Act, 1929.)

Month of 193

Name	Department	Ticket or departmental number	Date					Total days	Date on which notice of pregnancy was given [Section 6 (1)]	Date of birth of child	Date of production of certified extract from birth register.	Date of first payment and amount of same [Section 6 (3)]	Date(s) of subsequent payment(s) and amounts thereof. [Section 6 (3)]	If the woman dies, date and amount of maternity benefit paid, and the name of persons to whom paid	Remarks
			1	2	3	...	31								
1	2	3													

SCHEDULE II.

(See rule 8.)

Return to be submitted to the Chief Inspector of Factories on or before the 1st August each year.

Name of Factory

Name of Occupier

Name of Manager

Year ending 30th June 193

Average number of women employed daily

Number of women who claimed maternity benefit under section 6 (1) of the Act

Number of women who were paid maternity benefit for actual births

Number of other persons who were paid maternity benefit (section 7)

Total amount of maternity benefit paid

(Signature).....

Employer.

By order of the Governor in Council,

R. B. EWBANK,
Secretary to Government.

THE BOMBAY MATERNITY BENEFIT RULES, 1929.

सन १९२९ च्या मुंबईच्या बाळंतपणाचे वेळीं मदत
देण्याबाबतच्या कानू.

जनरल डिपार्टमेंट.

मुक्काम जंजिरे मुंबई, तारीख २ माहे ऑगस्ट सन १९२९.

नंबर १०६६.—सन १९२९ चा मुंबईचा बाळंतपणाचे वेळीं मदत देण्याबाबत आक्ट (सन १९२९ चा आक्ट ७ वा) याचे कलम १४ याअन्वये मिळालेले अधिकार चाळवून गव्हर्नर-इन्-कौन्सिल हे सदरहू आक्टाचे ठराव अमलांत आणण्याचे कारणासाठी, खाटील कानू करित आहेत. त्या येणेप्रमाणें:—

१. लहान सरनामा.—या कानूंस सन १९२९ च्या मुंबईच्या बाळंतपणाचे वेळीं मदत देण्याबाबतच्या कानू असें म्हणावें.

२. व्याख्या.—या कानूंत,—

(अ) “आक्ट” या संज्ञेचा अर्थ, सन १९२९ चा मुंबईचा बाळंतपणाचे वेळीं मदत देण्याबाबत आक्ट असा समजावा.

(ब) “इन्स्पेक्टर” या संज्ञेचा अर्थ, सन १९११ चा हिंदुस्थानचा कारखान्यांबाबत आक्ट याच्या ४ थ्या कलमाच्या पोट-कलम (१) अन्वये नेमलेला कारखान्यांचा इन्स्पेक्टर असा समजावा, आणि या संज्ञेत सदरहू कलमाच्या पोट-कलम (४) अन्वये नेमलेल्या जादा इन्स्पेक्टरांचाहि समावेश होतो.

३. हजिरीपट.—ज्या कारखान्यांत स्त्रिया कामावर लावण्यांत आलेल्या आहेत अशा दरेक कारखान्याच्या कामावर लावणाऱ्या इसमानें या कानूंस जोडलेल्या परिशिष्ट १ च्या नमुन्यांत एक हजिरीपट तयार केला पाहिजे व तो चाटू ठेविला पाहिजे. सदरहू कारखान्यांत कामावर लाविलेल्या सर्व स्त्रियांचीं नांवें व त्यांस कामावर लावण्याबाबतचे कागदपत्र यांची व तसेंच त्यांत ठरविलेल्या इतर तपशीलांची त्यांत नोंद केली पाहिजे. हजिरीपटांतील सर्व नोंदी चाटू तारखेपर्यंत भरलेल्या पाहिजेत आणि सदरहू हजिरीपट तपासण्यासाठीं इन्स्पेक्टरास नेहमीं मिळाला पाहिजे.

४. इन्स्पेक्टरची जबाबदारी.—सन १९११ चा हिंदुस्थानचा कारखान्यांबाबत आक्ट याअन्वये इन्स्पेक्टरकडे सोंपविलेल्या क्षेत्रांतील सदरहू आक्टाच्या अंमलबजावणीसाठीं सदरहू इन्स्पेक्टर प्रथमतः जबाबदार धरला जाईल: मात्र असें ठरविण्यांत येत आहे कीं ज्या क्षेत्रांत एका इन्स्पेक्टराहून अधिक इन्स्पेक्टर

वर्षाच्या मुदतीपावेतो राखून ठेविले पाहिजेत.

वळी मरत देण्यासंबंधीचे कागदपत्र, ते तयार करण्याच्या तारखेपासून दोन
९. दरपत्र.—सदरई आकटाचे किंवा या कार्नेचे ठरावाअन्वये बाळतपणाचे
पुरविले पाहिजे.

पुरविले २ १ याच्या नमुन्यात एक पत्रक कारखान्यांच्या मुख्य इंस्पेक्टरास
दरेक वर्षी आगस्ट महिन्याच्या १ र्या तारखेच्या सुमारास या कार्नेस जोडलेले
७. पत्रक.—एकाचा कारखान्यात विद्या कामावर लवणाऱ्या दरेक इसमांना
शाखीतीचा ठराव झाल्यास, पराकाष्ठा १० रुपये देवाच्या शिर्षेस तो पत्र देईल.

पत्रक असे इतर कागदपत्र किंवा दस्तऐवज इतर कारणास येऊन, त्यावर अपराध-
अहित किंवा नाहीत यांची खोत्री करून घेणे इंस्पेक्टरास दाखव देण्यासाठी आग-
दकमाच्या पत्राच्या किंवा सदरई आकटाचे व या कार्नेचे ठराव पळवता आले
याअन्वये दिलेल्या नोंदिसा किंवा बाळतपणाचे वळी मरतीदाखल दिलेल्या
इसम, मागणी केल्यावर, दिजिरीपट, किंवा सदरई आकटाचे कलम ६ (१)
किंवा आपली कर्तव्य कारणास जाणूनवुजून अडथळा करील किंवा, जो कोणी

७. शिर्षा.—जो कोणी इसम इंस्पेक्टरास आपले अधिकार चालविल्यास
तो पत्र देईल.

माग करील, तर, अपराधशाखीती झाल्यास पराकाष्ठा १० रुपये देवाच्या शिर्षेस
६. शिर्षा.—जर एखादा कामावर लवणाऱ्या इसम कार्ने दे वे ठरावाचा

इन्स्पेक्टरास देवा केली पाहिजे.

वळी मरतीदाखल दिलेल्या रकमेची दरेक पत्रची, मागणी केल्यास, सदरई
व सदरई आकटाचे किंवा या कार्नेचे ठरावाअन्वये एकदा इसमास बाळतपणाचे
(२) सदरई आकटाचे कलम ६, पट-कलम (१) अन्वये दिलेली दरेक नोंदिसा

किंवा तो स्वतः दोघी ठरवण्याजोगा कोणताहि पुरावा देण्यास फर्माती कामा नये.
की त्यांनी कोणत्याहि कामावर लवणाऱ्या इसमास एकाचा प्रश्नाचे उत्तर देण्यास
कारणास फर्मावण्याचा त्यास अधिकार असेल : मात्र असे ठरविण्यात येत आहे
चौकशी करण्याचा, व आवश्यक वाटतील असे कागदपत्र आग दस्तऐवज इतर
खोत्री पत्रेन घेण्याच्या कारणासाठी सदरई इंस्पेक्टरास आवश्यक वाटेल अशी
व या कार्नेचे ठराव योग्य रीतीने अमलत आणण्यात येतात किंवा नाही याची
सदरई इंस्पेक्टरास अधिकार आहे आणि एकाचा कारखान्यात सदरई आकटाचे
असेल त्या क्षेत्रातील कार्ने ३ अन्वये ठेवण्यात आलेला दिजिरीपट तयारण्याचा
१. इंस्पेक्टराचे अधिकार.—(१) ज्या क्षेत्रासाठी इंस्पेक्टर नेमण्यात आला

क्षेत्रातील कारखाने संपादित्याचा अधिकार आहे.
आहेत अशा क्षेत्रात, मुंबईचे कलेक्टरास योग्य वाटेल अशा इंस्पेक्टराकडे अशा

परिशिष्ट १ लें.

(कानू ३ पहा.)

हजिरीपटाचा नमुना.

कारखान्याचें नांव.....

(सन १९२९ चा मुंबईचा बाळंतपणाचे वेळीं मदत देण्याबाबत आकट याअन्वये चालू तारखेपर्यंत ठेवावयाचा हजिरीपट.)

महिना.....सन १९ ..

नांव.	खातें.	तिकीट किंवा खात्याचा नंबर.	तारीख.					एकूण दिवस.	गरोदर असल्याची नोटीस ज्या तारखेस दिली ती तारीख [कलम ६ (१)].	मुलाची जन्म तारीख.	जन्मरजिस्ट्रारंतून सहीशिक्यानिशीचा उतारा इजर करण्याची तारीख.	प्रथम पैसा दिल्याची तारीख व दिलेली रकम [कलम ६ (३)].	नंतर पैसा दिल्याची (च्या) तारीख (तारखा) व दिलेली (च्या) रकम (रकमा) [कलम ६ (३)].	सदरहू ल्ही मरण पावल्यास बाळंतपणाचे वेळीं मदत कधी देण्यांत आली ती तारीख व किती देण्यांत आली ती रकम आणि ज्यास ती रकम दिली त्याचें नांव.	शे.र.	
			१	२	३	...	३१									
१	२	३														

परिशिष्ट २ रें.

(कानू ८ पहा.)

दरेक वर्षी ऑगस्ट महिन्याच्या १ ल्या तारखेस किंवा त्यापूर्वी
कारखान्यांच्या मुख्य इन्स्पेक्टरास सादर करावयाचें पत्रक.

कारखान्याचें नांव.

भोगवटा करणाराचें नांव.

मॅनेजरचें नांव.

तारीख ३० माहे जून सन १९ रोजी संपणारें साल.

रोज कामावर लावलेल्या स्त्रियांची सरासरी संख्या.

सदरहू आकटाचें कलम ६ (१) अन्वये बाळंतपणाचे
वेळीं मदतीसाठी हक्क सांगितलेल्या स्त्रियांची संख्या.

प्रत्यक्ष जन्म दिल्याबद्दल बाळंतपणाचे वेळीं मदतीदाखल
ज्यांस रकमा देण्यांत आल्या त्या स्त्रियांची संख्या.

(कलम ७ अन्वये) बाळंतपणाचे वेळीं मदत दिलेल्या
इतर माणसांची संख्या.

बाळंतपणाचे वेळीं मदतीदाखल दिलेली एकूण रकम.

(सही).....

कामावर लावणारा इसम.

गव्हर्नर-इन्-कौन्सिल यांच्या हुकुमावरून,

आर्. बी. यूँक,

सेक्रेटरी निसवत सरकार.

(True translation)

ABDUL KADIR MUHAMMAD HUSSAIN.

Oriental Translator to Government.

THE BOMBAY MATERNITY BENEFIT RULES, 1929.

सन १९२९नी मुंअर्जनी सुवावड वअते नाणुंनी मद्द
आपवा आअतनी कानुनो.

जनरल डिपार्टमेन्ट.

मुकाम जंजिरे मुंअर्ज, तारीअ २७ ऑगस्ट सन १९२९.

नंअर १०६६.—सन १९२९ना मुंअर्जना सुवावड वअते नाणुंनी मद्द आपवा
आअतना आकट (सन १९२९ना ७भा)नी कलम १४थी मजेवा अधिकार यलावीने
गवर्नर धन कौन्सिले सदरहु आकटनी करावे अमलमां मुकवा माटे हेळणीनी कानुनो
करी छे, अेटलेके :-

१. टुंकुं नाम.—आ कानुनोने सन १९२९नी मुंअर्जनी सुवावड वअते नाणुंनी
मद्द आपवा आअतनी कानुनो कलेवी.

२. व्याख्या.—आ कानुनोमां—

(अ) “सदरहु आकट” अे संज्ञानो अर्थ, सन १९२९नो मुंअर्जो सुवावड
वअते नाणुंनी मद्द आपवा आअतनो आकट, अेवा थाय छे.

(अ) “धन्स्पेकटर” अे संज्ञानो अर्थ, सन १९११ना हिंदुस्तानना कारभानां
आअतना आकटनी कलम ४नी पेटा-कलम (१)नी इथे नीमेला कारभानांनो
धन्स्पेकटर, अेवा थाय छे अने सदरहु कलमनी पेटा-कलम (४) अन्वये
नीमेला वंधाराना धन्स्पेकटरनो तेमां समास थाय छे.

३. हाजरीपत्रक.—जे दरेक कारभानामां स्त्रीअोने कामे लगाडवामां आनी होय
ते दरेक कारभानाना कामे राअनाराअे आ कानुनोना परिशिष्ट इलामां आपेला नमुना
प्रमाणे हाजरीपत्रक तैयार करीने राअनुं. कारभानामां कामे लगाडेली सधणी स्त्रीअोनां
नाम तथा तेमने कामे लगाअाने लगती विगत तेमज तेमां करावेवी पीछ विगतो पणु
तेमां नोधवी. हाजरीपत्रकमांती सधणी नोध आज तारीअ सुधी राअवी अने
धन्स्पेकटरने अेवा माटे हमेशां ते मणी शके अेम होवी जेधअे.

४. धन्स्पेकटरनी जवाअदारी.—सन १९११ना हिंदुस्तानना कारभानां आअतना
आकट अन्वये धन्स्पेकटरनी हकुमत हेळण सेपेला प्रदेशमां सदरहु आकट अमलमां
मुकवा माटे ते धन्स्पेकटर मुअ्यत्वे करीने जवाअदार रडेरो : पणु अेवुं करावुं छे के, जे
प्रदेशमां अेक करतां वधु धन्स्पेकटरो होय त्यां, मुंअर्जना कलेकटर पोलाने योअ लागे ते
धन्स्पेकटरने अेवा प्रदेशमांतां कारभानां सोंपवाने मुअत्यार छे.

५. धन्स्पेकटरना अधिकार.—(१) जे प्रदेश माटे धन्स्पेकटरने नीमवामां आव्यो
होय ते प्रदेशमां, उछ कानुन मुज्य राअेलां हाजरीपत्रको तपासवाने ते धन्स्पेकटर

સુખતાર છે અને કોઇપણ કારખાનામાં સદરહુ આકટના તથા આ કાનુનોના ઠરાવો ચોખ્ખી રીતે અમલમાં મુકવામાં આવે છે કે નહિ તેની ખાતરી કરવાનાં કારણ સાર, પોતાને જરૂરની ઢાંચે તેવી ચોકશી કરવાનો તથા તેવા કાગળો અથવા ઠરાવોએ રજુ કરવાનું ફરમાવવાનો તેને અધિકાર છે: પણ એવું ઠરાવું છે કે તેણે કોઇપણ કામે રાખનારાને તેના ઉપર કંઇ ચુન્દાનું તોહોમત આવે એવી મતલબના કામ અવાલનો જ્યાં આપવાની અથવા એવો કંઇ પુરાવો આપવાની ફરજ પાડવી નહિ.

(૨) સદરહુ આકટની કલમ ૬ની પેટા-કલમ (૧) મુજબ આપેલી દરેક નોટિસ અને સદરહુ આકટના અથવા આ કાનુનોના ઠરાવો મુજબ કોઇપણ શખસને સુવાલ વખતે આપેલી નાણાંની મદદની રકમની દરેક પહોંચ, (રજુ કરવાનું) કહેવામાં આવે એટલે, ઇન્સ્પેક્ટર સમક્ષ રજુ કરવાં બેઠબે.

૬. શિક્ષા.—જે કોઇપણ કામે રાખનાર કાનુનં ડના ઠરાવોનું ઉલ્લંઘન કરે તો, તેના પર ચુન્દાની સાબિતીનો ઠરાવ થયેથી, રૂપિયા પચાસથી વધુ ન હોય તેટલો દંડ તેને થશે.

૭. શિક્ષા.—જે કોઇપણ શખસ, એકાદા ઇન્સ્પેક્ટરને તેના અધિકારો અવાવવામાં અથવા તેની ફરજ અગવવામાં જાણીયુજને હરકત કરશે અથવા હાજરીપત્રક અથવા સદરહુ આકટની કલમ ૬ (૧) મુજબ આપેલી નોટિસ અથવા સુવાલ વખતે આપેલી નાણાંની મદદની પહોંચ અથવા સદરહુ આકટના તથા આ કાનુનોના ઠરાવો અનુસરવામાં આવ્યા છે એમ ઇન્સ્પેક્ટર ખાતરી કરી શકે તેટલા માટે જરૂરના હોય તેવા ખાજ કાગળો અથવા ઠરાવો રજુ કરવાનું કહેવામાં આવતાં તેમ કરવામાં મુકશે, તેના પર ચુન્દાની સાબિતીનો ઠરાવ થયેથી, તેને પચાસ રૂપિયાથી વધુ ન હોય તેટલો દંડ થશે.

૮. પત્રક.—કારખાનામાં સ્થિતિને કામે રાખનાર દરેક શખસે આ કાનુનોને બેઠેલા પ્રશિષ્ટ રમાં આપેલા નકુના પ્રમાણેનું પત્રક દર વર્ષે ઓગસ્ટ મહિનાની ૧લી તારીખ સુધીમાં કારખાનાના ચીફ ઇન્સ્પેક્ટરને પુરૂં પાડવું.

૯. રેકૉર્ડ.—સદરહુ આકટના અથવા આ કાનુનોના ઠરાવો મુજબ સુવાલ વખતે નાણાંની મદદ આપ્યા અંબધી રેકૉર્ડ (દફતર) તૈયાર કરવામાં આવે તે તારીખથી એ વર્ષની મુદત સુધી જાળવી રાખવું બેઠબે.

परिशिष्ट १७.

(जुओ कानुन ३.)

हाजरीपत्रकनो नमुनो.

कारभानुं.

(सन १९२६ना मुंअर्चना सुवावड वअते नालुंणी महद आपवा आपतना आउट अन्वये आण तारीअ सुधी राअवानुं हाजरीपत्रक.)

सन १९

नाम.	आतुं.	ठिकिठनो अथवा आतानो नंअर.	तारीअ.					कुल दिवस.	गर्भवती होवा आपतनी नोअिस आप्यानी तारीअ [कलम ६ (१)].	आणक अवतयोनी तारीअ.	जन्मना रजि- स्टरमांथी सही- सिकावाणो धन्तेआण रजु क्योनी तारीअ.	नालुं पडेल- वड्डेवां पगार क्योनी तारीअ तथा तेनी रकम [कलम ६ (३)].	नालुं त्यारपडी पगार क्योनी तारीअ (तारीअो) तथा तेनी रकम [कलम ६ (३)].	स्त्रीनुं भरजु थाय तो, सुवावड वअतनी नालुंणी महद कठ तारीअे तथा केडवी रकममां आपी ते तथा ते कोने आपी ते.	शेरा.
			१	२	३	...	३१								
१	२	३					५	६	७	८	९	१०	११	१२	

(True translation)

ਪੰਜਾਬ ਸਰਕਾਰ
ਜਲੰਧਰ, ਪੰਜਾਬ
ਪੰਜਾਬ ਸਰਕਾਰ ਦੁਆਰਾ ਪੇਸ਼ ਕੀਤਾ

ਦੀ ਖਾਸੀ

.....(੭੭)

... ਪੁਸਤਕਾਂ ਦੇ ਅਧਿਕਾਰੀਆਂ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ

... ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ
ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ (ਅਧਿਕਾਰੀਆਂ ਦੇ ਅਧਿਕਾਰ)

... ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ
ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ (ਅਧਿਕਾਰੀਆਂ ਦੇ ਅਧਿਕਾਰ)

... ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ
ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ (ਅਧਿਕਾਰੀਆਂ ਦੇ ਅਧਿਕਾਰ)

... ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ

... ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ

... ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ

... ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ

... ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ

ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ
ਪੁਸਤਕਾਂ ਵਿਕਰਣ ਦੀਆਂ ਸੇਵਾਵਾਂ ਵਿਖੇ (ਅਧਿਕਾਰੀਆਂ ਦੇ ਅਧਿਕਾਰ)

(੭੭)

ਪੰਜਾਬ ਸਰਕਾਰ

THE BOMBAY MATERNITY BENEFIT RULES, 1929.

