

## **THE SIND FACTORIES (ADULT EXEMPTION) RULES, 1973.**

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- (1) Rules framed under the Acts of the Sind Assembly and the Acts of the National Assembly; and
- (2) Other Statutory rules framed by the Sind and National Assemblies.

## PART IV-A

### GOVERNMENT OF SIND LABOUR DEPARTMENT

Karachi, dated the 12<sup>th</sup> July 1973.

NO. SO(L-II)-II(20)/71-- With reference to the Government of Sind, Health, Labour and Social Welfare Department, Notification No. SO(L-II)-II(20)/71, dated the 23<sup>rd</sup> February, 1972, and in exercise of the powers conferred by Section 43 of the Factories Act, 1934 (Act XXV of 1934), the Government of Sind are pleased to make the following rules, namely:-

#### THE SIND FACTORIES (ADULT EXEMPTION) RULES, 1973.

1. **Short title and commencement.-** (1) These rules may be called the Sind Factories (Adult Exemption) Rules, 1973.  
  
(2) They shall come into force at once.
2. In these rules unless there is anything repugnant in the subject or context--
  - (i) "Act" means the Factories Act, 1934;
  - (ii) "Chief Inspector" means the Chief Inspector appointed under sub-section (2) of section 10;
  - (iii) "Form" means the form appended to these rules;
  - (iv) "Inspector" means the Inspector appointed under sub-section (1) of section 10;
  - (v) "Section" means the section of the Act.
3. **Persons holding position of supervision or management.-** The following persons shall be deemed to hold position of supervision or management in a factory:-
  - (1) General Manager, Works Manager, Personnel Manager, Assistant Manager, Administrative Officer, Personnel Officer, Labour Officer, Stores Officer,

Section Officer, Workshop Superintendent, Departmental Heads, Chief Engineers, Electrical Engineer, Boiler Engineer, Mechanical Engineer, Technical Experts Overseer, Inspectors of Workshops/Engineering Branches, Foreman, Chagemen, Head Store Keeper and Chemists.

(2) Any other person who, in the opinion of the Chief Inspector, holds a position of supervision or management in the factory.

4. **Persons holding confidential position.**— All clerks not covered by the definition of workers, as given in clause (h) of section 2, accountants, punch Operators, Machines Operators, data preparation Operators in Computer Section Stenographers/Secretaries of the Managers and Assistant Managers, draftsmen and time-keepers shall be deemed to be employed in a confidential capacity.

5. A list showing the names and designations of all persons, to whom the provision of sub-section (1) of section 43 have been applied, shall be maintained and, when so required by the Inspector, produced before him.

6. **Urgent Repairs.**- When the work in engineering or other workshop on the repair of plant or other machinery or plant incidental to or connected in the manufacturing process used in manufacturing processes or on repair in connection with maintenance of a public service, or in any factory on the repair of any part of the machinery. Ship or Aircraft or Engines of Railways, plant or structure of that factory is of such a nature that delay in its execution would involve-

(1) substantial interruption to the manufacturing process in any factory; or

(2) substantial interruption to a public service; or

(3) danger to human life or safety, all adult male workers employed on such work shall be deemed to be employed on urgent repairs within the meaning of clause (a) of sub-section (2) of section 43 and shall be temporarily exempted from the provisions of section 34, 35, 36, 37, 38, 39 and 40 for the period occupied in the completion of such repairs subject to the following conditions:-

(a) that the period of exemption for any one worker shall not exceed fourteen days in any calendar month;

(b) that no worker shall be employed for more than fourteen consecutive days without one full day's holiday;

- (c) that no worker shall be employed continuously for more than eight hours without rest/interval of at least one hour;
- (d) that a notice stating the names of workers employed and the precise nature of their work shall be sent to the Chief Inspector, the Inspector authorized in this behalf and the Inspector of area concerned within twenty-four hours of the commencement of such employment, and a copy of the said notice shall be affixed in a conspicuous place near the main entrance of the factory before the workers are put on such work.

