NOTIFICATION

S.O........................ Ranchi, dated..............................

In exercise of the powers conferred by section 112 of the Factories Act, 1948 the Governor of Jharkhand proposes to make the following amendment in the Jharkhand Factories Rules, 1950 :-

(1) **Short title extent and Commencement** :-

(i) These rules may be called the Jharkhand Factories (Amendment) Rules, 2015

(ii) It shall extend to the whole State of Jharkhand.

(iii) It shall come into force from the date of publication in official gazette.

(2) **Substitution of Sub rule (1) of Rule (3) of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-

“(1) No site shall be used for the location of a factory or no building shall be constructed, re-constructed, extended or taken into use as a factory or a part of a factory unless an application in form no-1 along with the documents and plan as prescribed in sub-rule (2) has been submitted to-

(a) The Dy. Chief Inspector of Factories of the area concerned for the factories proposing to employ workers not exceeding 50 or

(b) The Chief Inspector of Factories for the factories proposing to employ workers exceeding 50,

and the plans submitted have been approved by the Dy. Chief Inspector of Factories or by the Chief Inspector of Factories as the case may be, and previous permission in writing in respect thereof has been obtained in the like manner as related
here-to-fore, subject, however, to the provisions of sub-section (2) of Section 6”

(2) **Substitution of Sub rule (2) of Rule (5) of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-
“(2) Every licence granted or renewed under this chapter shall remain valid or in force for a period of Five years up to the 31st December of the 5th year for which it is granted or renewed.

Provided that the fee prescribed under Schedule ‘A’ ‘B’ and ‘C’ shall be deposited either annually or for a period of five years at a time, within prescribed time limit.”

(4) **Substitution of Schedule “A” “B” and “C” of the Jharkhand Factories Rules, 1950**

“Schedule ‘A’ ‘B’ and ‘C’ of the said Rules shall be Substituted by New Schedule ‘A’ ‘B’ and ‘C’ which are annexed here to.”

(5) **Substitution of sub-rule-(3) of Rule-(6) of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-
“(3) The fee for the amendment of licence shall be five hundred rupees.”

(6) **Substitution of sub-rule-(2) of Rule-(7) of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-
“The annual fees shall be the same as that for grant thereof: - If the annual fees is not received on or before 15th January, the fee payable shall be fifty percent more in addition to the fee prescribed in schedules (A), (B) and (C) up to 31st March and after 31st March annual fee will be cent-percent more in addition to the fees prescribed in schedules (A), (B) and (C)”
(7) **Substitution of Sub rule (4) of Rule (7) of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-

“In case the fee with fine is not received up to 30th of June of the year, the licence of the factory shall remain cancelled.

Provided that in every such case of cancellation of licence, the licence may be reinstated by the Inspector of Factories with the approval of the Chief Inspector of Factories, in case he is satisfied that the delay was due to any reason beyond the control of the occupier or due to any other reason of similar nature.”

(8) **Substitution of Rule-(9) of the Jharkhand Factories Rule, 1950**

The said Rule shall be substituted by the following-

“When a licence granted under these rules is lost or destroyed, a duplicate may be granted on payment of a fee of Rs. 100 “(one hundred rupees”) ”

(9) **Substitution of Rule-(11) of the Jharkhand Factories Rule, 1950**

The said Rule shall be substituted by the following-

“It shall be the duty of the occupier to submit to the Inspector of Factories, of the area concerned, an application [manually or electronically as the authority so decides] for registration and grant of licence or for renewal of licence or for transfer or amendment of the licence, as may be necessary, within the time prescribed in the foregoing rules.”

(10) **Substitution of sub-rule (1) of Rule-14-A of the Jharkhand Factories Rule, 1950**

The said Rule shall be substituted by the following: -
“(1) The Certifying Surgeon shall be entitled to the following fees for examination and grant of certificate of fitness under sub-section (2) of section 69: -

(i) Rs. 100 (Rupees one hundred) for first young person and Rs 30 (Rupees Thirty) for every subsequent person examined in a single day in a factory for the purpose of such examination.

(ii) Rs. 30 (Rupees Thirty) for the first young person and Rs. 25 (Rupees twenty five) for every subsequent young person examined on a single day when the person to be examined go to the Certifying Surgeon for the purpose of such examination.

(iii) If a Certifying Surgeon has to travel beyond a radius of five km from his dispensary or place of posting to examine any young person or persons, he shall be entitled to an additional fee at the rate of Rs. 10 (Rupees Ten) only per km for the total distance travelled by him. A Certifying Surgeon who is the servant of the State Government shall charge this additional fee from the occupier of a factory only if he does not charge any travelling allowance for the journey from the State Government.”

(11) **Substitution of Rule-14-B of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-

“A Certifying Surgeon shall be paid by the occupier of the factory besides the additional fee for travelling, a daily professional fee at the rate of Rs. 400 (Rupees four hundred) per day irrespective of the number of persons examined but this fee shall be reduced to Rs. 200 (Rupees two hundred) if the examination does not take more than half of a day :}
 Provided that if the number of factories visited exceeds four on a single day, the professional fee payable above shall be raised to Rs. 600 (Rupees Six hundred) per day.”

