

HARYANA VIDHAN SABHA

REPORT

OF

THE COMMITTEE

ON

SUBORDINATE LEGISLATION
(TWENTIETH REPORT)
1988—89

(Presented to the Haryana Vidhan Sabha on the 15th March, 1989)



HARYANA VIDHAN SABHA SECRETARIAT, CHANDIGARH
March, 1989

CONTENTS

	Pages
Composition of the Committee	(iii)
I Introduction	(iv)
II Report	1
III Scope and Functions of the Committee	2—5
IV General Observations/Recommendations of the Committee	5—8
V Scrutiny of the Punjab Factory Rules, 1952 framed under the Factories Act, 1948.	9—59

(iii)

**COMPOSITION OF THE COMMITTEE
(1988-89)**

Chairman

Shri Surender

Members

Shri Hazar Chand

Smt. Vidya Beniwal

Dr. Brij Mohan

Shri Raghu Yadav

Smt. Jasma Devi

Shri Bhagwan Sahai Rawat

Advocate General

Secretariat

- 1. Shri S. S. Ahlawat, Secretary**
- 2. Shri Janardhan Singh, Under Secretary**

The Committee was constituted—Vide Haryana Vidhan Sabha Secretariat Notification No. HVS-LA(Sub-leg)-1/88-89/39, dated the 22nd April, 1988.

INTRODUCTION

1. the Chairman of the Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this twentieth Report.

2. The Committee consisting of eight Members (including the Advocate General) was nominated by the Speaker, Haryana Vidhan Sabha under Rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 22nd April, 1988 and was notified in the Official Gazette.—vide Notification No HVS-LA(Sub-leg)-1/88-89/39, dated the 22nd April, 1988.

3. A brief record of the proceedings of each meeting of the Committee has been kept on record of the Haryana Vidhan Sabha Secretariat.

4. The Committee place on record their appreciation for the valuable and willing assistance given by the Commissioner and Secretary to Govt. Haryana, Labour and Employment Department and Departmental Officers and the representative of the Law Department in their deliberations.

5. The Committee also place on record their high appreciation and whole hearted co-operation and assistance given by the Secretary, Under Secretary, Superintendent and staff of the Legislation Branch.

CHANDIGARH :
The 8th February, 1989.

SURENDER
CHAIRMAN

REPORT

1. The Committee on Subordinate Legislation for the year 1988-89, consisting of eight Members, including the Chairman and the Advocate-General was nominated by the Speaker, Haryana Vidhan Sabha under Rule 243 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly on the 22nd April, 1988 and was notified in the Official Gazette vide Notification No. HVS-LA(Sub-leg)-1/88-89/39, dated 22nd April, 1988

2. Shri Surender, was appointed as the Chairman of the Committee by the Speaker.

3. The Committee held 49 sittings till the presentation of this Report. Before scrutinizing the rules framed under the Factories Act, 1948, the Committee discussed its scope and functions and the procedure for scrutinizing the rules, regulations, order etc. Committee also orally examined the representatives of the Labour and Employment Department of the State Government.

SCOPE AND FUNCTIONS OF THE COMMITTEE

The scope and functions of the Committee are set down in rules 242, 250 and 251 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly. Rule 242 enjoins upon the Committee "to scrutinise and report to the House whether powers to make regulations, rules, sub-rules, bye-laws, etc. conferred by the Constitution or delegated by Legislature are being properly exercised within such delegation and consider such other matters as may be referred to it by the Speaker". Further rule 250 of the said Rules lays down that while examining any such set of rules, bye-laws, etc. the Committee shall, in particular consider :—

- (i) whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made ;
- (ii) whether it contains matters, which in the opinion of the Committee should more properly be dealt within an Act of the Legislature ;
- (iii) whether it contains imposition of any tax ;
- (iv) whether it directly or indirectly bars the jurisdiction of the courts ;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power ;
- (vi) whether it involves expenditure from the Consolidated Fund of the State or the Public Revenues ;

- (vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made ;
- (viii) whether there appears to have been unjustifiable delay in the publication or laying it before Legislature ; and
- (ix) whether for any reason its form or purport calls for any elucidation .

Rule 251 lays down as follows—

1. If the Committee is of opinion that any order should be annulled wholly or in part or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.
2. If the Committee is of opinion that any other matter relating to any order should be brought to the notice of the House, it may report that opinion and matter to the House.

In short, the functions of the Committee are to see if the rules framed by the Executive are within the scope of the delegation made under the Act and do not go beyond the scope of such delegation. If the Committee finds that any rule is beyond the scope of the powers delegated under the Act by the Legislature, the Committee can recommend that the rule be suitably amended or omitted.

There are certain rules which are required by the statute to be laid before the Legislature. But, the Committee is competent to examine all the Rules, Regulations etc. framed by the Government under various Acts irrespective of the fact whether these have been laid on the Table of the House or not.

The Committee is competent to send for persons, papers or records if such a course is considered necessary for the discharge of its duties. In this connection attention is invited to rule 248 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly, which reads as under :—

“248. (1) The Committee on Subordinate Legislation shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties :

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker, whose decision shall be final :

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee."

The Committee has framed the working rules wherein the detailed procedure has been laid down. Generally, the Committee from time to time select set of rules framed under the various Acts for their scrutiny and examine these at the first instance at their own level with the assistance of the Law Department and the Vidhan Sabha Secretariat. The Committee then invites the Administrative Secretary concerned for oral examination to explain the discrepancies found in the various rules/orders. After the rules/orders and the departmental representatives have been examined, the Committee prepares the report and presents it to the House.

Some of the Parliamentary conventions established in connection with the scrutiny of Rules, Regulations, Bye-laws etc. are given below :—

1. The Committee would scrutinise only such rules as have already been framed and published in the Gazette and not the draft rules.

2. The Committee should see that rules are framed under an Act as early as possible after the enactment of the Act and in no case this period should exceed six months. If the Rules are not framed within six months, the Committee may ask the Department about the reasons for the delay in framing the rules. This is only by convention.

3. Executive should ensure that no rule goes beyond the power delegated by legislature. If the rules go beyond the power delegated by legislature, the Committee may examine the same and report to the House.

4. The Executive should be impressed upon that whenever rules are framed or amendments are made in the existing rules, these should be serially and centrally numbered and should indicate in the margin of each rule the reference of the section under which the rules are framed.

However, some of the broad principles established by the Committee for the guidance of the Executive are given below :—

- (i) As far as possible, guidelines/criteria to be followed by the authority concerned for the exercise of discretionary power vested in it should be laid down in the rules.
- (ii) In cases where the authority concerned deviates from a

norm, it should be required to record in writing the reasons for such deviation.

- (iii) Before any adverse action is taken against a party, it should be given a reasonable opportunity of being heard; and after a decision adversely affecting a party has been taken it should have the right of appeal or representation, as the case may be.
- (iv) In order that the persons similarly placed are not treated differently, the powers of exemption/relaxation should be exercisable in respect of categories or classes of persons, as contradistinguished from individuals.
- (v) In cases where an authority concerned is vested with the power to suspend a license or supplies, pending institution of regular proceedings, a maximum time-limit for suspension should be laid down in the rules.
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well-defined and not worded vaguely.
- (vii) In case of seizures and searches, suitable safeguards like the presence of witness, preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided.
- (viii) In case of rules relating to disciplinary proceedings not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority be also laid down in the rules.
- (ix) Statutory rules should be amended by statutory rules only and not by executive orders.
- (x) The rules made in exercise of powers delegated under statute are precise and free from ambiguity instead of being cryptic, sketchy or skeleton or needing further interpretation. It should be in simple language so that different people cannot put different interpretations. For example, expressions like 'unreasonably, large quantity', 'reasonable interval' or 'frequent intervals' etc. should be avoided.

GENERAL OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1. Delay in framing the Rules

The Committee reiterates the recommendations made in its previous nineteen Reports and observes that ordinarily Rules should be framed as early as possible after the enactment of an Act and in no case the period should exceed six months. If no rules are framed within the said period after the enactment of the Act, the Department

concerned should bring in each case this fact to the notice of the Committee stating the reasons to the satisfaction of the Committee for not framing the rules within that period.

The Committee further recommends that whenever an Ordinance is promulgated, the rules should be prepared simultaneously so that there should not be wide gap between the Ordinance/Act and the Rules.

2. Reference of Section under which Rules are framed.

The main function of the Committee on Subordinate Legislation is to scrutinise and report to the House whether the powers to make regulations, rules etc. conferred by the Constitution or delegated by Legislature are being properly exercised by the Executive within the delegation. The Committee observes that the Government Department generally supply the copies of rules without the preamble or note above the rules with the result that it becomes rather difficult for the Committee to know under what precise authority the rules have been framed. The Committee further observes that reference of the section under which each rule or order was framed is not indicated generally in the margin of each rule. The Committee is of the view that giving of reference of the section under which each rule has been framed in the margin of each rule is essential to enable the Committee and all concerned to know under what precise authority each rule has been framed.

The Committee reiterates the recommendations made in its earlier Reports that whenever rules are supplied to it the authority or the relevant section under which a particular rule or set of rules has/have been framed should also be mentioned in the margin of each rule.

If in the margin of each set of rules there is no reference of the section(s) under which each rule has been framed, Government Departments may invariably supply a memorandum containing the reference to the relevant section of the Act under which each rule has been framed so that the Committee may be able to understand under what precise authority each rule has been framed and whether in any case the Government has transgressed the powers delegated by the Legislature.

The Committee further recommends that whenever several amendments are made in a set of rules the same may be republished after incorporating all the amendments made from time to time. This recommendation of the committee should be observed meticulously.

3. (i) Supply of printed and up-to-date corrected copies of the Rules

The Committee observed that certain Departments supplied cyclo-styled copies of the rules for its scrutiny. During the scrutiny of the rules the Committee came across a large number of typographical/spelling mistakes in those copies, with the result that it was difficult for it to determine whether the errors were typographical or they actually existed in the rules, as originally published in the Gazette.

The Committee, therefore, recommends that copies of the rules to be supplied to it by the Department should be in the printed form or in the form of Gazette in which they are published, if, however, it is not possible for the Department to do so, it should be ensured that the copies of the rules, orders etc. are up-to-date, meticulously compared and duly corrected before supplying these to the Committee to save its valuable time in pointing out such mistakes.

The Committee further recommends that it is the duty of the Department concerned to see that the rules supplied to the Committee are amended up-to-date and ensure that the suggestions/recommendations/observations made by the Committee from time to time and agreed to by the concerned Department are implemented by the Department and incorporated in the rules.

The Committee further recommends that whenever any Act is amended, it should be looked that the relevant rules and forms are also amended so as to bring them in consonance with the change in the Act.

