

FORM 34
(see Rule 164)

ABSTRACT OF THE FACTORIES ACT, 1948 AND THE TRIPURA FACTORIES RULES, 2007

(To be affixed in a conspicuous and convenient place at or near the main entrance to the factory)

Interpretation

1. **“Factory”** means any premises including the precincts thereof –
 - i) Wherein ten or more workers are working, or were working on any day of the proceeding 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, or
 - ii) Wherein twenty or more workers are working, or were working on any day of the proceeding twelve months, and in any part of which manufacturing process is being carried on without the aid of power, or is ordinarily so carried on.

but does not include a mine subject to the operation of the Mines Act, 1952 (35 of 1952), or a mobile unit belonging to the Armed Forces of Union, a railway running shed or hotel restaurant or eating place.

Explanation: - For computing the number of workers for the purposes of this clause all the workers in different relays in a day shall be taken into account.

2. **“Worker”** means a person employed, directly or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration 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 incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process; but does not include any member of the armed forces of the Union.
3. **“Manufacturing Process”** means any process for –
 - i) making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article of substance with a view to its use, sale, transport, delivery or disposal, or
 - ii) pumping oil, water, sewage or any other substances;
 - iii) generating, transforming or transmitting power; or
 - iv) composing types of printing, printing by letter press, lithography, photogravure or other similar process or bookbinding; or
 - v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or
 - vi) preserving or storing any article in cold storage.

Working hours, holidays, intervals after rest, etc.

4. Hours of work for adults (Sections 51 and 54). – No adult worker shall be required or allowed to work in a factory for more than 48 hours in any week and for more than 9 hours in any day.
5. Relaxation of hours of work for adults (Section 64). – The ordinary limits on working hours may be relaxed in certain special cases, e.g., workers engaged on urgent repairs; in work in the nature or preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the

factory; in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than intervals for rest; in any work which for technical reasons must be carried on continuously; in making or supplying articles of prime necessity which must be made or supplied every day; in a manufacturing process which cannot be carried on except during fixed seasons, or at times dependent on the irregular action of natural forces; in engine rooms or boiler houses or in attending to power plant or transmission machinery; in the printing of news papers, who are held up on account of the breakdown of machinery; in the loading or unloading of railway wagons or lorries or trucks; and in any work which is notified by the State Government in the Official Gazette as a work of national importance.

Except in the case of urgent repairs, the relaxation shall not exceed the following limits of work inclusive of overtime: -

- i) the total number of hours of work in any day shall not exceed ten.
- ii) the spread over inclusive of intervals for rest, shall not exceed 12 hours in any one day;
- iii) the total number of hours of work in a week including overtime, shall not exceed sixty;
- iv) the total number of hours of overtime work shall not exceed fifty for any one quarter.

6. **Payment for overtime** (section 59): Where a worker works in a factory for more than 9 hours in any day or for more than 48 hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate if wages.

7. **Exemption of supervisory staff** (section 64): - Chapter IV, other than the provisions of clause (b) of sub section (1) of section 66 and the proviso to that sub-section, of the Act -- working hours of adults does not apply to persons holding position in a factory-management or are employed in confidential position in a factory management provided that where the ordinary rate of wages of such person does not exceed rupees seven hundred and fifty per month, they are entitled to extra wages in respect of overtime work under Section 59.

8. **Weekly holiday** (Adults) (Section 52). – No adult worker shall be required or allowed to work in a factory on the first day of the week, unless –

- a) he has, or will have, a holiday for a whole day on one of the three days immediately before or after the said day, and
- b) the manager of the factory has, before the said day or the substituted day under clause (a) which is earlier.
 - i) delivered a notice at the office of the Inspector of his intention to require the worker to work on the said day 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.

9. **Compensatory holidays** (Section 53). – Where a worker in a factory, as a result of exemption from the ordinary provision relating to weekly holidays, is deprived of any of the weekly holidays, he shall be allowed, within the month in which the holidays were due to him or within the two months immediately following that month, compensatory holidays of equal number of the holidays so lost.

10. **Intervals for rest for adults** (Section 55 and 56).- The periods of work of adult workers in a factory each day shall so fixed that no period shall exceed 5 hours before he has had an interval for rest of at least half an hour and that inclusive of his intervals for

rest they shall not spread over more than ten and a half hours in any day or, with the permission of the Chief Inspector of Factories in writing, 12 hours.

11. Prohibition of double employment (Section 60, 71 & 99) – No child or, except in certain circumstances, an adult worker, shall be required or allowed to work in any factory on any day on which he has already been working in any other factory.

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 Rs. 50 unless it appears to the court that the child so worked without the consent or connivance of such parents, guardian or person.

12. Prohibition of employment of children under 14 (Section 67). – No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

13. Hours of work for children (Section 71) – No child shall be employed or permitted to work in any factory for more than four and a half hours in any day and during the period of at least twelve consecutive hours which shall include the interval between 10 P.M. and 6 A.M. The periods of work of all children employed in a factory shall be limited to two shifts which shall not overlap or spread over more than 5 hours each and each child shall be employed in only one of the relays.

The provision relating to weekly holidays shall also apply to child workers and no exemption from this provision may be granted in respect of any child.

14. Prohibition of employment of women (Section 66) – No woman shall be required or allowed to work in any factory except between the hours of 6 A.M. and 7 A.M. The State Government may vary these limits or exempt this restriction in case of women working in fish-curing or fish-canning factories.

Leave with Wages

15. Leave with wages (Section 79, 80 and 83 and Rules). – Every worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed during the subsequent calendar year leave with wages for a number of days calculated at the rate of -

i) if an adult, one day for every twenty days of work performed by him during the previous calendar year; and

ii) if a child, one day for every 15 days of work performed by him during the previous calendar year.

