

**THE FACTORIES ACT ,1951**  
**(Act No. 65 of 1951)**

**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 1**  
**PRELIMINARY**

**Short title extent and commencement**

1. (1) This Act shall be called the Factories Act, 1951.
- (2) It shall extend to the whole of the Union of Burma.
- (3) It shall come into force on such date the President may, by notification, appoint in this behalf

**Definition**

2. In this Act, unless there is anything repugnant in the Subject or context-
  - (a) 'child' means a person who has not completed his ~~fifteenth~~ <sup>fourteenth</sup> year; (certified) by a medical practitioner,
  - (b) 'adolescent' means a person who has completed his ~~fifteenth~~ <sup>sixteenth</sup> but has not completed his 16th year ~~eighteenth~~ <sup>fifteenth</sup> year;
  - (c) 'young person' means a person who is either a child or an adolescent;
  - (d) 'adult' means a person who has completed his eighteenth year;
  - (e) 'day' means a period of twenty-four hours beginning at midnight ;
  - (f) 'week' means a period of seven days beginning at midnight; on Saturday night,
  - (g) 'power' means electrical energy or any other form of energy which is mechanically generated and transmitted and is not generated by human or animal agency;
  - (h) 'prime mover' means every engine , motor or other appliance which generates or otherwise provides power;
  - (i) 'transmission machinery' means any shaft , wheel, drum , pulley, system of fast and loose pulleys , coupling , clutch , driving belt or other appliance or device by which the motion of a prime mover is transmitted to or received by any machinery or applied;
  - (j) 'machinery' includes prime movers, transmission machinery and all other appliances whereby power is generated , transformed, transmitted or applied;
  - (k) 'manufacturing process' means any process
    - (i) For making, altering , repairing , ornamenting , finishing , packing , oiling washing ,cleaning, breaking up, demolishing or otherwise treating or adapting 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 ; or
    - (iv) For printing by letterpress , ~~lithography~~ <sup>printing matter</sup> , photogravure , other similar work or book binding , which is carried on by way of trade or for purpose of gain, or which is incidental to another business so carried on; or
    - (v) For constructing , reconstructing , repairing ,refitting, finishing or breaking up ~~ships or vessels~~ <sup>other certain kinds of vehicle</sup>. Add paragraphs (vi) and (vii). See below.
  - (l) "worker" means a person employed, whether for wages or not in any manufacturing process, or in cleaning any part of machinery or premises used for manufacturing process, or in any other kind of work whatsoever incidental to or connected with, the manufacturing process or 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,~~ it includes supervisor, accountant, clerk, security man, driver, cleaning worker, cook, postman, gardener and general worker who is solely employed in a place which does not relate to manufacturing process or in a place which relates to manufacturing process.
    - (vi) For constructing, reconstructing, repairing, refitting, finishing or organizing the electric and electric materials.
    - (vii) Trades relating to testing the chemical things, producing, mixing, packaging and moving.

- (m) "factory" means any premises including the precincts thereof whereon ten or more workers are working, or were working on any day of the preceding twelve month, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on and also includes such premises 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 without the aid of power or is ordinarily so carried on, provided that this does not include a mine subject to the operation of the Mines Act;
- (n) 'occupier' of a factory means the person who has ultimate control over the factory and the affairs of the factory:

Provided that where the affairs of a factory are entrusted to a managing agent or other person nominated under section 93 and prior notice of such nomination has been given to the Inspector , such agent or nominee shall be deemed to be the occupier , of the factory;

- (o) 'registered medical practitioner' means anyone who has been registered under Burma Medical Act or any existing Act providing for the maintenance of a register of medical practitioner and also includes any person declared by the President by notification , to be a medical practitioner for the purposes of this Act for any area where a medical practitioner is non-existent.
- (p) 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
- (q) 'prescribed' means prescribed by rules made by the President under this Act.

#### **References to time of Day**

3. References to time of day in this Act are references to Burma Standard Time.

#### **Power to use provisions for factories in other places**

4. (1) The President may by notification in the official Gazette declare that all or any of the provisions concerning factories shall apply to any place wherein the manufacturing process is or is being carried on with or without the aid of power.
- (2) Notification under sub-section (1) may be for any such place or for any kind of such place or generally for all such places.
- (3) Notwithstanding anything contained in section 2 clause (n), during the period to which all or any of the provisions relating to factory under sub-section (1) is applicable and for the purposes of the provisions so applied that place shall be deemed to be a factory.

#### **Power to exempt on a change in the factory**

5. Where the President is satisfied that, following upon a change of occupier of a factory or in the manufacturing processes carried on therein, the number of workers for the time being working in the factory is less than ten is using power and less than twenty if not using power and is not likely to be ten or more is using power, or twenty or more is not using power on any day during the ensuing twelve months, he 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 ten or more workers is using power, or twenty or more workers is not using power, work in the factory.

#### **Approving, licensing and registration of factories**

6. (1) The President may make rules –
- (a) requiring the precious written permission of the Chief Inspector of Factories to be obtained for the site on which the factory is to be situated and for the construction or extension of any factory or class of factories.

- (b) requiring the submission of plans and specifications for purpose of considering applications for such permissions;
  - (c) prescribing the nature of plans and specifications to be submitted and by whom they are to be certified ;
  - (d) requiring the registration and licensing of factories or any class or description of factories and prescribing the fees payable for such registration and licensing and for the renewal of licenses ;
  - (e) requiring that no licenses shall be granted or renewed unless the notice specified in section (8) has been given.
- (2) If on application for permission referred to in clause (a) of sub-section (1), accompanied by the plans and specifications required by the rules made under clause (b) of sub-section (1), being sent to the applicant within three months from the date on which it is so sent, the permission applied for in the said application shall be deemed to have been granted.
- (3) Where the Chief Inspector refused to grant permission to the site, construction or extension of a factory or to the registration and licensing of a factory, the applicant may within sixty days of the date of such refusal appeal to the Government.

### **Explanation**

A factory shall not be deemed to be extended within the meaning of this section by reason only of the replacement of any plant or machinery, or within such limits as may be prescribed by reason only of the addition of any plant or machinery.

### **Power to exempt during public emergency**

7. In any case of public emergency the President may, by notification, exempt any factory or class of factories from all or any of the provisions of this Act for subject to such conditions as he may think fit: Provided that no such notification shall have effect for a period except months at a time.

### **Notice by occupier**

8. (1) The occupier shall, at least fifteen days before he begins to occupy or use any premises as a factory, send to the Chief Inspector a written notice containing-
- (a) the name and situation of the factory;
  - (b) the name and address in full of the occupier;
  - (c) the address to which communications relating to the factory may be sent;
  - (d) the nature of the manufacturing process-
    - (i) carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act, and
    - (ii) to be carried on in the factory during the next twelve months in case of all factories ;
  - (e) the nature and amount of power to be used;
  - (f) the name of the manager of the factory for the purposes of this Act;
  - (g) the numbers of workers likely to be employed in the factory;
  - (h) the average number of workers per day employed during the last twelve months in the case of a factory in existence on the date of the commencement of this Act;
  - (i) such other particulars as may be prescribed.
- (2) In respect of all factories which come within the scope of the Act for the first time, the occupier shall send the Chief Inspector a written notice containing the particulars specified in sub section (1) within thirty days from the date of the commencement of this Act.
- (3) Before a factory engaged in a manufacturing process which is ordinarily carried on for less than one hundred and eighty working days in the year resumes working, the occupier shall send the Chief Inspector a written notice containing the particulars specified in sub-section (1) within thirty days before the date of the commencement of work.
- (4) Whenever a new manager is appointed the occupier shall send the Chief Inspector a written notice within seven days before the date of the commencement of work.
- (5) During any period for which no person has been appointed as manager of a factory of during which the person so appointed does not manage the factory, if there be no acting

manager or a person acting as such the occupier himself shall be deemed to be the manager of the factory for the purpose of this Act.

- (6) Whenever a factory, except as required by law, is required to be closed down temporarily or indefinitely, the occupier of the factory shall send the Chief Inspector a notice stating the reasons at least one month prior to the closing of the factory. If for any reason one month's notice cannot be given, prior intimation shall be sent to the Chief Inspector as early as possible before the factory is closed down. Provided that if the factory has to be closed down due to some unforeseen and sudden emergency or breakdown of machinery, the fact shall be intimated to the Chief Inspector within forty eight hours after closing down. If the factory closed down is a factory employing not more than fifteen workers, the Chief Inspector shall be intimated within seven days after closing down.
- (7) The occupier of a factory referred to in sub-section (6) shall within fifteen days before work is resumed send a written notice of this fact to the Chief Inspector.

Provided that such notice of resumption of work shall be sent to the Chief Inspector within seven days of the resumption of work, if the factory employs not more than fifteen workers.

#### **Power to declare departments to be separate factories**

9. The President may, by order in writing, direct that different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Act.

