Public Works (1898) Department.

G.O., No. 2429 Sr

DATED 19 Sept 98

[Despatch Abstract.]

Certificates of App granted under the Indian Factories Act

: Govt: Pub: Deptt directing the publication in the Bombay Gazette of a Notification adding Certifying Surgeons to Enter marks of identification on and App Certificates granted by them under Sec 5 of the Indian Factories Act, & stating that Govt is not prepared to increase the present Fee of Rs 2 payable to Certifying Surgeons, communicates to Offices Concerned.

Ist Sept

Sr

[P. W. 21. 1,000—23-6-98.]

Indexed. 2/11

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

P.W. Current No: 7564

Government (1898) of Madras.

JUDICIAL.

Recd. 10 - 9 - } 1898.
Regd. 10 - 9 -

Enclosures –

Spare copies 11 -

G.O., No. 1343, 27th August 1898.

No: 2429 W.D. 19.9.98

B

AUGUST.

Communicate to officers concerned.

AK
17.9.98.

1918 W.D. 29.7.98

Secy Board I, II & I Circles
CA. to Govt.

Certificates of Age granted under the Indian Factories Act.

Directing the publication in the *Fort St. George Gazette* of a notification ordering certifying Surgeons to enter marks of identification in the age certificates granted by them under section 5 of the Indian Factories Act, and stating that the Government is not prepared to move the Government of India to enhance the present rate of fee payable to certifying Surgeons.

Copy to Mr Wilson W.O.
23/9/98

Copy Board Factories
Chairman M.H.T. Bd.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following paper :—

From A. P. AGAR, Esq., Acting Commissioner of Police, to the Chief Secretary to Government, dated Madras, 6th August 1898, No. 84.

I have the honour to forward for the orders of Government the correspondence, marginally noted, marked A to G, from the Medical Inspector of Factories in the City of Madras. The first of the letters marked A, sent to me as superior authority under the Factories Act (G.O., No. 354, Judicial, dated 9th May 1882), gives expression to a difference of opinion between Surgeon-Captain Elliot, Inspector of Factories, and Surgeon-Lieutenant Colonel Lee, the certifying Surgeon, regarding the ages of three boys working in Surgeon-Lieutenant-Colonel Lee's district. I enquired into the matter in dispute and considered it one in which a difference of opinion might reasonably occur, and not of sufficient importance to lay before Government. Section 16 of Act 15 of 1881 lays down that the certifying Surgeon's certificate shall be taken as evidence of age.

A.—Letter, dated 15th March 1898, from the Medical Inspector of Factories, Madras, to the Commissioner of Police, Madras.
A-i—Names of three boys and their employers.
B.—Copy of demi-official letter, dated 8th March 1898, from Surgeon-Captain Elliot, to Surgeon-Lieut.-Colonel Lee.
C.—Copy of demi-official letter, dated 11th March 1898, No. 83, from Surgeon-Lieutenant-Colonel Lee, to Surgeon-Captain Elliot.
D.—Letter, dated 28th July 1898, from the Medical Inspector of Factories, Madras, to the Commissioner of Police, Madras.
E.—Copy of letter, No. 740, dated 18th July 1898, from Surgeon, 2nd District, to the Medical Inspector of Factories, Madras.
F.—Letter from Secretaries and Treasurers, Buckingham Mill Company (Limited), to the Medical Officer in charge, Women and Children's Hospital, dated 14th July 1898.
G.—Letter from Secretaries and Treasurers, Madras United Spinning and Weaving Mills Company (Limited), dated 4th July 1898, to the Surgeon, 2nd District.

2. In his letter marked D, Surgeon-Captain Elliot has again brought forward the subject of age certificates, and is of opinion that they are being transferred and used by others than those to whom they were granted by the certifying Surgeon, and that in the absence of marks of identification he is unable to check this irregularity. He forwards copies of letters received from the Surgeon, 2nd District, on the same subject and requests that I will lay the matter before Government.

3. I agree with the Medical Inspector that if marks of identification were given in the certificates, it would tend to prevent their being improperly used, though I have no clear evidence that this is now the case. As, however, it will undoubtedly render this abuse more difficult, I recommend its adoption.

4. The matter of remuneration touched on by Surgeon-Captain Elliot in his letter D, paragraphs 3 and 4, I pass on with the remark that different views have been held by Government on this subject. G.O., No. 1755, Judicial, dated 17th August 1888, ordered the discontinuance of these fees. Government of India notification published on page 194, *Fort St. George Gazette*, Part I, dated 16th February 1892, prescribed a fee of four annas and this is still in force.

5. Should the Government decide to adopt Surgeon-Captain Elliot's suggestion, the form of certificate published in *Fort St. George Gazette* notification, dated 20th May 1892, will require alteration, as well as section 5, Act XV of 1881, which was not amended by Act XI of 1891.

Enclosures.

A

From Surgeon-Captain R. H. ELLIOT, Medical Inspector of Factories for the Town of Madras, to the Commissioner of Police, dated Madras, 15th March 1898.

I have the honour to forward, for your information and favour of such action as you may deem necessary, the enclosed correspondence with the Surgeon, 1st District, Madras.

I would specially invite your attention to the first sentence of my letter. The cases sent back to Dr. Lee were merely test cases.