(ii) Footnote in the Act and Rules

It came to notice of the Committee that some times it is laid down in the Act and Rules that such Act and Rules shall come into force on such date as may be specified in the notification by the State Government. The Committee is of the view that in such circumstances the date of commencement of the Act and Rules should invariably be given in the footnote so that legislators in particular and the public in general may come to know as to from which date the Act and Rules had come into force.

The Committee further recommends that whenever any amendment is made in an Act or Rules framed thereunder, it should also invariably be stated in the footnote the reference of the Act or Rules by which amendment has been made.

4. Framing of Rules/Laws under Article 309 of the Constitution

The Committee observes that no Act has so far been enacted under Article 309 of the Constitution of India for regulating the conditions of service of the employees of the State. However, the conditions of service of the employees are regulated by the rules framed under proviso to Article 309 of the Constitution of India.

The Committee feels that after a long period of 40 years, it is improper to continue to enforce the service rules framed under the powers conferred by proviso to article 309 of the Constitution of India, which is a transitory provision empowering the State Government to frame Rules till they do not have their own Legislation. The Committee is constrained to observe that the time has now come rather the State Government is late in not enacting an Act as envisaged in Article 309 and recommends that an Act under Article 309 of the Constitution of India should be enacted to regulate the conditions of service of the employees relating to recruitment, punishment etc. of Government servants.

in replacing the existing rules and necessary steps should be taken in that direction by the State Government at the earliest.

The Committee in its earlier reports for the year 1983-84, 1984-85, 1985-86, 1986-87 and 1987-88 made recommendations in this behalf but no efforts seem to have been made by the State Government in this behalf. The Committee reiterates its earlier recommendations and hope that the Government will soon make an Act under proviso to Article 309 of the Constitution of India so that there may be uniformity in the regulation of conditions of service, recruitment and punishment etc. of the civil servants.

5. Publishing the Acts and Rules in Hindi

The Committee observes that at present Acts and Rules are available in English language only. The Regional language of the State as well as National Language is Hindi. Under the Haryana Official Language Act, 1969, at present, whenever any Bill is introduced in the State Legislature, its authenticated Hindi translated version is also supplied to the Members. The Committee reiterates its earlier recommendation and recommends that all the Acts and Rules be translated into Hindi and made available to the legislators in particular and the public in general so that everybody may be able to know the law of the land.

6. Laying of Rules on the Table of the House

The Committee has observed that a majority of the Acts contain provisions requiring the Government merely to publish the Rules framed thereunder in the Official Gazette. There is no provision for laying the same on the Table of the House, with the result that the House can exercise no direct check over them. The Committee is of the view that there should be uniformity in the provisions of the Acts, delegating legislative powers and recommends that in future all the Acts, enacted by the State Legislature whether falling in the State List or Concurrent List of Seventh Schedule of the Constitution of India, which contain provisions for making rules, should also invariably lay down provision for laying of rules on the Table of the House as soon as possible.

7. Delay in laying Rules on the Table of the House

The Committee recommends that where the rules, orders etc. are required to be laid on the Table of the House/ before the State Legislature under any statute, the same should be laid on the Table of the House as early as possible immediately following such publication in the Gazette, so that the House may statutorily modify or annul such rules. If such rules are published, while the Assembly is in Session, the rules should be laid on the Table of the House during that Session.

The Committee also recommends that in future each Government Department concerned should invariably forward with each set of "Orders", such as rules, regulations, bye-laws, etc the following Statement of "Orders" in respect of which there has been delay in framing the orders and laying them on the Table for the information of the Committee :—

Statement of "Orders" such as rules, orders, regulations, etc. in respect of which there has been delay in framing the "Orders" and laying them on the Table—

Sr. No.	Name Description of order "Order"	Date of publication in the Gazette	Date of laying on the Table	Approximate delay and reasons of delay, if any	Department concerned
---------	-----------------------------------	------------------------------------	-----------------------------	--	----------------------

8. Implementation of recommendations of the Committee

The Committee observes with great regret that the work regarding the implementation of recommendations/observations is very slow. The Committee, which works on behalf of the House, felt that the object with which it was constituted would be defeated if its recommendations are either not implemented at all or are implemented after a long time.

The Committee, therefore, recommends that the action on the outstanding recommendations and observations contained in its earlier reports should be given top priority and expedited. The Committee also recommends that when a recommendation is implemented by the Government, the Department concerned should supply a copy of the notification containing the amendment in the rules alongwith the statement showing the action taken by the Government in the implementation of its recommendations/observations

SCRUTINY OF THE PUNJAB FACTORY RULES, 1952 FRAMED UNDER THE FACTORIES ACT, 1948.

The Committee scrutinized the Punjab Factory Rules, 1952 framed under the Factories Act, 1948 and made the following observations/recommendations thereon :—

Rule 1.

* * * * *

"1. *Short title, extent and commencement.*—(1) *These rules may be cited as the Punjab Factory Rules, 1952*

(2) They shall extend to the territories which immediately before the 1st November, 1956, were comprised in the States of Punjab and Patiala and East Punjab States Union

(3) Except as hereunder provided with respect to certain rules these rules shall come into force at once —

Rules 31 to 35
(Artificial lighting)

Six months after the enforcement of these Rules.

Rules 55 (Safety precautions)

Six months after the enforcement of these Rules.

Rules 68 (Washing facilities)

Three months after the enforcement of these Rules.

Rule 70 (Ambulance Room)

Three months after the enforcement of these Rules

Rules 71 to 77
(Canteens)

Nine months after the enforcement of these Rules

Rule 78 (Shelters, etc.)

Six months after the enforcement of these Rules.

Rule 79—82 (Creches)

Nine months after the enforcement of these Rules

Rule 102 (Special provision for dangerous operations).

Six months after the enforcement of these Rules"

The Committee recommends that for the word "cited" occurring in line 1 of rule 1(1), the word "called" be substituted.

The Committee recommends that rule 1(2) be redrafted as under :—

"These rules shall extend to the State of Haryana."

The Committee recommends that rule 1(3), be deleted as now there is no need to retain this sub-rule.

Rule 2.

"2(a) and (b) * * * *

* * * *

(c) "Artificial humidification" means the introduction of moisture into the air of a room by any artificial means whatsoever, except the unavoidable escape of steam or water vapour into the atmosphere directly due to a manufacturing process :

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

(d) * * * *

(e) "Degrees of temperature" means degrees on the Fahrenheit Scale.

* * * *

The Committee recommends that in proviso to Rule 2 (c) in place of 80 degree the new terminology of measuring temperature be substituted.

The Committee recommends that the word "Fahrenheit" occurring in rule (2)(e) be substituted by the "Centigrade" Scale.

Rule 4.

* * * *

"4 *Certificate of Stability.*—(1) No manufacturing process to be carried on with the aid of power shall be begun, or carried on in any building or part of a building until a certificate of stability of the building or part of the building in Form No 1-B signed by a person possessing the qualifications prescribed in sub-rule has been delivered to and accepted by the Chief Inspector. No extended portion of any factory wherein manufacturing process is being carried on with the aid of power shall be used as a part of the factory any time after the extension, nor plant or machinery shall be

added in any factory nor brought into use any time, after such addition until such a certificate in respect of such extension or plant has been delivered to and accepted by the Chief Inspector or Factories.

(2) The person competent to certify the plans and specifications or to sign Form No. 1-B shall possess one of the following qualifications or he shall be a person who is in the opinion of the Chief Inspector, suitably qualified :—

*	*	*	*	*	*
*	*	*	*	*	32 years
*	*	*	*	*	and 50
					of 10

The Committee recommends that in line 2, of rule 4(1), the word "be" after the word "shall" be deleted being superfluous. 6

The Committee further recommends that the following words in rule 4(2) be deleted :— 7

"... or he shall be a person who is in the opinion of the Chief Inspector, suitably qualified."

Rule 11.

"11. (1)	*	*	*	*	*
(2)	*	*	*	*	*

(3) A fee of five rupees shall be charged on each such application."

The Committee observes that the Punjab Factory Rules, 1952 were framed more than 36 years back when the fee of Rs. 5 for transferring the Licence was prescribed. The Committee is of the opinion that the fee may be enhanced keeping in view of rising of prices. 8

Rule 13.

"13. *Loss of Licence* :—Where a licence granted under these Rules is lost or accidentally destroyed, a duplicate may be granted on payment of a fee of rupees five."

The Committee recommends that the word "or defaced" be inserted after the word "destroyed" and the sign "and" after the word "destroyed" be deleted. The Committee further recommends that the word "is" appearing in line 1 be deleted being superfluous. 9

Rule 14.

"14(1)	*	*	*	*	*
	*	*	*	*	*

- (2) If an application for the grant, renewal or amendment of licence is rejected, the fee paid shall be refunded to the applicant."

10 The Committee recommends that in rule 14(2), after the word and sign "grant," the word and sign "transfer," be added to make the rule more comprehensive.

Rule 16-A.

"16-A. *Powers of Inspectors* :—An Inspector shall, for the purpose of the execution of the powers assigned to him under the Act within the local limits of his jurisdiction have power to do all or any of the following things that is to say—

- (a) to a photograph any worker, to inspect, examine, measure, copy, photograph, sketch or test as the case may be, any building or room, any plant, machinery, appliance or apparatus, any prescribed register or document, or anything provided for the purpose of securing the health, safety or welfare of the workers employed in a factory;
- (b) * * * *
- (c) to prosecute, conduct or defend before a Court any complaint or other proceedings arising under the Act, or in discharge of his duties as an Inspector :

Provided that the powers of district magistrates and such other public officers as are appointed to be Additional Inspectors shall be limited to the inspection of Factories for the purpose notified under subsection (5) of section 8".

11 The Committee recommends that the words "the powers assigned to him under" occurring in line 2 of rule 16-A and the word "a" occurring in line 1 of rule 16A (a) be deleted being superfluous.

12 The Committee further recommends that in proviso to rule 16-A (c), line 1, the spelling of the word "district" be corrected.

Rule 17.

"17(2) (a) to (f) * * * * *

- (g) For every copy of a certificate granted under clause (f) of this rule, a fee of annas four which shall be credited to Government, shall be charged. The Certifying Surgeon shall

maintain a register of all fees paid for the issue of copies of certificates and shall initial each entry made therein.

* * * * *

The Committee recommends that in rule 17(2)(g) for the words "annas four" the figure and word "25 Paise" be substituted. 13

Rule 19.

"19-B. Provision of Thermometres :—(1) If it appears to the Inspector that in any factory, the temperature of air in a workroom is sufficiently high and is likely to exceed the limits prescribed in rule 19-A, he may serve on the manager of the Factory an order requiring him to provide sufficient number of whirling hygrometers or any other type of hygrometers and direct that the dry-bulb and wet-bulb reading in each such work-room shall be recorded at such positions as approved by the Inspector twice during each working shift by a person especially nominated for the purpose by the manager and approved by the Inspector.