(12) **Substitution of sub-rule-(1) of Rule-14-C of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-

“(1) On receipt of a report under sub-section (2) of section 89 from a Medical Practitioner and after getting the report confirmed by a certificate of a Certifying Surgeon or otherwise, the Chief Inspector shall pay a fee of Rs. 100 (Rupees one hundred) only to the Medical Practitioner concerned for each person suffering from any disease specified in the Schedule to the Act.”

(13) **Substitution of sub-rule (3) of Rule 14-C of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-

“(3) On receipt of such demand the occupier of the factory concerned shall within a fortnight deposit the amount into the nearest Treasury or Sub-Treasury by means of a Challan under the head “of account as prevalent at the time for the fees to be realized under the Factory Act” and shall immediately send the Challan in original by Registered post to the Chief Inspector in compliance to the notice of demand.”

(14) **Substitution of sub-rule (3) of Rule (8) of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following-

“(3) The fee for transfer of licence shall be five hundred rupees and shall be payable by the new occupier applying for transfer of licence under sub-rule (1)”
(15) **Substitution of sub-rule (1) of Rule (66) of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following: -

“(1) The occupier of a factory, in which more than 250 workers are ordinarily employed, shall provide and maintain a Canteen or Canteens in or near the factory according to the standards and requirements as prescribed in these rules, within Six months from the date of enforcement of this rule:

Provided that the Chief Inspector may, by a written order, relax this time limit and may direct the occupier to provide a canteen within such period as he may specify:

Provided further, that where more factories than one belonging to the same occupier are situated in close vicinity of one another, the State Government may, by a written order, permit the canteen centrally situated to be used for some or all of the factories subject to such conditions as the State Government may specify.”

(16) **Substitution of Rule (100) of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following: -

1. **Annual Returns**-The manager of every factory shall furnish to the Chief Inspector not later than the 15th January of the year subsequent to that to which it relates, a return in Form 20;

Provided that-

(i) The information regarding canteen shall be furnished only by the manager of every factory wherein more than 250 workers are ordinarily employed.
(ii) The information regarding crèche shall be furnished only by the manager of every factory wherein more than 30 women workers are ordinarily employed, and

(iii) The information regarding shelters, rest-rooms shall be furnished by the manager of every factory wherein more than 150 workers are ordinarily employed.

2. **Half Yearly Return** - [Omitted]

3. **Annual Return of Holidays** - The manager of every factory shall before the end of each year furnish a return giving notice of all the days on which it is intended to close the factory during the next year. This return shall be submitted whether the factory is or is not working during the year preceding the year to which it relates:

   Provided that the State Government may dispense with this return in the case of any specified factory or of any class of factories or of the factories in any particular area:

   Provided further that instead of specifying the actual dates or days of holidays only the system of grant of holidays may be mentioned in the return in case of the factories in which-

   (a) Sundays are observed as weekly holidays regularly,

   (b) a fixed day in the week is observed as a holiday regularly, or

   (c) holidays are observed according to a list approved by the Chief Inspector:

   Provided further that where the manager of any factory makes any departure from such holidays or a list of holidays as aforesaid, prior intimation shall be given to the Inspector.
Provided that the Government may allow to furnish the above returns manually or on-line.”

(17) **Substitution of sub-rule (1) of Rule-95 of the Jharkhand Factories Rules, 1950**

The said Rule shall be substituted by the following: -

**Dangerous operations**

“The following operation, when carried on in any factory are declared to be dangerous operations under section 87: -

1) Manufacture of aerated water and processes incidental thereto.
2) Electrolytic plating or oxidation of metal articles by use of an electrolyte containing chromic acid or other chromium compounds.
3) Manufacture and repair of electric accumulators.
4) Glass manufacture.
5) Grinding or glazing of metals.
6) Manufacture and treatment of lead and certain compounds of lead.
7) Generation petrol gas from petrol.
8) Cleaning or smoothing roughening, etc., of articles by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air or steam.
9) Liming and tanning of raw hides and skins and process/incidental thereto.
10) Certain lead processes carried on in printing Presses and Type Foundries.
12) Manufacture of articles from refractory materials including manufacture of refractory bricks.
13) All operations, in which any chemical is manufactured, recovered, handled, used or processed and any other work or process connected or incidental thereto, carried on in any factory.

14) Compression of oxygen and hydrogen.

15) Handling and processing of asbestos, manufacture of any article of asbestos and any other process of manufacture or otherwise in which asbestos is used in any form.

16) Manufacture or manipulation of manganese and its compounds.

17) Manufacture and manipulation of dangerous pesticides.

18) Manufacture, use, storing, handling or manipulation of benzene or any substance containing benzene.

   For this purpose, Benzene includes all aromatic hydro carbons having the chemical formula C₆H₆.

19) Process of extraction of oil or other substances from oil-cakes, rice bran or from any other material or substance by the use of any solvent.

20) Operation involving High Noise levels and vibration levels.

21) Manipulation of Stone or any other Material containing free silica.”