## **CHAPTER II THE INSPECTING STAFF**

### **Inspectors**

10. (1) The President may, by notification, appoint such persons as he thinks fit to be Inspectors for the purposes of this Act and may assign to them such local limits as he may think fit.
- (2) The President may, by notification, appoint any person as he thinks fit 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 Union of Burma.
- (3) No person shall be appointed as a Chief Inspector under sub-section (2) or an Inspector under sub-section (1), or (5) 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 or other business connected therewith.
- (4) Every District Magistrate shall be an Inspector for his district.
- (5) The President may, by notification, appoint such public officers as he thinks fit to be Additional Inspectors for all or any of the purposes of this Act, within such local limits as he may assign to them respectively.
- (6) In any area where are more Inspectors than one, the President may, by notification, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.
- (7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of Section 21 of the Penal Code and shall be officially subordinate to such authority as the President may specify in this behalf.

### **11. Powers of Inspectors**

Subject to any rules made by the President in this behalf, an Inspector may, within the local limits for which he is appointed-

- (a) Enter, with such assistants, being persons in the service of the Government or of any local 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;
- (b) Make such examination of the premises, and machinery, and of any other document together with prescribed register relating to the factory and record on the spot or otherwise such statement 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 person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

## 12. Certifying surgeons

- (1) The President may appoint registered medical practitioners to be certifying surgeons for the purposes of this Act within such local limits of for such factory or class of factories as he may assign to them respectively.
- (2) A certifying surgeon may, with the approval of the President, authorize any registered medical practitioner to exercise any of his power under this Act for such period as he may specify and subject to such conditions as the President may deem fit to impose and references in this Act to a certifying surgeon shall be deemed to include references to any registered medical practitioner when so authorized.
- (3) No person shall be appointed to be , or authorized to exercise the powers of a certifying surgeon or having been so appointed or authorized, continue to exercise such powers , who is the occupier of a factory or is directly or indirectly interested therein or in any process or business carried on therein or in any patent or machinery connected therewith or is otherwise employed in the factory.
- (4) The certifying surgeon shall carry out such duties as may be prescribed in connection with-
- (a) the examination and certification of young persons under this Act;
  - (b) the examination of persons engaged in factories in such dangerous occupations or processes as may be prescribed;
- (c) the exercising of such medical supervision as may be prescribed for any factory where
- (i) cases of illness have occurred which it is reasonable to believe are due to the nature of the manufacturing process carried on , or other conditions of work prevailing therein;
  - (ii) by reason of any change in the manufacturing process carried on or in the substances used therein or by reason of the adoption of any new manufacturing process or of any new substance for use in a manufacturing process, there is a likelihood of injury to health of workers employed in that manufacturing process; and
  - (iii) young person are or are about to be employed in any work which is likely to cause injury to their health.

## CHAPTER III HEALTH

### Cleanliness

13. (1) Every factory and the compound there of shall be kept clean and kept free from effluvia arising from any drain, privy or other nuisance, and in particular-
- (a) Accumulations of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors, benches of work-rooms and from stair-cases and passages, and disposed of in a suitable manner ;
  - (b) The floor of every work-room shall be cleaned at least once a week by washing, using disinfectant where necessary, or by some other effective method ,
  - (c) When there is likelihood of water collecting on the floor in the course of any manufacturing process, effective means of drainage shall be provided and maintained ;
  - (d) All inside walls and partitions, all ceilings or reverse side of roof of work rooms, all walls, reverse side of roof of passages and all staircases shall either :-
    - (i) Be kept whitewashed or colourwashed and such washing shall be repeated at least once in every twelve months ; or
    - (ii) Where they are painted or varnished, be repainted or revarnished at least once in every three years .In such cases where they have smooth and unwashable surface, they shall at least once in every 12months, be

washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the Chief Inspector.

- (e) The dates on which white or colour washing, paintings or varnishings as required by clause (d) are carried out shall be entered in the register prescribed by the President.
  - (2) The President may by order exempt any factory or class of factories from any of the provisions of sub-section (1) and specify alternative methods for keeping the factory in a clean state.
14. (1) Effective arrangements shall be made in every factory for the disposal of wastes and effluences due to the manufacturing process carried on therein.
- (2) The President may make rules prescribing the arrangements to be made under sub-section (1) or requiring that the arrangements made in accordance with sub-section (1) shall be approved by such authority as may be prescribed.

#### **Ventilation and equable temperature**

15. (1) Effective and suitable arrangement shall be made in every factory for securing and maintaining in every workroom adequate ventilation by the circulation of fresh air, and such equable temperatures as will secure workers therein reasonable conditions of comfort and health; - and in particular-
- (a) Walls and roofs shall be of suitable material and designed so that the temperature shall not be high but be as low as possible;
  - (b) Where the nature of the work carried on in the factory involves, or is likely to involve, the production of excessively high temperatures, such adequate measures as are practicable shall be taken to protect the workers there from, by separating the process which produces such temperatures from the workroom, by insulating the hot parts or by other effective means.
- (2) The President may prescribe standard of adequate ventilation and temperature for any factory or class of factories or parts thereof and direct that a thermometer shall be provided and maintained in such place as may be specified.
- (3) If it appears to the President that in any factory or class of factories excessively high temperatures can be reduced by such methods as whitewashing, spraying or insulating outside walls or roofs or windows, or by raising the roofing for ventilation or by providing double roofing or by the use of insulating roofing materials, he may prescribe such of these or other methods as shall be adopted in the factory.

#### **Dust and fume**

16. (1) If in the factory, there is given off any dust, fume or other impurity of such a nature or in sub-substantial quantity as is likely to be injurious to workers employed in connection with the manufacturing process carried on therein, effective measures shall be taken to prevent its inhalation and accumulation in any workroom, and if any exhaust is necessary for this purpose it shall be provided to the nearest possible point of origin of the dust, fume or other impurity, and such point shall be far as possible.
- (2) In any factory no stationary internal combustion engine shall be operated unless the exhaust is conducted into the open air outside, and no other internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes as is likely to be injurious to the workers employed therein.

The Chief Inspector may, from time to time, issue directions to occupiers of all factories generally, or of any particular factory, as to the steps which should be taken to conform to the requirements of sub-section (1) and the occupier or occupiers concerned shall carry out such directions within the time limit specified in the order of the Chief Inspector.

**Artificial humidification**

17. (1) In respect of all factories in which the humidity of the air is artificially increased the President may make rules-
- (a) prescribing standards of humidification ;
  - (b) regulating the methods used for artificially increasing the humidity of the air;
  - (c) directing prescribed tests for ascertaining the humidity of the air to be carried out and recorded ; and
  - (d) prescribing methods to be adopted for securing adequate ventilation and cooling of the air in the work – rooms.
- (2) In any factory in which the humidity of the air is artificially increased , the water used for the purpose shall be taken from the source of the supply of drinking water, or shall be such as have been purified.
- (3) If it appears to the Inspector that the water used in a factory for increasing humidity which is required to be purified under sub-section (2) is not 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.

**Overcrowding**

18. (1) No room in a factory shall be overcrowded to such an extent as to be injurious to the health of the workers employed therein.
- (2) Notwithstanding anything contained in sub-section (1) the amount of cubic space allowed for every person employed in a room shall not be less than 500 cubic feet no space more than 14 feet above the floor shall be taken into account for the purpose of calculating the cubic space.
- (3) If the Chief Inspector so directs , there shall be posted in each work – room of a factory a notice specifying the maximum number of workers who may, in compliance with the provisions of this section, be employed in such room.
- (4) The Chief Inspector may by order in writing exempt subject to such conditions , if any, as he may think fit to impose , any workroom from the provisions of this section, if he is satisfied that compliance therewith in respect of the room is unnecessary in the interest of the health of the workers employed therein . The President may prescribe for any factory or class of factories the amount of cubic space to be maintained other than the standard set out in sub-section (2).

**lighting artificial**

19. (1) In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting natural or artificial.
- (2) In every factory all glazed windows and apertures used for the lighting of a workroom shall be kept clean on both the inner and outer sides. All windows, in so far as the provisions of any rules made under sub-section (3) of section 15 are not infringed, shall also be kept free from obstruction.
- (3) All possible measures shall be taken for the effective prevention of –
- (a) glare hurtful to the eyes , either directly from a source of light or by reflection from a smooth and polished surface; and
  - (b) darkness to such an extent as to cause eyestrain or the risk of accident to any worker
- (4) The President may prescribe standards of sufficient and suitable lighting for factories or for any class of factories or parts there of or for any manufacturing process.

**Drinking water**

20. (1) In every factory, effective arrangements shall be made to provide at points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water.
- (2) All such points shall be legibly marked “drinking water” and no such point shall be within twenty feet of any washing place, latrine or urinal.

- (3) In every factory wherein more than two hundred and fifty workers are ordinarily employed, provision shall be made for cooling drinking water during hot weather by effective means and for distribution thereof ;
- (4) The President may prescribe methods in respect of all factories or any class of factories for the examination by Public Health Authorities of the supply and distribution of wholesome drinking water in factories and such other requirements.