19-C. Ventilation.—(1) In every factory the amount of ventilating opening in workroom below the eaves shall, except where mechanical means of ventilations required by sub-rule (2) are provided, be of an aggregate area of not less than fifteen per cent of the Floor area and so located as to afford a continued supply of fresh air :

* * * * *

(2) Where in any factory owing to special circumstances such as situation with respect to adjacent buildings and height of the building with respect to floor space, the requirements of ventilation openings under sub-rule (1) cannot be complied with or in the opinion of the Inspector, the temperature of air in a work-room is sufficiently high and is likely to exceed the limits prescribed in rule 19A, he may serve on the manager of the factory an order requiring him to provide additional ventilation either by means of roof ventilators or by mechanical means.

* * * * *

The Committee recommends that the spelling of the word "number" occurring in line 5 of rule 19-B (1) be corrected. 14

15 The Committee recommends that the spelling of the word
 16 "area" occurring in line 5 of rule 19-C (1) be corrected.

16 The Committee further recommends that the word "mechani"
 appearing at the end of rule 19-C (2) be deleted, being
 superfluous.

Rule 41.

"41. *Cooling of water.*—In every factory wherein more than
 two hundred and fifty workers are ordinarily employed :—

(a) the drinking water supplied to the workers shall,
 from 15th April to the 15th September, in every
 year be cooled, so that the temperature of drinking
 water is below 80 degree F :

17 The Committee recommends that in Rule 41(a), the ex-
 pression '80 degree F, be substituted by the expression degree
 26°C.

Rule 55.

SCHEDULE III
(Woodworking Machinery)

5. * * * * * *

(1) * * * * * *

2 A person who is being trained to work a wood-working machine shall be fully and carefully instructed as to the dangers of the machine and the precautions to be observed to secure safe working of the machine.

6 to 9 * * * * * *

* * * * * *

10.

(1) * * * * * *

(2) The wood being moulded at vertical spindle moulding shall, if practicable be held in a jig or holder of such constructions as to reduce as far as possible the risk of accident to the workers."

The Committee recommends that in rule 5(2), in line 1, for the word "a" the words "at a" be substituted and this sub-rule should also be put in bracket. 18

The Committee recommends that for the word "he" appearing in line 2, of rule 10(2), the word "be" be substituted. 19

Rule 56-A.

"56-A(1), to (3) * * * * *

* * * * *

(4) Every gasholder shall be thoroughly examined externally by a competent person at least once in a period of 12 months.

* * * * * *

* * * * * *."

The Committee recommends that qualifications/experience for the "competent person" should be prescribed in sub-rule (4) so as to make this sub-rule more comprehensive. 20

Rule 60-A.

'60-A—Lifting machines, chairs, ropes, and lifting tackles.—

(1) No lifting machine and no chain, rope or lifting tackle, except Fibre rope of fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and all parts have been thoroughly examined by a competent person and a certificate of such a test and examination, specifying the safe working load or loads and signed by the person making the test and the examination has been obtained and is kept available for inspection.

(2) to (4)

*	*	*	*	*	*
*	*	*	*	*	*
*	*	*	*	*	*

(5) All chains and lifting tackle, except a rope sling, shall, unless they have been subjected to such other heat treatment, as may be approved by Chief Inspector of Factories be effectively annealed under the supervision of a competent person at the following intervals .—

(6)

*	*	*	*	*	*
---	---	---	---	---	---

(7) All lifting machines, chains, ropes and lifting tackle except a fibre rope or fibre rope sling, which have been lengthened, altered or repaired by welding or otherwise shall, before being again taken into use be adequately retested and re-examined by a competent person and a certificate of such test and examination be obtained, and particulars entered in the register kept in accordance with sub-rule (3).

*	*	*	*	*	*
*	*	*	*	*	**

21 The Committee recommends that qualifications/experience for the "competent person" should be prescribed in sub-rules

(1), (5) and (7) so as to make these sub-rules more comprehensive.

Rule 61.

"61(1)(a) to (c)

*	*	*	*	*
*	*	*	*	*
*	*	*	*	*

- (d) 'pressure vessel' means an unfired vessel that may be used for containing, storing, distributing, transferring distilling, processing or otherwise handling any gas, vapour or liquid under pressure greater than the atmospheric pressure and included any pipe-line fitting or other equipment attached thereto or used in connection therewith ; and

(2) to (5)	*	-	*	*	*	*
	*		*	*	*	*
	*		*	*	*	*

(6) No new pressure vessel or plant shall be taken into use in a factory after coming into force of this rule unless it has been hydrostatically tested by a competent person at a pressure at least 1 3 times the design pressure and no pressure vessel or plant which has been previously used or which has remained isolated or idle for period exceeding 2 months or which has undergone alterations of repairs shall be taken into use in a factory unless it has been thoroughly examined by a competent person externally and internally, if practicable and has been hydrostatically tested by the competent person at a pressure which shall be 1 5 times the maximum permissible working pressure ;

* * * * *

(7) Every pressure vessel or plant in service shall be thoroughly examined by a competent person ;

* * * * *

(8) In respect of any pressure vessel or plant of thin walls such as sizing cylinder made of copper or any other non-ferrous metal, the maximum permissible working pressure shall be reduced at the rate of five per cent of the original maximum permissible working pressure for every year of its use after the first five years and no such cylinder shall be allowed to continue to be used for more than twenty years after it was first taken into use.

If any information as to the date of construction, thickness of walls or maximum permissible working pressure is not available, the age of such pressure vessel or plant shall be determined by the competent person in consultation with the Chief Inspector of Factories, from the other particulars available, with the manager.

Every new and second hand pressure vessel or plant of thin walls to which repairs likely to affect its strength or

safety have been carried out, shall be tested before use to at least 1.5 times its maximum permissible working pressure."

22 The Committee recommends that in line 2 from the bottom of rule 61(1)(d) for the word "attached" the word "attached" be substituted.

23 The Committee recommends that the qualifications/experience for the "competent person" should be prescribed in sub-rules (6), (7) and (8).

Rule 65.

"65(a) and (b) * * * * *

* * * * *

(c) * * * * *

(i) the only oil contained in the tank shall have a flash point of not less than 150 degree F (close test) and a certificate to this effect shall be obtained from a competent analyst,

* * * * *
* * * * *

24 The Committee recommends that in sub-rule (c)(i), the qualifications of competent analyst be prescribed.

Rule 66.

"66(1) * * * * *

(a) Each room of a factory building shall in relation to its size and the number of persons employed in it be provided with an adequate number of exits for use in case of fire though not necessarily confined to such use, so positioned that each person will have a reasonably free and unobstructed passage from his work place to an exit.

(b) * * * * *

(c) In the case of a factory building or part of a factory building of more than one storey and in which not less than twenty persons work at any one time, there shall be provided at least one substantial stairway permanently constructed either inside or outside the building which affords direct the unimpeded access to ground level.

- (d) In the case of factory building or part of factory building in which twenty or more persons work at any one time above the ground floor, and wherein explosive or highly inflammable materials are used or stored, or which is situated below ground level the means of escape shall include at least two separate and substantial stairways permanently constructed either inside or outside the building and which afford direct an unimpeded access to ground level.

* * * * *

The Committee recommends that in sub-rule (1)(a) line 4, for the word "exists" the word "exits" be substituted. 25

The Committee further recommends that in sub-rule (1)(c) and in sub-rule (1)(d) last three and four lines respectively, be recast as under :— 26

"Permanently constructed spacious stairway or ramp not less than four feet in width either inside or outside the building which affords direct an unimpeded access to ground level."

Rule 66.

"66(2)(a)(b) * * * * *

- (c) No fire escape stair shall be constructed at an angle greater than than 45° from the horizontal.

- (d) No part of factory building shall be farther (along the line of travel) than 150 feet from any fire escape stair.

(3) * * * * *

(4) * * * * *

(1) * * * * *

(2)(a) * * * * *

(i) & (ii) * * * * *

- (iii) has adequate knowledge of the language spoken by majority of the workers in the region in which the factory where he is to be appointed is situated.

(3) *Conditions of Service*—(a) Where the number of Safety Officers to be appointed in a factory as required by a notification in the Official Gazette exceeds one, one of them

shall be designated as the Chief Safety Officer and shall have a status higher than that of the others. The Chief Safety Officer shall be in overall charge of the safety functions as envisaged in sub-rule (4), the other Safety Officer working under his control.

(4) (i) to (vi) * * * *

(vii) to investigate selected accidents ;

The Committee recommends that in sub-rule (2)(c), line 1, after the word "stair" the words "or ramp" be added to make the rule more comprehensive.

The Committee further recommends that in sub-rule (2)(c), line 2, the word "than" occurring after the word "greater" be deleted.

The Committee also recommends that in sub-rule (2)(d), after the word and sign "stair." the words and sign "or ramp." be added.

The Committee recommends that sub-rule (4)(2)(a)(iii) be substituted as under :—

"has adequate knowledge of Hindi".

The Committee recommends that in sub-rule (4)(3)(a) in lines 2 and 3, the words "as required by a notification in the official Gazette" be deleted being superfluous.

The Committee recommends that in sub-rule (4)(4)(vii) the word "selected" be deleted being superfluous.

Rule 66-A.

"66-A. Building and structures.—No building wall, chimney, bridge tunnel, road, gallery, stairway, ramp, floor, platform, staging or other structure, whether of a permanent or temporary character, shall be constructed, situated or maintained in any factory in such a manner as to cause risk of bodily injury.

66-B. Machinery and plants.—No machinery, plant or equipment shall be constructed, situated, operated or maintained in any factory in such a manner as to cause risk of bodily injury.

66-C. *Methods of work.*—No process or work shall be carried on in any factory in such a manner as to cause risk of bodily injury.

66-D. *Stacking and storing of materials, etc.*—No materials or equipment shall be stacked or stored in such a manner as to cause risk of bodily injury."

The Committee recommends that in line 4 of rule 66-A for the word "character" the word "nature" be substituted.

The Committee also recommends that in rule 66-A, 66-B, 66-C and 66-D after the words "risk of" the words "life or" 37 be added.

Rule 68.

"68(5) If female workers are employed, separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where persons of the other sex work or pass. The entrance to such facilities shall bear conspicuous notice in the language understood by the majority of the workers "For Women only" and shall also be indicated pictorially.

* * * * *
* * * * *

The Committee recommends that in sub-rule (5) for the words "the language understood by the majority of workers" the words "Hindi and English" be substituted.

Rule 69.

"69-A. For factories in which the number of persons employed does not exceed ten, or (in the case of factories in which mechanical power is not used) does not exceed fifty persons. Each First-aid box or cupboard shall contain the following equipment :—

- (i) Six small size sterilised dressings.
- (ii) Three medium size sterilised dressings.
- (iii) Three large size sterilised dressings.
- (iv) Three large size sterilised burn dressings.
- (v) One (60 ml.) bottle of cetrimide solution (1 per cent) or a suitable antiseptic solution.
- (vi) One (60 ml.) bottle of mercurochrome solution (2 per cent) in water.

