

The Factories (Haryana) Exempting Rules, 1980

HARYANA

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Rule THE-FACTORIES-HARYANA-EXEMPTING-RULES-1980 of 1980

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The Factories (Haryana) Exempting Rules, 1980Published vide Haryana Government Notification No. G.S.R. 105/C.A.63/48/Sections 64 and 112/80, dated 9th October, 1980Haryana GovernmentLabour DepartmentNo. G.S.R. 105/C.A. 63/48/Ss. 64 and 112/80. - In exercise of the powers (conferred by section 64 read with section 112 of the Factories Act, 1948 Central Act 63 of 1948), and with reference to Haryana Government, Labour Department, Notification No. 12 (114) 79-1 Lab, dated the 23rd October, 1979, the Governor of Haryana makes the following rules, namely :-

1. Short title, extent and commencement.

(1)These rules may be called the Factories (Haryana) Exempting Rules, 1980.(2)They shall extend to the whole of the State of Haryana.(3)They shall come into force at once and shall remain in force for a period of five years from the date of their commencement.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)'Act' means the Factories Act, 1948;(b)'Chief Inspector' means the Chief Inspector of Factories, Haryana; and(c)'Manager' means the person responsible to the occupier for the working of the factory for the purpose of the Act.

3.

Persons holding position of supervision or management :-(1)The following persons in factories, other than sugar factories, shall be deemed to hold positions of supervision or management; provided they are not required to perform manual labour as a regular part of their duties :-(i)Manager.(ii)General Manager.(iii)Factory Manager.(iv)Deputy Manager.(v)Deputy General Manager.(vi)Assistant Manager.(vii)Assistant Factory Manager.(viii)Labour Welfare

Officer.(ix)Chief Welfare Officer.(x)Assistant Welfare Officer.(xi)Head of Technical Departments.(xii)Engineers.(xiii)Assistant Engineers.(xiv)Foreman.(xv)Electrical Maintenance staff.(xvi)Secretary to the Managing Agent.(xvii)Personal Assistant to the Managing Agent.(xviii)Personal Assistant to the General Manager.(xix)Overseers.(xx)Supervisors(xxi)Paper Makers (Incharge of the Paper making section).(xxii)Head Store-Keepers.(xxiii)Watch and Ward Officer/Staff.(xxiv)Security Officer/Assistant Security Officer.(xxv)Head Timekeeper or Timekeeper where there is no post of Head Timekeeper.(xxvi)Line Superintendent.(xxvii)Power House Superintendents.(xxviii)Assistant Foreman.(xxix)Meter Inspector.(xxx)Telephone Supervisors.(xxxi)Permanent Way Inspectors(xxxii)Chargeman.(xxxi)Medical Officer.(xxxiv)Legal Officer.(xxxv)Welfare Officer.(xxxvi)Chief Draftsman.(xxxvii)Head of Planning and Progress.(xxxviii)Inspectors.(xxxix)Laboratory Incharge.(xl)Technicians.(xli)Despatch Incharge.(xlii)Tubewell Staff.(xliii)Sweeping/Cleaning Staff.(xliv)Any other person employed solely in a supervisory capacity who, in the opinion of the State Government, holds a position of supervision or management and is so declared by it in writing.(2)The following persons shall be deemed to hold positions of supervision or management in sugar factories :-(i)General Manager.(ii)Deputy General Manager.(iii)Manager.(iv)Cane-Manager.(v)Deputy Cane-Manager.(vi)Cane Superintendent where there is no Cane-Manager.(vii)Chief Chemist.(viii)Labour Welfare Officer.(ix)Chief Engineer.(x)Secretary to the Managing Agent.(xi)Personal Assistant to General Manager.(xii)Cane Development Officer.(xiii)Secretary.(xiv)Deputy Secretary.(xv)Foreman.(xvi)Workshop Incharge.(xvii)Electrical Foreman.(xviii)Store Purchase Officer/Head Store-keeper.(xix)Deputy Chief Chemist.(xx)Deputy Chief Engineer.(xxi)Electrical Engineer.(xxii)Chemist.(xxiii)Laboratory Incharge.(xxiv)Labour Superintendent.(xxv)Labour Officer.(xxvi)Legal Officer.(xxvii)Watch and Ward Officer/Incharge Watch and Ward.(xxviii)Medical Officer.(xxix)General Secretary.(xxx)Head Electrician.(xxxi)Assistant Engineer/Shift Engineer.(xxxii)Overseer Incharge.(xxxiii)Transport Inspector Incharge.(xxxiv)Assistant Manager.(xxxv)Security Officer.(xxxvi)Manufacturing Chemist.(xxxvii)Supervisors.(xxxviii)Civil Engineers.(xxxix)Inspectors.(xl)Cane Officer Incharge.(xli)Time-keeper.(xlii)Any person, who in the opinion of the State Government, holds a position of supervision or management and is so declared by it in writing.

