

3. Subject to the provisions of the next succeeding rule the amount recovered in any such action, after deducting any costs not recovered from the defendant, shall be divided between the persons entitled in such proportions as the Court may direct.

4. The Court before which any such action is brought may at any stage of the proceedings make any such order as appears to the Court to be just and equitable in view of the provisions of the First Schedule to this Act limiting the liability of a carrier and of any proceedings which have been, or are likely to be, commenced outside ¹[Pakistan] in respect of the death of the passenger in question.

THE FACTORIES ACT, 1934

CONTENTS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. References to time of day.
4. Seasonal factories.
5. Power to apply provisions applicable to factories to certain other places.
6. Power to declare departments to be separate factories.
7. Power to exempt on a change in the factory.
8. Power to exempt during public emergency.
9. Notice to Inspector before commencement of work.

CHAPTER II

THE INSPECTING STAFF

10. Inspectors.
11. Powers of Inspector.
12. Certifying surgeons.

¹ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "British India".

SECTIONS

SECTIONS

CHAPTER III

HEALTH AND SAFETY

13. Cleanliness.
14. Ventilation.
15. Artificial humidification.
16. Cooling.
17. Overcrowding.
18. Lighting.
19. Water.
20. Latrines and urinals.
21. Doors to open outwards.
22. Precautions against fire.
23. Means of escape.
24. Fencing.
25. Power to require specifications of defective parts or tests of stability.
26. Safety of buildings and machinery.
27. Restrictions on work near machinery in motion.
28. Power to exclude children.
29. Prohibition of employment of women and children near cotton-openers.
30. Notice of certain accidents.
31. Appeals.
32. Power of Provincial Government to make rules to supplement this Chapter.
33. Additional power to make health and safety rules relating to—shelters during rest,—rooms for children,—certificates of stability,—hazardous operations.
- 33A. Power to make rules for the provision of canteens.

CHAPTER IV

RESTRICTIONS ON WORKING HOURS OF ADULTS

34. Weekly hours.
35. Weekly holiday.
- 35A. Compensatory holidays.

36. D

37. In

38. Sp

39. N

40. C

41. R

42. H

43. P

44. P

45. F

46. S

47. E

48. F

49. C

49A.

49B.

49C.

49D.

49E.

49F.

49G.

Se

50.

51.

52.

53.

SECTIONS

36. Daily hours.
37. Intervals for rest.
38. Spread over.
39. Notice of Periods for Work for Adults and preparation thereof.
40. Copy of Notice of Periods for Work to be sent to Inspector.
41. Register of Adult Workers.
42. Hours of work to correspond with Notice under section 39 and Register under section 41.
43. Power to make rules exempting from restrictions.
44. Power to make orders exempting from restrictions.
45. Further restrictions on the employment of women.
46. Special provision for night-shifts.
47. Extra pay for overtime.
48. Restriction on double employment.
49. Control of overlapping shifts.

CHAPTER IVA

HOLIDAYS WITH PAY

- 49A. Application of Chapter.
- 49B. Annual holidays.
- 49C. Pay during annual holidays.
- 49D. Payment when to be made.
- 49E. Power of Inspector to act for worker.
- 49F. Power to make rules.
- 49G. Exemption of factories from provisions of this Chapter.

CHAPTER V

SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN

50. Prohibition of employment of young children.
51. Non-adult workers to carry tokens giving reference to certificates of fitness.
52. Certificates of fitness.
53. Effect of certificate granted to adolescent.

SECTIONS

54. Restrictions on the working hours of a child.
55. Notice of Periods for Work for Children.
56. Register of Child Workers.
57. Hours of work to correspond with Notice and Register.
58. Power to require medical examination.
59. Power to make rules.

CHAPTER VA

SMALL FACTORIES

- 59A. Small Factories.
- 59B. Certain provisions of this Act to apply to small factories wherein child labour is employed.
- 59C. Certain other provisions of law not barred.

CHAPTER VI

PENALTIES AND PROCEDURE

60. Penalty for contraventions of Act and rules.
61. Enhanced penalty in certain cases after previous conviction.
62. Penalty for failure to give notice of commencement of work or of change of manager.
63. Penalty for obstructing Inspector.
64. Penalty for failure to give notice of accidents.
65. Penalty for failure to make returns.
66. Penalty for smoking or using naked light in vicinity of inflammable material.
67. Penalty for using false certificate.
68. Penalty on guardian for permitting double employment of a child.
69. Penalty for failure to display certain notices.
70. Determination of "occupier" for purposes of this Chapter.
71. Exemption of occupier or manager from liability in certain cases.
72. Presumption as to employment.

SECTIONS

73. Eviden
74. Cogniz
75. Limita

76. Displa

77. Power

78. [Repe

79. Public

80. Applic

81. Protec

82. [Repe

THE SCHED

An Act to co

WHEREA

*For Sta
Pt. V, pp. 175 a
Pt. V, pp. 44 an
The Act
Tanawal to the
modifications, a
tion, 1950, and
other than Phul
as may be noti
Regulation, 195

The Act
Factories (Punj
Factories (Nor
1947), and also
tive Fines Cont

This Ac

(i) Lea

195

Are

(ii) Bal

Lav

(iii) Kh

(iv) Sta

La

SECTIONS

73. Evidence as to age.
74. Cognizance of offences.
75. Limitation of prosecutions.

CHAPTER VII

SUPPLEMENTAL

76. Display of factory notices.
77. Power of Provincial Government to make rules.
78. [Repealed.]
79. Publication of rules.
80. Application to Government factories.
81. Protection to persons acting under this Act.
82. [Repealed.]

THE SCHEDULE.—[Repealed.]

ACT No. XXV OF 1934

[20th August, 1934]

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

WHEREAS it is expedient to consolidate and amend the

¹ For Statement of Objects and Reasons, see Gazette of India, 1933, Pt. V, pp. 175 and 176 ; and for Report of Select Committee, see *ibid.*, 1934, Pt. V, pp. 44 and 45.

The Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.-W.F.P., subject to certain modifications, see N.-W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950, and extended to the Excluded Area of Upper Tanawal (N.-W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.-W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

The Act in its application in the Punjab has been amended by the Factories (Punjab Amdt.) Act, 1940 (Punjab 7 of 1940), in N.-W.F.P., by the Factories (North-West Frontier Province Amdt.) Act, 1946 (N.-W.F.P. 7 of 1947), and also temporarily in Bengal by the Bengal Civic Guards and Collective Fines Continuance Ordinance, 1946 (Ben. 2 of 1946).