(18) **Substitution of schedule XX of Rules 95 of the Jharkhand Factories Rules, 1950**

Schedule XX of Rules 95 shall be substituted as following: -

**SCHEDULE-XX**

“**Operations involving high Noise and Vibration levels**

**Part-A High Noise Levels:**

1. **Application**- This Part of the schedule shall apply to all operations in any manufacturing process having high noise level.

2. **Definitions**- For the purpose of this schedule –
(a) “Noise” means any unwanted sound.
(b) “High noise level” means any noise level measured on the weighted scale is 85 dB or above.
(c) “Decibel” means one-tenth of “Bel” which is the fundamental division of a logarithmic scale used to express the ratio of two specified or implied quantities, the number of “Bels” denoting such a ratio being the logarithm to the base 10 of this ratio. The noise level (or the sound pressure level) 6 corresponds to a reference pressure of 20×10 Newton per square meter or 0.0002 dynes per square centimeter which is the threshold of hearing, that is, the lowest sound pressure level necessary to produce the sensation of hearing in average healthy listeners. The decibel in abbreviated form is dB.
(d) “Frequency” is the rate of pressure variations expressed in cycles per second or hertz.
(e) “dB A” refers to sound level in decibels as measured on sound level meter operating on the A-weighting network with slow meter response.
(f) “A-weighting” means making graded adjustments in the intensities of sound of various frequencies for the purpose of noise measurement, so that the sound pressure level measured by an instrument reflects the actual response of the human ear to the sound measured.
3. Protection against noise-
(1) In every factory a suitable engineering control or administrative measures shall be taken to ensure, so far as is reasonably practicable, that no worker is exposed to sound levels exceeding the maximum permissible noise exposure levels specified in Tables 1 and 2.
### Table 1

**Permissible exposure in cases of continuous noise**

<table>
<thead>
<tr>
<th>Total time of exposure (continuous short term exposures)</th>
<th>Sound pressure level in or a number of dB A per day, in hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>85</td>
</tr>
<tr>
<td>6</td>
<td>87</td>
</tr>
<tr>
<td>4</td>
<td>90</td>
</tr>
<tr>
<td>3</td>
<td>92</td>
</tr>
<tr>
<td>2</td>
<td>95</td>
</tr>
<tr>
<td>1 ½</td>
<td>97</td>
</tr>
<tr>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>¾</td>
<td>102</td>
</tr>
<tr>
<td>½</td>
<td>105</td>
</tr>
<tr>
<td>¼</td>
<td>110</td>
</tr>
</tbody>
</table>

Notes: 1. No exposure in excess of 110 dBA is to be permitted.

2. For any period of exposure falling in between any figure and the next higher or lower figure as indicated in column I, the permissible sound pressure level is to be determined by extrapolation on a proportionate basis.

### Table 2

**Permissible exposure levels of impulsive or impact noise**

<table>
<thead>
<tr>
<th>Peak sound pressure level in dB</th>
<th>Permitted number of impulses or impact per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>140</td>
<td>100</td>
</tr>
<tr>
<td>135</td>
<td>315</td>
</tr>
<tr>
<td>130</td>
<td>1,000</td>
</tr>
<tr>
<td>125</td>
<td>3,160</td>
</tr>
<tr>
<td>120</td>
<td>10,000</td>
</tr>
</tbody>
</table>

Notes: 1. No exposure in excess of 140 dB peak sound pressure level is permitted.

2. For any peak sound pressure level falling in between any figure and the next higher or lower figure as indicated in column I, the permitted
number of impulses or impacts per day is to be determined by extrapolation on a proportionate basis.

(2) For the purpose of this schedule, if the variations in the noise level involve maximum intervals of one second or less, the noise is to be considered as a continuous one and the criteria given in Table I would apply. In other cases, the noise is to be considered as impulsive or impact noise and the criteria given in Table 2 would apply.

(3) When the daily exposure is composed of two or more periods of noise exposure at different levels their combined effect should be considered rather than the individual effect of each. The mixed exposure should be considered to exceed the limit value if the sum of the fractions

\[
\frac{C_1 + C_2 + \ldots + C_n}{T_1 + T_2 + \ldots + T_n}
\]

Where the C1, C2 etc. indicate the total time of actual exposure at a specified noise level and T1, T2, etc. denote the time of exposure. Less than 90 dBA may be ignored in the above calculation.

(4) Where it is not possible to reduce the noise exposure to the levels specified in sub-clause (1) by reasonably practicable engineering control or administrative measures, the noise exposure shall be reduced to the greatest extent possible by such control measures, and each worker so exposed shall be provided with suitable ear protectors as per relevant National or International Standards so as to reduce the exposure to noise to the levels specified in sub-clause 3(1).

(4) (1) The Occupier shall provide personal hearing protectors to the workers.
(a) So as to eliminate the risk to hearing or to reduce the risk to as low a level as is reasonably practicable.

(b) After consultation with the employees concerned or their representative.

(c) To ensure the hearing protectors is full and properly fitted, periodically checked for the effectiveness, maintained in good working order and repair.

(d) Ensure that workers are given periodical training in the use, care and maintenance of the Personal hearing protectors.

