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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 23rd December, 1986/Pausa 2, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 23rd December, 1986, and is hereby published for general information:—

THE CHILD LABOUR (PROHIBITION AND REGULATION) Act, 1986

No. 61 OF 1986

[*23rd December*, 1986.]

An Act to prohibit the engagement of childern in certain employments and to regulate the conditions of work of children in certain other employments.

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

PART I

PRELIMINARY

1. (*1*) This Act may be called the Child Labour (Prohibition and Regulation) Act, 1986. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) The provisions of this Act, other than Part III, shall come into force at once, and Part III shall come into force on such date as the

Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and for different classes of establishments.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means, in relation to an establishment under the control of the Central Government or a railway administration or a major port or a mine or oilfield, the Central Government, and in all other cases, the State Government;

(*ii*) "child" means a person who has not completed his fourteenth year of age;

(*iii*) "day" means a period of twenty-four hours beginning at mid-night;

(*iv*) "establishment" includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;

(*v*) "family", in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;

(*vi*) "occupier", in relation to an establishment or a workshop, means the person who has the ultimate control over the affairs of the establishment or workshop;

(*vii*) "port authority" means any authority administering a port;

(*viii*) "prescribed" means prescribed by rules made under section 18;

(*ix*) "week" means a period of seven days beginning at mid-night on Saturday night or such other night as may be approved in writing for a particular area by the Inspector;

(*x*) "workshop" means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of section 67 of the Factories Act, 1948, for the time being, apply.

63 of 1948.

PART II

PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

Prohibition of employment of children in certain occupations and processes.

3. No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on:

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

Power to amend the Schedule.

4. The Central Government, after giving by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any occupation or process to the Schedule and

thereupon the Schedule shall be deemed to have been amended accordingly.

Child Labour Technical Advisory Committee.

5. (1) The Central Government may, by notification in the Official Gazette, constitute an advisory committee to be called the Child Labour Technical Advisory Committee (hereafter in this section referred to as the Committee) to advise the Central Government for the purpose of addition of occupations and processes to the Schedule.

(2) The Committee shall consist of a Chairman and such other members not exceeding ten, as may be appointed by the Central Government.

(3) The Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.

(4) The Committee may, if it deems it necessary so to do, constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.

(5) The term of office of, the manner of filling casual vacancies in the office of, and the allowances, if any payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.

PART III

REGULATION OF CONDITIONS OF WORK OF CHILDREN

Application of Part.

6. The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in section 3 is carried on.

Hours and period of work.

7. (1) No child shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.

(2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour.

(3) The period of work of a child shall be so arranged that inclusive of his interval for rest, under sub-section (2), it shall not be spread over more than six hours, including the time spent in waiting for work on any day.

(4) No child shall be permitted or required to work between 7 p.m. and 8 a.m.

(5) No child shall be required or permitted to work overtime.

(6) No child shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

Weekly holidays.

8. Every child employed in an establishment shall be allowed in each week, a holiday of one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the

establishment and the day so specified shall not be altered by the occupier more than once in three months.

Notice to Inspector.

9. (*1*) Every occupier in relation to an establishment in which a child was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely:—

(*a*) the name and situation of the establishment;

(*b*) the name of the person in actual management of the establishment;

(*c*) the address to which communications relating to the establishment should be sent; and

(*d*) the nature of the occupation or process carried on in the establishment.

(*2*) Every occupier, in relation to an establishment, who employs, or permits to work, any child after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment, send to the Inspector within whose local limits the establishment is situated, a written notice containing the particulars as are mentioned in sub-section (*1*).

Explanation.—For the purposes of sub-sections (*1*) and (*2*), "date of commencement of this Act, in relation to an establishment" means the date of bringing into force of this Act in relation to such establishment.

(*3*) Nothing in sections 7, 8 and 9 shall apply to any establishment wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

Disputes as to age.

10. If any question arises between an Inspector and an occupier as to the age of any child who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such child granted by the prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

Maintenance of register.

11. There shall be maintained by every occupier in respect of children employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment, showing—

(*a*) the name and date of birth of every child so employed or permitted to work;

(*b*) hours and periods of work of any such child and the intervals of rest to which he is entitled;

(*c*) the nature of work of any such child; and

(*d*) such other particulars as may be prescribed.

Display of notice.

12. Every railway administration, every port authority and every occupier shall cause to be displayed in a conspicuous and accessible place

at every station on its railway or within the limits of a port or at the place of work, as the case may be, a notice in the local language and in the English language containing an abstract of sections 3 and 14. containing abstract of sections 3 and 14

13. (1) The appropriate Government may, by notification in the Official Gazette, make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments. Health and safety.