This Act has been extended to the—

- (i) Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950) ; and also applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499;
- (ii) Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953), as amended;
- (iii) Khairpur State, see G. G. O. 5 of 1953, as amended; and
- (iv) State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

Continued on next page

law regulating labour in factories ; It is hereby enacted as follows :—

CHAPTER I PRELIMINARY

1.—(1) This Act may be called the Factories Act, 1934.

¹[(2) It extends to the whole of Pakistan.]

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

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

- (a) "adolescent" means a person who has completed his fifteenth but has not completed his seventeenth year ;
- (b) "adult" means a person who has completed his seventeenth year ;
- (c) "child" means a person who has not completed his fifteenth year ;
- (d) "day" means a period of twenty-four hours beginning at midnight ;
- (e) "week" means a period of seven days beginning at midnight on Saturday night ;
- (f) "power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency ;
- (g) "manufacturing process" means any process—
 - (i) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or
 - (ii) for pumping oil, water or sewage, or
 - (iii) for generating, transforming or transmitting power ;

Continued from pre-page.

The Act has been applied to the Chittagong Hill-tracts, subject to certain amendments, *see* the Chittagong Hill-tracts (Labour Laws) Regulation, 1954 (East Bengal Reg. II of 1954), s. 2 and Sch.

The Act has been and shall be deemed to have been brought into force in Gwadar with effect from the 8th September, 1958, by the Gwadar (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

The Act has been repealed in its application to the Province of East Pakistan, by East Pakistan Act 4 of 1963, s. 116 (with effect from the 1st September, 1965).

¹ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

- (h) "worker" means wages or not cleaning any for a manufacture work whatsoever manufacturing of the manufacture any person in any room is being carried
- (i) "factory" means thereof where or were work months, and process is being is ordinarily but does not in of the Mines
- (k) "machinery" generated, transmitted
- (l) "occupier" means ultimate control Provided that with to a managing the occupier
- (m) where work more sets of of the day, the period of "shift" ; and
- (n) "prescribed" ¹[Provincial

3. References to
2* * * 3* *
and a half hour
5* *

¹ Subs. by A. O., 1949.
² The brackets, letter A. O., 1949.

³ The words "excluded"

⁴ The word "and" omitted

⁵ Clause (b) omitted

IV of
1923.

Short title,
extent and
commence-
ment.

Definitions.

(Chapter I.—Preliminary)

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

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

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

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

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

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

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

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

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

2* * *, 3* *, to Indian Standard Time, which is five and a half hours ahead of Greenwich Mean Time, 4*

5* * * * *

References to
time of day.

¹ Subs. by A. O., 1937, for "L. G."

² The brackets, letter and words "(a) in British India" omitted by A. O., 1949.

³ The words "excluding Burma" omitted by A. O., 1937.

⁴ The word "and" omitted by A. O., 1949.

⁵ Clause (b) omitted by A. O., 1937.

IV of
1923.

Provided that for any area * * * in which Indian Standard Time is not ordinarily observed the ²[Provincial Government] may make rules—

- (i) specifying the area,
- (ii) defining the local mean time ordinarily observed therein; and
- (iii) permitting such time to be observed in all or any of the factories situated in the area.

Seasonal factories.

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

Provided that the ²[Provincial Government] may, by notification in the ³[official Gazette], declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Act.

(2) The ²[Provincial Government] may, by notification in the ³[official Gazette], declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Act.

**Power to
apply
provisions
applicable to
factories
to certain
other places.**

4[5.—(1) The Provincial Government may, by notification in the official Gazette, declare that all or any of the provisions of this Act applicable to factories shall apply to any place wherein a manufacturing process is being carried on or is ordinarily carried on whether with or without the use of power whenever ten or more workers are working therein or have worked therein on any one day of the twelve months immediately preceding.

(2) A notification under sub-section (1) may be made in respect of any one such place or in respect of any class of such places or generally in respect of all such places.

¹ The words "in British India" omitted by A. O., 1949.
² Subs. by A. O., 1937, for "L. G."
³ Subs. *ibid.*, for "local official Gazette".
⁴ Subs. by the Factories (Amndt.) Act, 1941 (16 of 1941), s. 2, for the original section 5.

(3) Notwithstanding section 2, a place, to be applicable to factor pursuant to a declaration, to which such otherwise, be deemed

6. The [Prov
direct that the differ
factory shall be treat
purposes of this Ac

7. Where the following upon a cha facturing processes c for the time being wo is not likely to be tw twelve months, it ma from the operation of

Provided that an effect on and after an work in the factory.

8. In any case
Government] may, b
exempt any factory fr
for such period as 4[it

9.—(1) Before commencement of this Act each season, the written notice containing

- (a) the name of
- (b) the address of the factory shop
- (c) the nature of the connection in the factory
- (d) the nature of the connection in the factory

1 Subs. by A. O., 19
2 Subs. *ibid.*, for "G
3 Subs. *ibid.*, for "G
4 Subs. *ibid.*, for "he
5 The word "and" :
(Amdt.) Act, 1944 (14 of 19

(Chapter I.—Preliminary)

(3) Notwithstanding anything contained in clause (j) of section 2, a place, to which all or any of the provisions of this Act applicable to factories are for the time being applicable in pursuance of a declaration under sub-section (1), shall, to the extent to which such provisions are so made applicable but not otherwise, be deemed to be a factory.]

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

Power to declare departments to be separate factories.

7. Where the ¹[Provincial Government] is satisfied that, following upon a change of occupier of a factory or in the manufacturing processes carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Act :

Power to exempt on a change in the factory.

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

8. In any case of public emergency the ²[Provincial Government] may, by notification in the ³[official Gazette], exempt any factory from any or all of the provisions of this Act for such period as ⁴[it] may think fit.

Power to exempt during public emergency.

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

Notice to Inspector before commencement of work.

- (a) the name of the factory and its situation,
- (b) the address to which communications relating to the factory should be sent,
- (c) the nature of the manufacturing processes to be carried on in the factory,
- (d) the nature and amount of the power to be used, ^{5b}

¹ Subs. by A. O., 1937, for "L. G.".

² Subs. *ibid.*, for "G. G. in C.".

³ Subs. *ibid.*, for "Gazette of India".

⁴ Subs. *ibid.*, for "he".