(5) Where the ear protectors provided in accordance with sub-paragraph 3(4) and worn by a worker cannot still attenuate the noise reaching near his ear, as determined by subtracting the attenuation value in dBA of the ear protectors concerned from the measured sound pressure level, to a level permissible under Table 1 or Table 2 as the case may be, the noise exposure period shall be suitably reduced to correspond to the permissible noise exposures specified in sub-paragraph (1).

(6) (a) In all cases where the prevailing sound levels exceed the permissible levels specified in sub-paragraph (1) there shall be administered an effective hearing conservation programme which shall include among other hearing conservation measures, pre-employment and periodical auditory surveys conducted on workers exposed to noise exceeding the permissible levels, and rehabilitation of such workers either by reducing the exposure to the noise levels or by transferring them to places where noise levels are relatively less or by any other suitable means.
(b) Every worker employed in areas where the noise exceeds the maximum permissible exposure levels specified in sub-clause (1) shall be subjected to any auditory examination by a Certifying Surgeon within 14 days of his first employment and thereafter, shall be re-examined at least once in every 12 months. Such initial and periodical examinations shall include tests which the Certifying Surgeon may consider appropriate and shall include determination of auditory thresholds for pure tones of 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 cycles per seconds.

Part-B High Vibration Levels:

(1) **Applications:**

This part of the Schedule shall apply to all operations in a manufacturing part of the process having high undesired vibrations.

(2) **Definition:**

(a) “daily exposure” means the quantity of mechanical vibration to which a worker is exposed during a working day, which takes into account the magnitude and duration of the vibration;

(b) “Vibration” means a mechanical phenomenon whereby oscillations occur about equilibrium point. The oscillations may be periodic or random.

(c) “high vibration” means any exposure greater than the exposure limit, value and action value specified in clause-3.

(d) “exposure action value” means the level of daily exposure set out in clause-3 for any worker which, if reached or exceeded, requires specified action to be taken to reduce risk;

(e) “exposure limit value” means the level of daily exposure for any worker which must not exceed, as specified in sub clause-3.
(f) “hard-arm vibration” means mechanical vibration which is transmitted into the hands and arms during a work activity;

(g) “mechanical vibration” means vibration occurring in a piece of machinery or equipment or in a vehicle as a result of its operation; and

(h) “whole-body vibration” means mechanical vibration which is transmitted into the body, when seated or standing, through the supporting surface, during a work activity or as described in sub clause 3(2).

(3) **Exposure limit values and action values.**

(1) For hand-arm vibration-

(a) the daily exposure limit value is 5m/s² A(8);

(b) the daily exposure action value is 2.5 m/s² A(8),

and daily exposure shall be ascertained on the basis set out in the relevant National/International Standards specified in table I below.

(2) For whole body vibration-

(a) the daily exposure limit value is 1.15 m/s² A(8);

(b) the daily exposure action value is 0.5 m/s² A(8),

and daily exposure shall be ascertained on the basis set out in the relevant National/International Standards.

**Table 1**

The Threshold Limit Values (TLVs) for exposure of the hand-arm vibration in X, Y, or Z direction of axes in the three dimensional system shall be as given below:

<table>
<thead>
<tr>
<th>Total Daily Exposure Duration (hours)</th>
<th>Maximum value of frequency weighted acceleration (m/s²) in any direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 to less than 8 hours</td>
<td>4</td>
</tr>
<tr>
<td>2 to less than 4 hours</td>
<td>6</td>
</tr>
<tr>
<td>1 to less than 2 hours</td>
<td>8</td>
</tr>
<tr>
<td>less than 1 hours</td>
<td>12</td>
</tr>
</tbody>
</table>
(3) (a) Assessment of vibration exposure shall be made for each applicable direction (X,Y,Z), since vibration is a vector quantity (magnitude and direction). In each direction, the magnitude of the vibration during normal operation of the power tool, machine or work piece should be expressed by the root-mean-square (RMS) value of the frequency weighted component acceleration, in units of meter per second squared (m/s²).

(4) **Assessment of risk to health due to vibration at the work place.**

   (a) An occupier who carries out work which is liable to expose any worker to vibration, shall make a suitable and sufficient assessment of the risk created by that work to the health and safety of those and the risk assessment shall identify the control measures that need to be taken.

   (b) The risk assessment should be reviewed, whenever it is felt that the changes in the process make the earlier risk assessment no longer valid.

(5) **Engineering control measures.**

   (1) The occupier shall ensure that risk from the exposure of workers to vibration is either eliminated at source or, where this is not reasonably practicable, reduced to as low a level as is reasonably practicable.

   (2) Where it is not reasonably practicable to eliminate risk at source pursuant to paragraph (a) and an exposure action value is likely to be reached or exceeded, the employer shall reduce exposure to as low a level as is reasonably practicable by establishing and implementing a programme of engineering control measures which are appropriate to this type of activity.

