

## **EMPLOYMENT OF CHILDREN (MAJOR PORTS) RULES, 1955**

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## **EMPLOYMENT OF CHILDREN (MAJOR PORTS) RULES, 1955**

<sup>1</sup>1 . These Rules were published under the Ministry of Labour Notification No. S.R.O. 3643/ECA/7/2 (i). dated 1st December. 1955. in the Gmelle of India. 1955, Part. 11, Sec. 3. p. 2346. In exercise of the powers conferred by Section 7 of the Employment of Children Act, 1938 (XXVI of 1938) and in supersession of the notification of the Government of India in the late Department of Labour No. L-3090. dated the 26th November. 1940. the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:

### **1. . :-**

(1) These rules may be called the Employment of Children (Major Ports) Rules, 1955.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

### **2. . :-**

In these rules, unless the context otherwise requires, "the Act" means the Employment of Children Act, 1938 (XXVI of 1938).

### **3. . :-**

Every child employed under the provisions of sub-section (2) of Section 3 of the Act to work in any occupation specified in Cl. (b) of sub-section (1) of the said section shall be allowed an interval of

rest for at least 12 consecutive hours which shall include seven consecutive hours from 10 p.m. to 5. a.m.:

Provided that permission in writing to fix the seven consecutive hours other than those mentioned above, between 10 p.m. to 7 a.m. is obtained from an Inspector appointed under the Act.

**4. . :-**

The provisions of sub-section (2) of Section 3 of the Act shall not apply to any child who has completed his fifteenth year but has not completed his seventeenth year while such a child is employed or permitted to work in any occupation specified in Cl. {h) of sub-section (1) of the said section either as an apprentice or for the purpose of receiving vocational training subject to the following conditions:

(a) the scheme of apprenticeship or vocational training shall have the prior approval of the Central Government, which shall, before according its approval, consult such organisations of workers and employers as it may consider appropriate :

(b) every such child shall be granted a rest period of at least 13 consecutive hours between two working periods ;

(c) every such child shall be medically examined and found fit for the particular trade: and

(d) an agreement to this effect shall be signed by the employer or his authorised representative on the one hand and the parent or guardian of the child on the other hand specifying the terms and conditions of apprenticeship.

**5. . :-**

The competent authority may exercise the powers conferred upon it under the second proviso to sub-section (2) of Sec. 3 of the Act in order to avoid serious interference with the ordinary working of the major port when urgent work is required to be done or in any other emergency which could not have been foreseen or prevented.

**6. . :-**

(1) The register required to be maintained under Sec. 3-D of the Act shall be in Form A appended to these rules.

(2) The register shall normally be maintained in English but where it is maintained in any other language than English a true

translation thereof in English shall be available.

(3) The register shall be maintained for a period of three years after the date of the last entry made therein.

**7.** . :-

Every port authority shall cause to be displayed in a conspicuous and accessible place within the limits of a port, a notice containing an abstract of sub-sections (1) and (2) of Sec. 3 and Section 4 of the Act, in English and in a language understood by the majority of the persons employed.

**8.** . :-

An Inspector appointed by the Central Government may enter any place where persons are employed in any occupation connected with the transport of passengers, or goods within the limits of a major port and may take on the spot, or otherwise such evidence of any persons and exercise such other powers of inspection as he may deem necessary for carrying out the purposes of the Act.

**9.** . :-

(1) A Port Health Officer or Assistant Port Health Officer may grant certificates of age free of charge in respect of young persons in employment or seeking employment in major ports.

(2) A certificate of age granted under sub-rule (1) shall be in Form B appended to these rules.