⁵ The word "and" at the end of clause (d) omitted by the Factories (Amdt.) Act, 1944 (14 of 1944), s. 2.

- (e) the name of the person who shall be the manager of the factory for the purposes of this Act, ¹[and
(f) such other particulars as may be prescribed for the purposes of this Act.]

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

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

CHAPTER II

THE INSPECTING STAFF

10.—(1) The ²[Provincial Government] may, by notification in the ³[official Gazette], appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

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

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

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

(5) The ²[Provincial Government] may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Act, within such local limits as it may assign to them respectively.

¹ The word "and" and cl. (f) added by the Factories (Amdt.) Act, 1944 (14 of 1944), s. 2.

² Subs. by A. O., 1937, for "L. G."

³ Subs. *ibid.*, for "local official Gazette"

(6) In any area where the ¹[Provincial Government] declare the powers which sub-
cise, and the Inspector to w
sent.

XLV
of
1860.

(7) Every Chief Inspector be a public servant within
Code and shall be officially
¹[Provincial Government] m

11. Subject to any rul
ment] in this behalf, an Insp
which he is appointed,—

(a) enter, with such
the service of the
public authority,
or which he has
factory or capab
under the provis

(b) make such exami
of any prescribe
otherwise such
deem necessary
Act ; and

(c) exercise such of
carrying out the

Provided that no one
answer any question or giv
himself.

12.—(1) The ¹[Provin
registered medical practitic
surgeons for the purposes of
may assign to them respec

(2) A certifying surg
medical practitioner to exer

Provided that a certifi
by such authorised practitio
months only, unless it is
himself after examination of

¹ Subs. by A. O., 1937, fo

² The original words "in
subs. by A. O., 1937 and then an
effect from the 23rd March, 1954

(Chapter II.—The Inspecting Staff)

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

XLV
of
1860.

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

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

Powers of
Inspector.

- (a) enter, with such assistants (if any), being persons ²[in the service of the State] or of any municipal or other public authority, as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory or capable of being declared to be a factory under the provisions of section 5 ;
- (b) make such examination of the premises and plant and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act :

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

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

Certifying
surgeons.

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

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

¹ Subs. by A. O., 1937, for "L. G."

² The original words "in the employment of Government" were first subs. by A. O., 1937 and then amended by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956), to read as above.

Explanation.—In this section a “registered medical practitioner” means any person registered under the Medical Act, 1858, or any subsequent enactment amending it, or under any Act of ^{21&22}_{Vict.,} ^{c. 90.} ¹[the Central Legislature or any Provincial Legislature] providing for the maintenance of a register of medical practitioners, and includes, in any area where no such register is maintained, any person declared by the ²[Provincial Government], by notification in the ³[official Gazette], to be a registered medical practitioner for the purposes of this section.

CHAPTER III

HEALTH AND SAFETY

Cleanliness.

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

Ventilation.

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

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

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

(4) The ²[Provincial Government] may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, which may be injurious to workers and specifying the nature of such devices.

¹ Subs. by A. O., 1949, for “any legislature in British India”.

² Subs. by A. O., 1937, for “L. G.”.

³ Subs. *ibid.*, for “local official Gazette”.

15.—(1) The ¹[Pro

(a) prescribing :
the air in fac
artificially in

(b) regulating th
the humidity

(c) directing pre
and cooling
recorded.

(2) In any factory
ficially increased, the w
from a public supply o
be effectively purified b

(3) If it appears
factory for increasing h
purified under sub-sect
serve on the manager
ing the measures whic
requiring them to be ca

16. If it appears
specially authorised in
ment] that the cooling
at times insufficient to
against serious discom
increased by measure
expense which is unre
Inspector may serve o
writing, specifying the
adopted, and requiring
date.

17. In order th
during working hour
which may be injurio
tion which the numbe
number of superficial
of workers working
such standards as ma
particular class of wo

18.—(1) A fact
working hours.

¹ Subs. by A. O., 1

(Chapter III.—Health and Safety)

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

Artificial
humidifica-
tion.

- (a) prescribing standards for the cooling properties of the air in factories in which the humidity of the air is artificially increased ;
- (b) regulating the methods used for artificially increasing the humidity of the air ; and
- (c) directing prescribed tests for determining the humidity and cooling properties of the air to be carried out and recorded.

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

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

16. If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the ¹[Provincial Government] that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

Cooling.

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

Overcrowd-
ing.

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

Lighting.

¹ Subs. by A. O., 1937, for "L. G.".

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

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

Water.

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

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

(3) In every factory ² a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to such standards as may be prescribed.



Latrines and
urinals.

20. For every factory sufficient latrines and urinals, according to the prescribed standards, shall be provided, for male workers and for female workers separately, of suitable patterns and at convenient places as prescribed, and shall be kept in a clean and sanitary condition during all working hours.

Doors to
open out-
wards.

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

Precautions
against fire.

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

Means of
escape.

23.—(1) Every factory shall be provided with such means of escape in case of fire ³[as may be prescribed].

(2) If it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be

¹ Subs. by A. O., 1937, for "L. G.".

² The words "in which any process involving contact by the workers with injurious or obnoxious substances is carried on" omitted by the Factories (Amdt.) Act, 1944 (14 of 1944), s. 3.

³ Subs. *ibid.*, s. 4, for "as can reasonably be required in the circumstances of each factory".

adopted, and re
date.

(3) The m
work is being c

24.—(1) I
quately fenced,

(a) eve
eve

(b) eve
tra
ma

(c) eve
Go

(2) If it a
machinery in a
he may serve o
specifying the n
and requiring th

(3) All fer
sub-section (1)
state at all time
quired to be fenc
examination in
for the purpose
or arrangements

(4) Such f
made for the p
attending to the

25. If it
of a building, o
factory is in suc
life or safety, he
in writing requir

(a) to f
par
suc
use

(b) to c
min
and

¹ Subs. by A

(Chapter III.—Health and Safety)

adopted, and requiring them to be carried out before a specified date.

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

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

- (a) every exposed moving part of a prime-mover and every flywheel directly connected to a prime-mover,
- (b) every hoist or lift, hoist-well or lift-well, and every trap-door or similar opening near which any person may have to work or pass, and
- (c) every part of the machinery which the [Provincial Government] may prescribe.

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

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

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

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

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

- (a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or
- (b) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

¹ Subs. by A. O., 1937, for "L. G.".

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

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

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

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

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

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

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

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

¹ Subs. by A. O., 1937, for "L. G.".