   (3) The occupier shall ensure that the workers are provided with the following measures:

   (a) work equipment of appropriate ergonomic design which, taking account of the work to be done, produces the least possible vibration;
(b) the provision of auxiliary equipment which reduces the risk of injuries caused by vibration; and install appropriate maintenance programmes for work equipment, the work place and workplace systems;

(4) Subject to sub clause 5, the employer shall ensure that his employees are not exposed to vibration above an exposure limit value; and shall take necessary steps to identify the reasons for the limit being exceeded and take appropriate steps to reduce the exposure to vibration to below limit value.

Provided that where the exposure of an employee to vibration is usually below the exposure action value but varies markedly from time to time and may occasionally exceed the exposure limit value.

Further provided that-(a) any exposure to vibration averaged over one week is less than the exposure limit value and there is evidence to show that the risk from the actual pattern of exposure is less than the corresponding risk from constant exposure at the exposure limit value; and that the (b) risk is reduced to as low a level as is reasonably practicable, taking into account the special circumstances.

(6) **Medical Examination.**

(1) The occupier shall ensure that the workers who are likely to be exposed to vibration at above exposure action value are subjected to periodical medical examination once in a year. The medical examination shall include general and physical examination as well as special test for Raynaud’s phenomenon.

(2) The health record of workers shall be maintained by the occupier for a period of 5 years from the date of the last test and shall be produced to the Inspector of Factories on demand.
(3) If at any time the Certifying Surgeon/Factory Medical Inspector is of the opinion that the worker is no longer fit to work in the said process on the ground that continuous working would involve danger to the health of the worker, he shall make a record of his finding in the said certificate and the health register. The entry of his findings in those documents should also include the period for which he considers that the said person is unfit for work in the said processes. The person declared unfit in such circumstances shall be provided with alternate placement facility unless he is fully incapacitated in the opinion of the Certifying Surgeon in which case the person affected shall be suitably rehabilitated.

(7) **Personal Protective equipment.**

(1) The occupier shall ensure that the worker who are likely to be exposed to high level of vibration are provided with appropriate PPE and protective clothing confirming to national or international standards. Such Personal Protective Equipment should include hand gloves and safety shoes. The protective clothing shall be able to protect the workers from cold and dump.

(2) The occupier shall ensure that workers are given periodical training in the use, care and maintenance of the Personal Protective Equipment.

(8) **Administrative Control Measures.**

(1) The occupier shall ensure that as far as reasonably practicable, all necessary control measures are taken to ensure that the unwanted vibrations do not affect the health of the workers employed in the process, to which this part of the schedule apply.
(2) The occupier shall provide all workers with information instruction and training, to be adopted to limit the exposure limit values and action values as set out in sub clause-3.

(3) Without prejudice to the generality of paragraph (1), the information, instruction and training provided under that paragraph shall include-

(i) the exposure limit values and action values set out in sub clause-3.

(ii) safe working practices to minimize exposure to vibration; and

(iii) suitable and sufficient information and training for employees, such that work equipment may be used correctly and safely, in order to minimize their exposure to vibration;

(iv) limitation of the duration and magnitude of exposure to vibration;

(v) appropriate work schedules with adequate rest periods; and

(vi) The information, instruction and training required by paragraph (2) shall be updated to take account significant changes in the type of work carried out or the working methods used by the employer.

(4) The Occupier shall display pictorial cautionary notice/warning signs at conspicuous places, where there are possibilities of workers being exposed to undesired high vibrations.

(9) **Prohibition in employment of women, young persons and persons with disabilities.**

No women or young person or persons with disabilities shall be employed in the process covered by this part of the schedule.

**Exemptions:** If in respect of any factory, the Chief Inspector is satisfied that owing to any exceptional circumstances, or infrequently of the process, or for any other reasons, application of all or any of
the provisions of this schedule is not necessary for the protection of the persons employed in such factory, he may by an order in writing which he may at his discretion revoke, exempt such factory from all or any of the provisions on such conditions and for such period as he may specify in the said matter.”

(19) **Insertion of schedule XXI under Rules (95) of the Jharkhand Factories Rules, 1950**

A new Schedule XXI shall be included under Rule (95) which are as follows: -

**SCHEDULE- XXI**

“**Manipulation of Stone or any other Material containing free silica**

The following Manufacturing Process shall be considered as Manipulation of Stone or other material containing free Silica:

1. Stone Crushers
2. Gem and Jewellery
3. Slate Pencil Making
4. Agate Industry
5. Cement Industry
6. Pottery
7. Glass Manufacturing
8. Quartz/quartzite
9. Any other minerals/rocks containing free silica

1. **Application** – This Schedule shall apply to all factories or parts of factories in which the above said manufacturing activity containing free silica is carried on.

2. **Definitions** – For the purpose of this Schedule –
   (a) “Manipulation” means crushing, breaking, chipping, dressing, grinding, sieving, mixing, grading or handling of stone or any other
material containing free silica or any other operation involving such stone or material;
(b) “Stone or any other material containing free silica” means a stone or any other solid material containing not less than 5% by weight of free silica.

