

The Orissa Factories (Exemption) Rules, 1996

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Rule THE-ORISSA-FACTORIES-EXEMPTION-RULES-1996 of 1996

- Published on 16 August 1996
- Commenced on 16 August 1996
- [This is the version of this document from 16 August 1996.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Factories (Exemption) Rules, 1996Published vide Notification No. S.R.O. No. 483/86, Orissa Gazette Extraordinary No. 33, dated 16.8.1996S.R.O. No. 483/86. - Whereas the draft of the Orissa Factories (Exemption) Rules, 1995 was published as required by Sub-section (1) of Section 115 of the Factories Act, 1948 (63 of 1948),in the Orissa Gazette, dated the 31st March 1995 under the notification of the Government of Orissa in the Labour & Employment Department No.22276-LL-IV-36/94, dated the 14th February 1995, as S.R.O. No. 203/95 inviting objections and suggestions from all persons likely to be effected thereby till the expiry of a period of forty-five days from the date of publication of the said notification in the Orissa Gazette;And whereas no objection or suggestion has been received during the stipulated period in respect of the draft;Now, therefore, in exercise of the powers conferred by Section 64 read with Section 112 of the said Act, State Government do hereby makes the following rules, namely:

1.

(i)These rules may be called the Orissa Factories (Exemption) Rules, 1996.(ii)They shall come into force on the date of their publication in the Orissa Gazette.

2.

(1)In these rules, unless the context otherwise requires :(a)"Act" means the Factories Act, 1948;(b)"Section" means a section of the Act;(2)All other words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in the Act.

3.

(1)The following persons employed in a factory shall be deemed to be the persons holding positions of supervision or management for the purposes of Sub-section (1) of Section 64, namely

;(a)Manager; and(b)Any other person who, in the opinion of the Chief Inspector, holds a position of supervision or management.(2)All persons who, in the opinion of the Chief Inspector holds a confidential position, shall be deemed to have been employed in a confidential position in the factory.(3)A list showing the names and designation of all persons defined under Sub-rule (1) shall be maintained and shall be made available in every factory for examination by the Inspector.(4)Adult workers engaged in factories specified under column (3) of the schedule given belows, on the work specified under column (4) of the said schedule shall, subject to the conditions, if any, specified under column (6) be exempted from the provisions of the sections specified under column (5) of the said schedule :Provided that on Female Adult Worker shall be Required or Allowed to Work for More than Nine Hours in any Day.

Schedule

Sl. No.	Section of the act empowering grant of exemption	Class of factory	Nature of exempted work	Extent of exemption	Conditions
1	2	3	4	5	6
1.	64 (2)(a) and 64(3)	All Factories	Urgent repairs	Sections 51, 52, 54, 55, 56 and 61	(a) Written notice to the Chief Inspector of Factories describing briefly the nature of urgent repairs and probable period of their duration shall be served within twenty-four hours from the commencement of the work of urgent repairs. (b) If the Chief Inspector is of opinion that any work be carried on in the factory as urgent repairs not urgent

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Section 61.

(c) No worl
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(i) ten
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whole day,

(ii) fifteen l
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(iii) thirty-r
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(iv) sixty-si
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days; and

(d) a statem
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2.	64(2)(b) and 64 (3)	All factories other than those on continuous process	<p>1. Work in the machine shop, the smithy or the foundry or in connection with the mill gearing, the electric driving or lighting apparatus, the mechanical or electric lights or the steam or water pipe or pumps of a factory.</p> <p>2. Work of examining or repairing any machinery or other part of the plant which is necessary for carrying on the work in factory.</p> <p>3. Work in boiler houses and engine rooms, such as lighting fires in order to raise steam or generate gas preparatory to the commencement of regular work in the factory.</p>	Sections 51, 54, 55, 56 and 61
3.	62(2)(c) and 64 (3)	All factories	<p>Work performed by drivers, on lighting, ventilating and humidifying apparatus.</p> <p>Work performed by fire pump-men.</p>	Sections 51, 54, 55, 56, 56 and 61

total number of hours worked by each day in a week by each worker shall be sent to the Inspector within thirty-six hours after the completion of the work.

The limits of overtime work included in those mentioned in Sub-section (c) of Section 61 shall not exceed those mentioned in Sub-section (c) of Section 61.

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4.	64 (2)(d) and 64 (3)	Oil tank installation	Work performed by workers in connection with pumping operations	Section 51, 52, 54, 55, 56 and 61	Ditto
5.	64(2)(b)	Ditto	Work performed by furnacement and firemen	Sections 51, 54, 55 and 56	Ditto
6.	64 (2)(d)	Public electricity supply factories generating electricity in any manner and those engine rooms and boiler departments generating electricity in any manner for their own use employing workers on shift	Operation maintenance of (i) Prime movers and auxiliaries, generators, transformers and switch gears; (ii) Boilers and auxiliaries.	Sections 51, 52, 54, 55 and 56	(a) The worker shall be allowed to work on shift of not longer than eight hours durations
				(b) No such worker shall be employed more than fourteen consecutive days without a compensatory rest period of at least twenty hours at one time.	
					(c) No such worker shall be employed so as to work in excess of any of the limits specified in Sub-section (4) of Section 61 :