² Subs. *ibid.*, for "local official Gazette".

Safety of
buildings
and
machinery.

Restrictions
on work
near
machinery
in motion.

Power to
exclude
children.

Prohibition
of employ-
ment of
women and
children
near cotton-
openers.

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

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

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

(3) In the case of an appeal against an order made by the Inspector under sub-section (2) of section 26, the appellate authority may, if it thinks fit, direct the Inspector to proceed to hear the appeal.

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

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

¹ Subs. by A. O., 1937, for "L. G.".
² This sub-section was inserted by the British Raj.

30. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

Notice of
certain
accidents.

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

Appeals.

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

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

(3) In the case of an appeal against an order under section 16 the appellate authority shall, and in any other case except an appeal against an order under sub-section (2) of section 26 or sub-section (2) of section 28 the appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

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

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

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

¹ Subs. by A. O., 1937, for "L. G."

² This sub-section has been amended in its application to Baluchistan by the British Baluchistan Factories (Amdt.) Regulation, 1939 (Reg. 2 of 1939).

- (b) requiring the managers of factories to maintain stores of first-aid appliances and provide for their proper custody ;
- (c) providing against danger arising from the use of mechanical transport in factories, other than railways subject to the Railways Act, 1890 ;
- (d) prescribing the manner of the service of orders under this Chapter on managers of factories ;
- (e) regulating the procedure to be followed in presenting and hearing appeals under section 31, and the appointment and remuneration of assessors ;
- (f) regulating the exercise by Inspectors of their powers under this Chapter ; and
- (g) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

IX of
1890.

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

(2) The ¹[Provincial Government] may also make rules—

- (a) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and
- (b) prescribing the standards for such rooms and the nature of the supervision to be exercised over the children therein.

(3) The ¹[Provincial Government] may also make rules, for any class of factories and for the whole or any part of the Province, requiring that work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory after the commencement of this Act, until a certificate of stability in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

¹ Subs. by A. O., 1937, for "L. G.".

(4) Where any operation in it to a serious ri may make rules³ in which the ope

(a) speci
ous,

(b) prob
adol

(c) prov
emp
tion
certi

(d) prov
upo
whe

⁴[33A.—(1) requiring that i hundred and fif canteen shall be

(2) Withoi power, such rule

(a) the

(b) the
tior

(c) the
whi

(d) rep
of

(e) ens
be

(c)

¹ Subs. by

² Subs. *ibid*

³ For such i aerated waters, rul the G. G. in C. b pp. 627 to 630 and For the K

Gazette of Karach ⁴S. 33A in

⁵ The Func in respect of Baloch tan; see Gaz. of P

⁶ For the V this section and s tan Gazette, 1959,

A. O. 1937, for "L. G." may make health and safety rules relating to shelters during rest,—

rooms for children,—

certificates of stability,—

(4) Where the ¹[Provincial Government] is satisfied that any operation in a factory exposes any persons employed upon it to a serious risk of bodily injury, poisoning or disease, ²[it] may make rules³ applicable to any factory or class of factories in which the operation is carried on—

hazardous operations.

- (a) specifying the operation and declaring it to be hazardous,
- (b) prohibiting or restricting the employment of women, adolescents or children upon the operation,
- (c) providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment of persons not certified as fit for such employment, and
- (d) providing for the protection of all persons employed upon the operation or in the vicinity of the places where it is carried on.

⁴[33A.—(1) The ⁵Provincial Government may make rules⁶ requiring that in any specified factory wherein more than two hundred and fifty workers are ordinarily employed, an adequate canteen shall be provided for the use of the workers.

Power to make rules for the provision of canteens.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the date by which such canteen shall be provided ;
- (b) the standards in respect of construction, accommodation, furniture and other equipment of the canteen ;
- (c) the foodstuffs to be served therein and the charges which may be made therefor ;
- (d) representation of the workmen in the management of the canteens ;
- (e) enabling, subject to such conditions, if any, as may be specified, the power to make rules under clause (c) to be exercised also by the Chief Inspector.]

¹ Subs. by A. O., 1937, for "G. G. in C."

² Subs. *ibid.*, for "he".

³ For such rules applicable to certain hazardous occupations (e. g., lead, aerated waters, rubber, chromium, cellulose spraying, blasting, etc.) made by the G. G. in C. before the 1st April, 1937, see Gazette of India, 1937, Pt. I, pp. 627 to 630 and 776 to 778.

For the Karachi Factories Hazardous Operations Rules, 1960, see Gazette of Karachi, 1960, Pt. II, pp. 200—213.

⁴ S. 33A ins. by the Factories (Amdt.) Act, 1947 (5 of 1947), s. 2.

⁵ The Functions of the Provincial Government, under this section, shall, in respect of Baluchistan, be discharged by the Chief Commissioner of Baluchistan, see Gaz. of P., 1955, Pt. I, p. 84.

⁶ For the West Pakistan Factories Canteen Rules, 1959, framed under this section and superseding all previous rules on the subject, see West Pakistan Gazette, 1959, Pt. I, pp. 439—441.

CHAPTER IV

RESTRICTIONS ON WORKING HOURS OF ADULTS

Weekly
hours.

134. No adult worker shall be allowed to work in a factory for more than ²[forty-eight] hours in any week, or, where the factory is a seasonal one, for more than ³[fifty] hours in any week :

Provided that an adult worker in a ⁴* factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

Weekly
holiday.

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

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

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

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

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

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

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

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

¹ For Notifn. under this section, see Gazette of Karachi, 1958, Pt. II, p. 52.

² Subs. by the Factories (Amdt.) Act, 1946 (10 of 1946), s. 2 (with effect from the 1st August, 1946), for "fifty-four".

³ Subs. *ibid.*, for "sixty".

⁴ The word "non-seasonal" omitted by the Factories (Amdt.) Act, 1947 (5 of 1947), s. 3.

¹[35A.—

or the making
a factory or t
35, a worker i
provision is n
allowed, as so
of equal num

(2) The
the manner in
in sub-section

236. N
for more than

Provide
may work for

37. Th
during each c

(a) s

r

t

(b) s

r

t

a

t

238. T
shall be so a
section 37, th
hours, or wh
hours in any
Government]
either general

39.—(1
in every fact
(2) of section

¹ S. 35A
effect from the

² For Ni
p. 52.

³ Subs.
effect from the

⁴ Subs.

⁵ Subs.

⁶ Subs.

