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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30*th July,* 2016/*Shravana* 8, 1938 (*Saka*)

The following Act of Parliament received the assent of the President on the 29th July, 2016, and is hereby published for general information:—

THE CHILD LABOUR (PROHIBITION AND REGULATION) AMENDMENT ACT, 2016

No. 35 of 2016

[29*th July*, 2016.]

An Act further to amend the Child Labour (Prohibition and Regulation) Act, 1986.

Be it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Child Labour (Prohibition and Regulation) Amendment Act, 2016.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

61 of 1986.

Amendment of long title.

2. In the Child Labour (Prohibition and Regulation) Act, 1986 (hereinafter referred to as the principal Act), for the long title, the following shall be substituted, namely:—

"An Act to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected therewith or incidental thereto.".

Amendment of short title.

3. In section 1 of the principal Act, in sub-section (*1*), for the words, brackets and figures "the Child Labour (Prohibition and Regulation) Act, 1986", the words, brackets and figures "the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986" shall be substituted. 61 of 1986.

Amendment of section 2.

4. In section 2 of the principal Act,—

(*a*) clause (*i*) shall be renumbered as clause (*ia*) thereof and before clause (*ia*) as so renumbered, the following clause shall be inserted, namely:—

'(*i*) "adolescent" means a person who has completed his fourteenth year of age but has not completed his eighteenth year;';

(*b*) for clause (*ii*), the following clause shall be substituted, namely:—

'(*ii*) "child" means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009, whichever is more;'. 35 of 2009.

Substitution of new section for section 3.

5. For section 3 of the principal Act, the following section shall be substituted, namely:—

Prohibition of employment of children in any occupation and process.

"3. (*1*) No child shall be employed or permitted to work in any occupation or process.

(*2*) Nothing in sub-section (*1*) shall apply where the child,—

(*a*) helps his family or family enterprise, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations;

(*b*) works as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed:

Provided that no such work under this clause shall effect the school education of the child.

Explanation.—For the purposes of this section, the expression,

(*a*) ''family'' in relation to a child, means his mother, father, brother, sister and father's sister and brother and mother's sister and brother;

(*b*) ''family enterprise'' means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons;

(*c*) ''artist'' means a child who performs or practices any work as a hobby or profession directly involving him as an actor, singer, sports person or in such other activity as may be prescribed relating to the entertainment or sports activities falling under clause (*b*) of sub-section (*2*).".

Insertion of new section 3A.

6. After section 3 of the principal Act, the following section shall be inserted, namely:—

Prohibition of employment of adolescents in certain hazardous occupations and processes.

"3A. No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule:

Provided that the Central Government may, by notification, specify the nature of the non-hazardous work to which an adolescent may be permitted to work under this Act.''.

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Amendment of section 4.

7. In section 4 of the principal Act, for the words "add any occupation or process to the Schedule", the words "add to, or, omit from, the Schedule any hazardous occupation or process" shall be substituted.

Amendment of section 5.

8. In section 5 of the principal Act,—

(*i*) in the marginal heading, for the words ''Child Labour Technical Advisory Committee'', the words ''Technical Advisory Committee'' shall be substituted;

(*ii*) in sub-section (*1*), for the words ''Child Labour Technical Advisory Committee'', the words ''Technical Advisory Committee'' shall be substituted.

Amendment of Part III.

9. In the heading of Part III of the principal Act, for ''CHILDREN'' substitute "ADOLESCENTS.".

Amendment of section 6.

10. In section 6 of the principal Act, for the word and figure ''section 3'', the word, figure and letter ''section 3A'' shall be substituted.

Amendment of section 7.

11. In section 7 of the principal Act, for the word ''child'', wherever it occurs, the word ''adolescent'' shall be substituted.

Amendment of section 8.

12. In section 8 of the principal Act, for the word ''child'', the word ''adolescent'' shall be substituted.

Amendment of section 9.

13. In section 9 of the principal Act, for the word ''child'', at both the places, where it occurs, the word ''adolescent'' shall be substituted.

Amendment of section 10.

14. In section 10 of the principal Act, for the word ''child'', at both the places, where it occurs, the word ''adolescent'' shall be substituted.

Amendment of section 11.

15. In section 11 of the principal Act,—

(*a*) for the word ''children'', the word ''adolescent'' shall be substituted.

(*b*) for the word ''child'', wherever it occurs the word ''adolescent'' shall be substituted.

Amendment of section 12.

16. In section 12 of the principal Act,—

(*a*) in the marginal heading, for the words and figures ''sections 3 and 14'' the words, figures and letter ''sections 3A and 14'' shall be substituted;

(*b*) for the words and figures ''sections 3 and 14'', the words, figures and letter ''sections 3A and 14'' shall be substituted.

Amendment of section 13.

17. In section 13 of the principal Act, for the word ''children'', wherever it occurs, the word ''adolescent'' shall be substituted.

Amendment of section 14.

18. In section 14 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-sections shall be substituted, namely:—

"(*1*) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years, or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both:

Provided that the parents or guardians of such children shall not be punished unless they permit such child for commercial purposes in contravention of the provisions of section 3.

