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**PART I—Orders and notifications by the Governor of West Bengal, the High Court,
Government Treasury, etc.**

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT

NOTIFICATION

No. 143-L.W./LW/1R-3/75.—9th February 1976.—In exercise of the power conferred by section 112 of the Factories Act, 1948 (Act 63 of 1948), the Governor is pleased hereby to make after previous publication, as required by section 115 of the said Act, the following amendments in the West Bengal Factories Rules, 1958, as subsequently amended, namely:

Amendments

In the said rules—

(1) in rule 2,—

(a) for clause (d) substitute the following clause, namely:

“(d) ‘Chief Inspector’ means an officer appointed under sub-section (2) of section 8 of the Act and includes a ‘Joint Chief Inspector of Factories’ who is authorised by the Chief Inspector in that behalf, with the approval of the State Government.”;

(b) for clause (j) substitute the following clause, namely:

“(j) ‘Inspector’ means an officer appointed under sub-section (1) of section 8 of the Act and includes ‘Joint Chief Inspector of Factories’, ‘Deputy Chief Inspector of Factories’, ‘Medical Inspector of Factories’ and ‘Junior Inspector of Factories.’”;

(2) in sub-rule (2) of rule 7 for the words “every year” substitute the words “of the year prior to that to which the application relates”;

(3) in sub-rule (1) of rule 12 for the figures and words “XXXII—Misc. Social and Developmental Organisations—Labour and Employment

(Provincial)—Fees realised under Factories Act, 1948” substitute the following figures and words, namely:

“087—Labour and Employment (Provincial)—Fees realised under Factories Act.”:

(4) (a) in sub-rule (1) of rule 94 after clause (S) insert the following clause, namely:

“(T) Manufacture, handling or use of benzene”.

(b) after Schedule XIX annexed to rule 94 add the following new Schedule, namely:

“SCHEDULE XX

Manufacture, handling or use of benzene

1. **Application:** This schedule shall apply to all factories or parts thereof in which benzene or substances containing benzene are manufactured, handled or used.

2. **Definitions:** For the purpose of this schedule—

- (a) ‘Substances containing benzene’ means substances wherein benzene content exceeds 1 per cent. by volume.
- (b) ‘Substitute’ means a chemical which is harmless or less harmful than benzene and can be used in place of benzene.
- (c) ‘Enclosed system’ means a system which will not allow escape of benzene vapours to the working atmosphere.
- (d) ‘Efficient exhaust draught’ means localised ventilation effected by mechanical means for the removal of gases, vapours, dusts or fumes so as to prevent them from escaping into the air of any workroom. No draught shall be deemed to be efficient if it fails to remove such gases, vapours, fumes or dusts at the point of origin.
- (e) ‘Workroom’ means a room in which any process in the manufacture, use or handling of benzene or substances containing benzene or any process involving the use of benzene or substances containing benzene is carried on.

3. **Prohibition and substitution:** (a) Benzene or substances containing benzene shall not be used as a solvent or diluent unless the process in which it is used is carried on in an enclosed system or unless the process is carried on in a manner which, in the opinion of the Chief Inspector of Factories, is equally safe, as if it were carried out in an enclosed system.

(b) Where suitable substitutes are available, they shall be used instead of benzene or substances containing benzene. This provision, however, shall not apply to the process specified in Appendix A to this schedule.

(c) The Chief Inspector may permit exemptions from the percentage laid down in clause 2(a) and also from the provisions of sub-clause (b) temporarily under conditions and within limits of time to be determined after consultation with the employers and workers concerned.

4. **Protection against inhalation:** (a) The process involving the use of benzene or substances containing benzene shall as far as practicable be carried out in an enclosed system.

(b) Where, however, it is not practicable to carry out the process in an enclosed system, the workroom in which benzene or substances containing benzene are used shall be equipped with an efficient exhaust draught or other means for the removal of benzene vapours to prevent their escape into the air of the workroom so that the concentration of benzene in the air does not exceed 25 parts per million by volume or 80 mg/m³.