(Chapter IV.—Restrictions on Working Hours of Adults)

¹[35A.—(1) Where, as a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section 35, a worker is deprived of any of the weekly holidays for which provision is made by sub-section (1) of that section, he shall be allowed, as soon as circumstances permit, compensatory holidays of equal number to the holidays so lost.

Compensatory holidays.

(2) The Provincial Government may make rules prescribing the manner in which the holidays, for which provision is made in sub-section (1), shall be allowed.]

236. No adult worker shall be allowed to work in a factory for more than ³[nine] hours in any day:

Daily hours.

Provided that a male adult worker in a seasonal factory may work for ⁴[ten] hours in any day.

37. The periods of work of adult workers in a factory during each day shall be fixed either—

Intervals for rest.

- (a) so that no period shall exceed six hours, and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour; or
- (b) so that no period shall exceed five hours and so that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour, or for more than eight and a half hours before he has had at least two such intervals.

238. The periods of work of an adult worker in a factory shall be so arranged that along with his intervals for rest under section 37, they shall not spread over more than ⁵[ten and a half] hours, or where the factory is a seasonal one, eleven and a half hours in any day, save with the permission of the ⁶[Provincial Government] and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Spread over

39.—(1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 76 a Notice of Periods for Work for Adults showing

Notice of Periods for Work for Adults and preparation thereof.

¹S. 35A ins. by the Factories (Amdt.) Act, 1945 (3 of 1945), s. 2 (with effect from the 1st January, 1946).

²For Notifn., under this section, see Gazette of Karachi, 1958, Pt. II, p. 52.

³Subs. by the Factories (Amdt.) Act, 1946 (10 of 1946), s. 3 (with effect from the 1st August, 1946), for "ten".

⁴Subs. *ibid.*, for "eleven".

⁵Subs. *ibid.*, s. 4, for "thirteen".

⁶Subs. by A. O., 1937, for "L. G.".

(Chapter IV.—Restrictions on Working Hours of Adults)

clearly the periods within which adult workers may be required to work.

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

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

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

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

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shift, the manager of the factory shall fix the periods within which each relay of the group may be required to work.

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

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

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

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

¹ Subs. by A. O., 1937, for "L. G.".

(Chapter IV.—Restrictions on Working Hours of Adults)

41.—(1) The manager of a factory shall maintain a Register of Adult Workers in which shall be entered—

(a) the name of each adult worker; (b) the nature of his work; (c) the group, if any, to which he is allotted; (d) where his group is allotted; (e) such other particulars as may be required.

Provided that, if the roll or register maintained in respect of any or all of the factories required under this section shall be maintained in part by the Provincial Government, the extent to which it shall be maintained in part by the Provincial Government shall be determined by the Provincial Government.

Provided further that, if the Provincial Government is satisfied that the class of factories are such that the maintenance of a roll or register in respect of any or all of the factories of the Provincial Government may be impracticable, as the case may be, the Provincial Government may dispense with the requirement of this section in respect of such factories.

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

42. No adult worker shall be employed in a factory in which he is not registered as an adult worker in accordance with the provisions of this section.

43.—(1) The ¹[Provincial Government] may make rules defining the persons who are to be considered as adult workers for the purposes of this Chapter or are employed in a factory in which he is not registered as an adult worker in accordance with the provisions of this section.

¹ Subs. by A. O., 1937, for "L. G.".

² For rules made by the Provincial Government, see Pt. I, pp. 175—182, and Pt. II, pp. 183—184.

³ Ins. by the Factories

(Chapter IV.—Restrictions on Working Hours of Adults)

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

Register of Adult Workers.

- (a) the name of each adult worker in the factory,
- (b) the nature of his work,
- (c) the group, if any, in which he is included,
- (d) where his group works on shifts, the relay to which he is allotted, and
- (e) such other particulars as may be prescribed :

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

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

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

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

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

43.—(1) The ¹[Provincial Government] may make rules² defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter, ³[other than the provisions of

Power to make rules exempting from restrictions.

¹ Subs. by A. O., 1937, for "L. G.".

² For rules made by the Government of East Bengal, see Dacca Gazette, 1952, Pt. I, pp. 175—182, and *ibid.*, 1956, Pt. I, pp. 181—196.

³ Ins. by the Factories (Amdt.) Act, 1935 (11 of 1935), s. 2.

(Chapter IV.—Restrictions on Working Hours of Adults)

clause (b) of sub-section (1) of section 45 and of the provisos to that sub-section], shall not apply to any person so defined.

(2) The ¹[Provincial Government] may make rules for adult workers providing for the exemption², to such extent and subject to such conditions as may be prescribed in such rules,—

- (a) of workers engaged on urgent repairs—from the provisions of sections 34, 35, 36, 37 and 38 ;
- (b) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory—from the provisions of sections 34, 36, 37 and 38 ;
- (c) of workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest required under section 37—from the provisions of sections 34, 36, 37 and 38 ;
- (d) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day—from the provisions of sections 34, 35, 36, 37 and 38 ;
- (e) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day—from the provisions of section 35 ;
- (f) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons—from the provisions of section 35 ;
- (g) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces—from the provisions of section 35 and section 37 ; and
- (h) of workers engaged in engine-rooms or boiler-houses—from the provisions of section 35.

(3) Rules made under sub-section (2) providing for any exemption may also provide for any consequential exemption from the provisions of sections 39 and 40 which the ¹[Provincial Government] may deem to be expedient, subject to such conditions as it may impose.

¹ Subs. by A. O., 1937, for "L. G."

² For the East Pakistan Factories (Exemption) Rules, 1959, see Dacca Gazette, 1959, Ext., pp. 317—324.

For the Karachi Factories (Adult Exemption) Rules, 1958, see Gazette of Karachi, 1959, Pt. II, pp. 83—90.

(Chapter IV.—Restri

(4) In making ru Government] shall pres hours of work for all cla other than an exempti shall be subject to such l

(5) Rules made ur not more than three yee

44.—(1) Where ti that, owing to the nat circumstances, it is un work of any adult wor should be fixed beforel modify the provisions workers to such exten and subject to such con control over periods of

(2) The ¹[Provinc of the ¹[Provincial Go written order², exempt, expedient, any or all e group or class of facto sections 34, 35, 36, 37, exemption is required with an exceptional pre

(3) Any exemptio weekly hours of work prescribed under sub-se

³(4) An order u for such period, not exo notice thereof is given specified in the order.