3. **Preventive Control Measures**

No manipulation shall be carried out in a factory or part of a factory unless the following preventive control measures are adopted, namely –

3 (I) **Engineering Control Measures**

(1) **Wet Methods**:
(a) Airborne Silica Dust should be minimized or suppressed by applying water to the process or clean up;
(b) Water should be provided for drilling or sawing of concrete or masonry;

(2) **Ventilation**:
(a) An effective Local exhaust system should be provided and maintained to control/remove silica dust from industrial processes.
(b) Dilution/ventilation may be used to reduce free silica dust concentration to below the permissible limits in large areas.
(c) Dust collectors/HEPA filter should be set up so that dust shall be removed from the source and all transfer points to prevent contaminating work areas.
(d) Ventilation system should be kept in good working conditions.

(3) **Isolation**:
(a) Containment methods should be used while carrying out sand blasting.
(b) Cabins of vehicles or machinery cutting & drilling that might contain free silica should be enclosed and sealed.

(4) Dust Control:
(a) Vacuum System with High Efficiency Particle Air (HEPA) filter shall be used to remove dust from work areas and all transfer points.
(b) The belt conveyors transferring crushed material shall be totally enclosed throughout its length.

Provided that such control measures as above said are not necessary if the process or operation itself is such that level of dust created and prevailing does not exceed the permissible limit of exposure specified in the Second Schedule of the Act.

3 (II) Medical Control Measures

(1) The occupier of every factory in which a worker employed in the processes specified in Sub Rule 1, shall ensure that every worker employed be examined by a Medical Inspector of Factories/Certifying Surgeon within 15 days of his first employment. Such medical examination shall include pulmonary function test and chest X-ray – posterior Anterior (PA) view to be compared with standard ILO Radiographs on Pneumoconiosis. No worker shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the Certifying Surgeon.

(2) Every worker employed in the said processes shall be re-examined by a Certifying Surgeon at least once in every twelve months. Such re-examination shall, Wherever the Certifying Surgeon considers appropriate, include all the tests, as specified in sub-paragraph (1) except chest X-ray which shall be read by a radiologist specialized/trained in the field of reading ILO Radiographs on
Pneumoconiosis and the chest X-ray which shall be carried out at least once in 3 years.

(3) Every worker, employed in any of the aforesaid processes on the date on which the schedule comes into force, shall be radiologically examined by the qualified Radiologist at the cost of the occupier using a standard size X-ray plates and the power of the X-ray machine shall be more than 300 milli ampere (mA). The report of such X-ray shall be submitted to the Medical Inspector of Factories/Certifying Surgeon/Chief Inspector within three months of the said date.

(4) If at any time the Medical Inspector of Factories/Certifying Surgeon is of the opinion that a worker is no longer fit for employment in the said process on the ground that continuance therein would involve special danger to the health of the worker, he shall make a record of his findings in the said Certificate and the health register. The entry of his findings in these documents should also include the period for which he considers that the said person is unfit for work in the said processes. The person so suspended from the process shall be provided with alternate placement facilities, unless he is fully incapacitated in the opinion of the Certifying Surgeon, in which case the person affected shall be suitably rehabilitated.

(5) No person who has been found unfit to work as said in sub-paragraph (4) above shall be re-employed or permitted to work in the said processes unless the Certifying Surgeon, after further examination again certifies him fit for employment in those processes.

(6) If a worker already in employment and declared unfit by the Medical Inspector of Factories/Certifying Surgeon Shall not be allowed to work on any of the Processes specified in sub rule 1, unless
he has been examined again along with standard size chest X-ray plate from a qualified Radiologist, at the cost of the occupier and has been certified to be fit to work on the said processes again.

(7) For the purpose of medical supervision, by the medical practitioner/certifying surgeon so appointed by the occupier shall be provided for his exclusive use, a room in the factory premises which shall be properly cleaned, adequately lighted, ventilated and furnished with a screen, a table with office stationary, chairs and other facilities and other instruments including X-ray arrangements for such examinations and such other equipments as may be prescribed by the Chief Inspector from time to time. The medical practitioner so appointed shall perform the following duties.

(a) maintain health register,
(b) undertake medical supervision of persons employed in the factory;
(c) look after health, education and rehabilitation of sick, injured or affected workers;
(d) carry out inspection of work rooms where dangerous operations are carried out and advise the management, the measures to be adopted for the protection of health of the workers employed therein.

(8) The Health Records of the workers exposed to silicosis, shall be kept up to a minimum period of 40 years from the beginning of the employment or 15 years after retirement or cessation of the employment, whichever is later and shall be accessible to workers concerned or their representatives.

(9) The record of medical examinations and appropriate tests carried out by the said medical practitioner, a certificate of fitness and health shall be maintained in separate register approved by the Chief
Inspector of Factories, Which shall be kept readily available for inspection by the Inspector and shall be produced on demand.

3 (III) Administrative Control Measures

(1) Work place/Environment Monitoring: The occupier shall ensure work place/environment monitoring to be performed, to determine magnitude of exposure/ concentration to evaluate engineering controls, selecting respiratory protection, work practices and the need for medical surveillance.

(a) Exposure/concentration measurements should be made in the employee’s actual breathing zone.

(b) Total sampling time shall be at least 7 hours.

(c) Work place/Environment Monitoring shall be repeated quarterly.

(d) The report of dust sampling by occupier shall be made available to the public.