#### **Latrines and urinals**

- 21. (1) In every factory-
  - (a) Sufficient latrines and urinals of prescribed plan conveniently situated and access workers at all times shall be provided.
  - (b) Latrines and urinals for female workers shall be provided separately from those of male workers;
  - (c) Latrines and urinals shall be displayed an approved sign or notice clearly indicating the sex for which the latrine is provided;
  - (d) Latrines and urinals shall be adequately lighted and ventilated sufficiently No latrine or urinal shall be connected with any workroom except through an intervening open space or ventilated passage;
  - (e) Latrines and urinals shall be employed, maintained in a clean and sanitary condition at all times.
  - (f) sufficient number of sweepers shall be employed, whose primary duty will be to clean latrines, urinals and washing places.
- (2) In every factory wherein more than two hundred and fifty workers are ordinarily employed
  - (a) Latrines and urinals shall be of prescribed sanitary plan.
  - (b) the floors and internal walls , up to a height of three feet , of the latrines and urinals and the sanitary blocks shall be laid in enameled tiles or shall be done with other materials of smooth and impervious surface;
  - (c) without prejudice to the provisions of clauses (e) and (f) of sub-section (1) , the floors , portions of the walls and blocks so laid or done with and the sanitary pans of latrines and urinals shall be thoroughly washed and cleaned every day with suitable detergents or disinfectants or with both.
- (3) The President may prescribe the number of latrines and urinals to be provided in a factory in proportion to the numbers of male and female workers ordinarily employed therein, and may make such other provisions in respect of sanitation in factories, including the obligations of the workers in this regard, as he considers necessary in the interest of the health of workers employed therein.

#### **Spittoons**

- 22. (1) In every factory there shall be provided a sufficient number of spittoons in convenient place and they shall be maintained in a clean and hygienic condition.
- (2) The President may prescribe the class number and location of spittoons in every factory and make rule for keeping them in a clean and hygienic condition.
- (3) No person shall spit in any place in the factory except into the spittoon provided therein Notices prohibiting such spitting and mentioning the punishment for infringement shall be put up clearly in suitable places.
- (4) Whoever spits in contravention of the provisions in sub-section (3) shall be liable to a fine not exceeding five rupees.



**CHAPTER IV  
SAFETY**

**Fencing of Machinery**

23. (1) In every factory the following shall be securely fenced by safe-guards of substantial construction which shall be constantly maintained and kept in position while the parts of the machinery they are fencing are in motion or in use;-
- (a) Prime movers;-
    - (i) Every moving part of a prime mover and every flywheel directly connected to a prime mover whether the prime mover or flywheel is in the engine house or not.
    - (ii) The headrace and tailrace of every water –wheel and water turbine.
    - (iii) Every part of an electric generator, motors or rotary converters will not be fenced unless it is in such position or of such construction as to be as safe to every person employed or working in the factory as it would be if securely fenced.
  - (b) Transmission machinery;-  
Every part of transmission machinery unless it is in such position or of such construction as to be as safe to every person employed in the factory as it would be if securely fenced.
  - (c) Other machinery;-
    - (i) Every dangerous part of any other machinery unless it is in such position or of such construction as to be as safe to every person employed or working in the factory as it would be if securely fenced.
    - (ii) Any part of a stock-bar which projects beyond the head-stock of a lathe.

Provided that, in determining for the purposes of the foregoing clauses (b) and (c) of sub-section (1) whether any part of machinery is in such a position or of such construction as to be as safe to every person employed'. or working in the factory or in the neighborhoods as it would be if securely fenced, no account shall be taken of a person carrying out, while the part of the machinery is in motion, an examination of the machinery which it is necessary to carry out while the part of machinery is in motion, or any mounting or shipping of belts, lubrication or other adjustments shown by such examination to be necessary while the part of the machinery is in motion.

- (2) The President may by rules prescribe such further precautions as he considers necessary in respect of any particular machinery or part thereof, or exempt , subject to such conditions as he considers necessary , for securing the safety of the workers, any particular machinery or part thereof from the provisions of this section.

**Work on or near machinery in motion**

24. (1) Where in any factory it becomes necessary to examine any part of machinery referred to in section 23 while the machinery is in motion , or as a result of such examination to carry out any mounting or shipping of belts, lubricants or other adjusting operation while the machinery is in motion, such examination or such mounting of belts etc. shall be made or carried out only by a specially trained adult male workers wearing tight fitting clothing whose names have been recorded in the register prescribed in this behalf and while they are so engaged;-
- (a) such worker shall not handle a belt at a moving pulley unless the belt is less than six inches in width and unless the belt-joint is either laced or flushed with the belt;
  - (b) in addition to the responsibilities of fencing the machinery , every set screw , bolt and key on any revolving shaft, spindle , wheel or pinion, and all spurs, worms and other toothed or friction gearings in motion with which such worker would otherwise be likely to come into contact, shall be securely fenced to prevent such contact.

- (2) No woman or child shall be allowed to clean , lubricate or adjust any part of the machinery while part is in motion , or to work between moving parts, or between fixed and moving parts of any machinery which is in motion.
- (3) The President may, by notification, prohibit , in any specified factory or class of factories , the cleaning lubricating or adjusting by any person of specified parts of machinery when those parts are in motion.

#### **Employment of young persons on dangerous machinery**

- 25. (1) No young person shall work or be required to work at any machine to which this section applies unless he has been fully instructed as to the dangers arising in connection there with and the precautions to be taken and;-
  - (a) has received sufficient training in work at the machine , or
  - (b) is under supervision of a person who has a through knowledge and experience of the machine.
- (2) Sub-section (1) apply to such machines as may be prescribed by the President , being machines which in his opinion are of such a dangerous character that young persons ought not to work at them unless the fore going requirements are complied with.

#### **Devices for cutting off power**

- 26. (1) In every factory-
  - (a) suitable striking gear or other efficient mechanical appliance shall be provided and maintained and used to move driving belts from fast to loose pulleys and from loose to fast pulleys which form part of the transmission machinery, and such gear or appliances shall be so constructed, placed and maintained as to prevent the belt from slipping back on to the fast pulley;
  - (b) driving belts when not in use shall not be allowed to rest or ride upon shafting in motion
- (2) In every factory suitable devices for cutting off power in emergencies shall be provided and maintained in every work room;

Provided that in respect of factories in operation before the commencement of this Act, the provisions of this sub-section shall apply only to workrooms in which electricity is used.

#### **Shutting engine**

27. No shutting part of any engine in any factory and no material carried there on shall. If the space over which it runs is a space over which any person is likely to pass, whether in the course of his employment or otherwise, be allowed to shuttle backward and forward within a distance of eighteen inches from any fixed structure which is not part of the machine.

Provided that the Chief Inspector may permit the continued use of a machine installed before the commencement of this Act which does not comply with the requirements of this section subject to such conditions as he may impose.

#### **Casing of new machinery**

- 28. (1) In all machinery driven by power and installed in any factory after the commencement of this Act.
  - (a) every set screw , bolt or key on any revolving shaft , spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and
  - (b) all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased, unless they are so situated as to be as safe as they would be if they were completely encased,
- (2) Whoever sells or lets on hire for use in a factory, or whoever as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with the provisions of sub-section (1), shall be punishable with imprisonment for a term not exceeding three months or with fine not exceeding five hundred rupees, or with both.

- (3) The President may make rules applying the provisions of this section to any particular machine or class of machines and specifying the types of safeguards to be provided therefor.

#### **Prohibition of employment of women and children near cotton openers**

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

Provided that, if the feed end of a cotton-opener is in a room separated from the delivery end by a partition reaching 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.

#### **Hoists and lifts**

30. (1) Every hoist or lift shall be of good mechanical construction, sound material and strength and shall be properly maintained.
- (2) Every hoist or lift shall be thoroughly examined by and authorized examiner at least once in every period of six months and a register shall be kept containing the prescribed particulars of every such examination.
- (3) Every hoist way or lift way shall be sufficiently protected by an enclosure fitted with gates. The hoist or lift and every such enclosure shall be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure and moving part.
- (4) The maximum safe working load shall be clearly marked on every hoist or lift and no load greater than that shall be carried thereon.
- (5) The cage of every hoist and lift used for carrying persons shall be fitted with a gate on each side from which access is afforded to a landing.
- (6) Every gate referred to in sub-sections (3) and (5) shall be fitted with interlocking or other efficient device to secure that the gate cannot be opened except when the cage is at the landing and that the cage cannot be moved unless the gate is closed.
- (7) The following requirements shall also apply to hoists and lifts used for carrying persons and installed or reconstructed in a factory after the commencement of this Act:-
- (a) where the cage of hoist or lift is supported by rope or chain there shall be at least two ropes or chains, separately connected with the cage and the balancing weight, and each rope or chain with its attachments, shall be capable of carrying the whole weight of the cage together with its maximum load;
  - (b) in the event of breakage or collapse of the ropes, chains or attachments efficient devices capable of supporting the cage together with its maximum load shall be provided and maintained;
  - (c) an efficient automatic device shall be provided and maintained to prevent the cage from out-running.
- (8) The President may, if he is of opinion that it would be unreasonable to enforce any requirement of this section, in respect of any class of hoist or lift, by order direct that such requirement shall not apply to such class of hoist or lift.

