

The West Bengal Factories (Exemption) Rules, 1982

WEST BENGAL

India

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Rule

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The West Bengal Factories (Exemption) Rules, 1982

1. Short Title

- These rules may be called the West Bengal Factories (Exemption) Rules, 1982.

2. Definitions.

(a)"the Act" means the Factories Act, 1948 (63 of 1948);(b)"holiday" includes a compensatory rest period referred to in item (c) of the conditions of exemption specified in rule 8 of these rules; and(c)"section" means a section of the Act.

3. Persons deemed to be holding positions of supervision or management, etc. in a factory.

(1)The following persons employed in a factory shall, under sub-section (1) of section 64, be deemed to be persons holding positions of supervision or management or persons employed in a confidential position, namely :-(a)Manager,(b)Any other person who, in the opinion of the Chief Inspector, holds a position of supervision or management or is employed in a confidential position.(2)A recorded of the names and designation of all persons defined under sub-rule (1) shall be maintained correctly, legibly, in ink, and shall be available in every factory for examination by the Inspector.

4. Holidays due to workers.

- Notwithstanding anything contained in these rules no adult worker in respect of whom exemption from the provisions of section 52 has been granted shall be deprived of any holiday due to him in accordance with the provisions of section 53.

5. Urgent repairs.

- The provisions of section 51, 52, 54, 55, 56 and 61 shall not apply to adult male workers employed on urgent repairs on condition that -(a)Throughout the full period of such work, a notice stating the names of the workers employed thereon, shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 108;(b)a notice stating fully the nature of the repairs, the time of commencement of work on the same and its probable duration shall be sent to the Inspector forthwith;(c)no worker shall be employed on such work for more than -(i)ten consecutive days without a holiday for a whole day;(ii)fifteen hours on any one day;(iii)thirty nine hours during any three consecutive days; or(iv)sixty-six hours during each period of seven consecutive days; and(d)a statement showing the total number of hours worked each day in the week by each worker shall be sent to the Inspector within thirty-six hours after the completion of the work.Explanation 1. "Urgent repairs" mean-(a)repairs to the motive power of plant and machinery or structure 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)breakdown repairs to ships, steamers and launches, which are essential to enable them to leave port at proper time or continue their normal operations in a sound condition;(c)repairs to commercial aircraft, its engine or other equipment done in a factory, which are essential to enable such aircrafts to leave airport at proper time or continue their normal operations in an air-worthy condition;(d)breakdown repairs carried out in a general engineering works or foundries to the motive power of plant and machinery of other factories, collieries, railways, dock-yards, harbours, tramways, motor transport, gas works, electrical generating and distributing or pumping or similar essential or public utility services which are necessary for the main manufacturing process with as little delay as possible;(e)breakdown repairs to tractors, earthmoving, lifting and hoisting machinery, cranes, conveyors and other heavy machinery and equipment used in connection with construction projects;(f)repairs in connection with a change of motive power, for example, from steam to electricity or vice versa, when such repairs cannot be done without stoppage of the main manufacturing process; and(g)repairs to emergency ancillary equipment for civil aviation, fire-brigade, or similar essential or public utility services which must be carried out expeditiously so as to enable them to continue their normal operations and services at proper time.Explanation 2.- Periodical cleaning and routine maintenance jobs are not however included in the term "urgent repairs".

6. Boiler house and engine room attendant.

- The provisions of sections 51, 52, 54, 55, 56 and 61 shall not apply to adult male workers engaged solely on the work of attending to boilers or prime movers, on condition that -(a)the manager of the factory shall classify all such workers into groups according to the nature of their work;(b)a notice showing the group or groups of workers working under the provisions of this rule shall be displayed

and maintained in accordance with the provisions of sub-section 108;(c)an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of the work;(d)no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day; and(e)no such worker shall be employed so as to work in excess of any of the limits specified in sub-section (4) of sections 64.