(2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely:—

(a) cleanliness in the place of work and its freedom from nuisance;

(b) disposal of wastes and effluents;

(c) ventilation and temperature;

(d) dust and fume;

(e) artificial humidification;

(f) lighting;

(g) drinking water;

(h) latrine and urinals;

(i) spittoons;

(j) fencing of machinery;

(k) work at or near machinery in motion;

(l) employment of children on dangerous machines;

(m) instructions, training and supervision in relation to employment of children on dangerous machines;

(n) device for cutting off power;

(o) self-acting machines;

(p) easing of new machinery;

(q) floor, stairs and means of access;

(r) pits, sumps, openings in floors, etc.;

(s) excessive weights;

(t) protection of eyes;

(u) explosive or inflammable dust, gas, etc.;

(v) precautions in case of fire;

(w) maintenance of buildings; and

(x) safety of buildings and machinery.

PART IV

MISCELLANEOUS

14. (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 three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both. Penalties.

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(2) Whoever, having been convicted of an offence under section 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

(3) Whoever—

(a) fails to give notice as required by section 9, or

(b) fails to maintain a register as required by section 11 or makes any false entry in any such register; or

(c) fails to display a notice containing an abstract of section 3 and this section as required by section 12; or

(d) fails to comply with or contravenes any other provisions of this Act or the rules made thereunder,

shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

Modified application of certain laws in relation to penalties.

15. (1) Where any person is found guilty and convicted of contravention of any of the provisions mentioned in sub-section (2), he shall be liable to penalties as provided in sub-sections (1) and (2) of section 14 of this Act and not under the Acts in which those provisions are contained.

(2) The provisions referred to in sub-section (1) are the provisions mentioned below:—

(a) section 67 of the Factories Act, 1948; 63 of 1948.

(b) section 40 of the Mines Act, 1952; 35 of 1952.

(c) section 109 of the Merchant Shipping Act, 1958; and 44 of 1958.

(d) section 21 of the Motor Transport Workers Act, 1961. 27 of 1961.

Procedure relating to offences.

16. (1) Any person, police officer or Inspector may file a complaint of the commission of an offence under this Act in any court of competent jurisdiction.

(2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.

Appointment of inspectors.

17. The appropriate Government may appoint Inspectors for the purposes of securing compliance with the provisions of this Act and any Inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code. 45 of 1860.

Power to make rules.

18. (1) The appropriate Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the term of office of, the manner of filling casual vacancies of, and the allowances payable to, the Chairman and members of the Child Labour Technical Advisory Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of section 5;

(*b*) number of hours for which a child may be required or permitted to work under sub-section (*1*) of section 7;

(*c*) grant of certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificate, the form of such certificate, the charges which may be made thereunder and the manner in which such certificate may be issued:

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned;

(*d*) the other particulars which a register maintained under section 11 should contain.

Rules and notifications to be laid before Parliament or State legislature.

19. (*1*) Every rule made under this Act by the Central Government and every notification issued under section 4, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(*2*) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the legislature of that State.

Certain other provisions of law not barred.

20. Subject to the provisions contained in section 15, the provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of, the provisions of the Factories Act, 1948, the Plantations Labour Act, 1951 and the Mines Act, 1952.

63 of 1948.
69 of 1951.
35 of 1952.

Power to remove difficulties.

21. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before the Houses of Parliament.

Repeal and savings.

22. (*1*) The Employment of Children Act, 1938 is hereby repealed. 26 of 1938.

(*2*) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Amendment of Act 11 of 1948.

23. In section 2 of the Minimum Wages Act, 1948,—

(*i*) for clause (*a*), the following clauses shall be substituted, namely:—

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

(*aa*) "adult" means a person who has completed his eighteenth year of age;";

(*ii*) after clause (*b*), the following clause shall be inserted, namely:—

'(*bb*) "child" means a person who has not completed his fourteenth year of age;'.

Amendment of Act 69 of 1951.

24. In the Plantations Labour Act, 1951,—

(*a*) in section 2, in clauses (*a*) and (*c*), for the word "fifteenth", the word "fourteenth" shall be substituted;

(*b*) section 24 shall be omitted;

(*c*) in section 26, in the opening portion, the words "who has completed his twelfth year" shall be omitted.

Amendment of Act 44 of 1958.

25. In the Merchant Shipping Act, 1958, in section 109, for the word "fifteen", the word "fourteen" shall be substituted.

Amendment of Act 27 of 1961.

26. In the Motor Transport Workers Act, 1961, in section 2, in clauses (*a*) and (*c*), for the word "fifteenth", the word "fourteenth" shall be substituted.

THE SCHEDULE

(*See* section 3)

PART A

Occupations

Any occupation connected with—

(*1*) Transport of passengers, goods or mails by railway;

(*2*) Cinder picking, clearing of an ash pit or building operation in the railway premises;

(*3*) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the

establishment from one platform to another or into or out of a moving train;

(4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;

(5) A port authority within the limits of any port.

PART B

Processes

(1) Bidi-making.

(2) Carpet-weaving.

(3) Cement manufacture, including bagging of cement.

(4) Cloth printing, dyeing and weaving.

(5) Manufacture of matches, explosives and fire-works.

(6) Mica-cutting and splitting.

(7) Shellac manufacture.

(8) Soap manufacture.

(9) Tanning.

(10) Wool-cleaning.

(11) Building and construction industry.

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