4. Persons employed in confidential positions.

- The following persons shall be deemed to hold confidential position in a factory :-(i)Stenographer attached to the Head of Department.(ii)Office Superintendent.(iii)Head Clerk where there is no Office Superintendent.(iv)Head Munim where there is no Office Superintendent or Head Clerk.(v)Head Accountant or Accountant where there is no Head Accountant.(vi)Head Time-keeper or Time-keeper where there is no Head Time-keeper.(vii)Head Cashier/Cashier.(viii)Any other person who, in the opinion of the State Government, holds a confidential position and is so declared by it in writing.

5. Maintenance and exhibition of list of persons holding confidential position of supervisor or management.

- A list showing the names and designations of all persons employed in the factory to whom the provisions of sub-section (1) of section 64 have been applied shall be maintained and exhibited at a conspicuous place in the premises of each factory.

6. Exemption of certain adult workers.

- Adult workers engaged in factories specified in column 2 of the Schedule given below on the work specified in column 3 thereof shall be exempted from the provisions of the sections specified in column 4 of the said Schedule subject to the conditions, if any, specified, in column 5 thereof and a notice to this effect showing the names of the workers to be employed shall be displayed at a conspicuous place in the factory and a copy thereof shall be sent to the Inspector and the Chief Inspector :-

Schedule

Section of the Act empowering the grant of exemption	Class of factories	Nature of work on which employed	Extent of exemption	Conditions
1	2	3	4	5
64(2)(a) and 64(3)	All factories	Workers engaged in urgent repairs. The following shall be considered to be urgent repairs -(a) repairs to any part of the machinery, plant or structure of factory which are of such a nature that delay in their execution would involve danger to human life or safety or the stoppage of manufacturing process. Explanation. - Periodical cleaning is not included in the term 'examining' or in the term 'repairing'. (b) break-down repairs to motive power, transmission, or other essential plant of factories, collieries,	Sections 51, 52, 54, 55, 56 and 61	(i) No worker shall be employed for more than 15 hours on any one day or 39 hours during any three consecutive days or 70 hours during each period of seven consecutive days commencing from his first employment on urgent repairs. (ii) within twenty-four hours of the commencement of the works notice shall be sent to the Inspector,

64(2)(b) and
64(3)

All factories

railways, tramways, motor transport, gas, electrical generating and transmission, pumping carried out in engineering work and foundries which are necessary to enable such concerns to maintain their main manufacturing process, production or service during normal working hours or according to schedule;
(c) repairs in connection with a change or motive power, for example from steam to electricity or vice versa, when such work cannot possibly be done without stoppage of the normal manufacturing process.

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 :-

(i) Work in the Boiler House, Engine rooms, Mechanic shops, the smithy or the foundry or furnaces of rolling mills or in connection with the mill gearing the electric driving or lighting apparatus, the mechanical electrical lifts or the steam or water or pumps of a pipe factory;

describing the nature of the urgent repairs, the names of persons employed and the exact time of commencement of work and the probable period required for its completion (iii) Exemption from the provisions of section 54 of the Act shall apply only in the case of male adult workers.

(iv) No worker shall be employed for more than 14 consecutive days without a rest period of 24 hours.

