

Rules made by the Chief Commissioner of British Myanmar under section 18 of the Indian Factories

Act, 1881.

No. 529

THE MYANMAR GAZETTE, DECEMBER 5TH, 1891.

[Amendment : 18.06.1989]

No.529.- The following rules made by the Chief Commissioner of Myanmar, under section 18, sub-section (1), clauses (e), (f), and (g) of the Indian Factories Act, 1881, in supersession of Revenue Department Notification No.73, dated the 24th August 1882, are published for general information:-

Rules made by the Chief Commissioner of British Myanmar under section 18 of the Indian Factories Act, 1881.

<Amendment 18.06.1989>

1. The terms 'factory,' 'child,' 'mill-gearing,' 'employed,' and 'certifying surgeon' when used in these rules, or in any supplementary rules that may hereafter be made under the Act, shall have the meaning given to them in the Act.

'Inspector' means the Deputy Commissioner of the district. 'Joint Inspector' means an Inspector, other than the District Magistrate, appointed by the local Government under section 3 of the Act.

2. Each Inspector shall keep a register of all factories within his jurisdiction in the Form A attached to these rules.

3. Each Inspector shall send through the post, under registered cover, a notice to the occupier of every factory within his jurisdiction, intimating his intention of placing such factory upon his register of factories.

4. Any person served with a notice under Rule 3, whose premises do not fall within the definition of a factory given in the Act, may, within 15 days of the receipt of such notice, forward to the Inspector a statement setting forth his objections to the registration of his premises as a factory. The Inspector shall consider and dispose of such objections after making such enquiry as he may deem necessary and shall make up his register of factories in accordance with the provisions of the Act.

5. The Inspector may at any time serve a notice, as provided in Rule 3, upon the occupier of any factory which is not already entered in his register of factories, and the provisions of Rule 4 shall apply to the subsequent proceedings in all such cases.
6. When any premises cease to be occupied as a factory, the occupier may give notice of the fact to the Inspector, who shall, if satisfied that the Act is no longer applicable to such premises, remove them from his register of factories.
7. Each factory shall be inspected by the Inspector at least twice in each calendar year. Where there is a Joint Inspector each factory shall be also inspected by him at least once a quarter.
8. The Inspector shall keep a register of his inspections of each factory in Form **B** attached to these rules, in which he shall record all orders and remarks made by him on each occasion of his inspection. When a factory is inspected by a Joint Inspector, his orders and remarks shall be recorded in the Inspector's register.
9. The Inspector shall without delay furnish a copy of such orders and remarks to the Commissioner of the division and also to the occupier of the factory concerned.
The despatch through the post, under registered cover, of the copy of such orders and remarks shall be deemed to be sufficient service on the occupier of the factory of any orders or directions therein contained.
10. It shall be the duty of Joint Inspectors, who are Civil Surgeons or Medical Officers, at each inspection-
 - (a) to personally examine all the children employed in the factory and to report to the Inspector any case necessitating orders under clause (c) of section 4 of the Act;
 - (b) to make such examination of the women employed in the factory as to satisfy himself that the provisions of clauses (1), (2), and (3) of section 6 of the Act are observed;
 - (c) to report to the Inspector the physical condition of the women and children, and whether the work on which they are employed appears to be injurious to health;
 - (d) to inspect the accommodation (if any) provided for the operatives of both sexes, and report to the Inspector whether it is sufficiently ventilated and otherwise healthy;
 - (e) to inspect the latrines provided for the operatives of both sexes and report to the Inspector whether they are in a sanitary condition, flushed, and ventilated, and whether they are sufficient for the number of persons employed;

(f) to inspect the well, tank, or other source from which water is supplied to the operatives, and to note whether it is wholesome and is kept clean.

11. The occupier of a factory shall, if required by the Inspector or Joint Inspector, bring before him, on the occasion of any inspection, all children employed in the factory and any other persons in the service of such occupier whom the Inspector or Joint Inspector may wish to see.

12. Each certifying surgeon shall give the certificate described in section 5 of the Act in the Form **C** attached to these rules. Forms of certificate in counterfoil will be supplied to certifying surgeons by the Deputy Commissioner of the district.

13. Every occupier of a factory shall keep a file of all certificates of certifying surgeons relating to persons in his employ, and shall produce this when required by the Inspector. Every such certificate shall be returned by such occupier to the parent or guardian of the person to whom it relates on his leaving the factory for other employ, and on demand of such parent or guardian.

14. No registers in Forms E and F prescribed by this department Notification No. 526, dated the 28th November 1891 shall be destroyed or removed from the factory without the written permission of the Inspector. Forms for such registers bound into books will be supplied to occupiers of factories, on indent, by the Deputy Commissioner of the district.

15. Appeals which lie to Commissioners of divisions from orders of Inspectors under section 12, clause (c) of the Act, must be submitted in the Form **D** annexed to these rules through the Inspector within 15 days of the order appealed against; and the Inspector shall forward each such appeal within seven days of its presentation, with any remarks or explanations which he may see fit to make. The Commissioner shall, on receipt, fix a day for disposing of the appeal, and give due notice thereof to the appellant.

F. C.GATES,

Junior Secretary.

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[ATTACH LIST 1] 01 FORM A.(Under Rule 2 of the rules made under Section 18 of the Indian Factories Act, 1881.)N.B.- This register should be re-written at the commencement of each calendar year. REGISTER OF FACTORIES.

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[ATTACH LIST 2] 02 FORM B. (Under Rule 8 of the rules made under Section 18 of the Indian Factories Act, 1881) REGISTER OF INSPECTIONS OF FACTORIES.

[ATTACH LIST 3] 03 (Under Rule 12 of the rules made under Section 18 of the Indian Factories Act, 1881.)

CERTIFICATE UNDER SECTION 5 OF THE INDIAN FACTORIES ACT,1881.

[ATTACH LIST 4] 04 FORM D. (Under Rule 15 of the Rules made under Section 18 of the Indian Factories Act, 1881.)MEMORANDUM OF APPEAL. Section 12, clause (c), of the Indian Factories Act, 1881.MEMORANDUM OF APPEAL.