

ACT XIV OF 1939
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ACT No. XV OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th
April, 1939.)

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

WHEREAS it is expedient to amend the
Employment of Children Act, 1938, for the
purposes hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Employment of Short title
and commence-
ment. Children (Amendment) Act, 1939.

(2) It shall come into force on the 1st day of October,
1939.

2. In section 2 of the Employment of Children Act, Amendment
of section 2
of Act XXVI
of 1938. 1938 (hereinafter referred to as the said Act), after the
words “In this Act” the letter and brackets “(a)”
shall be inserted, and to the said section as so amended
the following shall be added, namely:—

(b) “occupier” of a workshop means the person
who has ultimate control over the affairs of the
workshop;

(c) “prescribed” means prescribed by rules made
under this Act;

(d) “workshop” means any premises (including
the precincts thereof) wherein any industrial
process is carried on, but does not include
any premises to which the provisions of sec-
tion 50 of the Factories Act, 1934, for the
time being apply.’

3. To section 3 of the said Act the following sub-sec- Amendment
of section 3.
tion shall be added, namely:—

“(3) No child who has not completed his twelfth
year shall be employed, or permitted to work,

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in any workshop wherein any of the processes set forth in the Schedule is carried on :

Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour or to any school established by, or receiving assistance or recognition from, a Provincial Government."

Insertion of
New Sections
3A, 3B and
3C.

Power to
amend the
Schedule.

4. After section 3 of the said Act the following sections shall be inserted, namely :—

"3A. The Provincial Government, after giving, by notification in the official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any description of process to the Schedule, and thereupon the Schedule shall have force in the Province as if it has been enacted accordingly.

Notice to
inspector
before carrying
on work in
certain
processes.

3B. Before work in any of the processes set forth in the Schedule is carried on in any workshop after the 1st day of October, 1939, the occupier shall send to the inspector, within whose local limits the workshop is situated, a written notice containing—

- (a) the name and situation of the workshop,
- (b) the name of the person in actual management of the workshop,
- (c) the address to which communications relating to the workshop should be sent, and
- (d) the nature of the processes to be carried on in the workshop.

Disputes as to
age.

3C. If any question arises between an inspector and an employer as to whether any child has or has not completed his twelfth or fifteenth year, as the case may be, the question shall, in the absence of a certificate as to the age of such child, granted by a prescribed medical authority, be referred by the inspector for decision to the prescribed medical authority."

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5. In

OF 1939.] *Employment of Children (Amendment).*

5. In section 4 of the said Act, after the word and ^{Amendment of section 4.}
figure "section 3" the words, letter and figure " or
fails to give notice as required by section 3B " shall be
inserted.

6. For sub-section (2) of section 5 of the said Act the ^{Amendment of section 5.}
following sub-section shall be substituted, namely :—

" (2) Every certificate as to the age of a child which
has been granted by a prescribed medical
authority shall, for the purposes of this Act,
be conclusive evidence as to the age of the child
to whom it relates."

7. In clause (b) of sub-section (2) of section 7 of the ^{Amendment of section 7.}
said Act, for the words "the authorities" the words
"the medical authorities" shall be substituted.

8. To the said Act the following Schedule shall be ^{Insertion of Schedule.}
added, namely :—

"THE SCHEDULE.

(See SECTIONS 3, 3A AND 3B.)

List of Processes.

1. *Bidi*-making.
2. Carpet-weaving.
3. Cement manufacture, including bagging of cement.
4. Cloth-printing, dyeing and weaving.
5. Manufacture of matches, explosives and fireworks.
6. Mica-cutting and splitting.
7. Shellac manufacture.
8. Soap manufacture.
9. Tanning.
10. Wool cleaning."