

## Chapter II

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### Rule 23. Inspecting Staff

#### Qualifications of an Inspector

- 1) No person shall be appointed as an Inspector for the purposes of the Act unless he possesses the following qualification:-
  - a) He must not be less than 27 years or more than 40 years of age.
  - b) He must have;
    - i) Secured a degree or its equivalent of a recognised university in the branches of Mechanical Engineering or Electrical Engineering or Chemical Engineering with experience of at least 5 years in any Factory Directorate or 6 years in production, maintenance or safety department of a factory / industrial establishment of repute.  
Provided that in case of a person having diploma in Industrial Safety from any recognised university or institute in addition to degree in the said branches of Engineering, practical experience in a Factory Directorate or production, maintenance or safety department of a factory may be 4 years and 5 years respectively. Or
    - ii) In case of a Medical Inspector, a degree in Medicine of a recognised university with experience of at least 6 years in a public hospital or 5 years in the medical department of a reputed factory.  
Provided that in case of a person having diploma in industrial health from a recognised institute or university in addition to degree in Medicine, practical experience in hospital or medical department of a factory may be 5 years and 4 years respectively.
  - c) Where for a particular post, special knowledge to deal with special problems is required, the Government may, in addition to the basic qualification, prescribe other appropriate qualifications for such a post.
- 2) The State Government may, however, change the period of experience from that prescribed in these rules in case of exceptionally qualified and otherwise suitable candidate.

### Rule 24. Powers of Inspector

Notwithstanding the powers already conferred by Section 9 of the Act, an Inspector shall for the purpose of the execution of the Act, have the powers to do all or any of the following;

- a) To photograph any worker, to inspect, examine, measure, copy, taking photograph, sketch or test as the case may be of any building or room, any plant, machinery, appliance or apparatus, any register or documents or anything provided for the purpose of securing the health, safety or welfare of the workers employed in a factory.
- b) In the case as Inspector who is a duly qualified medical practitioner to carry out such medical examination as may be necessary for the purpose of his duties as an Inspector.

- c) To prosecute, conduct or defend before a court any complaint, or other proceeding arising under the Act or in discharge of his duties as an Inspector.

Provided that the powers of the District Magistrates and such other public officers as are appointed to be Additional Inspector shall, unless otherwise expressly provided in the notification under Sub-section (5) of section 8, be limited to the inspection of factories in respect of the following matters, namely: - Cleanliness (section 11), Over-crowding (section 16), Lighting (section 17), Drinking water (section 18), Latrines and urinals (section 19), Spittoons (section 20), Precautions in the case of fire (section 38), Welfare (Chapter V), Working hours of adults (Chapter VI – except the power of exemption under the proviso to section 62), Employment of young persons (Chapter VII), Leave with wages (Chapter VIII) and Display of notice (section 108).

Provided further that –

- i) The District Magistrate shall not pass any original orders or remarks under section 11, 17 and 38 of the Act but shall limit and confine his orders or remarks under those sections to the points to which the full time Inspector of Factories had already drawn the attention of manager or occupier of the factory, as the case may be.
- iii) All Additional Inspector shall report the defects found and remedies suggested for enforcing compliance with requirements of sections referred to above, to the Inspector of the area concerned who shall pass final orders in each case.
- d) In case the occupier or the manager or the person present on behalf of them in the factory fails to produce any prescribed register or other documents to the inspectors on demand during inspection, the inspector may pass necessary orders in writing to the occupier or manager or the person as mentioned above as the case may be for production of the registers and documents to him in his office on the date and time specified by him in the order.

## **Rule 25. Duties of Certifying Surgeon.**

- 1) For purpose of the examination and certification of young persons who wish to obtain certificates of fitness, the Certifying Surgeon shall arrange a suitable time and place for the attendance of such persons, and shall give previous notice in writing of such arrangements to the managers of factories situated within the local limits assigned to him.
- 2) The Certifying surgeon shall issue his certificates in [Form 10](#). The foil and counter foil shall be filled in and signature or the left thumb impression of the person in whose name the certificate is granted, shall be taken on them. On being satisfied as the person examined, he 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 of fitness granted under section 69. All counter foils be kept by the Certifying Surgeon for a period of at least two years after the issue of the certificate.
- 3) If a certificate of fitness issued to a young person is lost, on receipt of application for the grant of a duplicate, the Certifying Surgeon shall issue the duplicate and send to the young person through the occupier of the factory where the young person is employed.
- 4)
  - a) A fee of rupees 25/- shall be payable for the issue of every certificate of fitness issued under sub-rule (2) and shall be paid by the occupier.
  - b) A fee of rupees 10/- shall be payable for the issue of every duplicate of a certificate issued under sub-rule (3) and shall be paid by the worker unless the certificate is lost by the occupier where it shall be paid by the occupier.

- 5) The Certifying Surgeon shall, upon request by the Chief Inspector, carry out such examination and furnish him with such report as he may indicate for any factory or class or description of factories where -
  - a) cases of illness have occurred which it is reasonable to believe are due to the nature of the manufacturing process carried on or other conditions of work prevailing therein or
  - b) by reason of any change in the manufacturing process or in the substances used therein, or by reason of the adoption of any new manufacturing process or of any new substance for use in a manufacturing process, there is a likelihood of injury to the health of workers employed in that manufacturing process, or
  - c) Young person are, or are about to be, employed in any work which is likely to cause injury to their health.
- 6) For the purpose of the examination of persons employed in process covered by the Rules relating to dangerous operations, the Certifying Surgeon shall visit the factories within the local limits assigned to him at such intervals as are prescribed by the Rules relating to such dangerous operations.
- 7) At such visits the Certifying Surgeon shall examine the persons employed in such processes and shall record the result of his examination in a register known as Health Register in [Form 29](#) which shall be kept by the factory manager and produced to the Certifying Surgeon at each visit.
- 8) If the Certifying Surgeon finds as a result of his examination that any person employed in such processes is no longer fit for medical reasons to work in that process, he shall suspend such person from working in that process for such time as he may think fit and no person after suspension shall be employed in that process without the written sanction of the Certifying Surgeon in the Health Register.
- 9) The manager of a factory shall afford to the Certifying Surgeon facilities to inspect any process in which any person is employed or is likely to be employed.
- 10) The manager of a factory shall provide for the purpose of any medical examination which the Certifying Surgeon wishes to conduct at the factory (for his exclusive use on the occasion of an examination) a room, which shall be properly cleaned and adequately ventilated and lighted and furnished with a screen, a table (with writing materials) and chairs.
- 11) The occupier of the factory shall bear any expenditure towards any pathological, radiological tests etc. required by the Certifying Surgeon/ Medical Inspector to be performed in case of any worker working in the factory.