Provided that if ment the public intere may from time to time extend the operation exceeding six months a notification.]

¹ Subs. by A. O., 19

² For an instance of p. 87.

³ Subs. by the Facto from the 1st August, 1946).

(Chapter IV.—Restrictions on Working Hours of Adults)

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

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

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

Power to make orders exempting from restrictions.

(2) The ¹[Provincial Government], or subject to the control of the ¹[Provincial Government] the Chief Inspector, may, by written order², exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 34, 35, 36, 37, 38, 39 and 40, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

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

³[(4) An order under sub-section (2) shall remain in force for such period, not exceeding two months from the date on which notice thereof is given to the manager of the factory, as may be specified in the order :

Provided that if in the opinion of the Provincial Government the public interest so requires, the Provincial Government may from time to time, by notification in the official Gazette, extend the operation of any such order for such period, not exceeding six months at any one time, as may be specified in the notification.]

¹ Suba. by A. O., 1937, for "L. G."

² For an instance of such order, see the Punjab Gazette, 1951, Pt. I, p. 87.

³ Suba. by the Factories (Amdt.) Act, 1946 (10 of 1946), s. 5 (with effect from the 1st August, 1946), for the original sub-section (4).

**-Further
restrictions
on the
employment
of women.**

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

- (a) no exemption from the provisions of section 36 may be granted in respect of any woman ; and
- (b) no woman shall be allowed to work in a factory except between 6 A.M. and 7 P.M. :

Provided that the ¹[Provincial Government] may, by notification in the ²[official Gazette], in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (b) to any span of ³[ten and a half hours, or where the factory is a seasonal one, of eleven and a half hours] between 5 A.M. and 7-30 P.M. ⁴:

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

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

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

Special provision for night-shifts.

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

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

¹ Subs. by A. O., 1937, for "L. G."

² Subs. *ibid.*, for "local official Gazette".

³ Subs. by the Factories (Amtd.) Act, 1946 (10 of 1946), s. 6, for "thirteen hours".

⁴ For these figures and letters the figures and letters "8-30 P. M." were temporarily subs. for the duration of the last war by the Factories (Amndt.) Act, 1944 (14 of 1944), s. 5.

**begins and that the hours
towards the ensuing day.**

47.—1[(1) Where a

- (a) in a non-seasonal
nine hours in any
hours in any
(b) in a seasonal
in any day
week,—

he shall be entitled in respect of the rate of twice his ordinary

(3) Where any work of Provincial Government concerned may for the future be done by nearly as possible equivalent to those workers, and the ordinary rates of pay of that section.

(4) The 2[Provinc
registers that shall be mu
securing compliance with

48. No adult work on any day on which he factory, save in such circ

49. The [Provi
viding that in any spec
shall not be carried on by
than one relay of work
at the same time save
Government] and subject
either generally or in the

49A.—(1) The pro
a seasonal factory.

¹ Subs. by the Factori
original sub-sections (1) and

² Subs. by A. O., 1937

³ Chapter IVA ins. by
(with effect from the 1st Janu

*(Chapter IV.—Restrictions on Working Hours of Adults.**Chapter IVA.—Holidays with Pay.)*

begins and that the hours worked before midnight shall be counted towards the ensuing day.

47.—¹(1) Where a worker—

Extra pay for overtime.

- (a) in a non-seasonal factory works for more than nine hours in any day or for more than forty-eight hours in any week, or
- (b) in a seasonal factory works for more than nine hours in any day or for more than fifty hours in any week,—

he shall be entitled in respect of the overtime worked to pay at the rate of twice his ordinary rate of pay.]

(3) Where any workers are paid on a piece rate basis, the ²[Provincial Government] in consultation with the industry concerned may for the purposes of this section fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(4) The ²[Provincial Government] may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

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

Restriction on double employment

49. The ²[Provincial Government] may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time save with the permission of the ²[Provincial Government] and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Control of overlapping shifts.

³[CHAPTER IVA

HOLIDAYS WITH PAY

49A.—(1) The provisions of this Chapter shall not apply to a seasonal factory.

Application of Chapter.

¹ Subs. by the Factories (Amdt.) Act, 1946 (10 of 1946), s. 7, for the original sub-sections (1) and (2) (with effect from the 1st August, 1946).

² Subs. by A. O., 1937, for "L. G."

³ Chapter IVA ins. by the Factories (Amdt.) Act, 1945 (3 of 1945), s. 3 (with effect from the 1st January, 1946).

(Chapter IVA.—Holidays with Pay)

(2) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other enactment, or under the terms of any award, agreement or contract of service.

Annual
holidays.

49B.—(1) Every worker who has completed a period of twelve months continuous service in a factory shall be allowed, during the subsequent period of twelve months, holidays for a period of ten or, if a child, fourteen consecutive days, inclusive of the day or days, if any, on which he is entitled to a holiday under sub-section (1) of section 35.

(2) If a worker fails in any one such period of twelve months to take the whole of the holidays allowed to him under sub-section (1), any holidays not taken by him shall be added to the holidays to be allowed to him under sub-section (1) in the succeeding period of twelve months, so however that the total number of days holidays which may be carried forward to a succeeding period shall not exceed ten or, in the case of a child, fourteen.

(3) If a worker entitled to holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if, having applied for and having been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under section 49C in respect of the holidays.

Explanation.—A worker shall be deemed to have completed a period of twelve months continuous service in a factory notwithstanding any interruption in service during those twelve months brought about by sickness, accident or authorised leave not exceeding ninety days in the aggregate for all three, or by a lock-out, or by a strike which is not an illegal strike, or by intermittent periods of involuntary unemployment, not exceeding thirty days in the aggregate; and authorised leave shall be deemed not to include any weekly holiday allowed under section 35 which occurs at the beginning or end of an interruption brought about by the leave.

Pay during
annual
holidays.

49C. Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under sub-section (1) of section 35, the worker shall, for the remaining days of the holidays allowed to him under section 49B, be paid at a rate equivalent to the daily average of his wages as defined in the Payment of Wages Act, 1936, for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

IV of
1936.

49D. A section 49B shall total pay due f

49E. An of any worker Chapter by an

49F.—(1) to carry into ef

(2) Witho power rules m keeping by em may be presen available for ex

20

49G. W the leave rules substantially provision, it provisions of t

SPECIAL

50. No be allowed to

51. No adolescent sh

(a) a

5

8

(b) 1

f

52.—(1) of any young parent or gua in which suc

¹ For th 1960, Pt. II, pg

² Sub-se

(Chapter IV A.—Holidays with Pay. Chapter V.—Special Provisions for Adolescents and Children.)