صوبہ بمبئی میں حق مادریت کے قواعد مجریہ سنہ ۱۹۲۹ع

قلم بمبئی۔ مورخہ ۲ اگست سنہ ۱۹۲۹ع

نمبری ۱۰۶۲۔ ان اختیارات کی رو سے جو بمبئی میٹرنٹی بینٹی فٹ ایکٹ (بمبئی ایکٹ ۷ برائے سنہ ۱۹۲۹ع) کی دفعہ ۱۳ کے ذریعہ عطا کئے گئے ہیں، نواب گورنر صاحب بہادر باجلاس کونسل ایکٹ مذکور کے احکام کو عملی جامہ پہنانے کے مقصد سے از راہ خوشنودی حسب ذیل قواعد وضع فرماتے ہیں، یعنی:—

۱۔ مختصر نام۔ جائز ہے کہ ان قواعد کا نام بمبئی میٹرنٹی بینٹی فٹ رولز (صوبہ بمبئی میں حق مادریت کے قواعد) مجریہ سنہ ۱۹۲۹ع رکھا جائے

۲۔ تعریفات ان قواعد میں:—

(الف) "ایکٹ" سے بمبئی میٹرنٹی بینٹی فٹ ایکٹ (صوبہ بمبئی میں حق مادریت کا ایکٹ) برائے سنہ ۱۹۲۹ع مراد ہے

(ب) "انسپکٹر" سے کارخانہ جات کا انسپکٹر مراد ہے جو انڈین فیکٹریز ایکٹ مجریہ سنہ ۱۹۱۲ع کی دفعہ ۴ کی دفعہ تحتی (۱) کے ماتحت مقرر کیا گیا ہو اور اسمین وہ ایڈیشنل انسپکٹر بھی شامل ہے جو دفعہ مذکور کی دفعہ تحتی (۴) کے ماتحت مقرر کیا جائے

۳۔ مسٹر رول (حاضری کا رجسٹر)۔ ہر ایسے کارخانہ کا مالک جس میں عورتیں ملازم ہوں، قواعد ہذا کی منسلک جدول ۱ کے فارم میں حاضری کا ایک رجسٹر تیار کریگا اور اسے قائم

رکھیگا جسمین کارخانہ کی۔ جملہ ملازم عورتوں کے نام اور ان کی ملازمت کا ریکارڈ درج کیا جائیگا اور نیز دیگر تفصیل جو اسپین رکھی گئی ہیں درج کیجائیںگی۔ مسٹر رول کے جملہ اندراجات ”اپ ٹو ڈیٹ“ رکھے جائیںگے اور وہ انسپکٹر کے ملاحظہ کیلئے ہمیشہ مہیا رہیگا۔

۴۔ انسپکٹر کی ذمہ داری۔ انسپکٹر اُس رقبہ کے اندر جو انڈین فیکٹریز ایکٹ مجریہ سنہ ۱۹۱۱ء کے ماتحت اسے سپرد کیا جائے، ایکٹ کے عملدرآمد کے لئے ابتدائی طور پر ذمہ دار ہوگا۔ شرط یہ ہے کہ اُن رقبوں میں جہاں ایک سے زائد انسپکٹر ہوں، کلکٹر بمبئی مجاز ہے کہ وہ رقبہ جات مذکور میں ہر انسپکٹر کے لئے اُن کارخانہ جات کا تعین کر دے جنہیں وہ مناسب خیال کرے

۵۔ انسپکٹر کے اختیارات۔ (۱) انسپکٹر مجاز ہے کہ اُس رقبہ کے اندر جسکے لئے اسکا تقرر کیا گیا ہے، قاعدہ ۳ کے ماتحت قائم شدہ مسٹر رول (رجسٹر حاضری) کا معائنہ کرے اور اسے اختیار ہوگا کہ وہ اُن امور کی تحقیقات کرے اور اُن کاغذات یا دستاویزات کی پیشی کا مطالبہ کرے جنہیں وہ اس امر کو دریافت کرنے کے مغشا کے لئے ضروری سمجھے کہ آیا ایکٹ اور قواعد ہذا کے احکام کی کارخانہ میں بجا طور پر تعمیل ہوتی ہے یا نہیں۔ شرط یہ ہے کہ اسکے لئے لازم نہوگا کہ وہ کسی مالک سے کسی سوال کا جواب طلب کرے یا اُس سے کوئی ایسی شہادت لے جسکی وجہ سے اُسپر الزام عائد ہو جائے

(۲) ہر نوٹس جو ایکٹ کی دفعہ ۶ کی دفعہ تحتی (۱) کے ماتحت دیا گیا ہو اور میٹرنٹی بینہی فت کی ہر رسید جو ایکٹ کے یا قواعد ہذا کے احکام کے ماتحت دی گئی ہو، عندالطلب انسپکٹر کے سامنے پیش کیجائیںگی

۶۔ -زا۔ اگر کوئی مالک قاعدہ ۳ کے احکام کی خلاف ورزی کریگا تو وہ اثبات جرم پر جرمانہ کا مستوجب ہوگا جسکی مقدار بچاس روپے سے زائد نہوگی

۷۔ -زا۔ جو کوئی شخص جان بوجھکر کسی انسپکٹر کی راہ میں اسکے اختیارات کے عملدرآمد میں یا اسکے فرائض کی ادائیگی میں مزاحمت کریگا یا طلب کرنے پر مستتر رول (رجسٹر حاضری) کو یا ایکٹ کی دفعہ ۶ (ا) کے ماتحت دئے ہوئے نوٹسوں کو یا دئے ہوئے حقوق مادریت کی رسیدوں کو یا دوسرے کاغذات یا دستاویزات کو جو انسپکٹر کو یہ دریافت کرنے کے لئے ضروری معلوم ہوں کہ ایکٹ کے اور ان قواعد کے احکام کی تعمیل کیجا رہی ہے، یا نہیں، نہ دیگا تو اثبات جرم پر جرمانہ کا مستوجب ہوگا جسکی مقدار بچاس روپے سے زائد نہ ہوگی

۸۔ گوشوارہ۔ کارخانہ میں عورتوں کو ملازم رکھنے والا ہر شخص کارخانہ جات کے چیف انسپکٹر کو ہر سال یکم اگست تک قواعد ہذا کی منسلک جدول ۲ کے فارم میں ایک گوشوارہ مہیا کریگا۔

۹۔ ریکارڈز۔ ایکٹ یا قواعد ہذا کے احکام کے ماتحت حقوق مادریت کی ادائیگی کے متعلق ریکارڈز (کاغذات) ان کی تیاری کی تاریخ سے لیکر دو سال کی مدت تک محفوظ رکھے جائینگے

جدول ۱

(دیکھو قاعدہ ۳)

مسٹر رول (حاضری کے رجسٹر) کا فارم

کارخانہ کا نام

(مسٹر رول کو ہمیشہ میٹرنٹی ہینٹی فٹ ایکٹ مجریہ سہ ۱۹۶۹ع کے ماتحت ”اپ ٹوکیت“ رکھا جائیگا)

بابت ماہ سہ ۱۹۶۹ع

1	2	3	4	5	6	7	8	9	10	11	12
	2	3	4	5	6	7	8	9	10	11	12
	دینار افسس (محکمہ)	تفصیل یا ڈیپارٹمنٹ کا نمبر	تاریخ	دہن کی مجموعی تعداد	تاریخ جبکہ حمل کی اطلاع دی گئی تھی [دفعہ ۶ (۱)]	بچہ کی پیدائش کی تاریخ	پیدائش کے رجسٹر میں سے مصدقہ خلاصہ کی پیشگی کی تاریخ	پہلی ادائیگی کی تاریخ اور رقم قسط [دفعہ ۶ (۳)]	مابعد کی ادائیگی کی تاریخ (یا ادائیگیوں کی تاریخیں) اور اس کی یا ان کی رقم [دفعہ ۶ (۳)]	اگر ہورس مرچائے تو حق مادریت کی رقم اور ادائیگی کی تاریخ اور ان اشخاص کا نام جنہیں وہ دیا گیا ہو	کریڈٹ

جدول ۲

(دیکھو قاعدہ ۸)

گوشوارہ جو ہر سال یکم اگست یا اسکے قبل چیف انسپکٹر آف
فیکٹریز کی خدمت میں پیش کیا جائیگا

کارخانہ کا نام

مالک کا نام

منیجر کا نام

سال مختتمہ ۳۰ جون سنہ ۱۹۶۰

اوسط تعداد عورتوں کی جو روزانہ کام پر
لگائی جاتی ہوں

تعداد عورتوں کی جنہوں نے ایکٹ کی
دفعہ ۱ (ا) کے ماتحت حق مادریت
طلب کیا ہے

تعداد عورتوں کی جنہیں فی الواقع زچگی
کے لئے حق مادریت ادا کیا گیا ہے

تعداد دوسرے اشخاص کی جنہیں حق
مادریت ادا کیا گیا ہے (دفعہ ۷)

حق مادریت کی ادا شدہ مجموعی رقم

(دستخط)

مالک

حسب الحکم نواب گورنر صاحب بہادر باجلاس کونسل

آر، بی، یوبینک

سکرٹری، جنرل ڈیپارٹمنٹ، حکومت ممبئی

(True translation)

ABDUL KADIR MUHAMMAD HUSSAIN,

Oriental Translator to Government.

POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 7th December 1933.

No. 9721.—In exercise of the powers conferred by section 14 of the Bombay Maternity Benefit Act, 1929 (Bom. VII of 1929), the Governor in Council is pleased to make the following amendment in the Bombay Maternity Benefit Rules, 1929, published in Government Notification, General Department, No. 1066, dated the 2nd August 1929, namely:—

After rule 9 of the said rules, the following shall be added, namely:—

“ 10. *Liability of an employer for maternity benefit on closing of factory.*—A woman entitled to maternity benefit shall not be deemed dismissed within the provisions of section 8, if she is discharged on account of the closing of the factory in which she is employed.”

By order of the Governor in Council,

C. W. A. TURNER,
Chief Secretary to Government.

[Price—Pies 6 or 1d.]

Bk B 36—P. B. No. 1.

POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 29th January 1934.

No. 9721.—In exercise of the powers conferred by section 14 of the Bombay Maternity Benefit Act, 1929 (Bom. VII of 1929), the Governor in Council is pleased to make the following further amendments in the Bombay Maternity Benefit Rules, 1929, published in Government Notification, General Department, No. 1066, dated the 2nd August 1929, namely:—

1. In rule 8 of the said rules, for the figure, letters and words "1st of August" the figures, letters and words "15th day of January" shall be substituted.

2. In Schedule II to the said rules—

(i) in the heading for the figure, letters and word "1st August", the figures, letters and word "15th January" shall be substituted;

(ii) in the fourth item, for the figures, letters and word "30th June", the figures, letters and word "31st December*" shall be substituted; and

(iii) the following foot-note shall be added at the end, namely:—

**Note.*—The return submitted on the 15th January 1934 shall cover the period from 1st July 1933 to 31st December 1933. Subsequent returns shall cover the period from 1st January to 31st December in each subsequent year.

By order of the Governor in Council,

C. W. A. TURNER,

Chief Secretary to Government.

[Price—Pies 6 or 1d.]

B. R. 42—P. E. No. 2.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 20th September 1934.

No. 8574-II.—In exercise of the powers conferred by section 14 of the Bombay Maternity Benefit Act, 1929 (Bom. VII of 1929), the Governor in Council is pleased further to amend the Bombay Maternity Benefit Rules, 1929, published in Government Notification in the General Department, No. 1066, dated the 2nd August 1929, as follows, namely :—

(1) After clause (b) of rule 2 of the said rules, the following shall be added, namely :—

“(c) ‘muster roll’ means a muster roll, or register or a combined muster roll and register prepared and maintained under rule 3 and includes a register kept or deemed to have been kept under section 35 of the Indian Factories Act, 1911.”

(2) In rule 3 of the said rules, for the words and figure beginning with the words “in the form” and ending with the words “the Inspector” the following shall be substituted, namely :—

“and shall enter the following particulars in such muster roll, namely :—

- (a) Name of woman ;
- (b) department in which employed and name of factory ;
- (c) ticket or departmental number ;
- (d) dates with month and year on which employed and not employed ;
- (e) total days employed in the payment period ;
- (f) in the case of factories situated in places other than the cities of Bombay, Ahmedabad and Karachi,
 - (i) ‘wages’ as defined in section 3 (d) of the Act ;
 - (ii) average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which the woman gives notice under section 6 (I) of the Act ;
- (g) date on which the woman gives notice under section 6 (I) of the Act ;
- (h) date of birth of child ;
- (i) date of production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month ;
- (j) date of production of certified extract from birth register ;

Bk R 89—P. B. No. 3.

[Price—Pies 6 or 1d.]

- (k) date of first payment of maternity benefit and amount of same ;
- (l) date of subsequent payments of maternity benefit and amounts of same ;
- (m) if the woman dies, amount of maternity benefit paid and date of payment and the names of persons to whom paid ; and
- (n) remarks column for the use of the Inspector only.

All entries in the muster roll shall be maintained up-to-date and shall always be available for inspection by the Inspector.

The employer may enter in the muster roll such other particulars as may be required for any other purpose."

(3) In rule 8 of the said rules for the figure " II " the figure " I " shall be substituted.

(4) After rule 10 of the said rules, the following rule shall be inserted, namely :—

" 11. *Exhibition of abstract of provisions of Act and rules.*—
The abstract of the provisions of the Act and rules in the local vernacular required to be exhibited by section 15 of the Act shall be in such form as the Chief Inspector of Factories may approve and be exhibited in such manner as he may require. The Chief Inspector of Factories may prepare an abstract and supply copies to employers who make an application for the same to the Inspectors at Bombay and Ahmedabad."

(5) Schedule I to the said rules shall be deleted.

(6) Schedule II to the said rules shall be re-numbered as Schedule I.

By order of the Governor in Council,

C. W. A. TURNER,

Chief Secretary to Government.

STATEMENT OF REPEALS AND AMENDMENTS.

Sections 1, 2, 5, 7 and 8, amended	...	...	The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 9, amended	...	...	{ The Government of India (Adaptation of Indian Laws) Order, 1937. Act XXII of 1937, s. 2.
Sections 11 to 15, amended	...	...	The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 17, amended	...	...	{ The Government of India (Adaptation of Indian Laws) Order, 1937. Act XX of 1937, s. 2 and 1st Sch.
Section 24, substituted	...	...	The Government of India (Adaptation of Indian Laws) Order, 1937.
Section 26, amended	...	...	<i>Ibid.</i>

THE PAYMENT OF WAGES ACT, 1936.

CONTENTS.

SECTIONS.

1. Short title, extent, commencement and application.
2. Definitions.
3. Responsibility for payment of wages.
4. Fixation of wage periods.
5. Time of payment of wages.
6. Wages to be paid in current coin or currency notes.
7. Deductions which may be made from wages.
8. Fines.
9. Deductions for absence from duty.
10. Deductions for damage or loss.
11. Deductions for services rendered.
12. Deductions for recovery of advances.
13. Deductions for payments to co-operative societies and insurance schemes.
14. Inspectors.
15. Claims arising out of deductions from wages or delay in payment of wages and penalty for malicious or vexatious claims.
16. Single application in respect of claims from unpaid group.
17. Appeal.
18. Powers of authorities appointed under section 15.
19. Power to recover from employer in certain cases.
20. Penalty for offences under the Act.
21. Procedure in trial of offences.
22. Bar of suits.
23. Contracting out.
24. Application of Act to Federal Railways, mines and oilfields.
25. Display by notice of abstracts of the Act.
26. Rule-making power.

ACT No. IV OF 1936¹.

[23RD APRIL 1936.]

(As modified up to the 1st May 1937.)

An Act to regulate the payment of Wages to certain classes of persons employed in industry.

WHEREAS it is expedient to regulate the payment of wages to certain classes of persons employed in industry; It is hereby enacted as follows:—

1. (1) This Act may be called the Payment of Wages Act, 1936. Short title, extent, commencement and application.

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

(3) It shall come into force on such date² as the Governor General in Council may, by notification in the *Gazette of India*, appoint.

(4) It applies in the first instance to the payment of wages to persons employed in any factory and to persons employed (otherwise than in a factory) upon any railway by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration.

(5) The ³[Provincial Government] may, after giving three months' notice of its intention of so doing, by notification⁴ in the '[Official Gazette]', extend the provisions of the Act or any of them to the payment of wages to any class of persons employed in any industrial establishment or in any class or group of industrial establishments.

¹For Statement of Objects and Reasons see *Gazette of India*, 1935, Pt. V., p. 20; for Report of Select Committee, see *ibid.*, p. 77.

²This Act was brought into force with effect from the 28th March 1937, see *Gazette of India*, 1937, Pt. I, p. 626.

³These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴These words were substituted for the words "Local Official Gazette", *ibid.*

⁵For notifications issued under this Section vide G.N., P. & S.D., No. 9639, dated the 11th February 1933".

(6) Nothing in this Act shall apply to wages payable in respect of a wage-period which, over such wage-period, average two hundred rupees a month or more.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context,—

(i) “factory” means a factory as defined in ^{XV} clause (j) of section 2 of the Factories Act, 1934; ¹⁹³⁴

(ii) “industrial establishment” means any—

(a) tramway or motor omnibus service;

(b) dock, wharf or jetty;

(c) inland steam-vessel;

(d) mine, quarry or oil-field;

(e) plantation;

(f) workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale;

(iii) “plantation” means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose;

(iv) “prescribed” means prescribed by rules made under this Act;

(v) “railway administration” has the meaning assigned to it in clause (6) of section 3 of the Indian Railways Act, 1890; and

^{IX} of
1890.

(vi) “wages” means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and

any sum payable to such person by reason of the termination of his employment, but does not include—

(a) the value of any house-accommodation, supply of light, water, medical attendance or other amenity, or of any service excluded by general or special order of the¹* * * * *²[Provincial Government];

(b) any contribution paid by the employer to any pension fund or provident fund;

(c) any travelling allowance or the value of any travelling concession;

(d) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(e) any gratuity payable on discharge.

3. Every employer shall be responsible for the payment to persons employed by him of all wages required to be paid under this Act, Responsibility for payment of wages.

Provided that, in the case of persons employed (otherwise than by a contractor)—

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of
1934.

(a) in factories, if a person has been named as the manager of the factory under clause (e) of sub-section (1) of section 9 of the Factories Act, 1934,

(b) in industrial establishments, if there is a person responsible to the employer for the supervision and control of the industrial establishment,

(c) upon railways (otherwise than in factories), if the employer is the railway administration and the railway administration has nominated a person in this behalf for the local area concerned,

the person so named, the person so responsible to the employer, or the person so nominated, as the case may be, shall be responsible for such payment.

¹The words "Governor General in Council or" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

²These words were substituted for the words "Local Government", *ibid.*

Fixation of
wage-periods.

4. (1) Every person responsible for the payment of wages under section 3 shall fix periods (in this Act referred to as wage-periods) in respect of which such wages shall be payable.

(2) No wage-period shall exceed one month.

Time of pay-
ment of
wages.

5. (1) The wages of every person employed upon or in—

(a) any railway, factory or industrial establishment upon or in which less than one thousand persons are employed, shall be paid before the expiry of the seventh day,

(b) any other railway, factory or industrial establishment, shall be paid before the expiry of the tenth day,

after the last day of the wage-period in respect of which the wages are payable.

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The ¹[Provincial Government] may, by general or special order, exempt, to such extent and subject to such conditions as may be specified in the order, the person responsible for the payment of wages to persons employed upon any railway (otherwise than in a factory) from the operation of this section in respect of the wages of any such persons or class of such persons.

(4) All payments of wages shall be made on a working-day.

Wages to be
paid in
current coin
or currency
notes.

6. All wages shall be paid in current coin or currency notes or in both.

Deductions
which may
be made from
wages.