7. Maintenance workers and workers employed on dispatching or receiving of goods.

- The provisions of sections 51 and 54 shall not apply to adult male workers and the provisions of sections 55, 56 and 61 shall not apply to adult workers engaged solely on the maintenance of machinery and plant or on the dispatching or receiving of goods, on condition that -(a)the manager of the factory shall classify all such workers into groups according to the nature of their work;(b)a notice showing the group of workers working under the provisions of this rule shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 108;(c)an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work; and(d)no such worker shall be employed so as to work in excess of any of the , limits specified in sub-section (4) of section 64.

8. Continuous process.

- The provisions of sections 51, 52, 54, 55 and 56 shall not apply to adult male workers employed in -

1. integrated iron and steel plant -

(a)on the operation of blast furnaces, open-hearth furnaces, converters and other iron and steel melting plant or heating furnaces; and(b)on the operation of the raw material handling plant, sintering plant, continuous casting plant, rolling mills including their heating furnaces, handling and disposal of hot metal, slag and similar other waste product;

2. coke-oven plant, on the operation of coke-ovens;

3. by-product plant, on the recovery and treatment of by-products;

4. water-works or pumping stations, pumping and alum mixing plant operators, turn cocks or valvemen and setting tank watchers;

- 5. gas workers, on the actual production of coal gas;**
- 6. gas factories, on the production and treatment of carbon dioxide, nitrous oxide, oxygen and acetylene and hydrogen;**
- 7. ice factories, on the manufacture and handling of ice;**
- 8. cold storage plant, on the work of attending to the refrigeration machinery;**
- 9. chemical factories, on the manufacture of sulphuric acid, nitric acid, hydrochloric acid, carbon disulphide, epsom salt, alum, alumina sulphate, ammonium sulphate, sodium sulphate, ferrous sulphate, sodium chloride, calcium hypochloride, copper sulphate, hypo-sulphate of soda, gastric-soda, nitrate of potash, phosphoric acid, ammonia, liquid chlorine, ether, formaldehyde, chloroform, sodium, salicylate, sodium tartrate, sodium citrate, sodium silicate, potash citrate, potash acetate, potash tartate, lime sulphur solution, bisulphate of lime, zinc oxide, litharge, red lead, white lead, strychnine chromates, and dichromates, caffeine, ephedrine, storphine, kurchi, prophyllin dextrine, diphenyle diamine sulphone, phthalic anhydride, phenol, and its derivatives and by-products, pentachlorophenol and its derivatives and by-products, steroid hormones and its intermediaries, dextran, iron dextran, hyalase and auxiliary chemicals, animal glues (gelatine), whitefactice, stearates (zinc and aluminium) and absorbent: and on the sterilization of surgical dressings, on the distillation of coal tar and the recovery of its by-products;**
- 10. Paper mills and board mills using drying cylinders, on the work of attending to raw material preparing plant, digesters, breakers beaters, bleaching plant, washers, strainer, refiners, paper making machines, paper board making machines, calendars, reelers and cutters, pinking plant, bleach making plant, acid making plant, soda recovery plant and power plant;**
- 11. electrical generating and distributing stations, on the work of generation and distribution of electrical energy and operation of switch gear;**
- 12. glass factories, on the work of charging and attending to the pots or tanks, attending sheet glass-making machines and fully automatic other glass-making machines and firing the furnaces;**

- 13. sugar factories, using the vacuum-pan system;**
- 14. refractory, ceramic, brick, tile and pipe works on the work of firing and attending kilns;**
- 15. distilleries, on fermentation and distillation plant, and breweries on the work of malting and brewing with chemical refrigeration;**
- 16. tanning extract factories, on the work of charging and vats and attending to evaporators and finishers;**
- 17. shellac factories, on the solvent and heat extraction processes of shellac manufacture;**
- 18. factories, on the work of extraction of oil by the solvent process;**
- 19. factories, engaged in the manufacture of paints and varnishes, on the work of manufacturing alkyd resin, oleoresinous vehicles, chromium oxide and stand oil;**
- 20. asbestos cement products factories, on the work of delivery of asbestos and cement from the piles at the feed end to the delivery and stacking of formed products in the watering chambers;**
- 21. engineering factories, on the work of attending to cupola, steel melting or heating furnaces and heat treatment furnaces;**
- 22. engineering factories, on the work of attending to automatic galvanizing plant;**
- 23. aluminium factories, on the manufacture of alumina from crushed bauxite, the reduction of alumina to prime aluminium by electrolytic process and clacining and pitch melting in the anode paste plant;**
- 24. factories manufacturing yeast, on the work of attending to seed propagation, fermentation, separation and pressing plant, and on the work of packing and storing of yeast;**

