

*Repealed by Act 36 of 1957.*

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**THE EMPLOYMENT OF CHILDREN (AMENDMENT)**

**ACT, 1951**

**No. XLVIII of 1951**



An Act further to amend the Employment of Children Act, 1938.

[1st September, 1951]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Employment of Children (Amendment) Act, 1951.

2. **Amendment of long title and preamble, Act XXVI of 1938.**—In the long title of, and the preamble to, the Employment of Children Act, 1938 (hereinafter referred to as the principal Act), for the words “the admission of children to”, the words “the employment of children in” shall be substituted.

3. **Amendment of section 2, Act XXVI of 1938.**—In section 2 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

“(bb) “port authority” means a body of port commissioners or other authority administering a port;”.

4. **Amendment of section 3, Act XXVI of 1938.**—In section 3 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation—

(a) connected with the transport of passengers, goods or mails by railway, or

(b) connected with a port authority within the limits of any port.

(2) No child who has completed his fifteenth year but has not completed his seventeenth year shall be employed or permitted to work in any occupation referred to in sub-section (1), unless the periods of work of such child for any day are so fixed as to allow an interval of rest for at least twelve consecutive hours which shall include at least such seven consecutive hours between 10 P.M. and 7 A.M. as may be prescribed:

Provided that nothing in this sub-section shall apply to any child referred to herein while employed or permitted to work in such

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circumstances and in accordance with such conditions as may be prescribed in any occupation aforesaid either as an apprentice or for the purpose of receiving vocational training therein:

Provided further that the competent authority may, where it is of opinion that an emergency has arisen and the public interest so requires, by notification in the Official Gazette, declare that the provisions of this sub-section shall not be in operation for such period as may be specified in the notification."

**5. Insertion of new sections 3D and 3E in Act XXVI of 1938.**—After section 3C of the principal Act, the following sections shall be inserted, namely:—

**3D. Maintenance of register.**—There shall be maintained by every employer, in respect of children employed or permitted to work in pursuance of sub-section (2) of section 3 in any occupation referred to in sub-section (1) of that section, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such occupation, showing—

(a) the name and date of birth of every child under seventeen years of age so employed or permitted to work;

(b) the periods of work of any such child and the intervals of rest to which he is entitled;

(c) the nature of work of any such child; and

(d) such other particulars as may be prescribed.

**3E. Display of notice containing abstract of sections 3 and 4.**—Every railway administration and every port authority shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the limits of a port, as the case may be, a notice in such Indian language or languages as may be prescribed and in the English language containing an abstract of sub-sections (1) and (2) of section 3 and section 4 of this Act.

*Explanation.*—In this section—

"railway administration" has the meaning assigned to it in the Indian Railways Act, 1890 (IX of 1890).

**6. Substitution of new section for section 4 in Act XXVI of 1938.**—For section 4 of the principal Act, the following section shall be substituted, namely:—

**4. Penalty.**—Whoever—

(a) employs any child or permits any child to work in contravention of the provisions of section 3; or

(b) fails to give notice as required by section 3B; or

(c) fails to maintain a register as required by section 3D or makes any false entry in any such register;

shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both."

**7. Amendment of section 7, Act XXVI of 1938.**—In sub-section (2) of section 7 of the principal Act—

(i) the word “and” at the end of clause (a) shall be omitted; and

(ii) after clause (b), the following clauses shall be inserted, namely:—

“(c) fix the seven consecutive hours between 10 P.M. and 7 A.M. for the purpose of sub-section (2) of section 3;

(d) specify the circumstances in which and the conditions subject to which a child may be employed or permitted to work either as an apprentice or for the purpose of receiving vocational training in any occupation referred to in sub-section (1) of section 3;

(e) specify the other particulars which a register maintained under section 3D should contain;

(f) specify the Indian language or languages in which a notice referred to in section 3E shall be published; and

(g) provide for exemption from the provisions of sub-section (2) of section 3 in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character and which interfere with the normal working of any occupation referred to in sub-section (1) of section 3.”