A-i

	Age.
Beehive Foundry—	
Govindan	15 years.
Public Works Workshops—	
Ranganathan, certificate No. 38	14 „
Logayya „ „ 56	14 „

B

Copy of a demi-official letter from Surgeon-Captain ELLIOT, to Surgeon-Lieutenant-Colonel LEE, dated 8th March 1898.

In inspecting the factories in your district this morning, I noticed that the ages of the boys as returned by you are distinctly higher than those returned elsewhere, or than I myself should have returned them.

I selected three boys whose names and employer's names you will find herewith, and requested the Superintendent to send them to you for favour of reconsideration of your opinion already expressed

I am aware that my more regular course would be to report this matter direct to the Commissioner of Police, but I should be very glad if we could settle it *entre nous* and avoid any lay interference.

Regretting to be obliged to trouble you.

C

Copy of demi-official letter from Surgeon-Lieutenant-Colonel LEE, to Surgeon-Captain ELLIOT, dated 11th March 1898, No. 83.

I have examined the boys mentioned in your demi-official of 8th instant, and whom you think younger than the ages entered in their certificates; you do not apparently allow for the ill-development, the result of insufficient food, which so often renders boys of this class undersized. As I do not agree with you, I cannot subordinate my judgment in this matter to yours and must leave you to exercise your discretion in the regular course.

D

From Surgeon-Captain R. H ELLIOT, Medical Inspector of Factories, Madras, to the Commissioner of Police, Madras, dated 28th July 1898.

I have the honour to forward herewith copies of letters received from the Surgeon, 2nd District, and to endorse all that Dr. Giffard has said.

2. Under the present system I am quite powerless to enforce the provisions of the Act which relate to the ages of employés, for I am at once confronted by a certificate in recognized form which tells me that in the opinion of a certain Surgeon Ponnusawmi or Ramasawmi is 14 or 15. I have no means of knowing whether the boy named is identical with the boy produced. Indeed I am often convinced he is not, but according to your ruling on a case I previously referred to you, the certifying Surgeon's word is final and I can do nothing.

3. I consider that medical inspection of big factories will in this respect remain a farce until either the Surgeon or the employer is bound to give marks of identification in every case sent for certification. If this extra work is given to the Surgeons, who alone in my opinion are fit to perform it efficiently, the present fee of annas four per certificate will have to be doubled at least, as already there is a great discontent at the amount of work the granting of certificates to factory children involves, and I need not tell you this will far more than double the work.

4. A fee of rupee one for each child would be fairer and would not press hard on the employers, some of whom have told me they would much rather pay such a fee, than be bothered with having to give marks of identification in each case.

5. I trust you will bring this matter before the early notice of Government, giving it your support.

E

Copy of a letter from the Surgeon, 2nd District, Madras, to the Medical Inspector of Factories, Madras, dated 18th July 1898, No. 740

With reference to the enclosed copies of letters from the Madras United Spinning and Weaving Mills Company (Limited), and the Buckingham Mill Company (Limited), I have the honour to inform you that in my opinion, unless careful marks of identification are given with

each boy, they might as well not be examined at all. The common native names are so often held by many boys at the same time that the name alone is no guide. The boys themselves not seldom do not know their own names or their fathers' names. I consider certificates granted under the present condition quite useless.

F

From the Buckingham Mill Company (Limited), Madras, to the Medical Officer in charge, Women and Children's Hospital, dated 12th July 1898.

The Mill Manager informs us that you require marks of identification of the boys we send for examination.

We have the honour to inform you that we have nothing whatever to do with the boys beyond advancing them the fee of four annas for their examination.

We cannot employ the boys unless they are passed; they cannot be passed without paying four annas. We advance them four annas to assist them. If they do not pass they are not employed. You will understand therefore that it is the boys who should be asked for the marks of identification.

G

From the Secretaries and Treasurers, Madras United Spinning and Weaving Mills Company (Limited), to the District Surgeon, 2nd District, Madras, dated 4th July 1898.

It was said that you required marks of identification of these boys made by us in these certificate forms sent herewith, but they (these forms) being established by Government and there being no provision for giving marks of identification we beg you will kindly grant the certificates for these boys as heretofore until Government changes the form.

We will of course in the meantime address the Factory Inspector on the matter.

It will greatly inconvenience our Mill work if you delay to grant certificates to these boys.

Order—No. 1343, Judicial, dated 27th August 1898.

The Government agrees with the Commissioner of Police in considering that some system of identification should be adopted. If the medical officers consider that to enter in age certificates personal marks of identification will add considerably to the work of certifying Surgeons, the finger-print system should be employed.

2. The Government is not prepared to move the Government of India to enhance the present rate of fee payable to certifying Surgeons.

3. The following notification will be published in the *Fort St. George Gazette*:—

NOTIFICATION.

Under the provisions of clause (*g*), sub-section (1) of section 18 of the Indian Factories Act, 1881, His Excellency the Governor in Council is pleased to direct that certifying Surgeons shall enter in the certificates granted by them under section 5 of the Act such particulars regarding the persons to whom certificates are granted as may be necessary for their subsequent identification.

(True Extract.)

for *Chief Secretary*.

To the Commissioner of Police.
„ the Surgeon-General.
„ all District Magistrates.
„ the Public Works Department.
Gazette.

Ed. A. F. Eccleston.