#### **Cranes and such other lifting and hoisting machinery**

31. (1) The following provisions shall apply in respect of cranes and all such other machinery (other than hoists and lifts) in any factory,
- (a) every part thereof, including the working gear, whether fixed or moveable, and anchoring and fixing appliances, shall be-
    - (i) of good construction, sound material and strength;
    - (ii) properly maintained, and shall be thoroughly examined by an authorized examiner at least once in every period of twelve months and a register shall be kept containing the prescribed particulars of every such examination;
  - (b) no such machinery shall be loaded beyond the safe working load which shall be clearly marked thereon; and

- (c) while any person is employed or working on or near the wheel-tract of a travelling crane , in any place where he would be liable to be struck by the crane ,effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place.
- (2) The President may make rules in respect of any lifting or hoisting machinery or class or of lifting machinery in a factory-
  - (a) prescribing further requirements in addition to those set out in this section; and
  - (b) exempting from compliance with all or any of the requirements of this section, where in his opinion such compliance is unnecessary or impracticable.

### **Revolving machinery**

- 32. (1) In every factory in which the process of grinding or abrading is carried on there shall be permanently affixed to or placed near each machine in use a notice indicating the maximum safe working peripheral speed of every grinding or abrading wheel, the speed of the shaft or spindles upon which the wheel is mounted, and the diameter of the pulley necessary to secure such safe working peripheral speed.
- (2) The speeds indicated in notice under sub-section (1) shall not be exceeded.
- (3) Effective measures shall be taken in factory to ensure that the safe working peripheral speed of every revolving vessel, cage, basket flywheel, pulley, disc or similar appliance driven by power is not exceeded.

### **Pressure plant**

- 33. (1) If in any factory any part of the machinery or plant used in a manufacturing process is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that safe working pressure of such part is not exceeded.
- (2) The President may make rules providing for the examination and testing of any plant or machinery referred to in sub-section (1) and prescribing such other safety measures in relation thereto as may in his opinion be necessary in any factory or class of factories.

### **Floors, passages, stairs and means of access**

- 34. In every factory –
  - (a) All floors , steps, stairs, passage and gangways shall be of sound construction and property maintained and, where it is necessary to secure safety such floors, steps, stairs, passages and gangways shall be provided with substantial handrails; and
  - (b) There shall be, so far as is reasonably practicable, provided and maintained safe means of access to every place where any person is at any time required to work.

### **Pits, sumps, openings in floors, etc**

- 35. (1) In every factory fixed vessel, sump, tank, pit or opening in the ground or in a floor, which by reason of its depth, situation, construction or contents, is likely to be a source of danger, shall be either securely covered or strongly fenced.
- (2) The Chief Inspector may, by order in writing, exempt, subject to such arrangements as he may prescribe, any factory or class of factories in respect of any vessel, sump, tank, pit or opening from compliance with provisions of this section.

### **Excessive weights**

- 36. (1) No woman, adolescent or child shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause injury.
- (2) The President may make rules prescribing the maximum weights that may be lifted, carried or moved ordinarily by persons employed in factories or in any class or description of factories or in carrying on any specified process.

**Protection of eyes**

37. In respect of any such manufacturing process carried on in any factory as may be prescribed, being a process which involves-

- (a) Risk of injury to the eyes from particles or fragments thrown off in the course of the process, or
- (b) Risk to the eyes by reason of exposure to excessive light, the President may by rules require that effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of, the process.

**Precautions against dangerous fumes**

38. (1) In any factory no person shall enter or be permitted to enter any chamber, tank, vat, pit, pipe, flue or other confined space in which dangerous fumes are liable to be present to such an extent as to asphyxiate persons, unless it is provided with a man-hole of adequate size, other effective, means of egress.
- (2) No portable electric light of voltage exceeding 24 volts shall be permitted in any factory for use inside any confined space referred to in sub-section (1), and where the dangerous fumes present are likely to be inflammable, no lamp or light other than that of flame-proof construction shall be permitted to be used in such confined space.
- (3) No person in any factory shall enter or be permitted to enter any such confined space referred to in sub-section (1) unless all possible measures have been taken to remove any fumes which may be present and to prevent any ingress of fumes and unless either,
- (a) a certificate in writing has been given by an authorized examiner, based on a test carried out by himself, that the space is free from dangerous fumes and fit for persons to enter; or
  - (b) the person entering is wearing a suitable breathing apparatus and a belt securely attached to a rope the free end of which is held by a person standing outside the confined space.
- (4) In every factory suitable breathing apparatus, reviving apparatus and belts and ropes shall be kept ready for instant use in the vicinity of any such confined space which any person has entered. And all such apparatus shall be examined at regular periods and certified by an authorized examiner to be fit for use, and a sufficient number of the persons from amongst the employed in every factory shall be trained in the use of all such apparatus and in the method of restoring respiration.
- (5) In any factory no person shall be permitted to enter any boiler furnace, boiler flue, still, chamber, tank, vat, pipe, or other confined space for the purpose of working or making any examination therein until it has been sufficiently cooled by ventilation or otherwise so as to be safe for persons to enter.
- (6) The President may make rules prescribing the minimum dimensions of the manholes referred to in sub-section (1), and by other in writing exempt, subject to such conditions as he may think fit to impose, any factory or class or description of factories from compliance with any of the provisions of this section.

**Explosive of inflammable dust, fume, etc**

39. (1) Where in any factory any manufacturing process dust, fume or vapour of such nature and to such an extent as to be likely to explode on ignition, all possible measures shall be taken to prevent any such explosion by-
- (a) effective enclosure of the plant or machinery used in the manufacturing process;
  - (b) removal or prevention of accumulation of dust, fume or vapour;
  - (c) isolation or effective enclosure of all possible sources of ignition.
- (2) Where in any factory the plant or machinery used in a process referred to in sub-section (1) is not so constructed as to withstand the force of such explosion as aforesaid, all possible measures shall be taken to prevent the spread of the explosion and to minimize the damage caused thereby by providing chokes, baffles, vents or other effective appliances in the plant or machinery.

- (3) Where in any factory any part of a plant or machinery contains any explosive or inflammable fume and vapour under pressure greater than atmospheric pressure, such part shall not be opened except in accordance with the following provisions, namely:-
- (a) before the fastening of any joint of any pipe connected with such part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or other means;
  - (b) before any such fastening of any joint of any pipe or the firmly fastened cover is removed, all measures shall be taken to reduce the pressure of the fume or vapour in the part or pipe equal to the atmospheric pressure;
  - (c) where any such fastening as aforesaid has been loosened or removed effective measures shall be taken to prevent any explosive or inflammable fume or vapour from entering the pipe plant or parts of machinery until such cover or joint has been firmly re-fastened or firmly refixed.
- (4) No plant, tank or vessel which contains, or has contained any explosive or inflammable substance, shall be subjected in any factory to any welding, brazing, soldering or cutting operation involving the application of heat unless adequate measures have been taken to remove such substance and fumes arising therefrom, or to render such substance and fumes non-explosive or non-inflammable, and unless a certificate in writing has been given by a competent examiner after a test carried out by himself that the plant, tank, or vessel is free from explosive or inflammable vapour. No such substance shall be allowed to enter such plant, tank or vessel after any such operation, until the metal has cooled sufficiently to prevent any risk of igniting the substance.
- (5) The President may by rules exempt, subject to such conditions as may be prescribed by him, any factory or class or description of factories from compliance with all or any of the provisions of this section.

#### **Arrangement to be made against cases of fire**

40. (1) Every factory shall be provided with such means in case of fire as may be prescribed and 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 arrangements which, in his opinion, should be carried out to bring the factory into conformity with the provisions of this section and any rules made thereunder and requiring them to be carried out before a date specified in the order.
- (2) In every factory the doors affording egress from any room shall not be locked or fastened so that cannot be easily and immediately opened from the inside while any person is within the room, and all such doors, unless they are of the sliding type, shall be constructed to open outwards.
- (3) In every factory, every window, door or other exit affording a means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked in a language understood by the majority of workers and in red letters or by some other effective and clearly understood sign.
- (4) In every factory there shall be installed apparatus to give warning in case of fire clearly audible to every person employed in the factory.
- (5) A passage – way giving access to such means of escape in case of fire shall be kept clear for the use of all workers in every room of the factory.
- (6) Effective measures shall be taken to ensure that in every factory-
- (a) wherein more than twenty workers are ordinarily employed in any place of the lowest floor, or
  - (b) wherein explosive or highly inflammable materials are stored or used.

All the workers are familiar with the means of escape in case of fire and have been adequately trained in the procedure to be followed in such case.

- (7) The President may make rules prescribing in respect of any factory or class of factories, the means of escape together with the kind and number of fire-fighting apparatus to be provided for use in case of fire.

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

41. If it appears to the Inspector that any building or part of a building, or any part of the passage ways, machinery or plant in a factory is in such a condition that it will 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 plans, specifications and other particulars as may be necessary to determine whether such building, passage ways, machinery or plant can be used with safety, or
  - (b) to carry out such tests in such manner as may be specified in the order and to inform the Inspector of the results thereof.