7. (1) Notwithstanding the provisions of sub-section (2) of section 47 of the Indian Railways Act, 1890, the wages of an employed person shall be paid to him without deductions of any kind except those authorised by or under this Act. ^{IX of 1890.}

¹These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deduction from the wages of an employed person shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely :—

(a) fines;

(b) deductions for absence from duty;

(c) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(d) deductions for house-accommodation supplied by the employer;

(e) deductions for such amenities and services supplied by the employer as the ¹* * * * *
²[Provincial Government] may, by general or special order, authorise;

Explanation.—The word “services” in this sub-clause does not include the supply of tools and raw materials required for the purposes of employment.

(f) deductions for recovery of advances or for adjustment of over-payments of wages;

(g) deductions of income-tax payable by the employed person;

(h) deductions required to be made by order of a Court or other authority competent to make such order;

(i) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act, 1925, applies or any recognised provident fund as defined in section 58A of the Indian Income-tax Act, 1922,

XIX of
1925.
of
§ 922.

¹The words “Governor General in Council or” were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

²These words were substituted for the words “Local Government”,
ibid.

or any provident fund approved in this behalf by the ¹[Provincial Government] during the continuance of such approval; and

(j) deductions for payments to co-operative societies approved by the ¹[Provincial Government] or to a scheme of insurance maintained by the Indian Post Office.

Fines.

8. (1) No fine shall be imposed on any employed person save in respect of such acts and omissions on his part as the employer, with the previous approval of the ¹[Provincial Government] or of the prescribed authority, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on or in the case of persons employed upon a railway (otherwise than in a factory), at the prescribed place or places.

(3) No fine shall be imposed on any employed person until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage-period on any employed person shall not exceed an amount equal to half an-anna in the rupee of the wages payable to him in respect of that wage-period.

(5) No fine shall be imposed on any employed person who is under the age of fifteen years.

(6) No fine imposed on any employed person shall be recovered from him by instalments or after the expiry of sixty days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realisations thereof shall be recorded in a register to be kept by the person respon-

¹These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

sible for the payment of wages under section 3 in such form as may be prescribed; and all such realisations shall be applied only to such purposes beneficial to the persons employed in the factory or establishment as are approved by the prescribed authority.

Explanation.—When the persons employed upon or in any railway, factory or industrial establishment are part only of a staff employed under the same management, all such realisations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

9. (1) Deductions may be made under clause (b) of sub-section (2) of section 7 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work. Deductions
for absence
from duty.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage-period for which the deduction is made a larger proportion than the period for which he was absent bears to the total period, within such wage-period, during which by the terms of his employment, he was required to work :

Provided that, subject to any rules made in this behalf by the ¹[Provincial Government], if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which is required under the terms of their contracts of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

¹These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

¹[*Explanation.*—For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work, if, although present in such place, he refuses, in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances, to carry out his work.]

Deductions
for damage
or loss.

10. (1) A deduction under clause (c) of sub-section (2) of section 7 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the employed person and shall not be made until the employed person has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(2) All such deductions and all realisations thereof shall be recorded in a register to be kept by the person responsible for the payment of wages under section 3 in such form as may be prescribed.

Deductions
for services
rendered.

11. A deduction under clause (d) or clause (e) of sub-section (2) of section 7 shall not be made from the wages of an employed person unless the house-accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house-accommodation, amenity or service supplied and, in the case of a deduction under the said clause (e), shall be subject to such conditions as * * * *
* * * the³[Provincial Government] may impose.

Deductions
for recovery
of advances.

12. Deductions under clause (f) of sub-section (2) of section 7 shall be subject to the following conditions, namely :—

(a) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage-period, but no recovery shall be made of such advances given for travelling-expenses ;

¹This Explanation was added by s. 2 of the Payment of Wages (Amendment) Act, 1937 (XXII of 1937).

²The words "the Governor General in Council or" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³These words were substituted for the words "Local Government", *ibid.*

(b) recovery of advances of wages not already earned shall be subject to any rules made by the ¹[Provincial Government] regulating the extent to which such advances may be given and the instalments by which they may be recovered.

13. Deductions under clause (j) ^{and clause (k)} of sub-section (2) of section 7 shall be subject to such conditions as the ¹[Provincial Government] may impose. Deductions for payments to co-operative societies and insurance schemes.

14. (1) An Inspector of Factories appointed Inspectors. under sub-section (1) of section 10 of the Factories Act, 1934, shall be an Inspector for the purposes of this Act in respect of all factories within the local limits assigned to him.

(2) The ²[Provincial Government] may appoint Inspectors for the purposes of this Act in respect of all persons employed upon a railway (otherwise than in a factory) to whom this Act applies.

(3) The ¹[Provincial Government] may, by notification in the ³[Official Gazette], appoint such other persons as it thinks fit to be Inspectors for the purposes of this Act, and may define the local limits within which and the class of factories and industrial establishments in respect of which they shall exercise their functions.

(4) An Inspector may, at all reasonable hours, enter on any premises, and make such examination of any register or document relating to the calculation or payment of wages and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Act.

(5) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV
of
1860.

¹ These words were substituted for the words "Local Government", by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "Governor General in Council", *ibid.*

³ These words were substituted for the word "Local Official Gazette", *ibid.*

Claims arising out of deductions from wages or delay in payment of wages and penalty for malicious or vexatious claims.

15. (1) The ¹[Provincial Government] may, by notification in the ²[Official Gazette] appoint any Commissioner for Workmen's Compensation or other officer with experience as a Judge of a Civil Court or as a stipendiary Magistrate to be the authority to hear and decide for any specified area all claims arising out of deductions from the wages, or delay in payment of the wages of persons employed or paid in that area.

(2) Where contrary to the provisions of this Act any deduction has been made from the wages of an employed person, or any payment of wages has been delayed, such person himself, or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector under this Act, or any other person acting with the permission of the authority appointed under sub-section (1), may apply to such authority for a direction under sub-section (3) :

Provided that every such application shall be presented within six months from the date on which the deduction from the wages was made or from the date on which the payment of the wages was due to be made, as the case may be :

Provided further that any application may be admitted after the said period of six months when the applicant satisfies the authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or other person responsible for the payment of wages under section 3, or give them an opportunity of being heard, and, after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under this Act, direct the refund to the employed person, of the amount deducted, or the payment of the delayed wages, together with

¹ These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

² These words were substituted for the words "Local Official Gazette", *ibid.*

the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and not exceeding ten rupees in the latter :

Provided that no direction for the payment of compensation shall be made in the case of delayed wages if the authority is satisfied that the delay was due to—

(a) a *bona fide* error or *bona fide* dispute as to the amount payable to the employed person, or

(b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment of the wages was unable, though exercising reasonable diligence, to make prompt payment, or

(c) the failure of the employed person to apply for or accept payment.

(4) If the authority hearing any application under this section is satisfied that it was either malicious or vexatious, the authority may direct that a penalty not exceeding fifty rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered—

(a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate, and

(b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

16. (1) Employed persons are said to belong to the same unpaid group if they are borne on the same establishment and if their wages for the same wage-period or periods have remained unpaid after the day fixed by section 5. Single application in respect of claims from unpaid group.

(2) A single application may be presented under section 15 on behalf or in respect of any number of employed persons belonging to the same unpaid

group, and in such case the maximum compensation that may be awarded under sub-section (3) of section 15 shall be ten rupees per head.

(3) The authority may deal with any number of separate pending applications, presented under section 15 in respect of persons belonging to the same unpaid group, as a single application presented under sub-section (2) of this section, and the provisions of that sub-section shall apply accordingly.

Appeal.

17. (1) An appeal against a direction made under ¹[sub-section (3) or sub-section (4)] of section 15 may be preferred, within thirty days of the date on which the direction was made, in a Presidency-town² * * * * before the Court of Small Causes and elsewhere before the District Court—

(a) by the employer or other person responsible for the payment of wages under section 3, if the total sum directed to be paid by way of wages and compensation exceeds three hundred rupees, or

(b) by an employed person, if the total amount of wages claimed to have been withheld from him or from the unpaid group to which he belonged exceeds fifty rupees, or

(c) by any person directed to pay a penalty under ³[sub-section (4)] of section 15.

(2) Save as provided in sub-section (1), any direction made under sub-section (3) or ³[sub-section (4)] of section 15 shall be final.

Powers of authorities appointed under section 15.

18. Every authority appointed under sub-section (1) of section 15 shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence and of ^V of 1908.

¹These words, brackets and figures were substituted for the word, brackets and figure "sub-section (3)" by s. 2 and First Schedule of the Repealing and Amending Act, 1937 (XX of 1937).

²The words "or in Rangoon" were omitted by the Government of India Adaptation of Indian Laws) Order, 1937.

³This word, brackets and figure were substituted for the word, brackets and figure "sub-section (5)" by s. 2 and First Schedule of the Repealing and Amending Act, 1937 (XX of 1937).

V of
1898.

enforcing the attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1898.

19. When the authority referred to in section 15 or the Court referred to in section 17 is unable to recover from any person (other than an employer) responsible under section 3 for the payment of wages any amount directed by such authority under section 15 or section 17 to be paid by such person, the authority shall recover the amount from the employer of the employed person concerned.

Power to
recover from
employer in
certain cases.

20. (1) Whoever being responsible for the payment of wages to an employed person contravenes any of the provisions of any of the following sections, namely, section 5 and sections 7 to 13, both inclusive, shall be punishable with fine which may extend to five hundred rupees.

Penalty for
offences
under the
Act.

(2) Whoever contravenes the provisions of section 4, section 6 or section 25 shall be punishable with fine which may extend to two hundred rupees.

21. (1) No Court shall take cognizance of a complaint against any person for an offence under sub-section (1) of section 20 unless an application in respect of the facts constituting the offence has been presented under section 15 and has been granted wholly or in part and the authority empowered under the latter section or the appellate Court granting such application has sanctioned the making of the complaint.

Procedure in
trial of
offences.

(2) Before sanctioning the making of a complaint against any person for an offence under sub-section (1) of section 20 the authority empowered under section 15 or the appellate Court, as the case may be, shall give such person an opportunity of showing cause against the granting of such sanction, and the sanction shall not be granted if such person satisfies the authority or Court that his default was due to—

(a) a *bona fide* error or *bona fide* dispute as to the amount payable to the employed person, or

(b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment of the wages was unable, though exercising reasonable diligence, to make prompt payment, or

(c) the failure of the employed persons to apply for or accept payment.

(3) No Court shall take cognizance of a contravention of section 4 or of section 6 or of a contravention of any rule made under section 26 except on a complaint made by or with the sanction of an Inspector under this Act.

(4) In imposing any fine for an offence under sub-section (1) of section 20 the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 15.

Bar of suits.

22. No Court shall entertain any suit for the recovery of wages or of any deduction from wages in so far as the sum so claimed—

(a) forms the subject of an application under section 15 which has been presented by the plaintiff and which is pending before the authority appointed under that section or of an appeal under section 17; or

(b) has formed the subject of a direction under section 15 in favour of the plaintiff; or

(c) has been adjudged, in any proceeding under section 15; not to be owed to the plaintiff; or

(d) could have been recovered by an application under section 15.

Contracting out.

23. Any contract or agreement, whether made before or after the commencement of this Act, whereby an employed person relinquishes any right conferred by this Act shall be null and void in so far as it purports to deprive him of such right.

¹[24. The powers by this Act conferred upon the Provincial Government shall, in relation to Federal railways (within the meaning of the Government of India Act, 1935) mines and oilfields, be powers of the Central Government.]

Application of Act to Federal Railways, mines and oilfields.

25. The person responsible for the payment of wages to persons employed in a factory shall cause to be displayed in such factory a notice containing such abstracts of this Act and of the rules made thereunder in English and in the language of the majority of the persons employed in the factory, as may be prescribed.

Display by notice of abstracts of the Act.

26. (1) The ²[Provincial Government] may make rules to regulate the procedure to be followed by the authorities and Courts referred to in sections 15 and 17.

Rule-making power.

(2) The ³[Provincial Government] may, * * * * * by notification in the ⁴[Official Gazette] make rules for the purpose of carrying into effect the provisions of this Act.

(3) In particular and without prejudice to the generality of the foregoing power, rules made under sub-section (2) may—

(a) require the maintenance of such records, registers, returns and notices as are necessary for the enforcement of the Act and prescribe the form thereof;

(b) require the display in a conspicuous place on premises where employment is carried on of notices specifying rates of wages payable to persons employed on such premises;

(c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them;

¹This section was substituted by the Government of India (Adaptation of Indian Laws) Order, 1937.

²These words were substituted for the words "Governor General in Council", *ibid.*

³These words were substituted for the words "Local Government", by the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴The words "subject to the control of the Governor General in Council" were omitted, *ibid.*

⁵These words were substituted for the words "local official Gazette", *ibid.*

(d) prescribe the manner of giving notice of the days on which wages will be paid;

(e) prescribe the authority competent to approve under sub-section (1) of section 8 acts and omissions in respect of which fines may be imposed;

(f) prescribe the procedure for the imposition of fines under section 8 and for the making of the deductions referred to in section 10;

(g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of section 9;

(h) prescribe the authority competent to approve the purposes on which the proceeds of fines shall be expended;

(i) prescribe the extent to which advances may be made and the instalments by which they may be required with reference to clause (b) of section 12;

(j) regulate the scales of costs which may be allowed in proceedings under this Act;

(k) prescribe the amount of court-fees payable in respect of any proceedings under this Act; and

(l) prescribe the abstracts to be contained in the notices required by section 25.

(4) In making any rule under this section the ¹[Provincial Government] may provide that a contravention of the rule shall be punishable with fine which may extend to two hundred rupees.

(5) All rules made under this section shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897, shall not be less than three months from the date on which the draft of the proposed rules was published. ^{x of 1897.}

¹These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 2nd March 1937.

No. 9639.—The following notification by the Government of India, Department of Industries and Labour, is republished:—

of PAYMENT
OF WAGES
ACT, IV OF
1936.

No. L-3067, dated New Delhi, the 24th February 1937.

In exercise of the powers conferred by sub-section (1) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), read with section 23 of the General Clauses Act, 1897 (X of 1897), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (5) of section 26 of the first named Act, namely:—

RULES.

1. *Short Title.*—These rules may be called the Payment of Wages (Procedure) Rules, 1937.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(a) “the Act” means the Payment of Wages Act (IV of 1936);

(b) “appeal” means an appeal under section 17;

(c) “the Authority” means the authority appointed under sub-section (1) of section 15;

(d) “the Court” means the court mentioned in sub-section (1) of section 17;

(e) “employer” includes the persons responsible for the payment of wages under section 3;

(f) “section” means a section of the Act;

(g) “Form” means a form appended to these rules;

(h) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

3. *Form of Application.*—Applications under sub-section (2) of section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form A, Form B or Form C as the case may be, one copy of which shall bear such court-fee as may be prescribed.

4. *Authorisation.*—The authorisation to act on behalf of an employed person or persons, under section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

5. *Permission to appear.*—Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

6. *Presentation of documents.*—(1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be.

7. *Refusal to entertain application*—(1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that:—

(a) the applicant is not entitled to present an application, or

(b) the application is barred by reason of the provisions in the provisos to sub-section (2) of section 15, or

(c) the applicant shows no sufficient cause for making a direction under section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been made good, the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of section 15.

8. *Appearance of parties.*—(1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application:

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the application reheard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for rehearing.

9. *Record of Proceedings.*—(1) The Authority shall in all cases enter the particulars indicated in Form F and at the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form F.

10. *Signature on forms.*—Any form, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any

officer subordinate to him appointed by him in writing for this purpose.

11. *Exercise of powers.*—In exercising the powers of a Civil Court conferred by section 18 the Authority shall be guided in respect of procedure by the relevant orders of the first Schedule of the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

12. *Appeals*—(1) An appeal shall be preferred in duplicate in the form of a memorandum one copy of which shall bear the prescribed court-fee, setting forth concisely the grounds of objection to the directions and shall be accompanied by a certified copy of that direction.

(2) When an appeal is lodged a notice shall issue to the respondent in form G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary, may confirm, vary, or set aside the direction from which the appeal is preferred, and shall make an order accordingly.

13. *Inspection of documents.*—Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of such fees as may be prescribed.

FORM A.

FORM OF INDIVIDUAL APPLICATION.

[See sub-section (2) of section 15 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for _____ area.
 Application No. _____ of 193 ____ .
 Between A. B. C. _____ applicant.
 (through _____ a legal practitioner.
 which is a registered trade union). _____ an official of _____
 And X. Y. Z. _____ opposite party

The applicant states as follows:—

1. A. B. C. is a person employed $\frac{\text{in}}{\text{on}}$ the _____

 _____ entitled

 and resides at _____

The address of the applicant for the service of all notices and processes is :—

2. X. Y. Z., the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is :—

3. (1) The applicant's wages have not been paid for the following wage period (s) (give dates)

Or A sum of Rs. _____ has been unlawfully deducted from his wages of _____ (amount) for the wage period (s) which ended on [give date(s)].

(2) [Here give any further claim or explanation].

4. The applicant estimates the value of the relief sought by him at the sum of rupees _____

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for :—

(a) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or Refund of the amount illegally deducted.

(b) Compensation amounting to _____

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person, or legal practitioner, or official of a registered trade union duly authorised.

FORM B.

FORM OF GROUP APPLICATION.

[See sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the payment of Wages Act (IV of 1936) for _____ area.

Application No. _____ of 19 _____,

Between A. B. C. and (state the number) _____ others, applicants :

(through _____ which is a registered trade union).

a legal practitioner.
an official of _____

And X. Y. Z., _____, opposite party.

The applicants state as follows :—

1. The applicants whose names appear in the attached schedule are persons employed $\frac{\text{in}}{\text{on}}$ the $\frac{\text{factory}}{\text{railway}}$ $\frac{\text{_____}}{\text{industrial establishment}}$ entitled.

The address of the applicants' for service of all notices and processes is :—

2. X. Y. Z., the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is :—

3. The applicants' wages have not been paid for the following wage period(s) :—

4. The applicants estimate the value of the relief sought by them at the sum of rupees

5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for :—

(a) Payment of the applicants' delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

(b) Compensation amounting to

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants, or legal practitioner, or an official of a registered trade union duly authorised.

SCHEDULE.

Names of applicants :—

1.

2.

3.

4.

•

•

FORM C.

FORM OF APPLICATION BY AN INSPECTOR OR PERSON PERMITTED
BY THE AUTHORITY OR AUTHORISED TO ACT.

[See sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act, for area.

Application No. of 193 .

Between

A. B. C., [(*designation*) an Inspector under the Payment of Wages Act] [or a person permitted by the authority authorised to act under sub-section (2) of section 15] applicant.

And

X. Y. Z. the opposite party.

The applicant states as follows :—

1. X. Y. Z., the opposite party is the person responsible under the Act for the payment of wages to the following person(s) :—

(1)

(2)

(3)

*

*

2. His address for the service of all notices and processes is :—

3. The wages of the said person (s) due in respect of the following wage period(s) have not been paid.
have been subjected to the following illegal deductions :—

4. The applicant estimates the value of the relief sought for the person (s) employed at the sum of Rs.

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for :—

(a) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or Refund of the amount illegally deducted

(b) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature.

FORM E.

NOTICE FOR THE DISPOSAL OF APPLICATION.

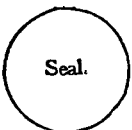
To

Whereas under the Payment of Wages Act, 1936 (IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the day of 19 at o'clock in the $\frac{\text{fore}}{\text{after}}$ noon to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this day of 193

Authority.



FORM F.

RECORD OF DIRECTION.

- (1) Serial number
- (2) Date of the application
- (3) Name or names, parentage, address, or addresses of the applicants, or some, or all of the applicants belonging to the same unpaid group:—
- (4) Name and address of the employer:—
- (5) Amount claimed:—
 - (a) as delayed wages: Rs.
 - (b) as deducted from wages: Rs.
- (6) Plea of the employer and his examination (if any):—
- (7) Finding, and, in the case of a direction under sub-section (3) or (4) of section 15, a brief statement of the reasons therefor:—

Rs.