(vii) One (30 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label.

(viii) One pair scissors.

(ix) One roll of adhesive plaster (2 cms. x 1 metre).

(x) Six pieces of sterilised eye pads in separate sealed packets.

(xi) A bottle containing 100 tablets (each of 5 grains) of aspirin or any other analgesic.

(xii) Polythene wash bottle (1/2 litre, i.e. 500 cc.) for washing eyes.

(xiii) A snake-bite lancet.

(xiv) One (30 ml.) bottle containing potassium permanganate crystals.

(xv) One copy of first-aid leaflet issued by the Directorate-General of Factory Advice Service and Labour Institutes, Government of India, Bombay.

(xvi) One set of Resuscitator (for artificial respiration).

B. For factories in which mechanical power is used and in which the number of persons employed exceeds ten but does not exceed fifty. Each First-aid box or cup-board shall contain the following equipment :—

(i) Twelve small size sterilized dressings.

(ii) Six medium size sterilized dressings.

(iii) Six large size sterilised dressings.

(iv) Six large size sterilized burn dressings.

(v) Six (15 gm.) packets of sterilised cotton wool.

(vi) One (120 ml.) bottle of cetrimide solution (1 per cent) or a suitable antiseptic solution

(vii) One (120 ml.) bottle of mercurochrome solution (2 per cent) in water

(viii) One (60 ml) bottle containing salvolatile having the dose and mode of administration indicated on the label.

(ix) One pair scissors.

(x) Two rolls of adhesive plaster (2 cms. x 1 metre).

(xi) Eight pieces of sterilised eye pads in separate sealed packets.

(xii) One tourniquet.

(xiii) One dozen safety pins.

(xiv) A bottle containing 100 tablets (each of 5 grains) aspirin or any other analgesic.

(xv) One polythene wash bottle (1/2 litre, i.e. 500 cc.) for washing eyes

(xvi) A snake bite lancet.

(xvii) One (30 ml.) bottle containing potassium permanganate crystals.

(xviii) One copy of the First Aid leaflet issued by the Directorate-General of Factory Advice Service and Labour Institutes, Government of India, Bombay.

(xix) One set of Resuscitation (for artificial respiration).

C. For factories employing more than fifty persons—each first aid box or cupboard shall contain the following equipment:—

(i) Twenty-four small sterilised dressings.

(ii) Twelve medium size sterilized dressings.

(iii) Twelve large size sterilised dressings.

(iv) Twelve large size sterilised burn dressings.

(v) Twelve (15 gm.) packets of sterilised cotton wool.

(vi) One (200 ml.) bottle of cetrimide solution (1 per cent) or a suitable antiseptic solution

(vii) One (200 ml) bottle of mercurochrome (2 per cent) solution in water.

(viii) One (120 ml.) bottle of salvolatile having the dose and mode of administration indicated on the label.

(ix) One pair scissors.

(x) One roll of adhesive plaster (6 cms. x 1 metre).

(xi) Two rolls of adhesive plaster (2 cms. x 1 metre).

(xii) Twelve pieces of sterilised eye pads in separate sealed packets.

(xiii) A bottle containing 100 tablets (each 5 grains) of aspirin or any other analgesic.

(xiv) One polythene wash bottle (500 cc.) for washing eyes.

(xv) Twelve roller bandages 10 cms. wide.

(xvi) Twelve roller bandages 5 cms. wide.

(xvii) Six triangular bandages.

- (xviii) One tourniquet.
- (xix) A supply of suitable splints.
- (xx) Two packets of safety pins.
- (xxi) Kidney tray.
- (xxii) A snake-bite lancet.
- (xxiii) One (30ml.) bottle containing potassium permanganate crystals.
- (xxiv) First-aid leaflet issued by the Directorate General of Factory Advice Service and Labour Institute, Bombay.
- (xxv) One set of Resuscitator (for artificial respiration) :

Provided that items (xiv) to (xxi) inclusive need not to be included in the standard first-aid box or cupboard (a) where there is a properly equipped ambulance room, or (b) if at least one box containing such items and placed and maintained in accordance with the requirements of section 45 is separately provided :

Provided further that where the Chief Inspector is satisfied he may reduce the number of Resuscitator in the first-aid boxes where Ambulance Room with Resuscitator apparatus is maintained.

* * * * *

34 The Committee recommends that in addition to the first aid equipments prescribed in Rules 69-A, 69-B and 69-C, the following first-aid equipments should also be added keeping in view the advancement of medical science :—

- (i) 6 sterilized cotton rolls 15 gm. each.
- (ii) Band-Aid strips 12 nos.
- (iii) Six pieces of sterilized Eye Pads in separate sealed packet.
- (iv) Magnate for removing foreign body from eyes.
- (v) 100 tablets of Asprin, Paracetamol, Paroxyn, Toxiwin.
- (vi) Two kits pain-aid sprays.
- (vii) Soda Bicarbonate solution.
- (viii) Six packs electrol powder.
- (ix) One roll of elasto plant adhesive Plaster.

Rule 70.

"70 (1) and (2)	*	*	*	*	*
	*	*	*	*	*
(3)	*	*	*	*	*

- (i) A glazed sink with hot and cold water always available.
- (ii) A table with a smooth top at least 180 cms. x 105 cms.
- (iii) Means for sterilising instruments
- (iv) A couch.
- (v) Two stretchers.
- (vi) Two buckets or containers with close fitting lids.
- (vii) A kettle and spirit stove or other suitable means of boiling water.
- (viii) Two rubber hot water bags.
- (ix) Twelve plain wooden splints 900 mm x 100 mm x 6 mm.
- (x) Twelve plain wooden splints 350 mm x 75 mm. x 6 mm.
- (xi) Six plain wooden splints 250 mm. x 50 mm. x 12mm.
- (xii) Six woollen blankets.
- (xiii) Three pairs artery forceps.
- (xiv) One bottle of spiritus Ammoniae Aromaticus (120 ml.)
- (xv) Smelling salts (60 gms.).
- (xvi) Two medium size sponges.
- (xvii) Six hand towels.
- (xviii) Four "Kidney "trays.
- (xix) Four cakes of toilet, preferably antiseptic soap.
- (xx) Two glass tumblers and two wine glasses.

- (xxi) Tea clinical thermometers.
- (xxii) Tea Spoons—two.
- (xxiii) Graduated (120 ml.) measuring glass—two.
- (xxiv) Minimum measuring glass—two.
- (xxv) One wash bottle (1000 cc) for washing eyes.
- (xxvi) One bottle (one litre) carbolic lotion 1 in 20.
- (xxvii) Three charis.
- (xxviii) One screen.
- (xxix) One electric hand torch.
- (xxx) Four first-aid boxes or cupboards stocked to the standard prescribed under C of rule 69.
- (xxxi) An adequate supply of antitetanus toxid.
- (xxxii) Injections Morphia, pethidine, Atropine, Adrenaline, Coramine, Novecam — 6 each.
- (xxxiii) Corine Liquid (60 ml) . .
- (xxxiv) Tablets antihistaminic, antispasmodic (25 each).
- (xxxv) Syringes with needles—2 cc, 5 cc, 10 cc, 50 cc.
- (xxxvi) Surgical Scissors — three.
- (xxxvii) Needle holder.
- (xxxviii) Suturing needles and material.
- (xxxix) Dissecting Forceps — three.
- (xl) Dressing forceps — three.
- (xli) Scalpels — three.
- (xlii) Stethoscope — one.
- (xliii) Rubber bandage — Pressure bandage.
- (xliv) Oxygen cylinder with necessary attachments.
- (4)

(5) The Chief Inspector of Factories may, by an order in writing, exempt any factory from the requirements of this

rule, subject to such conditions as he may specify in that order, if a hospital ambulance room a dispensary is maintained at or within 200 metres of the precincts of the factory such arrangements are made as to ensure the immediate treatment of all injuries sustained by workers within the factory and for providing rest to the workers so injured.

* * * * *

The Committee recommends that the list of articles 37 provided in sub-rule (3) be revised in view of the advancement of medical science.

The Committee recommends that in sub-rule (5) in line 4 38 after the word "Hospital" the sign ";" and again in line 6 before the words "a dispensary" the word "or" be inserted.

Rule 78.

"78. *Shelter, rest rooms and lunch rooms.*—(1) This rule shall apply to all such factories wherein more than 150 workers are ordinarily employed.

(2)

(a) to (d) * * *

(e) Sweepers shall be employed whose primary duty it is to keep the rooms, buildings and precincts thereof in a clean and tidy condition."

The Committee recommends that for the word "Shelter" 39 appearing in the heading of rule 78 the word "Shelters" be substituted.

The Committee further recommends that the word "it" 40 appearing in line 2 of sub-rule (2) (e) be deleted being superfluous.

Rule 79.

"79 (7) The occupier of every factory shall provide for facilities for the mothers of children to feed them at regular intervals."

41 The Committee recommends that for the words "for facilities for the mothers of children to feed them" the words "facilities to the mothers to feed their children" may be substituted.

Rule 80.

"80(1)(a) and (b)

* * * *

* * * *

(c) An adequate supply of clean clothes, soap and clean towels shall be made available for each child while it is in the creche.

* * * *

* * * *

42 The Committee recommends that for the word "it" appearing in line 3 of sub-rule 1 (c) the word "he/she" be substituted.

Rule 81.

"81. *Supply of milk and Refreshment.*—At least half of pint of pure milk shall be available for each child on every day it is accommodated in the creche and the mother of such a child shall be allowed in the course of her daily work, two intervals of at least 15 minutes to feed the child. For children above two years of age there shall be provided in addition an adequate supply of wholesome refreshment"

43 The Committee recommends that in line 1, for the word "of pint" the word "quarter litre" be substituted.

44 The Committee further recommends that for the word "it" appearing in line 3 the word "who" be substituted.

Rule 82-A.

"82-A

(2)

(a)

* * * *

* * * *

* * * *

(b) The creche building shall have,—

(i) a suitable washroom for washing of the children and their clothing;

(ii) + * * *

(iii) adequate number of female attendants who are provided with suitable clean clothes for use while on duty to look after the children in the creche.

* * * *

* * * *

The Committee recommends that in sub-rule 2 (b) (i) the word "suitable" be substituted by the word "suitable".

45

The Committee is of the view that the expression "adequate" is quite vague and therefore, recommends that the exact number of female attendants should be prescribed on the norms—one female attendant upto 20 children and additional female attendant (s) for every 20 children or part thereof.

46

Rule 84.

"84. All Printing Presses attached to daily newspapers publishing more than one edition shall be exempted from the provisions sub-section (1) of section 58 of the Act subject to the condition that the system of overlapping shifts is duly approved by the Chief Inspector of Factories before hand and no worker is made to work more than nine hours a day subject to forty-eight hours a week as provided under section 51 of the Act."