(a) In case of exemption from section 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week. (b) In case of exemption from section 55 rest for half an hour shall be given for meals to each worker during the first six hours of his work

			(c) Spread over inclusive of intervals for rest shall not exceed 2 hours in any one day.
		(ii) Work of examination carrying out minor repairs of any machinery or other part of the plant;	Sections 51, 54, 55, 56 & 61 (a) In case of exemption from section 51 and 54, no workers shall work for more than 10 hours per day or 60 hours per week. (b) In case of exemption from section 55 rest for half an hour shall be given for meals to each worker during the first six hours of his work. (c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.
		(iii) Work of preparation of pay rolls.	Sections 51, 54 & 56 (a) In case of exemption from sections 51 and 54, no workers shall work for more than 10 hours per day or 60 hours per week. (b) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.
64(2)(c) & 64(3)	All factories	Workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty or ordinarily amount to more than the intervals for rest required by or under section 55;	
		(i) Work performed by drivers on lighting, ventilating and humidifying apparatus;	Sections 51, 54, 55, 56 & 61 (a) In case of exemption from sections 51 and 54, no workers shall work for more than 10 hours per day or 60 hours per week.
		(ii) Fire pump men ;	

		(iii) Workmen engaged in loading or unloading or transporting raw materials or finished articles in factories where such work is of intermittent nature		(b) In case of exemption from section 55, rest for half an hour shall be given for meals to each worker during the first six hours of his work.
				(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.
64(2)(d) & 64(3)	All Factories	Workers engaged in any work which for technical reasons must be carried on continuously	Sections 51, 52, 54, 55, 56 & 61	<p>(a) In case of exemption from Sections 51 and 54 no worker shall work for more than 10 hours per day or 60 hours per week.</p> <p>(b) In case of exemption from section 55, rest for half an hour shall be given for meals to each worker during the first six hours of his work.</p> <p>(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.</p> <p>(d) In case of exemption from section 52, the worker shall not get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p> <p>(e) No worker shall be employed on two consecutive 8 hour shifts for more than once in any period of 3 days.</p> <p>(f) The next shift of the shift workers employed on two consecutive 8 hours shall not commence before a period of 8 hours has</p>

				elapsed.
				(g) Exemption from the provision of section 61 of the Act will apply in so far as it relates to the specifications of the period of rest intervals in the notice of periods of work and weekly off day.
64(2)(e) & 64(3)	Factories manufacturing articles of primary necessity	Workers engaged in making or supplying articles of prime necessity which must be made or supplied every day.	Section 52	In case of exemption from section 52 where the work is of continuous nature, the worker shall get 24 hours rest by rotation after six days work in the manner laid down in section 52 of the Act.
64(2)(f)	Seasonal factories	Workers engaged in a manufacturing process which cannot be carried on except during fixed season	Section 52	In case of exemption from section 52 where the work is of continuous nature, the worker shall get 24 hours rest by rotation after 6 days in the manner laid down in section 52 of the Act.
64(2)(g)	Rice Mills	Workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces (work of boiling), drying, lifting and storing of paddy in rice mills)	Sections 52, 55 & 61	(a) In case of exemption from section 52 where the work is of continuous nature, the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act. (b) In case of exemption from section 55, rest for half an hour shall be given for meals to each worker during the first six hours of his work. (c) Exemption from the provision of section 61 of the Act will apply in so far as it relates to the

64(2)(h)	All Factories	Workers engaged in engine-rooms or boiler-houses or in attending to power-plant or transmission machinery	Section 52.	<p>specifications of the periods of rest intervals in the notice of periods of work and weekly off-days.</p> <p>In case of exemption from section 52 where the work is of continuous nature, the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p>
64(2)(i)	Factories where printing of news-papers is carried on	Workers engaged in the printing of newspapers who are held upon account of the break-down of machinery.	Sections 52, 54 & 56.	<p>(a) In case of exemption from section 52 where the work is of continuous nature, the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p> <p>(b) In case of exemption from section 54, no worker shall work for more than 10 hours per day or 60 hours per week.</p> <p>(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.</p>
64(2)(J) & 64(3)	All Factories	Workers engaged in the loading or unloading of railway wagons, goods, vehicles, lorries or tracks.	Sections 51, 52, 54, 55, 56 & 61.	<p>(a) In case of exemption from sections 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.</p> <p>(b) In case of exemption from section 52, where the work is of continuous nature, the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the</p>

Act.

(c) In case of exemption from section 55, rest for half an hour shall be given for meals to each worker during the first six hours of his work.

(d) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.

(e) Exemption from the provisions of section 61 of the Act will apply in so far as it relates to the specifications of the periods of rest intervals in the notice of periods of work and weekly off-day.