- (8) Amounts awarded—
 - (a) Delayed wages
 - (b) Deducted wages
- (9) Compensation awarded
- (10) Penalty imposed
- (11) Costs awarded to—
 - (i) Court-fee charges
 - (ii) Pleader's fee
 - (iii) Witnesses expenses

Signed

Dated

Note.—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

FORM G.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING
OF THE APPEAL UNDER SECTION 17 OF THE
PAYMENT OF WAGES ACT, 1936.

Appeal from the decision of the Authority for the
area, dated the day of 193 .

To

Respondent.

Take notice that an appeal of which a copy is enclosed, from the
decision of the Authority for area has been presented
by X. Y. Z. (and others), and registered in this Court, and that
the day of 193 , has been fixed by this
Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, or by some
one by law authorised to act for you in this appeal, it will be heard
and decided in your absence.

Given under my hand and the seal of the Court, this day
of 193 .

Judge.



POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 1st March 1937.

No. 9639.—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Governor in Council is pleased to make the following rules, namely:—

1. *Title*.—These rules may be called the Bombay Payment of Wages Rules, 1937.

2. *Definitions*.—In these rules, unless there is anything repugnant in the subject or context,—

(a) “the Act” means the Payment of Wages Act (IV of 1936);

(b) “the Authority” means the authority appointed under sub-section (1) of section 15 of the Act;

(c) “the Chief Inspector of Factories” means the Chief Inspector of Factories appointed under sub-section (2) of section 10 of the Factories Act (XXV of 1934);

(d) “the Court” means the Court mentioned in sub-section (1) of section 17 of the Act;

(e) “deduction for breach of contract” means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9;

(f) “deduction for damage or loss” means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7;

(g) “Form” means a form appended to these rules;

(h) “Inspector” means the inspector authorized by or under section 14 of the Act;

(i) “person employed” excludes all persons to the payment of whose wages the Act does not apply;

(j) “section” means a section of the Act;

(k) “paymaster” means an employer or other person responsible under section 3 of the Act for the payment of wages;

(l) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

Section 26(3) (a).

3. *Register of Fines*.—(1) In any factory in respect of which the employer has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines there shall be entered serially numbered the approved purpose or purposes on which the fines realized are to be expended.

(3) Vouchers or receipts in connection with any expenditure from the fines' fund shall be produced for the scrutiny of the Inspector when required by him.

4. *Register of deductions for damage or loss.*—In every factory in which deductions for damage or loss are made the paymaster shall maintain the Register required by sub-section (2) of section 10 in Form II.

5. *Register of Wages.*—A Register of Wages shall be maintained in every factory and may be kept in such form as the paymaster finds convenient but shall include the following particulars :—

(a) the gross wages earned by each person employed for each wage period ;

(b) all deductions made from those wages, with an indication in each case of the clause of sub-section (2) of section 7 under which the deduction is made ;

(c) the wages actually paid to each person employed for each wage period.

6. *Maintenance of Registers.*—The registers required by rules 3, 4, 5 and 17 shall be preserved for twelve months after the date of the last entry made in them.

Section 26 (3) (c).

7. *Weights, Measures and Weighing Machines.*—All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any factory shall be examined in accordance with the provisions of the Bombay Weights and Measures Act, 1932. If an Inspector considers that any action should be taken under the said Act, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act for necessary action.

Section 26 (3) (d).

8. *Notice of dates of payment.*—The paymaster shall display, in a conspicuous place at or near the main entrance of the factory, a notice, in English and in the language of the majority of the persons employed therein, showing the days on which wages are to be paid.

Section 26 (3) (e), (f) and (h).

9. *Prescribed authority.*—In the case of persons employed by the Municipal Corporation for the City of Bombay, the Municipal

Commissioner for the City of Bombay, and in all other cases, the Chief Inspector of Factories shall be the authorities competent to approve under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 8, the purposes on which the proceeds of fines shall be expended.

10. *Application in respect of fines.*—Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 9—

(a) a list, in English, in duplicate, clearly defining such acts and omissions ;

(b) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing those appointments in his factory of which the incumbents may pass orders, imposing fines and the class of establishment on which the incumbent of each such appointment may impose fine.

11. *Approval of lists.*—The authority appointed under rule 9 on receipt of the lists prescribed in the preceding rule may, after such enquiry as he considers necessary, pass orders either—

(a) disapproving the lists,

(b) approving the lists either in their original form or as amended by him, in which case such lists shall be considered to be approved lists,

provided that no order disapproving or amending any lists shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the lists as submitted by him should be approved.

12. *Posting of list.*—The employer shall display at or near the main entrance of the factory a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 11.

13. *Persons authorized to impose fines.*—No fine may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under rule 10.

14. *Procedure in imposing fines and deductions.*—Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

15. *Information to paymaster.*—The person imposing a fine or directing the making of a deduction for damage or loss shall at once

inform the paymaster of all particulars, so that the register described in rule 3 or rule 4 may be duly completed.

Section 26 (3) (g).

16. *Deductions for breach of contract.*—(1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless:—

(a) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment and

(i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less; and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(c) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction shall be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no deduction for breach of contract shall be made from any person who has complied with these conditions.

Section 26 (3) (i).

17. *Advances.*—(1) An advance of wages not already earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been

employed for that period, the wages he is likely to earn during the four subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalment shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form III.

(4) The rate of interest charged for advances granted under sub-rule (1) shall not exceed $6\frac{1}{2}$ per cent. per annum.

Section 26 (3) (a).

18. *Annual Return.*—In respect of every factory a return shall be sent in Form IV so as to reach the authority appointed under rule 9 not later than the 15th of February following the end of the calendar year to which it relates.

19. *Display of rates of wages.*—In every cotton spinning and weaving factory, a notice shall be displayed in each department of the factory, specifying the rates of wages payable to all persons employed in such factory other than those who are employed in positions of supervision or management or those who are employed in a confidential position in accordance with the provisions of the Bombay Factories Rules, 1935.

Section 26 (3) (i).

20. *Costs.*—(1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, he shall state his reasons for so doing in writing.

(2) The costs which may be awarded shall include—

(a) the charges necessarily incurred on account of court-fees ;

(b) the charges necessarily incurred on subsistence money to witnesses ; and

(c) pleader's fees which shall ordinarily be Rs. 10 provided that the Authority or the Court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

21. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the Authority or the Court, as the case may be :

Provided that the Authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of costs.

Section 26 (3) (k).

22. *Fees.*—The fee payable in respect of proceedings under the Act shall be :—

- | | |
|---|---|
| (i) For every application to summon a witness. | Four annas in respect of each witness. |
| (ii) For every other application made by or on behalf of an individual person before the Authority. | Eight annas. |
| (iii) For every other application made by or on behalf of an unpaid group before the Authority. | Four annas for each member of the group, subject to a maximum of five rupees. |
| (iv) For every appeal lodged with the Court. | Five rupees. |

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit this fee:

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

Section 26 (3) (l).

23. *Abstracts.*—The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V.

Section 26 (4).

24. *Penalties.*—Any breach of rules 3, 4, 5, 6, 8, 12, 15, 18 and 19 of these rules shall be punishable with fine which may extend to two hundred rupees.

FORM II.

REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO EMPLOYERS THROUGH THE NEGLIGENCE OR DEFAULT OF EMPLOYED PERSONS IN RESPECT OF GOODS EXPRESSLY ENTRUSTED TO THEM FOR CUSTODY.

Name of Factory :—

Serial No.	Name.	Father's name or Ticket number.	Department.	Damage or loss caused.	Amount of deduction imposed.	Designation of officer imposing deduction.	Date when deduction imposed.	Whether worker showed cause against deduction or not.	No. of instalments, if any, in which deduction is proposed to be recovered.	Date on which total amount of deduction imposed was realised.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

FORM III.

REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS.

Name of Factory :—

Serial No.	Name.	Father's name or Ticket number.	Department.	Date and amount of advance made.	Purpose(s) for which advance made.	No. of instalments by which advance to be repaid.	Postponements granted.	Dates on which total amount repaid.	Remarks.
1	2	3	4	5	6	7	8	9	10

FORM IV.

DEDUCTIONS FROM WAGES.

Return for the year ending 31st December 19

1. (a) Name of Factory ...
 (b) Postal Address ...
 * (c) Class of Factory ...
- †2. Average number of workers employed daily—
 ‡ On day-shift ... (Men)
 (Women)
 ‡ On night-shift ... (Men)
- Total ...
- †3. Actual number of days worked during the year—
 ‡ On day-shift ...
 ‡ On night-shift ...
- §4. Aggregate amount of wages payable during the year for—
 Rs. a. p.
 (Men) ...
 (Women) ...
- Total ...
5. Number of cases and amounts realized as—

—	No. of cases	Amount
(a) Fines ...		
(b) Deductions for damage or loss ...		
(c) Deductions for breach of contract ...		

6. Disbursements from fine fund—

—	Amount	Purpose
	Rs.	

Signature
Designation

Dated 19

* e.g., cotton mill, iron foundry, flour mill, etc.

† Information should only be given for those workers whose wages payable are less than Rs. 200 per month.

‡ If any factory runs more than two shifts, the information should be given separately for each shift, e.g., 1st shift, 2nd shift and 3rd shift.

§ Here give the total wages due to the workers without making deductions for amenities and services provided or fines etc. imposed.

FORM V.

ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936, AND
THE RULES MADE THEREUNDER.

Whom the Act affects.

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 200 a month.
2. No employed persons can give up by contract, or agreement, his rights under the Act.

Definition of wages.

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of a proper notice of discharge.

It excludes :—

- (a) the value of house-accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Governor-General in Council or the Local Government ;
- (b) the employer's contribution to a pension or provident fund ;
- (c) travelling allowance or concession or other special expenses entailed by the employment ;
- (d) any gratuity payable on discharge.

Responsibility for and method of payment.

4. The manager of the factory is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1,000 or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

Fines and deductions.

8. No deductions shall be made from wages except those authorised under the Act (*see* paragraph 9—15 below).

9. Except in the case of Municipal factories in the Town and Island of Bombay—

(1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the factory and after giving the employed person an opportunity for explanation.

(2) Fines—

(a) shall not exceed half-an-anna in the rupee;

(b) shall not be recovered by instalments, or later than sixty days of the date of imposition;

(c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as approved by the Chief Inspector of Factories;

(d) shall not be imposed on a child.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working, and such deductions must not exceed an amount which is in the same proportion to his wages for the wage period, as the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but:—

(1) no deduction for breaking a contract can be made from a person under 15 or a woman,

(2) there must be a provision in writing which forms part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice.

(3) The above provision must be displayed at or near the main entrance of the factory.

(4) No deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory.

(5) No deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of Government.

13. (a) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.

(b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(c) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of four months' wages without the permission of an Inspector.

These advances can be recovered by instalments, spread over not more than 18 months and the instalments must not exceed 1/3rd, or if the wages are not more than Rs. 20, 1/4th of the wages for any wage-period.

14. Deductions can be made, for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the Local Government or to the postal insurance, subject to any conditions imposed by the Local Government.

Inspections.

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

Complaints of deductions or delays.

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the Local Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, Inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

Action by the Authority.

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

Appeal against the Authority.

19. An appeal against a direction made by the Authority may be preferred, within 30 days, in Bombay to the Court of Small Causes and elsewhere to the District Court—

(a) by the paymaster if the total amount directed to be paid exceeds Rs. 300 ;

(b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50 ;

(c) by a person directed to pay a penalty for a malicious or vexatious application.

Punishments for breaches of the Act.

20. Any one delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine up to Rs. 500, but only if prosecuted with the sanction of the Authority or the appellate Court.

21. The paymaster who,—

(1) does not fix a wage-period, or

(2) makes payment in kind, or

(3) fails to display at or near the main entrance of the factory this Abstract in English and in the language of the majority of the employed persons, or

(4) breaks certain rules made under the Act,

is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector, or with his sanction.

By order of the Governor in Council,

C. W. A. TURNER,
Chief Secretary to Government.

THE GAZETTE OF INDIA
EXTRAORDINARY.

Government of India
Legislative Department.
Simla, the 2nd July, 1940

ORDINANCE NO. XII of 1940.

AN
ORDINANCE

further to amend the Payment of Wages Act, 1936.

Whereas an emergency has arisen which makes it necessary further
IV of 1936. to amend the Payment of Wages Act, 1936, for the purpose of enabling
an employer to deduct from the wages of a person employed by him
sums intended for investment in furtherance of approved War Savings
schemes;

Now, therefore, in exercise of the powers conferred by section
72 of the Government of India Act as set out in the Ninth Schedule to
the Government of India Act, 1935, the Governor General is pleased to
make and promulgate the following Ordinance:-

Short title and commencement. 1. (1) This Ordinance may be called the Payment of Wages
(Amendment) Ordinance, 1940.

(2) It shall come into force at once.

IV of 1936. 2. In sub-section (2) of section 7 of the Payment of Wages Act,
1936 (hereinafter referred to as the said Act),

(a) the word "and" at the end of clause (i) shall be omitted;

(b) after clause (j) the following word and clause shall be
added, namely:

"and

(k) deductions, made with the written authorisation of the
employed person, in furtherance of any War Savings
scheme, approved by the Provincial Government, or for
the purchase of securities of the Government of India
or the Government of the United Kingdom."

3. In section 13 of the said Act, after the brackets and letter
"E(j)" the words, brackets and letter "and clause (k)" shall be
inserted.

LILLITHROW,

Viceroy and Governor General.

Simla,
The 23rd June, 1940.

G. H. SPENCE,
Secy. to the Govt. of India.



Government of Bombay
Political and Services Department

The Bombay Industrial Disputes Act,
1938, with the Bombay Industrial
Disputes Rules, 1939



BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1939

BOMBAY ACT No. XXV OF 1938.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 24th February 1939.)

An Act to make provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration and for certain other purposes.

WHEREAS it is expedient to make provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration and for certain other purposes hereinafter provided: It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Bombay Industrial Disputes Act, 1938. Short title.

2. (1) Section 1 and this section extend to the whole of the Province of Bombay. The Provincial Government may, by notification in the *Official Gazette*, extend all or any of the remaining provisions of the Act to such area as may be specified in the notification. Extent, commencement and application.

(2) Section 1 and this section shall come into force at once. The Provincial Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force in any area to which the said provisions extend or may have been extended under sub-section (1) on such date as may be specified in the notification.

(3) The Provincial Government may, by notification in the *Official Gazette*, direct that all or any of the provisions of this Act shall apply to such industry as may be specified in the notification.

Definitions.

3. In this Act unless there is anything repugnant in the subject or context—

(1) "Arbitration proceeding" means any proceeding under this Act before an arbitrator or where a dispute has been referred to the Industrial Court for arbitration the proceedings before such Court in respect of such dispute.

(2) "Arbitrator" means an arbitrator to whom a dispute is referred for arbitration under the provisions of this Act and includes an umpire.

(3) "Association of employers" means any combination of employers, whether incorporated or not, which has for one of its objects the regulation of conditions of employment in the industry conducted or carried on by its members, and which is recognised by the Provincial Government under section 74.

(4) "Award" means any interim or final determination in an arbitration proceeding of any industrial dispute or of any question relating thereto and includes any award made by the Industrial Court under clause (5) or (6) of section 53.

(5) "Board" means the Board of Conciliation appointed under section 23.

(6) "Change" means a change in any industrial matter.

(7) "Commissioner of Labour" means an officer appointed by the Provincial Government for the time being to be the Commissioner of Labour.

(8) "Conciliation proceeding" means any proceeding held by a Conciliator or the Board under this Act.

(9) "Conciliator" means any Conciliator appointed under this Act and includes the Chief Conciliator or a Special Conciliator.

(10) "Employee" means any person employed to do any skilled or unskilled manual or clerical work for hire or reward in any industry and includes an employee discharged on account of any dispute relating to a change in respect of which a notice is given under section 28 whether before or after the discharge.

(11) "Employer" includes—

(a) an association or a group of employers ;

(b) any agent of an employer ;

(c) where an industry is conducted or carried on by a department of the Provincial Government, the authority prescribed in that behalf, and where no such authority has been prescribed, the head of such department ;

(d) where an industry is conducted or carried on by or on behalf of a local authority, the Chief Executive Officer of such authority ; or

(e) where the owner of any industry in the course of or for the purpose of conducting such industry contracts with any other person for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the said industry, the owner of such industry.

(12) "Industrial Court" means the Court of Industrial Arbitration appointed under section 24.

(13) "Industrial dispute" means any dispute or difference between an employer and employee or between employers and employees or between employees and employees and which is connected with any industrial matter.

(14) "Industrial matter" means any matter relating to work, pay, wages, reward, hours, privileges, rights or duties of employers or employees, or the mode, terms and conditions of employment or non-employment and includes—

(a) all matters pertaining to the relationship between employers and employees, or to the dismissal or non-employment of any person ;

(b) all matters as to the demarcation of functions of any employees or classes of employees ;

(c) all matters pertaining to any right or claim under or in respect of or concerning an agreement, submission or award made under this Act ; and

(d) all questions of what is fair and right in relation to any industrial matter having regard to the interest of the person immediately concerned and of the community as a whole.

(15) "Industrial union" means a union the members of which belong to any industry generally and which is not an occupational union.

(16) "Industry" includes—

(a) any business, trade, manufacture or undertaking or calling of employers ;

(b) any calling, service, employment, handicraft, or industrial occupation or avocation of employees ; and

(c) any branch or section of industry recognised by the Registrar for the purposes of this Act or a group of industries.

(17) "Labour Officer" means an officer appointed to perform the duties of a Labour Officer under this Act.

(18) "Local area" means any area notified as such by the Provincial Government.

(19) "Lock-out" means the closing of a place or part of a place of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ persons employed by him, where such closing, suspension or refusal occurs in consequence of an industrial dispute and is intended for the purpose of compelling those persons or of aiding another employer in compelling persons employed by him to accept any term or condition of or affecting employment.

(20) "Member" means a person who is an ordinary member of a union and who has been paying a subscription of not less than one anna per month and the term "membership" shall be construed accordingly.

(21) "Occupation" means any section of an industry recognised to be an occupation under section 5.

(22) "Occupational union" means a union the membership of which is confined to employees employed in a particular occupation or group of occupations in any industry.

(23) "Prescribed" means prescribed by rules made under this Act.

(24) "Qualified union" means any union declared to be a qualified union under section 11.

(25) "Recognised union" means a union which has been recognised in the prescribed manner by an employer or by an association of the employers in any industry.

(26) "Registered agreement" means an agreement registered under section 30 or 33.

(27) "Registered union" means a union registered under this Act.

(28) "Registrar" means the Registrar of Unions appointed under this Act.

(29) "Representative of employees" means—

(i) where the majority of employees directly affected by a change are members of a registered union, such registered union ; or

(ii) where some of the employees directly affected by the change belong to a representative union, that representative union ; or

(iii) in other cases such representatives not being more than five as may be elected in the manner prescribed by employees directly affected by the change from among themselves ; or

(iv) in cases where representatives are not elected under clause (iii), and in all other cases not falling under any of these clauses the Labour Officer.

(30) "Representative union" means a registered union declared to be a representative union under section 12.

(31) "Schedule" means schedule appended to this Act.

(32) "Settlement" means a settlement arrived at during the course of a conciliation proceeding.

(33) "Strike" means a total or partial cessation of work by employees employed in an industry acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work where such cessation or refusal is in consequence of an industrial dispute in any industry.

(34) "Union" means a Trade Union (other than a union formed for the purpose of regulating the relations between employers and employees) registered under the Indian Trade Unions Act, 1926.

CHAPTER II.

REGISTRATION OF UNIONS.

4. (1) The Provincial Government shall, by notification in the *Official Gazette*, appoint a person to be the Registrar of Unions for the Province.

Appointment,
powers and
duties of
Registrars
and Assistant
Registrars.

(2) The Provincial Government may, by a similar notification, appoint a person to be the Assistant Registrar of Unions, for any local area and may, by a general or special order, confer on such person all or any of the powers of the Registrar of Unions under this Act.