The Committee recommends that the word "of" be inserted between the words "provision" and "sub-section" appearing in line 3.

47

Rule 85.

"85. *Muster-roll for exempted factories.*— (1) The Manager of every factory in which workers are exempted under section 64 or 65 from the provisions of section 51 or 54 shall keep a muster-roll in Form No. 10 showing the normal piece-work rate of pay, or the rate of pay per hour, of all exempted employees. In this muster-roll shall be correctly entered the overtime hours of work and payments therefor of all exempted workers. The muster roll in Form No. 10 shall always be available for inspection.

* * * *

* * * *

49 The Committee recommends that in Rule 85, in line 6, for the words "In this" the word "The" and again in line 6, for the word "entered" the word "depict" be substituted and the word "be" in line 6, be deleted.

Rule 95.

"95 (1)

*

*

*

*

(2) If a worker loses his leave book, the manager shall provide him with another copy on payment of (15 paise) duly completed from his record, within a week of the payment."

49 The Committee recommends that the figure "15" appearing in line 2 of sub-rule (2) be substituted by the figure "50" in view of the rising prices.

Rule 96.

"96. *Medical Certificate.*— If any worker is absent from work due to his illness and he wants to avail himself of the leave with wages due to him to cover the whole or part of the period of the illness under the provisions of clause (7) of section 79 of Chapter VIII of the Act as revised by the Factories (Amendment) Act, 1954, he shall, if required by the Manager, produce a medical certificate signed by a registered medical practitioner or by a registered or recognised Vaid or Hakim, stating the cause of the absence and the period for which the worker is, in the opinion of such medical practitioner, Vaid or Hakim, unable to attend his work or other reliable evidence to prove that he was actually ill during the period for which the leave is to be availed of."

50 The Committee recommends that the words "or by a registered or recognised Vaid or Hakim" appearing in line 8 and the word and sign "Vaid or Hakim" appearing in line 10 be deleted in view of the advancement of Medical Science.

Rule 100.

"100. *Payment of wages if the worker dies.*—If a worker dies before he resumes work, the balance of his pay due for the period of leave with wages not availed of shall be paid to his nominee within one week of the intimation of the death of the worker. For this purpose each worker shall submit a nomination in Form No. D annexed hereto duly signed by himself and attested by two witnesses. The nomination shall remain in force until it is cancelled or revised by another nomination."

51 The Committee recommends that for the word "the" appearing in line 2 before the words "resumes work", the word "he" be substituted.

Rule 102

SCHEDULE I

Para 1

"1. *Fencing of Machines.*—All machines for filling bottles or syphons shall be so constructed, placed or fenced as to prevent, as far as may be practicable, a fragment of a bursting bottle or syphon from striking any person employed in the factory."

The Committee recommends that in line 3, for the word "a" accuring between the words and sign "practicable," and "fragment" the word "any" be substituted. 52

SCHEDULE-II

Para 8

"8. *Cautionary placard.*—A Cautionary placard in the form specified by the Chief Inspector and printed in the language of the majority of the workers employed shall be affixed in a prominent place in the factory where it can be easily and conveniently read by the workers."

The Committee recommends that in line 2, the word "Hindi and in" be inserted between the words "printed in" and "the language." 53

Para 9

"9 (a) * * * * *

(b) * * * * *

(c) If at any time, the registered medical practioner is of opinion that any person is no longer fit for employment in the electrolytic chrome and intimate the Manager in writing that the said person is unfit for work in the said process.

(d) A person so found unfit by the registered medical practitioner shall be sent by the manager to the Certifying Surgeon with a report from the registered Medical Practitioner. Certifying Surgeon after examination may suspend the said person from working in the said process No person after suspension shall be employed without written sanction from the Certifying Surgeon entered in or attached to the health register."

The Committee recommends that in para 9 (c) and (d) in place of the words "registered medical practitioner" the words "qualified medical practitioner" be substituted. 53

SCHEDULE-III

Para I

"1. *Savings*.—This schedule shall not apply to the manufacture or repair of electric accumulators or parts thereof not containing lead or any compound of lead; or to the repair, on the premises, of any accumulator forming part of a stationery battery".

55 The Committee recommends that in line 2, for the word "manufactur" the word "manufacture" be substituted.

Para 6

"6. *Ventilation*.—Every workroom shall be provided with inlets and outlets of adequate size as to secure and maintain efficient ventilation in all parts of the room."

56 The Committee recommends that in line 2, for the word "or", the word "of" be substituted.

Para 7

"7. *Distance between workers in pasting room*.—In every pasting room the distance between the centre of the working position of any paster and that of the paster working nearest to him shall not less than five feet."

57 The Committee recommends that in line 3-4, between the words "not" and "less" the word "be" be inserted.

Para 18

"18 (a) A cloak-room for clothing put off during working hours with adequate arrangements for drying the clothing if wet. Such accommodation shall be separate from any mess-room."

58 The Committee recommends that in line 3, for the word "any" the word "the" be substituted.

SCHEDULE - V

Para I

"1 (a) * * * * *

(b) * * * * *

(c) "Grinding" means the abrasion by aid of mechanical power, of metal by means of a grindstone or abrasive wheel.

(d) "Glazing" means the abrading, polishing or finishing, by aid of mechanical power of metal by means of any

wheel, buff, mop or similar appliance to which any abrading or polishing substance is attached or applied"

The Committee recommends that in line 2 of para 1 (c), the sign "," appearing after the word "power" be deleted. 57

The Committee further recommends that in para 1 (d), line 1, the sign "," appearing after the word "finishing" be deleted. 60

Para 8

"8. (a) Every person employed in any process pecified in para 3 shall be examined by the Certifying Surgeon within fourteen days of his first employment in such process and thereafter shall be examined by the Certifying Surgeon at intervals of not more than three months."

The Committee recommends that in line 1, for the word "pecified" the word "specified" be substituted. 61

SCHEDULE - VI

Para 2

"2. Definitions.—For the purpose of this Schedule:—

(a) 'Lead Compound' means any compound of lead other than gelena which, when treated in the manner prescribed below, yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent of the dry weight of the portion taken for analysis. In the case of prints and similar products and other mixture containing oil or fat the 'dry weight' means the dry weight of the material remaining after the substance has been thoroughly mixed and treated with suitable solvents to remove oil, fats varnish or other media.

(b) **Efficient Exhaust draught**—Means localised ventilation effected by heat or mechanical means for the removal of gas, vapour, dust or fumes so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fumes or dust, originate."

The Committee recommends that in para 2 (a), line 8, for the word "weigh", the word "weight" be substituted. 62

The Committee further recommends that in para 2(a), in the last line, between the words "fats" and "varnish" the sign "," be inserted, 63

67 The Committee also recommends that in para 2 (b), line 4, for the word "atmospheric", the word "atmospheric" be substituted.

SCHEDULE - VII

Para 7

"7. *Prohibition relating to smoking etc.*—No person shall smoke or carry matches, fire or naked light or other means of producing a naked light or spark in the generating room or building or in the vicinity thereof and warning notice in the language understood by the majority of the workers shall be posted in the factory prohibiting smoking and the carrying of matches, fire or naked light or other means of producing a naked light or spark into such room or building."

65 The Committee recommends that in line 4, the words "Hindi and in" be inserted between the words "notice in" and "the language".

SCHEDULE VIII

"Cleaning or smoothing, roughening, etc., of articles, by a jet of sand, metal shot, or grit, or other abrasive, propelled by a blast of compressed air or steam."

66 The Committee recommends that in the heading, for the word "or" appearing between the words "cleaning" and "smoothing", the sign ";" be substituted.

Para 3

"3 (3) *Provision of separating apparatus.*—There shall be provided and maintained for and in connection with every blasting enclosure efficient apparatus for separating, so far as practicable, abrasive which has been used for blasting and which is to be used again as an abrasive, from dust or particles of other materials arising from blasting, and no such abrasive shall be introduced into any blasting apparatus and used for blasting until it has been so separated :

Provided that this clause shall not apply, except in the case of blasting chambers, to blasting enclosures constructed or installed before the coming into force of this Schedule, if the Chief Inspector is of opinion that it is not reasonably practicable to provide such separating apparatus.

(4) *Provision of ventilating plant.*—There shall be provided and maintained in connection with every blasting enclosure efficient ventilating plant to extract, by exhaust draught effected by mechanical means, dust produced in the enclosure. The dust extracted and removal shall be disposed of by such method and in such manner that it shall not escape into the air of any room; and every other filtering or settling device situated in a room in which persons are employed

other than persons attending to such bag or other filtering of settling device, shall be completely separated from the general air of that room in an enclosure ventilated to the open air."

The Committee recommends that in para 3 (3) line 2, for the word "maintaned" the word "maintained" be substituted. 67

The Committee further recommends that in para 3 (4), line 7, the word "situatted" be substituted by the word "situated". 68

Para 4

"4. *Inspection and Examination.*—(1) Every blasting enclosure shall be specially inspected by a competent person at least once in every week in which it is used for blasting. Every blasting enclosure, the apparatus connected therewith and the ventilating plant shall be thoroughly examined and in the case of ventilating plant, tested by a competent person at least once in every month."

The Committee recommends that qualifications/experience for the "competent person" be prescribed so as to make this para more comprehensive. 69

Para 5

"5 (1)

(2) Each protective helmets shall carry a distinguishing mark indicating the person by whom it is intended to be used and no person shall be allowed or required to wear a helmet not carrying his mark or a which has been worn by another person and has not since been thoroughly disinfected."

The Committee recommends that in line 4, the word "a" appearing after the word "or" be deleted. 70

Para 6

"6. *Precautions in connection with cleaning & other work:*—(1) where any person is engaged upon cleaning of any blasting apparatus or blasting enclosure or of any apparatus of ventilating plant connected therewith or the surroundings thereof or upon any other work in connection with any blasting apparatus or blasting enclosure or with any apparatus or ventilating plant connected therewith so that he is exposed to the risk of inhaling dust which has arisen from blasting. All practical measures shall be taken to prevent such inhalation."

The Committee recommends that in line 3, for the word "thereof" the word "thereof" be substituted. 71

SCHEDULE IX

Para 1

"1. *Cautionary notices.*—(1) Cautionary notices as to an-

72. ~~Labels~~ in the form specified by the Chief Inspector shall be affixed in prominent positions in the factory where they may be easily and conveniently read by the persons employed.

The Committee recommends that the word "positions" appearing in line 3, be substituted by the word "place".

Para 5

"5. *First-aid arrangement*—The occupier shall (a) arrange for an inspection of the hands of all persons coming into contact with chrome solutions to be made twice a week by a responsible person."

73. The Committee recommends that in para 5 the words "responsible person" appearing in lines 3-4 be substituted by the words "medical officer".

SCHEDULE - XI

Para 5

"5. *Improper use of Chemicals*.—(a) No chemicals of solvents shall be used by workers for any purpose apart from the processes for which they are supplied.