(2) Training/Awareness: Workers Shall be trained in the following :-

(a) Health effects of free silica dust exposure.

(b) Operation and material that produce free silica dust hazards.

(c) Engineering controls and work practice controls that reduce dust concentration.

(d) The importance of good housekeeping and cleanliness.

(e) Proper use of personal protective equipment such as respirators etc.

(f) Personal hygiene practices to reduce exposure.

(3) House Keeping : Maintenance of floors –

a) All floors or place where fine dust is likely to scatter and whereon any person has to work or pass shall be of impervious material and maintained in such conditions that they can be thoroughly
cleaned by a moist method or any other method which would prevent dust being airborne in the process of cleaning once at least during each shift.

b) For this purpose dry sweeping or compressed air shall be used for cleanup of dust or wet methods of vacuum system with a HEPA filter shall be used.

c) Dust on overhead ledges and equipment should be removed before it becomes air borne due to vibration of traffic and random air current.

(4) **Change room and washing facilities** :

(a) Washing and bathing facilities shall be conveniently located at a place easily accessible to the workers.

(b) Cloak room with individual lockers shall be provided for employees to store uncontaminated clothing.

(c) Workers shall take bath and change the work clothes before they leave the work site.

(d) Work clothes shall not be cleaned by blowing or shaking.

(e) Eating/lunch areas shall be located away from exposed areas.

(5) **Display of Notices** :

(a) Warning signs/Posters shall be displayed conspicuously in prominent place.

(b) The warning signs/poster shall contain the Hazards and precautions to be taken.

(c) The display of notice shall be in the local language and also in the language understood by the majority of the workers.

(6) **Personal Protective Equipment**

The occupier of the every factory to which this schedule apply shall provide the following PPEs as per relevant National
Standards or International Standards and as applicable to a given workplace.

(a) Dust respirator.
(b) HEPA filter respirator of fume respirator.
(c) HEPA filter respirator with full face piece.
(d) Self contained breathing apparatus (SCBA)
(e) Supplied air respirator with a full-face piece, helmet or hood.
(f) SCBA with full-face piece.
(g) Powered air-purifying respirator with a HEPA filter.

4. **Prohibition relating young person's** - No young person shall be employed or permitted to work in any of the operations involving manipulation or at any place where such operations are carried out.

5. (1) **Exemptions** - If in respect of any factory, the Chief Inspector is satisfied that owing to the exceptional circumstances or in frequency of the processes or for any other reason, all or any of the provisions of this schedule is not necessary for protection of the workers in the factory, the Chief Inspector may by a certificate in writing, which he may in his discretion revoke at any time, exempt such factory from all or any of such provisions subject to such conditions, if any, as he may specify therein.

(2) The notification of Silicosis and free silica related occupational diseases by Medical Practitioner/certifying surgeon should be strictly enforced and in case of any Violation, the Medical Practitioner/certifying surgeon shall be liable to be prosecuted under Sec. 89(4) of the Factories Act, 1948.”
# SCHEDULE – ‘A’

(Rule – 5)

Scale of fees payable for Grant of licence and Annual fees for Factories
defined under section 2 (m) of the Factories Act, 1948
Other than Electricity Generating, Transforming Factories

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Total rated capacity (Power) of the Machineries and Plants installed expressed in HORSE POWER</th>
<th>20</th>
<th>50</th>
<th>100</th>
<th>250</th>
<th>500</th>
<th>750</th>
<th>1,000</th>
<th>2,000</th>
<th>5,000</th>
<th>10,000</th>
<th>25,000</th>
<th>Over 25,000</th>
</tr>
</thead>
<tbody>
<tr>
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<td>400</td>
<td>1,560</td>
<td>1,800</td>
<td>2,200</td>
<td>3,000</td>
<td>4,000</td>
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<td>8,000</td>
<td>9,000</td>
<td>9,800</td>
<td>12,000</td>
</tr>
<tr>
<td>2</td>
<td>Not Exceeding</td>
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<td>900</td>
<td>1,600</td>
<td>2,200</td>
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<tr>
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<td>8,600</td>
<td>10,000</td>
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<td>8,600</td>
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<td>18,000</td>
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<td>Ditto</td>
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<td>36,000</td>
<td>45,000</td>
<td>47,500</td>
<td>50,000</td>
<td>55,000</td>
<td>70,300</td>
<td>82,900</td>
<td>93,750</td>
<td>1,68,750</td>
<td>2,11,050</td>
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<td>2,70,000</td>
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<td>6,39,100</td>
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<td>7,58,250</td>
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<td>12,00,000</td>
<td>12,67,500</td>
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</tbody>
</table>

Maximum number of persons proposed to be employed on any one day during the year for which licence is to be taken.
**SCHEDULE – ‘B’**

Scale of fees payable for Grant of Licence and Annual fees by all Electricity Generating, Transforming and Transmitting station (Factories).