5. The Registrar may after making such enquiry as he deems fit recognise any section of an industry to be an occupation for the purposes of this Act.

Recognition
of section of
industry as
occupation.

6. It shall be the duty of the Registrar to maintain a register of registered and representative unions in such forms as may be prescribed.

Maintenance
of registers
of registered
and represen-
tative unions.

7. Any recognised union, which has for the whole of the period of six months next preceding the date of the application under this section a membership of not less than five per cent., or any other union which has for the said period a membership of twenty-five per cent. of the total number of employees employed in any industry or occupation, as the case may be, in the local area may apply in the prescribed form to the Registrar for registration under this Act.

Application
for registra-
tion.

8. On receipt of an application from a union for registration under section 7 and on payment of the fee prescribed, the Registrar shall hold such enquiry as he thinks fit and if he is satisfied that such union fulfils the conditions necessary for registration specified in section 7 and is not disqualified from registration under this Act, he shall enter the name of such union in the register maintained under section 6 and shall issue a certificate of registration in such form as may be prescribed :

Registration
of a union.

Provided that—

(a) in any local area the Registrar shall not register more than one industrial union in respect

of any industry and one occupational union in respect of each occupation in such industry ;

(b) where two or more industrial or two or more occupational unions fulfilling the conditions necessary for registration specified in section 7 apply for registration, the union which has the largest membership of the employees employed in the industry or occupation, as the case may be, shall alone be registered ;

(c) if an industrial union has been registered in any local area no occupational union in respect of the same industry in such local area shall be registered unless such union has more than twenty-five per cent. of the total number of employees employed in that occupation in such local area ;

(d) the Registrar shall not register a union as an industrial or an occupational union, as the case may be, if there is a qualified union in existence in respect of the same industry or occupation and if the union applying for registration has not for the whole of the period of six months next preceding the date of application, a membership exceeding that of such qualified union ; and

(e) the Registrar shall not register any union, if he is satisfied that the application for registration is not made *bona fide* in the interests of employees but is made in the interests of the employer.

Cancellation
of registra-
tion of a
union.

9. The Registrar shall cancel the registration of a union—

(i) if, on an application made to him by any employer or any union concerned with the industry or occupation in which the members of the union, the registration of which is sought to be cancelled, are employed and after holding such enquiry as he deems fit, he is satisfied—

(a) that such union had not fulfilled the necessary conditions for registration under section 7 at the time of its registration or that it was registered under a mistake, misrepresentation or fraud ;

(b) that at the date of the application made under this section the union failed to satisfy the condition regarding the minimum membership necessary for registration specified in section 7 ;

(c) that its recognition by the employer had been withdrawn :

Provided that the registration of such union shall not be cancelled on this ground if its membership is more than twenty-five per cent. of the total number of employees employed in the industry or occupation, as the case may be ;

(d) that in the case of an occupational union in any industry in any local area, an industrial union in respect of such industry is registered in such local area :

Provided that the registration of such occupational union shall not be cancelled if its membership is more than twenty-five per cent. of the total number of employees employed in the occupation in such local area ; or

(e) that the union is not being conducted *bona fide* in the interests of employees but is being conducted in the interests of the employer ; or

(ii) if the Industrial Court directs that the registration of such union shall be cancelled.

10. (1) If at any time any union (hereinafter referred to in this section as "applicant union") applies to the Registrar stating that it has a larger membership of employees employed in any industry or occupation in any local area than the one already registered (hereinafter referred to in this section as a "registered union") for such industry or occupation, as the case may be, for that local area, and that the registration of the registered union should be cancelled or that it should be registered in place of the registered union, the Registrar shall call upon the registered union by a notice in writing to show cause within one month of the receipt of such notice why its registration should not be cancelled or why the applicant union should not be registered in its place. An application made under this sub-section shall be accompanied by such fee as may be prescribed.

Registration of another union in place of existing registered union.

(2) The Registrar shall forward to the Labour Officer a copy of the said application and notice.

(3) If, on the expiry of the period of notice under sub-section (1) and after holding such enquiry as he deems fit, the Registrar is satisfied that the membership of the applicant union was during the whole of the period of six months immediately preceding the date of the application under this section larger than the membership of the registered union, he shall cancel the registration of such union and if the applicant union satisfies the conditions necessary for registration specified in section 7, he shall register the applicant union.

Qualified unions.

11. (1) The Registrar shall maintain a list of qualified unions in such form as may be prescribed.

(2) If in any local area there is no registered union in respect of any industry or occupation, a union which has for a period of six months next preceding the application a membership of not less than five per cent. of the total number of employees employed in the industry or occupation, as the case may be, may on application and on payment of the fee prescribed be declared by the Registrar as a qualified union.

(3) The Registrar shall cancel the declaration of any such union as a qualified union as soon as any union in respect of the industry or occupation, as the case may be, is registered under section 8.

(4) The Registrar shall also cancel the declaration of a union as a qualified union—

(i) if, on an application made to him by an employer or any union concerned with the industry or occupation in which the members of the union, the declaration of which as a qualified union is sought to be cancelled, are employed and after making such enquiry as he thinks fit, he is satisfied—

(a) that such union had not at the time when it was declared a qualified union fulfilled the necessary conditions for its being so declared or that such declaration was made under a mistake, misrepresentation or fraud,

- (b) that at the date of the application made under this sub-section the membership of such union fell below five per cent. of the employees employed in the industry or occupation, as the case may be, in the local area ;
- (ii) if the Industrial Court directs that the declaration of such union as a qualified union shall be cancelled.

12. (1) Any registered union in a local area, which has for the whole of the period of six months next preceding the date of application under this section a membership of not less than twenty-five per cent. of the total number of employees employed in the industry or occupation, as the case may be, in such local area, may apply to the Registrar for being declared a representative union. Representative unions.

(2) If the Registrar is satisfied, on making such enquiry as he thinks fit, that the union fulfils the conditions specified in sub-section (1) he shall declare such union to be a representative union, and shall issue a certificate in such form as may be prescribed.

(3) The Registrar shall cancel the declaration of a union as a representative union—

(i) if, on application made to him by an employer or any union concerned with the industry or occupation in which the members of the union, the declaration of which as a representative union is sought to be cancelled, are employed and after making such enquiry as he thinks fit, he is satisfied—

(a) that such union had not at the time when it was declared a representative union fulfilled the necessary conditions for its being so declared or that such declaration was made under a mistake, misrepresentation or fraud ;

(b) that at the date of the application made under this sub-section the membership of such union fell below twenty-five per cent. of the employees employed in the industry or occupation as the case may be, in the local area ;

(c) that the registration of such union has been cancelled ;

(ii) if the Industrial Court directs that the declaration of such union as a representative union shall be cancelled.

Application for fresh registration or declaration.

13. (1) Any union the registration of which has been cancelled by the Registrar or by the Industrial Court on the ground that it was registered under a mistake, or on any of the grounds specified in clause (b) or (c) of sub-section (i) of section 9 or any union the declaration of which as a qualified union or as a representative union has been cancelled on the ground that such declaration was made under a mistake, or under clause (i) (b) of sub-section (4) of section 11 or under clause (i) (b) of sub-section (3) of section 12, as the case may be, may at any time, after six months from the date of such cancellation apply again for registration or declaration, as the case may be. Such application shall be disposed of in the manner laid down in section 8, 11 or 12, as the case may be.

(2) A union the registration of which or a union the declaration of which as a qualified union or as a representative union has been cancelled on any other ground shall not be entitled to apply again for registration or declaration.

Liability of a union or members not relieved by cancellation.

14. Notwithstanding anything contained in any law, the cancellation of registration of a registered union or the cancellation of the declaration of a union as a qualified union or as a representative union shall not relieve the union or any member thereof from any penalty or liability incurred under this Act prior to such cancellation.

Periodical returns to be submitted to the Registrar.

15. Every registered union and every qualified union shall submit to the Registrar periodical returns of its membership at such times, on such dates and in such manner as may be prescribed.

Powers of Registrar to summon witnesses, etc.

16. For the purpose of holding an enquiry under this Chapter,—

(i) the Registrar shall have the same powers as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit, namely :—

- (a) proof of facts by affidavits ;
 - (b) summoning and enforcing the attendance of any person and examining him on oath ; and
 - (c) compelling the production of documents ;
- (ii) the Registrar shall have also such other powers as may be prescribed.

V of
1908.

17. Every employer in the industry concerned and every representative of employees whose interests may be affected shall be entitled to appear at any enquiry made by the Registrar under this Chapter.

18. (1) Any person entitled to appear before the Registrar may appeal to the Industrial Court against any order passed by the Registrar under this Chapter within 30 days from the date of such order.

(2) The Industrial Court in appeal may confirm, modify or rescind any order passed by the Registrar and may pass such consequential orders as it may deem fit. A copy of the orders passed by the Industrial Court shall be sent to the Registrar.

19. The Registrar may refer any matter arising before him in any proceeding under this Act to the Industrial Court for its decision and any order passed by the Registrar in such proceeding shall be in accordance with such decision.

20. (1) Every application made under section 10 shall be published in the *Official Gazette* not less than a fortnight before the application is heard.

(2) Every order passed under section 8, 9, 10, 11 or 12 and every order passed in appeal against such order shall be published in the *Official Gazette*.

CHAPTER III.

AUTHORITIES TO BE CONSTITUTED OR APPOINTED UNDER THIS ACT.

21. (1) The Commissioner of Labour shall be *ex-officio* Chief Conciliator. His jurisdiction shall extend throughout the Province.

(2) The Provincial Government may, by notification in the *Official Gazette*, appoint any person to be a Conciliator, for such local area as may be specified in the notification.

(3) The Provincial Government may, by notification in the *Official Gazette*, appoint any person to be a Special Conciliator for such local area or such industry in any local area or for such industrial dispute or class of disputes as may be specified in the notification.

Labour
Officer.

22. The Provincial Government may, by notification in the *Official Gazette*, appoint any person to be a Labour Officer for such local area or such industry as may be specified in the notification.

Board of
Conciliation.

23. (1) When an industrial dispute arises the Provincial Government may, by notification in the *Official Gazette*, constitute a Board of Conciliation for promoting a settlement of such dispute.

(2) The Board shall consist of a Chairman and an equal number of members selected by the Provincial Government from panels representing the interests of the employers and employees respectively. Such panels shall be constituted in the manner prescribed. The Chairman and members of the Board shall be independent persons.

Explanation.—For the purposes of this section a person shall be deemed to be independent if he is unconnected with the dispute with reference to which the Board is constituted and the industry directly affected by the dispute.

(3) If any vacancy in the membership of the Board arises before the Board has completed its work, such vacancy shall be filled up in the manner prescribed and the proceedings shall be continued before the Board so reconstituted from the stage at which they were when the vacancy occurred.

Court of
Industrial
Arbitration.

24. (1) The Provincial Government may constitute a Court of Industrial Arbitration for determining industrial disputes and for dealing with other matters under the provisions of this Act and the rules made thereunder.

(2) The Industrial Court shall consist of two or more members, one of whom shall be its President. Every member of the Industrial Court shall be a person—

(a) who is not connected with any industry, and

(b) who is or has been a Judge of a High Court or is eligible for being appointed a Judge of such Court.

(3) The Industrial Court may make rules providing for the formation of Benches consisting of one or more of its members and for the exercise by each such Bench of the jurisdiction and powers vested in the Industrial Court.

(4) The Industrial Court may hold its sittings at such place or places as the President may direct.

CHAPTER IV.

POWERS AND DUTIES OF THE LABOUR OFFICER.

25. (1) A Labour Officer shall exercise the powers conferred and perform the duties imposed on him by or under this Act.

Powers and duties of Labour Officer.

(2) For the purpose of exercising such powers and performing such duties a Labour Officer may, after giving reasonable notice, enter any place used for the purpose of any industry or as the office of any union and shall be entitled to call for and inspect all relevant documents which are necessary for the due discharge of his duties and powers under this Act. A Labour Officer may for the same purpose enter, after giving reasonable notice, any premises provided by an employer for the purpose of residence of his employees.

(3) All particulars contained in or information obtained from any document inspected or called for under sub-section (2) shall, if the person in whose possession the document was so requires, be treated as confidential.

(4) A Labour Officer shall be entitled to appear in any proceeding under this Act.

CHAPTER V.

CHANGES.

26. (1) Every employer in respect of any industry or occupation to which this section has been made applicable shall within two months from the date of such application submit to the Commissioner of Labour for approval in such manner as may be

Standing orders regarding industrial matters and change in such standing orders.

prescribed standing orders regulating the relations between him and his employees with regard to all industrial matters mentioned in Schedule I.

(2) On receipt of such standing orders the Commissioner of Labour shall, after making such enquiry as he deems fit and after consulting all interests concerned in the industry, settle the said standing orders.

(3) The Commissioner of Labour shall forward a copy of the standing orders so settled to the Registrar who shall record them in the register to be kept for the purpose. The standing orders so settled and recorded in the register shall come into operation from the date of their record in the register or after 10 days from the decision of the Commissioner of Labour whichever is later.

(4) Any person aggrieved by any of the standing orders so settled and recorded by the Commissioner of Labour may within 15 days from the date on which such standing orders come into operation under sub-section (3) appeal to the Industrial Court.

(5) On an appeal being filed, the Industrial Court may on the application of any party to such appeal stay the operation of the standing orders objected to until the appeal is decided on such conditions as it may think fit.

(6) The Industrial Court in appeal may confirm, modify or rescind any standing order settled by the Commissioner of Labour under sub-section (2) and may pass such consequential orders as it may deem fit. A copy of the orders passed by the Industrial Court shall be sent to the Registrar who shall record them in the register referred to in sub-section (3).

(7) The Industrial Court may also fix the date on which the standing orders as revised or confirmed by it shall come into operation.

(8) The standing orders settled by the Commissioner of Labour under sub-section (2) or by the

Industrial Court under sub-section (6) shall be determinative of the relations between the employer and his employees in the industry or occupation concerned in regard to all industrial matters mentioned in Schedule I and shall not be liable to be altered for a period of six months from the date on which they come into operation except on a review by the Industrial Court under section 27.

27. (1) Any person aggrieved by the decision of the Industrial Court under section 26 may apply to the Industrial Court for a review of the said decision.

(2) The Industrial Court shall not grant such application unless it is satisfied that there has been a discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the party making the application or could not be produced by him at the time when its decision was made, or that there has been some mistake or error apparent on the face of the record or that there is any other sufficient reason for granting such application.

(3) The provisions of sub-sections (6), (7) and (8) of section 26 shall apply to the proceedings under this section.

28. (1) Any employer intending to effect any change in any standing order settled under section 26 or 27 or in respect of an industrial matter mentioned in Schedule II shall give notice of such intention in the prescribed form to the representative of the employees. He shall send a copy of such notice to the Commissioner of Labour, the Chief Conciliator, the Registrar, the Labour Officer and to such other person as may be prescribed. He shall also affix a copy of such notice at a conspicuous place in the premises where the employees affected by the change are employed for work and at such other place as may be directed by the Chief Conciliator in any case.

Employers
or employees
desiring
change in
standing
orders and
other indus-
trial matters
to give
notice.

(2) An employee desiring a change in any such standing order or in respect of any other industrial matter shall give notice in the form prescribed to the employer through the representative of the employees who shall also forward a copy of the notice to the Commissioner of Labour, the Chief Conciliator, the Registrar, the Labour Officer and to such other person as may be prescribed.

(3) After conciliation proceedings in regard to any industrial dispute arising out of a notice relating to any change given under sub-section (1) or (2) have been completed, no notice with regard to the same change shall be given before the expiry of two months from the date of such completion. If, at any time after the expiry of the said period of two months, any employer or employee again desires the same change, he shall give fresh notice in the manner provided in sub-section (1) or (2), as the case may be.

Notice of
change when
to be deemed
general
notice.

29. (1) Where an employer gives notice of a proposed change under sub-section (1) of section 28 and such change affects only some of the employees engaged in an industry or occupation, the registered or qualified union in respect of such industry or occupation in that local area, as the case may be, may, within seven days from the date of service of such notice, intimate in writing to other employers or an association of employers engaged in such industry or occupation that the employees employed in such industry or occupation by such employers and mentioned in such intimation are affected by such change.

(2) Where an employee gives notice of a proposed change under sub-section (2) of section 28 and such change affects only one employer or some of the employers engaged in an industry or occupation, the other employers or an association of employers engaged in such industry or occupation in that local area, as the case may be, may within seven days from the date of service of such notice, intimate in writing to the representative of the employees, engaged in such industry or occupation, that the other employers engaged in such industry or occupation and mentioned in such intimation are affected by such change.

(3) A copy of an intimation under sub-sections (1) and (2) shall be sent to the Commissioner of Labour, the Chief Conciliator, the Registrar, the Labour Officer and such other person as may be prescribed and shall also be affixed at a conspicuous place in the premises where the employees concerned are employed for work and at such other places as may be prescribed.

(4) On an intimation being given under sub-section (1) or (2), the other employees or employers, as the case may be, mentioned in such intimation, shall also, for the purposes of this Act, be deemed to be affected by such change.

30. (1) If during fifteen days from the date of service of the notice under section 28 or within 7 days from the date of intimation given under section 29 to the representative of employees or the employer or the employers, as the case may be, an agreement is arrived at in regard to the proposed change between the employer or the employers and the representative of the employees, a memorandum of such agreement signed by the employer or the employers as well as by the representative of the employees shall be forwarded by them to the Commissioner of Labour, the Registrar and the Labour Officer. Agreement regarding change.

(2) On receipt of such memorandum of agreement the Registrar shall enter the same in a register maintained for the purpose unless on enquiry he is satisfied that the agreement was the result of mistake, misrepresentation, fraud, undue influence, coercion or threat.

(3) The agreement so recorded by the Registrar shall be called a registered agreement.

31. In any case where the Labour Officer is a representative of the employees, the Labour Officer shall, before entering into any agreement with the employer, place the terms of such agreement before a meeting of the employees concerned. Such meeting shall be convened by the Labour Officer in the manner prescribed and the terms of the agreement so placed before such meeting shall be deemed Labour Officer to put the change to the meeting of employees.

to have been accepted if the majority of the employees present at such meeting accept them. If the majority of the employees present at the meeting do not accept the terms of the agreement placed before them, the Labour Officer shall not enter into such agreement with the employer.

Agreement when to come into force.

32. If an agreement is arrived at and registered under section 30 the changes referred to in the agreement shall come into operation from the date stated in the agreement or if no date is stated therein from the date on which it is recorded by the Registrar.

Agreement arrived at before coming into force of this Act.

33. The Registrar may, on an application made within 6 months from the date of the coming into force of this section by an employer or a registered union, and with the consent of the other party, register any agreement relating to any industrial matter arrived at before the coming into force of this section, unless on enquiries he is satisfied that such agreement was the result of mistake, misrepresentation, fraud, undue influence, coercion or threat.

CHAPTER VI.

CONCILIATION PROCEEDINGS.

Report of industrial dispute to be sent to Registrar, Chief Conciliator and the Conciliator.

34. If any change in respect of which notice is given under section 28, or an intimation is given under section 29 is objected to by the employer or the employee, as the case may be, the party who gave such notice or intimation shall, if he still desires that the change should be effected, forward to the Registrar, the Chief Conciliator and the Conciliator of the local area a full statement of the case in the prescribed form within twenty-one days from the date of service of such notice or intimation to the other party.

Explanation.—For the purpose of this section the change shall be deemed to be objected to by the employer or employee, as the case may be, if within fifteen days from the date of service of such notice or intimation a memorandum of agreement has not been forwarded to the Registrar under sub-section (1) of section 30.

35. On receipt of the statement of the case under section 34 the Conciliator shall enter the industrial dispute in the prescribed register and the conciliation proceedings shall be deemed to have commenced from the date of such receipt.

Commencement of conciliation proceeding.

36. (1) The Conciliator shall then hold the conciliation proceedings in the prescribed manner.

Conciliation proceedings.