**7. Preparatory and Complimentary Works.-** Adult male workers employed on dispatching and receiving of goods or solely on maintenance of work or as engine drivers, boiler attendants, mill-wrights, mill wrights-mates, and switch board attendants, turbine drivers, electric motor-drivers, oilmen and welders shall be deemed to be employed on preparatory and complimentary work in all factories within the meaning of clause (b) of sub-section (2) of section 43 and as such shall be exempted from the provisions of sections, 34, 36, 37, 38, 39 and 40 subject to the following conditions:-

- (a) that no such worker shall be employed for more than eight hours continuously without a rest for full one hour;
- (b) that no such worker shall be employed in any factory for more than sixty hours in any week or for more than ten hours in any one day; and
- (c) that seasonal factories no worker shall be allowed to work in such a manner that a spread over exceeds twelve hours in a day.

**8. Intermittent Work.-** Adult male workers employed as-

- (1) Mechanics;
- (2) Engine drivers;
- (3) Foremen;
- (4) Mill Wrights;
- (5) Mill Wrights-Mates;
- (6) Oilmen;
- (7) Electricians;
- (8) Blacksmiths;
- (9) Moulders;
- (10) Welders;
- (11) Instrument Maker;
- (12) Shipwright;
- (13) Pattern Maker;
- (14) Carpenter;
- (15) Rigger;
- (16) Soil Maker; and
- (17) Boiler Maker;

Shall be deemed to be employed on intermittent work in all factories within the meaning of clause (c) of sub-section (2) of section 43 and as such shall be exempted from the provisions of section 34, 36, 37 and 38, subject to the following conditions:-

- (a) that no worker shall be employed for more than eight hours continuously without a rest of one full hour;
- (b) that no worker shall be employed in any factory for more than sixty hours in any week or for more than ten hours in any one day;
- (c) in seasonal factories no worker shall be allowed to work in such a manner that the spread over exceeds twelve hours in a day.

**9. Continuous Processes.-** Adult male workers employed-

- (1) on the generation of electricity; including Karachi Nuclear Power Plant;
- (2) on the manufacture of ice in ice factories;
- (3) on brewing in breweries;
- (4) on distillation in distilleries;
- (5) on the production of glass in glass works.
- (6) on distillation in rosin and turpentine factories;
- (7) on tanning in tanneries;
- (8) on the manufacture of cement and asbestos sheets and allied produce in cement works;
- (9) on the manufacture of sugar in sugar factories and refineries;
- (10) on the operations of blast furnaces in iron and steel factories;
- (11) in water works or water supply pumping stations;
- (12) on the production of carbodi-oxide in Carbonic acid gas factories;
- (13) in the mineral oil refining process; petrol and its allied products;
- (14) on oil pressing, oil refining and soap making in oil mills; and ice factories, manufacturing vanaspati;
- (15) on the manufacture of paper and straw board in paper and straw board mills;
- (16) on the manufacture of chemicals in chemical works;
- (17) on pottery making in pottery works;
- (18) on the manufacture of starch in starch factories;
- (19) on cupola on the foundry section of iron, brass and steel manufacturing operations;
- (20) on dyeing and bleaching sections of textile mills;
- (21) in the preparation of oxygen and acetylene;
- (22) on the process of dehydration of potatoes and other vegetables;
- (23) on the process of dehydration of meat;
- (24) on shooting of films in film studios, and record in recording studios;