(b) Workers shall be instructed on the possible dangers arising from such misuse. These instructions shall further be displayed in bold letters in prominent places in the different sections."

74. The Committee recommends that in para 5 (a) for the word "of" occurring between the word "chemicals" and "solvents" the word "or" be substituted

75. The Committee further recommends that in para 5 (b) the word "in Hindi Devnagri Script" be inserted between the words "letters" and "in" and for the word "in" occurring between the words "letters" and "prominent" in the same line, the word "at" be substituted.

Para 6

"6 (a) * * * *

(b) Workers shall be instructed on the possible dangers arising from the testing of materials or of the use for drinking purposes of any vessel used in, or in connection with, the manufacture of chemicals. These instructions shall further be displayed in bold letters in prominent places in the different sections."

The Committee recommends that in line 5, the words "in Hindi Devnagri Script" be inserted between the word "letters" and "in" and for the word "in" occurring between the words "letters" and "prominent" in the same line, the word "at" be substituted. 76

Para 7

"7. *Process hazards.*—(a) Before commencing any large scale experimental work, or any new manufacture, all possible steps shall be taken to ascertain definitely all the hazards involved both from the actual operations and the chemical reactions. The properties of the raw material used, the final products to be made, and any by products arising during manufacture, shall be carefully studied and provisions shall be made for dealing with any hazards including effects on workers and surroundings, WW-6 may arise during manufacture. The design of the buildings and plant shall be based on the information so obtained. Where necessary advice shall be obtained from the Chief Inspector of Factories on measure to be taken in this regard.

(b) Information in writing giving details of process, its hazards and the steps taken or proposed to be taken for the safety of workers as in sub-clause (a) should be sent to the Chief Inspector of Factories before commencing manufacture, handling or storage of any of the items covered under Schedule 1 whether on experimental, pilot plant or large scale basis."

The Committee recommends that in Para 7 (a) for the sign "," appearing after the word "made" in line 5 the sign "," be substituted. 77

The Committee further recommends that in line 8 the abbreviation "WW-6" be substituted by the word "which". 78

The Committee also recommends that in para 7 (b), between the words "Factories and "before" appearing in line 4, the words "at least 48 hours " be inserted. 79

Para 9

"9. *Instruments.*—All Instruments such as pressure gauges, thermometers, flow meters and weighing measures shall be tested at regular intervals by competent person and record of these tests shall be kept in a register."

The Committee recommends that in line 3 for the words "at regular intervals" the words "after every six months" be substituted as the expression "regular intervals" is quite vague. 80

Para 10

"10. *Cocks and Valves.*—Suitable valves shall be provided in all service lines at sufficiently short intervals for convenience in

blanking off, etc. All cocks and valves shall be provided at least once a month, and tested periodically by a competent person and records of these tests shall be kept in a register. A plan of all service installation shall be kept readily available for perusal."

97 The Committee recommends that for the word "provided" appearing in line 3 the word "operated" be substituted.

82 The Committee further recommends that in line 4, for the word "periodically" the words "after every 3 months" be substituted as the expression "periodically" is quite vague.

Para 14

"14. *Electrical apparatus.*—Electrical plant, fittings and conductors shall, if exposed to a damp or corrosive atmosphere, be adequately protected. Periodic tests shall be carried out on all circuits."

97 The Committee recommends that the word "Periodic" appearing in line 3, be substituted by the words "After every 3 months".

Para 18

"18 (a) * * * * *

(b) All hot exhaust pipes shall be installed outside a building and other hot pipes shall be suitable protected.

(c) * * * * *

(d) Where an inflammable atmosphere may occur the soles of footwear worn by workers shall have no metal on them and the wheels of trucks or conveyors shall be of conducting non-sparking materials. Adequate precautions shall be taken to prevent the ignition of explosive or inflammable substances by sparks emitted from locomotives or other vehicles operated in the factory or on public lines.

(e) No electric arc lamp, or naked light, fixed or portable, shall be used and no person shall have in his possession any match or any apparatus of any kind for producing a naked light or spark in or on or about any part of the factory where there is liability to fire or explosion from inflammable gas, vapour or dust and all incandescent electric lights in such parts shall be in double air tight glass covers.

(f) Prominent notice in the language understood by majority of the workers and legible by day and by night; prohibiting smoking, the use of naked lights, and the carrying of matches or any apparatus for producing a naked light or spark, shall be affixed at the entrance of every room or place where there is the risk or explosion

from inflammable gas, vapour or dust. In the case of illiterate workers, the contents of notice shall be fully and carefully explained to them when they commence work in the factory for the first time and again when they have completed one week at the factory."

The Committee recommends that in para 18(b), the word "suitable" appearing in line 2, be substituted by the word "suitably".

The Committee further recommends that in para 18 (d) line 1, the sign "," be inserted between words "occur" and "the".

The Committee also recommends that the word "any" occurring before the word "apparatus" in line 3 of para 18 (e), be deleted being superfluous.

The Committee recommends that in para 18 (f), for the word "notice" appearing in line 8 the word "notice" be substituted.

Para 21

"21. *Escape of materials.*—(a) Provision shall be made in all plant, sewers, drains, flues, ducts, culverts and buried pipes to prevent the escape and spread of any liquid, gas, vapour, fume or dust likely to give rise to fire or explosion, both during normal working and in the event of accident or emergency."

The Committee recommends that for the word "plant" occurring in line 2, the word "plants" be substituted.

Para 23

"23. *Cleaning of empty containers and storage of combustible materials.* —(a) All empty containers which have held inflammable liquids, and metal containers which have held sulphuric acid shall be rendered permanently safe as soon as practicable, and shall not be repaired or destroyed until such cleaning has been completed.

(b)

(c) Rubbish shall be removed from buildings without delay and placed in special metal containers provided with close fitting lids. The contents shall be removed daily and suitably dealt with waste products containing inflammable or explosive materials shall not be placed on rubbish heaps but shall be destroyed in an appropriate manner."

The Committee recommends that in para 23 (a), for the words and sign "as soon as practicable," appearing in line 4, the words "at once" be substituted.

90 The Committee recommends that in para 23(c) for the words "without delay" occurring in line 1, the word "immediately" be substituted.

91 The Committee further recommends that between the words "materials" and "shall" occurring in line 5, of 23 (c), the word "and" be inserted.

Para 24

"24. *Installing of pipe lines for inflammable liquids.*—All pipe line for the transport of inflammable liquids shall be protected from breakage, shall be arranged so that there is no risk of mechanical damage from vehicles and shall be so laid that they drain throughout without the collection of deposits at any part. All flanged joints, bends and other connections shall be regularly inspected. Cocks and valves shall be so constructed that explosive residues cannot collect therein. The open and closed positions of all cocks, valves shall be clearly indicated on the outside."

92 The Committee recommends that between the words "cocks" and "valves" appearing in the last but one line the word "and" be inserted and the sign ";" appearing after the word "cocks" be deleted.

Para 26

"26. *Safety valves.*—Every still and every closed vessel in which gas is evolved or into which gas is passed and in which the pressure is liable to rise to a dangerous degree, shall have attached to it a pressure gauge, and a proper safety valve or other equally efficient means to relieve the pressure, maintained in good condition. Nothing in this Schedule shall apply to metal bottles or cylinders used for the transport of compressed gases."

93 The Committee recommends that the sign ";" appearing after the word "gauge" in line 4 be deleted being superfluous.

Para 34

"34. *Breathing apparatus.*—(a) There shall be provided in every factory where dangerous gas or fume is liable to escape a sufficient supply of—

- (i) breathing apparatus of an approved make for the hazards involved;

* * * * *

94 The Committee recommends that in para 34(a) (i) for the words "approved make" the words "ISI mark" be substituted.

Para 35

"35. *Treatment of persons.*— In every room or place wherever required in writing by the Chief Inspector there shall be affixed the official cautionary notice regarding gassing and burns. Such notices shall be legible by day and by night and shall be printed in the language understood by the majority of the workers".

The Committee recommends that for the words "the language understood by the majority of the workers" appearing at the end of this paragraph the words "Hindi Devnagri Script". be substituted. 95

Para 36

"36 *Personal protective equipment*—(a) Suitable protective clothing shall be provided for the use of operatives :—

- (i) when operating valves or cocks controlling fluids which by their nature, pressure or temperature would be highly dangerous if a blow out occurred or when cleaning cocks in systems containing such fluids if pressure is likely to exist behind chokes;

The Committee recommends that in para 36 (a) (i), line 3, the sign "," be inserted between the words "dangerous" and "if". 96

Para 37

"37. *Clock rooms*—There shall be provided and maintained for the use of all persons employed in the processes specified in Annexure II to this Schedule a suitable clock room for clothing put off during working hours and a suitable place separate from the clock-room for the storage of overalls or working clothes. The accommodation so provided shall be kept in the charge of a responsible person, and shall be kept clean".

The Committee recommends that the sign "," occurring between the words "person" and "and" appearing in the last line, be deleted being superfluous. 97

Para 38

"38. *Special bathing accommodation*—There shall be provided, for the use of all persons employed in the processes specified in Annexure III to this Schedule, separate sanitary conveniences and sufficient and suitable bathing facilities, which shall be to the satisfaction, of the Chief Inspector."

The Committee recommends that the sign "," occurring between 98

"42. Corrosive or deleterious substance risks in buildings.—

All buildings and plants shall be sited with due regard to possible dangers from accidental liberation or splashing of corrosive and deleterious liquids, and shall be so designed as to facilitate thorough washing and cleaning. The construction of staging and other parts of buildings shall be carried out with materials impervious and resistant to corrosion so far as practicable."

Para 43

"43(a) to (b) x x x x

(c) Passages and work-stations shall not be situated directly below any part of plant where there is risk of escape of dangerous liquid. Access to such parts shall, so far as practicable, be prohibited and danger notices shall be affixed at suitable points."

The Committee recommends that the words and sign", so far as practicable, " appearing in lines 3-4 be deleted and for the words "suitable points" occurring at the end of this paragraph the words "conspicuous places" be substituted.

"46(a) x x x x

(b) Such vessel shall, unless its edge is at least three feet above the adjoining ground or platform, be securely fenced to a height of at least three feet above such adjoining ground or platform."

10 The Committee recommends that the sign "," occurring
in line 2, between the words "platform" and "be" be deleted being
superfluous.

"49(a) There shall be provided for use in an emergency—

(i) adequate and readily accessible means of drenching with cold water persons, and the clothing of persons, who have become splashed with such liquid;

$$x \quad x \quad x \quad x \quad x''.$$

The Committee recommends that in para 49(a)(i) between the words "water" and "persons" appearing in line 2, the sign and word", the" be inserted.

102

Para 51

"51(1) x x x x

- (2) If female workers are employed, separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where persons of the other sex work or pass. The entrance to such facilities shall bear conspicuous notice in the language understood by the majority of the workers "For women only" and shall also be indicated pictorially."