(2) It shall be the duty of the Conciliator to endeavour to bring about a settlement of the industrial dispute and for this purpose the Conciliator shall enquire into the dispute and all matters affecting the merits thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute and may adjourn the conciliation proceeding for any period sufficient in his opinion to allow the parties to arrive at a settlement.

37. It shall be lawful for the Chief Conciliator to intervene or to direct a Special Conciliator to intervene at any stage in any conciliation proceedings held by another Conciliator, and thereafter the Chief Conciliator or the Special Conciliator so directed shall hold the conciliation proceedings with or without the assistance of the Conciliator who was previously holding the same.

Power of Chief Conciliator to intervene.

38. (1) If a settlement of an industrial dispute is arrived at in a conciliation proceeding, a memorandum of such settlement shall be drawn up in the prescribed form by the Conciliator and signed by the employer and the representative of employees. The Conciliator shall send a report of the proceedings along with a copy of the memorandum of settlement to the Registrar and the Chief Conciliator. The Registrar shall record such settlement in the register of agreements and shall then publish it in such manner as may be prescribed. The change, if any, agreed to by such settlement shall come into operation from the date agreed upon in such settlement and where no such date is agreed upon from the date on which it is recorded in the register.

Settlement and report.

(2) If no such settlement is arrived at, the Conciliator shall, as soon as possible, after the close of the proceedings before him, send a full report to the Chief Conciliator or if the conciliation proceedings are held

by the Chief Conciliator, the Chief Conciliator shall send such report to the Provincial Government. Such report shall set forth the steps taken by the Conciliator or the Chief Conciliator, as the case may be, for the purpose of ascertaining the facts and circumstances relating to the dispute and the reasons on account of which, in his opinion, a settlement could not be arrived at.

(3) The Chief Conciliator shall forward the reports submitted to him under sub-sections (1) and (2) to the Provincial Government with such remarks as he deems fit.

(4) The Provincial Government shall publish the report of the Conciliator submitted to it under sub-section (2) or forwarded to it under sub-section (3) except in cases in which the dispute is referred to the Board of Conciliation.

(5) In any case where the Labour Officer is a representative of the employees and where a settlement of an industrial dispute is arrived at in any conciliation proceeding, the Labour Officer shall convene a meeting of the employees concerned as laid down in section 31 and place the terms of the settlement before such meeting. The Labour Officer shall not sign the memorandum of such settlement under sub-section (1) unless a majority of the employees present at such meeting accept the terms of such settlement.

Reference
to Board.

39. (1) During the pendency of any proceedings before the Conciliator under the foregoing provisions the Provincial Government may, and if both the parties agree either prior to the commencement of such proceedings or after the failure of the Conciliator to bring about a settlement shall refer the dispute to a Board of Conciliation.

(2) On such reference being made, the Board shall give notice in the prescribed manner to the parties to the dispute to appear before it at such time and place as may be specified in the notice. A copy of such notice shall be sent to the Labour Officer.

(3) On the date specified in the notice or on such other date as may be fixed by the Board, the Board shall hold the conciliation proceedings. It shall be the duty of the Board to endeavour to bring about a

settlement of the industrial dispute and the provisions of sections 35 and 36 shall, so far as may be, apply to the proceedings before the Board.

(4) On the conclusion of the proceedings before the Board, the Board shall, whether a settlement is arrived at or not, send a report of the proceedings to the Provincial Government. The Provincial Government shall then publish such report.

40. (1) A Conciliator or the Board, as the case may be, shall, subject to the provisions of this Act, follow in a conciliation proceeding such procedure as may be prescribed. Procedure and powers of Conciliator and the Board.

(2) For the purpose of holding a conciliation proceeding,—

(i) a Conciliator or the Board shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1908, in respect of the following matters when trying a suit:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents;

(c) issuing commissions for the examination of witnesses;

(d) proof of facts by affidavits;

(ii) the Conciliator or the Board shall have such further powers as may be prescribed.

(3) The proceedings before a Conciliator shall be held *in camera* and the proceedings before the Board in public:

Provided that the Board may at any stage direct that any particular witness be examined or its proceeding be held *in camera*.

(4) If a party to an industrial dispute giving any information or producing any document in a conciliation proceeding makes a request in writing to the Conciliator or the Board, as the case may be, that such information or the contents of such document may be treated as confidential, the Conciliator or the Board shall direct that such information or document be treated as confidential:

Provided that the Conciliator or the Board may permit the information or contents of the document in respect of which a request has been made under this sub-section to be disclosed to the other party.

(5) Save as provided in sub-section (4), the Conciliator or any member of the Board or any

person present at or concerned in the conciliation proceeding shall not disclose any information or the contents of any document in respect of which a request has been made under sub-section (4) without the consent in writing of the party making the request under the said sub-section.

(6) Nothing in this section shall apply to disclosure of any information or the contents of any document for the purpose of a prosecution under this Act or under any other law for the time being in force.

Time limit for stages in conciliation proceedings.

41. (1) The Provincial Government shall by a general or special order fix a time limit for each stage of the conciliation proceedings provided for under this Chapter :

Provided that the total period of time limit fixed for all stages of the conciliation proceedings shall not exceed two months from the date on which the dispute is entered by the Conciliator in the register under section 35 :

Provided further that the Provincial Government may extend the said period of two months by a further period of a fortnight at a time not exceeding in any case, two months in the aggregate.

(2) Notwithstanding anything contained in sub-section (1), the parties to any industrial dispute may, in any case by mutual agreement, agree to extend the period of time limit fixed for any stage of a conciliation proceeding by any further period and such further period shall be excluded in computing the period of time limit referred to in the said sub-section.

Completion of conciliation proceedings.

42. The conciliation proceedings shall be deemed to have been completed when a settlement arrived at in such proceedings is registered or if no settlement is arrived at, when the report of the Conciliator or the Board of Conciliation is published by the Provincial Government or when the time limit fixed for the completion of such proceedings under section 41 has expired.

CHAPTER VII.

ARBITRATION.

Submission.

43. (1) Any employer and a registered union may, by a written agreement, agree to submit any present or future industrial dispute or any classes of

such disputes to arbitration of any person whether such arbitrator is named in such agreement or not. Such agreement shall be called a submission.

(2) Any such agreement arrived at before the coming into force of this Chapter between an employer and a union shall also be deemed to be a submission.

(3) Such submission may provide that the dispute shall be referred to arbitration of the Industrial Court.

(4) A copy of every such submission shall be sent to the Registrar who shall register it in the register to be maintained for the purpose and shall publish it in the *Official Gazette*.

44. In the absence of an agreement to the contrary, every submission shall be irrevocable: Submission when to be revocable.

Provided that the submission to refer future disputes to arbitration may at any time be revoked by any of the parties to such submission by giving the other party six months' notice in writing:

Provided further that before the expiry of the said period of six months the parties may agree to continue the submission for such further period as may be agreed upon between them.

45. The proceedings in arbitration under this Chapter shall be in accordance with the provisions of Schedule II in the Code of Civil Procedure, 1908, in so far as they are applicable and the powers which are exercisable by a civil court under the said provisions shall be exercisable by the Industrial Court. Proceedings in arbitration.

46. No conciliation proceedings shall be commenced in respect of any dispute if— No conciliation where arbitration is provided.

(a) the majority of the employees directly affected by such dispute are members of a registered union which is a party to a submission relating to such dispute, or

(b) some of the employees directly affected by such dispute are members of a representative union which is a party to such submission.

47. The arbitrator may refer any matter in which a decision on any question of law is required to the Industrial Court for its decision. Any award made by the arbitrator shall be in accordance with such decision. Special case to be stated to Industrial Court.

Award by the Arbitrator.

48. The Arbitrator shall, after hearing the parties concerned, make an award which shall be signed by him.

Dispute to be referred to Industrial Court, if no Arbitrator is appointed, etc.

49. Notwithstanding anything contained in this Chapter if no provision has been made in any submission for the appointment of an Arbitrator or where by reason of the act of parties or any circumstances, the appointment of an Arbitrator or an umpire is not possible, such dispute shall be referred to the arbitration of the Industrial Court.

Notice of award to parties.

50. (1) The arbitrator or the Industrial Court shall give notice of the award made by him or it to the parties and forward a copy of the award to the Registrar and the Labour Officer.

(2) On receipt of such award, the Registrar shall enter it in a register kept for the purpose and shall publish it in the *Official Gazette*.

Date on which the award shall come into operation.

51. The award shall come into operation on the date stated in the award or where no such date is stated therein on the date on which it is registered under section 50.

Completion of arbitration proceedings.

52. The arbitration proceedings shall be deemed to have been completed when the award is published under section 50.

CHAPTER VIII.

COURT OF INDUSTRIAL ARBITRATION.

Duties of Industrial Court.

53. It shall be the duty of the Industrial Court—

(1) to decide appeals from the orders passed by the Registrar under this Act;

(2) to decide all matters which may be referred to it by the Registrar under section 19 or by an arbitrator under section 47;

(3) to decide appeals from the decision of the Commissioner of Labour under section 26 regarding standing orders;

(4) to decide all applications for review made to it under section 27;

(5) to decide industrial disputes referred to it in accordance with submissions registered under

section 43 and which provide for such reference to the Industrial Court ;

(6) to decide industrial disputes referred to it under section 49 ;

(7) to decide matters referred to it under section 56 ;

(8) to decide whether a strike or lock-out or a change is illegal under the provisions of this Act; and

(9) to decide such other matters as may be referred to it under this Act or the rules.

54. If in any proceeding, the Industrial Court finds that the registration of any union or the declaration of any union as a qualified union or as a representative union was obtained under a mistake, misrepresentation or fraud, or that such union has contravened any of the provisions of this Act, the Industrial Court may direct that the registration of such union or the declaration of such union as a qualified union or as a representative union shall be cancelled.

Cancellation of registration or declaration of any union as a qualified or as a representative union.

55. The Industrial Court may, on the application of any employer or employee concerned or a representative of the employees concerned or the Labour Officer, decide whether any strike or lock-out or any change made is illegal.

Industrial Court to decide whether any strike or lock-out or change is illegal.

56. A Civil Court may refer any matter or any issue in any suit or proceeding before it relating to an industrial dispute to the Industrial Court for its decision. Any order passed by the Civil Court in such suit or proceeding shall be in accordance with such decision.

Civil Court may refer any matter relating to an industrial dispute to Industrial Court.

57. (1) The Industrial Court shall, subject to the provisions of this Act, follow such procedure as may be prescribed.

Procedure before an Industrial Court.

(2) (i) The Industrial Court shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1908, in respect of the following matters when trying a suit :—

v. of
1908.

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) compelling the production of documents ;

(c) issuing commissions for the examination of witnesses ;

(d) proof of facts by affidavits.

(ii) The Industrial Court shall have such further powers as may be prescribed.

(3) Every proceeding before the Industrial Court shall be deemed to be a judicial proceeding within the meaning of sections 192, 193 and 228 of the Indian Penal Code.

(4) The Industrial Court shall have power to direct by whom the whole or any part of costs of any proceeding before it shall be paid :

Provided that no such costs shall be directed to be paid for the services of any legal adviser engaged by any party.

Execution
of order as
to costs.

58. An order made by the Industrial Court regarding the costs of a proceeding may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business or where such place is within the local limits of the ordinary civil jurisdiction of the High Court before the Court of Small Causes of Bombay and such court shall execute such order in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

The parties
on whom
order of
Industrial
Court will
be binding.

59. The order of the Industrial Court shall be binding on—

(a) all parties to the industrial dispute who appeared or were represented before such Court ;

(b) all parties who were summoned to appear as parties to the dispute whether they appeared or not, unless the Industrial Court is of opinion that they were improperly made parties ;

(c) in the case of an employer who is a party to the proceedings before such Court in respect of the undertaking to which the dispute relates, his successors, heirs or assigns in respect of the undertaking to which the dispute relates ; and

(d) in the case of a union which is a party to the proceedings before such Court, all persons who were members of such union on the date of the

dispute or who become members of the union thereafter.

60. No order passed by the Industrial Court shall be called in question in any civil or criminal court.

The order of Industrial Court not liable to appeal or review.

61. The Provincial Government may direct the Advocate General or any other officer to appear in any proceeding before the Industrial Court by giving notice to such Court and on such notice being given the Advocate General or such officer shall be entitled to appear in such proceeding.

Provincial Government may direct Advocate General or any other Officer to appear in any proceeding before Industrial Court.

CHAPTER IX.

ILLEGAL STRIKES AND LOCK-OUTS.

62. (1) A strike shall be illegal if it is commenced or continued—

Illegal strikes.

(a) in cases where it relates to any industrial matter mentioned in Schedule I, before the standing orders relating to such matter and submitted to the Commissioner of Labour under section 26 are settled by him or by the Industrial Court, as the case may be, or before the expiry of six months from the date on which such standing orders come into operation under section 26 ;

(b) without giving notice in accordance with the provisions of section 28 ;

(c) only for the reason that the employer has not carried out the provisions of any standing order or has made an illegal change ;

(d) in cases where notice of the change is given in accordance with the provisions of section 28 and where no agreement in regard to such change is arrived at, before the statement of the case referred to in section 34 is received by the Registrar ;

(e) in cases where conciliation proceedings in regard to the industrial dispute to which the strike

relates have commenced, before the completion of such proceedings ;

(f) in cases where a submission relating to such dispute or such kinds of dispute is registered under section 43, until such submission is lawfully revoked ; or

(g) in contravention of the terms of a registered agreement, settlement or award.

(2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a strike relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the completion of such proceedings.

Illegal
lock-outs.

63. (1) A lock-out shall be illegal if it is declared, commenced or continued—

(a) in cases where it relates to any industrial matter mentioned in Schedule I, before the standing orders relating to such matter and submitted to the Commissioner of Labour under section 26 are settled by him or by the Industrial Court, as the case may be, or before the expiry of one year from the date on which such standing orders come into operation under section 26 ;

(b) without giving notice in accordance with the provisions of section 28 ;

(c) in cases where notice of the change is given in accordance with the provisions of section 28 and where no agreement in regard to such change is arrived at, before the statement of the case referred to in section 34 is received by the Registrar ;

(d) in cases where conciliation proceedings in regard to the industrial dispute to which the lock-out relates have commenced, before the completion of such proceedings ;

(e) in cases where a submission relating to such dispute or such kinds of dispute is registered under section 43, until such submission is lawfully revoked ; or

(f) in contravention of the terms of a registered agreement, settlement or award.

(2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a lock-out relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the completion of such proceedings.

CHAPTER X.

PENALTIES.

64. (1) No employer shall dismiss or reduce any employee or punish him in any other manner by reason of the circumstance that the employee—

Employer not to dismiss, reduce or punish an employee.

(a) is an officer or member of a registered union or of a qualified union or of a union which has applied for being registered or declared as a qualified union under this Act; or

(b) is entitled to the benefit of a registered agreement, submission or award; or

(c) has appeared or intends to appear as a witness or has given any evidence or intends to give evidence in a proceeding under this Act; or

(d) is an officer or member of an organisation the object of which is to secure better industrial conditions; or

(e) is an officer or member of an organisation which is not declared unlawful; or

(f) is a representative of employees; or

(g) has gone on or joined a strike which is not illegal under the provisions of this Act.

(2) Whoever contravenes the provisions of subsection (1) shall, on conviction, be punishable with fine which may extend to Rs. 1,000.

(3) The Court trying any offence under this section may direct that out of the fine recovered, such amount as it deems fit shall be paid to the employee concerned as compensation.

65. Any employer who has declared a lock-out which has been held by the Industrial Court to be illegal shall, on conviction, be punishable with fine which may extend to Rs. 2,500 and, in the case of the lock-out being continued after such conviction, with an additional fine which may extend to Rs. 200 for every day during which such lock-out continues after such conviction.

Penalty for declaring illegal lock-out.

Penalty for declaring or commencing an illegal strike.

66. Any employee who has gone on strike or who joins a strike which has been held by the Industrial Court to be illegal shall, on conviction, be punishable with fine which may extend to Rs. 25 and in the case of a continuing offence with an additional fine which may extend to Re. 1 per day for every day during which the offence continues after his last conviction for such offence, subject to a maximum of Rs. 50.

Penalty for instigating, etc., illegal strikes and lock-outs.

67. If any person instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which has been held to be illegal by the Industrial Court, whether such strike or lock-out has commenced or not, he shall, on conviction, be punishable with imprisonment of either description for a term which may extend to three months, or with fine or with both.

Explanation.—For the purposes of this section, a person who contributes, collects or solicits funds for the purposes of any such strike or lock-out shall be deemed to act in furtherance thereof.

Penalty for disclosing confidential information.

68. If a Conciliator or a member of the Board or any person present at or concerned in any conciliation proceeding wilfully discloses any information or the contents of any document in contravention of this Act he shall, on a complaint made by the party who gave the information or produced the document in such proceeding and on conviction, be punishable with fine which may extend to Rs. 1,000.

Penalty for illegal changes.

69. (1) Any employer who makes any illegal change shall, on conviction, be punishable with fine which may extend to Rs. 5,000 and in the case of a continuing offence with an additional fine which may extend to Rs. 200 per day for every day during which the offence continues after his last conviction for such offence.

(2) An employer who acts in contravention of a standing order settled under section 26 shall, on conviction, be punishable with fine which may extend to Rs. 100 and in the case of a continuing contravention of such standing order, with an additional fine which may extend to Rs. 25 per day for every day during which such contravention continues after his last conviction for such contravention.

70. Any person who wilfully refuses entry to a Labour Officer to any place which he is entitled to enter under section 25 or who fails to produce any document which he is required to produce, or who fails to comply with any requisition or order issued to him by or under the provisions of this Act shall, on conviction, be punishable with fine which may extend to Rs. 500.

Penalty for obstructing any person from carrying out duties imposed under this Act.

71. Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, on conviction, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to Rs. 100 and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder with fine which may extend to Rs. 200.

Penalties for offences not provided for elsewhere.

CHAPTER XI.

MISCELLANEOUS.

72. The Provincial Government may, by notification in the *Official Gazette*, at any time, make any additions to or alterations in the industrial matters specified in Schedule I or II or may delete therefrom any such matter :

Modifications in Schedules.

Provided that before making any such addition, alteration or deletion, a draft of such addition, alteration or deletion shall be published for the information of all persons likely to be affected thereby and the Provincial Government shall consider any objection or suggestion that may be received by it from any person with respect thereto.

73. (1) No employer shall make any change in any industrial matter in regard to which a standing order has been settled under section 26 or which is mentioned in Schedule II before the agreement referred to in sub-section (1) of section 30 is arrived at or where no such agreement

Illegal changes.

is arrived at before the conciliation proceedings are completed or in cases where there is a registered submission before the arbitration proceedings are completed or in cases where any dispute relating to such industrial matter has been referred to the Industrial Court for its decision before such decision is given.

(2) No employer shall make any such change in contravention of the terms of a registered agreement, a settlement or an award.

(3) Any change made in contravention of the provisions of sub-section (1) or (2) shall be illegal.

Association of
Employers
may represent
any of its
members.

74. (1) The Provincial Government may from time to time by notification in the *Official Gazette* recognise any combination of employers as an association of employers for the purposes of this Act or may revoke any such recognition.

(2) In any proceeding under this Act, an association of employers shall be entitled to represent any employer who is a member of the association.

Representa-
tion of
employees.

75. (1) Save with the permission of the authority holding any proceedings under this Act, no employee shall be allowed to appear in such proceedings except through the representative of employees.

(2) Notwithstanding anything contained in sub-section (1), if in any conciliation or arbitration proceedings or in any proceedings before the Industrial Court the majority of employees directly concerned in or affected by such proceedings are members of a qualified union, such qualified union shall also be entitled to appear in such proceedings.

Agreement,
etc., on whom
binding.

76. (1) A registered agreement, a settlement, a submission or an award shall be binding upon all persons who are parties thereto ;

Provided that—

(a) in the case of an employer, who is a party to such agreement, settlement, submission or award, his successors, heirs or assigns in respect of the undertaking as regards which the agreement, settlement, submission or award is made ;

(b) in the case of a union which is a party to such agreement, settlement, submission or award, all persons who were members of such union at the date of such agreement, settlement, submission or award or who become members of the union thereafter,
shall be bound by such agreement, settlement, submission or award.

