

ACT No. XXVI OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th
March, 1926.)

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

XII of 1911. **W**HEREAS it is expedient further to amend the Indian Factories Act, 1911, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Factories (Amendment) Act, 1926. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

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

(a) in clause (2), the *Explanation* shall be omitted;

(b) in sub-clause (a) of clause 3, for the words “process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article” the words “manufacturing process” shall be substituted; and in sub-clause (b) of the same clause, for the words “such process” the words “manufacturing process” shall be substituted; and

(c) after clause (3) the following clause shall be inserted, namely:—

“(4) ‘manufacturing process’ means any process for or incidental to,

(a) making, altering, repairing, ornamenting, finishing, or otherwise adapting for use, transport or sale, any article, or part of an article, or

(b) refining oil or pumping or filtering water, or

(c) supplying

Price Anna 1 or 1½d.]

- (c) supplying, generating or transforming pneumatic, hydraulic or electrical energy, and includes the baling of any material for transport."

Amendment of section 3, Act XII of 1911.

3. In section 3 of the said Act, for the figures "1901" the figures "1923" shall be substituted.

Amendment of section 7, Act XII of 1911.

4. In sub-section (1) of section 7 of the said Act,—

- (a) after the words "such person and" the words "if he is fit for employment in a factory" shall be inserted; and
(b) for the words "whether he is fit for employment in a factory" the words "that he is fit for such employment" shall be substituted.

Amendment of section 10, Act XII of 1911.

5. In section 10 of the said Act, for the words "be provided, maintained and used before a specified date" the following shall be substituted, namely:—

"shall be provided before such date as may be specified in the order, and shall thereafter be maintained and used."

Amendment of section 19, Act XII of 1911.

6. (1) Section 19 of the said Act shall be renumbered as sub-section (1) of that section, and in that sub-section as so renumbered the words "as the case may be" shall be omitted.

(2) To the same section the following sub-section shall be added, namely:—

"(2) The Local Government may, by notification in the local official Gazette, prohibit in any factory or class of factories specified in the notification the cleaning by any person of any part so specified of any mill-gearing or machinery while the same is in motion by the action of steam, water or other mechanical or electrical power."

Amendment of section 21, Act XII of 1911.

7. In sub-section (1) of section 21 of the said Act,—

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

"(i) at the request of the employees concerned, periods of rest, at intervals not exceeding five hours, of not less than half an hour each, the total duration of the periods of rest on that day not being less than one hour for each period of six hours' work done";

(b) to

(b) to clause (a) the following proviso shall be added, namely:—

“ Provided that, in lieu of the periods provided under sub-clause (i) or sub-clause (ii) there may be fixed for each male person employed for not more than eight and a half hours on each working day, at the request of the employees concerned and with the previous sanction of the Local Government, a period of rest of not less than half an hour, so arranged that no such person shall work for more than five hours continuously, and ”.

8. In section 25 of the said Act, the words “ woman or ” shall be omitted. Amendment of section 25, Act XII of 1911.

9. In sub-section (1) of section 30 of the said Act,— Amendment of section 30, Act XII of 1911.

(a) in clause (e) after the word “ except ” the number and brackets “ (i) ” shall be inserted, and after the words “ seasons or ” the number and brackets “ (ii) ” shall be inserted;

(b) after the words “ as it may impose ” the words “ and in such area as may be specified in the notification ” shall be inserted;

(c) in the paragraph beginning “ in case (a) ” after the word “ sections ” the figures “ 21 ” shall be inserted;

(d) in the paragraph beginning “ in case (b) ” after the word “ sections ” the figures “ 21 ”, and after the figures “ 22 ” the figures “ 26 ” shall be inserted;

(e) in the paragraph beginning “ in case (c) ” for the word and figures “ and 22 ” the word and figures “ 22 and 28 ” shall be substituted;

(f) after the paragraph beginning “ in cases (d) and (e) ” the following paragraph shall be added, namely:—

“ in case (e) (ii) such class of factories from the provisions of section 26.”

10. In section 31 of the said Act, after the figure “ (1) ” the words and figure “ or sub-section (2) ” shall be inserted. Amendment of section 31, Act XII of 1911.

11. After section 32 of the said Act the following section shall be inserted, namely:— Insertion of new section 32A in Act XII of 1911.

“ 32A. The Local Government may, subject to the control of the Governor General in Council, by notification in the local Other special exemptions.

local official Gazette, exempt on such conditions, if any, as it may impose—

(a) any factory or class of factories from the provisions of section 22 in respect of persons employed therein in any engine-room or boiler-house, or

(b) any fish-curing or fish-canning factory from the provisions of clause (a) of section 24 where the employment of women outside the limits provided by that clause is necessary to prevent any damage to or deterioration of any raw material."

Amendment of section 33, Act XII of 1911.

12. In sub-section (3) of section 33 of the said Act, for the words "the occupier shall himself" the words "or during which the person designated does not manage the factory, any person found acting as manager of the factory or, if no such person is found, the occupier himself shall" shall be inserted.

Amendment of section 34, Act XII of 1911.

13. In section 34 of the said Act, for the words "When any accident occurs in a factory causing." the words "When in any factory an accident occurs which causes" shall be substituted, and after the words "occurrence of the accident" the following shall be inserted, namely:—

"or which is due to any cause which has been notified in this behalf by the Local Government in the local official Gazette."

Amendment of section 35, Act XII of 1911.

14. To section 35 of the said Act the following proviso shall be added, namely:—

"Provided that, where the Local Government is satisfied that the conditions of work in any factory or class of factories are such that no contravention of the provisions of Chapter IV is possible in the case of that factory or of factories of that class, as the case may be, the Local Government may, by notification in the local official Gazette, exempt, on such conditions, if any, as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section in respect of persons, other than children, employed therein:

Provided, further, that, where in the opinion of the inspector a muster roll or register kept in a factory gives the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall be kept in place of the register

register prescribed under this section, and such muster roll or register shall thereupon, for all the purposes of this Act, be deemed to be the register so prescribed."

15. For sub-section (3) of section 36 of the said Act the following sub-section shall be substituted, namely:—

Amendment of section 36, Act XII of 1911.

"(3) The said notice shall be correctly maintained and kept up to date and any change in the standing orders of the factory shall be entered therein by the manager before such change comes into force; and, when any such change is entered in the notice, a copy of the notice or of the order in which the change is made shall be sent in duplicate by the manager to the inspector within thirty-six hours."

16. After section 44 of the said Act the following section shall be inserted, namely:—

Insertion of new section 44A in Act XII of 1911.

"44A. Where a child is employed in any factory and such child has already been employed on the same day in any other factory, the parent or guardian or person having legal custody of or control over or direct benefit from the wages of the child shall be punished with fine, which may extend to twenty rupees, unless it appears to the Court that the offence was committed without the consent, connivance or wilful default of the parent, guardian, or such person as aforesaid."

Employment of children in two factories on the same day.

17. In section 49 of the said Act, after the word "thereunder" the words and figures "other than an offence under section 33" shall be inserted.

Amendment of section 49, Act XII of 1911.