(c) Air analysis for the measurement of concentration of benzene vapours in air shall be carried out every eight hours or at such intervals as may be directed by the Chief Inspector at places where process involving use of benzene is carried on and the result of such analysis shall be recorded in a register specially maintained for this purpose. If the concentration of benzene vapours in air as measured by air analysis exceeds 25 parts per million by

volume or 80 mg/m³, the manager shall forthwith report the concentration to the Chief Inspector stating the reasons for such increase.

(d) Workers who, for special reasons, are likely to be exposed to concentration of benzene in the air of the workroom exceeding the maximum referred to in clause (b) shall be provided with suitable respirators or face masks. The duration of such exposure shall be limited as far as possible.

5. Measures against skin contact: (a) Workers who are likely to come in contact with liquid benzene or liquid substances containing benzene shall be provided with suitable gloves, aprons, boots and where necessary vapour tight chemical goggles, made of material not affected by benzene or its vapours.

(b) The protective wear referred to in sub-clause (a) shall be maintained in good condition and inspected regularly.

6. Prohibition relating to employment of women and young persons: No woman or young person shall be employed or permitted to work in any workroom involving exposure to benzene or substances containing benzene.

7. Labelling: Every container holding benzene or substances containing benzene shall have the word 'Benzene' and approved danger symbols clearly visible on it and shall also display information on benzene content, warning about toxicity and warning about inflammability of the chemical.

8. Improper use of benzene: (a) The use of benzene or substances containing benzene by workers for cleaning their hands or their work-clothing shall be prohibited.

(b) Workers shall be instructed on the possible dangers arising from such misuse.

9. Prohibition of consuming food, etc., in workrooms: No worker shall be allowed to store or consume food or drink in the workroom in which benzene or substances containing benzene are manufactured, handled or used. Smoking and chewing tobacco, supari or pan shall be prohibited in such workrooms.

10. Instructions as regards risks: Every worker on his first employment shall be fully instructed on the properties of benzene or substances containing benzene which he has to handle and of the dangers involved. Workers shall also be instructed on the measures to be taken to deal with an emergency.

11. Cautionary notices: Cautionary notices in the form specified in Appendix B to this schedule and presented in the language easily read and understood by the majority of the workers shall be displayed in prominent places in the workrooms.

12. Washing facilities, cloakroom and mess-room: In factories in which benzene or substances containing benzene are manufactured, handled or used, the occupier shall provide and maintain in clean state and in good repair—

(a) washing facilities under cover of the standard of at least one tap for every ten persons having constant supply of water with soap and clean towels;

(b) a cloak-room with lockers for each worker, having two compartments—one for street-clothing and one for work-clothing;

(c) a mess-room furnished with tables and benches with means for warming food, provided that where a canteen or other proper arrangements exist for the workers to take their meals, the requirements of mess-room shall be dispensed with.

13. Medical examination: (a) Every worker who is to be employed in processes involving use of benzene or substances containing benzene shall undergo—

(i) a thorough pre-employment medical examination including a blood test for fitness for employment by a certifying surgeon,

(ii) periodical medical examination including blood test and other biological tests at intervals of every six months by the factory medical officer with the assistance of a laboratory.

(b) Certificates of pre-employment medical examination and periodical medical examination including tests shall be entered in a health register in Form No. 17, which shall be produced on demand by an Inspector.

(c) If the factory medical officer on examination at any time is of the opinion that any worker has developed signs or symptoms of benzene exposure, he shall make a record of his findings in the said register and inform the manager in writing.

On receipt of the information from the factory medical officer, the manager of the factory shall send the worker so found exposed to the certifying surgeon who shall, after satisfying himself with the findings of the factory medical officer and conducting necessary examinations, issue orders of temporary shifting of the worker or suspension of the worker in the process.

(d) Medical examination shall be arranged by the occupier or manager of the factory and the worker so examined shall not bear any expenses for it.

APPENDIX A

[Clause 3(b)]

1. Production of benzene.
2. Process where benzene is used for chemical synthesis.
3. Motor spirits (used as fuel).

APPENDIX B

[Clause 11]

(a) The hazards

- (i) Benzene and substances containing benzene are harmful.
- (ii) Prolonged or repeated breathing of benzene vapours may result in acute or chronic poisoning.
- (iii) Benzene can also be absorbed through skin which may cause skin and other diseases.

