

Applied to the Dargapeting dist and to the partially excluded areas of the Mymensingh dist with effect from 1-10-39. See notfn. no. 3011-Com of 26.9.39 in Calcutta Gaz. of 28.9.39.

ACT No. XXVI OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st December, 1938.)

An Act to regulate the admission of children to certain industrial employments.

WHEREAS it is expedient to regulate the admission of children to certain industrial employments; It is hereby enacted as follows:—

1. (1) This Act may be called the Employment of Children Act, 1938. Short title and extent.

(2) It extends to the whole of British India.

4 [a] /

2. In this Act, "competent authority", in respect of a major port, as defined in the Indian Ports Act, 1908, and in respect of a federal railway, as defined in the Indian Railways Act, 1890, means the Central Government, and in any other case means the Provincial Government. Definition.

XV of 1908.
IX of 1890.

3. (1) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway. Prohibition of employment of children in certain occupations.

(2) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation involving the handling of goods within the limits of any port to which for the time being any of the provisions of the Indian Ports Act, 1908, are applicable.

XV of 1908.

4 [or fails to give notice as required by section 3B]

4. Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with fine which may extend to five hundred rupees. Penalty.

5. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of an inspector appointed under section 6. Procedure relating to offences.

- 1 Ins. added by S. 2 of Act 15 of 1939 (2) No
- 2 Ins. by S. 3 *ibid*
- 3 Ins. by S. 4 *ibid* Price *unns. 1 or 1 1/2 d.*
- 4 Ins. by S. 5 *ibid*
- 5 Applied to Pr. Baluchistan, notfn. no. 201-F of 26/9/39, Gaz. of I. 1939, Pt. I, p. 1634.

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(2) No prosecution under this Act shall be instituted in any case where at the time of employment a certificate had been obtained from an authority empowered under this Act to grant such certificate that the child has completed his fifteenth year.

(3) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Appointment of Inspectors.

6. The competent authority may appoint persons to be inspectors for the purpose of securing compliance with the provisions of this Act, and any inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1960.

Power to make rules.

7. (1) The competent authority may by notification in the official Gazette and subject to the condition of previous publication make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may--

(a) regulate the procedure of inspectors appointed under section 6, and

(b) make provision for the grant of certificates of age in respect of young persons in employment or seeking employment, [the ^{medical} authorities] which may issue such certificates, the form of such certificate, the charges which may be made therefor, and the manner in which such certificates may be issued :

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned.

Amendment of section 6, Act XV of 1908.

8. Sub-section (1A) of section 6 of the Indian Ports Act, 1908, and the words, brackets, figure and letter "and sub-section (1A)" in sub-section (2) of the said section shall be omitted. xv of 1908.

1/ Subs. by s. 6 of Act 15 of 1939. (from 1-10-39)
2/ Subs. by s. 7 *ibid.*
3/ *Added by s. 8 *ibid.**
GIPD-L 128 LD-25-1-39-5,000.