(2) In cases in which a representative union is a party to any agreement, settlement, submission or award, the Provincial Government may, after giving the parties affected an opportunity of being heard, by notification in the *Official Gazette*, direct that such agreement, settlement, submission or award shall be binding upon such other employers and employees in such industry or occupation in that local area as may be specified in the notification :

Provided that before giving a direction under this section the Provincial Government may in such cases as it deems fit, make in the prescribed manner a reference to the Industrial Court for its opinion.

77. (1) A registered agreement, settlement or award shall cease to have effect on the date specified therein or if no such date is specified therein, on the expiry of the period of six months from the date on which notice in writing to terminate such agreement, settlement or award, as the case may be, is given by any of the parties thereto to the other party.

Period for which agreement, etc., to remain in force.

(2) Nothing in this section shall prevent the terms of a registered agreement being changed or modified by mutual consent of the parties affected thereby.

(3) Notwithstanding anything contained in subsection (1) or (2), if a registered agreement provides that it shall remain in force for a period exceeding

two years, such agreement may after the expiry of eighteen months from the date of commencement of such agreement be terminated by either party thereto by giving six months' notice.

(4) The party giving notice under sub-section (1) or (3) shall send a copy of it to the Registrar and the Labour Officer of the local area concerned.

Liability of
the executive
of a union.

78. Where anything is required to be done by any union by or under any provision of this Act, the person authorised in this behalf by the executive of the union or if no person is so authorised every member of the executive of the union shall be bound to do the same and shall be personally liable if default is made in the doing of any such thing.

Explanation.—For the purposes of this section, executive of a union means the body by whatever name called to which the management of the affairs of the union is entrusted.

Jurisdiction
of Courts.

79. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try an offence under this Act.

Conciliator
and Labour
Officer to
be public
servants.

80. A Registrar, an Assistant Registrar, a Conciliator, a Labour Officer, an Arbitrator, a member of the Board, a member of the Industrial Court and its staff shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV
of
1860.

Persons
acting in
good
faith
not to be
sued.

81. No suit or proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Provisions
of Act
VII of 1929
not to be
affected.

82. Nothing in this Act shall affect any of the provisions of the Trade Disputes Act, 1929, and no conciliation or arbitration proceeding shall be held under this Act relating to any matter or trade dispute which has been referred to and is pending before a Court of Enquiry or Board of Conciliation under the said Act.

XVII of
1929.

83. The Bombay Trade Disputes Conciliation Act, 1934, shall cease to apply to any area in which the provisions of Chapters II, III, IV, V and VI of this Act have been brought into force. Repeal of
Bom. IX of
1934.

84. (1) The Provincial Government may make rules to carry out the purposes of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following matters, namely:—

(a) the manner in which an employer or an association of employers may recognise any union under clause (25) of section 3 ;

(b) the manner in which the representatives of employees are to be elected under sub-clause (iii) of clause (29) of section 3 ;

(c) the forms of register of registered and representative unions to be maintained under section 6 ;

(d) the form in which an application may be made under section 7 ;

(e) the form in which a certificate of registration may be issued under section 8 ;

(f) the form in which a list of qualified unions is to be maintained under section 11 ;

(g) the fee to be paid on applications made under section 8, 10 or 11 ;

(h) the form in which a certificate may be granted to a representative union under section 12 ;

(i) the time, date and manner of submitting periodical returns under section 15 ;

(j) the manner in which the total number of employees is to be computed for the purposes of this Act ;

(k) the other powers of the Registrar under section 16 ;

(l) the manner in which the panels representing the interests of employers and employees shall be constituted under section 23 ;

(m) the manner in which vacancies in the Board of Conciliation shall be filled up under section 23 ;

(n) the manner in which standing orders may be submitted under section 26 ;

(o) the form in which notice of change is to be given and the persons to whom copies of such notice are to be sent under section 28 ;

(p) the other places at which the copy of the intimation shall be affixed under sub-section (3) of section 29 ;

(q) the manner of convening meetings under section 31 ;

(r) the form in which a statement of the case is to be forwarded under section 34 ;

(s) the register in which industrial disputes are to be entered under section 35 ;

(t) the manner of holding conciliation proceedings under section 36 ;

(u) the form in which the memorandum of settlement shall be drawn up and the manner in which it shall be published by the Registrar under section 38 ;

(v) the manner of giving notice under section 39 ;

(w) the procedure to be followed by a Conciliator or the Board and the further powers of the Conciliator or the Board under section 40 ;

(x) the procedure to be followed by the Industrial Court and the further powers of such Industrial Court under section 57.

(3) The Provincial Government may also prescribe a fine not exceeding five hundred rupees for a breach of any such rule.

(4) The rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

SCHEDULE I.

(Section 26.)

1. Classification of employees, e.g., permanent, temporary, apprentices, probationers, badlis, etc.

2. Manner of notification to employees of periods and hours of work, holidays, pay days and wage rates.

3. Shift working.

4. Attendance and late coming.

5. Leave and holidays: Conditions, procedure and authority to grant.

6. Liability to search and entry into premises by certain gates.

7. Temporary stoppages of work and rights and liabilities of employers and employees arising therefrom.

8. Termination of employment. Notice to be given by employer and employee.

9. Suspension or dismissal for misconduct and the acts or omissions which constitute misconduct.

10. Means of redress for employees against unfair treatment or wrongful exaction on the part of the employer or his agent or servant.

SCHEDULE II.

(Section 28.)

1. Reduction intended to be of permanent or semi-permanent character in the number of persons employed or to be employed not due to *force majeure*.

2. Demands for permanent or semi-permanent increase in the number of persons employed or to be employed in any department or departments.

3. Dismissal of any employee except in accordance with law or as provided for in the standing orders framed under section 26 of this Act.

The Bombay Industrial Disputes Act, 1938 [BOM. XXV
OF 1938]

4. Introduction of rationalisation or other efficiency systems of work.

5. Starting, alteration or discontinuance of shift working otherwise than in accordance with the standing orders.

6. Withdrawal or granting of recognition to unions of employees.

7. Withdrawal of any customary concession or privilege or change in usage.

8. Introduction of new rules of discipline or alteration of existing rules and their interpretation.

9. Wages and total weekly hours of work.

POLITICAL AND SERVICES DEPARTMENT.

Bombay Castle, 29th May 1939.

No. 2847/34.—In exercise of the powers conferred by section 84 of the Bombay Industrial Disputes Act, 1938 (Bom. XXV of 1938), the Government of Bombay is pleased to make the following rules, namely :—

THE BOMBAY
INDUSTRIAL
DISPUTES ACT
(BOM. XXV OF
1938).

Rules under the Bombay Industrial Disputes Act, 1938.

1. *Short title.*—These Rules may be called “The Bombay Industrial Disputes Rules, 1939”.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context,—

(i) “Act” means the Bombay Industrial Disputes Act, 1938;

(ii) “Form” means the form appended to these Rules;

(iii) “Schedule” means the schedule to the Act;

(iv) “Section” means a section of the Act;

(v) Words and expressions not defined in these rules shall have the meanings assigned to them under the Act.

3. *Recognition of Associations of Employers.*—Any association of employers desiring recognition as an association of employers under the Act shall apply to the Registrar in Form A. On receipt of such application, which shall be in duplicate, the Registrar shall forward a copy of the application to the Provincial Government with such remarks as he may deem necessary. If the Provincial Government accords recognition to the applicant-association, the Registrar shall issue a certificate of recognition in Form B.

4. Every association of employers which has been recognized by the Provincial Government under rule 3 shall notify the Registrar of every change which occurs in its membership within seven days of such change.

5. *Recognition of Unions.*—Any union which is registered under the Indian Trade Unions Act, 1926, may apply for recognition to the employer or the association of employers connected with the industry or occupation which such unions covers and with whom the members of such union are employed. The application for such recognition shall be in Form C.

6. (1) The employer or association of employers to whom an application for recognition has been addressed by any union under rule 5 shall, if the employer or association of employers decides to recognise such union, issue a letter of recognition to such union in Form D and shall forward a duplicate copy of such letter to the Registrar.

(2) An employer or association of employers which withdraws recognition from a union which has been recognised under sub-rule (1) shall immediately inform the union concerned of the withdrawal of such recognition by registered letter and shall forward a duplicate copy of such letter to the Registrar.

7. Every employer in any industry or occupation in any Local Area to which all or any of the provisions of the Act have been applied shall, within seven days of the application of such provisions of the Act to that industry or occupation and on the first working day of every month thereafter forward by registered letter to the Registrar a statement in duplicate showing the number of employees employed by him in such form as the Registrar may require on the date for which the return is made. In all cases where work is done in two or more shifts, the employees in all the shifts shall be included in the number of employees for whom the return is to be made, but the figures for each shift shall be shown separately.

8. Every registered union and every qualified union shall, within seven days of the date of the publication of the Official Gazette containing the notification of the registration of that union or of the declaration of such union as a qualified union and within five days of the first day of January and within five days of the first day of July in every year, forward by registered letter to the Registrar a statement in such form as the Registrar may require showing the number of members it had in each occupation on the last working day of the preceding month separately for each establishment of each employer with whom the members of the union were employed.

9. The Registrar may call upon any employer or any union to produce such evidence as he may deem necessary to prove that the figures submitted under rules 7 and 8 are correct.

10. Any employer who or any union which submits any figures under rules 7 and 8 which are proved to be incorrect shall, on conviction, be punishable with a fine which may extend to Rs. 100.

11. Within twenty-eight days of the date of the application of all or any of the provisions of the Act to any industry or occupation in any local area or of the publication of the Official Gazette containing the notification of the registration of any union or of the declaration of any union as a qualified union and before the first day of February and before the first day of August in every year, the Registrar shall forward—

(a) to every employer in the industry concerned a statement showing the number of members each registered or qualified union has in each occupation with that employer;

(b) to every association of employers in that industry which has been recognised by the Provincial Government for the purposes of this Act under rule 3 a consolidated statement showing the number of members each registered or qualified union has in each occupation with such employers in that industry as are members of the Association concerned;

(c) to every registered and qualified union statements showing the numbers of employees employed in each occupation in each establishment with each employer in which and with whom the registered union concerned has members.

12. The statements submitted by the Registrar to employers or unions under rule 11 shall, until such time as they are altered by the submission of subsequent half-yearly statements, form the basis on which the employers and the unions concerned shall determine which union is a representative of employees (a) for the purpose of receiving or giving notices of change under sub-sections (1) and (2) of section 28, and (b) for representing the employees concerned with such notices in all proceedings under the Act.

13. Where there is no registered union entitled to receive a notice of change from an employer under section 28, the employer shall send an intimation of the intended notice together with a copy of the notice which he proposes to give to the Labour Officer by registered post. Copies of the intimation and the proposed notice shall be posted by the employer prominently on a special board to be maintained for this purpose outside the time-keeper's office or at the entrance through which the majority of the employees enter the establishment and also in all the departments where the employees affected by the proposed change may be working.

14. The Labour Officer shall, within three days of the receipt of the intimation referred to in rule 13, proceed to hold a meeting of the employees affected by the proposed change at such place and time as he deems fit: and the Labour Officer or any other person deputed by him for the purpose shall explain to the employees present at such meeting the purport of the intended notice for the consideration of which such meeting has been called and the meeting may then decide by a majority vote whether they wish to elect their own representatives under clause (iii) of sub-section (29) of section 3 or whether they desire the Labour Officer to act as their representative in the matter.

15. In cases where the employees at a meeting held under rule 14 decide to elect their own representatives, the Labour Officer or any other person deputed by him for this purpose shall proceed to hold an election in such manner as he deems fit for the election of not more than five representatives of the employees affected by the change from among themselves.

16. If the employees concerned elect their representatives under rule 15 such elected representatives shall be deemed to be the representatives of the employees for the purposes of that notice and the Labour Officer shall, within twenty-four hours of the holding of the election under rule 15, forward by registered post to the employer by whom the intimation referred to in rule 13 was sent, a letter informing him of the names of the employees who were elected at the meeting held under rules 14 and 15. The employer may thereupon proceed to serve on the said representatives of the employees the notice of which intimation was given under rule 13 in accordance with the provisions of sub-section (1) of section 28.

17. In any case where the employees at a meeting held under rule 14 decide not to elect their own representatives, the Labour Officer shall, within twenty-four hours of the holding of such meeting, forward by registered post to the employer by whom the intimation referred to in rule 13 was sent, a letter informing him that the employees concerned have decided not to elect their own representatives and the employer may thereupon proceed to serve the notice of which intimation was given under rule 13 on the Labour Officer in accordance with sub-section (1) of section 28. The employer shall also post copies of such notice together with copies of the letter received from the Labour Officer on the Special notice board referred to in rule 13 and also in all the departments where the employees concerned with the proposed change may be working. The Labour Officer shall thereupon be deemed to be the representative of the employees for the purposes of that notice.

18. In a case where no registered union is entitled to be the representative of employees for the purpose of giving an employer a notice under sub-section (2) of section 28, an employee desiring a change in any standing order settled under section 26 or 27 or in respect of an industrial matter mentioned under Schedule II shall represent the same to the Labour Officer. On receipt of such representation the Labour Officer, unless the change affects only the employee making the representation, shall proceed to hold or cause to be held a meeting of the employees affected by such proposed change at such place and time as he may decide and in such manner as he deems fit; and the Labour Officer or any other officer deputed by him for the purpose shall explain to the employees present at such meeting the purport of the representation for the consideration of which such meeting has been called and the meeting may then decide by a majority vote whether they would like to elect their own representatives under clause (iii) of sub-section (29) of section 3 or whether they would like the Labour Officer to act as their representative in the matter.

19. In cases where the employees at a meeting held under rule 18 decide to elect their own representatives, the Labour Officer or any other officer deputed by him for this purpose shall proceed to hold an election in such manner as he deems fit for the election of not more than five representatives of the employees concerned from among themselves.

20. If the employees elect their representatives under rule 18, such representatives shall be deemed to be the representatives of the employees for the purposes of that representation and the Labour Officer shall, within twenty-four hours of the holding of the election under rules 18 and 19, forward to the employers a memorandum containing the subject-matter of the proposed change together with the list of the names of the elected representatives, and such elected representatives shall thereupon proceed to give notice to the employer concerned in the manner provided for in rule 47.

21. *Registration of Unions.*—The register of unions referred to in section 6 shall be maintained in Form E.

22. Any employer or any union may at any time call upon the Registrar in writing for information in connection with the total number of employees employed in any industry or in any occupation in any local area to which some or all of the provisions of the Act have been applied, and on the receipt of such a request the Registrar shall furnish the said employer or union with the required information.

23. Any recognised union which applies for registration under section 7 shall do so in Form F.

24. The fee payable on registration of a union shall be rupee one.

25. Upon an application for registration of a union under the Act, the Registrar may require from that union such evidence as may seem to him necessary to show that the union satisfies the conditions specified in section 7.

26. The certificate of registration issued by the Registrar under section 8 shall be in Form G.

27. Before registering any union the Registrar shall hold such enquiry as he deems fit in order to satisfy himself that no registration is effected in contravention of provisos (a) to (e) to section 8.

28. *Registration of another union in place of existing registered union.*—The fee payable by a union which makes an application to the Registrar under section 10 shall be Rs. 10.

29. *Declaration of unions as qualified unions.*—The register of unions declared as qualified unions shall be maintained in Form H.

30. The application for the declaration of a union as a qualified union shall be made in Form I.

31. The fee payable on the declaration of a union as a qualified union shall be rupee one.

32. *Declaration of unions as Representative Unions.*—The certificate of the declaration of a registered union as a representative union by the Registrar under section 12 shall be in Form J.

33. *Registration and declaration of unions whose registrations or declarations have been cancelled.*—Any union whose registration or declaration as a qualified union has been cancelled under the Act shall apply for registration in Form F or for re-declaration as a qualified union in Form I.

34. *Panels of Employers' and Employees' Representatives for appointment on Boards of Conciliation.*—The Provincial Government shall maintain two separate panels of ~~(20 persons each)~~ for the purposes of appointment on Boards of Conciliation constituted under section 23. Before making appointments to these panels, the Provincial Government shall invite associations of employers and workers and such other bodies

and persons as Government may deem fit to recommend the names of suitable persons for this purpose. The members of the panels shall be selected from the names so submitted.

35. The list of panels constituted under rule 34 shall be published in the Official Gazette.

36. The name of any member of a panel who has been adjudged a bankrupt, or has been declared insane, or who has been convicted in a criminal proceeding, for an offence involving moral turpitude shall be removed from the panel.

37. Any vacancy on these panels which may have been caused by resignation, death or by virtue of rule 36 shall be filled in the manner provided for in rule 34. The appointment of a person in every vacancy so filled shall be notified in the Official Gazette.

38. The names of members of the panels provided for in rules 34 to 37 shall be published in the first issue of the Official Gazette for the month of April in every year and up-to-date copies of the lists shall be maintained in the office of the Registrar.

39. *Vacancies in Boards of Conciliation.*—Any vacancy which has been created on a Board of Conciliation shall be filled by the Provincial Government in the case of the members from the panel concerned or in the case of the Chairman by an independent person and the name of the person appointed shall be notified in the Official Gazette. The proceedings of the Board shall be stayed until such time as the vacancy has been notified.

40. If any member of a Board of Conciliation constituted under section 23 is adjudged a bankrupt or is declared insane or is convicted in any criminal proceeding, for an offence involving moral turpitude, he shall cease to be a member of such Board and the vacancy so created shall be filled in the manner laid down in rule 39.

41. *Standing Orders.*—Within two months of the date of the application of section 26 to any industry in any local area every employer in the industry concerned shall forward by registered letter to the Commissioner of Labour, Secretariat, Bombay, a draft of the standing orders which he proposes should be adopted by the Commissioner of Labour for regulating the relations between him and his employees :

Provided, however, that in cases where any employer is a member of an association of employers which has been recognised as an association of employers for the purposes of the Act, he may elect to be bound by the standing orders recognised by that association and shall notify the Commissioner of Labour accordingly. The latter shall then call upon the said association of employers to submit the standing orders to him.

42. For the purposes of sub-section (1) of section 26 and these rules if any recognised association forwards to the Commissioner of Labour a list of its members and intimates that these members will be bound by the standing orders submitted by the association, the employers whose names are contained in the list shall be deemed to have complied with the provisions of sub-section (1) of section 26.

43. (1) The Commissioner of Labour, after he has settled the standing orders in the manner provided under the Act, shall, in addition to forwarding a copy of such standing orders to the Registrar, send copies of the same to the employer concerned and to each of the interests consulted by him under sub-section (2) of section 26.

(2) In cases where any particular employer is a member of an association of employers which has been recognised by the Provincial Government for the purposes of the Act and has elected to be bound by the standing orders submitted by such association to the Commissioner of Labour under the proviso to rule 41, the Commissioner of Labour shall forward the standing orders settled by him in respect of such association to that association and that association shall thereupon forward copies of such standing orders to each of its members who have elected to be bound by them.

(3) On receipt of each set of standing orders settled by the Commissioner of Labour, the Registrar shall record the same in a special register to be maintained for the purpose and shall intimate to the employer or association of employers concerned the date on which the standing orders have been recorded.

(4) On receipt of the intimation under sub-rule (3) the employer concerned shall get the standing orders settled and forwarded to him by the Commissioner of Labour printed in English and also in the principal regional language of the local area in which the establishment of such employer is situated :

Provided that in establishments where more than twenty per cent. of the total number of employees employed are Muhammadans such standing orders shall be printed also in Urdu :

Provided, further, that in all cases where an appeal has been filed under sub-section (4) of section 26 to the Industrial Court, and where the operation of the standing orders has been stayed by the Industrial Court such standing orders may not be printed until the appeal is decided.

(5) Every set of standing orders settled by the Commissioner of Labour and printed as required by sub-rule (4) shall be posted by the employer concerned prominently on a special board to be maintained for the purpose outside the timekeeper's office or at the entrance through which the majority of the employees enter the establishment and also in all the departments where the employees concerned are working.