The Committee recommends that in lines 5-6, between the words "conspicuous notice" and "in the language" the words "in Hindi and " be inserted.

103

Para 52

"52. *Mess-room facilities.*—In every factory there shall be provided and maintained, for the use of those remaining on the premises during the rest intervals, suitable and adequate mess-room or canteen accommodation which shall be furnished with sufficient tables and chairs or benches with back rests and where sufficient drinking-water is available, and on the premises not less than 50 feet away from the main factory building, urinal or latrines."

The Committee recommends that the word "accommodation" appearing in lines 4-5 be deleted being superfluous.

104

Para 56

"56. *Duties of workers.*—(1) Every person employed shall.

(2)(a) to 2(e) x x x
x x x x x

- (f) use a metal spade, scraper or pail when cleaning out of removing the residues from any chamber, still tank or other vessel which has contained sulphuric acid or hydrochloric acid or their substance which may cause evolution of arseniuretted hydrogen; or

- (g) remove from a First Aid Box or cupboard or from the Ambulance Room any First Aid appliance on dressing except for the treatment of injuries in the works."

105 The Committee recommends that in para 56(1) the spelling of the word "sahl" be corrected as "shall".

106 The Committee further recommends that in para 56(2) (f) for the word "of" appearing in line 2, the word "or" be substituted.

107 The Committee recommends that for the word "on" occurring in line 2 of para 56(2)(g), the word "of" be substituted.

Para 57

"57(a)

x

x

x

(b) the waste gas pipe fixed to the worm and or receiver, and in addition, blank flanges shall be inserted between the disconnected parts, and the pitch discharge pipe or cock at the bottom of the still shall be disconnected."

108 The Committee recommends that in line 1, the word "and" appearing after the word "warm" be deleted being superfluous.

Para 61

"61(a)

x

x

x

(b) Wooden vessels shall not be used for crystallisation of chlorate or to contain crystallised or ground chlorate; provided that this clause shall not prohibit the packing of chlorate for sale into wooden casks or other wooden vessel."

109 The Committee recommends that in line 2, after the word "Crystallised" the sign "," be added

SCHEDULE XIV

Para 3

"3. *Protective Equipment.*—(a) The occupier shall provide for the use of all persons employed in any corrosive operation suitable protective wear for hand and feet, suitable aprons, face shields, chemical safety goggles, and respirators. The equipments shall be maintained in good order and shall be kept in clean and hygienic condition by suitably treating to get rid of the ill effects of any absorbed chemical and by disinfecting. The occupier shall also provide suitable protective creams and other preparations wherever necessary."

110 The Committee recommends that the sign "." appearing after the word "operation" in lines 3 be deleted and the capital

letter "S" of the word "Suitable" in the same line be changed to small letter.

Para 5

- "5. *Cautionary notice.*—A cautionary notice in the following form and printed in the language which majority of the workers employed understand, shall be displayed prominently close to the place where any of the operations mentioned in paragraph 2 above is carried out and where it can be easily and conveniently read by the workers. If any worker is illiterate effective steps shall be taken to explain carefully to him the contents of the notice so displayed."

The Committee recommends that in line 2, between the words "printed in" and "the language" the words "Hindi and in" be inserted. 111

Para 7

"7(a) x x x x
 x x x x

- (b) Corrosive substances shall not be handled by bare hand but by means of a suitably scoop or other device.

x x x x x x
x x x x x x ."

The Committee recommends that in line 2, for the word "suitably" the word "suitable" be substituted. 112

Para 9

"9(a) x x x x x
 x x x x x

- (b) Whenever it is necessary for the purpose of cleaning or other maintenance work for any worker to enter chamber, tank, vat, pit or other confined space where a corrosive substance had been stored all possible precautions required under section 36 of the Factories Act, 1948, shall be taken to ensure the workers safety."

The Committee recommends that in line 4, the sign "," be added after the word "stored". 113

Para 12

- "T2. *Exemption.*—If in respect of any factory on an application made by the manager the Chief Inspector is satisfied that owing to the exceptional circumstances,

for the infrequency of the process or for any other reason to be recorded by him in writing, all or any of the provisions of this Schedule are not necessary for the protection of the persons employed therein, he may by a certificate in writing which he may at any time revoke, exempt the factory from such of the provisions and subject to such conditions as he may specify therein."

117 The Committee recommends that for the word "owning" appearing in line 3, the word "owing" be substituted.

SCHEDULE—XV

Para 1

"1(1) Handling moving, breaking, crushing, grinding or sieving of any refractory materials, containing not less than 25 per cent total silica for the purpose of manufacture :

(2)(a)	x	x	x
(b)	x	x	x

Provided further that if the Chief Inspector of Factories is satisfied in respect of any factory or part thereof that owing to the special conditions of work or otherwise that any of the requirements of this Schedule can be suspended or relaxed without any danger to the health of the persons employed therein. he may by an order in writing grant such suspension or relaxation for such period and on such conditions as he may think fit. Any such order may be revoked at any time."

115 The Committee recommends that in para 1(1) line 1, after the word "Handling" the sign "," be added.

116 The Committee further recommends that in proviso to para 1(2) (b) the sign "." accouring after the word "therein" in line 6 be substituted by the sign ","

Para 7

"7(a)	x	x	x	x
	x	x	x	x

(b) There shall be provided in every such place a constant supply of water laid on under adequate pressure with sufficient connections and a flexible branch pipe and sprinkling to enable water to be supplied direct to every part of the floor."

117 The Committee recommends that the word "laid on" appearing in line 2 be deleted.

Para 14

"14. In case any existing plant or machinery needs alteration, modification or replacement or in case any new plant is required to be installed, to comply with the requirements of this Scheduled, such alteration, modification replacement or installation of the plant or machinery shall be carried on within a period not exceeding one year from the date of publication of this rule :

x	x	x	x	x	x
x	x	c	x	x	x."

The Committee recommends that after the word "modification" appearing in lines 4-5, the sign "," be added. 118

SCHEDULE—XVI**Para 2**

"2(1) to (4) x x x x

(5) "breathing apparatus" means a helmet or face piece with necessary connection by means of which a person using it breathes air face from dust, or any other approved apparatus."

The Committee recommends that the word and sign "of ISI mark", be added after the word "approved apparatus" appearing in line 3-4 and the sign "." appearing after the word "apparatus" be deleted. 119

Para 3

"3. An exhaust draught effected by mechanical mean which prevents the escape of asbestos dust into the air any room in which persons work, shall be provided and maintained for—

x	x	x	x	x	x
x	x	x	x	x	x."

The Committee recommends that after the word "air" appearing in line 2 the sign "," be added. 120

Para 5

"5(1) x x x x

(a) the floors, work benches and plant shall be kept in a cleanly State and free from asbestos debris and suitable

arrangements shall be made for the storage of asbestos not immediately required for use ;

x	x	x	x	x	x
x	x	x	x	x	x."

121 The Committee recommends that the capital letter "S" of the word "State" appearing in line 2, be changed to small letter.

Para 8

"8(a)	x	x	x	x
(b)	x	x	x	x

(c) in cleaning the cylinders, including the doffers cylinders, or other part of the carding machine by means of hand strickles;

x	x	x	x
x	x	x	x
x	x	x	x
x	x	x	x."

122 The Committee recommends that for the word "doffers" appearing in line 1, the word "deffers" be substituted.

Para 13

"(13) *Cautionary placards.*— Cautionary placards in the form specified in Appendix attached to this Schedule and printed in the language of the majority of the workers employed in the said processes, shall be affixed in prominent places frequented by them in the factory, where the placards can be easily and conveniently read. Arrangements shall be made by the manager to instruct periodically all such workers regarding the precautions concerned in the cautionary placards."

123 The Committee recommends that between the words "printed in" and "the language" appearing in line 3 the words "Hindi and in" be inserted.

SCHEDULE—XVIII

Para 7

"7(A)	x	x	x	x	x
x	x	x	x	x	x

(B) The following items of personal protective equipment shall be provided in sufficient numbers for use by work-

ers employed in the said processes when there is danger of injury during the performance of normal duties or in the event of emergency :—

x	x	x	x	x	x
	x	x	x		x."

The Committee recommends that for the words "in sufficient numbers" appearing in line 2, the words "to everyone separately" be substituted. 124

Para 11

"11. *Medical Examination.*—(a) No worker shall be employed in any factory on any of the processes specified in clause 1, unless he has been medically and radiologically examined by the Certifying Surgeon, has been declared fit and has been granted a certificate of fitness in form No. 32.

x	x	x	x
x	x	x	x
x	x	x	x
x	x	x	x
x	x	x	x."

The Committee recommends that after the word "Certifying Surgeon" appearing in line 4, the word "and" be added and the sign "," appearing after the word "Surgeon" in the same line, be deleted. 125

Para 14

"14(a)	x	x	x	x
	x	x	x	x

(b) Every worker employed in the said processes shall be re-examined by a Certifying Surgeon at least once in every six calendar months. Such examination shall include test which the Certifying Surgeon may consider appropriate but shall include exfoliative cytology of the urine.

(c) A person medically examined under sub-paragraph (a) shall be granted by the Certifying Surgeon, a certificate of fitness in Form No. 39. Record or each re-examination carried out under sub-paragraph (6) shall be entered in the certificate. The certificate shall be kept in the custody of the management of the factory.

- (d) * * * *
- (e) * * * *
- (f) If at any time the Certifying Surgeon is of the opinion that a person is no longer fit for employment in the said processes or in any other work on the ground that his continuance therein would involve damaged to his health, he shall make a record of his findings in the said certificate and the health register. The entry of his findings in these documents should also include the period for which he considers that the said person is unfit for working the said processes or in any work as the case may be.

* * * *

* * * *

126 The Committee recommends that in para (14)(b), for the word "test" occurring in line 4, the word "tests" be substituted.

127 The Committee further recommends that in para (14)(c), for the word "or" appearing in line 4, the word "of" be substituted.

128 The Committee also recommends that in para (14)(f), for the word "damaged" appearing in line 5, the word "damage" be substituted and in line 10, the word "in" be inserted between the words "working" and "the".

Para 16

"(16) *Obligations of the workers.*—It shall be the duty of the persons employed in the said processes to submit themselves for the medical examination including exfoliative cytology of urine by the Certifying Surgeon of the qualified medical practitioner as provided for under these rules."

129 The Committee recommends that between the words "cytology of" and "urine" appearing in line 4, the word "the" be inserted and in line 5, for the word "of" the word "or" be substituted.

SCHEDULE—XVIII

Para 1

"1. * * * *

Provided further that the State Governments may accept any other qualifications in its opinion they are equivalent to the qualification aforesaid."