**Safety of buildings and machinery**

42. (1) If it appears to the Inspector that any building or part of a building or any part of the passage way, machinery or plant in a factory is in such a condition that it will be 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 passage ways, machinery or plant in 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.

**Power of President to make rules to supplement this Chapter**

43. The President may, in addition to the safety measures mentioned in this chapter by rules prescribe further safety measures concerning the followings
- (a) further fencing regarding the safety of particular machines ;
  - (b) the provision of devices that will prevent the uncovering of a dangerous part of any part of any machine while it is in motion, or that will stop the machine in case of danger;
  - (c) the provision of automatic safety – guards that will prevent the person operating the machine from coming into contact with the dangerous part where this cannot be secured by a fixed safety-guard
  - (d) the fencing of materials or articles which, being manipulated on machines while in motion are dangerous and
  - (e) any other matter which may be deemed expedient in order to give effect to the provisions of this Chapter.

**CHAPTER V  
WELFARE**

**Washing facilities**

44. (1) In every factory –
- (a) adequate and suitable facilities for washing shall be provided for the use of male and therein;
  - (b) separate and adequately screened facilities shall be provided for the use of male and Female workers ; and
  - (c) such facilities shall be conveniently accessible and shall be kept clean
- (2) The president may, in respect of any factory or class of factories or of any manufacturing process, make rules prescribing plants of adequate and suitable facilities for washing.

**Facilities for storing and drying clothing**

45. The President may, in respect of any factory or class of factories, make rules prescribing the provision therein of suitable facilities for keeping clothing not worn during working hours and for drying wet clothing.

**Facilities for sitting**

46. (1) In every factory suitable arrangements for sitting shall be provided and maintained for all workers required to work in a standing position, in order that they may take advantage of any opportunity for rest which may occur during the course of their work.
- (2) If, in the opinion of the Chief Inspector, the workers in any factory engaged in a particular manufacturing process or working in a particular room are able to do their work in a sitting position, he may, by order in writing require the occupier of the factory to provide before a specified date such seating facilities as may be practicable for all workers so engaged or working.
- (3) The President may, by notification, declare that the provisions of sub-section (1) shall not apply to any specified factories or class of factories or to any specified manufacturing process.

**First aid appliances**

47. (1) In every factory the manager shall provide and maintain a first-aid box or a cupboard equipped with the prescribed contents in suitable place as may be directed by the Inspector so as to be readily accessible during all working hours, and where more than one maintained for every additional one hundred workers or part thereof.
- (2) Nothing but the prescribed contents shall be kept in the first-aid boxes or cupboards referred to in sub-section (1), and all such first-aid boxes and cupboard shall be kept in the charge of a responsible who has been trained in first-aid treatment and who shall always be available during working hours.
- (3) In every factory wherein more than two hundred and fifty workers are employed there shall be provided and maintained a first-aid room or dispensary of the prescribed dimension, containing the prescribed equipment, and shall be kept under the supervision of such medical officer and nursing staff as may be prescribed.

**Canteens for workers**

48. (1) The President may make rules requiring that in any specified factory or class of factories where in more than two hundred and fifty workers are ordinarily employed, a canteen adequate for the use of workers shall be provided and maintained by the occupier.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for
- (a) the date by which such canteen shall be opened;
  - (b) the plans of the canteen to be constructed, and the method of accommodation, furniture and other equipment to be provided therein;
  - (c) the foodstuffs to be served therein and the charges to be made there for; and
  - (d) the constitution of a committee for the management of the canteen and the inclusion of workers' representative there on.

**Rest sheds, rest rooms and lunch rooms**

49. (1) In every factory wherein more than one hundred workers are ordinarily employed adequate and suitable rest-sheds or rest rooms and an adequate and suitable lunch room, with drinking water facilities, where workers can take meals brought by them, shall be provided and maintained for the use of the workers:
- Provided that any canteen maintained in accordance with the provision of section 48 shall be deemed to be part of the requirements of this sub-section:
- Provided further that where a lunch room exists no workers shall take any food in the work room.



- (2) The rest-sheds, rest rooms or lunch room to be provided under sub-section (1) shall be sufficiently lighted, ventilated and maintained as far as practicable in a cool and clean condition.
- (3) The President may-
  - (a) prescribe the plants of rest sheds, rest room and lunch room to be constructed and the methods of accommodation, furniture and other equipment to be provided therein under this section ; and
  - (b) by notification exempt any factory or class of factories from the requirements of this section.

### Creches

- 50.
- (1) In every factory wherein more than fifty women workers are ordinarily employed there shall be reserved and maintained a suitable room or rooms for the use of children under the age of six years of such women.
  - (2) Such rooms shall provide adequate accommodation, shall be adequately lighted, ventilated , and maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.
  - (3) The President may make rules-
    - (a) prescribing the location and the plants of rooms to be constructed and the methods of accommodation , furniture and other equipment of rooms to be provided therein under this section;
    - (b) requiring the provision of additional facilities for the care of children belonging to women workers in factories to which this section applies, including suitable provision of facilities for washing and changing their clothing.
    - (c) requiring the provision in any factory of free milk or refreshment or both for such children;
    - (d) requiring that facilities shall be given in any factory for the mothers of such children to feed them at necessary intervals.

### Powers of President to make rules to supplement this Chapter;

- 51.
- (1) Where it appears that owing to the conditions of employment or the kind of the processes carried on, further provision is required to be made in relation to any of the matters to which this Chapter applies for securing the welfare of the workers or any class of them, the President may make rules requiring such reasonable steps to be taken in connection therewith as may be prescribed either by way of addition to, or substitution for, or extension or variation of any of the foregoing sections of this Chapter. The President may also make rules in relation to any other like matters for the welfare of the workers or any class of them. These rules may-
    - (a) be made for any factory or class or description of factories;
    - (b) be made in relation to particular requirements on application being made by a specified class of workers concerned, also prescribe the manner in which the views of the workers are to be ascertained; and
    - (c) require that in any factory or class of factories representatives of the workers employed therein shall be included on the management of the welfare arrangements of the workers.
  - (2) Such rules may impose duties on occupiers and , on workers so far as they relate to the enjoyment of any benefit of the welfare arrangement provided.

**CHAPTER VI**  
**SPECIAL APPLICATIONS AND EXTENSIONS**

**Dangerous operations**

52. Where the President is of opinion that any operation carried on in a factory is likely to expose any person employed therein to risk of bodily injury, poisoning or disease, he 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 dangerous;
- (b) Prohibiting or restricting the employment of women, adolescents or children in the operation;
- (c) Providing for the periodical medical examination of persons employed or applying to be employed in the operation and prohibiting the employment of persons not certified as fit for such employment;
- (d) Providing for the protection of all persons employed in the operation or in its vice and
- (e) Prohibiting restricting or controlling the use of any specified materials, or process in connection with the operation.

**Submission of notice of certain accidents**

53. Where in any factory an accident occurs which causes death, or which causes any bodily injury by reason of which the person injured is prevented from working in the factory for a period of forty-eight hours or more immediately following the accident, or which is of such nature as may be prescribed in this behalf, the manager of the factory shall submit notice thereof to such authorities, and in such form and within such time as may be prescribed.

**Submission of notice of certain diseases**

54. (1) where any worker in a factory contracts any disease specified in Schedule III of the Workmen's Compensation Act, the manager of the factory shall submit notice thereof to the Chief Inspector and to the certifying surgeon for the district in which the factory is situated in such form and with such particulars and within such time, as may be prescribed.
- (2) If any registered medical practitioner attends on a person who is or has been employed in a factory, and who is, or is believed by the registered medical practitioner to be, suffering from any disease specified in Schedule III of the Workmen's Compensation Act, the medical practitioner shall submit a report in writing to the office of the Chief Inspector stating-
- (a) the name and address in full of the patient,
  - (b) the disease from which he believes the patient is suffering, and
  - (c) the name and address in full of the factory in which the patient is, or has been employed
- (3) The registered medical practitioner shall be entitled to the prescribed fee in respect of the report submitted in pursuance of this section.
- (4) If any registered medical practitioner fails to comply with the provisions of sub-section (2) he shall be punishable with fine which may be extended to fifty rupees.

**Power to direct inquiry into cases of accident and disease**

55. (1) The President may, if he considers it expedient so to do, appoint a competent person to inquire into the causes of any accident occurring in a factory or into any case where a disease specified in Schedule III of the Workmen's Compensation Act has been, or is suspected to have been, contracted in a factory and may also appoint one or more persons possessing legal knowledge or special knowledge in such matter to act as assessors in such inquiry.
- (2) The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, for the purpose of enforcing the attendance of witnesses, and compelling the production of documents and important materials, and may also so far as may be necessary for the purposes of the inquiry, exercise any of the powers of an Inspector under this Act; and every person required by the person holding the

inquiry to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Penal Code.

