

# **THE CHILD LABOUR (Prohibition and Regulation) ACT, 1986**

## **I OBJECT:**

To prohibit the engagement of children in certain employment's and to regulate the conditions of work or children in certain other employment's.

## **DEFENITION:**

Child: Child means a person who has not completed his fourteen years of age.

## **II APPLICABILITY:** In extends to the whole of India.

## **III PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES:**

No child shall be employed or permitted to work in any of the following occupations: Set forth in part of 'A' of the schedule or in any workshop where in any of the process set forth in part 'B' of the schedule to this Act

1. Transport of passengers, goods; or mails by railway
2. Cinder picking, clearing of an ash pit or building operation in the railway premise.
3. Work in a catering establishment at a railway station, involving the movement of 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 railway station or with any other work where such work is done in close proximity to or between the railway lines.
5. The port authority within the limits of any port.

6. Work relating to selling of crackers and fireworks in shops with temporary licenses

7. Abattoirs/slaughter Houses
8. Automobile workshops and garages.
9. Foundries
10. Handling of taxies or inflammable substance or explosives
11. Handlom and powerloom industry
12. Mines (Under ground and under water) and collieries
13. Plastic units and Fiber glass workshop

**OR**

*In any workshop wherein any of the following processes is carried on.*

- 1 Beedi making
  - 2 Carpet Weaving
  - 3 Cement manufacture including t 106 cement.
  - 4 Cloth printing, deying and weaving.
  - 5 Manufacture of matches, explosive and fire works.
  - 6 Mica cutting and splitting.
  - 7 Shellac manufacture
  - 8 Soap manufacture
  - 9 Tanning.
  - 10 Wool cleaning
  - 11 Building and construction industry
  - 12 Manufacture of slate pencils (including packing)
  - 13 Manufacture of products of agate
  - 14 Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos (Section-3)
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- 15 All Hazardous proresss an defined in section 2(cb) and dangerous operations as notified in ruler made under section 87 of the factories Act 1948
  - 16 Printing (as defined in section 2(k) of the factories Act 1948
  - 17 Cashew and cashew nut descaling and processing
  - 18 Soldering process in electronic industries

- 19 Agarbathi manufacturing
  - 20 Automobile repairs and maintenance (namely welding lather work , dent beating and printing)
  - 21 Brick kilns and Roof files units
  - 22 Cotton ginning and processing and production of hosiery goods
  - 23 Detergent manufacturing
  - 24 Fabrication workshop (ferrous and non-ferrous)
  - 25 Gem cutting and polishing
  - 26 Handling of chromites and manganies ores
  - 27 Jute textile manufacture and of coir making
  - 28 Lime kilns and manufacture of lime
  - 29 Lock making
  - 30 Manufacturing process having exposure to lead such as primary and secondary smelting, welding etc. ( See item 30 of part B process)
  - 31 Manufacture of glass, glass ware including bangles fluorescent tubes bulbs and other similar glass products
  - 32 Manufacturing of cement pipes, cement products, and other related work.
  - 33 Manufacture of dyes and dye stuff
  - 34 Manufacturing or handling of pesticides and insecticides
  - 35 Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo enlarging and soldering processes in electronic industry
  - 36 Manufacturing of burning coal and coal briquette
  - 37 Manufacturing of sports goods involving to synthetic materials, chemicals and leather
  - 38 Moulding and processing of fiberglass and plastics
  - 39 Oil expelling and refinery
  - 40 Paper making
  - 41 Potteries and ceramic industry
  - 42 Polishing, moulding, cutting welding and manufacture of brass goods in all forms.
  - 43 Process in agriculture where tractors, threshing and harvesting machines are used and chabt cutting
  - 44 Saw mill all process
  - 45 Sericulture processing
  - 46 Skinning dyeing and process for manufacturing of leather and leather products
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- 47 Stone breaking and stone crushing
  - 48 Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form
  - 49 Tyre making repairing, re-trading and graphite beneficiation
  - 50 Utensils making polishing and metal buffing

51 Zari Making (all process)

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**IV CHILD LABOUR TECHNICAL ADVISORY COMMITTEE:**

The central government may by notification constitute a child Labour technical advisory committee to advise the central govt. for the purpose of addition of occupations to the schedule of the Act. (Section-5).

**V HOURS AND PERIOD OF WORK:**

No child shall be required or permitted to work in any establishment in excess of number of hours prescribed (Section-7) In Kerala the working hours in limited to four and half hours in a day. (Rule -3).

The period of work on each day shall not exceed three hours and no child shall work for more than three hours before he has had an interval for rest for at least one hour. No child shall be permitted or required to work between 7 P.m. and 8 a.m.

No child shall be required or permitted to work overtime. (Section-7).

**VI WEEKLY HOLIDAY:**

Every child shall be allowed in each week a holiday of one whole day. (Section-8).

**VII NOTICE TO INSPECTOR:**

Every occupier shall within 30 days send a written notice in Form-A to the inspector within whose local limits the establishment is situated. (Section-8 read with Rule-4).

**VIII DISPUTES AS TO AGE:**

If any question arises between an inspector and an occupier as to the age of any child, in the absence of a certificate in Form-C 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. ( A govt. medical officer not below the rank of an Assistant surgeon of a district or on officers having equivalent rank in ESI Dispensaries or hospitals (Section-10 read with Rule-16)

**Ix REGISTERS:**

Every occupier of an establishment shall maintain a register in respect of children employed or permitted to work at the establishment in Form-B. (Sect. II read with Rule-15)

**X DISPLAY OF NOTICE:**

Every occupier shall display in the establishment the abstract of section-3 and 14 in form-D of the Act (Section 12 read with Rule-17)

**X1 PENALTIES:**

Violations under Section-3 shall be punishable with imprisonment which shall not be less than three months 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. Continuing offence under 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.

Any other violations under the Act 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.

**X11 WHO CAN FILE PROSECUTIONS:**

1. Any person
2. Police Officer

3. Inspector appointed under the Act

No. court inferior to that of a metropolitan Magistrate or a Magistrate of the First Class shall try any offence under this Act. (Section-16)

Shall be a Government Medical Officer not below the rank of an Assistant Surgeon of a district or an officer of equivalent rank employed on a regular basis in Employees State Insurance dispensaries or hospitals.

**17. Abstract of the Act.-** An abstract of sections 3 and 14 of the Act shall be displayed in form D suspended to these rules (Rule 17)