The Committee recommends that in second proviso to para 1, for the word "they" appearing in line 2, the word "these" be substituted and the word "if" be inserted between the words "qualifications" and "in its" appearing in line 2. 130

Para 4

- "4. *Restriction on smoking*.—Smoking shall be strictly prohibited within 15 metres distance from solvent extraction plant. For this purpose "No smoking" signs shall be permanently displayed in the area."

The Committee recommends that in the end the words and sign "in Hindi and English versions." be added and the sign "." after the word "area" be deleted. 131

Para 9

- "9. *Venting*—(a) Tanks containing solvents shall be protected with emergency venting to relieve excessive internal pressure in the event of fire."

The Committee recommends that the word "event" appearing in line 3, be corrected as "event". 132

Para 16

- "16. *Vapour Detention*—A suitable type of flame proof and portable combustible gas indicator shall be provided and maintained in good working order and a schedule of routine sampling of atmosphere at various location as approved by the Chief Inspector shall be drawn out and entered in a register maintained for the purpose."

The Committee recommends that for the word "ordered" occurring in line 3, the word "order" be substituted. 133

SCHEDULE—XIX

Para 1

"1(a) and (b)

- (c) "Manipulation" means mixing, blending, filling, emptying, grinding, sieving, drying, packing, sweeping, or otherwise handling or manganese or a compound of manganese or an ore or mixture containing manganese."

The Committee recommends that in para 1(c) in line

134 3, the word "or" occurring between the words "handling" and "manganese" be deleted being superfluous.

Para 6

"6(1) * * *

- (2) If a person medically examined is found fit for employment on a manganese process the Certifying Surgeon shall grant a certificate of fitness in Form No 27 which shall be kept in the custody of the Manager of the factory. The certificate shall be readily produced by the Manager whenever required by an Inspector, and the person granted such a certificate shall be provided with a token made of metal with the number of the certificate inscribed thereon and the said person shall always carry said token on his person while at work."

135 The Committee recommends that between the words "carry" and "said" occurring in the last line the word "the" be inserted.

Para 13

- "13. *Cautionary placard and instruction.*—Cautionary notices in the following form and printed in the language of the majority of the workers employed shall be affixed in prominent places in the factory where they can be easily and conveniently read by the workers and arrangement shall be made by the occupier to instruct periodically all workers employed in a manganese process regarding the health hazards connected with their duties and the best preventive measures and methods to protect themselves. The notices shall, always be maintained in a legible condition .—".

136 The Committee recommends that between the words "printed in" and "the language" occurring in line 2, the words "Hindi and in" be inserted.

SCHEDULE—XX

Para 2

- "2. *Application.*—This Schedule shall apply in respect of all factories or any plant thereof in which the process of manufacture or manipulation of dangerous pesticide, hereinafter referred to as the said manufacturing process, is carried on."

137 The Committee recommends that the word "hereinafter" appearing in line 4, be corrected as "hereinafter".

Para 4

- "4 *Cautionary Notice and placards.*—Cautionary notices & placards in the form specified in Appendix I of this schedule and printed in the language of the majority of the workers shall be displayed in all work places in which the said manufacturing process is carried on so that they can be easily and conveniently read by the workers. Arrangements shall be made by the occupier and the manager of the factory to periodically instruct the workers regarding the health hazards arising in the said manufacturing process and methods of protection. Such notices shall include brief instructions regarding the periodical clinical tests required to be undertaken for protecting health of the workers."

The Committee recommends that in line 3, between the words "printed in" and "the language" the words "Hindi and in" be inserted. 138

Para 6

- "6. *Food and drinks, smoking prohibited.*—(i) No food, drink, tobacco, pan and supari shall be brought in or consumed by any worker into any work room in which the said manufacturing process is carried out."

The Committee recommends that the heading of this para be recast as under :— 139

"Food, drinks and smoking prohibited."

Para 14

- "14. *Ventilation.*—(1) In every work room an area where a dangerous pesticides is manipulated, adequate ventilation shall be provided at all times by the circulation of fresh air."

The Committee recommends that for the word "an" occurring in line 1, the word "or" be substituted. 140

Para 16

"16(1) * * * * *

- (2) The washing places shall have stand pipes placed at intervals of not less than one metre."

The Committee recommends that for the word "intervals" appearing in line 2, the words "a distance" be substituted. 141

Para 17

"17(a) A cloak-room for clothing put-off during working hours with adequate arrangements for drying clothing, if yet."

142 The Committee recommends that for the word "yet" appearing in the end, the word "wet" be substituted.

Para 18

"18(a) * * * * *

(b) adequate means for warming food.

* * * * *
* * * * *

143 The Committee recommends that for the word "warning" the word "warming" be substituted.

SCHEDULE—XXI

Para, 10

"10. *Maintenance of records.*—The following hourly records shall be maintained in a long book :—

* * * * *
* * * * *

144 The Committee recommends that for the word "long" appearing in line 2, the word "log" be substituted.

Para 12.

"12. *Prohibition relating to Smoking.*—No person shall smoke or carry matches, fire or naked light or other means of producing a naked light or spark in buildings in which carbon disulphide is refined or stored and a notice in the language understood by a majority of the workers shall be pasted in the plant prohibiting smoking and carrying of matches, fire or naked light or other means of producing naked light or spark into such rooms."

145 The Committee recommends that for the words "the language understood by a majority of the wor-

kers" occurring in lines 5-6, the words "Hindi in Devnagri Script" be substituted.

Para 13

"13. *Means of Escape.*—Adequate means of escape shall be provided and maintained to enable persons to move to a safe place as quickly as possible in case of an emergency. At least two independent staircases of adequate width shall be provided in every building housing the furnaces at the reasonable intervals at opposite ends. These shall always be kept clear of all obstructions and so designed as to afford easy passage."

The Committee recommends that after the word "staircases" appearing in line 5, the words "or ramps" be added. 146

Para 15

"15(a) * * * *

(b) Clear instructions as to how the extinguishers or other equipment should be used printed in the language which the majority of the workers employed understand, shall be affixed to each extinguisher or other equipment and the personnel trained in their use."

The Committee recommends that for the words "the language which the majority of the workers employed under stand," the words "Hindi in Devnagri Script" be substituted. 147

Para 19

"19 *Washing Facilities.*—The occupier shall provide and maintain in a clean state and good repair, for the use of all persons employed, wash place under cover with at least one tap or stand-pipe, having a constant supply of clean water, for every five such persons, the taps or stand-pipes, being spaced not less than 120 centimeters apart with the sufficient supply of soap and clean towels provided that towels shall be supplied individually to each worker if so ordered by the Inspector.

All the workers employed in the sulphur storage handling and melting operations shall be provided with a nail brush."

The Committee recommends that the words "if so ordered by the Inspector" appearing in line 10, be deleted. 148

Para 20

"20. *Personal Protective Equipment.*—(a) Suitable goggles and protective clothing of overalls without pockets gloves and footwear shall be provided for the use of operatives."

149 The Committee recommends that between the words "pockets" and "gloves" the sign "," be inserted.

Para 21

"21. *Cloak-room.*—There shall be provided and maintained for the use of all persons employed in the processes a suitable cloak-room for clothing put off during work hours and suitable place separate from the cloak room for the storage of overalls or working cloths. The accommodation so provided shall be placed in the charge of a responsible person and shall be kept clean."

50 The Committee recommends that for the word "work" occurring in line 4, the word "working" be substituted.

SCHEDULE—XXII

Para 11

"11. *Cautionary notices.*—Cautionary notices in the form specified in Appendix B and presented in the language easily read and understood by the majority of the workers shall be displayed in prominent places in the work-rooms where benzene or substances containing benzene are manufactured, handled or used."

151 The Committee recommends that for the words "and presented" appearing in line 2 the words "displayed" be substituted.

151 The Committee further recommends that for the words "the language easily read and understood by the majority of the workers", appearing in line 2 to 4 the words "Hindi in Devnagri Script" be substituted.

Para 12

"12(a) washing facilities under cover of the standard of at least one tap for every 10 persons having constant supply of water with soap and clean towel provided individually to each workers if so ordered by the Inspector;

(b)

- (c) a mess-room furnished with tables and benches with means of warming food, provided that where a canteen or other proper arrangements exist for the workers to take their meals the requirements of mess-room shall be dispensed with."

The Committee recommends that in para 12(a), the words "if so ordered by the Inspector" appearing in the end, be deleted. 152

The Committee further recommends that in para 12(c), for the sign "," appearing after the word "food" in line 2, the sign "." be substituted. 153

The Committee further recommends that in para 12(c) for the words "provided that" appearing in line 2, the word and sign. "However," be substituted. 154

APPENDIX—B(CLAUSE II)

Para C

- "(c)(i) * * * * *
- (ii) * * * * *
- (iii) Wear hand gloves aprons, goggles and gum boots to avoid contact of benzene with your skin and body parts."

155 The Committee recommends that between the words "gloves" and "apions" in line 1, the sign "," be inserted.

157 The Committee further recommends that the word "your" appearing in line 2, be deleted being superfluous.

Para(d)

- "(d)(i) * * * * *
- (ii) If liquid benzene enters, eyes, flush thoroughly for at least 15 minutes with clean running water and immediately secure medical attention."

157 The Committee recommends that the sign "." after the word "enters" appearing in line 1, be deleted being superfluous.

Rule 103

"103(1) * * * * *

- (2) When any accident or any dangerous occurrence specified in the Schedule, which results in the death of any person as is likely to in such bodily injury to any person as is likely to cause his death, takes place in a factory, notice as mentioned in sub-rule (1) shall be sent also to :

- (3) * * * * *
- (4) * * * * *

Provided further that, if the period of disability of 48 hours of more does not occur immediately following the accident, or the dangerous occurrence, but occurs later, or occurs in more than one spell, the report referred to in sub-rules (1) and (2) shall be sent to the Inspector and Chief Inspector in the prescribed Form 18 within 24 hours immediately following the hour when the actual total

period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours."

The Committee recommends that in Rule 103(2), for the words "as is likely to" appearing in line 3, the words "or which results" be substituted. 158

The Committee recommends that in second proviso to Rule 103(4), for the words "of" appearing after the word "hours" in line 2, the word "or" be substituted. 159

The Committee further recommends that between the words "working" and "resulting" in line 9, and "occurrence" and "becomes" in line 10, the sign "," be inserted. 160

FORM NO. 1

"To construct, extend, or take into use any building as a factory.

1. Applicant's name
Applicant's calling
Applicant's address

2. Full name and postal address of factory

3. Situation of the factory.
State District
Town of village

Nearest Railway Station or steamer Ghat

* * * * *

The Committee recommends that in Form No. 1 in entry 3, for the word "of" appearing between the words "Town" and "village", the sign "/" be substituted. 161

FORM NO. 2

"1. Full name of the Factory with factory licence number, if already registered from before.

* * * * *
* * * * *

The Committee recommends that in entry 1 of Form 2, the words "from before" appearing in the end, be deleted. 162