- (3) The person holding an inquiry under this section shall submit a report to the President stating the causes of the accident or the disease, and the circumstances of its occurrence and adding any remark which he or any of the assessors may think fit to make.
- (4) The President may, if he considers fit, cause to be published any report submitted under this section or any extracts therefrom.
- (5) The President may make rules for regulating the procedure at inquiries under this section.

#### **Power to take samples**

56. (1) An Inspector may at any time during the normal working hours of the factory, may after informing the occupier or manager of the factory or other person for the time being in charge of the factory, take in the manner here in after provided a sufficient sample of any substance used or intended to be used in the factory, such substance used being –
- (a) in the belief of the Inspector in contravention of any of the provisions of this Act or the rules made there under , or
  - (b) in the opinion of the Inspector being likely to cause to the body or health of workers in the factory.
- (2) Where the inspector takes a sample under sub-section (1), he shall, in the presence of the person informed under that sub-section, unless such person willfully absents himself, divide the sample into three parts and securely packed and suitably seal them, and shall also permit such person to put his own seal thereto.
- (3) The person so informed shall, if the Inspector so requires, provide the materials for dividing, packing and sealing the sample taken under this section
- (4) The inspector shall-
- (a) Forthwith give one part of the sample part to the person informed under sub-section (1);
  - (b) Forthwith send the second part to the Government Chemical Examiner for analysis and report there on; and
  - (c) Retain the third part for production before the Court, before which proceedings, if any, are instituted in respect of the substance,
- (5) Any document said to be a report under the signature of any Government Chemical Examiner upon any substance submitted to him for analysis and report this section may, in any proceedings instituted in respect of the substance be used as evidence of the matters stated therein, but either party may apply that the person by whom the analysis was made to be called as a witness.
- (6) It shall be deemed to be unlawful for any person, except in so far as is necessary for the purposes of prosecution for an offence under this Act, to publish or disclose to any person the result of an analysis made under this section, and if any person acts in contravention of this sub-section, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

#### **Building operations and other works of engineering**

57. (1) The president may make rules prescribing that all or any of the provisions of this Act shall apply to building operations and to works of engineering for the purpose of any commercial, economical or industrial undertaking, and to any line or siding or which is not part of railway line or tram line which is used for the purposes thereof. The President may also prescribe that building operations and other works of engineering may be classed as dangerous operations and may take rules applicable to persons employed in such operations and works engineering.
- (2) “Building operation” means the construction, structural alteration, repair, the demolition of a building or the preparation for and laying the foundation of an intended building.
- (3) “Works of engineering” means the construction. Structural alteration, repair, or the demolition of any railway line, siding , any dock, harbor, aerodrome, inland navigation,

tunnel, bridges of all kinds, water supplying tank reservoir, pipe line, aqueduct, sewerage, road construction and such similar works as may be prescribed by the President.

- (4) For the purposes of this section the application of the Act shall have effect as if the persons employed therein such operations and works of engineering or the places where such operations and works of engineering are carried on were a factory, and as if the occupier of any such operations and work of engineering were the occupier of the factory , and as if any person employed in such operations and works of engineering were a worker within the meaning of this Act.

#### **Docks, wharves, quays, warehouses and ships**

58. (1) The provisions of this Act here in after mentioned in this sub-section shall apply to any dock wharf or quay, including any warehouse power used in connection there with in or for the purposes of which mechanical power is used, and to any warehouse or storage depot in which not less than one hundred persons are employed, as if it were a factory, and as if the person having the actual use or occupation of it were the occupier of a factory and as if any person employed in such dock, wharf, quay, warehouse or storage depot, were a worker within the meaning of this Act;
- (a) the provisions of Chapter II in relation to powers and duties of Inspectors;
  - (b) the provisions of sections 41 and 42 of Chapter IV;
  - (c) the provisions of sections 51 of Chapter V in relation to welfare arrangements,
  - (d) the provisions of sections 52 of Chapter VI in relation to dangerous operations;
  - (e) the provisions of sections 53 , 54 and 55 of Chapter VI;
  - (f) Chapter VII dealing with working hours;
  - (g) Chapter IX dealing with penalties and procedure;
  - (h) the provisions of section 99 of Chapter X in relation to notices; and
  - (i) the provisions of section 101 of Chapter X in relation to rules;
- Provided that the provisions of clause (a) of this sub-section shall not apply to machinery engine which is on board a ship and which is the property of the ship- owner.
- (2) The provisions of sub-section (1) of this Act shall apply to the operation of loading, unloading which is on fuelling of a ship in any dock, harbor, wharf or quay, as if such operation were carried on in a factory, and to all machinery or engine used in the operation as if such machinery or engine were in a factory , and as if the person carrying on the operation, were the occupier and as if any person employed in such operation were a worker within the meaning of this Act.

### **CHAPTER VII WORKING HOURS OF ADULTS**

#### **Weekly working hours**

59. No adult worker shall be required or allowed to work in a factory for more than forty-fours hours in a week;

Provided that an adult male worker in a factory engaged in work which for technical reasons must be continuous throughout the day may work forty-eight hours in a week.

#### **Weekly holidays**

60. (1) No adult worker shall be required to work in a factory on a Sunday unless-
- (a) he has had or will have a full holiday 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 day substituted therefore under clause (a),which ever is earlier-

- (i) delivered at the office of the Inspector a notice of his intention to require the worker to work on the Sunday and of the day to be substituted therefore , and
- (ii) displayed in the factory a notice to that effect for not less than 24hours before any of such two days which ever is earlier and until the expiry of such two days whichever is later.

Provided that no substitution shall be made, which will cause any worker to work for more than ten consecutive days without a full holiday.

- (2) Notices given under sub-section (1) may be cancelled by a notice delivered at the office of the Inspector and a notice displayed close to notice of working period put up under section 67, not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.
- (3) Where in accordance with the provision of sub-section(1), any worker works on a Sunday and has had a holiday on one of the three days immediately before the same, that Sunday shall , for the purpose of calculating his weekly hours of work, be included in the preceding week.

#### **Substituted holidays.**

- 61. (1) Whereas a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section 60, a worker is deprived of any of the weekly holidays for which provision is made in sub-section(1) of that section, he shall be allowed, within the calendar month in which the holidays were due to him or within the two calendar months next after that month, substituted holidays equal to the number of holidays equal to the number of holidays so lost.
- (2) The President may prescribe the manner in which the holidays, for which provision is made in sub-section (1), shall be allowed.

#### **Daily working hours.**

- 62. Subject to the provision of section 59 no adult worker shall be required or allowed to work in a factory for more than eight hours in any day.

#### **Intervals for rest.**

- 63. The periods of work of adult workers in a factory during each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest at least of half an hour.

The periods of work without an interval at least of half an hour shall be consider as a period of work at a stretch.

#### **Spread over.**

- 64. The periods of work of an adult worker in a factory inclusive of intervals for rest under section 63, shall be so arranged that such periods shall not spread over more than ten hours in any day, save with the permission of the President and subject to such conditions as he may impose, either generally or in the case of any particular factory.

#### **Nights shifts.**

- 65. Where a worker in a factory works on a shift which extends beyond midnight, the following day for him shall be deemed to be the period of twenty-four hours beginning with the end such shift and his work-hours after mid-night shall be counted as those of the previous day;

Provided that the president may, by order in writing, direct that in the case of any specified factory the following say shall be deemed to be the period of twenty-four hours beginning with the commencement of such shift begins and that the work-hours before midnight shall be counted as those of the following day.

**Prohibition of overlapping shifts.**

66. (1) In any factory, work shall not be carried on by system of shifts of arranged that more than one relay of workers is engaged in work of the same kind at the same time.
- (2) The president may, subject to such conditions as may be prescribed, make rules exempting any factory or class of factories from the provisions of sub-section(1).

**Notice of periods of work for adults**

67. (1) There shall be displayed and properly maintained every-day in every factory notice or notices of periods of work for adults, in accordance with the provisions of sub-section (2) of section 99, showing during which adult workers may be required to work for every day.
- (2) The periods shown in the notice or notice required under sub-section (1) shall fixed in advance 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 59, 60, 62, 63 and 64.
- (3) Where all the adult workers in a factory are required to work during the same periods, the manager of the factory shall fix those periods generally for such worker.
- (4) Where all the adult workers a factory are not required to work during 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 by system of shifts, the manager of the factory shall fix the periods during which the group may be required to work.
- (6) Where any group is required to work by system of shifts and the relays are not to be subject to predetermined periodical changes of shifts, the manager of the factory shall fix the periods during which each relay of the groups may be required to work.
- (7) Where any group is to work by 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 where under the periods during which any relay of the group may be required to work and relay which will be working at any time of the day could be known in advance for any day.
- (8) The President may prescribe forms of notice or notices required by sub-section (1) and the manner in which they shall be maintained.
- (9) The manager of the factory shall submit two copies of notice or notices referred to in sub-section (1) to the Inspector within thirty days from the date of the commencement of this Act. In the case of a factory beginning work after the date of the commencement of this Act, copies of the notice or notices referred to in sub-section(1)shall be submitted to the Inspector before the day on which work is begun in the factory.
- (10) The manager of the factory shall submit to the Inspector two copies of any proposed change in the system of work in any factory which will necessitate a change in notice or notices referred to in sub-section (1) before the change is made, and except with the previous sanction of the Inspector, on such change shall be made until one week has elapsed-since the last change.