49D. A worker who has been allowed holidays under section 49B shall, before his holidays begin, be paid half the total pay due for the period of holidays.

Payment when to be made.

49E. Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

Power of Inspector to act for worker.

49F.—(1) The Provincial Government may make rules to carry into effect the provisions of this Chapter.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power rules may be made under this section prescribing the keeping by employers of registers showing such particulars as may be prescribed and requiring such registers to be made available for examination by Inspectors.

2 *

49G. Where the Provincial Government is satisfied that the leave rules applicable to workers in a factory provide benefits substantially similar to those for which this Chapter makes provision, it may, by written order, exempt the factory from the provisions of this Chapter.]

Exemption of factories from provisions of this Chapter.

CHAPTER V.

SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN

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

Prohibition of employment of young children.

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

Non-adult workers to carry tokens giving reference to certificates of fitness.

- (a) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and
- (b) he carries while he is at work a token giving a reference to such certificate.

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

Certificates of fitness.

¹ For the Karachi Factories (Holidays) Rules, see Gazette of Karachi, 1960, Pt. II, pp. 239-243.

² Sub-section (3) omitted by A. O., 1964, Art. 2 and Sch.

(Chapter V.—Special Provisions for Adolescents and Children)

ascertain his fitness for such work.

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

- (a) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the prescribed physical standards (if any), and that he is fit for such work ; or
- (b) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory.

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

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of section 52 refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state his reasons in writing for so doing.

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

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

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

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

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

Provided that the ¹[Provincial Government] may, by notification in the ²[official Gazette], in respect of any class or classes

¹ Subs. by A. O., 1937, for "L. G.".

² Subs. *ibid.*, for "local official Gazette".

(Chapter V.—Speci

of factories and for limits to any span (P.M.).

(4) The provi workers, but no ex may be granted in

(5) No child s day on which he ha

55.—(1) Then in every factory, in (2) of section 76, a showing clearly the to work.

(2) The perio (1) shall be fixed be down for adults in working for those p of section 54.

(3) The prov Notice of Periods f

(4) The ²[Pro cribing forms for t and the manner in

56.—(1) The are employed sha showing—

- (a) the nam
- (b) the nat
- (c) the gro
- (d) where l he is a
- (e) the nur section
- (f) such of

(2) The ²[Pro ing the form of t which it shall be n preserved.

¹ For these fig temporarily subs. for 1944 (14 of 1944), s. 5

² Subs. by A. C

Effect of certificate granted to adolescent.

Restrictions on the working hours of a child.

(Chapter V.—Special Provisions for Adolescents and Children)

of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 A.M. and ¹[7-30 P.M.].

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

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

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

Notice of
Periods for
Work for
Children.

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

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

(4) The ²[Provincial Government] may make rules prescribing forms for the Notice of Periods for Work for Children and the manner in which it shall be maintained.

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

Register of
Child
Workers.

- (a) the name of each child worker in the factory,
- (b) the nature of his work,
- (c) the group, if any, in which he is included,
- (d) where his group works on shifts, the relay to which he is allotted,
- (e) the number of his certificate of fitness granted under section 52, and
- (f) such other particulars as may be prescribed.

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

¹ For these figures and letters the figures and letters "8-30 P.M." were temporarily subs. for the duration of the war by the Factories (Amdt.) Act, 1944 (14 of 1944), s. 5.

² Subs. by A. O., 1937, for "L. G."

(Chapter V.A.—Small Factories. Chapter VI.—Penalties and Procedure.)

including the precincts thereof whereon ten or more but less than twenty workers are working or were working on any day of the preceding six months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Mines Act, 1923 :

IV of 1923.

Provided that the Provincial Government may, by notification in the official Gazette, declare any premises to be a small factory, notwithstanding that less than ten workers are working thereon, if such premises would otherwise be a small factory.

(2) For the purposes of this Chapter an adolescent holding a certificate granted under this Act to work as an adult shall be deemed to be an adult.

59B.—(1) All the provisions of this Act, except clause (j) of section 2, sections 4, 5, 6 and 7, sub-sections (1) and (4) of section 14, sections 15, 21, 22 and 25, sub-sections (1), (2) and (3) of section 33 and Chapter IV shall apply to, and in relation to, all small factories wherein any worker who is not, or is not deemed to be, an adult is employed ; and in the provisions hereby made so applicable every reference to a factory shall be deemed to include, so far as may be, a reference to a small factory.

Certain provisions of this Act to apply to small factories wherein child labour is employed.

(2) The aforesaid provisions shall cease to apply to a small factory on the expiry of six months from the receipt by the Inspector of a notice in writing from the occupier that he has ceased to employ therein any worker who is not, or is not deemed to be, an adult, unless any such worker is employed therein on any day of the said six months :

Provided that if any such worker is thereafter employed in the small factory, the said provisions of this Act shall again apply thereto.

XXVI of 1938.

59C. The provisions of this Chapter shall be in addition to, and not in derogation of, the provisions of the Employment of Children Act, 1938.]

Certain other provisions of law not barred.

CHAPTER VI

PENALTIES AND PROCEDURE

60. If in any factory—

(a) there is any contravention—

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

Penalty for contraventions of Act and rules.

Health & Safety

- (ii) of any order made under any of the said sections, or,
 - (iii) of any of the said sections read with rules made in pursuance thereof under clause (a) of section 32, or
 - (iv) of any rule made under any of the said sections or under clause (b), clause (c), or clause (g) of section 32 or section 33, or
 - (v) of any condition imposed under sub-section (3) of section 31, or
 - (b) any person is allowed to work in contravention—
 - (i) of any of the provisions of sections 34 to 38 inclusive, 42, 45 and 48, or
 - (ii) of any rule made under any of the said sections, or under section 49, or
 - (iii) of any condition attached to any exemption granted under section 43 or section 44 or section 45 or to any permission granted under section 38 or section 49, or
 - (c) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under section 41 or to any modification or relaxation made under section 44, or
 - (d) any person is not paid any extra pay to which he is entitled under the provisions of section 47, or
 - (e) any adolescent or child is allowed to work in contravention of any of the provisions of sections 50, 51, 54, 55, 57 and 58, or
 - (f) there is any contravention of section 55 or section 56 or of any rules made under either of these sections, or under clause (d) of section 59, ¹[or]
 - ²[(g) there is any contravention of section 49B, 49C, or 49D, or of any rule made under section 49F,]
- the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees :

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

¹ The word "or" added by the Factories (Amdt.) Act, 1945 (3 of 1945), s. 4 (with effect from the 1st January, 1946).