(*IA*) Whoever employs any adolescent or permits any adolescent to work in contravention of the provisions of section 3A shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both:

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Provided that the parents or guardians of such adolescent shall not be punished unless they permit such adolescent to work in contravention of the provisions of section 3A.

(*1B*) Notwithstanding anything contained in sub-sections (*1*) and (*1A*) the parents or guardians of any child or adolescent referred to in section 3 or section 3A, shall not be liable for punishment, in case of the first offence.".

(*b*) for sub-section (*2*), the following sub-sections shall be substituted, namely:—

"(*2*) Whoever, having been convicted of an offence under section 3 or section 3A commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years.

(*2A*) Notwithstanding anything contained in sub-section (*2*), the parents or guardian having been convicted of an offence under section 3 or section 3A, commits a like offence afterwards, he shall be punishable with a fine which may extend to ten thousand rupees.".

(*c*) clauses (*a*), (*b*) and (*c*) of sub-section (*3*) shall be omitted.

Insertion of new sections 14A, 14B, 14C and 14D.

19. After section 14 of the principal Act, the following sections shall be inserted, namely:—

Offences to be Congnizable.

"14A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed by an employer and punishable under section 3 or section 3A shall be cognizable. 2 of 1974.

Child and Adolescent Labour Rehabilitation Fund.

14B. (*1*) The appropriate Government shall constitute a Fund in every district or for two or more districts to be called the Child and Adolescent Labour Rehabilitation Fund to which the amount of the fine realized from the employer of the child and adolescent, within the jurisdiction of such district or districts, shall be credited.

(*2*) The appropriate Government shall credit an amount of fifteen thousand rupees to the Fund for each child or adolescent for whom the fine amount has been credited under sub-section (*1*).

(*3*) The amount credited to the Fund under sub-sections (*1*) and (*2*) shall be deposited in such banks or invested in such manner, as the appropriate Government may decide.

(*4*) The amount deposited or invested, as the case may be under sub-section (*3*), and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited, in such manner as may be prescribed.

Explanation:— For the purposes of appropriate Government, the Central Government shall include the Administrator or the Lieutenant Governor of a Union territory under article 239A of the Constitution.

Rehabilitation of rescued child or adolescent.

14C. The child or adolescent, who is employed in contravention of the provisions of this Act and rescued, shall be rehabilitated in accordance with the laws for the time being in force.

Compounding of offences.

14D. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the District Magistrate may, on the application of the accused person, compound any offence committed for the first time by him, under sub-section (*3*) of section 14 or any offence committed by an accused person being parent or a guardian, in such manner and on payment of such amount to the appropriate Government, as may be prescribed. 2 of 1974.

(*2*) If the accused fails to pay such amount for composition of the offence, then, the proceedings shall be continued against such person in accordance with the provisions of this Act.

(*3*) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(*4*) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought in writing, to the notice of the Court in which the prosecution is pending and on the approval of the composition of the offence being given, the person against whom the offence is so compounded, shall be discharged.".

Insertion of new sections 17A and 17B.

20. After section 17, the following sections shall be inserted, namely:—

District Magistrate to implement the provisions.

"17A. The appropriate Government may confer such powers and impose such duties on a District Magistrate as may be necessary, to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.

Inspection and monitoring.

17B**.** The appropriate Government shall make or cause to be made periodic inspection of the places at which the employment of children is prohibited and hazardous occupations or processes are carried out at such intervals as it thinks fit, and monitor the issues, relating to the provisions of this Act.".

Amendment of section 18.

21. In section 18 of the principal Act, in sub-section (*2*),—

(*i*) clause (*a*) shall be relettered as clause (*b*) thereof and before clause (*b*), as so relettered, the following clause shall be inserted, namely:—

(*a*) the conditions and the safety measures under clause (*b*) of sub-section (*2*) and other activities under clause (*b*) to *Explanation* of sub-section (*2*) of section 3;

(*ii*) in clause (*b*), as so relettered, for the words "Child Labour Technical Advisory Committee", the words "Technical Advisory Committee" shall be substituted.

(*iii*) clauses (*b*), (*c*) and (*d*) shall be relettered as clauses (*c*), (*d*) and (*e*) thereof and in clause (*c*) as so relettered, for the word "child", the word "adolescent" shall be substituted;

(*iv*) after clause (*e*), as so relettered, the following clauses shall be inserted, namely:—

"(*f*) the manner of payment of amount to the child or adolescent under sub-section (*4*) of section 14B;

(*g*) the manner of composition of the offence and payment of amount to the appropriate Government under sub-section (*1*) of section section 14D;

(*h*) the powers to be exercised and the duties to be performed by the officer specified and the local limits within which such powers or duties shall be carried out under section 17A.".

Substitution of new Schedule for the Schedule.

22. In the principal Act, for the Schedule, the following Schedule shall be substituted, namely:—

'THE SCHEDULE

(*See* section 3A)

(*1*) Mines.

(*2*) Inflammable substances or explosives.

(*3*) Hazardous process.

Explanation.—For the purposes of this Schedule, "hazardous process" has the meaning assigned to it in clause (*cb*) of the Factories Act, 1948.'. 63 of 1948.

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DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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MANOJ KUMAR Digitally signed by MANOJ KUMAR Date: 2016.07.30 23:11:00 +05'30'

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