

The Factories (Haryana) Exempting Rules, 1987

HARYANA

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Rule THE-FACTORIES-HARYANA-EXEMPTING-RULES-1987 of 1987

- Published on 7 February 1987
- Commenced on 7 February 1987
- [This is the version of this document from 7 February 1987.]
- [Note: The original publication document is not available and this content could not be verified.]

The Factories (Haryana) Exempting Rules, 1987Published vide Haryana Government Notification No. 9/3/85-6 Lab. dated 7.2.1987Labour DepartmentNo. 9/3/85-6 Lab. - In exercise of the powers conferred by section 64 read with Section 112 of the Factories Act, 1948 and all other powers enabling him in this behalf and with reference to Haryana Government, Labour Department, notification No. 9/3/85-6 Lab, dated 19th August, 1986 the Governor of Haryana hereby makes the following rules, namely :-

1. Short title, extent and commencement.

(1)These rules may be called the Factories (Haryana) Exempting Rules, 1987.(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 the 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 super factories shall be deemed to hold positions of supervision or management, provided they are not required to perform manual Labour as 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)Heads 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 Time-keeper or time-keeper where there is no post of Head Time-Keeper(xxvi)Line Superintendent(xxvii)Power House Superintendent(xxviii)Assistant Foreman(xxix)Meter Inspector(xxx)Telephone Supervisors(xxxi)Permanent Way Inspector(xxxii)Chargeman(xxxiii)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, 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)Assistant(xxxiv)Transport Inspector Incharge(xxxv)Assistant Manager(xxxvi)Security Officer(xxxvii)Manufacturing Chemist(xxxviii)Supervisors(xxxix)Civil Engineers(xl)Inspector(xli)Cane Officer Incharge(xlii)Time-keeper(xliii)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 position.

- 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 is 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 or position of supervision 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 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
64(2)(a) and 64(3)	All factories	Workers engaged on 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 of the stoppage of manufacturing process	Section 51, 52, 54, 55, 56 and 61	<p>(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.</p> <p>(ii) within twenty hours of the commencement of the worker's notice shall be sent to the Inspector, 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.</p> <p>(iii) Exemption from the provisions of section 54 of</p>
		Explanation - Periodical cleaning is not included in		

the term 'examining' or in
the term 'repairing'

the Act, shall apply only in
the case of male adult
workers.

(b) Break-down repairs to
motive power
transmission, or
other essential plant of
factories collieries,
railways, tramway, motor
transport, gas electrical
generating and
transmission, pumping
carried out in engineering
work and foundries which
are necessary to enable
such concerned to
maintain their
main manufacturing
process, production of
service during
normal working hour of
according to Schedule.

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

(c) repairs in connection
with a change or motive
power for example from
steam to electricity are 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 for limits
laid down for the general
working of the factory :

Sections 51,
54, 55, 56
and 61

(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.

(i) Work in the Boiler
house, Engine Room
Mechanic shop, the smithy
or the foundry or furnaces,

(b) In case of exemption
from section 55 rest
for half-an-hour shall be
given for meals to each

64(2)(b) and
64(3) All factories

		or rolling mills or inconnection with the mill gearing the electric diving or lightingapparatus the mechanical electrical lifts or the steam or waterof the pumps of a pipes factory.		worker during thefirst six hours of his works.
		(ii) Work of examination carrying out minor repairs of anymachinery or other part of the plant	Sections 51, 54, 56 and 61	(a) In case of exemption from sections 51 and 54, no workershall work for more than 10 hours per day, or 60 hours per week. (b) In case of exemption from section 55 for half-an-hourshall be given for meals to each worker during the first sixhours of his work. (c) Spread over inclusive of intervals for rest shall notexceed 12 hours in any one day.
		(iii) Work of preparation of pay rolls	Sections 51, 54 and 56.	(a) In case of exemption from sections 51 and 54, no workershall work for more than 10 hours per day, or 60 hours per week. (b) Spread over inclusive of intervals for rest shall notexceed 12 hours in any one day.
64(2)(a) and 64(3)	All factories	Workers engaged in work which is necessarily so intermittentthat the intervals during which they do not work while on dutyor ordinarily amount to more than the intervals for restrequired by or under section 55.		

(i) Work performed by drivers on lighting ventilation and humidifying apparatus.			Sections 51, 54, 55, 56 and 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 man.				(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.
64(2)(d) and 64(3)	All factories	Worker engaged in any work which for technical reasons must be carried on continuously.	Sections 51, 52, 54, 55, 56 and 61	(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.
				(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) In case of exemption from section 55, for rest 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.
				(d) In case of exemption from section 52 the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.
				(e) No worker shall be employed on two consecutive 8 hour shifts for more than once in any period of 3 days.

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

				<p>given for meals to each worker during the first six hours of his works.</p> <p>(c) Exemption from the provisions 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 the periods of work and week 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 5 days work in the manner laid down in section 52 of the Act.</p> <p>(a) In case 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> <p>(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.</p>
64(2)(h)	All factories	Workers engaged in engine-room or boiler houses or in attending to power plant or transmission machinery.	Section 52	
64(2)(i)	Factories where printing of newspapers is carried on.	Workers engaged in the printing of newspapers who are held upon account of the break down of machinery.	Sections 52, 54 and 56	
64(2)(i) and 64(3)	All Factories	Workers engaged in the loading or unloading of railway wagons, goods vehicles, lorries trucks.	Sections 51, 52, 54, 55, 56 and 61.	

(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 in the manner laid down in section 52 of the 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.