Provided that
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7.	64(2)(d)	Electrical receiving stations and substations or in any factory the department of the factory receiving and distributing electrical energy for the use of the factory	Operation and maintenance of transformer and their auxiliaries including receiving and distribution, switch-gear, lighting arresters, synchronous and other condensers and rotary and static condensers.	Sections 51, 52, 55 and 56	Ditto
8.	64(2)(d)	Distilleries	Work on the extraction for sugar from various bases, fermentation of sugar juice and distillation of fermented wash	Ditto	Ditto
9.	64(2)(d)	Sugar Factories	Operation beginning with receiving and weighing of cane and ending with bagging of sugar where there is vacuum pan system	Ditto	Ditto
10.	64(2)(d)	Iron and Steel Factories	Operation of blast furnaces, steel melting furnaces Linz and Donawitz Converters, rolling mills and such other work which must proceed concurrently with such operations and must be for technical reason carried on continuously throughout	Ditto	Ditto

			the day.		
11.	64(2)(d)	Coke-oven Plants	Operation of cock-ovens	Ditto	Ditto
12.	64(2)(d)	By product Plants	Recovery and treatment of by-products	Ditto	Ditto
			Work performed by male adult workers on bamboopreparing plant, digester, strainers and washers, beaters, papermaking machines, super calendar, acid plant, soda recoveryplant, pumping plant, electrolysis plant and bleaching plant,work of lime reburning, gas producer plant, fibre recovery andwater clarifier	Sections 51, 52, 55 and 56	No worker be allowed work more 56hours in one week e when empl as in provis toClause (c above, but shall not be allowed to for moretha hours in an week
13.	64 (2)(d)	Paper Factories			
14.	64 (2)(d)	Cement Factories	All works on continuous process units	Ditto	Ditto
15.	64(2)(d)	Aluminium Factories	All works on continuous process units	Ditto	Ditto
16.	64(2)(d)	Refractories and Potteries	Workers or polishers in all potteries, mixing,moulding, drying, setting and operations of kinds including gasproducer	Ditto	Ditto
17.	64(2)(d)	Chemical Factories	All works on continuous process	Ditto	Ditto
			The work viz., refining, bleaching, filteringgeneration of hydrogen, hydrogenerating deodourising processesalso compression of oxygen and the cylinder filling		
18.	64(2)(d)	Vegetable oil hydrogeneration factories		Ditto	Ditto
19.	64(2)(d)	Ice Factories	Work on the manufacturing/handling	Ditto	Ditto

of ice

					No worker be allowed work more than fifty-si hours in an week except when empl as in provis Clause (c) above, but shall not be allowed to work for mo than 64 ho any one we
20.	64(2)(d)	Glass Factories	Work of charging and attending to the post ortanks, attending sheet glass, making machines and fullyautomatic other glass making machines and firing the furnace	Ditto	
21.	64(2)(d)	Oxygen Factories	Engine and plant drivers, oilers and filling of cylinders	Sections 51, 52, 54, 55 and 56	Ditto
22.	64(2)(d)	Acetyline Factories	Generation of gas filling of cylinders	Ditto	Ditto
23.	64(2)(d)	Water works and pumping stations	All works	Sections 51, 52, 54, 55 and 56	Ditto
24.	64(2)(d)	Ferro-alloys Factories	Operation on electric furnaces	Ditto	Ditto
25.	64(2)(d)	Oil Mills	All works on continuous process	Section 55	The worker shall be allo to work on shifts of not longer than hours' durations.
26.	64(2)(d)	Flour Mills	All works	Ditto	Ditto
27.	64(2)(d)	Rubber Type Factories	All works on curing process	Sections 55 and 56	The limits o work inclus of overtime shall not ex those mentioned Sub-section of Section 6

28.	64(2)(i) and 64(3)	Newspaper Printing Factories	Workers engaged in printing of newspapers who are held up on account of breakdown of machinery	Sections 51, 54, 56 and 61	Ditto
29.	64(2)(i) and 64(3)	All Factories	Loading and unloading of Railway Wagons, trucks, or lorries	Sections 51, 52, 54, 55, 56 and 61	The limits of work inclusive of overtime shall not exceed those mentioned in Sub-section (i) of Section 6
30.	64(2)(b) and 64(3)	Ordinance Factories and the work connected with testing of its products	The work viz., firing gun recovery of fired shells and demolition of blind	Sections 51, 52, 55, 56 and 61	Ditto
31.	64(2)(h)	All factories other than those on continuous process	Workers engaged in engine rooms and boilerhouses, workers attending to power plant machinery and transmission machinery	Section 51 and 52	No worker shall be employed in such work for more than ten consecutive days without holiday for whole day
32.	64 (2)(k)	Printing Presses	Printing of Ballot Papers for Parliament and Assembly Elections	Section 51, 52, 54, 55 and 56	The limits of work inclusive of overtime shall not exceed those mentioned in Sub-section (i) of Section 6

Explanation - "Urgent repairs" means -(a)break down repairs to the motive powers or plant and machinery of a factory which if not, carried out expeditiously would involve danger to human life or safety or delay in resumption of the main manufacturing process;(b)break down repairs carried out in general engineering works of foundaries to the motive power or plant of other factories, collieries railways, deek yards, harbours, tramways, meter transport, gas works, electrical generating and pumping stations which necessary to enable such concerns to maintain their services or resume their main manufacturing process with little delay as possible;(c)break down repairs to ships and air crafts which are essential to enable them to leave part at proper time or continue their normal operation in a sound condition; and(d)repairs in connection with a change of motive power for

example from steam or vice versa when such repairs can not be done without stoppage of the main manufacturing process. Note - Periodical cleaning is not included within the meaning of the terms "examination or repairing".