- (25) on maxing, compounding, masticating, solepulling, fractioning, cutting, pressing and crushing of rubber and manufacturing of tyres and tubes in rubber factories;
- (26) on machinery in cold storages;
- (27) on manufacturing of blades and razors;
- (28) on processing of soft fruits, fruit juices and vegetables;
- (29) on refining bleaching, filtering, hydro-gene-rating and deodorizing and compression of oxygen, the filling of cylinders in vanaspati (vegetable oil and hydrogenating factories);
- (30) on manufacturing of glue and gelatin;
- (31) in fish canning, freezing and fish curing factories;
- (32) in electric transforming factories;
- (33) in train gas lighting factories of railways;
- (34) in coal gas factories;
- (35) in Gur factories;
- (36) in the natural gas refining process;
- (37) on the manufacture of vitamins and bye-products in pharmaceutical factories;
- (38) in oil tank installations (when the oil tankers are dis-charged and oil is pumped into the tanks);
- (39) on manufacturing of infant milk food and milk food products;
- (40) on-
  - (i) bituminizing;
  - (ii) waxing;
  - (iii) poly extrusion in films; and
  - (iv) poly extrusion on paper board foils etc., in pulp, paper and board mills;
- (41) on the manufacturing of enameled copper wires;
- (42) on the manufacture of paints and varnishes;
- (43) on the manufacture of porcelain insulators, tiles, bushing and switch fuse in electric equipment manufacturing factories;
- (44) on manufacturing of enameled utensil;
- (45) in aluminum workshops on the manufacture of alumina foom crushed bauxite;
- (46) in gramophone factories on the work of electrical deposition, for preparation of matrices;

shall be deemed to be employed on continuous processes within the meaning of clause (d) of sub-section (2) of section 43 and as such shall be exempted from the provisions of section 34,35,36,37 and 38 subject to the following conditions:-

- (a) that such workers shall ordinarily be employed on daily eight hours shifts;
- (b) that no such worker shall be employed for more than fourteen consecutive days without a compensatory continuous rest period of at least twenty-four hours;

- (c) that when shift are changes-
  - (i) on shifts may be employed for more than sixteen hours in one day, that is to say, two periods of eight hours each with an interval of eight hours;
  - (ii) the system of shifts shall have been approved by the Chief Inspector or the Inspector authorized in this behalf;
  - (iii) the persons who have worked double time shall at next change of shifts have a complete holiday of twenty-four consecutive hours; and
  - (iv) the average weekly hours of work in any period of three weeks shall not exceed fifty six;
- (d) that a note shall be maintained in the remarks column of Register of Adult Workers against the name of every worker in respect of whom the exemption is claimed to have been allowed or granted; and
- (e) that the decision of the Chief Inspector shall be final as to whether the work of any such worker is or is not of the nature described in the exemption.

**10. Bakeries and Diaries.-** Adult male workers employed in bakeries and diaries shall be deemed to be employed in making or supplying articles or prime necessity which must be made or supplies every day within the meaning of clause (e) of sub-section (2) of section 43 and as such shall be exempted from the provisions of section 35:

Provided that no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day.

**11. Tea Factories.-** Adult male workers employed in tea factories, shall be deemed to be employed in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces within the meaning of clause (g) of sub-section (2) of section 43 read with sub-section (3) of the section and as such shall be exempted from the provision of section 35, 37, 38, 39 and 40 on the conditions that-

- (i) the manager or the occupier of the factory before he avails himself of the exemption, has served on the Chief Inspector, the Inspector authorized in this behalf, the Inspector of the region concerned and the Inspector of the area concerned and displayed in the factory notice of his intention so to avail himself and whilst he avails himself or exemption shall keep the notice so displayed;
- (ii) an attendance register for such workers in Form 'A' is maintained and in respect of each worker the time of commencement of each period of work is entered therein before the period of work has commenced and the time

of finishing each period of work is entered therein immediately after the period of work has been completed;

- (iii) no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day.

**12. Fodder Presses.-** Adult male workers employed on fodder pressing shall be deemed to be employed on a process which cannot be carried on except at times dependent on the irregular action of natural forces within the meaning of clause (g) of sub-section (2) of section 43 and as such shall be exempted from the provisions of sections 35 and 37:

Provided that no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day.

**13. Rice Mills.-** The provisions of section 34, 37 and 39, shall not apply to adult male workers engage in rice mills using the parboiling process, on the conditions 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 of the exemption shall keep the notice so displayed;
- (b) Attendance register for such workers is maintained inform 'A' and in respect of each such worker the time of commencement of each period of work, shall be entered therein before hand and the time of finishing each period of work shall be entered therein immediately after the period of work has been completed; and
- (c) No such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day.