**Register of adult Workers**

68. (1) The manager of every factory shall maintain a register of adult workers showing –
- (a) the name of each adult workers in the factory.
  - (b) the kind of his work;
  - (c) the group, if any , in which he included ;
  - (d) where his group works on shifts, the relay to which he is allotted ; and such other particulars as may be prescribed ; and
  - (e) such register shall be maintained to enable the inspector to inspect the same at all times during working hours or while any work is being carried on in the factory :  
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 the workers in that factory the necessary particulars in full required under this section, he may, by order in writing, direct that such muster roll or register shall to that

extent be treated as the register of adult workers required in the factory and shall continue to be maintained as such.

- (2) The President may prescribe 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.

**Periods of work to correspond to notice or notices displayed under section 67 and register maintained under section 68**

69. No adult worker shall be required or allowed to work in any factory otherwise than in accordance with the notice or notices of periods of work for adults under section 67 displayed in the factory and the entire made in advance against his name in the register of adult workers of the factory under section 68.

**Power to make rules for exemption**

70. (1) The President may make rules defining the persons who hold positions of supervision or management or position of confidence in a factory, and the provisions of this Chapter, other than the provisions of clause (b) of sub-section(1) of section 72 and of the proviso to that sub- section, shall not apply to any person so defined.
- (2) The president may make rules in relation to adult workers in factories providing for the exemption, to such extent and subject to such conditions as may be prescribed-
- (a) of workers engaged in urgent repairs, from the provisions of section 59,60,61,62,63 and 64 ;
  - (b) of workers engaged in work preparatory or complementary nature which must necessarily be carried on beyond the limits of working hours prescribed for the general working of the factory, from the provisions of sections 59,62,63and 64;
  - (c) of workers engaged in work which is necessarily so intermittent that the intervals during which they have no work to do on duty, the intervals, for rest ordinarily required under section 63 , from the provisions of sections 59, 62 , 63 and 64;
  - (d) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day, from the provision of section 59,60,62,63 and 64;
  - (e) of workers engaged in producing or supplying essential commodities which must be produced or supplied every day ,from the provisions of section 60 ;
  - (f) of workers engaged in a manufacturing process which cannot be carried on except during a fixed season, from the provisions of sections 60 ;
  - (g) of workers engaged in a manufacturing process which has to be carried on occasionally according to the vagaries of wealth, from the provisions of sections 60 and 63; and
  - (h) of workers engaged in boiler-sheds, enginerooms or in attending prime mover or transmission machinery, from the provisions of sections 59 and 60.
- (3) Rules for any exemption made under sub-section (2) may also provide for any consequential exemption from the provisions of section 67 which the President may deem to be expedient, subject to such conditions as he may prescribe.
- (4) In making rules under this section, the President shall prescribe the maximum limits for the weekly hours of worker 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.
- (6) For the purpose of giving effect to the provisions of this chapter, the President may make rules providing for any other matter which he may deem expedient.

**Power to made orders for exemption**

71. (1) Where the President 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 in advance he may, by order in writing, relax or modify the provisions of section 67 in respect of such workers therein, to such extent and in such manner as he may think fit, and subject to such conditions as he may deem expedient to obtain effective control over periods of work.





- (a) a certificate of fitness to work in a factory as a child, if he is satisfied that the young person has completed his thirteen year, that he has attained the prescribed physical standards and that he is fit for such work;
  - (b) a certificate of fitness to work in a factory as an adult, if he is satisfied that the young person has completed his fifteen year, and is fit a full day's work in a factory; Provided that if the certifying surgeon has not had personal knowledge of the place where the young person proposes to work and of the manufacturing process in which he will be employed, he shall grant or renew such certificate under sub-section(1) only after he has examined such place.
- (3) A certificate of fitness granted or renewed under sub- section (2) shall be valid only for a period of twelve months from the date thereof-
  - (4) Any certificate granted or renewed under sub-section (2) may be made subject to conditions relating to the kind of work in which the young person may be employed, or condition may be entered in such certificate, requiring the re-examination of the young person before the expiry of the period of twelve months.
  - (5) A certifying surgeon shall withdraw any certificate granted or renewed under sub-section (2), if, in his opinion, the holder of it is unfit to continue to work in a factory as a child or an adult as stated in such certificate.
  - (6) Where a certifying surgeon refuses to grant or renew a certificate or certificates of the kind applied for, or withdraw a certificate, he shall, if any person entitle to apply such certificate request the certifying surgeon to state the reason for such refusal or withdrawal, he shall state his reasons in writing.
  - (7) `Where a certificate under this section with reference to any young person is granted or renewed subject to such conditions as are referred to in sub-section (4), the young person shall not be required or allowed to work in any factory except in accordance with those conditions.
  - (8) Any fee chargeable for a certificate under this section shall be paid by the occupier and shall not be claimed from the young person, his parents or guardian.
  - (9)

#### **Effect of certificate of fitness granted to adolescent**

- 78. (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 77 and who, while working in a factory carries a token referring to the certificate, shall be deemed to be an adult for purposes of Chapter VII.
- (2) An adolescent who has not been granted a certificate of fitness to work in a factory as adult under clause (b) of sub-section (2) of section 77, shall notwithstanding his age, be deemed to be a child for the purpose of this Act.

#### **Working hours for children**

- 79. (1) No child shall be employed or permitted to work in any factory-
  - (a) for more than four hours in any day; and
  - (b) between the hours of 6 p.m and 6 a.m
- (2) The period of work of all children shall be limited to two shifts which shall not overlap and both of shift shall not exceed five hours inclusive of intervals if any. Each child shall be employed in only one of the relays which shall not, expect with the consent of the Chief Inspector, be changed more than once in a month.
- (3) The provision of section 60 shall apply also to child workers and no exemption from these provisions shall be granted in respect of any child.
- (4) No child shall be required or allowed to work in any factory on any day on which he has already been worked in another factory.

#### **Notice of period of work for children**

- 80. (1) There shall be displayed and properly maintained every day in every factory notice or notices of periods of work for children, in which children are employed, in accordance with

the provisions of sub-section (2) of section 99 showing clearly the periods during which children may be required or allowed to work for every day.

- (2) The periods shown in the notice required by sub-section (1) shall be fit in advance in accordance with the method laid down for adult workers in section 67 and shall be said that children working for those periods would not be working in contravention of any of the provisions of section 79.
- (3) The provision of sub-section (9) and (10) of section 67 shall apply also to the notice or notices required under sub-section (1) of this section.
- (4) The President may make rules prescribing forms for notice or notices of periods of work for children and the manner in which they shall be maintained.

#### **Register of child Workers**

81. (1) The manager of every factory in which children are employed shall maintain a register of child workers to be available to the Inspector at all times during working hours or when any work is being carried on in a factory showing-
  - (a) the name of each child worker in factory and the names of parents;
  - (b) the kind of his work;
  - (c) the group, if any, in which he is included;
  - (d) where his group work on shift, the relay to which he is allotted;
  - (e) the number of his certificate of fitness granted under section 77, and
  - (f) such other particulars as may be prescribed. And such register shall be maintained to enable the Inspector to inspect the same at all times during working hours.
- (2) The President may prescribe the form of the register of child workers, the manner in which it shall be maintained, and the period for which it shall be preserved.

#### **Period of work to correspond to notices or notices displayed under section 80 and register maintain under section 81.**

82. No child shall be employed otherwise than in accordance with the notice or notices of period of work for children displayed and the entries made in advance against his name in the register of child workers.

#### **Power to require medical examination**

83. Where an Inspector is of opinion –
  - (a) that any person working in a factory without a certificate of fitness is a young person, or
  - (b) that a young person working in a factory with a certificate of fitness is unfit to continue to work as a child or an adult as stated therein, he may serve on the manager of the factory a notice requiring that such person or young person, as the case may be, shall be examined by a certifying surgeon and such person or young person shall not, if the Inspector so directs, be employed or permitted to work in any factory until he has been so examined and has been granted a certificate of fitness or a new certificate of fitness, as the case may be, under section 77 or until he has been granted a certificate that he is not a young person by the certifying surgeon examining him.

#### **Power to make rules**

84. The President may make rules-
  - (a) prescribing the forms of certificates of fitness to be granted under section 77, providing for the issue of duplicates in the event of loss of the original certificates, and prescribing the fees chargeable for such certificates and renewals thereof, and for such duplicates and for such other examinations as may be prescribed;
  - (b) prescribing the physical standards to be attained by children and adolescents working in factories;
  - (c) regulating the procedure to be followed by the certifying surgeons under this Chapter, and specifying other functions which they may be required to perform in relation to the

- employment of young persons in factories and prescribing the fees chargeable for such functions and the persons by whom such fees shall be payable; and
- (d) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

## CHAPTER IX PUNISHMENTS AND PROCEDURE.

### Ordinary punishment for offences

85. If in or in respect of any factory or place prescribed or declared under this Act to be a factory, the manager and the occupier thereof contravened any provisions of this Act or any rule or order made there under, they shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both; and if, after such punishment, they continue to contravene, each of them shall be punishable for each day that they continue so to offend with fine which may extend to seventy – five rupees:

Provided that if both manager and occupier are punished, the aggregate of the fines imposed in respect of the same contravention shall not exceed such amounts.