- 25. factories manufacturing hydrogenated vegetable oil, on the work of refining, bleaching, filtering, generation of hydrogen hydrogenating and deodorizing process;**
- 26. factories engaged in the manufacture of soap, on the work of attending to the Mazzoni soap plant;**
- 27. factories manufacturing furnace black, on various process from storage of raw materials into reservoirs upto the packing of carbon black;**
- 28. factories manufacturing calcium carbide, on the operation of lime kiln and electric furnace;**
- 29. factories manufacturing polythene, on work connected with the process of alcohol vapourisation, conversion of alcohol vapour to crude ethylene gas, purification of crude ethylene gas, compression of ethylene gas, polymerization of ethylene into molten polythene, extrusion of liquid polythene as ribbons, cooling and dicing of polythene ribbons into granules;**
- 30. factories, on work of attending to polythene film extrusion machine;**
- 31. factories manufacturing telephone cable, on the work of manufacture of cable, taping braiding, lead sheathing, thermoplastic insulation and inspection of cables;**
- 32. factories manufacturing insulated electric cables where curing is done by the continuous process, on the work of rubber milling, wire drawing, annealing, lining, punching and stranding, taping, braiding, continuous vulcanizing, compounding and winding;**
- 33. factories manufacturing enameled wire, on the work of annealing, enamelling and rewinding;**
- 34. factories manufacturing rayon by the viscose method, on the various process from steeping of pulp to cone winding;**

- 35. factories engaged in the manufacture of transparent paper on the work of attending to film casting, washing, drying and moisture proofing plant;**
- 36. the India Government Silver Refinery, on work connected with the treatment of quarternery alloy and refining of silver and/or copper by electrolytic process;**
- 37. factories manufacturing rubber chemicals, on the work of manufacturing diphenylamine, rubber accelerators and rubber antioxidants;**
- 38. factories manufacturing are carbon midget electrodes, synthetic graphite electrodes and anodes, on the operation of baking furnaces and graphitizing furnaces;**
- 39. factories on the actual production of calcined petroleum coke or calcined anthracite except storage of raw material in the silo and packing of finished product;**
- 40. Coal washeries on various manufacturing process excepting loading and unloading of railway wagons, repairs and maintenance of machinery and plant;**
- 41. factories manufacturing fertilizers, on the manufacture of ammonia, urea, nitrophosphates, NPK, methanol and soda-ash;**
- 42. petroleum oil refineries, on work connected with the processes of refining the crude oil to various types of intermediate and finished petroleum products and storage of the products;**
- 43. factories manufacturing slag cement on work connected with the processes of granulating molten slag, drying of granulated slag in the drier, making of slag cement in the mill and transfer of slag cement from the mill to silos;**
- 44. factories, on the work of attending to the plant for electroplating of steel wire with copper by Kenmore process and other integral plant from the supply stand to the take-up stand;**

45. factories manufacturing synthetic dyestuff, on the work of attending to process of methoxilation, animation, conversion to ketone base at high temperature, oxidation of dimethyle aniline, hydrolysis of 5-Chloro-orthotoludine and nitration of acetylene orthoanisidine or para-antisidine;

46. factories engaged in the large scale manufacture of bread using power operated conveyor system, on various processes from mixing of dough up to removal of bread from the cooling chamber;

47. factories manufacturing mineral wood, on various processes from charging of raw materials into the furnace upto mechanical packing of finished product;

48. petroleum storage installations on the work of pumping and receiving of petroleum products from the refineries.

