THE CHILD LABOUR (PROHIBITION AND REGULATION) RULES, 1988[1]

In exercise of the powers conferred by sub-section (1) of section 18 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Child Labour (Prohibition and Regulation) Rues, 1988.

(2) They shall come into force on the date[2] of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986);

(b) "Committee" means the Child Labour Technical Advisory Committee constituted under sub-section (1) of section 5 of the Act;

(c) "Chairman" means the Chairman of the Committee appointed under sub-section (2) of section 5 of the Act;

(d) "Form" means a Form appended to these rules;

(e) "register" means the register required to be maintained under section 11 of the Act;

(f) "Schedule" means the Schedule appended to the Act;

(g) "section" means a section of the Act.

3. Term of office of the members of the Committee.—(1) The term of office of the members of the Committee shall be one year from the date on which their appointment is notified in the Official Gazette:

Provided that the Central Government may extend the term of office of the member of the Committee for a maximum period of two years:

Provided further that the member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The members appointed under sub-rule (1) shall be eligible for re-appointment.

4. Secretary to the Committee.—The Central Government may appoint an officer not below the rank of an Under Secretary to the Government of India as Secretary of the Committee.

5. Allowances to non-official members.—The non-official members and Chairman of the Committee shall be paid such fees and allowances as may be admissible to the officers of the Central Government drawing a pay of rupees four thousand and five hundred or above.

6. Resignation.—(1) A member may resign his office by writing under his hand addressed to the Chairman.

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1. *Vide* G.S.R. 847(E), dated 10th August, 1988, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 10th August, 1988.
2. Came into force on 10-8-1988.

(2) The Chairman may resign his office by writing under his hand addressed to the Central Government.

(3) The resignation referred to in sub-rule (1) and sub-rule (2) shall take effect from the date of its acceptance or on the expiry of thirty days from the date of receipt of such resignation, whichever is earlier, by the Chairman or the Central Government, as the case may be.

7. Removal of Chairman or member of the Committee.—The Central Government may remove the Chairman or any member of the Committee at any time before the expiry of the term of office after giving him a reasonable opportunity of showing cause against the proposed removal.

8. Cessation of membership.—If a member—

(a) is absent without leave of the Chairman for three or more consecutive meetings of the Committee; or

(b) is declared to be of unsound mind by a competent court; or

(c) is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) is, or at any time, has been adjudicated insolvent or has suspended his debts or has compounded with his creditors,

shall cease to be member of the Committee.

9. Filling up of casual vacancies.—In case a member resigns his office under rule 6 or ceases to be member under rule 8, the casual vacancy thus caused shall be filled up by the Central Government and the member so appointed shall hold office for the unexpired portion of the term of his predecessor.

10. Time and place of meetings.—The Committee shall meet at such times and places as the Chairman may fix in this behalf.

11. Notice of meetings.— The Secretary to the Committee shall give at least seven days' notice to every member of the Committee of the time and place fixed for each meeting alongwith the list of business to be transacted at the said meeting.

12. Presiding at meetings.—The Chairman shall preside at every meeting of the Committee at which he is present, if, however, the Chairman is unable to attend a meeting, any member elected by the members present among themselves shall preside at the meeting.

13. Quorum.—No business shall be transacted at a meeting of the Committee unless at least three members of the Committee other than the Chairman and the Secretary are present:

Provided that at any meeting in which less than three of the total members are present, the Chairman may adjourn the meeting to a date as he deems fit and inform the members present and notify other members that the business of the scheduled meeting shall be disposed of at the adjourned meeting irrespective of the quorum and it shall be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending the meeting.

14. Decision by majority.—All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairman, or in the absence of

Chairman, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

15. **Sub-Committees.**—The Committee may constitute one or more Sub-Committees, whether consisting only of members of the Committee or partly of members of the Committee and partly of other persons as it thinks fit, for such purposes, as it may decide and any Sub-Committee so constituted shall discharge such functions as may be delegated to it by the Committee.

16. **Register to be maintained under section 11 of the Act.**—(1) Every occupier of an establishment shall maintain a register in respect of children employed or permitted to work, in Form A.

(2) The register shall be maintained on a yearly basis but shall be retained by the employer for a period of three years after the date of the last entry made therein.

17. **Certificate of age.**—(1) All young persons in employment in any of the occupations set-forth in Part A of the Schedule or in any workshop wherein any of the processes setforth in Part B of the Schedule is carried on, shall produce a certificate of age from the appropriate medical authority, whenever required to do so by an Inspector.

(2) The certificate of age referred to in sub-rule (1) shall be issued in Form B.

(3) The charges payable to the medical authority for the issue of such certificate shall be the same as prescribed by the State Government or the Central Government, as the case may be, for their respective Medical Boards.

(4) The charges payable to the medical authority shall be borne by the employer of the young person whose age is under question.

Explanation.—For the purposes of sub-rule (1), the appropriate "Medical Authority" shall be Government medical doctor not below the rank of an Assistant Surgeon of a District or a regular doctor of equivalent rank employed in Employees' State Insurance dispensaries or hospitals.

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FORM A

[*See* rule 16(1)]

Year.....

Name and address of employer.....Place of work.....

Nature of work being done by the establishment.....

Sl. No.	Name of child	Father's name	Date of birth	Permanent address	Date of joining the establishment
1	2	3	4	5	6

Name of the work on which employed	Daily hours of work	Intervals of rest	Wage paid	Remarks
7	8	9	10	11

FORM B

[*See* rule 17 (2)]

CERTIFICATE OF AGE

Certificate No.....

I hereby certify that I have personally examined (name).....son/daughter of.....residing at.....and that he/she has completed his/her fourteenth year and his/her age, as nearly as can be ascertained from my examination, is..... years (completed). His/her descriptive marks are..... Thumb-impression/signature of child.....

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Medical Authority

Designation.....

Place.....

Dale.....

IndiaCode