² Cl. (g) ins., *ibid.*

61. If any person is punishable under any provision of this Act, and is again guilty of an offence under any provision, he shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees, if he is guilty, shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees.

Provided that if the person is again guilty of an offence under any provision, he shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees.

Provided further that if the person is again guilty of an offence under any provision, he shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees.

62. An offence under this Act shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees.

63. Whoever contravenes any provision of this Act, shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees.

64. A man who is injured in an accident as required under this Act, shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees.

65. If in any case, as required under this Act, the manager or occupier of the factory shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees.

Provided that if the person is again guilty of an offence under any provision, he shall be punishable with fine which may extend to five hundred rupees, but shall not be less than one hundred rupees.

¹ Subs. by the Factories (Amdt.) Act, 1945 (3 of 1945), s. 4 (with effect from the 1st January, 1946).

(Chapter VI.—Penalties and Procedure)

61. If any person who has been convicted of any offence punishable under clauses (b) to ¹[(g)] inclusive of section 60 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to seven hundred and fifty rupees and shall not be less than one hundred rupees, and if he is again so guilty, shall be punishable on the third or any subsequent conviction with fine which may extend to one thousand rupees and shall not be less than two hundred and fifty rupees :

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

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

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

63. Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

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

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

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

¹ Subs. by the Factories (Amdt.) Act, 1945 (3 of 1945), s. 5, for the brackets and letter "(f)".

Enhanced
penalty
in certain
cases after
previous
conviction

Penalty for
failure to
give notice
of coming
into
of worker
of change
manager

Penalty for
obstructing
Inspector

Penalty for
failure to
give notice
of accidents

Penalty for
failure to
make return

(Chapter VI.—Penalties and Procedure)

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

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

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

Penalty for using false certificate.

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

Penalty on guardian for permitting double employment of a child.

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

Penalty for failure to display certain notices.

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

Determination of "occupier" for purposes of this Chapter.

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

Provided that the firm or association may give notice to the Inspector that it has nominated one of its number who is resident in ¹[Pakistan] to be the occupier of the factory for the purposes of this Chapter, and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

¹ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "British India".

(2) Where of the directors any one of the punished under cupier of the fact

Provided that it has nom company, a share tan], to be the Chapter, and so so resident be de purposes of this nation is receive director or share

71.—(1) W charged with an complaint duly he charges as tl the time appoi commission of manager of the

(a) that tion

(b) that ques vanc

that other pers liable to the lik the occupier or under this Act.

(2) When Inspector at any

(a) that all Act,

(b) by v

(c) that con and

¹ Subs. by 1960), s. 3 and 2n Provinces and the 1949, for "British

(Chapter VI.—Penalties and Procedure)

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

Provided that the company may give notice to the Inspector that it has nominated a director, or, in the case of a private company, a shareholder, who is resident in either case in ¹[Pakistan], to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

71.—(1) Where the occupier or manager of a factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

Exemption
of occupier
or manager
from liability
in certain
cases.

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

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

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

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

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

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

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

¹ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "British India".

(Chapter VI.—Penalties and Procedure. Chapter VII.—
Supplemental.)

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Presumption
as to em-
ployment.

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

Evidence
as to age.

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

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

Cognizance
of offences.

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

(2) No Court inferior to that ¹ * * * of a Magistrate of the first class shall try any offence against this Act or any rule or order made thereunder, other than an offence under section 66 or section 67.

Limitation
of prosecu-
tions.

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

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

CHAPTER VII SUPPLEMENTAL

Display of

76.—(1) In addition to the notices required to be displayed

¹ The words "of a Presidency Magistrate or" omitted by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3 and II Sch.

in any factory by th
shall be, displayed in
tracts of this Act an
and in the vernacul
1[Provincial Govern

(2) All notices
displayed at some co
to the factory, and
condition.

77. The ²[Pr
quiring occupiers or
occasional or period
the purposes of this

78. [Control

79.—(1) All ru
the condition of prev
under clause (3) of
shall not be less tha
draft of the propos

(2) All such ru
Gazette]. ³ to ⁴ and
come into force on t

80. This Act
[Government].

81. No suit, j
against any person
intended to be done

82. [Repeal an
ing Act, 1937 (XX o
THE SCHEDULE

¹ Subs. by A. O.

² Subs. *ibid.*, for

³ For the Karach
1960, Pt. II, pp. 246-2

⁴ Subs. by A. O.

⁵ The words "th

⁶ Subs. *ibid.*, for

⁷ The words "as

⁸ Subs. by A. O.

⁹ March, 1956).

(Chapter VII.—Supplemental)

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

factory notice

(2) The notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory, and shall be maintained in a clean and legible condition.

77. The ²[Provincial Government] may make rules³ requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may in ⁴[its] opinion be required for the purposes of this Act.

Power of Provincial Government to make rules.

78. [Control of rules made by L. Gs.] Rep. by A. O., 1937.

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

Publication of rules

X of 1897.

(2) All such rules shall be published in ⁵* * * the ⁶[official Gazette] ⁷* * * and shall, unless some later date is appointed, come into force on the date of such publication.

80. This Act shall apply to factories belonging to the ⁸[Government].

Application to Government factories

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

Protection to persons acting in good faith under this Act

82. [Repeal and savings.] Rep. by the Repealing and Amending Act, 1937 (XX of 1937), s. 3 and 2nd Sch.

THE SCHEDULE.—Rep. by Act XX of 1937, s. 3 and Sch. II.

¹ Subs. by A. O., 1937, for "L. G."

² Subs. *ibid.*, for "G. G. in C."

³ For the Karachi Factories (Returns) Rules, see Gazette of Karachi, 1960, Pt. II, pp. 246-256.

⁴ Subs. by A. O., 1937, for "his".

⁵ The words "the Gazette of India or" omitted, *ibid.*

⁶ Subs. *ibid.*, for "local official Gazette".

⁷ The words "as the case may be," omitted, *ibid.*

⁸ Subs. by A. O., 1961, Art. 2, for "Crown" (with effect from the 23rd March, 1956).

displayed
of the Federal
II Sch.