(b) The preventive measures to be taken

- (i) Avoid breathing of benzene vapours.
- (ii) Avoid prolonged or repeated contact of benzene with the skin.
- (iii) Remove benzene soaked or wet clothing promptly.
- (iv) If at any time you are exposed to high concentration of benzene vapours and exhibit the sign and symptoms such as dizziness, difficulty in breathing, excessive excitation and losing of consciousness, immediately inform your factory manager.
- (v) Keep all the containers of benzene closed.
- (vi) Handle, use and process benzene and substances containing benzene carefully in order to prevent their spillage on floor.
- (vii) Maintain good housekeeping.

(c) The protective equipment to be used

- (i) Use respiratory protective equipment in places where benzene vapours are present in high concentration.
 - (ii) In emergency, use self-generating oxygen mask or oxygen on air cylinder masks.
 - (iii) Wear hand gloves, aprons, goggles and gum boots to avoid contact of benzene with your skin and body parts.
- (d) The first-aid measure to be taken in case of acute benzene poisoning
- (i) Remove the clothing immediately if it is wetted with benzene.
 - (ii) If liquid benzene enters eyes, flush thoroughly for at least 15 minutes with clean running water and immediately secure medical attention.

(iii) In case of unusual exposure to benzene vapour, call a physician immediately. Until he arrives do the following:

If the exposed person is conscious

- (i) Move him to fresh air in open.
- (ii) Lay down without a pillow and keep him quiet and warm.

If the exposed person is unconscious

- (i) Lay him down preferably on the left side with the head low.
- (ii) Remove any false teeth, chewing-gum, tobacco or other foreign objects which may be in his mouth.
- (iii) Provide him artificial respiration in case difficulty is being experienced in breathing.
- (iv) In case of shallow breathing or cyanosis (blueness of skin, lips, ears, finger nail beds), he should be provided with medical oxygen or oxygen carbon dioxide mixture. If needed, he should be given artificial respiration. Oxygen should be administered by a trained person only.”;

(5) in rule 95, for clauses (1) to (4) substitute the following clauses, namely:

- “(1) the Inspector of Factories,
- (2) the District Magistrate or, if the District Magistrate by order so directs, the Subdivisional Officer,
- (3) the Commissioner for Workmen’s Compensation appointed under section 20 of the Workmen’s Compensation Act, 1923,
- (4) the relatives of the injured or deceased person, and
- (5) in the case of fatal accidents only, the officer-in-charge of the police-station within the local limits of which the factory is located.”;

(6) (a) in the last line of sub-rule (1) of rule 97 for the figures and words “Clauses (1), (2), (3) and (4) of rule 95” substitute the figures and words “clauses (1), (2), (3), (4) and (5) of rule 95”;

(b) in the last line of sub-rule (2) of rule 97 for the figures and words “(1), (2) and (3) of rule 95” substitute the figures and words “(1), (2), (3) and (4) of rule 95”;

(7) for rule 103 substitute the following rule, namely:

“103. **Returns:** The manager of every factory shall furnish to the Inspector or other officer appointed by the State Government in this behalf the following returns, namely:

- (1) **Annual Return**—Not later than the 31st January of the year subsequent to that to which it relates, in duplicate, and as nearly as possible in Form No. 22.
- (2) **Half-yearly Return**—Not later than the 15th July of each year, in duplicate, and as nearly as possible in Form No. 23, for the period January to June of that year.”;

(8) for Form No. 18, substitute the following Form, namely:

“FORM 18

(See rules 95 and 96)

Notice of Accident

1. Name of occupier (or Factory)/ Employer: E.S.I. Employer’s Code No.—
2. Address of factory/premises where accident took place:
3. Nature of industry:

4. Branch or department and exact place where the accident took place:
5. Name and address of the injured person: E.S.I. Insurance No.
6. (a) Sex:
(b) Age (last birthday):
(c) Occupation of the injured person:
7. Local E.S.I. Office to which the injured person is attached:
8. Date, shift and hour of accident:
9. (a) Hour at which the injured person started work on the day of accident:
(b) Whether wages in full or part are payable to him for the day of the accident:
10. Cause of accident—
 - (a) If caused by machinery—
 - (i) Give name of the machine and the part causing the accident:
 - (ii) State whether it was moved by mechanical power at that time:
 - (b) State exactly what the injured person was doing at that time:
 - (c) In your opinion, was the injured person at the time of accident—
 - (i) acting in contravention of provisions of any law applicable to him?
or
 - (ii) acting in contravention of any orders given by or on behalf of his employer?
or
 - (iii) acting without instructions from his employer?
 - (d) In case reply to (c) (i), (ii) or (iii) is in the affirmative, state whether the act was done for the purpose of and in connection with the employer's trade or business:
11. In case the accident happened while travelling in the employer's transport, state whether—
 - (i) the injured person was travelling as a passenger to or from his place of work:
 - (ii) the injured person was travelling with the express or implied permission of his employer:

- (iii) the transport is being operated by or on behalf of the employer or some other person by whom it is provided in pursuance of arrangements made with the employer:
 - (iv) the vehicle was being/not being operated in the ordinary course of public transport service:
12. In case the accident happened while meeting emergency, state—
- (i) its nature:
 - (ii) whether the injured person at the time of accident was employed for the purpose of his employer's trade or business in or about the premises at which the accident took place:
13. State how the accident occurred:
14. Names and addresses of witnesses: (a)
(b)
15. (a) Nature and extent of injury (e.g., fatal, loss of finger, fracture of leg, scale or scratch and followed by sepsis):
(b) Location of injury (right leg, left hand or left eye, etc.):
16. (a) If the accident is not fatal, state whether the injured person was disabled for 48 hours or more:
(b) Date and hour of return to work:
17. (a) Physician, dispensary or hospital from whom or in which the injured person received or is receiving treatment:
(b) Name of dispensary/panel doctor selected by the injured person:
18. (i) Has the injured person died:
(ii) If so, date of death:

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Date.....

Signature of the Manager....."

(9) for Form No. 22, substitute the following Form, namely:

'FORM No. 22

[See clause (1) of rule 103]

Registration No.

Classification Code No.

ANNUAL RETURN UNDER THE WEST BENGAL FACTORIES RULES

Year ending 31st December 19

Name of Factory:
Postal Address:
District:
Nature of Industry:
Name of Occupier:
Name of Manager:

Part I—Employment, etc.

[See Instruction (A)]

1. Average daily number of workers employed:

Adults—Men :	Women :
Adolescents—Male :	Female :
Children—Male :	Female :
2. Normal hours worked per week:

Men :	Women :	Children :
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3. Number of days worked in the year :
4. Total number of man-hours worked including overtime :
5. Average daily number of workers employed in dangerous operations (see Instruction B)—

Type of dangerous operation	Average daily number of workers employed
(a)	(a)
(b)	(b)
(c)	(c)

Part II—Accidents

[See Instruction (C)]

6. (a) Total number of accidents which occurred in the factory during the year—

Fatal :		Non-Fatal :	
(i) Adults—Men :	Women :	(i) Adults—Men :	Women :
(ii) Adolescents—Male :	Female :	(ii) Adolescents—Male :	Female :
(iii) Children—Male :	Female :	(iii) Children—Male :	Female :
- (b) Accidents in which workers returned to work during the year to which this return relates—
 - (i) Accidents occurring during the year in which workers to work during the same year—

Number :	Man-days lost
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 - (ii) Accidents occurring in the previous year in which workers returned to work during the year to which this return relates—

Number :	Man-days lost during the year
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- (c) Accidents occurring during the year in which workers did not return to work during the year to which this return relates—

Number :	Man-days lost during the year
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Part III—Leave with wages

7. Total number of workers employed during the year:
- | | | |
|-----|-------|----------|
| Men | Women | Children |
|-----|-------|----------|
8. Number of workers who were entitled to annual leave during the year:
- | | | |
|-----|-------|----------|
| Men | Women | Children |
|-----|-------|----------|
9. Number of workers who were granted leave during the year:
- | | | |
|-----|-------|----------|
| Men | Women | Children |
|-----|-------|----------|
10. (a) Number of workers discharged or dismissed from service or whose services were terminated during the year:
- (b) Number of such workers paid wages in lieu of leave:

Part IV—Canteen

[See Instruction (D)]

11. Number of canteens providing—
- (1) Cooked food and refreshment:
 - (2) Cooked food only:
 - (3) Refreshments and tea only:
 - (4) Tea only:
12. Is the canteen run and managed departmentally or through a contractor?
.....
13. If a common canteen is being shared with some other factory, please state the name and address of that factory:

Part V—Rest Room, Shelter and Lunch Room

[See Instruction (E)]

14. (a) Number of rest rooms/shelters provided:
- (b) Number of lunch rooms provided:
15. If a common rest room/shelter and lunch room are being shared with some other factory, please state the name and address of that factory:

Part VI—Creche

[See Instruction (F)]

16. Number of creches provided:
17. Approximate average daily attendance of children at the creche:
18. If a common creche is being shared with some other factory, please state the name and address of that factory:

Part VII—Welfare Officer

[See Instruction (G)]

Name of Welfare Officer	Date of appointment	Name of the Institution from which he obtained a degree or diploma in Labour and Social Welfare, or year when he passed the L.W.O. Training Course of the Govt. of West Bengal*	**Name of the Institution from which thorough knowledge in Bengali was acquired and the examination passed	Date of passing the Viva Voce Test under clause (d) or rule 5 of the West Bengal Factories (Welfare Officers) Rules	Grade and scale of pay

(1)

(2)

(3)

*If he was exempted under rule 6 of the West Bengal Factories (Welfare Officers) Rules, please quote the number and date of Government order.

**To be furnished for officers whose mother-tongue is not Bengali.

Certified that the information furnished in this return are to the best of my knowledge and belief correct.

Date.....

Signature of Manager.

Instructions

(A) The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days in the year. In reckoning attendances, attendance by temporary as well as permanent employees should be counted, and all employees should be included, whether they are employed directly or under contractors. Attendances on separate shifts (e.g., night and day shifts) should be counted separately. Days on which the factory was closed for whatever cause and days on which the manufacturing processes were not carried on should not be treated as working days. It is to be noted that 'Manufacturing Processes' include cleaning any part of the machinery or premises used for manufacturing process or the subject of the manufacturing process. Thus the days on which maintenance, or repair work alone have been carried out are also to be taken as working days for calculating the average daily employment.

(B) Manufacture of aerated water and processes incidental thereto; electrolytic plating or oxidation of metal articles by use of an electrolyte containing chromic acid or other chromium compounds; manufacture or repair of electric accumulators glass manufacture; grinding or glazing of metals; manufacture, treatment or handling of lead, lead alloys or certain compounds of lead; generation of gas from dangerous petroleum; cleaning or smoothing of articles by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air or steam; liming and tanning of raw hides and skins and processes incidental thereto; feeding of jute, hemp or other fibres into softening machines; lifting, stacking, storing and shipping of bales in and from finished

goods godowns of jute mills; manufacture, use or storage of cellulose solutions; manufacture of chromic acid or manufacture or recovery of the bichromate of sodium, potassium, or ammonium; printing presses and type foundries, certain lead processes carried on therein; manufacture of compressed hydrogen or compressed oxygen; manufacture of pottery; manufacture of rayon by the viscose process; manufacturing process and process incidental thereto carried on in chemical works mentioned in Appendix I of Schedule XVIII; manufacture, manipulation or storage of celluloid or any article, wholly or partly made of celluloid; manufacture, handling or use of benzene.

(C) Only those accidents which prevented workers from working for 48 hours or more and which were fatal should be included. If in one occurrence six persons were injured or killed, it should be counted as six accidents.

(D) Every factory wherein more than 250 workers are ordinarily employed shall furnish this return.

(E) Every factory wherein more than 150 workers are ordinarily employed shall furnish this return.

(F) Every factory wherein more than 50 women workers are ordinarily employed shall furnish this return.

(G) Every factory wherein 500 or more workers are ordinarily employed shall furnish this return.”;

(10) delete Form Nos. 26, 27 and 28.

By order of the Governor,

J. V. R. PRASADA RAO

Dy. Secy. to the Govt. of West Bengal.