Explanation. 1. – For the purpose of this sub-section –

a) any days of lay off, by agreement or contract or as permissible under the standing orders;

b) in the case of female worker, maternity leave for any number of days not exceeding twelve weeks; and

c) the leave earned in the year prior to that in which the leave is enjoyed; shall be deemed to be days on which the worker has worked in a factory for the purpose of computation of the period of 240 days or more, but he shall not earn leave for these days.

Explanation 2 – The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at either end of the period of leave.

For the leave allowed to him, a worker shall be paid at a rate equal to the daily average of his total full-time earnings, for the days on which he actually worked during the month immediately preceding the leave exclusive of any overtime and bonus, but

inclusive of dearness allowance and the cash equivalent of the advantage accruing through the concessional sale to the worker of food grains and other articles.

A worker whose service commences otherwise than on the first day of January shall be entitled to leave at the rate indicated above, if he has worked for two-thirds of the total number of days in the remainder of the calendar year

If a worker is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, during the course of the calendar year, he or his heir or nominee as the case may be, shall be entitled to wages in lieu of the quantum of leave to which he was entitled immediately before his discharge, dismissal, quitting of employment, superannuation or death, calculated at the rates specified above, even if he had not worked for the entire period specified above. Such payment shall be made –

i) Whether the worker is discharged or dismissed or quits employment, before the expiry of the second working day from the day of such discharge, dismissal or quitting; and

ii) Where the worker is superannuated or dies while in service, before the expiry of two months from the date of such superannuation or death.

If the employment of a worker who is entitled to leave with wages is terminated by the occupier before he has taken the entire leave to which he is entitled, or if having applied for and having not been granted such leave, the worker quits his employment before he has granted such leave, the occupier of the factory shall pay him the amount payable in respect of the leave not taken, and such payment shall be made before the expiry of the second working day after the day on which his employment is terminated and a worker who quits his employment, on or before the next pay day.

The manager shall maintain a register of leave with wages in the prescribed Form 20 and shall provide each worker with a book called the 'Leave Book' in the prescribed Form 21. The leave book shall be the property of the worker and the manager or his agent shall not demand it except to make entries of the dates of holidays or interruptions in service, and shall not keep it for more than a week at a time. If a worker loses his leave book, the manager shall provide him with another copy on leave book on payment of Rs.2/= and shall complete it from his record.

Health

16. Cleanliness (Section 11). – Except in cases specially exempted, all inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and stair-cases in a factory shall be kept whitewashed or colour-washed. The whitewashing or colourwashing shall be carried out at least once in every period of fourteen months. The floor of every workroom shall be cleaned at least once in every week by washing, using shall be cleaned at least once in every week by washing, using shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method.

17. Disposal of wastes and effluents (Section 12). – Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous, and for their disposal.

18. Ventilation and temperature (Section 13) – Effective and suitable provision shall be made in every factory for securing and maintained in every workroom adequate ventilation by the circulation of fresh air and such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

19. Overcrowding (Section 16). – Unless exemption has been granted, there shall be in every workroom of a factory in existence on the date of commencement of this Act at least 350 cubic feet and of a factory built after the commencement of this Act at least 500

cubic feet of space for every worker employed therein, and for this purpose no account shall be taken of any space which is more than 14 feet above the level of the floor of the room.

20. Lighting (Section 17): - In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water.

21. In every factory wherein more than 250 workers are ordinarily employed the drinking water shall, during hot weather, be cooled by ice or other effective methods. The cooled drinking water shall be supplied in every canteen, lunchroom and restroom and also at conveniently accessible points throughout the factory.

22. Latrines and urinals (Section 19 and Rules). - In every factory sufficient latrine and urinal accommodation of the prescribed types (separate enclosed accommodation for male and female workers) shall be provided conveniently situated and accessible to workers at all times while they are at the factory. Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings. Sweepers shall be employed whose primary duty it would be to keep clean latrines, urinals and washing places.

23. Spittoons (Section 20). - In every factory, there shall be provided a sufficient number of spittoons of the type prescribed in convenient places and they shall be maintained in a clean and hygienic condition. No person shall spit within the 'premises of a factory except in the spittoons provided for the purpose. Whoever spits in contravention of this provision shall be punishable with fine not exceeding five rupees.

Safety

24. Fencing of machinery (Section 21): - In every factory dangerous parts of machinery e.g., every moving part of a prime mover and every flywheel connected to a prime mover, etc. shall be securely fenced by safeguards of substantial construction which shall be constantly maintained and kept in position while the parts of machinery they are fencing are in motion or in use.

25. Work on or near machinery in motion (Section 22). - No woman or young person shall be allowed in any factory to clean, lubricate or adjust any part of a prime mover or any transmission machinery while the prime mover or the transmission machinery is in motion, or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjustment machinery.

26. Employment of young persons on dangerous machines (Section 23). - No young persons shall work at any machine declared to be dangerous unless he has been fully instructed as to the dangerous arising in connection with the machine and the precautions to be observed and has received sufficient training in work at the machine or is under adequate supervision by a person who has thorough knowledge and experience of the machine.

27. Casing of new machinery (Section 26). - In all machinery driven by power and installed in any factory after the commencement of this Act. Every set screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased, unless it is so situated as to be as safe as it would be if it were completely encased.

Whoever sells or lets on hire or, as agent of a seller or hirer, causes or procedures to be sold or let on hire, in a factory any machinery driven by power which does not comply with these provisions or any rules made under this section, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

28. Prohibition of employment of women and children near cotton openers (Section 27) – No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work.
29. Excessive weights (Section 34 and Rules). – No woman or young person shall, unaided by another person, lift, carry or move by hand or on head, any material, article, tool or appliance exceeding the maximum limit in weight set out the following schedule: -