Exemption granted under this rule shall be subject to the following conditions-(a)on the notice of period for work injured under section 61, the manager shall enter against each group of workers working under the provisions of this rule, the words "working under the provisions of rule 8 of the West Bengal Factories (Exemption) rules, 1982";(b)the workers engaged on such work shall ordinarily be employed on daily eight-hour shifts;(c)no such worker shall be employed for more than fourteen consecutive days without a compensatory rest period of at least twenty four hour at one time; and(d)no such worker shall be employed so as to work in excess of any of the limits specified in sub-section (4) of section 64:Provided that in the absence of worker who has failed to report for duty, shift worker may be allowed to work the whole or part of a subsequent shift, on condition that-(i)the next shift of the shift worker shall not commence before a period of 16 hour has elapsed after the specified stopping time of the shift to which the worker belongs; and(ii)the circumstances under which the worker is required to work in the subsequent shift shall be noted immediately in the remarks column of the register of adult workers.

9. Workers engaged in the loading or unloading of railway wagons or lorries, or trucks.

(a)throughout the period of such work a notice, stating the names of the workers employed thereon shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 108;(b)a statement showing the time of commencement of such work and the total number of hours worked each day by each worker shall be sent to the Inspector within thirty-six hours after the completion of the work; and(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 64.

10. Rice Mills.

- The provisions of sections 52, 55 and 61 shall not apply to adult workers employed in rice mills using the par-boiling process, on condition that-(a)the manager or occupier of the factory, before he avails himself of this exemption, has served on the Inspector and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption shall keep the notice so displayed; and(b)an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work.

11.

Tea factories.- The provisions of section 52, 55 and 61 shall not apply to adult workers and the provisions of sections 51 and 54 shall not apply to adult male workers who are employed in the factories, on condition that-(a)each year at the beginning of the manufacturing season the manager or occupier of the factory, before he avails himself of this exemption, has served on the inspector, and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption shall keep the notice so displayed;(b)an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time , of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work, and(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 64.

12.

Flour mills.- The provisions of sections 55 and 61 shall not apply to adult male workers employed in flour mills as sirdars, machine men (operators and cleaners) shotting-men, oilers, packers and stitchers, flour godown coolies, sealmen and sweepers in the screen room, on condition that-(a)the manager or occupier of the factory, before he avails himself of this exemption, has served on the Inspector and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption shall keep the notice so displayed; and(b)an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work.

13.

Rubber factories - Curing by autoclaves.- The provisions of section 55 and 56 shall not apply to adult male workers employed in rubber factories on the work of curing by autoclaves, on condition that -(a)the manager or occupier of the factory, before he avails himself of this exemption, has served on

the Inspector and displayed in the factory a notice of his intention so to avail himself, and whilst he avails himself of the exemption shall keep the notice so displayed; and(b)an attendance register for such workers is maintained in the form appended to these rules and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work.

14. Milk pasteurizing factories.

- The provisions of sections 52 shall not apply to adult workers engaged in milk pasteurizing factories using a mechanical process on condition that no worker in such factories shall be employed for more than fourteen consecutive days without a holiday for a whole day.

15. Salt factories.

- The provisions of sections 52, 55 and 61 shall not apply to adult male workers engaged in manufacture of salt by evaporating sea water by sunshine in the open, on condition that -(a)the manager or occupier of the factory, before he avails himself of this exemption, has served on the Inspector and displayed in the factory notice of his intention so to avail himself, and whilst he avails himself of the exemption, shall keep the notice so displayed, and(b)an attendance register for such workers is maintained in the form appended to these' rules and in respect of each worker the time of commencement of each period of work shall be entered therein beforehand and the time of finishing each period of work shall be entered therein immediately after completion of the period of work. Form Attendance Register of Adult Workers/Adult Male Workers(See Rules 6,7,11,12, 13 and 16)Name of the factory for week ending

1	2	3	4	5	6	7	8	9
Serial No.	Name	Nature of Work	Group.No.	Relay No.	Period of work	Actual time	Total weekly hours	Record of transfer from one group or relay to another
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday		
In Out	In Out	In Out	In Out	In Out	In Out	In Out		