**14. Tanneries.-** The provisions of section 34 shall not apply to adult male workers engaged in tanneries on the process of soaking, drying, batting and curing or tanning hides, kids or skins on the conditions that-

- (a) On the notice of periods for work required under section 39, the manager shall enter against each group of workers working under the provisions of this rule the words "working under the provisions of rule 12(c) of the Sind Factories (Adult Exemption) Rules, 1973";
- (b) An attendance register for such workers in maintained upto date inform 'A';
- (c) The number of hours worked by any such worker on a Sunday does not exceed six; and

- (d) no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day.

**15. Engine rooms and boiler houses.-** Adult male workers employed in engine rooms and boiler houses within the meaning of clause (h) of sub-section (2) of section 43 shall be exempted from the provisions of section 35 on the conditions that-

- (i) no such workers shall be allowed to work for more than eight hours on a weekly holiday;
- (ii) the weekly hours of such worker do not exceed sixty hours in any week; and
- (iii) no such worker shall be employed for more than fourteen consecutive day without holiday for a whole day.

**16. Screen room and flour godowns of flour mills.** In respect of adult male workers employed as foreman, machine man (Operators and Cleaners) Shooting man, mixermen, oilers, packers and stitches, flour godowns coolies, salesmen and sweepers of a flourmill, the following provisions shall apply:-

- (i) whether the manufacturing process is carried on continuously throughout the day and all such workers in a factory are ordinarily employed on daily eight hours shifts, the provisions of section 34, 35, 36, 37 and 38 shall not apply on the condition that-
  - (a) on the notice of periods for work required under section 39, the manager shall enter against each group of workers working under the provisions of this clause, the words "working under the provisions of clause (i) of rule 16 of the Sind Factories (Adult Exemption) Rules, 1973"; and
  - (b) no such worker shall be employed for more than fourteen consecutive days without a compensatory period of atleast twenty-four hours at once time or alternatively.
- (ii) Where the manufacturing process is carried on continuously throughout the day and all such workers in a factory are not ordinarily employed on daily eight hours' shifts, the provisions of section 34 and 35 shall not apply on the conditions that—
  - (a) on the notice of periods for work required under section 39, the manager shall enter against each groups of workers working under the provisions of this clause, the words "working under the provisions of rule 16 of the Sind Factories (Adult Exemption) Rules 1973"; and
  - (b) no such workers shall be employed on a Sunday or the day fixed for the weekly holiday for more than six hours; and

(c) every such workers shall be given a weekly rest period commencing on Sunday or the day fixed for weekly holiday of not less than twenty-four consecutive hours.

**17. Records of Exemption to be kept by Manager.-** The Manager of every factory shall maintain a record of all exemptions granted to the factory from any provisions of the Act in Form 'B' and such record shall be produced before the Inspector when he so requires.

**18. Limit of total overtime period.--** Except in the case of workers exempted under clause (a) of sub-section (2), section 43, the total overtime period of any adult worker exempted from the provisions of section 34 shall not exceed twelve hours in any one week.

**FORM "A"**  
**REGISTER OF ADULT WORKERS EMPLOYED IN \_\_\_\_\_**

Name of factory .....for week ending.....

Sr. No.	Name	Nature of work.	Group No.	Periods of work.	Sun-day	Mon-day	Tues-day	Wed-nes-day	Thurs-day	Fri-day	Satur-day	Record of transfer from one group to another	Remarks.
_____													

In	out	In	out	In	out	In	out	In	out	In	out	In	out
1 <sup>st</sup>	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2 <sup>nd</sup>	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3 <sup>rd</sup>	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4 <sup>th</sup> ....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1 <sup>st</sup>	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2 <sup>nd</sup>	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

**FORM "B"**  
**EXEMPTIONS:**

Section of Rule from which Exemption is Granted	Subject Dealt with:	Extent of a Reasons for Exemption	Date and No. of Order:	Signature of occupier or Manager:
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K. IDRIS,  
Secretary to Government of Sind,  
Labour Department.

