

THE CHILDREN (PLEDGING OF LABOUR) ACT, 1933

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THE CHILDREN (PLEDGING OF LABOUR) ACT, 1933

(Act No. 2 of 1933)

[24th February, 1933]

An Act to prohibit the pledging of the labour of children

Whereas it is expedient to prohibit the making of agreements to pledge the labour of children, and the employment of children hose labour has been pledged;

It is hereby enacted as follows:

1. Short title, extent and commencement.

(1) This Act may be called the Children (Pledging of Labour) Act, 1933.

¹[(2) It extends to the whole of India ²[* * *]

(3) This section and Secs. 2 and 3 shall come into force at once, and the remaining sections of this Act shall come into force on the first day of July, 1933.

1. Subs. by the A.O., 1950, for sub-section (2).

2. The words 'except the State of Jammu and Kashmir' subs. for the words "except Part B States" by Act 3 of 1951 Sec. 3 and Schedule were subsequently omitted by Act 51 of 1970, Sec. 2 and Schedule.

2. Definitions. -In this Act, unless there is anything repugnant in the subject or context,-

“An agreement to pledge the labour of a child” means in agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilized in any employment :

Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition;

“Child” means a person who is under the age of fifteen years; and

“Guardian” includes any person having legal custody of or control over a child.

3. Agreement contrary to the Act to be void. -An agreement to pledge the labour of a child shall be void.

4. Penalty for parent or guardian making agreement to pledge the labour of a child. -Whoever,

being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punished with fine which may extend to fifty rupees.

5. Penalty for making with a parent or guardian agreement to pledge the labour of a child.

-Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees.

6. Penalty for employing a child whose labour has been pledged.-Whoever, knowing or having reason to believe that an agreement has been made to pledge the labour of a child, in furtherance of such agreement employs such child, or permits such child to be employed in any premises or place under his control, shall be punishable with fine which may extend to two hundred rupees.

Marginal notes.-It is settled law that reference can be made to headings of sections or marginal notes when difficulty arises in interpreting the scope and meaning of a provisions.¹

1. Kerala State Housing Board v. E.A. Yusuff, A.I.R. 1984 Ker. 113 at p. 133.