(a) Generating and Transforming stations (Factories) :

<table>
<thead>
<tr>
<th>Total installed Generating Capacity in K.W</th>
<th>Generating Station</th>
<th>Transforming (including Conversion Station)</th>
</tr>
</thead>
<tbody>
<tr>
<td>K.W</td>
<td>Rs.</td>
<td>Rs.</td>
</tr>
<tr>
<td>Not exceeding 50</td>
<td>750</td>
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</tr>
<tr>
<td>Ditto 100</td>
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<td>650</td>
</tr>
<tr>
<td>Ditto 150</td>
<td>1,300</td>
<td>900</td>
</tr>
<tr>
<td>Ditto 300</td>
<td>1,500</td>
<td>1,400</td>
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<tr>
<td>Ditto 500</td>
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<tr>
<td>Ditto 750</td>
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<td>12,000</td>
</tr>
<tr>
<td>Ditto 75,000</td>
<td>30,000</td>
<td>15,000</td>
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<tr>
<td>Ditto 1,00,000</td>
<td>39,000</td>
<td>18,000</td>
</tr>
<tr>
<td>Ditto 1,50,000</td>
<td>48,000</td>
<td>24,000</td>
</tr>
<tr>
<td>Ditto 2,00,000</td>
<td>60,000</td>
<td>36,000</td>
</tr>
<tr>
<td>Ditto 3,00,000</td>
<td>78,000</td>
<td>48,000</td>
</tr>
<tr>
<td>Ditto 4,00,000</td>
<td>96,000</td>
<td>60,000</td>
</tr>
<tr>
<td>Ditto 5,00,000</td>
<td>1,14,000</td>
<td>72,000</td>
</tr>
<tr>
<td>Ditto 6,00,000</td>
<td>1,32,000</td>
<td>84,000</td>
</tr>
<tr>
<td>Ditto 7,00,000</td>
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<td>96,000</td>
</tr>
<tr>
<td>Above 7,00,000</td>
<td>1,68,000</td>
<td>1,08,000</td>
</tr>
</tbody>
</table>

b) All transmitting stations (Factories) Rs. 22,500.00

**Explanations.**-

(1) Total rated Capacity (power) of machinery of plants means : -

a) In case of machinery of plants which generates or provides power, the rated generating or producing capacity (power) expressed in Horse Power;

b) In case of any prime-mover the raised capacity expressed in Horse power.

c) In case of any other plant or machinery the power expressed in Horse power required Kw to operate the machine at its normal rated capacities.

d) In case of electric furnaces, ovens or like plants, the consumption thereof for its rated or a normal operation converted in terms of Horse Power.

e) In case of furnaces, ovens, and like plants fired by coal, oil, gas or any other fuel the equivalent electric power converted into Horse power.
f) In case of Steam Boilers and Steam Generators, the rated capacity of the Boiler expressed in terms of Horse Power.

For the Boiler used for supply of process steam evaporation capacity of 34.5 lbs. of water per hour would be taken as equivalent to Horse Power.

(2) Where a factory has its own electric power generating plants to the amount of fees payable for the whole factory shall be the amount obtained by adding the amount payable for the factory excluding the power generating plant calculated as per SCHEDULE “A” and that payable for the power generating unit as per SCHEDULE “B” respectively.

Where a factory has its own transforming station the amount of fees payable shall be calculated in a like manner.

Where a factory has its own generating station as well as transforming station for drawing additional power from an external source, the fee payable shall be the amount obtained by adding the fees which would have been payable for the Generating Station, Transforming Station and the rest of the factory, respectively as if they were separate factories.

(3) In a steam power station, the capacities of the Generating units only would be taken in to account and not of the Boilers.

But if any such power station contains any boiler for supply of process steam, such boiler or part of boiler shall be separately counted for calculating the installed Horse Power.

(4) In the calculation of Installed capacity all spare stand by and emergency machines and plants shall be taken into account, and shall be deemed to be working units and they shall not be excluded merely on the ground that they were only stand by, spare or emergency units, which are to be operated only on special occasions and in emergencies.

(5) Where any machine is driven by an electric motor or any other prime-mover the rated capacity in Horse Power of the said motor shall be deemed to be the rated capacity of the machine, and the capacity of the motor or the prime mover and that of the driven machine shall not be counted separately.

(6) Where an electricity generating factory included a transmitting of converting station or plant meant for recovering transforming, converting, or transmitting of electric power supplied from a source outside the Generating Station and which is not meant for transforming, converting or transmitting power generated in the Generating Station itself the fees payable shall be the total of the fees payable by the Generating and Transforming (including converting) Station calculated separately in accordance with the rate of fees prescribed under sub-head (a) and by the Transmitting Station under-sub-head (b),
SCHEDULE – ‘C’

Scale of fees payable for grant of licence and annual fees for factories declared under Section 85 of the Factories Act, 1948 (Act, 63 of 1948) other than Electricity Generating, Transforming and Transmitting Stations (Factories)

Rs.525.00

[Notification No-1365 Ranchi, Dated-03-07-2015]
By order of the Governor of Jharkhand,

Sd/-

Under Secretary to Government.
Labour, Employment, Training & Skill Development Department,
Government of Jharkhand.

Data Successfully Stored! Receipt No is - [LET/61/2015] Generated
Submitted on 24.11.2015 for Gazette Notification.