44. *Notices of Change.*—Any employer intending to effect any change in any standing order settled under section 26 or 27 or in respect of an industrial matter mentioned in Schedule II shall give notice of such intention to the representative of the employees in Form K.

45. In addition to the officers mentioned in sub-section (1) of section 28, an employer giving notice under rule 44 shall forward a copy of such notice to every registered union and to every union which has been declared as a qualified union for the industry in the local area in which the establishment of the employer giving notice is situated.

46. Copies of the notice given under rule 44 shall be posted prominently on a special board to be maintained for this purpose outside the time-keeper's office or at the entrance through which the majority of the employees enter the establishment and in all the departments where the employees concerned are working.

47. (1) Any employee who desires change in any standing order settled under section 26 or 27 or in respect of an industrial matter mentioned in Schedule II shall observe the following procedure :—

(a) in a case where the employee is a member of a registered union and the majority of the employees directly affected by the proposed change are members of such union, the notice to the employer shall be given through the registered union ;

(b) in a case where the employee concerned is a member of a representative union and some of the employees directly affected by the proposed change are members of such representative union, the notice of change to the employer shall be given through the representative union ;

(c) in a case where the employee is not a member of a registered or a representative union or where the registered union is not qualified to represent the employee because the majority of the employees concerned with the proposed change are not members of the union, the employee concerned shall follow the procedure laid down in rules 18, 19 and 20.

(2) Any notice given by an employee to an employer under this rule shall be in Form L.

(3) Where more than one employee wishes to give notice of the same matter they shall jointly observe the procedure laid in these Rules.

48. In addition to the officers mentioned in sub-section (2) of section 28, an employee giving notice under rule 47 shall forward a copy of such notice to every registered union and to every union which has been declared as a qualified union for the industry in the local area in which the establishment of the employer concerned and in which the employees concerned are working is situated.

49. *Labour Officer to put terms of agreement to a meeting of employees.*—The meeting to be held under section 31 shall be convened by the Labour Officer or by any other person deputed by him for the purpose at such place and time as he may decide and in such manner as he deems fit.

50. *Notification of Industrial Disputes.*—The statement of the case referred to in section 34 shall be in Form M.

51. *Register of Industrial Disputes.*—The register of industrial disputes referred to in section 35 shall be maintained in Form N.

52. *Conciliation Proceedings.*—On receipt of the statement of the case under section 34 the Conciliator shall forthwith proceed to interview both the employers and the employees concerned with that dispute at such places and at such times as he may deem fit, and he shall endeavour to bring about a settlement of the dispute in question.

53. In a case where the Chief Conciliator decides to intervene in the conciliation proceedings commenced by another Conciliator or to direct a Special Conciliator to do so, the Chief Conciliator or the Special Conciliator may summon the representatives of each party to appear before him either singly or jointly at such places and at such times as he may deem fit. The representatives of the employers concerned with the dispute who may be summoned for this purpose shall not exceed five in number.

54. For the purposes of rule 53 the Chief Conciliator or the Special Conciliator may call upon the employer by a registered letter to elect not more than five delegates to represent him for the particular dispute. The delegates so elected shall continue to represent that employer throughout the conciliation proceedings, provided that the employer shall have the right to replace one or more of them at any time by forwarding previous intimation to the Chief Conciliator concerned.

55. In any proceedings before a Board of Conciliation, persons may, with the permission of the Board, appear by pleader, advocate or attorney of a High Court or in the case of a registered or qualified union by any of its officers.

56. Every Conciliator and every member of a Board of Conciliation shall have the power, after giving reasonable notice, to enter the place or places, where the employees concerned are employed or the office of any union or the premises provided by an employer for the residence of his employees for the purpose of holding a conciliation proceeding under the Act.

57. In matters not provided by these Rules or the Act, the Board may follow such procedure as it thinks fit.

58. *Memorandum of Settlement.*—The memorandum of settlement referred to in sub-section (1) of section 38 shall be drawn up in Form O.

59. The memorandum of settlement drawn up under rule 58 shall be published by the Registrar in the Official Gazette and a copy of the same shall also be forwarded to the Commissioner of Labour for publication in the *Labour Gazette*.

60. *Notices served on parties by Boards of Conciliation.*—The notices referred to in sub-section (2) of section 38 shall be served on the parties concerned by registered letter or by special messenger.

61. *Industrial Court.*—The Industrial Court may, at the discretion of the President, in any matter in which it appears expedient to do so, call in the aid of one or more assessors, and may settle the matter wholly or partially with the assistance of such assessor or assessors.

62. The Industrial Court may, with the consent of the parties, act notwithstanding any vacancy in their number, and no act, proceeding or determination of the Court, shall be called in question or invalidated by reason of any such vacancy, provided such consent has first been obtained.

63. The Industrial Court may correct in any award that it issues any clerical mistake or error arising from an accidental slip or omission.

64. If any question arises as to the interpretation of any award of the Industrial Court, the Provincial Government or any party to the award may apply to such Court for a decision on such question and the Court may decide the matter after hearing the parties, or with the consent of the parties without such hearing. In either case the Court shall intimate its decision to the Provincial Government and to the parties concerned and no such decision shall be called in question in any civil or criminal court.

65. In any proceedings before the Industrial Court, persons may, with the permission of the Board, appear by pleader, advocate or attorney of a High Court or in the case of a registered or qualified union by any of its officers.

66. Subject to the provisions of these rules the Industrial Court may regulate its own procedure as it thinks fit.

67. Whenever any letter, notice, statement or intimation is required to be forwarded or sent under any of these rules by registered post it shall be deemed to have been duly forwarded or sent for the purpose of these rules if such letter, notice, statement or intimation is delivered by hand and an acknowledgment in writing, by or on behalf of the other party concerned, is obtained in respect of such delivery.

FORM A.

(See section 74 and rule 3.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Application for Recognition of Association of Employers.

Name of Association.

Address.

Dated the day of 19 .

To

The Registrar,
Bombay Industrial Disputes Act,
Secretariat, Bombay.

Dear Sir,

I beg to inform you that at a meeting of the Managing* Committee of this Association which was held at on the day of 19 it was decided that this Association should apply to Government for recognition as an association of employers for the purposes of the Bombay Industrial Disputes Act, 1938.

2. This Association covers employers in the industry and it has for one of its objects the regulation of conditions of employment in the industry conducted or carried on by its members. The names of all the members together with their addresses are given in Annex. I attached to this form.

3. I am enclosing a copy of the Memorandum of Association of this Association. A list of the members of the Managing Committee of the Association is given in Annex. II.

Yours faithfully,

Secretary.

*Or the body by whatever name called, to which the management of the affairs of the Association is entrusted.

ANNEX. I.

List of Members of the Association.

Name of Employer.	Address.	Section or sections of the industry covered.

ANNEX. II.

Names of the Members of the Managing Committee of the Association.

Designations and Names.	Address.	Name of firm to which the member belongs.
Chairman or President ..		
Vice-Chairman or Vice-President ..		
Secretary ..		
Members ..		

FORM B.

(See section 74 and rule 3.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Certificate of Recognition of Association of Employers.

Name of Association.

Recognition No.

Office of the Registrar,
Bombay Industrial Disputes Act,
Secretariat, Fort, Bombay.

It is hereby certified that the Association
has been recognised by the Provincial Government as an Association
of Employers in the industry for the local $\frac{\text{area}}{\text{areas}}$
of for the purposes of the Act on
this day of 19 .

Registrar,
Bombay Industrial Disputes Act.

 Seal.

FORM C.

[See sections 3 (25) and 84 (2) (a) and rule 5]

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Application for recognition of Trade Unions.

Name of Trade Union.

Address.

Dated the _____ day of _____ 19 .

To

Dear Sir/Sirs,

I beg to inform you that at a general meeting of the members of this Union which was held at _____ meeting of the Executive on the _____ day of _____ 19 _____ it was decided that this Union should apply to you for recognition.

2. This Union is an industrial union covering the _____ occupational union covering the occupation/occupations of _____ industry in the _____ industry

and was registered under the Indian Trade Unions Act, 1926, on the _____ day of _____ 19 _____ under Certificate No. _____ issued by the Registrar of Trade Unions for the Province of Bombay. The Union has _____ members in all of whom are your employees. _____ the employees of the members of your association.

3. I am enclosing a copy of the Rules of this Union. A list of the officers of the Union is given in the Annex which is appended to this form.

Yours faithfully,

Secretary.

ANNEX.

List of Officers [as defined in section 2 (b) of the Indian Trade Unions Act, 1926].

Name of Trade Union—→

Office held in union.	Name.	Age.	Occupation.	Residential

FORM D.

[See sections 3 (25) and 84 (2) (a) and rule 6.]

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Letter of Recognition of Trade Union.

Name of Employer. Address.
Association of Employers.

Dated the day of 19 .

To

The Secretary,
Union.

Dear Sir,

I
We beg to acknowledge receipt of your letter dated the
day of 19 , in reply to which I
we have to inform you

I
that the partners of this firm
the Board of Directors of this Company have decided to recognise your
the Committee of this Association
union for the purposes of the Bombay Industrial Disputes Act,
1938.

Yours faithfully,

(*)

*Here insert the position which the person who signs this letter holds with the employer or association issuing this letter.

FORM E.

(See section 6 and rule 21.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Form for Register of Registered and Representative Unions.

Name of Trade Union	Date of registration as a <u>representative</u> union registered	Remarks

Address of Head Office.

The Union has been recognised by :—

The union had a membership of _____ per cent. of the total number
of the employees employed in the _____
industry

occupation / occupations of _____ in the _____ industry
in the _____ local area on the _____ day* of _____ 19 .

* This record is to be maintained month by month whilst the registration of the Union continues.

FORM F.

(See section 7 and rules 23 and 33.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1933.

Application for registration of Unions.

Name of Trade Union. Address

Dated the day of 19

To

The Registrar,

Bombay Industrial Disputes Act,
Secretariat, Bombay.

Dear Sir,

I beg to inform you that at a general meeting of the members of this Union which was held at on the day of 19 it was decided that this union should apply to you for registration under section 7 of the Act. A copy of the resolution signed by the Chairman of this union is attached.

2. This union is an industrial union covering the
occupational union covering occupation, occupations of
industry

and was registered under the Indian Trade Unions Act, 1926, on the day of 19 under Certificate No.

issued by the Registrar of Trade Unions for the Province of Bombay.

The Union has members in all, and this represents per cent. of the total number of employees employed in the industry

occupation/occupations of in the industry
in the local area of

*3. This union has been recognised by :—

†

*3. This union has not been recognised by the employers covered by the membership of the union.

4. The address of the head of office of the Union to which all communications and notices may be addressed is

Yours faithfully,

Secretary.

* Strike out whichever does not apply.

† Here insert the name or names of the employers or the association of employers by whom the union has been recognised.

FORM G.

(See section 8 and rule 26.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Certificate of registration of Unions.

Name of Trade Union.

Office of the Registrar,
Bombay Industrial Disputes Act,
Secretariat, Fort, Bombay.

It is hereby certified that the _____ Union has been registered
under the Bombay Industrial Disputes Act, 1938, this
day of _____ 19 _____ as an ^{occupational} ~~industrial~~ union covering
the occupation/occupations of _____ in the _____ industry
for the local area of _____ industry

Registrar,
Bombay Industrial Disputes Act.

FORM H.

(See section 11 and rule 29.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Form for Register of Unions which have been declared as Qualified Unions.

Name of Trade Union.	Date of declaration as a qualified union.	Remarks.

Address of Head Office

The union had a membership of _____ per cent. of the
total number of the _____ employees employed in the
_____ occupation/occupations in the _____ industry
in the local area of _____ industry
19 _____ on the _____ day* of _____

*This record is to be maintained month by month whilst the union continues on the Register as a union which has been declared as a qualified union.

FORM I.

(See section 11 and rules 30 and 33.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Application for declaration of a union as a qualified union.

Name of Trade Union

Address

Dated the _____ day of _____ 19 _____ .

To

The Registrar,
Bombay Industrial Disputes Act,
Secretariat, Bombay.

Dear Sir,

I beg to inform you that at a general meeting of the members of this
meeting of the executive
Union which was held at _____ on the _____ day of _____ 19 _____
it was decided that this union should apply to you for being declared
as a qualified union under section 11 of the Act. A copy of the
resolution, signed by the Chairman of this union, is attached.

2. This union is an industrial union covering the
occupational union covering the occupation/occupations
industry _____ of _____ in the _____ industry and was registered under the
Indian Trade Unions Act, 1926, on the _____ day of _____
19 _____ under Certificate No. _____ issued by the Registrar of
Trade Unions for the Province of Bombay. The union has _____
members in all, and this represents _____ per cent. of the total
number of employees employed in the _____ industry
_____ occupation/occupations of _____ in
the _____ industry in the local area of _____

3. The address of the head office of the union to which all
communications and notices may be addressed is

A list of the officers of the Union is given in the annex which is appended
to this form.

Yours faithfully,

Secretary.

ANNEX.

List of Officers [as defined in section 2 (b) of the Indian Trade Unions Act, 1926].

Name of Trade Union—

Office held in union	Name	Age	Occupation	Residential address

FORM J.

(See section 12 and rule 32.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Certificate of declaration of Registered Unions as Representative Unions.

Name of Trade Union.

Office of the Registrar,
Bombay Industrial Disputes Act,
Secretariat, Fort, Bombay.

It is hereby certified that the _____ Union, which was registered under the Bombay Industrial Disputes Act, 1938, on the _____ day of _____ 19 _____ as an occupational union covering the occupation/occupations of _____ in the industrial _____ industry for the local area of _____ was

declared as a representative union on the _____ day of _____ 19 _____

Registrar,
Bombay Industrial Disputes Act.

Seal.

FORM K.

[See section 28 (1) and rule 44.]

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Form for notice of change to be given by an employer.

Name of Employer

Address

Dated the

day of

19 .

To

(The Secretary of the Registered Union, if any,

or

The Labour Officer.)

Dear Sir,

In accordance with the provisions of sub-section (1) of section 28 of the Bombay Industrial Disputes Act, 1938, $\frac{I}{we}$ beg to inform you that it is $\frac{my}{our}$ intention to effect the change/changes specified in the Annex to this letter.

Yours faithfully,

(*)

* Here insert the position which the person who signs this letter holds with the employer issuing this letter.

ANNEX.

Statement of the case.

FORM L.

[See section 28 (2) and rule 47 (2).]

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Form for notice of change to be given by employee to employer.

Name of Union

Names of elected representatives of employees

Name of Labour Officer

Address

Dated the day of 19 .

To

(The name of the employer.)

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (2) of section 28 of the Bombay Industrial Disputes Act, 1938, $\frac{\text{I}}{\text{we}}$ hereby beg to give you notice that $\frac{\text{I}}{\text{we}}$ desire a change in accordance with the statement appended in the Annex attached to this form.

Yours faithfully,

Secretary of the Union

Representatives of the employees elected at a meeting held on

Labour Officer.

ANNEX.

Statement of the case.

FORM M.

(See section 34 and rule 50.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Form for report of Industrial Dispute.

Part I for use by employers.

Name of Employer

Address

Dated the day of 19 .

To

1. The Registrar, Bombay Industrial Disputes Act, Secretariat, Fort, Bombay.
2. The Chief Conciliator, Secretariat, Fort, Bombay.
3. The Conciliator, Bombay Industrial Disputes Act
(Address of the Office of the Conciliator in the local area concerned).

Dear Sir,

In continuation of the copy of the notice which $\frac{I}{we}$ forwarded to you on the day of 19 . $\frac{I}{we}$ beg to inform you that it has not been possible to reach an agreement with the representative of the employees and that $\frac{I}{we}$ still desire that the change/changes proposed by that notice should be effected.

2. $\frac{I}{We}$ append a full statement of the case in the Annex attached to this form.

3. The number of employees likely to be affected by this dispute is

Yours faithfully,

(*)

* Here insert the position which the person who signs this letter holds with the employer or association of employers issuing this letter.

ANNEX.

Full statement of the case.

FORM M.

(See section 34 and rule 50.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Form for notification of Industrial Dispute.

Part II for use by employees.

Name of Union _____
 Names of Elected Representatives of Employees _____
 Name of Labour Officer _____

Address

Dated the _____ day of _____ 19 .

To

1. The Registrar, Bombay Industrial Disputes Act, Secretariat, Fort, Bombay.
2. The Chief Conciliator, Secretariat, Fort, Bombay.
3. The Conciliator, Bombay Industrial Disputes Act
(Address of the Office of the Conciliator in the local area concerned).

Dear Sir,

In continuation of the copy of the notice which $\frac{I}{we}$ forwarded to you on the _____ day of _____ 19 $\frac{I}{we}$ beg to inform you that it has not been possible to reach an agreement with the _____ (name of employer concerned) in the matter and that $\frac{I}{we}$ still desire that the change/changes proposed by that notice should be effected.

2. $\frac{I}{We}$ append a full statement of the case in the Annex attached to this form.
3. The number of employees likely to be affected by this dispute is _____

Yours faithfully,

Secretary of the Union

Representatives of the employees elected at a meeting held on _____
 Labour Officer _____

ANNEX.

Full statement of the case.

FORM N.

(See section 35 and rule 51.)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

Register of Industrial Disputes for the Local Area of

No.	Date of receipt of statement under section 35.	Name of establishment affected.	Name of representative of the employees.	Number of employees likely to be affected by the dispute.	Short statement of the case.	Progress of proceedings.	Manner in which the matter terminated.	Remarks.

FORM O.

[See section 38 (1) and rule 58.]

BOMBAY INDUSTRIAL DISPUTES ACT, 1938.

*Form for Memorandum of Settlement.**Names of Parties.*

- (1) Representing Employers.
- (2) Representing Employees.

Short recital of case.

Terms of Agreement

Signatures of the Parties.

Signature of Conciliator.

By order of the Governor of Bombay,

G. WILES,

Chief Secretary to Government.

INDUSTRIAL COURT, BOMBAY.

Rules of Procedure.

The following rules have been framed by the Industrial Court in exercise of the powers conferred under section 24 (3) of the Bombay Industrial Disputes Act, 1938, and rule 66 of the Bombay Industrial Disputes Rules, 1939 :—

1. In these rules the " Act " means the Bombay Industrial Disputes Act of 1938.

Benches.

2. The President of the Industrial Court may constitute a bench of one or more of its members to decide any of the matters mentioned in section 53 of the Act, and the bench so constituted shall exercise the jurisdiction and powers vested in the Industrial Court.

3. An application for review under section 27 shall ordinarily be disposed of by the same bench which heard the original matter sought to be reviewed, provided, however, that if any member or members of the bench which disposed of the original matter has or have ceased to be a member or members of the Court, it shall be disposed of by a bench consisting of the same number of members as the bench which made the order sought to be reviewed.

4. Any bench of one or more members of the Court hearing a matter may refer it to the full bench of the Court if, in its opinion, it involves complicated questions of law or fact.

Filing of Appeals, Applications, etc.

5. (i) Every memorandum of appeal, application or submission shall contain the following particulars :—

(a) the names and postal addresses of the opponents on whom notices are to be served ;

(b) where witnesses are to be examined, a list containing their full names and postal addresses.

(ii) Every memorandum of appeal shall be accompanied by a certified copy of the order appealed against.

6. An appeal filed under section 13 or 26 of the Act shall be accompanied by three extra copies.

[Price—Pies 6 or 1d.]

Copies of Documents.

7. Certified copies of any exhibit or order, in a proceeding before the Court, containing the seal of the Court, will be supplied at the rate of two annas per folio of 100 words.

Deposits for Notices and Summonses.

8. A party applying for notices to opponents and summonses to witnesses shall deposit such sum of money as is necessary to cover postal registration charges.

Allowances to Witnesses.

9. The Court may direct any party calling a witness to pay such sum as in the opinion of the Court is a reasonable compensation to such witness, having regard to his position and calling and for his loss of time in attending the Court.

Affidavits.

10. All affidavits filed in any proceeding before the Court shall bear a stamp of one rupee.

By order,

K. R. WAZKAR,

Secretary, Industrial Court.

Bombay, 25th September 1939.