### Enhanced punishment after previous conviction

86. If any person who has been convicted under section 85 is again convicted of contravening of the same provision, he shall be punishable on such subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend from two hundred to one thousand rupees, or with both.

Provided that for the purpose of punishment under this section no cognizance shall be taken of any previous conviction received by the same offender more than two years ago.

### Offences by workers

87. (1) If any worker employed contravenes any provision of this Act, any rules or orders shall be made there under, imposing duties on workers; he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to twenty rupees, or with both.
- (2) Where a worker is punished for an offence punishable under sub- section (1) the occupier or manager of the factory shall be deemed not to be guilty of an offence in respect of that contravention, unless it is proved that he fail to take all reasonable measures for its prevention.

### Punishment for obstructing Inspector.

88. Whoever wilfully obstructs an Inspector in the exercise of any power vested in him by this Act, or fails to produce on demand by an Inspector any registers or other documents maintained by him in pursuance of this Act or of any rule made there under, or conceals or prevents any worker in a factory from appearing before, or being examined by, an Inspector, shall be punishable with imprisonment for a term which may extend to three month or with fine which may extend to five hundred rupees or with both.

### Power of Court competent to make orders.

89. (1) The court may, in addition to the sentence passed on the occupier or the manager of the factory for an offence punishable under this Act, also make an order. Such order shall, in the interest of justice regarding the offence so committed, contain such measures as may be specified, to be taken within a fixed periods.(The court may on application extend from time to time such period as it thinks fit.)
- (2) Where an order is made under sub-section (1), the occupier or the manager of the factory, as the case may be, shall not be punishable under this Act in respect of the continuation of the offence during the period allowed or extended by the Court. Provided that on the expiry of such period allowed or extended, if the order of the Court has not been fully complied with, the occupier or manager shall be deemed to have committed a further

offence and shall be punishable with imprisonment for a term which may extended to six months or with fine which may extend to one hundred rupees for each day that he continues so to offend or with both.

#### **Distinct offences**

90. If person are employed in a factory otherwise than in accordance with provisions of this Act, or of any rule or order made there under, it shall be deemed to be a distinct offence in respect of each person so employed.

#### **Punishment for using false certificate of fitness.**

91. Whoever fraudulently and knowingly uses or attempts to use a certificate of fitness granted to another person under section (77), as one granted to him under that section, or whoever having procured such a certificate knowingly, allows another person to use it or to attempt to use it shall be punishable with imprisonment for a term which may extended to one month or with fine which may extend to twenty rupees or with both.

#### **Punishment for permitting double employment of children on the same day.**

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

#### **Determination of occupier**

93. (1) Where the occupier of the factory is a firm or other association of individuals, any one of the parents or individual thereof may be prosecuted and punished under this Act 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 is has nominated one of its partners or individuals who is resident in the Union of Burma to be the occupier of the factory for the purposes of this Act, and such partner and individual shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Act until further notice cancelling his nomination is received by the Inspector or until he cease to be a partner of the firm or an individual of the 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 share-holder thereof, may be prosecuted and punished under this Act 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 share-holder shall, so long as he is so resident, be deemed to be the occupier of the factory for the purposes of this Act until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or share-holder.

(3) Where the occupier of a factory is the Government or a Board constituted by government or any other local authority, any person who has been appointed by the government or such other local authority as the case may be, as head of the establishment there under who is responsible to the occupier which the occupier for the supervisions of the establishment concerned, may be prosecuted and punished for any offence for which the occupier of the factory is punishable under this Act.

#### **Exemption of occupier or manager from liability**

94. (1) Where the occupier or manger of a factory is charged with an offence punishable under this Act, he shall be entitled, upon complaint duly made by him and on giving to the prosecutor not less than three day's notice in writing of his intention so to do 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 punishment as if he were the occupier or manager of the factory, and the occupier or manager shall be discharged from any liability under this Act in respect of such offence. The prosecution shall have the right in any such case to cross-examine the manager or occupier if he gives evidence, and any witnesses called by him in support of his charge and to call rebutting evidence.

- (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:
  - (b) By whom 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 order; 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 punishment as if he were the occupier or manager.

#### **Presumption as to employment**

95. If a person is found in a factory at any time, except during the interval for meals and rest when work is going on or the machinery is in motion, he shall until the contrary is proved, be deemed for the purposes of this Act, and the rules made there-under to have been at that time employed in the factory.

#### **Onus as to age**

- 96. (1) When any act or omission would, if a person were under a certain age, be an offence punishable under a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court prima facie under such age, the burden shall be on the accused to prove that such person is not under such age.
- (2) A declaration in writing by a certified surgeon relating to a worker that he has personally examined him and believes him to be under the age stated in such declaration shall for the purpose of this Act and the rules made there under, be admissible as evidence of the age of that worker.

#### **Cognizance of offence**

- 97. (1) No Court shall take cognizance of any offence under this Act except on complaint by or with the previous sanction in writing of the Inspector.
- (2) No Court below that of a Magistrate of the first class shall try any offence punishable under this Act or any rule or order made there under.

#### **Period of limitation for prosecution**

98. No Court shall take cognizance of any offence punishable under this Act or any rule or order made there under unless complaint thereof is made within six months of the date on which the alleged commission of the offence came to the knowledge of an Inspector:

Provided that where the offence consists of disobeying an order in writing 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 X  
SUPPLEMENTAL**

**Display of notices**

99. (1) In addition to the notices required to be displayed in any factory by or under this Act or the rules made there under, there shall be displayed in every factory a notices containing such abstracts of this Act and of the rules made and address of the inspector and the certifying surgeon.
- (2) All notices required by or under this Act to be displayed in a factory shall be displayed at some conspicuous and convenient place at or near the main entrance to the factory or at every place directed by the inspector and shall be maintained in a clean and legible condition.
- (3) The Chief Inspector may, by order in writing serve on the manager of any factory required that there shall be displayed in the factory any other notices or poster relating to the health, safety or welfare of the workers in the factory.

**Returns**

100. The President may make rules requiring owners, occupiers or manager of factories to submit such return, occasional or periodical, as may, in his opinion, be required for the purpose of this Act.

**Publication of rules**

101. (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 section23 of the Burma General Clauses Act, shall not be less than three months from the date on which the draft of the proposed rules was published.
- (2) All such rules shall be published in the Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

**Application of Act to Government factories**

102. This act shall apply to factories belonging to, or in the occupation of, the Government or any Municipal or other local authority.

**Powers to exempt institutions.**

103. The President of the Union of Burma on such conditions as he may deem fit to prescribe may exempt from the application if any or all the provisions of this Act any work –room or place in any institution which is maintained for the purposes of promoting education or exercise or reform and where any manufacturing process is carried on.

Provided that when the officer in charge of the institution submit to the President of the Union a scheme prescribing holidays, intervals for meals and working hours for employees and those attending the institution and if the President is satisfied that the effect of the provisions of the scheme is not less favorable than that of the provisions of the Act itself, he may make exemption from the application of the provision this Act relating to working hours.

**Oblifation of workers**

104. No worker in a factory -
- (a) shall willfully interfere with or misuse any appliance or other thing provided in the factory for the purpose of securing the health safety or welfare of the worker therein.
- (b) shall willfully and without reasonable cause do anything likely to enough other; and
- (c) shall willfully neglect to make use of any appliance or other thing provided in the factory for the purpose of securing the health or safety of the workers therein.

**General Power to make rules**

105. The President may make rules providing any matter which, under any of the provisions of this Act, is to be or may be prescribed or which may be considered expedient in order to give effect to the purposes of this Act.

**No charge for facilities.**

106. Subject to the provisions of section 48 no fee or charge shall be claimed from any worker in respect of any arrangements to be made, facilities to be provided, any equipment or appliance to be supplied, by the occupier under the provisions of this Act.

**Restriction on disclosure of information.**

107. (1) No Inspector shall, while in service or after leaving the service, disclose otherwise than in connection with the execution or for the purpose of this Act any information relating to any manufacturing or commercial business or any manufacturing process which may come to his knowledge in the course of the discharge of his official duties.
- (2) Nothing in sub-section (1) shall apply to any disclosure of information made with the previous consent in writing of the owner of such business or for the purposes of any legal proceeding (including arbitration) pursuant to this Act or for the purposes of any criminal proceeding which may be taken, whether pursuant to this Act or otherwise, or for the purposes of any report of such proceedings as aforesaid.
- (3) If any Inspector contravenes the provisions of sub-section (1) he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

**Bar to legal proceeding.**

108. 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.

109. The Factories Act (Indian Act. XXV. of 1934) together with its (Amendment) Acts, for the time being in force are hereby repealed: