

MISCELLANEOUS DEPARTMENT.

(THE MYANMAR FACTORIES RULES, 1923.)

No. 35

Dated Rangoon, the 18th June 1923.

[Amendment : 18.06.1989]

No. 35.- In exercise of the powers conferred by section 37 of the Indian Factories Act, 1911, as amended by the Indian Factories (Amendment) Acts, 1922 and 1923, and in supersession of Judicial Department Notification No. 110, dated the 22nd June 1912, as subsequently amended, and General Department Notification No. 228, dated the 12th June 1922, the Local Government is pleased to make the following rules for the purpose of carrying into effect the provisions of the Act:-

THE MYANMAR FACTORIES RULES, 1923.

<Amendment 18.06.1989>

1. These rules may be cited as "The Myanmar Factories Rules, 1923."

<Amendment 18.06.1989>

2. In these rules:-

(a) "the Act" means the Indian Factories Act, 1911, as amended from time to time

(b) "section" means a section of the Act;

(c) "Inspector" means the Inspector appointed under section 4, sub-section (1), for any area save in so far as the Local Government may by notification otherwise direct.

Register of Factories [Section 37 (I)].

3. The Inspector shall maintain a register of factories within the local limits of his charge. He shall send in

Form A to each District Magistrate concerned a copy of the relevant entries in the register and shall subsequently intimate, as they occur, any additions to, or alterations in, these entries.

4. When the Inspector receives notice in Form G under section 33 that a factory is occupied he shall enter such factory in the register of factories, if it has not already been registered therein, unless it appears to him that the premises do not constitute a factory, and shall inform the person who gave the notice of the action taken.

5. If the Inspector has reason to believe that any premises, not yet registered, should be entered in the Register of Factories for his charge he shall inform the occupier of the premises either orally or by notice of his intention of registering them.
6. Any person orally informed or served with a notice under Rule 5 may, within fifteen days, 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 communicate his decision to the person concerned.
7. 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. The Inspector may, without such notice of his own motion at any time, remove any factory from his register if satisfied that it is no longer used as such. Seasonal factories shall not be removed from the register if there is a probability of their again starting work within a reasonable time.

Inspection of Factories [Section 37 (2) (a) and (b)].

8. The Inspector shall be primarily responsible for the administration of the Act within the local limits assigned to him by the Local Government. He shall inspect every factory, other than a seasonal factory, within that area at least once yearly and every seasonal factory within that area at least once during each season of work. He shall also make such further inspections as may appear to him or to the authority to whom he is subordinate, to be necessary to satisfy himself that the provisions of the Act and rules are duly observed.
9. (1) In addition to and without prejudice to any other powers or duties which the Inspector may exercise under the Act or rules he shall at each inspection of a factory satisfy himself:-
 - (a) that the provisions made in the Act and rules to secure the health and safety of the operatives are observed;
 - (b) that any children employed have been duly certified and are not obviously unfit for employment;
 - (c) that the Register of Workers is **Form F** is properly maintained and that their hours of work and the nature of their employment are correctly recorded therein;
 - (d) that the periodical stoppages of work and the holidays provided by the Act are granted and that the limits of hours of work laid down therein are not exceeded;
 - (e) that the provisions of section 31 and of Rule 45 (iii) relating to the payment of overtime are duly observed in factories exempted from the provisions of section 27;

(f) that the abstracts and notice required by section 36 are duly affixed and that the registers required by these rules are properly maintained.

(2) He shall further enquire into the cause of all accidents which have taken place since the last inspection.

(3) He shall note how far the defects pointed out at previous inspections have not been removed and how far orders previously issued have not been complied with.

(4) The Inspector's inspection notes shall be prepared in triplicate. One copy shall be forwarded to the Manager of the Factory; a second copy shall be sent to the District Magistrate concerned, and the third copy shall be filed in the office of the Inspector.

10. In the case of factories situated in places coming under any Municipal law, if it appears that there has been a disregard of the provisions of any Municipal or other local enactment relating to the sanitary arrangements, removal of objectionable rubbish, the cleaning and fencing of water tanks or the like matters, the Inspector shall, without prejudice to any action which he is empowered to take under the Act and rules, draw the attention of the Health Officer or Sanitary Inspector of the Municipality to the breach of the sanitary regulations in question.

11. The Inspector shall file the inspection notes relating to each factory in a separate permanent file for that factory and shall forward to the authority to whom he is subordinate for the purpose of the Act on the tenth day of each month a diary in **Form B** showing the work done in the preceding month.

Duties of Certifying Surgeons [Section 37 (a) (c) and (d).]

12. (a) The duties of a Certifying Surgeon and of a person authorized under section 8 to exercise his functions shall comprise the examination of children desirous of being employed and the re-examination of children in respect of whom a notice under section 8A has been served upon the manager, and who desire to be re-employed. Certificates of age and fitness shall be given to such children as are found qualified to receive them. No fee shall be charged for such examination or for the grant of a certificate in pursuance thereof.

(b) The Certifying Surgeon or person authorized as aforesaid shall fix such place and such time as may be mutually convenient for the attendance of the children wishing to obtain certificates of age and physical fitness. Notice of the place and the time thus fixed shall be given to the managers of factories within the local limits for which he is appointed and to the Inspector of Factories.

13. (1) Every Certifying Surgeon shall keep a bound book in **Form C** containing forms in foil and counterfoil.

The pages shall be numbered consecutively, and shall be printed on cloth-backed paper.

(2) Every certificate granted under section 7 to a person desirous of being employed in a factory shall be prepared by filling up the foil and counterfoil, on which shall also be impressed the left thumb mark of the person in whose name the certificate is granted.

(3) The Certifying Surgeon when satisfied as to the correctness of the entries made therein shall sign the foil and initial the counterfoil, and shall deliver the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate granted under section 7.

(4) A Certifying Surgeon who revokes a certificate under section 7 (a) shall destroy the certificate by burning and shall write the words "Certificate revoked and destroyed" in red ink over his dated signature on the counterfoil.

14. Every person authorized under section 8 to exercise provisionally the functions of a Certifying Surgeon shall grant certificates in the manner provided for in the last foregoing rule. The word "Provisional" shall however be written or stamped in red ink at the top of each foil and counterfoil.

15. (1) When a person to whom a certificate under section 7 has been granted loses such certificate, he may apply to the Certifying Surgeon for a copy of the certificate, and the Certifying Surgeon, after making such enquiry as he deems fit, may grant a duplicate thereof. The word "Duplicate" shall be clearly written in red ink across such certificate and initialled by the Certifying Surgeon. The counterfoil in the bound book of forms shall similarly be marked "Duplicate" and initialled.

(2) For every copy of a certificate granted under clause (1) of this rule, a fee of one rupee shall be charged, which shall be credited to Government. The Certifying Surgeon shall maintain a register in **Form D** of all fees paid for the issue of copies of certificates and shall initial each entry made therein.

(3) No second certificate under section 7 shall be granted to any person otherwise than in accordance with the provisions of this rule.

16. (1) The Certifying Surgeon on receipt of a notice from the Inspector that children are employed in any factory within the local limits for which he is appointed shall visit every such factory at least once every six months while it is in operation, so long as the employment of children continues, giving previous notice of his visits. At each of these visits the Manager shall produce before him at such time as the Certifying Surgeon may fix all children employed in the factory whether actually at work or not, who are not in possession of certificates granted under section 7.

(2) The Certifying Surgeon shall personally examine every child who is in possession of a "Provisional" certificate and shall, if satisfied as to the correctness of the "Provisional" certificate, countersign the same and return it to its owner.

(3) If on such examination the Certifying Surgeon is of opinion that the person in possession of a provisional certificate is under the age of twelve years or is not fit for employment in a factory he shall write the word "Cancelled" in red in cover his dated signature on the certificate and send it with such remarks if any as he may desire to the person who issued it.

Sanitary Conditions [Section 37 (2) (e)].

17. (1) In every factory all inside walls of masonry shall be painted or lime-washed, all iron-work painted and all wood or bamboo work painted or earth-oiled at least once a year dating from the period when the work was last performed.

(2) The dates on which the various parts of the factory were lime-washed, painted or earth-oiled shall be entered in the Register in **Form J**.

18. (1) Rule 17 shall not apply to-

- (a) such portions of factories as are made of galvanized iron, tiles or glazed bricks;
- (b) the tops of rooms in rice mills;
- (c) the woodwork in saw mills;

but this exemption does not extend to coolie lines, cook-houses or latrines and may be cancelled by the Inspector in the case of any factory which is not kept clean.

(2) The Inspector may by special order exempt any class of factory or any parts of a factory from the provisions of Rule 17 on the ground that such provisions are not necessary to satisfy the requirements of section 9 (a) as to cleanliness or are inapplicable by reason of special circumstances. Every such order shall detail the ground on which exemption is granted and a copy of the order shall be supplied to the owner of the factory.

19. (1) No rubbish, filth or debris shall be allowed to accumulate or to remain on any premises in a factory in such a position that effluvia therefrom can arise within the factory.

(2) All drains carrying waste or sullage water shall be constructed in masonry or other impermeable material and shall be regularly flushed and, where possible, connected with some recognized drainage line.

(3) The compound surrounding every factory shall be maintained in a strictly sanitary and cleanly condition.

(4) Proper arrangements shall be made for maintaining in a clean and drained condition the area round the place where drinking water is distributed to the operatives.

(5) All latrines and urinals shall be kept in a sanitary state.

Prevention of Overcrowding [Section 37 (2) (f)].

20. There shall be provided for each person employed in any room of a factory floor area of at least 36 superficial feet and a breathing area of at least 500 cubic feet. The area and cubic space of each room in the factory and the number of persons who may be employed therein shall be entered in the Register in **Form J.**

Standard of Ventilation [Section 37 (2) (g)].

21. (1) In every room of a factory ventilating openings shall be provided in the proportion of ten square feet for each person employed in such room; and the openings shall be such as to admit of a continual supply of fresh air. Particulars of the ventilation of each room in the factory shall be entered in the Register in **Form J.**

(2) The Inspector may, for reasons to be recorded in writing, relax the conditions of sub-rule (1) where in his opinion this may be done with due regard to the health of the persons employed in any room. A copy of his order shall be supplied to the owner of the factory.

Provision of Sanitary Accommodation [Section 37 (2) (h)].

22. (1) Every factory which has not been exempted under the proviso to section 13 shall be provided with latrine accommodation, which shall be in a place detached from the other factory buildings and on the following scale, vis.:-

	Seats.
Where the number of operatives does not exceed 50	... 3
Where the number of operatives exceeds 50 but does not exceed 150 4

Where the number of operatives exceeds 150 but does not

Where the number of operatives exceeds 200 ... 1 seat for every 50 or fraction of 50.

(2) If females are employed, separate latrines screened from those for males and marked in the vernacular in conspicuous letters "**For females only**" shall be provided.

Latrines for males shall be similarly marked "For men only."

Drinking Water [Section 37 (2) (i)].

23. In every factory a supply of water fit for drinking consisting of at least as many gallons per diem as there are persons employed in the factory shall be provided for the operatives free of cost. The supply shall be derived either from a public supply of drinking water or from one or more wells or tanks so situated as not to be polluted or contaminated with organic matter or other impurities.

Fencing of Machinery and Electrical Fittings [Section 37 (2) (j)].

24. The following parts of transmission machinery shall be securely fenced when in motion and within reach:-

(i) All shafts, couplings, collars, clutches, toothed wheels, pulleys, driving straps, chains and ropes, except such as are in the opinion of the Inspector by construction or position equally safe to every person employed as they would be if securely fenced or guarded.

(ii) All projecting set screws, keys, nuts or bolts on revolving parts, except such as are countersunk or otherwise made equally safe

(iii) The underside of all heavy overhead main driving belts or ropes if there is any probability of persons having to pass under them

Explanations.- (a) “Transmission machinery” means machinery for transmitting motion between any prime mover and any machine or appliance.

(b) "Within reach" in this and the following rules means within 6 feet of any spot on which any person may have to stand or which any person may have to pass in the course of his employment

25. The following parts of machine tools shall be securely fenced:-

The back gears and change wheels of lathes; the back gears and bevel gearing of drilling machines; and the gear wheels of planing, shaping, slotting and milling machines which are within reach.

26. Every platen machine in a printing works shall be fitted with an efficient finger guard.

27. All emery wheels shall be provided with strong iron guards.
28. All hoist gates shall be self-locking and capable of being opened only when the cage is opposite the floor.
29. (1) All circular saws shall be provided with a strong metal guard with a riving knife at the back of the saw.

The saw under the table shall be completely guarded.

29. (2) (a) Every circular saw shall be fenced as follows:-

The part of the saw below the bench table shall be protected by two plates of metal or other suitable material one on each side of the saw; such plates shall not be more than 6 inches apart and shall extend from the axis of the saw outwards to a distance of not less than 2 inches beyond the teeth of the saw. Metal plates, if not beaded, shall be of a thickness at least equal to 14 gauge, or, if beaded, be of a thickness at least equal to 20 gauge.

- (b) Every circular saw except rack saws shall be fenced as follows:-

Behind and in a direct line with the saw there shall be a riving knife, which shall have a smooth surface, shall be strong, rigid, and easily adjustable, and shall also conform to the following conditions:-

- (i) The edge of the knife nearer the saw shall from an arc of a circle having a radius not exceeding the radius of the largest saw used on the bench.
- (ii) The knife shall be maintained as close as practicable to the saw, having regard to the nature of the work being done at the time, and at the level of the bench table the distance between the front edge of the knife and teeth of the saw shall not exceed half an inch.
- (iii) For a saw of a diameter of less than 24 inches, the knife shall extend upwards from the bench table to within 1 inch of the top of the saw, and for a saw of a diameter of 24 inches or over shall extend upwards from the bench table to a height of at least 9 inches.

(c) The top of the saw shall be covered by a strong and easily adjustable guard, with a flange at the side of the saw farthest from the fence. The guard shall be kept so adjusted that the said flange shall extend below the roots of the teeth of the saw. The guard shall extend from the top of the riving knife to a point as low as practicable at the cutting edge of the saw.

30. In any factory where electrical energy at a pressure exceeding 125 volts is generated or used the rules from time to time prescribed under the Indian Electricity Act, 1910, shall apply as regards the fencing of electrical fittings including live wires and switches.

Protection of Persons attending to Machinery [Section 37 (2) (j)].

31. (1) As far as possible all important pulleys shall be provided with belt hangers or perches.

Explanation.- “Belt hanger” is a guard or perch fixed near the side and upper edge of a pulley on which a belt which has run off or been removed from the pulley can rest.

(2) Suitable striking gear shall be provided and used to move driving straps on all fast and loose pulleys.

(3) When the main belts of any machinery have to be adjusted the machinery shall be stopped and shall not be set in motion again until such belts have been completely adjusted.

(4) All belts shall be examined to see that they are kept at proper tension.

32. (1) Every person who has to attend to the machinery or mill gearing in a factory and all mill hands in rice mills shall wear a loin cloth or tight trousers and shall not wear any loose clothing which is liable to be caught in the machinery.

(2) Lubrication of bearing or gear wheels and replacement and adjustment of belts shall be done only by experienced and specially trained employees

33. All ladders used in replacing belts or for attending to the machinery or mill gearing shall be specially made and reserved for that work, and provided with hooks and spurs or some effective non-skid device.

34. (1) Safe and convenient access shall be provided to all belts, bearings of shafts and other parts of the machinery or mill gearing in a factory which may require attention while in motion and also to all inspection doors or handholes of elevators in rice mills.

(2) All gangways shall be firm, and, where more than 4 feet from the floor, shall be not less than 18 inches wide and where possible shall be provided with a hand rail. In those places where it is necessary to step through or over them all belts shall be entirely covered in.

(3) Provision shall be made to render it unnecessary for any person while carrying out his duties to walk or stand on a shaker or other moving part of any machinery except on the moving table of a saw bench or in the cab in a crane.

35. (1) All gangways across tanks containing hot water or other dangerous liquid shall be securely fenced on both sides.

(2) All cocks, pipes or other appliances which are situated over tanks containing hot water or other dangerous liquid shall be so arranged that they can be attended to without danger of workmen falling into the tank.

Procedure in case of Accidents [Section 37 (2) (k)].

36. (1) When death results from an accident occurring in a factory notice shall be sent within one hour of the death by telegraph, telephone or special messenger, to-

- (a) the Inspector in charge of the local area;
- (b) the District Magistrate or, if he by general order so directs, the Subdivisional Magistrate;
- (c) the officer in charge of the police- station for the area in which the factory is situated.

(2) If the notice is sent by special messenger it shall be in **Form E** attached to these rules, and if it is sent by telegraph or telephone it shall be confirmed by a written report in that form.

(3) The notice prescribed by this rule shall be sent in addition to the notice if any previously sent under Rule 37.

37. (1) When an accident occurs in a factory, which so disables any person employed in the factory as to prevent him returning to his ordinary work within 48 hours of the occurrence, notice shall be sent by post in **Form E** within 72 hours of the occurrence to the authorities mentioned in Rule 30 (1) (a) and (b).

(2) If the injured person is sent to hospital, a further notice in **Form E** giving all the particulars specified therein, except that required by the last sentence, shall be sent to the officer in charge of the hospital, either along with the injured person or as soon after the accident as possible.

[Section 39 (2) (1)].

38. The Register of persons employed in a factory prescribed by section 35 of the Act shall be maintained in four parts in appended **Form F**.

Abstracts of Acts and Rules [Section 37 (2) (m)].

39. The abstracts of the Act and of the Rules thereunder which are required by section 36 to be affixed in some conspicuous place near the main entrance of every factory in English and in the language of the majority of the operatives in the factory shall be prepared by the Inspector with the special object of setting out in clear and simple language the privileges and duties of the operatives in the factory under the Act and Rules. The abstracts will be in two Parts: Part I will contain provisions applicable to all factories; Part II will contain those provisions which apply only to the class of factories to which the particular factory in which they are affixed belongs. The abstracts will be supplied on application to the Inspector; they should be renewed periodically when faded or defaced.

Procedure in Appeals [Section 37 (2) (n)].

40. (1) An appeal presented under section 50 shall lie to the Commissioner and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order, bearing a Court fee stamp in

accordance with Article II of Schedule II of the Court Fees Act and accompanied by a copy of the order appealed against.

(2) On receipt of the memorandum of appeal the Commissioner shall, if he thinks fit or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the Myanmar Chamber of Commerce, as the body representing the interests of the industry concerned, or such other body in place thereof as representing such interest as the Local Government may hereafter by notification prescribe, to appoint an assessor within a period of fourteen days. If an assessor is nominated by such body, the Commissioner shall himself appoint a second assessor. He shall then fix a date for the hearing of the appeal, and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear on such date to assist in the hearing of the appeal.

(3) An assessor appointed in accordance with the provisions of sub-rule (2) shall receive a fee of Rs. 32 per diem. The fee shall ordinarily be paid by Government, but, where assessors have been appointed at the request of the appellant, and the appeal has been decided wholly or partly against him, the Commissioner may direct that the fees of the assessors shall be paid in whole or in part by the appellant.

<Amendment 18.06.1989>

Manner of Service of Notices [Section 37 (2) (o)].

41. The despatch through the post, under registered cover, of any notice, order or extract of an Inspector's report sent under the Act or under these rules, shall be deemed a sufficient service on the occupier or manager of the factory of such notice or order or of any directions contained in such extract.

Holidays [Sections 22, 37 (1) and 38].

42. Before the end of each calendar month a return shall be sent to the Inspector giving notice of all the days on which the factory will be closed during the succeeding month. This return shall be submitted whether the factory is or is not working during the calendar month preceding the one to which the return relates. If any change of date a subsequently made notice shall be given to the Inspector accordingly.

Employment of Children [Sections 23 and 37 (1)].

43. Where under the provisions of section 23 (a) a child at work carries a token instead of a certificate, the token shall have the number of the child in the Register of Workers in **Form F**, stamped upon it. The token shall be attached around the neck of the child.

Persons exempted under Sections 29 and 37 (2) (jj).

44. (1) The following persons in a factory shall be deemed to hold positions of supervision or management:-

- (a) the manager;
- (b) assistant managers;
- (c) any other person who, in the opinion of the Inspector, holds a position of supervision or management.

(2) All clerks, accountants, time-keepers and durwans shall be deemed to be employed in a confidential capacity.

(3) A list of all persons employed in the factory to whom the provisions of section 29 have been applied shall be kept in the Register, Form J, Part V.

Overtime Restrictions [Section 30].

45. The following conditions shall apply in all cases in which exemption from the provisions of sections 27 and 28 is granted under the provisions of section 30:-

- (i) Where under the provisions of section 30 women are exempted from the provisions of section 27 the total overtime permitted shall not exceed 6 hours during any week.
- (ii) Where under the provisions of section 30 men are exempted from the provisions of section 27 or section 28 the overtime permitted shall not be such as to make the hours of work exceed 12 in any one day.
- (iii) Where under the provisions of section 30, sub-section (2) or (3), any person is employed for more than 60 hours in any one week in any factory that person shall be paid in respect of the overtime at the rate prescribed by section 31.
- (iv) The prescription of the foregoing conditions shall not be deemed to prevent the prescription of further conditions under section 30.

Forms of Registers, Abstracts and Returns [Sections 33, 35, 37 and 38].

46. The form annexed to these rules which are cited in column 1 of the subjoined table, are prescribed for use under the section cited in the second column thereof:-

1	2
Form G.- Notice of occupation of a factory Section 33.

Form F.- Register of Workers	Section 35.
Form H.- Annual Return prescribed by the Government of India				Section 38.

----- Footnote -----

[ပင်ရင်း- ၂၃.၆၁၉၂ ရက်နေထုတ် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]

----- Attachment -----

[ATTACH LIST 1] 01 FORM A. – EXTRACT FROM REGISTER OF FACTORIES. TO BE SENT TO DISTRICT MAGISTRATE. (Myanmar Factories Rule 3.)

[ATTACH LIST 2] 02 FORM B.- DIARY OF INSPECTOR OF FACTORIES. (Myanmar Factories Rule 11.)

[ATTACH LIST 3] 03 FORM D.- REGISTER OF FEES PAID FOR THE ISSUE OF DUPLICATE CERTIFICATES UNDER SECTION 7, INDIAN FACTORIES ACT, 1911. (Myanmar Factories Rule 15.)

[ATTACH LIST 4] 04 FORM E.- REPORT OF ACCIDENTS. (Myanmar Factories Rules 36 and 37.)

[ATTACH LIST 5] 05 FORM F.- REGISTER OF WORKERS UNDER SECTION 35, ACT XII OF 1911. [Myanmar Factories Rules 9 (c), 38 and 46.]

[ATTACH LIST 6] 06 FORM G.- NOTICE OF OCCUPATION OF A FACTORY. (To be sent by the occupier of a factory to the Inspector of Factories on or before the date on which the factory commences working.)

[ATTACH LIST 7] 07 FORM H.- ANNUAL FACTORY RETURN NO. I. (To be filled and forwarded in duplicate by the Manager of every factory under the Indian Factories Act, 1911, to the Inspector of Factories.) (Indian Factories Act, 1911, and Myanmar Factories Rule 46.)

[ATTACH LIST 8] 08 FORM J.- REGISTER PRESCRIBED FOR USE IN ALL FACTORIES IN MYANMAR. [Myanmar Factories Rules 17 (2), 20, 21 and 44.] INSTRUCTIONS.